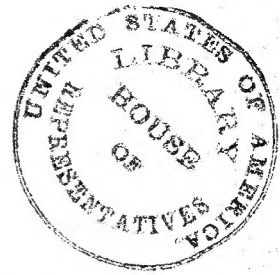


THE CONGRESSIONAL GLOBE:

CONTAINING



THE DEBATES, PROCEEDINGS, AND LAWS,

OF

THE FIRST SESSION

OF

THE THIRTY-THIRD CONGRESS.

VOLUME XXVIII.—PART II.

BY JOHN C. RIVES.

CITY OF WASHINGTON:

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, MARCH 30, 1854.

NEW SERIES...No. 50.

clerks authorized by the third section of the act of March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," in the office of the Register of the Treasury, three clerks of class four, to include the clerk now authorized to take charge of the redemption of stocks; and in the office of the Commissioner of Pensions, five clerks of class two, and fifteen clerks of class three; and such clerks shall be paid according to the provisions of said section, out of any money in the Treasury not otherwise appropriated.

Mr. President, two of these clerks are proposed to be added to the Treasury Department as statistical clerks in the Register's office; and the Secretary of the Treasury says it is indispensable to have them, in order to answer the calls for statistics. The other clerk in this office, for whom we propose to provide, has been there under a special act, but was not brought under the classification made last year. This only brings him within the classification, and legalizes his employment. We propose to add twenty clerks to the Pension Office, so as to make the whole number sixty-nine instead of forty-nine, as at present. That estimate was made for the classification a year ago or more, and there were then in the Pension Office something like one hundred and forty clerks; but it was supposed that the business would diminish, and therefore only forty-nine clerks were estimated for. The Commissioner of Pensions does not think that he can get along with less than sixty-nine, and hence it is proposed to add twenty to the present forty-nine. That is the object of the amendment.

The amendment was agreed to.

Mr. HUNTER. The next amendment of the Committee on Finance is to add the following section:

Sec. — And be it further enacted, That the compensation of the special mail agent of the Post Office Department in California shall be — thousand dollars per annum, such rate to take effect in virtue of this provision from July 1, 1853.

Mr. GWIN. I move to fill the blank in that amendment with "five," so as to make the salary \$5,000, and I will state the circumstances under which the amendment is proposed by the Committee on Finance. When this officer was appointed, and his commission sent out to California, the compensation was \$1,600 a year, and he would not accept it at that salary. The services of such an officer were indispensable; and this gentleman was one of the most competent men in the State, and had the confidence of all sections. The delegation in Congress from California stated to him that if he would accept the office and discharge its duties, they would exert themselves to have the compensation placed at the sum which I propose. That document is in the hands of the chairman of the Committee on Finance.

In addition to that, there is a letter from the postmaster at San Francisco, stating that the services of this gentleman were indispensable, and that he would not accept the office unless he had this compensation guaranteed to him, at least so far as the delegation in Congress from that State could do so.

The Postmaster General has recommended, in his annual report, that this increased salary should be given, and he has estimated for it at \$4,000. He has always agreed that the salary should be \$5,000, but inasmuch as that of the postmaster at San Francisco is but \$4,000, he thought to give the post office agent in California a larger salary would not be treating that postmaster well; but that officer himself has sent a letter here, since that estimate was made, urging that his salary should be placed at \$5,000.

The motion to fill the blank with "five" was agreed to, and the amendment, as thus amended, was adopted.

Mr. PEARCE. I am instructed by the Committee on the Library to offer the following amendment:

For continuing the preparation and publication of the stereotyped catalogue of the library of Congress, \$5,000.

The amendment was agreed to.

Mr. MASON. I am instructed by the Committee on Foreign Relations to move to amend the

bill, by adding at the end of the appropriations for the Department of State, the following:

For payment to John Bozman Keer, in addition to his salary and allowances, a *chargé d'affaires* to Nicaragua, the amount of his expenses on the journey to San Salvador and Guatemala, and of his expenses at those capitals, under his commissions to the Governments of those Republics, together with a full outfit as *chargé d'affaires* to the "national representation" of Central America.

I will simply say, that I conferred with the chairman of the Committee on Finance, and I understood him to concur with me that the larger portion of this amount ought at least to be considered as a deficiency, because it might have been paid out of the fund for contingent intercourse with foreign nations. If gentlemen desire to hear the history of the case I will give it with pleasure, but the amendment has been reported by the Committee on Foreign Relations, and I think there can be no objection to it; but if any gentleman desires an explanation I will give it.

The amendment was agreed to.

Mr. PRATT. I am instructed by the Committee for the District of Columbia to offer the following amendment:

For continuing the works for bringing water into the city of Washington, \$500,000.

Mr. President, in the first place, I desire to state that this appropriation is one regularly asked for by the War Department. I hold in my hand a letter from the Secretary of War, addressed to the chairman of the committee, asking for this appropriation, and assigning some reasons why it should be made at this time. I will read it:

WAR DEPARTMENT,

WASHINGTON, February 11, 1854.

SIR: I have the honor to submit herewith a communication from Captain M. C. Meigs, corps of engineers, in charge of the Potomac aqueduct, presenting important considerations in support of his request for an early appropriation for that work, and beg leave to ask for it the favorable action of the Committee for the District of Columbia at as early a day as practicable.

Very respectfully, your obedient servant,
JEFF. DAVIS, Secretary of War.

HON. MOSES NORRIS,
Chairman Committee for the District of Columbia.

I have before me the original provision, making an appropriation for this purpose. It was made in these words:

"To be expended under the direction of the President of the United States for the purpose of bringing water into the city of Washington, upon such plans and from such places, as he may approve, \$100,000: *Provided*, That if the plan adopted by the President of the United States should require water to be drawn from any source within the limits of Maryland the assent of the Legislature of that State should first be obtained."

I desire to state, that one of the engineer corps was detailed by the President, for the purpose of making the surveys and necessary examinations in reference to the proper point from which water should be brought; and I believe it was necessary that they should go into the State of Maryland for the purpose of getting a sufficient supply. Under the plan which has been adopted, water is to be brought from the Great Falls of the Potomac river. That plan has been submitted to and approved by the President, and the ground has been surveyed and a portion of the work has been commenced. The Department is now unable, for the want of money, to proceed at this season of the year, which is the most favorable for the prosecution of the work.

Under the law of 1852 there was a provision contained in an appropriation bill, in a clause as to the building of the east wing of the Patent Office, a clause which I understand has been interpreted by the Department to refer to all contracts. It is in these words: "And that all contracts shall hereafter be advertised at least sixty days before the letting." So that the engineer who, under the control of the Government, now has the management of this great improvement, is unable to advertise for contracts for the aqueduct, and the necessary works for bringing the water into the District; and if you delay the appropriation until the general appropriation bills are passed, the whole summer will probably pass away before he can give the required notice of sixty days, and get a con-

tract under that notice for the purpose of having the work done. The Secretary of War deems it very important that the appropriation should be made at once, so as to enable the officer to advertise the contract, to get the work done, and to supply us at once with the water which was contemplated by the original provision. I hope, therefore, there will be no objection to the amendment proposed.

Mr. PETTIT. I wish to inquire of the Senator whether it is supposed that the additional \$500,000 will complete this work?

Mr. PRATT. It will not.

Mr. PETTIT. \$100,000 were appropriated last year, and now \$500,000 are asked for.

Mr. PRATT. The Senator has had the opportunity of having full knowledge on the subject; for the report of the engineer having charge of the work was placed upon our tables at the commencement of the session. The pipe in which the water is to be conveyed is to be nine feet in diameter. It has been changed by direction of the President from the original plan—seven feet; and the whole cost will be \$2,300,000. There has already been appropriated \$100,000. The work is, therefore, about to be commenced. If we are to prosecute the work, it is manifestly right that we should make the appropriation now, so that the whole summer may not be lost to the parties who are to carry on the work. Those Senators who believe that it ought not to be done by the Federal Government will vote against the amendment; but I hope that every Senator who believes that it is proper upon the part of this Government to bring this supply of water into the Federal city will vote for the amendment. If the appropriation is to be made, it is right that it should be made now.

Mr. DODGE, of Iowa. I trust that will be the issue, and I want it raised distinctly. I am one of those who do not believe that it is any part or parcel of the duty of the Federal Government to bring water into this "city of magnificent distances." I think the original appropriations ought to have been fought more thoroughly, especially by western men, who have to contest week after week, and night after night, for an appropriation of \$50,000, or half that, to remove the largest obstructions which are in the greatest rivers of the West, or for any little railroad bill which does not take a dollar out of Uncle Sam's Treasury, but by which he gets more than he would have got if that land had not been appropriated. I wish now to have a test vote; and I call for the yeas and nays upon the amendment. The Senator from Maryland has presented the question fairly, as he presents all questions; and I wish to inquire of him now how many millions it will take to complete this magnificent water establishment?

Mr. PETTIT. Fifteen or twenty millions, I suppose.

Mr. PRATT. I have stated already.

Mr. PETTIT. That statement is as to the iron pipe, if I understand it.

Mr. PRATT. I say that the whole work, by the increase of the capacity of the pipe required under the President's direction, from seven to nine feet diameter, according to the present plan, which will give a plentiful supply of water to this city for ages to come, will cost \$2,300,000.

Mr. DODGE, of Iowa. That is according to the estimates. We have had some experience as to custom-houses and various improvements of this sort heretofore, and I apprehend that, before the work is done it will cost probably double that amount. But this is mere conjecture on my part. The amount mentioned by the Senator, however, is very large. I trust that we shall not commit ourselves to the expenditure of such an immense sum of money for this work. I ask for the yeas and nays upon the amendment.

Mr. PETTIT. Will the Senator from Iowa allow me to ask whether there has not been a proposition to bring this water here in an abundant supply for a far less sum; and whether he has seen any proposition of the kind?

Mr. DODGE, of Iowa. I have not.

Mr. PETTIT. It was suggested to me by a

Senator, that a proposition had been made to bring water into the city for a comparatively small sum.

Mr. PRATT. I will state that there were various projects. One was to bring water from Rock creek, which is the creek dividing Georgetown from Washington city. The engineers made an estimate of the amount of money which it would require to bring water from that source. Another plan was to have an immense reservoir at the Little Falls of the Potomac, and to have the water pumped from the Potomac into the reservoir, and pipes to carry it from there to supply the District, and the amount necessary to carry out that plan was estimated. But the plan adopted by the President was to bring the water from the Great Falls of the Potomac, in a pipe nine feet in diameter, which will give a supply not merely for the present generation, but for all generations to come—a plentiful supply for the Federal and National city.

I had hoped to get the vote of my friend from Iowa for this proposition. As he did me the honor to say of me, I will say of him, that he certainly states his propositions broadly, and he comes directly to the point. I have always found him liberal towards other sections of the Union, as he expects others to be liberal to him. He says, however, that the West have to fight for every mere pittance for which they ask, and yet here is an appropriation for a different section of the country of \$2,300,000, and he thinks it ought to have been fought originally harder than it was, and that every Senator ought now to look it in the face, and vote against it. Sir, I do not think it comes well from that section of the country to say they do not receive their full share of the appropriations of this Government. They do not count the public lands which are appropriated for the improvement of their various States as anything. I do not object, as I stated the other day incidentally, to those appropriations; but in the name of all that is good, let us have the credit of magnanimity and generosity in agreeing with them that they shall appropriate this public treasure for their own individual purposes, only to be incidentally advantageous to us of the old States.

Let us have the credit of it, at any rate; and when here is a work in which they are equally interested with us, a work intended for the national city, for that city planned by the Father of his Country, intended to be the seat of Government of this great Republic, as I hope it will be for all future time, let us not look at such an appropriation as this, and say it is sectional in its character. What makes it sectional? Is it alone for the people living here? It is for your Federal city. It is for the capital of this great Republic. Do you call that sectional? It is for a magnificent work; such a one as is appropriate to the National Capital; such a one as the American people should feel proud to have in the capital of the country. Are we to let New York, Baltimore, Philadelphia, and the other cities of the States of this Union, who, by their own mere city resources, are enabled to make these improvements, surpass the Federal Government in any improvement of utility of this sort?

I hope we shall have the yeas and nays upon this question, and that it will be considered a test. If we intend to go on with this work, let every Senator who intends to do so vote for the amendment. I agree that those who are opposed to it should vote against the amendment.

The yeas and nays were ordered.

Mr. BRODHEAD. I voted last spring against commencing this work; but it has been commenced, and therefore I do not think this a test question. We had a test question at that time. Are we to have a test question whenever it is proposed to make an appropriation to carry on this work? The matter was well considered last year, and I then opposed this work. I do not recollect how my friend from Iowa stood in regard to it.

Mr. DODGE, of Iowa. I always voted against it.

Mr. BRODHEAD. I recollect very well that I voted against it, and made a speech against it myself, on the ground that the city authorities and the people of this city were abundantly able, like those of other cities, to supply themselves with water; but on that occasion I was overruled, as I was in regard to the large appropriations for the extension of the Capitol. I believe this Capitol, as it now stands, is large enough for all constitutional legislation, though for the purpose of a grand

consolidated empire, I confess it is not large enough.

But, sir, in respect to the water works, the question was decided a year ago. The work has been commenced; it has been well commenced. This, being the seat of the Federal Government, should have such a work as has been commenced. I am, therefore, willing to vote for this appropriation; but I rise for the purpose of saying, that this was not a test question. The test question was when we commenced the work. Having commenced it, and approving the plan as I do, I shall vote for the appropriation.

Mr. BROWN. I shall vote for this appropriation. I was on the committee in the House of Representatives which made the first report in favor of this project. I was in favor of it then, have been so ever since, and am so now. In every view in which I have looked at the subject, I regard the work as one which is necessary for the Government itself. Why, sir, what amount of property have you in the District of Columbia? What are your records worth? And what is your defense against that destroying element which consumes so much of private and public property everywhere? Suppose a fire breaks out to-morrow in one of the Departments, shall you have the scenes which you had when the Treasury building was burnt down, and when the General Post Office was burnt, ay, sir, and when the library of your Capitol was burnt, and you had not the means of putting out the fire?

Mr. PETTIT. There was plenty of water.

Mr. BROWN. The Senator says, in his seat, that there was plenty of water. Sir, the little pool in front of the Capitol was exhausted, and everybody knows that that was one of the principle causes why the library was burnt. You have not water surrounding any one of your public buildings sufficient to put it out if it were on fire to-day. The preservation of the vast amount of property you have here in buildings, and the infinitely more important property in records, is worth twenty times the cost of this work.

Whenever you undertake to put up public buildings, or construct public works of any kind, I am for doing it in the most substantial manner possible, and in a manner which shall reflect credit upon the Government. If the thing is worth doing, it is worth doing well. You have already appropriated some, I do not know how many, thousands of dollars, in bridging the Potomac, and yet have no bridge there yet. It is this niggardly spirit of economy which wastes more money than it would require three times over to do the thing right at the beginning. If the plan of that great, far-seeing old statesman [Andrew Jackson] had been pursued in reference to the construction of a bridge across that river, you would now have a work there worthy of the nation, and one which would not be required to be reconstructed every two or three years. He wanted to put up a national bridge, one which would reflect credit on the country, but in that he was overruled, and I think very unwisely overruled.

If there is a good, substantial reason for introducing water into the city of Washington, there is a good and sufficient reason, growing out of that fact, to introduce it in the proper way, and to so construct the works that they will last not only during this generation, but during all generations. I know very well that when I served on the Committee of the House, they told us, as an inducement to undertake the thing, that it could be done for \$600,000 or \$700,000. I was not humbugged with any such story. I never dreamed that it could be done at a less cost than some millions; and I have not, therefore, been startled by the account given by the Senator from Maryland, that we were asked to appropriate some \$2,000,000 or \$3,000,000.

New York paid \$15,000,000, I believe—I do not know but that the sum was larger than that—to introduce an abundant supply of water into that city. Suppose we pay one third of that sum for introducing an abundant supply of water in the city of the nation, and the only city over which you have the right to exercise exclusive legislative jurisdiction—what of it? If the city of New York could pay \$15,000,000 for an abundant supply of water, shall it be said that it is extravagant for us to pay \$3,000,000, if indeed that sum shall be required, to introduce an abundant supply here to protect your Capitol, to protect all your various

Departments, to protect the house in which the President lives, to protect all your public records, when every man knows, and must admit, that all those things are insecure without the water? If you will show me that there is already an abundant supply here, at the disposal of the public for public purposes, I will abandon my position; but from a pretty close investigation of the matter originally, I came to the conclusion that you had no such supply; that your records had been burnt, and public buildings destroyed, and are liable to be burnt and destroyed again, for want of a sufficient supply of water. I therefore went for an appropriation originally; I have been for it ever since, and I am for it now.

Mr. BUTLER. I believe it is very desirable that we should have water for some of the objects indicated by the honorable Senator from Mississippi; but I do not think it devolves exclusively upon the Federal Treasury to provide the means for introducing it. If we expend this money—\$3,000,000; for I dare say it will be \$3,000,000 or \$4,000,000—the result of it is, that the Federal Treasury is used for the purpose of improving and enhancing the value of the private property of gentlemen in the city of Washington, without a single dollar being contributed by them.

Mr. BROWN. The same might be said of a proposition to appropriate money to build the walls of the Capitol. All improvements have the effect mentioned by the Senator.

Mr. BUTLER. No, sir; I have two objections to the gentleman's proposition. In the first place, I do not regard this as the capital of a nation at all.

Mr. BROWN. What is it the capital of?

Mr. BUTLER. Of the Confederacy.

Mr. BROWN. Very well; take it that way.

Mr. BUTLER. I am not willing to take the Federal Treasury to improve the property of individuals without those individuals contributing something. But I go upon another ground. If this money is to be expended exclusively under the responsibility of Federal agents—I do not say national agents—it will be abused, as all other expenses have been. If you put it in some measure under the security of private individuals having some control over it, it will be properly expended. I shall vote against the amendment.

Mr. GWIN. I shall vote against the amendment. I am in favor of the principle, and voted originally to commence this work, but I am opposed to putting half a million of dollars on this deficiency bill when it has already been loaded down. The Committee on Finance have withheld many important and useful measures, in order to put the bill in such a shape as to avoid opposition in the other House. I am willing to vote on the regular appropriation bill for carrying on this work, though it will cost a great deal more money than I supposed it would when I voted for it originally; but I shall certainly vote against it on the deficiency bill.

The question being taken by yeas and nays, resulted—yeas 20, nays 17; as follows:

YEAS—Messrs. Allen, Badger, Bayard, Brodhead, Brown, Douglas, Evans, Everett, Fessenden, Fish, Foot, Hunter, James, Mason, Pearce, Pratt, Rusk, Shields, Stuart, and Sumner—20.

NAYS—Messrs. Adams, Atchison, Butler, Clay, Dodge of Wisconsin, Dodge of Iowa, Fitzpatrick, Gwin, Hamlin, Jones of Iowa, Pettit, Sidel, Thompson of Kentucky, Thomson of New Jersey, Wade, Williams, and Wright—17.

So the amendment was agreed to.

Mr. BAYARD. I am instructed by the Committee on the Judiciary to submit the following amendment:

For payment of the claim of Thomas N. Johnson for his services as marshal at the port of Shanghai from the 9th of December, 1851, to the 15th of September, 1853, the sum of \$1,736 91.

I submit the letter of the Secretary of State, which shows the ground on which the appropriation is proposed to be made.

Several SENATORS. There is no objection to it. The amendment was agreed to.

Mr. BADGER. I have an amendment which I wish to offer, to come in as a separate section. It is for the purpose—which the Senate will see, I think, upon its being read—of preventing what is likely to be a very undignified contest between the two Houses, as to which shall first order a document to be printed. It is the following:

Sec. —. And be it further enacted, That the provision contained in that portion of the seventh section of the act

of the 26th of August, 1852, entitled "An act to provide for executing the public printing, and establishing the prices thereof, and for other purposes," which provides, that when any document shall be ordered to be printed by both Houses of Congress the entire printing of such document shall be done by the printer of that House which first ordered the same is hereby repealed; and when different printers are elected each shall do the printing for the House electing him; and so much of the printing for the Executive Departments and Bureaus of the Government as is ordered by the said act to be done by the public printer shall be equally divided between the printers of the two Houses.

Mr. HAMLIN. I desire simply to state, before the question is put on that amendment, what will be evident to every Senator on a moment's reflection, that it will increase the cost of our printing to precisely the amount of the composition for all the Senate work. It will be recollected by Senators that when the bill changing the contract system for printing, and substituting printers to be elected by the two Houses, was under consideration, the provision proposed to be repealed by the amendment was inserted to guard against the additional expense. The Senator who introduces the amendment says it is to obviate a difficulty arising from an indecent haste in either branch of Congress in ordering the printing of a document which may be first sent to it.

Mr. BADGER. I said to avoid a contest between the two Houses.

Mr. HAMLIN. I think the Senator said indecent contest as to which House should first order printing.

Mr. BADGER. I said undignified.

Mr. HAMLIN. I am not aware that any such contest has arisen, and I have seen no necessity for such a contest. I suppose that in the end the present system will produce precisely about the same results as would follow if this amendment were adopted; that is, that of the composition each printer would get about his proportion in the ordinary case; while, by this amendment, there will be an additional expenditure for the composition of this branch of Congress. How much it would amount to I am not prepared to say. It would perhaps be \$10,000 for this session, or at any rate, \$10,000 for the Congress. If the Senate are disposed to incur that additional expense, and change the provision of the law, I have no objection; but I ask for the yeas and nays on the amendment.

Mr. THOMPSON, of Kentucky. Having been for several years on the Committee on Printing in the other House, and not understanding exactly how much expense this amendment will involve, and as there is no probability of getting through the bill to day, I move the Senate do now adjourn.

Mr. HUNTER. I hope we shall go on and get the bill reported to the Senate, at least, to day.

Mr. THOMPSON, of Kentucky. I have an additional section to offer myself, which I know will not be gotten through with in less than two or three hours. I believe this is the first adjournment I ever moved in my life; but I know I am right now.

The motion was agreed to; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 29, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. COBB. I rise to a privileged question; and before I make any remarks, I desire to state that, in anything I may say, I do not intend to cast any reflections upon the Speaker, because I know the difficulty he has in hearing. When the motion was made on yesterday evening to go to the business upon the Speaker's table, I made three distinct objections to it, which can be testified to by twenty-five men present; but the Speaker did not hear me. The gentleman who has the bill in charge first taken up—the indigent insane bill—is confined to his room. I was opposed to taking the bill up because the friends of the measure were not present to advocate it. I am in favor of the bill.

Mr. HOUSTON. Mr. Speaker, is this in order?

Mr. COBB. I am not going to be out of order.

Several MEMBERS. State your point of order.

Mr. COBB. My point of order is, that I made three distinct objections to going to the business upon the Speaker's table; but the Speaker, I suppose, did not hear me. I think that the House

might agree, by unanimous consent, that the bill to which I refer should go back, and resume its place upon the Speaker's table; and then, when we proceed legitimately to the business upon the table, it will come up first in order.

The SPEAKER. In justice to himself, the Chair begs leave to say to the gentleman from Alabama [Mr. COBB] that he did not hear the objections made by him, and did not know what the bill was, as some one was conversing with him at the time—although it was read—until a motion was made for the previous question. He then learned, from the conversation upon the floor rather than from the reading of the title, what the bill was. The Chair certainly could not have been influenced by any improper motives.

Mr. COBB. The House, I think, ought to allow the bill to go back upon the Speaker's table.

Mr. HOUSTON. The gentleman from Tennessee, [Mr. JONES,] who made the motion in relation to this bill, is not in his seat, and I shall object to any disposition being made of it, if I have power to do so, until that gentleman shall be in his seat.

The SPEAKER. The Chair does not understand the gentleman from Alabama [Mr. COBB] as raising a question of order, but as making a proposition to the House.

Mr. COBB. I hope the friends of the measure will consent that the bill shall resume its place on the Speaker's table.

The SPEAKER. Reports are now in order from the Committee on Public Lands.

Mr. HENN. I desire to report back Senate bill No. 92, being "a bill for the benefit of settlers and occupants of the town of Council Bluffs, in Iowa," and I ask to have it put upon its passage. I will merely state to the House, that it is but a simple proposition to allow the people of Council Bluffs to enter the lands on which their town is situated at \$1 25 per acre.

The SPEAKER, (interrupting.) The gentleman from Iowa will be good enough to suspend his remarks until the bill is reported.

The title of the bill was read by the Clerk, as follows:

Act for the benefit of the citizens and occupants of the town of Council Bluffs, in Iowa.

The bill was then read *in extenso*.

Mr. HENN. I would state, Mr. Speaker, for the information of the House, that by the act of May 23, 1844—the general act on the subject—the town is authorized to enter a half section of the land on which it is located. The town of Council Bluffs is laid off and built in ravines. It is an old Mormon town, having been originally settled by that people. It is built in ravines extending a mile up, consequently the whole of the town does not come on any one half section; and it is therefore necessary to give its citizens and occupants the right to enter a whole section, in order that they may compromise the entire of the town within it. This bill—which has been passed by the Senate—merely gives to the inhabitants the benefit of entering, at the price of \$1 25 per acre, a whole section instead of the half section which they were authorized to enter by the act of Congress of May 23, 1844. I presume there will be no objection here to the bill. It was unanimously agreed upon by the Committee on Public Lands in both Houses. I therefore ask, Mr. Speaker, for its passage at this time.

The bill was then ordered to a third reading, and subsequently read a third time, and passed.

The SPEAKER. Reports are still in order from the Committee on Public Lands.

INDIGENT INSANE.

Mr. DISNEY. I desire to submit a report from the Committee on Public Lands, which I send to the Clerk's desk for the purpose of its being read.

The Clerk accordingly proceeded to read the report, which is adverse to the House bill referred to that committee, making a grant of public lands to the several States and Territories in the Union for the benefit of the indigent insane persons.

Before the Clerk had finished the reading of the report,

Mr. ORR said: I desire to inquire of my friend from Ohio what purpose he proposes to accomplish in having this report read?

Mr. DISNEY. The reading is two thirds through with, and I desire that the House should hear it.

Mr. ORR. It is rather unusual to have papers

of this character read in open House. I think it would have been much better to have had it printed, and allow members to read it for themselves.

Mr. DISNEY. My object is to have the report printed, but inasmuch as it is upon a very important subject, I think it desirable that it should be read through. I will again state to the gentleman that the reading of the report is two thirds through, and I hope no objection will be made to its being finished.

Mr. ORR. I will say to my friend from Ohio, that if the reading is nearly completed, I will not now object; but if I had known at the outset the length of the document, I should have objected. I think it is much better to follow the usual course, and have these documents printed without reading.

Mr. HAVEN. I desire to ask if the report is accompanied by a bill?

Mr. DISNEY. I hope gentlemen will not take up any more of the time of the committee by objections. The reading will be through in a minute or two, if they will allow it to go on.

Mr. HAVEN. I was not objecting to the reading of the report. I inquired if it was accompanied with a bill?

The SPEAKER. It does accompany a bill.

Mr. BENNETT. At this point I will say to the House that I have a minority report to make in favor of the bill. I have it in my hands, and if the majority report is read to the House, I shall ask that the minority report may also be read as soon as the reading of the other is completed.

Mr. DISNEY. I have no objection to the gentleman's report being read. I hope the reading will be proceeded with.

Mr. KERR. I desire to know if the objection of a single member can prevent the further reading of this report?

The SPEAKER. If objection be made to the reading of a document, the question must be put to the House whether leave shall be granted.

Mr. DISNEY. I hope the gentleman from North Carolina will not object.

Mr. KERR. I have never before objected to anything in this House; but it is impossible to hear the report as read from the Clerk's desk, even if any good purpose were to be accomplished by it. If the gentleman from Ohio has any object in having the House listen to this reading at this time, I will not object; but I really do not see what object can be accomplished by it. I object to the further reading.

Mr. COBB. The gentleman from North Carolina desires to know the reason why this report should be read. I will give him a reason, and a reason which I think will be satisfactory to him and to the House. I happen to be one of the minority of the committee which has reported against this bill. I am myself in favor of the bill, and—

Mr. HENDRICKS. Is it in order to debate the bill at this stage of the proceedings?

The SPEAKER. Debate is not in order.

Mr. COBB. The gentleman from North Carolina desired to hear a reason why the reading of this report should be proceeded with, and I rose for the purpose of giving that reason.

Mr. KERR. I withdraw my objection.

The Clerk then proceeded with the reading of the report.

Mr. DISNEY then claimed the floor.

Mr. BENNETT. I appeal to the gentleman from Ohio to allow me to make a counter report to that which has just been read, and to have it read also. It is unfair, I think, to submit a long argument upon one side of a question and refuse to hear the other side.

Mr. DISNEY. I have no objection to the presentation of the minority report.

Mr. BENNETT. Then I ask the consent of the House to allow me to present a minority report, and to have it read.

Mr. ORR. I object.

Mr. BENNETT. I ask for a vote of the House on the question of the reading of the report. I say that it is unfair to allow a long report upon one side to be read, and then to refuse a hearing to the other side.

The SPEAKER. The gentleman from South Carolina objects to the reception of the report. It cannot therefore be read.

Mr. BENNETT. Does the gentleman object to the report being received? Well, I suppose I have a right to make the report, the gentleman

from Ohio having yielded me the floor for that purpose.

Mr. ORR. I have no objection to the report being received, but I object to its being read.

The SPEAKER. The gentleman from Ohio [Mr. DISNEY] is entitled to the floor.

Mr. BENNETT. The gentleman from Ohio has yielded me the floor; and I want the Chair to rule whether I have a right to make the report.

The SPEAKER. Does the gentleman from Ohio [Mr. DISNEY] submit any motion?

Mr. DISNEY. I move that the report just submitted be laid upon the table and printed, and that the bill accompanying it be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. If not objected to, that order will be made.

Mr. COBB. I object to the reference.

Mr. BENNETT. I ask the gentleman from Ohio to include the minority report in his motion to print. I will waive the reading of it.

The SPEAKER. If there be no objection, the two reports will lie upon the table, and be printed. There being no objection, it was so ordered.

The question recurred on referring the bill to the Committee of the Whole on the state of the Union.

Mr. HENDRICKS. Before the vote is taken, I think that the report from the majority of the committee is a very able and important one, and expresses some very wholesome truths, and that it would be very important to send a good many copies of it to the country. I therefore move that ten thousand extra copies of it be printed.

The motion was referred, under the rule, to the Committee on Printing.

Mr. BENNETT. I move for the printing of the same number of extra copies of the minority report.

This motion received the same reference as the foregoing one.

Mr. HAVEN. I would like to inquire if it is in order to move that a special committee be appointed, to whom this bill may be referred? I believe that, in the last Congress, a bill of this character took that direction. It certainly is a bill of great importance; in connection with which a very able report has been made by the chairman of the Committee on Public Lands. It is due to the friends of the bill to have an opportunity of answering in a way, at least, which will be so far as—

Mr. HAMILTON. Is there not a motion pending that the bill be referred to the Committee of the Whole on the state of the Union?

Mr. HAVEN. I move that it be referred to a special committee.

The SPEAKER. That motion would not be in order except by the unanimous consent of the House.

Mr. HAMILTON. I object to the motion of the gentleman from New York.

The SPEAKER. The motion pending is to refer the bill to the Committee of the Whole on the state of the Union.

Mr. DEAN. Is that motion debatable?

Mr. HAVEN. Does the motion to refer to the Committee of the Whole prevent a motion to refer to any other committee?

The SPEAKER. It does not.

Mr. HAVEN. Is there not a special committee upon this subject?

The SPEAKER. There is no such special committee. Before a vote can be taken upon the motion of the gentleman from New York to refer this bill to a special committee, the motion to refer it to the Committee of the Whole on the state of the Union must be first disposed of.

Mr. HAVEN. I so understand it. It occurred to me that it would be in order to move to refer the bill to a select committee, to be appointed by the Chair, consisting of nine members, which is the course that has been heretofore taken in regard to this matter.

The SPEAKER. The Chair will entertain the motion indicated by the gentleman from New York, after the motion to refer the bill to the Committee of the Whole on the state of the Union has been disposed of.

Mr. DEAN. These motions are debatable, I believe.

The SPEAKER. They are debatable; but the gentleman from Ohio [Mr. DISNEY] has the floor.

Mr. DEAN. I call for the reading of the bill.

The bill having been read through by the Clerk, Mr. DISNEY. Mr. Speaker, I desire—

The SPEAKER, (interrupting.) The previous question has been demanded, consequently no further debate is in order.

Mr. FLORENCE. Mr. Speaker, what is the previous question?

The SPEAKER. It is on referring the bill to the Committee of the Whole on the state of the Union.

Mr. COBB. Oh, we do not want it to be referred to the Committee of the Whole; we want it passed.

The House was then divided on seconding the demand for the previous question, and fifty-nine members voted in the affirmative.

Mr. JONES, of Tennessee. I call for tellers. Tellers were ordered; and Messrs. HENDRICKS and BOCKOCK were appointed such tellers.

The House was then divided; and the tellers reported—ayes 72, noes 51. So there was a second.

The question then recurring upon ordering the main question to be put—

Mr. WARREN moved to lay the bill upon the table.

Mr. BENNETT. I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then put; and decided in the negative—yeas 71, nays 89; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Bell, Bockock, Boyce, Caruthers, Caskie, Chastain, Chrisman, John G. Davis, Dean, Dent, Disney, Dowdell, Eastman, Eddy, Edgerton, Elliott, Ellison, Fuller, Goode, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Houston, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Latham, Macdonald, McMullin, McNair, McQueen, Macy, Maxwell, Millson, Murray, Nichols, Olds, Orr, John Perkins, Powell, Reese, Robbins, Ruffin, Seward, Shannon, Shaw, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Vansant, Walsh, Warren, John Wentworth, and Daniel B. Wright—71.

NAYS—Messrs. Abernethy, Appleton, Belcher, Bennett, Bugg, Carpenter, Chandler, Churchill, Clingman, Cobb, Cook, Corwin, Cox, Cullom, Thomas Davis, Dawson, Dick, Dickinson, Dunbar, Edmunds, English, Etheridge, Everhart, Farley, Fenton, Flagler, Florence, Goodrich, Grey, Aaron Harlan, Harrison, Haven, Hill, Howe, Hunt, Ingersoll, Kerr, Knox, Kurtz, Lane, Lilly, Lindley, McCulloch, McDougall, Matteson, John G. Miller, Smith Miller, Norton, Packer, Parker, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Thomas Ritchey, Russell, Sabin, Sapp, Seymour, Simmons, Singleton, Skelton, Samuel A. Smith, William R. Smith, Straub, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Hendrick B. Wright, and Zollcoffer—89.

So the House refused to lay the bill upon the table.

The SPEAKER. The question recurs on the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. COBB. Is that motion debatable?

The SPEAKER. It is not.

Mr. PECKHAM. If this motion is defeated, will the next question be upon putting the bill upon its passage.

The SPEAKER. If the House refuses to refer the bill, as a matter of course the question will be upon the third reading of the bill.

Mr. PECKHAM. Is this the Senate or House bill?

The SPEAKER. It is the House bill.

Mr. COBB. I call for the yeas and nays upon the pending motion.

Mr. LATHAM. Is it in order to move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. It is not. The previous question having been seconded, and the main question ordered, it must be now put.

The question was then taken on the motion to refer the bill to the Committee of the Whole on the state of the Union; and decided in the affirmative—yeas 83, nays 72; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Bell, Bliss, Bockock, Boyce, Caruthers, Caskie, Chastain, Chrisman, Churchill, Clingman, Curtis, John G. Davis, Dawson, Dean, Dent, Disney, Dowdell, Eastman, Eddy, Edgerton, Ellison, Faulkner, Fenton, Fuller, Grow, Hamilton, Hastings, Hendricks, Henn, Hibbard, Houston, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Latham, Lindley, McMullin, McNair, McQueen, Macy, Maxwell, May, Smith Miller, Millson, Murray, Nichols, Olds, Orr, Packer, John Perkins, Phelps, Powell,

Reese, Robbins, Ruffin, Seward, Shannon, Shaw, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Richard H. Stanton, John J. Taylor, Vansant, Wade, Walsh, Warren, Wells, John Wentworth, Witte, and Daniel B. Wright—83.

NAYS—Messrs. Abernethy, Appleton, Banks, Belcher, Bennett, Bugg, Carpenter, Chandler, Cobb, Cook, Corwin, Cox, Cullom, Thomas Davis, Dick, Dickinson, Dunbar, Edmunds, Etheridge, Everhart, Farley, Flagler, Florence, Goodrich, Grey, Aaron Harlan, Harrison, Haven, Hill, Howe, Hunt, Ingersoll, Kerr, Knox, Kurtz, Lane, Lilly, McCulloch, John G. Miller, Norton, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, Ready, David Ritchie, Russell, Sabin, Sapp, Seymour, Simmons, Skelton, Samuel A. Smith, William R. Smith, Straub, John L. Taylor, Thurston, Tracy, Trout, Upham, Walker, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, Hendrick B. Wright, and Zollcoffer—72.

So the bill was referred.

Mr. BOCKOCK. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAMILTON. I rise to a question of privilege. I move that the vote by which the bill last under consideration was referred to the Committee of the Whole on the state of the Union be reconsidered, and that the motion to reconsider do lie upon the table.

The question was taken; and the latter motion agreed to.

Mr. BOCKOCK. I now ask for a vote upon my motion.

APPRENTICES FOR THE NAVY, ETC.

Mr. FLORENCE. I ask the gentleman from Virginia to give way to allow me to ask the unanimous consent of the House to introduce a bill, of which previous notice has been given, for the purpose of having it referred.

Mr. BOCKOCK. I will give way for that purpose, if no one objects.

There was no objection, and

Mr. FLORENCE, by unanimous consent, introduced "a bill to provide for apprentices in the United States naval service, revenue service, and marine;" which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

STEAM FRIGATES FOR THE NAVY.

Mr. BOCKOCK. Before asking a vote on the motion to go into the Committee of the Whole on the state of the Union, I desire to submit another motion, which I suppose has preference; I move the usual resolution to close debate upon the steam frigate bill at two o'clock to-morrow.

Mr. CLINGMAN. That is too early; I hope the gentleman will say in two hours after its consideration shall have been resumed to-morrow.

Mr. BOCKOCK. The speeches which are to be made upon the Nebraska question can just as well be made upon any other bill. I suppose there will be no more general debate upon the steam frigate bill.

Mr. COX. That is a very short time for the discussion upon a bill of this importance. I hope the House will not close debate upon it at that time.

Mr. RITCHIE, of Pennsylvania. I would suggest, in addition, that to-morrow is private bill day, and that will limit the time for debate still further.

Mr. BOCKOCK. To-morrow is Thursday, and therefore not private bill day. At the request of my friend from North Carolina, [Mr. CLINGMAN,] however, I will so far modify the resolution as to fix the time—two hours after the committee shall resume the consideration of the bill to-morrow.

Mr. DAVIS, of Rhode Island. I am opposed to the resolution of the gentleman from Virginia, and I hope the House will vote it down. It is allowing too little time for discussion.

Mr. BOCKOCK. I will say to the gentleman, that if I thought any gentleman desired to speak upon the subject of the bill, I should be disposed to give the largest opportunity; but the speeches all seem to be upon the subject of Kansas and Nebraska, and they can be delivered just as well upon another bill, which will come up as soon as this is disposed of.

Mr. HOUSTON. I ask that the resolution may be read as it now stands.

The Clerk read the resolution.

Mr. FLAGLER. I would ask the Speaker if it does not require the unanimous consent of the House to introduce the resolution?

The SPEAKER. It does not. The resolution is a privileged one.

Mr. DAVIS, of Rhode Island. I move to amend the resolution, by fixing the time at a week from to-morrow.

The SPEAKER. The previous question having been demanded, no amendment is in order.

The question was then put on seconding the call for the previous question; and, on a division, there were—ayes 40—

Mr. ROBBINS. I demand tellers.

Tellers were ordered; and Messrs. Cox and FLORENCE were appointed.

Mr. HAVEN. I wish to make a single inquiry of the Chair. If the House should refuse to-morrow to go into the Committee of the Whole on the state of the Union, what would be the effect of the resolution?

The SPEAKER. That difficulty occurred to the Chair, but he did not feel himself at liberty to suggest it.

Mr. HOUSTON. I would like the gentleman from Virginia to afford members an opportunity of voting to close the debate in Committee of the Whole to-morrow at two o'clock. That would be definite.

Mr. BOCOCK. Many gentlemen object to so early a closing of discussion on the bill. If it be desired, I shall modify the resolution as suggested.

Mr. HOUSTON. As the resolution now stands, we are all in suspense as to when the debate really terminates. Let the time be definitely fixed; at least, let the gentleman modify his resolution so that the House may have an opportunity to vote on the proposition to close the debate to-morrow at two o'clock.

Mr. BOCOCK. In compliance with the gentleman's suggestion, I will so modify my resolution.

The House was then divided on seconding the call for the previous question; and there were—ayes 66, noes 64. So there was a second.

The question then recurred on ordering the main question to be put.

Mr. DAVIS, of Rhode Island. I demand the yeas and nays.

The yeas and nays were not ordered.

The main question was then ordered to be put.

The question now being on the adoption of the resolution—

Mr. WASHBURN, of Illinois, moved to lay the resolution upon the table, and upon that motion demanded the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 63, nays 94; as follows:

YEAS—Messrs. Abercrombie, Appleton, Bugg, Carpenter, Chandler, Cook, Corwin, Thomas Davis, Dean, Dick, Dickinson, Eastman, Edgerton, Edmonds, Everhart, Farley, Fenton, Flagler, Goodrich, Grow, Aaron Harlan, Harrison, Hill, Howe, Daniel T. Jones, Kittredge, Knox, Lyon, McCulloch, Macy, Matteson, John G. Miller, Murray, Nichols, Norton, Parker, Peck, Peckham, Bishop Perkins, Pringle, Ready, David Ritchie, Russell, Sabin, Sapp, Shannon, Simmons, Hester L. Stevens, John L. Taylor, Tracy, Trout, Upham, Wade, Walley, Walsh, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan, Wentworth, Westbrook, Wheeler, and Yates—63.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Banks, Barry, Bell, Boccock, Boyce, Caruthers, Chastain, Chrisman, Clingman, Cobb, Cox, Curtis, John G. Davis, Dawson, Dent, Disney, Dowdell, Dunbar, Eddy, Elliott, English, Etheridge, Faulkner, Florence, Fuller, Goode, Green, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Houston, Hunt, Ingersoll, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lane, Latham, Lilly, Lindley, McMullin, McNair, McQueen, Maxwell, May, Mayall, Smith Miller, Milson, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Puryear, Reese, Richardson, Thomas Ritchey, Robbins, Ruffin, Seward, Seymour, Shaw, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, John J. Taylor, Thurston, Vansant, Walker, Warren, Witte, Daniel B. Wright, and Hendrick B. Wright—94.

So the House refused to lay the resolution on the table.

The question recurred on the adoption of the resolution; and being put, it was decided in the affirmative.

So the resolution was adopted.

Mr. BOCOCK moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

Mr. BOCOCK then moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMILTON in the chair.)

The CHAIRMAN stated that the business before the committee was the consideration of the special order, being House bill (No. 52) "to authorize the construction of six first-class steam frigates, and for other purposes;" upon which the gentleman from Mississippi [Mr. BARKSDALE] was entitled to the floor.

Mr. BARKSDALE said he proposed to devote the brief period of time to which he was entitled under the rules of the House, to the investigation of the bill to organize the territorial governments of Kansas and Nebraska, and answer at least a few of the objections which had been urged against its passage; and it might be proper for him to remark, in the commencement of what he intended to say, that in this connection it was not his purpose to enter into a discussion of the abstract question of slavery. So far as the argument was concerned, it was not necessary that he should do so. Neither would he discuss the general provisions of the bill. They are similar to the details of all bills organizing territorial governments, which have from time to time been passed by Congress; and he took it that it will meet with but little, if any opposition, and certainly none on principle.

The first objection he had heard urged was, that it was premature; that it is an anomaly in legislation, and that the white population of those Territories was not sufficient to demand the passage of this bill. This objection, however honestly entertained or plausible, will not stand the test of facts and scrutiny; and however much we may have objected to and doubted the propriety of the policy generally of introducing this bill, it was now before the House, without any agency of theirs; and now that it is here, it was their solemn duty to examine it dispassionately, and discuss it frankly and fully, and act on it with an eye single to the best interests of the country. They who have the greatest facility for acquiring information, say that there are American citizens in those Territories; and one undoubted fact of this is, that they have elected a Delegate to Congress, who is now here, seeking, in the name of the people whom he represents, the protection of this Government.

He referred to other proofs in support of his remarks, and said no southern man, with the light shed on this subject within a few years past, and a knowledge of the exciting scenes of 1850, especially on the admission of California, can hesitate as to the propriety of promptly passing this bill.

He likewise replied to other objections, insisting that the bill made full and ample provision for the protection of the Indians in those Territories. As to the Missouri compromise, he did not view it as a compact between the North and the South to be preserved by the people forever. The South acquiesced in it, but never indorsed it. The North itself, however, had disregarded it in more instances than one, and had repeatedly rejected it when offered by the South.

Mr. B. spoke for one hour. A report of his speech will be found in the Appendix.

Mr. NORTON next addressed the committee on the same subject, and in opposition to the bill, declaring that the Nebraska-Kansas bill was singular in its history, origin, and phraseology, by reason of the many emendations it underwent after it was reported in the Senate. Mr. N. spoke an hour. A report of his speech will be found in the Appendix.

Mr. KEITT obtained the floor, but yielded it to Mr. WASHBURN, of Illinois, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having taken the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the special order, being House bill "to authorize the construction of six first-class steam frigates, and for other purposes," and had come to no conclusion thereon.

COMMUNICATION FROM INTERIOR DEPARTMENT.

The SPEAKER laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House of Representatives of the 10th instant, containing information as to the amount of appropriations which have been made by the Government, from time to time, for the benefit of the Cherokee Indians east, and the Cherokee Indians west, of the Mississippi, from 1815 to January, 1834; and also stating under what law or treaty each appropriation was made.

On motion by Mr. McMULLIN, the communication was laid on the table, and ordered to be printed.

On motion by Mr. HAVEN, the House then adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, March 30, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

GEOGRAPHICAL LIBRARY.

Mr. EVERETT. I am requested, sir, to present the memorial of the committee of the American Association for the Advancement of Science, recommending the establishment of a geographical department in the Library of Congress.

This is a very able memorial, and presents, in a very striking light, the importance of and the necessity for such an establishment. It is signed by the Superintendent of the Coast Survey, [Prof. Bache;] by the Superintendent of the National Observatory, [Lieutenant Maury;] by the Chief Engineer, [Colonel Abert;] by Colonel Force, of this city, well known for his acquaintance with this subject; by General Totten; by Lieutenant Davis, who is the Superintendent of the Nautical Almanac; by Professor Guyot, a very distinguished geographer; and by Mr. E. B. Hunt, an intelligent officer of the Engineers of our Army connected with the Coast Survey. I will not take up the time of the Senate by dilating upon the importance of the subject; but I move the reference of the memorial to the appropriate committee, which is the Committee on the Library.

It was so referred.

AID TO COLLEGES.

Mr. BELL. Mr. President, I am requested to present the memorial of the faculty of Cumberland University, situated at Lebanon, Tennessee. The memorialists represent that there are in the United States one hundred and nineteen chartered colleges and universities, at which there are, at this time, some twelve thousand young men in the course of education, receiving instruction. They represent that many of these institutions are struggling with great pecuniary embarrassments, and are thereby prevented from extending the benefits of instruction to a great number of the youth of the country who are ready and desirous to receive an education at these institutions. It is their opinion that no public interest is of greater importance than the diffusion of the means of education among our citizens in every part of the Union; and as the public domain is, as they understand, the common property of all the States, they pray that one township of land may be granted to each of those institutions. I move that, without reading, the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

RELIGIOUS FREEDOM.

Mr. BELL. Mr. President, I am also charged with the presentation of the memorial of Elder C. Collins and sixty-four others, delegates of the churches composing the Baptist Association for West Tennessee. These memorialists set forth that they are members of a large body of Christians in the United States. I believe they are, save one, the most numerous denomination in the United States, for, by the last census, they appear to be about three millions in number.

The memorialists represent that, in their opinion, the Government of the United States should open negotiations for the purpose of securing the enjoyment of the rights of conscience to our citizens in foreign nations in amity with this country; and they ask for an expression of the opinion of

this body upon that subject. They represent that we keep up a large diplomatic establishment for the purpose of securing and extending the rights and interests of commerce; and that the rights of conscience are of not less consideration to a large proportion of the people of the United States. And as we concede to all denominations, to all religious sects, Protestants, Roman Catholics, Jews, and even Mohammedans, the full enjoyment of the rights of conscience in this country, it is a proper and rightful subject for negotiations with foreign nations. They think, on this ground, we may justly claim some reciprocity of privilege on our part, especially with those civilized nations which are in amity with the United States.

I am aware that the Executive branch of this Government has interested itself heretofore in this subject, and I believe that some treaties have been made securing the privileges of our citizens in this respect, both with the States where the Roman Catholic is the established religion, and with Protestant States; but perhaps a great deal more can be done. Since the great increase of the facilities of travel abroad, and the extension of our commerce, we know that a very general interest is awakened in regard to those of our citizens who are traveling in foreign countries. The religious people of the United States particularly are deeply concerned when they find, that in many countries of Europe their fellow-citizens are obstructed in the exercise of the right of religious worship, in accordance with their own conscientious convictions. Our citizens who are traveling abroad for information or for pleasure are becoming very numerous; and this subject, therefore, is one of great importance. I have heard from other sources, and indeed I have seen some cases myself, where even the rights of sepulture have been denied, under circumstances calculated to awaken a very deep interest in the religious communities of the United States.

I know, sir, that there would be great delicacy on the part of the Government in pressing this subject with many of the States of Europe, but it seems to me that the Government might well do so without committing itself to anything improper. I think that by opening negotiations with other Governments, and representing to them the extensive privileges in this respect which we concede in this country, we might obtain some reciprocity from those countries which are in amity with us, and with whom we have extensive commercial and social intercourse, at least there is ground for such an expectation. I think this might well enough be pressed without committing the Government to any offensive course or any stringent measures for that purpose. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

NEBRASKA TERRITORY BILL.

Mr. BADGER. I desire now to present the remonstrance to which I alluded a few days ago, of David White, senior, and forty-two others, citizens of North Carolina, against the passage of the Nebraska bill. Among the signatures which are appended to it, I find sixteen of the name of White. I presume they are all members of the respectable Religious Society of Friends in various parts of the State. I merely wish to mention that their opposition to the bill is grounded upon the supposition that the provision in the bill to which objection is made will be an act of injustice or some breach of national faith; and as I have every reason to believe, from the character of the remonstrants, as far as I know them, and from the fact that they are citizens of North Carolina, that they are reasonable and just men, I think it highly probable that by this time, after the discussion which has taken place, they have found that they were entirely mistaken, and that the bill is neither unjust nor in violation of the national faith, and have therefore withdrawn their opposition to it. I move that the remonstrance lie upon the table.

The motion was agreed to.

PETITIONS.

Mr. FISH presented the petition of owners of tug or towing steamboats employed in the revenue district of New York, praying that all such boats not carrying passengers may be exempt from the inspection required by the act of August 30, 1852; which was referred to the Committee on Commerce.

Mr. STUART presented a memorial of citizens of Michigan residing in the country bordering on Lake Superior, praying the improvement of the harbors on that lake; which was referred to the Committee on Commerce.

Mr. WRIGHT presented a petition of A. C. Carter and others, praying for further protection against the infringement of patents; which was referred to the Committee on Patents and the Patent Office.

Also, two petitions of citizens of New Jersey, remonstrating against any infringement of the Missouri compromise; which were ordered to lie on the table.

Mr. BAYARD presented a petition of citizens of Delaware, praying that the duty on galvanized iron, and galvanized tinned iron, may be increased; which was referred to the Committee on Finance.

Mr. GWIN presented the petition of Juan Manuel Luco, and José Leander Luco, praying permission to file their evidence of title to a certain tract of land in the State of California before the Board of Commissioners for settling claims to lands in that State; which was referred to the Committee on Private Land Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition of Jean Baptiste Beaubien, of Illinois, praying indemnity for the loss of certain lands in the city of Chicago, in said State, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. ADAMS, from the Committee on the Post Office and Post Roads, to whom were referred documents relating to the claim of Thomas Rhodes, for compensation for improving the mail road between Mobile and New Orleans, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. STUART, from the Committee on Public Lands, to whom were referred a bill to authorize the sale of Rock Island, in the State of Illinois, and for other purposes; and the petition of David B. Sears, praying the right of preemption to a certain tract of land, settled and improved by him, reported the bill back with an amendment, in the form of a substitute.

Mr. CLAYTON, from the Committee on Foreign Relations, to whom was referred a petition of the representatives of Thomas E. Anderson, for extra services rendered by him as Consul at Tripoli, submitted a report, accompanied by a bill for their relief. The bill was read a first time, and ordered to a second reading.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BRODHEAD, it was
Ordered, That the memorial of L. E. L. A. Lawson be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. HAMLIN, it was
Ordered, That the petition of William Davis be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

JOHN GUZMAN.

Mr. PETTIT, from the Committee on Private Land Claims, reported a bill for the relief of John Guzman, of Louisiana; which was read, and ordered to a second reading.

Mr. SLIDELL. I ask the Senate to put that bill upon its passage now. I am sure that when the report, which is a very short one, is read, there will be no objection on the part of the Senate to its passage.

Mr. PETTIT. I am satisfied, after a thorough investigation of the subject, that the bill ought to pass. It will not occupy any length of time to act upon it now.

The bill was read a second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to confirm to John Guzman a certain tract of land described in the bill, which confirmation is to recognize his claim to the school section embraced in it, if the school authorities accede to it, and will take other land in lieu of it. It is provided, also, that the confirmation of his title shall only operate as a relinquishment forever on the part of the United States, and shall not interfere with any other adverse rights which may exist to any part of the land claimed.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, was read a third time, and passed.

REVENUE LAWS.

Mr. HAMLIN. The Committee on Commerce, to whom was referred the amendment from the House of Representatives, to the joint resolution of the Senate, authorizing the expenses of codifying and revising the revenue laws, have directed me to report it back, and to recommend that the Senate concur in the amendment. I ask that it may be considered at this time.

The Senate accordingly proceeded to consider the amendment of the House.

It is to strike out all after the resolving clause, and insert the following:

That there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, \$5,000, or so much thereof as may be necessary, to pay for preparing a general revenue law in accordance with the resolution of the Senate, passed in January 1852, and the necessary expenses; and that the Secretary of the Treasury report to Congress at its meeting, in December next, the items of such pay and expenditure.

Mr. HAMLIN. That proposes to strike out \$10,000 and insert \$5,000, which I suppose will pay the expenses of codifying up to this time, and perhaps something more. It would have been far wiser, in my judgment, to pass the Senate resolution as it went to the House. But the House has not done so; and I am instructed to report, as I have done, in favor of concurring; but, at the same time, I state, that when the civil and diplomatic bill comes to the Senate, from a letter of the Secretary of the Treasury which I have, it will be necessary to make an additional appropriation.

The amendment was concurred in.

DEFICIENCY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill from the House of Representatives "to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1854;" the pending question being upon the amendment of Mr. BADGER to add the following as an additional section:

SEC. — *And be it further enacted*, That the provision contained in that portion of the seventh section of the act of August 26, 1852, entitled "An act to provide for executing the public printing, and establishing the prices thereof, and for other purposes," which provides, that when any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same, is hereby repealed; and when different printers are elected, each shall do the printing for the House electing him; and so much of the printing for the Executive Departments and Bureaus of the Government as is ordered by the said act to be done by the public printer shall be divided equally between the printers of the two Houses.

Mr. BAYARD. I move to amend the amendment, by adding the following:

Provided, That from and after the 3d day of March, 1855, the said act, entitled "An act to provide for executing the public printing, and for other purposes," be, and the same is hereby, repealed: *And provided also*, That no contract or engagement made by either of the Executive Departments, or the authority of either House of Congress, under and by virtue of the provisions of said act before the time of the repeal, shall be vacated or impaired, and no law or resolution repealed by said act shall, by the repeal thereof, be revived or enforced.

Mr. President, the object which I have in offering that amendment is to place the question of the public printing in such position that it may be fairly considered in both Houses of Congress, as to the ultimate system which is to be adopted. My own views of the proper system I have submitted in a bill, which was adversely reported upon by the Committee on Printing. That bill I still intend, during the session, to call up and ask the sense of the Senate upon it. I wish it to stand in a position in which it may have fair play; and I am perfectly aware, that while the existing law stands it will be very easy to overthrow the bill and prevent its being carried through, even though a majority of Congress be in its favor. But if you provide that after the 3d March, 1855, there shall be no law upon the subject, except what in the interim you may pass, then I think a fair consideration of the whole subject will be had and a proper bill will be passed, and whenever such a bill is passed after discussion, and on the deliberate convictions of Congress, I shall be willing to abide by it in every respect. That is the object of my amendment.

Mr. FITZPATRICK. I am opposed to the amendment. I am very well satisfied that there is

a difficulty attending the two Houses, as the law in relation to the public printing now stands. The House of Representatives has, at this session, elected one printer, and the Senate another; and that raises a difficulty. But it seems to me that, without going into the merits of the amendment, it is altogether out of place. That amendment has no reference to the bill under consideration, which is a bill making appropriations to provide for deficiencies incurred in the operations of the Government. Here is an amendment that has no kindred position to that; and it seems to me that if the Senate understood the facts correctly the amendment would not be pressed to the bill.

Conceding, however, that a majority of the Senate are inclined to adopt some provision for the purpose of remedying the existing evil, it occurs to me, without a thorough investigation of the subject, that the expense involved in the adoption of the amendment would be sufficient to deter the Senate from annually entailing upon the Government the great amount which will be incurred by it. If I am not mistaken the chairman of the Committee on Printing [Mr. HAMLIN] has in his possession statistics which, from his position, he has obtained, and which, I presume, at the proper time, he will lay before the body, to sustain the position which I take. The fact cannot be denied that there is a difficulty in disposing of the printing to be done for this body in connection with the House of Representatives, as the law now stands. That is a question which the committee has now before it; it has caused more or less embarrassment; but even in order to obviate a difficulty of that kind by entailing a heavy expense upon the Treasury of the country, it seems to me Senators should pause before they attempt to ingraft it upon this bill. If I am not incorrectly informed, the change proposed by the amendment will make a difference of between \$10,000 and \$15,000 a session. Connected as I am with the Committee on Printing, I am satisfied that there should be some modification of the law, but not in the mode contemplated by the amendment. I think a provision could be made which would not entail on the Treasury the very heavy expense which would be entailed by this amendment at each annual session of Congress.

Now, what is proposed here? Because there is a disagreement between the House of Representatives and the Senate in the selection of the gentlemen who are to execute their printing, it is proposed to obviate the difficulty by incurring this extraordinary expense. If I am not mistaken, by the most clear and conclusive calculation, as demonstrated by the gentleman who has in charge the public printing of the country, the increase of cost will be between \$10,000 and \$15,000. I do not wish to be understood as taking side with this or that printer. I am perfectly content, as the majority of the body has elected a gentleman to transact the public printing, that we shall put it in such a form that the work for this body shall go to him; and, far from opposing, I would invite an amendment in the way of some modification of the law as it now stands, which would rid it of the difficulty which is now encountered in the disposition of the work. The law under which the printers have been elected, if I am not mistaken, contemplates that the same printer shall do the work for both Houses of Congress. It goes upon that hypothesis—that the work shall be done by the same printer; but that happens now not to be the fact.

Mr. BAYARD. It provides that each House shall elect separately.

Mr. FITZPATRICK. I know that it provides that each House shall elect a separate printer; but, if you scrutinize the law, I say you will see that it must have been the sense of Congress that the work should be done by the same printer. Look at the difficulty which has arisen, and I presume that is the reason for offering the amendment. The law provides, that all the printing of any work which is ordered to be done by either House of Congress shall be done by the printer of the House which first orders its printing. Now, look at the difficulty which has arisen from this provision in a special case. Some weeks ago the mechanical portion of the report of the Patent Office was sent to this body, and ordered to be printed. As a matter of course, it went to the printer of the Senate. After that, the agricultural portion of the report was sent in to,

and ordered to be printed by, the House. The contest is now, who is entitled to the printing of that second portion? It is an adjourned question. It is an undetermined question now before the joint committee of the two Houses; and how are we to dispose of it? It is a legal question, to be determined by legal investigation, in order to see which, according to the law, is entitled to the printing of the first and second parts.

Now, if the honorable Senator who has offered the amendment will put it in such a form as to remove the difficulty, without incurring the heavy expense which is here contemplated, I assure him I am not disposed to thwart the action of this body in the selection of its printer, and I will vote for any amendment which will not entail on us the expense which his amendment will entail. As it is, we are meeting difficulties at every point. I am anxious to obviate these difficulties; but I am not anxious to obviate them at the heavy and extraordinary expense which will be entailed upon the country by the amendment. If the honorable Senator who has offered it, or any other Senator, will offer such an amendment as will carry our printing to the printer of this body, ridding it of the expense which the pending amendment will incur, and lead to no more expense than is already incurred under the present law, I am prepared to say that the Senate should be gratified in giving its printing to him who has been selected by the majority of the body. I have no feeling on the subject. I am not opposing the amendment simply to benefit this individual or that; but I want to obviate the difficulty and relieve the Committee on Printing from the responsibility which now attaches to it. At the same time, however, I do not like to incur the extraordinary expense, which will ensue, if the amendment be adopted.

It seems to me that the Senator who has offered the amendment could devise some plan by which the power could be delegated to the committee, or to the Superintendent of the Public Printing, to parcel out the work to the printers, and to require the press-work, and other materials to be used in common, without throwing upon the Government this heavy outlay of money. It seems to me that such an amendment could be offered without difficulty. In such a case the Superintendent of the Public Printing might determine, when the work was ordered by one House, and afterwards also by the other, that the same press-work and everything else should be used for it by the gentleman who prints for the body last making the order. It is not, therefore, for the purpose of showing any favoritism to this press or to that press, but it is for the avowed object of bringing this to the notice of the Senate, to admonish the body of the consequences that will ensue, if the amendment be adopted, that I have submitted these remarks. It was but the other day that I spoke to a distinguished gentleman on this floor, and told him that the law as it now stands, and as the printers are now selected, throws difficulties, in the execution of the law, before the committee—and difficulties which will be found to be serious. But is it not possible that we can now agree to place the printing upon such a footing as to avoid the increased expense, and at the same time award our printing to the gentleman who has been selected by this body? It is not with the view of preventing that that I am combating the amendment of the Senator from North Carolina; but it is with the sole view of impressing upon the Senate the idea that I believe this can be done, while at the same time we can avoid an extraordinary expense. I have no feeling for this gentleman or for that gentleman, so far as the printing is concerned. I am willing at all times to yield to the majority who have at their pleasure selected a gentleman to discharge the work, and to award him what we order to be printed; but I do not want to do it under the heavy penalty imposed by the amendment.

Mr. WELLER. I regret very much to differ on this occasion from the Senator from Alabama. Ordinarily he is right; but if I understand the object proposed by this amendment, it is simply this: each branch of Congress is authorized, under the existing law, to elect a printer for its own printing. Under the law as it now stands, the Senate and the House of Representatives each elects a printer. This proposition is simply that the printer elected by the Senate shall have the control of the printing which may be ordered by the Senate; and that the printer who is selected by the House of Represent-

atives shall, in like manner, have the control of the printing ordered by that body. If there be any defect in the law as it now exists, it is in this: that we are allowing other persons to have the control of an office which, under the existing law, we are authorized to fill. We may elect a public printer, who is ostensibly the printer of the Senate; and yet, under the law as it now stands, by the agency of some other body, or by trickery or management, that office may be rendered entirely valueless. It is to prevent that; it is to make the officer or the Senate independent of the action of the other branch of Congress, and to give him the control of that printing which we may choose to order, that this proposition is made. That is the principle incorporated in the amendment, and that is the whole of it.

So long as we elect a public printer, I should like to know upon what ground my friend from Alabama would concede to the other House of Congress, or to any of the Departments, or to the Superintendent of the Public Printing, the decision of the question as to the amount of printing which should be done by that officer? If it is found inexpedient to have the two officers, the two printers, one to each branch of Congress, let us abolish the law, let us change it; but so long as our public printer is intended to be independent of the other branch of Congress, let us retain to ourselves the exclusive right of directing what amount of printing shall be done by him. That is the whole object of the amendment. Why should it be otherwise? Why should we connect these two public printers any more than the duties of the other officers of the Senate and the House? Why not have a connection between the Sergeants-at-Arms of the two branches of Congress? If you intend that, in regard to the public printing, each branch of Congress shall be independent—if you claim the right for each branch of Congress to select its public printer—let the duties of the two printers be so separated that there never can be any conflict between the two branches of Congress as to who shall do the public printing. Everybody knows that there has been a contest as to which branch should first order the printing of any important public document, for the purpose of giving it a direction to the printer of either this or the other branch. The amendment, in my judgment, is simply a proposition to dissolve the connection—to make our printer independent of the other branch. Let each one take care of its own officers; let each branch of Congress be responsible for what printing it orders; and then the people will know where to attach the blame, if any blame there be.

Mr. BAYARD. As I never desire to embarrass the amendment of any other gentleman I will withdraw my amendment. I think, however, that the amendment of the Senator from North Carolina only illustrates the evil of the whole law as it now stands. You have got one of two evils to encounter: You must either adopt the amendment, and increase, to some extent—I do not know to what extent—the expenditures of the public printing; or, on the other hand, if you do not pass the amendment, it will lead to an undignified scramble between the two Houses of Congress as to which shall dispense the greatest amount of patronage to the printer elected by it. I consider the whole system corrupt and corrupting. It makes the printer connected with the public press a stipendiary of Congress. It reacts upon, and injures the body; and it also tends to corrupt that which is a power for evil as well as for good—the press. It is my intention, independent of this amendment, which I withdraw for the present, to take the sense of the Senate on the propriety of continuing a system which has, in my belief, such deleterious results on the whole political morals of the country. I withdraw my amendment.

The yeas and nays were ordered on Mr. BAYARD'S amendment.

Mr. HUNTER. I shall vote for the amendment of the Senator from North Carolina. I have no doubt that it will add something to the expense of the printing of the two Houses, but I have no idea that it will add anything like what the Senator from Alabama imagines. There can be at present no means of making an accurate estimate as to what the additional expense will be. Undoubtedly it will add something; but unless we do this, we shall have to engage in that scramble to which the Senator from California so well refers.

As the law stands whichever House first orders the printing of a document sends the whole printing of it to its own printer; the consequence is that it is in the power of the Departments to say to which printer the work shall go. It is in the power of the Departments to give the whole of the printing to that printer which they prefer, and the consequence may be that the printer of the other House may be broken down and lose by it. If we have the right, as the law gives it to us, to elect a public printer, it seems to me that we ought also to have the right of sending to him the printing which we order. That seems to me to be but justice. I believe it will avoid disputes if we do it; and unless we do it, there is danger that disputes will grow up. How is it in regard to the most profitable documents which have been printed? Here was the census report. The Senator from Pennsylvania [Mr. BRODHEAD] moved to print that. I believe the first motion made to print it was made in this body; and the Committee on Printing, I also believe, reported against it. They afterwards fixed upon some other form, and reported a resolution to the House on the 12th of January, when it was agreed to by that body, while I think it was not reported here until the 16th of January. If I am wrong the Senator from Maine will correct me.

Mr. HAMLIN. The Senator is certainly wrong. The Senator from Pennsylvania moved to print a very small volume, of about fifty pages, called the "Abstract of the Census," of which one hundred thousand copies were printed by the House last year. That was the proposition submitted by the Senator from Pennsylvania. The question of printing that document was referred to the Committee on Printing, who reported against it. The same committee reported a joint resolution for printing another abstract of the census, which makes a volume of four hundred pages. That was an entirely different thing from the other.

Mr. HUNTER. I ask the Senator if that report was not made in the House on the 12th of January, and if it was not made to the Senate only on the 16th, so that the Senate had no chance of giving the printing to its printer? I ask if the Joint Committee on Printing did not report this resolution for printing these copies to one branch on the 12th, and the other on the 16th? I have copies of the reports here; they are as follows:

"In the House of Representatives, January 12, 1854.
The House then resumed the consideration of the following Resolution, reported yesterday from the members of the Committee on Printing, on the part of the House, viz:
"Resolved, That there be printed for the use of the House of Representatives, by the public printer of the House, fifty thousand copies of a Compendium of the Seventh Census, to be arranged by the Superintendent of the Census, embracing the population by towns and counties, the ratio tables of population; tables of nativities, births, marriages, and deaths; of the deaf, dumb, blind, insane, and idiotic; of schools and colleges; of aggregates of occupations; of churches; of newspapers and libraries, and of agricultural products; with illustrative notes and comparative tables: *Provided*, That the said compendium shall be printed in royal octavo form, and not exceed four hundred pages."

This resolution was amended, by inserting "one hundred thousand" instead of "fifty thousand," and it was agreed to January 12, 1854.

Then, in the Senate, it was

"Resolved, That there be printed for the use of the Senate fifty thousand copies of a Compendium of the Seventh Census, to be arranged by the Superintendent of the Census; embracing the population, by towns and counties, the ratio tables of population; tables of nativities, births, marriages, and deaths; of the deaf, dumb, blind, insane, and idiotic; of schools and colleges; of aggregates of occupations; of churches; of newspapers and libraries; and of agricultural products; with illustrative notes and comparative tables: *Provided*, That the said compendium shall be printed in royal octavo form, and not exceed four hundred pages."

This was reported from the Committee on Printing by the Senator from Maine, [Mr. HAMLIN,] and considered, and agreed to, January 16, 1854.

So then the Senate had no chance to give the printing to its printer. The report was not made to us until the 16th, and the order in the House was made on the 12th.

Now, in regard to the agricultural portion of the Patent Office report, which is the most profitable document given to the public printer, I heard one day that it was carried to the other House, and that they were voting upon it. I went up to the desk of our Secretary, and asked if it had come here. It had not. Now, I ask, is it not obvious, in order to prevent these difficulties, if the Senate

exercise the right to elect a public printer, that it ought to separate itself from the House, and have the means of sending its own printing to its own printer? Let each House have its printing done by its own printer. That is fair. If the privilege ought to be given to each House to elect its own printer that is certainly fair. I understand, and the Senator from California tells me that he is informed, on what he believes to be sufficient authority, that the increase in the cost of composition, by the proposed amendment, will be only \$2,500 or \$3,000. Had we not better give that in order to preserve the right, which the Senate has under the law, to elect its own printer? What is that right worth if all the work is taken from him, and the profits withdrawn from him? So far as I am concerned, I never have believed in the propriety of giving the public printing to editors. I have always voted to put it out to contract, or to put up a Government press, or so to dispose of the matter as to separate it, if possible, from the political press of the country. I will vote for any scheme which may be tolerably matured to effect that purpose; and whenever the Senator from Delaware shall bring it up he will find me aiding him with all my power to give it the force and effect of law. But until this is done, it seems to me we ought to do something to prevent a scramble between the two Houses in regard to the printing.

Mr. HAMLIN. I think there is a good deal of misapprehension on the part of Senators in relation to this matter; first, as to the ordering of the printing; and, second, as to the expense. I was originally a member of the Committee on Printing, and a member of the select committee who reported the bill which changed the system of the printing of Congress. I was opposed to the passage of the printing law. I resisted it until I found myself almost alone. I believed that the contract system, fairly and rigidly enforced, would be the best and cheapest, and I constantly resisted any invasion upon it. I found myself powerless, and this law was passed. I had hoped that those who claimed that the system would be put upon a better footing after the passage of such a law as they desired, would not be, at least, the first to come here and complain of it. I hoped that that law might be permitted to remain until it had had a fair trial. I was opposed to it. I should oppose it now under such a state of things as then existed; but inasmuch as the law has been passed, I am for giving it a fair trial, and will stand by it until it has been fairly tested.

One very essential consideration urged by the friends of the bill, at that time, was, that it contained an express provision that double composition should not be paid, and would not be paid, if it passed. The Senator who now comes and asks us to change the law urged its passage then, upon the ground that it provided for one composition only.

Now, let me invite the attention of the Senate to this matter truly, as it exists, for a very few moments. So far as it is a matter of controversy between two individuals I have no feeling, and I care not one fig about it. The law provides for the election of a printer or printers. The House and the Senate, in the exercise of their rights, have seen fit to elect different persons as printers. The law made provision as to the manner in which the printing should be disposed of. The printer of the House and the printer of the Senate, then, were respectively elected under that law, with the full knowledge of precisely what were their rights, to wit: that each printer would print what was printed exclusively in either branch by itself, and that the printer of the House would print such documents for the Senate as were first ordered by the House, and that the printer of the Senate would print for the House such documents as were first ordered by the Senate. That was the law. So it stood when these persons were elected; so it stands now. The amendment proposes to change that, and to confer the exclusive printing of the Senate upon the Senate printer, notwithstanding the House may order the same document to be printed, and thus compel us to pay double composition for the same work.

I think my friend from California suggested that the printer was an officer of the Senate, and therefore he should be under our control. Now, sir, if that be the object you must go a step further, and remove your Superintendent of the Public Printing, for we have just nothing at all to

do with him. We pass an order for printing. When we have passed the order we have nothing further to do with him. It passes from our hands to the Superintendent of the Public Printing; he gives it that direction which the law points out; and when the document is printed it is delivered to him. If the amendment should be adopted, we should have nothing to do only to order the printing; it would then go to the Superintendent, and instead of directing it according to the law as it now stands, he would direct that everything ordered to be printed by the Senate should go to the Senate printer, and everything ordered by the House should go to the House printer.

Now, in the first place, there is a very considerable amount of printing in the Senate, which is ordered and done by the Senate printer, with which the House have nothing to do, because they do not order copies of the same. That, therefore, belongs to the Senate printer, and that is not affected by this in any way. So it is with the House. It is only with those documents where the same are ordered in each House that difficulty arises; and in my humble judgment, notwithstanding the complaint of individuals, at the close of the session, the relative proportion of the two printers will be found to be just about in that proportion which the printing of the Senate bears to the printing of the House. If I am correct in the supposition, it would be just to continue our system, and there would be a saving of the expense incurred by double composition.

Now, let me allude to a suggestion made by my friend from Virginia, in relation to the printing of the census. It only goes to show how a man may be mistaken, and how information, when only partially imparted, may mislead the most honest mind. A few words in relation to this census document, about which so much complaint has been made. Whom made by? By men who, I apprehend, are interested in the matter. I find no fault with them for it, but still I think if there is annoyance, it is annoyance by the public printers of both branches, and it is not an annoyance of their own. We would not be annoyed in the transacting of our business, and the ordering of the printing, if we were approached by nobody, neither by the printer of the House or of the Senate. In relation to the printing of this census, I have only to say this: The Senator from Pennsylvania [Mr. BRODHEAD] offered a resolution one day to print an abstract of the census, which was denounced in the Senate last session for its inaccuracy. The Senate absolutely refused to print it. It was but a small document. It was referred to the Committee on Printing, who, on a reexamination of it, came to the conclusion unanimously that it was not worth while to reprint it; that it did not contain any information which was very valuable, and it was so small that it was no object to the printer, even if it had been accurate; but we believed it to be inaccurate, and reported against the printing; that is all there was about it.

In the House of Representatives a resolution was introduced and referred to the joint committee—for Senators will bear in mind that the Committee on Printing is a joint committee—asking the committee to inquire into the expediency of having an abstract of the present census printed. The committee gave the resolution a thorough investigation. They called before them the Superintendent of the Census, Mr. De Bow, and they compared with him the various tables of the large work which had been prepared, and, after spending several meetings upon it, they came unanimously to the conclusion to order an abstract to be printed, which should not contain over four hundred pages, and which should contain what, in their judgment, would be the most useful matter in that volume. And let me say, that when it is printed I think it will be vastly more useful than the larger edition, because it presents, in a condensed form, facts and figures which are useful. While in the large volume it would require an addition of different tables together. This, in my judgment, will render it very much more valuable than the large one. It will contain all that is really necessary or useful. The resolution requiring the printing of that document emanated from the House. The House committee considered it first, and made up their minds precisely as to what they would do. It was their matter, and after they had acted, the committee on the

part of the Senate took the same work, and reported it, at their very next meeting, to the Senate. That is the whole history of that matter. That is the long and the short of it. It was, therefore, a proposition which originated in the House, and which was reported on first by the House committee, because it was their proposition. Then the Senate committee took their resolution, because, from the investigation of the committee, they came to the conclusion that that was the best compilation which could be made, and for the additional reason, that if we took that work, the cost of composition would be saved. I undertake to say that if the resolution ordering the printing of that work had emanated from the Senate, and if the committee had been directed by the Senate to investigate, and report upon the expediency or the propriety of having such a work prepared and printed, they would, in that case, have reported first to the Senate. I think the Senator from Virginia, if he had been a member of the Committee on Printing, would have done precisely what we did. As a matter of economy, I felt it, as one member of the committee, to be my duty to recommend the House proposition, after they had matured and reported upon it, instead of making a new document which should be substantially the same thing, with perhaps the difference of a page or two.

And let me say that that resolution now meets precisely what I understand to be the objection of the honorable Senator from South Carolina, which is, that the compendium does not include certain tables which he deems valuable. That resolution authorizes the inclusion of these very tables, if necessary; in other words, it authorizes the Superintendent to add notes which shall convey other facts that may be deemed essential. Any modifications which may be suggested by Senators will be considered by the committee, and, if thought necessary, will be put into the work, under the resolution as it now stands. The resolution was thus drawn for the purpose of accommodating as many as it was possible to accommodate; though, of course, it is impossible to accommodate every body. So much in relation to that work.

In relation to printing the Patent Office Report, I can only say that I know nothing about it. I was not in the Senate when either portion of that report was sent here. I came in when the mechanical portion was about being ordered to be printed. I think the Senator from California [Mr. WELLER] made the motion to print it, and I came in just as he was offering it, and I made a suggestion to him as to the manner in which he should present it. That is all that I know about that.

Now, sir, let us see what is the proportion of matter which has been printed by each printer. One thousand one hundred and ninety-two pages have been ordered to be printed by the Senate, which are to be executed for the Senate and the House. In other words, we have, at this session, ordered the printing of documents containing one thousand one hundred and ninety-two pages, which are printed for us, and are also printed by the Senate printer for the House. The House has ordered the printing of three thousand five hundred and forty-eight pages, which have been executed by the House printer for it and also for the Senate, being a proportion as about three to one of the pages thus far ordered to be printed. I find, by a statement which has been handed to me from the Superintendent of Public Printing, that the aggregates of the two branches, at the last session of Congress, bear about the proportion of two to one; or, in other words, the Senate printing cost \$24,900, while the House printing cost \$44,092; thus the proportionate cost of the printing ordered by each House is about two to one. The extra documents which have thus far been printed by the House printer for the Senate are about as three to one. I repeat again, however, that when the session shall have closed, I doubt not that the portion printed by the two respective printers will be relatively equal. I believe they will bear about the same relation to each other that the cost of the printing of one House does to that of the other. The cost of the House printing is twice as much as the Senate.

Mr. WELLER. Why does the Senator give the number of pages, and not the number of copies of the extra documents already printed?

Mr. HAMLIN. Because I am speaking now only of the cost of the composition. I hold in my hand a communication from the Superintendent

of Public Printing, which I requested him to make last evening, on the adjournment of the Senate. It is quite complete, although it is not perfectly so. If it could be made perfect and accurate, so as to embrace the entire printing of Congress, it would swell the amount beyond what he has stated. It is based on that printing in regard to which he had the details before him, leaving out a little in regard to which he had not. I wish to have the communication read; but before it is read, I wish to state, first, that it shows that the composition of the last Congress would have amounted to \$16,532, if the whole printing had been done under the present law. During a part of that Congress, the printing was done under contract, at a very low rate. This communication also shows that the cost of composition for this Congress, up to this date, amounts to \$8,269. That is the cost of composition alone—one single item in the cost of the public printing, far below what will be the aggregate. The Superintendent tells us that the aggregate cost of composition will be at least \$15,000 a Congress. How he comes to that conclusion I confess I do not understand; for he shows us by figures, that at this session, up to this time, it amounts to over \$8,000. If we assume that the remainder of the printing for the Congress will cost the same, it would make the whole amount for composition over \$16,000. He states the whole amount at \$15,000; and probably, as we increase the printing as it goes along at every session of Congress, it will come up probably nearer to \$20,000 than \$15,000.

Mr. HUNTER. That is \$15,000 for both Houses.

Mr. HAMLIN. Precisely; and it is just one composition in both Houses. Now, if you repeal that portion of the law, you double this sum.

Mr. HUNTER. Does not the Senator perceive that two thirds of that are for the House, and we only double the composition on one third for the Senate?

Mr. HAMLIN. I repeat, the sum will be just double that which is here stated; because this includes only the documents which are already ordered to be printed, and the same documents which are printed in both Houses. I will illustrate this. I will take the Patent Office Report, and I will assume that it is first ordered to be printed in the House; then the House printer is to be paid for the composition. The work comes here, and we order it to be printed, but the printing is executed by the House printer, and we have not to pay for its composition, as the law stands. Now, what is the cost of the composition? It is a given sum. The Superintendent states that the mechanical portion of the Patent Office Report will be four hundred pages, and the cost of the composition will be \$500, and the cost of the agricultural part will be \$700. Suppose one portion of it is first ordered to be printed in the Senate, and then it goes to the House. The Senate printer does the work under the present law, and but one composition is to be paid for. Now, if both were ordered to be printed in the House, and composition paid for to the House printer in addition, it is as evident as that two and two make four, that you just double the price of composition on those documents which are ordered to be printed in both Houses.

Mr. BAYARD. I wish to ask the Senator a question, for information. I understand him to say that the statement to which he refers, made by the Superintendent of Printing, which was complete in its character, though not perfect, shows that \$15,000 will be the amount of the cost of composition for documents printed by both Houses. I understand that is the result arrived at. Then the Senator immediately controverts his statement, by saying that he cannot see how the Superintendent arrived at that conclusion.

Mr. HAMLIN. No, sir.

Mr. BAYARD. I so understood the Senator.

Mr. HAMLIN. The Superintendent first shows that the cost of composition for the work printed for the last Congress would, if paid for at the present rates, be \$16,532. He shows that up to the present date the composition of the documents which have been ordered to be printed in both Houses at this session amounts to \$8,269. Then he closes with a paragraph, which I will read:

"By the repeal of the seventh section of the printing act of 1852, or so much thereof as it is proposed to repeal, the

additional cost of the printing for Congress may be fairly estimated at \$15,000 for each Congress," &c.

What I say is this: The Superintendent, in his caution not to overestimate, has under estimated. I say it, because he shows, in fact, that the cost of composition at this session up to this time has been over \$8,000 on works ordered to be printed by both Houses. I doubt not it will be more than \$3,000, and probably \$5,000 more at this session.

Mr. BAYARD. I will ask the Senator whether most of these documents, of which the greatest number are printed, such as the census report, and the reports accompanying the President's message, have not already been printed?

Mr. HAMLIN. Undoubtedly; most of the documents of which we shall have the same number in each branch of Congress have been printed. I have no doubt about that; but still, up to this time, the cost of composition has been over \$8,000. I have no doubt, and that is all I need say, that the Superintendent, in his over caution, has understated rather than overstated the amount which it will cost. I now ask that the communication from the Superintendent may be read, for he states very clearly the whole matter.

The Secretary read the letter, as follows:

OFFICE SUPERINTENDENT PUBLIC PRINTING,
WASHINGTON, March 30, 1854.

SIR: In reply to your verbal inquiry yesterday, as to the cost of composition of those public documents ordered to be printed by both Houses of Congress, I have the honor to submit the following statement:

At the first session of the Thirty-second Congress those documents that were printed by both Houses of Congress made 4,480 pages, at a cost for composition of... \$6,085 00.
At the second session (including the Census, which made 1,158 large quarto pages) they made 5,010 pages, at a cost for composition of..... 10,447 00

\$16,532 00

It will be seen, therefore, that if the present printing law had been in operation during the whole of the Thirty-second Congress, without the seventh section, and there had been a different printer for each House, the cost of the printing would have been increased \$16,532. It may be proper to state, however, that the data in this office is not sufficient to furnish a full statement as to the first session of the last Congress; the quantity of matter of the character referred to doubtless exceeded that above stated; but there are no means of ascertaining the exact amount, only a portion of the printing of that session having been executed under the superintendence of this office.

The cost of composition of the same documents, ordered to be printed by both Houses of Congress, during the present session, to this date, reaches nearly \$10,000. Of course, in the absence of the provision of the printing law referred to, the cost of the composition would have been double this amount.

The principal documents ordered to be printed by both Houses of Congress, consist of the annual communications required by law from the President of the United States and the several heads of Departments.

The following is a list of the principal documents ordered to be printed by both Houses of Congress, at the present session, to this date, with their real or estimated cost for composition alone:

	No. of Pages.	Cost for Comp'n.
Message of the President of the United States, and accompanying documents.....	1,936	\$2,466 00
Letter from Second Auditor, relative to Indian disbursements.....	552	1,001 00
Report of the Secretary of the Treasury on the state of the finances.....	384	502 00
Report of the Secretary of the Treasury Coast Survey, (quarto).....	500	1,500 00
Patent Office Report—Mechanical.....	400	500 00
“ “ Agricultural.....	600	700 00
Compendium of the Seventh Census, (non-parallel).....	400	1,500 00
		\$8,269 00

Besides the reports of several surveying and exploring expeditions, and a considerable number of smaller documents.

By the repeal of the seventh section of the printing act of 1852, or so much thereof as it is proposed to repeal, the additional cost of the printing for Congress may be fairly estimated at \$15,000 for each Congress, which will be paid for extra composition alone, provided that the Senate and House employ different printers.

Very respectfully, your obedient servant,

A. G. SEAMAN, Superintendent.
Hon. H. HAMLIN, United States Senate.

Mr. HAMLIN. I have but a few words more to say; but I desire to invite the attention of the Senator who offers the amendment to the suggestion which I make, and it is one of a practical character. It is this: The amendment of the Senator from North Carolina provides, first, for a repeal of the seventh section of the act of 1852, which requires that a document shall be printed by the House printer for the Senate, when the printing is first ordered by the House, and vice versa.

Then it provides that "each shall do the printing for the House electing him; and so much of the printing for the Executive Departments and Bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses."

The difficulty which this provision involves I will now point out to the Senator. The House has already ordered certain documents to be printed, which are now in the process of printing; some perhaps are in process of composition, and others are in press. The Senate has also ordered certain documents, and they are in process of printing, but in different stages. Now, suppose this amendment shall be adopted, in what manner is the printing already ordered to be completed?

Mr. BADGER. According to the law in force when it was ordered, of course.

Mr. HAMLIN. That law will be repealed by the passage of this provision; and there will then be no such law in existence. The House printer can, therefore, come forward and insist on his right, under this section, to do all the printing ordered by the House; and the Senate printer can make the same demand with regard to the Senate printing. I insist that the law under which they now act being repealed, they would have a right to do so. This would require double composition for all the work which is even in process of being printed. It seems so to me. There ought at least to be a provision to meet that exigency, if an amendment similar to this is to be adopted. I have nothing further to say in regard to this matter at present.

Mr. BUTLER. Mr. President, I wish to speak to one part of the subject only; and to make myself distinctly understood upon it. I have a right to speak with some degree of intelligence, at least upon the matters connected with the census. I was one of the committee which had that matter in charge originally, of which an honorable Senator from Massachusetts [Mr. Davis] was chairman, and of which Mr. Underwood was another member. It cost us a great deal of labor, and the tables were very carefully prepared. I was in the minority upon the committee, dissenting so far as regarded many of the columns, and dissenting essentially so far as regarded the propriety of publishing anything but the enumeration of the inhabitants, and perhaps the real estate of the country. But they went on in opposition to my views; and what was the result? Why, sir, a book of twelve hundred pages was presented to Congress. A book of twelve hundred pages, containing the results of that census, was authorized to be published under the authority of Congress. How stands that book? It differs from every one of the documents which are laid before us. The President's message cannot be changed by the House of Representatives, nor by the Senate. The reports of the heads of Departments cannot be changed either by the Senate or the House of Representatives; but how is it with regard to this book, which is known as the census of the United States? Why, sir, the House of Representatives have not only assumed to change the original character of the book, and make a compendium of it, but they have sent to the Senate a compendium, of which they are to be the author, and we the editor. We are to edit the book of which they are the author, and are to take it without examination, upon the recommendation of the House.

Now, sir, if this census is to go out—and if it is to go out as a book which may be arranged, edited, or compiled under the authority of the Senate or the House of Representatives—I take the liberty of saying that I wish the pen of the Senate at least to be allowed to write a single page in that history. But, how stands it? Here comes a book from the House of Representatives, to be published under the direction of the Census Bureau, with certain smooth columns, which will be very easily printed, and will be very profitable to the printer. What are they? One of them is a very curious piece of information to be sent out to the public, of how many paupers, how many lunatics, and how many idiots there are in the United States; when, to my utter surprise, in looking at it, and referring to my section of the country particularly, that which I supposed every man wishing valuable information to be published and sent out to the community would desire to have in it, is left out. There is

no column showing how many acres of land are under the proprietorship of individuals in the United States. That which I wish to attain, (and I would not increase the columns by it,) is to substitute a statement showing how many acres of land are in cultivation in the different States. I would put that in place of the column of lunatics, and paupers, and idiots. Will any man say, in writing such a book, this would not be a more valuable piece of statistics than to state how many lunatics are in the United States? That may be information for the curious, but it can be ascertained from other sources. I know it is much easier to prepare that kind of a book than the one which I would wish; and it has been sent here by the House of Representatives, who undertake to be an intelligent author, sanctioned, I have no doubt, by a very intelligent critic—the Senator from Maine.

I am not going to say that he would not be a very good reviewer, but allow me to say that I do not think it is a good book. If we are going to reduce it from twelve hundred to four hundred pages—and I think it could be better reduced to two hundred—I am not disposed to mar it by striking out columns; but in filling it up I would strike out the column of lunatics, idiots, and insane, and insert a column showing the number of acres of land in cultivation in each of the different States. That could be very easily done. That information might be readily obtained; and it would be somewhat germane to the taking of the census, because Congress may possibly have occasion to impose something like a direct tax. What information have you now with regard to property which is taxable? None at all. In place of that information, you have a detailed statement as to lunatics and idiots. That is put in because it will make a smoother column, and an easier book for the printer. Then, I say, if we are to have a printer for the Senate, I want that printer to be under the authority of the Senate as an author, and not as an editor adopting the authorship of other people's books. As to the two or three thousand dollars difference which this will make as to the expense I regard it as nothing.

As I said before, we cannot change the standing documents; but this census compendium to which I have alluded could, if put under the care of an intelligent committee, be reduced from four hundred to two hundred pages with advantage. I am willing, however, to leave it a book of four hundred pages; but I would strike out many columns which are in it. It contains many items which the curious may readily obtain from other sources. I believe it contains a column showing the number of newspapers in the United States. What do I care about the number of newspapers? I believe the number of paupers is another item. Is it not so?

Mr. HAMLIN. I am not able to say.

Mr. BUTLER. I think you have in it paupers, lunatics, idiots, and newspapers—very valuable information! Why, sir, the newspapers increase so fast that you cannot keep up with them. You will have to take a census every year in order to keep up with the newspaper race. I do not wish to see all that is valuable in such a work stricken out, with a view to have a smooth, easy book for the printer, and then have the House come here and say to us, that if we do not take it just as they arranged it, we are putting the country to expense. When I saw that I said, in good faith, that I would move a reconsideration of the resolution ordering that printing. I am glad that the question has come up in this form. I do not know that I understand exactly the provision of the amendment of the Senator from North Carolina; I ask, therefore, that it be read.

The Secretary read the amendment.

Mr. BUTLER. It does not refer to the census volume, but it separates the printing of the two Houses; that is what I want.

Mr. BADGER. I wish at this point to suggest a verbal amendment to my amendment, in the phrase "when different printers are elected." Let it read, "when there are different printers." It is perfectly immaterial, so far as this is concerned, whether they are elected or not.

The PRESIDING OFFICER. (Mr. Foot in the chair.) That change will be made, if there be no objection.

There was no objection.

Mr. HAMLIN. Mr. President, I do not think that the subject of printing a compendium of the census is now legitimately before the Senate, but still, inasmuch as the Senator from South Carolina has alluded to it, I beg leave to say a word in reply, in order that the reply may go out with what he has said.

He first announced that that was a book from the House sent to us. In that the Senator is mistaken. The House passed a resolution directing the Joint Committee on Printing to prepare, or to have prepared, a compendium of the work to be printed. That resolution went to the joint committee, and was considered by them. The joint committee was composed of Senators and Representatives. It may be that the Senators upon that committee were unfortunate in the conclusions at which they arrived. I assure the honorable Senator from South Carolina that none of them claimed to be critics; far from it. But, in order to be accurate in the matter, we did—what? We called in a gentleman who had the subject in charge, and who, I think, has some reputation as a commercial statistician at the South, for the purpose of conferring with him as to what would constitute the best compendium which could be made. We did call in that man, and he came. We wished to consult him because of his long experience in commercial matters, and from his connection with this work. It may be that the committee went too far in listening to this gentleman, who is from the section of the country where my friend from South Carolina himself resides. It may be that the committee were too lenient in believing that he was too well qualified for the duties of his office. I think not, however. But it may be that there are some tables in the book which might have been better excluded and others included. I think, however, that if the Senator from South Carolina himself had had the charge of the subject committed to him solely, he would have found it utterly impossible to compile any work which would suit precisely every Senator. If we failed in satisfying every Senator in every particular, I do not know that it is to be a matter of surprise. I can only say that we gave to the subject the best examination we were capable of giving it, and acted very much under the direction of Mr. De Bow, who I then thought, and who I now think, is a man very well fitted for that business, and very capable. I do not know of a man whom I would select as his superior in this city at this time; consequently, if I were again to be charged with that duty, and were to consult with any individual, I think I should consult with him.

Mr. BUTLER. I think what I have said in reference to this book is a sufficient reason to reconcile me to separate the two printers, so that I, as a member of the Senate, may have some control over it. The Senator from Maine has referred to Mr. De Bow. He is a constituent of mine, and I know him very well by reputation and personally. I am not in the habit of indulging in laudation or censure as to any one, whether a constituent or not; but I have no doubt he is entirely, in fact I think eminently, qualified for this business; and I would be very willing to select him for such a work. When I was upon the Census Committee, however, originally, I differed from him, if this be his selection; and I differed from others; and I prefer other columns to those which he has included. I do not know that I would have implicitly adopted Mr. De Bow's tables.

Mr. HAMLIN. We did not.

Mr. BUTLER. I do not know that the committee did. There is no person that I would take sooner than Mr. De Bow to make out a work of this kind; but that has nothing to do with my approving tables which I do not wish to see there.

Mr. PEARCE. Mr. President, as to the suggestion made by the Senator from Maine, [Mr. HAMLIN,] that this amendment does not sufficiently provide how the public printing which has already been ordered by the two Houses of Congress shall be executed, I would reply, that if there be anything valid in the objection, it can easily be remedied by an amendment, which he can himself offer. The only argument which I have heard against this amendment is the increase of expense which will be occasioned by it. I do not know what that expense may amount to. If it should amount to quite as much as the Senator has estimated it to be, it will form with me no suffi-

cient objection to supporting the amendment. I think that amendment is rendered necessary by the practical working of the present system; for, whether the distribution of the public printing ordered by the two Houses has been so arranged by the greater activity of the friends of one of the printers, or whether it has resulted from accident, the fact is nevertheless indisputable, that about ten times as much in value of the printing for Congress has gone to the printer of the House of Representatives as has fallen to the Senate printer.

Now, I think we owe it to our printer, whom we have elected, and who is our officer, to see that he shall have as much, at least, of the printing for the Senate as will support his establishment. The item of \$15,000 for an expenditure of this sort is nothing new or surprising to the Senate. The Senate were not appalled at the appropriation of a much larger sum of money to a public printer who had much less right to it than the printer now elected by the Senate has. A few years ago you had the contract system; and a printer having entered into his contract, knowing precisely at what rates he was to be paid, yet, after he had completed the term of his contract, asked for more compensation, and you voted him some \$50,000 or \$60,000 in addition to the contract price for which he had undertaken to do the printing. In other words, you determined to indemnify him for loss, and give him profits besides. I do not think, therefore, that it becomes the Senate, who have bestowed a gratuity by way of indemnity upon one printer, to object now to providing, at an expense of about one fourth what we then thought not at all objectionable, for putting our printer in an independent position.

Mr. HUNTER. My friend from Maryland will allow me to say that the amount is not \$15,000, but only one third of that, or \$5,000, according to the statement of the Senator from Maine himself. The increased expense will only be double composition for the Senate work.

Mr. PEARCE. Then it is so much the better for my argument.

Mr. HAMLIN. The increase will be \$15,000.

Mr. PEARCE. I say that, taking it at \$15,000, it does not furnish, with me, any objection to the amendment. We have a printer of our own; and if we continue to have a printer of our own, we must furnish him with the means of an independent support. We must not allow the whole profit and patronage of the public printing to be diverted to the printer of the other House. If we do that, we may as well give up our public printer, and ask the House of Representatives to elect him for us.

Now, sir, as it is very clear that the present provision operates (whether from accident or design it matters not) so as to bestow greater profits from this patronage on one printer, and take, in the same proportion, from the other, it is the duty of this body, if it means to maintain its independence, to rectify that evil, and to put the matter upon such a footing, that the printer of the Senate may have a fair share of the public printing, or may do, at least, whatever we may choose to order.

Besides, there is another consideration in this matter which, it strikes me, is of importance, and which we lost sight of in the original law. When we direct printing to be done for us, which goes to the printer of the other House, we have not exactly that control over him that we should have over the same printing if executed by our own printer. We can dismiss our own printer. We can, at all events, do something in the way of expediting the printing of this House, if it should be improperly delayed, which we cannot do by our own action if that printing is to be done by the printer of the other House. I think the Constitution seems to contemplate that each House should regulate and manage its own proceedings; and I do not know why the execution of our public printing should not be regarded as one of those proceedings which properly, peculiarly, and exclusively belongs to the Senate itself. I think it does. I think, at all events, that it is proper in itself that we should not only have our own public printer, but that we should have our own printing done by him, so that we have control over him and over it. If it does cost a little more money, I think, at all events, that those Senators who were so liberal a few years ago (and I do not mean to reproach them for it) to a printer

under the contract system, will not object now to doing that which is simple justice to our own officer and to ourselves.

Mr. BAYARD. Mr. President, my objections to the present course are slightly different from those of the honorable Senator from Maryland. The very exposition which the honorable Senator from Maine has given, is a sufficient reason with me for voting for this amendment. It shows that there is a scramble for the patronage connected with the printing between the two Houses, and probably the Executive too, for aught I know; but we have not heard much about that. I think \$15,000 would not be thrown away if it would prevent the state of feeling arising from such a scramble. I think harmony between the two bodies is far more important than any consideration of an expense of that kind. There is, also, an additional argument in the fact that that state of feeling would be further increased by continuing the present plan. When a document is ordered by one House in the first instance, of course it is first supplied that House, and, until the entire supply for it is exhausted, the other House is not furnished at all. I take it for granted that is one of the results of the present course, and it therefore produces confusion. I think the whole system a bad one. I hope it will be amended. But while it lasts, I am satisfied that such an amendment as this is necessary when two different printers are elected, one by each House.

Mr. FITZPATRICK. Mr. President, I believe the Senator from Maryland has stated correctly the main argument in favor of the amendment proposed by the Senator from South Carolina. So far as I am concerned, I am very frank to admit that there is great difficulty in the execution of the present law, and it perhaps may need some amendment; but I think it can be modified without the expense which will be consequent upon the alteration proposed by this amendment. The Senator from Virginia, by the remark which he made to the Senator from Maine, seemed to suppose that the \$15,000 additional expense stated by the Senator from Maine, as the result of this provision, included the composition for the work both of the House and of the Senate. Now, sir, by reference to the statement of the Superintendent, it will be seen that it does not include the House work, but that, beyond that, there will be an additional expense of \$15,000, if the law be altered in the manner contemplated by this amendment.

But, sir, the Senator from South Carolina has given a wider latitude to the discussion of this amendment than I had apprehended, and he has gone back to a matter which has been pending before the Senate for some months back, perhaps. I recollect that shortly after I had the honor of being placed on the Committee on Printing, a proposition came before them to recommend the printing of fifty thousand copies of the census report in a condensed form. The committee concurred in the propriety of that, and so reported to this body, and the Senate agreed to their report. The Senator from South Carolina has assigned his reasons—of course they are satisfactory to him, and I presume they are to the Senate—why he made the motion to reconsider that vote; and I have nothing to say in regard to it.

Sir, the principal cause which has placed the census report in its present attitude, and which has delayed, up to this time, the action of the printers upon the volume ordered by this body, results from the peculiar law now regulating the printing of our documents, and the fact that there have been two printers elected, one by the Senate and one by the House. In order to show that the calculation of an increased expense of \$15,000 does not affect the House printing, but relates only to the Senate printing, I will take the case now under consideration. The Superintendent says that the adoption of this provision will require an increase of \$15,000 in the item of composition alone.

Mr. HUNTER. I admit, after hearing the matter explained, that the Senator is right; and if the Superintendent be correct, it will add \$15,000.

Mr. FITZPATRICK. I take it for granted that the Superintendent's statement is correct, though I have not examined it myself.

Mr. HUNTER. I have my doubts about it.

Mr. FITZPATRICK. Hence the statement of the Superintendent corroborates what I said when I first addressed the Senate upon this sub-

ject. The facts and the arguments ought properly to have been stated by the chairman of the committee; but when the question was about to be taken, I saw that he was not in his seat, and therefore I felt disposed to make the few remarks which I submitted before, in opposition to the amendment.

Now, sir, I know nothing of the scramble, if there is any, for plunder, or for patronage, to use a milder phrase, between the two Houses, the Departments, and the printers. I believe there is none. I have not the pleasure of a personal acquaintance with the Commissioner of Patents, but I take it for granted, from his high character, and from what I have heard of him, that he would not descend to be a party to any such scramble. I must say, however, that I think the law, as it now stands, does produce embarrassment, and I do not wish to be understood as opposing a modification of it, for I think it should be modified. But I believe it can be amended without incurring the expense which will necessarily attend the adoption of the provision contained in this amendment. I concede that in high party times an officer in this Department or of that may have his favorite, and by that mode of indirection deprive this body, or the other House, of the right of giving to its printer the work which legitimately belongs to him.

Let me illustrate what I mean when I say the law needs amendment. The mechanical portion of the Patent Office Report was first ordered to be printed by this body. According to the interpretation now contended for by some gentlemen, it is to follow, as a matter of course, that the printing of the agricultural portion of that report is also to go to the printer of the Senate, who is entitled to the printing of the mechanical portion. If that be the game which is to be played, so far from the printer of the House receiving nine tenths of the work, as is alleged, the fact will be that one of the best jobs of printing to be given out by either branch of Congress is to be thrown into the hands of the Senate printer; for, if I am not mistaken, one hundred thousand copies of that are to be printed. It is an adjourned question, still undetermined, as to which of the printers is entitled to this printing.

I think this fact, together with the trouble in relation to the census compendium, shows that there is great necessity for a modification of the existing law; but I think we ought to make the needful alterations without entailing, as a standing expense upon the country, the amount which the statistics here show will necessarily result from this provision.

Now, sir, permit me to say, that so far as my knowledge extends, I am not aware that there has been any chicanery or management in any quarter to bestow work upon this or that printer. Neither the printer of this body nor of the House has opened his mouth to me in reference to the public printing, so far as I remember. I may have heard the subject mentioned by outsiders, or gentlemen who may have had connection with the matter, though I am not conscious of that; but, so far as the printers are concerned, I can say that neither of them has approached me upon the subject. But in the discharge of my duties as a member of the Printing Committee, I have been impressed with the belief that there should be some change in the law, by which the committees should be relieved from the annoyances under which they now labor. I ask again, cannot this be done without saddling upon the Treasury the annual expense which the amendment will involve?

I will not undertake to state the relative proportion of printing which has been bestowed on the printer of each branch. I am not sufficiently informed in regard to that, for I have not been on the committee for a great length of time. The present law, and the machinery under it, went into existence before I had the honor of a seat on this floor, and I have nothing to say in regard to it. But there is a contest pending before our committee which is undecided, as to which printer is entitled to two of the largest jobs ordered to be printed at this session. One is the agricultural portion of the Patent Office Report, and the other the Census Compendium, of which fifty thousand copies have been ordered. These officers may appeal to members of the committee. If gentlemen occupying the highest departments are to escape unscathed from all suspicions in this matter, I ask, how are

gentlemen composing the committee to escape untouched from the suspicions and apprehension of those who feel so intensely upon the subject, as the respective printers naturally do?

These are the reasons which prompted me to say a few words to the Senate before, and they are reasons which, I think, should appeal to the reflection of every Senator on this floor. We say to you, that the execution of the law is surrounded with difficulties, that these difficulties are met at every point, and of course the larger a job, the more anxiety and the fiercer contest there is for the printing. Well, sir, as this body has, in its own wisdom, seen fit to select a printer, I am the last man, so far as I am concerned, to take advantage of any discretion which may be delegated to me by the law to withhold from the printer of this body his legitimate rights. According to my understanding of the law, and according to what is fair and right, I intend to give that officer his due, but there are complicated and difficult questions connected with the subject which embarrass the committee, and will continue to do so until the law is modified in some form. Still, I cannot consent to this amendment, which will incur such an additional expense. I know the great weight of the argument of the Senator from Maryland has been as to the amount of expense; and I have heard it said on this floor, that the Treasury is in the condition of a robust patient, needing depletion. I venture to say, that if the various jobs which I see carving out shall be carried through, before the close of the session the patient will require tonic medicines and repletion, instead of depletion. It may be said that this is a small matter; but, sir, when a proposition is made which draws money unnecessarily from the Treasury, I think it is my duty, not only to raise my voice against it, but to shield the Treasury in every form I can.

Mr. BADGER. The honorable Senator from Alabama, has, I think, furnished the most conclusive reason for the immediate adoption of the amendment which I have proposed.

Mr. FITZPATRICK. No, sir; I say I am in favor of modifying the law, but without increasing the expense, as will be done by this amendment.

Mr. BADGER. I did not say what the Senator's argument was, but what he proved. The Senator told us that, as the law now stands, two of the largest jobs of printing, as he calls them, have been ordered, and the Committee on Printing are totally unable to decide to which of the printers their printing belongs. As we used to say in college, they are "graveled," and cannot come to a conclusion.

Mr. FITZPATRICK. No, sir; let me explain.

Mr. BADGER. I have no objection to the Senator's explaining when I get through, but really I have a word to say myself.

Mr. FITZPATRICK. One proposition was stopped by a motion to reconsider.

Mr. BADGER. I give it up. I yield the floor to the Senator.

Mr. FITZPATRICK. I intended simply to say that the proposition to print fifty thousand copies of the Census Compendium had been followed by a motion to reconsider, and that motion had been laid upon the table. I alluded to that as a matter undisposed of.

Mr. BADGER. If the Senator had waited he would have seen that I was meeting the precise point which he made. He says, that under the law as it now stands you cannot tell who is entitled to this printing.

Mr. FITZPATRICK. No, sir; I did not say that.

Mr. BADGER. The gentleman will allow me to go on, and he can correct me when I am through. I am sure he did state in regard to some printing of something, (I do not care what it was,) the committee could not tell, under the law as it now stands, which printer was entitled to it. Am I right in that?

Mr. FITZPATRICK. No, sir.

Mr. BADGER. Then there was something about which the committee were ignorant, and could not come to a conclusion. It was either printing or it was not printing. If it was about printing the amendment clearly meets the difficulty, because, after its adoption he that runs may read, and every one will be able to interpret the law so as to tell who shall do the printing of

each House. If the difficulty was not about the distribution of printing I have nothing to say in regard to it, because I do not see that it concerns this subject.

Mr. FITZPATRICK. My remark was, that there were jobs which had caused embarrassment in the committee, and which were adjourned and unsettled questions. I did not say that the committee were unable to determine the law. I presume that when we come to act we shall interpret the law as we understand it. But there are unsettled questions before the committee in regard to printing, and I referred to them.

Mr. WELLER. Will the Senator from Alabama answer me this: If this amendment had been the law no difficulty of this sort could possibly have existed?

Mr. FITZPATRICK. Of course not.

Mr. HUNTER. I hope now that we shall be able to take the vote.

Mr. STUART. I suppose that inasmuch as the Senator from Virginia has spoken two or three times on the question he will not be in very great haste about taking the vote; but will allow me to state some two or three reasons why I shall vote against the amendment.

This is not, perhaps, the first occasion upon which gentlemen of good intentions have differed upon precisely the same ground. The Senator from North Carolina, when he introduced this proposition, said that he did it for the purpose of avoiding an undignified contest with the House of Representatives. Now, sir, I think it is the best means which could possibly be introduced to further that contest, and to further it upon this very bill. If the chairman of the Committee on Finance wants to pass this bill in season through this Congress, the best thing he can do is, if possible, to prevent this amendment from being attached to it. If there is anything in the argument, if there is any such fact as Senators seem to suppose, if there is a contest between the two Houses of Congress growing out of this subject, I ask what prospect is there that the House of Representatives will yield their side of it? Sir, it is intimated here that officers in the House of Representatives are connected with one side of this question; that they have a pecuniary interest in the public printing. If they have they will certainly not yield on this point.

Mr. WELLER. Who intimated that?

Mr. STUART. I really cannot undertake to say who did it; but it has been done. Now let us see whether there is any prospect of success in that branch of the argument. I will undertake to show that there is just as little validity in the argument which is used in respect to this amendment in another quarter. It is said that the Senate having elected a printer are bound to see that he is paid. How did it ever happen that the Senate became bound, because they elected a printer, to see that he was paid, and was not compelled to fail? I ask Senators to reflect upon that argument for a moment; when did the Senate ever assume that obligation?

Mr. WELLER. I think the Senator from Michigan is mistaken. He does not state the argument correctly. We have assumed the ground that when we elect a printer we are under an obligation to give him the printing of whatever documents we may choose to order, and not leave it to the discretion of the Superintendent or anybody else to decide whether he or the printer to the other House shall get the printing which we order.

Mr. STUART. I think I can satisfy the Senator from California in a few words, if he will look at this matter fairly, that his present statement of the proposition is as much without foundation as the one which I stated. We elect a printer under this law of Congress, and before he accepts that election he knows what is the law, for he is bound to know it. He knows, too, that the seventh section, which is now proposed to be repealed, stands in the law. It was put there for purposes of economy, and for sound economy. It is a portion of that law to which his election and office are subject. And I say, that the fact of our having elected a separate printer from the House furnishes no reason for changing the law.

Sir, this case stands, so far as this amendment is concerned, upon precisely the same ground, in point of principle, that it would stand if it were a

proposition to pay the printer to the Senate \$15,000 more than the law gives him.

Mr. HAMLIN. That is it.

Mr. STUART. That, in point of principle, is exactly the effect of it. We may talk round about the question as we like, but that is the naked proposition as it stands before the Senate. It is, that, according to the seventh section of the law of 1852, as it stands, this printer does not get as much as he ought to get, and now it is proposed to repeal that section of the law at an additional cost to the Government of \$15,000 per Congress; and it is giving that amount to the Senate printer in order to sustain him.

Now, Mr. President, I do not know but that it may be somewhat wrong to oppose this proposition; but I should like to know of the Senate if the evil complained of does not lie at our own door? Was there any necessity for the Senate electing a separate printer from the House? Did this act contemplate anything except this: that, in the political mutations of the country, it might happen that the political character of the Senate would be one way, and the political character of the House the other way; and that, in that event, each House should elect its own printers, and that those printers should be different men? That is the reason why this provision in the law exists; and I apprehend it is the only reason. I hope no Senator will understand me as going back to review the election of a printer for the Senate, or to say aught for or against it. I do not mean to touch that subject at all; but I mean to say that whatever evil has grown out of the execution of this law, which is a sound law in point of economy, is attributable to the action of the Senate in electing a printer. It might have been avoided, and it can always be avoided.

Sir, is not the law a sound one? Is not the very section which is now sought to be repealed one of the soundest, in point of economy, that was ever introduced into any law? It is, that in the event of there being a separate printer for each House of Congress, when each House shall order a given document to be printed, the printer of the House by which the document is first ordered to be printed shall print it; so as to save the additional expense of its recomposition. Is it not sound? In other words, the question now is, shall the public Treasury of the United States be subjected to this additional expense for the purpose of sustaining an "organ," for that is about all there is of it?

I have been unable to see much reason in the argument of the Senator from Maryland; and I say so with all respect to him. He says, the fact that this will involve an additional expense of \$15,000 furnishes to his mind no objection to voting for the amendment. I think the argument would be equally sound, and unquestionably would be adopted by the Senator with equal ability, if the amount were \$30,000. It means this, and only this; and this is all the argument which is to be made here to-day, as I have been able to understand it: that the Senate having elected a printer, they mean, so far as their action is concerned, to sustain him at one rate or another. I intend to treat him just as I would treat any gentleman in the office—I mean to give him the benefits of the law under which he is elected, but to do no more.

I said before that it had been stated there were indecent scrambles—or some such term was used—between the officers of the Houses, or the respective printers, as to which House should first order a document to be printed. I prefer to allow these indecent scrambles to remain entirely where they are. They are unbecoming a member of either House. I am not willing to believe that a member of either House would lend himself to aid them in any degree; but if individual members do, I do not propose that either House, as a body, shall become tarnished with it. If there is anything of this sort—and I am not disposed to deny it, for I must confess that the estimate which I hold of either of the "organs" in this city is not a very high one by any means—but if there is anything of this sort existing, let it stand where it is. These public printers are entitled to just exactly what the law gives them; they were elected upon that basis and they are not entitled to anything more; at least that is my judgment. I have been unable to see why they should be given more. I have been unable to see why a controversy, such

as existed before in the last Congress, at least in the House of Representatives, should be renewed again.

The members of the last House of Representatives suffered a little on account of just such a controversy as this. It was a long time before any printer could be elected to the House of Representatives, and what was the result? Why, sir, the documents which that House ordered for itself have been voted by the present members to themselves. The order was made at the close of the last Congress. The printing of the documents could not be completed until the present Congress convened, and the gentlemen composing it determined that inasmuch as they had got the subject within their control they would order the Clerk of the House to distribute the documents to them. I do not apprehend a much more successful result to this controversy, let it end as it may; and I believe that it will endanger this very deficiency bill, by a controversy which will be got up between the two Houses. I have no doubt it will delay the final passage of the bill very much. I fear it may lead to certain results, by way of committees of conference, which are seldom happy upon an appropriation bill; for the experience of the country will show, that when a committee of conference makes a report upon appropriations, the two Houses, in nine cases out of ten, and perhaps in ninety-nine cases out of a hundred, agree to the report; and provisions are put into appropriation bills in that way which, separately, could not command a majority of either House of Congress. All that I wish to avoid, so far as I am concerned.

I confess that from the discussion which has been had in the Senate I fear this proposition will prevail here. All that I can do, having stated my reasons for opposing the amendment, will be to vote against it. I hope, however, that the law will not be changed, for I have been unable to see any sufficient reason for it.

Mr. BADGER. I wish to suggest an amendment to the amendment as it stands, for the purpose of meeting the difficulty suggested by the Senator from Maine with regard to its operation upon the printing already ordered. As the yeas and nays have been ordered, I cannot modify the amendment without the consent of the Senate, and I therefore move to amend it so as to strike out the word "for," and insert "which may hereafter be ordered by," so that it shall read, "each shall do the printing which may hereafter be ordered by the House electing him."

The amendment to the amendment was agreed to.

Mr. BADGER. I simply wish to make one remark in reply to the Senator from Michigan. We all know that the printers are entitled under this law to just what the law gives them, and nothing more; but I suppose that is not a very good reason why we should not alter the law if we find that in its practical operation it does injustice.

Mr. PRATT. Mr. President, I desire to call the attention of the Senate to what I consider the practical view of this question. We have a printer for the Senate, who is an officer of this body. Now, unless we have the means of giving him an income from the work which he does for us, sufficient to make it an object to him to perform our printing, we shall deprive ourselves practically of the privilege of electing that officer. My friend from Virginia said that there was a scramble for the public printing. My objection is that there is not a scramble at all. If I understood correctly, the members of the Joint Committee on Printing, on the part of the Senate, are not over friendly to the Senate printer, and if their feelings were consulted, I apprehend that both my honorable friends on that committee, who have spoken, have already indicated by their speeches that they would prefer the printing to go to the printer of the House.

Mr. FITZPATRICK. Will the gentleman pardon me for a moment, as he alludes to me? I do not think my remarks are susceptible of the interpretation which he gives them. I do not think I expressed a preference for either the printer of the Senate or of the House. I remarked that I was friendly to both gentlemen, and had but a limited acquaintance with each. I did not say whether I had a preference for one or the other, but I have a very high regard for both.

Mr. PRATT. I infer that the House have appointed a committee, the members of which are desirous of giving all the patronage they can to their printer. Without assuming, then, that my friends—the members of the Joint Committee on Printing, appointed by the Senate—have any preferences at all, I presume that those appointed by the House have. What is the result? Here is a joint committee, and they are to decide whether this, that, or the other document is to be printed. The House members of that committee have their preferences; they have their desire to have all the patronage go to their printer. The members of the committee on the part of the Senate have no preferences. The consequence is that there is a scramble on the part of the House members to give patronage to their printer, and no scramble on the part of the committee of the Senate to give it to ours. The result is—

Mr. HAMLIN. I wish to say to the Senator—

Mr. PRATT. I am now speaking upon a case of mere hypothesis, but a hypothesis which you will readily see, sir, may take place. I say, the amendment of my friend from North Carolina ought to be adopted, for the purpose of preventing the possibility of such an occurrence. The case which I put is one which may occur.

Mr. HAMLIN. No, sir; it cannot occur.

Mr. PRATT. I submit, contrary to the opinion of my friend, that it may occur. He says it cannot occur. Why, sir, if, as I suppose, those gentlemen who are appointed members of the joint committee on the part of the House are desirous of giving the printing to the printer of the House; and if, as I assume, further, my honorable friend from Maine, and his colleague on the committee on the part of the Senate, do not care whether the printing goes to the printer of the Senate or not, they can, by not making their report, or the committee on the part of the House by hurrying their report forward before our committee make theirs, can undoubtedly give all the printing to the printer to the House.

Now, sir, it is right in itself that, if we appoint our own officer, the work which we order to be done should be done by him, so that he may receive the compensation which is legitimately to be derived from that work. That is all I desire to say.

Mr. HAMLIN. I wish to correct the Senator from Maryland in one important particular. The law provides that all questions of printing in the House shall be decided by the House committee irrespective of the members from the Senate, and all questions of printing in the Senate are decided by the Senate committee irrespective of the House committee; therefore the Senate part of the committee have nothing whatever to do in relation to what is or what is not ordered to be printed in the House, nor have the House committee anything to do in relation to what is ordered in the Senate. We are separate committees for that purpose; made so by the law.

Mr. BADGER. But how as to the time of making the report for the printing?

Mr. FITZPATRICK. The Senator from Maryland [Mr. PRATT] has indulged in an argument upon the hypothesis that the committee on the part of the House of Representatives are anxious to give the printing to the printer of the House.

Mr. PRATT. That may be.

Mr. FITZPATRICK. And he describes my honorable colleague on the committee [Mr. HAMLIN] and myself to be perfectly indifferent as to what is going on. I endeavored to correct the gentleman, and to impress upon him that I had avowed no preference for either printer; but, on the contrary, I said I had a regard for both those gentlemen. I did not say whether I had or had not a preference for either. I may have a preference, but I deem it improper and, perhaps, uncalled for here to express it; though, if it were necessary to do so I should do it. I think the argument in which the Senator from Maryland has indulged does injustice both to the honorable chairman of the committee and myself; for so far as I am concerned, and I bear testimony that so far as he is concerned, we have endeavored to do as ample justice to the printer of the Senate as well as the printer of the House of Representatives.

Mr. HAMLIN. I wish to reply to a sugges-

tion of the Senator from North Carolina, which did not meet my ear.

Mr. BADGER. Then how can you reply to it?

Mr. HAMLIN. It has been stated to me by another Senator who did hear it. I understand that the Senator made a suggestion of this character: as to the time when the respective committees reported.

Mr. BADGER. I will give the Senator what I said: Questions of printing are referred to the Committee on Printing of the two Houses. Under the law, as it now stands, the printer of the House which first orders the printing gets the whole printing of a document. It is, therefore, very manifest, that as the question who is to do the work depends upon which House first orders the work to be done, and as the question which House will first order the work to be done depends materially upon the Committee on Printing of which House first makes the report, and upon its being made, of course by the mode of making the reports and the time of making them, the public printing may be thrown altogether into the hands of one printer, and out of the hands of the other. That is what I meant to say.

Mr. HAMLIN. The Senator is altogether mistaken.

Mr. BADGER. It has been done in the instance cited by the Senator from Virginia.

Mr. HAMLIN. The Senator is mistaken entirely. In relation to the ordinary printing of documents, all questions of printing documents ordered in the Senate go to the Senate committee. The House members of the committee have nothing to do with them. They do not meet us; they do not know the fact that such questions are referred to us. When printing is ordered in the House and extra numbers are asked for the proposition goes to the House committee, and we know nothing of it. When a resolution from either branch of Congress is referred to that committee for its joint action, then it would depend upon the report of the committee. Before the question of printing is referred in the Senate to the Senate committee, or in the House to the House committee, the printing is ordered, and it is only the question of printing extra numbers that goes to the committee, and therefore they only report back, in separate committees, as to the extra numbers. The House having ordered the printing, the question of extra numbers goes to the committee of that House. There is no case, therefore, except when a resolution goes to the committee directing them to have a work prepared, where the character of the printing is determined by their report. That has only been in one case at this session, and that report was made to the House of Representatives where the order had its origin.

The question being taken by yeas and nays upon the amendment of Mr. BADGER as amended, resulted—yeas 24, nays 13; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bayard, Brodhead, Brown, Butler, Clayton, Douglas, Everett, Fish, Foot, Geyer, Hunter, Mason, Morton, Pearce, Pettit, Pratt, Rusk, Sumner, Thompson of Kentucky, Weller, and Wright—24.

NAYS—Messrs. Bell, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Fitzpatrick, Gwin, Hamlin, Jones of Iowa, Norris, Slidell, Stuart, Wade, and Williams—13.

So the amendment was agreed to.

Mr. THOMPSON, of Kentucky. I desire to offer the following amendment, as an additional section to this bill:

SEC. —. And he it further enacted, That for custom-houses, and to complete the same, the following sums be, and they are hereby, appropriated:

For the purpose of completing the custom house at St. Louis, Missouri, \$100,000.

To complete the custom-house at Mobile, Alabama, \$65,000.

To complete the custom-house at Cincinnati, Ohio, \$40,000.

To complete the custom-house at Louisville, Kentucky, \$40,000.

To complete the custom-house at Bangor, Maine, \$20,000.

To complete the custom-house at Bath, Maine, \$20,000.

To complete the custom house at Wilmington, Delaware, \$12,000.

For the purchase of a site for a custom-house at Providence, Rhode Island, \$24,000.

Mr. HUNTER. I would ask the Senator if these are estimated for by the Department?

Mr. THOMPSON, of Kentucky. Yes, sir. Supposing that I might probably have to offer such an amendment, and that I might be cut off by the provision of the rule to which the Senator

has referred, I have placed the amounts in exact conformity with the estimates, except that for the Wilmington custom-house. The printed estimate for that is \$20,000, but the Secretary of the Treasury has since sent in a letter to the Committee of Ways and Means of the House, reducing that estimate to \$12,000.

Mr. HUNTER. Then I understand that a portion is not estimated for.

Mr. THOMPSON, of Kentucky. No, sir; all these works are estimated for by the Department. Although I remarked jocularly last evening that perhaps this amendment would occupy three or four hours, I have to say that instead of that, thirty minutes, or even less, will be sufficient for me to present my views of the question, and to present the whole case to the Senate.

The Secretary of the Treasury, when he submitted his annual estimates, included these items; for by reference to Executive document of the House, No. 2, page 3, you will find that he recommended the following appropriations:

"Custom-Houses.

- "To complete the custom-house at St. Louis, Missouri, \$100,000.
- "To complete the custom-house at Mobile, Alabama, \$65,000.
- "To complete the custom-house at Cincinnati, Ohio, \$40,000.
- "To complete the custom-house at Louisville, Kentucky, \$40,000.
- "To complete the custom-house at Bangor, Maine, \$20,000.
- "To completing the custom-house at Bath, Maine, \$20,000.
- "To complete the custom-house at Wilmington, Delaware, \$20,000.
- "To purchase a site for custom-house at Providence, Rhode Island, \$24,000."

These amounts are exactly those which I have fixed in my amendment, except as to the Wilmington custom-house, the estimate for which the Secretary has since reduced.

Before I proceed to speak particularly upon this amendment, I wish to make a few preliminary observations. My friend from Tennessee [Mr. JONES] the other day seemed to think estimates were sometimes made for the purpose of subserving the cause of demagogism in an approaching presidential election; but that objection cannot apply at all so far as this estimate is concerned. It can have no application to the present Secretary of the Treasury, because the first estimate which he has ever submitted upon the subject is that which is now before us. It is presented by the proper officer of the Administration in power. That Administration is backed by a majority in this and the other end of the Capitol.

I have submitted this amendment for the purpose of completing works which have been heretofore begun, but which are incomplete and cannot be finished. The very argument which the honorable Senator from Maryland [Mr. PRATT] used yesterday, to induce us to adopt his amendment in relation to the aqueduct and the supply of water for this city, applies with equal force to these appropriations. These custom-houses have been commenced, and have been commenced by Administrations preceding this. On account of an increase in the cost of materials, and from unforeseen casualties, rendering it impossible that the whole cost of these works could be foreseen, these appropriations are now requisite. The appropriate officer to ascertain that fact now in power has recommended that this should be done. The amendment is to provide for a deficiency which has occurred from an under estimate, if I may so say, of a Whig Administration—the one which preceded this.

The present Secretary of the Treasury is a man with whom I would venture to trust any question as to the expenditure of money. Whatever may be said of him otherwise, and however I may differ from him in politics, I venture to say, that if you take his history as a politician in the State of Kentucky, if you take his course in the Legislature of that State in relation to our State finances, and if you take his administration of the financial affairs of the city of Louisville, or take even his own personal financial management of his own concerns, he is the last man in the world to be lavish, profligate, and imprudent; and if I could ever trust a man in reference to safety, propriety, and economy in the expenditure of money, I would trust him, though I differ from him politically. He has estimated for these works.

Well, sir, the House of Representatives it seems, after these estimates were submitted to them, refused to allow them. I contend that it is necessary and proper that these appropriations should be made. They are intended to complete works which are now in progress. This is the beginning of the working season, and unless you make the appropriations now the works which have been commenced will be subject to exposure and to dilapidation, and it may cost more ultimately to finish them, than it will cost if this be done now. If you do not commence at the proper season to go on with the works, and if you compel the officers to wait until the passage of the general appropriation bills, (which I suppose will be some time in next September or October, if they ever pass at all,) the entire working season will be lost. The Senator at the head of the Committee on Finance may then say to us, you must delay this matter longer, for you cannot commence the work in the winter, and there is no reason why the appropriations should not be deferred until next season. This is the argument with which we may be met, if we do not insist upon these appropriations being made now. I hope we shall insert the appropriations now. This is the proper time and the proper place.

I know it is bruited about and said, by adopting this amendment we shall be weighing the bill down. How weighing it down? What have you put on it already? You inserted yesterday a statute of frauds and perjuries against invalid pensioners, a thing not at all germane to it, and which I think really ought to have been ruled out of order. That is a proposition which I venture to say would not have been entertained twenty years ago; for I was told by a distinguished Democrat this morning that twenty years ago such a thing as a statute of frauds and perjuries against invalid pensioners would have been laughed out of Congress if offered as an amendment to an appropriation bill. You put on that. You not only put on that proposition but you inserted an appropriation of \$500,000 for the construction of an aqueduct, and for bringing water into this city; and these \$500,000 were appropriated as a sort of deficiency to \$100,000 heretofore appropriated for that purpose. That was upon an estimate that the work would cost altogether \$2,300,000 to the Government, without any corporate assistance from this city, for which we are to bring in water. I suppose, however, that, like the construction of most public works, public vessels, and other things undertaken by the Government, the cost will eventually fall not much short of \$10,000,000. At any rate you put on that proposition; yet now objection is made when I propose to appropriate \$100,000, which is a real deficiency, to complete the custom-house at the city of St. Louis, where my friend from Missouri, who sits beside me [Mr. GREEN] lives. After the extravagant items to which I have referred have been tacked to the bill, you say you will not appropriate that sum to complete the custom-house at that important point, now, in the working season, when it is necessary that the appropriation should be made immediately. Although you know what vast commerce is concentrated at that city, and although you know that from the head waters of the Mississippi to New Orleans all the States in that valley are interested in such an accommodation for the transaction of their commercial business, you come and say that these people shall not have such an appropriation, that they are not entitled to it.

It is not only proposed to reject these custom-house appropriations for the large cities in the valley of the Mississippi, but they are objected to when proposed for Providence, Rhode Island, and for Wilmington, Delaware. Those cities are in small States. The "Blue Hen's chickens," and little chicks of that sort, are never to get a crumb or to pick up anything; but still you can appropriate your two and three millions for bringing water into this city; and you can vote away two hundred millions of acres of land in alternate sections for railroads. Still you cannot complete custom-houses which have been commenced at St. Louis, Louisville, Cincinnati, Wilmington, Bangor, and other places where they are necessary for the convenient transaction of the business of the Government, and to enable the citizens to get out their clearances and manifests without delay. Although the commerce of the country is largely

interested in having proper accommodations, you cannot make them these little appropriations, not amounting to as much as you have already voted, as a mere mite, to bring water into the city of Washington! Is this just? Is it fair?

Mr. President, I have such a cold that I speak to-day with great difficulty; but there are some other matters to which I wish to allude. Here sits the Senator from Maine [Mr. FESSENDEN] before me. I know he desires to introduce an amendment for the very necessary purpose of rebuilding the custom-house at Portland, which has been burned down. I shall vote for an appropriation to rebuild that custom-house whether I fail in my purpose or not; or whether it be tacked to mine by way of an amendment or not. I believe, also, that the Senators from California are entitled to, and ought to have, an appropriation for the custom-house at San Francisco. I have not, however, included these, as I have preferred to present the amendment for precisely such works as have been estimated for by the Department itself, at the commencement of the session, as deficiencies. Do the House of Representatives and the Senate intend to abandon the Administration? Has the Administration made these estimates to humbug Buncombe? Have these estimates been made in order to tell the people of St. Louis and Louisville, "we will fool you; we will cheat you, by an exhibit of a purpose, but as to the cash you are not to have a dollar?" I want to know if this is to be done when you are voting away millions for railroads, in the shape of public lands?

Mr. JONES, of Iowa. I will vote against your amendment if you do not let the railroads alone. [Laughter.]

Mr. THOMPSON, of Kentucky. I suppose I shall get votes enough against me, in all probability, to kill my proposition anyhow, for there seems to be a desire on the part of some gentlemen to vote it down. But, sir, look at the points in the valley of the Mississippi, for which I propose these appropriations. Look at St. Louis. Look at the vast commerce which centers there from Tennessee, Louisiana, and Mississippi, up to Iowa and Wisconsin. Look at the vast region interested in the appropriation for the Louisville custom-house. Then look to the disastrous calamities to life and property which are daily and almost hourly occurring to the people of that great region, because you do not improve the navigation of their great streams. Still, when they ask this poor boon, that you should complete a custom-house which you have commenced, as a convenience to their merchants and to their boatmen, to ease them in their shipments, will the Senator from Iowa, [Mr. JONES] oppose it? I think not. He was born in Indiana, and raised in Kentucky, and he cannot, I am sure, vote against this proposition. But further, I tell you now, and I shall do so more fully at another time, when you lavish your money upon other portions of the Union, and all over the country except there, the people of that section will feel that if you reject this little boon they are regarded like an outside barbarian was, when brought into a Roman arena, and their interests are to be slaughtered, as those gladiators were, for the amusement of others who controlled them.

The men living along the Kentucky, the Wabash, the Tennessee, the Red river, and the Arkansas river want the snags removed from those great channels of commerce. They want conveniences for doing the business which they have to transact at the custom-houses of the country. You have lavished your millions everywhere else; and yet, when we ask for these appropriations, the public policy and the public propriety of them are regarded as entitled to no consideration, and no weight. Is this to be said at a time when the party in power in this House, and in the other branch of Congress, has a large, predominant, overruling majority, sufficient to carry this appropriation if they will? Will they not do it upon the recommendation of their own Administration? I think you have got an honest, sensible Secretary of the Treasury, and I think rather cleverly of your President. You are in power here. You can overrule us. I am willing to vote for the custom-houses that are necessary in California, in Maine, and in Delaware. I ask gentlemen if, with their predominant party strength in both Houses, they will endanger the bill in the other branch of Congress by attaching to it the esti-

mates of their own Administration? I think there is no danger of the bill being lost in the other House.

I suppose that, hypothetically, and by way of supposition, I may allude to that House. A fourth of the year has now gone by, and suppose the House of Representatives should continue, as they have been doing, not because they are ambitious young gentlemen, or cannot find game high enough to fly a hawk at; but suppose they consume the other two thirds of the year, from considerations of moral duty and the force of patriotism, in answering speeches made in this wing of the Capitol; are you certain that you will get any general appropriation bill passed? If you cannot tack on these appropriations to this bill, for which they were estimated, how are you to get them into a bill for which they were not estimated, and for which they were not recommended? Not only that, but I presume, as has been the habit of some former Congresses, this House has talked now about as much as they see fit for economy; and if they get into a collision with the Senate, as they are modest, clever, young gentlemen, they can excuse themselves to the people by saying they were forced into this.

It seems to me that a simple, pure proposition to complete public works, which will suffer if the money is not appropriated soon, ought to be adopted without difficulty. This Administration is not responsible for these works; but the Secretary of the Treasury, from mere economy and a sense of public duty, has advised us to make the appropriations to complete them. When he has done that, it is strange and singular that those on this side of the Chamber have to come up and insist on appropriating what is necessary for the exigencies of the public service, when it might have been expected that we would take exceptions to everything done by the Administration. There may be mysterious and occult reasons of State why the other side should reject it, but I have never seen, and I cannot perceive, and do not now discover, a sufficient ground for it. You have tacked on to the bill almost everything proposed, whether germane or not.

I am willing to vote for the bill according to the estimates. I have that much confidence in the Government that I should have voted for the deficiency bill just as it came from the Department; but when you tack on everything else, do not turn off the men of St. Louis, Louisville, Wilmington, Bath, and Cincinnati. When you have added forty collateral provisions, and put in fifty appropriations never thought of before, from your public printers down to your invalid pensioners, why refuse us what is fair and right? Sir, allow me to say, before I conclude, that I do not want the amendment, smothered to death by various other amendments, and I do not want it talked to death. I have said what I have to say about it. I have placed it upon its intrinsic merits and the recommendation of the Department, and the propriety of the measure itself. I hope the amendment will be adopted.

Mr. HAMLIN. Mr. President, I concur most cordially in what fell from the Senator's lips just as he took his seat. I would have voted for the bill just as it came from the Committee on Finance, and I would have preferred very much to vote for it in that way; but, inasmuch as they have added almost everything, pertinent as well as that which is not so, I shall vote for the amendment which is offered by the Senator from Kentucky to this bill. And in order that the matter may be fairly presented to the Senate, I shall offer an amendment to the amendment, including an appropriation for the custom-house site at San Francisco, and for rebuilding the custom-house at Portland, Maine; the one recommended by the Secretary, and the other reported by the committee. The sum named in my amendment is that which is deemed proper on conferring with the Treasury Department.

I know it has been said that this may defeat the bill in the House; but, sir, the question in the House will be one of a separate character—upon the amendments of the Senate, and not upon the original bill. I do not design to go into this matter at length, and I shall not do so. I offer the amendment for the California custom-house because it was connected with the other proposition before; and in regard to that it can be imagined that I have repeated the explanation which was

given by my friend from Virginia the other day. In regard to the custom-house at Portland, it can be imagined that I repeat what I said in regard to it the other day. I move to amend the amendment of the Senator from Kentucky by adding to it the following:

For the purchase of a new site for the custom house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if, in his judgment, the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom-house on the land reserved for said purpose, to the purchase of a building or buildings, for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house.

For the erection of a custom house at Portland, Maine, including rooms for the United States courts, and for a post office, \$200,000.

Mr. HUNTER. Mr. President, it is not my purpose to multiply words upon this proposition. I do not stand here to dispute the propriety of inserting in some other bill appropriations for the completion of these custom-houses; but I wish to remind the Senate that these are the identical appropriations which defeated the first deficiency bill in the House of Representatives. I wish to say to the friends of this measure that I believe they will stand a much better chance for carrying it on the general appropriation bills, or in a separate bill, than on this. I have no idea that they can carry it upon this bill, because I believe that if the House do not defeat the bill on account of it, they will reject the amendment. I think, therefore, the whole effect of adding the proposition will be to get up a contest between the two Houses, in which we shall have ultimately to abandon it, because I presume there are few here who would destroy the bill upon such a ground. It will not be a new contest gotten up by the House; for if we insert this, it will be done with a full knowledge of the fact that the House have determined, so far as their action in concerned, that it shall not go into this bill.

It may be said that the same reason would apply to a general appropriation bill. Not at all. We know that in regard to any deficiency bill many members entertain strong objections. I think there is to some extent a prejudice against deficiency bills. I believe there are many who do not appreciate the necessity which may sometimes exist for bringing in such a bill. There is therefore a certain vote cast against it from the nature of the bill itself. When you come to add those who object to it on account of its particular provisions, you endanger the passage of the bill. But, sir, a general appropriation bill has never failed. This bill has already failed once in the House, and it was restored by casting off the appropriations which are now embraced in the amendment of the Senator from Kentucky. I think it would be more prudent; I believe it would be better for the very purpose which the Senator from Kentucky has in view—that of obtaining some appropriations for custom-houses—to withdraw his amendment now, and to offer it to some of the general appropriation bills. They always pass, but this bill may be endangered.

Mr. GWIN. I have been very anxious since this deficiency bill came from the House, that we should put upon it nothing but what was palpably necessary. It came with the prestige of weakness from the other House; and I was desirous to load it as little as possible. Therefore, Mr. President, when the amendment was proposed, having reference to the custom-house at San Francisco, which was estimated for by the Secretary of the Treasury as eminently proper and pressing; and when the Finance Committee, by a unanimous vote, had offered it as an amendment to the bill, and an amendment, which also was eminently proper, was offered to it, it was supposed, as I thought, by the Finance Committee that it might jeopardize the bill to put on it even such proper amendments as these for such proper objects, and consequently I was instructed by the committee to withdraw the amendment, and the amendment proposed to it fell, as a matter of course. I intended to carry that principle out to the end. I did not intend to load the bill down even with amendments for such proper objects as these, because I thought it right to put it in such a form as that it might pass easily through the other House with what necessary amendments we should make.

But, yesterday, when the proposition came forward to give \$500,000 to bring water into the city of Washington, the chairman of our committee [Mr. HUNTER] gave way, and now I am, for one, for putting on everything for which there is a necessity.

Mr. HUNTER. The proposition was made to put in the water appropriation. I voted for it. I did so because it was estimated for by the Department; because I had always been in favor of introducing water into the city; and because, if the work was to go on, it was better to put it upon this bill, and save a year's work, than wait until the general appropriation bill came up. I ask the Senator if he was not in favor of the water appropriation?

Mr. GWIN. I am in favor of it now. I stated, yesterday, that I would vote for it on the general appropriation bill; but I was opposed to putting it on this bill. The Senator, too, in his place here voted for it; and I now say, that these appropriations are as proper to be introduced into the bill as the one for the introduction of the water. I was for an appropriation for that object last year. I am for it now; and I am for these custom-houses, too.

Mr. HUNTER. The difference between the two is this: we know that the custom-houses have endangered the bill; we know that they did once defeat it. We do not know that the water appropriation will defeat it, or ever has done it. But the Senator from California knows that I objected when it was proposed to me in the Finance Committee to put it on as an amendment, not because I was against it as an appropriation, but because I was afraid that it would endanger the bill; but when it was proposed in the Senate as an amendment, which was not supposed to be against the sentiment of the House, why should I vote against it, if I was in favor of the appropriation?

Mr. GWIN. I do not go to the House of Representatives to inquire how I ought to vote. I know that if this water appropriation is passed through the House, the custom-house appropriations ought to do so also. That is my opinion. This being a deficiency bill, and for the first time in the history of the Government such a bill having been defeated in the other House, after it was matured in the Committee of the Whole, owing to the appropriations for these custom-houses—so I am told, and I presume truly—it was a warning to the Senate to put as little as possible upon it. The committee which is responsible to this body for the recommendation of appropriations took that warning, as I thought, and although it was supposed that my State was deeply interested, and even made an exception to the other States, in these custom-house appropriations, I acquiesced, and we withdrew the amendment which we had offered. But now, sir, I undertake to say that it is as important to put in the bill the appropriations for the custom-houses as it is to vote \$500,000 to bring water into the city of Washington to enhance the value of property in the city; and so long as that amendment remains in the bill I shall vote for every estimate which is brought forward by the Department—every one, and I hope they will every one of them be put in the bill. I want it distinctly understood that I am in favor of the water appropriation. I am perhaps a little more so than those who talk more about it. I voted for it originally. I shall vote to put it in another bill hereafter; but I am not for extending a favor to this city which is not extended to the western cities, for improvements which they look upon as equally important as the introduction of water into this city, which, as we all know, will add immensely to the value of property, in the city, while the property holders contribute nothing towards bringing it in. I am willing to be liberal to the city; but I want the liberality to look beyond the city; and I do not want the bill loaded down with amendments of such a description as that water appropriation for this city, while appropriations necessary for other sections of the country are excluded.

Now, sir, I have been anxious—more anxious than any other member of the body, because I have a greater interest in questions which are coming up, and more responsible than any other for them—to get this bill through, but there have been measures put into it which have made it an omnibus, and which will delay its final passage for some time to come; and I think, as we are making an omnibus of it, it is well enough to take

care of the western appropriations which are estimated for by the Department, and which are right and proper in themselves, so far as I know. I shall vote for the whole of them.

Mr. PRATT. If I looked upon the question as my friend from California does, with the view which he takes of the two appropriations, and with a desire to support the appropriations recommended by the Department, I might vote as he intends to vote. But I submit to him whether the water appropriation does not differ from any of those which he has now spoken of? I submit it to his candor. We are only opposed to putting in the bill the appropriations for the various works suggested by my friend from Kentucky, for the reason that we believe they would occasion the defeat of the bill in the House. Why do we believe so? The honorable Senator from California says, that if the House defeat the bill because of those appropriations, then the amendment which we adopted yesterday ought also to defeat it. He also says, that he does not go to the House for the purpose of ascertaining whether he should vote for this appropriation or that. I apprehend that the Senator from Virginia, who voted for the water appropriation yesterday, is as little apt to go there as the honorable Senator from California. But, sir, there is no necessity to go there for the purpose of learning what their views are in regard to the class of amendments offered by the Senator from Kentucky. We all know that when the first deficiency bill of this session was in the House, it contained the very class of appropriations now proposed on the motion of the Senator from Kentucky to be put in this bill, and for that reason it was rejected. The appropriation proposed to be made by the amendment which we agreed to yesterday was not placed in that bill. We therefore do not know but that it may meet with the concurrence of the House. We know with certainty that if you place the amendment of the Senator from Kentucky in this bill it defeats it. We do not know that the amendment which we adopted yesterday will have that effect. I submit therefore to the candor of my honorable friend to say whether there is not a distinction between that amendment upon which the sense of the House has not been taken and this one in reference to which they have already decided?

Mr. BAYARD. I have one or two words to say upon this question; and I must again differ from my honorable friend from Maryland. This is an appropriation bill; but it is called the deficiency bill. I presume that the true line of distinction as to the propriety of placing an appropriation in it, or reserving it for a general appropriation bill, must depend upon whether there has been any unforeseen reason why any appropriation should be now made which connects itself with the preceding appropriations by a previous Congress. That I presume to be the general ground of passing beforehand a deficiency bill, connected with the appropriations of the current fiscal year, instead of that which commences on the first of July next. If, then, these appropriations, under the recommendation of the Secretary of the Treasury, can be brought within that principle, there is but one other objection which can be made to their adoption—that is, the objection made by the honorable Senator from Maryland, of the danger of these appropriations defeating the bill in the House. I shall address myself to both points.

As to the first: The Congress of the United States, at a previous session, authorized the building of the custom-houses. At the commencement of the present session the Secretary of the Treasury, under whose charge their building is placed, reports to you specifically as to certain custom-houses, that, owing to the rise in the price of materials and other unexpected events, they could not be completed according to the original demand, and specifications, and designs of the Department, under the appropriations which have been made; but that he had made agreements which would provide for their construction, with the stipulation with the contractors that those agreements might be carried out so as to make an inferior work, unless Congress were pleased to appropriate to carry them out according to the original design. The Secretary, therefore, has performed his duty. He has left the matter in this condition. He has expedited the construction of the buildings to the utmost extent of his power.

They are all more or less advanced; and the whole question to be decided is whether, in consequence of the unexpected increase both in the prices of materials and the rates of wages during the last year and a half, we will make an appropriation to carry out the original plan. Inasmuch as the buildings cannot be constructed in a fire-proof manner, according to the original estimates and designs, they must either be constructed in an inferior manner, not being fire-proof, or else they must be delayed for the whole of another year, though they are now in progress of construction. I ask whether that is not precisely a case that comes in point of time within a deficiency bill, and which would require that the appropriation should be made now instead of being postponed until the month of August or September, when the building year will nearly have passed?

I submit, therefore, that, according to the recommendation of the Secretary of the Treasury, unless you say that these custom-houses ought not to be completed in a fire-proof manner, unless you say that you will not put them in an appropriation bill at all, they are a class of works which, from their position, peculiarly require that they should go into the deficiency bill. I will take—because I am more familiar with it than with others, though I have no doubt that the same argument would apply precisely to other cases—the building authorized to be erected in my own city. The original appropriation was \$25,237 98. The Secretary, in a report made to the Committee of Ways and Means in the House, which I hold in my hand, states that he has made a contract; that that building can be constructed, though not in a fire-proof manner, for the amount of the appropriation; but he thinks it is the interest of the Government to construct its buildings in a permanent and more durable manner, and therefore he gives an additional estimate of \$12,000, making \$37,237 98 in all. That building stands in this situation. Under the contract the foundation has been constructed, and the building stands in a position in which, at the opening of the season, the work could be resumed. The contractor must either proceed to make wooden girders or stone arches; in other words, he must either make the building fire-proof or not. Under his contract he has a right to go on and complete the building without making it fire-proof. That is one of the conditions of the contract. The Secretary had no authority except to make it contingent in that mode. If the amendment does not pass, and by so doing you postpone your action, the building must be constructed in an imperfect manner, if the contractor chooses to go on, because of the additional cost of \$12,000 which you refuse. Is it not, then, a case which in point of time appeals to the propriety of the insertion of this amendment in what is called the deficiency bill, which connects itself with past appropriations, and in which, on account of an unforeseen contingency, the appropriation should be inserted enabling us to do it more speedily than by waiting for the general appropriation bill? If we wait for that the whole season will be lost.

I submit, therefore, that in point of fact, and of sound policy—I have no doubt the other custom-houses stand in the same position as the one to which I have alluded; for these are the reasons given by the Secretary of the Treasury in reference to them—they all connect themselves with precedent appropriations. The increase in the price of the lumber and labor being so great, arising from unexpected events since the custom-houses were authorized to be built, and the amount which is necessary for their construction according to the original designs being greater than the amount appropriated, the Department, I think very wisely, believing that it was far more important to the Government, that buildings of that character should be fire-proof, and of a permanent character, than that the difference of \$200,000 or \$300,000 should be saved in their construction, has recommended these additional appropriations, which are clearly deficiencies depending upon an unexpected event. I say, therefore, they address themselves to the intelligence of the Senate, as proper objects for a deficiency bill, far more strongly than the case of the Washington aqueduct. I voted in favor of that. I think it right that the work should progress; but there was no state of things requiring an immediate appropriation comparable at all to the case of the custom-

houses. I have shown you the case of one in my own State. I have no doubt other Senators could show you others in their States. The building, at the mere will of the contractor, must go on, and be made in an imperfect manner; or, if unwilling to do that, and preferring to let it lie over, it must be postponed another year before it can be finished. In either case there is a loss to the Government. I submit, therefore, that I have made out a stronger case, not merely for the appropriations, but for their insertion in this deficiency bill, which is meant to provide for unexpected emergencies, than the case of the \$500,000 voted for the Washington water-works, or the \$75,000 for the bridge over the Potomac. There is no reason in either of those cases as strong for their insertion in this bill as there is for the insertion of these appropriations.

I come then to the other objection. The honorable Senator from Maryland says that you have the evidence that these appropriations, if inserted, will endanger the bill in the House, but that you have not the evidence that by the appropriation of half a million for the aqueduct it will be endangered. I have great deference for the other branch of the National Legislature. I place them precisely in the position which I think they ought to accord to us—equality, nothing more, nothing less. When a measure comes before me which I think right and proper in itself, although there may have been hasty action, as I have heard, elsewhere; although it may be that, after passing by decided majorities, every one of the custom-house appropriations in detail as proper measures they rejected the bill, I will not suppose, I will not do them the injustice to suppose, when the question comes before them as an amendment made by this body, that they will defeat the bill on account of it. The most that you can anticipate is that they will strike out the amendment. If they do that, it is time enough for us to determine whether we will place the fate of the bill on the amendment or not. But I would not so far derogate from the respect to which the House is entitled, as to suppose that they would kill the bill because we placed upon it an amendment. Of course, if they differ from us, they can reject the amendment. Then we can, through the medium of a committee of conference, or it will depend upon the will of the Senate, whether we think the amendment of sufficient importance to persist in it, and so hazard the fate of the bill. Its fate is not in question on the original adoption of the amendment. I submit, therefore, that an argument of that kind is inconclusive. It is not sound in itself. We have no right to anticipate such action as regards the other branch of Congress.

But, further, I deny that the honorable Senator from Maryland has authority to say that that bill was killed because of the custom-house appropriations being in it. There were other questions connected with it. You cannot know the motives of individual members. You do not know why that vote was given. There were a variety of opinions entertained, and I think the Senator from Maryland will recollect that there was in the bill an appropriation for New York. I know that there was a controversy between persons in regard to that. I have nothing to do with these personal controversies as to the Mint between New York and Philadelphia; but who shall tell me that they had no swaying influence in relation to the vote on the bill? I cannot answer these questions. I do not presume to say on what ground the other branch of the National Legislature defeated the bill, after they had, by decided majority, approved every one of the individual appropriations which are now asked to be inserted; but I take it for granted that, as men of sense, they did not defeat the bill on the ground of these appropriations, every one of which had a majority of the body in its favor.

I take that for granted. I do not, therefore, believe that the rejection of the bill was on account of these appropriations. I believe, even if they had something to do with the cause, which we cannot exactly inquire into, which led to the defeat of the bill, when we make these amendments, proper and appropriate, and germane to a deficiency bill, as I have endeavored to show them to be, and they go before the House, they will be treated with the respect to which they are entitled. If the House differ from us, of course they will reject our amendments; and then comes the ques-

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tion, and then will be time enough to discuss it, as to whether we shall assent to their rejection, or insist on the amendment. I submit, therefore, we hazard nothing to the appropriation bill by the insertion of these amendments, which are not only proper and appropriate, but are of the very character of a deficiency. The situation of the custom-houses require that they should be inserted.

Mr. GEYER. Objection is made to the appropriations proposed by the amendments for these custom-houses, on the ground that they are not proper to be inserted in a deficiency bill. Appropriations have heretofore been made for the construction of these buildings. It is desirable that they should be fire-proof. The present Secretary of the Treasury is desirous that the public edifices erected in his Department, and under his administration, shall be such as will be at least creditable to the Government, and secure to the archives that may be deposited in them. He desires to erect fire-proof buildings; but by the law, which is construed to exclude the conclusion of contracts extending beyond an appropriation, the contracts cannot be made until he can be satisfied that the amount of money necessary to the construction of the building will be appropriated.

Proposals have been made, I believe, for these custom-houses, to complete them for the sums which are proposed by the amendment to be appropriated, and to make them fire-proof. The Secretary of the Treasury recommends an appropriation to be made now, in order to complete the contracts, and that the work may proceed. There is, with respect to one of them now, an appropriation large enough to pay for all the work that can be done before an appropriation will be made, if Congress makes any this year, in the general appropriation bill. But it becomes necessary before the contracts can be made for the description of the work necessary for the buildings, that an appropriation should be made at an early day. Hence it is necessary that it should be made in the deficiency bill, or in a separate bill, in advance of the general appropriation bills.

It will be remembered that these buildings, the western custom-houses, as they are called, are appropriated to purposes other than that of a custom-house. In the city in which I reside, the public archives, transfers from the Spanish to the American Government, upon which titles to land depend, the records of the surveyors of them, the post office, now very large, are to be accommodated in this building. Sir, the whole amount proposed to be appropriated by the amendments, is nothing that can compare with the suffering that would ensue in consequence of the loss of the archives upon which the title to a large amount of land in my State depends. The appropriations which the Secretary of the Treasury recommends for that custom-house is extremely necessary. The season for making the contract for the construction of these works is now passing by. We do not know whether the suggestion of the chairman of the Committee on Finance, of putting the appropriations into the general appropriation bill, will be available to us. Certainly it would postpone the buildings in the West one year, or the contracts must be concluded for constructing them very differently from the manner in which the Secretary of the Treasury desires to have them constructed—such a one as will render them a safe place for the deposit of the public archives.

There is, then, occasion for an early appropriation. You might as well have asked us to wait for other appropriations which are contained in this bill, as to ask that the contracts for the construction of these custom-houses should be postponed until the general appropriation bill comes up. The whole amount proposed to be appropriated for all these custom-houses exceeds very little the amount which was appropriated yesterday as a partial appropriation for the construction of water-works in this city, in which it is proposed to expend \$2,300,000 to render the public property, which is not fire-proof, secure. That you voted for; but when a small appropriation to make

public buildings in other places fire-proof in the first place, is asked for, we are told that we must wait until the general appropriation bill comes in. Mr. President, if we intend to erect these buildings in such a manner as not to have what is contained in them exposed to perpetual losses, now is the time to make the appropriation. If we wait until the general appropriation bill comes before us, the proper time for making the contracts will have passed. For myself, I should have preferred to wait for the bill for this purpose coming from the House of Representatives; but I perceive that the time is passing away most rapidly, and that the session is likely to be almost at an end before we can get the appropriation bill through. I shall, therefore, vote for the amendment which is now pending.

Mr. BAYARD. I will read from the communication made by the Secretary of the Interior to the Committee of Ways and Means of the House, to show the necessity of making the appropriations. I will read it to show that contracts have been made for all or nearly all of these custom-houses, to be constructed according to the original design, and that they are made contingent on the action of Congress. I will read the statement as to the custom-house at Mobile, Alabama. The Secretary says:

"Bids were solicited for its erection by an advertisement of October 30, 1852, for sixty days; the lowest of which, for a stone exterior, exceeded the amount appropriated; and to effect its erection for that sum, the exterior of the building would have to be cut down to a brick and mastic covering, and some parts not made fire-proof, as in the St. Louis custom-house."

The Department considered that true economy required that a further appropriation of \$65,000, to carry out the original design, should be made, and consequently made the estimate thereof, feeling assured that when the facts were brought to the attention of Congress its necessity would be seen, and the appropriation made."

Again, as to Louisville, Kentucky, there is a similar statement. So in regard to Cincinnati, Ohio. They all go to show that the contracts have been made contingently, and that they are in such mode as will not be carried out, unless a further appropriation is made to carry them out according to the original design. All these facts which I have mentioned are sustained by the communication which is numbered "Miscellaneous, No. 5," House of Representatives communications of the Secretary of the Treasury to the Committee of Ways and Means in the House. It is necessary that these buildings should be fire-proof. The records which are preserved there are extremely valuable; and the Department judges wisely, in my opinion, in recommending that the necessary appropriations should be made to make them fire-proof.

Mr. BELL. I shall detain the Senate but a minute or two. I am not directly interested in the subject of these amendments; but I wish to make a remark or two on a principle which I think is not sound, and which should not be acted upon by the Senate, which has been advanced in opposition to the amendment.

Here are cases presented in which it is shown that the public interest will suffer if the works are not continued, and the appropriations made. The facts are not disputed, that the completion of them will be delayed for twelve months unless the appropriations are passed now—unless we avail ourselves of the opportunity presented by the deficiency bill, a bill of general interest, a bill so important that it may be necessary for the unembarrassed operation of the Government that it shall pass. This is just such a case as appears to me which this body, if a majority of them concur in the propriety and importance of constructing these works at all—and that is a question which is now passed, decided, if I understand it, for they have been undertaken—it is just such a case which either House of Congress may avail itself of the opportunity of bringing to a test again and again, if need be, for such an appropriation as this.

Some of these buildings are in a condition to be deteriorated. Not only is the question presented whether you will have buildings that are suitable for permanent public buildings, erected either in the East or the West, but whether you will follow

up the appropriations which you have heretofore made, and prevent an actual loss, which will result by delaying the appropriation? I say, it is not a sound principle for our legislation in this body, to say that perchance the House of Representatives would not concur in it; I know it has been said that the House of Representatives have already rejected such appropriations as these; but it has been well replied, as I understood it, that these appropriations were connected with other and different objects, and that it is impossible to perceive upon what distinct ground connected with these appropriations the House could have acted; because the proposition was not in the House when they came to the final vote whether they would construct the custom-house at St. Louis, or Louisville, or Wilmington, for that question had already been decided; and I therefore take it for granted that there was some other motive which induced the action of the House. I have not read the debate in such a manner as to state what it is; but I take it for granted, in deference to the wisdom and the discretion of the House of Representatives, that there was some other motive which caused them to vote down the first deficiency bill, to strike out this proposition, or to reject the bill if it was not stricken out.

But, again, this bill does not necessarily fail if you agree to this proposition. The honorable Senator from Virginia knows very well the machinery by which this question may be settled and the bill not yet lost. This proposition will go down to the House, to be acted upon by them. I do not mean to go into the consideration of the question whether it is likely or not that the House would reject the bill because these appropriations should be made, if inserted by the Senate. I say it is an unsound principle to act upon; and I do not know but that it would be a much wiser and sounder policy, if a majority either in the Senate or in the House of Representatives are in favor of a public work or a public improvement of any description, or specific legislation upon any subject, to avail themselves of a bill in the nature of a deficiency bill—a bill the passage of which is necessary for the unembarrassed principles of the Government itself—in order to enforce by such considerations as they believed would be operative, a policy which they thought wise and just of the country.

Now, sir, I would make no such proposition. I would move no such amendment to the deficiency bill which is now before us as I am about to suggest; but I lay down this principle in regard to every public work which has been commenced, not only custom-houses, or mints, or post offices, or court-houses, but every other public work which has the sanction of both branches of Congress, if they had the opportunity to act upon them unembarrassed by rules, and those means of delay and defeat which it is always in the power of the minority in either House of Congress to adopt, I do not see but that it would be a much sounder principle of legislation, instead of relying upon that presented by the Senator from Virginia, for either House to avail itself of the deficiency bill to carry out whatever public works have been commenced under the sanction, not only of the majority of the two Houses of Congress, but of a large majority of the people of the United States; and to use this as a mode of enforcing their completion.

Sir, there are other public works which are just in the condition of these buildings, that have been in progress during the last year, and are unfinished. In consequence of the session being protracted to a late period in the fall, unless an appropriation is made now, not only will they stop, but there will be a large amount of loss of the expenditures which have heretofore been made for them. I allude to the extensive measures in preparation for clearing out the western rivers, or for the improvement of harbors on the lakes. A large amount of money has been invested in snag-boats and other machinery, which cannot be employed during the whole of this year; for, by the time we get a general appropriation bill through in Sep-

tember, or, as some gentlemen suggest, in October, there will be nothing done, and all that has been heretofore done by the machinery will be useless. The works will be half completed, and will consequently go to decay; or they will be destroyed by storms and freshets, because they are not completed. They will be damaged or injured, and they will have to pass through the same ordeal for another season, and be again exposed to storms, and freshets, and ice, before they can be completed. I say I threw out the suggestion that, unless some such plan is adopted, the system, which I believe has the support of the majority, both of the Senate and House of Representatives, and meets with the favor and concurrence of the country generally, will, on account of the protracted session of Congress every other year, have to be stopped. This will be the case unless some mode is devised or invented by which it can be kept regularly in progress from year to year. I do not propose to make any amendment to this bill to accomplish that object; but I say that the objection which is made to this amendment, that perchance the House of Representatives will delay the passage of the bill—they cannot defeat it, because the question will still be within the control of the Senate—is an unsound principle of legislation in either House of Congress; and instead of acquiescing in it, as suggested now, I should be in favor of the free and independent action of both branches of Congress to make an appropriation whenever there was a public work which demanded an early appropriation. I would not limit it to custom-houses or court-houses. I would limit it to subjects which were likely to suffer damage and injury by the delay. But I would do it on another account. If I supposed there were influences and principles in the administration of the Government—I do not say that there are now; I do not distinctly understand what their principles are which were attempting to thwart the operation of the system of improvements, I would, in that case, avail myself of a bill of this description for bringing them to the test of the sentiments and judgment, of the approval or disapproval of Congress, though it might embarrass the Government. Now, sir, I would have been perfectly willing that this bill should have gone along without any amendment at all. But other amendments have been made to it, which I consider less acceptable to me than this one. They have already been attached to the bill, therefore I feel myself perfectly at liberty to vote for this appropriation.

Mr. WELLER. I have a remark to make to my friend from Virginia; and before I make that remark, I desire to say something in regard to the custom-house at San Francisco.

As a matter of course, there cannot be any question as to the propriety of appropriations for the custom-houses. The only difference of opinion seems to be as to what place the appropriations should be made—whether in the deficiency bill, or in some other general appropriation bill. Yesterday, I did not vote for the amendment proposed by my friend from Maryland, to make an appropriation of \$500,000 to bring water into this city, simply for the reason that I never desire to place myself in a false position. I was in favor of the appropriation, but I was opposed to putting it upon the deficiency bill; but my friend from Virginia, who has sought to exclude almost everything from this bill for fear of a difficulty in the House, voted for that amendment. Now, the only question is, whether these appropriations that are asked for are not in themselves proper? We have to act upon our responsibility, irrespective of what may be the action of the other branch of Congress. I say, therefore, that I shall vote to-day for the proposition which has been submitted by the Senator from Maine, as well as for that submitted by the Senator from Kentucky. I will vote for them, because I consider them necessary.

Look, if you please, at the custom-house at San Francisco. A bare statement of the facts there will show that our action is doing nothing to establish a reputation for economy. The Government is paying \$133,000 per annum for rent. No one ever estimated the cost of a custom-house at over \$500,000. The annual rent which you are now paying in San Francisco is twenty-three per cent. upon a half million of dollars. While you have a large surplus in your Treasury, and your Secretary of the Treasury is going into the market

and buying up your own bonds, which only draw six per cent. per annum, and fall due sometime in 1860—while he is buying them up at a premium of eighteen or twenty, you are paying twenty-three per cent. per annum to citizens of California for the use of public buildings! Everybody knows in San Francisco that you cannot rent a fire-proof building for less than three per cent. per month on the cost. The owner, before he will rent the building, will make you pay three per cent. in advance upon what that building cost.

The Government of the United States now, while it is buying up its bonds, which only draws six per cent. interest, is paying to a few individuals in San Francisco three per cent. per month upon their money. The bare statement of that shows that, as a question of economy, and a question of economy alone, we ought to make the appropriation. The sooner you get rid of that the better. I ought not perhaps to complain. If the Government is disposed to pay three per cent. per month to the people of San Francisco for the money they have expended in brick buildings let it go on; but, as a public man, whose duty it is to look to the interest of the whole country, I have felt it my duty to make this statement, in order to just show the financial skill with which the legislative branch of this Government is now managing its public affairs. Your Secretary acts wisely in buying up the bonds even at the premium which he is compelled to pay, but I think that the legislative branch of the Government who have charge of the public money ought not to be willing to keep a large surplus in the Treasury and pay twenty-three per cent. per annum upon the public works in California.

Now, Mr. President, I desire to allude to one proposition which is disconnected with the amendment to the amendment. There is authority given there to the Secretary of the Treasury to purchase buildings. I am opposed to that. There may be some reason for it, and it was to that I alluded, when I desired to consult with the Secretary of the Treasury. There may be some reason why that course should be adopted. The Government has already expended, in San Francisco, \$90,000 for a lot. It has got all the materials there for the custom-house. After it got them, it was ascertained that probably the title was in the State government. That question is now pending. The controversy between the State and Federal Government, as to the title to that lot, is a matter for judicial decision. I have nothing to say upon that question. But you have all the materials there for the custom-house, and I prefer that you should make a direct appropriation, authorizing the purchase of a site, and then use the material which you own in its construction immediately. But if the Government thinks proper to pay twenty-three per cent. per annum to the people of California for a public building, they can go on. I shall make no objection. I have my own views in regard to the proper course which we should pursue in regard to that custom-house, but I shall not obtrude them upon the Senate now.

I am as anxious as my friend from Virginia that we should get through with the bill. So far as the action of the House of Representatives will be affected by putting this amendment on it, I have nothing to say; I have to act upon my own responsibility. I do not believe, however, that it would injure the bill half as much as the amendment which was made yesterday; I know that it was the custom-house question that probably contributed largely to defeat the first bill in the House of Representatives; but the defeat was brought about, not because of opposition to the appropriations; not because they do not regard the works as essential to the public interest, but because they considered that it was an improper place to make them. Therefore, the same objection would apply to the amendment which was made yesterday. I would not vote for that amendment then, because I thought that was not the proper place to make it. The Senate decided otherwise. That will embarrass this question quite as much in the House of Representatives as the appropriation for the works that nobody pretends are not absolutely indispensable.

Mr. HUNTER. I will ask the Senator from California if he will vote against this amendment, if the amendment for the introduction of the water into this city should be rejected?

Mr. WELLER. "Sufficient unto the day is the evil thereof." Whenever that question arises, I will give my friend from Virginia a very serious and proper answer. If that amendment is stricken out, I shall then be ready to vote in such a way as seems to me proper upon this.

Mr. HUNTER. My question has a practical bearing. I believe myself that the water appropriation was a proper one—a proper one in this bill. He does not. I do not believe that these appropriations are proper in this bill, because the sense of the House has been tested upon them. I certainly would give up one to get rid of the other; but if gentlemen mean to insist upon this, I shall be disposed to hold on to the water appropriation.

But what is there in this objection? This amendment is either right or wrong. Whether it is right or wrong does not depend upon the fact that the amendment in regard to the water appropriations was made. Those who think it was right ought to vote for it, whether the other amendment be in the bill or not; and those who think it wrong ought to vote against it, whether that amendment be there or not. My vote is not a question to be considered by others. That is a matter of my own. I vote according to my own conscience in relation to this matter; and it can be a reason neither for nor against the Senator from California in relation to his vote. But the purpose for which I rose was to get a vote, if possible, and to ask for the yeas and nays upon the amendment.

On motion by Mr. FITZPATRICK,
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 30, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. HAVEN. If it is in order, I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CULLOM. I rise to a privileged question. The Hon. NATHANIEL G. TAYLOR, member elect to succeed the Hon. BROOKINGS CAMPBELL, deceased, from the State of Tennessee, is now here, and desires to be qualified.

Mr. TAYLOR then appeared and was qualified by taking the usual oath to support the Constitution of the United States; which was administered to him by the Speaker.

Mr. EDMANDS. I ask permission of the House to make certain reports from the Committee on Invalid Pensions, that they may be referred. I am about to leave the city, and I would be pleased to have the indulgence of the House to make these reports at this time, and have them referred.

[Cries of "I object!" "I object!"]

Mr. MACDONALD. I am desirous to make reports from the Naval Committee, and would be glad to have the same indulgence granted me, and I therefore object.

Mr. BENNETT. I rise to a motion of a privileged character. I desire to make a statement of a personal character; to do which, I hope to have the consent of the House. I propose to call the attention of the House, and of my colleague, [Mr. TAYLOR,] to the subject.

The SPEAKER, (interrupting.) The gentleman from New York cannot proceed in his remarks, unless by the unanimous consent of the House. Is it the pleasure of the House that the gentleman from New York may proceed?

Mr. HOUSTON. I would like to make a suggestion to the gentleman from New York. It is, that if his explanation is likely to consume much time, it should be deferred for the present. There are gentlemen here who, I understand, really wish to discuss the bill that has been before the committee, on its merits; and it is right that they should have an opportunity of doing so now. This matter may be postponed for a time.

The SPEAKER. Does the gentleman from New York rise to a question of privilege, or to a privileged question?

Mr. BENNETT. I regard it so.

The SPEAKER. The gentleman will state his purpose, and the Chair will decide whether it is a privileged question or not.

Mr. BENNETT. I perceive by the Washing-

ton Union of Saturday last, an article published in that paper in reference to my colleague in this House, [Mr. TAYLOR,] who is said in that article to have declared his intention to vote in favor of the Nebraska bill.

Mr. HOUSTON, (interrupting.) The gentleman is not in order. This is not a privileged question.

Several MEMBERS. Let him proceed.

Mr. BENNETT. An article appeared in the Washington Union on Saturday last, in relation to my colleague, in which it is stated that he had avowed his determination to vote for the Nebraska bill. I have received a large petition against this bill from the county of Tioga, where my colleague resides, (which was formerly in my district,) signed by, I think, over one thousand citizens, with a request to present it in the House. I should have presented this petition under the rule, knowing some gentlemen would object to it. But the petition was accompanied with a statement that it was designed as an instruction to my colleague to vote against the Nebraska bill; and that he had declared, in a public meeting, in that county, that he would vote against the Nebraska bill or resign, and signifying their request to have him do so.

Mr. HOUSTON, (interrupting.) Mr. Speaker, all this is out of order.

The SPEAKER. The gentleman from New York will state very briefly the question of privilege.

Mr. BENNETT. The point I make is this: It is evident my colleague is greatly misrepresented by his own people, in his own county at home, or by the Washington Union here; and I wish, if he desires, to give him an opportunity to explain.

Mr. TAYLOR, of New York. I ask the unanimous consent of the House to make a personal explanation.

It was objected to.

The SPEAKER. Then the question recurs on the motion that the House do now resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the Chair announced that the yeas appeared to have it.

Mr. OLDS. I call for the yeas and nays.

Mr. DEAN. I hope that the call for the yeas and nays will be withdrawn, that my colleague [Mr. TAYLOR] may have an opportunity of replying to my other colleague, [Mr. BENNETT.]

The SPEAKER. The motion has been made here that the House resolve itself into the Committee of the Whole on the state of the Union; and on that proposition the yeas and nays have been demanded. The gentleman from New York, [Mr. TAYLOR,] as the Chair understands it, asks to make a personal explanation, which cannot be done unless by the unanimous consent of the House.

Mr. HAVEN. I dislike, Mr. Speaker, to mix myself up with this affair; but unless the privilege be accorded to the gentleman from New York, who first addressed the Chair, to make his statement fully, I shall object to the other gentleman from New York getting the floor to make a personal explanation.

The SPEAKER. The Chair would state to the gentleman from New York [Mr. HAVEN] that it is not in the power of the Chair to grant the privilege he asks for his colleague. It must be by the unanimous consent of the House, if at all, that a personal explanation can be made. Is it the pleasure of the House that the gentleman from New York be permitted to make a personal explanation?

Mr. STEVENS, of Michigan. Let the gentleman over the way [Mr. BENNETT] be heard, and then I have no objection to his colleague being allowed to make an explanation.

Mr. TAYLOR, of New York. The gentleman was heard.

Mr. STEVENS. He was not. Objections were made to his proceeding.

Mr. BENNETT. I hope my colleague will be allowed to make his personal explanation.

Mr. HAVEN. Then I withdraw my objection.

Mr. STEVENS. I also withdraw my objection.

Mr. BENNETT. I hope my colleague will, by unanimous consent, be allowed to put himself right with his constituents, and will ask him if

he has made any such declaration in a public meeting as I have stated, in any manner, and if so, what it was? And whether the article in the Union alluded to was published by authority from him? and if he gave authority to the statement that he should vote for that bill; and that nine tenths of the Democrats of Tioga county, who voted against General Cass in 1848, were in favor of the bill? I ask this with no unfriendly feeling towards my colleague, but only to give an opportunity to explain, and put this matter right.

Mr. TAYLOR. All that I desire to say in reference to this matter is simply this: that I have nothing to say here in regard to what I may have said, or what opinions I may have given on the Nebraska bill elsewhere. I do not know, nor do I believe that it is a proper subject for me to make any explanation upon.

In reference to the petition which my colleague has, it has been sent to him to present, and I am entirely willing that he should present it. If it had been sent to me to present, I should have done so with great pleasure, although it is opposed to my views upon that subject. But as those who had the control of it have chosen to send it to him, it can make no manner of difference whether he present it or I, and he has my full concurrence to do so, if it be his pleasure.

The question was then taken upon the motion submitted by Mr. HAVEN; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMILTON in the chair,) and resumed the consideration of Senate bill (No. 226) to authorize the construction of six steam frigates, and for other purposes.

The CHAIRMAN. When the committee last rose the gentleman from South Carolina [Mr. KEITT] had the floor, and he is now entitled to it.

Mr. KEITT alluded to the attitude of Messrs. Clay and Webster, four years ago, when it was announced that they had reunited and rewelded the links which bind together the Confederacy. How fallacious was the proclamation! Thirty years ago, Mr. Jefferson pronounced that the Missouri restriction fell on his ears like the tones of a fire-bell at night, awaking and filling him with terror. His prophetic eye flashed along the chain of momentous results, and closed with his voice of warning and foreboding. And sectional strife, bitter feuds and altercations, have been the offspring of the unnatural connection between principle and policy. The Missouri restriction has been the source of unnumbered woes. The majority has been trampling on the Constitution and the rights of the weaker section of the Union until resistance was fast becoming a law of self-preservation. But now a star of promise had risen in the West. As a southern man, if he were called on to vote against the bill, he should not, like others, arraign the gentleman who introduced it. Although he would stem the tide of fanaticism at the North, which was threatening to sweep down the Constitution, he would endeavor to arouse a stronger patriotism in that section, but he would mingle no charges of bad faith. There are brave men in the non-slaveholding States who are battling for the Constitution and for justice.

He then proceeded to disencumber the question of some constitutional embarrassments; and, in speaking of the ordinance of 1787, said it was an unconstitutional and a most graceless act; and, after defining what constitutes the federative Union and the powers under it, and the rights of the States, remarked that, just before Mr. Calhoun died, he received a letter from that distinguished statesman, in which he said: "I think these questions (at that time pending) can be settled by the extension of the Missouri line to the Pacific. I will not vote for it, but I will acquiesce." He would waive the right claimed by the South to save the Union.

He spoke of property in slaves as older than that in land, and contended that it was just as defensive on abstract principles. The Federal Government possesses no authority to create property, and only possesses the right to recognize it in a secondary sense; that is, sovereign States say what is property, and create the General Government their trustee; and its business is to recognize what the States say is property, and protect it; therefore Government should protect the property which southern men carry with them to the Territories; the latter not being the exclusive property

of those who immigrate thither from the non-slaveholding States.

In conclusion, he defended the institution of slavery, and maintained the rights of the South. [See Appendix for this speech.]

Mr. BENTON expressed his views on the bill before the committee. It was granted, he said, that we should have a navy for defense and a navy for the protection of our commerce; but when we come to the question of a navy for conquest, or one that is to contest with the combined navies of the world for the supremacy of the seas, it was another question; one which was not indorsed by the earliest founders of our Government. We are (he said) a continent, not an island; our policy is peace, not aggression; it is defense, not conquest. This is our policy, and these were the doctrines of earlier times. A standing army was always condemned by the American people. A standing navy, a navy in time of peace, was always rejected by the American people.

He referred to that portion of the bill which authorizes these vessels to be built either by contract or in the Government navy-yards, and wished to know if our seven yards were not capable of performing this duty? What would they think of a man who possessed seven mills sending his tub of meal to his neighbor for the purpose of having it ground?

He thought that the policy of maintaining stationary squadrons was a mistaken one. It was a British policy. That nation had squadrons for home, and for the four quarters of the world. They had islands in all portions of the globe; but we had none, nor had we any inducement to follow their plan of stationary squadrons. He could see no adequate reason for our maintaining five stationary squadrons at points where he apprehended they had nothing to do.

Since 1812 \$300,000,000 had been expended for navy purposes, and he assumed that we could not beneficially use this day the ships that we already had. Since 1812 we had had no use for a navy, and he could see but little prospect of needing one; for we had no system of aggression, of foreign conquest. We had our coasts to defend, and the outlets of our rivers to protect, but we had nothing whatever to do with conquest. The whole business of creating navies had been nothing in the world but a contest in ship building—a contest of ship carpenters. He argued at some length, and quoted the views of early statesmen against the policy of keeping up a navy for any other purpose than the protection of commerce, which at the present day needed but a small one. [See Appendix for this speech.]

Mr. CLINGMAN. Mr. Chairman, I have heard with great pleasure the remarks of the distinguished gentleman from Missouri; but, as I do not quite concur with him, and as I expect to vote for this bill, unless my opinion be changed, I wish to make a suggestion or two in reference to the matter brought before us.

As to the instructions—which the distinguished gentleman has read—from Virginia of 1800, it was doubtless the opinion of the old Republican party. At that time it is known that the Republican party was in collision with the Federal party; and as the latter party was in power, I think that party feeling had as much to do with the subject of the increase of the Army and Navy, and the passage of those resolutions, as any sound statesmanship. Be that as it may, Mr. Chairman, not many years elapsed before the same Republican party—coming into power—at the instance, I believe, of Mr. Clay, and other distinguished leaders, was obliged to take a different line of policy. Our present Navy, however, had its origin shortly after the war of 1812, and is not actually stronger now than it was thirty-five years ago. At that time we had a commerce of one million, or one million two hundred thousand tons. Our commerce is now four million tons. If the Navy, therefore, on its present basis thirty-five years ago, was not too strong to protect the commerce then, why it is too weak now.

There is one great difference, however, to which I wish to call the attention of the committee, between the things now and as they were in the time of the war of 1812. Then Great Britain was following the old plan of ship building, erecting sluggish hulks, while America adopted a better one, a system of building both ships of war and merchantmen, something like our present clipper

ships; and the consequence was that one of our second class frigates, such as commodore Porter commanded, when at sea was easily able to keep out of the way of the sluggish British seventy-fours, and other large ships. In fact, I do not remember that but one of our vessels was run down through the whole of the war—I mean the President, under the command of Decatur; and that was done by a large squadron of the enemy. She happened to be surrounded, without sea room, and was captured. Our clipper vessels committed immense havoc on her commerce.

Since then there has been an entire change in naval armament; though a first rate sailer may, with a favorable gale, make as much progress as a steamer, yet in all sorts of weather it cannot be pretended she will be able to escape. The consequence is, that vessels having the benefit of sail and steam together will easily be able to run down any of our merchantmen and our sailing vessels. I take it if we were involved in a war with Great Britain at this time, our merchantmen would suffer greatly. We have not sufficient force to convoy them. They would easily be run down. One of the large paddle-wheel steamers would carry an armament sufficient to capture a merchantman. Such a vessel as one of George Law's, or the Collins line, would capture any sail vessel afloat—I mean a mere merchantman.

The CHAIRMAN. The hour has arrived when, under the order of the House, debate closes.

Mr. BOCOCK (as chairman of the committee that reported the bill) took the floor to close the debate.

Mr. CLINGMAN. I hope the gentleman from Virginia will give me five minutes of his time to enable me to present a point or two.

The CHAIRMAN. The gentleman from Virginia is entitled to the floor.

Mr. CLINGMAN. By general consent, the gentleman can allow me five minutes of his time.

Mr. BOCOCK. I will give the gentleman a portion of my time when I get through with my remarks.

Mr. CLINGMAN. I shall not want to take the floor then. I wish to throw out a practical suggestion or two just at this point.

Mr. LILLY. I ask if there are not still fifteen minutes before the debate must close? I understood the resolution of the House to be to close the debate in two hours after the House should go into the Committee of the Whole on the state of the Union.

The CHAIRMAN. The Chair understands that the resolution provides that the debate shall close at two o'clock, and that hour has now arrived.

Mr. CLINGMAN. By general consent, I suppose I can go on for a few minutes.

Mr. BOCOCK. Does the gentleman confine his privilege to any particular time?

Mr. CLINGMAN. I should like about five minutes.

Mr. BOCOCK. I will yield to the gentleman for that time, if I can do so.

The CHAIRMAN. Is it the unanimous consent of the House that the gentleman from Virginia shall yield a portion of his time to the gentleman from North Carolina?

Mr. CLINGMAN. Rather than have to go through this formality, I will waive my request.

Mr. BOCOCK. I had not proposed, until the remarks that were made this morning by the distinguished member from Missouri, [Mr. Benton,] to have said one word more to this committee in behalf of the bill under consideration. I had occasion the other day to go pretty extensively into the reasons on which the Committee on Naval Affairs, and I, as a member of that committee, based the propriety of this bill. I did not think, therefore, that it would have been necessary for me to reiterate any of the points that I then suggested; but much is due to any suggestions that come from so distinguished a source as the gentleman who has addressed us this morning.

The gentleman concluded by saying, that he had made his remarks without any expectation of influencing the vote of this House. Sir, the gentleman did not do himself justice. He does not know the respect that this House pays to his experience, to his talents, and to his public services. Any suggestions coming from him would, doubtless, have great weight here, and it is for this reason,

and this only, that I think it necessary to make a reply this morning. In anything that I shall say on this occasion I beg that gentlemen to be assured I mean nothing but the most profound respect and courtesy to him.

The honorable gentleman commenced by regretting that it was one of the misfortunes of having been in public life a long time that the mind was continually reverting to the past, and bringing up the ideas of past years and comparing them with the ideas that are in progress at present. The honorable gentleman gave, in his own case, the very best illustration of his position, for he showed how a mind of gigantic proportions can be warped and led away by early preconceptions, and by notions that have been entertained long years ago.

Why, the honorable gentleman got up here this morning and discussed the action of the Navy Board upon our present policy. He has told us of the effect of the recommendations of the Navy Board at the other end of the avenue, when, by an act passed ten years ago, that Navy Board was abolished, and Mr. Jefferson's views in relation to it carried out.

Mr. BENTON. It went into bureaus.

Mr. BOCOCK. It went into bureaus, and there is now no Navy Board with power to make recommendations.

But, sir, in many of the remarks of the gentleman in the early part of his speech I entirely concur—especially in that part of them in reference to the impolicy of this Government keeping up so many navy-yards. But this bill has nothing in the world to do with navy-yards. I will inform the honorable gentleman that a resolution is now pending before the Committee on Naval Affairs of this House, to inquire into the propriety of abolishing some of those yards; and when the report of the committee on that subject comes up for consideration, it will be very proper to make any suggestions against the propriety of our having so large a number of them.

While upon this subject of navy-yards I would remark, that England has navy-yards at Portsmouth, Woolwich, Chatham, Spithead, and nine other places where the Government carry on works similar to those which we carry on in our yards. I do not suggest this here as an argument to show that we ought to compete with England in this respect. By no means. I do not stand here to advocate the idea, that the Government of the United States should undertake to equal England in her expenditure for her naval armament.

But we are referred to our former naval history and to the achievements of Commodore Decatur in the Mediterranean, and of Commodore Porter in the Pacific—and my friend from North Carolina [Mr. CLINGMAN] met that idea very well in the few remarks he submitted before the hour expired for terminating the general debate upon this bill. But do not the members of this committee recollect the changes which have taken place since that time, in the preparations for sea-fighting? Talk now about sending gun-boats and privateers, to contend against frigates and screw propellers! It would be very much like the case of a person who, after seeing splendid mills built, with all the modern inventions, holding out inducements to all who had grists to grind, should go and set up his little tub-mill and ask customers to patronize him. To talk now about fighting at sea as we did years ago would be just as reasonable—with all respect I say it to the gentleman from Missouri—as to talk about sending one hundred men with breast-plates and helmets to contend against the Paixhan guns and artillery of the present day.

The honorable gentleman did not develop his policy at any great length. He informed us that he was against squadrons, and in favor of cruisers. I do not know how many cruisers the honorable gentleman would be in favor of. But I can tell him, if he wants cruisers, he ought to build the very vessels that this bill contemplates; for they are the vessels to make these cruisers. They are intended to carry a heavy armament, and to be so constructed that they can carry a good deal of provisions, and be propelled either by steam or by sails, as the exigencies of the case may require. France, Great Britain, and other countries, have their steamers sailing through every part of the great oceans of the world. We must be prepared to meet those vessels. We must have vessels of the same description. If we send out paddle-wheel

steamers they would have to carry a large quantity of coal, as they are propelled by steam exclusively. But the vessels proposed to be built are screw propellers, which can be propelled by steam or by sail, as the circumstances of the case may require.

But we are told that our policy is not to have a force for offensive operation, but a naval armament intended merely to defend our commerce. That is exactly what I want—nothing more. But when gentlemen talk about the armament necessary to defend our commerce, why do they not tell us what amount of armament is necessary for that purpose? Why do they not look at the extent of our commerce?—of the dangers which beset that commerce?—of the foe we have to meet, and of the force necessary to meet that foe? Armaments to defend our commerce! Why, that is precisely what I want, and nothing more. Nobody in this country, I believe, has advocated a navy for the purpose of offensive operations.

Now, Mr. Chairman, as to the policy of maintaining these squadrons, I ask what other policy can we adopt? We are told that we have here a home squadron; and the question is asked, "What do we want with a home squadron?" Why, Mr. Chairman, the cruising ground of the home squadron is from the fishing coasts of the North to the mouth of the Amazon. Ask the gentlemen who represent northern constituencies here what we want with a home squadron, and they will point you to the immense amount of money invested in the fisheries of the North for which they want protection. Ask gentlemen representing southern constituencies here what we want with a home squadron, and they will point you to the difficulties that we are continually getting into with the Cuban authorities, and others in the Caribbean Sea; and they will tell you that they want this Government to protect the rights of its citizens in these waters.

Then we are asked what we want with the squadron in the Mediterranean? The cruising ground of this squadron extends from the capes of Spain to the extreme of the Levant.

Sir, it is but a short time ago when a resolution was gravely submitted, and adopted by an almost unanimous vote of Congress—there was a very small vote given against it—returning thanks of the Congress of the United States to Commander Ingraham for having protected the rights of one of our citizens in the Mediterranean. He commanded a vessel belonging to our Mediterranean squadron; and, while the whole country was in a blaze of admiration for his heroic achievement, the Congress of the United States voting him its thanks. Yet, in the sight of all this, the gentleman from Missouri [Mr. Benton] rises in his place, and says, "What do you want with a Mediterranean squadron?" Sir, I reply, we want Ingrahams in the Mediterranean to protect the rights of our citizens there. We want men there to protect the commercial interests of our country. That is what we want.

We are told that we have a squadron in the Pacific; and so we have, and so we ought to have, in my humble judgment. We have our whale fishery vessels to protect; we have to protect the rights of our citizens there in every relation. We have our neutrality laws to enforce; and we have to guard against all the dangers that are besetting us in respect to the machinations of foreign Governments on the Sandwich Islands and other points in that ocean. And while all these things stare us in the face, we are gravely asked, "What do we want with our Pacific squadron?"

Why, sir, there are but two vessels in the Pacific squadron. The whole number of guns on both of these vessels do not amount to fifty. We had no vessel there to enforce our neutrality laws when Captain Walker marched down to Lower California and set up a Republic there against the rights of Mexico. I do not want an aggressive armament; but I want one to prevent aggression.

Mr. Chairman, perhaps if we could understand each other about the amount of naval preparation necessary to protect our commerce, there might be no dispute in regard to it. That is all we want—a force sufficient to protect our commerce and the rights of our citizens in every part of the globe.

If Mr. Jefferson had, at one time, been opposed to the Navy—though I do not believe he ever was—for the authority which the gentleman cited was against the "naval board; if he had been opposed

to the Navy in the early period of his life, he saw enough in the course of his administration to convince him that that was a wrong policy; for he afterwards advocated a Navy.

Mr. Jefferson, in a message, July 10, 1807, in relation to gun boats, and their efficiency for harbor defense, closes with these words:

"It must be superfluous to observe that this species of naval armament is proposed merely for defensive operations; that it can have but little effect towards protecting our commerce in the open seas, even on our own coast."

On December 22, 1805, under a reference of the President's message, the Naval Committee proposed a vote of \$660,000 to enable the President to cause to be built six line-of-battle ships.

On December 7, 1808, the Secretary of the Navy, in reply to the Naval Committee of the House, presented a statement of the additional number of officers and seamen which, in the opinion of the President, was then required, and which implied the additional annual expenditure of \$2,662,949 51. Mr. Chairman, will gentlemen still quote Mr. Jefferson as opposed to a proper and reasonable Navy?

The main question appears to be now, whether the continuance of our commerce can be expected without more naval force to protect it, and whether such continuance is of sufficient value to the country to justify the requisite expenditure.

But I come again to the question, What is a sufficient Navy to protect our commerce? I answer, sir, it is a Navy sufficient to deter other nations from attacking it. In this case, more strongly, perhaps, than in any other, we see the wisdom of the old adage that "prevention is better than cure." By weakness you invite aggression from other nations, as in the period from 1800 to 1812, and you have afterwards to obtain satisfaction for such attacks by expensive negotiations, and perhaps by war, and the loss of immense amounts of money, property, and valuable lives. If we provide ourselves with a sufficient naval armament to command respect from other nations, we thereby prevent these aggressions, and save all this treasure to the country, and preserve the lives of valuable citizens.

Mr. Chairman, I stated the other day, when I made a speech upon this subject, what loss we are supposed to have sustained for the want of an appropriation of a few hundred thousand dollars previous to the war of 1812. That loss amounted to greatly over \$100,000,000, and all for the reason that we did not make provision for building a few more vessels of war.

How came those aggressions to be made upon our commerce by France, the indemnity for which is now demanded of the Congress of the United States? It was because we did not have a force sufficient to protect the rights of our citizens. It was because by our weakness we invited aggression.

I do not know exactly how far the gentleman from Missouri disagrees with us, except that he will not vote for the bill. He stated that he was in favor of a sufficient Navy for the protection of our commerce, and he wanted a naval policy. So do I, but it would be well first for the gentleman to develop his views, give us his policy, say how many cruisers he wishes, of what description, with what armament, and with what force. Until he does that, I do not know how far he disagrees with us.

With these ships added, our Navy will not be greater than it has been heretofore. It is not proposed to make an increase of our naval force for the purpose of offensive operations, but simply and solely to prepare ourselves for the contingency in which we are placed, to act upon the defensive, and to guard the rights of our citizens and protect our commerce.

It is stated by somebody, I do not know who, that the Government is now paying \$2,000 a day for a steamboat to keep reinforcements from going to the relief of Captain Walker. Now, sir, if we are obliged to pay \$2,000 a day for a steamboat for this purpose, what is the reason? It is because you have an insufficient Navy. That is an additional reason why we should pass this bill.

Now, sir, as I stated in the outset, it was not my intention to address the committee upon this subject, except in reply to the arguments of the honorable gentleman from Missouri. I honestly believe that common prudence requires that we

should build these vessels; and as no other argument has been advanced in opposition to it, I will take my seat without detaining the committee further.

Mr. STANTON, of Tennessee. As the debate has been closed upon this bill, I ask the gentleman from Virginia to allow me to occupy a portion of his time, if he has concluded his remarks.

Mr. BOCKOCK. I will yield to the gentleman with pleasure.

Mr. STANTON. When I had the honor of occupying the position on the Naval Committee which the gentleman from Virginia, who has just taken his seat, now occupies, I repeatedly presented to this House propositions for the purpose of doing something very much like what it is proposed to be done in this bill. But, while I shall vote for this bill, believing that it is absolutely essential to the best interests of the country to do something to increase the efficiency of the Navy of the United States, I cannot help saying that I agree in almost everything that has been stated by the honorable gentleman from Missouri, [Mr. BENTON.] I agree with him in everything he has said in relation to squadrons, and in relation to the arrangement of our naval forces for the protection of the interests of the country.

Mr. BOCKOCK. I understand the honorable member from Missouri to propose that we should have no squadrons at all, but that we should send out cruisers from our navy-yards whenever a particular service is to be performed. I hope the gentleman from Tennessee does not indorse that doctrine, for I confess I cannot see how it is to be enforced for the protection of the country, if each ship must wait for orders from Washington before it is detached upon any particular service. This I understand to be the policy of the gentleman from Missouri.

Mr. STANTON. I was just going to state, upon this point, that if he will look at a report made by the Committee on Naval Affairs two sessions ago, he will find that I proposed exactly what the gentleman from Virginia now proposes to do. I proposed that the naval forces of the United States should be separated into two divisions, one to operate upon the Pacific, and the other to operate upon the Atlantic. I endeavored, in a speech which I made upon that occasion, as the gentleman will see, if he will refer to the report in the Congressional Globe, to show the utter uselessness of our squadrons lying in port in idleness, in the different parts of the world, as they have done heretofore; though not so much lately as in former times.

My proposition was, in general terms, simply this: That we should have a number of cruisers, not fewer, perhaps, than the number of vessels now employed in our navy, but that they should be started regular or irregularly, as occasion might require, to cruise along the coast of the Atlantic and Pacific, visit the various consular ports in the different parts of the world, or those where we have diplomatic agents stationed, and then return, so that they would visit all the places where their presence are required at frequent intervals, and by which we should be able to concentrate, as occasion might require, a much larger force than we are able to do under our present system. It would be more economical. It would be better in every point of view.

But the idea which I was about to present here was, that I differed from the gentleman from Missouri [Mr. BENTON] only in this: I do not consider our present naval force too large. I do not consider that we require a greater number of vessels than we now possess, if they be of the right sort; and in all the propositions which I have ever had the honor to make before this committee for increasing the Navy, I have uniformly urged it on the ground of renovation, and not of increase; on the ground of substituting better vessels, vessels more conformable to modern science than those now in the possession of the Government. And it is for this purpose only that I am willing to vote for the six steamers provided by the bill presented by the honorable gentleman from Virginia, [Mr. BOCKOCK.]

But it is said by that gentleman, and very truly, that the Government of the United States is now paying a very large amount to employ a steamboat for certain purposes in the Pacific ocean. Why is that? It is for the very reason, solely for the reason, that all our vessels—something like fifty—in com-

mission, as the Navy Register shows, or a greater part of them, are now idle on their foreign stations. If the system I proposed, and which I have merely glanced at here, had been adopted, there would not have been any thirty days in the year, or perhaps any fifteen, in which a vessel of large force would not have made her appearance in the harbor of San Francisco; and been ready for any service which the Government might require; and the state of things which the gentleman now represents to exist at San Francisco would not have happened.

This is all I desire to say. I did not expect to say a word on the subject of this bill. I have been its friend from the moment it was introduced, and have voted for every proposition to bring it before the House, with the belief that it would go through without discussion.

Mr. BOCKOCK. I do not like to detain the committee, but I wish to ask the gentleman what squadron of vessels is needlessly employed at the present time?

Mr. STANTON. That in the Mediterranean.

Mr. DAVIS, of Rhode Island. I move to add the following to the end of the first section of the bill:

That three of the said steamships shall be put under contract by the Secretary of the Navy, giving both hulls and engines to one contractor; no contractor to build more than one ship and one engine.

I wish to say, Mr. Chairman, that, as far as I can learn—and I have accurate information on the subject—the vessels at our navy-yards, and, although we have a great number of them, cost more than good vessels can be built for by private contract. Nay, I will go further, and say that, in some instances, the same character of ships have been well built by private contract for one half the amount we have to pay for their building at our navy-yards. This is an important matter. I know that it is left to the discretion of the Secretary of the Navy. I should prefer that the committee would give specific instructions, by the adoption of the amendment which I have had the honor to propose, so that he may have three of the six steamships built by private contract; for I am satisfied that they can be constructed, and as well constructed, by private contract with ship-builders in New York, or elsewhere. I would rather see that done than that the whole of the vessels should be left to the discretion of the Secretary of the Navy to be built at the navy-yards.

I know how strong the feeling is in some quarters to have these vessels built in Virginia, in Pennsylvania, or in New York; but I think the interests of the Government should not be allowed to suffer in this matter by considerations of that nature.

If these vessels are to be built in any reasonable given time, they can be built much more rapidly by private individuals than at the navy-yards of the Government.

I am very glad that the eminent gentleman from Missouri [Mr. BENTON] has expressed the sentiments which we have heard from him to-day, at this time, upon this floor. They are very suggestive and important, coming from such a source.

I was struck with the remarks made the day before yesterday by the gentleman from New York, [Mr. LYON,] in relation to the Navy of our country. I am one of those who believe that we do not want a Navy as large as that of England or of France. I believe that if we could have such a Navy at once, and create a class of men such as is necessary to keep it up, by merely saying one word, it would be for the interest of the Government to reject such a Navy.

I believe that, as the gentleman from Missouri has well said, there is a strong tendency at this time to obtain a Navy for the purpose of aggressions. I desire to bear my testimony—feeble though it may be—against the spirit in which the declaration was made by the gentleman from New York [Mr. LYON] the other day, that we wanted to make a descent upon Cuba, and in which the comparison was made between our naval weakness and the strength of England. I do not go for that doctrine. I believe that our vast commerce is our best protection; that our mighty ships whitening every sea, and our splendid vessels, (such as the Collins line going into Liverpool, and the lines going into Havre and other ports,) are just as much a protection, and an evidence of our power, as if they carried a hundred guns each.

I dissent from the opinion expressed by the chairman of the Committee on Naval Affairs. I believe that the more extensive our commerce, the greater protection it is to us. We are not now as we were in 1812. We are, and we are felt to be, a mighty Power, and every nation in the world would be cautious how they assailed us, for any consideration. It cannot be done in a moment. Nations do not precipitate war now. Look at the condition of Europe at this moment. How long have England and France refrained from striking a blow even at Russia, with whom they have comparatively little commercial intercourse? But let England or France be brought to face us, could she strike a blow without carrying it home? It would be striking at her own heart. We need not be alarmed. There is no danger of those great nations pouncing upon us as long as we are bound to them by the ties of a vast commercial intercourse.

No, sir; I tell you that if we are for obtaining a Navy, the object is to pounce on some weak Power and to extend our own area of territory, perhaps not for the wisest and best purposes either. But I will only allude to that. I fear it is the case; and, sir, when the sentiment uttered by the gentleman from New York [Mr. LYON] was received with applause in this House, I almost thought I must be in an assembly of filibusters, rather than in the Congress of the United States. Now, I am opposed to this feeling, and I trust the sense of the country is with me.

Mr. CUMMING. I am entirely opposed to the amendment of the gentleman from Rhode Island. I should much prefer, if we are to give the Secretary of the Navy any directions, to instruct him to have all these vessels built in the public dock-yards. I know from personal experience, and I believe every gentleman here who will take the trouble to inquire into the subject will agree with me, that vessels built by contract have dishonored, not only the Navy, but the country. I believe that the building of a military marine by contract has the effect of ruining it, and risking not only the honor of the country, but the lives of the men who are liable to be called upon to protect that honor. The best vessels that we have ever had in our Navy have been constructed in our dock-yards; and the most worthless vessels that we have ever had have been built by contract.

The latest batch of vessels added to the Navy—the Portsmouth, the Germantown, the Albany, the St. Mary's, and the rest of that class, all of which were launched from our dock-yards—are decidedly the finest ships upon the sea. Some of them have made passages scarcely surpassed, if paralleled, in the records of navigation.

The much and justly vaunted clipper ships, which have added so greatly to our maritime renown, and have commanded the admiration of the world, had their origin in the United States ship Portsmouth.

On the other hand, the frigate Hudson was built by contract, under circumstances which, if there be any honor in the human breast, should have impelled her constructors to have made her of the best materials and of the best workmanship. Sir, she was built by money extracted from the tears of the oppressed and suffering Greeks, and from the hearts of those who in this country sympathized with them in their struggle for liberty. After she was launched and equipped, she was purchased by the United States. She made but a single cruise. She returned in such condition that she was not even fit to be repaired; and we have again very lately seen a beautiful illustration of the contract system, in the batch of revenue cutters built for the Treasury Department.

A MEMBER. Was the Hudson built by contract?

Mr. CUMMING. Not by Government contract, but under contract with a private ship-yard. I think with all our pretensions to skill, which is undoubted, there should be no objections to following a good example. The British Government, taught by experience, have recently completed, at Keyham, next to Plymouth dock-yard, an establishment for the manufacture of steam machinery, and all the appliances necessary for the equipment of their steam fleets, at a cost of £7,000,000; and the French have a similar estab-

lishment on the Loire. These Governments had fully tried the contract system, and found it *would not work*; and that, although the work in the dock-yards appeared sometimes to progress slowly and expensively, yet in the end it was found that it was cheapest and most reliable.

The British Government not only build and equip their ships almost exclusively in their own yards, but I am of the impression that even their provisions are prepared in their own establishment; and I do know that in France there is no security even for the purity of that most essential article of ship stores, bread, unless the wheat is purchased by the Government, and ground and baked in their own dock-yards.

There are other matters connected with this important subject upon which I should like to enlarge, but my limited time will not permit.

It has become the fashion to decry our national ships. I can only say, after an actual service at sea of six years in these ships, that in various parts of the world, and on many occasions, I have seen their qualities tested; and I never saw one of them beaten. I have witnessed trials with single ships and with fleets; and in one trial, which I remember with pride and pleasure, I was on board an American frigate, built in our much-denounced dock-yards, which beat fairly, upon a challenge, a large fleet of the finest ships in the British Navy; and the gallant admiral in command, by "setting his top gallant sails," acknowledged the "defeat;" but, Mr. Chairman—

[Here the hammer fell.]

The question was then taken on Mr. DAVIS's amendment to the amendment; and it was not agreed to.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a bill of the following title: Senate bill No. 298, being "An act for the relief of John Guzman, of Louisiana;" also, that the Senate had agreed to the amendment of the House of Representatives to Senate resolution No. 1, authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws; also, informing the House that the President of the United States had notified the Senate that he had approved and signed bills of the following titles, viz: Senate resolution No. 12, being a resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States; Senate bill No. 28, being an act for the relief of settlers on lands reserved for railroad purposes; Senate bill No. 39, being an act to extend the warehousing system, by establishing private bonded warehouses, and for other purposes; and Senate bill No. 151, being an act for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased.]

Mr. PHILLIPS. I move to amend the amendment, as follows: Insert after the word "frigates" the words "and two sloops-of-war."

Mr. Chairman, I deeply regretted, when I heard the remarks that fell from the lips of the distinguished gentleman from Missouri, [Mr. BENTON,] for I thought that if there were one thing which the public sentiment of the country seemed to concur in, it was that our naval force was utterly inadequate and inefficient for the purposes for which it is required. And, sir, I turned instinctively to that gentleman, whose character and influence entitled him to great weight and consideration on this floor, and expected that he would give proper direction and tone to the measure which is called for—as I conceive—by the public necessities. If I understood aright the tone and tenor of the gentleman's remarks, there can be but one view of his policy. It is a policy which would shut up our commerce within our own boundaries. If we are to confine our commerce to ourselves; if we are to have an internal, not an external commerce, then indeed the policy which the distinguished gentleman from Missouri recommends might be the proper one. But if we are to give encouragement to our external commerce; if we are to increase our relations with foreign Powers; if we are to increase our commerce with foreign nations, then, sir, on that great highway of nations—the ocean—must we have a power adequate to protect, and commensurate with that commerce.

But, sir, we hear everywhere the question mooted as to territorial balance of power. Sir,

there is another balance of power to which our attention must be directed. It is the maritime balance of power. That power depends on the question of commerce. It is the struggle of commerce that is now going on among the nations of the world—that commerce which finds its pathway on the ocean. And it is there that the true question of the balance of power is to be fought and won.

I say, Mr. Chairman, that if we desire to increase our commercial relations; if we desire to see the power and commerce of this country progressing, we must increase extensively the power for its protection.

The gentleman from Rhode Island [Mr. DAVIS] says that his idea is, that as you increase your commerce and your merchant vessels, so you strengthen yourselves. Why, sir, it seems to me, that as you extend your commerce to foreign ports, you expose more points to attack. As you send your vessels further and further from home, into remote and still remoter seas, does that give you strength? Or is it not, in truth, an exposure at so many more distant points, requiring at the hands of the Government more and more protection, just in proportion to that extension?

Sir, it seems to me that the gentleman's peculiar apprehensions have colored his argument upon this question. He is fearful that these vessels may be wanted for Cuba. If our national honor is to be vindicated even in Cuba, does the gentleman say that we ought not to have a national power wherewith to vindicate our national honor?

Yes, sir, even in Cuba, where recent outrages were perpetrated upon our commerce, and where past outrages have also been perpetrated, which are yet unrequited and unatoned for, if they do call for an increase of national force for the protection of national interests and honor, I regret to hear the gentleman from Rhode Island say that he is opposed to the creation of means which are necessary for that protection and defense.

Let us pursue these things calmly and in a proper spirit. Let us compare our present Navy with our past Navy. Let us compare our present commerce with our past commerce. Let us compare our present line of sea-coast, confined originally to the shores of the Atlantic, with that afterwards added upon the Gulf of Mexico, and that finally acquired upon the Pacific coast. Compare, I say, your commerce of the two periods, and your lines of sea-coast, and then compare the present with the past efficiency of the Navy. I will ask you to compare it with the other nations of the earth. While our commercial marine, if I mistake not, is the first in point of tonnage, our naval force is the fifth, in comparison with other nations.

[Here the hammer fell.]

Mr. BOCOCK. I presume, Mr. Chairman, this will be a test vote in reference to the propriety of increasing the number of vessels to be built under the provisions of this bill. I shall vote against the increase, because I had rather pass this bill, authorizing the construction of six vessels, than to run the risk of attempting to get more. In other words, I would rather go for what I think we can get, than to go for what I think we ought to have, and run the risk of losing all.

A MEMBER. You need not lose all.

Mr. BOCOCK. The gentleman tells me we need not do it. It has not been many weeks since a bill was pending in this committee called the deficiency bill. I recollect a good many amendments were ingrafted upon it by the committee, and, among others, certain ones for the completion of custom-houses and marine hospitals. The bill was reported to the House, the House voted them all in, and then voted down the bill because they had been incorporated in it. Now, sir, there are gentlemen in this committee who would be disposed to vote for this amendment, because they really wished the number of vessels to be increased; but there are others, not friends to the bill, who also may vote for this increase in committee, and vote to put them in the House, for the purpose of rendering the whole thing obnoxious to those who would be disposed to provide for a less number, and thereby defeat the bill. I know the policy which is very often adopted to defeat a measure, and I do not mean to run any such risk in this instance.

I will make another statement to show that it is not necessary in this bill to make such an in-

crease. This is a House bill. There is another bill, proposing to accomplish the same purpose, coming from the Senate, lower down on the Calendar. Now, should any emergency arise, in consequence of which the House might desire to provide for a larger number of vessels, they might take up the Senate bill and amend it, if they choose, by striking out "frigates" and inserting "sloops," or make any amendment they may deem necessary to provide for any exigency that may arise. But, in my humble judgment, it would be better not to increase the number provided for in this bill.

Mr. LYON. I move to amend the amendment of the gentleman from Alabama by striking out "two" and inserting "six," so as to make twelve in all.

Mr. Chairman, I am surprised at the expressions I have heard from the gentleman from Virginia in regard to his vote upon the proposition to add a provision for two sloops-of-war, proposed by the gentleman from Alabama. I am surprised that expediency should have taken possession of the gentleman, instead of what he admits he believes to be best to promote the interests of the country. The gentleman admits that he believes the interests of the country require the increase of this number from six to twelve, and I am surprised that he should imagine that that would kill the bill. I can tell that gentleman there is more patriotism in this House than he imagines. I can tell him that there are men upon this floor who are willing to defend the rights of the people upon our sea-boards, and to defend the rights of our citizens in foreign lands. If the rights and interests of the country are at the heart, why not go for a just and proper increase, and not hesitate from considerations of expediency? Sir, expediency belongs to the scheming politicians who existed in the days of Noah, when he was building his ark. They laughed at him; they said it was too big—that the expense of building it was too great; but when the deluge came, it preserved him, while they were engulfed and destroyed. [Laughter.]

Now, sir, we have a deluge of revolutions. The whole earth is being revolutionized. You cannot point to a country, with a map of the world spread out before you, where great convulsions are not taking place. You see China; you see India; you see Persia; you see Russia; you see England; you see France; you see South America—and even in North America, here in this Hall, you see Nebraska threatening us with revolution as if Belona had been invoked.

Sir, let us be prepared. We have been asked, what are our vessels of war doing in the Mediterranean? I can tell you what one of them has done: It has sailed eleven thousand miles in nine months, and God knows you would not have it go any faster. I can tell you what another has done: It has protected the poor inhabitants of Salonica, who sought protection on board of it, for fear of being massacred by the Turks. I can tell you what another has done: It has protected the missionaries who were sent to preach the gospel at Beyroot and at Constantinople. I can tell you what another has done: It has been in the harbor of Naples, and patriots have been on board of it when they would have been hunted down as if they had been poor harts before the wolves of the forest of despotism. That is what they have been doing, a good, wholesome work, and one which the American people will vindicate.

Mr. SMITH, of Virginia. In Smyrna, too.

Mr. LYON. Yes; one of them has been in Smyrna, too. The President himself stole the sunshine from South Carolina's son to gild his message. [Laughter.]

One word further. Let us have these twelve sloops of war. I will not say that gentlemen will vote for the amendment to kill the bill. I will not impugn their motives. I have too high respect for their intelligence and their honor; and I must say, that I am sorry to differ from my friend, the distinguished, venerable, and learned gentleman from Missouri, who stands in this House as one of the lofty columns of the Parthenon, the sole remaining one of a generation passed away. But, sir, we live in young America. [Laughter.] We live in a progressive age; and the same spirit alluded to by my friend from Virginia [Mr. Bock] yesterday—the spirit of manifest destiny—is in our brain; it is in our heart; it throbs in our

nerves. We cannot get rid of it. I would as quick think of stopping—

[Here the hammer fell.]

Mr. LYON. I have just one word more.

[Cries of "Go on!"]

The CHAIRMAN. Is it the pleasure of the committee that the gentleman shall be allowed to proceed?

Mr. McMULLIN. I object.

Mr. CHANDLER. Mr. Chairman, I am very glad that it was not my objection which caused my eloquent friend from New York to take his seat. I cordially sympathize in all that he has uttered in behalf of the Navy. I do not know that I have ever heard a more eloquent advocate of that relic of good old times. Sir, I am a friend of the Navy, though I am afraid, from the hint I have received from the chairman of the Naval Committee, that I shall be compelled to vote against the amendment which the gentleman from New York desires to see incorporated in the bill.

I go for ships in this case—ships of safety and of all kinds, from that old seventy-four which the gentleman has embalmed in his speech before the committee, down to the little sloop-of-war in which Moses got off. They were all good things all got up for good purposes, and all maintained for good and great ends. I am afraid, however, that if we attempt to hitch the whole fleet on, we shall be unable to get out of the channel at this time. I am free to say that there lies before me an amendment, which I was prepared to offer, anticipating the very one which the gentleman from New York has suggested; but I am driven from action on it by the fear that, putting on too much, we shall lose the whole.

I am persuaded that the Navy is not merely for glory, but that it is to be the safety of our nation; and I was sorry to hear the distinguished gentleman from Missouri [Mr. Benton] quote the great patriarch of his party against the enlargement of the Navy, unless, at the same time, he should have said that the caution of that great and good man, now dead, would lose its force from the new circumstances in which this country is placed. If there was an error in Mr. Jefferson's administration; if there was one fault which crept into his mind, it was that regarding the Navy; and his friends and all America should have covered it from the observation of the world. Experience has shown us that we require a Navy; that our extended coast needs defense, and that all that we possess of military honor, all that we have of commercial enterprise, all that we boast of of commercial success, rests in a very great degree upon the establishment and maintenance of a Navy.

Sir, like the honorable gentleman from Missouri, my memory goes back thirty or forty years, and I shall never forget, that when the spirits of the country drooped under the defeats of our army upon our frontier, before our raw militia had been brought into full exercise and schooled into courage—I shall never forget the glorious uprising of the sun from the ocean when the Constitution spoke in tones of thunder to the British vessel, and in tones of gratulation to every American ear. From that moment the Navy of our country became baptized in the affections of the people; it lost all party character; it ceased to be the tool or the measure of this or of that party, and it became a great national engine—an institution to advance the glory of our country, and to protect and insure its prosperity.

Sir, I could vote cheerfully for an addition to this bill if I did not fear, from what has fallen from the chairman of the Committee on Naval Affairs, that such an attempt might weaken the bill. I would, therefore, rather trust to the bill before us as it stands; and when I ascertain, as I undoubtedly shall by the vote on this bill, that there is a sentiment in the House favorable to a further enlargement of the Navy, I will most cheerfully vote to take up the Senate bill and provide by it for a still further increase.

Mr. DEAN. I ask for tellers on the amendment of my colleague, [Mr. Lyon.] It is a very important one, and I think it ought to be adopted.

Tellers were not ordered.

The question was then taken on Mr. Lyon's amendment to the amendment; and it was rejected.

The question recurred on Mr. PHILLIPS's amendment.

Mr. PHILLIPS. I ask for tellers on that amendment.

Mr. STANTON, of Tennessee. I offer the following as an amendment to the amendment:

Provided, That two of the vessels herein provided for shall be constructed on the Mississippi river.

The CHAIRMAN. Does the gentleman offer that as an amendment to the amendment?

Mr. STANTON. I propose it as such, if it is appropriate. I do not know exactly what the amendment of the gentleman from Alabama is.

Mr. PHILLIPS. My amendment is to add two sloops-of-war.

Mr. STANTON. Then I presume my amendment is as appropriate here as it would be anywhere else. I offer it, not with any expectation that it will be adopted by the committee, but in order to afford me an opportunity to say a word or two in reference to what has been said in the debate to-day about the navy-yards now owned by the Government of the United States. I presume it will be conceded on all hands, and especially by those gentlemen who favor an increase of the Navy, that some such establishments are necessary. So, when gentlemen tell us that one of these great establishments is necessary on the Atlantic coast, and that a large establishment is necessary on the Pacific coast, I have only to say that I think an important establishment of this kind necessary on the Mississippi river, for the purpose of bringing within the power of the Government, at its easy command, the vast and illimitable resources of the Mississippi river—its resources not only in material for the construction of our ships and our naval armament, but material in manning those ships.

I know that there has been a great prejudice excited against the establishment already existing on the Mississippi river. I have seen some hostility manifested against it in this House. I believe that as long as the Government of the United States maintains a navy—and I believe it is highly important that they should maintain a moderate navy—it will be equally important to make arrangements for taking advantage of the great resources of the Mississippi valley. It will be an evil day for the country, if it expects to defend itself upon the ocean in any important emergency, when that establishment shall be stricken down. There is one question that ought to be considered by the House before any of these propositions are adopted. I have no hostility to the amendment proposed by the gentleman from Alabama, [Mr. Phillips,] provided it be proposed with the view of substituting better ships for the inferior ones now in the Navy.

In the prospect of war or difficulty, where any great service was to be performed by the Navy, I would vote for twenty ships, or one hundred, if it was deemed necessary; but I do not see any such necessity at the present time. If we renovate the Navy entirely—if we substitute for existing vessels those of a better character, we shall do all that is necessary for the present service of the country. Let us consider what will be required to keep up these vessels, if we add a dozen new steamers at the present time to our present force, and whether there is any emergency calling for any such increase. If gentlemen are looking to the acquisition of Cuba—if they are looking to a war with Spain or Great Britain—if that is the avowed purpose for making this addition to our Navy—if there is any real apprehension, danger, or difficulty from that quarter—I repeat, that I shall be willing to vote for this or any other increase—

[Here the hammer fell.]

Mr. FULLER. I am opposed to the amendment of the gentleman from Tennessee, [Mr. Stanton.] I propose to make a remark or two very much to the same purpose as he did, merely to illustrate this idea. While this committee are being instructed and entertained, I have no doubt, by the remarks which have been made in relation to building up the materiel of our Navy, I desire to call attention in this connection—as I think, properly, too—to the personnel of the Navy. The valley of the Mississippi may be rich and productive in the materiel of the Navy; but where are we to go for the men that are to man it, is a very pertinent question, in my judgment. In response to that question, I will suggest an idea which I hope will be considered by the committee. You are to go into the rugged and boisterous high seas on our northeastern frontier, among the fishermen.

That is where the men learn the life of the sea. There are to be found the men who can man your ships-of-war, and carry your flag gallantly in the harbor of Smyrna, or in any other harbor on this habitable globe.

In this connection, sir, and while the Secretary of the Navy is exhausted and nonplussed, and while your ships of war are lying idle in the harbor of New York, you want strong arms and brave hearts to man these ships. I will say that it is on the northeastern coast that such men are to be found. And yet, sir, our Secretary of the Treasury—and I hate to refer to him, for he is my favorite officer in the Government—asks you to abolish your bounties on fishing vessels, which is the very school where the *personnel* of your Navy is made, trained, and educated. Now, sir, I do not know but that the rich valley of the Mississippi, with the hundreds of steamers on her river, produces brave and gallant men. I have no doubt but these steamers are manned by able men and skillful engineers. But, in my judgment, they are no more fit or suitable to man our Navy than our agriculturists would be. And, in this connection, sir, I say, that while I, for one, care not where these vessels are built, yet it is to be borne in mind that the proper relations between the *materiel* and the *personnel* of our Navy are to be guarded and provided for.

The question was taken on Mr. STANTON'S amendment to the amendment; and it was rejected.

Mr. CLINGMAN. Mr. Chairman, is an amendment—in the nature of a proviso—to the first section now in order?

The CHAIRMAN. An amendment to the amendment is alone in order. There is an amendment pending, offered by the gentleman from Alabama, [Mr. PHILLIPS,] on which tellers have been demanded.

Mr. GROW. Is an amendment to that amendment now in order?

The CHAIRMAN. Yes, sir; it is in order.

Mr. GROW. I move to strike out the word "two" in the amendment, and insert the word "one."

Mr. Chairman, on the 3d of December, 1847, this Government made a contract with the Collins steamship company, as it is called, for building four first-class steamers, to be used in time of war as ships of our Navy. We paid a large amount for the transportation of the mails, with the privilege of taking the vessels at cost, should we need them. The Government made another contract for the transportation of the mails between New York and New Orleans with Messrs. Sloo & Co., for furnishing five steamships under similar conditions. Then, in 1852, we increased the annual appropriation to the Collins line \$236,500, making the amount of money now paid to that line of steamships \$858,000 per year. This last appropriation was made on the condition that the Government should be at liberty to terminate the contract at any time after the 1st December, 1854, by giving six months' notice. Now, sir, I am opposed to voting any money out of the public Treasury for any increase of the Navy of the United States, until this notice to annul the contract with the Collins line of steamers has been given. Let us get rid of that contract as soon as possible. We can get rid of the last amount by giving six months' notice to terminate the arrangement, though we cannot get rid of the whole of the contract until the period for which their service was engaged terminates.

Mr. BOCOCK. What has all that to do with the bill under discussion?

Mr. GROW. I will tell you what it has to do with it. This was a plan of furnishing the country with war steamers in case of need. It was the sole reason urged by its advocates, and the only ground upon which the contract was made. It was the cheapest and best mode, as alleged by its friends, to build up a Navy to be used by the country in time of danger. And while we are appropriating annually this large sum of money by which it was intended to furnish the country with war vessels, why should we go on now and appropriate three millions of dollars for the building of steam frigates? If these mail ships are suitable for the purposes designed in the contract, then it is unnecessary; if not, the sooner we are relieved from those appropriations the better. We should first curtail this expenditure and cut it off before making any addition to it. Let our Navy

be reorganized, so that when additional vessels are built, we can have an efficient corps of active men to man them—not men who have been waiting orders here for the last thirty years, and have not during that time seen service, and have now reached the years ill-fitted to brave the battle and the storm; let us have young and active men, imbued with all the ideas of the age, with ideas in keeping with a progressive republicanism and an advancing civilization.

Now, your squadron goes forth into the Mediterranean, and having nothing to do, loiters in its bays; and under the present discipline and regimen, your officers spend their time in dining with the satraps along its shores, drinking healths to their sovereigns, and lauding almost every nation on the earth save their own. If it is necessary that this vast number waiting orders should be quartered on the Government, then let us have a retired list, so as to open the avenues of honorable distinction to manhood, before old age has chilled its ambition and palsied its energies. Let service and promotion be thrown open to efficient men, like Captain Ingraham, the only man who has gone forth in the last quarter of a century and maintained the nationality of his country, and breathed into the decaying nationalities of the Mediterranean the true spirit of American laws and institutions.

Let us dispense in some way with these "old foggy" commanders who have remained on shore until they have lost all their knowledge of useful service, and are even frightened by the smell of sea-breezes. Let their places be supplied by efficient men; and when you have secured such, then build your vessels; for, till you do that, we have enough already. But before entering upon a new system of expenditures, let us dispense with the old; for our Navy now is the most expensive of any in the world, of its size.

First, then, let us get rid of the expenditures under the act of 1852, for furnishing the country with a Navy, by a copartnership with private companies. It is not only a wasteful expenditure of money by the Government, but a gross wrong to the citizen; and then let us get rid, as soon as possible, of all contracts like these. This Government has no business to come in, with its strong arm, to aid one class of citizens in competition with another in the same business, and especially in the carrying trade of nations, where it requires a large investment of capital, and long experience; a business to which men have devoted their lives, and in which is invested their all.

It is a kind of protection more odious than that given to the rolling mill and cotton factory, because more exclusive, and every man knows that that is odious enough. The Government has no right to extend its hand to interfere in the business relations of life. Let the citizen regulate his own business under the laws of trade, with no competition but that of superior skill and industry.

I have made these remarks, Mr. Chairman, in order to give briefly the reasons why I shall vote against the bill, and against any appropriation to build new ships until I see some way to put an end to these enormous expenditures, ostensibly for the purpose of furnishing war vessels, and until there is some reorganization of the Navy, adding to the efficiency of its *personnel*, by permitting the activity and the energies of manhood to take the place of decrepitude age.

Mr. BOCOCK. If I understand the gentleman from Pennsylvania, he takes ground of opposition to this bill because the Government of the United States, some time ago, made certain contracts with Collins and others for the establishment of lines of mail steam-ships. Does the gentleman mean to say to this House that they are efficient ships for the Navy? Does he mean to tell the House that he voted for those contracts?

Mr. GROW. No, sir, not at all.

Mr. BOCOCK. Then he means to say that the contracts are good for nothing for the Navy; and because other Congresses have chosen to do wrong, he comes now and says we shall have no increase of the Navy until this wrong is righted. He would inflict upon the country an injury for the wrongs which, he says, former Congresses have done. Is that the policy of a statesman? Does the gentleman say that we do not need ships? By no means. On the contrary, he intimates that we do

need ships. But because the Government has made contracts with Collins and others, utterly worthless to the Government, therefore, though the country needs protection for her commerce, and her citizens, nothing more should be done by this Congress until those contracts are disposed of and laid aside.

Sir, I never voted for the Collins line of steamers. A great many members of the House never voted for it; and, I dare say, it never could pass this House. But it is one thing to undo what has been done, and another thing to provide for present necessities. But suppose Congress will not undo what former Congresses have done; will you let the Navy rot down from year to year.

In reference to the other matter to which the gentleman alludes, I will state here that the Committee on Naval Affairs in this House, some weeks ago prepared a bill for the reorganization of the *personnel* of the Navy, and a more thorough one than any heretofore presented. I do not know that it is all right, but it will be before the House, and that gentleman and others will have an opportunity to discuss and amend it. But while we are about to introduce a bill to reform the *personnel* of the Navy, I ask the gentleman to tell me, in his fling at the officers of the Navy, when did an officer of the American Navy ever disgrace the flag of his country? Perhaps they drink too much wine. Many of them have waited too long on land, because they could not get ships to go to sea in.

But I want the gentleman to tell me, when you have called them into your service; when you have placed the honor of the country in their hands; when you have given them the flag of the country to uphold in time of war, or in time of danger, when did you ever know them to fail? Sir, it is a glorious fact in the history of the American Navy that there have been no traitors among them. In the other arm of your service it has been different; but a traitor in your Navy is entirely unknown.

I agree with the gentleman from Maine, [Mr. FULLER,] that some reform is needed in reference to the naval officers and men. At a proper time I propose to bring up a measure in respect to the *personnel* of the Navy; but that is a distinct question entirely. The question is, do we want these ships? I think we do, and I think the House are of the same opinion. I hope, therefore, we shall take the vote as soon as possible.

The question was taken on Mr. GROW'S amendment to the amendment; and it was disagreed to.

Mr. HENN. I move that the committee do now rise.

The question was taken; and the committee refused to rise.

The question then recurred upon the adoption of Mr. PHILLIPS'S amendment, upon which tellers had been demanded.

Tellers were not ordered.

The question was taken; and the amendment was not agreed to.

Mr. CLINGMAN. I move the following amendment, which I desire to have added to the section in the shape of a proviso:

Provided, That in the meantime, to enable the Secretary of the Navy to fit up for use vessels already built, and to obtain efficient seamen at whatever rate of wages he may find it necessary to pay, he is authorized to use such portion of the appropriation made in this bill as may be necessary.

Mr. Chairman, I hope the committee will adopt this amendment. If this bill passes, I understand the steamers we propose to have constructed will not be finished under one, and perhaps two years. In the mean time we have, I understand, some four or five vessels lying idle in our navy-yards, some of which in two or three days, and others in three or four weeks, could be made ready to do efficient service. The reason why they do not go to sea now is, I learn, because the Secretary of the Navy cannot obtain seamen to man them. He is authorized to pay only twelve dollars per month, while as high as thirty dollars or forty dollars a month are paid for efficient men in the merchant service. I am disposed, therefore, in case it should be necessary for him, at any time, to send out one of these ships, to authorize him to obtain efficient seamen at whatever rate he finds it necessary to pay. I am in favor of increasing the wages of the men employed in our naval service.

I voted in favor of a proposition of this sort at the last session. We pay the pages in the Hall some

sixty dollars per month; and we increased it by a two-third vote at the last session to more than \$120 per month. I think, therefore, if a proposition of that kind could pass the House by a two-third vote, we shall have no difficulty in getting the pay of these seamen raised from twelve dollars a month to twenty or thirty dollars.

Mr. PHILLIPS. To what amount does the gentleman understand sailors' wages are limited?

Mr. CLINGMAN. Twelve dollars.

Mr. PHILLIPS. The Secretary of the Navy has the right to pay eighteen dollars.

Mr. BOCOCK. Such is the fact.

Mr. CLINGMAN. Then it would be in proportion as one to eight. I understand on the best authority that we have several ships now lying in port which cannot be got to sea for the want of men. It is very well known that the Japan squadron was detained for many months, at great loss to the service, because we could not get seamen. And though the Secretary is authorized to raise seven thousand men, yet he cannot get anything like that number, because of the low rate of wages.

I understand that first-rate seamen get thirty dollars and forty dollars per month in the merchant service. What I propose by this amendment, then, is simply that the Secretary of the Navy shall be allowed to pay such rates as he finds absolutely necessary to man the ships already built, and send them to sea. If he had had that power when the steamer San Francisco was understood to be lost, he might have been ready to send a ship out for her relief. It is utterly impossible, however, that this can be done at the present low rate of wages; and I hope, Mr. Chairman, that my amendment will be adopted.

Mr. BOCOCK. I wish to state the fact that this amendment will operate nothing, because, under the law now existing, the Secretary has the right to pay any amount of wages under eighteen dollars per month. He has been usually held down to ten dollars per month. He proposes now to pay twelve dollars per month; and he informs the Committee on Naval Affairs of this House that the only difficulty in his way is, that our friends of the Committee of Ways and Means hold the purse strings a little too tight on him. Unless we get their assistance, we can accomplish nothing.

Mr. CLINGMAN. I intend to move to increase the \$3,000,000 to such an amount as may be necessary.

Mr. JONES, of Tennessee. I am opposed to the amendment; but do not propose to make a speech against it. I wish merely to inquire of the gentleman from North Carolina whether the honor of this Government, or the interest of the people of the United States, requires at this time that a single ship should be sent to sea? If either require it, to what point should it be sent?

Mr. CLINGMAN. I will answer the gentleman in a moment. It is very well known that we thought the interest of some of our people did require it a few weeks or months ago; and is my friend prepared to say that it will not be necessary in the next eighteen months or two years? I wish to make a provision in advance of the building of these steamers, which certainly will not be ready within a year.

Mr. JONES, of Tennessee. You will have to drum up an enemy to whip if you send vessels out. [Laughter.]

Mr. PECKHAM. I move that the committee do now rise.

The question was taken; and the motion was agreed to; there being, on a division—ayes 65, noes 52.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the special order, being House bill (No. 52) "to authorize the construction of six first-class steam frigates, and for other purposes," and had come to no resolution thereon.

Mr. NICHOLS. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at half-past three o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

FRIDAY, March 31, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PRIVATE BILL.

Mr. MORTON. Mr. President, this being private bill day, I believe it is not in order for any of the committees to make reports; but I ask, as a personal favor to me, that the Committee on Naval Affairs be allowed to make a report on a private bill, in which a constituent of mine is deeply interested, simply that it may be placed upon the Calendar.

The PRESIDENT. If there be no objection the report from the Committee on Naval Affairs, to which the Senator from Florida refers, will be received. The Chair hears no objection.

Mr. GWIN. I am instructed by the Committee on Naval Affairs, to whom was referred the petition of Robert Joyner, naval storekeeper at the Pensacola navy-yard, praying to be relieved from his accountability for sundry articles of clothing and small stores missing from the public stores, to report a bill for his relief.

The bill was read a first time, and ordered to a second reading.

ORDER OF BUSINESS.

Mr. HUNTER. Mr. President, I ask the general consent of the Senate to take up the deficiency bill to-day. I think we can dispose of it to-day if we will devote the day to it. I hope it will be the general pleasure of the Senate to take it up.

Mr. GWIN. If this is not objection day for private bills, I am in favor of the suggestion made by the Senator from Virginia.

The PRESIDENT. Objection day, according to the rule, is the first and not the last Friday of the month.

Mr. HUNTER. I move that the Senate proceed to the consideration of the deficiency bill.

The PRESIDENT. The Senator from Virginia asks unanimous consent to have the deficiency bill now taken up. Is there any objection?

Mr. BRODHEAD. I feel embarrassed about this matter. I am chairman of the Committee of Claims, and many gentlemen are coming to me every day asking for the consideration of private bills. If there is any great, pressing public necessity for considering the deficiency bill now, and if there is a general understanding that Fridays hereafter shall be devoted to the consideration of private bills, I will yield to what may be the general sense of the Senate on this question.

Mr. HUNTER. This is the first private bill day on which I have asked for the consideration of any bill from the Committee on Finance; and I believe I shall probably not ask another until towards the close of the session.

Mr. PRATT. The Senator's recollection is not very perfect. If I am not very much mistaken, I think there has been hardly any Friday on which the Senator from Virginia has not asked that private business should be postponed. Such is my recollection. Individually I have no objection to granting the request of the Senator from Virginia; but there is a private bill pending which has been discussed at length, and I do not know that it is the intention of anybody to discuss it further. I have no objection to allowing the bill referred to by the honorable Senator from Virginia to be taken up, with the understanding that whenever the Senate during the day shall be full we shall take a vote upon it. I refer to the bill for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased. There is hardly a quorum present, or I would ask that the vote be taken on that bill now; but with the understanding that we can suspend the consideration of the deficiency bill at some period during the day, for the purpose of voting on that bill, I am willing to yield all the objection which I had.

Mr. HUNTER. I am in the power of the Senator from Maryland, and I have no right to make understandings for the Senate. I can only say that, so far as I am concerned, if the Senate will allow me to have the deficiency bill taken up, I will give my quota towards granting the general consent of the Senate for the purpose of taking up the other bill, if such be the pleasure of the Senate.

Mr. PRATT. If that be the understanding, I

am willing that the deficiency bill shall be taken up.

Mr. HUNTER. I hope, then, that the deficiency bill will be taken up.

Mr. PRATT. With the understanding that we can vote on the other.

The PRESIDENT. Then the Chair understands the Senator as objecting to the consideration of the deficiency bill.

Mr. FOOT. I desire to call for the consideration of a bill from the House, which is on the Private Calendar, granting a small pension to the widow of Brevet Brigadier General Leavenworth. It is a House bill which came to this body, was referred to the Committee on Pensions, and received the unanimous approval of that committee. I will state further, that if there is any objection to it, and if it is likely to lead to discussion, I will consent that it shall be put aside, for I do not wish to interpose any debatable question in the way of the consideration of the bill referred to by the Senator from Maryland, which has heretofore been pending on private bill days, and is now the first upon the Calendar. Presuming, however, that there will be no objection to this bill, I ask for its consideration now, as one of pressing importance.

Mr. GWIN. I did not hear a single objection to taking up the deficiency bill from any quarter.

The PRESIDENT. The Chair understood, from the course pursued, that the Senator from Maryland—

Mr. GWIN. I am sure that the Senator from Vermont will not object to taking up the deficiency bill. This bill may be taken up at some subsequent period of the day.

Mr. FOOT. It will not take a minute now.

Mr. STUART. If we are to go on with the Private Calendar we had better commence in order.

Mr. HUNTER. The danger is that if we take up one private bill others will ask their bills considered. If the Senator from Vermont will give way now, I think he will find no difficulty in getting up his bill during the morning hour on Monday next.

Mr. FOOT. I hope the Senator does not understand that I object to the consideration of the deficiency bill.

The PRESIDENT. The Chair will inquire of the Senator from Maryland, whether he objected to proceeding to the consideration of the deficiency bill?

Mr. PRATT. I thought the understanding was, that the deficiency bill should be taken up, with the further general understanding upon the part of the Senate that when it shall become more full during the day we shall suspend that bill temporarily, merely for the purpose of taking a vote upon the private bill to which I have referred, and which has been debated in the Senate for the last two Fridays.

Mr. HUNTER. Then I understand there is no objection.

The PRESIDENT. The Chair considers, then, that there is no objection to taking up the deficiency bill.

DEFICIENCY BILL.

The Senate accordingly, as in Committee of the Whole, resumed the consideration of the bill from the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, the pending question being on the motion of Mr. HAMTIN, to amend the following amendment of Mr. THOMPSON, of Kentucky:

SEC. — And be it further enacted, That, for custom-houses, and to complete the same, the following sums be, and they are hereby, appropriated:

For the purpose of completing the custom-house at St. Louis, Missouri, \$100,000.

To complete the custom-house at Mobile, Alabama, \$65,000.

To complete the custom-house at Cincinnati, Ohio, \$40,000.

To complete the custom-house at Louisville, Kentucky, \$40,000.

To complete the custom-house at Bangor, Maine, \$20,000.

To complete the custom-house at Bath, Maine, \$20,000.

To complete the custom-house at Wilmington, Delaware, \$12,000.

For the purchase of a site for a custom-house at Providence, Rhode Island, \$24,000—

by adding to it the following:

For the purchase of a new site for the custom house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if in his judgment the public interests will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for

the erection of a custom-house on the land reserved for said purpose, to the purchase of a building or buildings, for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house.

For the erection of a custom-house at Portland, Maine, including rooms for the United States courts, and for a post office, \$200,000.

Mr. ADAMS. I have no disposition to protract this discussion, but I beg leave to call the attention of the Senate, for a moment or two, to what seems to me to be an error into which many Senators have fallen. Almost every gentleman who has spoken in favor of the amendments now pending, has agreed, at least, that it is bad policy to insert in the deficiency bill such appropriations as those proposed in the amendments offered, and which will be offered hereafter, in relation to custom-houses. Senators admit that it is bad policy to attach them to the deficiency bill, when the sense of the House has been ascertained, by their vote, to be opposed to them; but the excuse given is, that the chairman of the committee having control of this bill voted for an appropriation of \$500,000 for the water-works here.

Now, sir, I submit that this Government does not belong to that Senator. He has no more interest and no more right in it than any other Senator here. I voted differently from him in regard to that proposition; but if he was wrong in that vote, every other proposition of the same kind (and it is said this is one of the same character) only adds so much more wrong; and adding wrong upon wrong never will make the bill right in the world. In other words, because the Senator from Virginia votes wrong it is no excuse why others should vote for any proposition for which they would not have voted, but for his favoring the one which has been referred to. The vote of one Senator is no excuse for another doing wrong.

But, sir, I have another objection to these amendments. My own opinion is, that we ought never, under any circumstances, when an appropriation is made for the fiscal year for any improvement, no matter what it may be, to make another appropriation at the instance of parties interested before the expiration of that year. The parties came here originally asking for such appropriations. They know very well, in many instances, that if they were to make a true estimate, and present to the consideration of Congress the full amount of the expense, they never would get a dollar appropriated; yet they make a very small estimate, which they know to be insufficient to answer the purposes, and the very moment they get an appropriation through Congress the amount is spent at once; and the cry is, as in this case, "Here are public works which will go to ruin, and the country will be injured, unless you make an additional appropriation."

You often make an appropriation, believed to be sufficient by Congress, to complete a work, and represented to be so, which turns out to be barely enough for a commencement. You appropriate \$100,000 here for any work of internal improvement, with the idea that that is all which is to be appropriated; but at the next session of Congress you are asked for \$500,000, and at the next for \$1,000,000, and so it goes on. I say it is bad policy. You had better let your public works go to ruin than set the precedent of allowing Executive officers to spend a dollar more than is appropriated, or to make contracts, or commence buildings, or improvements, of whatever character they may be, in a different manner from what was intended by Congress.

Let these works remain until the regular appropriation bill. At the last session, Congress made such appropriations as, in its judgment, were right and proper for the fiscal year, and although it may appear in some instances, and possibly may turn out to be of advantage in a particular case to make another appropriation before the regular period, yet the precedent is a bad one. The agents of the Government are under the influence of the citizens of the different towns for which these appropriations are made, I take it for granted, in many instances. And all experience shows—I know nothing about these particular cases, and have no reference to them—but I say, that all legislative experience has shown, that if you make an appropriation, the agents of the Government, instead of conducting the improvements according to the

amount appropriated, will make them to suit their own taste, and almost universally greatly exceed the amount intended by Congress. I would rather stop the works and suffer the necessary inconvenience following from that, than to encourage this course of legislation.

Mr. GWIN. With reference to the amendment now pending before the Senate I wish to make a few remarks, on a point upon which my colleague commented yesterday, and that is, in regard to the power asked by the Secretary of the Treasury to purchase buildings, as an alternative, if he cannot get a site for the custom-house at San Francisco. I have seen the Secretary of the Treasury, and ascertained from him that he asks for this authority for the purpose of preventing his being placed in the power of persons who may make combinations there to prevent him getting a site at all for a custom-house.

But he has no idea of resorting to the purchase of buildings there, unless it turns out to be indispensable for the public interests to do so. He has ascertained that it is very difficult to get a site large enough upon which to locate a custom-house building, because the ground belongs to various individuals, and he may be subjected to the same inconveniences as he is now in regard to the site, unless a power is conferred upon him to put him out of the reach of these combinations. He has no desire, and I presume nobody has, to purchase buildings there. We want a custom-house, and the Secretary of the Treasury asks that this power may be conferred on him in order that we may get one. That is all.

Mr. FITZPATRICK. I am not disposed to enter into an elaborate discussion of this question; but, before I vote upon the amendment which has been submitted by the honorable Senator from Kentucky, I desire to put myself right in reference to the vote which I shall give. I did not discover, when the amendment was first offered by the Senator, that it contained an appropriation for a custom-house in the State of Alabama. I was not aware that it proposed any such appropriation until I scrutinized it, while it was under discussion yesterday. I take a lively interest in the appropriation which is proposed for the custom-house at Mobile. It is one which both myself and my colleague are exceedingly anxious should obtain the sanction of Congress. But, sir, I have heard enough fall from Senators to satisfy me that the amendment now contemplated is out of place. On a proper occasion it will enlist all my energies to endeavor to get the sense of the body upon the propriety and justice of the appropriation, so far as that custom-house in Alabama is concerned. On a proper bill, and on a proper occasion, I should most strenuously labor to obtain that object; but if we are to heed the admonition of the Senator who has charge of this bill, [Mr. HUNTER,] enough has fallen from him to satisfy us that sufficient has already been ingrafted upon the bill to break it down.

It is perhaps not parliamentary to speak of what has occurred at the other end of the Capitol; but we cannot shut our eyes to the manner in which the first deficiency bill was loaded down and defeated in the House of Representatives. That was effected, to a great extent, by the identical amendment which is now proposed to be ingrafted upon it. In addition to the admonition given by the Senator from Virginia, the chairman of the Committee on Finance, who has control of the bill, I have other guarantees and assurances that the amendment, if adopted by this body, will tend to jeopardize the bill. Every Senator must be aware that it will greatly embarrass the action of the other House when it goes there to be acted upon. All these questions have been considered there; they have all, as I understand, been discussed, and they have failed to receive the sanction of the House of Representatives. Should not then the Senate pause?

I am as anxious to have provision made for the construction of the custom-house at Mobile as any other gentleman is to have provision made for his State; but the Representative who has the matter especially in charge from that district, as I understand, is opposed to putting the amendment to this bill. He is opposed to it now, not because he does not want the appropriation made; not because he thinks that we shall not ultimately get the appropriation; but because he has a solemn and deliberate conviction that if the amend-

ment be adopted to this bill it cannot receive the sanction of the House of Representatives. In addition to that, I understand that all the estimates made by the distinguished gentleman who is at the head of the Treasury Department are now embodied in a general appropriation bill, which will probably find its way into this body, in two or three weeks. Hence I deem it to be my duty to say, that in giving the vote that I shall give, I do not, by any means, intend to repudiate the appropriation which is intended to be made for the custom-house in the city of Mobile, but I do so from the deliberate conviction that the most effectual way to obtain the appropriation is not to prejudice it in the estimation of the Senate by attempting to place it in this bill; and to say further, that it was included in the amendment without my knowledge, privity, or consent, and I believe I may say the same for my colleague, [Mr. CLAY.] I know nothing of the merits of the amendment presented by the Senator from Maine. And I say, very frankly, that when I was not fully informed upon the subject, I was inclined to support the amendment of the Senator from Kentucky; for I took it for granted that all the appropriations contained in it were legitimate, and that they might, perhaps, with propriety be placed upon this bill; but since I have inquired into the matter, and learned the effect which it will have upon the bill, and that it may ultimately, to some extent, affect the appropriation, which is a proper one in itself, I deem it my duty to vote against it.

Mr. BAYARD. I desire to suggest to the honorable Senator from Alabama that I think he misapprehends the facts of this case. Every one of the custom-house appropriations included in the amendment were separately sustained in the other branch of the Legislature, and the fact as to whether the bill was broken down on their account is a mere matter of conjecture. There were other amendments which were considered objectionable in the bill, and the bill was broken down as a whole. I have no remarks to make on the singularity of the proceeding. Every one of the amendments was adopted as a part of the deficiency bill by a decided vote, and I cannot see that there is any reason to suppose that the House will reject this bill because they are placed in it, allow me to say, according to the recommendation of the Secretary of the Treasury. He evidently regards these as deficiencies. If they are not proper deficiencies I cannot understand the object and purpose of the bill. They relate to precedent appropriations. They are to continue works for which precedent appropriations have been made, and which, from an unforeseen increase of cost, it is impossible to go on with under the former appropriations. You must either suspend the works a year, for the whole building season, or make the appropriations now. The question of time is more material as to these appropriations than to any other appropriations in the bill. If that is not a sufficient ground for putting them in a deficiency bill, if the appropriations are proper in themselves, I am at a loss to see what is. This presents a singular fact. Here is a Democratic Administration, with a Democratic majority in the Senate, and a Democratic majority in the House, and the Secretary of the Treasury recommends these to you as deficiencies, and you propose to reject the recommendation without, as far as I have heard, a solitary objection being made as to the propriety of the appropriations themselves, or, indeed, without any reason being given why they should not go into the bill, except that it might hazard the bill in the other House.

As regards the Secretary of the Treasury, allow me to say that I differed from him certainly very widely in the course which he took in reference to the local disputes of New York. I regretted it. I thought it an error of judgment, and I was sorry that he involved the General Government in any such contest at all; but most certainly as regards a rigid adherence to law in the expenditures from the Treasury, as regards the strict care and disbursement of the Government funds, as regards an undoubted integrity and attention of the very highest character to all the duties of his office, I know no officer of the Government with whom he will not favorably compare; and I am not disposed, under these circumstances, to entirely throw aside his recommendation on a matter which he has had fully before him, which he has fully

looked at, and for the appropriation to meet which being made in this deficiency bill he has given you the reasons.

Mr. HAMLIN's amendment was agreed to.

The yeas and nays were ordered on the amendment as amended.

Mr. DODGE, of Iowa. Can the amendment now be amended?

The PRESIDENT. It is still open to amendment.

Mr. DODGE, of Iowa. Then I move to amend it by adding the following:

To complete the marine hospital at Cleveland, Ohio, \$25,000.

To complete the marine hospital at St. Louis, Missouri, \$10,000.

To complete the marine hospital at Chicago, Illinois, \$8,000.

To complete the marine hospital at Louisville, Kentucky, \$12,500.

To complete the marine hospital at Paducah, Kentucky, \$5,000.

To complete the marine hospital at Evansville, Indiana, \$2,000.

To complete the marine hospital at San Francisco, California, \$44,000.

At Milwaukee, Wisconsin, \$15,000.

And to construct marine hospitals at Keokuk, Burlington, and Dubuque, \$45,000.

Mr. HUNTER. Is that in order? Is it estimated for?

The PRESIDING OFFICER, (Mr. Foor in the chair.) Under the rule, to be in order it must be either in pursuance of estimate from a Department, or must be a report from a committee.

Mr. DODGE, of Iowa. I will state that all the provisions contained in it, except those for Milwaukee, Keokuk, and Dubuque, are in exact accordance with the estimates. In those cases they have not been estimated for; but they have been recommended by the Committee on Commerce, which made a report at the last session, but the bills for which did not pass into a law. In regard to Milwaukee, it is one of the most important points which we can find on the lakes, and the appropriation is eminently proper in every point of view.

Mr. HUNTER. Those which are not estimated for specially, I presume cannot be offered as an amendment.

Mr. DODGE, of Iowa. If my friend takes advantage of that, and insists upon it, I withdraw those which have not been estimated for; and I will amend the amendment by striking out Milwaukee, Keokuk, and Dubuque. They have not been estimated for, but the residue have.

The PRESIDING OFFICER. It will not be in order for the Senator to move that as an amendment to his amendment, because the proposition which he has already offered is an amendment to an amendment. It is the privilege of the Senator, however, to withdraw his amendment and offer a new one embodying such a modified proposition.

Mr. DODGE, of Iowa. I presume I can, by unanimous consent, modify my amendment. I modify it, therefore, by striking from it the items which I have mentioned. I will state that that amendment, as it now stands, is in accordance with the estimates of the Treasury Department. I will further state, that I consider the appropriations eminently proper; and it is a mere question of time as to when they shall be made. I was in favor, myself, of passing this bill through without any extraneous matters for my own or any other State. I was in favor of passing it without adding anything which did not meet with the entire approbation of the distinguished chairman of the Committee on Finance; but since the appropriation has been made for the water-works in Washington, I cannot sit here and see the rights of my constituents totally neglected, when one of the most extravagant, in my opinion, wasteful, and outrageous appropriations which has ever been made, has been added to the bill.

The PRESIDING OFFICER. The amendment to the amendment will be read as modified.

It was read, as follows:

To complete the marine hospital at Cleveland, Ohio, \$25,000.

To complete the marine hospital at St. Louis, Missouri, \$10,000.

To complete the marine hospital at Chicago, Illinois, \$8,000.

To complete the marine hospital at Louisville, Kentucky, \$12,500.

To complete the marine hospital at Paducah, Kentucky, \$5,000.

To complete the marine hospital at Evansville, Indiana, \$2,000.

To complete the marine hospital at San Francisco, California, \$44,000.

And to construct the marine hospital at Burlington, Iowa, \$15,000.

Mr. HUNTER. If the Senator from Iowa votes for the amendment because he thinks the appropriations are proper, and properly in this bill, he is justified in doing it; but if he votes for it because, in his opinion, I have voted for an appropriation which he may think improper, I submit to him that that is not a sufficient ground for his vote.

Mr. DODGE, of Iowa. I do not wish, by imputation, to charge my friend with any impropriety. His object was to get the deficiency bill through as soon as possible, without adding to it any extraneous amendments. I regretted to see him, as I thought, abandon that understanding, and agree to the insertion of the water amendment in this bill. We originally appropriated \$100,000 for that object under the guise of introducing water into the city; and now we have just got it started, and, like all other such schemes, an additional \$500,000 is called for to complete those water-works; and the appropriation will probably in the end run up to \$15,000,000 or \$20,000,000. The appropriation was made originally on the supposition that \$100,000 would be the amount; but now an unforeseen appropriation is to be made. I do not blame the Senator for the vote which he has given. The amendment received his approbation, and he voted for it. He had a right to do so; and I do not wish to be considered as charging any impropriety upon him.

Mr. HUNTER. I do not know that the merits of the amendment, in regard to the introduction of water into this city, are strictly in order. If they are, I think I can readily show the Senator from Iowa that he is very much mistaken in many particulars. In the first place, if he will look into the debate which occurred at the time of the original appropriation, he will find that it was stated that, if, according to one of the estimates, the water should be brought from the Little Falls, it would cost between two and three millions of dollars. The President of the United States has approved of a plan which requires a larger aqueduct, and accordingly the Superintendent has made a larger estimate—between three and four millions of dollars. I believe myself that the work will probably be brought within the estimate, or near it. The Senator is of a different opinion. It is a matter of opinion. Neither do I believe, as it has been said, that that is an appropriation for the benefit of this city. It is an appropriation which is necessary at the seat of Government to make the place comfortable and habitable to the employees of the Government—the persons who carry it on. I believe it is done for the purposes of the Government, and for the interests of the whole people of the United States. But, sir, I repeat, that whether I was right or wrong, can furnish no justification for voting for another amendment which the Senator may think wrong, or out of place. Two wrongs cannot make a right. My vote can be no reason for or against a vote upon any other proposition; for this bill is not mine, as was well said by the Senator from Mississippi, [Mr. ADAMS.] It is the bill of the Senate, and it is whatever the Senate choose to make it. No amendment can be put on it without a vote of the majority of the Senate. No amendment is there without such a vote; and it is the Senate who are to be held responsible as much as myself. So far as I am concerned, I am willing to take all the responsibility that attaches to my vote.

In regard to the policy of attaching this amendment to the deficiency bill, the Senate can judge as well as I can. They have seen what has been the effect of it in the House of Representatives. The opinion of the House in regard to this matter, at least, is known. In regard to the other, nobody can say what it is; nobody can say whether the amendment in relation to the water will jeopardize it or not in the House. I do not believe it will. I do believe that the amendment of the Senator from Kentucky has once defeated the deficiency bill in the House; whether it would again do so or not I cannot say; that is a matter for the Senate to determine; and the majority will determine. If they believe that these are proper appropriations, and that this is a proper place for them, they will put them in.

I will only say in regard to this matter of pub-

lic buildings, that I believe appropriations for them have become so large and so general, that there requires to be digested some sort of system in relation to them. There ought to be some sort of system digested in order that the two Houses may have proper estimates and plans before they act upon them; in order to have some general rules by which to supply the wants of the community according to their wants, and not according to their demands, or the energies and abilities of the particular individuals whom we happen to represent. I think, therefore, that it would be better, in every point of view, to have them come up in a separate bill, hereafter, or in a general appropriation bill when there will be more time to digest a system; but, as I said before, that is a matter for the consideration of the Senate.

Mr. RUSK. Mr. President, I regret very much to see this proposition, as an amendment to this bill, meet with the favor of the honorable Senator who offers it. Perhaps there has been an improper amendment made in regard to the introduction of water into this city; but, in my judgment, that does not furnish sufficient excuse for putting into this bill other amendments which may be also improper. I am remarkably anxious that the bill should be disposed of. There are other very important subjects which are behind it, and which are waiting to come up for the consideration of the Senate, in which I take a deep interest, and in which I know the Senator from Iowa is also very much interested. There is the Pacific railroad, the homestead bill, and other measures, about which many Senators are deeply solicitous; and what will be the result of our manner of proceeding with this bill?—that all these measures will be staved off to so late a period that when they do come up they will not meet with proper consideration. The Senator from Virginia, the chairman of the Committee on Finance, may have done right or wrong in regard to his vote for putting the \$500,000 in this bill for the introduction of water into this city. I voted for it. I shall do so again. I think it is a proper appropriation. The Senator from Iowa thinks differently. I voted for the appropriation originally. When it was discussed in the beginning, it was understood that we were to go on and complete the work. Indeed, so far as I am concerned, I voted for the appropriation with that distinct understanding. I could not have justified myself on any other ground. I could not have justified myself for wasting \$100,000 of the public treasure if I had not supposed that the matter was to be completed. I think, without making it antagonistic to other plans, that all sections of the Union ought at once to interest themselves in it. This is the seat of government. It has no commercial advantages. Its citizens have not the commercial advantages which the citizens of other places possess. It is the capital of the nation, in which we ought to take a pride. We bring people here to discharge the duties of the offices of the Government, and we ought to provide for their health and comfort; and we ought to have some pride in the national city of the United States. I am in favor of bringing water into the city; and while, because we have an overflowing Treasury, there are thousands of claims put up by which money may be taken from it, I am not willing to neglect an object which I regard as one of importance, and upon which I think we should legislate.

I am not on the Committee for the District of Columbia. If I had been, as a friend of the water appropriation, I should not have been in favor of offering it as an amendment to the deficiency bill. I should not have offered it, because I would have regarded it as much more safe and certain to wait, and attach it to one of the general appropriation bills; but the gentlemen who are on that committee, whose judgment is more to be relied upon than my own, introduced it, and I supported it. The same principle in regard to the offering of amendments shall still govern me. I feel interested in an appropriation which ought to be made, and which does affect, to a very large extent, the portion of the country from which I come, in reference to some Indians there. I am anxious to get that appropriation as early as possible; but, upon mature deliberation, I thought it best, as there would be very little probability of having the question determined upon its merits, under the state of feeling which now exists, not to offer it to this bill.

Then, sir, for the same reason, I object to the amendments offered by the Senator from Iowa and the Senator from Kentucky. I am friendly to the establishment of these marine hospitals. They are absolutely necessary. I am friendly to a matured plan with regard to our seamen who are employed on the steamboats in our western rivers; but I cannot shut my eyes to the fact—my experience here places the matter before me so prominently that I cannot shut my eyes to it—that while you are asking for appropriations that shall be expended for the benefit of the seamen and hands upon those river boats, when made they are very frequently—(whether asked for for that purpose or not I do not know—I do not charge any one with it)—got in a manner which amounts to nothing but the expenditure of money in a particular locality. I think the system ought to undergo the severest scrutiny of the Committee on Commerce. It ought to be examined as to the points at which the appropriations should be expended. It is not a matter which ought to be placed upon the deficiency bill; and it evidently tends to create debate, and keeps back a vast number of other important measures. When it is evident that such matters will not be voted on upon their merits, under the state of feeling which has been generated, I think it would be better not to offer them. I shall vote against all these appropriations; not because I am unfriendly to the measure at all, for whenever the Committee on Commerce shall come forward with a well-digested plan to make appropriations, liberal appropriations, for marine hospitals, I will support them. But it is evident that if we pursue this plan, and give an appropriation for one marine hospital in this bill, another gentleman will have some other marine hospital, some other custom-house, to be appropriated for; and where are we then? And, sir, when are we to get the railroad and homestead bills before us if we go on in this way? For these reasons I shall vote against the amendment.

Mr. HAMLIN. I desire only to say one word in relation to the amendment to the amendment, and that in answer to the suggestion of the Senator from Texas. The question of the marine hospitals has not been a matter of discussion before the Committee on Commerce at this session; but still I believe that every case embraced by the amendment of the Senator from Iowa has been investigated by that committee; and I do not hesitate, as a member of it, to say, that there is no appropriation in that amendment—I speak not with reference to its connection with this bill—that is not, in itself, just, proper, and appropriate. They are all recommended by the Department under whose supervision the whole marine subject is, and I do not think any of them is improper.

Mr. RUSK. I am glad to hear it.

Mr. DODGE, of Iowa. The remarks made by the Senator from Texas would be excellent, and might be appreciated, if the bill had not been already amended. But, sir, it has been amended—amended in important particulars, and to the amount of thousands of dollars. One amendment to the amount of half a million of dollars has been put on it. That being the case, I submit to the Senator whether I can, in justice to my constituents, sit by and see appropriations of that sort made in this bill, while my section of country is entirely overlooked in reference to these matters, as it has been.

But, sir, in regard to this seat of Government; I have listened to all that has been said in regard to the improvements for it. We are now introducing water into it, and no one knows the amount of appropriations which are to be made for it. Would any man have said, at the time the seat of Government was about to be located at Washington, located here by a compromise of sectional and other interests, that the people of distant Iowa and of California were to be taxed to pay, not only for the necessary buildings, necessary as I grant you they are, to carry on the necessary operations of the Republic, of which they are proud, and of which every Senator must be proud, but, in addition to this, that they should be called upon to make extraordinary appropriations of money for other purposes, and for other works which are not so necessary? Sir, make St. Louis the center of this Republic, the seat of Government; give Cincinnati the seat of Government, and she will make her own water-works, she will pave her own streets, she will attend to

her own municipal concerns, she will provide for her officers to attend to her police matters. But, sir, look at the appropriations which we are making for this city, and, for one, I wish to take my stand upon this matter. We are called upon to introduce water into the city for the purpose of protecting our public buildings from fire. We are asked to appropriate large sums of money to be expended in a reservoir to supply water to protect these buildings. Sir, we might build one out here somewhere for \$50,000 or \$100,000, which would supply the water for that purpose. Not only are we called upon to have the buildings made fire-proof, and to exercise a sufficient vigilance to protect them from fire, but we are called upon to make vast appropriations to protect them by water. I recommend, then, that a reservoir be built out here, and a fire-engine provided for these buildings to protect them. I am willing to vote to water all the library, and all the other portions of the Capitol as soon as it gets on fire, and so with each one of the public buildings, but I do not want to go into this magnificent scheme.

But the amendment has been put in the bill, and it has been done by the votes of gentlemen in whom I have the most entire confidence while I may doubt and distrust my own; but I maintain my opinions as honestly as do the Senators who entertain opposite views. The appropriation is in the bill. The appropriations which I now propose to add by way of amendment are necessary for the men who are engaged upon the rafts and steamboats upon our western rivers, whose bodies are being wasted under the malaria, and who, when attacked by sickness, ought to be conveyed to one of these hospitals, that they may be cared for and cured; and they are necessary to protect the western waters from the terrible ravages of the Asiatic cholera, which so often visits them during certain seasons of the year. No appropriation could commend itself more strongly to the judgment of this body. These appropriations are in strict accordance with the estimates of the Secretary of the Treasury; and I submit to my friend, that since the other amendment has gone on, the bill will gain strength in the other House by having these inserted. They must be made. The question is one simply of time as to when they shall be made; and though I would rather that the bill had passed through without having so many amendments attached to it, yet, as it has been amended in the manner which I have mentioned, I feel it to be my duty to submit this amendment, believing that it will strengthen the bill in its present shape.

Mr. FITZPATRICK. I desire to add some remarks to those which I have already submitted, as to the propriety of amending this bill, and as to my course on the pending amendments. It is perhaps necessary for me to explain further the position which I occupy. If I understand it this is essentially a deficiency bill. The demands of the Government require that the act of Congress making the appropriation should be prompt, so as to enable the Government to carry on its operations. I desire to expedite the bill. I ascertained that the amendment submitted by the Senator from Kentucky embraces an appropriation for the custom-house in the city of Mobile. That would commend the amendment to my favorable consideration. No member on this floor could be more active in favor of that work, because we believe the appropriation ought to be made, than myself and my colleague; but laboring under the impression as I do—for I am certainly impressed with the belief—that all these amendments hazard the bill, and perhaps will to some extent stop the operations of the Government, I announced my opposition to the amendment, as we all know it was these amendments which led to the defeat of the first bill in the House of Representatives. But with what understanding can I, or any Senator upon this floor, unless he has charged himself to investigate into the matter, vote for the amendment of the Senator from Iowa? My regard for that Senator, my implicit confidence in his good sense and uniform correctness upon particular questions involving constitutional law, and the expenditure of public money, commends any measure that he submits to the consideration of the body to my judgment; but can we in this hurried manner investigate all these estimates, to see whether they are legitimate estimates to be adopted by this body or not? It seems to me clearly not.

There are many estimates made by the Secretary of the Treasury, and it seems to me that before we act upon them they should undergo the scrutiny of a committee of this body, and they should come before us in the legitimate form of a report from a committee. The appropriations now proposed have not been reported to us from a committee. I know that a committee in the other House reported upon the custom-house appropriations; but when they came here they should have been referred to proper committees, and should have undergone the scrutiny of those committees, and then they would not have failed to receive, I am sure, the favorable consideration of the great majority of the body.

The great pretext for supporting these amendments seems to be the vote of the honorable chairman of the Committee on Finance, [Mr. HUNTER,] for the appropriation of half a million of dollars for the introduction of water into the city of Washington. I very frankly say that I voted against that appropriation. I thought it improperly placed there. I said nothing against it, for I was content to give a quiet vote. I presume that if the Senator had foreseen the criticism which his vote has elicited he would have been willing to have dispensed with the appropriation. I think it was unfortunately put in the bill. Another matter was ingrafted yesterday, which was of no kindred character to the bill. Still I am not disposed to make that an excuse for introducing other matters into the bill which are not proper to be put there.

But the leading reason for the making of the remarks which I had the honor to submit to the Senate a short time ago was to justify the vote I expected to give; and that was, because I thought we had better take the original bill as it came from the House. If, however, it is the deliberate judgment of the Senate that all these appropriations are to be ingrafted into the bill, I must go in common with them. I do not design to strike the appropriation for the custom-house in Mobile from that amendment. If the Senate load down the bill with amendments—and we appear to be doing so—and if we are to have the entire estimates sent by the Secretary of the Treasury ingrafted upon the bill, what is to be the result of it? The honorable chairman of the Committee on Finance says he cannot predict what it will be. He judges from what has occurred before; and I have been assured by gentlemen who can speak for the other House, that if we attach these amendments we shall endanger the entire bill. It is said that the general appropriation bill will sleep in the House of Representatives, and that the session will be almost at its close before we get it. If I thought that would be the fact I would risk the consequences, and give my vote in common with the other gentlemen who favor these amendments, although I do not think they are in the proper place. If it is the settled policy of the Senate to add the amendments, I am not disposed to make any discrimination, and take everything which is asked for except that for the State which I have the honor in part to represent. I am conscious that this is a legitimate appropriation. I am satisfied that I could convince the Senate that it is a proper and reasonable appropriation. It has been commended to the favorable consideration of Congress by the Secretary of the Treasury. Still, I should prefer to see it made in its proper place. Mobile is the third exporting city in the Union; and yet it is destitute of a custom-house, of a post-office, and of a room for the holding of the district court of the United States. Notwithstanding it is the third exporting city in the Union, if I am not incorrectly informed, we are subjected to all the difficulties to which that leads, and the Government is paying a high rent for its buildings. The third exporting city of the Union has not now a custom-house, or a post office, or a room in which the courts of the United States can be held! These things are so set forth by the Secretary of the Treasury. They appeal to the common sense and common judgment; so that, it seems to me, when the question comes fairly and legitimately before the Senate they cannot but agree to the appropriation. It is not with any distrust of the merits of the appropriation for that custom-house, but it is from a disinclination to embarrass the bill, and to prevent immediate action upon it, that I am prompted to the course which I have pursued.

Mr. BELL. I desire to ask my friend from Iowa whether the hospitals, the appropriations

for which he proposes to add to the bill, have heretofore been commenced, and had an appropriation made at a prior session?

Mr. DODGE, of Iowa. Every one of them, save one which has been recommended by the Department, and unanimously sanctioned by the Committee on Commerce, who reported a bill which passed this body at the last session of Congress. It requires but a small appropriation to complete them entirely.

Mr. FESSENDEN. I stated, in connection with my colleague, [Mr. HAMLIN,] the other day, that although we considered it essentially necessary to make an appropriation for the custom-house at Portland, Maine, we were not disposed to press it on this bill, and should not have moved it as an amendment had it not been for the amendment which was introduced by the Committee on Finance in reference to the custom-house at San Francisco. On the next morning that amendment was withdrawn. I suppose if any one of us had objected neither of them could have been withdrawn. We might have had a vote upon them, but we did not do it. Now, sir, I wish to state that I voted for the amendment which was proposed by the honorable Senator from Maryland, [Mr. PRATT,] in reference to the introduction of water into this city, not with a view to put anything into the bill that was improper, but because I believed, and I was induced more particularly to believe from the remarks made by the Senator from Mississippi, [Mr. BROWN,] in explanation, that it was a proper appropriation, and that I was merely doing my duty in voting for it. I should not have voted for it at all had I believed that it was in an improper place. I believed it to be peculiarly proper to go into a bill of this kind, and having that belief, seeing no impropriety in it, and being in favor of it, I saw no reason for withholding my vote from it.

I am at a loss to understand what this deficiency bill means. Senators say that these appropriations are all in the wrong place in connection with this bill. I should like to have the chairman of the Committee on Finance explain to me what is a deficiency bill? Is it anything more or less than to appropriate money which is immediately needed for purposes which are pressing, and which cannot wait for the ordinary legislation? I should suppose so, sir, from the mixture of appropriations that I see in the bill. But Senators say that this amendment is all improper and out of place. If there is a distinction, I should like to know where it is. I find an appropriation to complete public buildings in New Mexico of \$50,000. That is an original appropriation in the bill, and I should like to know why it is not as much out of place in this bill as an appropriation to complete the custom-house at St. Louis, Missouri? I am unwilling, because I have a regard for order and the proper course of proceeding in a legislative body, unless it becomes absolutely necessary, to crowd anything into the bill that does not properly belong to it; but when I see here so many subjects of different kinds, and some of them not varying from the proposition made here, which has been exclaimed against by Senators, I cannot help apprehending that a matter is proper or not according as it suits the particular wishes of Senators in regard to it. If the appropriation for bringing water into the city of Washington, which I concede to be a good object, and for which I voted, was proper in itself, I ask the honorable chairman of the Committee on Finance why these appropriations to complete the custom-houses or marine hospitals are not just as proper on this bill? And if so, the vote of the Senator in reference to these matters certainly cannot be influenced by the consideration that this is a wrong place to make these appropriations.

Mr. HUNTER. I do not want to make another speech. I have stated the difference. It is this: We know that this amendment has defeated the bill once in the House; we do not know that the amendment in relation to the water would defeat it. So far as I can ascertain, I do not believe it would.

Mr. FESSENDEN. I am speaking on another point. Some Senators say that it is an improper place to put these matters, owing to the peculiar character of the bill itself; that they are not appropriate to the bill before the Senate. Now, sir, I say that if the appropriation with regard to the

water is a proper one to go into this bill, all these are just as proper.

Mr. HUNTER. I do not say that they are inappropriate on such a bill. They are subjects for a deficiency bill, if we choose to make appropriations for them. That was not my ground of objection. I stated that it was not in the proper place, because we know from what had happened that it would jeopardize the bill.

Mr. FESSENDEN. That is another point. But it has been stated by the Senators who have made objection to this amendment, that this is a bill which is only brought in for certain things, and it is because the money must be had. Then the only question for the Senate to decide is, whether it is a case of such pressing necessity as to make it an amendment which ought to go into this bill, and not wait for a chance to make the appropriation during the last days and nights of the session, amid all the difficulties which then surround us, of which I have had some little experience heretofore. Then, if these amendments are proper in themselves, why should we not put them in the bill? There is an objection made, on the part of certain Senators, who are willing to try the experiment with regard to putting other appropriations in the bill, that it may endanger the bill. Let me ask, if they are so anxious for the passage of the bill, and so very much afraid of endangering it, why they try these dangerous experiments in regard to it? Why try so dangerous an experiment as to put on it an appropriation of five hundred thousand dollars for a matter which they know is contested in both branches of Congress? It is contested here—contested very strongly. Unquestionably, it will be contested in the other House. It is not a matter which commends itself to the mind of every man as soon as it is stated to him. It is a matter which calls for debate, and it is just as likely to endanger a bill of this description as any other thing. It does not bring as much force to bear upon it and to support it as all these amendments which are appropriations for matters existing in different parts of the country, and which bring very considerable strength to bear upon them. I am apprehensive that gentlemen hardly argue fairly, when they are willing to put on this bill an amendment of that description, of so large an amount, a single item, and try the experiment upon it; for they certainly know that it will to some extent endanger it. Why do so, if the bill itself is of any pressing necessity? I do not agree with other Senators, who state that they are opposed to all bills of this description. I believe that they are necessary. I believe that they are indispensable. I do not think, in the mode in which legislation is transacted here, that we could get along reasonably well without one. Matters arise which are always of pressing necessity, and for which such appropriations should be made for the good of the country, and for carrying on the public works.

Then, I not only am not satisfied, that, as stated by gentlemen, the danger to the bill in the other House arises from these appropriations for custom-houses, but I go further, and agree most distinctly with the honorable Senator from Tennessee, [Mr. BELL,] that it is not a thing which should govern our judgment or our action in reference to the matter. We must act upon our own responsibilities. How are we to do in passing a bill, or in making a movement in reference to a bill which we judge to be of importance? Are we, in the first place, to inquire whether it would be satisfactory to the other branch of Congress? Or are they to make the same inquiry in regard to us? That would make us always dependent upon them in reference to these matters, or they on us. I suppose that legislation must be conducted according to the joint judgment exercised separately on the part of the two Houses of Congress, each House for itself; and if they disagree finally upon any matter, it is to be settled in the ordinary course of legislative negotiation; but I should be unwilling to establish or accede to the principle, either directly or indirectly, that we are not to pass an appropriation, or make an amendment to a bill, because we fear it will not be satisfactory to the other branch of Congress. We must ascertain that in the ordinary, due course of time. The bill, as has been stated, is in no danger itself. It must pass sooner or later; and we have as good a right, I apprehend, to take our own ground firmly in reference to that matter; and

maintain it, and see what influence we can bring to bear on appropriations which we judge to be necessary, as they have in the other branch of Congress; but I feel that it is entirely unparalleled to adduce any argument of that description to the consideration of the bill here.

One word in reference to these matters. Every one of the appropriations now moved as an amendment has gone through the ordeal of examination, with the exception of those put on at the suggestion of my colleague, [Mr. HAMLIN.] There is nothing further to be done about them. Time is pressing. The country is quite as much in want of them as it is of one half of the appropriations which are made in the bill and called deficiencies. There is one here to appropriate money to the Patent Office for the purchase of seed. There is another relating to certain printing which is hereafter to be done, and which certainly was not a matter so pressing in point of time. All these things have been estimated for. They have been examined and thoroughly considered more than once. They are absolutely necessary at the present time. I hope, therefore, that Senators will adhere to the amendment; and, at any rate, that we shall test the question whether the Senate shall have a voice in settling matters of this description.

Mr. BROWN. I do not concur in the views expressed by various Senators, that we are to reject amendments to this bill on account of any apprehension that they will not meet with favor at the other end of the Capitol. The Senator from Maine [Mr. FESSENDEN] has very well expressed the idea that I entertain—that each House has to act upon its own responsibility, and separately, in reference to matters of this kind. Whatever I think is proper upon this bill, I shall vote to put upon it, without any sort of reference as to whether it is to please the other House of Congress or not. But there are two points about which I shall have to be satisfied before I can vote for this amendment; and the first is—I will address the inquiry to the Senator from Iowa, [Mr. DODGE,] who introduced the last amendment—as to whether any investigation has been made into the expenditures of the last appropriations? What has come of the money which has been appropriated heretofore? Has it been properly applied? Has it been accounted for? I want to be satisfied upon that point, not only in reference to the amendment itself, but in reference to the amendment to the amendment. These works have been going on for years. Appropriation after appropriation has been made for them; and, for one, I am not willing to sit here from year to year, and make appropriations of money upon bare estimates, without knowing what has become of the money which we have already appropriated.

Then I want to know as to another point: Are the appropriations now asked for to complete the buildings, or are they to go on to some time in the future, which is not defined, to do something, we know not what? Are we to be called upon to make another appropriation in a general appropriation bill?

Mr. THOMPSON, of Kentucky. The amendment is "to complete."

Mr. BROWN. I know that term is put in the amendment; but that does not signify anything to us. It does not complete it, as we know from sad experience. You have made appropriation after appropriation "to complete" these very marine hospitals. Go back and look at your estimates for years, and you will find that they have been completed every year, according to those estimates, for the last five or six years. So with your custom-houses.

Another thing I would like to know. How much money is it going to take to complete these custom-houses in the West? How many hundred dollars is each one to cost? And is the value of the building, for commercial purposes, to bear any sort of relation, when it is completed, to the cost of it? I understand that you are asked to build a custom-house in Louisville, another in Cincinnati, and another in St. Louis, which is to cost the Government a half a million of dollars at least. So understanding it, I have from the beginning warred against it. You have no use for any such custom-house there. What is the whole importing business of the three cities? The annual receipts into the three custom-houses would not be sufficient to build one of them. There are to-day more than one hundred merchants in the three

cities who transact more business than the United States do there. I mean that the receipts and disbursements of more than one hundred merchants in those cities are larger than the receipts of the custom-houses there, yet each one transacts his business, with all his merchandise about him, in a house that does not cost him perhaps exceeding \$20,000 or \$25,000.

Mr. CHASE. The Senator is mistaken in regard to the cost of these custom-houses. The total appropriation, including the appropriation of that custom-house in Cincinnati, falls short, I think, of \$200,000. I am not certain as to the amount at Louisville. The St. Louis is the largest of the three. And in regard to the amount of business done at these cities, the Senator is under a mistake. I cannot state precisely at this moment, but the revenues collected there certainly very much exceed \$200,000 a year.

Mr. BROWN. I have not referred myself to the report of the Secretary of the Treasury, but I asked the chairman of the Committee of Ways and Means of the House, yesterday, what were the annual receipts of the customs at Cincinnati and St. Louis? He told me, I think, that they were about \$160,000 at St. Louis, and somewhere in the neighborhood of \$200,000 at Cincinnati.

Mr. GEYER. I can state to the Senator that the receipts at St. Louis for the last year were \$294,000. They are increasing annually at the rate of about \$80,000 a year.

Mr. BROWN. Allowing the amount to be \$294,000, why do you want a house which is to cost in the neighborhood of half a million, in order to transact that amount of business?

Mr. CHASE. The Senator will allow me to say, that these buildings for custom-houses are only called custom-houses, but they are also intended for the accommodation of the courts and the post offices, and the various public business of the United States, at each of these points, and really there is a great economy in the construction of a house for these purposes, instead of renting, as the Government ordinarily does.

Mr. WELLER. What does the Government pay in the way of rent now?

Mr. CHASE. Some \$6,000 in Cincinnati alone.

Mr. BROWN. Well, sir, although these buildings are to be used for all these purposes, I think a smaller sum might suffice. But let that pass. I know very well that there is really no necessity for collecting customs at those cities at all. Who does not know that there is not one single ounce of merchandise which goes to one of those cities, which does not pass through New Orleans? and you are building a custom-house there which will cost from three to five millions of dollars. If there be a necessity for these buildings, and for the appropriation of half a million of dollars for them, let us appropriate the amount, but let us ascertain what has been done with the money heretofore appropriated, and how much will be wanted hereafter to complete these buildings. When the proper committee of the Senate have investigated these matters properly they will be able to answer officially, on their responsibility, whether these appropriations are needed; but when you merely bring in estimates of the Secretary of the Treasury, and ask for appropriations without knowing anything as to what has been done with the money heretofore appropriated, and without knowing whether the present appropriation will complete the buildings, you are striking in the dark. I want information upon these points, and, without it, I cannot vote for these appropriations.

Mr. CASS. I desire not to be misunderstood by my vote. I will vote against these amendments; and yet, if I understand the object, I think I should vote for any one of the appropriations if it came in what I thought to be the right place. I rely very much upon the opinion of the honorable Senator at the head of the Committee on Finance in relation to appropriation bills. I do not want to hazard the bill. I do not agree with the honorable Senator from Maine, that this may not hazard the bill. If this were a matter of principle, I admit that we should not look so much as to whether it should be in this, or in some other bill; but when it is a mere question of expediency as to the best way of passing the provision, I think it right to look to the condition of things in the other House. That appears to me to be a legitimate subject of inquiry.

Mr. BELL. How will it cause the loss of the bill in the other House?

Mr. CASS. I am not responsible for the fact, Mr. President; but we have all heard what the honorable chairman of the Committee on Finance has stated; and from his means of information I rely very much upon his opinion in regard to these subjects. I believe that this will hazard the bill. Sir, we have had these fights at every session on deficiency bills. The honorable Senator from Iowa has very well and properly said, that when what every Senator must feel to be a local question is crowded into a bill of this sort, those who do not bring forward their local questions of a similar nature are supposed to neglect the interests of their constituents. Some gentleman has referred to the Northwest, and the necessity of harbors and other improvements there. Now, I can say, that there is no place in the Northwest where the accommodation of commerce more indispensably requires the erection of a custom-house than Detroit; and I intend, myself, to introduce a resolution next week instructing the Committee on Commerce to inquire into the expediency of erecting one at that point; but I do not want to introduce it here, and to encumber this bill with such an appropriation. I shall vote against the amendment on that ground, because I do not want to hazard the passage of the bill, as we have done session after session in this way; yet when the appropriations come up in the appropriate way to carry on existing works I shall vote for them.

Mr. GWIN. It has been so often stated that the amendments proposed to be put on the bill now will cause its defeat in the other House, that I think it is proper to correct that statement. Sir, there was another provision in the first deficiency bill which caused its defeat in the House, and that was the provision in regard to an assay office in New York. We know perfectly well that it was the vote of the Pennsylvania delegation which defeated the bill, and that it was not the question of the custom-houses. The delegation from that State in the other House almost unanimously voted against the bill, because of its containing an appropriation of over \$500,000 for the New York assay office; and I undertake to say that had more influence in defeating the bill than the amendments now proposed.

Mr. NORRIS called for the yeas and nays on the amendment of Mr. Dodge, of Iowa, to the amendment of Mr. Thompson, of Kentucky.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 17; as follows:

YEAS—Messrs. Allen, Atchison, Bayard, Bell, Brodhead, Chase, Clayton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Everett, Fessenden, Foot, Geyer, Gwin, Hamlin, James, Jones of Iowa, Jones of Tennessee, Morton, Sumner, Thompson of Kentucky, Wade, and Weller—24.

NAYS—Messrs. Adams, Badger, Brown, Butler, Cass, Clay, Evans, Fitzpatrick, Hunter, Mason, Norris, Pearce, Pratt, Rusk, Stuart, Williams, and Wright—17.

So the amendment to the amendment was agreed to.

HODGES AND LANSDALE, AND JOHNSON.

Mr. PEARCE. As the Senate is now probably as full as it will be during the day, I ask, in pursuance of the informal understanding which we had early in the morning, that this bill may be laid aside temporarily, in order that we may take up the bill for the relief of Hodges & Lansdale, and of the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased. It has been already fully debated by my colleague, [Mr. PRATT,] and by the honorable Senator from Delaware, [Mr. BAYARD.]

Mr. GWIN. We are about coming to a vote on the amendment of the Senator from Kentucky. Let us dispose of that, and then take up the bill of the Senator from Maryland.

Mr. DODGE, of Iowa. I hope the request of the Senator from Maryland will be acceded to. It is right and proper; and the bill can be disposed of without debate.

Mr. GWIN. Very well.

The PRESIDING OFFICER, (Mr. Foot in the chair.) The Chair hears no objection to the course suggested by the Senator from Maryland. The bill to which he refers is, therefore, now under consideration, as in Committee of the Whole.

The bill for the relief of Hodges & Lansdale, and of the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased, was reported to the Senate without amendment.

Mr. BAYARD called for the yeas and nays on ordering it to be engrossed for a third reading; and they were ordered.

Mr. CASS. I hesitate to vote upon this question, because I was not here when the discussion upon the claim took place. I must therefore vote—from my previous impressions, which were favorable to the claim—for the bill.

Mr. JAMES. The same circumstances as those which the honorable Senator from Michigan has stated, will control my vote. I have not heard the discussion, but from reading the report I have received a favorable impression as to the justice of the claim.

The question being taken by yeas and nays, resulted—yeas 24, nays 17; as follows:

YEAS—Messrs. Adams, Badger, Bell, Brodhead, Brown, Cass, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, Gwin, Hamlin, James, Jones of Iowa, Mason, Morton, Pearce, Pratt, Rusk, Stuart, Wade, and Weller—24.

NAYS—Messrs. Allen, Atchison, Bayard, Clayton, Evans, Everett, Fessenden, Fish, Fitzpatrick, Foot, Hunter, Jones of Tennessee, Slidell, Sumner, Thompson of Kentucky, Williams, and Wright—17.

So the bill was ordered to be engrossed for a third reading. It was then read a third time, and passed.

THE DEFICIENCY BILL.

The Senate again resumed, as in Committee of the Whole, the consideration of the deficiency bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, [Mr. THOMPSON,] as amended on the motion of the Senator from Maine, [Mr. HAMLIN,] and the Senator from Iowa, [Mr. DODGE.]

The question being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Allen, Atchison, Bayard, Bell, Chase, Clayton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Everett, Fessenden, Foot, Geyer, Gwin, Hamlin, James, Jones of Iowa, Jones of Tennessee, Morton, Sumner, Thompson of Kentucky, Wade, and Weller—23.

NAYS—Messrs. Adams, Brodhead, Brown, Cass, Clay, Evans, Fitzpatrick, Hunter, Mason, Pearce, Pratt, Rusk, Slidell, Stuart, Williams, and Wright—16.

So the amendment as amended was agreed to.

Mr. GWIN. I move to amend the bill by adding, at the end of the clause providing for the expenses of the land commission in California, the following:

And the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issuing from said commission as are allowed to sheriffs for serving the same processes of the higher courts of California; and the same mileage and per diem shall be paid to witnesses as is allowed to witnesses by the State of California.

I will explain in a few words the necessity for this amendment. The appropriation to which I propose to add it is in these words:

"For salaries and incidental expenses of the commission, appointed under the act of March 3, 1851, for settling land claims in California, \$37,500."

The marshals of these two districts are required to summon witnesses before this commission. They have to travel great distances in doing so. They receive but ten cents per mile, while their traveling costs them fifty cents per mile. All I ask is, that when they are required to perform this duty they shall get the same compensation as is allowed sheriffs for similar duties by the highest courts of the State.

Mr. HUNTER. Mr. President, the marshals in all the other districts are complaining. A colleague of mine was telling me this morning of a case in which a marshal of western Virginia was required to convey prisoners, and the cost of conveying them was more than his fees amounted to. The marshal of the eastern district of that State saw me the other evening, and he told me that the mileage allowed him by law is not as much as he is required to pay for traveling on the railroads to serve process. Why then relieve the marshals of one State and leave all the others out?

Mr. GWIN. It must be perfectly evident to the Senate that this is a special duty required of these marshals under a law which expires next March. The marshals are required to summon witnesses before the land commissioners, in addition to their duties before the United States courts. I know that the compensation of the marshals is too small, and I am in favor of having it increased upon a general appropriation bill. But here is an appropriation for a deficiency for the expenses of the board of land commissioners. Now I want the marshals who are required by law to serve

the processes which issue from that board, and the witnesses who are required to attend its sittings, to receive the same compensation which is allowed for similar services by the State courts. I should not move the amendment if this were not a specific case, calling for immediate relief.

The amendment was agreed to.

Mr. GWIN. I have another amendment. It is to insert at the end of the appropriations for the War Department the following:

And the Secretary of War is hereby directed to have the boundaries of the military reserve at the Presidio, near San Francisco, established to include only such an amount of land as is required for military purposes; and the residue of said reservation is hereby set apart for the use of public schools in the city of San Francisco.

That is according to the recommendation of the commander of the division of that coast.

Mr. HUNTER. Is there any estimate for this?

Mr. GWIN. It is not an appropriation.

Mr. HUNTER. It is an appropriation of land for San Francisco.

Mr. GWIN. I have a letter from the commanding general on the Pacific coast, giving, in detail, reasons showing why there is a great deal more land in the reservation than is required for the military service. Let the letter be read:

The Secretary read the letter, as follows:

HEADQUARTERS PACIFIC DIVISION,
SAN FRANCISCO, October 25, 1853.

SIR: Doctor Gwin, a few days before his recent departure from this city to resume his duties in the United States Senate, asked me whether I thought the whole of the reservation at the Presidio (near the Golden Gate) was required for public purposes connected with the defense of the harbor? I at once gave the opinion that there is much more ground included in the reservation than could be required, but that an opinion from the engineers charged with the duty of erecting the defenses for the harbor would doubtless be needed before any diminution of it could be recommended. By a note from Doctor Gwin, of the 15th instant, handed to me yesterday, I am requested to address my opinion on the point above indicated to the honorable Secretary of War, his object being to have the surplusage (if any) appropriated to the use of schools in this (San Francisco) city, during the approaching session of Congress.

I have no hesitation in saying, that, in my opinion, there is much more ground included in the reservation than is required for public purposes, and more than it is either expedient or, perhaps, possible to retain so near a rapidly growing city like this; and that if a considerable portion, to be designated under the direction of the President, could be devoted to educational purposes in this city, a better disposition of it could not possibly be made.

I have the honor to be, very respectfully, your obedient servant,

W. A. HITCHCOCK.

Colonel 2d Inf. and Brevet Brig. General.
Colonel SAMUEL COOPER, Adjutant General,
United States Army, Washington City, D. C.

Mr. GWIN. The commander of the division states that there is much more land in this reserve than is needed for the use of the Government; and all I ask is, that the United States should relinquish their title to a portion of it for this purpose; because there are half a dozen titles to it now, and I do not know how many more may turn up before the question is finally settled. The commander of the Pacific division specifically states that he has now to keep a force constantly employed to keep persons from intruding upon it. I hope the amendment will be adopted.

Mr. HUNTER. I suppose that in other States the United States have more land than they can occupy for public purposes. It seems to me that it would at least be proper to add a proviso to this amendment, that the State of California should give up her title to this lot, upon which we have already spent \$80,000 or \$90,000 in reclaiming it from the sea and piling it.

Mr. STUART. I have a few words to say upon this amendment, because I have had occasion to call upon the Department in relation to a similar question heretofore. I think, and I submit it to the Senate, that it would be hazardous to interfere in this way with military reservations without having the sanction of the Secretary of War. It has not been done in any case, to my knowledge. A case arose in my own State in relation to Fort Gratiot, where six or eight hundred acres of land were held as a military reserve, and the Engineer Department to this day is unwilling to certify to Congress that there is too much land there for military purposes. That is not a place where the position is anything like as valuable, or as important to the public service, as this position at San Francisco. I submit that the Senate should not undertake here to-day to cut down the military reserve at San Francisco without consulting the Department, without having any information

except a report from the officer in command, which is never considered as satisfactory. Besides, if that were to be done, I think it would be better to consider what disposition we should afterwards make of the land cut off. I should prefer very much, if we are to give it at all, that we should give it to the State of California at large, rather than to the city of San Francisco. There has not been a case of this sort before, to my knowledge, and I doubt whether one has ever arisen under this Government, where we have undertaken to interfere and dispose of a military reserve without the express sanction of the Secretary of War.

Mr. GWIN. The amendment requires his sanction. He is ordered to set apart as much as is wanted for the public interests, and the residue only is to be granted to the city.

The amendment was rejected.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer the following amendment as an additional section:

And be it further enacted, That so much of the act, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1853, and for other purposes," as provides for compensation to the Spanish Consul and others, for losses occasioned by violence at New Orleans and at Key West, in the year 1851, shall be so construed as to place Michael Papperiza, a subject of Austria, on the same footing with subjects of Spain.

Mr. President, it has been made to appear to the Department of State that there was an unhappy subject of Austria, who was confounded with the Spanish subjects, at the time of the depredations upon them about the period of a certain public meeting which took place at New Orleans in 1851, in consequence of certain events in Cuba. The provision which was made to compensate them for those losses was confined by law to Spanish subjects. This poor man is the only one who is not provided for, because he does not come within the provisions of the law, as he is not a Spanish subject. His claim amounts only to \$100 or \$200, and there can be no doubt that he should be placed on a footing with the subjects of Spain in regard to this indemnity.

The amendment was agreed to.

Mr. BELL. I report the following amendment from the Committee on Territories:

To Richard H. Weightman, for mileage and for per diem as Senator elect from New Mexico, \$2,460.

I am authorized to offer this amendment by the unanimous concurrence of the Committee on Territories. A Delegate from that Territory, who came here at the same time with Mr. Weightman, was paid, and how it happened that Mr. Weightman was not paid, I cannot understand. He was elected a Senator upon the presumption that New Mexico would be admitted into the Union as a State, and traveled from there to Washington city with that expectation. A Delegate came here at the same time. One was paid, but the other was not. I conceive that, according to the practice of the Senate, or of Congress in such cases, Mr. Weightman is equally entitled to be paid with other gentlemen who presented themselves under similar circumstances. Whatever error may have been committed by the people of New Mexico, and however delusive may have been the expectations under which he made his appearance here, Congress is not thereby discharged from the obligation of payment in this case, when it has paid all other Delegates similarly situated.

Mr. HUNTER. It seems to me that this is a dangerous precedent to establish, to pay a Senator elect from a Territory when that Territory may not be formed into a State for a long time to come. If this is to be allowed, may not all the Territories be electing Senators and sending them here?

Mr. DOUGLAS. This is not a new principle at all. When Minnesota was left without any government, her people sent an agent here, and we established a government for them, and paid their agent. Oregon, being left without any government, sent two agents; we established a government, and paid them. Utah sent an agent in the same way, and we paid him. New Mexico, being left without any government at all, at the same time that California formed a State government, attempted to make one of her own, and sent her agents here. We have paid the Delegate whom she sent to the House, but we have not paid the gentleman whom she sent to this body. When we admitted California we paid her Senators and Representatives from the time they came here. We

have paid every territorial agent except this one. This amendment is only to put him on an equality with the others. It was an oversight, or it would have been done before.

Mr. CASS. I feel very favorably disposed towards the amendment, if it is proper; but I wish to ask whether there was another agent from this Territory?

Mr. DOUGLAS. Yes, sir.

Mr. CASS. Then I will not vote for this. The New Mexican authorities ought to have known better than to send two here. They ought not to expect us to pay two Delegates for them. One has already been paid, and I am not willing to go further.

Mr. DOUGLAS. Oregon sent two, and we paid them. New Mexico sent one to each House, and we paid the one sent to the other House, but not the one sent to the Senate. It was an omission at the time when we paid the one for the House. We paid two for Oregon.

Mr. CASS. Why pay two?

Mr. DOUGLAS. Only because two came on, and did service, and expended their means in coming.

Mr. CASS. Was there a contest?

Mr. DOUGLAS. No, sir.

Mr. CASS. I think it is fair to pay one; but I am not willing to go beyond that. We did this at first for Minnesota; and we allowed the Delegate to take his seat, though not regularly elected; but are the people of a Territory to go further than that, and send a Senator here, without any kind of grounds for it? I am not willing to agree to it.

Mr. GWIN. I think the Senator from Illinois did not state the case fully. Two Senators were elected from New Mexico—one came, and one did not. The Delegate who was sent to the House was received there and paid.

Mr. DOUGLAS. The Delegate was not received, I believe; but he was paid, after the formation of a territorial government. He performed service, and was paid.

Mr. GWIN. After the territorial government was organized, he took his seat, if I remember rightly.

Mr. DOUGLAS. No, sir; not at all. He went back for reelection.

Mr. GWIN. He was not reelected; and that Delegate never came, unless under his first election.

Mr. CASS. Mr. Sibley, of Minnesota, was one of the first cases.

Mr. DOUGLAS. Two came from Oregon; one was received, but both were paid. Two came from Utah; they were not received, but they were paid. Besides, at the time when New Mexico sent these agents here, the policy of the existing Administration was to encourage the people there to form a State government; and they had a right to suppose that they were to be received as California was. At any rate, this agent came here at his own expense, and expended this amount of money; but he was sent back. As you have paid all others, I do not see why he should not be put on an equality with them. He certainly incurred all the expenses. It was an oversight that it was not brought forward then. I had charge of the other appropriation, and it was brought into the Senate and adopted. This did not happen to be in my hands at the time, or I should have offered it.

The question was taken on the amendment; and there were—ayes 11, noes 19—no quorum voting.

Mr. BADGER. I am very certain that this matter is not understood by the Senate, or they would not object to paying this gentleman. I know very well the reason why the payment was not made before. My friend from Tennessee remarked that it was some oversight. It was not an oversight; but when this very appropriation was moved to a former bill by one of the Senators from Georgia, [Mr. Dawson,] not now present, it was rejected in the Senate by one vote, and that vote was mine. I voted against it upon the ground that the honorable Senator from Texas [Mr. Rusk] was indignant, (because, at that time the State of Texas claimed New Mexico as being part of her territory,) that an attempt should be made on the part of New Mexico to establish a constitution as a State, and send her representatives here. As my friend from Tennessee well remembers, we were then engaged in endeavoring to arrange

the compromise measures of 1850, and we wished not to add any fuel to the flame of excitement and opposition which then existed in any quarter. But it was recognized, I believe, universally in the Senate as a just and proper allowance.

Under the circumstances, I should deeply regret that my vote given on that occasion, for that very reason, should be the means of preventing this sum being paid now. New Mexico undertook to form a State constitution; and, under that attempt, she elected a Senator to this body, and elected a member to the other House. The member sent to the other House was paid by that House. The person elected as a Senator to this House was not paid by this House. That is the whole matter. Now, I should be glad to see what possible ground there can be to make a difference in this case. It seems personal; it seems invidious. It cannot be the amount of money. I do not see why a different measure should be dealt out to this gentleman from what was dealt out to the gentleman who attempted, under precisely the same circumstances, to represent this supposed or assumed State in the other House of Congress.

Mr. PRATT. I wish to suggest to the Senator from Tennessee the propriety of altering the phraseology of his amendment, by striking out the words "Senator elect" and inserting "agent," or something of that sort. This gentleman might have been sent here as an agent, but he was not a Senator, and I cannot vote to pay him as a Senator.

Mr. BELL. He was just as much a Senator as was one of the honorable gentlemen who presented themselves here from California; but still I defer to the wishes of my friend from Maryland, and I am willing to let the modification which he suggests be made. I can see no possible difference between a proposition to pay this gentleman, and what has been done in three or four other cases. Certainly there is no difference in principle. There may be some prejudice existing with gentlemen on the ground that he is mentioned in the amendment as a "Senator elect;" but the truth is that he was not a Senator in fact, and therefore, I presume, with the consent of the Senate, that alteration can be made. Let him be stated as an agent sent by the Territory of New Mexico.

Mr. BROWN. Then I will suggest to my honorable friend from Tennessee that it will be entirely without precedent, for he will be the first agent whom we have paid as such. The others were Delegates.

Mr. BELL. Then call him a Delegate.

Mr. WELLER. A quasi Delegate.

Mr. BELL. I know it will be impossible to comply with the views of every Senator; but the substance is, will you reject the claim of this gentleman to be paid when he came here in a political capacity, according to the understanding of the people of New Mexico, to represent their interests in the Congress of the United States, or to present their claims to be recognized as a Territory or as a State, as Congress should think proper? They formed their State Constitution, and elected him as a Senator, but that did not make him a Senator. California formed her State constitution, and elected two Senators, but they were no more Senators than Mr. Weightman was, until Congress recognized California as a State of this Union. There is no difference in principle between the two cases.

Mr. BROWN. Were they paid?

Mr. BELL. Yes, sir.

Mr. BROWN. Not until after the State was admitted.

Mr. BELL. I believe so.

Mr. BADGER. But they were paid for back time.

Mr. BELL. The payment reverted back by relation to the time of their arrival here under their election. On what principle did Congress pay the Delegates from Oregon, and Utah, and Minnesota? They came here not, technically and legally speaking, as Delegates, political representatives, recognized as such by the laws of the country; but Congress thought it was just to them, and to the inhabitants of the Territories who sent them here to present their claims and represent their interests, that they should be paid. Say, if you will, that it was done on the ground of liberality and generosity, and that we were under no obligation to do so; but, sir, I ask, when you have recognized the principle that you will pay under such circum-

stances, on what ground will you discriminate against Mr. Weightman?

Mr. BROWN. I should be very sorry if the gentleman who was elected and returned here as a Senator from New Mexico should imagine for a moment that in voting against this amendment I entertain any but the kindest possible feelings for him. I entertain very kind and friendly feelings for him. But where is this thing to stop? Are a mere handful of people somewhere in an unorganized territory, not a regular Territory, (for it is altogether inappropriate to speak of New Mexico at that period as a Territory; it was solely an unorganized country,) to be allowed to get together, go through some kind of farce of electing somebody here whom they call a Senator, and some one to the House of Representatives, to be called a member of Congress? And then are we to pay those persons, not because they had the least shadow of claim on earth to seats here or in the other end of the Capitol? Why, sir, I understand there are as many as two or three Delegates here now from the proposed Territories of Nebraska and Kansas. Are they to be paid? And are you to pay anybody who comes here from any portion of country, whether inhabited or not?

Wherever there is the shadow of authority, wherever there is the slightest pretext in law for anybody to come here, such is my respect for the purity of the ballot-box, that in all contests I am willing to pay both parties, lest such contests shall not be brought forward and fairly investigated; yet I think even that has been carried too far. I believe it is certainly going entirely too far to talk of paying two persons sent here by the legislative body of New Mexico. There was no legislative body there at that time, no constituency to send them, no State, or pretended State; but a mere handful of people get together and go through the ridiculous farce of sending two Senators to Congress, and we are to pay those whom they send. One of the gentlemen who was thus chosen to come to this body took a sensible view of it. He said, "I will not go to Washington. This is not a State, and there is nobody here to make a State."

I submit, sir, that this case does not at all compare with that of the State of California. There the people organized a government, and you admitted them as a State. Then, after you admitted the State, you paid the Senators their per diem. The payment may have related back to the act of election; but in the act of admitting the State, you made valid the previous action of the people. Here you repudiated their whole action. You did not even consider it. The action of the people in New Mexico was never considered at all in either House of Congress. The whole thing was looked upon as ridiculous. It is said that the member whom they sent to the other House was paid. If so, it was wrong; and one wrong cannot justify another.

Mr. BELL. How about Minnesota?

Mr. BROWN. In the case of Minnesota, according to my recollection, the Delegate was admitted. There was no law authorizing his election, but he was admitted to the floor of the House. But even allowing that there may have been a half a dozen precedents in that House, will they justify us? I say you are now setting in the Senate of the United States a new precedent. You are doing for yourselves an act which is to stand as a precedent through all after time. You cannot justify it by pointing to errors similar to it in the other House of Congress. I have a very high appreciation of Mr. Weightman. He was a Delegate in the House of Representatives when I was a member of that body. I like him very much; and if he could get this money quietly, without my having to say or do anything in regard to it, I should be very willing that he should have it; but I cannot vote for such a proposition as this, because I think it is wrong.

Mr. MASON. Mr. President, we all know very well that the acquisitions made from Mexico by the treaty of peace with that Republic, led to very great irregularities in this Government. Sir, California, before she was either a Territory or a State, assembled a convention, under the counsels and recommendations of the Federal Executive, declared herself a State; elected members to a Legislature; and that Legislature elected Senators to this body; and the expenses of the election were paid out of the military chest, and that payment was sanctioned by the Government.

As has been well said by the honorable Senator from Tennessee, when the honorable gentleman who came here, claiming to be Senators for California, presented their credentials at your table, they were no more Senators than was the gentleman whose payment is now contended for—not one bit. I speak it without the slightest disrespect either to that State or to the gentlemen who represented her as Senators; but such was their actual condition under the law and the Constitution. Then what was done? California was, against my judgment, admitted as a State, and the gentlemen whom she sent here as Senators were not only paid their full allowance for daily wages, but their mileage also, dating back from the day of their arrival in Washington, and not from the time they took their seats. Everything, therefore, in that instance, was released.

Now, what was done in the Territory of New Mexico? Before that was either a Territory, organized as such, or a State, under the counsels of the same Executive, the people there attempted to erect themselves into a State, constituted a Legislature, elected two Senators, and a member to the House of Representatives, and sent them here. One came claiming to be a Senator; the gentleman who was elected as a Representative came also. How was it different from the California case? Both sprung up under the hot-bed of Executive recommendation. One was sanctioned, but the other was not. But does that fact involve, in the slightest degree, the principle of payment, or the expediency or justice of the payment? I cannot see it.

Sir, this Government was unsettled to its foundations by the actions of the late Administration connected with the acquisitions from Mexico. Yet it was all legalized; all sanctioned. Gentlemen came here representing, or claiming to represent, Utah and Oregon, in the same position, without any shadow of authority in law; yet the exigency of the case seems to have been admitted by Congress; and having been sent here in that capacity, their expenses were paid, as though they had been legally elected. Now, I understand the honorable Senator from Illinois says that one only who was elected as Senator from New Mexico came here; and the member who was elected to the House came here. That member was paid; and yet it is now said that we are not to pay this man because it will set a bad precedent. Sir, the precedent was set from the time the California Senators were treated as Senators *nunc pro tunc*. They were paid from the day of their arrival in this city. The precedent was set in the case of the Delegates from Utah and Oregon, before territorial governments were organized; and it is perfectly immaterial, in my conception, whether they were legalized or not as States or Territories. The principle is the same, and the justice is the same.

Mr. CLAYTON. Sir, the precedent was set, let me tell my friend from Virginia, long before the California case. The precedent was set as far back as the time when we began to admit new States. I do not wish to go back quite that far; I could mention a number of cases very readily, but I will content myself with referring to one with which I am somewhat familiar. I happened to be the chairman of the Committee on the Judiciary in the years 1835 and 1836. The bill for the admission of Michigan into the Union was referred to the committee of which I was a member. We reported upon it. We rejected the application of Michigan for admission; we sent her back. Her two Senators, Mr. Norvell and Mr. Lyon, came here on the 7th December, 1835, when she first applied for admission. What followed? She was not admitted until the 26th January, 1837. She was not admitted until she had complied with the conditions which we demanded of her. She had to assemble a convention and change her constitution, to satisfy the views of the Congress of the United States, before she could obtain admission.

Now then the question is, what was done with the Senators? They came here on the 7th of December, 1835, and I have obtained a note from the Secretary's office, by which it appears that both Mr. Norvell and Lyon were paid from that day as Senators, although they could not have been Senators in any sense until the 26th of January, 1837. I think that has been the case always. I think it was so with Missouri.

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Mr. GEYER. Yes, sir; it was.
Mr. CLAYTON. My friend from Missouri says it was. It has been the case with almost every new State which I remember. Now, why make a discrimination here? Did this gentleman come in good faith? Did he come under the belief that he ought to come; that it was his duty to the country to come? Is there any reason to doubt that? What was the condition of New Mexico when he presented himself here for a seat as a Senator of the United States? Why, sir, that Territory, like California, had been neglected for two years—shamefully neglected. No government whatever had been extended over either of those Territories, and each made an effort to rescue itself from anarchy. In the honest endeavor to rescue the people of the Territory in which he lived from that state of anarchy, this gentleman, I suppose, came here ready to submit to the will of the Congress of the United States. I have no doubt of the justice of paying him under these circumstances; and I respectfully submit that, to refuse to pay him, would be a departure from the precedents which we have heretofore set.

Mr. BUTLER. I will not go, sir, into the questions which have been adverted to, as to the propriety of the admission of California into the Confederacy of the States; but I will say this, that when California knocked at our door, she came here with some dignity; that is, she was represented to have a population which, if the steps for her organization had been legal, would have entitled her to be represented by two Senators on this floor. So of Michigan. I make a great deal of difference between a case where we reject one who is knocking at our door, and a case where we adopt as Senators those who have been sent here. We have chosen to adopt the honorable gentlemen from California who came here, as Senators and as associates. We did so upon the ground that the people of that Territory were in a state of anarchy, and formed a State constitution to put an end to it, having a population which had a right in some measure to assume upon themselves the position of a sovereign State. We adopted them, and made them Senators *nunc pro tunc*. I say "we," but I do not mean to include myself, for everybody here knows what my opinion was on the subject. But here, sir, is the case of a man who came from New Mexico to assume the position and claim the compensation of a Senator. I suppose he scarcely represented anybody but Indians; certainly not three hundred, and I doubt if fifty white people. We have not chosen to adopt him as a Senator.

Now, sir, the facility of making new States is great enough already; but to have this mode of throwing out a bounty for persons to represent themselves as Senators, when they cannot be Senators, and when they have not been adopted or recognized as such, is really throwing out a bounty for adventurers to endeavor to make States where they could not do so properly.

I shall vote against the amendment on every ground. There is no precedent which will bind me in its favor, and there is nothing in this case which entitles this man, in any point of view, to the character of a Senator or a Delegate. If he were a Delegate, it would be a different matter; for we know that a Territory may have a Delegate or an agent; but we know very well that any portion of the territory of the United States having not more than fifty white people, the rest being occupied by Indians, cannot assume, cannot even, by usurpation, take upon themselves the position of a sovereign State of this Confederacy. And is this man to assume to be a Senator from a mere blank Territory? I cannot vote for the proposition. I will vote against it on other grounds, because I think it is setting a bad example to encourage people to be intrusive, and claim to be Senators when they have no right to do so.

Mr. RUSK. If I stood perfectly indifferent on this subject, I do not know but that I should go with my friend from South Carolina [Mr. BUTLER] in opposition to the appropriation proposed by the amendment of the honorable Senator from

Tennessee, [Mr. BELL.] But, sir, the honorable Senator from North Carolina did me the honor to say that when it was brought forward immediately after the occurrence, it was defeated.

Mr. BADGER. I voted against it in deference to the Senator's feelings.

Mr. RUSK. At that time the question was presented in a very different aspect from that which it occupies at this time. Sir, I shall always regard the action of the Executive Government in reference to the transactions which led to this gentleman presenting himself as a Senator from New Mexico, as an outrage upon the rights of the State which I have the honor to represent. At the time he came here, having been invited to do so by the Executive Government, Texas owned the Territory from which he claimed to be a Representative. But, sir, that question has been settled; that Administration has gone out of power; we have composed the difficulty brought about by its interference. This gentleman, certainly, was not much to blame for acting upon a suggestion coming from the Executive Government of this country. Under these circumstances, and inasmuch as my friend from North Carolina thinks I defeated the proposition to pay him before, I shall now vote to put Mr. Weightman on a footing with other agents who have come here from Territories.

Mr. DODGE, of Iowa. Mr. President, I remember the night when this claim was first brought up at the compromise session of 1850. I was never more strongly impressed with the belief that any individual was entitled to mileage and per diem as a Delegate than I was as to the justice of the claim of Mr. Weightman. I think the amendment was then offered by a Senator from Georgia, not now in his place, [Mr. DAWSON.] So just was the proposition regarded at that time, in view of what had occurred, that it would have passed, but for the boundary difficulty, of which my friend from Texas [Mr. RUSK] was the Napoleon in the Senate, and which he watched with an eye that never tired. He feared lest the recognition of this Delegate would, in some way or other, impair the right of Texas to all the land on the Rio Grande, which she claimed. He and his colleague—but he more especially—mounted it rough shod. It would then have passed, and passed triumphantly, but for my friend from Texas, and others sympathizing with him in that matter. Now, however, he proves himself to be a just and fair man, because when an opportunity is presented for him to do an act of justice, which has been long delayed, he is willing to do it.

It will be remembered that a constitution was presented here from New Mexico, and a Senator from New York, [Mr. SEWARD], not now in his place, made a speech for the admission of that Territory as a State; and it was highly probable, from the existing state and condition of things in the country at that time, that we were to have a serious difficulty in regard to its admission as a State with its sparse population. That difficulty, however, passed over when the compromise measures of 1850 were passed. The individual whose claim is now before the Senate was elected as a Senator by the so-called Legislature of New Mexico, just as General Harrison was elected Delegate from Ohio at first by its Legislature. That was the authority by which they were elected in former times. Who could doubt but that a province as large as New Mexico was, would be entitled to some representation in Congress? The Delegate whom she sent to the other House, although not admitted to a seat, was paid by a clause subsequently inserted in the civil and diplomatic appropriation bill. The people of the Territory, believing that they were acting in accordance with the wishes of the Executive, in good faith sent this gentleman here as a Senator. He came expecting his seat; and I am sure he rendered good service to the people of the Territory. Since that he was elected to represent them in the other House; and he served there for one Congress. He is a political opponent of mine; but he is now at home; being no longer in public life. I always regarded this as a

just claim, and I am glad to have an opportunity to vote for it.

Mr. GWIN. Mr. President, I do not wish to discuss the propriety of the amendment before the Senate, but there were some remarks which were made by the Senator from Texas and the Senator from Virginia, in regard to Executive interference in the formation of State governments in California and New Mexico, which I think it is proper should be noticed by me. I do not know anything as to what the Executive did in New Mexico, but I should like to know upon what authority the Senator from Virginia says the people of California formed their government at Executive dictation.

Mr. CLAYTON. Yes, sir, I should like to hear that.

Mr. MASON. I did not say that they formed their government from Executive dictation, but I said that the military commander in California at that time (whether by authority from Washington or not I am not aware) issued a proclamation, appointing the places of election, and inviting the people to assemble there to elect delegates to a convention; and he paid the expenses of that convention with Federal money. That is my recollection of the history of the case. If I am wrong Senators can correct me.

Mr. CLAYTON. Will my friend from California permit me to answer that statement?

Mr. GWIN. I will give the gentleman the facts, and then he may reply.

Mr. CLAYTON. I am perfectly acquainted with the facts.

Mr. GWIN. I yield the floor to the Senator from Delaware.

Mr. CLAYTON. The Senator from Virginia has said that New Mexico and California came here as States under the hot-bed of Executive dictation. Sir, the whole history of that matter has been entirely misrepresented. The same story has been told over and over again upon the floor of the Senate until gentlemen have got to believe it. It is not so. The commanding officer in California; the honorable Senator says, exerted himself to get up a State government there. Does the Senator pretend that was upon the dictation or recommendation of the Executive? Not a word of it, sir. When the people of California started in this business of getting up a State government for themselves, they did it of their own dictation. All that the President of the United States said to them was, "If you choose to take that course, as I can by no recommendation of mine obtain any kind of protection for you, as I can obtain no government for you, as you are in a state of anarchy, you shall not be resisted by me." An agent was sent out by the President for the purpose merely of assuring the people of California of the paternal regard of this Government; and Mr. King, of Georgia, was selected, because he was a member of the other House, acquainted with all the circumstances which prevented justice being done to California at the previous session of Congress; but, before his arrival, the people had moved themselves in the business of forming a State government. They were compelled to do it, or to encounter all the horrors of anarchy.

So in regard to New Mexico. The Senator from Virginia and the Senator from Texas will search in vain through the documents and records of Congress to find anything to show that there was Executive dictation in regard to the formation of a State government there. No, sir; just the very same recommendation was made by President Taylor as had been made by his predecessor. If the Senator will look at the annual message of President Polk of the very year previous, he will see that he himself said to Congress that, in the absence of an ability on the part of Congress to settle these distracting questions in any other mode, (either by the extension of the Missouri compromise line to the Pacific, or by the courts, or by the doctrine of non-interference, all of which he recommended,) there was another course; and, said he, the time is not distant when, if you will wait, these people will make a government for

themselves. General Taylor never advanced an inch beyond that recommendation made by his predecessor.

Mr. MASON. Will the Senator allow me to ask him this question: When General Riley issued his proclamation inviting the people to assemble at places of election, which he designated, to elect members to a State convention, did he do it with the approbation of the President of the United States at the time?

Mr. CLAYTON. Sir, he did it before the President of the United States had given him one word of advice upon the subject. He acted upon his own personal responsibility, and there has been the fatal error of the honorable Senator, and a great many others who have talked about this matter on this floor. I know how easy it was for them to get mistaken, but it is time that the truth of history should be corrected. I beg pardon of my friend from California for having taken up so much time by his leave. I could not be well restrained from an expression of some feeling on this occasion, and now I yield the floor to him.

Mr. GWIN. Mr. President, what the Senator from Delaware says in regard to the proclamation of General Riley is strictly true. General Smith sent a steamship of war down to Mazatlan early in 1849, to ascertain what was the action of Congress in regard to forming a territorial government, and he received intelligence that there had been no such government formed for California. Upon receipt of that information, General Riley, who was then the *de facto* Governor, being in command, issued a proclamation calling upon the people to elect delegates to a convention to form a State constitution, inasmuch as Congress had failed to create any government at all for them. This proclamation was issued before the agent of the General Government, of whom so much has been said, arrived there. I went up with him, and so did my colleague. It is well known in California that the whole movement for a State government was made outside of any Executive influence, and without any knowledge on the part of the Administration here that such a movement was in contemplation there.

Mr. CLAYTON. Entirely.

Mr. GWIN. The Senator from Virginia says the expenses of the convention were paid out of the military chest. The Senator is just as much mistaken in that as in his other assertion. Sir, there was a military exaction, a military contribution, levied upon the people of California, without the authority of law, which formed what was called the civil fund. There was no law, and no authority for the collection of that money, but the *de facto* Governor used a portion of that fund to pay the expenses of his *de facto* government, and also to pay the expenses of the convention.

Mr. MASON. Will the Senator allow me a moment? He says I made a mistake. I ask him if that fund, call it the civil fund, or what you please, was not a military chest, in the Federal Treasury? Was it not Federal money of the United States?

Mr. GWIN. No, sir; not a dollar of it was ever collected by authority of law; and up to last session there was not a scrap of paper in the Treasury to show anything about it. It was then unjustly paid into the Treasury of the United States by the action of this body, and the other House, years after it was collected. Not a dollar of a military fund was paid for such purposes. When the fund was paid into the Treasury these credits were allowed to General Riley, for his disbursements. Sir, the Executive government of the United States had nothing to do with the formation of the government of California.

Mr. CLAYTON. Nothing.

Mr. GWIN. I was a member of the convention which formed her constitution. We permitted no Government officer to approach us, or dictate to us, and tell us what we should do.

Mr. RUSK. Mr. President, the honorable Senator from Delaware, in appealing to his own recollections, and correcting me in regard to history, makes a slight mistake himself. He will find, by reference to the documents, that at the time the Administration with which he was connected came into power, there was a subsisting order from the proper department of the previous Administration, to the officers of the United States in that region, to aid the authorities of Texas in extending her jurisdiction over what is now the Territory of

New Mexico, on this side the Rio Grande. He will find, further, that, after the incoming of the Taylor Administration, that order was changed by the War Department, and the officers there were then directed to stand back, and side neither with the people of New Mexico nor with Texas in that controversy; or, in other words, that they should remain neutral in the controversy which was known to be existing at that time. A few days before the next session of Congress, another order was issued to a Lieutenant Colonel McCall of the Army, who was sent to Santa Fe to take command, or for some other purpose. In that order Colonel McCall was directed to aid and encourage the people of New Mexico in forming a State government, if they desired to do so. These were the recommendations upon which those people acted. I remember it was denied at the time that any such order had been issued. I know that the agent who was sent up from Texas, Mr. Robert S. Neighbors, in his report to the Governor of Texas, stated that he had been met with an order of that description. It was stoutly denied at the time that any such order had been issued; and the records then were searched in vain for it; and now, if you look through the President's message and accompanying documents of that year, you cannot find it; but other documents will show that it was issued. If the Senator denies it, I will produce it.

Mr. CLAYTON. Mr. President, the Senator from Texas may search the records from now until next Christmas, and he cannot find anything to show that the Executive, at the time to which he refers, initiated, or attempted to initiate, the steps for the organization of a State government, either in California or New Mexico. He can find there, however, that President Taylor was willing to do precisely what President Polk was willing to do, and had signified, in his last annual message to Congress, ought to be done. That I admit; but he went not one jot beyond it. President Polk had suggested, as the only remedy in the event of the failure of all other means of extending a government over those Territories, that Congress should await the action of the people of New Mexico and California; and that, at no distant day, they would form State governments for themselves. The order to which the Senator from Texas refers was an order to the officer not to exert himself to prevent the action of the people to form a State government; but that any agent, or any servant of the Executive, at that day, or at any other time within my knowledge, or the knowledge of any other man, as I believe, was instructed to initiate the steps, or to aid, to use the language of the honorable Senator, in the business of forming a State government, I deny.

Mr. HUNTER. Is this discussion in order? I have waited for some time to see if it would be disposed of; but I am constrained now to inquire whether it is in order to discuss the conduct of the Executive in regard to New Mexico and California upon this amendment?

Mr. CLAYTON. I do not intend to occupy much longer time; but if it is in order to make an accusation, it is perfectly in order to reply to it, and to defend the Administration of which I was a member against it.

Now, sir, a word in conclusion, in regard to the controversy which existed between New Mexico and Texas. Texas claimed that her territory extended to the Rio Grande. No President that I know of ever admitted that. The honorable Senator says that instructions were given by a previous Administration to permit Texas to extend her authority there. It is clear, from what has occurred since, that she herself has admitted that she had not title there; at least she does not exercise jurisdiction to the Rio Grande. I can undertake to assure my friend from Texas that, so far as I have any recollection of the events of that day, the action of the Executive went to this extent only, as to the controversy between New Mexico and Texas, that, without the exertion of physical force on the part of the General Government, or on the part of the State government of Texas, the matter should be left to the decision either of Congress or of the judiciary. No effort was ever made, nor was a thought ever entertained, (and I do not suppose my friend imagines there was,) of despoiling Texas of anything that rightfully belonged to her. No motive could have existed for it. No such design existed. There

is nothing in the history of the period to show or justify the suspicion that any design of that kind was ever entertained.

Mr. RUSK. Mr. President, I will prove to the Senator that I was right in my history of these orders. On the 12th of October, 1848, Mr. Marcy, the Secretary of War, issued an order to the commander at Santa Fe, in which he said:

"In regard to that part of what the Mexicans call New Mexico, lying east of the Rio Grande, the civil authority which Texas has established, or may establish there, is to be respected, and in no manner whatever interfered with by the military force in that department, otherwise than to lend aid on proper occasions in sustaining it."

Then, on the 26th of March, 1849, another order was issued to the commander at Santa Fe, by the new Secretary of War, Mr. Crawford, in which this appears:

"It is presumed that the instructions from this Department of October 12, 1848, forwarded by the hands of Midshipman Beall, of the Navy, have been received by you some time since: nevertheless, I herewith furnish copies of the same.

"With respect to that portion of the instructions which is in the following words: 'In regard to that part of what the Mexicans call New Mexico, east of the Rio Grande, the civil authority which Texas has established or may establish there, is to be respected, and in no manner interfered with by the military force in that department, otherwise than to lend aid on proper occasions in sustaining it,' I have to remark that it is not expected Texas will undertake to extend her civil government over the remote region designated."

This, be it remembered, was at the very time when Texas was taking means to extend her civil government over that region. If the fact was unknown to the Administration, it was ignorant of what everybody else knew. The order continues:

"But should she do so, you will confine your action, under the clause above cited, to arranging your command in such manner as not to come into conflict with the authorities so constituted. On the claim of Texas to any or the whole of New Mexico east of the Rio Grande, it is not necessary to give an opinion, as Congress and that State alone have the power of adjusting it."

Thus in March, 1849, the previous order, given by the Secretary of War under Mr. Polk's administration, was changed. Then in November, a very short time before the meeting of Congress, the letter to which I referred was written by the Secretary of War to Lieutenant Colonel McCall. That letter, as I have remarked before, is not to be found in the message and accompanying documents for that year. It is in these words:

WAR DEPARTMENT, }
WASHINGTON, November 19, 1849. }

SIR: As you are about to join your regiment, now on duty in New Mexico, it has occurred to me as proper to make some observations on the peculiar condition of that and another Territory of the United States.

Since their annexation these Territories, in respect to their civil governments, have, in a great measure, depended on the officers of the Army there in command; a duty, it is considered, as falling beyond their appropriate spheres of action, and to be relieved from which cannot be more desired by them than by this Department. This condition has arisen from the omission of Congress to provide suitable governments, and in regard to the future there is reason to believe that the difficulties of the past are still to be encountered. In every possible aspect it is important, both to New Mexico and the United States, that these embarrassments should be quickly removed.

It is not doubted that the people of New Mexico desire and want a government organized, with all proper functions for the protection and security of their persons and property.

The question readily occurs, how that government can be supplied? I have already adverted to past and still existing difficulties that have retarded, and may continue to retard, the action of the United States in respect to this necessary and first want.

To remove it may, in some degree, be the part of the duty of officers of the Army, on whom, under the necessities of the case, has been devolved a partial participation in their civil affairs. It is therefore deemed proper that I should say, that it is not believed that the people of New Mexico are required to await the movements of the Federal Government in relation to a plan of government for the regulation of their own internal concerns.

The Constitution of the United States, and the late treaty with Mexico, guaranty their admission into the Union of our States, subject only to the judgment of Congress. Should the people of New Mexico wish to take any steps towards this object, so important and necessary to themselves, it will be your duty, and the duty of others with whom you are associated, not to thwart but advance their wishes. It is their right to appear before Congress and ask admission into the Union.

Other and complicated questions may arise which are considered as merged in this essential right of these people, and for the decision of which we must look beyond the authority of the Executive.

It will be instructive, and probably necessary, information, when the people of New Mexico form a constitution, and seek admission into the Confederacy of the States, to have your observations and views on their probable numbers, habits, customs, and pursuits of life.

I have the honor to be, very respectfully, your obedient servant,
GEORGE W. CRAWFORD,
Secretary of War.
Brevet Lieut. Col. GEORGE A. McCALL,
Philadelphia, Pennsylvania.

If that was not encouraging the people of New Mexico, within the limits of the State of Texas, to form a State government for themselves, I confess my ignorance of the English language.

Mr. CLAYTON. Well, sir, the Senator from Texas and myself do not interpret the language precisely alike. I say now that there is not a word in the letter which the honorable Senator has read which justifies the assertion that the Executive at that day sent an agent for the purpose of aiding in forming a State government.

Mr. RUSK. I never said so.

Mr. CLAYTON. It was said by others.

Mr. RUSK. If the Senator chooses to make a controversy with me, he ought not to put into my mouth what I did not say.

Mr. CLAYTON. The order which the Senator has read was that the officer was not to thwart, but to advance the wishes of the people. He was not told to aid them. He was the military commander, and could, by the strong arm, have put down the exertions of the people of the Territory to make a State government. He was directed not to do this. Then it comes back to the very point where Mr. Polk first introduced the subject: that, in the absence of any other remedy to procure government over these Territories, we should await the action of the people when they came to form States, rather than suffer the country to be distracted.

I do not propose to go further into the discussion of this matter, because I know the Senate has already been too long detained in regard to it. I never meant to deny the existence of the letters to which the honorable Senator has referred. There is no doubt that the President, in the fearful state of things then existing between the contending sections of this country, wished that the people of the Territories should settle the controversy for themselves as they pleased. It was not by any means the thing which he most desired to have done; but, if he could have nothing else done, to prevent the horrors of anarchy in these Territories, it was greatly to be desired that State governments should be formed there.

I rose only for the purpose of correcting what I supposed was an error in relation to the history both of California and New Mexico. I know very well that there was a contest as to the territory of Texas and the territory of the United States. There was a difference of opinion between the Government of the United States and the government of Texas in regard to that. The government of the United States did not entertain the idea that Texas was entitled to extend her territory entirely to the Rio Grande; and finally, the honorable Senator will admit, the question was settled upon a different basis. The territory of Texas does not extend there. A compromise was made. Texas gave up the country north of 36° 30', and the United States gave to her a considerable proportion of what had been claimed by the United States, to be part of the territory of New Mexico. The question was settled by a compromise; but, at last, it appears that Texas never did extend her territory to the Rio Grande. Under these circumstances, the President of the United States unquestionably would now, if they were existing again, feel himself obliged to restrain the hand of the State government, in perfect friendship, and with amiable intention towards it, until the Congress of the United States, or the judiciary, had properly decided on the whole question.

Mr. HUNTER. I do hope we shall have a vote on this amendment. We cannot settle this controversy upon it.

Mr. WELLER. I am very sorry to say anything which will probably continue this discussion, for I am as desirous as my friend from Virginia that the bill should be disposed of; but there have been some questions raised in the course of this debate which make it necessary, in my judgment, that I should say something.

Sir, I suppose it is a matter of very little importance now how California got into the Union. We are in the Union, and nobody proposes to put us out. We came in with some irregularity, it is true, but we hope, by our subsequent conduct, to justify the overlooking of that irregularity. Now,

sir, it is due to truth that I should say that, so far as the Executive branch of the Government was concerned, I knew of no interference here in dictating the organizing of a State government in California. I went to that country, as is well known, in the spring of 1849. Congress had then adjourned, without providing any territorial government for the immense population then congregated upon the shores of the Pacific.

The Executive branch of the Government, looking to this omission of the Legislature, no doubt felt a great anxiety that some government should be organized which would give security to person and property. General Riley was then in command there, and by virtue of that command he was the civil Governor *de facto* of the State. He provided the people with all the government he could give them. He appointed their judges and their executive officers, and he gave, to a great extent, security both for person and property. Anxious to get rid of this responsibility, which he had assumed by virtue of his military office, he issued his proclamation requesting the people to appoint delegates to a convention, and there decide whether they would organize a territorial or a State government.

Was this any interference on the part of the Executive here, and was it any improper interference on the part of General Riley there? I hold that he, being the only officer there who could exercise any power, it was his duty to contribute, to the extent of his influence, towards the organization of a government.

Mr. CLAYTON. I would observe to my friend from California that he was appointed by Mr. Polk.

Mr. WELLER. Yes, sir, he had been sent out by the preceding Administration.

Mr. BROWN. Will my friend from California allow me, in this connection, to ask a question in reference to that matter? because it relates to a historical fact about which there has been a good deal of controversy, and which I should like to have settled. General Riley in his proclamation, calling upon the people of California to assemble and elect delegates to a convention, stated that the proceeding had the approbation of the President, the Secretary of State, and the Secretary of War. It is well known that at that time Mr. Polk was dead, but his Secretary of State and his Secretary of War were still living. Feeling then, as I feel now, some solicitude as to what President and Secretaries were alluded to, I addressed a note to Governor Marcy, and one to Mr. Buchanan on the subject, and they both said that they were not the Secretaries alluded to as approving of that proceeding. I could not inquire of Mr. Polk because he was dead. Now I will ask the honorable Senator from Delaware, if he pleases—for he was the Secretary of State at that time—to say whether he was the Secretary alluded to?

Mr. CLAYTON. No, sir; there was never a letter from me, or from any member of General Taylor's administration to General Riley, on the subject; but I tell the Senator without the least hesitation, that I do most cordially approve, and I should have approved at the time, the whole conduct of General Riley, if the question had been put to me; but no letter or verbal message on the subject was sent to him, that I ever heard of. General Riley's conduct, I think, has fully vindicated itself since.

Mr. BROWN. I am not calling in question at this time the propriety of that proceeding. I only wanted to know if I could arrive at the fact upon whom rested the responsibility of approving that proclamation, not pretending at this time to call it in question, for it is a proceeding which is past; but I have always been anxious to know what President, Secretary of War, and Secretary of State were alluded to in the proclamation as approving the proceeding.

Mr. CLAYTON. Of course I cannot tell, because immediately after General Taylor came into office, and before any agent of his had got to California, General Riley proceeded to act. I always supposed it might have been my predecessor who was referred to, but I do not know.

Mr. BROWN. He said not.

Mr. CLAYTON. There was nothing in the State Department to show.

Mr. GWIN. If my colleague will permit me, I can probably give some information in regard to what General Riley referred to. It is perfectly

evident that he referred to the Administration which went out on the 4th of March, 1849; and although the Secretary of War and the Secretary of State, under President Polk's administration, may not have given him written instructions to that effect, he knew that he was acting in accordance with their views.

Mr. CLAYTON. That is what I have supposed.

Mr. GWIN. They sent out a special messenger, the Post Office agent, and to that Post Office agent, who was the only recognized civil officer of the Government there, the Secretary of State—the predecessor of the Senator from Delaware in that office—addressed an elaborate communication; and General Riley—who is now in his grave—told me that that officer conveyed to him the intimation that the former Executive Government sanctioned the course which he pursued in that matter.

Mr. BELL. I hope this question will cease here.

The PRESIDING OFFICER. The Senator from California [Mr. WELLER] is entitled to the floor.

Mr. BELL. I beg pardon.

Mr. WELLER. I am sure I am quite as anxious to get the vote as the honorable Senator from Tennessee; but I am only desirous of stating some facts connected with the organization of my own State, which I think have been improperly understood.

Mr. CLAYTON. We shall be happy to hear the Senator.

Mr. WELLER. I was about to remark, that a large portion of the people of California disputed the authority of General Riley to direct the organization of a convention to form a State government. I belonged to that portion of the citizens who denied the authority of General Riley, although we approved his intentions; and therefore it was that in the county in which I resided, in selecting delegates to the State convention, we neither selected them in the number nor on the day prescribed; but, on the contrary, we doubled the number, and passed a resolution denying his authority to call a convention. Those delegates went to the convention, and got their seats.

I was at Monterey during a very considerable portion of the time that the convention was in session; and I know of no agent of the Federal Government there who was attempting to dictate the manner in which they should organize their government. All who knew my opinion on the subject, and every one who asked it obtained it, knew that it was in favor of a territorial government being first organized, and that we should ask for admission afterwards as a State; but the majority of the convention thought otherwise. My reason is a very obvious one. I knew it, would be a very expensive government, and I desired to throw the expense upon the Federal Treasury, instead of imposing taxes upon the people.

But, Mr. President, I rose only for the purpose of saying, that I think there is no resemblance between the admission of California and the payment of her Senators, and the proposed amendment from the Committee on Territories. Why, sir, the main objection to the admission of California was, not because she had not the requisite population; not because she was not entitled to a government; not because her people were not a sufficient number under the regular system to authorize her admission; but because of the irregular manner in which her proceedings had been conducted. But, sir, everybody knew that there was not a sufficient population in New Mexico to authorize even the highest grade of territorial government, much less a State government.

Now I suppose that the agents who have been referred to were paid in the House, because they were regarded as *quasi* Delegates; but we cannot recognize this man as a Senator. If he was a man of ability; if he was able to discharge the duties of a Senator, he must have known that it would have been utterly impossible to obtain a seat on this floor as a Senator from New Mexico, with her sparse population of Indians, Mexicans, and a few scattered soldiers.

Mr. BELL. I do not wish to discuss this matter any further on our part. I hope the vote will be taken. I wish merely to suggest that, with the consent of the Senate, I will amend the amendment, so that it shall be in this form:

For the payment of Richard H. Weightman, for mileage and per diem compensation as an agent, claiming to be a Senator-elect from New Mexico, \$2,460.

Mr. BUTLER called for the yeas and nays upon the amendment, and they were ordered; and being taken, resulted—yeas 20, nays 17; as follows:

YEAS—Messrs. Allen, Badger, Bell, Brodhead, Chase, Clayton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Everett, Fessenden, Foot, Geyer, James, Jones of Iowa, Jones of Tennessee, Mason, Rusk, Thompson of Kentucky, and Wade—20.

NAYS—Messrs. Adams, Atchison, Bayard, Brown, Butler, Clay, Evans, Fitzpatrick, Hunter, Morton, Norris, Pearce, Slidell, Stuart, Weller, Williams, and Wright—17.

So the amendment was agreed to.

Mr. WELLER. I move to amend the bill in the following clause:

"For salaries and incidental expenses of the commission, appointed under the act of March 3, 1851, for settling land claims in California, \$37,500;"

by striking out "\$37,500," and inserting in lieu thereof "\$42,000." And then to add the following, which will explain my object in moving to increase the gross amount of the appropriation:

And that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent.

I offer this amendment now, because, under the organization of that Board of Commissioners, a law agent and assistant law agent were appointed. The law agent who was originally appointed left the theater of his duties, and returned to his home. During his absence, for thirteen months and a half, the assistant law agent, Mr. Greenhow, was compelled to discharge the very arduous duties of both offices. All I propose by the amendment is simply to give him the compensation to which, I think, he is rightly entitled, for having performed the duties of both offices for the period of thirteen months and a half.

Mr. HUNTER. I feel it to be my duty to raise a question of order. Is there any estimate for this?

Mr. WELLER. I think it is an amendment of that character which requires no estimate.

The amendment was agreed to.

Mr. DODGE, of Iowa. I offer the following amendment, to come in after the appropriations for public land purposes:

For continuing the surveys in the northern portions of Iowa, Minnesota, and Wisconsin, at the rates now authorized by law, \$40,000.

I offer the amendment in pursuance of a recommendation and estimate from the proper Department, and with the unanimous consent of the Committee on Public Lands.

The amendment was agreed to.

Mr. DODGE, of Iowa. I also offer the following amendment from the same committee:

To enable the Secretary of the Senate to pay for the maps of the public lands authorized by the resolution of the Senate of the 3d of March, 1853, to be printed under the direction of the Committee on Public Lands, \$5,150.

The resolution of the 3d of March is as follows:

"Resolved, That the Committee on Public Lands be, and they are hereby, authorized to have printed the maps of the public lands, which are now prepared and in course of preparation."

This was adopted on the 3d of March, on the motion of Mr. Borland, formerly a member of the Committee on Public Lands. I will state a fact, of which the present Presiding Officer (Mr. Poor in the chair) is cognizant, owing to his position on the committee: Since we discovered that such a resolution was passed we have stopped the publication of the maps. This is to pay for the Arkansas maps, we having stopped the publication of the rest.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the question was stated to be on concurring in the amendments made as in Committee of the Whole.

Mr. WELLER. There is one amendment upon which I ask for a separate vote; I went to change my own vote upon it. It is the amendment which was made in regard to privateer pensions.

Mr. PEARCE. I desire to have that amendment excepted myself.

Mr. GWIN. I desire to have the amendment in relation to the appropriation for surveys for the Pacific railroad excepted, because I have an amendment to move to it.

The PRESIDING OFFICER. The two amendments mentioned will be excepted, and the question will be first on concurring in all the rest of the amendments.

They were concurred in.

The PRESIDING OFFICER. The question is now on concurring with the amendment made as in Committee of the Whole, to strike out—

"For paying pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, from July 1, 1851, to June 30, 1854, \$8,400."

And insert:

For payment of pensions of invalids who were wounded on board of private-armed vessels during the last war with Great Britain, up to January 1, 1853; and to reimburse the pension agents such sums as have been advanced by them for that purpose, \$2,662.20.

Mr. PEARCE. In regard to that amendment which reduced the sum appropriated to privateer pensions, I wish to make a brief statement to the Senate, and state the reasons why I shall take a different course from that which I pursued the day before yesterday. All the statements which I made to the Senate then were, as I find, perfectly correct. I find that the fund was exhausted by the application first of the interest, and then of the principal. It was safely invested, and not a dollar of it was lost by bad investments. On the contrary, the fund was absolutely increased by the amount of \$8,000, when the stocks in which it was invested were sold out.

But, sir, the fund was diminished by the action of Congress in a particular which I am inclined to think leaves an equitable claim on the part of these pensioners against the Government. The original acts pledged this fund to the payment of invalid privateer pensions, and pensions to the widows of those who were slain in the engagements of the privateers. Such were the pensions provided for by the act of 1814. By the act of 1818, I find that Congress added a new class of pensions, to wit, the widows of those who died by casualties during the period of their services. This was not contemplated by the original acts.

On looking at the papers which have been sent to me since the debate, I perceive that the proper pensions have amounted in all to not more than \$5,900 in any year; when by the act of 1818, which extended them to the widows of those who died of casualties, the Government paid in one year \$19,000. This difference continued for a considerable length of time.

The privateer pensions paid to invalids decreased rapidly; so that, in 1828, they amounted to only \$2,850. They had never been more than about \$5,900. The pensions to widows amounted to over \$8,000 in 1817, and ran up, in 1820, to \$19,471; so that it appears that it was the new class of pensions, introduced contrary to the pledge of the original act, which diminished and finally exhausted the fund.

Under these circumstances, I give up the objection which I had to the original appropriation as it came from the House. I believe it is equitable in the Government to make good to the invalids the pensions which they would have continued to receive but for our own legislation. I hope, therefore, the Senate will not concur in the amendment made as in Committee of the Whole.

The amendment was not concurred in.

Mr. GWIN. An amendment was agreed to in the Committee of the Whole appropriating \$25,000 for the surveys and explorations for the proposed routes of the Pacific railroad. I move to strike out of that amendment \$25,000, and insert \$40,000. I have an estimate for it from the Secretary of War, and I am instructed by the select committee on the subject of the National railroad to make this motion. The object is to use the additional \$15,000 to survey what is known as Noble's Pass through the Sierra Nevada Mountains, which is necessary to connect with the survey by Salt Lake. The Secretary of War says it is indispensable; and Lieutenant Whipple's party is in California, and his outfit, with this appropriation, will enable him to make that survey.

Mr. HUNTER. I should like to hear the letter read.

It was read, as follows:

WAR DEPARTMENT,
WASHINGTON, March 25, 1854.

SIR: In reply to your note of yesterday, asking "for an estimate for an appropriation in the deficiency bill, for a survey of Noble's Pass through the Sierra range of mountains," I beg leave to refer you to my communication to

the Senate and House of Representatives, dated February 6, 1854. I there request that an appropriation of "\$25,000 be made to cover the deficiencies for the survey of a railroad route from the Mississippi river to the Pacific ocean," and I further state, that "should it be designed to make further explorations similar to those under consideration, it would be advantageous that early action should be taken for that purpose, so that the animals and equipments now on hand should be retained, and parties that are now organized be held together, by which the expense of reorganizing would be avoided, and the operations expedited."

No action having been taken by Congress, and no orders having been issued by this Department to hold these parties together, it is probable they have by this time been disbanded. An estimate, therefore, for the proposed exploration will embrace a new outfit of animals and camp equipments. It is proper, also, to suggest, that an exploration of any pass through the Sierra Nevada would not give definite results unless the survey connected with some other survey to the eastward; for, as has been shown heretofore, other ranges and spurs of mountains intervene between the Sierra Nevada and the plain stretching from the foot of the Rocky mountains to the valley of the Mississippi.

Under these circumstances, I do not feel authorized in estimating the cost of the exploration at a less sum than \$15,000.

Very respectfully, your obedient servant,
JEFF. DAVIS, Secretary of War,
Hon. W. M. GWIN, Senate United States.

Mr. HUNTER. If I understand the letter it is no recommendation. It merely estimates the amount that would have to be paid if Congress should think proper—

Mr. GWIN. No recommendation is required. It is the report of a committee of this body upon an estimate of the Department.

Mr. EVANS. What committee?

Mr. GWIN. The Committee on the national railroad. I consulted the members of the committee. The Senator was not in his seat.

Mr. BADGER. I desire to call the attention of the Senate to the fact, that under the rules of the Senate such an amendment, to be in order to an appropriation bill, must be moved by order of a standing committee of the body.

Mr. GWIN. Cannot an estimate of a Department be moved without reference to a committee at all?

Mr. HUNTER. If accompanied by a recommendation it could be, but not without.

Mr. RUSK. This is certainly in order. We agreed to an amendment, in Committee of the Whole, appropriating \$25,000, on the recommendation of the Department. The motion now is to amend that.

Mr. DOUGLAS. It is to increase the estimate.

Mr. RUSK. To increase the amount; and that, too, has been estimated by the Department.

Mr. HUNTER. This is a very different thing. The estimate which we agreed to is for surveys already performed, and on another route—by Governor Stevens, on the northern route. That is the amendment which we agreed to. This is for additional services to be performed hereafter, in the survey of Noble's Pass. The letter is no recommendation.

Mr. GWIN. The Senator is entirely mistaken. It was for additional surveys to be performed, the Secretary says expressly in his letter. He says, if you do not make the appropriation before the parties are dismissed he will have to estimate for new animals and equipments. One of these very parties is now engaged in surveying from the mouth of the Gila to El Paso; and part of the \$25,000 which we have voted into the bill is to survey this route.

Mr. HUNTER. I should like to have the amendment referred to, by which we voted for any additional survey. We voted to meet the liabilities incurred by Governor Stevens for the surveys which he performed. It was for surveys performed. This is to give authority for additional surveys—to survey another pass.

Mr. GWIN. Let us hear the amendment read.

Mr. BELL. I submit that this is within the rule, strictly speaking. An appropriation was made by the last Congress for the purpose of making surveys and explorations, in order that this Congress might be enabled, upon the return of the surveys, to come to some understanding as to which would be the most practicable and the cheapest route for the Pacific railroad. The pass now mentioned is suggested to be entirely practicable. No survey or exploration of it has yet been made under the appropriation made at the last session of Congress; and I submit, whether, under the circumstances now exhibited by this case, it is not a continuation of that appropriation? Unless we make it, the survey must be left unfinished.

ished for want of funds. This is not a pass in which I feel any particular interest, except that it may be important to the whole country. But, sir, if we are to do anything in regard to the construction of a Pacific railway, is it not desirable to have the explorations expedited and going on as quickly as possible?

The honorable Senator from Virginia is opposed to the whole project; I mean he is against any encouragement being given to it by this Government by way of subscription, or loan, or the credit of the Government; but, if his exception is taken, and shall prevail now, when shall we have a further appropriation on the subject? In the month of September or October; and not even at the next session of Congress, shall we have proper information before us to enable us to act intelligently upon the subject. I think honorable Senators might, under these circumstances, strain a point a little in their construction of the rule. The object is important. There is a pass which has not been explored heretofore. Intelligent gentlemen say that it is more practicable and feasible than any other yet spoken of in passing the Sierra Nevada. But it is proposed to reject the increased appropriation because it is not a deficiency. I allege it is a deficiency. It is so much of a work that was directed by the last Congress to be done. The appropriation proposed to be made is considered to be sufficient for the purpose of carrying out the design, and having complete explorations, as we should, of various passes. The work is unfinished. This is a deficiency; and it is very important to the public interest on other grounds that the appropriation should be made now.

Mr. BADGER. I hope the Senator from Virginia will withdraw his objection to the amendment. Let it be agreed to; and let us get through with the bill.

Mr. RUSK. I hope so; and I have to say but a word to show that he should. Certain passes have already been surveyed under the appropriation which has been made. This pass has not been surveyed. It should be done, so that we may have all the information we can get to lead us to act properly. Why not make the appropriation for it now as well as at any other time?

The amendment to the amendment was agreed to; and the amendment, as amended, was concurred in.

Mr. JONES, of Iowa. I offer the following amendment:

That the Secretary of the Interior be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa, for expenses of the United States district court, which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that, prior to said time, the said counties had paid money, which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same.

A report was made by the Committee on the Judiciary at the last session, and a similar one was made before, upon which appropriations were made to pay for the expenses which were incurred in the counties of Lee and Des Moines. This is to pay other counties which have not yet been adjusted at the Department. The matter has undergone the scrutiny of the Judiciary Committee, and by that committee approved as to the counties which I have mentioned. At this session the subject was sub-committed to the Senator from Indiana, [Mr. BRIGHT,] who has been detained from the Senate some time by indisposition. He kept the papers in his hands, and for that reason, and that reason alone, the Committee on Finance have not offered the amendment. The papers are in his hands, or the committee would, I have no doubt, have offered the amendment. The matter has been heretofore investigated by the chairman of that committee, and by him, and other members of the committee, approved. I hope that the fact of the sickness of the Senator from Indiana will not operate to deprive us of this act of justice.

The amendment was agreed to.

The amendments made were ordered to be engrossed, and the bill to be read a third time, and it was read a third time, and passed. The title was amended, on the motion of Mr. BADGER by adding "and for other purposes."

REPORT ON MEXICAN CLAIMS.

Mr. BROWN. When the chairman of the

committee on the Gardiner claim [Mr. BRODHEAD] made his report the other morning, I suggested the propriety of printing an extra number of copies of the report, knowing that it would be sought for. I have a letter in my hand from the public printer stating that it is now going through the press. Some thirty-five or forty pages are in press, and have been worked off. If any order for the printing of extra copies is to be made, it should be done now, or it will be more expensive. I therefore move that three thousand extra copies be printed for the use of the Senate.

The PRESIDING OFFICER. Under the rule, the motion will be referred to the Committee on Printing.

Mr. BROWN. I hope there will be no objection to it, and that it will be agreed to without being sent to the committee, as, I repeat, there is a necessity that the order should be made at once, if made at all. I ask the unanimous consent of the Senate that it be now made.

The motion was considered by unanimous consent, and agreed to.

ADJOURNMENT TO MONDAY.

On the motion of Mr. BADGER, it was Ordered, That when the Senate adjourn to-day, it be to meet on Monday next.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 31, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. PHILLIPS. I desire to ask the unanimous consent of the House to take up a bill from the Speaker's table; and if I can be permitted to explain in a few words the nature of the bill, I think the House will see the propriety of taking speedy action upon it.

The time for closing mail contracts, as gentlemen well know, expires on the 10th of April next. In the report of the Postmaster General, which I hold in my hand, you will find it stated that it is necessary, with a view of the transmission of the great mails from the East and the West, that he shall contract with the mail contractor to put a double line of stages between the cities of Montgomery and Mobile. For that purpose, he entered into a contract with the gentleman then carrying the mails for the second line. The original contract was for \$36,000.

He agreed with the contractor that, if he would put on another line, he would pay him the sum of \$24,000, or two thirds of the original contract. It was done with this stipulation, that inasmuch as he was to be put to the expense of double stopping on the line, he would recommend to Congress that they would authorize him, if the contract was properly fulfilled, to extend the contract; and with this stipulation also, that if Congress refused to extend it with him, or to authorize the Postmaster General to extend it, that then the Postmaster should pay him the sum of \$6,000. I desire to read—

The SPEAKER. Is it the pleasure of the House that the gentleman from Alabama should proceed with his remarks?

Mr. PHILLIPS. I will occupy but a few minutes.

The SPEAKER. The Chair feels it his duty to inquire of the House whether or not there is any objection to the gentleman proceeding with his remarks?

Mr. EDGERTON. I ask the gentleman from Alabama if the bill in question is not upon the Speaker's table, and if it will not be reached in the regular order of business. I understand, if the regular order of business is proceeded with, that it will soon be reached.

Mr. PHILLIPS. If the gentleman objects, of course I must suspend my remarks.

Mr. EDGERTON. I am willing to oblige the gentleman, but the bill will be reached directly after proceeding to the regular order of business.

Mr. PHILLIPS. If the gentleman from Ohio [Mr. EDGERTON] objects, I will proceed no further.

We could take up the bill now and pass it in a very few minutes, if the House saw fit to do so. It would save the Government \$6,000, which we might just as well save.

The SPEAKER. Is the objection withdrawn? Mr. EDGERTON. It is not. I insist upon the regular order of business.

Mr. DUNBAR, by the unanimous consent of the House, presented resolutions of the Legislature of Louisiana, asking for a grant of land for the benefit of an asylum for the deaf, dumb, and blind, and for educational purposes in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

The following Senate bills upon the Speaker's table were then taken up in their order, and referred as indicated below:

An act for the relief of Theodore E. Elliott. Referred to the Committee on Indian Affairs.

An act for the relief of Dempsey Pitman. Referred to the Committee on Military Affairs.

An act for the relief of Asbury Dickens. Referred to the Committee of Claims.

An act for the relief of Lieutenant A. J. Williamson. Referred to the Committee of Claims.

An act for the relief of William P. S. Sanger. Referred to the Committee on Naval Affairs.

An act for the relief of Mrs. Helen McKay, administratrix of Lieutenant Colonel Eneas McKay, late deputy quartermaster general of the United States Army. Referred to the Committee on Military Affairs.

An act for the relief of W. R. Nevins. Referred to the Committee on Patents and the Patent Office.

An act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea. Referred to the Committee on Commerce.

An act for the relief of the executrix of the late brevet Colonel A. C. W. Fanning, United States Army. Referred to the Committee on Military Affairs.

An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan. Referred to the Committee on Military Affairs.

A resolution for extending the existing contract for carrying the mail in Alabama.

Mr. PHILLIPS. Mr. Speaker, I wish to make a brief statement in reference to that resolution.

Mr. HOUSTON. Let the resolution be read. The resolution was accordingly reported by the Clerk, as follows:

"Resolved, &c. That the Postmaster General be, and he is hereby, authorized to extend the existing contract for carrying the mail upon the route between Montgomery and Mobile, for four years from the time at which said contract shall expire by its own limitation, if, in his opinion, the public interests and convenience would be promoted by such extension of said contract."

Mr. PHILLIPS. I ask that the bill be placed upon its passage; and for the purpose of showing the propriety of it, I will read to the House what the Postmaster General says of it in his report:

"There is, however, between Montgomery and Stockton, Alabama, another portion upon which delays and irregularities have been occurring to an extent equaling those on the sea route above referred to, although arising from quite different causes."

"One daily line of coaches has heretofore been provided, running (in connection with a steamboat between Mobile and Stockton) over a natural road of one hundred and sixty miles in length, frequently liable to obstructions from high water and other causes, and not kept in good repair, traversing, as it does, a sparsely populated section of country. Such mode of conveyance, upon such a road, has been found entirely inadequate for the vast accumulation of mails at Montgomery, conveyed thither from Boston, New York, and other cities, along the whole extent of that great line."

"Considering the increase in the amount of mail matter of all descriptions, especially printed matter, the transmission of bound volumes and other public documents, printed by order of Congress, increasing, as they do, from year to year, and of all the matter from the several Executive Departments of the General Government, also rapidly increasing in quantity, and in view of the fact, also, that all the mails for Mobile, New Orleans, and beyond, thus accumulated by contributions from Boston to Montgomery, are conveyed to the latter point by railroads and steamboats, especially the former, it is a matter of surprise that they have been forwarded by one daily coach in a manner at all approaching regularity."

"These facts rendered most imperative the necessity of providing immediately more adequate means of conveyance; and, accordingly, on the 18th of October last, a second daily line of four horse coaches was ordered between Montgomery and Stockton, Alabama, to connect with the steamboat line between Stockton and Mobile, with the stipulation that the contractors should furnish vehicles of sufficient capacity to convey whatever mail may be daily received at Montgomery or Stockton, and that the

steamboat employed between Stockton and Mobile should be of sufficient size, structure, and fitness for the regular navigation of the Tennessee river, and be under the entire and exclusive control of the contractors, so that no breaches of connection should occur by reason of any other persons having a right to interfere with its arrivals and departures.

"The compensation allowed for this additional service is \$24,000 per annum, being one third less than pro rata of the present pay, with the agreement that if the service shall be well and faithfully performed, the extension of the contract on the same conditions, over the succeeding term of four years, commencing the 1st of July, 1854, will be recommended to Congress; and should Congress decline to authorize such extension, the rate of additional pay shall be raised to \$30,000 per annum, still one sixth less than pro rata, for the residue of the existing term.

"It was further stipulated that the contractors, by the 1st of November, 1853, should place on the route a full additional every-other day line, and double the road, if necessary, to carry off all the mail matter every day, and by the 15th of December a full additional daily line; the increased compensation to commerce, in case of a faithful compliance with these terms, on the 1st of November.

"The terms of this agreement are favorable, in view of the great public benefits expected to result therefrom.

"The stipulation as to this extension of the contract is reasonable and proper, because the present contract expires on the 30th of June next, and the contractors could not be expected to provide, at great expense, all the additional stock necessary for a second line, for seven or eight months only, without some guarantee against loss in case of being underbid in the competition at the next letting of contracts, the existing laws not providing, as was formerly the case, that new contractors shall purchase the stock of those superseded."

Mr. PHILLIPS. It will be seen from the extract from the report of the Postmaster General, which I have read, that the Post Office Department has recommended the passage of this bill from the Senate, now upon the Speaker's table, which authorizes the fulfillment of the contract. It will save to the Government the difference between the two amounts—that is, \$6,000. The time when the bid expires is the tenth day of April next, and if the House intend to pass this bill at all, it ought to do so now.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman, if he has any information upon the subject, whether it is not probable that, if the matter should be left open for competition by bids, as all other routes in the country are, it would not be contracted for upon as favorable terms as this contract will be, even if he is paid the \$6,000?

Mr. PHILLIPS. I will merely answer the gentleman, not from my own information, or by an expression of my opinion—which I presume would not be worth much—but by merely calling attention to the opinion of the Postmaster General, which I have just read. His opinion is that it is a favorable contract for the Government, and that he is perfectly willing to extend it, and has recommended Congress to do so. My own opinion is, that it is worth nothing to the gentleman.

Mr. JONES, of Tennessee. We have general laws upon the subject which require the Department to receive proposals. We had better leave this, it seems to me, to such general laws as apply to all other routes.

Mr. HOUSTON. If the gentleman from Alabama will allow me, I desire to say a word.

Mr. PHILLIPS. I yield to the gentleman for a moment.

Mr. HOUSTON. I desire to say that the road over which the mail is carried is a vital section of the great trunk over which the mail north and south is carried. One daily mail service was formerly performed over that line; but it was found that such service was inadequate for the prompt and certain transportation of the mails.

Last fall the Department found itself compelled, from the necessity of the case—from the fact that mail matter was left over at Montgomery frequently, until it accumulated to an immense quantity—to make an arrangement for a daily double service upon that section of the line. To put a double daily service upon that line would require an additional outlay upon the part of the contractor of \$30,000. The contractor was unwilling to incur the investment of that large amount, in stocks and materials for the road, unless he should be assured of some probability of using it for a longer period of time than the seven or eight months during which the existing contract had to run. Why, sir, an investment of \$30,000 in such stock as this, to be used only for six or eight months, would certainly be very hazardous, and be attended with great loss.

I would remark to the gentleman from Tennessee, [Mr. JONES,] even admitting it to be true—though I do not believe it is—that the Government, by receiving proposals, might let the contract as

low as this, yet there is an obligation on the part of the Government towards the men who have made this large investment under the guarantee of the Post Office Department.

Again, the provision of law was, a few years ago, that when one contractor superseded another by reason of a lower bid for the route, he should take the stock and materials of his predecessor, upon a fair valuation of the same. But such is not the law now; and if this investment of \$30,000 were made for the short time which the contract had to run, when there was no obligation upon his successor to take the property off his hands if he was underbid, it seems to me that we owe something to those contractors; and when the Postmaster General assures us that this is a favorable contract for the Government, I think it is as little as we can do for them to authorize the Postmaster General to extend it.

Mr. JONES, of Tennessee. The law, I believe, requires the Post Office Department to advertise for proposals for carrying the mails upon the different routes. Those who bid for the contracts must inform themselves in relation to the service to be performed; and they undertake to carry the mails upon those routes for the terms specified. I know it has been urged at the Department, that though the amount of mail matter should increase, yet the Department had no authority to increase the amount of compensation. If the contractor undertakes to carry the mail between two given points, and he can do it on horseback, he may do it in that manner; but if it requires a line of coaches, or if it requires a dozen lines of coaches, the contractor, according to the law and the ruling of the Post Office Department, in the great majority of cases, must comply with the terms of his contract at whatever cost. It does seem to me that it is rather bad policy for Congress to commence letting mail contracts in particular cases by special legislation.

Mr. OLDS. I think the gentleman from Tennessee, who has just taken his seat, is under a misapprehension in reference to this bill. This contract, which the Postmaster General asks us by this resolution to extend, is not the regular contract made under the general letting four years ago. If I understand it, the contract made then proved to be a failure, and this contract was entered into with this party to continue until the time of the next regular letting, as the document read by the gentleman from Alabama [Mr. PHILLIPS] shows. It is therefore a special contract, and does not come under the general rule with respect to contractors at all.

It is, perhaps, due to the House that I should say in this connection, that there are representations being made to the effect that if this contract is not extended, and the opportunity is given for bids to be offered in the usual manner, that such will be the competition as to reduce the amount below that which the Postmaster General asks us to pay this contractor. I do not state this from any reliable information; I have been told these things from outsiders, who have made such representations in regard to this matter.

My own opinion is, that inasmuch as there is a seeming necessity for the passage of this bill, we had better pass it at once. If it be referred to the Committee on the Post Office and Post Roads, such is the press of business which is likely to be thrown upon the House from the Committee on Public Lands—which is likely to monopolize a great portion of the time of the House during the balance of the session—that we should not be likely to get an opportunity to report it back.

Mr. COBB. The gentleman is out of order.

Mr. OLDS. I am not out of order; but if the gentleman makes a point of order, I will await the decision of the Chair.

Mr. COBB. The Committee on Public Lands have nothing before the House, nor is there anything before the House with which they have any connection.

Mr. OLDS. No, sir; they have nothing before the House, and I do not want them to have anything here for a good while to come. But, sir, my remarks were perfectly in order, as showing the reason why this bill should not be referred to the Committee on the Post Office and Post Roads. I was speaking to the point that, if it was sent to that committee, we should not get an opportunity of reporting it back until the time should have elapsed for the reletting of this contract, and it

would be too late to avail anything. That is my reason for putting the bill upon its passage at this time. I will have no contention with the Committee on Public Lands. If the House propose to allow that committee to monopolize their time for the remainder of the session, I will not be responsible for it.

Mr. HOUSTON. The point I wish to present in reference to this contractor is this: Even if it should be admitted that, by throwing this contract open to bids, we could obtain terms as good, or better than those now offered, it seems to me that the Department is under some obligations to this individual, who has made an investment of \$30,000 in stock, materials, &c., which his successor is not bound to take, and which, of course, will prove a heavy loss to him, unless some arrangement should be made to secure the contract to him in future. The Postmaster General advises us that this additional service is obtained for one third less compensation than the original, by public bids accepted under the rules for bidding at the Department; and it seems to me that that, of itself, goes far to show that we could not get it any cheaper if it were opened to competition. It was opened to competition, and the Postmaster General tells you that the bid at which it was originally let was \$36,000. Now it is proposed to be done for one third less. Individuals propose under contract to carry it for \$24,000, incurring the obligation on the part of the Department, that a strong recommendation shall be made to Congress for authority to continue that contract, if in the language of the joint resolution, he deems it for the public good to do so.

We have examples of this sort of legislation. Congress did this precise thing in a case which presented itself with much less force to our sympathies and favorable regard—that of carrying the mail from here to Aquia Creek, on the Potomac river. And another instance of this character of legislation, precisely in point, was in carrying the mail from New Orleans to Mobile. The extensions of these contracts were made in this way, under peculiar circumstances, which existed, and were brought to bear on the Department, forcing it to incur this sort of additional obligation before it could induce an enterprising gentleman to invest a large amount of money in stock which might be thrown on his hands as useless and unprofitable.

I think that this case appeals to the favorable regard of Congress very strongly; and I hope that the House will pass the resolution.

Mr. GREY obtained the floor.

Mr. JONES, of Louisiana. I rise for the purpose of making an inquiry.

The SPEAKER. The gentleman from Kentucky is entitled to the floor.

Mr. GREY. I ask that the joint resolution be read. I was not in the Hall when it was taken up for consideration.

The Clerk read the resolution.

Mr. GREY. Mr. Speaker, if I were not a member of the Committee on the Post Office and Post Roads, I do not know that I would say anything about this matter; but, sir, representations have been made to me within the last few days, which, I think, the House ought to know and consider. When the House is informed of certain facts, I am sure they will refer this joint resolution to the Committee on the Post Office and Post Roads for investigation. That resolution asks that Congress shall authorize the Postmaster General to extend a contract which, by its stipulations, terminates in July next, for four years more, to certain contractors, without any "bidding," or the competition guaranteed by law between individuals for mail contracts. I was shown a letter yesterday by a gentleman of this city, which he told me was from one of the most extensive and responsible mail contractors in Alabama, in which he protested against giving to these contractors an extension of their contract for four years, as contrary to the general laws, and in violation of the rights of other bidders. He protests against granting that contract except at the general "lettings," and according to the laws regulating all "mail contracts."

Sir, what are the facts in this case? The gentleman from Alabama [Mr. HOUSTON] was understood to say that they were carrying the mail for \$24,000 per annum.

Mr. HOUSTON. I said that the double service was done for \$24,000. That was an amount equal to two thirds of the original contract; \$36,000

was the amount of the first contract. It was accepted by the Department under the regular bidding. This increased service, though equal to the original mail service, was assumed by the contractors for \$24,000.

Mr. GREY. I ask if that contract was not made with Mr. Wade Allen, to terminate the 1st of July next, for daily service, at \$36,000 per annum?

Mr. HOUSTON. I do not know. There was a contract with Wade Allen, or Wade Harris—Allen, I believe—but I am informed this day by the Postmaster General himself, that the Department never has been able to get a contract properly carried out on that section of the route. The contractors who have preceded the energetic gentleman who has it in charge at present, have made constant and continued and annoying failures in carrying the great mail North and South, to the disturbance of the Department.

I wish to say one word more whilst I am upon the floor. The Postmaster General told me also, this morning, in connection with the present contract, that it has been faithfully and punctually performed, and that there have only been a few insignificant failures. It has been infinitely better performed than it ever has been by any other contractors on that section of the route.

Mr. GREY. The gentleman does not answer my question. I want to know what was the contract price per annum allowed to the lowest bidder at the last "lettings" of mail contracts? which is the contract those present contractors recently "bought out" from Wade Allen.

Mr. HOUSTON. Thirty-six thousand dollars.

Mr. GREY. Well, that is all I ask to know. Sir, I will tell you what I am informed in relation to this matter. That Wade Allen has had this contract for two or three terms of four years, and had it at different rates of compensation. He took the contract for daily service between Montgomery and Mobile for one term at \$26,000 per annum, then at \$31,000 or \$32,000, then down again to a lower rate, and his last contract was at \$36,000. Now, Wade Allen, I learn, was a man of wealth, and responsible; and if he failed to perform the service regularly, the Postmaster General was authorized to fine, deduct, or forfeit and relet the contract, and was not authorized by law to receive him as a bidder at future lettings.

But I am informed Wade Allen was the legally accepted contractor for the four years ending the 30th June next; that he has been dead for a year or two, and his representatives have carried on that mail service. If he had been a defaulter, the Postmaster General would certainly have obeyed the requirements of the law, and forfeited his contract, readvertised under the law for public competition among bidders, and relet the route in that way, instead of giving it by a private contract to any certain individual. But, sir, it is not charged that Wade Allen or his representatives were defaulters. It seems, sir, that last winter a gentleman who was or had been a special and confidential agent of the Post Office Department, entered into an arrangement with another, by which they bought this contract of Mr. Wade Allen's representatives, well knowing it terminated on the 30th of June—bought it *last winter*. That contract was for a daily mail between Montgomery and Mobile, at the rate of \$36,000 per annum; and they have been allowed \$24,000 per annum more, making for that service between Montgomery and Mobile \$60,000 per annum.

Mr. Speaker, in reply to the gentleman's [Mr. Houston's] remark as to the punctuality and regularity of the mails since those "energetic contractors" have been performing the service, I will remark that the members of this Congress, and the newspapers, North and South, will, and have protested, that the mails to and from the South have never been more irregular than during the past winter.

Now, sir, I ask whether, when there is only one mail a day from this city to Montgomery, and one mail a day from Montgomery on towards Vicksburg, for Arkansas, North Louisiana, and all the West, and only one mail a day from Mobile to New Orleans, do we want *two* mails a day between Montgomery and Mobile?

Mr. PHILLIPS. I do not know whether the gentleman from Kentucky was in the House when I read what is stated by the Postmaster General.

Mr. GREY. I was not in the House at the time, but I presume I have been informed of all the positions taken by the Postmaster General in his report.

Mr. PHILLIPS. The gentleman from Kentucky asks what is the necessity of another daily line between Montgomery and Mobile, when there is a daily line from Montgomery to Mobile and New Orleans? I will answer the gentleman by saying that the mail is carried from Mobile to New Orleans by steamboat.

Mr. GREY. There are many members of this House living in the South, and they know that a large mail goes from Montgomery on, in daily coaches, by Columbus and Jackson, Mississippi, to Vicksburg, for Arkansas and the northern part of Louisiana, and connected with the daily mail boats running upon the Mississippi river between Louisville and New Orleans. How does it happen that such an immense amount of mail matter goes from Montgomery to Mobile? We pay millions to send our mails by ocean mail steamers from New York to Cuba, to Mobile, and the different ports of Mexico. I do not think, from my knowledge of the mails through the country, that there is so great an amount of mail matter which *ought* legally and properly to pass on the route from Montgomery to Mobile as requires *two* daily lines of four-horse coaches to carry it.

Mr. ABERCROMBIE here made an interruption, which was entirely inaudible to the Reporter.

Mr. GREY. I submit to this House whether, if *two* daily lines are necessary there, it is not by law made the *positive* duty of the Postmaster General to advertise and contract for that grade of service at the *regular* mail lettings, which come off every four years? If semi-daily service is necessary there, I do not object. The point I make is, that it should not be given by a *private* contract to any one, in violation of law and of the rights of regular bidders. Let all have a fair and equal chance, and let the Government have the advantage of the saving resulting from that open competition. Such is the point I make against all *special* legislation for individuals.

This *special* agreement is this: They were allowed \$24,000 extra for carrying the very identical mails for which the contract, *just then* purchased of Wade Allen, paid them \$36,000 for carrying, and to have the contract secured to them for the next four years at the \$60,000 per annum, *without* any competition with other bidders.

Had the Postmaster General any right to make such a contract? He now acknowledges he had not, but asks Congress to authorize him to do so. Mr. Speaker, whatever might be my confidence in his wisdom, I will refuse to do so, because there is neither justice, propriety, or necessity for exempting this route from the usual and legal mode of contracting.

Sir, my observation has taught me to believe that too great discretionary power should not be given to those in authority. I will state a case by way of example. A Mr. Buckles, of Kentucky, had a contract for carrying the mails in steamboats from Louisville to St. Louis at \$10,000 per annum. Buckles was not on good terms personally with everybody at the Post Office Department, and during the ice and fogs of winter made failures, and perhaps did not do his full duty. He was heavily fined—deductions made from his pay—his contract forfeited—and the usual month's extra pay allowed (*by law*) when contracts are forfeited was *withheld* from Buckles.

In less than two months after the contract of Buckles was forfeited, another contract was made with Shirley & Co., for steamboat service on the same route, from Louisville to St. Louis, at much higher price, and *without* any public advertisements, or any competition permitted between bidders. This special contract with Shirley & Co. was first made in 1851. Under a law of last Congress the Postmaster General advertised for proposals or bids to be sent in by "3 p. m. of the 10th day of February, 1853, to be decided on or before the 1st of March following, for conveying the mails of the United States, for four years from 1st July, 1853," on this river route from Louisville to St. Louis, (and on other river routes.)

The bids were sent in, accepted, and the contractors *officially* informed on the 2d March, 1853, of such acceptance. The contract was executed by the parties. Yes, sir, indorsed, "SIGNED,

SEALED, AND DELIVERED BY THE POSTMASTER GENERAL."

Yet, Mr. Speaker, after all that these lowest bidders and contractors are refused the privilege of carrying that mail under their contract from Louisville to St. Louis, and Shirley & Co. are now performing that very service, and that, too, without any contract for it, but for which the Postmaster pays to them and the agent's messengers about \$90,000 per annum; yet Shirley & Co. perform very little more service than Buckles did for \$10,000 per annum.

I state here, from information from the Post Office Department, that Shirley & Co. are now *pretending* to perform that service *without* a contract, but are allowed, including agents, about \$90,000 per annum, all of which is (I believe) charged against the State of Kentucky for "mail facilities;" yet those facilities furnished by them to Kentucky, for the last nine months, have been worse than worthless.

Such, Mr. Speaker, has been the result of a "discretion" exercised on that route along the northern border of Kentucky. Forbid the exercise of "discretionary powers," and enforce the law in regard to "lettings" and lowest bidders, and all will be right. At all events, we can then understand how far the law allows the Postmaster General to go.

But, sir, as to this special, or discretionary, or private contract between Montgomery and Mobile. How is it that such great injury is apprehended to the interests and convenience of the public if this contract is not renewed, secured, and extended for four years to those gentlemen? It was entered into *last winter*, with a knowledge that it would terminate in June next. Sir, reject this proposition, and, my word for it, this route will at the regular "mail lettings" on the 10th of next month, be "let" to responsible contractors who will perform the service much better than it has been performed during the last winter and spring. Sir, I shall move to refer the resolution to the Committee on the Post Office and Post Roads. Let it take the course which legislation of a general character takes. All private bills that are brought up for the relief of injured claimants, some of whom have been appealing to this House for long years to do them justice, are referred to appropriate committees, to be examined in all their bearings, and reported upon fully to the House. Sir, I understand a gentleman who is, or has been a "special and confidential agent of the Post Office Department," and his partner, bought out this contract, and that, very soon afterwards, this extra allowance was made. Why was it not allowed to the previous contractor? He, it seems, had for many years carried all those mails in a daily line of coaches; and if the present contractors cannot do it, then "let" the service accordingly to him.

Mr. HOUSTON. I did not hear distinctly the remarks of the gentleman from Kentucky. Will he please repeat them?

Mr. GREY repeated as above.

Mr. HOUSTON. What is the name of that gentleman? Will the gentleman from Kentucky please to give us his name?

Mr. GREY. Certainly. I will give the gentleman from Alabama the name of a Mr. Metcalf as the person to whom I allude. And I ask the gentleman from Alabama whether that person is not one of those contractors?

Mr. HOUSTON. I do not know whether he is or not. I never heard of him as being one of the contractors.

Mr. GREY. Do you say he is *not* one of the contractors?

Mr. HOUSTON. No, I do not; he may be one of them.

Mr. GREY. And does the gentleman from Alabama know whether Mr. Metcalf is, or was a "special confidential agent" of the Department?

Mr. HOUSTON. I know that he was one of those special agents.

Mr. GREY. Is he at present?

Mr. HOUSTON. He is not now one of the special agents of the Department?

Mr. GREY. Was he last winter?

Mr. HOUSTON. He was an agent during the last Administration; but I understand he was superseded before the contract in question was made.

Mr. GREY. Was he during last winter one of the special agents of the Department?

Mr. PHILLIPS. I think he was not. I know that Mr. Metcalf was a special agent of the Post Office Department under the last Administration. But after the present Administration came into power he fell.

Mr. GREY. Does the gentleman from Alabama [Mr. PHILLIPS] know that he fell before this contract was entered into?

Mr. PHILLIPS. I do not know that. I cannot undertake to give a positive answer to that question.

Mr. HOUSTON. I am informed that Mr. Metcalf was removed before this contract was made, or before it was even talked about.

Mr. GREY. I am not throwing out any imputation on the motives or character of Mr. Metcalf while he was special confidential agent of the Post Office Department. I do not charge that there was any impropriety in his becoming interested in the contract, or that he had no legal right to buy out the contract if he thought proper to do so.

Mr. Speaker, I refer to the fact that that could be, and had for years, and up to the past winter, been carried in daily coaches.

Mr. HOUSTON. I desire to ask the gentleman from Kentucky a question. Will he permit me to interrupt him for that purpose?

Mr. GREY. Certainly.

Mr. HOUSTON. Does not the gentleman from Kentucky know that the Post Office Department had been endeavoring to obtain the double daily service between Montgomery and Mobile for months before they accomplished that object?

Mr. GREY. No, Mr. Speaker; I know nothing about that; though I know, as doubtless does a hundred other members on this floor, that when we have (during this session) applied at the Post Office Department to get increased or a change of facilities, the answer has always been that "the present contracts terminate so soon we cannot make alterations until the lettings in April."

There is a daily line of boats from Montgomery to Mobile on which the mails could be sent.

Mr. HOUSTON. Well, then, I can tell the gentleman from Kentucky that the Post Office Department had been endeavoring to obtain this double daily service upon that section of road for months before they ever accomplished it.

Mr. GREY. Then, Mr. Speaker, the Postmaster General was, by law, obliged to advertise for bids for that service, if he knew so long beforehand that it was needed. But, sir, double daily contract was made without the authority of law, and is now brought before Congress to get them to sanction and indorse it; and I will do justice to those, and to other contractors, by refusing to do any such thing.

Mr. HOUSTON, (interrupting.) I wish to ask the gentleman another question. Does the gentleman from Kentucky —

The SPEAKER. The gentleman is out of order, unless the gentleman from Kentucky yields the floor.

Mr. GREY. I yield to the gentleman.

Mr. HOUSTON. I wish to know if the gentleman from Kentucky takes the ground that, where the force is not sufficient to carry the mail, the Postmaster General has no power to enter into a contract by which the mail may be carried?

Mr. GREY. When a mail contractor cannot carry the mail which he is bound to carry by the terms of his contract, the local postmasters upon the route have authority, by law, to make a special contract to have the mail carried until the Postmaster General shall readvertise and relet the route.

Mr. HOUSTON. That is in case of a failure of the contractor. But in cases where the mail accumulates so that it cannot be carried according to the contract, and the contractor is not bound to increase the service, I ask the gentleman if he takes the ground that the Post Office Department has no right to make a contract to secure the performance of the necessary service?

Mr. GREY. I reply to the gentleman from Alabama, that if the contractor does not and cannot carry the mail, the postmasters are authorized to have it carried on, and to make out and present their accounts for doing so in their next quarterly returns; and if it is impossible for the contractor to carry the mails as he has contracted to do, then it is obligatory on the Postmaster General to readvertise and relet. In extreme cases, the greatest

latitude allowed by law is for the Postmaster General to make "temporary contracts," to exist until he can have had time to advertise for bids. That is the law.

Mr. HOUSTON. The gentleman is mistaken in regard to the matter of law.

Mr. GREY. The gentleman will pardon me. I am not mistaken in the law, or in the justice which urges that every contractor ought to be put upon the same footing, and that all shall have an equal chance at the regular bidding time. I am opposed to violating the general law, and opposed to giving any Postmaster General the authority to depart from it; which has often been done, I know, with great and crying injustice.

In conclusion, I move that the bill be referred to the Committee on the Post Office and Post Roads.

Mr. PHILLIPS. I desire to occupy the attention of the House but a few moments further in reference to this subject. My object is to free the mind of the committee from the impressions which may have been created by the remarks made by the gentleman from Kentucky.

Mr. JONES, of Louisiana. I rise to a question of order. The remarks of the gentleman are not in order, as the previous question has been called.

Mr. PHILLIPS. It has not been called. The gentleman is mistaken.

Mr. JONES. The previous question was called for by the gentleman from Kentucky, [Mr. GREY.]

The SPEAKER. The Chair would state that the gentleman from Alabama [Mr. PHILLIPS] was recognized by the Chair, and no one was recognized who demanded the previous question. The gentleman from Kentucky [Mr. GREY] moved to refer the bill to the Committee on the Post Office and Post Roads.

Mr. GREY. And called the previous question; but I withdraw it with pleasure, if desired by my friend from Alabama.

The SPEAKER. The Chair did not hear the demand, and recognized the gentleman from Alabama.

Mr. PHILLIPS. I desire to relieve the House from the impressions which may have been made by the remarks of my friend from Kentucky [Mr. GREY] in reference to the contractor in the case under consideration, Mr. Metcalf. The gentleman stated to the House that Mr. Metcalf held some official relation to the Post Office Department, as a special agent, and hence that a contract made by the Department with him, who held this relation, would be a transaction which would justly subject him to suspicions, and justify the animadversions of the gentleman himself. But so far from that being the case, Mr. Metcalf, who had been a special agent of the Post Office Department, was removed by the Department before the contract was entered into.

Mr. GREY. I wish to remind the gentleman that I stated in my remarks that I did not charge fraud upon the part of the contractor in his connection with the Government, neither legal nor moral wrong to Mr. Metcalf in taking this contract. But I ask the gentleman a question. I ask him, upon the start, if the law of the Post Office Department is not this, that when the contractor fails to perform his contract to carry the mail from one point to another upon his route, if the contractor does not bid for his route, with the understanding that when he entered upon it that he should carry the whole mail? If he has a daily service only he must carry the whole mail, and if he does not the postmasters upon the route are to contract with others to carry the mail, and the amount of the cost of such new contract is to be deducted out of his pay from the Government. I ask the gentleman if he does know that the Postmaster General has no right to add an additional allowance to a contractor for carrying an extra quantity of mail? That matter has been decided already by the Post Office Department.

Mr. OLDS. I will reply to my colleague upon the Committee on the Post Office and Post Roads. It is with reference to the power of the Postmaster General to contract for additional service that I am speaking.

The gentleman will recollect that when bids are made for carrying the mail a certain service is stipulated for. For instance: a contract may be entered into for carrying the mail between two given points twice or three times a week; but that does not preclude the Postmaster General, upon petitions being presented, showing that a daily

mail is required, from contracting for carrying a daily mail, and from paying an additional *pro rata* allowance for it. So in this case the fact that the Postmaster General has made a contract for carrying a daily mail does not preclude him, if he becomes satisfied that the wants of the service require it, from contracting further for carrying the mail twice a day, and paying an additional *pro rata* compensation therefor. He cannot, however, pay higher than a *pro rata* compensation in addition.

Mr. GREY. With the consent of the gentleman from Alabama, I desire to make a statement, for the benefit of the chairman of the Committee on the Post Office and Post Roads. This question has already been decided by the Post Office Department. Some years ago a contract was made with Mr. Eastham for carrying the mail from Louisville to St. Louis daily; at the same time a contract was made with Mr. Campbell and others, to carry the great eastern mail crossing at Wheeling, on by Columbus, Dayton, Terra Haute, &c., to St. Louis. Campbell, though, carried over his route only a horse-back mail, and sent the great eastern mail by Cincinnati, and by the Ohio river, to Louisville, where it was thrown on to Eastham's route from Louisville to St. Louis.

The agent of the Department (sent out to investigate the grievances Eastham complained of) testified to the Postmaster General, that the mail thrown on Eastham's route, which was to have gone by way of Campbell's route, gave to Eastham from three to four times the amount of mail he, Eastham, had contracted to carry. Eastham, proved, that in consequence of that mail *illegally* thrown on him he had lost one hundred horses, and lost largely by its breaking down his coaches; yet in that case, the chairman of the Committee on the Post Office and Post Roads [Mr. OLDS] knows the Postmaster General refused to make an extra allowance to Eastham, but referred him to Congress "for mercy."

Mr. OLDS. Certainly; but that does not affect the position I have taken. I stated a moment ago that this obligation was for increased pay for carrying the mail under a contract which had been extended to provide for increased service.

Mr. GREY. Did not the gentleman state, that the increased service was putting on an additional stage upon the line? Eastham complained and remonstrated, and proved he had been obliged to employ increased coaches and horses to carry the extra mail.

Mr. OLDS. Certainly.

Mr. GREY. Then how does the increased service differ from that in the case I have just stated?

Mr. OLDS. The difference is this: In this case the increase was for service which was not stipulated for in the original contract made with the Postmaster General. The original contract provided for a daily mail, but it was found that the service required that the mail should be carried twice a day. This I hold to be a kind of additional service, which the Postmaster General may authorize, and make an additional *pro rata* allowance therefor.

Mr. PHILLIPS. It is not my purpose to extend this debate, for the House have already had enough of it to satisfy them of the propriety of the resolution. My object in rising was to correct a sort of imputation which seems to have been cast upon the Postmaster General. There is no sort of connection, political or official, between him and Mr. Metcalf. So far from his being an agent or favorite with the present Postmaster General, he was one of those who was removed by him from all official relations with that Department. There is, therefore, no favoritism to be brought to bear on the subject. Gentlemen understand that, and I hope that all said about Mr. Metcalf being an agent of the Post Office Department will go without effect on the existing proposition.

Mr. GREY. With the gentleman's permission, I will remind him that I did not charge fraud against the contractors, though the contract was illegally made, else Congress would not be called on to ratify it.

Mr. PHILLIPS. Then I do not see what was the necessity of stating to the House that Mr. Metcalf was an agent of the Post Office Department.

But there is another matter, and it is this: On the great mail route going from the northeast to the southwest, from Maine to the city of Mont-

gomery, there is a connecting line of railroad, with the exception of some ten or twelve miles; however, I believe that is now completed.

There is a great line of railroads running from the extreme northeast section of the country on towards New Orleans, terminating at the city of Montgomery. From the city of Montgomery to Mobile is the only line which is not traversed either by railroad or steamboat. At Mobile the line is continued by steamboat, so that here is the only gap where staging is used from your extreme northeast to your extreme southwest; and this is the great mail line between those sections. Now, the gentleman asks, what is the necessity of double service?

Mr. GREY. I only asked the question; but did not state positively that there was no necessity for double daily service. I made it a point that, if that service was given, it, like all other contracts, should be free and open to bids from all the world.

Mr. PHILLIPS. Precisely. That is a question of opinion between the gentleman and myself, which I do not propose to answer. I have shown why it is that a double service is preferred. Now, when we come to the point which the gentleman has now made as to how that service should be contracted for, the gentleman may maintain his own opinion.

Mr. GREY. I maintain the execution of the laws as made and provided for such cases.

Mr. PHILLIPS. But I say that here is a contract made by the Postmaster General for a double line at two thirds of the price which he contracted to pay for a single line. These gentlemen are efficient contractors. They were induced by the representations of the Postmaster General to take the contract for the unexpired term of six or eight months at the reduced rate of compensation. The Postmaster General agreed with them that, if that contract were properly fulfilled, he would urge on Congress to give them an extension of it; and stipulating further, that if Congress did not see fit to take his recommendation, then, with a view of making up something as compensation for damages sustained, that the contract, instead of being rated at \$24,000, should be rated at \$36,000. They will get the latter amount, if Congress does not choose to extend the contract, as agreed by the Postmaster General.

If we have any reliance on the judgment and discretion of the Postmaster General in a matter of this sort, when the contract is made at two thirds of the price for which the original contract was made, when we are satisfied with the necessity of the transaction: I say, that if we have the slightest confidence in the man who stands at the head of this Bureau, the House would not, under the circumstances, refuse to concur in his recommendation. I call for the previous question.

Mr. PERKINS, of Louisiana. I would ask the gentleman from Alabama to withdraw his call for the previous question, as my colleague desires to submit a few remarks on the subject?

Mr. PHILLIPS. I withdraw the call for the previous question, so that the gentleman may be heard.

Mr. JONES, of Louisiana. I desire, Mr. Speaker, to make a few remarks in regard to this contract, and I do so for the purpose of opposing the motion which has been made by the gentleman from Alabama, [Mr. PHILLIPS.]

It seems that he bases the whole of his argument upon the fact that the present mail service between Mobile and Montgomery is a most admirable one, and that if the service is let out by contract, as all the other mail lines in the United States are let out, we shall have either no mail, or a very inefficient service, on that route.

It is a matter notorious to the gentleman, as it is to the whole country, that the mail service on the southern routes is at this time, and has been all winter, and, I may say, for all time, anything else than a perfect service. I think that we could not possibly be injured by letting out this contract according to law.

We are told that there is a double service on the Montgomery and Mobile line. Why? Because a single trip per day is not sufficient. Suppose a double line should prove insufficient, you are bound by your contract to a double service, and you will not be able to increase it to a triple one, except by paying \$24,000 or \$30,000 more.

Sir, I understand—I may be mistaken in regard to the law, but it has been dinned into my

ears time and again by the Post Office Department—that they have but three ways of letting contracts. One is an agreement by which the parties undertake to carry the mails with certainty and celerity; there is one for horse-back service, by which the parties agree to carry the mails on horse-back; and the third is for carrying the mails by coaches. The mail service is different; but all the contracts are for carrying the mails—not a portion of the mails; and if one coach a day is not sufficient, if I understand the law correctly, two coaches must be put upon the line.

I agree with the gentleman from Ohio, [Mr. OLDS,] that if it is found necessary that the mails shall be carried twice a day, when the contract is to carry it only once a day, in that event it would be perfectly proper and advisable to give additional compensation for the extra service. All these contracts are let to parties—to do what? To carry the mail; not to carry it twice a day, but once a day, or tri-weekly, or weekly, under the contract.

I should like this matter to be investigated by the Committee on the Post Office and Post Roads. I want to know whether the Postmaster General has not violated the law by giving \$24,000 additional to these parties for carrying the mail once a day? I am opposed to this thing. I do not believe we should lose anything by letting out this contract, and allowing all the world to compete for the service. I am in favor of the motion to refer this bill to the Committee on the Post Office and Post Roads; and on that motion I move the previous question.

The previous question received a second, and the main question was ordered to be put.

The question now being on referring the joint resolution to the Committee on the Post Office and Post Roads,

Mr. ABERCROMBIE demanded the yeas and nays.

The yeas and nays were not ordered.

The question was then taken on referring the resolution to the Committee on the Post Office and Post Roads; and it was decided in the affirmative.

So the resolution was referred to the Committee on the Post Office and Post Roads.

DIFFICULTY SETTLED.

Mr. PRESTON. I rise, Mr. Speaker, for the purpose of making an explanation in relation to a personal matter which transpired upon this floor. It is yet in the memory of the House, that the debate which recently occurred between Mr. CURTIS, of New York, and Mr. BRECKINRIDGE, of Kentucky, was marked by personalities. The character of that debate led to its discussion outside of the walls of this House. So far as Mr. CURTIS was concerned, he referred the matters in controversy to his friend, Colonel Monroe, of New York, and General Shields, a Senator from Illinois. So far as Mr. BRECKINRIDGE was concerned, he referred the matters in controversy to his friend, Colonel Hawkins, of Kentucky, and myself. I am authorized by these gentlemen, sir, to state that the matters in dispute have been settled in a manner which is mutually satisfactory, and which is conceived alike honorable to both the gentlemen who were engaged in the debate.

I have also another duty to discharge on behalf of these gentlemen, and as they transgressed in that debate the rules of order established for the government of this House, to express their mutual regret that this should have occurred, and to ask its indulgence as a body for a violation of its rules. It is a source of gratification to us that the controversy between these gentlemen, who give strong promise of future usefulness to their country, and who are already admired by a large circle of acquaintance, has been adjusted in a manner which I am convinced will be entirely satisfactory to all their friends. I thank the House for their indulgence.

The Senate bill for the relief of John Gusman was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Private Land Claims.

The SPEAKER then laid before the House a communication from the Governor of Oregon submitting a detailed statement of the expenditure of money appropriated by Congress for the use and benefit of that Territory; which was referred to the Committee on Territories, and ordered to be printed.

Mr. SMITH, of Virginia. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the ex-Governors of the States of this Union be admitted within the Hall of this House.

The SPEAKER. Is there objection to the introduction of the resolution?

Mr. OLDS. It changes the rules, and must go over.

The SPEAKER. It goes over, unless unanimous consent be given for its introduction.

Mr. JONES, of New York. I object.

The SPEAKER. Objection is made, and the resolution goes over.

Mr. BOCKOCK. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HENN. I ask the gentleman from Virginia to withdraw his motion for a moment to enable me to offer a resolution asking for information, and to which no objection will be made.

Mr. BOCKOCK. I always dislike to refuse any courtesy to gentlemen, but others may stand in the same situation; and I prefer therefore not to withdraw my motion.

The question was then taken on Mr. Bockock's motion; and it was decided in the affirmative.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, Mr. HAVEN in the chair, (Mr. HAMILTON, the former chairman, not being in the Hall.)

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The business before the committee is the special order of the House on the consideration of House bill No. 52. The question before the committee is on the amendment offered by the gentleman from North Carolina, [Mr. CLINGMAN.]

Several MEMBERS. Let it be read.

The Clerk reported the amendment, as follows:

At the end of the first section add the following words: *Provided*, That in the mean time, to enable the Secretary of the Navy to fit up for use vessels already built; and to obtain efficient seamen, at whatever rate of wages he may find it necessary to pay, he is authorized to use such portion of the appropriation made in this bill as may be necessary.

Mr. BOCKOCK. I do not recollect whether there was any opposition made yesterday to this amendment. Is debate upon it in order?

The CHAIRMAN. The debate was exhausted on this amendment.

Mr. CHANDLER. I move an amendment to that amendment:

Provided, The sum to be employed for such purpose shall not exceed \$1,000,000.

Mr. Chairman, while I would make that limitation in regard to the expenditure for the purposes designated in the amendment of the gentleman from North Carolina, I would at the same time recommend that a portion of that fund—as we cannot immediately procure another appropriation for it—be used for the completion of vessels that are now in our yards and docks, for the service of the country. It is with ships, sir, as it is with houses, if they do not have tenants and employment, they go to ruin. They are much worse when untenanted than if they were employed; and it is quite unnecessary for us to be expending large sums of money in this way for the increase of the Navy, when we refuse to expend small sums for the completion of those vessels that have been already commenced, or for the repair of those that are lying in our docks, and which could be rendered useful and efficient by the expenditure of small sums. How many vessels of this kind there are in our ports and docks I cannot say. I am aware there are some, and that our docks are encumbered with them, while these vessels should be on service abroad, and leave more space for those frames that we are now preparing to put up.

I trust, therefore, that while the House, cheerfully I am sure it will, will pass this bill for the construction of six ships, it will be equally willing to prepare those which we have already partially constructed, and repair those which we now have lying in the docks, for the service which the country demands of them. If there be any use for a Navy, any use for ships, I hope the House will agree to this proposition, that we may be always prepared for any emergency. It appears to me that we can see in advance an emergency which requires these vessels. I need not

say to this House what is understood by the whole country, that all emergencies are lessened by previous preparation. It is more than probable that if we show ourselves prepared for any exigency which may happen, we may be spared a large expenditure of treasure and blood by this small expenditure.

It is best for us, therefore, to be prepared for any evil, and any events which may occur. Though I see no very great cloud, yet we all know that in the horizon, a cloud no larger than a man's hand may soon expand into the means of terrible storm; and it is best to be prepared for such an event, lest we be caught in the tempest.

I trust, therefore, the House will not find it unreasonable to adopt this proposition.

Mr. CLINGMAN. I shall oppose the amendment of my friend from Pennsylvania, [Mr. CHANDLER,] in order to enable me to say a word or two by way of explanation.

If this proposition which I have offered be adopted, and the Secretary of the Navy shall find it necessary to use some portion of this three million fund within the next three or four months, it will be very easy to supply the deficiency in the regular naval bill, when it comes up. It is very certain that the whole amount of the three millions of dollars will not be needed within the next six months, for the construction of these six steamers.

It is further very questionable whether these steamers can be built under eighteen months or two years. We have, however, several ships now lying in our various ports, which can be fitted out ready for sea in a very few weeks, perhaps in a few days. If there is to be a general war in Europe, it may turn out that one or the other of these belligerents may pursue such a course as to render it necessary that we should have a greater naval force upon the ocean than we now have.

I was about to call the attention of the committee to another fact in support of the proposition which I have submitted. I refer to an article which I have recently seen, published in one of the English newspapers, in which it was stated, in reference to the attempt of this Government to get vessels to send to the relief of the San Francisco, that the United States had no Navy.

I also saw, not long since, in a Spanish paper, published at Madrid, an article showing the comparative strength of the American and Spanish Navies, in which it was stated that it appeared that Spain had a much larger Navy than the United States, and that they had nothing to fear from us.

I concur in the opinion expressed by the gentleman upon my right [Mr. CHANDLER] that by making a small show of naval force, we should be likely to escape great difficulty; hence I wish to place in the hands of the Secretary of the Navy a small sum of money for that purpose. My friend over the way, the gentleman from Virginia, [Mr. BOCKOCK,] stated yesterday that the reason why the Secretary of the Navy could not now use these ships, was, that the Committee of Ways and Means would not give him the money. My amendment will obviate that difficulty, and enable him to use a small portion of this fund for the repair of these vessels, if he shall deem it necessary.

As to the amendment of the gentleman from Pennsylvania, I do not care whether it be adopted or not. I shall vote for it, however.

The question recurring upon the amendment offered by Mr. CHANDLER to the amendment, it was put; and the amendment was not agreed to.

Mr. BOCKOCK. I move to amend the amendment offered by the gentleman from North Carolina, [Mr. CLINGMAN,] by adding:

Provided, That no more than one dollar shall be so used.

Mr. Chairman, this is a proposition appropriating money for the building of ships, and any question in reference to the appropriation of money for the payment of wages to seamen belongs to a different subject, and should be put in a different bill. When the proposition was made for building these ships, the question was raised before our committee, and before the Department, as to what amount of money was necessary for their construction.

Estimates were made, and it was agreed that about \$6,000,000 would be necessary for the purchase of constructing six first-class frigates. It was also agreed that about two years would be

necessary to complete them; we therefore thought that \$3,000,000 could be properly expended during the present year, and we accordingly placed that amount in the bill.

Now, sir, I ask that the bill may be allowed to stand upon its own merits. I want the appropriations which we propose to make for the purpose of building ships to be applied exclusively for that purpose. If you apply a portion of the appropriation to the payment of seamen, in a short time you will have the Secretary of the Navy coming here and asking us to supply the deficiency which will thus be created. Gentlemen will then ask us why we did not make the appropriation large enough to build the ships?

Mr. HOUSTON. I rise to a question of order. I ask if the gentleman from Virginia is discussing his amendment?

Several MEMBERS. You are only wasting time by raising questions of order.

Mr. HOUSTON. It may be that it is only wasting time; but I nevertheless make the question of order, and ask the Chair to decide it.

The CHAIRMAN. The Chair does not think the gentleman was proceeding strictly in order.

Mr. BOCKOCK. A gentleman near me asks if the estimate of \$6,000,000 is not larger than that made by the Secretary of the Navy for the construction of these ships? The estimate of the Secretary was for \$5,000,000; but he also sent in an estimate of the cost of finishing and fitting out certain other vessels; and, as it will be seen by the second section of this bill, we have made provision for finishing and fitting out the sail frigates Sabine and Santee, now on the stocks, the expense of which is to be included in this appropriation.

But, sir, I was about to say, when interrupted by the gentleman from Alabama, that this matter of paying seamen is not one requiring further legislation. The Secretary of the Navy now has ample power over the subject. All that is needed is an appropriation, and the proper place for that is in the naval appropriation bill, which I hope will come up before the committee in the course of a few weeks. Let gentlemen contest this question upon that bill, and not attempt to ingraft upon a bill for the construction and finishing of vessels a provision in relation to the payment of seamen's wages.

[Here the hammer fell.]

Mr. BOCKOCK then, by unanimous consent, withdrew his amendment.

Mr. COBB. I wish to put this bill in a condition in which I can vote for it. I believe the amendment I have to offer is a proper one, and I hope the gentleman from Virginia will accept it, and thus save the time of the committee. I offer the following as an amendment to the bill:

Provided further, That said propellers shall be manned by seamen now employed in the naval service; and should said equipping or manning disman vessels now in use, said vessels shall be disposed of by the Secretary of the Navy upon such terms as in his judgment may be best, and the proceeds thereof be deposited in the Treasury of the United States, subject to such laws and regulations as may be now in force in other cases of deposits.

Perhaps the object of that amendment may not strike others as favorably as it does me. But if we are to construct new vessels, it is important that we should construct such as may be usefully employed by the Government. I believe the six steamers proposed to be constructed are such.

I have been in favor of the provisions of the bill in reference to the building of vessels for several years past. I am of opinion that many of our vessels are entirely worthless. My amendment is that we shall abandon the old hulks which have been floating about on the sea, much to the detriment of the individuals on board, as well as to our national enterprise on the ocean. It provides that we shall take the men from those useless vessels which have been floating—not floating very much, for I understand that the chains of most of their anchors have been rusting from inactivity—and put them aboard of these six steamers. By thus doing, and enabling the steamers to have active service, we contribute much to humanity; for the health of the men will be much improved by such a change. Put them on good vessels, and employ them actively, and they will have good health, and be useful in any emergency. That is the object I have in view. I will not argue a question which is so apparently right.

A MEMBER. Mr. Chairman—

Mr. COBB. I am not through. I am like the Mississippi captain; I have a stoppage in my ideas, and have to wait before going on. [Laughter.] I think the amendment so obviously right that no gentleman should object to it. I am satisfied that if the proposition were made, disconnected from the present bill, the chairman of the Committee on Naval Affairs would yield it his sanction. He is opposed to it, fearing that it will embarrass his measure. I want to vote for his bill; but I would much rather vote for it with the amendment I have suggested than without it.

Mr. FLORENCE. Mr. Chairman, I am opposed to the amendment suggested by the gentleman from Alabama, for the reason that I consider it entirely impracticable. My opinion is to some extent based on the report of the Secretary of the Navy, which happens to be before me by accident. The report says that—

"The American Navy consists of about seventy vessels, embracing all, from the ships-of-the-line to the smallest brig, schooner, and store-ship. Of these, many ships of-the-line, frigates, steamers, and sloops-of-war, are not only unfit for service, but I am advised by the Bureau of Construction, Equipment, and Repair, are not worth repairing. There are not now in the Navy forty vessels which could be brought into service in ninety days, if needed. There is no steamer in the Pacific or African squadron, but one of two guns in the Brazilian squadron, and we have no steamer of more than ten guns. The law only authorizes the enlistment of seven thousand five hundred men, which, with an allowance of a proper complement for each vessel, would not man a fleet of fifty vessels, with a fair proportion of large ships. On referring to authentic papers, it will be found that, in point of size at least, our Navy is much less than one fifth of that of several of the greater Powers of Europe, and, whatever may be its relative superiority and efficiency, is not larger than that of certain other Powers of Europe which are not of the first rank in the scale of nations."

I am opposed to the amendment, Mr. Chairman, because there are no vessels which could be sold, not having enough for the wants of the service; and further, for the reason that, as there are none of them good for anything which can be spared, surely nobody will be foolhardy enough to enter into a bad speculation by buying a rotten and worn-out ship or other vessel-of-war.

In the next place, I am opposed to it because it embarrasses this bill. While I desire the increase of the Navy as much as any gentleman, while I do not believe the force we have at present is sufficiently large, still I deem it my duty, having consented to the recommendation of the Committee on Naval Affairs, to oppose all amendments by reasonable argument which may imperil the passage of the bill under consideration. I ardently desire it may, as I believe it will, become a law.

Could I have my wishes gratified by this House, and had it met the approbation of the Committee on Naval Affairs, the bill would have provided for building twelve first-class steam-frigates instead of the number now recommended to be built. The protection of our commerce, in my judgment, requires that such an addition should be made to our naval forces.

Several of the propositions which have been made during this debate may be referred to as fully as the time allotted to me will permit. I do not favor certain words in the bill. I consented to the addition, but I acknowledge that I was willing to leave the building of these ships entirely in the hands of the Secretary of the Navy. I have great confidence in his judgment. I refer to the words "to be built by contract, or in the Government navy-yards, as the Secretary of the Navy may think most advisable for the public interest." I am opposed entirely to the contract system for any of the supplies needed by the Government; and I have said so more than once upon this floor. The experience of the past, Mr. Chairman, fully justifies me in doing so. In nothing are we more forcibly impressed with the bad results of the contract system than in the building of ships, or vessels-of-war.

There are certain portions of the frame of a ship which cannot be replaced, except at very great expense; indeed, all repairs of the frame are very costly. It is therefore quite as essential to use good materials for this fundamental part of the structure as it is to use good materials in the foundation of a house.

All the experiments made in building ships of cheap materials, and by contract, have failed, as the statement I am about to make must convince the most skeptical.

The frigate *Guerriere*, built at Philadelphia, of

white-oak, was broken up, as unworthy of repairs, after performing two short cruises. The frigate Java, built at Baltimore, by contract, made but one short cruise to the Mediterranean, and was found to be so weak that she was recalled. She afterwards received very extensive repairs, and made another cruise to the same station. On her return she was condemned as utterly unworthy of further repairs.

The frigate Hudson was built at New York for the Greek Government, by contract, and of white-oak. She was purchased into our Navy, and made but one short cruise, when she was found to be completely decayed, and was condemned.

The brig Lawrence was built, by contract, for the Navy, at Baltimore, at a cost of \$45,000. She was found to be so dull a sailer, and drew so much water, that she was unfit for a vessel-of-war. At the expiration of her first and only cruise, she was found to be completely decayed, and was condemned.

The brig Perry, about eighty tons smaller than the Lawrence, was built about the same time, at the navy-yard at Norfolk, at a cost of \$39,000, and is now attached to the African squadron, and likely to be a good vessel for years to come.

The Alleghany iron steamer was built at Pittsburgh, and proved so weak that several of her timbers were broken upon her first cruise. Her first cruise proved her a failure, so far as the mode of propulsion was concerned, and new engines were put into her at a very heavy expense. She again failed, and entirely in consequence of the weakness of the hull.

During the last war a private ship-builder was employed to put up the frame of the Washington at Portsmouth, New Hampshire, and he spoiled one entire frame. This builder was very skillful in the construction of merchant ships, but frankly acknowledged that he was out of his depth in attempting a ship-of-war.

The advocates for building ships by private contract cannot name a single ship-of-war which has been creditable to the private builder.

The steamer Kamschatka, built for the Russian Government, was pronounced a disgrace to American mechanics.

The steamer United States, which was sold to the German Government, was found to be unfit for a vessel-of-war; and the small steamers built for the Mexican Navy, but purchased upon an emergency into our own, were utter failures.

Our navy-yards are provided with a very large stock of live-oak, amounting to several millions of cubic feet, which is of the very best description, altogether beyond the reach of private builders; also scantling of the very best description, as well as all the materials for building ships, calculated to last half a century. They are also provided with ship-houses, erected over building ships for the convenience of workmen, and the preservation of ships while in construction; and lastly, we have experience and skill in our naval constructors in building vessels-of-war, which cannot be found out of our Government establishments.

Finer ships or better models have never been produced than the ships which now compose our Navy, especially on steamers. The only thing about the steamers which has failed is the steam machinery, and that was all built by contract.

The law of contract is imperative that work must be done by the lowest bidder, which is a premium for bad work; for contractors certainly do not intend to lose money by their operations; on the contrary, they intend to make as much as they can; and yet the attempt has been made to hold the Bureau of the Navy Department responsible for this defective law and the dishonesty of contractors.

The great defect of our naval establishments is the want of workshops for steam machinery, and that should be remedied as early as possible.

The English Government has been compelled at times to resort to the contract system, and the result has always been a most prodigal and useless expenditure of money. At one time fifty new frigates were struck off the Navy list as being unfit for vessels-of-war, and they were all built by contract; and in war steamers the number of failures in England has been immense. English officers, of the highest distinction, concede that the United States Navy is equally complete, so far as it goes, with their own, but they deny this of any other.

The frigate Congress and sloop St. Marys were visited, in the harbor of Rio de Janeiro, in December, 1850, by Vice Admiral Mosely, of the British Navy, now in command of the squadron in the Pacific ocean. On leaving the Congress, he declared that he had that day inspected the finest and best-appointed frigate he had ever seen. Another instance was related to me to-day. At Canton, in China, the commander of the British East India squadron has highly lauded the razez Macedonian, admiring her proportions, and speaking favorably of her armament and officering for active war service.

The cost of labor upon a ship-of-war is about fifty-five per cent. of her entire cost. It will readily be seen that it is for the interest of the Government to employ this very costly labor upon the best materials, as it costs as much to build a ship of bad material as of good. Live-oak lasts twice as long, at least, as white-oak, and the cost of white-oak is from one half to two thirds that of live-oak.

The total cost of the steamer Susquehanna, completely ready for sea, with stores for three years, and a full supply of coals, was \$759,454 42. Her frame contains twenty-three thousand one hundred and sixty-three cubic feet of live-oak, which cost \$36,138 89, being but a very small proportion of the entire cost of the ship. A white-oak frame would have cost about \$18,500; and thus a saving in the first cost of the ship of about \$18,000 only would have been made had that material been used; but the ship would have decayed in half the time, and, in fact, been worth about half as much.

Merchant vessels are broken out and restored every voyage; and as often as this is done, they are thoroughly dried and ventilated. A vessel-of-war, on the contrary, frequently runs for two or perhaps three years without having her hold broken out. For this reason ships-of-war are much more subjected to decay than merchant vessels, which renders it very essential to use the very best materials in the construction of the former. The English and French Navy Departments have tested the experiment, and abandoned the contract system, because in no instance did they secure efficient vessels under that system; and every such attempt that has been made by the Government of the United States, as I think I have fully shown, has resulted in the construction of vessels that have not been adapted for the purposes of war.

Yesterday my colleague [Mr. Grow] referred to the fact, and urged it as a reason why this bill should not be passed, that the contracts entered into with the Collins and other lines of steamers provide us with a sufficient floating force, without the increase of the Navy now proposed. I take exception to that position, for the reason that we have now upon our tables a report from a commission, appointed under a resolution offered by a gentleman from New York, [Mr. WALKER,] which proves conclusively that those vessels are not adapted for war purposes. The experience of the British Admiralty, coming contemporaneously with the report made by the commission that entered into the examination, brings us the intelligence, and their decision, that even the celebrated Cunard steamers, with all their efficiency for sea service, are fitted only for transports, and are not suited for war purposes.

I am opposed to that provision of the bill which permits the Secretary of the Navy even to have a discretion as to giving out the building of these vessels by contract; and I am not selfish in that; for it is not that I have not the most unlimited confidence in the intelligence and judgment of that gentleman and efficient officer, but that I conceive it to be our duty to have them properly constructed, which, in my humble judgment, can only be done in our navy-yards, for the reasons I have given.

Mr. COBB. The gentleman is not saying a word about my amendment.

Mr. FLORENCE. Well, sir, I will. Permit me to say that I am entirely opposed to the gentleman's amendment, for the reason that it is impracticable.

The question was then taken on Mr. COBB's amendment to the amendment; and it was rejected.

The question recurred on Mr. CLINGMAN's amendment.

Mr. MATTESON. Is it in order now to offer an amendment to the first section of the bill?

The CHAIRMAN. It is in order.

Mr. BOCKOCK. There is an amendment already pending. The amendment of the gentleman from New York will not, therefore, be in order, except as an amendment to the amendment.

The CHAIRMAN. That is true. There is an amendment pending. Does the gentleman from New York propose to offer an amendment to that amendment?

Mr. MATTESON. No, sir; it is a substantive amendment, and I will reserve it until the pending question is disposed of.

The question was then put on Mr. CLINGMAN's amendment, and the Chair announced that it was lost.

Mr. CLINGMAN. I call for a division, and I ask that my amendment may again be read.

Several MEMBERS. Too late.

Mr. CLINGMAN. I asked for a division in time.

The CHAIRMAN. The Chair so decides.

The amendment was again read.

Mr. TAYLOR, of Ohio. I move to amend the amendment of the gentleman from North Carolina, by inserting after the words "authorized to pay" the words "not to exceed the amount now paid seamen in the merchant service of the country."

Mr. Chairman, I have listened with great interest to the remarks which have been made upon this bill by the gentleman from Virginia, who is chairman of the Committee on Naval Affairs, and as it involves only \$3,000,000, and as many of us are inclined to aid in its passage, I, for one, want to vote on it quickly.

I desire, however, to say a very few words in reference to the amendment which has been offered by the gentleman from North Carolina, for I think there is more in it than some of us are aware of. My little experience in this House has led me to believe, that one of the great causes of what is said to be the inefficiency of the American Navy is, that we do not pay the seamen employed in the naval service of the United States sufficient to obtain the men necessary to man our naval ships.

I recollect very well that a few months ago, when the President of the United States was about to send the expedition to Japan, Commodore Perry was in this city, representing to members of Congress the utter impossibility of manning the ships placed under his command, for the very reason that the men required to fill the places of sailors were not to be paid more than half as much as sailors were in the habit of receiving in the merchant marine. I wish to see this state of things changed. Although I believe the reasons urged by my friend from Virginia [Mr. BOCKOCK] this morning are strong, yet I desire to insert the amendment I have suggested, believing that it cannot work any injury to the bill. Why should not the seamen employed in the military marine of the United States receive as much pay as those employed in the mercantile marine, when it is known that they are required to sail to ports in Europe and all parts of the world. I think we ought to do this. I would give the Secretary of the Navy the power to regulate the compensation of the sailors, and limit it to the amount now paid in the mercantile marine service of the country. I am friendly to the American Navy, and I wish to see its capacity improved, and have it restored to its former glory. I wish to see it regenerated—I wish to have it reinvigorated by a proper spirit of progress and reform, not only in the construction of the ships, but in the personnel of the Navy. I wish to see a modification of the whole naval establishment—the creation of a retired list, by which our naval officers, worn out in the service, may be placed upon a footing with those of other nations of the world; that the young and aspiring officers might be advanced to positions whereby they could contribute to the maintenance of the honor and glory of the American flag abroad. I would have such a reform in the service as would strengthen the young officers of the Navy. I would increase their service and their responsibility, and thus reform, regenerate, and build up a glorious Navy—thus make it what it has been, the admiration of the world. I would put it in the power of the Secretary of the Navy now, and not at the end of the year when these ships are built, to have ready at a moment's warning the necessary force to man your Navy, if necessary in thirty days. Give him the power in regard to pay, but limit it in such a way that he will not be

required to pay more than is paid in the merchant service of the country. If you adopt such a policy, I believe, as past experience has shown, that you will obtain the requisite number of seamen to man your ships, and enable them to traverse the seas in all parts of the world.

Mr. CUMMING. I would say, in reply to the gentleman from Ohio, [Mr. TAYLOR,] that I think he is in error in regard to this matter. At this time, the President is by law authorized to make the pay of sailors whatever he thinks proper; and no amendment of the kind suggested by the gentleman is necessary.

Mr. TAYLOR. I wish to inquire of the chairman of the Committee on Naval Affairs [Mr. BOOCOCK] what amount the Secretary of the Navy is now authorized by law to pay for seamen?

Mr. BOOCOCK. There is no limit. I know that it is not under eighteen dollars per month. I have come to the conclusion, from conversation with gentlemen, and from the information I have gathered upon this subject, that there is no limit, except that made by the appropriation in this House.

Mr. CUMMING. I rose merely to say, that if gentlemen—as I am myself—are disposed to increase the efficiency of the Navy, there is one thing requisite, and that is, to make an appropriation large enough to allow the Secretary to make the wages of these seamen the same as those employed in the ordinary commercial marine.

Mr. CLINGMAN. Will my friend from New York [Mr. CUMMING] allow me one suggestion? I want the benefit of his opinion.

Mr. CUMMING. Certainly.

Mr. CLINGMAN. Under this proposed amendment the Secretary of the Navy may take a portion of the money and pay the seamen as he may deem necessary; and, therefore, three or four months hence, when this naval bill is passed, if there be any deficiency thereby caused, it can be supplied. The object is to get at this present appropriation in the deficiency bill. Will not that answer the purpose of the gentleman from New York?

Mr. CUMMING. I think so. I have no objection to that at all. I prefer that, because as the matter stands now, if seamen are engaged at higher wages than those paid by the mercantile marine, there will be none of them left for our commerce, and I should rather have some left than none at all.

The question was then put on the amendment to the amendment; and it was rejected.

The CHAIRMAN. By the amendment, the amount to be paid to seamen is not to exceed the amount paid to sailors in the mercantile service of the country.

The question was then put; and the Chair announced that the amendment was not agreed to.

Mr. CLINGMAN called for a division.

Mr. BAYLY, of Virginia. I ask the committee to permit the amendment to be read again. I want to move an amendment to it.

The amendment was accordingly again reported. Mr. BOOCOCK. I thought, Mr. Chairman, that that amendment was rejected.

The CHAIRMAN. A division was called for in time, and the question has not been ultimately decided.

Mr. BAYLY, of Virginia. I want to move to amend the amendment of the gentleman from North Carolina.

The CHAIRMAN. That is still the pending amendment.

Mr. BAYLY. I move to strike out the first word in the amendment, desiring to say a word in reference to this matter.

It seems to me, Mr. Chairman, that there is an unnecessary confusion among members on the subject of the pay of seamen. Now, there is no law whatever regulating the pay of seamen. The discretion of the President in the matter is limited in two ways. The law fixes the number of men to be employed in the Navy, and more than that number cannot be employed; and then the appropriation bill fixes the amount to be paid. Taking these two things together, they impose the limitation, and the only limitation whatever, in regard to the pay of seamen.

Mr. HOUSTON. I think, Mr. Chairman, that my friend from Virginia is mistaken about this matter, for this question was up at the last session. By referring to the law on the subject, the gentleman will find that the President of the Uni-

ted States, through the Secretary of the Navy, has the right to apportion the wages to seamen. That I understand to be the law regulating the matter.

Mr. BAYLY. I do not deny that at all. That is precisely what I understand about it.

A MEMBER. That is what the gentleman from Virginia has said.

Mr. HOUSTON. No; he says that the appropriation bill fixes the wages to be paid.

Mr. BAYLY. You take the two points together, and that fixes the result. The one is a question of limitation of numbers, and the other is an appropriation.

Mr. HOUSTON. If the President has the authority under the law to say that a seaman shall have fifteen dollars per month, and we appropriate only twelve dollars per month, as a matter of course that does not deprive the seaman of the other three dollars, if the President says he shall have it.

The question was then taken upon the amendment offered by Mr. BAYLY; and it was not agreed to.

The question then recurring upon the adoption of the amendment offered by Mr. CLINGMAN—

Mr. STANTON, of Tennessee, said: Is it too late, Mr. Chairman, to raise a question of order in reference to that amendment, and that is, that it is not germane to the bill? The wages of seamen has nothing to do with the building of these ships, and therefore the amendment is not in order.

Mr. CLINGMAN. According to an admission which has been made here, this amendment does not affect the rate of wages, but merely allows the President to use a portion of the funds.

Mr. STANTON. I insist upon it that the amendment is not in order. This bill is for building certain vessels, and an amendment to the effect that a portion of it should be expended for another purpose, is certainly out of order.

Mr. CLINGMAN. The amendment is to fit up vessels already built, and therefore it is germane.

Mr. STANTON. I will remind the Chair, if he will allow me, that there is always an appropriation in the general appropriation bill for repairs, sometimes called "for an increase and repairs;" and for that reason the amendment is inappropriate here.

The CHAIRMAN. The Chair entertains the opinion that the amendment is not in order. It has reference purely to the rate of pay to seamen, while the bill refers purely to the construction of these six frigates. For this reason the Chair holds the point of order to be well taken, and rules the amendment out of order.

Mr. CLINGMAN. I submit to the Chair another suggestion, and that is, whether it is not too late to take this exception now, after it has been entertained by the committee for two days, and various amendments to it have been voted upon. I suggest that the amendment has been entertained by the general consent of the committee.

The CHAIRMAN. The Chair entertains the opinion that a question of order may be raised at any time. The Chair rules the amendment out of order. Does the gentleman appeal from the decision?

Mr. CLINGMAN. I will not appeal.

Mr. SMITH, of New York. I offer the following amendment, to come in at the end of the first section of the bill:

Provided, That no intoxicating liquors shall ever be kept in said ships for a beverage.

Mr. DEAN. I raise a question of order upon that amendment. An amendment as to what the seamen shall eat or drink is not germane to the bill.

Mr. PECKHAM. Liquor is germane, of course. [Laughter.]

The CHAIRMAN. The question is raised as to whether the amendment is in order or not. The Chair is of opinion that it is not in order, inasmuch as the first section of the bill has relation to the construction of these frigates, and not as to the mode and manner of using them. The Chair sustains the point of order.

Mr. SMITH. Then I am constrained, though with pain to myself, to appeal from the decision of the Chair.

A MEMBER. It may be in order as an amendment to the other section of the bill.

Mr. SMITH. Do I understand the Chair to decide that my amendment will be in order to another section of the bill?

The CHAIRMAN. The Chair expressed no opinion in reference to any other point of the bill. He decided that it was not in order at this point.

Mr. SMITH. If I can offer it at any other point I will withdraw my appeal, and also withdraw my amendment.

Mr. PECKHAM. I move to amend the first section of the bill, so as to provide for the construction of nine frigates instead of six.

Mr. CLINGMAN. If it is in order, I wish to renew in a modified form the amendment which was some time since ruled out of order.

The CHAIRMAN. The gentleman from New York has offered an amendment, and is entitled to the floor, if he desires to speak upon it.

Mr. PECKHAM. I offered this amendment in consequence of facts which have been received this morning in reference to the promulgation of an order, in council, by the foreign Secretary in England, in reference to the action of that Government as to the freight on goods in neutral vessels. I see it stated that

"Some excitement had been created in commercial circles by Lord Clarendon's official announcement to the Riga merchants that all Russian produce, to whomsoever belonging, and even in neutral vessels, shall be lawful prizes in the event of war."

Upon that it seems some comment has been made by Mr. Gibson, a member of the House of Commons, a portion of which I beg leave to read:

"If the dispatch of Lord Clarendon was to be acted upon, we should assuredly be brought into collision with the Americans, whose merchantmen would be liable to be searched by the British cruisers, and, if they had any parcel on board which, directly or indirectly, could be made out to be connected with Russian commerce, to be condemned in some court of admiralty. He had hoped that the sounder and safer policy that 'free ships make free ports' would have saved us from the risk of collision with friendly Powers. [Hear, hear, &c.]"

Now, sir, this is a revival, or rather, perhaps, I should say, a continuance—for I am not aware that it has ever been abandoned by the British Government—of the right of search in reference to our vessels; but a doctrine to which we have never acceded, and to which I never can accede. It is a question of very great importance to this Government; for our commerce with Russia is very large; and hence the question comes directly home to us. This war is imminent; indeed, it already exists; and a proclamation of this sort made by the Government of Great Britain cannot be received by us with indifference.

Then, sir, I ask, if this is to be their course towards us, if it is not an important reason, if it should not be a controlling reason, for the prompt and efficient action of this House, that while we are adding to our Navy, we should add a little more? I am in favor of this increase. If the wants of the country before required the construction of six frigates, it seems to me that the fact I have stated should have a sufficient bearing here to induce the House to increase the number to nine at least.

Great Britain, it is true, asks our sympathy in her contest with Russia, and she may receive it. In all probability she already has it to a great degree in this House at the present time; but it is all important that she should understand most distinctly that she is encroaching upon a doctrine which we hold to be of most vital importance; and we should be in a condition not only to proclaim this doctrine, but to have it respected. It is much better for this country to prevent aggression than to seek redress after the wrong has been inflicted. I hope and trust, without extending comments on the subject, that this matter will be properly considered by the committee; and this is the proper occasion, not only to call the attention of the committee to the subject, but to have it understood by Great Britain what our view is on the question.

Mr. MILLSON. Mr. Chairman, the committee have exhibited a very evident disinclination to adopt any amendments to the bill, doubtless from a wish to protect it from material alteration. I hoped that we should have remained in session yesterday until the bill was finally passed; and I trust we may be soon allowed to take a vote upon it. Believing it to be a measure urgently demanded by the necessities of the country, I should like to see it pass without delay; and as I think that, in the form in which it came from the Committee on Naval Affairs, it is more likely to be acceptable

to the majority, I am willing to take it without change. Any material alterations might endanger its success.

The bill in its present form is simply intended to provide an addition to the peace establishment of the country. The amendment of the gentleman from New York looks to a state of war with other Powers, which he considers not improbable. I would suggest that, if hereafter we should find the aspect of political affairs such as to require us to make more extensive warlike preparations, a supplemental bill may be introduced at some future period of the session to provide for any existing emergency; but let us not change the character of the present bill, which is only designed to make necessary additions to our peace establishment. I doubt, too, if more than six of these propellers could be advantageously built at one time.

If I thought it prudent to encourage amendments, there are some which I would myself suggest to the bill. I should prefer, like the gentleman from Pennsylvania, [Mr. FLORENCE,] to strike out so much of it as gives discretion to the Department to provide for the building of any of these ships by contract. To this mode of building them I should be utterly opposed. I cannot, of course, in the few minutes allowed me, enforce my objections to the contract system for work of this kind. Other gentlemen, however, entertain different views; and it was therefore well enough, perhaps, not to prescribe any particular manner of building them, but to leave the Secretary to determine this question. It is a matter of administration, and it strictly belongs to the Department. I have full confidence in the Secretary of the Navy, and I believe he will come to a proper determination upon it. The condition of the country requires the passage of such a bill as this. I believe that it is demanded by an almost unanimous public sentiment. In no other way can we more advantageously dispose of a portion of the large surplus now in the Treasury.

The gentleman from Missouri [Mr. BENTON] spoke yesterday in opposition to this bill. The sentiments he uttered may be, abstractly, very proper, but I do not think they apply to the measure now under consideration. These frigates are not to be built with reference to aggressive operations. Even with this addition to our Navy, it will remain comparatively a small one. We want six more steamers for purposes of ordinary accommodation and defense. The honorable gentleman said that our ships had heretofore only been built to rot. That, sir, is certainly true. All the works of man are perishable. But, so far from being an objection, I submit that it is cause for congratulation that we have had little occasion for the services of these ships in war. Who can tell how far the possession of these ships may have saved us from war, and secured that very peace which is so desirable? As well might we repeal the law prohibiting and punishing the crime of murder because since its passage there had been no violation of its provisions, as to suffer the Navy to go down because our ships of war have only been built to rot.

The question was then taken on the amendment; and it was lost.

Mr. SMITH, of New York. I renew, Mr. Chairman, the amendment which I have already offered in substance. I have varied it so that I hope it will, in the judgment of the Chair, be admissible. I propose that it shall come in at the end of the first section. It is as follows:

And no intoxicating liquor shall ever be kept in said ships for a beverage.

Mr. DEAN. I again make a point of order on that amendment. I do not like to do it; but if all sorts of amendments are allowed to be offered and debated, we shall never dispose of this bill.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. DEAN. I do.

The CHAIRMAN. What point does the gentleman make?

Mr. DEAN. Why, that the amendment is not germane to the bill.

Mr. COBB. The object of the bill is to authorize the construction of ships.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. SMITH, of New York. I appeal from that decision.

The CHAIRMAN. The gentleman from New York, on the right of the Chair, offers the amendment which has been read. His colleague, on the left of the Chair, makes the point of order that the amendment is not in order. The Chair sustains the point of order, and from that decision an appeal is taken.

Mr. DAVIS, of Rhode Island. Will the Chairman be so good as to state the ground upon which he rules the amendment out of order.

The CHAIRMAN. Perhaps it is unnecessary to state it; but the Chair can see no reason why the amendment can come within the purview of the bill, unless the article to which it relates is to be regarded as part of the armament and equipment of a vessel.

The question was then taken on the appeal, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained, and the amendment ruled out of order.

Mr. CLINGMAN. I now offer an amendment modified so as, I hope, to meet the views of the Chair as to the point of order.

The Clerk reported the amendment as follows:

Provided, That in the mean time, to enable the Secretary of the Navy to fit up for use vessels already built, he is authorized to use such portion of the appropriation made in this bill as may be necessary.

Mr. CLINGMAN. The ships provided for in this bill will not be ready for use for perhaps two years. The gentleman from Virginia, [Mr. BOCKOCK,] chairman of the Committee on Naval Affairs, suggests that a proposition such as mine may very well come in in the Navy appropriation bill. My friend's parliamentary experience will suggest to him that that bill will probably not become a law until the last day of the session. That last day may, as was the case two years ago, be the last of August; or it may, as was the case four years ago, be the last of September; or it may even be in October. In the mean time, in the next five or six months, why should not the Secretary of the Navy be authorized to put in use some one of the five or six ships which are now lying idle in our dock-yards? There is the Vermont, an eighty-four gun ship, at Boston, which I learn could be got ready for sea in three or four weeks, if there was a little money.

Now, suppose such a difficulty as is suggested by the gentleman from New York [Mr. PECKHAM] occurs, and that our merchant vessels are seized, upon the allegation that they contain some Russian property, and we want, in the next five or six months, some force on the ocean, is it not far better that the Secretary of the Navy shall be able to meet the emergency then, than that we shall wait two years until the steamers are built; or, at any rate, until the passage of the Navy appropriation bill, some time in the fall? I hope the amendment will be adopted.

Mr. JONES, of Tennessee, obtained the floor.

Mr. BOCKOCK. I want just to ask the gentleman from North Carolina one question.

Mr. JONES. I desire to submit a question of order.

Mr. BOCKOCK. Let me ask my question first.

Mr. JONES. Very well.

Mr. BOCKOCK. I desire to ask the gentleman from North Carolina, if the Secretary of the Navy has informed the House in any way, that the amount contained in the last appropriation bill for the repairs of vessels, is insufficient? He has certainly given no such information to the Committee on Naval Affairs.

Mr. CLINGMAN. I am extremely averse to speaking of matters that have not been communicated officially, and I will not do it now. But I think that this proposition is right.

The CHAIRMAN. Does the gentleman from Tennessee submit a question of order?

Mr. JONES. Yes, sir, I do. I submit the question of order whether, this being a bill to authorize the construction of six steam frigates, an amendment is in order to set apart a portion of the sum proposed to be appropriated for the fitting up of vessels already constructed?

The CHAIRMAN. The Chair is inclined to the opinion that the point of order is not well taken. The second section of the bill provides for other vessels besides these steamers.

Mr. SMITH, of Virginia. It may be supposed

that the amendment suggested by the gentleman from North Carolina, is a very proper one. If there should be any deficiency in the appropriation for repairs of vessels, it might well be supplied. If there is no necessity for so using the money, of course it would go for the objects of the bill.

The question was then taken on Mr. CLINGMAN's amendment; and it was not agreed to.

Mr. HENN. I offer the following amendment: *Provided*, That one of said vessels shall be built at each of the following places, to wit:

Kittery, in the State of Maine; New York, in the State of New York; Philadelphia, in the State of Pennsylvania; Memphis, in the State of Tennessee; Charleston, in the State of Massachusetts; and one at such point on the lakes as the Secretary of the Navy may direct.

I can look upon this bill in no other light than as a distribution of \$3,000,000 of the public money; and if there is to be such a distribution, I hope that it may be extended all over the United States, and not be confined to one or two places—Norfolk, in Virginia, and—

Mr. BOCKOCK. I should like to have the gentleman tell us how this distribution of money is to be made at Norfolk?

Mr. BAYLY, of Virginia. I do not know that there is anything in the bill like making an appropriation for Norfolk, Virginia.

Mr. COBB. Have you got a navy-yard there?

Mr. BAYLY. We have got a navy-yard there. I undertake to say, from pretty accurate knowledge upon the subject, that vessels are built cheaper at Norfolk than anywhere else in the country. In this connection, I desire to say a word about this building of ships by contract. All our vessels are built by contract, and there is nothing about them which is not done by contract, even down to the wages of men who are employed.

The question was then taken on Mr. HENN's amendment; and it was not agreed to.

Mr. WALSH. I move to strike out all in the first section after the word "service," in the eighth line, and insert the following:

That one or more of said vessels and machinery shall be built by contract with three separate individuals or firms, under such stipulations and restrictions as the Secretary of the Navy may deem best calculated to subserve the public interests, and the residue in the Government navy-yards.

I do not know, but it may be regarded as a piece of unpardonable presumption in any one who shall undertake to amend this bill in any manner. From the promptness with which the members of this committee, and particularly my friend, the chairman of the Committee on Naval Affairs, [Mr. BOCKOCK,] have objected to every amendment that has been offered, it would seem that we are speaking to a foregone conclusion on this subject.

I have heard, Mr. Chairman, of the perfection of the ten commandments; I have heard of the perfection of the five orders of architecture; I have heard of the perfection of the Apollo Belvidere; I have heard of perfection in many other ways; but never till now have I heard of anything like perfection in a bill. This bill, sir, before the committee is very brief; and from the manner in which it is drawn up, it is evident that the question was discussed before the Committee on Naval Affairs as to whether a portion of these vessels should be given out to private contract, and the balance of them built in the public navy-yards. It is evident that this question was discussed in the committee, in accordance with the well-known public sentiment that exists outside of this House. And, Mr. Chairman, if any such intention was really entertained by the committee, I can see no objection in instructing, by a vote of this House, the Secretary of the Navy that one, at least, of these ships shall be built by private contract.

Sir, I, for one, will not enter into any sweeping and wholesale denunciation of what has been termed the "Old Fogysm" of the Navy. I presume we will all be old, one of these days; and if, when we do become aged, we can look back with the same pride on our public life which many of those who are now called "Old Fogies," whether in the Army or Navy of the country, or in the councils of the nation, can, we will leave no regrets for our children. But, Mr. Chairman, there is a pride of profession which exists particularly among old soldiers and old sailors. There is a pride of profession known among lawyers, physicians, and almost all men belonging to exclusive professions, which makes them cling "with perti-

nacious pertinacity" to the past, and look with a great deal of caution, if not with absolute abhorrence, on everything in the shape of innovation.

Sir, there is no gentleman within the range of my voice that has not heard with pride and gratification the history of the triumphs achieved by our mail steamers on the ocean. There is not a man or boy from one end of this land to the other whose heart did not palpitate with joy when he heard that the work of a young man of genius, an humble mechanic, unaided, had overshadowed and sunk into nothingness everything in the shape of competition, by the triumph of the yacht America in Europe.

Sir, it is absolutely necessary, in my opinion, that some of these vessels should be built by contract with private individuals. I am in favor of the passage of this bill; but I trust that the committee will at least offer no objection to the amendment I have introduced. I have full confidence in the ability of the Secretary of the Navy. I have full confidence in his honor and integrity. And I know that if he is instructed by a vote of this House to give one of these vessels out to private contract he will have no difficulty in carrying out what he is directed, and selecting a proper man for the work. And I have no hesitation in believing that that man—if there is to be but one of them—will be George Steers, the builder of the yacht America—a man whom I feel personally interested in. I am free to admit that I have been written to by numbers of young mechanics, urging that the genius of American mechanics shall be vindicated in the person of that man who might be fitly termed the Napoleon of American naval architecture.

Mr. BAYLY, of Virginia. The point made by the gentleman from New York who has just taken his seat, [Mr. WALSH], is really one in which I feel a great deal of interest, and that is, the idea of building these naval vessels by contract. As I stated a few moments ago, they are now built by contract. There is not an article which enters into their construction which is not bought by contract. The only question is, whether you will contract for the entire construction as such, or for certain specified portions. That is all. The point made by the gentleman from New York is in relation to the character of the naval construction. The point of difficulty which he makes does not at all grow out of the fact that these vessels are built by the Government, but out of the fact that the naval contractors are not as skillful as some unknown mechanics. Now, I am in favor of employing those first-rate architects in the navy-yards, and I am opposed to the system of letting out the building of national vessels to private ship-yards, for such a course has hitherto proved an utter failure. There has not been a single case in which a ship has been built by contract, and very few, if any, cases where they have been bought in open market, which have not proved to be failures.

Mr. WALSH. Will the gentleman from Virginia allow me a single remark?

Mr. BAYLY. Certainly.

Mr. WALSH. They have proved failures for the very reason that they have not been given to men who had established a reputation in the business, but have been given to men who have violated every solitary provision of the contract.

Mr. BAYLY. The gentleman could not have supplied me with a more conclusive argument against his proposition than the one he has just advanced. We all know the difficulties of carrying out these Government contracts. It is almost impossible to avoid departures from the precise terms of a contract. And therein lies my objection to them. If any gentleman will point to me a case where the Government, in undertaking to do anything in this way, has not been the loser, I will surrender the point.

The question recurring upon the amendment offered by Mr. WALSH, it was put, and the amendment was not agreed to.

Mr. MATTESON. I move to strike out of the first section the words, "said vessels and machinery to be built by contract, or in the Government navy-yards, as the Secretary of the Navy may think most advisable for the public interest," and to insert in lieu thereof the amendment which I send to the Chair, as separate sections.

Mr. SMITH, of Virginia. I rise to a point of

order. We have passed from the first section, and the amendment is therefore not in order.

The CHAIRMAN. The committee is still considering the first section, and the amendment is in order at this point.

The amendment offered by Mr. MATTESON was then read in part, but the reading was arrested upon a point of order. The amendment was accordingly withdrawn, but was subsequently offered again, and will be found on page 832.

Mr. ORR. I move to strike out of the eighth line of the first section the words, "by contract, or," and in the ninth and tenth lines the words, "as the Secretary of the Navy may think most advisable for the public interest;" so that the section would then read:

"That the Secretary of the Navy be, and he is hereby, authorized to cause to be constructed for the United States Navy, at as early a day as practicable, consistently with a due regard for economy and efficiency, six first class steam frigates, to be provided with screw propellers, and properly armed and equipped for service; said vessels and machinery to be built in the Government navy-yards."

I move this amendment for the purpose of requiring these Government vessels to be built at the proper place—at the Government navy-yards. We have erected these yards, and fitted them up with every convenience for ship building. They are now in a condition to proceed with the work. They have large supplies of timber already on hand, and there will be none of the inconvenience or delay which will result from authorizing the Secretary of the Navy to build them by contract.

I have, however, another view of this matter, which I regard as more important even than that I have named. I think every one acquainted with the facts will agree with me that the experience of this Government proves most conclusively that those vessels which have been built in our navy-yards have proved much more durable, much more substantial and sea-worthy, than those constructed by private contract.

I do not concur in the opinion expressed by the gentleman from New York [Mr. WALSH] in reference to this matter; but I do concur most fully in the opinions expressed by my friend from Virginia, [Mr. BAYLY], when he last addressed the committee, as to the inefficiency of vessels built for the Government by private contractors. But I must confess, that when he made his first remarks I understood him altogether differently. I understood him then to say that vessels built by contract were the most durable and substantial. There are some portion of these vessels which may very well be built by contract. The machinery may very well be supplied in that manner.

Mr. BAYLY, of Virginia. If the gentleman will allow me to interrupt him, I will say, that when I referred to building vessels by contract, I did not use the word in the sense which this bill contemplates. But while the vessels are constructed at the navy-yards, the materials may be furnished by contract.

Mr. ORR. I understand the gentleman now, and I am very glad I gave him an opportunity of setting himself right.

Mr. CUMMING. I will say to the gentleman, that one of the principal materials in ship building is live-oak, which the Government never purchases.

Mr. ORR. Well, sir, there is a large supply of live-oak now on hand at the different navy-yards. I know that to be the fact in reference to that at Boston, and I think the same is true of that at Washington; and my impression is that there is a pretty large supply at all of them.

Mr. BAYLY. I dislike to interrupt the gentleman, but I desire to say a word in reply to a remark just made by the gentleman from New York, [Mr. CUMMING], to the effect that the Government never purchases its live-oak. I am very well aware of that fact, but it has to be got, and the getting is done by contract.

Mr. ORR. We have had several vessels built by private contract, and the result has been that they have proved not so good, not so substantial and durable as those built by your naval constructors; and in the end they cost the Government more. The universal experience of the Government has been, that whenever its work has been done by contract, it has cost more in the end, besides having the work badly done. Gentlemen know what was the effect of having our printing done by contract in years gone by. And the same has been true in reference to every branch of the

service. I repeat, sir, that the vessels which have been built by private contract are much less substantial, do not last so long, and do not serve our purpose so well, as those built by our naval constructors.

Mr. DEAN. I am opposed to the amendment of the gentleman from South Carolina. I voted for that of my colleague which made it peremptory on the Secretary of the Navy to have at least one of these steamers built by contract; but I think that it is plainly evident there are no amendments to be adopted to the bill. As it is now it leaves the matter discretionary with the Secretary. That is a compromise. Those in favor of the contract system would like this better than that the matter should be stricken out entirely. Without consuming further the time of the committee I would express the hope that we may speedily vote on the amendments, rise, and report the bill to the House.

The question was put on the amendment; and, on a division, there were—ayes 32—

Tellers were demanded, but not ordered.

The question was taken; and the amendment was lost.

Mr. SMITH, of Virginia. I move the following amendment, as an addition to the first section:

Provided, That one million of the appropriation made in this bill may be used for the repairing or fitting out of any vessels already built.

Mr. Chairman, it is known to this committee that there are many persons disposed to try experiments with the vessels-of-war that we now have. England has done it extensively. She has fitted out some of her large vessels with the screw propeller, and it has been found to answer admirably. I wish this committee to bear that fact in mind. Well, we have ships now under shelter, or in ordinary. If they were fitted out with the screw propeller, we should have the steam portion of our Navy afloat at an early day; but it cannot be done except by a suitable appropriation. The object of the amendment to the bill which contemplates an increase of naval steamers, is to give the Secretary the power to at once try the experiments on existing ships. Now, I respectfully submit to the committee that it is a wise and judicious policy, and I hope that the modification will be accepted by the honorable chairman of the Committee on Naval Affairs, [Mr. BOGGS.]

Mr. Chairman, this is not all. There may be some occasion for the active operation of the improved vessels we contemplate. It may be necessary that we should have some of these vessels afloat at an early day; and we all know very well that these new steam frigates cannot be got afloat within two years. In the mean time, if emergencies arise, what is to become of us? If you adopt the amendment, the ships-of-the-line now in ordinary, the vessels now unfit for ocean service as vessels-of-war, can be made to the purpose indicated. Indeed, one of the ships-of-the-line is being cut down, and the experiment is to be tried on her out of the existing appropriations. Adopt the amendment, and we shall at once have this improved element in our Navy.

I hope the amendment will be adopted. I leave it to the committee. It cannot embarrass the bill. It will really promote its passage. It will give to the Secretary discretion which, under the circumstances, is necessary, and will add to the power of our Navy, as desired.

Mr. BOGGS. I am specifically appealed to by my colleague to accept his amendment, and it is for that reason, more than for the purpose of adding anything to what has already been said, that I now take the floor.

I cannot, for the life of me, see the propriety or necessity of this amendment. The gentlemen think they see it, I have no doubt; but what is the necessity of it?

The first proposition made in relation to this subject was to authorize the Secretary of the Navy to pay increased wages to seamen. I suggested that the proper place to do that would be in the Navy appropriation bill. Now, the proposition, as I understand it, means the same thing, but put in this form for the purpose of getting round the point of order.

Mr. SMITH. Oh, no; not at all.

Mr. BOGGS. Well, it proposes to take a portion of the money that this bill appropriates for the construction of new vessels, and give it to

the Secretary of the Navy for the purpose of repairing old vessels.

Mr. SMITH. I hope my colleague will not say that this is a proposition to give increased wages to seamen.

Mr. BOCOCK. I supposed it was.

Mr. SMITH. There is no such feature or idea contained in it.

Mr. BOCOCK. Then I was in error. I beg the gentleman's pardon.

Mr. SMITH. It is a *bona fide* proposition.

Mr. BOCOCK. Then it is a *bona fide* proposition to authorize the Secretary of the Navy to take the money intended for the construction of these frigates, and use it to refit other vessels.

It will be remembered by those gentlemen who have been members of this House for any length of time, that in the annual Navy appropriation bill, there is always an item for repairs and reconstruction.

Now, who has said that the money thus appropriated is not sufficient? Who has been authorized to say upon this floor that the Secretary of the Navy has needed money for the repair of old vessels which has not been given to him by the legislation of Congress? Where is there any old vessel needing repair, and that could properly be repaired, which the Secretary of the Navy has not been able to have put in repair? Why bring the subject up in connection with this bill when we have no definite information that any such appropriation is needed? We have heard nothing at all of it. The Secretary of the Navy has not communicated it to the Committee on Naval Affairs. On the contrary, the Secretary of the Navy has told me—I dislike to state matters of conversation, but it tends to sustain the positions taken in his annual report—that there are a few old vessels that can never be repaired, or, at any rate, the repairing of which would cost more than the vessels would be worth when repaired, and he desired rather to get rid of some of them than to have them repaired. But I have never in any form heard a suggestion that there was any vessel which he wished to have repaired.

Mr. SMITH. I would suggest to my colleague that this amendment would not compel the Secretary of the Navy to use the money in this way. The purpose is to give him an opportunity of putting afloat a vessel of one hundred and sixty guns in case of need.

Mr. BOCOCK. He has not asked it.

The question was then taken on Mr. SMITH's amendment; and it was rejected.

Mr. WELLS. I move to amend the first section by striking out the word "six" and inserting "three" in lieu thereof, so as to make the number of frigates three instead of six. There is no necessity, judging from what I have heard in this committee, for building six steam frigates at this time.

Mr. STANTON, of Tennessee. I rise to a question of order. I am under the impression that we have passed over that portion of the bill.

Mr. WELLS. No, sir; we have not done anything of the sort.

Mr. STANTON. My desire is simply to get this bill into the House, and to see it pass.

The CHAIRMAN. The Chair will endeavor to aid the gentleman from Tennessee in forwarding the business in reference to the bill, but the Chair thinks that the amendment of the gentleman from Wisconsin is in order.

Mr. WELLS. I can see no necessity for the construction of six first-class steam frigates at this time. I offer this amendment with but little hope that it will be adopted; for it seems to be the opinion of this committee that we must have six frigates of the first class, no more and no less.

It is admitted by the chairman of the Committee on Naval Affairs, and by all the friends of the bill, that it will cost \$6,000,000 to construct and arm these ships; and yet the bill only appropriates \$3,000,000 for this object. Now, if the six steam frigates are to be constructed, I think the bill should contain an appropriation equal to the whole expenditure which their construction would require. It is admitted on all hands that we have now more ships-of-war than we can easily man. To build six more steamers, especially if after they were constructed it would be found difficult to man them, or they would not be required for actual service, would be, in my opinion, a mere waste of the public money. What use, I would

ask, could we now make of six steamers, as provided in this bill, if they were already built? In what service could they now be employed? Does our commerce in any part of the world need the protection they would afford? Would it be good policy to accept, even as a gift, a score of such ships, if we were compelled to keep them manned and ready for service?

I am inclined to the opinion that we had better build but one vessel at first, as an experiment, as it might turn out to be a failure. If we go on and build six steamers, we may make six stupendous failures, as we have heretofore always done when we have undertaken enterprises of this kind, if we except the cases of the Missouri and the Mississippi. Of all the great ships that have been built heretofore, these two alone have been considered as successful; and one of these—the Missouri—was burned soon after it was put in commission. It seems to me it would be good economy for the Government to do as an individual would do under similar circumstances: to build a smaller number of vessels at first, and see how the experiment would work.

It is said that we ought to build these vessels in order to be prepared for any emergency that might arise in case of collision with other Powers. They are, then, not wanted if we continue at peace; and who does not know that the building of these steamers would be but the beginning of a great war establishment, when there is no necessity for, and no prospect of a war, if we continue to act upon those pacific and equitable principles which have always governed our intercourse with other nations.

The gentleman from New York [Mr. PECKHAM] had read an extract from some paper to the effect that England, in case of war with Russia, intended to issue orders to search neutral vessels for articles of Russian produce. I do not think in the present state of affairs, and with the strong desire that England must naturally have to preserve amicable relations with this country, that there is any danger that she will be disposed to reaffirm the exploded doctrine of the right of search, or to take any course inconsistent with the established principles of international law, or which would have a tendency to endanger the harmony and good feeling now existing between the two countries.

Let me say, sir, that our strength at home and our credit abroad do not depend upon these war frigates. The four Collins steamers at this time do more to sustain our credit, and carry the impression of our power abroad, than all the Navy we have built since 1815. Their equals do not float upon the ocean, and they evince that in peaceful commerce at least England is no longer mistress of the sea. Our merchant ships, too, unsurpassed as they are in magnificence and speed, which have introduced a new era in naval architecture, and whose canvas whitens every sea, are making our power felt, and giving us importance in every quarter of the globe; and, in the pursuits of peace, are doing more to secure our progress in all that concerns the true glory and welfare of a State, than could be effected by all the armaments and fleets which the power and resources of the country could create.

Mr. FARLEY. I rise to oppose the amendment offered by the gentleman from Wisconsin, [Mr. WELLS.] I am a New England man, and I represent a sea-board district in the extreme North-east. I represent a constituency who feel an interest in the increase of the naval power of this country. They feel the necessity for such an increase. I understand that the whole number of vessels now in the Navy is about seventy. How many of those vessels are available? Only forty. I call the attention of the committee to one fact, which it strikes me has not been sufficiently taken into consideration in the discussion of this matter; and it is this: that the increase of the naval power of this country, for the last ten or fifteen years, has not kept pace with the growth of our mercantile marine. Since 1844 the number of vessels annually built has doubled.

The increase of your tonnage has been in a much greater ratio. In 1844 the gross amount of tonnage built was something like sixty-four thousand tons; for the year ending June 30, 1852, the amount of tonnage built was three hundred and fifty-one thousand tons; showing within that time an annual average increase of something like fifty per centum. Again, look at the gross amount

of the tonnage of this country. For the year ending June, 1852, it was over four millions of tons. We have not had returns for the year ending June, 1853, but, undoubtedly, the gross amount of tonnage for that year is equal to four and one half millions of tons.

Now, I ask if your naval power is at all adequate to the protection of this commerce? It is a well known fact that the very large proportion of your mercantile marine is engaged in your foreign trade. The value of that four and a half millions of tonnage cannot be short of \$200,000,000.

Well, Mr. Chairman, the mercantile marine of the country is strongly linked and attached to the naval power. It is to be found on every sea; and wherever it goes, the protection and sympathy which are extended to it by the naval power of the country, whether your vessel-of-war be a large one or a small one, is felt and appreciated by the master and the seaman.

Sir, an intelligent Englishman made this remark to me in reference to this principle of naval protection. He said that the great secret of the power of the British Government, and the great cause of the loyalty of English subjects, was this: that the British Government stood ready always and everywhere, wherever her citizens and their property might be, to protect them and it. I would have our Government to adopt and carry out the same principle, not in the spirit of a filibuster; but I would have our Government say to the world that wherever our citizens go, and wherever their property is to be found, that there we are prepared to sustain them and their rights.

I was glad, Mr. Chairman, to hear the allusions made by the gentleman from New York, over the way, [Mr. PECKHAM,] in regard to the necessity which will probably soon be pressing upon us with reference to this matter. The nations of Europe are now, or undoubtedly soon will be, engaged in war. What will be the effect of that state of things? They are large maritime powers. Our country will feel the influence of the war; and I say to you, Mr. Chairman, that that is one of the occasions which calls upon us to prepare for events which, without doubt, must soon take place. We do not know the construction which these great European Powers may entertain, so far as the rights of the property of neutrals are concerned. And for that reason, sir, I would be prepared to meet any emergency which may occur.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Wisconsin, [Mr. WELLS.]

The question was taken; and the amendment was not agreed to.

Mr. LYON. I move to substitute the Senate bill for the House bill, as it seems to be a foregone conclusion that it is to pass without amendment; and this course, if adopted, will save the trouble of sending the bill again to the Senate.

Mr. HENN. I rise to a point of order.

The CHAIRMAN. The gentleman from Iowa will state his point of order.

Mr. HENN. It is, that it is not now in order to move to substitute the Senate bill for the House bill.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Iowa. If there are no further amendments to the first section of the bill, the Clerk will now proceed to read the second section.

Mr. ASHE. I move that the committee do now rise and report the bill to the House, with the recommendation that it do pass.

The CHAIRMAN. The bill has not yet been read through; and it would not be in order to adopt that course.

Mr. ASHE. Well, then, let it be read through.

Mr. ORR. I offer the following amendment:

Provided, That each of said frigates shall not exceed fifteen hundred tons burden.

It is, perhaps, unnecessary that I should proceed to give, in detail, any views I may have upon the subject. I suppose the determination of the committee is to pass this bill in the shape in which it came to them from the Committee on Naval Affairs. I offer the amendment, however, simply to indicate my views of the proper course and policy to be pursued in making this increase of the Navy.

If the vessels are constructed of fifteen hundred tons burden, they will subserve all the purposes desired by the Secretary of the Navy. They will

carry from seven to ten guns, and the cost of them will be from two to three hundred thousand dollars less than if the vessels are constructed according to the plan contemplated in the bill. As I understand it, the vessels to be constructed under the provisions of this bill are to be of twenty-five hundred tons burden, and they will cost upwards of \$800,000 each, making the six vessels cost \$5,000,000. If constructed according to the proviso I have offered, they will cost the Government about \$600,000, according to the information I have; and they will answer every purpose. I hope the amendment will be adopted.

Mr. BAYLY, of Virginia. My friend from South Carolina ought first to give notice of his intention to move to amend the title of the bill. I object very much to passing a law to build frigates, and then make brigs of them.

Mr. CHANDLER. Sloops rather.

Mr. BAYLY. They would not be more than brigs. It was a complaint in the late war with Great Britain that our frigates carried more than the number of guns which a frigate had the right to carry; that our frigates were "seventy-fours," and our "seventy-fours" one hundred and twenty gun ships. I do not want to take the back track in that respect, and make our frigates brigs—I was going to say schooners—but certainly as low as brigs.

Mr. MILLSON. My colleague will allow me to say that these new steam propellers are intended to carry fifty guns. The steamers Princeton and Susquehanna, the tonnage of which are twenty-four hundred tons, carry only about nine guns, yet he thinks that these new propellers of fifteen hundred tons may only carry from seven to ten guns.

The question recurring upon the amendment of Mr. ORR, it was put, and the amendment was not agreed to.

Mr. MATTESON. I now offer the amendment which I offered before, and desire the Clerk to read it.

The amendment was then read, as follows:

SEC. 2. *And be it further enacted*, That as soon as practicable after the passage of this act, full and complete plans, maps, specifications, and estimates of the cost of all such steamers shall be made by the Secretary of the Navy, and shall be submitted to a board of officers consisting of five officers of the Navy of the grade of captain, and five practical ship builders, to be named and selected by the President; and such persons, with the Secretary of the Navy, shall be denominated a Board of Construction; and such board shall have power to alter, modify, or amend such plans and specifications in such respect as it may deem expedient and proper.

SEC. 3. *And be it further enacted*, That the work to be done, and the materials to be furnished according to such plans, maps, and specifications to be approved by said board, shall be contracted for in behalf of the United States by said Board of Construction, at a meeting to be held by said board, at such place, in the city of Washington, at such time as the Secretary of the Navy shall in his discretion direct. Public notice of the times of meeting at the said place for the reception of sealed proposals for entering into contracts for any of the said work, shall be published in at least two public newspapers having the largest circulation in the cities of New Orleans, Charleston, Richmond, Norfolk, Washington, Baltimore, Philadelphia, New York, Boston, and Portland, at least four weeks prior to the time of such meeting.

SEC. 4. *And be it further enacted*, That before any work or materials shall be contracted for by said Board of Construction, all proposals or contracts for work to be done or materials to be furnished, herein authorized, shall be subject to the following conditions and restrictions:

First. All such proposals shall be for a sum certain as to the price to be paid for each and every kind of work, and for the quality and quantity of every material that shall be furnished.

Second. Every proposal shall be in writing, and shall be sealed up, and shall be accompanied by an affidavit indorsed thereon of each person uniting in such proposal, that he is not directly or indirectly interested in any other proposal for the same work or materials, or any part of the same; that he has no agreement or understanding with any other person to become interested in any other proposal or contract for the same work or materials, or any part thereof; and that no other person than such as shall be named in the proposal is interested in the same, or has any agreement or understanding to become interested in any contract that may be made in pursuance of such proposal.

Third. No proposal for work or material authorized by this act shall be received or considered, unless the same shall be accompanied with a bond to the people of the United States, in such penalty as shall be required by the contracting board, not less than twenty nor more than fifty per cent. of the estimate of the cost of the work proposed to be done, and materials proposed to be furnished, which bond shall be signed by the party making such proposal, and two responsible sureties, with such evidence of their respectability as the Board of Construction shall require, and which sureties shall severally justify in a sum equal to such penalty; and which bond shall be conditioned, that if the contract shall be awarded to the party making such proposal, that he or they will, within ten days after such award,

enter into contract for the performance of the work and furnishing of the materials referred to in such proposal, upon the terms prescribed by the contracting board; and, also, the further condition that the contractor or contractors, after making such contract as aforesaid, shall, and will, without delay, enter upon the execution thereof, and fully and faithfully perform the same, according to the stipulations contained therein; and, upon his or their failure to enter into such contract, that the obligors in the said bond will forfeit and pay into the Treasury of the United States a sum equal to ten per cent. upon the estimate of the same at the price named in the proposition, as liquidated damages; and, if any breach shall occur in the condition of such bond, the same shall be handed over immediately to the Attorney General, who is hereby authorized and required forthwith to prosecute the same, and, without delay, to recover and collect the liquidated damages specified in the condition thereof, and all damages sustained by the United States by the non-performance of the said contract, or any part thereof; and the same shall not be compromised, nor shall the prosecution or collection of the same be delayed or suspended by any board or officer. Upon the failure or refusal of the person or persons to whom a contract may be awarded to enter into the same, it shall be the duty of the contracting board to proceed forthwith to let the same in the manner required by law; or they may, in their discretion, award such contract to the next lowest bidder at the same letting; and, in case he will not enter into contract for the same on the terms required by this act, the same shall be advertised anew, and be let according to law.

Fourth. No acceptance of a proposal or award of a contract by the said board, and no contract made by the said board, or any interest in the same, shall be assignable to any person or persons; and every agreement for any such assignment shall be absolutely void, and no payment for work done or materials furnished pursuant to a contract, shall be made to any general attorney or agent of the contracting party, but only to such party in person or to the agent of such party specially authorized to receive the particular payment then due.

Fifth. In every contract there shall be a provision that fifteen per centum of the amount of any work done or materials furnished at the contract price thereof, shall be reserved by the Board of Construction until the whole work which is the subject of the contract shall be fully and entirely completed.

Sixth. Any other provision that may be directed by the said Board of Construction, not inconsistent with the provisions of law, calculated to insure the faithful execution of any contract, shall be inserted therein.

Seventh. All contracts for work or materials shall be made with the person or persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance.

Eighth. All proposals for work or materials shall be publicly opened and read by the Board of Construction, and shall be marked by one of them as having been received and so read, specifying the time, and shall be copied at large in a book to be provided for that purpose, and the original, within thirty days, be filed in the Navy Department.

SEC. 5. *And be it further enacted*, That no officer of the United States shall be interested, directly or indirectly, in any contract; and every such contract in which any such person may be or become thus interested shall be void and declared forfeited by the Board of Construction on discovery of the fact; and every person becoming so interested shall be deemed guilty of a misdemeanor.

Before the reading of the amendment was completed,

Mr. PERKINS. I rise to a question of order. This amendment commences with section three, and I submit that the only point where it can come in is after the second section. The second section has not been read, and therefore the amendment is not now in order.

The CHAIRMAN. It is for the committee, and not for the Chair, to decide at what point the amendment shall come in as an independent section.

Mr. FLORENCE. I rise to another question of order. The amendment consists of two or three sections. Under our rules, we can have but one section of a bill under consideration at a time in committee, and I submit, therefore, that it is not in order.

The CHAIRMAN. The Chair overrules the point of order raised by the gentleman from Pennsylvania.

Mr. MATTESON. Mr. Chairman, I propose to strike out of the first section of the bill the words: "said vessels and machinery to be built by contract, or in the Government navy-yards, as the Secretary of the Navy may think most advisable for the public interest," and to insert in their stead what has been read by the Clerk. The bill under consideration leaves the whole matter to the discretion of the Secretary of the Navy, and to his discretion alone. While I do not question his character in any respect, both for ability and integrity, yet I submit to the committee whether it is not better to leave the discretion with five officers of the grade of captain in the Navy, and five practical ship-builders. We all know that there is a very deep impression on the public mind that ships can be quite as well and much cheaper built at private ship-yards than they are at the Government navy-yards. That, I say, is the general impression. I have been in-

formed by a gentleman upon this floor from the East, that ships are much cheaper and better built there by private enterprise than at the navy-yards of the Government.

The gentleman from Virginia [Mr. BAYLY] stated that almost everything entering into the construction of a ship was now provided for by contract. The last three sections of my amendment throw additional guards around the purchase that may be made. Is it not better that the discretion which is proposed by the bill to be given to a single individual, should be left with naval officers and expert mechanics? The President is allowed by the amendments I offer, the selection of the ship-builders, and would no doubt select men of character and competency. Will you not have better work? Will you not reconcile the two interests, the naval interest on the one side and the ship-building on the other, which are now at loggerheads? All these, it seems to me, will be accomplished if the amendment be adopted.

I see nothing inconsistent in my proposition with the construction of the steamers at the Government navy-yards if the Board of Construction I propose shall be appointed. Yesterday the distinguished and venerable member from Missouri [Mr. BENSON] seemed to think that it would be a useless proceeding to let out the building of ships when we had our own navy-yards. That depends upon the question whether we can construct vessels for the Navy cheaper and better by contract with the mechanics and ship-building interests of the country than by the Navy Department alone? But my amendments do not preclude the use of the navy-yards if the Board of Construction should deem it advisable. It will, in my opinion, be much more satisfactory to the country that the discretion in this matter shall be left to the naval officers and the mechanics proposed by me, than to the head of the Department alone.

Mr. FLORENCE. I am opposed to the amendment of the gentleman from New York, for reasons which I will proceed to state as briefly as possible, because I think the committee has been unnecessarily detained in the consideration of this bill.

There is every provision now in the organization of the Navy Department that is provided for in the gentleman's amendment. The Chief of the Bureau of Construction, Equipment, and Repair, is a skillful naval architect, of unquestionable talent and extended experience in his profession. Besides this, there are five naval constructors, who are experienced ship-carpenters, and an Engineer in Chief of the Navy, with a reputation unexcelled by that of any one in that profession of the mechanic arts. To give additional means of success in building and draughting war steamers, Mr. Copeland, the gentleman who, I understand, draughted and superintended the building of the engines for the Collins line of steamers, is now connected with the Navy Department as consulting engineer. Then there are captains in the Navy at the head of the different bureaus, who have had much experience in the building and providing the armament for vessels-of-war, who can and doubtless will be consulted by the Secretary of the Navy. While I have no authority for saying so, yet my impression is that it is not likely, therefore, that the Secretary of the Navy will, upon his own limited experience and observation, take upon himself the entire responsibility of ordering the building of these vessels without the preliminaries usual and proper upon all such occasions.

The Secretary of the Navy has urged the necessity of building these vessels, and does so from a patriotic impulse. He has the honor of his country's flag at heart, and desires, as he says in his recent able report, to protect American commerce upon the seas of the world, and our citizens wherever inclination or business may lead them. In relation to the increase of the Navy, he eloquently says:

"The result of my investigation of this subject is a decided conviction that the maintenance of our proper and elevated rank among the great Powers of the world; the just protection of our wide-spread and growing commerce; the defense of our thousands of miles of coast along the Atlantic and Pacific oceans, the lakes, and the Gulf of Mexico; the recent marked improvements in the art of naval architecture adopted by other nations—all unite in demonstrating the policy, the necessity, of an increase of the Navy. It is true, indeed, our policy is peace. No lust of dominion, no spirit of aggression, marks out our course. Our national mission is, by the moral force of example to illustrate the blessings of liberty and peace, civilization, and religion.

THE CONGRESSIONAL GLOBE.

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TUESDAY, APRIL 4, 1854.

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"But the reasonable inquiry is, can peace be best maintained by the exhibition of comparative weakness, or by a display of strength and a preparation which, while it invites not a conflict, at least defies assaults? What are the objects of a navy—what the considerations to guide us to a correct conclusion as to the size and character of the naval force of a Republic situated geographically and politically as the United States? Do not wisdom and prudence admonish the careful statesman, in his calculations for the future, while he takes thought of the commerce, the rights, the coast to be protected by this right arm of defense, at the same time not to be unmindful of the comparative force, efficiency, and character of the navies of the great Powers with whom, with all our cherished love of peace, we may have to contend? Is it the suggestion of a sound discretion to rely exclusively upon the sudden preparation of a patriotic people, when the perilous emergency starts up before them, and shut our eyes with quick composure to our real condition? Or is it wiser to make the preparation which a considerate glance at the true state of facts shall persuade us is essential to our security?"

So far as the propriety of the gentleman's amendment in relation to the contract system goes, that has been pretty fully discussed, and little more need be said, I apprehend, upon that point. Every investigation into its propriety for vessels-of-war, has led to its abandonment. When four steamers (the Powhatan, Susquehanna, Saranac, and San Jacinto) were ordered to be built during Mr. Polk's administration, the proceedings of the Naval Board, who were ordered by the Secretary of the Navy to inquire into the expediency of building those vessels by contract, were indorsed as follows:

"In the present state of the service, I do not think it will be for the public interest to construct either of the steamers authorized by Congress for the Navy, by contract, and I see no reason, therefore, to exercise the authority intensioned above. JAMES K. POLK.

"WASHINGTON, June 21, 1847."

It is well known to all who pay attention to these matters, that both the British and French Governments have latterly from time to time, either from press of work or the cry of economy, tried the contract system for building ships-of-war. In the reports of the British Parliament, for example, that of 1815 on the Navy, it is stated by Mr. Seppings how inferior all the contract ships were, to those built in the dock-yards. It was not denied, in the examination referred to by him, and the witnesses who were interested in the issue, said they did all they agreed to, and all they thought was necessary. The worst materials were put in, and the least possible fastenings, and it was found that where long bolts should have been used, they were only eight or nine inches long. Those who risked their lives in these ships called these short bolts "devils."

Upon the subject of ships-of-war built by contract, the reports of the British House of Commons, in the debate of 9th May, 1848, shows the result of eight years' observation on that subject:

	Built by Government.		Built by contract.	
	<i>Petrel.</i>	<i>Penguin.</i>	<i>Ranger.</i>	<i>Alert.</i>
Total first cost new.....	£8,219	£8,386	£7,620	£7,472
Repairs in eight years.....	1,314	1,540	7,315	5,163
Mean cost per year.....	1,191	1,240	1,792	1,579

£2,431 £3,371

Difference in favor of Government-built vessels, £940 per year.

In France, the reports of the Chamber of Deputies show the same results. In the report of the Committee of the Navy, which sat from 1849 to 1852, it is repeatedly stated that several, and, indeed, all the vessels built by contract had immediately to undergo a heavy repair to strengthen them. A committee, raised upon the subject of building ships-of-war, although of the most radical kind, made no recommendation to build ships by contract. I have previously referred briefly to our own experience in this matter. Why, sir, a merchant ship requires but little extra strength, beyond that to resist the sea, or perhaps to get insurance. A ship-of-war must be strong enough to stand the jar of firing her own guns, and to receive the shot of an enemy. Besides, sir, it is

not true that our ships-of-war are not fast sailers. Why, a single instance may be referred to, to prove otherwise. It is but a few weeks ago I read in the newspapers (and that, we all know, is a proper source to be informed of the truth) that one of our best-built ships-of-war, the Portsmouth, "held her own" with a clipper ship. Ours, a strong, live-oak, copper-fastened ship, now eight or ten years old, equaling the speed of a new clipper, built of chestnut, Grand Island oak, and yellow pine, which, being so light, will, in two or three years, perhaps, be shaken to pieces. This is really something to be proud of. But to return to the Department and its attaches.

Now, sir, as I have said, and I believe, there are no abler or more experienced men in the line of their profession than the men connected with the Engineers and Construction Bureaus of the Navy Department; but, in saying this, sir, I do not intend to detract from the genius or skill of any American mechanic. I am very willing to admit, with my friend from New York, [Mr. WALSH,] that George Steers—and I am proud of his merited success—the builder of the yacht America, achieved a great victory in England. I do not desire to pluck the laurels from his brow. I am very willing to believe that, if he was connected with the Construction Department, the Government would derive much benefit from his experience and ability. But while I will not detract from the character that George Steers has won as an American mechanic, I will not stand upon this floor and permit, even by implication, as the adoption of the gentleman's amendment would, I fear, that John Lenthall's character, as a skillful constructor and naval architect, is less entitled to our consideration and confidence. He, too, is an American mechanic of genius and skill. I know him intimately, and I am proud to speak of his mechanical character, and award him well-earned fame. He deserves to occupy a proud position among American mechanics. I refer, sir, to, and have named, the chief of the Bureau of Construction, Equipment, and Repair. And so with Mr. Martin and Mr. Copeland, the chief and consulting officer of the Engineer Department. They are also at the head of their interesting and scientific art, whether mechanical in the construction of the engines, or professional in the application of steam as a means of propulsion of vessels-of-war. The gentlemen at the head of the Bureaus of the Navy Department, who have been denominated in this debate as of a by-gone age—I was going to say "Old Fogies," but I do not like to use the words—are entitled to our admiration and respect. In the darkest hour of our country's peril, these "old captains" braved danger, and defended their country's starry banner in the thickest of the assaults of our enemies. They are brave men, who never flinched when their services were needed.

I vividly recollect, that in first reading the history of the war of 1812 how my heart yearned towards our brave officers and gallant tars; how I have been inspired with the recollection of the contest for "free trade and sailor's rights;" and I recollect that the glorious achievements by our Navy inspired the American arms everywhere. Why, Mr. Chairman, the history of "the last war," as it was called, is familiar, I am sure, to all of us. We were unprepared at its commencement, as the chairman of the Naval Committee said, in his very eloquent opening speech. Millions of dollars were lost to the country in consequence, from spoiliations upon our commerce. The nation was divided upon the question of the war. The enemy's fleets were hovering all around us. The naval victories achieved by our brave officers and gallant tars broke the spell, and we bounded to life, liberty, and happiness again. The proud mistress of the seas had been humbled, and the star-spangled banner of freedom floated in victory. Mr. Madison's administration acquired strength, his friends confidence, and the Army and Navy were given assurance of victory and fame. Our cities and towns blazed with illuminations, bonfires were lighted on every hill top—

[Here the hammer fell.]

Mr. WHEELER. I move to amend the amendment of the gentleman from New York, [Mr. MATTESON,] by striking out the words "and Secretary of the Navy."

Mr. Chairman, gentlemen laugh at the idea of striking out the words "Secretary of the Navy," and leaving that officer out of this Board of Construction. I do not think that those gentlemen, if they were desirous of building five sloops, which would require an appropriation of \$500,000, would place it in the hands of a man who does not know a sloop from a yawl-boat. The Secretary of the Navy is a very worthy and talented man, no doubt, but I do not believe that he is competent for his business, particularly that of building these steamers. From the official register, published under his authority, it seems that the United States Navy, exclusive of store-ships, and one vessel on the stocks at Lake Ontario, consists of sixty-two vessels of all sizes, carrying one thousand nine hundred and ninety-one guns. Of this number the official record states that seven hundred and two guns are at sea, while twelve hundred and eighty-nine guns are lying idle and rusting, and the ships are rotting in the navy-yards.

The Secretary has been in office but a year, and he now comes and asks for six war steamers. I am willing to grant these six steamers by my vote, but I am unwilling to place them entirely in his hands. We have nine ships-of-the-line, and not one of them is at sea. Three of them are now used as receiving ships, three are in ordinary, and three on the stocks. Eight hundred guns are thus lying useless. Of the thirteen frigates belonging to our Navy, seven of them are lying at our dock yards, five are in ordinary, and two are on the stocks. Three hundred and fifty-six guns are here lying useless. We have three sloops-of-war lying idle, having sixty-two guns, and one frigate, of four guns; three steamers, of sixty-seven guns, in the same condition; showing the sum total of one thousand two hundred and eighty-nine guns lying useless; while the ships are rotting at the dock-yards. And yet, under this state of things, this bill proposes to give entire power to the Secretary of the Navy for the construction of these steamers. I am opposed to giving it to him, and I am in favor of establishing a bureau, as my colleague from New York [Mr. MATTESON] has proposed.

I move to strike out the words "Secretary of the Navy," because I think that the remainder of the board can do a good deal better without him. If my amendment does not prevail, I shall vote for the bill presented by the chairman of the Committee on Naval Affairs. I should have preferred if he had made the number of steamers twelve instead of six. I will vote for six, and I will vote for that number when the Senate bill comes in; but I am opposed to conferring so much discretionary power over the matter upon the Secretary of the Navy. I would be glad if the chairman of the Committee on Naval Affairs would offer an amendment to meet the case, and I would willingly vote for it.

Mr. DEAN. I am opposed to the amendment of my colleague [Mr. WHEELER,] as being too short, and the amendment of my other colleague [Mr. MATTESON] as being too long.

The question was then taken on Mr. WHEELER's amendment to the amendment; and it was not agreed to.

The question then recurring upon the amendment offered by the gentleman from New York, [Mr. MATTESON,] it was put, and disagreed to.

Mr. EASTMAN. I move that the committee rise, and report the bill.

The question was taken; and the motion was disagreed to.

So the committee refused to rise.

The second section of the bill was then read, as follows:

"And be it further enacted, That there be, and is hereby, appropriated, to be expended under the direction of the Secretary of the Navy, for the purpose above specified, and for altering, completing, and launching the frigates Santee, at Kittery, and Sabine, at New York, the sum of \$3,000,000,

out of any money in the Treasury not otherwise appropriated."

Mr. McMULLIN. I offer the following amendment:

Be it further enacted, That the proceeds of the public lands shall be hereby set apart for, and appropriated to, the cost of building said vessels, and equipping the same.

And be it further enacted, That the annual proceeds of the public lands shall be appropriated to repairs of said vessels, and the support of the Navy of the United States.

Mr. DEAN. I rise to a point of order.

The CHAIRMAN. The gentleman from New York will state his point of order.

Mr. DEAN. The point of order is, that the amendment proposed by the gentleman from Virginia is not germane to the bill.

Mr. McMULLIN. We will have to pay, Mr. Chairman, for the building of these vessels, and I presume it is not inappropriate for us to declare how the expense of building them is to be defrayed.

The CHAIRMAN. The Chair is inclined to the opinion that the point of order raised by the gentleman from New York is well taken; and that the amendment of the gentleman from Virginia is not in order.

Mr. McMULLIN. Well, Mr. Chairman, I take an appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which has just been read, and a question of order is raised by the gentleman from New York, that the amendment is not germane. The Chair sustains that question of order, and from that decision the gentleman from Virginia appeals.

Mr. McMULLIN. I suppose debate is not in order; is it?

The CHAIRMAN. No; debate is not in order. Mr. STANTON, of Kentucky. Before the vote be taken, I desire to make an inquiry of the Chair.

Several MEMBERS. Order; question.

The CHAIRMAN. The inquiry of the gentleman may be pertinent to the question. He will therefore state his inquiry.

Mr. STANTON. If the House determine to build ships and pay for them, has not the House the power to say where the money for defraying the expense of them is to come from?

Several MEMBERS. That is an argument.

The CHAIRMAN. The inquiry of the gentleman from Kentucky being in the nature of an argument, is not in order. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was then taken; and the decision of the Chair was sustained.

Mr. TAYLOR, of Ohio. I move that the committee do now rise and report the bill to the House.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and Mr. JONES, of Tennessee, having resumed the chair as Speaker *pro tempore*, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly, by special order of the House, House bill No. 52, and had directed him to report the same to the House without amendment.

Mr. BOCOCK. I move the previous question on that bill. The previous question was seconded, and the main question ordered to be put.

ADJOURNMENT OVER.

Mr. EASTMAN. I move that when this House adjourns, it adjourn to meet on Monday next.

Mr. ELLISON. I call for the yeas and nays upon that motion.

The yeas and nays were not ordered.

The question was then put; and the motion was agreed to.

Mr. EASTMAN. I move that the House do now adjourn.

[Cries of "No!" "No!" and "Let us pass the bill."]

The question was then taken; and the motion was not agreed to.

The question then recurring upon ordering the bill to be engrossed and read a third time, it was put, and decided in the affirmative.

The bill being engrossed, it was subsequently read a third time.

Mr. BOCOCK. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. CAMPBELL. I call for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

The main question being, "Shall the bill pass?" it was put, and decided in the affirmative—yeas 113, nays 43; as follows:

YEAS—Messrs. Aiken, Willis Allen, Appleton, Ashe, David J. Bailey, Banks, Barry, Belcher, Bell, Benson, Bliss, Bocoock, Bugg, Carpenter, Caskie, Chamberlain, Chandler, Chastain, Clingman, Cook, Corwin, Cumming, Dean, Dent, Dick, Dowdell, Dunbar, Eddy, Ellison, Etheridge, Everhart, Farley, Faulkner, Florence, Fuller, Goode, Goodrich, Grey, Wiley P. Harris, Harrison, Hastings, Haven, Hibbard, Houston, Howe, Hunt, Ingersoll, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kittredge, Latham, Lilly, Lyon, McCulloch, Macdonald, Maxwell, May, Milson, Morrison, Murray, Packer, Peck, Peckham, Pennington, Bishop Perkins, John Perkins, Phillips, Powell, Pratt, Preston, Pringle, Puryear, Riddle, David Ritchie, Robbins, Ruffin, Russell, Sabin, Seward, Seymour, Shaw, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Vail, Vansant, Walker, Waish, Israel Washburn, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—113.

NAYS—Messrs. Abercrombie, James C. Allen, Bennett, Benton, Boyce, Campbell, Caruthers, Chrisman, Cobb, Cox, Curtis, John G. Davis, Dawson, Eastman, Edgerton, Fenton, Flagler, Grow, Aaron Harlan, Hendricks, Henn, Hill, Daniel T. Jones, George W. Jones, Knox, Lane, Lindley, McMullin, Macy, John G. Miller, Smith Miller, Nichols, Olds, Mordecai Oliver, Orr, Parker, Ready, Thos. Ritchey, Sapp, Wade, Elithu B. Washburne, and Wells—43.

So the bill was passed.

Pending the yeas and nays—

Mr. ENGLISH asked leave to record his vote, he not being in the Hall when his name was called.

Leave was refused, and he therefore gave notice that, had he been permitted to vote, he should have voted in the negative.

Mr. MATTESON also gave notice that he should have voted in the negative, but that he had paired off with Mr. ASHE.

Mr. BOCOCK moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. DAVIS, of Indiana. I have made several ineffectual motions to go to the business upon the Speaker's table, in order to refer several bills, which should have been referred long since. For the purpose of accomplishing that object, I move that the House now proceed to the consideration of business upon the Speaker's table.

Mr. DEAN. I move that the House do now adjourn.

Mr. DAVIS. I rise to a question of order. It is that—

The SPEAKER. There can be no question of order in order at this time, as a motion to adjourn takes precedence of all other motions.

The question was then taken on Mr. DEAN's motion, and it was agreed to.

The House accordingly, at three o'clock and thirty minutes, adjourned to meet on Monday next.

IN SENATE.

MONDAY, April 3, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, in answer to a resolution of the Senate calling for information in relation to the claim of David Carter, a Cherokee Indian; which was referred to the Committee on Indian Affairs.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented resolutions of the Legislature of New Mexico, respecting additional mail facilities; which were referred to the Committee on the Post Office and Post Roads.

Also, a memorial of the Legislature of the Territory of New Mexico, asking an additional appropriation to finish certain public buildings in that Territory; which was referred to the Committee on Territories.

Also, a memorial of the Legislature of the Territory of New Mexico, praying an appropriation for the preservation of the archives of that Territory; which was referred to the Committee on Territories.

Also, a memorial of the Legislature of New Mexico, praying the confirmation of the titles to land under grants from the Mexican Government; which was referred to the Committee on Territories.

Mr. DODGE, of Iowa, presented resolutions passed at a meeting of the Board of Mayor and Aldermen of the town of Fort Madison, Iowa, praying the establishment of a post route between Fort Madison and Keosauqua, in Van Buren county, Iowa, and between Fort Madison and Farmington, in Van Buren county, Iowa; which were referred to the Committee on the Post Office and Post Roads.

Also, two petitions of citizens of Iowa, praying the establishment of a mail route from Apple Grove to Winterset, in Iowa; which were referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented the petition of Lewis Humbert, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. SUMNER presented a remonstrance, signed by legal voters of Fitchburg, Worcester county, Massachusetts, and a memorial of citizens of the State of Indiana, against the passage by Congress of any act which shall infringe or impair the provision whereby in all that part of the Territory of Louisiana, north of 36° 30', slavery was forever prohibited; which were ordered to lie on the table.

Mr. EVERETT presented two petitions of citizens of Boston, remonstrating against the passage of any act for the organization of Nebraska, which will permit slavery in the Territory, from which it was excluded by the Missouri compromise; which were ordered to lie on the table.

Mr. JONES, of Tennessee, presented the petition of Frances Depriest, widow of John Depriest, a soldier in the last war with Great Britain, praying bounty land; which was referred to the Committee on Pensions.

Mr. JOHNSON presented printed documents in relation to the claim of the Eastern Cherokees, for an additional per capita due them under the treaties of 1835, 1836, and 1846; which were referred to the Committee on Indian Affairs.

Mr. CASS presented a petition of citizens of Jefferson county, Pennsylvania, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of New Mexico, praying the reestablishment of the military post at Fort Atkinson; which was referred to the Committee on Territories.

Also, a memorial of the Legislature of New Mexico, praying the establishment of Artesian wells on the Jornada del Muerto; which was referred to the Committee on Territories.

Also, a memorial of the Legislature of New Mexico, praying that measures may be taken to protect the inhabitants of that Territory from Indian depredations; which was referred to the Committee on Territories.

Also, a memorial of the Legislature of New Mexico, praying a geological and mineralogical survey of that Territory; which was referred to the Committee on Territories.

Also, a memorial of the Legislature of New Mexico, praying the construction of a wagon-road from Santa Fé to Don Fernandez, in that Territory; which was referred to the Committee on Territories.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the petition of Lieutenant S. L. Frémont, praying to be restored to the position formerly held by him in the Quartermaster's Department, submitted an adverse report thereon; which was ordered to be printed.

Mr. STUART. The Committee on Public Lands, to whom was referred the memorial of Cadwallader Wallace, praying compensation for certain Virginia military bounty land warrants, the lands appropriated for satisfying such war-

rants having been sold by the United States, have directed me to report adversely to the prayer of the petitioner. This claim has been reported upon favorably several times. I would call the attention of the Senators from Ohio to the fact. I do not know whether they take any interest in it or not. The committee at the present session have considered the subject very carefully, and communicated with the Commissioner of the General Land Office upon it, and have come, I believe, unanimously to the conclusion that no special legislation is proper in the case, and that all the remedy to which the petitioner is entitled can be had under the general law of Congress which authorizes him to locate a quantity of land anywhere, where it is subject to sale at the minimum price, equal to the amount of his Virginia bounty land warrant. I ask that the report may be printed.

The report was ordered to be printed.

Mr. CHASE. I ask that the Committee of Claims be discharged from the consideration of the petition and papers of Joseph Clymer, of Missouri. No report has been made upon this claim; but it is the desire of the petitioner to withdraw his papers, and present them to the proper Department. I move that the committee be discharged from their further consideration, and that the petitioner have leave to withdraw his petition and papers.

The motion was agreed to.

Mr. CLAY, from the Committee on Pensions, to whom was referred a petition of inhabitants of the county of Erie, Pennsylvania, praying an increase of the pension of Lyman Badger, submitted an adverse report thereon; which was ordered to be printed.

Mr. PEARCE, from the Committee on Finance, to whom was referred the memorial of William D. Merrick, and Benjamin C. Howard, agents of the State of Maryland, submitted a report, accompanied by a bill to direct a reexamination of the account between the United States and the State of Maryland; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the petition of James Erwin, representative of Daniel Greathouse, submitted a report, accompanied by a bill for the relief of James Erwin, of Arkansas, and others; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. HAMLIN, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Thomas C. Nye, praying compensation for the violation of a contract by the Post Office Department, for the transportation of the mails, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JONES, of Tennessee, from the Committee on Military Affairs, to whom was referred the petition of A. G. Bennett, a paymaster in the United States Army, praying to be relieved from his liability for money lost or stolen while in his possession, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill for the relief of Catherine B. Arnold, widow of the late Major Ripley A. Arnold, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of the heirs of William Frost be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

BILL INTRODUCED.

Mr. MASON, in pursuance of previous notice, asked and obtained leave to introduce a bill to amend the act entitled "An act to provide for liquidating and paying certain claims of the State of Virginia;" which was read a first and second time by its title, and referred to the Committee on Revolutionary Claims.

DOCK AND RAILWAYS AT PENSACOLA.

Mr. MORTON submitted the following resolution;

which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to inform the Senate what amount has been paid to the contractors, Gilbert & Secor, and what amount is yet due to said contractors, on account of the floating basin dock, basin, and railways at the navy-yard, Pensacola, and whether the said dock, basin, and railways have been completed according to contract, and accepted by the United States; what is the present condition of said dock, basin, and railways; whether any of the stipulations of the contract have been dispensed with, and if so, what were the stipulations so dispensed with, and the reasons therefor; and, that he be requested to communicate to the Senate copies of all reports of the Commissioners that have been appointed to examine the said dock, basin, and railways; and also a copy of the contract entered into by the Navy Department with the said Gilbert & Secor for the construction of the said dock, basin, and railways.

POTTAWATOMIE INDIANS.

Mr. PETTIT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to inform the Senate, at as early a day as convenient, whether the provisions and stipulations on the part of the United States in a treaty made with the Pottawatomie Indians on the 26th day of October, 1839, in Indiana, and particularly the fifth article of said treaty, and the promises and stipulations which Colonel A. C. Pepper, their removing agent, was authorized to and did make to said tribe of Indians, by virtue of instructions dated April 28, 1835, signed by the Commissary General of Subsistence, and now on file in the office of the Commissioner of Indian Affairs, have been performed and fully complied with; and if fully performed and complied with, to transmit to the Senate copies of all the vouchers showing such fulfillment and compliance; and if not fully performed, to inform the Senate in what such failure consists, and what amount of money will fully compensate said tribe of Indians for such failure or non performance on the part of the United States; and that he likewise communicate a copy of said instructions to the Senate.

NEW LARGE GOLD COINAGE.

Mr. GWIN. I present a memorial, signed by the bankers, merchants, and principal business men of San Francisco, asking for the passage of a law authorizing the coinage of gold pieces of the denomination of fifty dollars, at the branch Mint in California. I sent the memorial to the Secretary of the Treasury, with the hope of being able to receive his opinion in time to allow me to present the subject to the consideration of the Senate when the deficiency bill was pending; but the bill was passed before I received his answer.

His letter is in these terms:

TREASURY DEPARTMENT, March 21, 1854.

SIR: I have duly considered the memorial which you placed in my hands this morning, of merchants and bankers of San Francisco, California, praying Congress to authorize the coinage, at the branch Mint at that place, of gold pieces of the denomination of fifty dollars. Upon the subject-matter of this memorial you desire my opinion, and I have, therefore, the honor to say, that, in the present condition of California, as it respects its currency, the measure recommended would, in my opinion, be judicious and proper.

The larger denominations of gold coinage are not found to be adapted to circulation in the Atlantic States. It is found that few of the twenty-dollar pieces, and not a great many of the tens remain in private hands, but are soon passed into the possession of the banks and brokers, and their places supplied by bank paper. The larger pieces are also more convenient for transportation; and being thus carried to the South and West prevent the transit of the smaller coins, which would, if transmitted, remain in permanent circulation amongst the people in those sections of the country. For these and other reasons, it appears to me to be desirable to increase the coinage of the smaller denominations, and to diminish the larger, for circulation on this side of the Union; and the increased capacity of the Treasury for coinage, arising from the establishment of the branch Mint at San Francisco, and of the assay office at New York, will enable it to carry this view into effect.

But there are peculiarities in the condition of California which recommend a different scale of coinage for that region. These are: First, the fact stated in the memorial of the prohibition against, and entire exclusion of, paper money; and, second, the high scale of prices prevalent in California for commodities and service. These circumstances will make larger denominations of coin convenient, particularly in counting and passing large sums. To this may be added that time will be saved in coining, which may be of much consequence to miners and others, at least until the capacity of the branch Mint shall be ascertained to be equal to the gold offered.

In order to harmonize the proposed large coin with the present recognized coins, I would recommend that the coinage be authorized of pieces of \$100, and \$50, and \$25, to be called the "Union," "half Union," and "quarter Union," but that the half Union only be struck for the present.

I am, very respectfully,

JAMES GUTHRIE,
Secretary of the Treasury.

HON. WILLIAM M. GWIN, United States Senate.

I move that the memorial, with the letter of the Secretary of the Treasury, be referred to the Committee on Finance.

The motion was agreed to.

RELIGIOUS FREEDOM ABROAD.

Mr. CASS. Mr. President, some few weeks ago I stated to the Senate that I should, ere long, ask permission to move to take from the files, and refer to the Committee on Foreign Relations, the report made at the last session by Mr. Underwood, on the subject of the rights of American citizens abroad to freedom of religious worship. I now make that motion. I do not do it, however, with a view to have the matter taken up at the present moment, but I will ask the Senate to hear me upon it on this day three weeks. I believe that will be as convenient a time as any other; but if this stands in the way of any other business, I shall be willing to postpone it, for I am in no hurry.

I desire, however, to make some remarks upon the subject. I feel particularly called upon to do so in consequence of some animadversions upon our proceedings, to which I alluded before. I therefore ask the Senate to allow me on that day, if nothing else stands in the way, to take up this motion, and to submit my remarks to the Senate upon the subject.

The PRESIDENT. The Chair does not exactly understand the honorable Senator's motion.

Mr. CASS. My motion is, that the report made from the Committee on Foreign Relations at the last session, on the subject of religious freedom to American citizens abroad, be taken from the files, and referred to the Committee on Foreign Relations.

The PRESIDENT. That order will be made, if there be no objection.

Mr. CASS. I do not ask that the motion be considered at this time; but I wish the Senate to allow me to make some remarks upon the subject on this day three weeks.

The PRESIDENT. Then the Chair understands that the Senator from Michigan moves to postpone the further consideration of his motion until this day three weeks, and that it be made the special order for that day?

Mr. CASS. Yes, sir.

The motion was agreed to; and the subject was made the special order for the 24th instant.

JAMES M. GOGGIN.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred the petition of James M. Goggin, have directed me to report a bill for his relief. It is a very plain case, and I ask the indulgence of the Senate to consider it now.

The bill was accordingly read a first and second time by unanimous consent, and considered as in Committee of the Whole. It proposes to require the Postmaster General to settle and adjust the claims of Mr. Goggin, and to allow him a fair and reasonable salary as special mail agent for the State of California, from December 1, 1850, to April 6, 1853, with reasonable allowances for office rent, per diem, and hire of a clerk.

Mr. RUSK. One word in explanation of the bill. Mr. Goggin was special mail agent for the State of California for the period mentioned in the bill. The duty devolved upon him of performing the duties of mail agent, by contract, upon the routes in that State. He found that it was impossible to do it at the salary and the per diem allowance which he was to receive, and without the assistance of a clerk. He wrote letters to the Postmaster General declining to act, seeing that the expenses were such that he could not do it but at a loss. The Postmaster General, however, insisted that he should go on in the performance of his duties, and then bring the subject before Congress, for the purpose of obtaining relief. The proof in the case is very clear, Goggin performed all the duties devolving upon him, and, in accordance with the suggestion of the Postmaster General, he comes to Congress for remuneration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

CADETS AT WEST POINT.

Mr. SHIELDS. I move that the Senate now take up the joint resolution from the House of Representatives, explanatory of the law regulating the number of cadets, which was postponed the other day at the request of my honorable friend from Michigan, [Mr. Cass.] It is pressed upon me by the Department.

The motion was agreed to; and the Senate, as in

Committee of the Whole, resumed the consideration of the joint resolutions.

Mr. STUART. I barely want to make a suggestion to the Senator from Illinois, without interfering with the provisions of the joint resolution at all. This should not apply to a case where, upon the reorganization of the districts in a State, the districts are decreased, as the resolution will by its terms. It is known that the policy has been to keep the number of representatives about as they are; and the consequence is, that the old States lose in proportion as the new ones increase. The provisions of this resolution would increase the cadets in those instances, although the number of districts might be decreased. I think there might be some amendment to the resolution not avoid this.

Mr. SHIELDS. I think the honorable Senator labors under a misapprehension. I have examined that point particularly; but no legislation is necessary. The original law diminishes the number if the number of districts is decreased.

Mr. STUART. Yes, sir. But the Senator will see that the effect of the resolution is this: If, in the reorganization of the districts in a State a district is formed within which there is no cadet at the time, this resolution is intended to have one appointed. To illustrate my meaning: Suppose in a State which had five districts that, upon a new arrangement of districts, the number is reduced to four, and it still shall happen that there is one of the four in which there is no resident cadet, the State would get an additional cadet although it lost a district; that certainly cannot be the intention of this resolution. It is to provide for the case where there is an additional district formed and there is no cadet in it; at least that ought to be its provision.

Mr. SHIELDS. The object of this resolution is to have a cadet from every district. In the case which the Senator presents to the Senate, if a district was made vacant by a new arrangement, although there would be a diminution of the number of cadets, the resolution would give a cadet for that district, but at the next appointment the number of cadets would be diminished. This is only a temporary arrangement, and at the next rearrangement the proportion will be reestablished.

Mr. STUART. So I understand; but I submit, as a matter of prudence, that the number of cadets in a State should not be increased where the number of congressional districts is diminished. I do say to the Senator, that if my own judgment were to prevail I should not like the resolution at all; but I do not intend to object to its application where the number of the districts in a State shall be increased, and one shall be found without a cadet. Yet, sir, the resolution certainly should be amended, so as to provide that it shall not apply to any State where the number of districts on a rearrangement shall be diminished. It might happen very well that all the cadets in a State would be thrown into one district under a rearrangement, and still the number of districts in the State would be reduced; and yet, under this resolution, there might be several additional cadets from that very State.

Mr. SHIELDS. If the honorable Senator will permit me, I will state that that does not alter the case in one iota. The general law provides that every district in the United States shall be entitled to one cadet. By a new arrangement, whether it diminishes the number of districts in a State or increases the number, does not alter the principle. By the new arrangement, it happens that at this time there are some districts left without any cadets. I have inquired into the matter since the case was before the Senate last, and I find, by a memorandum which I have before me, that "the difficulty arises in consequence of the apportionment of the different States in conformity to the census of 1850, leaving more districts vacant than there are vacancies in the academy at the present time; but in making the appointments for the following term, it must of necessity conform to the act." That is, at the next appointment there will be only one for each district; consequently, this is only to give a remedy to a temporary derangement, as it may be called, which has been occasioned by the rearrangement of the districts. My own opinion is, that the War Department ought to have acted upon the principle of the honorable Senator, when the number was diminished and increased alike—that is, to apportion the cadets among the

new districts without reference to their residence; but they have not done so. They say the law is obligatory, and that they were compelled to confine the cadets to the districts in which they reside. That leads to the difficulty; but the thing is done, and we cannot undo it. The other districts have no cadets. The object of the resolution is to let those districts that have no cadets appoint. At the next term all will be rectified, and each district will have its cadet; so that there will not be two in one district.

Mr. ADAMS. I do not know that I understand this matter exactly. If I do understand the existing law, each State is entitled to a number of cadets equal to the number of congressional districts in the State, one to be taken from each district. Under a new apportionment, or under any act of the Legislature redistricting any State, it may so turn out that two or three cadets to which the State is entitled may fall into one district, and the others be vacant. This is intended to remedy the evil. But you suffer the State to have three cadets from one district, perhaps cadets who are to remain there for four years, giving that State an additional number, which the Legislature may create by a rearrangement of the districts. I see no necessity, from the mere fact of distributing the cadets among the States, to increase the representation beyond the number to which it is entitled.

Mr. SHIELDS. The Senator is correct. The general law says that each district shall have a cadet, and the cadet shall reside in the district. Now, by the new arrangement, two or three cadets are thrown into one district, and a few of the new-formed districts have no cadets. The object of the resolution is to remedy that.

Mr. STUART. For the purpose of carrying out my wishes, I shall offer an amendment to this effect:

Provided, That the provisions of this resolution shall not apply to any State in which the number of congressional districts shall be reduced.

A SENATOR. That will defeat the object of the resolution.

Mr. STUART. If that will be its effect, I submit to the Senate that the resolution ought to be defeated. The general law stands on the principle that each congressional district shall be entitled to have one cadet at the Military Academy. If the effect of this resolution is, upon a rearrangement of the districts, to increase the number of cadets in a State, not in proportion to the population, not in proportion to the number of districts, but in proportion to the accident by which the lines of any new districts may be determined, the whole resolution ought to be defeated. There is no doubt about that, because it is at war with the principle upon which the Academy at West Point is established. For instance, as I intimated awhile ago, suppose that in the arrangement of the districts upon a new enumeration of inhabitants, the State of New York shall lose three congressional districts, yet it might happen under this resolution that she would gain ten cadets. Each cadet is to be located, when appointed, in the congressional district from which he is appointed, but anywhere in that district; and a rearrangement, I say, might throw them into other districts, and might, in the case I have put, leave New York with ten new districts without a cadet in any of them, while, at the same time, she would lose three districts. Thus, while her representation would be decreased, you would add ten to the number of her cadets at West Point. If that is the effect of the resolution, and is to remain the effect of it, I submit again to the Senate it ought to be defeated.

I know that the amendment which I propose will not remedy the evil entirely, but it will do this: it will only give additional cadets at West Point to a State where there are additional districts made in the State. It will then be substantially within the principle upon which the cadets are sent to West Point. But if the resolution is allowed to stand as it does now, and the number of cadets is to be increased to a State which is diminished in its congressional districts, then there can be no apology for it whatever.

Mr. ADAMS. I would move to amend the amendment, by adding a proviso to the following effect:

Provided further, That no State shall at any time have more cadets at West Point than the number of representatives she is entitled to in the House of Representatives.

Mr. SHIELDS. It is not worth while to attempt to pass the joint resolution, either with the amendment of the honorable Senator from Michigan, or the amendment of the honorable Senator from Mississippi. The honorable Senator from Michigan seems to think it would be well to except from the operation of the resolution those States in which the number of districts may be diminished. The principle of the amendment of the honorable Senator from Mississippi is precisely the same. Now, sir, the object of this resolution is to give each district a cadet, without regard to whether the number be increased or diminished. I agree with the Senator from Michigan, that some States, for the time being, will, under its operation, have a greater number of cadets than they have congressional districts; but that will only be until this term expires. Then each new appointment will be from a new district. This is only to remedy a temporary confusion, a temporary derangement, owing to the changes of the districts.

If you lay down the principle, that no State is to have a greater number of cadets than it has congressional districts, then this resolution is altogether wrong, and so is the general law. It does not matter whether the number of districts in a State be increased or diminished, the principle is the same. The principle of the general law is, that cadets shall not be regulated by States, but by districts. I do not say whether that is right or wrong. Each district, says the general law, shall have a cadet, and the cadet shall live in the district. In carrying out that law, it happens that there are some districts—not many—which have no cadets. I understand, on inquiry, that the effect of the resolution will be to increase the number of cadets by seven only for the time being, and until the next appointment. Then they will again be proportioned to the number of districts. But, sir, as I repeat, if the object is that a State shall have only as many cadets as it has districts, this resolution ought to be defeated. If, on the contrary, every district should have a cadet, it is necessary that those districts which now have no cadets should have them.

The PRESIDENT. Will the Senators from Michigan and Mississippi reduce their amendments to writing?

Mr. STUART reduced his amendment to writing, as follows:

Provided That this resolution shall not apply to any State in which the number of congressional districts shall be diminished.

Mr. ADAMS. I withdraw my amendment to that amendment. I am willing to agree to that.

Mr. TOUCEY. Mr. President, it seems to me that we are too exact in this matter. If I understand the existing law, it is meant to be that every district shall have a cadet at West Point; but by an irregularity, which has been created by changing the districts, it cannot now be carried out. The object of the joint resolution is that those districts which now have no cadets shall have them. The consequence of that will be a super-numerary number, a very few, temporarily; and that results, because those who are now at this institution will continue through their terms—perhaps a year, perhaps two years, and some perhaps for a longer time. But the moment they graduate, every district in the country will be entitled to one cadet. I do not see how it can be accomplished in any other way than that proposed in the resolution.

The amendment proposed by the Senator from Michigan is, I think, wrong. I know of no reason why a district in one State should be debarred from a cadet because some other district in the State may have two cadets. The principle is to give to every district a cadet, and the object of the present resolution is to carry out that principle. As soon as a certain number of those who are now at the Military Academy, shall graduate, the irregularity will cease. If that is the case, I think the report of the Committee on Military Affairs should be sustained.

Mr. SHIELDS. That is precisely the case.

Mr. STUART. I have but a few words to say in reply to the Senator from Connecticut. It is now 1854 and a cadet who goes into this institution goes there for four years, and the term of one who goes now will expire in 1858. In two years, then, after his term shall expire, there will be another enumeration of the inhabitants of the United

States, which will produce a recurrence of precisely the same difficulty. We cannot help it, because the cadets are increased in the new States and reduced in the old as the congressional districts are, and they are appointed on the principle of coming from districts.

Now, the question is whether you will let the seven districts referred to remain as they are until the term of the cadets at West Point in the particular States expires, and then let the cadet go where he ought to go, to the new district; or whether you will now increase the number of cadets by seven, and, at another enumeration, increase them still further, and that, too, without any reference to the number of districts in a State? Upon every rearrangement of congressional districts in a State, the chances are that one or more districts will be left without any cadets. I undertake to say that this will happen under every enumeration which will take place hereafter; and on every rearrangement of the districts in every ten years the same necessity will recur again.

Now, sir, while it is true that one cadet is appointed for each district, it is equally true, I think, that the intention is that a State shall have no more cadets than it has congressional districts; that is, no more new appointments. I undertook to remedy somewhat the confusion which exists by introducing my amendment. I confess that my own judgment is against the entire proposition.

Mr. RUSK. One part of the resolution provides that the present number of cadets shall be continued to those States which have lost by the last enumeration. So far as that is concerned, I have no objection to it. But, as the resolution stands, it introduces a confusion, which suggested itself to my mind on hearing it read, and which has not been remedied by any of the explanations which have been made, or any of the amendments which have been suggested. The difficulty is this: Upon a rearrangement of congressional districts, if two cadets fall into one district, and there is none for a new district which may be arranged by the Legislature, that new district, under the resolution, will get a cadet. That is to continue as the law, through all time, until repealed. The present law goes upon the principle that each State is entitled to as many cadets at West Point as representatives in Congress. Now, take the whole thirty-one States; I venture to say there is not a single year in which there is not in some States a rearrangement of congressional districts. This provision would continue to apply; and thus, whenever there was a rearrangement of districts in a State, and two cadets fell into one district, that State would have one more cadet than she was properly entitled to.

Mr. SHIELDS. The honorable Senator from Texas has pointed out the only difficulty in this resolution; that is that it may become permanent. I intended myself to move an amendment to prevent the recurrence of such a state of things hereafter; but I am informed that there will be no danger on that point, for I understand that the Department will provide against the recurrence of any such derangement hereafter. I think, however, it might be very well, perhaps, as there is some dispute about the matter, to amend the resolution now, so as to prevent any such derangement in future. That could be done by inserting a provision, that hereafter in no new arrangement of any State, shall there be more cadets allowed to any State than there are districts within it. I will accept such an amendment on the suggestion of the honorable Senator from Texas, although, as I have remarked, the Department itself intends to endeavor to provide against the difficulty in future.

Mr. ADAMS. I should be glad to know of the Senator from Illinois, what necessity there is for making an exception now to the rule which he is willing shall prevail hereafter? If there be a vacancy in any of the districts, it is the act of the Legislatures of the different States, and not the fault of Congress.

Mr. SHIELDS. I will state that I think the Department might assign a cadet who is at this time in the Military Academy, to a new district, although he may reside in another district. This would prevent the difficulty. This amendment will enable the Department to do that hereafter.

The question being taken on the amendment of Mr. STUART, there were ayes 16, noes 14—no quorum voting.

Mr. BADGER. There seems to be some real

difficulty about perfecting this resolution. Gentlemen are disposed to amend it. They seem to differ as to the effect and operation of it. I confess, for one, that I am not prepared to decide, and do not understand which is the preferable plan of those suggested—the original resolution, or as it will be modified by the adoption of the proposed amendment. I do not see any necessity for its immediate passage. I think it had better be deferred, and let us have an understanding as to what provision we are going to make.

Mr. MASON. If the Senator will give me the floor, I will move to postpone the further consideration of the joint resolution, for the purpose of going into Executive session.

Mr. BADGER. I am going to submit that motion myself. I move that the further consideration of the joint resolution be postponed until this day fortnight.

Mr. RUSK. I think the better plan would be to recommit it to the Committee on Military Affairs.

Mr. SHIELDS. If it were recommitted to me now, I would either say that it ought to be defeated, or to pass, as it is.

Mr. RUSK. I understood that the Senator wished to amend it.

Mr. SHIELDS. I will agree to the amendment suggested by the Senator from Texas, but I prefer to agree to the motion made by the honorable Senator from North Carolina, not that we can get any new light upon the subject by any means, but I am willing to let the resolution lie for the time mentioned.

The motion to postpone the further consideration of the resolution until the 17th instant was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 3, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

The SPEAKER. The business first in order is the call of committees for reports, commencing with the Committee on Public Lands.

CLERK TO SELECT COMMITTEE.

Mr. MACE. I offer the following resolution: *Resolved*, That the select Mail Steamer Committee be permitted to employ a clerk at the rate of four dollars per day during the time he may be engaged as such clerk.

Mr. JONES, of Tennessee. I object.

Mr. MACE. I then move to suspend the rules, in order to enable me to introduce it.

The question was then put; and decided in the negative, two thirds not voting in favor thereof. So the House refused to suspend the rules.

COMPENSATION OF POSTMASTERS.

Mr. OLDS. I ask the unanimous consent of the House to allow me to report a bill from the Committee on the Post Office and Post Roads relative to the compensation of postmasters.

Mr. GREY. I hope the gentleman will allow me to present a resolution before he does that.

Mr. OLDS. I am anxious to make this report at as early a period as possible; and I hope there will be no objection.

Mr. JONES, of Tennessee. I should like to know what the proposition is first.

The bill was then read by its title for information, as follows:

"An act regulating the pay of deputy postmasters."

Mr. JONES. I would inquire of the gentleman what he proposes to do with it?

Mr. OLDS. I propose, if consent is given to introduce it, to make a statement relative to the effect of the bill, and then ask the House to put it upon its passage. If that shall be objected to, I shall move to refer it to the Committee of the Whole on the state of the Union.

Mr. JONES. I think it had better not be introduced then.

Mr. OLDS. I move a suspension of the rules, in order to enable me to introduce it.

The question was put; and the Speaker announced 75 in the affirmative.

Mr. DEAN called for tellers.

Mr. CLINGMAN. I would inquire if seventy-five is not less than two thirds of a quorum, and therefore that the motion is lost? If so, I hope the gentleman from New York will withdraw his call for tellers.

Mr. JONES, of Tennessee. I think we had better have tellers before we proceed any further; and therefore I hope the gentleman will not withdraw the call.

Tellers were then ordered.

Mr. WENTWORTH, of Illinois. It is evident there is no quorum present. I think we had better have a call of the House.

Mr. OLDS. Let the vote be taken by tellers first.

The question was put; and the tellers reported—ayes 83, noes 11; no quorum voting.

Mr. OLDS. As there seems to be no quorum voting, I call for the yeas and nays.

The SPEAKER. If the yeas and nays were ordered it would be unavailing, as there is no quorum, and therefore no business could be transacted.

Mr. OLDS. I then move a call of the House. The question was taken; and decided in the affirmative.

The Clerk then proceeded to call the roll; and 137 members having answered to their names,

Mr. OLDS moved that all further proceedings in the call be dispensed with.

Mr. SMITH, of New York. I did not hear my name called, though I was present. I ask that it may be recorded.

The SPEAKER. Under the rules the absentees are regularly called after the roll has been gone through with, and thus every gentleman will have an opportunity to answer to his name. For this reason the Chair will not recognize any gentleman.

Further proceedings in the call was then dispensed with.

The SPEAKER. The gentlemen appointed will resume their places as tellers.

Mr. CAMPBELL being absent, Mr. FAULKNER was appointed by the Speaker in his stead.

Mr. KERR. What is the question before the House?

The SPEAKER. The question is on a motion to suspend the rules for the purpose of allowing the Committee on the Post Office and Post Roads to report a bill entitled "An act regulating the pay of deputy postmasters."

The question was taken; and the motion was agreed to, the tellers having reported—ayes 124, noes 1.

So the rules were suspended for the purpose indicated, (two thirds having voted in the affirmative.)

Mr. OLDS, from the Committee on the Post Office and Post Roads, then reported a bill entitled "An act regulating the pay of deputy postmasters," which was read a first and second time by its title.

Mr. OLDS. I ask that the bill be read through. The Clerk then read the bill through.

[Here a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had passed the deficiency bill, with sundry amendments, in which it asked the concurrence of the House.]

Mr. OLDS. As I propose to ask the House to put this bill upon its passage, and as what I have to say might, perhaps, as well have been said in the form of a report, had it not been for the fact that I wished to put it upon its passage, I ask the House to allow me to say what I have to say from the Clerk's desk.

Mr. McMULLIN. I desire to call the attention of the chairman of the Committee on the Post Office and Post Roads to one feature in the bill. It provides for the increased compensation of postmasters in all cases where they receive commissions on \$100 and upwards. I desire to know if there is any provision in the bill which provides for postmasters whose compensation is less than that?

Mr. OLDS. The gentleman will see that those cases are provided for in the course of my remarks.

Mr. Speaker, such is the pressure made by the postmasters of the entire Union for speedy action upon some proposition that shall afford them relief, that I am induced to ask the House to consider, and mature, if they find it defective,

and put upon its passage, the bill which I have just reported. I am emboldened, sir, to ask this favor of the House, from the fact that perhaps two thirds of the members have importuned me to take speedy action upon this measure.

The Committee on the Post Office and Post Roads have given the subject a very thorough investigation, and are unanimous in recommending the passage of the bill under consideration.

I deem it my duty to state, briefly, the reasons which have operated upon the minds of the committee, and have induced them to make the recommendation. By this course, the arguments which I now present will appear, together with the bill, in the morning's Globe, and this will enable gentlemen on to-morrow to vote understandingly, for or against the passage of the bill.

And inasmuch as this argument will be in the place of a report, I trust that, notwithstanding much of it will consist of dry and uninteresting details, nevertheless I may have the attention of the House.

The argument which I desire to present being based mostly upon facts and figures, and such estimates and tabular statements as have been furnished the committee by the Postmaster General and the Auditor of the Post Office Department, I have thought it advisable, in order to avoid all mistakes, to trust rather to my manuscript than my memory.

In order to enable the House to understand the provisions of the bill just reported, it becomes necessary for me to direct the attention of gentlemen to the provisions of former laws, under which postmasters were allowed their commissions.

Prior to the reduction of postage consequent upon the passage of the act of the 3d of March, 1851, the commission of deputy postmasters was as follows, viz: On the first \$100 per quarter, 30 per cent.; on the next \$300, 25 per cent.; on the next \$2,000, 20 per cent.; on any sum beyond the last named amount, 8 per cent.

When the foregoing rate of commission was established, letter postage was from six to twenty-five cents, averaging not less than twelve cents upon each letter. Newspaper postage was then one cent on each paper circulated in the State where published, and one and a half cents when circulated out of the State where published.

By the act of the 3d March, 1851, Congress reduced the postage on letters to three cents when prepaid, and five cents when unpaid; and by the act of the 30th August, 1852, Congress reduced newspaper postage to one fourth of one cent in the State where printed, and one half of one cent out of the State where printed. By these two acts Congress has reduced the postage on both letters and papers to not more than one fourth what it was when the rate of commission to which I have referred was established.

Congress, upon the passage of the law of the 3d March, 1851, reducing the postage, did not see fit to change the commission allowed deputy postmasters; but gave the Postmaster General, in his discretion, power to make such increased compensation to them as would make their commission equal to what it was before the reduction of postage took place.

The sixth section of the act of the 3d March, 1851, reads as follows:

"And be it further enacted, That to any postmaster whose commissions may be reduced below the amount allowed at his office for the year ending the 30th of June, 1851, and whose labors may be increased, the Postmaster General shall be authorized, in his discretion, to allow such additional commissions as he may deem just and proper: *Provided*, That the whole amount of commissions allowed each postmaster during any fiscal year shall not exceed by more than twenty per cent. the amount of commissions at such office for the year ending the 30th day of June, 1851."

The effect of this provision in the law of the 3d March, 1851, was to require the Auditor of the Post Office Department, in the settlement with deputy postmasters at the end of each quarter, to have reference to the compensation of each postmaster for the year ending the 30th day of June, 1851. This House will at once perceive that the whole clerical force under the control of the Sixth Auditor, who is the Auditor for the Post Office Department, could not overhaul and compare the quarterly returns of the twenty-three thousand postmasters in the United States. It was found utterly impossible, in settling the quarterly returns of these twenty-three thousand postmasters, to have reference, four times each year,

to the commissions allowed at each office for the year ending the 30th June, 1851. The consequence was, that each deputy postmaster had the fixing of his own extra compensation. To remedy this loose and unsatisfactory manner of doing business, the last Congress repealed the provision of the law of the 3d March, 1851, authorizing this additional compensation, and undertook to settle definitely the commissions of deputy postmasters; and by the act of the 3d March, 1853, allowed commissions as follows:

On the first \$100, 50 per cent.
On the next \$300, 40 per cent.
On the next \$2,000, 35 per cent.
On all sums over \$2,000, 15 per cent.

It was then supposed that these rates of commission would be about equivalent to the commissions allowed for the year ending the 30th June, 1851. In this supposition, Mr. Speaker, Congress was sadly mistaken; and the commissions, as I shall demonstrate by facts and figures, were reduced fully thirty-five per cent. below what Congress supposed they would be, and what they were for the year ending the 30th June, 1851.

The most obnoxious feature in the present law, and against the oppression of which twenty thousand intelligent American postmasters protest, is found in the fact, that while it reduces the rates of postage, the labors of all the offices have been vastly increased, at the very time that their pay has been greatly diminished.

In order, Mr. Speaker, that I might give the House some conception of this increase of labor, I have procured from the Auditor of the Post Office Department a statement of the revenues of the Department from the year 1840 up to the present time. I will send it to the Clerk to be read. [See table A in next column.]

Now, Mr. Speaker, you will please observe that the first reduction in postage took place under the act of 1845. This act reduced the postage on letters from six, ten, twelve and a half, eighteen and three quarters, and twenty-five cents, to five and ten cents, being an average deduction of more than one half. For the five years preceding this deduction, the amount received for letter postage, in round numbers, was, for 1841, \$3,812,000; for 1842, \$3,953,000; for 1843, \$3,738,000; for 1844, \$3,676,000; for 1845, \$3,660,000. At the end of the last fiscal year the first act reducing letter postage went into operation. The next six years, although the postage was reduced more than one half, shows a much larger average revenue; consequently the number of letters received, distributed, and delivered at the various post offices, must have been more than doubled. In 1846, the letter postage amounted to \$2,881,000; in 1847, the amount was \$3,198,000; in 1848, for letters and stamps it was \$3,340,000; in 1849, for letters and stamps it was \$3,872,000; in 1850, for letters and stamps it was \$4,576,000; in 1851, the last year under the five and ten cent postage, for letters and stamps it was \$5,369,000. For the fiscal year ending the 30th June, 1852, the first year under the three and five cent postage, for letters and stamps, \$4,226,000; for 1853, for letters and stamps, \$4,473,000. These two last years show that while the postage has again been reduced more than one half, the falling off in the revenue is only about one fifth, consequently the increase in letters passing through the post offices has again nearly doubled.

The same table, with reference to newspapers and periodicals, will demonstrate the same results. I need not trouble the House with a recapitulation.

Now I ask, in all candor, Mr. Speaker, have not these twenty-three thousand postmasters just cause of complaint to find their compensation greatly reduced at the very time that their labor is more than doubled? The present, sir, is a period noted for remarkably high prices of living, scarcely exceeded by the memorable times of 1816 and 1836. Labor, rents, and all kinds of produce have advanced steadily and materially in price. They are fully twenty-five per cent. higher than they were before the reduction, now so justly complained of, took place in the compensation of deputy postmasters. Sir, in consequence of this enhanced cost in living, the last Congress, and very justly too, raised the salaries of the various heads of Departments, including that of the Postmaster General, from six to eight thousand dollars. Congressmen complain, and very justly too, that they cannot live on their eight dollars

per day. The clerks in all the Departments of the Government can scarcely subsist on their \$900, \$1,200, \$1,500, and \$1,800 per annum. Already, sir, we have a bill before us increasing very considerably their compensation. Mechanics and operators everywhere are striking for higher wages, and yet we have reduced the commissions of deputy postmasters more than thirty-five per cent., at the same time that we have more than doubled the labor that we require them to perform. Under such a state of things, how are these postmasters to support themselves and families? How are they to pay office rent and clerk hire? It would be no wonder, indeed, if we should hear of more frequent mail depredations. How long can honest and competent men resist the temptations which surround them, and continue in the employment of a Government that so poorly rewards them for their arduous services?

To remedy these evils, Mr. Speaker, the Committee on the Post Office and Post Roads, after mature deliberation, agreed upon the bill which I have just reported, with the exception of the proviso relative to distributing and separating post offices.

This bill, without that proviso, was submitted to the Postmaster General for his views; and it is due to that high functionary that I should say that the bill does not meet his approbation.

[A] AUDITOR'S OFFICE, March 13, 1854.
SIR: In compliance with the request of your letter of this day, I inclose herewith a statement of the revenue of the Department from 1st July, 1840, to 30th June, 1853, embracing a period of thirteen years.

Very respectfully,
WILLIAM F. PHILLIPS, Auditor.
Hon. E. B. OLDS, House of Representatives.

Statement showing the Gross Revenue of the Post Office Department, under the several Heads of Receipts, from July 1, 1840, to June 30, 1853.

Years ending June 30—	Letter postage.	Stamps sold.	Newspapers & pamphlets.	Fines.	Receipts from emul. ments.	Receipts from letter car. riers.	Receipts from dead letters.	Receipts from falling contracts.	Miscellaneous receipts.	Total each year.
1841.....	\$3,812,738 61.	—	\$566,245 46	\$319 50	—	—	—	—	\$28,439 70	\$4,407,736 27
1842.....	3,953,215 20	—	572,295 25	720 50	—	—	—	—	20,588 70	4,546,849 65
1843.....	3,738,307 54	—	541,277 38	405 00	—	—	—	—	14,235 55	4,296,295 43
1844.....	3,676,161 53	—	549,743 83	135 00	—	—	—	—	11,247 47	4,237,297 83
1845.....	3,660,231 38	—	608,765 22	90 00	—	—	—	—	20,755 20	4,289,847 83
1846.....	2,881,697 74	—	562,192 49	234 70	—	—	—	—	36,105 44	3,459,029 97
1847.....	3,198,957 43	—	613,160 59	51 58	—	—	—	—	45,410 68	3,869,477 14
1848.....	3,298,311 87	—	677,324 85	122 50	—	—	—	—	47,483 78	4,161,077 85
1849.....	3,868,945 91	—	819,416 30	43 75	—	—	—	—	4,705 176 28	4,516,176 28
1850.....	4,576,892 40	—	919,485 94	38 40	—	—	—	—	3,048 66	5,499,984 85
1851.....	5,369,293 31	—	1,035,130 89	59 06	—	—	—	—	6,410 504 33	6,410,504 33
1852.....	4,226,000 00	—	789,946 36	82 50	—	—	—	—	5,164 526 84	5,164,526 84
1853.....	4,473,000 00	—	611,333 42	82 50	—	—	—	—	5,240 754 70	5,240,754 70
1854.....	2,843,965 42	1,629,292 12	—	—	—	—	—	—	—	—
1855.....	\$47,578,979 20	\$3,911,194 01	\$8,967,107 89	\$2,878 53	\$76,864 25	\$217,373 65	\$27,092 98	\$1,937 30	\$249,975 84	\$80,357,562 95

Respectfully submitted,
WILLIAM F. PHILLIPS, Auditor.

I now send to the Clerk the communication of the Postmaster General, giving his views upon the subject, and will ask that it may be read:

POST OFFICE DEPARTMENT, February 27, 1854.

SIR: I have attentively considered the project of a "bill to regulate and increase the pay of deputy postmasters," submitted by you a short time since, and upon returning it to you I beg leave to present for your consideration the views I entertain upon the subject.

For convenient reference I will here state the rates of commission allowed upon letter postage by existing laws, as compared with the rates provided by the proposed bill:

Present Rates.	Proposed Rates.
50 per cent. on the first, \$100	60 per cent. on the first, \$100
40 per cent. on the next 300	50 per cent. on the next 300
35 per cent. on the next 2,000	40 per cent. on the next 2,000
15 per cent. on all over 2,400	15 per cent. on all over 2,400
10 per cent. on letters for distribution.	12½ per cent. on letters for distribution.

With the view of ascertaining the effect which the adoption of the proposed rates would have upon the revenue, as well as to obtain an estimate of the amount that would be necessary to defray the expenses of distributing offices where the commissions at present rates are insufficient, I addressed a communication to the Auditor for this Department, and herewith submit a copy of his reply, and of the tabular statement which accompanied it. This table shows the aggregate amount of increase in each State and Territory cast upon the letter postages received in the quarter ending September 30, 1853; but as it is proposed to make the change of rates commence on the 1st of April, 1853, he has estimated the quarter preceding and the two quarters succeeding the September quarter of that year. This estimate shows that the proposed rates of commission would reduce the revenue; or, what is the same thing, increase the expenditures of the Department for "compensation to postmasters," "clerks for offices," &c., about \$302,944. Such would probably be the effect of the proposed change of rates; and it is respectfully submitted, whether the public interest really requires the expenditure of so large a sum upon the post offices, at a time when large additions to the mail facilities are demanded in all parts of the country, and more especially in the newly settled States and Territories.

There are now more than twenty-three thousand post offices in the United States, of which number it is believed that not less than ten thousand are held rather for the incidental advantages they afford than for any profit accruing directly to the incumbents; some thousands more are held by persons who are now content with the direct profit and the incidental advantages derived; many more are sought with avidity because the compensation is ample for the labor and attention bestowed, and but a few, comparatively, make an inadequate return for the services and responsibility of the incumbents. These last consist chiefly of distributing offices situated at points where the commissions on delivery matter are insufficient to aid in compensating the additional labor imposed by the duties of distribution.

But the proposed scale of commissions, while it increases the compensation of thousands of postmasters who neither need nor expect it, affords no substantial relief to the distributing offices, where the labors performed are most onerous, and the services rendered are of the utmost importance to our mail system. Therefore, to give efficiency to offices of this class, I would respectfully submit that it can be done most readily and economically by restoring to the Postmaster General the power given him by the sixth section of the act of 3d March, 1851, so far as to authorize him to make allowances from the 1st April, 1853, to distributing offices, sufficient to cover their reasonable and necessary expenses; provided the allowances so made shall not exceed, by twenty per cent., the respective amounts allowed for like purposes in any previous year, at the same offices.

The Auditor estimates that the sum of \$35,000 per annum would cover all the additional allowances necessary to be made to the distributing offices; but if they should reach \$35,000 a year, still that mode of relieving them, in my opinion, be preferable on the score of economy, to any general increase of the rates of commission.

There is yet another class of offices which require the aid of Congress, called separating offices, which perform service second in importance only to the distributing offices. They are situated at the termini or diverging points of many mail routes, and they overhaul the mails and separate and bag the matter for the different diverging routes. Many of these offices are inadequately compensated, and, therefore, I would commend the subject to your attention, suggesting that the power to make additional compensation to such offices might be conferred, with the same limitation as in the case of distributing offices. It will be seen that the Auditor estimates that \$20,000 per annum will be sufficient to relieve offices of this class.

I deem it my duty to use the present occasion to bring to your notice the fact that the compensation of the postmasters at the small offices was considerably reduced by the operation of that provision of the "Act to amend the act entitled 'An act to reduce and modify the rates of postage,' &c., approved August 30, 1852, which declares that, 'When the postage upon any newspaper or periodical is paid quarterly or yearly in advance at the office where the said periodical or newspaper is delivered, or is paid yearly or quarterly in advance at the office where the same is mailed, and evidence of such payment is furnished to the office of delivery in such manner as the Post Office Department shall, by general regulations, prescribe, one half said rates only shall be charged.' This discount of fifty per cent. allowed for prepayment, inures chiefly to the benefit of the postmasters in the large towns and cities, where the prepayment is commonly made, and the country postmasters have to deliver the papers and periodicals without any compensation.

I have the honor to be, most respectfully, yours,

JAMES CAMPBELL, Postmaster General.

Hon. ENSON B. OLDS, Chairman Committee Post Office and Post Roads, House of Representatives.

Now, Mr. Speaker, I will ask the Clerk to do me the favor to read, in this connection, the esti-

mates of the Auditor of the Post Office Department, referred to in the communication of the Postmaster General:

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT, }
February 15, 1854.

SIR: In answer to the interrogatories proposed in your letter of the 14th instant, I have the honor to state—

1st. That if, instead of the commissions now allowed upon letter postage, "the proposed rates" should be substituted, from and after the 1st April, 1853, the probable effect would be to decrease the revenue for the year ending 31st March, 1854, about \$300,000.

For the basis of this estimate you are respectfully referred to the accompanying statement marked A.*

The total amount of letter postage for the Quarter ending 30th June, 1853, was, \$1,121,679 19
Quarter ending 30th September, 1853, was, \$1,139,564 41
Estimated for 31st December, 1853, was, \$1,159,000 00
Estimated for 31st March, 1854, was, \$1,180,000 00
\$4,600,243 60

Taking, then, the additional commissions actually ascertained for quarter ending 30th September, 1853, as the basis of an estimate for the other quarters, the following will be the result:

Quarter ending 30th June, 1853, estimated, \$73,819 00
Quarter ending 30th September, 1853, ascertained, \$75,078 35
Quarter ending 30th December, 1853, estimated, \$76,416 00
Quarter ending 31st March, 1854, estimated, \$77,631 00
\$302,944 35

2d. The number of accounts subject to resettlement prior to those of the current quarter, should the proposed rates take effect from and after the 1st April, 1853, would be sixty-five thousand and one hundred and sixty-three, and the additional clerk hire to effect this would not exceed the sum of \$3,000.

3d. If the sixth section of the act of 3d March, 1853, were repealed, and the sixth section of the act of 3d March, 1851,

*STATEMENT A.

Compensation of Postmasters for quarter ended September 30, 1853, compared with the proposed rates of commission.

STATES.	Compensation at present rates.	Compensation at proposed rates.	Increase.
Maine.....	\$14,100 81	\$16,563 74	\$2,462 93
New Hampshire....	8,189 88	9,699 90	1,510 02
Vermont.....	9,654 25	11,267 92	1,613 67
Massachusetts.....	27,934 32	33,301 29	5,366 97
Rhode Island.....	3,335 78	4,030 67	694 89
Connecticut.....	13,397 78	15,779 19	2,381 41
New York.....	61,424 40	72,096 68	10,672 28
New Jersey.....	9,662 10	11,158 63	1,496 53
Pennsylvania.....	33,861 35	39,792 73	5,931 38
Maryland.....	6,518 20	7,405 63	887 43
Delaware.....	1,618 95	1,908 55	289 60
District of Columbia.	905 61	971 42	65 81
Virginia.....	17,556 99	20,658 21	3,101 22
North Carolina.....	6,814 24	7,927 38	1,113 14
South Carolina.....	5,457 96	6,458 26	1,000 30
Georgia.....	10,894 64	13,105 99	2,211 35
Florida.....	1,928 47	2,268 72	340 25
Alabama.....	8,814 76	10,400 98	1,586 22
Mississippi.....	8,001 08	9,430 57	1,429 49
Louisiana.....	4,405 88	5,249 42	843 54
Texas.....	5,971 22	7,000 77	1,029 55
Arkansas.....	3,568 39	4,083 40	515 01
Kentucky.....	10,086 29	11,919 67	1,833 38
Tennessee.....	8,958 88	10,511 51	1,552 63
Missouri.....	7,388 50	8,715 36	1,326 86
Indiana.....	15,304 74	17,891 49	2,586 75
Ohio.....	32,889 36	38,770 19	5,880 83
Illinois.....	17,986 87	20,964 73	2,977 86
Wisconsin.....	7,657 32	9,112 12	1,454 80
Iowa.....	5,738 20	6,648 96	910 76
Michigan.....	9,709 37	11,313 63	1,611 26
California.....	7,380 99	9,025 86	1,644 87
Minnesota Territory.	470 58	553 24	82 66
Oregon.....	1,227 54	1,454 79	227 25
New Mexico.....	120 13	143 00	22 87
Utah.....	158 67	191 26	32 59
Nebraska.....	41 31	46 80	5 49
Washington.....	134 49	160 42	25 93
	\$389,054 60	\$457,983 20	\$68,928 60

Whole amount of distribution 3d quarter of 1853.....	\$701,417 72
Deduct distribution at offices having a surplus of commissions:	
Portland.....	\$10,804 47
Boston.....	70,008 28
Hartford.....	8,587 98
New York.....	228,351 75
Albany.....	17,051 41
Buffalo.....	24,235 63
Troy.....	6,777 54
Philadelphia.....	19,978 73
Baltimore.....	9,663 64
Washington.....	3,248 53
Chicago.....	42,418 52
Detroit.....	14,301 15
	455,427 63
Leaving of distribution.....	\$245,990 09
	at 12½ per cent.
Total increase.....	\$6,149 75
	\$75,078 35

restored, so far as to give the Postmaster General authority to allow to postmasters at distributing offices, where the commissions are insufficient, such additional amount as might be necessary to defray the reasonable and necessary expenses of their offices, from 1st April, 1853, the probable amount of such allowances, should the present rates continue, would not exceed \$25,000 per year; and further, if that class of officers should also be included, where a large amount of labor is expended in separating the mails, I have no doubt that \$20,000 additional, judiciously applied, would afford all the relief absolutely necessary. And here, also, allow me to say, that the increase of compensation contemplated by the proposed rates, so far as a certain class of distributing officers are concerned, will be found inadequate to their relief. Take, for instance, St. Louis office, where the commissions for quarter ending 30th June, 1853, were insufficient to pay the incidental expenses—\$878 03 And for quarter ending 30th September, 1853..... 742 31

Leaving the postmaster without compensation, and..... \$1,630 34 in debt, while the additional commissions under the proposed rates would amount only to \$1,135 19, thus leaving the postmaster's compensation, and \$485 15 for incidental expenses, to be provided for in some other way.

I have the honor to be, very respectfully, your obedient servant,
W. F. PHILLIPS.

Hon. JAMES CAMPBELL, Postmaster General.

With all due deference, Mr. Speaker, to the opinion expressed, and the deductions and inferences made by the Postmaster General from the estimates of the Auditor of the Post Office Department, against the passage of the bill under consideration, I beg leave on behalf of myself and my colleagues on the Committee on the Post Office and Post Roads, most respectfully to dissent: and will so far trespass upon the patience of the House, as to notice each particular objection made by the head of the Post Office Department, to the bill reported by the committee.

By this exhibit, Mr. Speaker, the auditor for the Post Office Department, estimates that the bill which I have just reported, will increase the expenditures of the Department \$75,035 35 per quarter, or \$302,944 per annum.

The Postmaster General very pertinently puts the question, "Whether the public interest really requires the expenditure of so large a sum upon the post offices at a time when large additions to the mail facilities are demanded in all parts of the country, and more especially in the newly-settled States and Territories?"

With all due deference, Mr. Speaker, to the opinion of the Postmaster General, I am utterly at a loss to know what the "demand for increased mail facilities," has to do with the adjustment and graduation of commissions to the postmasters of the offices already established, so that they may receive compensation adequate to the labor performed, and the responsibility incurred; unless, indeed, Congress and the Postmaster General still act upon the hypothesis, that the Post Office Department should be a self-sustaining Department of the Government.

If, Mr. Speaker, we are to return to such a theory, you should apply the pruning hook, not to the postmasters, who are the poorest paid of all classes of Government officials, but to the excrescences which Congress has fastened upon the Post Office Department. If, sir, this branch of our Government is to be a self-sustaining Department, do away immediately with your franking privilege, and let everything which passes through and in the mails of the United States, pay its proper tribute to that Department towards its maintenance. Sir, the friends of cheap postage are constantly pointing us to Great Britain, where the cheap-postage system is in operation, and where the post office department not only sustains itself, but is actually a source of revenue to that Government. But do these gentlemen understand that nothing passes through the mail of Great Britain without paying postage? Do they understand that the Postmaster General of Great Britain, the members of Parliament, the House of Lords, and even the Queen herself, is denied the franking privilege, and must pay postage the same as the humblest subject? Do gentlemen really understand that the free matter which leaves the post office in this city abstracts from the revenues of the Post Office Department a million and a half of dollars annually?

I repeat, Mr. Speaker, if you desire to make the Post Office Department a self-sustaining branch of the Government, do away with the transmission of all free matter through the mail, and by this single operation, you will increase the revenues of the Department more than two and a half millions of dollars annually.

Again, sir, instead of applying the pruning hook to the poor postmasters throughout the country, apply it to the ocean mail steamer service. It is a homely maxim, but nevertheless a true one, that it is poor economy to "stop the leak at the spicket, and leave the waste at the bung-hole."

Sir, you had a contract with E. K. Collins & Co., for the transportation of the United States mail between New York and Liverpool, at \$19,250 the round trip. The last Congress, notwithstanding I thought it my duty as the chairman of the Post Office Committee to inform the House that there were responsible offers before that committee to perform the service at \$10,000 the round trip, raised the compensation to \$33,000 the trip. Thus voting away, to one single company, consisting, as I am told, mostly of foreign stockholders, needlessly and wantonly, \$100,000 more than I am desirous to obtain for these twenty-three thousand postmasters, as an adequate reward for the services which they actually render to the country.

Again, sir, if the Post Office Department is to be made a self-sustaining branch of the Government, instead of applying the pruning hook to the postmasters, apply it to your railroad companies, who, notwithstanding they nearly swallow up the whole revenues of the Department, are, like the daughter of the horse leech, continually crying, "Give! give!!"

But, Mr. Speaker, inasmuch as when the bills reported from the Committee on the Post Office and Post Roads relative to the railroad and ocean mail steamer service shall come up for consideration, I shall have occasion to dwell more at length upon these abuses, I will not further discuss them at this time.

In refutation of this position taken by the Postmaster General, it is sufficient for me to advert to the fact that Congress, in the act of 3d March, 1851, reducing the postage of mailable matter to its present low rates, distinctly placed upon record its abandonment of the policy of making the Post Office Department a self-sustaining Department.

It was then urged, as an argument against the reduction of postage, that you would be compelled to reduce the mail facilities of the country, and cut down the compensation of postmasters, or, otherwise, make the Post Office Department a charge upon the National Treasury.

Now, I maintain, Mr. Speaker, that, in the sixth and seventh sections of the act of the 3d March, 1851, Congress pledged itself that the compensation of postmasters should not be cut down, and the mail facilities of the country should not be reduced, in consequence of the reduction of postages.

The sixth section of that act, as I have already shown, authorized and required the Postmaster General to estimate the compensations of deputy postmasters, by the commissions received by them during the year preceeding the taking effect of that act. Nay, sir, it did not stop at that, but actually allowed an increase of twenty per cent., as shown in the proviso to that section, which is in these words:

"Provided, That the whole amount of commission allowed such postmasters during any year shall not exceed by more than twenty per cent. the amount of commissions at such office for the year ending the 30th June, 1851."

The seventh section of that act is, perhaps, a more explicit abandonment of the policy referred to than is the sixth. It is as follows:

"Sec. 7. And be it further enacted, That no post office now in existence shall be discontinued, nor shall the mail service on any mail route in any of the States or Territories be discontinued or diminished, in consequence of any diminution of the revenues that may result from this act; and it shall be the duty of the Postmaster General to establish new post offices, and place the mail service on any new mail routes established, or that may hereafter be established, in the same manner as though this act had not passed."

These sections of the act of 3d March, 1851, demonstrate, beyond the possibility of a doubt, the abandonment of the policy of making the Post Office Department a self-sustaining department of the Government. They also demonstrate the pledge of Congress, that the compensation of deputy postmasters should not be reduced by the reduction of postage.

Permit me next to show, sir, that the bill which, by order of the Post Office Committee, I have reported, does not increase the compensation beyond the amount received for the year ending the 30th June, 1851.

That I might be enabled to keep the proposed increase within the limits prescribed by the act of the 3d March, 1851, which I regard and shall con-

sider as the pledge of Congress, given to the deputy postmasters of the country, the Post Office Department, in accordance with my request, has furnished me with the statement which I now send to the Clerk to be read:

Statement of the compensation to Postmasters and Clerks for offices for the years ending June 30, 1850, 1851, 1852, and 1853.

Year ending June 30.	Compensation to Postmasters.	Clerks for offices.	Total.
1850	\$1,549,376 19	\$357,935 51	\$1,907,311 70
1851	1,781,686 34	359,098 45	2,140,784 79
1852	1,753,360 34	481,278 88	2,234,639 22
1853	1,821,002 15	506,058 13	2,327,060 28

Statement of compensation to Postmasters and Clerks for offices, quarters ending September 30, 1850, 1851, 1852, and 1853.

Quarter ending 30th September.	Compensation to Postmasters.	Clerks for offices.	Total.
1850	\$414,438 56	\$91,015 15	\$505,453 71
1851	451,765 77	113,154 45	564,920 22
1852	451,348 95	130,308 94	581,657 89
1853	389,054 60	129,693 53	518,748 13

"These sums include the average amount of additional compensation allowed under the sixth section of the act of March 3, 1851.

The first statement exhibits the compensation to postmasters and clerks for two years preceeding and two years succeeding the taking effect of the act of the 3d March, 1851. But inasmuch as it embraces only one quarter, namely, the last quarter of the last year in which postmasters were paid in accordance with their reduced commissions, it is of but little importance.

The second statement is the one to which I desire to call the attention of the House. It exhibits the compensation to deputy postmasters for the first quarter in each of the years named. The quarter ending the 30th September, 1853, being under the operation of the act of the 3d March, 1851, demonstrates the reduction made in the compensation of postmasters by the provisions of that act.

Now, Mr. Speaker, I will ask the Clerk to read another communication from the Postmaster General, and then we shall be prepared to proceed with our deductions and conclusions:

POST OFFICE DEPARTMENT, March 8, 1854.

MY DEAR SIR: Pursuant to your request, I have the pleasure of giving you below a statement of the number of post offices and postmasters in the United States on the 30th day of June, in the years 1850, 1851, 1852, and 1853.

Yours truly, JAMES CAMPBELL.
Hon. E. B. OLDS, House of Representatives.

June 30, 1850.....	18,417
June 30, 1851.....	19,706
June 30, 1852.....	20,901
June 30, 1853.....	22,320

I do not propose, Mr. Speaker, troubling the House with a calculation showing the average compensation to each postmaster for each of the fiscal years embraced in the foregoing statements. These exhibits will be published with my remarks, and thus each gentleman will be furnished with data upon which to make his own calculation.

It will be sufficient for me to show what was the average compensation to each postmaster in one quarter of the year ending the 30th June, 1851, and for a corresponding quarter in the present fiscal year, in order to demonstrate the reduction which has been made by the operation of the law of last Congress—the law complained of, and which the bill now under consideration proposes to remedy.

The estimates given me by the Postmaster General are the quarters ending the 30th September in each year. The compensation to postmasters for the quarter ending the 30th September, 1850, being the fiscal year referred to in the act of the 3d March, 1851, was \$414,438 56. The whole number of postmasters that year was eighteen thousand four hundred and seventeen. This would give a compensation to each postmaster of \$21 96 per quarter. Take the corresponding quarter of the present fiscal year, and the compensation to postmasters for the quarter ending the 30th September, 1853, was \$389,054 60. The number of postmasters was twenty-two thousand three hundred and twenty. The average compensation was \$17 43 per quarter to each postmaster.

Now, sir, add to this the increase made by the

bill now under consideration, according to the estimate made by the Auditor of the Post Office Department, and the average compensation would be \$20 75 to each postmaster per quarter—being \$1 21 per quarter to each postmaster less than the amount allowed by the act of March 3, 1851.

Thus, sir, I have demonstrated beyond all doubt, by the estimates and facts submitted to the Post Office Committee by the Postmaster General himself, that the bill which I have reported, should it become a law, will still leave the average compensation of the deputy postmasters full 12 per cent. below what it was under the act of March 3, 1851.

But I may, perhaps, be told that the bill under consideration proposes to give the Postmaster General power to make still further compensation to the postmasters of distributing and separating post offices, and that, as a consequence, it will vary the computation above submitted, and greatly increase the average.

From the data furnished by the Postmaster General and the Auditor of the Post Office Department, this increased compensation to distributing and separating offices can be brought into the computation and reduced to a certainty.

Both the Postmaster General and the Auditor say that \$25,000, or, at the outside, \$35,000 for the distributing, and \$20,000 for the separating offices, beyond their present compensation, will be amply sufficient for the extra allowances to these two classes of postmasters.

By reference to the estimate of the Auditor, you will perceive that the two and a half per cent. increased commission on distribution at distributing offices—allowed in the bill under consideration—amounts to \$6,149 75 per quarter or \$24,599 per annum. Deducting this amount from the \$55,000, estimated by the Postmaster General and Auditor for the Post Office Department, will leave \$30,401 per annum, or \$7,600 25 per quarter to be added to the average of \$20 75 to each postmaster; this will increase the average to \$28 13—provided the bill under consideration becomes a law. This is still an average of nearly one dollar less per quarter than the compensation contemplated by the act of the 3d March, 1851.

Make still another calculation, if you please, sir, and it will show the same result. Under the operation of the act of the 3d March, 1851, the average compensation to the deputy postmasters was \$21 96 per quarter, or \$87 84 per annum. Under the law of the last Congress, the average compensation was reduced to \$17 43 per quarter, or to \$69 72 per annum, being an average deduction of \$16 12 per annum to each postmaster. There being twenty-three thousand postmasters in the United States, would make the sum total of reduction amount to \$370,760.

The bill first agreed upon by the Post Office Committee, the Postmaster General informs us, would increase the pay of all the postmasters \$302,944 35. To this amount add the \$30,401, the estimated increase at distributing and separating offices, and the sum total of increase will be \$333,345 35 cents, being still \$37,414 65 cents less than the aggregate compensation to the deputy postmasters would be, if estimated and allowed by the act of the 3d March, 1851.

Now, Mr. Speaker, such are the facts, even upon the estimates and figures given us by the Postmaster General and the Auditor of the Post Office Department. And I desire to put the question to this House, and let their action upon this bill speak the answer: Was the promise made to deputy postmasters by Congress, in the sixth section of the act of the 3d March, 1851, in good faith; or was it a promise "made to the ear to be broken to the hope?"

The Postmaster General, in his communication, says, that of the twenty-three thousand post offices in the country, not less than ten thousand are held rather for the incidental advantages they afford than for any profit accruing directly to the incumbent. Perhaps, sir, it may be true that thousands of men could be found who would be willing to hold these offices for their "incidental advantages." But, for one, I am utterly opposed to any system of compensation for Government offices which looks to the "incidentals" as the reward for a faithful discharge of duty. Perhaps it may be true that the President of the United States could find many men willing to hold the office of Postmaster General for the sake of its "incidental advantages;" but would that be a

valid reason why the present most excellent incumbent should be deprived of his \$8,000 per annum? Perhaps, sir, the people could find Representatives in Congress willing to hold the station for the sake of its "incidental advantages;" but is that a valid reason why we should all be deprived of our eight dollars per day? Sir, adopt this system, and the American Congress would become as corrupt as the British Parliament, which has long practiced upon the system of "incidental advantages." Sir, we have had, within the last year or two, some beautiful specimens of the "incidental advantages" of political position and official influence, as manifested in the Galphin, the Gardiner, and the Mears frauds, enough, I trust, to satisfy this House that it is not the most economical method of rewarding Government officials.

But, Mr. Speaker, if there is any soundness in such an argument, why has not the Postmaster General recommended the repeal of all commissions to these ten thousand postmasters? If, sir, they "hold these offices rather for the incidental advantages they afford than for any profit accruing directly to the incumbent," why are we paying them any commission at all? If the argument is sufficient to justify this reduction, it is sufficient to justify a repeal of all commission. I repeat, sir, this argument, so far as this bill is concerned, either proves too much, or it proves nothing at all. Discarding, then, the system of "incidental advantages," I put the question home to every gentleman upon this floor: Will these ten thousand postmasters, under the operation of this bill, receive a single farthing from the Government more than they really earn? Will they receive a single dime more than their services are really worth to the Government? If not, sir, let us act upon the good old maxim, "that the laborer is worthy of his hire."

But, Mr. Speaker, the Postmaster General himself, has furnished us with an unanswerable argument in favor of this very class of postmasters. In his communication to the Post Office Committee, already read, he says:

"I deem it my duty to use the present occasion to bring to your notice the fact that the compensation of the postmasters at the small offices was considerably reduced by that provision of the act to amend the act entitled an act to reduce and modify the rates of postage, &c., approved August 30, 1852, which declares that 'when the postage upon any newspaper or periodical is paid quarterly, or yearly, in advance, at the office where the said periodical or newspaper is delivered, or is paid yearly or quarterly, in advance, at the office where the same is mailed, and evidence of such payment is furnished to the office of delivery in such manner as the Post Office Department shall, by general regulations, prescribe, one half of said rates only shall be charged.' This discount of fifty per cent., allowed for prepayment, accrues chiefly to the benefit of the postmasters in the large towns and cities, where the prepayment is commonly made, and the country postmasters have to deliver the papers and periodicals without any compensation."

Now, Mr. Speaker, does the Postmaster General suppose that this system of deducting the fifty per cent. for prepayment can be changed? Has he forgotten the clamor raised by the city press and the publishers of periodicals during the last Congress, followed as it was by the efforts of the city Representatives in this Hall for this particular proviso in the law modifying the rates of postage? Sir, you have not forgotten it; the members of the last Congress have not forgotten it, and can fully appreciate the futility of attempting to make any change relative to this deduction for prepayment. I am, therefore, certainly obliged to the Postmaster General for placing in my hands an unanswerable argument in favor of increasing the compensation of the postmasters at the smaller—the country post offices. His reasoning is so irresistible in itself, that I feel that any additional comment of my own would rather tend to weaken than strengthen its force.

The Committee on the Post Office and Post Roads, Mr. Speaker, after receiving the communication of the Postmaster General, and the estimates of the Auditor of the Post Office Department, came unanimously to the conclusion that they had not proposed a sufficient increase of compensation to the postmasters of distributing and separating offices. The committee are also of the opinion that it is impossible to fix a rate of commission to these two classes of postmasters that will be just and equitable. An office with a large distribution and a small delivery would require a larger commission than an office with a small distribution and a large delivery. Take as an illustration the office at New

York, where the delivery is very large. At that office the rates of commission proposed will leave a surplusage to be returned to the general revenue of the Post Office Department, whilst at Chicago, St. Louis, Columbus, and many others, the rates proposed would not afford to the postmasters, after paying rents, clerk hire, &c., a single dollar of compensation. At Columbus, in my own district, the postmaster, after having applied the whole of his commissions to the payment of office rent, clerk hire, and other incidental expenses, finds himself not only minus his own salary, but actually out of pocket about forty dollars per quarter.

I send to the Clerk a letter just handed me by an honorable gentleman from Missouri:

POST OFFICE ST. LOUIS, March 21, 1854.

DEAR SIR: I have had former experience of your kind disposition to attend to the interests of those having no claim upon you as of your constituency, and am thereby induced to ask your assistance in the present case.

When postages were reduced in 1851 it was evident that the then existing commissions to postmasters would not pay salaries and expenses; but as Congress could not then fix upon a proper rate of commissions, it was provided that postmasters should receive every quarter as much as his office paid for the corresponding quarter prior to the 30th June, 1851, with twenty per cent. additional, at the discretion of the Postmaster General.

This law continued in force until the last day of the last session of Congress.

On the 3d March, 1853, an act was passed fixing the commissions of postmasters; and as the Postmaster General construed it, repealing the discretion vested in him by the act of 1851 to allow any additional compensation.

Of the passage of this law I had no notice from the Department or otherwise, and was ignorant of it until I had made my returns for two quarters.

As soon as I came to the knowledge of the fact I went to Washington to see the Postmaster General. I showed him that I had conducted the office with economy, and that my expenses were within the provisions of the act of 1851, and that if my accounts were to be settled under the act of 1853, I would fall behind about \$1,400 a quarter, or \$5,600 for the year.

The Postmaster General wished me to hold on to the office for the present, and said he would present the subject, which embraced others as well as myself, in his annual report to Congress, and that immediate relief would be afforded.

The Postmaster General redeemed his pledge, and represented that some postmasters not only received no salary, but paid out their own funds to sustain the Department, and asked that authority be given him to settle in such cases on principles of justice and equity.

Several months of the session of Congress has now elapsed, and no bill reported in conformity to the recommendation of the Postmaster General. I feel uneasy under this state of things, and have to call upon my friends to assist me.

If the Missouri delegation will take it in hand, I am safe—the case is a simple and plain one.

Very respectfully, your obedient servant,

ARCHIBALD GAMBLE.

To meet such cases as this, the committee have added the proviso having reference to distributing and separating offices.

Mr. Speaker, I think I have demonstrated that Congress, by the act of the 3d March, 1851, is pledged to restore the compensation of postmasters to something near what it was prior to the reduction which took place in postages consequent upon the passage of that act, and the act of the 30th August, 1852. I think I have also shown, upon the estimates of the Postmaster General, and the Auditor of the Post Office Department, that the bill under consideration will not make the commissions of deputy postmasters as much, by more than twelve per cent., as they were during the fiscal year ending the 30th of June, 1851.

The only question, then, Mr. Speaker, which I consider important to be further presented to the House is this: Is it right and proper in itself that the compensation to deputy postmasters should be so increased as to place them on some kind of equality with other classes of Government officials? Certainly, sir, no class of Government employees perform more arduous and responsible duties; and it is equally certain that no class is so poorly paid. From every section of the Union we hear constant murmuring and dissatisfaction expressed. There is scarcely a member upon this floor but what has been importuned by his constituents to take speedy action upon some measure which shall remedy the evil complained of.

Mr. Speaker, I will thank the Clerk to read the letter which I send to his desk. It is but a specimen of hundreds which I have received from all sections of the Union; and I have no doubt but that nearly every member of this House has in his possession many similar communications:

SHARPTOWN, MD., February 20, 1854.

DEAR SIR: Seeing by the newspapers that you are chair-

man of the Post Office Committee in the House of Representatives, and I being postmaster at this place, and not understanding some matters as well as I presume you do, I have concluded to write this, in hope that you may be able to give me the required information.

I took charge of the post office here on 2d August last, and among the papers handed over to me by my predecessor, was an act to reduce and modify the rates of postage, &c., in the United States, approved 3d March, 1851, wherein it appears that postmasters were to be allowed the compensation they received for the quarter ending 30th June, 1851; and so, by said act, when I made out my return for the balance of the quarter, I wrote to the Auditor I should retain the whole of the money, as it would not then be in proportion to the pay received for the quarter ending 30th June 1851, as I thought that was the last law passed on the subject of postages and compensation of postmasters. As soon as he received my note he sent me a circular, No. 84, dated 8th of October, 1853, defining the commissions allowed by law to postmasters, which are the same, or very little, "if any," better than they were in 1850, and with more business done now; yet a postmaster's pay does not amount to half what it did previous to the passage of the act above referred to. At that time the business of the office was gradually increasing, and it was to the postmaster's interest to build up the office, by inducing persons to subscribe to newspapers, &c. But now it is the reverse, as the trouble will not pay; as, for instance: the last quarter, ending 31st December, 1853, there were three hundred and ninety Baltimore papers handed out of this office to subscribers, and my commission was only 48½ cents; whereas, there were only three hundred and sixty four Baltimore papers taken at this office on 31st December, 1850, and yet my commission on them was \$1.62; and the commission on letters, papers, &c., for the corresponding quarters of 1850 and 1853, will be stated below. You will thus see what a vast difference it makes in our commissions now and then. Besides, there is a considerable more trouble in keeping the accounts, &c., now than formerly; and if a postmaster wishes to be obliging, and give general satisfaction, he will have to open his office after night, although not compelled by law to do so; and it has frequently been the case, since I have had the office, that I have gone and opened it three and four times after night, to hand out papers, &c., to persons living in the country, who could not spare the time to come after them in the day; and that is attended with some expense in the way of oil and matches. Now, if I am only to be allowed fifty per cent. on papers, I shall never undertake to get up another club, unless a specified salary be allowed me. I told a gentleman a few days since that if he wanted a paper he had better send on the full amount to the editor and take one, as I shall do; or, if he chose, he might get up a club, for I would not. The subscriptions of those now taking papers I feel very willing should run out, as the trouble does not pay; more especially, as I advanced the money for several individuals composing the last two clubs, and have not yet been paid. I never will have anything to do with another club, unless I get better pay than I do now.

Now, sir, do tell me whether I am not, by the law above referred to, allowed to retain the whole amount collected, if it does not amount to as much as the commissions did on 30th June, 1851; or if the Department will not allow me at that rate on our final settlement? On your answer determines my holding the office or not. Please answer this at your earliest convenience, and oblige,

Very respectfully, yours,

EDWARD BURFORD, Postmaster.

Non. Doctor OLDS.

Postmaster's commissions for the quarter ending 31st December, 1851, \$7 89; quarter ending 31st March, 1852, \$9 61; for part of a quarter, beginning on 1st April, and ending 22d May, 1852, \$5 14; quarter ending 31st December, 1853, \$3 94; for part of a quarter, beginning on 2d August, and ending on 30th September, 1853, \$3 50.

It is not the complaint of postmasters alone which reaches us; but the whole community seems to be impressed with a belief, that under our present low postage system, their mail facilities are reduced, and the employees of this Department are too poorly paid to render such accommodations as the public has a right to expect. No subject under the control and supervision of Congress affects more directly the interests of all classes and conditions of society, than the mail service of the country. Under existing laws, the postal business is emphatically a Government monopoly; consequently, great care should be taken to render this branch of the public service popular with the people, by keeping pace with their reasonable demands and expectations, and by giving an adequate compensation to those whose time and patience are constantly taxed in the discharge of the duties of more than twenty-three thousand post offices throughout the thirty-one States and the Territories of this Union.

Justice to the whole community, as well as to these twenty-three thousand postmasters, and a proper regard to the importance and dignity of labor, demand, as I conceive, the speedy passage of the bill under consideration.

The positions, Mr. Speaker, which, during my brief hour, I have attempted to elaborate, and which, as I conceive, I have established beyond all controversy, are—

First. That Congress, in the act of 3d March, 1851, pledged the faith of this Government that the reduction in postage should not lead to a reduction in the compensation to postmasters.

Second. That in consequence of the reduction of postage, the labor of deputy postmasters has been increased fully three-fold.

Third. That by the act of the 3d March, 1853, the compensation of deputy postmasters has been reduced more than thirty-five per cent.

Fourth. That the bill which, by the direction of the Post Office Committee, I have presented for the consideration of this House, does not increase the compensation of deputy postmasters beyond what they are honestly entitled to receive as an equivalent for the labor they actually perform, and is at least twelve per cent. below the commission contemplated in the pledge of Congress, given them in the sixth section of the act of the 3d of March, 1851.

Mr. Speaker, have I not made out such a case as calls upon the justice and the magnanimity of this Congress for speedy action? Shall it be said that, with an overflowing Treasury, and at a time when, in consequence of the greatly increased cost of living, we have raised the salary of all the heads of Departments, and are about to increase the pay of the various government clerks, that we shall break our promise to these deputy postmasters, and require them to labor and toil without an adequate compensation, for fear, peradventure, the Post Office Department may become a charge upon the National Treasury? I cannot, I will not believe that Congress will subject itself to the odium that must follow such a policy.

Let me say, in conclusion, Mr. Speaker, for the information of the House, and as obviating any necessity for delay, that the language of the bill under consideration is precisely the language used in existing laws upon this subject. The only change is in the rate of commission, and in the proviso relative to distributing and separating offices. I hope, sir, the bill may at once receive the favorable consideration of this House.

Mr. WASHBURN, of Illinois. I desire to ask the gentleman—the chairman of the Committee on the Post Office and Post Roads—a question. I desire to know if this bill proposes to go back in its operation to postmasters who are out of office? I ask the question, because I did not understand what was the fact upon this point when the bill was read.

Mr. OLDS. It is to take effect from the commencement of the next fiscal quarter; but in distributing offices, where actual losses have occurred, it allows the Postmaster General to go back to the first of March last, and to make up such losses.

Mr. HOUSTON. I also desire to ask the gentleman from Ohio a question in connection with this bill. Does he propose to alter the rates of postage in any manner so as to increase the revenues of the Post Office Department so as to make up the deficiency which this bill will create?

Mr. OLDS. I will answer the gentleman. The Committee on the Post Office and Post Roads have reported a bill requiring the postage upon letters, in all cases, to be prepaid. We have not, it is true, made any provision for changing the rates of postage; but when that bill comes up for consideration, it will be in the power of any gentleman to propose any change in the rates of postage which he may think proper. And I will say to the gentleman from Alabama, that when that bill comes up for consideration, if he will introduce a proposition increasing the postage on letters from three to five cents, it will meet my most hearty approbation, and shall have my support.

I have shown conclusively to the House that five and ten cents are the revenue point in respect to postage on letters—that when the rates were higher than that, the amount of revenue derived was less; that when the rate was reduced below that point the amount of revenue derived was also less; and that five cents is the point which will produce the highest revenue point.

Mr. HOUSTON. Will my friend from Ohio state the difference between the receipts into the Post Office Department and the expenditures of that Department; in other words, will he inform me how much the General Treasury has to pay for the Post Office Department?

Mr. OLDS. I will answer the gentleman. Excluding the amount paid to the Collins line of ocean mail steamers, and excluding the amount paid to the California ocean mail steamers, which do not properly come within the expenditures of the Post Office Department, the deficiency is still above \$2,000,000 for the present fiscal year.

Mr. HOUSTON. Do I understand the gentleman from Ohio as saying that he leaves out the amount paid to these ocean mail steamers, as not properly coming out of the revenues of the Post Office Department?

Mr. OLDS. As leaving out only those now charged to the revenue of the Department. If I understand correctly, the Collins and Law & Aspinwall lines of steamers are not a charge on the revenue of the Post Office Department, but are paid out of the Treasury of the United States, while the Bremen and other lines are a charge on it.

Mr. HOUSTON. How much charge are the Collins and the other lines? I believe a million and a quarter.

Mr. OLDS. The Collins line costs \$858,000 per annum, and the Law & Aspinwall line \$638,000 per annum; in all, more than a million and a half of dollars.

Mr. HOUSTON. Then I understand the sum of the statement of my friend from Ohio to be, that the general Treasury is supplying, at this time, a deficiency of about \$3,500,000 in the revenue of the Post Office Department, including all the ocean mail service.

Mr. OLDS. The gentleman undertakes to make the ocean mail service a charge on the Department, which Congress never contemplated. The very cry raised by gentlemen in favor of these ocean mail steamers was, that they were to be war vessels in case of war; and it was a mere pretense to put them into the carrying of the mail. And if you will do away with your ocean mail steamers, and open the carrying of the ocean mails to contracts, as you do your land service, I venture the prediction that, instead of paying \$33,000 the round trip, you can have it made for less than \$10,000.

Mr. HOUSTON. I understand the gentleman from Ohio to say that he has a bill proposing some modifications in relation to postage. Would it not be in order for the gentleman to move the substance of the bill in connection with this one, as it is now up, so that we may have a guarantee it will be acted on at this session of Congress, and that this great deficiency between the revenue and the expenditures of the Department shall be relieved? If we go on in this way; if we go on tinkering—for I must regard it as nothing else—if we go on unkerking the postage of the country as we have been doing for a few years, in a short time you will have your whole Post Office Department a charge on the Treasury of the United States.

Mr. OLDS. I will say, for the information of the gentleman from Alabama, that the bill to which he has referred stands high on the Calendar, and will undoubtedly be reached in time to be acted on at this session of Congress; and I do not choose, for one, to bring all the prejudices that will be brought to bear against the proposition to raise the postage, to bear against the bill for paying the postmasters a proper compensation; neither do I see that the two are at all connected. You have an overflowing Treasury. You require these postmasters to labor for nought, nay, absolutely to pay out of their own pockets the expenses of their post offices, and while you have this overflowing Treasury. Do justice to them; pay them a reasonable compensation, and then raise your postage, and you will have my approbation to do so.

Mr. Speaker, I have but a few more words to say in relation to this matter; and I desire, unless some gentleman proposes to ask me a question in reference to the bill, to call for the previous question, and put the bill on its passage.

[Here the Speaker's hammer fell.]

Mr. JONES, of Tennessee. Was not the gentleman's time out before he called for the previous question?

The SPEAKER. It was not out for one minute.

Mr. OLDS. I was cautious, and kept my eye on the clock.

Mr. JONES. I would ask the gentleman to withdraw his call for the previous question?

[Cries of "No!"]

Mr. SEWARD. I move that the bill be laid upon the table.

Mr. JONES. I would ask the gentleman to withdraw his call for the previous question so that I may make a few remarks.

Mr. OLDS. If the gentleman will promise to renew the call I will; but not otherwise.

Mr. JONES. I promise to do so.

Mr. SMITH, of Virginia. We have not seen the bill, and know nothing about it.

Mr. OLDS. The bill was published in the Evening Star two days ago.

Mr. WALSH. We are not all star-gazers. [Laughter.]

Mr. JONES. Did the gentleman from Georgia move to lay the bill upon the table?

Mr. SEWARD. I did.

Mr. JONES. Will the gentleman withdraw it, as the call for the previous question has been withdrawn?

Mr. SEWARD. I withdraw it.

Mr. JONES. Mr. Speaker, I move to recommit this bill to the Committee on the Post Office and Post Roads, with instructions to report a bill in connection with it to increase the postages of the country so as to meet the expenditures of the Post Office Department.

I have no idea that this House, from the feeling which has been manifested here, will sustain my motion; but I will vote against this bill in its present shape, if I stand alone.

Mr. OLDS. I expected you would.

Mr. JONES. Yes; and the gentleman should do it also.

Mr. OLDS. No, he should not.

Mr. JONES. The reduction of the postage commenced in 1845, and we put it at five and ten cents upon a single letter. The first effect of that was that the receipts fell below the amount necessary to defray the current expenses of the Department. After a year or two, however, the receipts about came up to the wants of the Department. Then a further reduction was made; and from that time to this, the mail service has been principally quartered upon the Treasury of the country, and consequently on the tax-payers, and not upon those who are particularly benefited by that service.

Now, sir, the Postmaster General, in his report at the commencement of the present session of Congress, shows that the whole number of post offices in the United States at the close of the last fiscal year ending June 30th, 1853, was 22,320. Of that number 255 are of the highest class, the postmasters at which are appointed by the President. Out of the 23,000 post offices in the United States which the gentleman from Ohio has referred to, and the postmasters at which, he says, are clamoring here for an increase of compensation, but 255 of them are of what is considered by the Department of the first class, or those the postmasters of which are appointed by the President; and I believe the President appoints all postmasters, by and with the consent and advice of the Senate, whose compensation annually exceeds \$1,000.

Then, sir, by the operation of the bill which has been reported this morning and read at the desk, you give sixty per cent. upon the first \$100 per quarter; that leaves \$40 for the Department. Upon the next \$300 you give fifty per cent.; and the compensation, if the amount should be \$400 per quarter, will be \$210 per quarter to the postmaster, and \$190 to the Post Office Department; and this rate of compensation will cover all the post offices in the country, except those two hundred and fifty-five, the postmasters of which are appointed by the President. Thus you give more than one half of all the postages of the country for the collection of them.

Now, sir, if you will increase the postages so as to supply this deficit of \$2,000,000, and let the compensation of postmasters stand at what it is at present, you will increase their commission more by that operation than you will by passing this bill merely for the increase of compensation without touching the postages. For one, I believe it would be much better if you just give postmasters, at all offices under \$500 a year, the entire receipts of their offices, and dispense with the immense force we have here to audit, control, and collect these quarterly reports of postmasters throughout the country.

The gentleman from Ohio [Mr. Olds] read some statements of the Postmaster General, to the effect that there were ten thousand postmasters who did not accept their offices for the sake of any emolument to be expected therefrom. I think myself that a reference to the list of post offices and postmasters throughout the country, the receipts of their offices, and the compensation which they receive, will satisfy any gentleman who will take the trouble to make that investigation, that

there must be some twelve, perhaps fifteen, thousand out of the twenty-three thousand postmasters, who do not accept their offices for the pay or emolument which they are to receive. Why, I suppose that there are more than ten thousand postmasters whose compensation cannot exceed fifty dollars per year. Does any man suppose that any postmaster who seeks the office, and desires the appointment of postmaster, with the expectation of attending to the duties appertaining to such appointment, makes such application for the sake of getting the sum of fifty dollars per annum? There are thousands of postmasters throughout the country whose annual compensation, I doubt not, is under ten dollars per annum. I know that many of these postmasters, living in small villages, or who keep country stores or public houses in some neighborhood in the country accept the appointment in many instances as a mere accommodation to the neighborhood; and others accept it for that reason, and the fact combined, that it may draw some custom to the particular business in which they are engaged. Doubtless, from these motives, thousands upon thousands of these post offices, I think, are accepted.

I did not design, when I rose, to detain the House long in the remarks I intended to make, and therefore I will hasten to a conclusion. The Postmaster General tells us that the expenses of the Department were \$7,982,756 59; that the receipts were \$5,940,724 70. It appears from the foregoing statement, that the gross revenue for the year ending the 30th June, 1853, fell short of the expenditure for that year by the sum of \$2,042,031 89. This statement does not include mail transportation in ocean steamers. We see, then, here a deficit in this branch of the service of over \$2,000,000, as reported by the head of the Department; which, I think, should not be made a burden upon the Treasury.

The gentleman from the Post Office Committee, who reported this bill, says that if we wish to relieve the Department, and to make the revenues something like equal to the expenditures, we had better repeal the laws granting the franking privilege. Stop that, he says—confidently expressing the opinion that if you will do that, you will increase the revenue of the Department some \$2,000,000.

Mr. OLDS. Two millions and a half.

Mr. JONES. Does that gentleman himself believe that such would be the effect? Is there a reasonable man in this country, understanding the matter, who could for a moment believe it? From whence, Mr. Speaker, does the mass of this free matter start? Sir, from this very building. It is from this building that that immense mass of free matter is started under which your mails groan throughout the country.

But, Mr. Speaker, that free matter goes mostly to those who pay these \$2,000,000 of deficit, without using your mails otherwise to very great extent. Your mail facilities at this time are made subservient to the interests of the cities of this country, where the cry of cheap postage was raised and heralded to this Capitol. This free matter, transmitted from this Capitol, goes to the farmers and other inhabitants throughout the country, who pay these \$2,000,000 of excess which your postage fails to raise. They themselves get this free matter.

But, Mr. Speaker, let me ask another question; let me ask the gentleman from Ohio how he will get these \$2,000,000 from the free matter? Would that gentleman vote to print a hundred thousand copies of trashy Patent Office Reports, and send them through the mails throughout the country, paying the postage on them himself? I take it for granted that there are but few gentlemen here who would do it. And I also take it for granted that but few of your Patent Office Reports would be taken from the post office if the man to whom they are sent had to pay the postage on receiving them. You might, perhaps, for once catch a man doing such a thing, but you would hardly ever catch the same man a second time paying the postage on such reports; and in all probability—as it is suggested to me—when you had fooled him once, and made him pay the postage for such trash, you would not receive his vote again.

I also ask the gentleman from Ohio if he would be printing thousands of these census reports if he had to pay for the postage on their transmis-

sion through the country? No, sir; and one of the greatest advantages, in my opinion, that would result to the country from the repeal of the franking privilege would be to correct the enormous abuses to which the Congress of the United States have run, in directing the printing of public documents, many of which I conceive are of little or no value. It is said that it is proper to publish these reports for the purpose of enlightening the people on the several matters discussed in them. Enlightening the people! Why, sir, a great many of the articles published in these reports are written by men who know nothing of the subjects on which they write. These articles are comprised within the reports, and made to be part and parcel of them, by men who know just as little about the subjects they treat of, as the persons who wrote them. They are sent out through the country; and when read by plain practical men who understand the subject practically, it is seen that in many cases the authors of them knew nothing of the subject on which they wrote.

I will not detain the House longer, but conclude with the expression of a hope that the motion which I have made may be sustained; that the bill will be recommended to the Committee on the Post Office and Post Roads, with instructions to report an amendment so increasing the rate of postage as to meet the expenses of the Post Office Department. In doing that, you will not only be doing an act of justice to the whole country, but you will thereby increase the compensation of deputy postmasters to a greater amount than you will do by the passage of this bill as it is.

In accordance with the promise I made to the gentleman from Ohio, [Mr. OLDS,] I move the previous question.

Mr. UPHAM. Will the gentleman withdraw the call for a single moment?

Mr. JONES. I have not the control of the motion, but it belongs to the gentleman from Ohio.

Mr. UPHAM. Will the gentleman from Ohio allow me to make a word or two of explanation?

Mr. OLDS. I withdraw it if the gentleman will renew it.

Mr. UPHAM. I apprehend that the question of the franking privilege is not at present before the House. If any gentleman feels disposed to introduce a bill to do away with the franking privilege, he can do so. The question before us relates to the proper, just, and equitable compensation to be made to the postmasters of the country.

In illustration of the bill which the committee have reported, I beg leave to present to the House one or two additional considerations. The Committee on the Post Office and Post Roads, of which, sir, I am an humble member, have taken into consideration, and are at present maturing, a bill for separating, in the accounts of the Post Office Department, the expenses incurred through the operation of the franking privilege, and making those expenses chargeable to the legislative and other departments of the Government, for the benefit of which they are incurred. As the member of the committee to whom that subject is referred [Mr. HARRIS, of Mississippi] is not present in his seat, I feel it is proper for me to make these statements.

I would further state to the House that the Postmaster General has been, for a month past, so keeping his accounts as to be able to inform us what would be the effect, if such an arrangement should be made. And, so far as information is now before the committee, I feel confident in making the assertion, that it will be found, if postage were charged upon matter which now goes through the office free, that the legitimate correspondence of the whole country sustains itself, on the land and on the ocean.

At any rate, until the information of which I have been speaking, and which is not yet matured, comes before us, it seems to me it would be premature for us to act upon this bill under the influence of any such arguments, relating to the franking privilege, as my friend from Tennessee [Mr. JONES] has adduced.

This bill is designed to relieve that class of public officers whose compensation is small. It is not for the benefit of those who hold valuable offices, but for the benefit of the humble village postmasters of the country, and it is also designed to secure from ruinous loss those postmasters who are situated at distributing points. It is a bill founded in justice and equity, and will commend

itself, the more it is considered, to the sense of justice of the members of this House. I renew the demand for the previous question.

Mr. JONES, of Tennessee. I desire to ask the gentleman from Ohio a question.

The SPEAKER. No debate is in order while the demand for the previous question is pending.

Mr. OLDS. I will withdraw it, to enable the gentleman from Tennessee to ask his question.

Mr. JONES. I wish to ask the gentleman if I understood him rightly in saying that he had introduced a bill raising the rates of postage upon letters from three to five cents?

Mr. OLDS. No, sir. I will state to the gentleman what I did say. I stated that we had introduced a bill requiring that the postage on all letters should be prepaid, but leaving the rate upon prepaid letters the same as it is now, three cents. This bill has passed our committee, and is before the House. It is high upon the Calendar, and when it comes up for consideration then will be the time for testing the sense of the House upon the question of raising the rates of postage, and not upon this bill; with which it has nothing whatever to do.

Mr. JONES. Now, I desire to ask the gentleman one question further. The gentleman says he would be in favor of raising the rates of postage from three to four cents, and that a bill will soon come up where such a proposition may be adopted. Now, if the House agree to such a proposition will not the rates of charges allowed to postmasters in this bill be too high?

Mr. OLDS. It is certainly a very difficult part for me to perform, if I am to make provision for what the action of Congress may be in future. I will however say, that from the expression of the country, and from the expression of opinion upon the part of members of Congress in the year 1851, in 1852, and in 1853, I have no more hope of being able to get the rates of postage raised upon letters and newspapers, than I have that we can fly. I hope it may not be so. My own sense of right is, that these rates should be raised; but I repeat, that I do not believe the House are of the same opinion; and I do not wish to have the success of this bill endangered by connecting it with any such measure. When that bill comes up, let it stand upon its own merits; as I desire that this bill shall stand upon its own merits.

Mr. JONES. If the gentleman is in favor of increasing the rates of postage from three to five cents, I do not see why he should not allow that proposition to come in with this. If there is a provision for increasing the revenue of the Department, that may be an inducement for members to vote for an increase of the compensation of postmasters.

Mr. HOUSTON. If the gentleman from Tennessee will withdraw his motion to commit the bill, I have in my hands a bill which was matured by the Committee on the Post Office and Post Roads, which, with some modifications, I propose to offer as an amendment. It provides, as modified, for raising the rates of postage to five cents. I propose to offer it as an additional section to this bill. We can then test the sense of the House as to whether they are willing that it should be done.

Now, sir, the bill before the House proposes not to remedy the defects which exist in relation to the revenue derivable from postages, but it proposes to do an act of justice to those who are concerned in administering the post office laws; and in doing that act of justice, it proposes to abstract from the revenues of the Department, which are already too small. No gentleman representing any district in the interior can now go to the Post Office Department and get any satisfaction that the mail facilities in his district shall be continued; and the general impression among those who are administering the laws of the Department is, that your mail service is to be reduced and brought down to a one-horse establishment. That will be the effect under the existing laws, if the matter is suffered to go on as it now does.

Now, I ask the gentleman from Ohio—I ask gentlemen representing districts which are to be cut down in this manner, whether they are performing an act of justice to those administering the laws of the Department, to let the occasion pass by which they may, if they choose, so regulate the rates of postage as to secure to all parts of the country the continuance of proper mail

facilities? That is all I propose. It is an act of simple justice, especially to those parts of the country where the mail facilities now are meager. The effect of this bill will be to produce a large deficit in the revenues of the Department, without any increase in its receipts; and a still further reduction of the mail facilities of the country will be the inevitable result.

But, sir, I do not wish to take up the time of the House. The bill I have before me is the one reported by the Post Office Committee providing that the postage shall, in all cases, be prepaid. The only alteration I have made is to strike out "three," where it occurs as the rate of postage, and to insert "five." I propose to test the sense of the House upon the subject by offering it as an amendment, and I will not detain the House longer by any further remarks upon it.

Mr. OLDS. I do not withdraw the call for the previous question to allow the introduction of the gentleman's amendment.

The SPEAKER. It cannot be introduced because there is a pending motion to recommit the bill.

Mr. OLDS. I wish to say a single word in reference to the matter. The bill referred to stands high on the Calendar. This is suspension day, and the gentleman from Alabama can move to suspend the rules to make the bill a special order, if he chooses to do so, for to-morrow. I know enough about parliamentary usage, Mr. Speaker, to know that votes of those who are enemies to the bill under consideration might be obtained to place the gentleman's amendment on it for the express purpose of killing it after it was on. Now I propose that each one shall stand on its own merits. It is not in accordance with the very spirit of the rules of the House, which oppose the offering of one bill as an amendment to another. It is in violation of the very spirit of those rules.

If the House, however, differ with me in opinion, and wish to open up this bill to amendments, and run the risk of defeating it, in consequence of such amendments as may be put on it, then let them vote down the call for the previous question, and leave the bill open to just such amendments as gentlemen choose to offer. But I hope that the motion to recommit the bill to the Committee on the Post Office and Post Roads will be voted down; and that it will receive the immediate and favorable action of the House. I therefore renew the call for the previous question, and insist on the House being brought to a vote.

Mr. HOUSTON. Has the amendment I presented been received?

The SPEAKER. It has not, there being a motion to recommit pending.

Mr. HOUSTON. I appealed to the gentleman from Tennessee to withdraw the motion to recommit the bill to the Committee on the Post Office and Post Roads, and I supposed that he had done so.

Mr. JONES, of Tennessee. The gentleman from Ohio [Mr. OLDS] declined to withdraw the call for the previous question, to let the amendment in.

Mr. HOUSTON. I would suggest that the amendment be allowed to come in, and that we may have the sense of the House upon it.

Mr. OLDS. I decline to withdraw the call for the previous question.

The call for the previous question was seconded; and the main question was then ordered to be put.

The SPEAKER. The question is now on the motion to recommit the bill to the Committee on the Post Office and Post Roads, with instructions to amend the same by adding thereto a provision increasing the rates of postage, so as to meet the expenses of the Post Office Department.

Mr. SEWARD. I call for a division of the question.

The SPEAKER. The Chair decides that the question is not divisible.

The question was then taken; and the motion to recommit was rejected.

The question recurred upon ordering the bill to be engrossed and read a third time.

Mr. OLDS. I believe I have a right now to say a word by way of explanation. I merely want to say to the House that this bill is in the precise language of the existing law; and that the only change is in the rates.

Mr. BAYLY, of Virginia. If the bill is in the

precise language of the existing law, what is the necessity for its passage?

Mr. OLDS. I said there was no change except in the rates.

The bill was then ordered to be engrossed and read a third time; and, having been engrossed, it was accordingly read the third time.

Mr. OLDS. I demand the previous question on the passage of the bill.

The previous question received a second, and the main question was ordered to be put.

Mr. LANE, of Indiana. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

Mr. JONES, of Tennessee. I move to lay the bill upon the table; and on that I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken on Mr. JONES's motion; and it was disagreed to.

So the House refused to lay the bill upon the table.

The bill was then passed.

Mr. OLDS. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

The title of the bill was then read and confirmed.

Mr. OLDS. I move to reconsider the vote by which the title was agreed to, and to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

CANAL AROUND THE FALLS OF NIAGARA.

Mr. WENTWORTH, of Illinois. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation of land or money for making a canal around the Falls of Niagara.

Mr. NICHOLS. I object.

Mr. WENTWORTH. I merely wish to refer the resolution to the Committee on Roads and Canals; and I move to suspend the rules.

The question was then taken upon suspending the rules; and it was decided in the negative, two thirds not voting therefor.

Mr. GREY. I ask the unanimous consent of the House to offer the following resolution:

Mr. JONES, of Tennessee. I would inquire of the Chair if this is not regular resolution day?

The SPEAKER. The Chair is informed that it is not.

The resolution offered by Mr. GREY was then read, as follows:

Resolved, That the Postmaster General be directed to furnish to the House of Representatives copies of all the correspondence between the Post Office Department, "their special agent" for the State of Alabama, and the postmaster at Montgomery, which has taken place since the 4th of March, 1853, relative to semi-daily mail service in "nine passenger four horse post coaches," or otherwise, on the route numbered 5,502 in Alabama; also, copies of the original contract for that route for the term of four years, ending the 30th June, 1854, together with all the amendments, alterations, privileges, extensions, and restrictions, authorized in regard to it since the "lettings" of 1850; also, a copy of all amendments, alterations, privileges, extensions, or restrictions authorized since that time in regard to that route, including the proposition to "transfer" it and its "acceptance," and the order authorizing it to be made; also to whom and at what annual compensation the daily service was "let" for the two terms of four years, each one ending in 1850, and the other in 1846, on the route which is at present designated as route No. 5,502 in Alabama; also, copies of all correspondence between the Post Office Department and the postmaster at Montgomery, and either or both of the present contractors, as to the time any service on said route, in addition to that required by their original contract, was commenced by them—from what date—how long, and in what manner performed—whether continuously or from the time first commenced, and whether in "nine passenger four horse coaches, or otherwise;" also, copies of all orders allowing the present contractor, extra or additional compensation over and above the \$24,000 per annum; to state also, if the agreement or arrangement to transfer that route to the present contractors was or was not made prior to the 30th of June, 1853, and whether they have been regarded and paid as contractors from and after the 30th June, 1853; also, state whether the present contractors are not authorized to send the "mail sacks" of papers, public documents, &c., (the transportation of which belongs to that route, No. 5,502,) on steamboats from Montgomery to Mobile.

There being no objection, the resolution was introduced, considered, and adopted.

THE NEBRASKA BILL.

Mr. WRIGHT, of Pennsylvania. Mr. Speaker,

I ask the unanimous consent of the House to permit me to present a petition, signed by numerous citizens of Carbondale, Luzerne county, Pennsylvania, praying for the passage of the Nebraska bill.

Several MEMBERS. I object. Let it be presented under the rule.

Objection having been made, the petition was sent to the Clerk's desk under the rule.

THE MAIL STEAMER CRESCENT CITY.

Mr. CLINGMAN. Mr. Speaker, I ask the unanimous consent of the House to enable me to present a resolution, which I will send to the Clerk's desk to be read. It is a resolution of inquiry merely, and I hope there will be no objection to it.

The resolution was read, as follows:

Resolved, That the President be requested to transmit to this House (if not incompatible with the public interest, in his opinion) copies of all correspondence that may have taken place between the Government of the United States and that of Spain, in relation to the refusal, by the authorities of the Island of Cuba, some time in the autumn of 1852, to permit the United States mail steamer Crescent City to land the mail or the passengers destined for that island, at Havana.

There being no objection, the resolution was introduced, considered, and adopted.

JEFFERSON'S MANUAL, ETC.

Mr. RIDDLE. I ask the unanimous consent of the House to offer the following resolution:

Whereas this House has passed a resolution directing the Clerk to furnish to each of its members a copy of Jefferson's Manual:

Be it resolved, That, instead of purchasing said Manual, the Clerk be directed to cause the same to be printed and bound with "the standing rules and orders for conducting business, &c., in the House of Representatives, and rules of the Senate."

There being no objection, the resolution was introduced, considered, and adopted.

BURNING OF THE MARTHA WASHINGTON

Mr. BLISS. I desire the unanimous consent of the House to the introduction of the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested forthwith to communicate to this House any information in his possession, or facts within his knowledge, touching the expediency of an appropriation by Congress to defray the expenses already incurred in prosecuting the persons charged with the burning of the steamboat Martha Washington on the Mississippi river in January, 1852, and to furnish the means for prosecuting said parties to conviction of the crimes of arson and murder, in the county of Phillips, in the State of Arkansas, where they are now in prison awaiting their trial for said crimes, alleged to have been committed by them in and by the burning of said steamboat.

The SPEAKER *pro tempore*. Is there any objection to the introduction of the resolution? The Chair hears no objection, and the resolution is now before the House.

Mr. BLISS. I desire to accompany it with a few words of explanation.

The SPEAKER. The resolution having been introduced by unanimous consent, the rules are suspended, and the gentleman from Ohio is entitled to the floor to make any explanatory remarks he may deem necessary.

Mr. BLISS. The question, Mr. Speaker, may arise in the minds of gentlemen, why this resolution of inquiry was not addressed to the Attorney General rather than to the Secretary of the Treasury? The answer to that is, that the information which is desired is within the possession of the Secretary of the Treasury, and not perhaps within the possession of the Attorney General. The subject to which it relates is one of great importance to the commerce, and to the safety of human life upon the Ohio and Mississippi rivers, and has very much interested the people of all the river States.

Some time in the year 1851 the steamboat Martha Washington, bound from Cincinnati, probably to New Orleans, was burnt upon the Mississippi river, in the county of Phillips, in the State of Arkansas. Sixteen human beings, men, women, and children, were destroyed in that burning. Previous to this occurrence, several steamboats, within a few years, had been destroyed by fire upon the Mississippi and Ohio rivers, and although it was suspected that they were destroyed criminally, and that many lives, consequently, had been destroyed by murder committed in the burning of those boats, yet the public could get no information that would justify a criminal prosecution. Finally, through the energy and the intense

application to this investigation of a citizen of the State of Ohio, Mr. Burton, facts were elicited to show that there was an extensive combination of men, living, most of them, in the State of Ohio, some of them, perhaps, in the State of Kentucky, who had long practiced the obtaining of policies of insurance from companies located in the different States of the Union, upon cargoes to be shipped. Afterwards they pretendedly shipped such cargoes, but in fact did not do so, and then burned down the vessels upon which the pretended shipments were made, for the purpose of collecting their insurances, and thereby defrauding the insurance companies.

In 1851, after the burning of this steamboat, the Martha Washington, the investigation, as I said before, was commenced, which led to the discovery of this combination. Several individuals who were indicted in the circuit court for the State of Ohio, under the act of Congress, passed, I think, in 1820, for the crime of conspiracy to defraud insurance companies, were arrested at remote places, at an expense of several thousand dollars, by the extreme vigilance and sagacity of the officer to whom I have alluded. After a great deal of labor, and a good deal of expense, they were tried, and their trial was a long one, in the circuit court of the State of Ohio.

By an unexpected accident the Government was prevented from giving all its evidence to the jury. It is well understood that a complete case for conviction was made out by the proof; but by an extraordinary maneuver of the able counsel on the part of the defendant, the rebutting proof to the proof introduced by the defense was prevented from being brought into court, so that that which was necessary in rebuttal to make the case clear for conviction was excluded, and in consequence the defendants were, after some time spent by the jury in consultation, acquitted.

The investigation, however, disclosed enough, in the opinion of the eminent counsel who are retained for the prosecution, to show that they were guilty of crime; and not only of the crime with which they were charged, but that they were guilty of that of burning the vessel, and of murder by occasioning the loss of those sixteen lives.

These individuals have now, at great expense, all been arrested since their acquittal at Columbus, Ohio. They are now in prison in Philips county, the locality in which the crime was committed. But the county of Philips is not able to sustain the expenses of prosecuting these men and although the evidence is clear against them, and though they are now in prison awaiting their trial, or rather awaiting their preliminary examination, which is to commence the 17th of this month, yet it is well understood that without some aid from the Government to enable them to proceed with the trial, the men will be discharged.

Now, I know it is regarded, in the Executive Department, as highly important to the interests of western commerce, as well as to the protection of human life and property upon our rivers, that this investigation should be carried out to the result of a verdict. The Secretary of the Treasury, owing, perhaps, to the locality of his residence, and owing to many circumstances which it is not necessary now to mention, is possessed of information which would be valuable to enlighten a committee of this House as to the duty they should perform in the premises; and if this resolution is passed, it will be instantaneously and cheerfully responded to.

A MEMBER. The House will pass the resolution.

Mr. BLISS. A gentleman near me says the House will pass the resolution. I have no doubt that they will; and there is, therefore, no need of my taking up more of their time in explanation.

The question was put, and the resolution adopted.

BOUNTY LANDS.

Mr. DENT. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given, for the purpose of reference. I ask that it may be read by its title for information.

It was read by its title, as follows:

A bill to be entitled an act to amend an act passed the 28th of September, 1850.

Mr. CLINGMAN. I want to know what that act of September, 1850, was. I ask that the Clerk

read enough of the bill to enlighten us upon that point.

The Clerk read a portion of the bill. It is to amend an act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States.

No objection being made, the bill was accordingly introduced, read a first and second time by its title, and referred to the Committee on Public Lands.

DEFICIENCY BILL.

Mr. PHELPS. I ask the unanimous consent of the House that the deficiency bill, which has just come from the Senate, with amendments, may be taken from the Speaker's table, referred to the Committee of Ways and Means, and, with the amendments, ordered to be printed.

There being no objection, the Speaker announced that the order was made.

Mr. HOUSTON. I would suggest to my friend from Missouri, [Mr. PHELPS,] whether it would not be as well to refer the deficiency bill to the Committee of the Whole on the state of the Union. Unless the House shall consent to let the Committee of Ways and Means report it back when that Committee have acted on the Senate amendments, it may be kept in our desks for months. I throw out the suggestion so that the House, if it desire to send the bill elsewhere than to the Committee of Ways and Means, may do so.

The SPEAKER. The bill, as the Chair understood, was referred to the Committee of Ways and Means. Is there any objection to the proposition of the gentleman from Alabama?

Mr. HOUSTON. I have made no proposition. I merely threw out a suggestion.

Mr. CLINGMAN. I prefer the proposition of the gentleman from Missouri, that the bill be referred to the Committee of Ways and Means.

The SPEAKER. It is so referred.

BILLS AND RESOLUTIONS.

Mr. CHANDLER, by unanimous consent, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on the Judiciary:

A bill to allow parties in equity, of less than the whole number of claimants, to sue for their share of a common fund.

Mr. HENN, by unanimous consent, introduced the following resolution; which was adopted:

Resolved, That the Secretary of War be requested to communicate to this House the inspection report of Colonel S. H. Long, of December 30, 1853, and such other communications as may have been made by him in reference to the improvement of western rivers, since the passage of the act of August 30, 1852; and also a copy of Lieutenant Warren's report of his operations on the Des Moines and Rock River Rapids, in the Mississippi river, together with any maps, charts, or diagrams of surveys made by the last named officer during the last year.

Mr. WELLS. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on the Post Office and Post Roads are hereby instructed to report a bill reducing ocean postage to a uniform rate of ten cents each on letters not exceeding half an ounce in weight.

Mr. LETCHER. I object.

Mr. WELLS. I move a suspension of the rules to enable me to introduce the resolution; and on that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken; and the House refused to suspend the rules.

Mr. SMITH, of Virginia. I ask the unanimous consent to present a memorial in reference to the civil superintendency of armories.

Mr. HENDRICKS. I object.

Mr. PERKINS. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given, under the instruction of the Committee on Foreign Affairs.

The Clerk read the bill twice by its title, as follows:

A bill to repeal part of an act entitled "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes."

Mr. PERKINS. I would like the House to have that bill put upon its passage at once. It simply repeals the tax of twenty-five cents heretofore levied at the office of the Secretary of State for the authentication of any document. It has been a source of much annoyance to the members of the House having to pay twenty-five cents, in

getting documents authenticated, for the signature of the Secretary of State. It is the desire of the Department, and the wish of the Committee on Foreign Affairs, that this bill shall be passed, and I hope it will be put upon its passage immediately.

Mr. TAYLOR, of Ohio. Let it be read.

The Clerk read the bill.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was accordingly read the third time, and passed.

Mr. TAYLOR, of Ohio. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be, and the same is hereby, discharged from the further consideration of joint resolution No. 16, being "A joint resolution manifesting the sense of Congress towards the officers and seamen of the vessels, and others engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers and crew of the steamship San Francisco, from perishing with the wreck of that vessel," and that the same be put upon its passage.

Mr. HOUSTON. I object.

Mr. TAYLOR. I move to suspend the rules to enable me to offer the resolution; and on that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. TAYLOR. I call for tellers.

Tellers were ordered; and Messrs. TAYLOR, of Ohio, and CHURCHWELL were appointed.

The tellers took their places; and, before reporting any result,

Mr. TAYLOR said: There must be some misunderstanding here; for many gentlemen are under the impression that they are voting upon a call for the yeas and nays.

The SPEAKER. The Chair understood the motion otherwise, and stated the question as he understood it, with the assent of the House; and, in his opinion, it is now too late to modify the form of the question.

Mr. TAYLOR. I announced distinctly that I wished tellers upon the yeas and nays.

The SPEAKER. The gentleman from Ohio [Mr. TAYLOR] asks that the question last put be restated. If there be unanimous consent, the question will be stated in the form desired by the gentleman from Ohio.

Mr. LETCHER. I object; the yeas and nays have been refused once.

Mr. CAMPBELL. I ask the unanimous consent of the House to offer a resolution.

The resolution was read, as follows:

Resolved, That the President be requested to cause negotiations to be opened with the Government of Great Britain with a view of ascertaining upon what condition that Government will consent to the annexation of the Canadas to the United States of America.

Objection was made.

Mr. CAMPBELL. I move to suspend the rules for the purpose of introducing the resolution just read; and upon that motion I ask the yeas and nays.

Mr. DEAN. I ask the gentleman from Ohio [Mr. CAMPBELL] to accept an amendment to insert the words "and Cuba" after the words "the Canadas."

The SPEAKER. Does the gentleman from Ohio modify his resolution?

Mr. CAMPBELL. I cannot accept the amendment, for you are a little ahead of me on the Cuba question now.

Mr. FARLEY. I desire to inquire of the gentleman from Ohio whether, if the House decide to suspend the rules, he will accept an amendment, looking also to the acquisition of the provinces of New Brunswick and Nova Scotia?

Mr. CAMPBELL. Certainly I will.

The yeas and nays were ordered.

The question was then taken upon suspending the rules; and there were—yeas 29, nays 119; as follows:

YEAS—Messrs. Belcher, Bliss, Brocock, Campbell, Carpenter, Cook, Corwin, Farley, Flagler, Grow, Harrison, Knox, Lane, Macdonald, Mace, Matteson, Nichols, Parker, Pratt, Pringle, Russell, Sampson, Upham, Wade, Walbridge, Ellihu B. Washburne, Wells, John Wentworth, and Yates—29.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Appleton, Thomas H. Bayly, Banks, Barksdale, Benton, Bissell, Boyce, Rugg, Caruthers, Caskey, Chastain, Christian, Churchill, Clingman, Cobb, Cox, Cullom, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Dowdell, Dunbar, Eastman, Edgerton, Elliott, Ellison, Etheridge, Faulkner, Fenton, Florence, Fuller, Goode, Goodrich, Grey, Sampson W. Harris, Hastings, Haven, Hendricks, Henn, Hibbard, Hill, Houston, Howe, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Latham, Letcher, Lindley, Lindsley, Mc-

Mullin, McQueen, Maxwell, May, Mayall, John G. Miller, Smith Miller, Millson, Morrison, Murray, Andrew Oliver, Mordecai Oliver, Orr, Packer, Peck, Peckham, Phelps, Phillips, Powell, Preston, Puryear, Ready, Reese, Riddle, David Ritchie, Thomas Ritchey, Robbins, Ruffin, Sabin, Seward, Seymour, Shannon, Shaw, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Vail, Vansant, Walsh, Warren, Tappan Wentworth, Westbrook, Wheeler, Hendrick B. Wright, and Zollicoffer—118.

So the rules were not suspended, two thirds not voting in the affirmative.

Mr. BAYLY, of Virginia, by unanimous consent of the House, introduced the following resolution; which was read, considered, and adopted:

Resolved, That the President of the United States be respectfully requested, if not inconsistent with the public interest, to transmit to this House copies of the correspondence not now communicated of the United States legation at Constantinople and the United States Consul at Smyrna with Captain Ingraham, the Government of Austria, and of this Government, together with instructions from this Government given to their agents abroad touching the seizure and rescue of Martin Kosza, and the terms and conditions by which he was liberated and sent to this country.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to offer a resolution under instructions by the Committee on the Judiciary.

The resolution was then read, as follows:

Resolved, That the Committee on the Judiciary be authorized to cause to be prepared and printed for the use of the House, a history of the claim, and a full report of the trial of Dr. George A. Gardiner, upon the charge for false swearing, in the criminal court for the District of Columbia.

Mr. CLINGMAN. I object.

Mr. STANTON. I move then to suspend the rules to admit the resolution.

The question was then taken; and the rules were not suspended.

Mr. WALBRIDGE. Mr. Speaker, I ask the unanimous consent of the House to present certain resolutions of the Mechanics' Institute of New York. I wish to know, if objection be made, whether I can present them under the rule?

The SPEAKER *pro tempore*. The gentleman from New York has a right to present them under the rule.

They were accordingly sent to the Clerk's desk under the rule.

Mr. JAMES C. ALLEN asked and obtained leave to introduce a bill for the relief of William McCabe; which was read a first and second time by its title, and referred to the Committee of Claims.

Mr. FLORENCE. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the President of the United States be requested to promote Commander Duncan N. Ingraham to the rank of captain in the Navy of the United States, and that the Secretary of the Navy be also requested to tender the command of one of the vessels authorized by the bill adding six steamers to the naval forces, which passed the House on the 31st of March, to Commander Duncan N. Ingraham when such vessel may be ready for service.

Mr. LETCHER objected to the introduction of the resolution.

Mr. FLORENCE. I move that the rules of the House be suspended, to allow me to introduce the resolution just read.

Mr. PRATT. I move that the House do now adjourn.

The question was taken on the motion to adjourn; which was agreed to.

The House thereupon, at three o'clock, p. m., adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, April 4, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PRIVATE BILL.

Mr. BROWN. Mr. President, I ask the unanimous consent of the Senate to take up a private bill this morning for the relief of the representatives of Joseph Watson, deceased. It is for the benefit of a widow lady who is detained in the city, as I understand, at a great deal of expense and trouble to herself. She is very desirous of having the bill passed immediately. I will state to the Senate, in a word, that the Government has a claim upon a house and lot of hers, and she asks that this cloud, as it were, may be taken off her

title, so that she may be able to sell her property and go away. I think the reading of the report, if the Senate will allow the bill to be taken up, will show that it ought to be passed at once.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Solicitor of the Treasury to cause to be executed, on the part of the United States, a full release and acquittance of their claim against Joseph Watson, as one of the sureties of Henry Ashton, late marshal of the District of Columbia, and that the property in the city of Washington, at present held in trust as security for the payment of the claim, be reconveyed to his legal representatives free, and discharged from all such encumbrance, if they release their claim against the United States for services rendered by Watson, as Indian agent in the Territory of Michigan.

Watson preferred a claim against the Government. The services for which he asked compensation were rendered and sanctioned by the head of the territorial government of Michigan, but as they were performed without any provision by law regulating the amount to be allowed for them, the difficulty appears to have been to ascertain their exact value. These services seem to have extended from the year 1806 up to 1812, making six years, during which Watson performed, when required to do so, the duties of superintendent and storekeeper, for which he received no fair remuneration. In view of the difficulty above referred to, the committee being desirous to do justice between the Government and the claimant, deemed it proper to consider his claim with reference to an outstanding liability on his part as one of the securities of Henry Ashton, late marshal of the District of Columbia.

It appears, from an extract from the docket of the Solicitor of the Treasury, that at the November term, 1839, a verdict was rendered in the United States district court for the District of Columbia, in the case of James Williams, one of the six sureties of Henry Ashton, in favor of the United States for \$8,279 25. It further appears, from a letter from the chief clerk of the office of the Solicitor of the Treasury, that in the year 1842, the representatives of Watson made an arrangement with the Secretary of the Treasury, by which his indebtedness to the United States, as one of the sureties of Ashton, was secured to the satisfaction of the Government, and that the debt so secured amounted to about \$1,375, for which a deed of trust on real estate in this city was executed by them. From a statement made to Mr. Baldwin, on behalf of the Committee of Claims of the United States Senate, it appears that of the appropriations made for the contingent expenses of the Territory of Michigan during the years 1806, '7, '8, '9, '10, '11, and 1812, there remained in the Treasury, on the 1st of January, 1813, a balance of \$1,050, and that no part of the appropriations appears "to have been made on account of the Indian Department, or to Joseph Watson."

Taking into consideration the circumstances in which the liability on the part of Joseph Watson had its origin, and the fact, admitted upon all sides, that the services for which compensation is at present demanded were actually rendered, but not paid for, whilst a balance of \$1,050 of the appropriations for the contingent expenses of the Territory of Michigan, nearly the amount of the liability, remained in the Treasury, the committee think it just that the one should be regarded as an offset against the other. The indebtedness of Watson, for which the property of his representatives is held bound, originated in an act of kindness on his part, from which neither he nor his representatives have ever derived any benefit; and it would seem nothing more than equitable that his services, faithfully rendered, should be received in discharge of that indebtedness. If his appointment had been under a law of Congress, there could have been no difficulty in allowing his salary in discharge of the claim against him as surety of Henry Ashton. The Hon. Lewis Cass, who succeeded, at the end of the war of 1812, to the duties of Superintendent of Indian Affairs, has stated, in a letter on file among the papers, that the office which the petitioner held "was essential to the public service—that the duties were ably and zealously performed;" and "that it was impossible for the Superintendent to

discharge personally the various duties required of him by law; and, in point of fact, he always understood that a large portion of them was discharged by Colonel Watson."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PETITIONS, ETC.

Mr. SUMNER presented a petition of citizens of Southboro', Massachusetts, remonstrating against any act of Congress, in the organization of Nebraska, which shall permit the introduction of slavery into territory from which it was excluded by the Missouri compromise; which was ordered to lie on the table.

Also, a petition signed by women of New England, praying Congress to refrain from legalizing slavery in the Territory of Nebraska; which was ordered to lie on the table.

Mr. THOMSON, of New Jersey, presented a petition of citizens of Baskinridge, Somerset county, New Jersey, praying Congress to enact such laws as will tend to secure religious freedom to American citizens residing or traveling abroad; which was referred to the Committee on Foreign Relations.

Mr. WELLER presented a memorial of the officers of the United States Army, stationed at Fort Yuma, California, praying an increase of pay; which was referred to the Committee on Military Affairs.

Mr. FESSENDEN presented a petition of inhabitants of the city of Portland, Maine, praying that the present rates of ocean postage may be reduced to the uniform charge of two cents; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition signed by legal voters in the town of Sanford, county of York, Maine, protesting against the passage of what is known as the "Nebraska bill," by which it is proposed to legalize slavery in the Territories of Nebraska and Kansas; which was ordered to lie on the table.

Mr. WADE presented a petition of citizens of Butler county, Ohio, praying that the public lands may be granted in limited quantities to actual settlers; which was referred to the Committee on Public Lands.

Mr. BROWN presented a petition of the faculty of Mississippi College, praying that a township of land may be granted to each incorporated college or university in the United States; which was referred to the Committee on Public Lands.

Mr. WILLIAMS presented the petition of Moses Noble, agent for the owners of certain fishing vessels, praying that the Secretary of the Treasury may be authorized to adjust the claims of the owners thereof, to fishing bounty; which was referred to the Committee on Commerce.

BILL INTRODUCED.

Mr. JONES, of Iowa, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of William Noot; which was read a first and second time by its title, and referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. ALLEN, it was

Ordered, That the petition and papers of Nancy Bowen be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REVOLUTIONARY CLAIMS.

Mr. MASON. The morning business, I believe, is through. I move, therefore, that the Senate now proceed to the consideration of Executive business.

Mr. EVANS. I do not intend to interfere with the Senator from Virginia, but there is a bill on the table—

Mr. MASON. I do not wish to interfere with the Senator from South Carolina, but I know the bill which he proposes to take up. I suppose it is the one in reference to revolutionary claims.

Mr. EVANS. I do not propose to take it up at this time; but I rise to say that I should be gratified if some time could be fixed for its consideration. I move, if it be in order, that it be made the special order for one hour to-morrow morning. I do not wish to interfere with the Executive business.

Mr. MASON. As far as I am concerned personally, I should have no objection to that; but I would suggest to the Senator, that by next week

we shall probably have disposed of the business in Executive session; and if he will allow his bill to go over until that time, he will have an opportunity to have it disposed of then. I think the bill will engender debate, and probably protracted debate. I suggest, therefore, to the Senator that it would be better, perhaps, to let it lie over until next week.

Mr. EVANS. Then I move to take up the bill to which I refer, for the purpose of making it the special order for next Monday.

The motion was agreed to, and the Senate resumed, as in Committee of the Whole, the consideration of the bill "to provide for the final settlement of the claims of the officers of the Revolutionary Army, and of the widows and orphan children of those who died in the service."

On motion by Mr. EVANS, it was

Ordered, That its further consideration be postponed to, and made the order of the day for, Monday next.

STEAM FRIGATE BILL.

A message was received from the House of Representatives, by Mr. McKEAN, its Chief Clerk, announcing that they had passed a bill to authorize the construction of six steam frigates, and for other purposes.

The bill was read a first time, and ordered to a second reading.

Mr. GWIN. That is identical with the bill which has passed the Senate. I hope, therefore, that there will be no objection to its immediate consideration and passage.

The bill was read a second time by unanimous consent, and considered as in Committee of the Whole. No amendment being proposed, it was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

REFERENCE OF HOUSE BILLS.

The message also announced that the House had passed a bill regulating the pay of deputy postmasters; which was read twice by its title, and referred to the Committee on the Post Office and Post Roads.

Also, that the House had passed a bill to repeal part of an act entitled "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes;" which was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 4, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

NEW MEXICAN AFFAIRS.

The SPEAKER. The Chair has received numerous communications from the Legislative Council of New Mexico. If it be the pleasure of the House, I will present them to the body.

Several MEMBERS. Yes.

The SPEAKER. These memorials and resolutions relate to various subjects, some to the construction of roads; some to the preservation of the public documents of the Territory; some to the erection of public buildings. If it be the pleasure of the House, they will be referred to the several appropriate committees.

Mr. CLINGMAN. I move that the petitions be referred to the various appropriate committees, and that they be printed.

It was so ordered.

THE COMMITTEE ON ENROLLED BILLS.

The SPEAKER. The Chair understands that a member of the Committee on Enrolled Bills is not present at this time, and that there is, therefore, a pressing necessity for the appointment of one additional member to that committee. The Chair would, at the same time, suggest that it might be as well to appoint two additional members, in order to meet the contingencies of the session. Is it the pleasure of the House that two additional members be added to the Committee on Enrolled Bills?

The MEMBERS generally assented.

The SPEAKER. The Chair will understand the House as having unanimously ordered the appointment of two additional members to that committee.

CLAIMS OF MARYLAND.

Mr. MAY. I ask the unanimous consent of the House to permit me to present a memorial from the State of Maryland, that it may be referred to the Judiciary Committee, and printed. It is the memorial of the special agents of the State of Maryland asking for the reimbursement of the State for her "advances" to the United States in 1792 and 1793.

There being no objection, the memorial was referred to the Judiciary Committee, and ordered to be printed.

ESTIMATES FROM DEPARTMENTS.

Mr. HOUSTON. Mr. Speaker, I have received from the Department of the Interior a large amount of estimates; and I ask that they may be laid upon the table, and printed.

It was so ordered.

POSTPONEMENT OF THE GRADUATION BILL.

Mr. COBB. Mr. Speaker, I would not encroach upon the time of the House at this time, but from necessity. I desire to make a motion, before we resolve ourselves into the Committee of the Whole on the state of the Union, for the purpose of accomplishing an object which, I believe, the House of Representatives almost effirely favor.

To-day, Mr. Speaker, we have a special order of the House to consider the bill to graduate and reduce the price of the public lands. It seems to be the wish of a large majority of the House—at all events of those with whom I have consulted on the subject—that this special order be postponed until this day two weeks, so as to give every gentleman in the House an opportunity of investigating the matter fully, fairly, and properly; and further, to enable them to get clear of the other business before them. The deficiency bill must come up, and ought to be disposed of first. If, therefore, it be the unanimous consent of the House that this special order should be postponed for two weeks, I have no objection at all to that arrangement. If it be the pleasure of the House, I will now make a motion to that effect, before we go into the Committee of the Whole on the state of the Union; because, unless the motion is made now, we will not be able to accomplish the desired object after the House has gone into committee.

Mr. WENTWORTH. Oh, no; let it not be postponed. These special orders are always in the way; and we may as well go to this one at one time as at another.

Mr. COBB. I have indicated my desire to have it postponed; but as I find I cannot have the unanimous consent of the House, I give notice to the House, that immediately after we resolve ourselves into the Committee of the Whole on the state of the Union, I will proceed to discuss this graduation bill. It is the first business to come up; and I trust that every gentleman will send into the document room and procure a copy of the bill, so that he may fully understand what we have before us. I made the motion to postpone; but as objection has been made, I am ready to take up the matter.

Mr. HOUSTON. Mr. Speaker, I conceive that it is in order for the House to postpone this special order. According to the practice of the present Speaker, during the last session of Congress, we have more than once, during the last Congress, postponed a special order from one day to the other. I hold, therefore, that my colleague [Mr. Cobb] has the right to make the motion to postpone. We have already, in fact, postponed this very special order this session.

The SPEAKER. It is not in order, as the bill is not before the House at all.

Mr. COBB. No; it could not be before the House, as it has been made a special order, and referred to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. Mr. Speaker, we have already postponed this very special order at this session.

The SPEAKER. That was, however, by the unanimous consent of the House.

Mr. HOUSTON. I do not know whether it was by unanimous consent or not; but, at all events, it was postponed, and it has been frequently

ruled by the Chair that it is in the power of the House, if the majority vote in favor of it, to postpone a special order. The House has the control over the bill.

The SPEAKER. If the bill were before the House the motion would be in order, and it would be a necessary consequence that the majority could direct the postponement. But it is not now before the House; and therefore it is that the Chair thinks the motion to postpone is not in order.

Mr. HOUSTON. Will the Chair allow me to say this: This bill, it is true, is not before the House; but, by the special order of the House, it is before the Committee of the Whole. The House, however, has control over it still, and can postpone the special order.

The SPEAKER. That was done under a suspension of the rules, for the express purpose.

Mr. HOUSTON. Under a suspension of the rules it is true, but the House can postpone this.

The SPEAKER. The Chair holds that it is not competent for the House to postpone the consideration of a special order, if objection be made.

Mr. WENTWORTH, of Illinois. As a gentleman has the floor to-day in Committee of the Whole, and as he is anxious to speak for the reason that he desires to leave the city soon, I will waive my objection, and consent that the bill be postponed for one day.

Mr. COBB. As far as I am concerned, I am willing to take up the bill to-day; but I made the motion for the accommodation of the House, in order that members may have an opportunity to examine it before acting upon it.

Mr. HOUSTON. Then make the motion now.

Mr. COBB. I move that it be postponed for this day two weeks.

Mr. DAWSON. I would suggest to the gentleman from Alabama that he should make the day of postponement four weeks instead of two.

Mr. COBB. Then there will be an objection.

Mr. WENTWORTH, of Illinois. I will consent to a postponement for a week.

Mr. BAYLY, of Virginia. I suggest to the gentleman that he move to postpone its consideration indefinitely. [Laughter.]

Mr. COBB. I am much obliged to the gentleman, but I must respectfully decline his suggestion.

The SPEAKER. Is there objection to a postponement for two weeks?

Mr. WENTWORTH. I consented to one week's delay.

Mr. COBB. Then I make my motion to postpone for one week.

Mr. DAWSON. I object to one week.

REPORTS FROM LAND COMMITTEE.

The SPEAKER. Objection is made, and the motion is not in order. The first business in order is reports from committees, commencing with the Committee on Public Lands.

Mr. WARREN. I hold in my hand several petitions from the Committee on Public Lands, which I am directed to report back to the House adversely, and move that they be laid upon the table.

The petitions were accepted, and ordered to lie upon the table. They were as follows:

The petition of the soldiers of the war of 1812, of Fairfax county, Connecticut, for one hundred and sixty acres of bounty land;

The petition of Alfred W. and Solomon Gillett, for bounty lands;

The petition of the residents and citizens of Kings county, the grand jury, the officers of the 5th brigade of the New York militia, the Mayor and Common Council of Brooklyn, and of one thousand four hundred and sixteen citizens of the city and county of New York, ask for the extension of the bounty land act, passed September 28, 1850; and

The resolution of the Legislature of the State of Pennsylvania, praying Congress to grant one hundred and sixty acres of land to the soldiers of the war of 1812.

Mr. DAWSON. I withdraw, Mr. Chairman, the objection which I made to the motion of the gentleman from Alabama, [Mr. Cobb], to postpone the consideration of the special order for one week.

No objection being made to the motion, the consideration of the bill was, by unanimous consent, postponed for one week.

Mr. WRIGHT, of Pennsylvania. I ask the

unanimous consent of the House to present a report this morning from the Committee on the Judiciary, not with a view of having it acted upon, but for the purpose of having it referred.

Mr. ORR. I object, and call for the regular order of business.

Mr. WRIGHT. I make the request now, because I am obliged to leave the city soon.

Mr. ORR. I withdraw my objection.

Mr. EDGERTON. I renew the objection.

Objection being made, the report was not admitted.

Mr. LATHAM, from the Committee on Public Lands, reported bills; which were read a first and second time by their titles, as follows, and referred to the Committee of the Whole on the state of the Union:

A bill to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes;

A bill to amend an act approved September 27, 1852, to create an office of surveyor general of the public lands in Oregon, &c., and also the act amendatory thereof, approved February 19, 1853; and

A bill to establish an office of surveyor general of Utah, to grant donations to actual settlers therein, and for other purposes.

Mr. HIESTER, from the Committee on Public Lands, reported adversely upon the following petitions; which were laid upon the table, and the committee discharged from their further consideration:

Of the heirs of Colonel Samuel French, of the State of Massachusetts, asking for commutation and bounty land;

Of Martha Gray, widow of Captain Robert Gray, the discoverer of the Columbia river, asking for relief; and

Of Elizabeth Hall, widow of Sergeant John Hall, late a soldier of the revolutionary army, praying for a grant of land in lieu of military land warrants, &c.

Mr. COBB, from the Committee on Public Lands, reported adversely upon the following petitions; which were laid upon the table, and the committee discharged from their further consideration:

Of George Heavenridge and one hundred and eighty-one others, citizens of Union county, Indiana, in favor of granting lands to actual settlers, and against their sale to speculators; and of citizens of Alabama, for the removal of the land office from Sparta, in said State.

Mr. C. remarked, in reference to the former petition, that a general law had been passed covering the case.

Mr. COBB. I now desire to report, from the Committee on Public Lands, a bill founded upon a petition referred to that committee, which I ask may be read a first and second time; and then I hope the House will indulge me in having it put upon its passage. It is a bill to authorize the selection of sixteenth sections within the limits of the twelve miles square reservation in the State of Alabama.

The bill was read a first and second time by its title, and then read through.

It provides that the school commissioners in the Huntsville district, Alabama, be authorized to select respectively, by legal subdivisions, from any of the surveyed public lands, the quantity, as near as may be, contained in the sixteenth sections of townships within the twelve miles square reservation; which selections, upon being approved by the Secretary of the Interior, shall be holden by the same tenure, and for the same terms, for the support of schools in said townships as the sections numbered sixteen, within the said reservation would have been, had not treaty stipulations made other disposition thereof.

Mr. COBB. I hope the House will bear with me for a few moments when I inform them that I have not lost a vote during this Congress; that I have been constant upon my attendance upon the sessions of the House, and upon those of its committees, thereby furthering the business of the House as much as it has been in my power to do. I have not missed one sitting of the Committee on Public Lands, of which I am a member, nor have I missed a sitting of the Pacific Railroad Committee, of which I am also a member. I have not made, nor do I intend to make, any hours speeches.

I do not trouble the House often with any remarks; but when I do, I intend always that such remarks shall be pertinent to the measures under consideration. In view of these facts, I think I have the right to ask the House to hear me patiently for a few minutes this morning in relation to the bill which is now before the House.

Mr. KERR. I rise to a question of order. I wish simply to inquire if debate is strictly in order upon this bill?

The SPEAKER. It is strictly in order.

Mr. COBB. I am most certainly in order; but I will not trouble the House for more than five minutes. When the State of Alabama was admitted into the Union, I find that every section of the public lands numbered sixteen was set apart for educational purposes. I also find that by the stipulations of a treaty with the Chickasaw Indians in 1819, there was a section of country twelve miles square set apart for school purposes. These lands were to be sold, and the proceeds applied for educational purposes among the Indians.

The sixteenth sections of other lands which I am now asking in lieu thereof are found to be in that twelve miles square. Some years ago, when that portion of land was sold by the General Government for the benefit of the Indians, the Government, from some cause or other, believed that the citizens of the respective townships were entitled to the sixteenth sections. It did not sell them. Those citizens have been enjoying their benefits for that number of years. Two years ago the question arose in relation to the right of the citizens to those sixteenth sections. It was brought before the Department, which decided that, inasmuch as by treaty stipulations it was agreed the twelve miles square should be disposed of for the benefit of the Indian tribes, the sixteenth sections therein could not be exempted. Then you perceive the difficulty that now exists. The citizens, after having been in possession of those sections for twenty-five years, are now decided not to be entitled to them.

We find that a law, enacted in 1826, authorizes the citizens of townships, where there are no sixteenth sections by grants of land or otherwise, to select other lands in lieu thereof. You have, then, the whole matter summed up. What do I ask? Only that the citizens of the townships to which I have referred, shall, by their proper authorities, be authorized to locate other lands in lieu of those of which they have been deprived by regular subdivision. They ought to have that privilege. If they are required to locate their land in conformity with the act which I hold in my hand, they will be forced to locate each sixteenth section in a solid body. If they are so required, as I stated on a former occasion, they lose the benefit of the grant to a great extent, and get but little land. The bill merely authorizes them to locate the sixteenth sections by regular subdivision, and as small a quantity as forty acres. You know that their interest will induce them to locate in larger tracts, if possible.

I will make no further remarks. The justness of the provisions of the bill is evident; but, as an equivalent, if the House grant me the favor I ask, I promise that the Committee on Public Lands will instantly pass off, and report no other railroad bills until called again. I trust the House will pass the bill.

The bill was ordered to be engrossed and read a third time; and, being engrossed, the bill was read a third time, and passed.

Mr. HENN, from the Committee on Public Lands, reported back a bill to amend an act entitled "an act to authorize the correction of erroneous locations of military land warrants by actual settlers on the public land, in certain cases," with an amendment; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HIESTER. I am instructed by the Committee on Public Lands to report adversely on the petition of George Nix, who was a soldier in the revolutionary war, and as a member of the Virginia Line, entitled to — acres of land in the now fertile State of Kentucky. In ignorance of his rights, he neglected to apply for it, and is now informed that it is too late to do it. The committee conceive that there are many others in the same situation with the petitioner; and regard

the subject as one of general rather than special legislation. They therefore, as I have said, direct me to report adversely on it, and to move that it be laid upon the table.

The question was taken; and the motion was agreed to.

Mr. BENNETT, from the Committee on Public Lands, reported a bill; which was read a first and second time by its title, as follows:

A bill to equalize the grants of lands to the several States for certain public purposes.

Mr. ORR. I rise to a question of order. I understand that this is not a report from the committee at all.

Mr. BENNETT. Yes it is.

The SPEAKER. The gentleman from New York is a member of the Committee on Public Lands, and reports this bill from that committee.

Mr. BENNETT. I will state to the Chair how the fact is. The committee directed the bill to be reported back, but a majority of the committee recommend that it do not pass; a minority recommend its passage, and I desire to take the sense of the House as to which of those recommendations shall be supported by the House.

Mr. HENDRICKS. I desire to ask the gentleman from New York what is the report of the Committee on Public Lands, whether it is that the bill lie upon the table or that it be passed?

Mr. BENNETT. I will state to the gentleman that there are two reports.

Mr. HENDRICKS. Well, what is the report of the committee, that is of the majority, of course?

Mr. BENNETT. The recommendation of the majority is, that the bill do not pass, but the minority recommend its passage.

Mr. HENDRICKS. Then I ask the gentleman what motion he makes with reference to the bill, in accordance with the direction of the committee?

Mr. BENNETT. I make this motion with regard to the bill. I move to put it upon its passage, but I do not mean to spend any time on it. If the House will permit me, I will state precisely what the bill is, and what I propose to do with it.

Mr. JONES, of Tennessee. I rise to make an inquiry of the gentleman. I wish to know if this bill was referred by the House to the Committee on Public Lands or not?

Mr. BENNETT. It was.

Mr. JONES. Or was it originated by the committee?

Mr. BENNETT. It was referred to the committee, but the bill which I have reported is not precisely the bill which was referred to the committee. It has been changed in some respects.

Mr. JONES. Then, the gentleman reports back the bill which was referred?

Mr. BENNETT. No; I report it back with an alteration.

Mr. JONES. Then it is a substitute, and the gentleman should report back the original bill with a recommendation that it be substituted. I will make a question of order on the gentleman. It seems, from what the gentleman says, that this is not the bill which was referred to the committee, and I submit this point to the Chair, that the committee has no right to report back a bill with a substitute or with an amendment, and recommend the rejection of that bill.

Mr. BENNETT. This precise question was raised during the last Congress when I presented a similar bill.

Mr. JONES. No, sir; let me correct the gentleman. Last year when the bill was reported, the question was made that it had never been referred by the House to the committee. In this case, however, a bill was referred by the House to the committee, and, as I understand the gentleman from New York, he reports back a different bill and recommends its rejection.

Mr. COBB. No; the gentleman is mistaken as to the fact. The bill was referred to the committee and is reported back.

Mr. JONES. Will the Clerk read the bill which has been reported?

The SPEAKER. Will the gentleman from New York be kind enough to state what the committee reports?

Mr. BENNETT. I will state the facts to the Chair. The bill as prepared by me, and referred

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to the committee, contained a provision looking to all the States, and regarding the public lands as, to some extent, the property of all. The committee believe that the bill was put in a shape which would be the least objectionable. It is not an amendment or a substitute, but it is a mere change of the bill itself in one respect.

Mr. JONES. I wish to inquire if the original bill is reported back, with a recommendation that it be amended in a particular way?

Mr. BENNETT. I wish to state further, that if this bill is ruled out of order, I shall ask to present the original bill. I will detain the House but a short time.

Mr. JONES. I understand that it is not the original bill; and I contend that they cannot retain the original bill which was referred to the committee, and make a report of a different bill; because it becomes an act of introduction, and cannot be done without the unanimous consent of the House.

The SPEAKER. That is very true. The gentleman from New York [Mr. BENNETT] may report an amendment by order of the committee, or a substitute for the original bill; but he cannot retain the original bill, and base another, and a very different bill, upon it.

Mr. BENNETT. It is the same bill as the original, with a slight exception.

[A message was here received from the Senate by the hand of ASBURY DICKINS, Esq., their Secretary, informing the House that that body had passed a bill of this House entitled "An act to authorize the construction of six first class steam-frigates;" and also a bill of this House entitled "An act for the relief of James M. Goggin;" and asking the concurrence of the House therein.]

Mr. JONES. I wish to have the question decided. I understand that this is not the bill which was referred to the committee by the House.

The SPEAKER. The gentleman from New York can state how the fact is in regard to this matter. The Chair decides that the Committee on Public Lands have the right to originate bills, but he also decides that the gentleman from New York [Mr. BENNETT] cannot report a bill from the Committee on Public Lands, based upon or in lieu of the one referred to that committee, and still retain the original one.

Mr. ORR. I understand that the Committee on Public Lands have not recommended this amendment at all.

Mr. BENNETT. They have recommended it.

The SPEAKER. The Chair so understands it.

Mr. BENNETT. I beg leave to correct the gentleman from South Carolina, [Mr. ORR.] A majority of the committee recommended the alteration, and they have not gone beyond the principles of either bill in the aggregate.

Mr. JONES. I submit this further question. That the committee cannot report the original bill with an amendment, as a substitute, and recommend the rejection of the bill itself, which was referred to them.

Mr. GREY. I merely desire to say one word. The gentleman from New York, [Mr. BENNETT,] as I understand him, says that this bill was presented to the House, and referred to the Committee on Public Lands. That committee agreed to some slight alteration, or recommended some slight alteration, in that bill. They now report it back to the House with that alteration in it.

The SPEAKER. The gentleman from New York [Mr. BENNETT] can report that bill back now.

Mr. BENNETT. If the Chair pleases, I propose to report the original bill back; and I ask the Chair whether it would be in order to offer an amendment?

The SPEAKER. The gentleman from New York can offer any amendment, if he desires it.

Mr. JONES. Has the gentleman from New York authority to report the original bill back without amendments?

Mr. BENNETT. Yes, sir, or the other. A majority of the committee prefer the other bill, and it was agreed that we should report the other

bill, without the original. I am willing to report the original bill.

Mr. JONES. I wish to make this inquiry of the gentleman from New York, for I want to have the question right before the House. Does the gentleman report that bill back from the Committee on Public Lands without amendment?

Mr. BENNETT. Yes.

Mr. JONES. And recommend its rejection?

Mr. BENNETT. Yes; we recommend its rejection; but I propose to offer an amendment or substitute for it.

Mr. JONES. Well, but the recommendation of the committee is that the bill be rejected.

The SPEAKER. Still it is competent for the House to follow a different direction.

Mr. BENNETT. I wish to inquire of the Chair how much of the morning hour remains unexpired?

The SPEAKER. The morning hour will expire at fifteen minutes after one o'clock.

Mr. BENNETT. I wish to give the House an opportunity to see in print this bill which the committee recommends to be rejected, and the one which I shall offer as an amendment or substitute for it; and for that reason I wish to detain the House until the morning hour expires in making an explanation of what the bill is. I wish to make a motion, so as not to have the bill laid on the table.

The SPEAKER. Does the Chair understand the gentleman from New York as submitting a proposition to amend the bill. The Chair did not distinctly hear the gentleman's proposition.

Mr. BENNETT. I meant to say that I wished to make a few remarks as to this bill, and then let it go over till to-morrow morning, so that it may appear in print; and I shall offer at the proper time—and do offer now—a substitute or amendment to the bill; and I hope that both will be printed, so that both may be legitimately before the House.

And now, Mr. Speaker, before going into any report on this bill, I wish to make a motion to refer—

The SPEAKER, (interrupting.) Will the gentleman from New York allow the Chair to set himself right, so that there may be no mistake about the matter. The Chair understands the gentleman from New York as offering the first paper, which he sent to the Clerk's table, as an amendment or substitute to the original bill which he reports back from the Committee on Public Lands.

Mr. BENNETT. Yes, sir; the Chair understands aright.

I wish, also, Mr. Speaker, to make a motion to refer this bill back, after it is amended, to the Committee on Public Lands; which I do for the purpose of saving it from being laid on the table. I therefore, before I commence my explanatory remarks, move to recommit the bill back to the Committee on Public Lands.

The SPEAKER. The motion to refer will be entered.

Mr. BENNETT. I wish, Mr. Speaker, to occupy the morning hour, so that the bill and substitute proposed may be printed and placed in the hands of members to-morrow morning; and will therefore state to this House what the bill is. It asserts a principle that I supported in the last Congress, and for which I am an earnest advocate now, that the public lands belong to all the States of the Union; that they were granted or purchased for the benefit of all, and should be used for their common benefit. I am not among the number who deny the power of Congress to grant lands to the States for railroads, or any other public purpose, or who believe that it is not expedient to make such grants, if equally and fairly made, in a proper manner, and to a proper extent. Yet, while I admit this, I claim that there should be some fairness and equality in the way these lands are distributed for public purposes to the several States; that if we give land to the State of Illinois for railroads, there would be no justice in our withholding it from the State of Iowa. If we give land to build railroads to the State of Missouri, we cannot in justice refuse to give it to

the State of Wisconsin to a like amount, and for the same purpose.

There should be some equality and justice observed even among the land States themselves in the amount of these grants. There are some two or three of these land States to which grants of public lands have been made to the amount of two, three, or four millions of acres each, to aid in constructing railroads. The others, on the contrary, have not received any such grants. I am willing to give to all of the land States grants to an equal amount, on fair and just principles, for this purpose, if justice is also done to the old States; but if we give to them all at that rate, we should exhaust a great portion of the public lands; and that which belongs equally to all would be given unequally to a few, unless some equal and just plan is adopted, or some general bill is passed.

There should be some principle of justice and equality in these grants or gifts of the public lands to the States; the old States should have their share in some form, or at least some share, before we go on with this system. That form, of course, should be the one least objectionable, by which they should receive a like benefit, by grants to them from the public lands for similar purposes—if not to an equal amount—as are bestowed upon the other States.

In the last Congress I introduced a bill looking to this object. It was passed by the House, but was not acted upon in the Senate. It provided for giving to the old States public lands, at the rate of one hundred and fifty thousand acres for each Senator and Representative in Congress from those States. It also provided for giving to those States which had not received grants of land for railroads, lands to an amount as nearly equal as possible to that which had been granted to the State of Illinois—the State which has received the largest amount for that purpose, of any State in the Union.

This bill, or the substitute which I now propose, contains the same principle, but is not the same in its detail, or in the manner of accomplishing the object in view. Those western States which have not received grants for roads, say that they have already, by law, received the grants for schools. Every sixteenth (in some of the States every sixteenth and thirty-sixth) section is given to them for that purpose. They now desire grants for railroads, confined to that object alone, and specifying the routes of the intended roads. They tell us that if Congress makes grants to them of so many acres to each State, their Legislatures will distribute it out to every county, and the lands will be of no real or practical benefit. In this they are universally agreed. They want to avoid that result. In the last Congress they made strong objection to a general bill, for this reason: Because they said the lands would be of no benefit to them, but would be wasted on a thousand different projects. To avoid that difficulty, they suggested to me to bring in a bill for the old States alone; that is, the States which had no public lands within their limits, in some form, as an equivalent for these grants for railroads to the other States, and to let each of the land States take their grants for roads in a separate bill, specifying the routes of the roads, and limiting the amounts to the same proposed in the general bill. I have assented to this; and now propose such a bill, to see if Representatives from land States are willing to give the old States any land at all, in any form, or to any amount, for the same purposes as those for which it has been so liberally granted to them.

This bill, therefore, only provides for the grant of lands to seventeen States, which have no public lands, and have received no grants, at the rate of one hundred and fifty thousand acres for each Senator and Representative in Congress. It will require between twenty and thirty millions of acres to provide for all the old States equally at this rate, a small equivalent for the grants made to, and now asked for, by the land States. It is objected, that if grants are made to the old States, they will go into the land States and take up large tracts of land and hold them for a long time, or at

a high price, to the injury of the new States. This bill obviates that objection. It provides for the distribution of no lands directly to the old States, but that the States shall be entitled to receive and to dispose of land warrants (not less than eighty nor more than one hundred and sixty acres each) to the amount in all granted to each State. These warrants will be sold to actual settlers going into the new States, and that the old States shall have the benefit of the sale of these warrants; but no State is to locate any warrants in its own name, or for its own benefit. Instead of the General Government, as now, selling the lands to this amount, and receiving the avails into the public Treasury, (after deducting the expense of sales, &c.,) each of the old States is to be allowed to sell an amount of land warrants equal to the amount granted to that State, and retain the proceeds for the benefit of the State for school purposes, or purposes similar to those for which the lands are granted to the land States.

The land warrant system is in practical operation now; and as it exists, is adopted by this bill. It takes up the system as we find it, and through that system avails itself of the opportunity of making an equivalent to the old States, without prejudice to the land States, in any way, for the large grants made to them. We desire a settlement among the States of the land account before this system goes further. Many gentlemen do not understand the large amount of grants that have been made to a few States. I have said that I admitted the power of Congress to dispose of the public lands. If Congress has not that power, there is no Department of the Government which has. The exclusive and entire right to dispose of these lands is conferred, by the Constitution, as clearly as any other power which Congress may exercise. This power has been exercised by Congress. Ever since the days of Jefferson down to the present time, the public lands have been granted for almost every conceivable purpose; but they have been granted for the benefit of the land States alone, and not for the benefit of all the States. I have a report before me giving the amount granted to a part of the States, as follows:

Congress has not only made these grants often, but to large amounts. The amount of land granted away by Congress exceeds the amount that has been sold.

An official statement from the Commissioner of Public Lands shows that there has been granted to the States and Territories named, up to June 30, 1853, for railroads, internal improvements, schools, and deaf and dumb asylums, as follows:

To Ohio.....	1,970,530 acres.
To Indiana.....	2,283,219 "
To Illinois.....	4,096,648 "
To Michigan.....	2,363,477 "
To Wisconsin.....	1,934,464 "
To Iowa.....	2,336,302 "
To Missouri.....	3,472,391 "
To Arkansas.....	3,623,827 "
To Louisiana.....	1,332,124 "
To Mississippi.....	2,097,754 "
To Alabama.....	1,867,992 "
To Florida.....	1,475,507 "
To California.....	7,265,404 "
To Minnesota.....	6,429,244 "
To Oregon.....	12,186,987 "
To New Mexico.....	7,493,120 "
To Utah.....	6,681,707 "

13 States, 4 Territories—amount.....68,913,937 "

There has also been granted to the States named for seats of government, public buildings, corporations, private claims, salines, swamp lands, &c., as follows:

Ohio.....	8,883,617 acres.
Indiana.....	1,792,526 "
Illinois.....	2,146,444 "
Missouri.....	3,589,751 "
Alabama.....	240,643 "
Mississippi.....	2,514,173 "
Michigan.....	6,974,116 "
Iowa.....	121,878 "
Wisconsin.....	1,350,630 "
Florida.....	5,805,394 "
Arkansas.....	8,865,154 "
Louisiana.....	11,864,180 "

12 States—amount.....54,148,514 "

Add grants before named.....68,913,937 "

Amount granted up to September 30, 1853, 123,062,451 "

Amount sold up to same date.....103,197,356 "

Amount of grants over the sales.....19,865,095 "

Add grants for military services.....24,841,930 "

Amount.....44,707,075 "

Amount of grants and sales.....252,001,787 "

These grants (except for military services) are for the

benefit of only a part of the States, and the old States have been wholly excluded.

The swamp lands granted to California are many millions of acres, but have not been returned, and are not included above.

Had the land granted to the land States and the Territories—123,062,451 acres—been sold at Government price, it would have amounted to \$153,448,954. The share of New York in this, according to representation, would have been \$21,693,824.

Sir, there has been appropriated to the land States and Territories, for all purposes, about twenty million acres more land than have been sold up to June 30, 1853, exclusive of grants for military service of some twenty-four million acres. Is it reasonable, or is it just or proper, if this system is to be pursued, that the lands should go exclusively for the benefit of the land States? Is it right, when we have granted nearly fifty million acres of land for school purposes to the land States and Territories, that we should not grant any lands for school purposes to the old States? If all the lands granted away had been sold, and the proceeds divided among all the States, the share belonging to New York, according to representation, would have amounted to more than \$20,000,000—enough to pay our whole State debt for internal improvements.

But, sir, that is passed; these grants have been made; and the question now is, shall we allow the land States to appropriate all the lands which yet remain—lands which were purchased by the common property of the country? I take occasion here to say that I care not what reports may have been presented upon the subject, I do not believe it can be demonstrated that the public lands have been a source of revenue to the Government. We have paid millions and hundreds of millions of dollars for these lands more than has been received from the sales, if all that is justly chargeable to the lands is placed in the account, and charged against them.

By the report of the Commissioner of the General Land Office, I see that we have paid the Indians \$35,000,000 for land purchased of them. As long ago as 1839, in reply to a resolution of some Senator, I think Mr. Corwin, there was an official report made to the Senate, by which it appeared that over \$85,000,000 had been paid to the Indians for lands, up to that time. Purchases and payments have been made ever since; and now it is stated at \$35,000,000. How does this happen? By what process was it reduced, instead of increasing? We have been making new purchases ever since 1839, and paying annuities, some of which cease only with the existence of the Indian tribes to whom they are paid. We have also given money, goods, and other lands, in exchange. We have since been repeatedly making appropriations for gifts, and presents, and expenses of commissioners to make new treaties with the Indians, and purchase lands of them. There is scarcely an Indian appropriation bill passes that does not contain forty, fifty, or a hundred thousand dollars for these or similar purposes.

But, sir, I will not now pursue this train of argument further; I have not the proper documents before me. I repeat, that if all that is justly chargeable to the public lands were placed in the account, I do not believe they have ever been a source of revenue to the Government; I do not believe they ever will be. I am in favor of grants of the public land for railroad purposes, if made equally for the benefit of all the States. I am not opposing the policy; but, in making the grants, I want the old States treated fairly. The public lands are the common property of all the States; the old States should not be excluded. But we are asked to vote for those railroad grants, when it is proclaimed that they are to be made for the benefit of the land States alone.

It is contended that the old States have no right to complain, because, as it is said, they lose nothing by these railroad grants. And it is urged that the price of the alternate sections of land is doubled, and that all the land granted is thus paid for. This argument has been pressed beyond all kind of reason. It was a very ingenious mode of getting the land; but it has never been true to anything like the extent claimed. To show this, I have only to refer to the Illinois Central railroad.

Take, for example, the Illinois Central railroad, as most favorable for those relying upon this argument. The grants for that road were as follows:

To Illinois.....2,595,053 acres.

To Mississippi.....737,130 acres.

To Alabama.....419,528 "

Amount granted to that road.....3,751,711 "

Reserved to be offered at double price:

In Illinois.....1,223,921 acres.

In Mississippi.....288,495 "

In Alabama.....167,045 "

Amount to be offered at double price...1,651,874 "

The land granted to the road, 3,751,711 acres, amounts at Government price, to \$4,689,639.

If all the reserved sections could be sold at double price, it still leaves a clear gift to this road of \$2,624,697. But the act only reserved these sections, and required them to be offered at the increased price before they were sold at the ordinary rate.

They were brought into market in July, 1852, and up to September, 30, 1853, (one year and three months,) there had been sold in Illinois, at the double price, only 284,080 acres, and the amount over the ordinary price received was \$355,100, (and from this all additional expenses should be deducted,) to repay Government for the grant or gift of land, to the amount of \$4,689,639—not one thirtieth part as much. It is doubtful whether any railroad grant, made or to be made, under this admirable "lose-nothing" system, (for it has come to be a system,) will repay to Government, including all additional expenses, one dollar in ten of the value of the land given to the road.

That road had nearly four million acres of the public land granted to it. It passed through the States of Illinois, Mississippi, and Alabama. Its selections of land were made within a range of fifteen miles on each side of the road, and the doubled sections only extended six miles on each side, and that has been the precedent and pattern for all the grants made since. The alternate sections, to the amount of one million six hundred thousand and odd acres were doubled in price. If every acre of that land were sold at double price, there would be still a clear gift of over \$2,500,000 to the road.

But it was further alleged that the alternate sections would be sold as soon as they were brought into market, at the double price. The alternate sections of the public land along the central Illinois railroad, were brought into market in July, 1852, and up to the 30th June, 1853, when they had been in market one year, only about two hundred and eighty thousand acres were sold within the limits of Illinois. The land in the other States was but trifling in amount. The argument that the Government would not be a loser by the grants is not true fact, and never has been. If all the extra expense of a public sale and of putting the land into market at the double price, were taken into account, I do not believe that the proceeds of the alternate sections would pay one tenth part of the value of the land granted to the road. The idea of doubling the price of the public land does not amount to much in fact, so far as the States can show. And the theory of doubling the price of the public land is wrong, in my judgment; I do not think that we ought to double the price of the public land, but to make the grants independent of that consideration. Let those who emigrate to the West have the best of the land to settle on, if they make the first settlements and locations.

We should not forget, too, that in doubling the price of the public land, we only tax the actual settlers to build the roads for the benefit of companies and corporations. The land given to the railroad is, by this system, also increased in price. The company will hold it for a time, and then put it into the market at an exceedingly advanced price. I could not vote for grants of the public land for railroad purposes upon the theory that they pay for themselves. I do not believe it. I deny it altogether.

It is also said that the grants increase sales, and thereby benefit the United States, just as if that were a matter of great importance, whether the sales were made more or less rapidly. We are now selling our public land as fast as emigration demands; and it is certainly wrong to stimulate settlement to an undue and unnatural extent.

But look at the table of sales, and while the system of railroad grants has been in full operation, and you will find that the sales have not increased.* In 1852 the sales were not as great as they had been for either of the twelve years

*There was more land sold in 1836 than has been sold for the last twelve years up to January, 1853, (the returns for 1853 are not yet all made.) Yet this railroad system (that is said so rapidly to increase the sales) had been in full operation for two or three of the last years. The lowest sales in any one year were in 1852, (less than one

preceding. More land was sold in 1836 than during the entire twelve past years. The spirit of speculation was rife. There was a great deal of land sold in 1836—over twenty millions acres. Perhaps it was an unhealthy state of public sentiment on the subject of the public lands; but it shows that capitalists will buy and sell land as it suits their interest without reference to railroad grants; other considerations control.

The old States have not received an acre of the public lands granted to the States; and, so far as grants for railroad purposes are concerned, they do not make any, or a very small compensation for the grants under the system pursued. It will take only between twenty and thirty millions of acres to make up to the old States the equivalent given by this bill. And any gentleman can calculate how much his own State will get under it, as it grants one hundred and fifty thousand acres for each Senator and Representative. Is that a great boon to ask from our western friends in return for the vast grants which they have received already, and which they are now asking for?

Let me state one other fact to the House. There are proposed to be granted to the land States during this very session, for railroad purposes, over fifteen million acres of public lands, so as to give an amount to the other land States equal to that which has been given to the State of Illinois. That is more than one half the amount which this bill proposes to give to all the old States; and yet we are asked to grant that amount to the land States for railroad purposes alone, during one single session—and to pursue this system year after year—without any provision being made for the old States.

Before any more of these railroad measures are taken up, I desired to bring this bill before the House, and to take the sense of the House upon it; to know how generously, or rather how justly, we are to be treated by those who are continually asking us to grant away the public domain to their States, at the rate of fifteen or twenty millions of acres at a session. This bill contains nothing more nor less than a recognition of the right of all the States to the public domain, and to be taken for the same public purposes, and particularly for schools.

Gentlemen from the land States tell us that the old States are indirectly benefited by the grants for railroad purposes. They say you settle and build up the western States, and by so doing, you indirectly benefit the whole country. I grant the argument, but I say that these grants to the old States will also indirectly benefit the West. The argument is just as good one way as the other. We want a small share of the direct benefits of these grants, and let them have their just proportion of the indirect benefits received by all.

Mr. CLINGMAN, (interrupting.) With the permission of the gentleman, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. The gentleman is a little hoarse to-day, and can finish his remarks to-morrow.

Mr. BENNETT. I give way for that purpose. The question was taken on Mr. CLINGMAN's motion, and it was agreed to.

[The following is a copy of the bill referred to the Committee on Public Lands, January 3, 1854, and reported back to the House yesterday by Mr. BENNETT, with a substitute therefor:

A BILL granting lands equally to the several States, to aid in the construction of railroads and for the support of schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, million of acres,) being the very year the reserved sections on the Central railroad were brought into market!

That there is hereby severally granted to each of the States, of Alabama, California, Florida, Iowa, Louisiana, Michigan, Mississippi, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, Maryland, Virginia, Georgia, Tennessee, and Kentucky, public lands at the rate of one hundred and fifty thousand acres for each Senator and Representative to which said States are respectively entitled; and a further grant of one million of acres is hereby severally made to each of the States, of Alabama, Florida, Louisiana, Michigan, and Mississippi, and of one million five hundred thousand acres to each of the States, of California, Iowa, and Wisconsin; said lands, so far as may be, to be taken within the limits of said States respectively, in the manner, and for the purposes hereinafter mentioned; and to each of the States of Ohio and Indiana, all the public lands remaining unsold within the respective States of Ohio and Indiana, and not reserved for any public purpose.

SEC. 2. And be it further enacted, That the eight States in the preceding section first named are authorized to apply the proceeds of the lands hereby severally granted to them to aid in the construction of railroads in the said States respectively. And a right of way through the public lands is hereby severally granted to the said States, and they are severally authorized to take necessary materials of earth, stone, and timber, for the construction of the said railroads respectively, from the public lands adjacent thereto, and in locating each of these said railroads, and assigning the limits thereto, no more land shall be taken from the United States than is necessary for the convenient construction and use of each of said railroads, with double track respectively, including stations and the public buildings of all kinds connected with said roads, turnouts, and such other appurtenances as are necessary or usually enjoyed by first-class railroads; and a copy of the location of said several roads respectively, as now made, or hereafter to be made, shall be forwarded to the proper local land offices, and the General Land Office at Washington city, as soon as practicable after the same are completed respectively, and shall be duly recorded; and there is hereby severally granted to each of the eight States in the preceding section first named, respectively, the amount of land therein specified, for the purpose of making railroads therein respectively, as aforesaid, to be taken within said States respectively, and along the entire length of the line or route of said several railroads, so far as the United States own lands on the line of said several roads, in manner following, viz: every alternate section of land designated by odd numbers, for six miles in width on each side of said several railroads; but in case it shall appear that the United States have, when the lines or routes of any of said roads are definitely fixed, sold any section, or any part thereof, granted aforesaid, or that the right of preemption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of each of said States respectively, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers or sections above specified, and within said States respectively, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold, or to which the right of preemption has attached as aforesaid, which lands (thus selected in lieu of those sold or to which preemption rights have attached as aforesaid, together with the sections or parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by each of the said eight States first named respectively, to the amount in the preceding section named for each of the said several States, for the uses and purposes aforesaid; but the lands to be so located and selected for, and on account of each of said roads shall in no case be more than six sections of land for each mile of said road: *Provided*, That the lands hereby granted to the said eight first named States shall be exclusively applied to construct or aid in the construction of railroads in said States respectively, and shall be sold and disposed of only as the work progresses, and in proportion to the length of railroad completed upon each of said roads, and the same shall be applied to no other road or purpose: *And provided, also*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatever, shall be, and the same are hereby, reserved to the United States from the operation of this section, except so far as it may be found necessary to locate the routes of said railroads through such reserved lands, in which case the right of way only shall be and is hereby granted.

SEC. 3. And be it further enacted, That the other nineteen States in the first section of this act named are severally authorized to apply the proceeds of the lands hereby severally granted to each of said States to aid in the construction of railroads, or canals, or for the support of schools. And the Commissioner of Public Lands, under the direction of the Secretary of the Interior, shall issue to each of said nineteen States, respectively, land warrants to the amount in all to which each of said nineteen States are respectively entitled under this act, (except so far as the lands granted to Ohio and Indiana are situated within the limits of said States;) and said nineteen States are severally authorized to sell and dispose of said land warrants; and the same are to be valid and effectual in the hands of any owner or holder thereof, and may be located by such owner or holder upon any public lands for sale or subject to private entry, and the same fees to be paid therefor by the holders thereof. And the title of the land so located by any owner or holder of said land warrants, shall be secured and perfected to such owner or holder, in the same manner as other land warrants issued by the United States. Said land warrants shall be so engraved and printed as to prevent deception and counterfeiting; shall be signed by the Secretary of the Interior or the Commissioner of the Public Lands, or for them by such other persons as the Secretary may direct, and countersigned by the Governor of each State receiving the same, or by such other officers as the said nineteen States may respectively designate for that purpose; and said land warrants shall be for not less than eighty, nor over one hundred and sixty acres each: *Provided*, that no

State shall be authorized to locate any warrants in its own name or for its own benefit; and that no warrant issued under the provisions of this act, shall be located upon any lands to which there shall be a preemption right, or on which there shall be an actual settlement and cultivation, except by the person holding such preemption right, or by such settler and cultivator.

SEC. 4. And be it further enacted, That each and all of the railroads in any State in the Union, made either wholly or in part from the proceeds of the lands granted by this act, are hereby made and declared post roads, and shall forever hereafter, at all times, transport the mails, military stores, forces and property of the United States, under the direction of the proper officers thereof, and Congress may by law fix the rate of compensation to be allowed for such services. And until fixed by law for such compensation as the Postmaster General shall direct.

SEC. 5. And be it further enacted, That all mineral lands are hereby reserved to the United States from the operation of this act, except such as are, or hereafter may be, by law subject to private entry by individuals.

SEC. 6. And be it further enacted, That all the land granted during the present Congress by any other act to any State named herein, shall be deducted from the amount granted by this act to such State.

The following is the substitute for the above bill:

A BILL to equalize the grants of land to the several States, for certain public purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is severally granted to each of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, North Carolina, South Carolina, Tennessee, Kentucky, Georgia and Virginia, public lands at the rate of one hundred and fifty thousand acres for each Senator and Representative to which said States are respectively entitled.

SEC. 2. And be it further enacted, That land warrants shall be issued to each of said States, to the amount in all to which they are respectively entitled under the preceding section; and said States are severally authorized to sell said land warrants and apply the proceeds thereof to the support of schools; or, a portion thereof may be applied, under the discretion of the Legislatures of said States respectively, to aid in the construction of railroads or canals.

SEC. 3. And be it further enacted, That said land warrants shall be for not less than eighty or more than one hundred and sixty acres each—and shall be valid in the hands of the purchasers, and holders thereof, and may be located by any such owner or holder, upon any of the surveyed public lands, which shall be, at the time for sale and subject to private entry. And the title to the land so located under said warrants, shall be perfected to the owners or holders thereof, in the same manner, as under other land warrants issued by the United States, and the same fees to be paid therefor, said land warrants to be properly engraved, and printed, and signed, when issued by or under the direction of the Commissioner of Public Lands, and countersigned as they are sold by or under the direction of the Governor of each of said States respectively: *Provided*, That no State shall locate any of said land warrants in its own name or for its own benefit, and no land warrant shall be located upon any lands to which there shall be a preemption right, or upon which there shall be an actual settlement and cultivation, except by the person holding such preemption right or by such settler and cultivator—and not more than one half of any one section shall be located under said land warrants.

SEC. 4. And be it further enacted, That the half sections or parts of sections of land remaining of the sections, upon which said land warrants shall have been, in part, located, shall not be sold for less than double the minimum price of the public lands when sold, for the next three years after, such land warrants have been located, in part, on said sections.

SEC. 5. And be it further enacted, That the United States mail and the troops and property of the United States shall be, at all times, transported on all railroads made either wholly or in part from the proceeds of the lands granted by this act, under the direction of the proper officers and Departments of Government, for such compensation as Congress may by law allow, and until so fixed by law for such compensation as the Postmaster General shall direct.]

CIVIL AND DIPLOMATIC BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Orr in the chair.)

THE CHAIRMAN. The business first in order is the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1855.

Mr. CLINGMAN said that, at a former session, when a bill for the organization of the Territory of Nebraska was under consideration, he proposed an amendment relative to the Indian tribes, and the bill now pending in committee contained a provision in the identical language at that time made use of by him; and the very fact that more than two thirds of that Congress thought the territorial organization necessary, was sufficient for him to support the bill now before them. He voted for that bill because there was nothing offensive in it, and because it was not likely they could get anything better.

He should vote for the Senate bill, but was in favor of striking out the Clayton amendment, not because it was wrong, but because it would lead to no practical result, and embarrass its passage. Mr. BADGER's amendment did not change the

		Acres sold.
In the year 1836.....		20,074,871
" 1841.....	1,164,796	
" 1842.....	1,129,217	
" 1843.....	1,695,264	
" 1844.....	1,754,763	
" 1845.....	1,843,527	
" 1846.....	2,263,731	
" 1847.....	2,521,305	
" 1848.....	1,887,653	
" 1849.....	1,393,902	
" 1850.....	1,405,838	
" 1851.....	2,055,920	
" 1852.....	894,779	
Total for twelve years.....	19,856,605	

character of the bill, which, as it now stood, did not prohibit the people from legislating as the Constitution permits them to do. It merely said the people of the Territories may legislate as the Constitution warrants, without the intervention of Congress, or French, Mexican, or Indian law. Therefore it was a better bill than the bills for Utah and New Mexico, passed in 1850, because they left the Mexican laws in force. It was better than the Clayton compromise, because that left the Mexican law in force. The real point was this: Shall the Territory be left open to everybody, or shall the Wilmot proviso stand on it?

In 1850, he said, certain persons professed to be for intervention when they were not for it. The true friends who sustained Cass no doubt were willing to carry it out; but there was opposition in another quarter, who fought under a sort of mask. He then proceeded to show that the northern Whigs, in 1846, commenced with the Wilmot proviso, and followed up the anti-slavery tactics, with a view of beating down Cass and the Democrats everywhere. If their policy had been carried out in practice, this Government would not be in existence at this day. The northern Whigs were then committed to that policy, but appealed to others—southern men—to keep it away. General Taylor having died, Mr. Fillmore succeeded with a more liberal policy, and the questions then pending were settled. He then spoke of the change which has since been effected in the North, more favorable to the South; and made remarks, generally, on the subject of slavery, and against the many mischievous efforts made to abolish it.

He said, in this connection, the southern system is a prosperous one, and there was no reason for arraying Government against it; the condition of the negro, morally, socially, and physically was better than that of the negro race elsewhere on the face of the earth, either in Africa or out of it.

[A full report of this speech will be found in the Appendix.]

Mr. WRIGHT, of Pennsylvania, said that his district adjoined the one which was the residence of Mr. David Wilmot, the father of the Wilmot proviso; and as that gentleman had been engaged during the present week in agitating this subject within the limits of his (Mr. WRIGHT's) district, it became him, therefore, to defend himself.

On Tuesday last a large meeting (or it was so represented in the public prints) was held in the city of Carbondale, in Luzerne county, a portion of his district. Mr. Wilmot made a speech at that meeting, and the first intimation he (Mr. WRIGHT) had of it was three petitions, which he yesterday presented in the House, signed by one hundred and four leading, prominent citizens of Carbondale, asking that the Nebraska-Kansas bill might become a law; so that he thought the impression made by Mr. Wilmot in the city of Carbondale did not, perhaps, come up to the expectations of the enemies of that measure.

Mr. W. then expressed his opposition to the CLAYTON amendment in the Senate Nebraska bill, stating that he could not vote for the bill with that clause in it. He had, however, the pledge of the chairman of the Committee on Territories, (Mr. RICHARDSON,) that that clause, so far as he was concerned, should be stricken out. With that clause out of the bill he was ready to sustain it by his vote in the House, and before the country. He was ready to sustain it because it involved a great, an important, and a mighty question—the question of State rights, and of popular sovereignty, and upon this foundation he was ready to stand or fall.

He would say in this place that he would rather be stricken down as an advocate of popular sovereignty, than be returned again to the House having sustained a position in opposition to it. Therefore, so far as regarded his return to this House, it was a matter about which he cared nothing. He cast it from him as a matter of no earthly importance whatever.

Mr. W. then proceeded to prove that there never had been one inch of territory acquired by the Government but what had met with the severest opposition; and that there never had been a Territory organized or a State admitted that had not also met with the bitterest opposition. To-morrow, if Spain were to give us a deed of cession of the island of Cuba, and her Britannic Majesty

were also to give us a deed of cession to the Canadas, there would be a party in this House which would vote against accepting the deeds.

He next argued to show that the Missouri compromise had remained a dead letter upon the statute-books for the last thirty years, and proceeded to vindicate the Democratic party from the charge of exciting agitation.

[This speech will be found in the Appendix.]

Mr. MATTESON next obtained the floor.

Mr. YATES. If the gentleman from New York will give way, I will move that the committee do now rise.

Mr. MATTESON. I am obliged to go on now.

Mr. MATTESON opposed the measure, and referred to the resolution of the Legislature of New York, and those of various public meetings in that State, against the repeal of the Missouri compromise; and, as a full and ample justification for his course on this occasion, he said that both Whigs and Democrats, without distinction of party, participated in those meetings. He read various extracts in relation to that subject, and opposed the bill until his hour expired.

[This speech will be found in the Appendix.]

• Pending the delivery of the remarks of Mr. MATTESON, the following interruption took place: Mr. ORR. Will the gentleman from New York give way for one moment to allow me to make an explanation?

Mr. MATTESON. With great pleasure.

Mr. ORR. I am glad that the gentleman from New York has afforded me an opportunity to make a corrective with reference to a bill which was introduced and referred to the Committee on Indian Affairs. I see by the papers, that it has been the subject of very great agitation at the North, and I have seen one or two articles, in which the bill was discussed at length. I will state to the gentleman from New York, that the Committee on Indian Affairs have not yet reported that bill back, but have instructed me to do so, striking out altogether that provision which has reference to slaves. The provision allowing to each Indian who owns slaves a reservation in proportion to the number of his slaves, was intended to apply principally, if not exclusively, to the Creeks, Cherokees, Choctaws, Chickasaws, and Seminoles. The committee have determined to strike out those tribes, inasmuch as it is not proposed to organize any territorial governments over the limits occupied by the tribes I have just enumerated. If there are any slaves in Kansas and Nebraska owned by Indians, I am not aware of it. There are slaves owned by Indian tribes in other territory, to the number of ten or twelve thousand.

Mr. CHANDLER obtained the floor.

Mr. WASHBURN, of Maine. Will the gentleman yield for a motion to rise? The hour is late.

Mr. CHANDLER. I yield the floor for that purpose with great reluctance. [A laugh.]

Mr. WASHBURN. I move that the committee do now rise.

The question was put, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the bill "making appropriation for the civil and diplomatic expenses of the Government for the year ending June 30, 1855," and had come to no resolution thereon.

Mr. WHEELER. I move that the House do now adjourn.

The question was put, and the motion was agreed to.

And thereupon (at four o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, April 5, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PRIVATE BILL.

On the motion of Mr. JOHNSON, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill for the relief of William Claude Jones.

It proposes to direct the Secretary of War to settle the account of William Claude Jones against the United States, for his military services in the United States Army, and to allow him the difference between the pay of a private, which he did receive, and the compensation of a commissary of subsistence, to which he is entitled, from the 28th of September, 1837, to the 2d of April, 1838.

On the 28th of September, 1837, Jones was mustered into the service of the United States as a private, at Jefferson barracks, in Missouri; upon the same day he was appointed "Commissary in Morgan's spy battalion of mounted riflemen," by Lieutenant Colonel A. G. Morgan, under authority from the Secretary of War.

An order from Colonel Z. Taylor, written at Fort Gardner, dated January 28, 1838, directing him to proceed to Tampa Bay, names the petitioner "Lieutenant Jones."

The records of the office of the Third Auditor of the Treasury show that Jones was mustered as a private on the 28th of September, 1837, and that he was paid as such until April 2, 1838, and that no person has been paid as commissary or quartermaster to the "Morgan Spies."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

LAND CLAIMS IN MISSOURI.

Mr. PETTIT. The Committee on Private Land Claims, to whom was referred a bill supplementary to an act "confirming claims to land in the State of Missouri, and for other purposes," have directed me to report it back without amendment and recommend its passage. It is a small matter, which affects but a few citizens, and I hope it will be passed immediately.

Mr. GEYER. I trust the Senate will agree to put that bill upon its passage now.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole. It provides that in case the location and boundaries of a tract of land, the claim to which was confirmed by the act of July 4, 1836, "confirming claims to land in the State of Missouri, and for other purposes," cannot be ascertained, the surveyor general for Illinois and Missouri shall grant to the claimant a certificate to that effect, and the claimant shall be permitted to locate an equal quantity, on any unappropriated public land of the United States, in the State of Missouri, subject to entry at private sale.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PETITIONS, ETC.

Mr. BRIGHT presented the petition of the postmasters of Vincennes, Indiana, Shawneetown, Illinois, St. Louis, Missouri, Keokuk and Dubuke, Iowa, and Louisville, Kentucky, praying an increase of compensation; which was referred to the Committee on the Post Office and Post Roads.

Also, a report of citizens of Newpoint, Indiana, praying an appropriation of land to the States of Indiana, Illinois, and Iowa, for the construction of a railroad from Fort Wayne, Indiana, via Rochester, Lacon, New Boston, and Wapello, to Council Bluff City, on the Missouri river; which was referred to the Committee on Public Lands.

Also, a petition of owners of vessels employed in the coasting trade and whale fisheries, residing at Sag Harbor, New York, praying an appropriation for the erection of a custom-house building at that place; which was referred to the Committee on Commerce.

Also, a memorial of the Mayor and Common Council of Evansville, Indiana, praying that the proposed western armory may be located at that place; which was ordered to lie on the table.

Mr. JAMES presented the petition of Messrs. Barnes & Mitchell, S. P. Hoover, and others, citizens of Washington, praying that Pennsylvania avenue, in that city, may be paved with the Russ pavement; which was referred to the Committee for the District of Columbia.

Mr. FITZPATRICK presented a memorial of the corporate authorities of the town of Wetumpka, Alabama, praying Congress to prevent the erection of bridges over the navigable waters of that State; which was referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. CHASE, from the Committee on Patents and the Patent Office, to whom was referred the petition of William Emmons, senior, praying an extension of a patent granted to his son Uri Emmons, for a planing machine, submitted a report, accompanied by a bill for the relief of the heirs of the late Uri Emmons; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WADE, from the Committee of Claims, to whom was referred the petition of Michael Nourse, praying compensation for the several periods during which he performed the duties of the office of Register of the Treasury, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

On motion by Mr. FITZPATRICK, it was Ordered, That William Barclay have leave to withdraw his petition and papers.

NOTICE OF A BILL.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill to amend an act entitled, "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to keep and receive the public money, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act," approved March 2, 1853.

BILLS INTRODUCED.

Mr. GEYER asked, and by unanimous consent obtained, leave to introduce a bill to aid in the construction of certain railroads in the State of Missouri, by the grant of a portion of the public lands; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. THOMPSON, of Kentucky, asked, and by unanimous consent obtained, leave to introduce a bill to authorize the recovery of the assets of a bankrupt where the same have been concealed or not specified in the schedule by him; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 5, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER stated that the first business in order was the consideration of the bill reported yesterday by the gentleman from New York, [Mr. BENNETT], from the Committee on Public Lands, "granting lands equally to the several States to aid in the construction of railroads and for the support of schools."

Mr. EASTMAN, by unanimous consent, presented the memorial of the Legislature of the State of Wisconsin, in relation to the homestead bill, and praying a grant of the public lands to aid in the construction of railroads.

Ordered, That said memorial lie upon the table, and be printed.

Mr. JONES, of Tennessee. I have several communications here from the Treasury Department, submitting additional estimates, which, in the absence of the chairman of the Committee of Ways and Means, I wish to present and have referred to that committee, and printed.

There being no objection, the communications were received, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. HENDRICKS. I ask the unanimous consent of the House to make some reports from the Committee on Invalid Pensions, as I shall necessarily be absent from the city for some days, and my committee will probably be called during that time.

Mr. BENNETT. I have no objection to the presentation of those reports; but I desire to say that the bill which was introduced by me yesterday has only just come into the House in printed form; and, in order that gentlemen may have an

opportunity to examine it, I ask that the further consideration of that bill may be postponed until Tuesday next, remaining in the position in which it now stands. I would like the unanimous consent of the House to postpone it to that time.

Mr. COBB. Say Wednesday; for Tuesday there is a special order.

Mr. HENDRICKS. I would suggest that it be postponed for three weeks.

Mr. BENNETT. It is not my desire that action should be deferred so long.

The SPEAKER. If there be no objection, the proposition of the gentleman from New York will be agreed to.

Mr. WENTWORTH, of Illinois. I have every disposition to accommodate the gentleman from New York; but I do not see, if we are to have speeches upon this question of the public lands, why we cannot have them just as well now as at some future day. I will agree not to vote to lay the bill upon the table, or to prevent full and free discussion, until the matter is disposed of; but I am opposed to the proposed postponement, for I do not know what may come up.

Mr. ORR. The gentleman from New York has the right to make the motion to postpone, but it is within the discretion of a majority of the House whether they will grant it or not.

Mr. JONES, of Tennessee. Has the gentleman from New York the right to postpone, and to keep this bill before the House as a report from a committee to occupy the subsequent morning hour?

The SPEAKER. He has a right to move to postpone the consideration of the bill, if a majority of the House see fit to grant it; and it will come up in the morning hour.

Mr. JONES. Suppose another committee should be called upon to report in the mean time, and be undisposed of before the time arrives for the consideration of this.

The SPEAKER. This report would take precedence.

Mr. WENTWORTH, of Illinois. Do I understand the Speaker to decide, if the consideration of this bill is postponed now, that it will be made the special order on the day to which it is postponed?

The SPEAKER. The Chair says, and so does the rule, that when a question is under debate, that no motion shall be received but a motion to adjourn, to lay upon the table, to call for the previous question, to postpone to a day certain, to commit or amend, &c. The motion is now submitted, that the consideration of this bill be postponed until Tuesday next. The decision of the Chair is, that its consideration will take place in the morning hour as a report from the Committee on Public Lands.

Mr. HENDRICKS. I move to amend the motion by saying this day two weeks.

Mr. DEAN. Is it in order to move to refer this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is a motion pending to recommit the bill. Does the gentleman from New York [Mr. BENNETT] demand the previous question?

Mr. BENNETT. I ask the unanimous consent of the House to postpone the consideration of the bill until the time indicated?

The SPEAKER. The gentleman from New York has not submitted the motion to postpone the consideration of the bill, but he asks the unanimous consent of the House for that purpose. If it is not given, he proposes to go on with his speech.

Mr. DEAN. I object.

The SPEAKER. The gentleman from Indiana [Mr. HENDRICKS] states that he is about to leave the city, and asks the indulgence of the House to make some reports from the Committee on Invalid Pensions.

Mr. BISSELL. If I am understood as the gentleman objecting to the postponement asked for the gentleman from New York, [Mr. BENNETT,] I withdraw it.

The SPEAKER. As understood by the Chair, the gentleman from New York [Mr. DEAN] made the objection.

Mr. BENNETT. I ask my colleague if he will not withdraw his objection, as I have no doubt the House will grant unanimous consent to the postponement?

Mr. DEAN. I will withdraw the objection.

The SPEAKER. If no further objection be made, the order will be entered for a postponement of the consideration of the bill until Tuesday next.

Mr. PERKINS, of Louisiana. If it is in order, I would like to offer an amendment to the bill under consideration.

The SPEAKER. That can only be done by unanimous consent. If not objected to, the amendment proposed by the gentleman from Louisiana will be received.

Mr. BENNETT. I ask leave of the House to have the bill and proposed amendments printed.

The SPEAKER. The Chair understands there is no objection to that course; and the proposed amendment will be printed, together with the original bill, if not objected to.

It was so ordered.

The SPEAKER. The gentleman from Indiana [Mr. HENDRICKS] desires, if no objection be made, to make the reports to which he referred.

Mr. COBB. Mr. Speaker, I want to hear what the amendment to the bill reported from the Committee on Public Lands is. Let it be read. How can gentlemen know whether to object to it or not until it is read?

Several MEMBERS. It is too late.

Mr. COBB. I have been asking all the time for information in the matter, and have not been able to obtain it. I will, therefore, object, if the amendment is not read now.

The SPEAKER. The Chair thinks that the gentleman from Alabama is too late in making an objection at this time.

Mr. GREY. Oh, yes; it is entirely too late now to object. Besides, the House understood the matter sufficiently to vote upon it.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following resolution and bill; which thereupon received the signature of the Speaker:

Resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws; and

An act for the benefit of the citizens and occupants of the town of Council Bluffs, in Iowa.

The SPEAKER. The gentleman from Indiana [Mr. HENDRICKS] will now, if there is no objection, make his reports.

Mr. HAVEN. I desire to inquire of the gentleman from Indiana whether he expects to put any of the bills which he is about to report on their passage. If he only desires to report them for the purpose of referring them, I have no objection to his doing so.

Mr. HENDRICKS. There is one bill which, on the reading of the report, I should like to have put upon its passage, if the House will permit me. But if there be any objection to my doing so, of course I will not insist.

I now present an adverse report to the Senate bill No. 132, being a bill for the relief of Albert Hart, increasing his pension.

The bill was read by its title, and laid on the table.

Mr. HENDRICKS also, from the same committee, reported the following bills; which were read a first and second time by their titles, and referred to the Committee of the Whole House, and ordered to be printed:

A bill for the relief of Samuel McKnight, of the State of Kentucky; and

A bill for the relief of William Wallace, of the State of Illinois.

Mr. HENDRICKS also, from the same committee, reported a bill for the relief of George M. Bentley, of the State of Indiana; which was read a first and second time by its title.

Mr. HENDRICKS. As the bill, which has just been read by its title, is under my special charge, and as I cannot be in this House when it comes up for consideration, I would be gratified if the House should pass it on the mere reading of the report. I will not press it upon the House, if any gentleman should insist upon going on with the regular order of business. But the report is short, and the matter very plain, so that I hope the House will hear it, and pass the bill.

The SPEAKER. The Clerk will proceed to read the report.

Mr. LETCHER. It is unnecessary, Mr. Speaker, to read the report now. I hope it will be ordered to be printed, and that the bill in ques-

tion will take its place among the other bills to be acted on by the House.

Mr. HENDRICKS. I hope the gentleman from Virginia will not make objection to the reading of the report. He would understand it in one minute. I would not press the matter, but that I cannot be here when the bill would come up in its regular order.

Mr. LETCHER. I understand that; but I do not consider that that is any good reason for the House to go now into the merits of the bill.

Mr. HENDRICKS. If the gentleman from Virginia will allow the report to be read, I know that he, or any other member, will make no objection to the passage of the bill.

Mr. ORK. I understood the gentleman to say he was not going to put any bill upon its passage.

Mr. LETCHER. I move the report be referred to the Committee of the Whole on the state of the Union, and printed.

The question was put, and the motion was agreed to.

Mr. HENDRICKS, from the same committee, also made adverse reports in the following cases; which were ordered to lie on the table, and be printed:

On the petition of E. P. Hastings, for compensation as pension agent at Detroit from 1836 to 1846;

Petition of James M. French, of the city and State of New York, for an invalid pension on account of disabilities received in the last war with Great Britain;

Petition of Levi Colmus, praying that a pension may be allowed him from 1814 to 1844, when he was placed on the pension roll;

Petition of Hiram Cook and others, heirs of Archibald Cook, asking for a pension;

Petition of John Owens, praying for a pension;

Petition of Oliver Main, of New York, asking for a pension for military services in the war of 1812;

Petition of Constance A. Palmer, for a pension;

Petition of Benjamin F. Wesley, a disabled soldier of the war of 1812, asking for a pension from February 3, 1814, to the 16th November, 1843, when his pension commenced;

Petition of Daniel Ladd, an invalid of the war of 1812, praying for a pension;

Petition of Elijah Frye, of Maine, asking a pension for injuries received in the war of 1812;

Petition of Morris G. Holmes, for the same relief; and

Petition of Robert H. Stevens, for a pension for services in the United States Army in 1840.

EXPENSES OF ROGUE RIVER INDIAN WAR.

Mr. LANE, of Oregon. I ask the unanimous consent of the House to offer a resolution of inquiry only.

The resolution was read for information, as follows:

Resolved, That the Secretary of War be requested to transmit to this House such estimates for muster rolls and vouchers appertaining to the expenses incurred in the late war with the Rogue River Indians, as may be in his possession, with such recommendation as he may deem right and proper.

Mr. WASHBURN, of Illinois. I do not desire to object to the gentleman's resolution, but I desire to say to the Delegate from Oregon, that it will do no good to pass the resolution. Calls were made upon the Secretary of War for information two months ago, and, as yet, no information has been given. He has paid no attention to the calls.

Mr. LANE. I would say to the gentleman that I know the Secretary of War well enough to know that he will act promptly, if the resolution is passed; and I hope it will not be objected to.

Mr. WASHBURN. I do not object to its introduction.

There being no objection, the resolution was introduced and passed.

REV. JAMES COOK RICHARDSON.

Mr. SEWARD asked and obtained unanimous consent to introduce the following resolution; which was read, and agreed to:

Resolved, That the President of the United States furnish to this House copies of all the correspondence which has passed between the United States Chargé d'Affaires at Vienna, Austria, and the State Department, in regard to the case of the Rev. James Cook Richardson; also, all the correspondence which has passed between the same in regard

to the rejection of the exequatur upon the commission of the United States Consul appointed for Trieste.

Mr. COBB. I now call for the regular order of business.

The SPEAKER. The first business in order is the call of committees for reports, commencing with the Committee on the Post Office and Post Roads.

REPORTS FROM THE COMMITTEE ON THE POST OFFICE AND POST ROADS.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported a bill of the following title; which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to provide for the appointment of a Fourth Assistant Postmaster General, and for other purposes.

Also, reported back without amendment, Senate bill (No. 247) "for the relief of Zadoc C. Ingraham," with a recommendation that it do pass; which was read, and referred to the Committee of the Whole on the state of the Union.

Mr. OLDS. The committee have also directed me to report the following joint resolution, to which I ask the attention of the House, as I propose to move to put it upon its passage.

The resolution was read by its title, as follows: Joint resolution explanatory of the second section of the resolution to establish certain post routes, approved July 12, 1852.

The resolution was then read *in extenso*.

Mr. OLDS. If the House will listen to me for one minute, I think I can satisfy them of the necessity there is for the passage of this resolution. It is a matter of very small importance, so far as the amount is concerned, involving perhaps not more than one hundred dollars. The last Congress passed a resolution providing for paying for the services rendered upon the mail route recited in the resolution; but by the reading of the resolution the Postmaster General construed it as authorizing the payment of the service only up to the time of the passage of the resolution. But the service was rendered during the time of the advertising, which took place in consequence of its becoming a post route, up to the time of the regular letting under the law; and the object of this bill is to provide for the payment for that service. This resolution provides for the payment from the time of the passage of the resolution to which I have alluded up to the time of the regular letting of route. With this explanation I leave the resolution to the House, trusting that it will be passed.

The resolution was then ordered to be engrossed and read third a time; and having been engrossed, was accordingly read the third time, and passed.

Mr. OLDS. I suppose, in accordance with the usual custom, I must make the motion that the vote by which the resolution passed be reconsidered, and that the motion to reconsider be laid upon the table.

The question was taken; and the latter motion agreed to.

Mr. GREY, from the Committee on the Post Office and Post Roads, reported the following bills; which were read a first and second time by their titles, referred to the Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

A bill for the benefit of J. C. Buckles, of Louisville, Kentucky; and

A bill for the benefit of McAttee & Eastham.

Mr. McDUGALL, from the Committee on the Post Office and Post Roads, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

A bill for the relief of James S. Graham and Walker H. Finnall.

TRANSPORTATION OF CALIFORNIA MAIL.

Mr. McDUGALL also reported the following bill; which was read a first and second time by its title:

A bill to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans to San Francisco according to time.

Mr. CHURCHWELL. I desire to ask, if it

be the pleasure of the House, to put that bill upon its passage. I ask that it may be read through, after which I propose to make some explanation of its provisions.

The original bill was then read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be the duty of the Postmaster General to negotiate and conclude a contract or agreement for the transportation of the letter and paper mail of the United States from New Orleans, in Louisiana, to San Francisco, in California, and from San Francisco to New Orleans, twice a month, each way, with such person or persons who shall first accept the proposals herein provided, and give satisfactory security for the performance of the service, and shall allow and pay the transportation of said mail in monthly payments, at the rate according to time, as per schedule hereto attached and made a part of this act.

In 25 days.....	\$100,000
In 24 days.....	100,000
In 23 days.....	200,000
In 22 days.....	300,000
In 21 days.....	350,000
In 20 days.....	450,000
In 19 days.....	500,000
In 18 days.....	600,000
In 17 days.....	720,000
In 16 days.....	850,000
In 15 days.....	1,000,000
In 14 days.....	1,250,000
In 13 days.....	1,300,000
In 12 days.....	1,700,000
In 11 days.....	1,800,000
In 10 days.....	2,500,000

Sec. 2. *And be it further enacted*, That the Postmaster General shall require from the parties so contracting proper evidence of his or their right and authority to transport the mails of the United States through and across any foreign country, State, or Territory; and also, a stipulation or agreement to prepare for, and actually commence the service under the contract hereby directed, on or before the expiration of six months after this act shall become a law.

Sec. 3. *And be it further enacted*, That the Postmaster General is not authorized or empowered to make any advance of the funds or credit of the Government in furtherance or aid of the undertaking, or for the use and benefit of the parties so contracting.

Sec. 4. *And be it further enacted*, That the parties so contracting shall in no event receive from Government increased compensation.

Sec. 5. *And be it further enacted*, That the contract hereby directed shall be for the term of ten years.

The substitute proposed by the committee for the above bill, was read as follows:

Be it enacted, &c., That from and after the passage of this act, it shall be the duty of the Postmaster General to accept a contract or agreement for the transportation of the letter and paper mail of the United States from New Orleans, in Louisiana, to San Francisco, in California, and from San Francisco to New Orleans, twice a month each way, with such person or persons who will agree to perform the service, between the points designated, in the shortest time, and shall first accept the proposal herein provided, and give satisfactory security for the performance of the service. The Postmaster General is hereby authorized and directed to allow and pay for the transportation of said mail, in monthly payments—the rate according to time—as per schedule hereto attached and made part of this act.

Sec. 2. *And be it further enacted*, That the Postmaster General shall require from the parties so contracting, proper evidence of his or their right and authority to transport the mails of the United States through and across any foreign country, State, or Territory; and also a stipulation or agreement to prepare for and actually commence the service under the contract hereby directed, on or before the expiration of six months after this act shall become a law.

In 25 days.....	\$10,000
In 24 days.....	10,000
In 23 days.....	20,000
In 22 days.....	30,000
In 21 days.....	40,000
In 20 days.....	50,000
In 19 days.....	100,000
In 18 days.....	250,000
In 17 days.....	450,000
In 16 days.....	550,000
In 15 days.....	1,000,000
In 14 days.....	1,250,000
In 13 days.....	1,300,000
In 12 days.....	1,400,000
In 11 days.....	1,500,000
In 10 days.....	1,600,000

Provided, That the Postmaster General shall so arrange the departure of the mails herein provided for, in connection with the line already established, so as to secure a weekly mail communication between the points designated.

Sec. 3. *And be it further enacted*, That the Postmaster General is not authorized or empowered to make any advance of the funds or credit of the Government in furtherance or aid of the undertaking, or for the use and benefit of the parties so contracting.

Sec. 4. *And be it further enacted*, That the parties so contracting shall in no event receive from Government increased compensation.

Sec. 5. *And be it further enacted*, That the contract hereby directed shall be for the term of ten years.

Sec. 6. *And be it further enacted*, That if at any time during the existence of this contract, any other individuals or company shall establish a more speedy conveyance of the mails between New Orleans and San Francisco, and shall give proof to the Postmaster General that said conveyance has been in successful operation for three consecutive months, then and in that case it shall be the duty of the Postmaster General to transfer this contract to said individ-

ual or company, whereupon the former company or individual shall not be deemed to have any claim for damage, or otherwise, against the Government.

Mr. CHURCHWELL. I desire in a few brief remarks to explain the provisions of the bill which is now before the House. The public interests seem to require that we should have additional mail facilities between the Atlantic and the Pacific States. We have now already a mail between those States by way of Panama. Under the present contract, the average length of the trips is twenty-five days, at an expense of near \$800,000 per year. I have thought that the expense is too great and the time too long. And I might as well answer here as at any other point, the objection that is sometimes urged when we speak of the value of short trips. I am told that two, or three days in a trip make but little difference. When this bill was first sent to the Committee on the Post Office and Post Roads, it was referred by them to the Postmaster General, and I have his letter—and it is but respectful to him that I should allude to it—in which he says that a few days in each trip are of little consequence. The letter is as follows:

POST OFFICE DEPARTMENT, March 20, 1854.

Sir: Your note of the 9th instant, inclosing and asking my views upon the bill herewith returned, came duly to hand.

In answer, I have to inform you that I have carefully considered the plan of mail service proposed in this bill, and, in every point of view in which it has presented itself to me, its adoption appears to me to be inexpedient.

The difference of a few days in the performance of a trip is of consequence comparatively only to a limited portion of the whole people; and even looking exclusively to the transportation of the mails, an increased expedition of a few days on a given trip can be of essential importance, at the utmost, to not more probably than one quarter of those engaged in correspondence.

It is proper further to observe, that the present cost of the service from New York and New Orleans to California and Oregon (about \$738,000 a year) is considered to be much beyond what the income from the lines will justify, especially in view of the circumstance that in many parts of the United States whole neighborhoods and districts, for miles in extent, are almost wholly without mail accommodations, while other neighborhoods and districts, in every State of the Union, are fully provided with mail facilities, owing to the want of the necessary means to pay for the service. Yet this bill provides that, in the event of the trips being performed within a given time, the annual pay for semi-monthly service, simply between New Orleans and San Francisco, shall be \$2,500,000.

I will add, that we have a standing offer to take the mails semi-monthly each way, both from New York and New Orleans to San Francisco, via Nicaragua, at not exceeding \$300,000 a year. Therefore we may have a weekly mail on both these lines, say on the 8th, 15th, 22d, and 29th of each month, for \$600,000 at most; whereas, under the plan proposed by this bill, a semi-monthly mail only between New Orleans and San Francisco, if run in ten days, leaving each port, say, on the 1st and 15th, and arriving at each on the 10th and 24th of the month, will cost, as above remarked, \$2,500,000, or \$5,000,000 for weekly service.

Without stating more at length the objections to which, it seems to me, this bill is liable, I certainly can never favor any plan by which, under any circumstances likely to happen, such enormous sums may be drawn from the public Treasury for mail steamship transportation.

I am, very respectfully, your obedient servant,

JAMES CAMPBELL.

Hon. E. B. OLDS, Chairman of Committee on the Post Office and Post Roads, House of Representatives.

And here I wish to call the attention of the House to the value of time. Suppose that in addition to the present route, you pass this bill and establish another line of steamers between the points mentioned, that will make the trip in ten days less time than it is now made, under the present contract and by the present route; and suppose that I save you \$2,000,000 a year by this arrangement. How, I am asked, is this to be done? What is the amount of money that we receive annually from California? During the past year we received \$86,000,000, and may we not presume that during the next year we shall receive \$100,000,000? But to make myself clearly understood, I will put the amount annually received at \$50,000,000. Under the present arrangement, that \$50,000,000 is detained ten days longer than is necessary on the present mail route. Suppose you can shorten the trip ten days, what will be the gain? The gain will be to the business community—I may say to the tax-paying community, for it falls upon them at last—what the interest is upon the whole amount of the moneys conveyed upon that line. What is the interest on the \$50,000,000 per annum, the amount assumed to be received annually from the Pacific, at six per cent. per annum? It is \$3,000,000. Upon that basis the interest per day would be within a fraction of \$3,220; and for ten days, the shortest time proposed by the schedule, of \$32,220. And yet I

am told that time is not valuable! Sir, it is everything.

Let us follow this matter a little further. Suppose I save each trip ten days, and that I have two vessels making two trips a month, and each one saving ten days—that is twenty days a month, or two hundred and forty days a year, is it not then clearly demonstrated what it will save to the people of the United States? I do not say to the Government but to the people of the United States, which is the same thing, over \$2,000,000 a year, equal to the deficit in the entire mail revenue of the country. But I am told that we should not extend the facilities of the Post Office Department, because the revenue now received is not sufficient to defray the expenses of that Department. That is the main principle I now propose to argue and amend. The revenue is not sufficient, and why? Because it has fallen behind the times—behind the progress of the age—in the mode of transportation. The express lines of the country take away all the regular and important business from the regular lines. Each trip to California, by the way of Panama, averages thirty thousand letters. How much mail matter goes by the express lines and merchant marine? Is it not fair to presume, that an amount equal to one third of that amount goes by private express, at an exorbitant price in the way of postage.

I propose to remedy that evil. We need not be told—the country need not be told—that the cheap postage system affects the revenue of the Post Office Department. It is not so in point of fact. Place that Department upon a proper footing, upon an equality with individual enterprise; reduce your postages still lower, and the amount of revenue would be increased, and amply sufficient to defray the expenses of that Department. But you have allowed it to fall behind the times. It is in a sinking, dilapidated condition—becoming a mere fungus upon the Federal Treasury. You will have to abandon the system entirely, or pay its whole expenses out of the public Treasury. I propose to remedy this evil. I propose to give that Department the advantage of all the improvements and advantages held out by individual enterprise, and to place it in a condition where it can compete with any individual enterprise that may be projected in the way of express lines between the United States and California; not to create a monopoly, but to enable it to compete successfully.

What is the nature of the bill now before the House? Do I propose any expenditure of money? Not at all. I have the proposition here which has been made, establishing the line from New Orleans to San Francisco. I propose, if any individual or company can be found who will undertake to do it according to the schedule, that they shall have the contract; but in the event of a failure, they shall get no pay, under any circumstances. If they are successful, they get the contract to carry the mail until some one else starts a line and conveys it in shorter time for three consecutive months, and gives proof of the same to the Postmaster General, then the contract goes to the party so carrying it, and so on. So the thing is open to competition, and will establish a system which will break up the monopolies that have heretofore existed in this Department of the Government.

What are the facts in regard to the present system? According to the present rates, for twenty-five days we pay about \$850,000. What is proposed by this bill? We propose to pay for sixteen days—ten days shorter time—according to this schedule, \$850,000.

I ask the question, is it not important, considering the condition of the country and our relations, foreign and domestic, that we have rapid and speedy communication with our Pacific frontier? I ask if it is not important to every interest of the Government that this should be done? In view of this fact—in view of the great need of having an additional oceanic or overland route, which shall give us rapid and speedy communication between the Atlantic States and our Pacific possessions—I have drawn up and presented to the House this bill, not however without having consulted with some of the best men in the country in regard to this matter. It is not presumed that we shall soon have a trip made from New Orleans to San Francisco in ten days, nor from any part of the United States, until the Pacific railroad is established. I am so certain that this road will be built that I have made a provision for that event.

Mr. GREY. Will not the gentleman from Tennessee yield the floor to allow me to make a motion that the House resolve itself into the Committee of the Whole? The bill will come up tomorrow, when he can finish his remarks.

Mr. CHURCHWELL. I will yield the floor for that purpose.

Mr. GREY. With that understanding I then move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken on Mr. Grey's motion; and it was decided in the affirmative.

CIVIL AND DIPLOMATIC BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Orr in the chair.)

The CHAIRMAN. When the committee last rose, they had under consideration House bill No. 48, being a bill making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855, upon which the gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor.

NEBRASKA AND KANSAS.

Mr. CHANDLER, after a few preliminary remarks, proceeded to address the committee in opposition to the bill proposing to organize territorial governments for Nebraska and Kansas. He was not afraid to trust to the righteousness of his cause. He welcomed all who assisted him with their speech or vote. He thought proper to say the opponents of this bill are absolved from all necessity of discussing the subject of slavery in connection with its provisions. Negro-mania or negro-phobia, or certain sentiments or degrees of sentiments, have necessarily nothing to do with the issue on this measure. It was a question of contract, honor, and faith of the white man with the white man. Whatever the benefits or injuries conferred or inflicted on negroes, Congress never made a contract with them, nor made any compromise to which the negroes were directly a party. The question was, shall the compromise of 1820 be maintained or violated? The same spirit which prompted the compromise of 1820 and 1850 was yet in existence, and the same motives will give that spirit constant action. The compromises of the Constitution remain. It was difficult to get at them. They were not to be reached simply by a legislative enactment.

The act of 1820 was and is a compromise. With a full knowledge of what was said and done during the Congress of 1850, he remarked, in whatever was uttered or committed at that time, there was nothing to create the suspicion that the five acts, known as the compromise of that session, intended to set aside or repeal the Missouri compromise.

Mr. BAYLY said he meant to take issue with the gentleman on that point.

Mr. CHANDLER, resumed. Had it been supposed on the part of those who yielded to the compromise that the five measures repealed the Missouri compromise, those bills would have been voted on the table, or, what is the same thing, put on the Calendar, where they would have been forgotten.

The principle of the compromise of 1820 remains in force, and there could be no positive enactment repealing its binding force without an outrage on public sentiment and the confidence reposed in congressional faith.

Nebraska shows no signs of life. The bill was only preparatory. The assertion of the doctrine that the people in the Territories have the right to regulate their own affairs was in direct opposition to the provisions of the bill, which he proceeded to show. He combatted this principle, saying young America, like young Israel, scouted the results of age and experience, exclaiming, in the language of Scripture, "go up, old baldhead, go." [Laughter.]

He further pursued his argument, showing, in the course of his remarks, the deplorable effects which the bill would have on the Indians residing in the Territory over which it was now proposed to spread territorial government; and, in conclusion, called on the opponents of the bill to stand fast to national faith and honor, and not be deterred from a conscientious course of duty by the sneers of those who differ from them in opinion. If they should fall, there will be inscribed on their

tomb the Spartan epitaph: "We lie here in obedience to the commands of our country."

[This speech will be found in the Appendix.]

Mr. SMITH, of Tennessee, said that there were two Nebraska bills upon the Calendar, either of which he was willing to support. The bill, however, which he should principally discuss, was the one of the Senate, which he preferred; but, laying aside all technicalities in relation to the difference between the two measures, in effect, in principle, and in operation upon the Territories, as a southern man, he was willing to support either of them—whichever it should be the pleasure of the House to consider and adopt.

Prior to the passage of the compromise of 1850, we were at sea upon the subject of slavery, without compass or a friendly star to direct our course. By the passage of those measures, a principle was established, which, if adhered to, could be rallied around, in all time to come, by the friends of State rights and the perpetuity of the Union. That principle was congressional non-interference in the domestic affairs of the States and Territories. It was because of the incorporation of this principle of self-government in this bill that he gave it his cordial support; and he was free to declare, that he wished to see it recognized and established by the Government, to be referred to in all future time, when sectional difficulties might arise in the legislation of the country.

Having referred to the objections urged against the bill, he contended that it does not propose to repeal the Missouri compromise of 1821, but that it does repeal the Missouri restriction of 1820; that the eighth section of the act of March 6, 1820, was no compromise, because it wanted the essential element of mutual concession; that the Missouri act of 1820 was unconstitutional and void; and that, in order to bolster it up, it had been conjoined with the Missouri compromise of 1821, or the purpose of attaching to it the name and influence of Henry Clay.

He then adverted to the arguments against the Badger proviso, and declared that the true meaning and the whole effect of this clause was to prohibit the revival of any law which existed in the Territory prior to 1820, the force and effect of which was destroyed by the Missouri restriction. This proviso could have no effect whatever.

He then replied to portions of the speech of Mr. FRANKLIN, heretofore delivered, and proceeded to argue at length that the institution of slavery was protected by the Constitution of the United States and the laws of the country.

[This speech will be found in the Appendix.]

Mr. NICHOLS said that he would not vote for this Nebraska bill, nor any other which contains a proviso to repeal the Missouri compromise, or which contains the Clayton amendment. He then proceeded to give historical details connected with the question, in support of his opposition to the measure, and continued his remarks until the expiration of the hour to which he was limited in debate. [See Appendix for speech.]

[A message was received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, informing the House that the Senate had passed sundry private bills, in which it asked the concurrence of the House.]

Mr. WASHBURN, of Illinois, obtained the floor.

Mr. PHILLIPS. Will the gentleman yield the floor for a motion that the committee rise.

Mr. WASHBURN, of Illinois, at some length opposed the repeal of the Missouri compromise, and replied to arguments which had been advanced in support of the Nebraska bill, declaring that he should never vote to extend the area of slavery. [See Appendix for speech.]

Mr. PRESTON obtained the floor.

Mr. DEAN. Will the gentleman from Kentucky yield the floor to enable me to make a motion for the committee to rise?

Mr. PRESTON. With pleasure.

Mr. DEAN. Then I move that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and Mr. HAVEN having resumed the chair as Speaker *pro tempore*, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and par-

ticularly the civil and diplomatic appropriation bill, and had come to no resolution thereon.

Mr. DEAN. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

The House thereupon, at a quarter past four o'clock, p. m., adjourned to to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, April 6, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that the House had passed a bill to authorize the selection of sixteenth sections within the limits of the twelve miles square reservation in the State of Alabama; in which the concurrence of the Senate was requested.

Also, that the Speaker had signed the following enrolled bill and joint resolution:

An act for the benefit of the citizens and occupants of the town of Council Bluffs, in Iowa; and A joint resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

The President *pro tempore* then signed the bill and joint resolution.

A subsequent message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the House had passed a joint resolution, explanatory of the second section of a resolution "to establish certain post routes," approved July 12, 1852.

Also, that the Speaker of the House had signed an enrolled bill to authorize the construction of six first-class steam frigates, and for other purposes.

The President signed the last-named bill.

MARTIN KOSZTÁ.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with the resolution of the Senate of the 14th ultimo, a report of the Secretary of State, accompanied by copies of the correspondence between the American Consul at Smyrna, and the American legation at Constantinople, and also between the said consul and the United States Government, on the subject of the seizure of Martin Kosztá by the Austrian authorities; which on motion by Mr. MASON, was ordered to lie on the table and be printed.

PETITIONS, ETC.

Mr. EVERETT presented resolutions passed at a meeting of citizens of Dedham, Massachusetts protesting against the repeal of the Missouri compromise, and the introduction of slavery into territory now free; which were ordered to lie on the table.

Also, a petition of citizens of Gettysburg, Pennsylvania, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. CLAYTON presented the proceedings of, and resolutions passed at, a special meeting of the Agricultural Society, of New Castle, Delaware, protesting against the passage of the homestead bill; which were ordered to lie on the table, and a motion made by him to print them was referred to the Committee on Printing.

Mr. MORTON presented additional documents in support of the claim of John W. Kelly for indemnity for losses sustained by the abrogation of a contract with the Post Office Department; which were referred to the Committee on Claims.

Mr. HAMLIN presented the memorial of George B. Clark, praying that a certain amount of Continental money owned by him may be redeemed by the United States; which was referred to the Committee on Revolutionary Claims.

Mr. SHIELDS presented a resolution passed at a meeting of the members of the Board of Trade of Chicago, held March 11, 1854, in favor of a ship canal upon the American side around the Niagara Falls; which was referred to the Committee on Commerce.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of Michael Nash be withdrawn from the files of the Senate, and referred to the Committee on Claims.

REPORT FROM A STANDING COMMITTEE.

Mr. JONES, of Tennessee, from the Committee on Military Affairs, reported a bill to establish a western arsenal at Memphis, in the State of Tennessee, and for other purposes; which was read, and passed to a second reading.

HARRIET LEAVENWORTH.

Mr. FOOT. Mr. President, on last private bill day I asked for the consideration of the bill from the House of Representatives "for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth;" but, at the request of the Senator from Virginia, [Mr. HUNTER,] I yielded in order that the deficiency bill might be considered. I ask the consent of the Senate now to take up the bill to which I refer.

Mr. MASON. If any discussion arises on that bill I shall be obliged to ask that it lie over.

Mr. FOOT. If any debate arises, I shall consent that it be laid aside. I have only to say that this is a House bill, and that it has received the unanimous approval of the Committee on Pensions of the Senate.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of Harriet Leavenworth upon the pension rolls, and cause her to be paid the sum of thirty dollars per month, for the term of five years, commencing February 1, 1853.

Henry Leavenworth forsook a lucrative practice at the bar, in New York, and entered the United States Army as captain of the ninth infantry, during the war of 1812. He was promoted major August 15, 1813; breveted lieutenant colonel July 5, 1814, for distinguished and meritorious services in the battle of Chippewa; breveted colonel July 25, 1814, for gallant conduct in the battle of Niagara, in which he was wounded; retained as major in the second infantry, peace establishment of 1815; promoted lieutenant colonel in the fifth infantry, February 10, 1818; breveted brigadier general July 25, 1824, for ten years' service in one grade; promoted colonel in the third infantry, December 16, 1825; and died at Cross Timbers, Southwestern Territory, July 21, 1834, while commanding the troops in that quarter. During this long continuance in the Army, he performed numerous and highly important services to his country—having established military posts in the Indian country, and at one time commanded a military expedition against the Aricara Indians. He stood high in the estimation of the Secretary of War, for prudence, courage, and civic as well as military attainments. He came to his death from bilious remittent fever, contracted while in the line of his duty as commander of an expedition against the Pawnee Picts, but his death was hastened by anxiety of mind, and a too arduous desire to advance the objects of his country intrusted to his command. Harriet Leavenworth, his widow, is advanced in age, in infirm health, and has pecuniary claims pressing upon her, which she is unable to meet.

The bill was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

REFERENCE OF HOUSE BILLS.

The bill from the House of Representatives to authorize the selection of school districts in lieu of the sixteenth sections within the twelve miles square reservation, State of Alabama, was read a first and second time by its title, and referred to the Committee on Public Lands.

The joint resolution explanatory of the second section of a resolution "to establish certain post routes," approved July 12, 1852, was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

MILWAUKIE COLLECTION DISTRICT.

Mr. DODGE, of Wisconsin. Mr. President, I move that the Senate take up for consideration the bill "to extend the limits of the collection district of Milwaukee, in the State of Wisconsin, and for other purposes." It has been unanimously reported from the Committee on Com-

merce, and there is on file a letter from the Department showing its approval of the measure.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole. It proposes to extend the limits of the collection district of Milwaukee so as to include the western shore of Lake Michigan, so far as it forms the boundary of Wisconsin, and all the waters of Green Bay, and to include all that portion of Wisconsin lying east of the Wisconsin river, above the town of De Korra, and all east of a line running south from De Korra to the State line. Milwaukee is to remain the port of entry, and Green Bay is to be a port of delivery in the district of Milwaukee, in the same manner as it is now in the district of Mackinaw; and Ozaukee and Manitowoc are to be ports of delivery in the district of Milwaukee, for which places surveyors are to be appointed, to receive the same compensation as is provided in the act of March 2, 1831, for surveyors at Pittsburg, Wheeling, and other places.

The bill was reported to the Senate without amendment, ordered to be engrossed and read a third time, was read a third time, and passed.

JOSEPH SMITH.

Mr. STUART. I move that the Senate take up for consideration the bill for the relief of Joseph Smith. It is a matter which will not involve any discussion. It is to remedy a difficulty in the case of a land warrant.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to authorize Joseph Smith to locate one hundred and sixty acres of land, on any of the public lands of the United States subject to private entry, in lieu of a location made by him which is specified in the bill, in the Kalamazoo land district, in Michigan, as assignee of military land warrant No. 55,099, and which location was canceled by the Commissioner of the General Land Office; and further to direct the Commissioner of the General Land Office, upon the receipt of the certificate of location from the register of the proper land office, to issue a patent to him, for the lands so located.

On the 28th of April, 1849, a bounty land warrant was issued to William Hill, a private in Captain Wittenmeyer's company, in the first regiment of Michigan volunteers, in the war with Mexico. Prior to the issuing of the warrant on the 2d day of August, 1848, Hill departed this life, leaving no wife or children, or relatives, as appears from the certificate of the judge of the probate court for Cass county, Michigan; at the time of his decease he was indebted for expenses incurred during his last sickness in the sum of about \$120, and left no personal property for its payment. On the 5th of October, 1848, one Charles S. Clowes was duly appointed administrator of the estate, and he, on the 15th of December, 1849, as administrator, and under the order of the probate judge, sold and assigned the warrant to Joseph Smith, and applied the money thus realized to the liquidation of the indebtedness of Hill, and expenses of administration; the warrant was located by Smith upon the west half of the southwest quarter of section twenty-five, and the east half of the southeast quarter of section twenty-six, in township seven south, of range fifteen west, in the Kalamazoo land district, Michigan, which location was canceled by order of the Commissioner of the General Land Office, in May, 1851, on the ground that the warrant issued after the death of Hill; this decision was undoubtedly correct under the law. But in consideration of the fact that Hill was justly and legally entitled to the warrant, and left no relatives to whom a warrant could issue, and as Smith was an innocent purchaser for a valuable consideration, and the money thus realized applied to the payment of a sacred indebtedness, it was thought that equity would demand the relief prayed for by the petitioner, as no injustice would be done thereby to the United States.

No amendment being proposed, the bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, and was read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business;

and after some time spent therein, the doors were reopened; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 6, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

THE BLACK WARRIOR AFFAIR.

The SPEAKER presented to the House a message in writing received from the President of the United States, transmitting, in further compliance with the resolution of the House, a report from the Secretary of State, with the accompanying documents.

The Clerk was proceeding to read the report of the Secretary of State,

Mr. DEAN. Mr. Speaker, as these papers relate to the seizure of the Black Warrior, at Havana, called for by a resolution of this House, and as the former papers received on the same subject have been referred to the Committee on Foreign Affairs, and ordered to be printed, I move the same reference and order in relation to the papers now before us.

It was so ordered.

STEAM FRIGATES.

The following bill was reported from the Committee on Enrolled Bills as correctly enrolled, and received the signature of the Speaker:

An act to authorize the construction of six first-class steam frigates, and for other purposes.

TRANSPORTATION OF CALIFORNIA MAIL.

The SPEAKER. The matter first in order before the House is the bill reported yesterday by the Committee on the Post Office and Post Roads, being "A bill to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans to San Francisco according to time."

Mr. CHURCHWELL. Will it be necessary for me, Mr. Speaker, to ask the unanimous consent of the House to take up that bill which was before us yesterday?

The SPEAKER. There being no motion to commit the bill, under the rules it goes to the Speaker's table.

Mr. CHURCHWELL. Then I ask the unanimous consent of the House to take up that bill.

General assent was expressed by the House.

Mr. CHURCHWELL. Mr. Speaker, when I gave way yesterday to my friend from Kentucky, [Mr. GREY,] for the purpose of enabling the House to go into the Committee of the Whole on the state of the Union, I was going on to speak of the advantages which the establishment of the principle contained in this bill would bring to the Government, and the great revolution which it would work on our mail arrangements—in the mail system of the Government. Under its present operation that system is inadequate to supply the wants of the business community; and the consequence is, that a deficit arises in the mail revenue. The object of this Department of the Government is to make it a self-sustaining Department. Gentlemen here talk about economy, and we have economists in this House, and good ones too. But there are different notions of economy. We had a proposition submitted the other day by the honorable gentleman from Alabama, [Mr. HOUSTON,] proposing to increase the mail postage of the country to five cents instead of three cents. For what, sir? In order that the mail revenue of the country may be sufficient to defray the expenses of that Department of the Government.

I ask is this necessary? Is this the proper mode to redress or to eradicate that evil? It is not. Let us, Mr. Speaker, rather place that Department in a condition that will enable it to compete successfully with individual enterprise, and that it may be able to command the patronage of the business public alike with individual enterprise.

Sir, I propose by this bill no monopoly. I propose merely to place the Government, or that branch of the Government, on an equality with individual enterprises in the way of express lines. If this is once done, you will have no more talk of deficiencies in the revenue of the Post Office Department, but the consequence will be an ample revenue. And afterwards, if no one else should

make the motion, and if I should have the honor of a seat here, I will propose to reduce the postage to one half its present rates.

But I am told on some occasions that we had better adopt the contract system, and let out the ocean mail carriage by contract. What is this proposition, sir? It is to carry the mails according to time. The longer the time the less the pay; the less the time the greater the pay, up to a given reasonable amount. What will be the result if this system is adopted, and this bill shall pass? Why, when the mail contracts are to be let, when proposals are issued by the Postmaster General, in future, he will advertise that proposals will be received for carrying the mails from point to point—say from New York to Liverpool, if you please—according to time, as per schedule annexed. The bidders will then put in their proposals, each with a schedule of price, according to time, attached; and the Postmaster General will have the selection of the lowest bidder according to time. Such will be the operation of the measure, if it shall please the House to adopt it.

It is said that the mere saving of a few days—and that, too, by high authority, by our able Postmaster General—is of importance but to a small portion of the community; that the agricultural portion receives but little benefit from it, while the cities and the commercial interests of the country receive the advantages.

I admit, sir, that the mercantile community will at first receive, perhaps, the greatest amount of this advantage, and the largest benefit. But, as Carlyle says, "commerce is the king." I admit it, but agriculture wears the crown. The one cannot exist without the other. Advance the interest of one, and you advance that of the other. They are inseparably connected in interest; there is such a unity of interest, that if one perish, so will the other. You may as well say that you could undertake to fatten the arm of a man without fattening the whole system, as to say you could benefit one branch or interest of the country without benefiting all. The argument which maintains that a saving of time is of no importance is fallacious and untenable; the saving of time, in this respect, is of as much importance as it is in any other enterprise where labor is the basis.

This bill is surrounded with proper guards and restrictions, as the Committee on the Post Office and Post Roads seem to think; for I believe they have reported favorably upon it. I take it that it is so; and allow me to say, that it is an able committee, and the House has confidence in it. Having looked into this bill, I have offered a substitute, containing the same principle, and have thrown around it sufficient guards and restrictions to protect the interests of the Government. What are its provisions? The Postmaster General recommends, in his letter to that committee, or rather speaks in that letter, of the necessity of weekly mails from the United States to California. What does this bill propose? To give a weekly mail in connection with lines already established, to and from California. What else? Does it propose to advance the funds of the Government in order to carry out this contract, as has been done on former occasions? No, sir. Does it propose to take the vessels off the hands of the contractors for war purposes, or any other? No, sir. It merely proposes to test the principle of rapid and economical communication which is contained in it, at the expense of whoever may undertake to execute the contract.

It is expressly provided in the bill that the Postmaster General is not authorized or empowered to make any advance of the funds or credit of the Government in furtherance or aid of the undertaking, or for the use and benefit of the parties so contracting. And it still further provides that the parties so contracting shall in no event receive from Government increased compensation.

I need hardly allude to the large additional compensation which was made by the last Congress to a magnificent line of steamers for carrying the mail; but a like occurrence is provided against in this case.

It is again provided that the contract shall be taken, and continue for a term of ten years. It may be said that this will be giving some one company a monopoly for that length of time; but if gentlemen will examine another portion of the bill, they will see that such a monopoly is not granted.

And why? If it shall be ascertained that any other party can carry it in a less space of time than the contracting party, the contracting party is to be superseded by the said other party, who shall agree to carry the mail in a shorter space of time; and the former party is not, under any circumstances, to be allowed to claim anything in the shape of damages. Here is the provision as it is contained in the bill:

"Sec. 6. *And be it further enacted*, That if at any time during the existence of this contract, any other individuals or company shall establish a more speedy conveyance of the mails between New Orleans and San Francisco, and shall give proof to the Postmaster General that said conveyance has been in successful operation for three consecutive months, then and in that case it shall be the duty of the Postmaster General to transfer this contract to said individual or company, whereupon the former company or individual shall not be deemed to have any claim for damage, or otherwise, against the Government."

Now, sir, the magnitude and importance of this proposition I hope will secure the earnest attention of the members of this House. We are told every day nearly that the mail facilities of the country are inadequate to the wants of the country. We are told that the revenue of the Department is falling off, and that if this state of things is continued for any length of time, Congress will either be forced to place the Department in a position where it can defend itself, where it can compete successfully with lines established by private enterprise, or they will be forced to pay the expenses of maintaining these facilities from the Treasury of the people, or to abandon the whole service to the care of private individuals. One of these consequences will inevitably follow, unless we can devise some measure, some plan by which we may impart life, vigor, and a healthful action to this branch of our national service.

Sir, is it not a matter of the highest importance that the arteries and veins which convey the life-blood of the Government from its center to its circumference should be in a healthful condition? Is it not of vital importance that we keep a watchful eye upon the healthful condition of the blood which flows through the arteries and veins of the country, in the way of postal arrangements?

Why, sir, in England, where they have reduced their rates of postage to a mere nominal sum, the revenue derived from the service of that department is enormous. It is needless to tell me that the amounts appropriated in this bill are extravagant. The sum proposed to be appropriated is large; but if you will take into consideration the amount of time which will be saved to the business community, it will prove a great saving to the country by adopting this bill. At any rate, it is worth trying by way of testing the principle. I admit that it is but an experiment, but it is one which is worthy of being tested, even at some expense.

But it requires no expense. I propose to test the principle at the expense of whoever may be disposed to make the contract, or accept the proposition. It will require, I admit, some man of nerve, and with large means. It was remarked to me this morning that my bill would probably fail from this consideration; that it was confined exclusively to the Tehuantepec route. I wish it distinctly understood that, if the Tehuantepec route is the shortest, and the mails can be carried over it the quickest, then it is the route which I favor. In such case that is the route of the bill. If the Nicaragua is the quickest route, very well. If any other route is the quickest make a contract for it. I desire it to be distinctly understood that the bill provides for no particular route; it only refers to the shortest route and the quickest time.

What else do I propose by this bill? Without putting the Government to any expense, I propose to offer an inducement for the development of individual enterprise, and the power of steam. We have the elements in the country; and the importance of rapid communication with our western frontier, makes it necessary that we should adopt some measure by which we can derive that advantage, if it can be done without enormous expenditure of the public money.

I said that this was a mere business transaction. Looking at it in that point of view, we can readily conclude the cost and probable profit attending the execution of the contract. No individual who will take the bill and make the calculation, looking to all the results, both beneficial and adverse, but what will come to the conclusion that it is at least

worthy of a test, especially when it would not cost the Government anything.

But I have already detained the House longer than I intended. The matter is one of considerable importance, at least I think so; and I trust that I have been able to convince the House it is worthy of their consideration.

It may be said that there is nobody in the country who is willing to undertake the contract. I have been informed that such is not the fact; that it will be readily accepted, and cause competitors from all sections of the Union, with ample means and gigantic intellects in their way, ship builders and ship owners, men of experience and who have patriotism and fortune enough to embark in the enterprise. They will test the principle without asking of the Government a single dollar.

If sufficient attention has already been given to the bill, it is not strange if I ask that it have an early passage; but I do not desire to put it on its passage at once, unless such may be the pleasure of the House. It has been published in this morning's Globe, and every gentleman has had an opportunity to look into it; and the Committee on the Post Office and Post Roads have reported favorably on it. If it be not the pleasure of the House to consider it at once, I shall ask that its consideration be postponed for ten days.

Mr. SMITH, of Virginia. The gentleman has submitted a motion which cuts off debate; and as I desire to be heard on the subject, I trust that he will withdraw it, and yield me the floor.

Mr. CHURCHWELL. I do not desire a postponement, if I can get a vote on it now. I yield the floor to the gentleman.

The SPEAKER. The motion to postpone is withdrawn.

Mr. SMITH. Mr. Speaker, it has been a very common remark throughout the country that much of the gravest and most important business of this House is transacted without a knowledge on the part of its members of what is being done; and the consideration of the bill now before the House, and in reference to which we have had an able discourse from the gentleman who has introduced it, has been conducted amidst such bustle and noise as not to command the least attention.

Sir, I deem it one of the most important bills that has been presented to the country for many a long day, and I really think the House ought to give to it some consideration and attention during the time of its exposition, at least, by those who have had it under consideration. It is known to the House that the old practice which has prevailed in reference to contracts has not been in conformity with the impatient and progressive spirit of the age. Persons make contracts now-a-days, and you cannot make improvements on them with regard to speed without large additions to the expenditures.

I have the experience of a single contract in my own district, in which the time under the contract made at a former letting was twenty-nine hours, and the necessity for increased expedition upon that route has actually induced the contractor upon it to agree to a reduction of the time to twelve hours. I mention this fact for the purpose of calling the attention of the House to what is well understood by every gentleman at all familiar with the subject, that it is absolutely necessary that a new principle should be introduced—the principle to which I have referred, and which is embodied in the bill of the gentleman who last addressed us—a bill reported from the Committee on the Post Office and Post Roads. That principle is in perfect harmony with the spirit of the age. What is it? Why, it is to let contracts for mail service, to be paid for according to its expedition. It is to introduce a new principle, which has been introduced by individual expressmen—that of getting the shortest time in the transmission of intelligence that human effort can accomplish.

But we know—it is in the knowledge of every member of the House—that the proverbial delays of the mails have excited the indignation to a very great extent of the people of the country. Everybody knows that; and it is that fact to which we are indebted for the repeated diminution of the receipts from that branch of the public service. Everybody is familiar with that.

Well now, what does the gentleman propose by this bill? I beg the attention of the House to it. He proposes to pay a sum progressively higher as the time is progressively diminished. If the mail

is carried within a certain number of days between here and San Francisco, so much is to be paid; if in a certain number of days less, so much increase of compensation is to be allowed.

Now that furnishes a very good rule to go by, and I ask the House to look at the question. Why, when I went to California in 1850, I had a glorious trip—a frolic all the way, I may say—not an obstruction of any description to interrupt the passage, and what was the consequence? I was thirty-six days on the passage. But what has been the effect of rivalry and competition since that time? Now, the time has been reduced until the trips average twenty-five days, and sometimes the voyage is performed in even less time. Here is a prodigious gain to the country. Just make a calculation of the difference between thirty-six and twenty-five days in the interest on the money regularly exported from California to this portion of the Republic, and see what an enormous sum it amounts to. The difference of the interest on \$50,000,000 a year between thirty-six days and twenty-five days constitutes a most important item in the industrial relations of the country. Every one can see that.

Well, we have realized twenty-five days as the ordinary average time of the trips between this and San Francisco. What is the project proposed by this bill? We are now paying for this expedition of the mail service—which seldom comes within the period of twenty-five days, and is frequently up to thirty days—eight hundred and odd thousand dollars a year. Yes, the transportation of the mails between this and San Francisco, at a speed of twenty-five days, costs this country upwards of \$800,000.

What is proposed by this bill? Is it proposed that if it cannot be done in twenty-five days, that it shall be done for \$840,000? If nobody will undertake to do it for less than twenty-five days, they can only get \$10,000 a year, instead of \$840,000. I wish it distinctly understood that this is \$10,000 a year. If you can get it done in twenty-four days, what does it amount to? Ten thousand dollars a year. If gentlemen will look in the Globe, they will find that I am right in the statements I make. If no one will undertake to carry the mails for less than twenty-five days, they get but \$10,000 a year. If no one undertakes to do it for less than twenty-four days, they still get, according to the printed report, \$10,000 a year; and if no one will undertake it for less than twenty-three days, they get \$20,000. I will read the whole schedule. It proposes:

In 25 days.....	\$10,000 per annum.
In 24 days.....	10,000 "
In 23 days.....	20,000 "
In 22 days.....	30,000 "
In 21 days.....	40,000 "
In 20 days.....	50,000 "
In 19 days.....	100,000 "
In 18 days.....	250,000 "
In 17 days.....	450,000 "
In 16 days.....	850,000 "
In 15 days.....	1,000,000 "
In 14 days.....	1,250,000 "
In 13 days.....	1,300,000 "
In 12 days.....	1,400,000 "
In 11 days.....	1,500,000 "
In 10 days.....	1,600,000 "

We are now paying \$850,000 for the mail delivered to us at even twenty-five and twenty days. Here is a proposition, however, to deliver it here in sixteen days for less money. I ask this House if it is not plainly their duty to adopt the principles of the bill that effects such an increase of facilities, and the saving of time and money? You reduce the time to sixteen and twenty-five days; thereby not only effect a great saving to the traveling community in time, but to the commercial and business interests of the country you will save a very great amount of interest. What objection can there be to such an arrangement? I know of one gentleman—I allude to a distinguished steamboat man in New York, Mr. Vanderbilt, who has won for himself by common courtesy the *sobriquet* of commodore—who is willing to undertake such a contract; and in steamboat matters he never fails. He is willing not only to undertake such a contract as this, but what is more, he is perfectly willing, if any man can beat him, to give up his contract. To start such a line as would be necessary for the purpose we all have in view, would require an expenditure of millions. Commodore Vanderbilt says that he will surrender all the advantages which are to be realized from the

contract, if he does not fulfill it. I ask, then, what objection is there to the proposition? He does not claim a monopoly of the contract for ten years; and although there is a proposition giving the contract for that time, yet there is a stipulation that if anybody during that time can do it better, that the original contractor shall be superseded; nay, more, superseded, too, without any cost or charge to the Government. He is to surrender his contract because he does not keep up with the progressive spirit of the age. What objection can there be to this course, I ask? It is a contract to pay no enormous charge for an inadequate consideration, but it is a contract to pay for substantial value received. By adopting this course you will place this matter of mail contracts upon the true principle, which should be the only test for mail contracts—the time in which the service is to be performed. Then you will find this Government moving ahead in strict accordance with the progressive spirit of the age, and the great improvements developing in the country.

What objection can there be to this? Who can object to it? I ask this House again, I appeal to gentlemen, to support the principle embraced in this bill. Here, sir, is an important principle at issue. I cannot estimate its value too highly. It is deeply interesting to the country. It will cause the mails to be delivered to us with greater rapidity than usual. It will cause them to be delivered at a less rate than the ordinary one. It will, in every point of view, enable the Government to keep pace with individual enterprise.

It will place this great arm of the public service under the responsibility of quick operations. I ask, then, on what principle it can be objected to. Look to your steamers carrying the mails over the Atlantic, as they have been referred to by the gentleman who preceded me. Suppose we annulled that contract, and threw the service open to competition on the principle of this bill. Instead of having but one line of steamers, the pampered pet of this Government, we would have, perhaps, half a dozen lines struggling for supremacy; and perhaps the carrying of the mails would be sometimes transferred from the one line to the other. Instead of having a single great monopoly on the Atlantic ocean, we would perhaps have a general circulation of half a dozen competing lines.

But, Mr. Speaker, the principle itself is right—the principle itself is economical—awakens all the fire and energy of American enterprise; it addresses itself to the favorable consideration of the whole country. And I conceive, that instead of our being startled by it and making objections to it, the wonder is, not that the system is now suggested, but that a principle that must strike all sensible men with obvious and conclusive force had not before been introduced and acted on in this House.

I say, then, that I hope the House will consider and adopt this bill, not because the principle is new—for change is not always an improvement—but because the principle is wise, and is, in every point of view, justly entitled to the favorable consideration of this House and of the country. I will not trouble the House with any further remarks; but ask the House to pass the bill.

Mr. McMULLIN. I would be glad to know, Mr. Speaker, whether or not, under the rules of the House, this bill does not require to be referred to the Committee of the Whole on the state of the Union? I grant you it does not make a direct appropriation; but the remarks of my colleague [Mr. SMITH] satisfy my mind, at least, that this bill ought to go to the Committee of the Whole. I am free to admit, sir, that the principle involved in it is an important one.

Mr. CHURCHWELL, (interrupting.) I desire to say, if the gentleman from Virginia will permit me—

Mr. McMULLIN. What is the object of the gentleman?

Mr. CHURCHWELL. I desire to ask the House to postpone the consideration of this bill for ten days.

Mr. McMULLIN. No. I will not agree to that proposition.

I desire, Mr. Speaker, before I take my seat to express my views in reference to this matter—

Mr. JONES, of New York, (interrupting.) Will the gentleman from Virginia permit me for one moment?

Mr. McMULLIN. I will yield the floor to

the gentleman from New York for an explanation.

Mr. JONES. I will only detain the gentleman from Virginia for one moment. I wish to say to the House, as a member of the Committee on the Post Office and Post Roads, from which this bill is reported, that this bill has not been considered by that committee, as I understand it; and for myself I must say that in its present form I am much opposed to it; and, therefore, I trust that this House will not spring upon us this bill until it can be well understood.

Mr. CHURCHWELL. I desire to make one single remark, and then I will yield the floor to the gentleman from Virginia.

Mr. McMULLIN. I will yield for an explanation, but not for a motion.

Mr. CHURCHWELL. I am surprised, Mr. Speaker, to hear the gentleman from New York [Mr. JONES] say that this bill has been reported from the committee without having been considered.

Mr. OLDS. Will the gentleman from Virginia [Mr. McMULLIN] yield to me for a moment for the purpose of explanation?

Mr. McMULLIN. Certainly.

Mr. OLDS. It becomes necessary and proper for me, inasmuch as my colleague upon the Committee on the Post Office and Post Roads, [Mr. JONES, of New York], has spoken in reference to the action of the committee, to say a word in explanation. The gentleman is mistaken in regard to the action of the committee, in saying that they have not considered the bill.

Mr. JONES, of New York. I do not wish to be misunderstood in my remarks. I believe that the committee as a committee, have not considered this bill, nor reported as a committee upon it. I so understand the matter. I do not say that the subject has not been talked over by us individually, but that as a committee we have not considered the bill.

Mr. OLDS. I will state what the action of the committee was upon the bill. I do not know whether my colleague upon the committee [Mr. JONES, of New York] was or was not present at the time the bill was up for consideration before the committee. The matter was taken up and considered by the committee; and the order of the committee was, that Mr. McDUGALL should report the bill back to the House with amendments; and it is my fault, perhaps, that the amendments, or all of them, are not in the bill, as they should be. The gentleman from Tennessee, [Mr. CHURCHWELL], on Monday, handed me the bill to look over it, for the purpose of seeing whether it embraced the views of the committee. That was about the time we were entering into the discussion of the bill for the pay of postmasters, and I put the bill into my drawer, forgot to look at it, and handed it back to the gentleman without perusal.

But the order of the committee was to report back the bill to the House, with amendments. The amendments were to change the first section of the bill so as to authorize the Postmaster General to enter into a contract of this kind, upon the completion of the existing contracts for the transportation of mails upon that route, and to strike out of the schedule of time all after fourteen days. In this manner the committee acted, without pledging itself to vote for or against the bill when it should come up for consideration by the House. They were willing to report it back, as a bill containing merits, and allow it to be discussed by the House, and adopted or rejected, as they should see fit.

Mr. McMULLIN. This is not, Mr. Chairman, the first bill which, since I have had the honor of a seat upon this floor, has been precipitated upon the House for its action. Gentlemen who were here during the Thirty-First Congress know perfectly well what was said in relation to these matters at that time, and the course which was pursued then. They cannot have forgotten that they were assured by the then learned and distinguished chairman of the Committee on the Post Office and Post Roads, that if the reduction of postage, which was then proposed, should be adopted, the whole country would be greatly benefited by that arrangement. We were also assured that the Post Office Department would become a self-sustaining Department. I did not believe in the principle and beneficial effects of a reduction then; and the facts which have since transpired

have satisfied all, conclusively, that such belief was well founded. The Post Office Department of this Government is minus \$2,000,000 now; and if you will confer with the head of that Department, you will find that the probability is that next year there will be a deficiency of \$4,000,000.

It is not my purpose, at this time, to go into the consideration of the merits of this bill. Not at all. But, sir, since I have been a member of this House, I have seen that almost all the changes which have been made in the Post Office Department have resulted to the benefit of the large commercial cities, but to the ruin, almost, of the rural districts. What are the facts? In my own district, as also in almost all the rural districts in this country, you can scarcely get a postmaster to hold a commission six months, because of the reduction of their pay; and I express my belief that the operation of this bill will further cripple the postal arrangements of these districts.

It is due to all portions of the country that this important bill—conceded by its friends to be important—conceded by my friend from Tennessee [Mr. CHURCHWELL] to be important—important as my colleague [Mr. SMITH] has fully shown to be to the House—should receive a full and careful consideration. The question is, will you give it that consideration in the House, or will you refer it to the Committee of the Whole on the state of the Union, where it can be fully, deliberately, and fairly considered?

Mr. CHURCHWELL. The gentleman speaks of the importance of the bill. I admit it; and ask him to be good enough to let it be recommitted to the committee, that they may consider it, and that its further consideration may be postponed indefinitely, or for two or three weeks.

Mr. McMULLIN. Before I take my seat, I will endeavor to answer my friend from Tennessee, for I assure him there are but few members upon this floor whom I would sooner accommodate than him.

But while I am upon the floor I desire to call the attention of the House to one fact. Ask every member upon this floor, and they will tell you that the reduction of the rates of postage has worked nothing but ruin upon the revenues of the Post Office Department, and I am not prepared to say that if you adopt this bill it will not result in still further liabilities upon that Department. I have not sufficiently examined it to prepare me to say definitely, however, what will be its operation in this respect.

But, sir, although it is said that this bill has met the approbation of a majority of the Committee on the Post Office and Post Roads, I must beg to tell the House that I know one member of that committee, from Virginia, [Mr. POWELL], did not sanction it, nor, if I understand it, was he consulted upon the subject.

Again, sir, I would like to see the Post Office Department a self-sustaining branch of the Government. I do not want my district, and other districts which are like mine, situated in the interior of the country, cut down in their mail facilities, and then called upon to contribute to support those facilities for the benefit of the great commercial cities of the country.

I am, for one, perfectly willing that Congress should pass a law—and I believe it is the duty of Congress to pass such a law—as shall make the Post Office Department a self-sustaining branch of the Government. I am perfectly willing that my district should contribute its share towards meeting the burdens of the Government; but I am not willing, when that is done, that you should increase your postal facilities between the great commercial cities to two mails a day, while in the rural districts of the country they cannot get more than two mails per week, and, in many instances, not more than one a week.

But, sir, it is not my purpose to trespass upon the time of the House, but move to refer the bill to the Committee of the Whole on the state of the Union. If the friends of the bill prefer that it should be recommitted to the Committee on the Post Office and Post Roads, I will not object to that disposition of it.

Mr. CHURCHWELL. Will the gentleman allow me to interrupt him?

Mr. McMULLIN. No, sir; my friend wants, I know, to postpone the further consideration of this bill for three weeks; but I cannot consent to make, or to allow him to make, that motion.

Mr. CHURCHWELL. Will the gentleman allow me a moment for personal explanation?

Mr. McMULLIN. Certainly, I will yield for that purpose.

Mr. CHURCHWELL. I am forced to believe that my friend from Virginia was not in the House during the early proceedings of the day, for he certainly has not understood the position I assumed in debate, or my argument upon the bill. I agree with my friend in his idea that the Post Office Department should be a self-sustaining branch of the Government. I agree with him that we should increase the mail facilities in his own rural district and mine. I desire to see daily mails established in those more sparsely settled portions of the country. I wish to see the Department placed in a condition in which it may defend itself against the competition of private enterprise; against express lines established by private individuals. I know that our community need additional postal facilities, and my object is to increase the revenue of the Department, so as to secure in his southwestern Virginia, and in my own native Tennessee, daily mails over that mountain country.

A MEMBER. If you receive weekly mails there you will do well.

Mr. CHURCHWELL. Perhaps so; but I shall not be satisfied with weekly; I want to see daily mails there; and I could show that the effect of this bill would, to a certain extent, have an effect in that direction, for it will be to increase the revenue of the Department.

Now, sir, inasmuch as this is an important bill, requiring further consideration, and inasmuch as other gentlemen desire to speak upon it, I ask my honorable friend from Virginia that he will allow me to make the motion that its further consideration be postponed for three weeks, and not to send it to the Committee of the Whole on the state of the Union—where it will never be heard of again, perhaps for the next one hundred years—to a long home. I know that my friend cannot be so cruel to the only bantling which I have before the body. [Laughter.] He professes to love me; and if he does, then he certainly cannot treat my measure harshly. [Laughter.] He will surely let the poor bantling live for three weeks. Then, if there be nothing in it, the bill will die. When it dies, I shall go with it to the grave, and a tear, if it be the only one, shall fall on its bier. If the benevolence of my friend will allow me, I now submit the motion that the consideration of the bill be postponed for three weeks.

Mr. HAMILTON. Mr. Speaker—

The SPEAKER. The gentleman from Virginia is still on the floor.

Mr. McMULLIN. I have no doubt that my distinguished friend from Tennessee believes all that he has said in regard to the practical view of this measure.

Mr. CHURCHWELL. A good deal more.

Mr. McMULLIN. The gentleman says a good deal more. I remember perfectly well that the distinguished chairman of the Committee on the Post Office and Post Roads in the Thirty-Second Congress, was equally as sincere as my friend from Tennessee in the belief that the then reduction of the postage would not seriously affect the revenues of the Post Office Department. He was mistaken, and my friend may also be mistaken.

My friend says that I love him. I respect him as one gentleman does another. I love my friend well, but I love my country more. [Laughter.] If the question be one of the paramount importance claimed, why not give it the direction that all important bills take? Let it go to the Committee of the Whole on the state of the Union. There all the gentlemen who desire to speak on it, for or against it, will have a fair field and a clear sky. I propose to give the bill that direction. I propose to send it to the Committee of the Whole on the state of the Union, where it will not be lost. I shall go with the gentleman to resurrect it.

Mr. WASHBURN, of Maine. With the gentleman's permission, I would ask the Chair whether a motion has been made that the bill be referred to the Committee of the Whole on the state of the Union?

The SPEAKER. The motion has not been made.

Mr. WASHBURN. I would be glad then if the gentleman from Virginia would make that motion.

Mr. McMULLIN. I now yield for the purpose of explanation to my friend from Tennessee.

Mr. CHURCHWELL. When will the morning hour expire, Mr. Speaker?

The SPEAKER. At ten minutes past one.

Mr. CHURCHWELL. The gentleman has entirely misunderstood the character of the bill. In all candor I would inquire of him whether he has read the bill?

Mr. McMULLIN. I have read a portion of it in the newspaper. [Laughter.]

Mr. CHURCHWELL. A portion of it! I have but one more proposition to make to my friend from Virginia. Will he agree to make the bill a special order? He professes to love me next to his country. I imagine I have a high place in his affections. [Laughter.] Will the gentleman agree to make the bill a special order?

Mr. McMULLIN. I cannot agree to do so.

Mr. CHURCHWELL. Then I hope the House will agree to postpone its consideration for two weeks. If it be the pleasure of gentlemen, let the postponement be for three weeks.

Mr. McMULLIN. I should like to accommodate the gentleman from Tennessee, but I have a duty to perform, from which I cannot swerve. Gentlemen on various sides desire that I shall afford the bill a fair and full consideration. The gentleman from Tennessee desires to know whether I had read the bill. What time have I had to read it? It was this morning, for the first time, published in the Globe, and laid upon our tables. I looked over it very hastily, and the remarks of the honorable gentleman, and of my worthy colleague from Virginia, induced me to get the floor for the purpose of submitting a proposition to refer it to the Committee of the Whole on the state of the Union, for full, free, and fair consideration. If there is a majority in favor of the bill, it can be taken up at any time, and I assure the friends of the bill that I will aid them to take it up at the proper time. I therefore move that the bill be referred to the Committee of the Whole on the state of the Union, and on that I call the previous question.

Mr. CHURCHWELL. I hope the gentleman will withdraw the demand for the previous question.

Mr. McMULLIN. I cannot.

Mr. CHURCHWELL. I desire simply to state, that if the bill is referred to the Committee of the Whole on the state of the Union, it will never be taken up; for, as is usual and customary, the whole time when we are in committee will be occupied in discussing Nebraska, or some other question. I hope, therefore, that the House will vote down the motion to refer the bill, and postpone its consideration for three or four weeks.

The SPEAKER. Is the demand for the previous question withdrawn?

Mr. McMULLIN. It is not.

The SPEAKER. Then debate is out of order.

Mr. CLINGMAN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. PHELPS. Before the question is put upon that motion, I ask the unanimous consent of the House to report back the deficiency bill.

No objection was made.

Mr. PHELPS, from the Committee of Ways and Means, reported back the deficiency bill with sundry amendments.

The bill was referred to the Committee of the Whole on the state of the Union, and the amendments were ordered to be printed.

Mr. GREENWOOD, by unanimous consent, and in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Commerce:

A bill to be entitled an act to enable the States of Missouri, Arkansas, and Mississippi, to apply a portion of the swamp lands granted to each, respectively, to aid in the construction of the St. Louis, Helena, and New Orleans railroads.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of the 4th instant, transmitting all the information in the possession of the Department touching the expediency of an appropriation by Congress to defray the expenses already incurred, and that may hereafter be incurred, in

the prosecution of the persons engaged in the destruction of the Martha Washington.

Mr. ORR. The document seems to be a very long one, and I move that it be referred to the Committee on the Judiciary, and that it be printed.

The SPEAKER. That order will be made, no objection being made.

A communication was then laid before the House, transmitting a statement of the contingent expenses of the Department of the Interior from the 1st of July, 1852, to the 30th June, 1853, as required by the act of 26th August, 1842; which was laid on the table, and ordered to be printed.

Mr. HESTER. I ask the unanimous consent of the House to introduce a resolution.

Mr. WALSH. I call for the regular order of business.

The SPEAKER. Several gentlemen are calling for the question upon the motion submitted by the gentleman from North Carolina, [Mr. CLINGMAN,] that the House resolve itself into the Committee of the Whole, and it must now be put.

The question was then taken on Mr. CLINGMAN's motion, and it was decided in the affirmative.

CIVIL AND DIPLOMATIC BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN. When the committee last rose, they had under consideration House bill No. 48, being a bill making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855, upon which the gentleman from Kentucky [Mr. PRESTON] is entitled to the floor.

NEBRASKA AND KANSAS.

Mr. PRESTON alluded to the fact that there are two bills in the Committee of the Whole on the state of the Union, proposing to organize territorial governments for Nebraska and Kansas, and pointed out the main differences between the two measures. That from the Senate contains what is known as the Badger amendment and the Clayton amendment, and both contain a common provision which declares that the act known as the Missouri compromise is rendered inoperative by the measures of 1850.

These bills, he said, in the course of his remarks, propose equal rights to the people of the slaveholding, and equal rights to those of the non-slaveholding States, to settle in Nebraska and Kansas, and organize their own government. He was in favor of this principle. As to the power of Congress to interdict slavery in the Territories, he did not think it exists. You can find precedents in the decisions of the Supreme Court of the United States, that Congress possesses plenary power over the Territories. But if Congress possesses this power, they ought not to exercise it, because the settlement of the question of slavery ought to be delegated to the people who are to inhabit the Territories.

He conceived that the Badger amendment neither helps nor hurts in this matter. On the face of the bill that Senator made a conclusive argument that it does not alter the terms of the bill as it was originally introduced in the Senate. As a southern man, he asked for no reestablishment of slavery by implication in Nebraska, but simply the right to go there to meet his northern friend and brother, and with him establish the foundations of society, with or without slavery.

He gave his reasons why he should vote to strike out the Clayton amendment; and, towards the conclusion of his remarks, called on the North to render to the South the equality which has been so long denied. The advocates of the bill were not afraid of discussion; and it was his belief the bill will pass. [His speech will be found in the Appendix.]

Mr. SMITH, of New York, said that he was opposed to the Nebraska and Kansas bill which has come to us from the Senate, because

1st. It limits suffrage to white men.

2d. It limits suffrage to citizens.

3d. It is so drawn as to mislead readers into the belief that it recognizes the doctrine of non-intervention.

4th. It looks to the existence of slavery in those Territories, and provides safeguards for it.

5th. It allows that slavery may exist in the States that shall be formed from these Territories.

The hammer fell when Mr. S. was in the midst of his argument to prove that all American slavery is unconstitutional.

[Mr. S. retains for revision the report of his speech.]

Mr. CARUTHERS obtained the floor.

Mr. MILLER. Will my colleague yield me the floor for the purpose of making a motion that the committee rise?

Mr. CARUTHERS. I will yield the floor for that purpose.

Mr. MILLER. I then move that the committee rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the civil and diplomatic bill, and had come to no resolution thereon.

Mr. BISSELL. There are several bills from the Senate upon the Speaker's table, which it would be well, perhaps, to dispose of now, as it will take but a few minutes.

Mr. COX. I move that the House adjourn.

The question was then taken, and the motion was agreed to.

The House thereupon, at five minutes past three o'clock, p. m., adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

FRIDAY, April 7, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MORTON. Mr. President—

The PRESIDENT. The Chair will inform the Senator that this is private bill day.

Mr. MORTON. Exactly. That is the point to which I intend to speak. I presume it is the intention of the chairman of the Committee on Foreign Relations to move to go into Executive session; but there is one private bill which I think will elicit no discussion, in which a constituent of mine is deeply interested. It is very important to him that the bill should pass through Congress as soon as possible. It is the bill for the relief of Manuel Hernandez. I will state to the Senate that if the bill should be taken up, and should elicit the least discussion, I shall be perfectly willing that it may be passed over.

Several SENATORS. This is objection day.

The PRESIDENT. The Chair will inform the Senator that, under the rule, no bill can be discussed to-day, but with unanimous consent.

Mr. MORTON. I ask for the unanimous consent of the Senate to consider that bill.

Mr. STUART. I desire to say to the Senator that I suppose the Senate will concur in proceeding to the consideration of private bills to-day, under the order; and the very fact that this is the day on which bills cannot be discussed, will show that by proceeding in order we can pass probably three fourths of the bills on the Calendar, and the Senator's bill with them.

Mr. MORTON. I have no objection to that course being pursued, but I understood the Senator from Virginia [Mr. Mason] would move for an Executive session.

Mr. STUART. I hope not.

Mr. MASON. I understand if I move for an Executive session, any single objection will prevent it. Am I right in that construction of the rule?

The PRESIDENT. Yes, sir; that is the construction which the Chair gives to the rule.

Mr. MASON. Then, sir, I will say that if there can be a common understanding that at one o'clock I may be allowed to move for an Executive session, I will not make the motion at an earlier moment. The Senate are aware that I think it necessary that the Senate should proceed to the consideration of public matters in Executive session; yet, if such an understanding can be arrived at, I will not make that motion until one o'clock.

Mr. SLIDELL. I do not wish to be understood as compromised at all by any agreement of that sort. I think we can dispose of a great many bills on the Calendar, for this is objection day;

but if we shall not have reached some bills in which I am interested by one o'clock, I shall not feel at liberty to assent to the course suggested by the Senator from Virginia.

Mr. MASON. I consider it my duty to move for an Executive session although it will supersede private business. I therefore move that the Senate proceed to the consideration of Executive business.

Mr. PEARCE. I am not certain that I should object to the motion of the Senator from Virginia if I did not think it desirable, for reasons which I cannot now state, that the Senate should not proceed to the consideration of Executive business. I believe the public interests would be advanced by our proceeding with the private business to-day, leaving Executive business for to-morrow. The Senator therefore, I hope, will not think I am personal and discourteous if I object to proceeding to the consideration of Executive business to-day.

Mr. MASON. Does the Senator object?

Mr. PEARCE. I do.

The PRESIDENT. Then the Senate must proceed to the consideration of the private bills upon the Calendar.

JOHN G. MACKALL.

The first bill on the Calendar was one reported from the Committee on Claims, for the relief of the legal representatives of John G. Mackall, deceased.

Mr. STUART. Is not that one of the bills which involves the question which was discussed the other day by the Senators from Maryland and Delaware?

The PRESIDENT. It is one of the same class of bills.

Mr. STUART. I think it had better be looked into.

The PRESIDENT. The bill will be passed over.

WILLIAM G. RIDGELY.

The PRESIDENT. The next bill on the Calendar is one for the relief of William G. Ridgely. It is one of the same class referred to by the Senator from Michigan.

Mr. STUART. Let it be passed over.

The PRESIDENT. The bill will go over.

DAVID MYERLE.

The next bill was one, reported from the Committee on Naval Affairs, for the relief of David Myerle.

Mr. STUART. That is a controverted bill; let it go over.

MOORE AND HASCALL'S PATENT.

The next bill was one, reported from the Committee on Patents and the Patent Office, for the relief of Hiram Moore and John Hascall.

Mr. STUART. That is objected to by others, not by me.

The PRESIDENT. It will be passed over.

JOHN BRONSON.

The next bill was one for the relief of John Bronson, which had been reported from the Committee on Claims.

Mr. EVANS. I should like to know why this claim has never been presented heretofore? It is always suspicious when a claim has stood for forty years.

The PRESIDENT. There is a report in the case. Does the Senator desire to hear it read?

Mr. EVANS. Yes, sir.

The report of the Committee on Claims was accordingly read.

Mr. SLIDELL. I think this is the bill which the Senator from Delaware discussed at some length the other day. I see now that he is in his place, and I wish to call his attention to it.

The PRESIDENT. If there be objection, the bill must be passed over.

Mr. CASS. I think there can be no objection. I have known the case for thirty-five years. It comes clearly within the rules which we have applied under similar circumstances; and I think no gentleman who examines it will object to it. The honorable Senator from Ohio [Mr. WADE] reported the bill.

Mr. BAYARD. I have a few words to say upon it.

The PRESIDENT. It is objected to; so the bill must go over.

THOMAS BUTLER.

The bill for the relief of Thomas Butler, re-

ported from the Committee on Commerce, was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of the Treasury to pay to Thomas Butler, of the city of New York, the sum of \$2,922, being the cost of extra work performed, and materials furnished, in the construction of a light-house on Execution Rocks, in Long Island sound, by order of the engineer in charge, and not within the terms of a contract executed by Butler for the construction of that light-house.

On the 4th day of August, 1847, a contract was executed between Cornelius W. Lawrence, superintendent of light-houses, &c., in behalf the United States, and Thomas Butler, for the construction by Butler of a light-house on Execution Rocks, in Long Island sound. Among other things, it was provided by the terms of the contract, that the work should be done under the superintendence and direction of an engineer, to be appointed by Lawrence in behalf of the United States, and that the largest and most suitable of the several rocks composing the group called Execution Rocks, should be selected for the site of the building. The contract provided for the construction of the foundation as follows: "The rock not being of sufficient extent to receive the full size of the base building, the deficiency is to be made up with concrete, or split granite, well bedded in hydraulic cement." The working drawings, accompanying the specification, also show that the foundation was designed to be built of split stone. It appears by the evidence accompanying the memorial of Mr. Butler, that by the direction of the engineer appointed by the superintendent of light-houses to take charge of the work, *hewn* granite was substituted by the petitioner in the foundation for the split granite mentioned in the contract. This is distinctly proved by the testimony of William Brainerd.

The evidence presented establishes that the stone was cut by the direction of the engineer employed in behalf of the United States; that the cost of cutting it was twenty-five cents per superficial foot; and that the number of superficial feet cut was nine thousand and five hundred, making the cost of the extra work in cutting the stone, \$2,375.

The petitioner claims payment for other items of extra work, and for materials furnished not included in the terms of the contract, viz:

For one iron ring, 23 feet in diameter, 2½ inches round, and letting in, cost.....	\$160 00
One iron ring, 21 feet in diameter, 1½ inches round, and letting in, cost....	110 00
Four hundred pounds of copper dowels, put in lower courses, at twenty-five cents per pound.....	100 00
Drilling holes for the same in eight courses of stone.....	122 00
Iron clamps in basement and over windows.....	45 00

Total..... \$547 00

It is clear that the petitioner was not required by the contract to furnish these materials and work. Besides other proof in support of the latter items of charge, the engineer who had the superintendence of the work during the latter portion of the time when the light-house was being constructed, certifies to the correctness of the charges for the extra work and materials, and states that they were of the utmost importance to the strength and safety of the light-house.

The petitioner has given reasons satisfactory to the committee why these charges were not presented in season to be paid out of the appropriation for the light-house. Mr. Norris, the engineer who originally had charge of the work, left for California, in December, 1848, after the foundations were laid, and the extra work charged for was performed, so that the petitioner could not obtain the necessary report or certificate from the engineer to enable him to obtain the allowance of his charges at the Treasury.

Mr. Butler also claims \$2,000 for damages for delay of the work for nine months, on account of the site for the light-house not having been fixed by the United States; and the further sum of \$588 charged to him by the accounting officers of the Treasury, and deducted from the amount payable by contract for extra time of the engineer employed to superintend the work. He has not presented satisfactory evidence in support of the

latter claims; on the contrary, it appears from correspondence of the committee with the Fifth Auditor, that the delay in fixing the site for the light-house was caused by the petitioner. In the opinion of the committee, the two latter items should not be allowed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

LIEUTENANT R. E. COCHRANE.

The bill for the relief of Mrs. Sally T. B. Cochrane, widow of the late Lieutenant R. E. Cochrane, United States Army, reported from the Committee on Military Affairs, was read a second time, and considered as in Committee of the Whole.

The bill appropriates the sum of \$150 to Mrs. Cochrane, the value of a horse belonging to Lieutenant Cochrane, which was used for express riding in the public service by order of Lieutenant Colonel Garland, United States Army, at Fort Smith, in 1841, and died in consequence of that service.

Lieutenant Colonel John Garland, of the fourth infantry, certifies that the horse was employed by him on public service to take an express from Van Buren to Fort Smith, Arkansas.

The claim is supported by the certificate of E. H. Abadie, assistant surgeon United States Army, who says, that whilst he was stationed at Fort Smith, Arkansas, seven companies of the fourth infantry, under the command of Lieutenant Colonel John Garland, arrived at that post from Fort Gibson, on the 19th September, 1841, en route for Florida. The same night they embarked on board the steamer Artizan, and left Fort Smith some time on the 20th. At a point below Van Buren, some fifteen miles, more or less, the boat was snagged, and sunk on a sand bar, where she grounded—unable to proceed further. On or about the 21st September, hearing of the situation of the boat and troops, Lieutenant R. E. Cochrane, acting assistant quartermaster at the post, and he, rode some seventeen miles across the woods, to where they lay. Lieutenant Cochrane riding his own horse, a fine, high-spirited animal, which had been sold a few weeks previous, Lieutenant Cochrane purchasing him. Whilst at the boat, Lieutenant Colonel Garland sent an express, a soldier, on Lieutenant Cochrane's horse, across to Van Buren; thence across the river again to Fort Smith, back to the boat. On starting to return to the fort, the same evening, it was apparent that Lieutenant Cochrane's horse was sick. With difficulty they got back to the garrison in a walk. Two hours after their return the horse was dead.

Mr. JOHNSON. This is a bill for the relief of the widow of a public officer, who served in the Mexican war, and died at Resaca de la Palma, I believe, or Palto Alto. It is for the loss of a horse, and the sum is only \$150. I hope the Senate will pass it. The proof is ample. It has heretofore passed the Senate, and is now reported unanimously by the Committee on Military Affairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

THOMAS B. PARSONS.

The bill for the relief of Thomas B. Parsons, reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

The bill proposes to direct the proper accounting officers of the Treasury to pay Thomas B. Parsons, who was disabled while in the naval service of the United States, in the successful effort to save the lives of seven persons, three dollars per month from the 1st of September, 1808, to the 1st of June, 1835, as the difference between the rate of pension of a seaman and that of a coxswain, which grade he filled at the time of the injury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

AMOS KNAPP.

The bill for the relief of Amos Knapp, reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to pay to Amos Knapp a sum equal to eleven dollars

per month from the 1st of July, 1848; and it increases his pension, granted by act of July 12, 1852, to the rate of eleven dollars per month, to continue during his natural life.

On the 12th of July, 1852, an act was passed, placing the name of petitioner on the pension rolls, at the rate of eight dollars per month, to take effect from its passage. By a certificate of the Clerk of the House of Representatives, it is proved that Knapp's papers, upon which the relief was finally granted, in 1852, were presented and referred to the Committee on Invalid Pensions, in April, 1848, with the exception of a certificate of Hon. A. M. Schermerhorn, that the signatures to his petition were genuine. The petitioner now prays that his pension may be made to commence at the time when he presented the evidence, with the exception referred to, upon which the act of 1852 was based.

The evidence is also clear, and of the highest character, (being of record as certified by Assistant Adjutant General Thomas, and by Third Auditor of the Treasury, Gallaher,) that Knapp was a sergeant (and not a private) in the thirty-first infantry of the war establishment of 1812; and, as such, as shown by the pay-tables, was entitled to and received eleven dollars per month. It also further is shown by the papers accompanying the petition, that he, while in the service and in the line of his duty, incurred rheumatism, which resulted, after his honorable discharge, in total disability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

GEORGE MORELL.

The bill to provide compensation for the services of George Morell in adjusting titles to land in Michigan, reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

The bill directs the Secretary of the Treasury to pay to Maria Morell, widow of George Morell, late a judge of the United States for the Territory of Michigan, for his services in ascertaining, adjusting, and settling claims to land, and performing other duties in conformity with several laws, at the rate of \$500 per annum, from the time of his appointment as a judge of the United States for that Territory, to the 24th of September, 1836.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ABIGAIL STAFFORD.

The next on the Calendar was the joint resolution explanatory of an act entitled "An act for the relief of Abigail Stafford;" which had been reported from the Committee on Revolutionary Claims.

Mr. BAYARD and Mr. BRIGHT objected to its consideration; and it was passed over.

BENEDICT J. HEARD.

The next on the Calendar was the bill for the relief of Benedict J. Heard; reported from the Committee of Claims.

Mr. BAYARD. I have something to say on that.

The bill was passed over.

LYMAN N. COOK.

The bill from the House of Representatives, for the relief of Lyman N. Cook, reported from the Committee on Pensions, was considered as in Committee of the Whole.

It directs the name of Lyman N. Cook to be placed on the pension roll of the United States at the rate of \$22 50 per month during his natural life.

The bill was reported to the Senate without amendment, ordered to be read a third time, was read a third time, and passed.

ISRAEL JOHNSON.

Mr. RUSK. I ask the unanimous consent of the Senate to report a private bill from the Committee on Indian Affairs. It is a small bill, and I ask for its immediate consideration.

The bill was received by unanimous consent, read a first and second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay Israel Johnson, of Cass county, Indiana, \$570.

Johnson alleges that, at the time of the attempted treaty with the Miami tribe of Indians, in 1833, he, at the request, and under the direction of General William Marshall, Indian agent, and Nicholas D. Grover, sub-agent, hauled from Logansport to the forks of the Wabash, three loads of baggage, for which he was to receive \$45 each, making \$135 in all. Also, that, by the orders of the same parties, he hauled one load of baggage from the treaty ground at the forks of the Wabash, to the payment ground of the Pottawatomies, on the Tippecanoe river, for which he was to receive \$45; also, being a hotel-keeper at Logansport, he entertained and kept a large number of Indians for some time prior to the attempted treaty, for which he charges \$220; also, that, while the Indians were in council, he gave, by direction of the agent, a public dinner to the chiefs of the tribes, for which he charges \$75; also, that he was employed to transport six boys of the Pottawatomie tribe to Madison, on their way to the Choctaw Academy, for which it was agreed that he should be paid \$100. The evidence leaves no room to doubt the truth of the allegations. Among the affidavits, Mr. Grover, the sub-agent, who was on the ground, bears testimony to the service, and the reasonableness of the compensation.

When the accounts pertaining to the commission were presented by the agent of the United States, at the War Department, Johnson's accounts were omitted; and the omission is accounted for by the fact that upon the failure of the treaty, the commissioners hurriedly made up their accounts during the night following, and left their treaty ground early the next morning, while Johnson was absent from the ground. No part of the claim has been paid by the United States, but allowances for precisely similar services have been made to others in the settlement of the accounts of the commission.

The objection to the payment at the War Department is, that the accounts are not approved by the whole Board of Commissioners, three in number. The evidence before the committee shows that the agent for the Indians, General Marshall, from the fact that the other gentlemen on the commission were strangers to the Indians and the whites in the neighborhood, was the active and acting man, and made all the necessary arrangements.

It was through no fault of Johnson that the accounts were not laid before the board, but it was the result of the neglect of General Marshall, whose duty it was to have done so in Johnson's absence, as Marshall had required the services and been furnished with the accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

CAPTAIN HOOE.

The bill from the House of Representatives for the relief of Emelie Hooe, widow of Captain Hooe, reported from the Committee on Pensions, was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place upon the pension list the name of Emelie Hooe, widow of Brevet Major Alexander S. Hooe, late of the United States Army, whose death was occasioned by a wound received in the battle of Resaca de la Palma, on the 9th of May, 1846, and allow her per month the half pay of a captain in the Army of the United States, for ten years, to commence on the 1st of January, 1854; but the pension is to cease if she die in the mean time.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

UTICA STEAM WOOLEN COMPANY.

The Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, for the relief of the Utica Steam Woolen Company. It appropriates \$1,181 16 to the Utica Steam Woolen Company, of Utica, in the State of New York, in full of their account for interest on goods furnished to the Quartermaster's Department.

Mr. SHIELDS called for the reading of the report of the Committee on Claims, and it was accordingly read.

It appears that in 1851 the company made a contract with G. H. Crossman, quartermaster, in behalf of the United States, to furnish cer-

tain broadcloths, to be used for making clothing for the Army, and that they were to be paid from time to time, as the goods were delivered. The contract was fulfilled by the company; but, by reason of the late period at which the appropriation bills for that year were passed, the money was not ready until some time after the delivery of the cloths. The claim is for interest on the principal sum, from the time of the delivery of the goods, when the money, by the terms of the contract, became payable, to the time when the payment was actually made.

Mr. BRIGHT. It appears to me that there must be something wrong about this bill. This Government always has money enough in the Treasury to satisfy all demands of that kind; and I apprehend that, on looking into the matter, it will be found that the *laches* was on the part of the claimants. I object, therefore, to the consideration of this bill, until I can have an opportunity of looking into it.

The bill was accordingly passed over.

CAPTAIN PHILIP F. VOORHEES.

The next bill, which was one for the relief of Captain Philip F. Voorhees, United States Navy, was objected to by Mr. SLIDELL, and passed over.

OTWAY H. BERRYMAN.

The bill for the relief of Otway H. Berryman, reported from the Committee on Naval Affairs, was objected to by Mr. STUART, and passed over.

RICHARD W. MEADE.

The PRESIDENT. The next bill on the Calendar is one for settling the claim of the legal representatives of Richard W. Meade, deceased.

Mr. EVANS. I have looked into that case, and I desire that the bill may be passed over. The committee have allowed the man more than he is entitled to.

The PRESIDENT. The bill will be passed over.

JOHN S. WILSON.

The bill for the relief of John S. Wilson, reported from the Committee on Private Land Claims, was read a second time.

It proposes to authorize the Secretary of the Treasury to pay to John S. Wilson the sum of \$800, with interest at the rate of six per cent. per annum, from the 17th of May, 1822, in full compensation to him for damages sustained by being evicted of his title, derived by patent from the United States, to the east half of section twenty-two and west half of section twenty-three, in township fifty-two north, of range one east, of the fifth principal meridian in the State of Missouri, by the decree of the Supreme Court of the United States, in favor of the devisees of Auguste Choteau, at the January term in 1835.

Mr. BAYARD. I must move to amend that bill. I do not wish to discuss it, if the amendment can be adopted. I move to strike out the words "with interest thereon at the rate of six per centum per annum from the 17th day of May, 1822."

Mr. BADGER. Then I object to the consideration of the bill.

Mr. FITZPATRICK. My colleague, who is not here to-day, from indisposition, asked me to request that the bill might be laid over.

The PRESIDENT. The bill will be passed over.

HEZEKIAH JOHNSON.

The bill, from the House of Representatives, for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont, reported from the Committee on Pensions, was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to cause the name of H. Johnson to be placed upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the 1st of January, 1853, and to continue during his life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ADJOURNMENT OVER.

Mr. BADGER. Mr. President, although this is objection day, as we call it, I hope there will be no objection to my making the usual motion that, when the Senate adjourn to-day, it be to meet on Monday next.

The motion was agreed to.

LIEUTENANT JAMES A. DEANY.

The bill, from the House of Representatives, for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army, was considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place the name of Mary Deany upon the pension rolls, and cause to be paid to her the sum of fifteen dollars a month, for ten years, commencing January 1, 1853; but in case of her marriage or death, the pension is to be paid to her two children, or the survivor of them.

The Committee on Pensions reported an amendment, to add the words "under sixteen years of age," so that the pension shall cease when the survivor attains that age.

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed, and the bill to be read a third time. It was read a third time, and passed.

AARON STAFFORD.

The Senate, as in Committee of the Whole, proceeded to consider the bill, from the House of Representatives, for the relief of Aaron Stafford.

It proposes to direct the Secretary of the Interior to place the name of Aaron Stafford on the roll of invalid pensioners, and to pay him at the rate of fifteen dollars a month, from and after the 4th of March, 1848, and to continue during his natural life, but all sums are to be deducted which he has received as an invalid pensioner since the 4th of March, 1848, and all acts heretofore passed for his relief are repealed.

The petitioner held a commission as adjutant on the 13th day of October, 1812, in the sixteenth detached regiment of the militia of New York, in the service of the United States, during the last war with Great Britain. In that capacity he volunteered on that day, with about two hundred men, to cross over from Lewiston to Queenstown, and he was engaged in the storming of Queenstown Heights, and in that battle on that day. While he was so engaged he received four severe and dangerous wounds—one above the right temple, from a musket ball; another from a bullet passing through his right thigh; a third from a musket ball in the left shoulder; and a fourth from a grape shot, in his left thigh. But, notwithstanding the first three wounds, he continued fighting, and urging on his men, until struck in the left thigh with a grape shot. The wound received by the grape shot was so severe that it knocked him down the bank of the Niagara river, about one third of the way to the water, and he was only saved from being precipitated into the river by grasping with his right hand a shrub, and thereby saving his life; and in the general surrender of all the forces on that field he was helped from his perilous position, and delivered as a prisoner of war to the enemy.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SILAS CHAMPION.

The bill from the House of Representatives, to provide a pension for Silas Champion, of Genesee county, in the State of New York, reported from the Committee on Pensions, was considered as in Committee of the Whole.

It proposes to entitle him, as an invalid pensioner, to eight dollars per month, to commence from January 1, 1852.

Champion was a resident of the State of Vermont; and on the 7th of September, 1814, he volunteered for the defense of Plattsburg. He was in the battle of the Saranac on the 11th of that month as one of the advanced guard, and aided in driving the enemy back across the river Saranac. The night after the battle the force, of which he was a part, were compelled to lie upon the ground in the open air, without tent or blanket, with their muskets in their arms, to guard the ford of the river to prevent the enemy from again crossing, exposed through the whole night to a cold, drenching rain. Up to that time he had been a stout and healthy man, but upon the morning of the 12th September, 1814, after the battle and this night of exposure, he was found laboring under a violent attack of inflammatory rheumatism and fever, was carried home by his father, suffered much, and finally lost entirely the use of his right leg, and is totally disqualified from performing manual labor.

He applied to the Commissioner of Pensions for relief, but it was refused upon the ground that he had not been regularly mustered into the service of the United States, which fact it was necessary for him to show to bring his case within any existing law upon the subject.

The proof of the case shows, that the then Governor of Vermont, being opposed to the war; refused to call out the militia in defense of the country, and that the petitioner and his companions in arms were induced to volunteer from information received by a dispatch from General Macomb, then stationed at Plattsburg. This dispatch brought the intelligence, on the 7th September, 1814, that the enemy, with a force of about six times the number of the American army stationed there, were making a descent upon that place. Upon this emergency the petitioner and his companions in arms volunteered of their own accord, and at their own expense, and marched immediately to the scene of action, where they rendered efficient service to the country, though they were not formally and regularly mustered into the service of the United States; and for that service they have received no pay.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

WILLIAM B. EDWARDS.

The Senate proceeded, as in Committee of the Whole, to the consideration of the bill from the House of Representatives, for the relief of William B. Edwards.

It proposes to require the Secretary of the Interior to place the name of W. B. Edwards on the pension roll, at the rate of eight dollars per month, to commence on the 1st of January, 1854, and continue during his natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MARY CARLTON.

The bill for the relief of Mary Carlton, reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of Mary Carlton on the list of revolutionary pensioners, at the rate of twenty-four dollars a year, to commence on the 1st of October, 1838, and to continue during her natural life.

Moses Carlton, the husband of the petitioner, was a soldier in the war of the Revolution. The precise day of his enlistment is not shown; but it is shown that he marched on the 25th day of June, 1780, from the town of Bradford, Massachusetts, and was discharged from service on the 10th day of December following, twelve days being allowed him, in addition, to return home. This period falls three days short of six months' service; but the committee think the presumption is very strong that he enlisted at least three days before he marched with his detachment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

COMMANDER G. I. PENDERGRAST.

The bill for the relief of Commander G. I. Pendergrast, reported from the Committee on Naval Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the accounting officers of the Treasury to ascertain, allow, and pay to Pendergrast, the reasonable expenses, not exceeding \$300, incurred by him for necessary medical attention during his command of the navy-yard at Memphis, and while no surgeon was on duty at that station.

The memorialist, commanding the navy-yard at Memphis, was on several occasions ill, and compelled to employ medical aid. There was no surgeon attached to or near the post, and both himself and his subordinate officer were constrained to seek the services of a private physician; and the expenses thus incurred amounted to about \$300.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ISAAC COOK AND OTHERS.

The bill for the relief of Isaac Cook and others, was objected to by Mr. BAYARD, and passed over.

LIEUTENANT JOHN E. BISPHAM.

The Senate, as in Committee of the Whole, proceeded to the consideration of House bill for the relief of the executors of the late Lieutenant John E. Bispham.

It proposes to appropriate \$913 69, to be paid Caleb J. Good, executor of John E. Bispham, late of the United States Navy, deceased, for expenses incurred by the deceased in a suit arising out of the seizure of the brig Malaga, off the coast of Africa, by the United States brig Boxer, while under the command of Lieutenant Bispham.

In April, 1846, Bispham, being the commanding officer of the United States brig Boxer, boarded and took possession of the brig Malaga, on the coast of Africa. The seizure was made under the belief that the Malaga was about to engage in the transportation of slaves from that coast, and was made in good faith, under circumstances calculated to produce a very strong suspicion against the vessel seized. The Malaga was sent to the district of Massachusetts, and was libeled on the 16th of June, 1846, but, on motion of the district attorney, the libel was discontinued. On the 17th of July, 1847, a suit was instituted by the owners of the Malaga against Bispham for the seizure, which, after full argument and trial, was dismissed with costs. The costs, as originally taxed by the clerk, included \$500 for counsel fees. The libelants appealed from the taxation, and it was afterwards decided that "counsel fees should not be allowed as costs, there being no fund in court." In defending the suit, Lieutenant Bispham was compelled to employ counsel, and also to incur other necessary expenses, which it is thought it is the duty of Government to reimburse.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THOMAS S. RUSSELL.

The bill for the relief of Thomas S. Russell, reported from the Committee on Military Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to audit the account of Thomas S. Russell, late an assistant commissary of subsistence in Colonel Brisbane's regiment of Florida volunteers, and pay whatever amount may be found due to him, notwithstanding the irregularity of his appointment, and although his name does not appear upon the rolls as one of the staff of Colonel Brisbane. The amount, however, is not to exceed the pay of an assistant commissary of subsistence from the 18th of February to the 10th of May, 1836.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

JOHN METCALF.

The bill for the relief of John Metcalf, reported from the Committee on Claims, was read a second time.

It proposes to appropriate to John Metcalf, \$1,250, in full compensation for a quantity of goods belonging to him, which were lost or destroyed in consequence of the impressment into the service of the United States, by order of General Brown, of the schooner Tempest, at Buffalo, in the summer of 1814.

Mr. BAYARD objected to the consideration of the bill, and it was passed over.

BENJAMIN ROWE.

The PRESIDING OFFICER, (Mr. ADAMS in the chair.) The next bill on the Calendar is the bill from the House of Representatives for the relief of Benjamin Rowe; which has been reported upon adversely by the Committee on Pensions of the Senate.

Mr. STUART. That being the case, I suppose the bill had better be passed over.

The PRESIDING OFFICER. The bill will go over.

JOHN HAMILTON.

The PRESIDING OFFICER. The next bill upon the Calendar is one from the House of Representatives for the relief of John Hamilton; which has been reported from the Committee on Pensions adversely.

Mr. BAYARD. Ought not that report to be acted upon, unless some Senator dissents from it, and desires to discuss it? Should not the action

of the Senate be had upon it now, if no one proposes to debate it?

The PRESIDING OFFICER. This being objection day, no other business is proper for the consideration of the Senate, but bills which are not objected to. This bill has been reported upon adversely, and a day has already been set apart for the consideration of adverse reports.

Mr. BAYARD. That applies, as I understand, to the case of adverse reports, where there is no bill—reports made upon petitions alone.

Mr. STUART. My understanding was that it was only to adverse reports upon petitions.

The PRESIDING OFFICER. Objection being made the bill will be passed over.

ALTON NELSON.

The bill from the House of Representatives for the relief of Alton Nelson, reported from the Committee on Pensions, was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of Alton Nelson, of the county of Warren, and State of New York, on the roll of invalid pensioners, at eight dollars a month, from the 1st of January, 1853.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SUSAN COODY AND OTHERS.

The bill for the relief of Susan Coody and others, reported from the Committee on Indian Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to pay \$1,992 62 to Susan Coody and others, for property destroyed near Fort Gibson, by United States soldiers, on the 12th of March, 1845, in the proportion and sums respectively due them, according to the report of the Committee on Indian Affairs of the Senate, of June 24, 1850.

Susan Coody and Richard Field were living on the military reserve, near Fort Madison, on the 12th of March, 1845, when their houses were burnt by armed bands of soldiers who were afterwards tried and convicted by the United States district court for Arkansas, for that crime. The destruction of the houses was accompanied also by the loss of their contents, which consisted of furniture, household clothing, and kitchen utensils, an enumeration of which, considered by the committee to be reasonable and fair, was taken before the agent of the United States for the Cherokees. The proof does not implicate either one of the persons asking remuneration, in the causes which led to the disturbance. On the contrary, it exempts Mrs. Coody from any such connection. The agent fully indorses the justice of the claim, and recommends the payment, except that of Richard Field in which happened the affair which led to a brutal attack on the women and children, some of whom were badly wounded.

The Commissioner of Indian Affairs declined the payment only for want of an appropriation. The various amounts of losses specified in the report of the committee amount to \$2,492 62, from which the loss and amount of damages alleged to have been sustained by the total abandonment of property (\$500) is deducted, leaving \$1,992 62, for which the bill is reported.

Mr. CHASE. Let that pass over.

The PRESIDING OFFICER. Objection being made, the bill must go over.

SYLVESTER PETTIBONE.

The bill for the relief of Sylvester Pettibone was read a second time, and considered as in Committee of the Whole.

It proposes to direct that Sylvester Pettibone, of Wisconsin, and his real and personal property, shall be released and relieved from a judgment in favor of the United States, obtained against him in the district court of the United States for Wisconsin, and from all liens and encumbrances created by the judgment; with a provision, however, that the cost of the suit in which the judgment was rendered shall first be paid by him, together with the further sum of \$500 for the benefit of the United States.

Mr. STUART. I see that that bill has never undergone the investigation of a committee. It proposes to release property from the effect of a judgment. I move its reference to the Judiciary Committee.

The PRESIDENT. If there be no objection, that order will be made.

Subsequently Mr. WALKER said: I did not notice the motion made by the Senator from Michigan to refer the bill to the Committee on the Judiciary. If he will give his attention to me for a moment, I think he will withdraw the motion.

Mr. STUART. I move to reconsider the vote.

Mr. BADGER. I move to reconsider the vote by which the bill was referred.

Mr. STUART. The Senator from Wisconsin can make his statement now.

Mr. WALKER. It is the case, in regard to which I made a short statement the other day. Mr. Pettibone is a very old man; he became security for his nephew, who was arrested for passing a counterfeit quarter eagle gold piece. The bail required of him was very large; the nephew disappeared somewhat mysteriously, and Mr. Pettibone has never been able to produce him. Suit was brought against him in the district court of the United States, and a judgment of \$3,000 was rendered against him. The last particle of property that he had on earth has been sold for it; the equity of redemption has expired; and now it is proposed to relieve him upon the payment of \$500 or \$1,000. All the injury which the Government sustained was the passing of one counterfeit quarter eagle. I would be very glad if I had the papers here, to produce them to the Senate, but they are all in the House of Representatives. When the bill goes there they will have possession of them.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the bill was referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. STUART. I now withdraw the motion to refer.

Mr. BAYARD. I object to the bill, as it has not been referred to a committee. I think its principle needs examination.

JAMES EDWARDS AND OTHERS.

The bill for the relief of James Edwards and others, reported from the Committee on Military Affairs, was read a second time, and considered, as in Committee of the Whole.

It proposes to direct the Secretary of War to ascertain, by the best evidence which the nature of the case will admit of, the value of the houses and other property of James Edwards, of the late Edward M. Wanton, and of Nehemiah Brush, destroyed at Micanopy, Florida, in the year 1836, by order of Lieutenant Colonel B. K. Pierce, the commanding officer of that post, to prevent them from falling into the hands of the enemy, and that the amount so ascertained be paid out of any money in the Treasury not otherwise appropriated, but with the provision that the amounts so to be paid shall not exceed \$2,482 32 in the case of Edwards; \$1,812 50 in the case of Wanton, or \$800 in the case of Brush.

It appears, by an official copy of reports from Lieutenant Colonel B. K. Pierce, of the United States Army, to his commanding officer, Colonel J. B. Crane, and from Colonel Crane to the War Department, that Micanopy, in Florida, was abandoned on the 24th of August, 1836, in consequence of the inability of the force there to maintain itself against the enemy; and in pursuance of orders to that effect, Colonel Pierce states, that all the articles, both private and public, which he was compelled to leave for want of transportation, he ordered to be destroyed, to prevent their falling into the hands of the enemy.

A part of the property thus destroyed has been paid for by direction of acts of Congress for the relief of Charles Waldon, passed March 3, 1843, and of George Center, passed March 3, 1849. It is in evidence, and satisfactorily proved, by the affidavits of John H. McIntosh, Benjamin Harris, Isaac Lanier, and Charles Waldron, that Edwards sustained heavy losses by the destruction of his property, consisting of houses, furniture, merchandise, &c., at Micanopy, on the 24th August, 1836, by order of the officer in command, to prevent the same from falling into the hands of the enemy. The amount of his damages is estimated at \$2,482 32. Benjamin Harn, Isaac Lanier, John Dick, and Jesse A. Brush, all testifying, under oath, that the houses, merchandise, tools, &c., &c., of Wanton, were also destroyed, at the same time and place, by the same order, and for

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the same purpose. And his loss is estimated at \$1,812 50.

James Edwards's testimony, sustaining the claim of the late John M. Brush, is, that the said Nehemiah Brush owned a house at Micanopy at the time of its abandonment; that this house was worth \$800; that it was destroyed by order of Colonel B. K. Pierce on the 24th of August, 1836. The witness was a house carpenter, and competent to judge of the value of the house, and his evidence is given in due form of law. He further testifies that this house, though it belonged to Nehemiah Brush, was in the occupancy—rented to—George Center, who has been paid for the goods, &c., destroyed in the house.

In the cases of Edwards and Wanton the witnesses testify that, by permission of the officers, their goods, furniture, &c., were removed from their houses to the fort for greater safety, and when the fort was destroyed, everything it contained was burnt with it.

The principle is fully established by the legislation of Congress, that private property, destroyed by a commanding officer of the United States Army in a period of war, should be paid for. The destruction being for the common good of the community, the loss should be borne in common.

Mr. EVANS. That will lead to some discussion. I am not satisfied with it.

The PRESIDING OFFICER. The bill will be passed over.

JAMES WORMSLEY.

The bill for the relief of James Wormsley, reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of James Wormsley on the roll of revolutionary pensioners, and pay him the sum of \$96 per annum from the 4th of July, 1848, and during his natural life.

He enlisted into the service of the United States as a private soldier, in the State of Rhode Island, in June, 1780, for six months, under Lieutenant Johnson, who was attached to the regiment commanded by Colonel Christopher Green, and served the full term of six months, when he was discharged, and he claims a pension under the act of 7th June, 1832. Several witnesses have testified that they were well acquainted with the petitioner when he enlisted, and that they believe he served in the regiment six months, as stated by him. It appears, however, from the records on file in the Pension Office, that, although he was paid for six months' service, he was discharged before the expiration of six months; that the six months' levies of 1780, in which he served, commenced 10th July, and were discharged on the last Monday of November, 1780.

The act of 7th June, 1832, provides for those only who served and received pay for six months. The petitioner having served only about five months, is not legally entitled to a pension. But having been willing to serve out the term for which he enlisted, and being now upwards of eighty-eight years of age, and destitute of the means of support, the committee think that he is entitled to the favorable consideration of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

E. J. M'LANE.

The bill for the relief of E. J. McLane, reported from the Committee on Commerce, was read a second time, and considered as in Committee of the Whole.

It proposes to require the proper accounting officers of the Treasury to pay to E. J. McLane or his legal representative, \$1,692 45, being compensation for his services and expenses as inspector of the customs in the collection district of Brazos de St. Jago, in the State of Texas, while seizing and detaining horses and mules smuggled into the United States from Mexico, with a provision, however, that he shall produce, before the accounting offi-

cers, satisfactory vouchers for the same, or to allow and pay such part as shall be so vouched.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

WILLIAM HARRIS.

The bill for the relief of William Harris, of Georgia, reported from the Committee on Military Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to settle the claim of William Harris, and pay him for his services in the United States Army in the same manner as if he had not deserted therefrom; but with the provision that the same shall not exceed the pay and emoluments of a sergeant of infantry, from the 18th of April, 1814, to the 25th of November, 1816.

Mr. CHASE objected to the bill, and it was passed over.

VASQUEZ AND COLLIGAN.

The bill authorizing the legal representatives of Antoine Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Colligan to enter certain lands in Missouri, reported from the Committee on Private Land Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the parties named to enter, without payment, at any land office in Missouri, in such quantities, agreeably to the United States surveys, as the claimants may desire, a quantity of land subject to private entry, not exceeding eight hundred arpens for each of the three persons first named, and twelve hundred arpens for Colligan, in lieu of, and in compensation for, a claim of that quantity allowed to them by the board of commissioners appointed for the final adjustment of private land claims in the State of Missouri, and confirmed to them by "An act confirming claims to land in the State of Missouri, and for other purposes," approved July 4, 1836, and to direct the register or registers of the land offices to receive the proper applications and proofs, and issue the necessary certificate or certificates, on return of which to the General Land Office, with proofs sufficient in the opinion of the Secretary of the Interior to establish the right of the claimants as such legal representatives, a patent or patents shall issue as in other cases.

The sons of Don Benito Vasquez, viz: Benito, Antoine, Hypolite, Joseph, and Pierre Vasquez, claimed eight hundred arpens each of land in Missouri, by virtue of a Spanish concession, alleged to have been made in 1800. In 1806 they presented their papers and proof to substantiate their claim before the commissioners appointed to investigate such claims, and in 1833 it was allowed by the board appointed under the act of the 9th July, 1832. The board declare themselves unanimously of opinion that this claim ought to be confirmed to the claimants, or their legal representatives, according to the concession. By the act of July 4, 1836, this, with other decisions in favor of claimants in the report, were confirmed by Congress.

Two sons of Vasquez, Benito and Pierre, or their legal representatives, had located their lands before the board acted on the subject. The title to the premises located by Benito, under the concession, became the subject of adjudication in the case of Bissell vs. Penrose, in which the Supreme Court of the United States affirmed the title under the grant. The two sons last named, having received their titles under the concession, have no further claim on the Government.

The lands conceded to Antoine, Hypolite, and Joseph Vasquez, were not surveyed or located when approved by the commissioners, and subsequently confirmed by the act of Congress of July 4, 1836. This act excludes from its operation most of the cases reported upon by the commissioners, in which the locations had not actually been made; but this claim, either by oversight, or because it had in part been located, was, with one or two others of a similar character, confirmed by the act.

In the cases of these confirmed claims, where no actual location of the premises had been made, a difficulty was found by the Department in granting the land confirmed by the act to the claimant. The opinion of the Attorney General, Hon. H. D. Gilpin, was procured on the subject, in which, after examining the various provisions of the act, he says: "I am of opinion that the first section of the act in question fully confirms and gives a valid title under the grant to the sons of Benito Vasquez; but I do not think that without further legislation the same can be located upon any of the public lands of the United States. This can never be done, except by authority from the Legislature; and the law in question, though it confirms the grant, does not provide for its location." He further adds, that "all the claims confirmed by the first section, except a very few, were located Spanish grants; for them the second and third sections of the act adequately provide; for the others no provision is made, doubtless from accident; but the omission is one that can only be supplied by legislation."

The claim of Colligan for twelve hundred arpens of land was allowed by the same Board of Commissioners on the 12th November, 1833, and was confirmed by the same act of Congress, of July 4, 1836. This case presents the same difficulty as that above mentioned, arising from the want of survey and location before confirmation.

As Congress has already decided on the merits of these claims, and has made the grant in question, further legislation authorizing the perfecting of the same by location on public lands ought to be had. In no other way can they obtain the benefit of a claim decided in their favor by the commissioners, and expressly confirmed by act of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

WILLIAM A. SLACUM.

The bill for the relief of the personal representative of William A. Slacum, deceased, was read a second time, and considered as in Committee of the Whole.

The bill is designed to authorize the proper accounting officers of the Treasury to settle and adjust the account of the late William A. Slacum, and to pay his personal representative, in addition to what Mr. Slacum received in his lifetime, his charges for expenses incurred in visiting the Columbia river, in pursuance of the directions of the Secretary of State, in the years 1836 and 1837; but the amount allowed in such expenses is not to exceed \$712 90. It is also proposed to pay to his said representative, as compensation for the services rendered to the United States by Mr. Slacum on that mission, at the rate of six dollars per diem, commencing from the 1st of June, 1836, and continuing to the 15th of March, 1837; but the amount of pay received by Mr. Slacum as a purser in the Navy of the United States, during the period of time embraced in the above dates, is to be deducted from the amount of that per diem allowance.

The late William A. Slacum was commissioned by President Van Buren, through his Secretary of State, Mr. Forsyth, by his letter dated 11th of November, 1835, to obtain some specific and authentic information in regard to the inhabitants of the country in the neighborhood of the Oregon or Columbia river, and generally all such information in that region, political, physical, statistical, and geographical, as might prove useful or interesting to this Government.

In pursuance of this commission, Mr. Slacum did, in the year 1836, proceed to the Oregon Territory, and there fulfilled his instructions, and, in the year 1837, reported the results of his labors in his narrative, addressed to Secretary Forsyth.

The claim for repayment of expenses incurred and paid for the use and benefit of the Government is founded upon the following facts:

That not being able to procure a vessel to convey him from the west coast of Mexico, where he commenced to perform his mission up the coast

to the Columbia river, on the 1st of June, 1836, Mr. Slacum provided himself with mules, provisions, and servants, to perform the land journey to Oregon; but owing to the difficulties and dangers of the route at that season of the year, (especially the scarcity of water,) he was obliged to abandon it, and proceed by sea, via the Sandwich Islands. The expenses attending these preparations, loss on resale of mules, &c., and pay of servants, amounting to the sum of \$135, make the first item of his claim, which the committee think is reasonable, and ought to be allowed.

The second and third items are for freight and insurance paid by Mr. Slacum on \$3,000 in specie, of his own funds, conveyed with him to pay his expenses, and all of which was devoted to the use of the United States; and for interest on \$3,231 of his own funds, paid by him in expenses incurred solely for the use of the Government, as admitted in the settlement of his accounts at the Treasury Department. The interest claimed is on this amount from the time he so applied it till it was repaid to him at the settlement of his accounts, upon his return to this city. These items together amount to the sum of \$380, which the committee think ought to be allowed.

The item claimed for expenses of servant from Mexico to this city, the committee think ought not to be allowed, because they believe Mr. Slacum could have dispensed with his services.

The item claiming the amount distributed in presents to Indians and others, for facilities in aid of his duties, the committee think is reasonable, and ought to be allowed; it amounts to \$198.

The memorialist also prays such compensation for his services as Congress may deem them to merit. Although no remuneration for services was promised to Mr. Slacum by the President, yet it is reasonable and just that some compensation should be allowed on this account. Mr. Slacum appears to have performed his mission with dispatch and fidelity. It was a duty attended with much privation, exposure, and peril; it was performed during the most inclement season; and it was fruitful of much valuable information to this Government, and of great benefit to our citizens inhabiting that Territory.

Mr. BAYARD objected to the consideration of the bill; and it was passed over.

PRACTICAL ANÆSTHESIA.

Mr. EVERETT. The bill to recompense the discoverer of practical anæsthesia has been passed over by the Chair. Is it not a private bill?

The PRESIDING OFFICER. It is a bill which will undoubtedly lead to discussion. The Chair will, however, announce it to the Senate.

Mr. SLIDELL. Let it pass over.

ALEXANDER LEA.

The bill for the relief of Alexander Lea, reported from the Committee on Commerce, was read a second time, and considered as in Committee of the Whole.

It directs the proper accounting officers of the Treasury to pay to Alexander Lea the sum of \$1,500, being for losses sustained by him in the destruction of the light-house on Chandeleur Island, in August, 1852, as light-keeper, if it shall be made to appear, to the satisfaction of the accounting officers, that he sustained losses to that amount; or to pay such part as may be made so to appear.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

GIDEON HOTCHKISS.

The bill for the relief of Gideon Hotchkiss, reported from the Committee on Patents and the Patent Office, was read a second time, and considered as in Committee of the Whole.

The bill revives the letters patent granted to Gideon Hotchkiss, a citizen of the United States, on the 9th of January, 1837, for "a new and useful improvement in the construction of reacting water-wheels and their appendages," for the term of fourteen years from the 30th of November, 1836, and extends it for and during the term of seven years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

FRANCISCO LOPE URRIZA.

The bill for the relief of Francisco Lopez Urriza,

reported from the Committee on Foreign Relations, was read a second time, and considered as in Committee of the Whole.

By this bill the Secretary of the Treasury will be directed to pay to Francisco Lopez Urriza, \$10,250 as full compensation for the value of the schooner Julia, improperly seized while lying at La Paz on the 18th of September, 1846, by Commander S. F. Dupont of the United States Navy.

Mr. STUART objected to the bill; and it was passed over.

DUSUAN DE LA CROIX.

The bill to confirm the claim of Dusuan de la Croix to a tract of land therein mentioned, reported from the Committee on Private Land Claims, was considered as in Committee of the Whole.

In the supplemental report of the register and receiver at Jackson court-house, dated December 29, 1820, communicated to the Senate February 23, 1821, it is stated that claim number four, in said report, was, "inadvertently omitted in the general report," made on the 11th of July, 1820, and presented to the Senate the 17th of November, same year; and it is considered by the Commissioner of the General Land Office that by reason of that omission, the claim is not entitled to the confirmation contained in the act of May 8, 1822, confirming the general report of 1820. But by this bill it is proposed to confirm the claim to Dusuan de la Croix, his legal representatives and assigns, according to the Spanish survey referred to in the claim, as fully as if the claim had been confirmed by the act of 1822; but this grant and confirmation are only to amount to a relinquishment, on the part of the United States, of all its right and title to the lot of land thus granted and confirmed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

JEMISON AND WILLIAMSON.

The bill for the relief of Robert Jemison and Benjamin Williamson, reported from the Committee on the Post Office and Post Roads, was read a second time, and considered as in Committee of the Whole.

By this bill the Postmaster General will be authorized to cause to be paid to Robert Jemison and Benjamin Williamson the same amount of remuneration for carrying the United States mail during twenty-six weeks, in the year 1836, on route 2,696, from Selma to Elyton, Alabama, as the original contractors for that route would have been entitled to receive under the terms of their contract.

The claimants were mail contractors, in 1836, to carry the United States mail on route 2656, from Montgomery, via Selma, to Tuscaloosa, and in consequence of disturbances with the Creek Indians were required to carry mails not belonging to their contract. Owing to failure of the contractors on route 2696, from Selma to Elyton, they were also obliged to carry the mail over said route, for which they never had contracted. At the second session of the Twenty-Fifth Congress, a law was passed authorizing the Postmaster General to cause to be paid to them, as they supposed at the time, the value of all of the extra service thus performed; but that officer, in acting under that law, felt himself constrained, by its terms, to restrict the allowance to the extra services imposed by the Creek disturbances only. The claimants now ask Congress to pass a law allowing them, in addition to the compensation already granted, the remuneration to which the original contractors from Selma to Elyton would have been entitled, during the same time, had they continued to comply with their contract.

The bill was reported to the Senate without amendment.

Mr. FITZPATRICK. One of the gentlemen named in that bill, Mr. Williamson, is dead; and I therefore move to amend it by inserting before "Benjamin Williamson" the words "the legal representatives of."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed, and its title amended so as to read: "A bill for the relief of Robert Jemison, and the legal representatives of Benjamin Williamson."

ALMANZON HUSTON.

The bill for the relief of Almanzon Huston, re-

ported from the Committee on the Post Office and Post Roads, was read a second time, and considered as in Committee of the Whole.

It authorizes the Postmaster General to examine the claims of Almanzon Huston for additional compensation for carrying the mail from Sabintown to the city of Houston, and from Huntsville to Washington, in the State of Texas, and to make such allowance as he may deem just and equitable.

Huston, in October, 1848, became the sub-contractor, under R. W. Martin, to carry the mail from Sabintown to San Augustine, in the State of Texas, in two-horse post coaches, (a distance of twenty-eight miles,) at an annual compensation of \$575. About the same time he became a sub-contractor, under G. W. Grant, to carry the mails from San Augustine to the city of Houston, a distance of upwards of two hundred miles, in two-horse coaches, and a horse mail from Huntsville to Washington, about seventy-five miles, for the annual compensation of \$5,100. Soon afterwards the service from Huntsville to Washington was increased to two-horse coach service, and an additional allowance was made to him by the Postmaster General of \$750; an increase of speed was also ordered, from seven to five days, on the lines, for which an additional allowance of \$500 was made. It appears that the mails increased so much in weight that he was compelled, in November, 1848, to place four-horse coaches upon the lines. It is also shown that, during the past winter, the roads have been unusually bad, and, in consequence of high waters, the expenses for ferriages have been much increased.

The whole allowance to Huston, including the additional compensation, was \$6,925. The contracts which have just been made for carrying the mails upon the same routes amount, in the aggregate, to \$16,290. The memorialist, under these circumstances, prays that an additional allowance may be made to him by Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

THE GENERAL ARMSTRONG CASE.

The PRESIDING OFFICER. The next bill on the Calendar is one for the relief of the claimants of the private armed brig General Armstrong.

Mr. SUMNER. I think that bill had better be laid aside.

Mr. SLIDELL. Has the Senator read the report in the case?

Mr. SUMNER. I have not.

Mr. SLIDELL. I hope the Senator will allow the report to be read.

Mr. SUMNER. I have no objection to that being done.

Mr. SLIDELL. It is not necessary to read the whole of the report, but only the last two or three pages, which contain a recapitulation of the testimony and facts of the case.

The Secretary proceeded to read the part of the report indicated; but, before concluding—

Mr. SUMNER. It seems to me that we are taking up time unnecessarily. I think a bill of this importance ought not to be passed at this time.

The PRESIDING OFFICER. The bill will be passed over.

ENROLLED BILL SIGNED.

A message from the House of Representatives was received, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed an enrolled bill for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth.

The President then signed the bill.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. Webster, his Private Secretary, announcing that he had approved and signed the joint resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

Also, an act for the benefit of the citizens and occupants of the town of Council Bluffs, in Iowa.

MARK AND RICHARD H. BEAN.

The bill for the relief of Mark Bean and Richard H. Bean, of Arkansas, reported from the Committee on Public Lands, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to Mark and Richard H. Bean \$15,000, as

compensation and indemnity, in full, for losses sustained by them in their removal, under the third article of the treaty with the Cherokee Indians, of May 6, 1828, by which they were forced to abandon, not only the lands which they had settled, cultivated, and improved, but an extensive manufactory of salt, warehouses, dwelling houses, and other large improvements, of which, and the prospective advantages therefrom, they were thus deprived by the act of the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

THOMAS FRASER.

The PRESIDING OFFICER. The next bill on the Calendar is House bill for the relief of Thomas Fraser, which was referred to the Senate Committee on Pensions, and the committee asked to be discharged from its further consideration.

Mr. SLIDELL. Then let it be passed over.

The PRESIDING OFFICER. Does the Chair understand the Senator as objecting to the consideration of the bill?

Mr. SLIDELL. I understand that the committee report adversely.

The PRESIDING OFFICER. The committee ask to be discharged from its further consideration.

Mr. SLIDELL. I understand it to be an adverse report; if so, let the bill go over.

Mr. HAMLIN subsequently said: I desire to ask the Senate to consider the bill for the relief of Thomas Fraser, which passed the House, and from which the committee of the Senate ask to be discharged without reporting favorably or unfavorably. I will read the report of the House committee:

"The Committee on Invalid Pensions, to whom was referred the petition of Thomas Fraser, a soldier in the war of 1812, ask leave to report: That Fraser, in consequence of an injury received at St. Albans, Vermont, while sergeant in Captain Danforth's company, Colonel McCobb's regiment, in the summer of 1813, was, by act of Congress, placed on the pension roll to draw \$2 66 per month for partial disability. He has now become entirely disabled in consequence of that injury, and produces evidence of total disability. Your committee recommend that his pension should be increased to eight dollars per month from April 1, 1853, and ask leave to introduce the accompanying bill."

It seems to me that there is only one side to the case. I have here the certificate of two surgeons. I know them personally; they are eminent in their profession. They certify that this man is now totally disabled. I ask, therefore, that the bill may be taken up.

Mr. BAYARD. I should like to hear the statement of the committee why they asked to be discharged from the further consideration of the bill. We ought certainly to have their reasons.

Mr. HAMLIN. I think it was because they reported a general bill.

Mr. BAYARD. I should like to hear the reason from some member of the committee.

Mr. JONES, of Iowa. The Senator from Maine has stated the reason. The committee have agreed to report a general bill providing for this and some twelve or twenty other cases of a similar character which were referred to them.

Mr. BAYARD. Then I object to the consideration of this bill. I think that quite a sufficient reason.

The PRESIDING OFFICER. If the Senator objects, the bill will be passed over.

Mr. BAYARD. I object.

PIERCE AND HODGE.

The bill for the relief of Levi Pierce and Andrew Hodge, jr., reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

By this bill the Postmaster General will be authorized to settle with and discharge Levi Pierce and Andrew Hodge, jr., sureties on the official bond of William H. Ker, formerly postmaster at New Orleans, on their paying, or securing to pay, to the satisfaction of the Postmaster General, within one year, \$12,500; and either of them may thus be discharged on his paying, or securing to pay, one half of that sum; but the Postmaster General, and the United States district attorney for the eastern district of Louisiana, are to be satisfied that it is for the interest of the United States that such settlement should be made. Such settlement with and discharge of one surety is not to be construed to discharge the other.

In 1839 the Postmaster General, Mr. Kendall,

dispatched a specific agent, Mr. Marron, to New Orleans, to look into the accounts of Mr. Ker, and to take measures, as it appears, to secure the funds of the Department. Mr. Marron reports, under date of August 15, 1839, that, in looking into the accounts of Mr. Ker, he found them worse than he anticipated, the indebtedness to the Department being \$62,000. Mr. Marron proceeded to secure the Department, as far as practicable, by taking mortgages on Mr. Ker's property; this, he says, was all he could get, and subject, of course, to previous encumbrances. He informs the Postmaster General, in this report, that he made his movements as still as possible, for fear Mr. Ker's sureties would push for a conveyance of the property to them.

It appears from a letter of the Postmaster General that there was received from these mortgages the sum of \$5,992 55, and that that is all that has been realized from any source.

In April, 1841, suit was brought on his official bond to recover the amount of the penalty, \$25,000, and interest. The defendants admitted their signatures, but denied the indebtedness of Ker, and alleged that if Ker was indebted, then they could not be held responsible, because in August, 1839, the plaintiffs, without the knowledge or consent of the defendants, received from Ker an act of mortgage upon property to secure them against loss; and that in consideration of this mortgage security they granted Ker an extension of six months.

In April, 1843, the case was tried in the United States circuit court at New Orleans, and a verdict rendered for defendants. It was taken to the Supreme Court by writ of error, and in December, 1844, dismissed, the defendants not having been properly cited. It came up again in the Supreme Court on a transcript of the record, and in 1847 the judgment of the circuit court was reversed.

The case came up again in the circuit court in 1851, but the jury could not agree. In May, 1851, it was again tried in the same court, and the evidence offered by the Government being ruled out, a verdict was given for defendants. A writ of error was again taken to the Supreme Court, and the judgment of the court below was again reversed, and the case remanded for a new trial, and now stands on the docket of the circuit court for a fourth trial.

The memorialist asks that Congress will pass an act for his relief, upon such terms as will, while it protects the Government from total loss, save him from utter prostration. He states that his circumstances have become greatly embarrassed; that he has been and is compromising with his private creditors, and he asks from the Government the same amount of grace he has received from them, as the only means of saving himself from pecuniary ruin.

In view of the embarrassing state of the pending suit, the uncertainty of recovering anything, and of all the circumstances of the case, the committee are of opinion that the Postmaster General and the district attorney should be authorized to make such a compromise as they may deem just and equitable, and conducive to the interests of the Government, within the limits and according to the terms prescribed in the bill submitted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ANDREW J. DICKERHOFF.

The bill for the relief of Andrew J. Dickierhoff reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

By this bill the Secretary of the Interior will be directed to place the name of Andrew J. Dickierhoff on the roll of invalid pensioners, and pay to him annually a pension of ninety-six dollars, to commence on the 1st of January, 1850, and continue during his life.

The petitioner enlisted in Ohio "for during the war" with Mexico, was assigned at Newport barracks to company G, fourth infantry, (the regiment then being at Puebla, Mexico, where he afterwards joined it,) and was, at subsequent periods, successively transferred to I and K companies of said regiment, as the first named two companies were each, in turn, broken up, and was honorably discharged from company K at the close of the war, at Pascagoula. At the time of

his enlistment, petitioner was not eighteen years old, and of rather delicate frame, and was severely attacked, while in the service, by fever and ague, mumps, and colds; but was, nevertheless, never placed on the sick list, from personal reluctance and aversion to hospital treatment. At the time of his discharge at Pascagoula he was in a very feeble condition of health, owing to the hardships, exposures, and constant colds; but never having reported himself sick, no mention of disability was made in his discharge. His debility and sickness greatly increased on his journey home to Mount Vernon, Ohio, from Pascagoula, as certified by Surgeon McGugin, of the fifteenth regiment United States Army, in Mexico, who accompanied him a part of the journey. After reaching home in his feeble and jaded condition, Surgeon McGugin examined him, and found that he had contracted a disease of the spine, of so serious a nature as to result in curvature, contraction, and partial paralysis of the left side, shortening the left leg, and implicating the muscles to such an extent that involuntary and most distressing contortions of the face and other parts of the body became frequent. Surgeon McGugin certifies, under oath, that petitioner was at that time, and is now, in such a condition of bodily health as to render manual labor impossible, and mental exertion dangerous to reason and life. He further states, on his oath, that, from his personal knowledge of the case, he is satisfied that the accumulated sufferings and unhappy disabilities of the petitioner resulted from his hardships and exposures in the Army of the United States in the war with Mexico. Dr. Selman, of Bloomfield, Iowa, confirms the statement of petitioner's present condition, and concurs in the opinion as to its cause.

It is further proved by the testimony of Dr. McGugin, that petitioner's mind has been materially impaired by his peculiar diseases, and he now fails to recollect many names and circumstances that would be of service in procuring the proofs required under the regulations of the Pension Bureau. He does not know where to find a comrade who served with him, and who would have had a personal knowledge of his sufferings in Mexico; and as he refused to report himself sick, of course none of the officers could, in their official capacity, certify to any disability resulting from diseases incurred in the service. Hence the petitioner, after a rejection of his claim by the Commissioner of Pensions, on account of the absence of the kind of proofs required by the rules of that office, had no alternative but to apply to Congress for a special act for his relief. The committee are of opinion that the case is sufficiently made out to justify legislation in behalf of petitioner. He appears to be a most unfortunate, and, from the testimony accompanying, worthy and meritorious individual. It is made satisfactorily to appear that his health was good before his enlistment, that he was a temperate and prudent man, that he returned home sick, and that his sickness has resulted in deplorable disability; and though the testimony is not such as meets the requirements of the bureau, it is such, in the opinion of your committee, as to call for the charity of the Government.

The high professional and private character of Surgeon McGugin and Dr. Selman is satisfactorily sustained by the letter of Hon. A. C. Dodge, Senator, and Hon. B. HENN, member of Congress, from Iowa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ANN W. ANGUS.

The bill for the relief of Mrs. Ann W. Angus, reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

By this bill the Secretary of the Interior will be directed to continue to Ann W. Angus, for a further term of five years, from the 4th of March, 1854, the pension heretofore paid her, which expired on that day, and to extend to her the benefits of all laws which may hereafter be passed, making general provisions for widows, or further continuing their half pay, to which benefits she would have been entitled if her husband, Samuel Angus, had died in the service of the United States. But the amount is not to exceed half the pay of her husband in any one year.

The petitioner is the widow of a captain in the United States Navy. She was pensioned in 1849, by a special act of Congress, for a term of five years, which expired on the 4th of March last, and under the peculiar circumstances attending the case, she is unable to fill the blanks sent from the Pension Bureau, in such a way as to entitle her to a continuance of her half pay under the existing statutes; and as she is aged and indigent, she now prays an act of Congress to continue her expired pension for a further term of five years, or for life, if consistent with the principles of the general statutes relating to pensions.

Captain Angus entered the service at the age of fifteen, in the year 1799, and remained in the service until the latter part of Mr. Monroe's Administration, when he was dismissed, without a trial by court-martial, for writing a letter to the Secretary of the Navy which was not considered respectful. At the time of writing the letter, he was laboring under temporary insanity, of which President Monroe afterwards became satisfied, and recommended his successor, Mr. Adams, to reinstate him. He was not, however, reinstated, in consequence of his being subject to fits of insanity, but was allowed a pension, which continued to his death, on the 29th May, 1840.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

HEZEKIAH MILLER.

The bill for the relief of Hezekiah Miller, reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to direct that \$1,358 44 be paid to Hezekiah Miller, that sum being an unpaid balance of his salary as a clerk in the War Department from the 1st of January, 1829, to the 31st of December, 1832; but this payment is to be in full for all claims of Miller against the United States, arising out of arrears of compensation or salary.

Hezekiah Miller was a clerk in the Indian Bureau at a salary of \$1,000 per annum, but performed the duties of a \$1,400 clerk, and on the 1st of January, 1849, General P. B. Porter, then Secretary of War, decided, in accordance with the request of Mr. McKenny, head of the Bureau, that his salary should be \$1,400. Notwithstanding this informal decision, however, the salary continued to be paid at the rate of \$1,000 until 1830, when, on his application, it was increased to \$1,150; the next year (1831) it was reduced to \$1,091 50; and in 1832 to \$1,000. In 1833 it was finally fixed at \$1,400. His claim now is, that he was entitled to \$1,400 a year from the 1st of January, 1829, as designed by General Porter, and that the sum of \$1,358 44 has been unjustly withheld, for which he should be paid principal and interest from January 1, 1833. In 1840 he was promoted to a salary of \$1,600, which he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ABRAHAM DARDENNE.

The bill for the relief of Theresa Dardenne, widow of Abraham Dardenne, and their children, reported from the Committee on Public Lands, was read a second time, and considered as in Committee of the Whole.

It proposes to allow Theresa Dardenne, widow of Abraham Dardenne, to enter in legal subdivisions, at any land office in Arkansas, free of cost, six hundred and forty acres of any unappropriated land belonging to the United States, for the use and benefit equally of herself and her children by Abraham Dardenne, as an indemnification for losses sustained by them on account of an erroneous sale of land made to him by the land officers at Little Rock, Arkansas, on the 20th of January, 1836, as per certificates of purchase, Nos. 1132 and 1133. The acceptance of the six hundred and forty acres of land, free of cost, by Theresa Dardenne, is to be held to be a full release to the United States of all claim on her part, and of the other heirs of Abraham Dardenne, deceased, growing out of the before-recited erroneous entry of lands.

It appears on record in the General Land Office, that Abraham Dardenne entered at the land office at Little Rock, Arkansas, January 30, 1836, the north part of the northwest fractional quarter

(east of Arkansas river) of section six, in township five south, of range nine west, containing forty-three and fourteen hundredth acres; also, the northeast fractional quarter of same section, containing one hundred and fifty-nine and forty-five one hundredth acres; that some time subsequent to the date of said entries, it was discovered that the same were illegal, for the reason that the tracts of land were covered by donation certificate No. 107, dated May 19, 1830, (claim No. 145,) in the name of the heir of Aaron Hanscom, and a patent issued thereon, and that on the 6th of October, 1847, notice of the fact that the aforesaid entries were illegal was forwarded to Abraham Dardenne, by the land officers at Little Rock, Arkansas, being nearly eleven years subsequent to the entry by Dardenne. It further appears of record that the purchase money (\$253 23½) still remains in the Treasury of the United States.

The affidavit of the petitioner, widow of the late Abraham Dardenne, sets forth that herself, husband, and children labored hard to improve and reduce to a state of cultivation the afore-mentioned lands, for the term of eleven years, believing they were the sole owners, and that repeatedly, during that term of years, her husband was offered \$5,000 for the premises, but refused the same, preferring his home to money. It is further in evidence that the petitioner, with her five children, (who were dependent upon her for support,) were ejected, by force of law, from the premises on the first day of January, 1851, and that herself and children are homeless and in a state of destitution. Her present unhappy situation has been brought about solely by the errors of the United States land officers.

Thus it appears that Abraham Dardenne, deceased, bought from and paid the United States for land to which the United States had no title, having already sold it; that the United States still holds the money, over \$250, and has held it over eighteen years; that for eleven years Dardenne was suffered to hold and improve the land without notice that he had no title; that he continued to reside on the land, refusing to give it up until his death, and his family after him till 1st of January, 1851, when the widow and her children, resisting in the courts, were ejected by force of law; that they are poor, and the children dependent on the mother; that they have not only lost the use of their money, but the interest for over eighteen years, and not only lost the land, but all the improvements, which, with their own labor and humble means, they had expended on it for eighteen years of continuous occupation, which had greatly enhanced its value; that to refund, now, the original sum would be scandalous; that to refund it with interest would be palpable injustice, in the loss of all their labor and improvements, and the increased value of the land; that all lands of similar value, on the banks of the Arkansas river, are now entered and out of reach of the petitioner; that authority to enter in full satisfaction, six hundred and forty acres of land, such as is now subject to private entry, at the minimum price of the public lands, seems the nearest approach to justice which can be attained.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

HENRY LA REINTRIE.

The bill for the relief of Henry La Reintrie, reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of the Treasury to pay to Henry La Reintrie \$593, in full satisfaction and discharge of his claim for services rendered to the United States legation near the Government of Chili, and as bearer of dispatches from that legation to Washington.

Mr. La Reintrie was secretary to Commodore Shubrick, of the Navy, and while attached in that capacity to the United States ship Independence, at Valparaiso, upon the urgent request of Mr. Barton, chargé d'affaires at Chili, was ordered by the commodore to repair to the city of Santiago and place himself under the direction of Mr. Barton. He promptly obeyed the order, although the service had no legal or proper relation to his duty as commodore's secretary. He continued to serve, faithfully and laboriously, as secretary of legation at Santiago, from the 6th of January

to the 30th of April, 1849, and for twenty-eight days afterwards, as bearer of dispatches to the Government of the United States, at the request of Mr. Barton. For this service he claims compensation at the rate of six dollars per day, amounting to \$858. He asserts that he was employed from twelve to sixteen hours daily, in recording, translating, and interpreting, or copying, during his service as secretary of legation. This arduous public service, as well as the exigency which required it, are amply verified by satisfactory proof.

The memorialist presents a further claim for extra services rendered under the following circumstances, viz: while holding the appointment of secretary to Commodore Shubrick, he was transferred to the service of Commodore Jones, commanding officer of the Pacific squadron, on board the United States ship Independence, where he was employed from the 7th of May to the 15th of July, 1848, in interpreting or translating the Spanish language, in the course of the official correspondence of the last-mentioned officer. For this extra service he claims \$100 per month in addition to his regular salary, amounting to \$226. This claim was disallowed by the Committee on Foreign Affairs of the House of Representatives of the first session, Thirty-First Congress, No. 122, on the ground that "as secretary, it appertained to the duties of the petitioner to perform the labor of conducting the correspondence of his superior, either in the particulars of transcribing letters in the same, or in a different language, or in other appropriate service," and that in this case, "his superior only, and not his fiduciary relation and service, was changed." The claim for this service is therefore disallowed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

AMOS AND J. E. KENDALL.

The bill for the relief of Amos and John E. Kendall was announced as the next bill on the Calendar.

Mr. EVANS objected to its consideration, and it was passed over.

WILLIAM MILLER.

The bill for the relief of William Miller, reported from the Committee on Pensions, was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of the Interior to place the name of William Miller, of Livingston, county of York, and State of Maine, on the roll of invalid pensioners, and pay to him a pension of ninety-six dollars per annum, to commence on the tenth of February, 1845, and continue during his natural life.

William Miller enlisted in April, 1814, as a private in the twenty-first regiment of infantry, and, in July following, crossed with the regiment from Black Rock into Canada. He assisted at the capture of Fort Erie, and afterwards at the battles of Chippewa, Queenstown Heights, and Bridgewater; but, having contracted a disease in the head, producing frequent fits of epilepsy, to which he had never before been subject, he was left, at the close of that brilliant campaign, in the hospital at Williamsville, in a state of disability, from which he has never recovered. It is proved, by the depositions of witnesses, who have known him from his boyhood, that he entered the army with a robust constitution, and in vigorous health. His attending physician in the hospital, Dr. James Bates, then an assistant surgeon in the army, and since a Representative in Congress from the State of Maine, expresses his belief that the disability was occasioned by exposure during the campaign, which he states to have been one of the severest in that section of the army that was experienced during the war, and that many hundreds thereby irrecoverably lost their health. The epileptic fits, which first occurred at the hospital at Williamsville, are found to have periodically returned, accompanied with vertigo, and other symptoms of continued disease in the head, by which Mr. Miller has become totally disabled from supporting himself by manual labor. Other respectable physicians concur in the opinion expressed by the hospital surgeon, that this disability is owing to the disease contracted by exposure while in the army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

LEMUEL HUDSON.

The Senate, as in Committee of the Whole, considered the House bill for the relief of Lemuel Hudson.

It proposes to direct the Secretary of the Interior to cause the name of Lemuel Hudson, formerly surgeon of the twelfth regiment, fourth brigade, New York militia, in the war of 1812, to be entered on the pension rolls, and pay to him the sum of twenty-two dollars per month, during his natural life, commencing January 1, 1852.

Lemuel Hudson was a surgeon in the twelfth regiment, fourth brigade, New York militia, commanded by Colonel John T. Van Dolfen, which was ordered by Governor Tompkins to march from Albany county, New York, to Sackett's Harbor, in the summer of 1812. The regiment marched from Albany county on or about the 15th of August, 1812, and was accompanied by Hudson, then a stout and healthy man, as surgeon. When at the town of Champion, Jefferson county, thirty miles from Sackett's Harbor, the regiment was overtaken by a heavy storm of snow and sleet, which continued for a long time, and left three or four inches of snow on the ground, which lay for several days. The soldiers were unprovided with suitable clothes to withstand the inclemency of the weather, and much hardship and sickness ensued in consequence. Mr. Hudson was the only surgeon in the regiment, and his arduous professional services, together with exposure to the wet and cold, threw him into a fever, which confined him to bed a long time; and when he arose from his bed, his constitution was shattered—the fever had settled in his left hip, producing lameness, which has continued ever since, increasing with increasing years, until he is now totally disabled. He refrained from asking for a pension as long as he was able to make a living by the practice of his profession; but he is now an old man, unable, from the disability so contracted, to procure the necessities of life, and therefore now asks the aid of his country.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

GEORGE S. CLAFLIN.

The PRESIDING OFFICER. The next bill is one from the House of Representatives, for the relief of George S. Claflin, on which the Senate Committee on Pensions have made an adverse report.

Mr. STUART. Then let it be passed over.

JAMES F. GREEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, for the relief of James F. Green, of Pennsylvania.

It proposes to direct the Secretary of the Interior to place the name of J. F. Green, of Bradford county, Pennsylvania, upon the invalid pension roll, at the rate of eight dollars per month, to commence February 1, 1850, and to continue during his natural life.

It appears, from the petition of Mr. Green and the testimony of two of his fellow-soldiers, that he was drafted in Orange county, New York, on the 10th of August, 1814, and mustered into service as a member of Captain Halleck's company, of Colonel Belknap's regiment, on the 18th of August, 1814; that he was marched to, and stationed at, Harlem Heights, and while stationed there, and in the line of his duty, he had his right knee crushed and the bone fractured. He was ordered out by his commanding officer to assist in removing some rocks, preparatory to pitching their tents. He was upon the end of a long and heavy lever that they were using in prizing up the rock; the lever gave way and fell, catching and crushing his right knee under it, causing him great pain and totally disabling him from service for some five weeks, which time he remained in the hospital. About this time he partially recovered, and was enabled to continue in service until the 3d of December, at which time he was discharged, his term of service having expired. It appears from the testimony that the disability resulting from the injury has continued and increased; and from the testimony of two surgeons, it appears that owing to the injury Green is totally disabled from procuring a support by manual labor.

The bill was reported to the Senate without

amendment, ordered to a third reading, read a third time, and passed.

J. B. KERR.

The PRESIDING OFFICER. The bill making compensation to John Bozman Kerr, for diplomatic services in Central America, is the next upon the Calendar.

Mr. EVERETT. That subject has already been disposed of by the Senate. The bill was moved as an amendment to the deficiency bill, and was adopted. I move, therefore, that it lie upon the table.

The motion was agreed to.

LLEWELLYN WASHINGTON.

The bill for the relief of Llewellyn Washington, reported from the Committee on the Post Office and Post Roads, was read a second time, and considered as in Committee of the Whole.

It proposes to require the Secretary of the Treasury to pay to Llewellyn Washington, \$205 62, for services as a clerk in the Post Office Department from the 1st of May, 1851, until the 14th of July of the same year.

Llewellyn Washington was employed as a temporary clerk in the dead letter office from the 1st of May, 1851, until the 14th of July of the same year, at the rate of \$1,000 per annum. The Postmaster General, among his estimates sent to the Treasury Department, asked for \$205 62, for the payment of the amount due to Mr. Llewellyn Washington, but from some cause, no appropriation was made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

GENERAL R. B. MASON.

The bill for the relief of the heirs of Brigadier General Richard B. Mason, reported from the Committee on Military Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to enact that all the provisions of the act approved February 3, 1853, "for the relief of Brevet Brigadier General Riley, and to enable him to settle his accounts with the United States," be applied to the heirs of Brigadier General Richard B. Mason, in reference to all moneys raised and collected by him for contributions, penalties, internal assessments, duties, or other objects, in California, from June 1, 1847, to April 15, 1849; and to direct the proper accounting officers of the Treasury Department, in settling the accounts of General Mason, to allow as a credit, a commission of one and a half per cent. upon the moneys so raised, collected, and disbursed by him while he was Governor of California, during the time stated.

General Mason succeeded General Kearny in command in California, June 1, 1847, and continued in command until April 15, 1849, when he was relieved by General Riley. A temporary civil government was organized on the conquest, at the head of which was the military officer in command. The government continued of necessity after the close of the war, and General Mason continued to act as governor, until succeeded by General Riley, who exercised the same functions until the organization of the State government, December 20, 1849.

During the war, the collection of duties on articles imported into that country had been made as a military contribution, under authority from the War Department. This authority ceasing with the termination of the war, General Mason then determined to enforce the United States tariff, and to levy duties in the same manner as in the established collection districts of the United States. These collections were continued by General Riley, and the accounts of both General Mason and General Riley were authorized to be settled by the act of 5th February, 1853, for the relief of General Riley.

It seems only just that the same commission as was allowed to General Riley for the collections and disbursements made by him, while civil governor of California, should also be given to the heirs of General Mason for similar services.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

RULIF VAN BRUNT.

The next bill on the Calendar was one for the relief of Rulif Van Brunt.

Mr. BAYARD. I shall have to discuss that bill.

The PRESIDING OFFICER. It will be passed over.

ISAAC P. SIMONTON.

The bill for the relief of the legal representatives of Isaac P. Simonton was the next upon the Calendar.

Mr. STUART. I move to lay that bill on the table. I wish to look into it.

The PRESIDING OFFICER. If objection be made, the bill must be passed over.

Mr. STUART. My motion is that the bill lie upon the table.

Mr. PETTIT. The Senator can object to the bill and have it passed over.

The PRESIDING OFFICER. The Chair understands objection to be made. The bill must therefore go over.

MADISON PARTON.

The Senate, as in Committee of the Whole, considered the bill from the House of Representatives, for the relief of Madison Parton.

It is designed to confer upon the accounting officers of the Treasury authority to ascertain whether Madison Parton has been paid for all the military services rendered by him to the United States from the 8th of August 1837, till the 8th of February, 1838, by examining the proper officers and other persons, as well as the proper rolls, of the company to which he belonged; and the Secretary of the Treasury is directed to pay such sum of money as may be found to be due.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

HORACE SOUTHMAYD AND SON.

The bill for the relief of Horace Southmayd & Son, reported from the Committee on Finance, was read a second time.

It proposes to require the Secretary of the Treasury to refund to Horace Southmayd and Son the amount of drawback to which they would have been entitled, upon the shipment of foreign dutiable goods, shipped by them from New York to Tampico, in the schooner Mary Catharine, which cleared at New York on the 7th of April, 1847, as would have been allowed if those foreign goods had been shipped to some foreign port or place in any country with which the United States were in amity.

Mr. STUART. I object to the consideration of that bill until I can have an opportunity to look into the principle on which it is founded.

The PRESIDING OFFICER. It will be passed over.

ROBERT SEWALL.

The bill for the relief of the heirs and representatives of the late Robert Sewall, reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

It provides that the Third Auditor of the Treasury be directed to audit the claim of the heirs and representatives of the late Robert Sewall, and determine the amount that may be due to them, and report the amount to the Secretary of the Treasury, who is required to cause it to be paid.

In August, 1814, when the British forces were marching upon the Capitol, some men of the American troops, with their arms and ammunition, took possession of a brick house belonging to the father of the petitioner, and for the time converted it into a place of military defense. As the British troops approached the house, they were fired upon by the party in the house and the horse of General Ross and one of his men were killed. Under these circumstances, the house was attacked, taken, and burnt by the enemy, and some of the American party were taken prisoners, and among them, as stated by one of the witnesses, was an American officer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

S. R. ADDISON.

The bill for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy, reported from the Committee on Naval Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the accounting officers of the Treasury to pay to Assistant Surgeon Addison,

the difference of pay between that of his grade and a surgeon, from April 4, 1848, until June 21, 1850, being the period during which he served as surgeon on board the United States sloop-of-war *Saint Mary's*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

MANUEL HERNANDEZ.

The bill for the relief of Manuel Hernandez, reported from the Committee on Private Land Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to authorize Manuel Hernandez to locate, not exceeding eight hundred arpens of land, French measure, according to the legal subdivisions, on any of the public lands in the State of Florida, subject to private entry, which shall be in full compensation for all the damages he may have sustained in being dispossessed of eight hundred arpens of land, about three miles distant from the mouth of the Escambia river, lying between the lands of Joseph Noriega and those of the free mulatto named Charles, being the same lands that were granted to Joseph Hernandez, deceased, by the Spanish Government, on the 8th of October, 1817; and further to authorize the Commissioner of the General Land Office to issue a patent for the amount mentioned.

Joseph Hernandez settled upon and cultivated certain lands lying on the bay of Pensacola, and applied, by petition, to the proper authorities of Spain for a grant of those lands which were described as being "about three miles distant from the mouth of the Escambia river, lying and situated between the lands of Joseph Noriega and those of the free mulatto named Charles;" that the usual proceedings were had, and the proper decrees were made, under date of 8th October, 1817, for perfecting the grant of eight hundred arpens of land to him, but there was no actual survey of the land until after the change of Government in 1831. He filed his claim before the commissioners appointed to adjust private land claims in the Territory of Florida, and on the 29th of April, 1834, the commissioners examined the claim, and, as appears from the indorsement on the back of the original grant from the Spanish Government, by the secretary of the commissioners, and also from the affidavit of the secretary, Joseph E. Coro, the claim was confirmed by the commissioners; "but that, by mistake, no record of confirmation was made, and the said claim was not embraced in any of the abstracts of the commissioners' reports."

Hernandez departed this life, and Manuel Hernandez was duly appointed his administrator, and as such administrator sold and conveyed the tract of land to one Pio Millan de la Carrera, as appears from a duly certified copy of the deed, dated 7th August, 1837; and Carrera, on the 2d September, 1837, sold and conveyed by deed to the petitioner, Manuel Hernandez, the lands.

It also appears that, after the survey of the lands in the Territory of Florida, by the Government of the United States, that one William L. Booth entered the lands as public lands, and that an action of ejectment was brought against Booth, in the circuit court of Escambia county, by Manuel Hernandez, which suit he failed to sustain. The petitioner now asks the right to locate lands equal in quantity to the lands of which he was dispossessed. The committee believe, from the evidence, that the commissioners did confirm to Joseph Hernandez eight hundred arpens of land, although they made no record of such confirmation; and that, as he has been dispossessed of the lands in question, justice would require that he should be authorized to locate an equal quantity of lands, on any of the public lands, within the State of Florida, subject to private entry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

SYLVANUS CULVER.

The bill for the relief of Sylvanus Culver, reported from the Committee on Private Land Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to direct a land warrant for one hundred acres to be issued to Sylvanus Culver, the only surviving heir of John Pearson, deceased, in lieu of a land warrant for one hundred acres, issued April, 19, 1806, to Samuel Pearson, in trust

for himself and the other heirs of John Pearson, deceased, who was a private in the New York continental line, and which warrant has been lost or destroyed.

On motion by Mr. STUART, the bill was amended by inserting after "one hundred," where it first occurs, the words "and twenty."

The bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading, read a third time, and passed.

JEAN BAPTISTE BEAUBIEN.

The bill for the relief of Jean Baptiste Beaubien, reported from the Committee on Private Land Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the Commissioner of the General Land Office to issue a patent or patents to Jean Baptiste Beaubien, for the following lots as described and numbered on the survey and plat of the Fort Dearborn addition to Chicago, in the State of Illinois, made under the order of the Secretary of War, and now on file in the War Office: Lots numbered one, two, three, four, five, and six, of block number four; all that part of lots numbered eight and nine, block number two, which lies south of the line of excavation, authorized by the act of Congress, approved July 21, 1852; and all that part of lot number one, block number five, that lies within the boundaries commencing on the western line of said lot number one, block five, at a point ten feet north of the southern line thereof; thence east parallel with the southern line two hundred and fifty feet to the western boundary of the lands granted by the United States to the Illinois Central Railroad Company; thence north, along the western boundary thirty-four feet to the northern line of lot number one, block five; thence west along the northern line two hundred and fifty feet to the northwest corner thereof; thence south along the western line thereof, thirty-four feet to the place of beginning.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

THOMAS RHODES.

The bill for the relief of Thomas Rhodes, reported from the Committee on the Post Office and Post Roads, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay \$3,175 11 to Thomas Rhodes, in full satisfaction for the expenses incurred by him in opening and constructing a road from Mobile, in Alabama, to Pascagoula Bay, for the transportation of the mail, in the year 1828, in pursuance of an implied authority and contract from the Postmaster General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ROBERT JOYNER.

The bill for the relief of Robert Joyner, reported from the Committee on Naval Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to credit Robert Joyner, in the adjustment of his accounts as naval storekeeper at the Pensacola yard, with the sum of \$662 43, being the amount of the cost of sundry articles of clothing and small stores which were stolen from the public store under his charge at the yard.

Mr. EVANS. I should like to hear the report read. It appears to be a rather extraordinary case.

The report was accordingly read.

In April last one of the warehouses connected with the navy-yard, in which the public clothing and small stores were deposited, under the custody of Mr. Joyner, was clandestinely entered at different periods and articles stolen, the cost of which is estimated at \$662 43. A committee of officers, appointed by the commandant for that purpose, fully investigated the circumstances, and the result of the investigation, and the testimony of other officers, show, to the satisfaction of the committee, that the loss was not occasioned by any inattention to duty or negligence on the part of the storekeeper, but was owing to the insecurity of the store-rooms. The correspondence and evidence

in the case were referred to the Secretary of the Navy, who declined to afford relief without the authority of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PAYMASTERS' CLERKS.

The PRESIDING OFFICER. The next bill upon the Calendar is one for the relief of paymasters' clerks who served in Mexico, which has been reported adversely from the Committee on Military Affairs.

Mr. STUART. Pass that over.

Mr. ATCHISON. I move to concur in the adverse report.

The PRESIDING OFFICER. The Chair is of the opinion that if objection be made the bill must be passed over.

Mr. ATCHISON. Then I move its indefinite postponement.

Mr. JONES, of Iowa. I think it ought not to be indefinitely postponed. The chairman of the Committee on Military Affairs who reported it is not here.

Mr. STUART. If there be any desire to have it acted upon, I shall raise the question that it is not a private bill at all.

The PRESIDING OFFICER. The Chair is of opinion that objection being made, the bill must go over.

The bill was accordingly passed over.

JAMES ERWIN.

The bill for the relief of James Erwin, of Arkansas, and others, reported from the Committee on Indian Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of War to investigate, audit, allow, and pay to James Erwin, of Arkansas, a fair and full remuneration for the actual losses he sustained in consequence of a contract he made with the United States in September, 1834, to supply provisions and transportation for the use of the Creek Indians expected to emigrate from the eastern to the western side of the Mississippi river, but who did not emigrate; and further, to direct the Secretary of War to investigate, audit, allow, and pay to James Erwin, and to the heirs or legal representatives of Daniel Greathouse, deceased, a full and fair remuneration for the actual losses sustained in consequence of a contract made by Erwin and Greathouse, in his lifetime, and the United States, in December, 1835, for the same purpose, but with the provision that in estimating the loss in either case, the Secretary of War shall first ascertain the actual cost of delivering the several articles named in the contract at the places appointed for their delivery, and then what they could have been sold for at auction, or otherwise, in the hands of a prudent agent, and that the difference, if any, shall be considered the sum actually lost.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

Mr. JOHNSON subsequently said: Since the filing of the papers in this case, James Erwin has, to my knowledge, died; and the bill should be for the relief of his heirs and legal representatives. I ask, by unanimous consent, that the bill may be amended accordingly.

Mr. BADGER. Insert "personal representatives."

By unanimous consent, the amendment was made.

A. G. BENNETT.

The bill for the relief of A. G. Bennett, reported from the Committee on Military Affairs was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury Department, in settling the accounts of Albert G. Bennett, paymaster in the United States Army, to allow him credit for whatever sum of money he may prove, to the satisfaction of the Secretary of War, to have been lost by him by the burning of the steamboat *Volante*, between Vicksburg and Yazoo City, November 15, 1853, the amount not to exceed \$1,281 80.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

URI EMMONS' PATENT.

The bill for the relief of the heirs of the late

Uri Emmons, reported from the Committee on Patents and the Patent Office, was read a second time, and considered as in Committee of the Whole.

Mr. BAYARD. I must object to that. I mention in connection with it, though, that one reason is owing to the irregularity with which our reports are filed. I desire to call the attention of the Senate to the fact. On my file the reports and other papers are not regularly filed, and I think the persons whose duty it is to attend to it should do it better than they do. As far as my documents are concerned, neither reports nor bills are regularly filed. I often find myself at a loss when I desire to refer to them.

The bill was passed over.

MICHAEL NOURSE.

The bill for the relief of Michael Nourse, reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to pay to Michael Nourse, late chief clerk in the office of the Register of the Treasury, the difference between the compensation received by him as chief clerk, and the compensation of the register, for the time that he performed the duties of register under a temporary appointment by the President of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

The PRESIDING OFFICER. The Chair will announce to the Senate, that the Calendar has now been gone through with.

PETITIONS, ETC.

Mr. BROWN presented the petition of James Dixon, praying compensation for extra work done by him on the court-house in the city of Alexandria, while the said city was within the territorial limits of the District of Columbia; which was referred to the Committee for the District of Columbia.

Also, the petition of Harris Hill, on behalf of himself, and the heirs and legal representatives of William Scott, deceased, praying remuneration for a tract of land granted to the deceased by the Spanish Government, and sold by the United States as public land; which was referred to the Committee on Public Lands.

Mr. PRATT presented the petition of Altha A. Hoyle, on behalf of herself and others, heirs of the late George Hoyle, late of Montgomery county, Maryland, praying Congress to pass an act to permit George W. Hoyle to sell and assign a certain land warrant, granted to the said George Hoyle during his lifetime; which was referred to the Committee on Pensions.

Mr. CHASE presented the petition of R. McCabe, praying a grant of land to the President and Directors of the Cincinnati and Mackinaw Railroad Company, in aid of the construction of a railroad from Greenville to the Straits of Mackinaw; which was referred to the Committee on Public Lands.

Mr. JONES, of Iowa, presented seven petitions, signed by Shepherd Knapp and others, pension agents from six States—viz: New York, Ohio, Indiana, Connecticut, New Jersey, and New Hampshire—praying compensation for services rendered; which, together with the papers on the subject already on file, were referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of L. E. L. A. Lawson, sole surviving heir of General Eleazer W. Ripley, deceased; which was read twice by its title.

Mr. CHASE asked, and by unanimous consent obtained, leave to introduce a bill granting to the Cincinnati and Mackinaw Railroad Company certain land to aid in the construction of said road; which was read twice by its title, and referred to the Committee on Public Lands.

BARK ABEONA.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill to change the name of the bark Abeona to Mount Vernon; and asked for its immediate consideration.

The bill was accordingly read a first and second time, and considered as in Committee of the Whole. No amendment being made, it was re-

ported to the Senate, ordered to be engrossed for a third reading, was read a third time, and passed.

MINNESOTA LAND DISTRICTS.

On motion by Mr. DODGE, of Iowa, the bill to establish additional land districts in the Territory of Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NOTICES.

Mr. BADGER. I desire to mention to the Senate that I shall be under the necessity of being absent from the city for some ten days, from the beginning of next week, and I shall, therefore, on Monday, if I can have the opportunity, ask the Senate to take up and consider the bill allowing a credit, for a limited period, for duties on railroad iron imported into the United States; which was reported by me from the Committee on Finance.

Mr. GWIN. I desire to give a similar notice. I shall ask the favor of the Senate on Monday next, to take up the bill reported from the select committee on the National railroad, in order that I may present to the Senate my views upon it, as I shall be compelled to be absent from the city to take my family to the Pacific coast.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 7, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Post Office Department, made in compliance with a resolution adopted by the House on the 4th instant, on motion of the gentleman from Kentucky, [Mr. GREY.]

Mr. OLDS. The communication, I believe, is a reply to a resolution of this House, calling for information about the Alabama mail contract, which was under discussion here a few days ago. I move to dispense with its reading, and to refer it to the Committee on the Post Office and Post Roads, and that it be printed.

The SPEAKER. There being no objection, it will be so ordered.

SENATE BILLS.

The following bills from the Senate were taken from the Speaker's table, read the first and second times by their titles, and referred as indicated below:

An act for the relief of the West Feliciana Railroad, and the Georgia Railroad and Banking Companies. Referred to the Committee of Claims.

An act to enable the United States to make use of the solar compass in the public surveys. Referred to the Committee on Public Lands.

An act for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson. Referred to the Committee of Claims.

An act for the relief of the representatives of Joseph Watson, deceased. Referred to the Committee on Indian Affairs.

An act for the relief of William Claude Jones. Referred to the Committee on Military Affairs.

TREATIES WITH THE INDIAN TRIBES.

Mr. ORR. As it is my purpose to leave the city this evening, I ask the unanimous consent of the House to make a report of a bill, to have it referred to the Committee of the Whole on the state of the Union, and printed.

The Clerk reported the title of the bill, as follows:

Bill defining the terms on which treaties shall hereafter be made with certain tribes of Indians, and for other purposes.

The SPEAKER. This is a bill that has been reported back from the Committee on Indian Affairs with certain amendments.

Mr. ORR. I move that it be referred to the Committee of the Whole on the state of the Union; and that the bill and amendments and report be printed.

It was so ordered.

TRANSPORTATION OF THE MAILS.

The SPEAKER. The bill to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans

to San Francisco, according to time, was pending yesterday when the House passed from the morning hour. The pending motion is to commit the bill to the Committee of the Whole on the state of the Union; and on that proposition the previous question has been demanded.

Mr. CHURCHWELL. I do not know, Mr. Speaker, that the House properly understands the proposition before them. Some gentlemen near me say they do not understand it.

The SPEAKER. This bill was reported from the Committee on the Post Office and Post Roads, with an amendment in the nature of a substitute. A motion is pending to commit the bill to the Committee of the Whole on the state of the Union; and on that motion the previous question is demanded.

Mr. CHURCHWELL. Mr. Speaker, I wish to ask the gentleman who called for the previous question, [Mr. McMULLIN,] whether he will not withdraw that call, so as to enable me to modify my original motion, and to move that the consideration of the bill be postponed for three weeks, so that it may not go to the Committee of the Whole on the state of the Union? I hope the gentleman from Virginia will so far favor me.

Mr. McMULLIN. I cannot withdraw my call for that purpose.

The question being on seconding the call for the previous question;

Mr. TROUT demanded tellers; which were ordered; and Messrs. VAIL and Cox were appointed.

The question was then taken; and the tellers reported—ayes 60, noes 33.

The SPEAKER. There is no quorum voting.

CALL OF THE HOUSE.

Mr. McMULLIN. I move that there be a call of the House.

The question was taken, and the motion was agreed to. The roll was then called, and the Chair announced that there was a quorum, 138 members having answered to their names.

Mr. HAMILTON moved that all further proceedings under the call be suspended.

The question was taken; and the motion was agreed to.

Mr. PARKER here obtained the floor.

Mr. JONES, of Tennessee. I rise to a question of order. When a call of the House was ordered, the House was dividing upon a call for the previous question, and that business is first in order. Until that is disposed of, the gentleman from Indiana [Mr. PARKER] cannot be entitled to the floor for any purpose.

The SPEAKER. The point of order is well taken, and the tellers will resume their places.

Mr. LATHAM. I ask the gentleman who made the call for tellers, and also the gentleman who moved the previous question, to withdraw those motions, in order that I may be heard a moment upon the bill under consideration.

The SPEAKER. Tellers have been ordered by the House, and the call cannot be withdrawn.

The tellers resumed their places; and the question being taken, they reported—ayes 66, noes 67.

So the House refused to second the demand for the previous question.

Mr. ORR. I move that the further consideration of the bill be postponed to this day three weeks, and that the bill and amendment be printed.

Mr. CHURCHWELL. That is the motion I was about to make.

Mr. HAMILTON. I hope that order will not be made. This is a bill that we can now dispose of as well as at any other time; and we are postponing and making special orders of too many bills.

Mr. JONES, of Tennessee. Is this motion debatable?

The SPEAKER. It is not.

Mr. HAMILTON. Then I move the previous question.

Mr. JONES. Upon what does the gentleman call the previous question?

Mr. HAMILTON. Upon the motion to postpone.

Mr. JONES. The previous question cannot be called upon that motion. I suppose the previous question, if seconded, will apply to the engrossment of the bill, and that will, as I understand it, cut off the motion to postpone.

Mr. ORR. It will have that effect under the

rule, and I hope the previous question will not be seconded.

The SPEAKER. The previous question would cut off the motion to postpone, but not that to refer to the Committee of the Whole on the state of the Union.

Mr. ORR. But that is not the motion.

The SPEAKER. The Chair understands that such a motion is pending.

Mr. ORR. But the motion to postpone is not debatable; and I understand that the House is brought to a direct vote upon that question.

The SPEAKER. That will be the first question before the House, if the previous question is not seconded; but if it is, the motion will be cut off.

Mr. ORR. Then I hope the previous question will not be seconded.

Mr. PHELPS. I move that the bill do lie upon the table.

Mr. McMULLIN. Can the Chair entertain that motion while there was pending a motion that the bill be referred to the Committee of the Whole on the state of the Union?

The SPEAKER. A motion was made to commit the bill to the Committee of the Whole on the state of the Union. Then came a motion that the further consideration of the bill be postponed; and after that, a motion that the bill do lie upon the table. The Chair conceives the latter motion to be in order.

Mr. CHURCHWELL. I hope that the motion will be voted down, and that the bill will, at least, be allowed to live for three weeks. I demand the yeas and nays on the question.

[Cries of "No;" "Call for tellers."]

Mr. CHURCHWELL. I withdraw the call for yeas and nays, and demand tellers.

Mr. LETCHER. I renew the call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken on the motion that the bill do lie upon the table; and it was decided in the negative—yeas 66, nays 78; as follows:

YEAS—Messrs. Abernethie, Ball, Bell, Boyce, Bridges, Carpenter, Caruthers, Chrisman, Crocker, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Drum, Dunbar, Eastman, Edmundson, Etheridge, Farley, Flagler, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Haven, Hemi, Hiester, Hill, Daniel T. Jones, George W. Jones, J. Glinney Jones, Kurtz, Lamb, Lane, Letcher, Lindley, Macdonald, McMullin, Matteson, Mayall, Meacham, John G. Miller, Morrison, Murray, Andrew Oliver, Mordecai Oliver, Packer, Peck, Peckham, Phelps, Pratt, Robbins, Ruffin, Sabin, Seward, Seymour, Skelton, Gerrit Smith, George W. Smyth, Snodgrass, Stratton, John J. Taylor, Tracy, Elihu B. Washburne, Israel Washburn—66.

NAYS—Messrs. Aiken, Appleton, Banks, Barkstale, Benson, Bissell, Bugg, Campbell, Chandler, Chastain, Churchill, Clugman, Cobb, Cook, Corwin, Cox, Cullom, Dent, Dickinson, Disney, Dowdell, Edgerton, Elliott, Ellison, English, Everhart, Fenton, Fuller, Grey, Andrew J. Harlan, Wiley P. Harris, Harrison, Hastings, Hibbard, Hughes, Hunt, Kerr, Kittredge, Knox, Latham, Lindsley, McDougall, Mace, Macy, May, Miller, Olds, Orr, Parker, Pennington, John Perkins, Ready, Richardson, Riddle, David Ritchie, Thomas Ritchie, Rowe, Sage, Sapp, Shannon, Shaw, Shower, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Vansant, Wade, Walsh, Wells, John Wentworth, Tappan Wentworth, Daniel B. Wright, and Zollcoffer—78.

So the House refused to lay the bill on the table.

Mr. LATHAM. I would ask the gentleman to withdraw his call for the previous question.

Mr. RICHARDSON. The question, even then, would not be debatable.

Mr. CHURCHWELL. What is the state of the question before the House?

The SPEAKER. It is on seconding the demand for the previous question. There is a motion to refer the bill to the Committee of the Whole on the state of the Union. There is also another motion to postpone to a day certain, which is not debatable.

Mr. LATHAM. Then I would ask the gentleman to withdraw the motion to postpone, so that I may be heard on the subject.

Mr. ORR. I will gratify the gentleman by withdrawing my motion, if the gentleman from Maryland [Mr. HAMILTON] will withdraw his call for the previous question, provided he will renew the motion to postpone when he has concluded the remarks he proposes to make.

Mr. HAMILTON. If the gentleman from South Carolina will withdraw unconditionally the motion to postpone, I will withdraw the call for the previous question.

Mr. ORR. I cannot withdraw the motion to postpone to a day certain, unconditionally.

The question was then taken; and the House refused to second the call for the previous question.

The SPEAKER. The question now is on the motion to postpone the consideration of the bill to a day certain.

Mr. LATHAM. I would ask the gentleman from South Carolina to withdraw that motion.

Mr. ORR. I do withdraw it, if the gentleman will renew it.

Mr. LATHAM. I will.

The SPEAKER. Then the question now is on the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. LATHAM. Mr. Speaker, the bill which the House has under consideration now, is one affecting so vitally the interests of my constituents, that I cannot consent it shall be disposed of without having an opportunity of expressing what I deem are the interests, not only of the State of California, but of the General Government, in the matter. I am not prepared to say that I am in favor of the bill before the House in its details, because I think that there might be a substitute introduced which would more effectually carry out what is intended.

The gentleman from Virginia, [Mr. McMULLIN,] in his remarks on yesterday, upon this bill, took occasion to call the attention of the House to the fact that the Post Office Department is not now a self-sustaining branch of the Government; but that, on the contrary, it is a tax on the Treasury, and there has to be an annual appropriation in order to meet the necessary expenditures.

However true that may be—and I am prepared to indorse all of the sentiments he expressed—I say, that one of the reasons why that very state of things exists, so far as the mail between the Atlantic and Pacific coasts is concerned, originates in the law now in existence. The principle of this bill is intended to remedy this defect; and, if it is adopted by Congress, it will be found that it will effect the very result which the gentleman desires, to wit: that the Post Office Department shall be a self-sustaining branch of the Government.

Now, what are the facts? At present the mail is carried between the cities of New York and San Francisco for \$850,000 per annum. The average length of time by the Panama route—by which route the mail is carried—is about thirty days. It has been done in twenty-five days; but the average time will be found to be thirty days. There are two large express companies, Adams & Co. and Wells, Fargo & Co., which carry mail matter by Nicaragua, charging from twenty-five to fifty cents on a letter; and the trip is made in twenty-two and twenty-three days. The result is, that all commercial men throughout the country avail themselves of these facilities, as the most expeditious and the best calculated to carry out their purpose, to wit: to expedite them in the delivery of messages which materially affect their interests.

The mail matter, therefore, which is carried by these express companies, amounts to about one third of the regular United States mails; and thus the Department is cut off from about one third of its revenue, which goes to the maintenance of these large express companies.

Now, what does this bill propose? It proposes that when the Government ascertains that a mail can be carried by any other route than the one established, in a more expeditious manner, its contract shall terminate with the existing route, and shall be given to that route which will carry it more expeditiously.

There are four routes between the Atlantic and the Pacific now occupying the attention of men of capital—the Panama route, the Nicaragua route, the Tehuantepec route, and the route between New Orleans, Vera Cruz, and Acapulco. I have no doubt in my own mind that the mails will be eventually carried in fifteen days. I believe that the mail between New Orleans and San Francisco can be carried safely by the Vera Cruz and Acapulco route in fifteen days. But I do not believe that it will ever be carried in ten days, at a cost to the Government, under this bill, of \$1,600,000, which seems to be the great objection of many gentlemen to the bill. You now pay \$850,000 to carry the mails in from twenty-seven to thirty days.

Mr. CHURCHWELL. Nine hundred and sixty thousand dollars.

Mr. LATHAM. Nine hundred and sixty thousand dollars, the gentleman from Tennessee says. This bill proposes that the mail shall be carried in twenty-five days for \$10,000. And if the time is reduced to fifteen days—which, in my opinion is the lowest possible limit that it can be carried—it will cost \$1,000,000, or but little over what the Government is now paying for the transportation of the mail by the Panama route in twenty-seven to thirty days.

Now, what I desire to call the attention of the House to more particularly, is, that the principles of this bill are right. If the Government desires to relieve itself from the burden of taxation in carrying and keeping up the mail between the Atlantic and Pacific coast, it must adopt this principle, or it cannot possibly relieve itself from a large burden of taxation laid upon its shoulders. I wish to say, further—

Mr. SMITH, of Virginia. Will the gentleman from California allow me to say that I have not received a single letter from California for months.

Mr. LATHAM. That is the true condition of things; and so far do I know such delay in receiving letters from California to be true, that the really important matter which comes to me as a member of this body I receive regularly by the express companies, and it reaches me some five or six days before the mail reaches me. And this is the case in the experience of the commercial men of the country. It is these express companies which relieve the Post Office Department of that income which it should properly receive, and which should go towards sustaining the route that is at any time established.

I wish to call the attention of the House to this fact. If you send this bill to the Committee of the Whole on the state of the Union, the result will be that the bill will never be reached, and this Congress will adjourn without being able to obtain any action whatever upon it, whether it contains merits or not. If the consideration of the bill is postponed for three weeks, why then the Committee on the Post Office and Post Roads can investigate this matter; they can see whether this bill is capable of being amended in its details—and, for one, I think it is—and the bill can then be properly reached.

The committee can amend the bill so as to relieve the Government from debt, and obviate the very objections which the gentleman from Virginia [Mr. McMULLIN] has expressed against the bill, and which I know are entertained by other gentlemen upon this floor. When it comes up for consideration at the expiration of three weeks, the Committee on the Post Office and Post Roads can report a substitute and amendments, and then it can be discussed fully by the House, and the result will be that the Government can carry out that principle, which we all know will tend to relieve the Post Office Department from that burden of taxation which is now imposed upon it. I now renew the motion made by the gentleman from South Carolina, [Mr. ORR,] that the consideration of the bill be postponed for three weeks.

Mr. McMULLIN. Will the gentleman from California [Mr. LATHAM] yield me the floor for a moment?

Mr. LATHAM. I cannot do so without the consent of the gentleman from South Carolina, [Mr. ORR.]

Mr. McMULLIN. I ask the gentleman from South Carolina, as well as the gentleman from California, if they will not consent to withdraw the motion for only two or three minutes?

Mr. ORR. If the gentleman from Virginia [Mr. McMULLIN] will promise to renew the motion, so far as I am concerned, I will give the gentleman from California permission to withdraw the motion.

Mr. LATHAM. Having the permission of the gentleman from South Carolina, I will now yield the floor to the gentleman from Virginia.

Mr. McMULLIN. I think if the House will examine the bill for a moment they will see the importance of referring it to the Committee of the Whole on the state of the Union. Yesterday when I addressed the House, I remarked that I was not prepared to say whether I should vote for or against the bill—that it was a new proposition sprung upon the House for the first time. Since that time, however, I have been looking somewhat into this question.

If you pass this bill in its present shape, or

even when amended as indicated by the gentleman from California, [Mr. LATHAM,] what will be the practical effect upon the country? There are, as you have been informed by the gentleman from California, three or four routes over which the mail may be carried. Do you mean to say—do you mean that this Congress shall say—that you will so frame the bill as to compel the Postmaster General to give this mail service into the hands of any particular individual or company?

I undertake to say, if you examine the practical effect of this bill, that you will establish a monopoly in favor of the Tehuantepec route. And, sir, it may cost this Government, annually, on that route, from \$1,000,000 to \$1,500,000 to carry the mail from New Orleans to the city of San Francisco. Is the House prepared to confer authority on the Postmaster General to pay \$1,500,000 for carrying the mail from any one point of this country to another?

Mr. SMITH, of Virginia. I wish to ask my colleague a question, if he will permit me to do so.

Mr. McMULLIN. Certainly; I will yield for a question to be asked.

Mr. SMITH. Mr. Speaker, I wish the House to understand, and I wish my colleague [Mr. McMULLIN] to understand, that the object proposed to be accomplished by this bill is to diminish the cost of transporting the mail between New Orleans and San Francisco, and to increase the revenue to the Post Office Department from that service. I ask my colleague if the reason why the rural districts have been neglected—and I agree with him in the desire to improve post office facilities in the rural districts—has not been on account of the absorption of the income from the Post Office Department by these great lines?

Now, Mr. Speaker, if by the project of this bill—and I believe in my soul such will be the result—the expenses of the transportation of the mail be diminished, and the revenue of the Post Office Department be increased, I ask whether the natural effect of it will not be that the rural post office business—to be a little facetious—will “smile and blossom as the rose?”

Mr. McMULLIN. I have no doubt that my colleague [Mr. SMITH] is of opinion that this bill will effect a reduction of the expenses of the Government; but I tell him that the bill will not effect the objects which it professes to secure. I would ask the gentleman from Tennessee, [Mr. CHURCHWELL,] or the chairman of the Committee on the Post Office and Post Roads to have the letter of the Postmaster General on this question read to the House. I understand it is in his possession.

Mr. CHURCHWELL. And I ask the gentleman from Virginia [Mr. McMULLIN] to refer to the Globe of yesterday, and he will see that the letter of the Postmaster General, to which he alludes, has been published at my request.

Mr. McMULLIN. Mr. Speaker, I send the Globe to the Clerk's desk, and ask that the letter of the Postmaster General, published therein, be read for the information of the House.

Mr. LATHAM. I ask also that the sixth section of this bill be read at the same time.

The SPEAKER. The Clerk will proceed to read the sixth section of the bill.

Mr. RICHARDSON. Mr. Speaker, is the morning hour expired?

The SPEAKER. The morning hour is not expired by three minutes.

The Clerk then proceeded to read the sixth section of the bill, and afterwards the letter of the Postmaster General on the subject, as published in the Globe.

The sixth section of the bill is as follows:

“SEC. 6. And be it further enacted, That if at any time during the existence of this contract, any other individuals or company shall establish a more speedy conveyance of the mails between New Orleans and San Francisco, and shall give proof to the Postmaster General that said conveyance has been in successful operation for three consecutive months, then and in that case it shall be the duty of the Postmaster General to transfer this contract to said individual or company, whereupon the former company or individual shall not be deemed to have any claim for damage, or otherwise, against the Government.”

Mr. CHURCHWELL. I desire to inform the House that this letter has reference to the original bill, and therefore it does not apply to the bill under consideration at the present time.

Mr. McMULLIN. I flatter myself, Mr. Speaker, that I need not further trespass upon the time of the House, after they have heard read the letter

of the Postmaster General in reference to this question. Are gentlemen prepared to say; is the gentleman from Tennessee [Mr. CHURCHWELL] himself prepared to say; is my colleague prepared to say, that they understand this matter better than the Postmaster General, a gentleman who has been placed at the head of that Department, and whose whole time and talent have been devoted to it?

Mr. CHURCHWELL. I would inquire of the gentleman from Virginia how long that gentleman has been Postmaster General?

Mr. McMULLIN. The gentleman knows as well as I do; most of the times since the coming in of the present Administration. I would ask the gentleman how long he has had charge of this bill?

Mr. CHURCHWELL. I have had charge of it for about two years; ever since the vote which was had upon increasing the compensation of the Collins line of steamers.

Mr. McMULLIN. I state, with all due deference to the gentleman from Tennessee, that it is to be presumed that the Postmaster General understands the interests of the Government, in its postal arrangements, as well, at least, as the gentleman from Tennessee. Is this House, in the face of the declarations of that letter; in the face of the information given upon the call of the committee, that under the former bill it would cost this Government upwards of \$2,000,000, prepared to pass this bill?

Mr. CHURCHWELL. With due deference to the honorable gentleman from Virginia, and with all respect for the honorable the Postmaster General, I would remind the gentleman that that officer is but a man, fallible like ourselves, and just as liable to err. Hence his opinion should be considered and weighed well, even if it be yielded to. We are here a part of a coördinate branch of the Government, and have a right to determine for ourselves upon all the facts connected with the case.

Mr. EDGERTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. McMULLIN. The gentleman from Ohio has not the floor to make a motion to go into committee, if that is his intention.

The SPEAKER. The morning hour having expired, it is in order to make a motion to go into the Committee of the Whole.

Mr. EDGERTON. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. RICHARDSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and I desire to ask if this is not objection day?

The SPEAKER. It is objection day.

Mr. EDGERTON. And for that very reason we ought to go into the Committee of the Whole upon the Private Calendar. There are several bills upon the Calendar, the reports accompanying which can be read, and perhaps some of the bills be passed. It is due to those interested in private claims that we should once in a while go into Committee on the Private Calendar.

Mr. LANE, of Indiana. I desire that the gentleman from Ohio will withdraw his motion for a moment, and allow me to make a report from the Committee on Private Lands Claims, by the unanimous consent of the House, merely for the purpose of reference.

Mr. EDGERTON. I should be glad to accommodate the gentleman; but I will say to him that the Committee of Claims have a large number of claims which they are very anxious to report at the earliest possible moment; and if any favoritism is to be shown to any committee, I think it should be to ours.

Mr. LANE. I will say to the gentleman that I think of going home shortly, at least I shall probably be absent from the city, and I hope he will allow me to make the report.

The SPEAKER. Debate is not in order. Does the gentleman withdraw his motion?

Mr. EDGERTON. No, sir, I will not withdraw the motion; but if no gentleman objects to the introduction of the report from the Committee on Private Land Claims, I will not.

There being no objection—

Mr. LANE, from the Committee on Private Land Claims, reported a bill; which was read a first

and second time by its title as follows, referred to the Committee of the Whole on the state of the Union, made the order of the day for to-morrow, and, with the report, ordered to be printed:

A bill authorizing Robert Graham to locate six thousand nine hundred and ninety-three acres of land in lieu of the one undivided half part of certain lands patented to John Edgar and John Murray St. Clair by the Governor of the Northeastern Territory.

Mr. PARKER. I desire the gentleman from Ohio to allow me to ask the unanimous consent of the House to introduce a report from the Committee on the Judiciary upon a very important subject.

Mr. EDGERTON. I will state to the House that I am informed by the Clerk that the bills and reports which have lately been referred to a Committee of the Whole House have not been printed. This is objection day, and if, as I understand is the fact, there are no bills upon the Private Calendar which have been printed, except those which were read the last objection day—about eight cases—there can be no object in going into Committee of the Whole House. I will therefore withdraw the motion.

The SPEAKER. The gentleman from Virginia [Mr. McMULLIN] is entitled to the floor.

Mr. RICHARDSON. There is a motion pending, made by myself, to go into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman had not the right to take the floor from the gentleman from Virginia for that purpose.

Mr. RICHARDSON. Is it competent for me to arrest the debate for the purpose of moving to go to the consideration of the business upon the Speaker's table?

The SPEAKER. It is.

Mr. RICHARDSON. I move, then, that the House go to the business upon the Speaker's table.

Mr. CULLOM. I hope the House will go into the Committee of the Whole.

Mr. RICHARDSON. I now submit the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

MARTHA WASHINGTON CASE.

Mr. PARKER. I now ask the indulgence of the House to make a report from the Committee on the Judiciary upon a very important subject, requiring our immediate action, and to which I am very sure there will not be an objection when it is understood. It is in reference to the burning of the steamboat Martha Washington. I ask the gentleman from Illinois to withdraw his motion for that purpose.

Mr. RICHARDSON. I apprehend no withdrawal is necessary, if the gentleman has the indulgence of the House to make the motion. I certainly shall not object.

There being no objection,

Mr. PARKER, from the Committee on the Judiciary, introduced the following bill; which was read a first and second time by its title:

A bill to defray the expenses growing out of the burning of the steamboat Martha Washington.

Mr. LATHAM. I hope the House will indulge me in having the bill put upon its passage.

Mr. JONES, of Tennessee. If it is in order, I move to refer this bill to the Committee of the Whole on the state of the Union. I understand it makes an appropriation, and I think it should go there.

Mr. PARKER. It does make an appropriation; but if the House will listen to me for a moment, I think there will be no objection to paying it, without being considered in Committee of the Whole. This is a matter growing out of the burning of the steamboat Martha Washington, which was referred to the Committee on the Judiciary yesterday. That committee held a special session this morning, to take the subject into consideration; and they thought it of sufficient importance to warrant them in calling the attention of the House to it to-day.

It will be recollected, because it is a matter, I believe, of universal notoriety, that some two years ago this steamboat was burned on the lower Mississippi, under circumstances which satisfy the public mind, I think, that there was not only connected with that matter one of the most stupendous frauds

ever known in this country, but over and above that, the high crimes of arson and murder; for no less than sixteen persons lost their lives in the conflagration. The country has been at immense pains during these two years, for the purpose of bringing these offenders to justice. Facts have transpired recently to satisfy the Judiciary Committee that nine individuals now incarcerated at Helena—

Mr. JONES, of Tennessee. I rise to a question of order. The rules of the House require that a bill making an appropriation must have its first consideration in the Committee of the Whole. I myself cannot see how this Government has anything to do with the crime of burning that steamboat, or the payment of the judicial expenses in prosecuting the criminals.

Mr. PARKER. I will explain to my friend from Tennessee, and am satisfied that he will raise no objection, if he understands the matter.

The SPEAKER. Is it the pleasure of the House that the gentleman from Indiana shall proceed?

There was no objection.

Mr. PARKER. Some four or five of the persons who were supposed to be implicated—in fact, there is no doubt about their implication in that great crime—were arrested under a law of the United States making a conspiracy under such circumstances highly criminal. They were tried in the courts of the United States in the State of Ohio. For the want of testimony, which has quite recently come to light, those individuals were acquitted. They have since been arrested under the requisition of the Governor of Arkansas, and some nine of them, whom the committee deem unquestionably guilty, are in jail at Helena, in the State of Arkansas. The preliminary examination comes on in ten days from this date, on the 17th of this month; and it is a matter deemed of immense importance to the country that those persons should be vigilantly and thoroughly prosecuted. As I said before, murder and arson, as well as a most stupendous fraud, are involved in this matter; and it is deemed unsafe to leave this thing in the attitude in which it now stands, to be prosecuted by a weak county—the county of Phillips in the State of Arkansas—without some aid. It is the object of the bill to afford that aid, and make some reparation for those who have expended their own means in the arrest of these individuals, under the requisition of the Governor of Arkansas.

I imagine, Mr. Speaker, that I have said enough. I do not wish to detain the House further. This matter is one of universal notoriety, and one which has attracted the attention of every member on this floor.

Mr. STANTON, of Tennessee. Will the gentleman allow me to say a word?

Mr. PARKER. Certainly.

Mr. STANTON. I will simply reply to the remark or objection of my colleague over the way, that the bill reported provides that no part of this money shall be expended towards a prosecution in State courts, unless the Secretary shall be satisfied that the crime and the circumstances of its perpetration involve also a violation of the laws of the United States, in order to meet the scruples of some gentlemen who have a difficulty in reference to such application of the public fund.

I will remark further, which my friend from Indiana seems to have omitted in his statement, that this band of confederates extends from the city of New York, through all the eastern and western States, as far as New Orleans; and that it has been necessary to send to almost every State of the Union, or at least numbers of them, in order to arrest these criminals. And there is an equal necessity to send to those different States for the purpose of getting the witnesses.

Now, when it is remembered that this crime was conceived in the city of Cincinnati, persons having confederated for the purpose of effecting large insurance on fictitious articles on board of this steamboat, purporting to be packed in boxes which contained nothing but trumpery, and when this boat was fired in the State of Arkansas, on her passage down the river, while incidentally or accidentally passing through the jurisdiction of that State, it is very clear, as the Secretary of State says, that the local interests of Arkansas, and especially of the county of Phillips, in this crime, bears no comparison to the general interests of the whole people of the United States, in bringing the offen-

ders to justice; and it was upon this view that the Committee on the Judiciary thought themselves justified in reporting this bill, under the urgent circumstances of the case.

Now, the county of Phillips, on the Mississippi river, is comparatively a poor county—rich in lands, but sparsely populated; and this prosecution will require an expenditure of thousands of dollars for the purpose of effecting justice. And what interest have the people of Phillips county, in Arkansas, in bringing these parties to justice? What interest have they in imposing upon themselves the heavy burden of taxation which will be necessary to meet the expenses of the prosecution? Sir, they have no interest in it.

This crime was committed on the bosom of the Mississippi river, which is a great highway of the nation, connecting together a number of the States of the Union, and, therefore, entitled to be called, in the language of Mr. Calhoun, "an inland sea." If this crime had been committed on any of the tide waters of the country, it would have been within the jurisdiction of the courts of the United States; but as the Mississippi river is not affected by the tides of the Gulf, it is not within the jurisdiction of the courts of the United States.

Mr. PARKER. I do not think it necessary to add anything to what has already been said. I hope the gentleman from Tennessee will withdraw his motion, and allow the bill to pass.

Mr. JONES. I have heard no reason which, I think, should satisfy any one that this is a case to which the United States should be a party, or of which the United States should be made to pay the expenses.

If this Government is to be made to take jurisdiction of all offenses that are to be committed upon the rivers of the country, and upon the steamers and other crafts upon the waters of the country, it will in a short time extend itself to all the railroads of the country. Are not the railroads at present as much highways of the country as the Mississippi river is? Sir, this Government would be absorbing, in my opinion, the domestic concerns of the States—things which legitimately and of themselves belong to the States, and not to this Government. The tendency of things is too much to centralization—to the absorption of everything which pertains to the States within the power and jurisdiction of the General Government.

I do not know what are the particular laws of the State of Arkansas. The county of Phillips may be poor; but I do not suppose that, because this offense has to be prosecuted in that county, because it is there that these persons are to be tried, necessarily, or under the laws of that State, the county of Phillips must pay the expenses of the prosecution. In the State in which I live, the county furnishes the jury, but all the other expenses, for witnesses, attorney's fees, and everything, save the per diem of the jurors, are paid by the State, in all cases of felony.

Mr. STANTON, of Tennessee. I have myself practiced in the State of Arkansas, and I learn this morning from one of the Senators from that State, who, I know very well, is an extensive practitioner in that State, that the expense of this prosecution must be paid by the county of Phillips. And even if it did come from the treasury of the State, the State of Arkansas has just as little interest in this matter as the State of Massachusetts.

Mr. PARKER. If the gentleman from Tennessee [Mr. Jones] will allow me, I will make a suggestion which I think will relieve him from difficulty. It is a mere matter of form, at most, that this case is now in the State court. Although there are some four or five of these individuals who have been arrested for conspiracy under the laws of the United States, there are some four or five others who have never been arrested and tried; and it would be the duty of the General Government, in my estimation, to say that those men held in custody should not go at large until they are indicted for the crime for which they stand committed against the United States. For that reason alone, if there were no other merits in the case, I think that the bill ought to be passed.

Mr. JONES, of Tennessee. There is but one reason, in my opinion, for coming with this case here at all; and that is, that the United States have a full Treasury, and are able to pay this expense, and that these people may get the expenses of this prosecution out of the National Treasury. Where

are the owners of this steamboat? Where are the individuals who suffered by this crime? Where are all the interests—the steamboat interests—that are involved in a crime of this character, committed upon these western waters? Those interests are certainly adequate and able to meet, to defray, the expenses of this case. It would, at any rate, be establishing a dangerous precedent, for this Government to take the jurisdiction of, and defray the expenses of, crimes and misdemeanors committed within the jurisdiction of a State. I insist upon the enforcement of the rule which requires that bills of this character should go to the Committee of the Whole on the state of the Union.

The SPEAKER. Objection being made by the gentleman from Tennessee, the bill must go to the Committee of the Whole on the state of the Union.

Mr. PARKER. If the House will indulge me, I will move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and considering this bill.

The SPEAKER. That cannot be done, as the House can only resolve itself into the Committee of the Whole on the state of the Union upon a particular subject.

Mr. HAVEN. I wish to make a suggestion to the House in relation to this bill. I have no expectation that the House will pause in its evident intention to take means for passing this bill. It strikes me that this is a very objectionable proceeding indeed. What is it?

Mr. RICHARDSON. I rise to a question of order.

The SPEAKER. Debate is not in order.

Mr. RICHARDSON. I demand the regular order of business.

Mr. PARKER. Is my motion in order?

The SPEAKER. It is not competent for the House to determine that it will resolve itself into the Committee of the Whole on the state of the Union upon that particular bill. It can only go into the Committee of the Whole on the state of the Union generally.

Mr. PARKER. I hope that the bill will be re-committed to the Committee on the Judiciary.

The SPEAKER. There is a motion pending to commit the bill to the Committee of the Whole on the state of the Union, which must be first put.

The question was put; and decided in the negative.

Mr. CLINGMAN. Does not the bill go, as a matter of course, to the Committee of the Whole, containing, as it does, an appropriation of money?

Mr. PARKER. I withdraw the motion I made that the bill be referred to the Committee on the Judiciary, and will allow the bill to go to the Committee of the Whole on the state of the Union.

The SPEAKER. If no objection is made, the bill will be so referred, and printed. The question now pending is, that the House resolve itself into the Committee of the Whole on the state of the Union.

RELIEF OF HARRIET LEAVENWORTH.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill; which thereupon received the signature of the Speaker:

Act for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth.

The House then agreed to the motion to go into committee.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN. The committee, at its last sitting, had under consideration the civil and diplomatic appropriation bill, on which the gentleman from Missouri [Mr. CARUTHERS] is entitled to the floor.

NEBRASKA AND KANSAS.

Mr. CARUTHERS said that he did not propose to dwell on the necessity for organizing territorial governments for Nebraska and Kansas. He would content himself with remarking that the last House of Representatives, in obedience to the known wishes of the people, passed a bill for this purpose.

The resistance to the proposed organization

was founded on two grounds. The one, that it violates our treaty stipulations with the Indian tribes, and involves the violation of good faith and party obligation by repealing the eighth section of the act of March 6, 1820. So far as the first objection goes, the Indian rights are well protected.

He proposed to come to the immediate consideration of the high question of honor and good faith involved in this bill. The question, he said, overrides all party considerations. It is true it is presented as an Administration measure, and it is true that he was here as a Whig; but he was not here to oppose any Administration measure because it is thus brought forward. He was here to follow to the end the dictates of his own judgment. He believed that the Administration has, on this subject, taken high national ground, and planted itself on the great American principle of self-government—which is not involved in any mere party issues—the right of the people to determine for themselves the character of their domestic institutions. He held to the doctrine of congressional non-intervention.

As to the sacredness of the Missouri compact, the North violated it in less than twelve months from the time of its passage. That measure was cradled in a tempest, and has been true to its origin; for, from that day to 1850, the Abolitionists have from year to year become stronger from the slavery excitement. He contended that we shall never have peace until the subject is expelled from these Halls. Expel it, and the occupation of the agitators will be gone.

In conclusion, he eloquently spoke of the North and the South, of their past glories, and their present obligations jointly to uphold the Constitution of the country.

Mr. WASHBURN, of Maine, said that he did not propose, in discussing the Nebraska-Kansas bill, to submit any remarks in reference to the Badger amendment. He should pass it by as a matter of no practical importance. It was sufficient for him that this bill, with or without that amendment, opened all our unorganized territory to slavery; and this, too, in derogation of a compact solemnly entered into, the intention of which, from the very nature of things, must have been to consecrate to freedom this vast territory, so long as the State of Missouri should exist; for one part of the compromise was to have been as durable as the other.

He then replied to the argument that the Missouri compromise was unconstitutional, and contended that not only had Congress, under the Constitution, the power to enact it, but that it was now its duty to maintain it.

He repudiated the idea that the bill contained the principle of non-intervention, and cited its provisions to prove that it did intervene.

[These speeches will be found in the Appendix.]

Mr. MACDONALD obtained the floor.

Mr. RIDDLE. I ask the gentleman to give way for a motion that the committee rise.

Mr. MACDONALD. I will yield for that purpose.

Mr. RIDDLE. I then submit that motion.

The question was put; and the motion was agreed to.

So the committee rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill commonly known as the civil and diplomatic bill, and had come to no resolution thereon.

[A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that the President had signed the bill authorizing the construction of six first-class steam frigates, and for other purposes.]

Mr. PHELPS. I rise to ask the consent of the House that the Committee of Ways and Means have leave to correct a clerical error in the report made by us on yesterday.

No objection being made, leave was granted.

Mr. RIDDLE. I move that when this House adjourns it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. I call for a division on the question, for tellers, and for the yeas and nays. [Laughter.]

Tellers were not ordered, only fourteen voting in the affirmative.

Mr. JONES. Now I demand the yeas and nays. If the yeas and nays be refused, I ask a division of the House on the question.

The yeas and nays were not ordered.

The question was put on the motion to adjourn over until Monday; and on a division, there were—yeas 93, noes 20; no quorum.

Mr. JONES. I move that the House do now adjourn.

Mr. STANTON, of Tennessee. I demand tellers on the question.

The SPEAKER. Tellers and yeas and nays have been both refused.

Mr. STANTON. I had understood that only tellers on the yeas and nays were refused.

Mr. JONES. No, sir.

Mr. ORR. If the gentleman from Delaware withdraws his motion, I will renew it, and we can then have another test of the sense of the House.

Mr. RIDDLE. I withdraw the motion to adjourn over.

Mr. ORR. I renew it.

Mr. JONES. And I ask for the yeas and nays. [Laughter.]

The yeas and nays were not ordered.

Mr. JONES. I demand tellers.

Tellers were ordered; and Messrs. VAIL and CAMPBELL were appointed.

The question was then put; and the tellers reported—yeas 103, noes 15.

So the motion was agreed to.

Mr. HAVEN. This morning a bill "for the relief of the West Feliciana Railroad Company, and the Georgia Railroad and Banking Company," was referred to the Committee of Claims, I believe, at the suggestion of the Chair. Since that reference was made, some papers have been placed in my hands, from which I learn that the gentleman from Georgia, [Mr. STEPHENS,] who is absent from his seat, but is expected to be back in a few days, has charge of the matter, and wishes to give it a particular direction. I therefore move to reconsider the vote by which that bill was so referred, and I ask that the motion to reconsider may be entered, and lie over until the return of the gentleman from Georgia.

The motion to reconsider was accordingly entered for future consideration.

Mr. BISSELL. I think it would be well to refer the Senate bills upon the Speaker's table, as they are rapidly accumulating. I therefore move that the House proceed to the business on the Speaker's table.

Mr. JONES, of Tennessee. It took sometime to count a quorum just now on the motion to adjourn over; and it is evident that there is not a working quorum here. I therefore move that the House do now adjourn.

The question was put; and the motion was agreed to.

And thereupon (at half-past three o'clock, p. m.,) the House adjourned until Monday, at twelve o'clock, m.

IN SENATE.

MONDAY, April 10, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

PETITIONS, ETC.

Mr. EVERETT presented resolutions passed at a meeting of the legal voters of the town of Medfield, Massachusetts, protesting against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. SUMNER presented a petition of inhabitants of Gardner, Massachusetts, praying a reduction of the rates of ocean postage to two cents; which was referred to the Committee on the Post Office and Post Roads.

Mr. FOOT presented a resolution, passed at a meeting of citizens of Randolph, Vermont, remonstrating against the passage of any act for the admission of slavery north of 36° 30'; which was ordered to lie on the table.

Mr. SMITH presented a memorial of citizens of Colchester and its vicinity, Connecticut, praying the enactment of such laws as will best secure the principles of religious freedom, and especially for the protection of American citizens in the enjoyment of the rights of conscience and of religious worship, as well as the right to bury their dead in such way as may seem to them most

appropriate, when residing or traveling in foreign lands; which was referred to the Committee on Foreign Relations.

Mr. SEWARD presented a memorial of citizens of Syracuse, New York, praying Congress to reduce the charge for the transit of letters across the Atlantic to two cents for every letter weighing not more than half an ounce; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Chemung county, New York, praying that the homestead bill may become a law; which was ordered to lie on the table.

Also, a petition of members of the Mechanics' Mutual Protection Society, of Elmira, Chemung county, New York, praying that the homestead bill may become a law; which was ordered to lie on the table.

Also, a petition of citizens of Warwick, Orange county, New York, praying Congress to grant that the children of such revolutionary officers and soldiers as were slain in battle, or died in said service, (whose widows died previously to the act being passed granting pensions to officers and soldiers of the Revolution,) may receive the pensions their mothers would have received had they lived until the act was passed; which was referred to the Committee on Pensions.

Also, the following petitions, remonstrances, &c., against the repeal of the Missouri compromise, and the introduction of slavery into the Territories; which were ordered to lie on the table:

Petitions of citizens of Grand Rapids, Michigan;

Of inhabitants of Burton, New York;
Of inhabitants of Haverstraw, New York;
Of inhabitants of Washington county, New York; and

Of citizens of Niagara county, New York;
Protest of C. J. Walker and one thousand six hundred and seventy-two others, citizens of Detroit, Michigan;

Memorial of resident preachers of the gospel, of Rochester, New York;

Remonstrance of the church and congregation of the First Congregational Church, in Lebanon, New York;

Memorial of Bernhard Behrend, of Narrowsburg, New York; and

Memorial of male and female residents of New Hampshire.

Also, two memorials of citizens of New York, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which were referred to the Committee on Foreign Relations.

Also, two memorials of citizens of New York, praying that a contract may be entered into with Christian Hansen for the transportation of the mails between Brooklyn, New York, and certain ports in Europe; which were referred to the Committee on the Post Office and Post Roads.

Mr. SMITH presented three petitions of citizens of Connecticut, protesting against the passage of the Nebraska bill; which were ordered to lie on the table.

Also, a petition of inhabitants of New Britain, Connecticut, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of John Lovett and sixty-nine others, citizens of Winchester, Connecticut, praying for the free grant of the public lands to such actual settlers as are landless; which was referred to the Committee on Public Lands.

Mr. FISH presented the petition of S. T. Van Derze, an officer of the Quartermaster's Department in the war of 1812, praying an amendment of the bounty land and pension laws; which was referred to the Committee on Pensions.

Mr. RUSK presented the petition of E. H. Wingfield, praying compensation for expenses incurred while acting as agent to the Apache Indians; which was referred to the Committee on Indian Affairs.

Mr. RUSK presented an additional document in relation to the claim of J. M. Smith for remuneration for losses incurred in a contract for carrying certain mails in Texas; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN presented documents in relation to the claim of Andrew Taylor and Henry

Smith, for compensation for a certain tract of land at Sitico, Old Town, Tennessee, sold by the Legislature of that State, under misrepresentations made to them; which were referred to the Committee on Indian Affairs.

REPORT FROM A STANDING COMMITTEE.

Mr. BRIGHT, from the Committee on Roads and Canals, to whom was referred the memorial of the Ohio Falls Marine Railroad Company, praying the aid of the United States in the construction of a marine railway for the transportation of steamboats around the Falls of the Ohio, submitted an adverse report thereon; which was ordered to be printed.

NOTICE OF A BILL.

Mr. MASON gave notice of his intention to introduce a bill to authorize the Baltimore and Ohio Railroad Company to extend their railroad to a point on the Potomac river, at or near the city of Washington.

BILLS INTRODUCED.

Mr. BRIGHT, in pursuance of previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to keep and receive the public money, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act," approved March 2, 1853; which was read a first and second time by its title, and referred to the Committee on Finance.

CUSTOM-HOUSE AT DETROIT.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the construction of a custom house, and also an appropriation for the construction of a marine hospital, at Detroit, in the State of Michigan.

MAILS IN UPPER PENINSULA OF MICHIGAN.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of increasing the mail facilities in the Upper Peninsula of the State of Michigan.

CORRESPONDENCE OF HON. D. D. BARNARD.

Mr. FISH submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if not in his opinion incompatible with the public interest, copies of the correspondence of Mr. Barnard, late Minister of the United States in Prussia, with the United States consul at Bremen, and of that consul with the Government of Bremen, relative to the case of Mr. Conrad Schmidt, a naturalized citizen of the United States, arrested at Bremen, and detained there upon a requisition from the Government of Hanover, claiming Schmidt as a subject of that kingdom.

Also, a copy of a letter addressed by Mr. Barnard, while Minister of the United States at Berlin, to his Majesty the King of Prussia, in October, 1852, on the subject of religious toleration, and of a dispatch addressed by Mr. Barnard to the Department of State, in reference thereto.

Also, copies of the correspondence of the Legation of the United States at Berlin, with the Minister of the Grand Duke of Baden, at Berlin, in regard to the arrest and maltreatment of E. T. Dana, W. B. Dwight, and Dr. Ramsey, citizens of the United States, at Heidelberg, in the Grand Duchy of Baden.

NOTARIES PUBLIC.

Mr. BADGER. I ask the unanimous consent of the Senate to allow me to introduce a bill, and have it passed now, of which no notice has been given; and I am sure that, when I state what it is, there will be no objection. We passed an act in the year 1850, authorizing notaries public to take and certify affidavits in certain cases. By a second section of the bill, put to it, it was extended and included the District of Columbia. In some way or other in the engrossment of the bill, the District of Columbia was left out. The object of the bill which I wish to introduce, is simply to extend the provisions of that act to the District of Columbia. It was an oversight by which it was left out in the engrossment of that bill. I now ask leave of the Senate to enable me to introduce a bill supplementary to the act entitled, "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases."

Leave was granted, and the bill was read a first and second time, and considered as in Committee of the Whole.

It proposes to enact that all the powers and authority conferred in and by the act referred to, approved September 16, 1850, upon notaries public, in the States and Territories, be vested in notaries public within the District of Columbia.

Mr. CHASE. When this bill was before the Senate on a former occasion, an amendment was made to it authorizing notaries public throughout the country to take depositions to be used in the courts of the United States. I should be glad to have that amendment made to this bill, and I hope it will be passed over for the purpose of making it.

Mr. BADGER. Let it lie over until to-morrow.

Mr. CHASE. I move to postpone its further consideration until to-morrow.

The motion was agreed to.

WILLIAM B. EDWARDS.

Mr. JONES, of Iowa. I move to reconsider the vote by which the Senate on Friday last passed House bill for the relief of William B. Edwards, for the purpose of making an amendment which ought to have been made but was overlooked.

The motion was agreed to; and the vote by which the bill was ordered to a third reading was also reconsidered.

Mr. JONES, of Iowa. I move to amend by striking out "four" from the words "eighteen hundred and fifty-four." It was put in by a clerical mistake, in the engrossment of the bill. The pension will then commence in "eighteen hundred and fifty."

The amendment was agreed to, and ordered to be engrossed, and the bill to be read a third time. The bill was read a third time, and passed.

PACIFIC RAILROAD.

Mr. GWIN. I move that the Senate proceed to the consideration of the bill reported from the select committee "for the construction of a railroad from the valley of the Mississippi to the Pacific ocean."

Mr. BADGER. I had proposed to ask the Senate to take up, this morning, the bill which I indicated on last Friday; but I am not at all disposed to interfere with the Senator from California, who, I know, is so situated as to make it highly important to him to be able to do to-day what he proposes to do. I shall, therefore, give way to him very cheerfully; but, as I am under the necessity of leaving town, I hope the Senate will oblige me to-morrow, by taking up that bill in the morning hour.

Mr. EVANS. The bill to provide for the claims of the officers of the Revolutionary Army was made the special order for to-day. I have no disposition to interfere with other gentlemen, but I am afraid that if that bill is pushed out of its place now, I shall have some difficulty in getting it up again. I should prefer to have it considered now, and I do not think it will occupy half an hour. I say to the gentleman from California, however, that if it is likely to lead to debate, I will move myself for its continuance, so as to enable him to go on with his speech; but if we could dispose of that bill this morning, it would be very desirable to do so.

Mr. GWIN. I do not wish to intrude on the Senator from South Carolina, but I should be much obliged to him if he would permit me to occupy some time this morning in giving my views on the subject of the Pacific railroad. I shall be necessarily away from the city in a day or two; at least I shall be called out of my place in the Senate. I will certainly aid the Senator in getting up his bill at any reasonable time.

Mr. MASON. The Senate are aware of the necessity, on my part, as I conceive, to ask them to proceed to the consideration of Executive business in preference to any other. The Senator from California, however, spoke to me this morning, and for considerations which I fully appreciate, personal to himself, asked that he might have the opportunity of being heard upon his favorite railroad scheme for a short time, and I told him that he should certainly have my consent, with the assent of the Senate that after that was done I should move for an Executive session.

The motion was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill for the construction of a railroad from the valley of the Mississippi to the Pacific ocean.

Mr. GWIN. Mr. President, the history of the

country presents no instance of a measure of great national importance in which there has been such unanimity of public sentiment in its favor as the project of connecting the Atlantic and Pacific by means of Railway. We are left in no doubt as to the judgment of the American people on this subject. The agricultural, commercial, mechanical, and manufacturing interests; our statesmen who held, and who now hold high places in the councils of the nation; our citizens in primary assemblies, and Legislatures of Sovereign States, have declared in its favor; and the Press, in its power, in terms not to be misunderstood, has echoed and re-echoed public opinion in its support, from one end of the Union to the other. Yet nothing definite, thus far, has been done, although appeals have again and again been made to the Congress of the United States to take the initiative in this great measure. Upon what plea can we go before the tribunal of public opinion, and excuse ourselves for longer delay? With an overflowing Treasury, whose annual accumulations are a source of embarrassment, reversing the experience of all other nations, and happy in the quiet, yet progressive development of the arts of peace, without a speck of war threatening our horizon, what time more propitious than the present for us to act in this matter, so earnestly pressed upon us by public sentiment, and which the Chief Magistrate has so distinctly recommended in his annual message to Congress?

Ask me "for anything but time," said the great Napoleon, "and you shall have it." Is there any Senator, friendly to this measure, who is insensible to the importance of immediate legislation in regard to it? Individuals, for a few fleeting years, perform their part, and, one after another, soon pass off the theater of human affairs. Their usefulness in the role of life is then seen in the wisdom of their policy, of which posterity will best judge. The necessity for this work, in a thousand forms, crowds upon the mind as we survey our present condition, our capacities, our wants. The enriching power of trade, foreign and domestic, and the prospect of our advance in greatness, are the inducements to begin it now. The results no one, at this time, can properly estimate.

The Select Committee charged with this subject have given it that careful examination which its importance demands, and have instructed me, as Chairman, to report the bill now under consideration. To secure prompt, cordial, and, if possible, unanimity of action, we have endeavored carefully to exclude everything that might give rise to constitutional doubt or objection, or tend in any manner to create local or sectional prejudices.

It proposes a grant of land by the Government similar to that repeatedly conceded from the days of President Monroe,—thirty years ago,—down, through every successive Administration, to the present period, with a reasonable compensation for carrying the United States mails. It establishes no eastern terminus. It gives no preference to any State in the great valley of the Mississippi—no advantage to any particular locality, except that given by nature herself; and assigns the contract, on ample security, to the best bidder, after full and fair competition. The means are no more than adequate to secure the result, and not a dollar is to be paid from the National Treasury except for service performed. By this bill the mail will be carried daily, both ways, in less than a week, from our Atlantic and Pacific borders, for little more than it now costs for a semi-monthly mail, occupying near four weeks in the transit. Without the road, the lands are valueless; but with it the alternate sections will bring millions of dollars into the Treasury, whilst an enterprising and industrious population will settle, cultivate, and rapidly fill up the country on either side of the route from the Mississippi to the Pacific.

Is it not our clear constitutional right to construct this great highway through the territory of the United States? Could language be more explicit than the delegation of authority in the fourth article of the Constitution, for Congress "to dispose of, and make all needful rules and regulations respecting the territory of the United States;" coupled with the power given in the first article, "to establish post offices and post roads;" saying nothing of those powers naturally flowing out of that instrument to carry out its great purposes? The POSTAL SYSTEM was stipulated for, even under the Confederation. In the ninth article,

Congress had the exclusive right of "establishing and regulating post offices from one State to another throughout the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office." When the original draft of the Constitution was prepared, it only proposed to give Congress "the power to establish post offices," but it was subsequently amended by adding "and post roads," in which form it was adopted without opposition.

The *Federalist*, in an article prepared by Mr. Madison, in discussing the provisions of the proposed new form of Government, declared that "the power of establishing post roads must, in every view, be a harmless power; and may, perhaps, by judicious management, become productive of great public convenience. Nothing which tends to facilitate the intercourse between the States can be deemed unworthy of the public care."

The Articles of Confederation had been projected before the date of our act of independence. On the 11th of June, 1776, the revolutionary Congress resolved that "a committee be appointed to prepare and digest the form of a confederation to be entered into between the Colonies." Their ratification, however, did not begin until 1778, and was not consummated until 1st March, 1781. From this period until the year 1789, when, on the 4th of March, the First Congress met under the new Constitution, the power given in respect to the postal system resulted in the establishment of seventy-five post offices, with a total extent of mail route of 1,875 miles, at a cost for mail transportation of \$22,081. The efficacy of the new and enlarged delegation of power in the Constitution appears in the fact that, in the ten years immediately preceding the beginning of the present century, a little over the period in which the postal system had existed under the Confederation, the number of post offices in the Union rose to 903, with an extent of post route of 20,817 miles, at a cost of mail transportation of \$128,644. The succeeding ten years it increased to 2,300 post offices, with 36,406 miles of post route, at a cost for mail service of \$327,966. From that period it has been steadily advancing, until, in the year 1852, there were 20,901 post offices, 214,284 miles of post route, at a cost for mail transit of \$4,295,311. For the past year, (1853,) we have 22,788 post offices, 218,743 miles of post route, and \$4,989,758 paid by the people for organizing, enlarging, and perfecting this mighty system, which, like the nerves of the human body, is designed to be extended over every part of our country, carrying intelligence from the center to the extremities of the Republic. Is it not universally admitted that intelligence is the vital principle of popular institutions, the current of life that is to sustain them, and renew, in its regular flow, their health and power?

Is not the authority which the Constitution confers for promoting the arts and sciences, and the policy established by the founders of this Government in setting apart a portion of our public domain to the cause of education, an evidence of the importance they attach to the dissemination of knowledge as the mainspring of progress?

The prompt, speedy communication of intelligence is the great desideratum of the age. We seek it, like the diffusive light of day, as an element, not merely of social enjoyment, of mental improvement, but of industrial prosperity.

The telegraphic wires now stretching over the Union, the British Isles, upon the continent of Europe, even reaching Asia and Northern Africa, passing over rivers, and under inland seas, and the millions that are paid for the service, confirm the truth here asserted.

The post horse and country road have yielded to the post coach and turnpike; these to the railway and steam-engine; whilst, in speed of transmission, the Electric power has passed the summit of human expectation, by its triumphs over time and space. Upon what ground can we withhold from California direct means of intercommunication equal to those possessed by her sister States on the Atlantic, when the Constitution declares in its fourth article, that "the citizens of each State shall be entitled to all privileges and immunities of the several States?"

In view of this constitutional obligation, will you not extend to her a participation in that wonderful system of inland transit and inter-

course with her sister States which others enjoy without stint or limitation? Will you leave us, separated and disconnected from you by half a hemisphere, and compel us to seek our ancient homes, and mingle with you only by encountering the privations of an overland journey through an Indian country, or the dangers of the sea in coming around the western and eastern slopes of the North American continent through foreign territory; or in pursuing, for seventeen thousand miles, the watery track around Cape Horn? I have thus considered this subject as part of a

POSTAL SYSTEM, esteemed by every enlightened nation so important to its prosperity, and in which we seek a fair participation. It has been operating in the political transitions of the country, from the Revolution to the present time; and the people of California ask to have extended to them its full benefits, not as a favor, but as a constitutional right. We ask the exercise of no disputed power, such as the construction of a road by the United States Government through the limits of a SOVEREIGN STATE. We leave the extension of the road through California to the State herself, and in addition to compensation for carrying the United States mails, appropriate public land, in limited quantities, and with specified restrictions, in accordance with legislative precedents, well established for nearly a third of a century. It is, in fact, only necessary to consult our statute-books for the last three years, to see the unequalled manner in which this congressional power has been exercised. I refer more especially to the act of Congress, approved September, 1850, to grant "the right of way, AND MAKING A GRANT OF LAND TO THE STATES OF ILLINOIS, MISSISSIPPI, AND ALABAMA, IN AID OF THE CONSTRUCTION OF A RAILROAD FROM CHICAGO TO MOBILE." Also, that of June 10, 1852, "granting the right of way to the State of Missouri, and a PORTION OF THE PUBLIC LANDS TO AID IN THE CONSTRUCTION OF CERTAIN RAILROADS IN SAID STATE;" followed by a general act, approved August 10, 1852, granting "the right of way to all rail and plank roads and macadamized turnpikes through the public lands belonging to the United States." And the act, approved February 9, 1853, "granting the right of way, and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river."

Upon these precedents, and numerous grants of public land to other States of the Union, which, unlike California, have been fostered, nurtured, and sustained by the National Treasury from territorial infancy up to their political majority, and have since received the benefits of large concessions of the richest agricultural lands, we ask of Congress, and have a right to ask, upon the terms of even-handed justice, that our far-off State, exiled by a continent of territorial space, shall be placed upon an equal footing with other States of the Union; and who, in justice, can stand up here and deny us? The bill, it is true, proposes an increase in the number of alternate sections, but not greater in proportion than what is believed to be reasonable, when we consider the low cost of materials and labor, at the great centers and thoroughfares of trade on and near the Mississippi, in contrast with the enormous prices which they command with us, and the expense of transporting equipments to the other side of the continent.

These considerations so fully justify the proposed increase in the quantity of land as to render argument or comment almost unnecessary. It seems, in fact, indispensable, in a relative point of view, if we intend to place California on equal terms with her sister land States, who have been so liberally dealt with by Congress.

In thus leaving the State of California to construct the extension of the Pacific railway through her limits, we avoid infringement of State sovereignty or any constitutional difficulties. The diversity and essential difference of views held on this subject by distinguished statesmen had not escaped attention; but were deliberately considered in framing the bill before you.

CONSTITUTIONAL POWER.

We find the opinion has been advanced with great ability, and eminent juridical learning, that

the clause in the Constitution respecting "post roads," gave Congress an *express*, not implied, power; and that the non-exercise of this power, in its full extent, in regard to the construction of "post roads," but merely designating existing State roads as post routes, was not a surrender of the power, and did not exhaust it; but that, under the Constitution, it still exists as a full right, and may be exercised whenever in the judgment of Congress it may be necessary. This construction, however, falls within the reasoning and principles that assert a still larger exercise of congressional interposition in works of internal improvement. Mr. Jefferson, in his annual message of December, 1806, and his successor, Mr. Madison, in his message of December, 1816, denied any such general power in Congress.

President Adams, on the other hand, in his inaugural of the 4th March, 1825, took a contrary view, which sanctioned the principle, and favored expenditures from the National Treasury for such purposes. In 1827, the House of Representatives, by a large majority, voted an appropriation for the continuation of surveys of routes and roads. In 1830, that body took an opposite position, and rejected, by a decided majority, a bill to construct a road from Buffalo to New Orleans; and in that same year President Jackson held that Congress possessed no power, under the Constitution, to construct roads, or vote money for internal improvements of a local character, but admitted that the right to make appropriations for works of a national character had so generally obtained as to warrant its exercise.

In his message of May, 1822, President Monroe examined, with eminent ability, the constitutional provision delegating authority to Congress respecting "post roads." He analyzed the subject by an almost irresistible process of reasoning, and by his construction confined and restricted the power in such a manner as to avoid the slightest trespass upon the rights and jurisdiction of the sovereign States. The power, as thus defined, is held to be the true constitutional doctrine; and, in accordance with it, we propose that California shall make her own portion of the Pacific road, from its junction on her eastern boundary to the ocean; and, make to her a grant of land, in strict and exact obedience to legislative precedents, to aid her in the construction of the same.

"Suppose," said a distinguished jurist who once adorned the supreme bench, that "the State roads do not furnish (as in point of fact they did not at the time of the adoption of the Constitution, and as hereafter, for many exigencies of the Government in times of war, and otherwise they may not) suitable routes for the mails, what is then to be done? Is the power of the General Government to be paralyzed?" Such considerations doubtless had their weight with Congress; for in 1806; during the Administration of Mr. Jefferson, a law was passed, by which the President was authorized "to cause to be opened a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of north latitude;" and "to cause to be opened a road or roads through the territory, lately ceded by the Indians to the United States, from the river Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Greenville;" and to cause to be "opened a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory." Here, and in other examples which could be cited, we find Congress expressly requiring the Executive of the General Government to have a road opened even through the limits of a sovereign State; but waiving these precedents, and adhering to the sounder constitutional doctrine, which forbids the exercise of such powers by Congress within the boundaries of a State, the provisions of the bill are so drawn that the strictest constructionist can take no exception to them in this respect.

That there must be an ocean outlet from that immense territory, extending from the Mississippi valley on the east to the Pacific on the west, must be conceded by every member of the Senate.

Is it to be supposed that the active, restless, and enterprising race of men already finding their way for settlement in that direction, and soon to fill it up by millions, with their high capacities of civilization, can be confined in their trade and business of life to expansive prairies and plains, or walled in between the rocks of the Sierra Madre

and Sierra Nevada mountains? Does any one imagine that this state of things will be permitted by a race whose history resembles in its progress the restless people who came from the regions of the north of Germany, rushing over the Roman empire, yet with this grand and distinctive difference, that instead of carrying ruin and desolation, they scatter everywhere the seeds of civilization and prosperity, and are sowing them broadcast upon the bosom of the American continent?

In this career of civilization the forest has fallen beneath the ax of the pioneer, and been succeeded first by cabins, then villages, and then cities with their palaces. The water powers of nature that fell in sullen solitude have been trained and directed so as to labor for man as his slave; and plucking life from fire, and breathing it into a grosser element—the solid earth, whether in valley, hill, or mountain—rivers, inland seas, and oceans, are traversed with lightning speed by this new creation of motive power.

Desolation and silence have been waked up from the slumber of centuries, and the busy hum of life, in all its social and political forms, is everywhere heard. Can a race of men with such energies, such capacities, be held in check, or remain indifferent to delay? and why should we not, as legislators, at once meet the exigencies of the age in which we live?

In the discharge of our public duty, we can, as a rule of direction, ever look with confidence to the policy and wisdom of the illustrious founders of the Republic. Let us consult their history when foreign interference attempted to obstruct their natural commercial right of outlet, and see the value they placed upon that right, and the kindred one of unrestricted communication?

Mr. Jefferson, when Secretary of State under Washington, saw the blight to our prosperity that would result from permitting the Spanish Government to intercept our right of way to the Gulf of Mexico, from our southern boundary, the 31st degree of north latitude, as established under the definitive treaty of 1783.

The instructions he prepared in 1792 for the United States commissioners appointed to negotiate with the court of Spain, respecting the navigation of the Mississippi, demonstrate the comprehensive policy of that great statesman. He not only insisted on this as a right under the treaty of 1763, by which it was yielded to the subjects of England, and passed to us when the political sovereignty changed, but that it was a right based upon broader, and more unquestionable grounds, and that is, on the law of nature and of nations.

If we appeal, said Mr. Jefferson, to the law of nature and of nations, "as we feel it written in the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and the rivers to all their inhabitants? Is there a man, savage or civilized, unbiassed by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right invariably acknowledged and protected, by laying the navigable rivers open to all their inhabitants. When they enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind."

The difficulties growing out of our controverted right to navigate the Mississippi to the Gulf soon satisfied our statesmen that the question could be more effectually put to rest by acquiring the sovereignty of New Orleans and other dependencies. The agitations and conflicts in Europe had changed the relations which Spain bore to that territory, as she had become supplanted in its sovereignty in virtue of the cession of it by a secret treaty in 1800 to the French Republic.

During the exile of Carnot, he referred, in an answer addressed by him to Bailleul, to a project on foot in the French Directory, to obtain a cession of Louisiana from the Spanish Government.

Hints of the progress of this affair had reached our Minister at the Court of St. James. In June, 1801, Mr. Madison, as Secretary of State, drew the attention of our Minister at Madrid, Mr. Pinkney, to the subject, as one that would "deserve and engage" his "early and vigilant inquiries, and may require a delicate and circumspect management."

In September of that year our Government dispatched instructions to our Minister to France, Mr. Livingston, requiring him, if "the cession from Spain to France" had "irrevocably taken place, or certainly" would "take place, that nothing should be said or done which would unnecessarily irritate our future neighbors, or check the liberality which they may be disposed to exercise in relation to the trade and navigation through the mouth of the Mississippi;" and, in the next place, that efforts should be made to induce France "to make over to the United States the Floridas, if included in the cession to her from Spain, or, at least, West Florida, through which several of our rivers, particularly the Mobile river, empty themselves into the sea."

Among the most remarkable incidents of that day, and in striking contrast with our diplomacy of the present time, is the fact, that whilst our Government at the centre, and its diplomatic agents in Europe, were tracking out the devious involutions of the negotiating Powers respecting the splendid province of Louisiana, and endeavoring to secure the prize, the British Government, as late as May, 1802, had received no intimation whatever, as Lord Hawkesbury stated to our Minister, from the Governments of France or Spain, relative to any convention or treaty for the cession of Louisiana or the Floridas. In the mean time our negotiations had been steadily going on with the French Government, and Congress passed an act, approved the 26th February, 1803, making a provisional appropriation of two millions of dollars, "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations." On the 17th October, 1803, Mr. Jefferson, at a called session of both Houses, adverted to this appropriation, and announced to Congress that "the enlightened Government of France" had "seen with just discernment the importance to both nations of such liberal arrangements as might best and permanently promote the peace, interest, and friendship of both; and the property and sovereignty of all Louisiana, which had been restored to them" had, "on certain conditions, been transferred to the United States, by instruments bearing date 30th April last;" and that "whilst the property and sovereignty of the Mississippi and its waters became an independent outlet for the produce of the western States, and an uncontrolled navigation through their whole course, free from collision with other Powers, and the dangers to our peace from that source, the fertility of the country, its climate, and extent, promise, in due season, important aids to our Treasury, an ample provision for our posterity, and a wide spread field for the blessings of freedom and equal laws."

While the great measure was in progress to acquire Louisiana for an outlet to the Gulf of Mexico, and before its consummation, Mr. Jefferson had devised a plan for a minute and scientific exploration of the territory of the West, extending from the Mississippi to the Pacific. On the 18th January, 1803, in a communication to Congress, he recommended that an intelligent officer be dispatched with a few men to "explore the whole line, even to the western ocean; have conferences with the natives on the subject of commercial intercourse, get admission among them for our traders as others are admitted, agree on convenient deposits for our interchange of articles, and return with the information required in the course of two summers;" that our nation owed it to their interests to "explore this, the only line of easy communication across the continent, and so directly traversing our own part of it," that "the interests of commerce placed the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent cannot but be an additional gratification."

Congress voted the necessary appropriation, which resulted in the expedition of Lewis and Clarke, who ascended the Missouri to the falls, passed the Rocky Mountains, descended by different streams until they struck the Columbia river, and followed it until they reached the Pacific ocean. All further legislative action on the subject was suspended until the 3d of March, 1853, when Congress passed a law authorizing the Secretary of War, under the direction of the President, "to employ such portion of the corps of topographical engineers, and such other persons

as he may deem necessary, to make such "explorations and surveys as he may deem advisable, to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean." Thus, after the lapse of half a century since that illustrious patriot originated the project of a Pacific road, Congress waked up to its importance, yet, only by ordering a more thorough and scientific exploration. It is well known to the Senate and the country that I opposed explorations, believing we had information enough of the practicability of several routes, and that I then earnestly urged the passage of a railway bill. Had it been done, it is not doubted that at this time the execution of the great work itself would be under way. Let us for a moment glance at our condition, when, under Mr. Jefferson's administration, the expedition to the western ocean was undertaken, and contrast it with the present, as an evidence of the wisdom and extraordinary foresight and energy of the statesmen of that day.

We were then in political infancy, just entering into the family of nations, having a population of four millions, a defenseless frontier, and unsettled western limits; but not for a moment neglecting the popular interest, they directed the Pacific overland route to be traversed, and that, too, when grappling hand to hand with adroit and practiced diplomacy in the convulsions of Europe, and when every step they took was at the hazard of war.

Now we have a population of twenty-five millions, and are at peace with the world; no open question of boundary, nothing to disturb domestic tranquility, with science, talent, wealth, every means at command. If sound policy dictated its consideration then, does it not command its consummation now? Then our interests were in the beginning of their development, now they are expanded by the growth of fifty years.

That we may have an idea of their present and probable prospective magnitude, I will briefly review our territorial growth from the period of the acknowledgment by Great Britain of our nationality.

By the definitive treaty at Paris, in 1783, recognizing our independence, we had the Atlantic on the east, the highlands, great lakes, and forty-ninth degree parallel on the north, the channel of the Mississippi on the west, and the thirty-first degree of latitude as our southern boundary.

The territorial purchase effected during the administration of Mr. Jefferson gave us the sovereignty of Louisiana, extending our boundaries from the Perdido, embracing the Island of New Orleans, and including the whole country dependent on that river and its tributaries within the limits of its coast, taking at the same time our boundary on the southwest to the Rio Grande, or Rio Bravo del Norte, embracing this territory within the present State of Texas.

By the treaty of 1819 with Spain we acquired East and West Florida; and Texas ceased to be an integral part of the territory of the United States by our taking the Sabine for a boundary; which, extending to Red river, the 100th^o of longitude, along the Arkansas to its source, and thence with the forty-second parallel line of latitude to the Pacific fixed the boundary line between the United States and Spanish dominions. Texas, which had passed from the sovereignty of Spain by revolution in Mexico, having no political affinities with the form of government established in Mexico, detached herself by successful revolution, gallantly maintained her independence, and, as a sovereign State, entered the Confederacy in 1845, under the resolutions of annexation.

By the treaty concluded at Washington, in 1846, between the United States and Great Britain, the disputed sovereignty of Oregon, which had been held in joint occupation under the conventions of 1818 and 1827, the dividing line between the two nations, was established at the 49th parallel of latitude, running to the straits of Fuca, and thence to the Pacific.

By the treaty of 1848 at Guadalupe Hidalgo, between the United States and the Mexican Republic, California and New Mexico were acquired, establishing as our boundary line the Rio Grande on the southwest, the Gila to its junction with the Colorado, and thence near the 32^o of latitude to the Ocean. The Atlantic on the east; the Pacific on the west; the Gulf of Mexico on the south; on the north the Sea, or Straits of Fuca, the 49th parallel of latitude, the great lakes the dividing line

under the Ashburton treaty of 1842 to the Atlantic constitute the outline of our present huge dimensions containing three millions two hundred and sixty thousand square miles—nearly equal to all Europe—with a sea-coast of five thousand one hundred and twenty-eight miles, one fifth the circumference of the globe.

I have thus examined this question as a *postal* measure. Yet other considerations of State more important, because immediate and indispensable, appeal to us in favor of the early completion of the work.

As a **MILITARY ROAD**, it should engage our attention as a means of protection to our citizens between the Mississippi and the Pacific.

This portion of the Confederacy embraces nearly two millions of square miles, more than three fifths of our territorial extent.

The number of Indians within our limits is estimated by the Commissioner of Indian Affairs, in his last annual report, at four hundred thousand, of which eighteen thousand six hundred are located east of the Mississippi; in Minnesota, and along the frontier of the western States to Texas, comprising mostly the emigrated tribes, one hundred and ten thousand; on the plains and Rocky Mountains, and not within any of our organized Territories, sixty-three thousand; in Texas twenty-nine thousand; New Mexico forty-five thousand; Utah twelve thousand; Oregon and Washington twenty-three thousand; and in California one hundred thousand.

The contemplated railway would enable the Government to wield its military power with extraordinary rapidity and economy, and keep in check the dangerous and warlike tribes that roam along the foot of the Rocky and Nevada Mountains; would reduce the public expenditures for the transportation of troops and military supplies, diminish the number and cost of Indian and other agencies, and dispense with a host of officers which it is to be apprehended, when so far beyond the immediate surveillance of authority, would result in speculation, if not speculation and corruption.

Not only is it important in keeping the Indians in check, and preventing tragic scenes, like Gannon's and others, and affording that protection, which, as a Government, we are bound to extend to the settlers who are seeking their way for homes in this great interior region; but in case of foreign war the subject is presented to us in such a form, as it seems to me, can leave no doubt or excuse for delay.

The Constitution of the United States was adopted by the people "in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare," and its perpetuity is provided for in its own declared intention of securing the "blessings of liberty to ourselves and our posterity." Here is the indefeasible estate, and the distinct path of duty marked out to us. The measure before us is one emphatically required at your hands by those significant terms. By accomplishing it, foreign fleets and armies will in vain assail us upon the Pacific or Atlantic. From ocean to ocean this new means of communication will carry our troops and munitions of war, and enable us, by rapidity of overland communication, to use the military power with such celerity as to defy successful invasion from any quarter. The Commander-in-Chief at Washington could issue his orders, and move his armies with as much dispatch, from this to the other side of the continent, as did the great Emperor in the field of his extensive operations during the wars of the first French revolution. Indeed, it would do more to preserve peace with nations, more to protect us from European interference or aggression, than our Army, Navy, and fortifications combined, useful and necessary though they be. For these you have already expended upwards of \$500,000,000 since the Government was founded, and are increasing your expenditures upon them every year, although they consume instead of increase your wealth and products. But this railway, whilst it would secure you against war, or render you impregnable in the event of a collision with foreign nations, would augment your means and resources every year. In case of war, how are you without it to defend California and Oregon? Where is your Navy by which to accomplish such a purpose? Where are

your transports, or how would they reach their destination? How would you carry troops, munitions, or supplies, over the mountains and desert that separate the Pacific from the Mississippi?

One of the great objects, most prominent among the powers conferred on the General Government, is the defense of our territory. This was not only a power conferred, but a duty imposed, which you cannot execute, so far as your Pacific possessions are concerned, without this railway. We are separated from you in peace, and in war you leave us at the mercy of any great naval or military Power.

In the event of hostilities with Great Britain, France, or Russia, with our immense ocean frontier, and hostile savages in our midst, from which our policy has nearly relieved every other State but California and Texas, and without naval or coast defense, what would be our fate? Who could estimate the ruin and desolation which would ensue from our isolated and disjointed position? But with such a road as the bill contemplates, and such an increase in the Army as would be proper for a war footing, and the coöperation of that standing army of two millions of freemen—the militia of the Union—which costs the Government nothing, we will stand prepared, at the shortest warning, to defend our soil and repel any aggressor. But without it, even if an oceanic communication should be effected, pursuant to the explorations now going on by American, British, and French officers, the guns of a powerful naval antagonist would command that point and intercept our passage.

The Island of Cuba, which controls both outlets of the Gulf of Mexico, unless it becomes a part of our territory, as appears to be its natural destiny, would, in the hands of an enemy, intercept our transit to the Pacific, and be a point from which could be inflicted upon the whole country the deepest wounds.

Let us consider the diversified and growing interests of our constituents, who throng every avenue of human industry, and then judge of this measure in a

COMMERCIAL POINT OF VIEW.

The earth, in its fertility, in every variety of soil and climate, yields its treasures under the steady and thrifty management of our agriculturists, pouring forth hundreds of millions of its annual surplus over our wants. Our manufactories, filled with the products of all the useful and elegant arts, are ever improving under the inventive genius and taste of our people, to which there is no precedent in any age.

Look at Europe in her high state of refinement and wonderful advance in the arts of life, and see the efforts she has made to secure the best markets of the world. Let it be remembered that commerce is always an enriching, civilizing element, and that it led the nations of Europe to the establishment of colonies in the western and eastern hemispheres, by which they at once secured an immense monopoly of trade.

"Agriculture, manufactures, commerce, and navigation," said Mr. Jefferson, "are the four pillars of our prosperity."

The framers of the Constitution saw the inefficiency of the articles of Confederation in this respect, and that undoubtedly was one of the primary causes that led to the adoption of our present form of government, which confers upon Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." No delegation of authority was more indispensable to our prosperity and greatness. From a monetary paralysis in which we were left at the close of the revolutionary war, the nation rose in vigor and wealth, and the whole face of our relations, internal and foreign, underwent an extraordinary change.

A forcible and elegant writer upon public law has said, "the end of the law of nations is the happiness and perfection of mankind;" that "they ought to cultivate a free intercourse for commercial purposes in order to supply each other's wants, and promote each other's prosperity;" that "the variety of climates and productions on the surface of the globe, and the facility of communicating by means of rivers, lakes, and the ocean, invite to a liberal commerce, as agreeable to the law of nature, and extremely conducive to national amity, industry, and happiness;" and that "the numer-

ous wants of civilized life can only be supplied by mutual exchange between nations of the productions of each."

In the infancy of our national existence we struggled against every infringement of our right to traverse the ocean unobstructed, as the common property of man, and resisted any interference with the lawful pursuits of commerce.

The wars of the French revolution brought us into conflict with the principal belligerents. In vindicating our dignity we suspended commercial intercourse with the European Powers, and closed the ports of the Union, by the embargo law, in 1807. For continued aggressions, we engaged in war a second time with England, and rallied the whole energies of the Government in defense of the honor of our flag and its absolute immunity. The great statesmen who have been successively charged with the management of our foreign relations have ever fearlessly maintained and defended our maritime rights.

As candidates for a full share of the trade of the world, we have demanded participation, and we have participated in settling the principles of public laws, which, according to our construction, looks to an enlargement and enfranchisement of commercial intercourse, and the freest competition.

The claim set up by the Portuguese at the zenith of their power in the East Indies, to exclude all Europe from participation in the trade of Asia, of which for a century they once held the entire monopoly, is pronounced by Vattel, "as in violation of the laws of nations, and just cause for war." Our own Government met and rebuked, in 1822, the pretensions of Russia in setting up a claim to the 51st degree of north latitude on the northwest coast of America, and with it a correlative pretension to "prohibit foreign vessels from approaching the northwest coast of America belonging to Russia, within the distance of at least one hundred Italian miles." This claim was further coupled with the pretension, that as the Russian possessions on the Pacific ocean also embraced the opposite side of Asia, and the islands adjacent from Behring's Straits to the 45th degree of latitude, that Government might feel authorized "to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners." Mr. John Q. Adams, then Secretary of State, in his answer of 30th March, 1822, informed the Russian Envoy that "from the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas," and that "the right to navigate them is a part of that independence," and not only so, but, advancing beyond that position, Mr. Adams informed him that "the rights of the citizens of the United States to hold commerce with the aboriginal natives of the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas."

The diplomacy of our Government from the beginning has steadily asserted and maintained our claim to that high position which we now hold as a maritime Power. The right of search, with all its odious correlatives, is virtually ended, so far as the United States are concerned. Great Britain has received decisive notice of the fixed determination of our Government on this point. Mr. Webster, when Secretary of State, in his correspondence with Lord Ashburton, in 1842, denounced it as a practice "founded on principles which we did not recognize, and is invariably attended by consequences so unjust, so injurious, of such formidable magnitude, as cannot be submitted to;" that "the distinguished person to whose hands were first intrusted the seals of" our State Department, declared that "the simplest rule will be that the vessel, being American, shall be the evidence that the seamen on board are such;" that fifty years' experience, and other considerations, had "fully convinced this Government that it is not only the simplest and best, but the only rule which can be adopted and observed consistently with the rights and honor of the United States, and the safety of their citizens; that rule announces, therefore, what will hereafter be the principle maintained by this Government." "In every regularly documented American merchant vessel the crew who navigate it will find their protection in the flag which is over them."

Such is the proud position we now hold as a

commercial people, seeking markets throughout the world, and attaining supremacy in this respect, from the abundance and value of our commodities, and the cheapness with which we are willing to supply them, by our shorter and more direct means of communication.

During the wars of Napoleon, England exerted all the powers of her empire to strike the most formidable blows against that system of the French Emperor which shut her out from the markets of the continent. We have no such enemy in the field to intercept our pathway to commercial greatness and power. We want the Pacific railway as a great inland communication, essential to our prosperity. Individual enterprise, fostered by State legislation, has already constructed more than 15,000 miles of railroad all over the Atlantic coast and Mississippi valley, at a cost of more than \$500,000,000. These run in almost every imaginable direction, radiating from every considerable point in the Union, and bending in such diversified directions as to make them susceptible of a junction with the great continental track contemplated in this bill, at whatever point it may be commenced. The importance and value of our home trade is estimated at over \$500,000,000 annually, and its prospective increase is beyond estimate. The population of the Union is now twenty-five millions. It will be fifty millions in a quarter of a century, by the natural law of increase, and the steady flow of immigration. Within the limits of this immense region of public domain, lying between the Mississippi and the Pacific, if this bill becomes a law, the greater portion of this increase of population, in the twenty-five years that are to come, will, in all probability, establish their homes. It will form a great base line of connection which, in time, will be intersected in every direction by individual enterprise and capital, resembling the railway web that now stretches far and wide over the Atlantic States. Citizens in remote parts of the Republic will no longer be aliens by reason of distance and natural obstacles separating and dividing them, and which we now seek to overcome.

The laws of contact and association, like those which give to man, as an individual, the full play of his sympathies, his attachments, and moral powers, will bind society together in all its parts. They will widen in their effects from the family circle to Cities, Counties, and States, and will be coextensive with the boundaries which embrace the American family.

They will unite and bind the whole together as one great moral being, whose purposes and energies will be directed in the noble cause of progress and civilization.

The object of Columbus in his exploration over the then Western Ocean, was to seek a direct route to India. On his last voyage he arrived at the Isthmus. His successors went beyond it, reaching the Pacific Ocean; and Cortez, ever alive to the importance of carrying out the expansive commercial policy of his nation, by seeking a more direct route to Asia, sought and obtained from Montezuma, and dispatched to his sovereign, Charles V., a chart of that part of the Mexican coast, embracing the river Coatzacoalcas, the natural and political boundary between the present departments of Vera Cruz and Tabasco, and watering that region now known as the Isthmus of Tehuantepec. The sagacity of that great but bloodthirsty conqueror saw the necessity of an interoceanic communication, and that the interests of European trade, overcoming all obstacles, would in time open a passage from ocean to ocean. And now, after the lapse of three hundred and thirty-four years since he declared this measure as essential to trade, we find a railroad nearly completed across the Isthmus of Panama, whilst the three great maritime Powers, the United States, England, and France, are engaged in an exploration in that region, as preliminary to a consummation of the project of a ship canal, which had been entertained at a period almost coeval with the discovery of our continent.

The trade of India, centuries before the Christian era, had attracted the attention of the nations of the earth, and in every age from the opening of traffic between the East and the West, it imparted its enriching and civilizing influence to those nations which enjoyed it.

The ancients who dwelt on the eastern shores of the Mediterranean, on the northern coast of

Africa, and on the Red sea, at the dawn of social organization, showed their appreciation of the purpose for which nature had provided her rivers and arms of the sea and the ocean.

The earliest commercial intercourse commenced in the Mediterranean and in the Arabian Gulf, which laid open the continents of Europe, Asia, and Africa. The Phenicians and Egyptians found means to navigate those waters, and soon a commercial spirit extended from the West, reached the Indies, that land bearing its name from the supposed indefiniteness of its extent, and in every age rich in spices, tropical commodities, in pearls, diamonds, and silks, and all that can add to the luxury and refinement of the human family. The Phenicians, inhabiting a small strip on the eastern shores of the Mediterranean, embracing the sites of Tyre and Sidon, have left a record in the sacred Book, of what commerce did for them, in which they are mentioned as the "merchants of Tyre, princes, and her traffickers, the honorable of the earth." Their trade extended from the Mediterranean to harbors at the extremity of the Red Sea or Arabian Gulf, where it debouches into the Arabian Sea, and from thence they worked their way until they reached the shores of India. From their harbors, near the present straits of Babelmandel, they also traded with the coast of Africa. Their commodities from the East were brought up the Arabian Gulf, and thence by overland carriage, transported to the nearest port on the Mediterranean, from which, by water, they were taken to Tyre, and distributed over the ancient world. It is the province of the historian, and not the political economist, to trace the expeditions of Darius and Alexander, who reached the Indus, and sent back such glowing accounts of the riches and fertility of the East. Yet it will not escape the notice of the most casual inquirer what importance the great Macedonian conqueror attached to the trade of the East, from the efforts he made to monopolize and wrest it from the Tyreans. After conquering Egypt he established at one of the mouths of the Nile, as a preferable site to that of the merchants of Tyre, the city of Alexandria, which became the entrepôt of commerce with India, for eighteen hundred years.

He examined the course of the Euphrates and Tigris, directed the catamaras that obstructed them to be removed, in order that the commodities of the East might be carried through the Persian Gulf, and up those rivers, for distribution in the interior of his Asiatic dominions, whilst a portion of the Eastern trade would pass through the Arabian Gulf, as the other channel by which it would reach Alexandria, and thence find its way to the remainder of the known world.

In the rise and fall of kingdoms, and until the decline and fall of the Roman Empire, the eastern trade had been regarded as an unfailling source of wealth and power. The extension of Mohammedanism over western Asia broke off all direct commercial intercourse between Europe and India, and the commerce of the East then reached the shores of the Mediterranean only by means of caravans.

At the close of the fifteenth century Europe began to arouse from the commercial lethargy of the middle ages; and, quickened into life by the interchange of social elements in the wars of the crusaders, a gradual and progressive change came over the Governments of that continent, and the spirit of inquiry and exploration was renewed. Yet the smallest kingdom in Europe led the way in that maritime career which changed the relations of nations and began a new era in civilization.

At the dawn of the fifteenth century, the Portuguese timidly adventuring along the northwestern shores of Africa, were driven out by a tempest to a small island adjacent to Madeira, and thence continuing their explorations by bolder enterprises, they discovered that the African continent contracted towards the east. The reigning monarch of Portugal, six years before Columbus left Spain, dispatched Diaz on a further exploration, with the object steadily in view of discovering a route to India. The Portuguese navigator reached the high promontory which forms the southern boundary of Africa, and there terminated his voyage.

The success of the discoveries in the West by the Spaniards had electrified Europe; and Emanuel, who had succeeded to the crown of Portugal, eagerly pursued the great purpose of effecting a

passage by the Cape of Good Hope to the Indies, which was finally realized by the expedition of Vasco de Gama. He doubled the cape, reached the city of Melinda, on the eastern coast of Africa, near the equator, in whose harbor he found vessels trading from India, and thence pursuing his course arrived at the Malabar coast, on the Indian peninsula, where the barbarism of Africa disappeared, and the active elements of commerce were in operation.

At this period the commercial prosperity of Portugal was founded, and for a century it was at the summit of its grandeur. From Malacca, which they had seized midway between the western and eastern confines of Asia, they opened trade on the west with the merchants of Malabar, Ceylon, Coromandel, and Bengal, and on the east with China, Japan, the Indian Archipelago, and other portions of the Asiatic continent.

The Italian States of Genoa and Venice had risen in the middle ages to commercial wealth and power. Their maritime importance had been increased by the transit of troops and supplies in the wars of the crusaders and the interchanges that took place. Their trade extending to the shores of the Black Sea and the Persian Gulf brought back to Western Europe the products of the East.

The Venetians, seeing at once the ruin of their commercial prosperity by the new route, sought an alliance with the Soldan of the Mamelukes, who threatened the King of Portugal and the sovereign Pontiff with the death of all Christians in his dominions unless the new route was abandoned. He fitted out a squadron in the Red Sea, and, with the cooperation of the Venetians, attempted to intercept and destroy the Portuguese. This union of the discordant elements of Christianity and Mohammedanism to avert the fatal consequences to their prosperity in trade, resulted in ruin to them. The scepter had departed. The Soldan's fleet perished in the conflict, and the Portuguese remained masters of the India seas. The facilities of the new route enabled them to undersell all competitors, dislodge and put down all competition, and the full tide of commerce, flowing to the cheapest market, carried with it all the elements of prosperity.

The Dutch, as an energetic, trading people, sought India products in the great commercial market of Lisbon; but the harbor of the Portuguese capital was closed against them. They then unsuccessfully sought a new route by the northern seas to avoid collision; but finally, towards the close of the sixteenth century, they entered the India seas and laid the foundation of their commercial power in the east by settlement at Java, and on the islands of Nangasacki, which they hold to this day, having driven the Portuguese from the Moluccas, Japan, Malacca, and Ceylon. France and England also became competitors for this trade; the latter, arousing from the domestic discord and lassitude in which the contest between the houses of York and Lancaster had left her, began a commercial career at the commencement of the seventeenth century, when Queen Elizabeth conferred, for a limited period, upon an association of merchants in London the exclusive right of the commerce of India. With the usual energy of that extraordinary nation, now our great commercial rival, we see her, upon her entrance into this new field of trade and wealth, founding settlements upon the coasts of Malabar and Coromandel, forming establishments at the mouth of the Persian Gulf, and obtaining the control of the commerce in gold stuffs, carpets, and silks. Great Britain pursued her conquests down to modern times, when political tempests shook to its foundation the colonial system of Europe, and soon brought within her capacious sweep nearly the whole of the commercial establishments of the East. There she stands now, in all the plenitude of her power, ruling, directly or indirectly, in the East, one hundred and twenty-seven millions of people. The wealth which she has poured in upon the British Isles from the East is beyond estimate. It has made the seat of her power a city of palaces, and adorned its inhabitants with a profusion of wealth and luxury to which there is no parallel in the history of the world. It has covered the ocean with her fleets—consolidated the national power, so that, whilst she defied the continent of Europe in arms, it has given that strength by which she has hitherto been able to keep unbroken

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the chain that binds her numerous colonies, dotted around the great circle of the earth, and on which the sun never sets. It has given her means by which representatives of her strength are placed upon every sea to assert her power, and defend her interests. Not only so, but she has done all that a nation could do to bring herself in the most direct communication with the great bulk of her Asiatic possessions. As shown by me in discussing this subject during the last session of Congress,—and its importance justifies a repetition,—she has established no less than three overland routes to India, one from Southampton down the English channel across the Bay of Biscay, along the coast of Portugal and Spain to Gibraltar, thence through the Mediterranean, along the northern coast of Africa to Algiers, Malta, and Alexandria, Cairo, and across the Isthmus of Suez, from which, descending the Red Sea and through its straits at the southern extremity, the route lies across the Indian ocean to Point de Galle in Ceylon, and from thence branching across the Bay of Bengal down the straits of Malacca to Singapore, and up the China sea to Hong Kong. From the same point in Ceylon there are steam communications on the western side of Hindostan, and along the Malabar coast to Bombay, whilst on the eastern side there is a like communication to Madras and Calcutta.

There is then another route connecting with this, from London, by the way of Folkstone, Boulogne, Paris, Marseilles, and Malta, to Alexandria. Then they have a German overland route connecting with the first by way of the Elbe, Leipzig, Dresden, Vienna, Trieste, and down the Adriatic, by the Ionian Islands, to Alexandria. There is another and still shorter route, which has engaged attention, and is proposed, being the same by which the troops of Alexander the Great returned from the Indies, by the Persian Gulf and river Euphrates to Bassorah, at the head of the Persian Gulf, upon which the passage from Bombay to the Mediterranean can be made in twelve days. She also proposes to connect the British East India possessions by steam navigation from Ceylon or Singapore to the Australian settlements.

But, as if not content with all these facilities, another stupendous scheme for a more direct and speedy communication with the East by railway has been contemplated, by which London and Calcutta, the capitals of the western and eastern worlds, will be brought within a week's journey of each other. The proposed route is from Calais to Ostend, thence to Cologne, through Augsburg, Lombardy to Trieste on the Adriatic, thence along the valleys of European Turkey to Bassorah on the Persian Gulf, passing along the northern shores of that gulf through Persia and Beloochistan to the Indus, and thence to Calcutta, on the eastern coast of Hindostan. This route from London to the capital of the Bengal Presidency would be about five thousand six hundred miles in length, and, it is supposed, can be constructed in fourteen years.

Look at the measure before the Senate in contrast with what England has done to further her commercial interests, and will any one say that our Government is not as capable of extending equal benefits to our people as Great Britain is to hers? The beauty and perfection of our institutions consist in their eminent capacity for good and its general diffusion; and, under enlightened popular control, this Government cannot long be misdirected, nor remain quiescent or inactive when the public interest demands its interposition.

No Senator can say that the measure is not one of the highest concern to our present interests and our future prosperity, if indeed it is not indispensable to prevent territorial dismemberment.

Have the people of the United States no claims upon their Government? Shall we sit here listlessly with arms folded, virtually denying them? Or shall sectional jealousy, that destructive cancer of national happiness, be suffered to paralyze and destroy our energies and usefulness, or wire-drawn political theories of power, defeat this important object!

There is a point of time in the dealings of men with each other, when "forbearance ceases to be a virtue." So with the public mind aroused on a question of momentous importance, when every public man is held to a just responsibility. Recognizing that responsibility, how will we stand justified before our constituents, if, by failure now in the discharge of duty, we permit a continuance of the trade of the world through foreign channels, when it is in our power to bring it under the control of our own people, whose industry and enterprise have set afloat upon our waters and and upon the ocean more than eighteen thousand vessels, with nearly half a million of tonnage.

We ask in the name of our trade, domestic and foreign, that a direct means of communication be given through our own territory. The geographical center of the Republic is almost unoccupied and uncultivated for want of the road we now seek. Intersect it as speedily as you please by an indefinite number of highways when the public interest and business of the country require them, but give us now one railroad as a practical measure to begin with, and the settlement of the country will speedily be accomplished, the foundation laid for the building of many roads connecting this with all parts of the Union. For all postal, military and commercial purposes, the intervening territory between the Mississippi and Pacific now presents an impassable barrier, forcing all our intercourse through foreign territory, and placing California at a distance of seven thousand miles from New York—the time occupied in making the transit being more than double that required for European communication; whilst Egypt and Turkey may be reached sooner than our Pacific possessions. There, too, we can go by an uninterrupted voyage under our own national flag. But in going to, or returning from the Pacific, we are indebted to the courtesy of foreign Powers for the privilege of a passage, unless we undertake the voyage by Cape Horn, which we might be fortunate enough to accomplish in between two and three months, by steam, or from four to six months in the ordinary sail navigation.

That such a state of things can long continue, either in peace or war, is impossible.

California now points you the way to the commerce of Asia, and to secure it she asks a continental railroad, not only for her own use, but for the benefit of all, yet appealing to you in virtue of the high claims she has upon you. Already she has more than doubled your metallic capital, in pouring her golden treasures into the lap of the Union. Hold back for a single quarter of a year her returns to the Atlantic and Gulf of Mexico, and another commercial panic will involve you in speedy bankruptcy. Your stocks will fall, property will decline in value, banks perish; industry, agriculture, navigation, and manufactures will be prostrated. Go where you will, and your money, coined from her gold, will be found in every dwelling, the lowly cabin as well as the lordly mansion, in all the States and Territories. Everywhere it has stimulated your industry, and given to labor increased employment and more ample reward. What has it done for the commerce of the country and your National Treasury? It has doubled your exports, and nearly tripled your receipts.

Look at results. Twenty-three millions of revenue from duties in 1846—nearly seventy millions from the same source in 1854. Who doubts that, with the enlarged commerce growing out of a more liberal policy, this incredible increase of revenue is mainly attributable to the yearly supply of California gold? No merchant, manufacturer, banker, or statesman of any party, will controvert this. Your receipts from customs and the sale of your public lands are increased from this swell in the volume of currency. Forty millions in the aggregate increase of your annual revenue from lands and customs are the consequence. Yet you hesitate about a reasonable appropriation—the effect of which will be to multiply a hundred fold your revenues and sources of wealth.

Is this wise, just, or expedient? California furnishes the element of national prosperity in peace, and the sinews of war. Yet for the want of this road you keep her in distant and dangerous isolation.

The people from the Atlantic to the Pacific, from the Lakes and the St. Lawrence to the Gulf of Mexico, demand this measure. They look to Congress during this session to lay the foundation or its commencement. If we accomplish the object, it will be in vain for Great Britain, in her efforts to maintain commercial supremacy, to carry out her scheme of a great continental railway from Halifax through British territory to the Pacific, now so warmly advocated by many of her statesmen and engineers, or to undertake her Asiatic railway from the Mediterranean, by the Persian Gulf and India, to the ports of China.

But if local jealousies or sectional prejudices should defeat our present action, she will arise with renewed vigor to the prosecution of these great works, and new avenues of trade will secure to her the undisputed command of the commerce of the world. It is a question between London and New York, between Calcutta and San Francisco, between England and America, by land and sea for the supremacy; and we surrender it, without an effort, to our great rival, if we now fail in the performance of duty.

Do not defeat this bill by any illiberal, parsimonious policy, which would provide means inadequate to the undertaking, and subject it to sneers, as theoretical, inefficient, and leave it a dead letter on the statute-book; nor embarrass it by throwing the apple of discord among us in regard to different routes; nor weigh it down by overloading it in the form of several projected routes at a time, as if one was not stupendous enough to engage all our energies, until population, the increase of trade and commerce in this new channel, had so far advanced as to show their necessity. No intelligent business man ever intentionally met a demand by a redundant supply; but, on the contrary, the latter is always regulated by the former. This is a too well established doctrine of political economy to be denied. The foundation and growth of cities and of nations, ancient and modern, rest upon it. On this same principle, within the present half century, steam navigation and the railway began with us—the one with a single vessel, the other with a single route. Now more than three thousand steam vessels float upon American waters alone; and our lines of railway are equal in length to two thirds the circumference of the globe. We run no risk from the very outset of monopoly or imposition in the construction of a single route, for already we have our splendid clipper ships making quick passages around Cape Horn, and our steam routes by the Isthmus to the Pacific, which will be uninterrupted in time of peace, and afford an active and healthy competition, making it an object with all concerned to cheapen the tolls of their several routes.

In seeking the Asiatic, and especially the Chinese trade, which has been coveted by every civilized nation that has preceded us as a source of affluence, we resort, not like our great commercial rival, to the strong arm of power, to coerce a trade in poison to the amount of twenty-five millions of dollars annually, but to deal with them by an interchange of commodities for the benefit of all. Since the war between Great Britain and China, in 1842, which resulted in opening the five ports to foreign trade, our commerce has rapidly increased, until now it reaches annually from sixteen to seventeen millions of dollars, employing two hundred vessels. Who can estimate its increase and effects upon our ship-yards, and the business of our commercial cities and depôts throughout the country, if this bill should become a law?

Our recent acquisitions on the Pacific have revolutionized our commercial relations with the world—what to ancient, and even to modern Europe, was "India beyond the Ganges" is "India within the Ganges" to us. In creating this new route, more important to us than the Portuguese discovery of the route around the Cape of Good Hope

was to them, the question of maritime ascendancy will no longer be in doubt. The trade of Asia and the Indies will pass over it through the center of the North American continent, and its stimulating influence in settlements, not only along the route, but spreading all over the vast region between the Mississippi and the Pacific, will be incalculable; whilst its enriching benefits will pervade and invigorate every department of the social system, and impart a strength and power to our Government that will defy all opposition or resistance.

I have thus briefly and most imperfectly referred to the commercial considerations which commend the subject to our attention. If time were allowed to enforce them, a picture could be presented of the greatness and glory of the Republic, the result of these vast commercial advantages, to which no legislator could shut his eyes.

Napoleon, when no longer the Emperor, but the philosophic statesman and dispassionate observer at St. Helena, discoursing upon the purposes of Government, and in special reference to our country, said: "Look at the United States, where, without any apparent force or effort, everything goes on prosperously; every one is happy and contented; and this is because the public wishes and interest are, in fact, the ruling power." "Place the Government," said he, "at variance with the will and interest of its inhabitants," and then, as he contemplated such an event, he drew a picture of the mischief that would follow.

This measure is one not only involving the diversified interests, which I have presented to the Senate, but requires to be examined as to its

POLITICAL EFFECT UPON THE COUNTRY.

The duty imposed upon us to maintain and preserve our territory in its utmost extent, is not to be denied. No man will confront the American people, hesitating or intimating a doubt on this point. Our institutions, in their very nature, are expansive and progressive. The Pacific coast and important Islands of Polynesia, have at different times been the object of desire and envy of European States. Captain Beechy, of the royal navy, examined the port of San Francisco, and reported it to be of immense compass, "sufficiently extensive to contain all the British Navy," having excellent harbors and anchorages, and surrounded by a country varied by hills and valleys. In 1840, the British captain, Belcher, was also charged with the careful examination of the harbor; and at the same time the Hudson's Bay Company, relying on the support of the British Government, stretched her line of forts towards this territory, in the hope that negotiations which had been commenced in London for a cession of Mexican territory in satisfaction of the English debt would result in the acquisition of California. The views of England respecting the Sandwich Islands have been well known. In 1788 Captain Meares, of the English Navy, did not hesitate to declare that the inhabitants of those Islands would, one day, be ranked among British subjects. In the year 1843, under the pretext of redress of grievances, and the prosecution of existing claims, Lord Paulet took possession of these Islands. The energetic interposition of our Government resulted in the disavowal of the act by Lord Aberdeen, as communicated by the British Envoy, Mr. Fox, to Mr. Upshur, our Secretary of State; and the British Commodore, Thomas, hauled down the British flag in the summer of the same year, and restored King Kehama the Third to all his functions.

The importance of the Sandwich Islands as intermediate points between the Russian Asiatic and Russian American possessions attracted, in 1812, the attention of the Imperial Company of St. Petersburg. In that year, Baranoff, the governor of Russian America, founded a settlement at the port of Bodega, on the Californian coast, and sent a ship to Honolulu to establish a factory. In 1814 he renewed his efforts to open commercial relations, and repeatedly afterwards; but his attempts were discouraged, and finally proved abortive.

The port of San Francisco has ever been regarded as the key to the northwest coast of America and the Pacific ocean.

"The future of these Islands," says a profound observer once connected with the French Legation in Mexico, "is ultimately bound to that of California; and the nation which will be-

come the mistress of the one ought to possess the other; they seem, in fact, designed as a rallying point for vessels of every description that furrow the Pacific ocean north of the equator, placed, as they are, between California, the contested Territory of Oregon, the northwest coast, Russian America, and the numerous archipelagoes of the great ocean and of Asia." These Islands, it will be remembered, lie in a direct line, or nearly so, between San Francisco and Hong Kong, and in the 20th degree of north latitude, being the parallel of the Island of Cuba.

During the last forty years, our Government reflecting the public will, has been alive to the importance of commercial position and ascendancy on the Pacific. So impressed with this fact was the Spanish Minister at Washington, that in a dispatch of the 1st April, 1812, to the Viceroy of Mexico, he forewarned that functionary to be on his guard and arm the frontiers, as the Government of the United States proposed to fix its limits at the mouth of the Rio Bravo del Norte, and ascend to the 31st degree of latitude, and then draw a line direct to the Pacific, which would bring Upper California into the American Union.

During the presidency of General Jackson, Mr. Forsyth, in his dispatch of the 6th August, 1835, to the United States Chargé d'Affaires in Mexico, instructed him to treat for a line that would give us the harbor of San Francisco, with an offer of five millions for it; and Mr. Calhoun, as Secretary of State, sent, in 1844, a secret messenger to the President of Mexico, with an offer of ten millions for this harbor. The sequel of public events which finally led to our acquisitions on the Pacific are before the world.

Recent negotiations foreshadow, and the law of political affinity seems to indicate the period as not far distant when Sonora and Lower California, with an aggregate area of over two hundred thousand square miles, and two thousand nine hundred of sea coast around the peninsula and along the main land, will be embraced within the boundary of the Union.

The obligation upon the political departments, in the exercise of legislative powers to bind together this nation, is a solemn and paramount obligation. This measure appeals to us in this point of view, and from the responsibility of neglect, indifference, or delay, we cannot escape before the tribunal of public opinion.

If California were some distant, dreary region, like the Orkney or Shetland Islands in the mist of the Northern Ocean, or some barren strip of land, unfit for culture, and shut out from commerce, still, as a part of the territory of the Union, your political power must reach it.

The principle established by those who founded and matured the institutions they have bequeathed to us as a sacred trust, and for which they staked their fame forever, was, that not an inch of the territory of the Republic should be disintegrated or dissevered. For this, the mistress of the world battled in the days of her glory, and maintained it until she sank under an accumulation of social disorders, and the wounds which misgovernment had inflicted. It was to maintain this principle, that induced Washington, amidst thickening misfortune, to declare that he would never give up the contest for the independence of the united colonies, or the territory they claimed, even if driven to the fastnesses of the Alleghany mountains.

If there was nothing attractive in our Pacific possessions, and they were valueless in all that makes the earth valuable to man, yet as a part of our territory, you are bound to defend them. But in contrast with sterility, or even the fairer portions of our other States, what a picture does California present! Look at her in her immense proportions, stretched out on the shores of the western ocean, with a line of sea shore equal to one half of the whole extent of the Atlantic coast, and an area of one hundred and eighty-eight thousand nine hundred and eighty-one square miles, equal to one hundred and twenty millions, nine hundred and forty seven thousand, eight hundred and forty acres—more than four times the area of the State of New York; and capable, from her commercial position, and agricultural and mineral resources, of maintaining a population equal to that now held by the whole American Union. With the coast range of mountains, in its beautiful undulations from lofty summits to irregular hills on the west, and the snowy mountains and Colorado

river on the east, and Lower California on the south its center intersected by the rivers Sacramento and San Joaquin, whose magnificent valleys alone contain millions of acres of the most fertile soil, stretching near the entire length of the State, each flowing a distance of some three or four hundred miles in contrary directions from the north and from the south, and uniting in the same estuary to discharge their waters into the bay of San Francisco, dug out, as it were, by the hand of nature herself, for the noblest of human purposes.

Here we have a harbor and port, the natural receptacle of the produce of our extensive valleys, and at no distant day to be the Pacific seat of trade, and an equipoise to the Atlantic emporium. It will be the entrepôt and storehouse to which the coasts of the Western ocean, of Northwestern America, and of the Asiatic regions, will send their products. From this common center of trade will be furnished in exchange the grain and other of our products required for subsistence by the people of the Southwestern coast, of the Mexican and Central American States, down to the equator, to Peru, to the Southwestern coast of Asia and islands of the Polynesian group. The serenity and mildness of our climate, the mammoth growth of our vegetation, the capacity of our soil for wheat and the smaller grains, extending its adaptation also to the vine, give advantages not surpassed, if equaled, within the limits of any one of the States of the Union. A few short years ago she was held by a sparse and apathetic population of some few thousand souls, with limited wants, and these almost supplied spontaneously by nature. From the moment the American flag rose upon her hills the scene was changed. Western settlers entered her limits, those pioneers whose strong hands and patriotic hearts have everywhere laid the deep foundations of our prosperity. Apathy in California ceased, and was succeeded by the activity of industrial pursuits. The golden discoveries were first made in seeing a few glittering particles sparkling in the sunlight in a mill-race on a fork of the American river, a tributary of the Sacramento. This discovery was followed up in our rivers, which, rushing from the Nevada chain, liberate and sweep down to their beds the hidden treasure, and point the way to the sources of mineral wealth, hitherto illimitable in extent, and exhibiting no signs of exhaustion. The opening, expanding veins of our rocky structure have been reached, and their golden deposits unfolded by the ingenuity and enterprise of that indomitable band of immigrants, whose tireless energies mock at all difficulties, and defy all obstacles. The rush of immigration extended, energy and enterprise flocked to our shores. Labor, that makes man what he is, and without which gold is as valueless as the dust of the earth, did its work. Industry, that "intangible, abstract commodity," directed our energies, and we rose in the full proportions of a sovereign State, unprecedented in growth, and unexampled in its career in the history of nations.

Her mineral discoveries, which the press had announced from one end of the globe to the other, until the news even penetrated the isolation of the Chinese dominions, were first looked upon as oriental fictions, then doubted, then believed, and finally realized beyond all anticipation.

In 1820 we had a metallic currency in the United States, according to Mr. Gallatin's report in that year, of thirty-two millions five hundred thousand dollars. The products of all the mines in the Union, from that year until 1848, furnished an additional sum of twelve millions seven hundred and forty-one thousand six hundred and forty-seven dollars, being an average annual yield of between four and five hundred thousand dollars. Our net specie imports over our exports for that period were eighty-two millions eighty-six thousand four hundred and sixty-one dollars, and immigrant supplies, at an average of a million a year, gave us twenty-seven millions, making an aggregate of specie in the United States at the beginning of the year 1848, of \$154,328,108. In that year the aggregate products of the mines of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, and New Mexico, fell below the general average I have stated, having only reached about two hundred thousand dollars, to which California, just then beginning to open her treasures, contributed an additional sum of more than one fifth the product of all our mines at that time. She has, since that period, increased her product in almost a compound ratio, until he

annual contributions to the metallic currency are one hundred millions, being two and a half times greater than the aggregate average annual yield between the years 1829 and 1848, of the Uralian, Mexican, Peruvian, Bolivian, Chilian, and, in fact, of all the mines in the world together?

Look back at the commercial crises at different periods of our history, and especially those within our recollection, from 1837 to 1840, when we suffered from a drain of our then very limited supply of the precious metals, and reflect upon the disasters which pervaded the country in every department and business of life. What is it but the gold of California that has held in equipoise our commercial balance, and furnished us with a redundant supply of bullion, notwithstanding the immense expansion of our trade and increased importations, whilst at the same time it has imparted wide-spread prosperity over the face of the whole country, by which mendicity has virtually been extinguished within our borders?

Did she clutch at and hold this massive treasure for her own benefit? No; she sent it back to your constituents; she dispensed it all over your territory. It reached your manufacturers of New England; it found its way to your farmers of the middle and western States, and to the cotton, rice, and sugar planters of the South; it gave unexampled activity to your workshops in every nook and corner of the land; it increased employment in your dock-yards, and gave new impetus to your shipping interest, until its stimulating influence was felt in the nerves of your whole industrial system.

We now come before you asking an appropriation of your domain, for the construction of this new means of intercommunication, indispensable not only to consolidate us at home, but to guard against the shock of foreign war, and consequent danger of political dismemberment.

The utmost stretch of your interposition will not exceed, under the bill before you, forty millions of acres for a line of two thousand miles, that will unite the Mississippi States with the Pacific. Its value does not equal by one half our annual supply of gold, and its concession will be more than reimbursed by the enhanced value imparted to the alternate residuum of your land. The measure, Senators, is one demanding your serious consideration.

For the maintenance of our claims upon Mexico, we expended far more than double the cost of the project before us. To recover and retain any fraction of territory within this Confederacy, we would exhaust the treasure of the country, and place posterity under tribute for centuries to come.

Rome, after the lapse of centuries, from her foundation, and in the peaceful reign of the Antonines, claimed the proud distinction that one hundred and twenty millions acknowledged her laws—a degree of population probably exceeding modern Europe in the eighteenth century, and supposed, by an enlightened historian to be “the most numerous society that has ever been united under the same system of government.” A people whose cities were connected by public highways issuing from the seat of empire, traversing Italy, pervading provinces, and terminating only with the frontiers, forming a great chain of communication from the wall of Antoninus to the capital, thence to Jerusalem, and stretching in distance over four thousand Roman miles.

Senators: Our progress as a nation has comparatively but begun; the immeasurable future lies before you. It is for us to do our part as patriots and legislators, under the mandates of the Constitution, to devise those means which will overcome geographical separation, and give unity to every part of this ocean-bound Republic.

By the natural law of increase, aided by a swell of immigration which the shock of European war and the reconstruction of nationalities will send to our shores, the new century that approaches, even though we are yet in the springtime of national existence, will find within our limits, now greater in territorial extent than Imperial Rome, a population equal to what she possessed in the zenith of her glory, after the growth of a thousand years.

Let the measure under consideration be consummated, and an act, vital to the integrity of our territory, and to the perpetuity of our undivided Union, will have been accomplished; and then,

as a united people, WHO CAN PREDICT OUR FUTURE DESTINY?

On motion by Mr. MASON, the further consideration of the bill was postponed until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 10, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

The SPEAKER. The business first in order is a motion lying over from last Monday, made by the gentleman from Pennsylvania, [Mr. FLORENCE,] to suspend the rules for the purpose of introducing the following resolution:

Resolved, That the President of the United States be requested to promote Commander Duncan N. Ingraham to the grade of captain in the Navy of the United States, and that the Secretary of the Navy be requested to tender the command of one of the six first-class steam frigates provided for in the bill that passed the House on the 31st March, to Captain Duncan N. Ingraham, when such vessels may be ready for service.

Mr. DEAN. I ask the gentleman from Pennsylvania if he will not withdraw the resolution for the present, and allow me to bring forward a matter of very great importance?

Mr. FLORENCE. I have no disposition to press this resolution upon the consideration of the House at this time; and I am perfectly willing, with the consent of the House, that it should lie over to be considered at another time, as the House is exceedingly thin.

The SPEAKER. Does the Chair understand the gentleman from Pennsylvania as withdrawing the resolution?

Mr. FLORENCE. For the present I will withdraw it, that the gentleman from New York may introduce his resolutions.

Mr. DEAN. I desire to bring before the House at this time a matter of very great importance to the commercial interests of the country; and for that purpose I ask the unanimous consent of the House to introduce two resolutions. The Committee on Foreign Affairs have recommended the adoption of the resolutions.

Mr. JONES, of Tennessee. I wish to inquire, Mr. Speaker, whether this is not resolution day, when the States are to be called for resolutions? By pursuing the regular order, we will get a great many more resolutions through than we can in this informal way.

Mr. DEAN. Well, I ask the unanimous consent of the House to permit me to introduce the resolutions.

The resolutions were read, as follows:

Resolved, That in the war which now seems impending in Europe, it is the duty, as well as the manifest interest of the Government of the United States, to observe and maintain a strict neutrality between all the belligerents. And, in the event of a war, the rights of our citizens and the security of our commerce demand the maintenance of the principle heretofore asserted, and strenuously contended for by this Government, but not hitherto admitted or established as a law of nations—that free ships make free goods, except as to articles clearly known as contraband of war; and that the neutral flag protects from unreasonable search and seizure the ships bearing it. And also, that neutral property on board a vessel of any of the belligerents is not subject to seizure and confiscation.

Resolved, That the President of the United States be requested, if, in his opinion, not incompatible with the public interests, to communicate to this House whether any, and if any, what arrangements have been made, or what correspondence has taken place between this Government and any of the Governments of Europe to establish the foregoing principles as international law, and to protect the neutral commerce of the United States in the event of a war between any of the Powers of Europe.

Mr. WALKER. Mr. Speaker, is the introduction of these resolutions in order at this time?

The SPEAKER. It is not in order.

Mr. WALKER. Then I object to it.

Mr. DEAN. Then, Mr. Speaker, I move to suspend the rules of the House, so as to enable me to introduce it.

BOOKS FOR NEW MEMBERS.

The SPEAKER. Before the House proceeds to act on the motion of the gentleman from New York to suspend the rules, I beg leave to submit to the House a communication from the Clerk.

The following letter was thereupon read:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
April 6, 1854.

SIR: To enable me to proceed to the execution of the joint resolution approved February 24, 1854, ordering certain books for new members of the House of Representatives, I addressed letters to the publishers early in the month of March, inviting them to furnish the books voted. Having received replies from all the publishers written to, it appears that they can furnish “Annals of Congress,” “Senate Land Laws,” “Statutes at Large,” “Adams’s Works,” “Congressional Globe,” “Finance Reports,” “Constitution,” “Elliott’s Debates,” and “American Archives,” and that they cannot furnish the “State Papers,” “Reports of Debates,” “Contested Elections,” “Diplomatic Correspondence,” and “Alexander Hamilton’s Works.”

The books which the publishers cannot furnish, a bookseller of this city, who has supplied large numbers of the same books to Congress, has made a written offer to furnish at former prices and in a specified time, except the “Diplomatic Correspondence” and “Alexander Hamilton’s Works;” but as the resolution seems to confine the Clerk to purchases from the publishers, I have not felt at liberty to give him positive orders without express authority of the House.

The book known as “The Opinions of the Attorneys General,” specified in the resolution, embraces no opinions of later date than 1841; and as there is a very general desire to have an edition bringing them down to the most recent date, no inquiry has yet been made of the publishers concerning it. I respectfully ask further instructions from the House on this point.

The resolution is understood, by the publishers of “Mayo’s Treasury Regulations,” “Mayo & Moulton’s Pension and Bounty Land Laws,” and “Hickey’s Book of the Constitution,” to vote to the new members of the House the same numbers of each of these works as were received by the new Senators in the last Congress; but as this is doubtful, I have declined giving orders for them; and on this point, also, respectfully await the action of the House.

JOHN W. FORNEY.

Hon. LINN BOYD,

Speaker of the House of Representatives.

Mr. FAULKNER. It is my purpose to ask to have that communication referred to the Joint Committee on the Library. But I suppose it will meet with the general desire of the House to have such a resolution adopted as will enable the Clerk at once to execute the joint resolution for the delivery of books to new members. With that view I beg to offer the following resolution:

Resolved, That the Clerk of the House of Representatives furnish, and deliver to each of the Members and Delegates of the present Congress who have not already received them, and pay for the same out of the contingent fund of the House, the following books, being a portion of the books voted to the members of former Congresses, viz: “State Papers,” “Register of Debates,” “Contested Elections,” and “Alexander Hamilton’s Works;” *Provided*, The prices do not exceed those heretofore paid; and that, instead of the “Opinions of Attorneys General,” heretofore supplied, he shall furnish and deliver the latest published edition that can be procured for fifteen dollars per copy, that being the amount paid for the Attorney General’s Opinions in the Thirty-First Congress.

Mr. FAULKNER. It will be seen by the House that the only effect of this resolution is this: The joint resolution which passed the House of Representatives and the Senate provides that these books shall be obtained from the publishers. The publishers, as I learn from correspondence now before me, have declared their inability to furnish them, and the only effect of this resolution is to enable the Clerk, at the same price, to obtain them elsewhere, otherwise the joint resolution will be nugatory.

Mr. HAVEN. I think this resolution and the communication from the Clerk ought to take a different direction from the one that has been indicated. I submit a motion that the said communication be printed, and that the resolution and communication also be referred to the House members of the Joint Committee on the Library. The reason why I make this motion is, that there is a law against furnishing certain books, and the effect of that law is only avoided by the joint resolution passed by the House and the Senate at the present session, and in the mode pointed out by that joint resolution. I submit that we shall run against and counter to that law of the last session, if we undertake to furnish these books, out of the contingent fund. I suggest to the House that this communication had much better be so referred, that the House may be put in possession, through a report of that committee, of the price and terms on which purchases can be made, and be enabled to take such action as may be necessary, and be deemed proper when such report is made.

Mr. JONES, of Tennessee. There is one subject which the Clerk refers to in his communication which I think is not referred to in the resolution of the gentleman from Virginia, [Mr. FAULKNER.] It is as to the number of copies of Hickey’s Compilation of the Constitution, and some other

books, which are to be furnished to members by the Clerk. Now, there never has been any extra copies of "Hickey's Constitution," or of those other books, furnished to members of the House for distribution. Each member, up to the present Congress, has received one copy of that book to make out his set of books ordered to be distributed to him by the House.

The joint resolution which passed last Congress is so worded that there shall be furnished to the new members of the Senate and the House of the present Congress, such books as were furnished to the new members of the Senate and the House of the last Congress. Under that reading of it, the publisher of that book claims that he has a right, as I understand, to furnish the same number of copies of that Constitution for each new member of this House that was furnished to the members of the Senate during last Congress. Such, sir, I conceive, was not the intention of the resolution, nor was it the understanding of the House, at the time it passed this House. The object and intention of the joint resolution which passed at the present Congress, was to furnish to each member one copy of such books as have heretofore been distributed to members for their own use.

Mr. FAULKNER. That was precisely the object which I had in view when I asked a reference of that communication to the Joint Committee on the Library. I concur entirely with the views of the gentleman from Tennessee, [Mr. JONES:] and desire to obtain from that joint committee an explanatory resolution, which will leave no room for controversy, nor any doubt of its correct interpretation, as contended for by that gentleman and myself.

Mr. JONES. Then I hope the resolution and communication will be referred as proposed; and with the further suggestion, that whatever the committee may report back upon this subject, they will not report that these books shall be paid for out of the contingent fund of the House.

That, sir, has not been customary. I think, if you will look back at every Congress since the Twenty-Eighth, you will find that there has been a specific appropriation, either in a deficiency or general appropriation bill, to pay for these books. The item for furnishing these books to the new members of this Congress will alone amount to, I suppose, at least \$150,000. The Clerk has not furnished the precise sum; but I suppose it will amount to at least that. I think it should appear in a general appropriation bill, as a specific appropriation for that purpose. I hope, therefore, that the provision contained in the resolution of the gentleman from Virginia, proposing to pay this amount out of the contingent fund, will not be adopted.

Mr. RICHARDSON. I move the previous question upon the resolution.

Mr. WASHBURNE, of Illinois. I hope my colleague will withdraw that motion for a moment, to allow me to offer an amendment.

Mr. RICHARDSON. The motion is to refer the resolution to the Committee on Printing, and any amendment that may be necessary can be made there.

Mr. WASHBURNE. It was with reference to that motion that I wished to offer an amendment. I wished to provide that the committee have leave to report at any time.

Mr. RICHARDSON. The Committee on Printing is a privileged committee, and has the right to report at any time, without any special order upon the subject. I insist upon my demand for the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was taken, and the resolution referred to the Committee on Printing.

THE RIGHTS OF NEUTRALS.

The question then recurred upon Mr. DEAN's motion to suspend the rules to enable him to introduce his resolutions.

Mr. RICHARDSON. I ask that the resolutions may be again read.

The SPEAKER. They will be again read, unless objection is made.

Mr. CAMPBELL. I object.

The SPEAKER. The question will be put to the House whether they shall be read.

The question was put, and the reading of the resolutions ordered.

The Clerk again read the resolution.

Mr. CLINGMAN. Is it in order to say anything in favor of the adoption of the resolutions?

The SPEAKER. It is not. Debate is not in order upon the motion to suspend the rules.

The question was put; and, upon a division, 65 rose in the affirmative.

Mr. WENTWORTH, of Illinois. I demand the yeas and nays.

Upon a division, on the call for the yeas and nays, 27 rose in the affirmative, and 79 in the negative.

The SPEAKER. No quorum has voted.

Mr. CLINGMAN. I demand tellers on the yeas and nays.

The SPEAKER. The Chair will first ascertain whether a quorum is present. The Chair counted the number present, and found there were 153—a quorum.

Tellers on the yeas and nays were ordered; and Messrs. PHILLIPS and CAMPBELL were appointed.

The yeas and nays were ordered.

Mr. DEAN. Before the Clerk proceeds to call the roll I would state to the House that the resolutions meet with the unanimous assent of the Committee on Foreign Affairs.

The question was then put; and on a division, there were—yeas 103, nays 41; as follows:

YEAS—Messrs. Appleton, Banks, Barksdale, Belcher, Bennett, Benson, Bissell, Boccock, Carpenter, Caskey, Chamberlain, Chandler, Chastain, Churchwell, Clingman, Cobb, Cook, Crocker, Curtis, John G. Davis, Thomas Davis, Dean, Dent, Disney, Dunbar, Durham, Eddy, Edgerton, Edmunds, Edmundson, Etheridge, Farley, Faulkner, Fenlon, Florence, Fuller, Greenwood, Grey, Grow, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hemy, Hibbard, Biester, Howe, Hughes, Ingersoll, Daniel T. Jones, Kerr, Kittredge, Kurtz, Lane, Latham, Lindsay, Macdonald, McDougall, Macy, Maxwell, Middlesex, John G. Miller, Morrison, Murray, Nichols, Mordecai Oliver, Pennington, John Perkins, Phillips, Powell, Puryear, David Ritchie, Thomas Ritchie, Robbins, Rowe, Ruffin, Sapp, Seward, Seymour, Shannon, Shaw, Shower, Simmons, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, John L. Taylor, Thurston, Upham, Vail, Vansant, Walbridge, Israel Washburn, John Wentworth, and Daniel B. Wright—103.

NAYS—Messrs. Willis Allen, Ball, Boyce, Bridges, Bugg, Campbell, Chrisman, Corwin, Cox, Cullom, Everhart, Goode, Hamilton, Aaron Harlan, Harrison, Haven, Hunt, George W. Jones, Knox, Leitcher, McCallin, Mace, Matteson, Meacham, Norton, Olds, Parker, Peck, Peckham, Pratt Sage, William R. Smith, George W. Smyth, Nathaniel G. Taylor, Tracy, Tweed, Wade, Walker, Ellihu B. Washburn, Wells, and Zollieffer—41.

So (two thirds voting in favor thereof) the rules were suspended.

Mr. DEAN. The resolutions are now before the House, I believe.

The SPEAKER. They are regularly before the House.

Mr. DEAN. I do not intend to detain the House by advocating the passage of these resolutions, but I desire to state what they contain.

Mr. WASHBURNE, of Illinois. I desire to inquire if the resolutions are before the House?

The SPEAKER. The resolutions are before the body.

Mr. WASHBURNE. If debate arises upon them, will they not go over under the rules?

Mr. DEAN. The rules have been suspended.

The SPEAKER. The rules have been suspended; and, among them, the rule requiring the resolutions to go over if debate arises.

Mr. WASHBURNE. I supposed the rules were suspended only to admit the resolutions.

The SPEAKER. The rule to which the gentleman refers applies only to resolutions introduced upon a call of the States. These resolutions are regularly before the body, and the gentleman from New York is properly on the floor.

Mr. WASHBURNE. And are open to debate.

The SPEAKER. They are.

Mr. DEAN. I was saying, when the gentleman from Illinois interrupted me, that I did not desire to debate these resolutions at this time, but to state only to the House what they contain, and the principles they are intended to enunciate.

The first resolution is a plain and distinct statement of our duty to maintain neutrality in the war between the different Powers of Europe. It then reasserts the doctrine that has been so often asserted by the people and Executive Department of this Government, but which the judiciary of the country has failed to sustain; for Chancellor Kent says that international law, as understood in this country and in Europe, establishes a con-

trary rule. The Executive branch of our Government from its foundation, beginning with the Congress of the Confederation, and from that time to the present, has constantly, in its action and its diplomacy, endeavored to establish the rule that free ships make free goods, and the additional proposition that the goods of neutrals on board the ships of belligerents are also free from seizure or confiscation. This the first resolution contains:

The importance of this subject at the present crisis, when all Europe seems about engaging in a destructive war, cannot be expressed or scarcely estimated. The subject has been very recently discussed in the British Parliament. The Ministry have been called upon to state what they intend to do in reference to it. They have evaded meeting and disposing of the question, and avoided answering definitely what would be the action of that Government.

The second resolution calls for the correspondence between our Government and the Governments of any foreign Power upon this subject; and I may be permitted to state here, what I think will prove to be correct, that our Government has been for the last nine months engaged in endeavoring to get this principle established and admitted as the law of nations, and that our representative near the Court of St. James, in particular, has ably and, I believe, successfully accomplished it, so far as its recognition depends upon that Government. And it is admitted on all hands, that if Great Britain, which is the Power that has at all times prevented its being established, will unite with us in saying that it shall hereafter be the law of nations—not by a treaty, but by a proclamation, and by action during this war—it will hereafter be placed upon the firm basis of precedent as well as of natural right and justice.

I am informed that from the fact of its being unknown to the mercantile community what our Government intends to do, and what will be the action of the Government of Great Britain, insurances in all our large ports have increased, and that much anxiety is felt in reference to it. It is due to our merchants at this time to let them know what the action of the Government has been, and what Congress intends to do—whether it is our determination to carry out this doctrine at all hazards, or whether our merchant vessels must protect themselves, in the event of the war which seems threatening and inevitable.

I have no particular choice as to the language to be used, but I think that the Executive branch of the Government and Congress ought now to take its stand and say to the world, that this is our principle, that we will not be driven from it, that we will legislate to assert it, that we will negotiate to secure it, and if need be, that we will fight to maintain it. If we can establish this doctrine, it will be one of the proudest days in the annals of American history, for it is emphatically our doctrine—one that we have contended for from the days of the Revolution to the present time. I do not desire to move the previous question.

Mr. BOCKOCK. It strikes me that this is an exceedingly important proposition, one that undertakes to define the position that this Government will occupy in regard to the war which is impending in Europe. That ought to be done with due deliberation, and after mature consideration.

Positions rashly taken are easily abandoned. To give them weight and authority, these resolutions ought to have about them all the sanctions of matured action upon the part of the Congress of the United States. They are designed, as the gentleman has said, to make known to our merchants what they may rely on. They are intended also to produce effect upon the action of other countries. Will that result be produced by resolutions introduced here in the morning hour, and hurried through, without consideration? Ought they not to be sent to the Committee on Foreign Affairs, and there discussed, examined, and carefully guarded in their wording? If they take untenable positions—which I by no means mean, upon the slight consideration which I have given them, to intimate, or if they are not strong enough—that committee ought to have the opportunity to modify them, or make them stronger, and if they are incautiously worded, that committee ought to have an opportunity to change the phraseology. Whatever is done ought to be done with care and deliberation.

I desire to make another suggestion before I take

my seat. These resolutions are submitted to be acted upon by this House alone. They are not joint resolutions. If this Government intends to do anything effective and operative; anything to commit the country to a particular line of policy touching our foreign relations, it should be done by the Government itself, and not by the House of Representatives alone. It must be by joint resolution, requiring the action of the two Houses of the Congress of the United States, approved by the President.

These resolutions, I say, are mere resolutions submitted to be considered by this body alone; and therefore, if passed, they will have no effect, as the action of the Congress of the United States. They will amount to a mere expression of opinion on the part of the members of this House, and that hastily given. Under these circumstances, I move to refer the resolutions to the Committee on Foreign Affairs.

Mr. CAMPBELL. I move the previous question.

Mr. BOCKOCK. I am willing that the resolution calling upon the President for information, may be passed.

The SPEAKER. The resolutions cannot be separated except by unanimous consent.

Mr. CAMPBELL. The committee can call upon the President for information.

The previous question was seconded, and the main question ordered to be put.

The question was then taken on Mr. Bockock's motion; and it was decided in the affirmative.

So the resolutions were referred to the Committee on Foreign Affairs.

Mr. DENT. I ask the unanimous consent of the House to allow me to present a resolution.

Mr. WELLS. I call for the regular order of business.

The SPEAKER. The regular order of business is the call upon the States for resolutions.

Mr. RICHARDSON. Is not the gentleman from Georgia [Mr. DENT] entitled to the floor on his motion to suspend the rules?

The SPEAKER. The gentleman from Georgia has a right to the floor, and asks the unanimous consent of the House to introduce a resolution which will now be read by the Clerk.

Mr. WELLS. I object.

Mr. DENT. I hope that the House will allow the resolution to be read.

The SPEAKER. The resolution will be read for information.

The resolution was then read, as follows:

Resolved, That the Committee of the Whole House be discharged from the further consideration of House bill No. 301, and that the same be now considered.

Mr. CAMPBELL. What bill is it?

Mr. DENT. I will explain its features.

Mr. CAMPBELL. Let the Clerk read the title.

The bill was read by its title, as follows:

A bill to regulate and define the duties of the Commissioner of Pensions in certain cases.

Several MEMBERS. Read the bill.

The bill of the House, No. 301, was thereupon read *in extenso*.

It provides that whenever any agent for paying invalid pensions shall have reason to believe that the disability which caused any person to be placed on the pension roll is totally or partially removed, it shall be the duty of said agent to suspend all further payment to such pensioner until such pensioner shall produce the affidavit of two physicians or surgeons, whose respectability shall be certified to by the officer before whom they may be qualified, stating from personal examination the continuance of the disability (describing it) for which the pension was originally granted, and the rate of such disability at the time of making such affidavit; and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted, the pensioner shall only be paid at the rate stated in said affidavit.

The question was then taken on the motion to suspend the rules, and was disagreed to.

The SPEAKER. Resolutions are now in order from the Territory of Utah.

Mr. CAMPBELL. I move, Mr. Speaker, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. LANE, of Indiana. I desire to ask the gentleman from Ohio to withdraw his motion, to

enable me to introduce a bill of which previous notice has been given. It is a bill to aid the Territory of Minnesota and the State of Indiana in constructing a railroad for military, postal, and other purposes. The object of the bill is to construct certain links in the chain, so as to secure a continuous line of railroad from some point on Lake Superior to the Falls of the Ohio, and from thence, following the valley of the said river, to Cincinnati, Ohio.

I am about leaving town, and therefore it is that I ask the gentleman from Ohio to withdraw his motion to go into committee, so as to allow me to introduce this bill.

Mr. OLDS. And I am going to ask the gentleman from Ohio to withdraw his motion for a like purpose.

The SPEAKER. Is the motion of the gentleman from Ohio withdrawn?

Mr. CAMPBELL. I would prefer, Mr. Speaker, not to withdraw my motion just now. I would like to oblige both the gentlemen, but I cannot properly do so now.

The question was then taken on the motion to go into the Committee of the Whole on the state of the Union.

Mr. CAMPBELL demanded tellers.

Tellers were ordered; and Messrs. SMITH, of Tennessee, and CAMPBELL were appointed such tellers.

The question was then taken; and the tellers reported—ayes 92, noes 31.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair,) and resumed the consideration of House bill (No. 48) "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855."

The CHAIRMAN. When the committee last rose, the gentleman from Maine [Mr. MACDONALD] was upon the floor, and is now entitled to the same.

NEBRASKA AND KANSAS.

Mr. MACDONALD, in rising to speak on the subject of the Nebraska bill, said his record was made up as voting against the reference of the Senate measure to the Committee of the Whole on the state of the Union. He stood in this position with only three others coming from east of the Hudson river, on this issue. The Legislature of Maine did not propose to instruct him to vote against the bill, but put forth a modest request to that effect. But he did not intend to carry out their wishes, that body not properly representing public sentiment in that State. He pronounced the request as arrogant and impudent.

In his opinion, the allusion frequently made that a natural hostility exists between the North and the South—a natural dislike and jealousy—was perfectly groundless. Why should there be hostility between those sections? The memory of the past, the happiness of the present, and the hopes of the future, should not create hostility, but, on the contrary, the largest and most intense fraternal concord and agreement.

He regarded the election of Franklin Pierce as conclusive of the question that the old era of good feeling is to be reestablished between the North and the South, when a feeling similar to that which animated our revolutionary sires is again to prevail.

The natural opponents of this bill are the Abolitionists of the country, under the lead of the New York Tribune, a paper tainted with heresies and isms of every kind. The main editor of that paper does not believe in a future state of rewards and punishments. The tendency of their principles is that the people are not to be trusted, nor permitted to govern themselves, but must be governed. He commented at large on the character of Abolitionists.

The bill commended itself to his support because it asserted the right of the people to govern themselves. It was in 1850 that this Government inaugurated a new territorial policy, by allowing Utah and New Mexico to govern themselves; and the bill now pending was intended to carry out that republican and wholesome principle.

[The speech will be found in the Appendix.]

Mr. FAULKNER, after having expressed his acquiescence in the compromise measures of 1850, said, that among all true men, whether from the

North or from the South, there ought to be no diversity of opinion upon a question like that involved in the Nebraska bill. The public mind of the North had been shamefully abused by a perversion of the true issue involved in this question; for it was not a question of slavery or no slavery in regard to the organization of these proposed Territories.

The Missouri compromise, he maintained, was the first occasion upon which Congress assumed to exercise an act of original jurisdiction, the power of controlling the expansion of slavery within the territory of the United States, and of prescribing a limit beyond which the planter of the South should not emigrate with his property, recognized as such by the Constitution of the country. From the adoption of that compromise up to the present hour, the people of the South—or perhaps he might, with more propriety, confine himself to his own State—the people of Virginia had never ceased to regard it as an exercise of legislative authority not warranted by the language or the spirit of the Constitution.

He then reviewed the provisions of the Nebraska-Kansas bill of the Senate, and replied to the objections which had been urged against it by southern members, contending that the Badger proviso neither prohibited nor permitted slavery within these Territories, but left the entire subject to the people themselves.

[The speech will be found in the Appendix.]

Mr. CULLOM obtained the floor.

Mr. STANTON, of Tennessee. I ask my colleague to yield me the floor for a motion that the committee rise.

Mr. CULLOM yielded for that purpose.

Mr. STANTON. I submit the motion.

The question was put, and the motion agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 48) making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th of June, 1855, and had come to no resolution thereon.

Mr. CAMPBELL. I move that the House do now adjourn.

Mr. LANE, of Indiana. I ask the gentleman from Ohio to withdraw that motion, to enable me to introduce a bill merely for the purpose of reference.

Mr. CAMPBELL. I withdraw the motion.

Mr. LANE then, by unanimous consent, introduced a bill "to aid the Territory of Minnesota and the State of Indiana to construct a railroad for military, postal, and other purposes;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. LANE, of Oregon. I ask the unanimous consent of the House to present a memorial from the Territorial Legislature of Oregon, asking Congress to pass a law to enable the people of that Territory to form a constitution and State government preparatory to its admission into the Union on an equal footing with the original States.

There was no objection; and the memorial was received, referred to the Committee on Territories, and ordered to be printed.

Mr. HIESTER. I move that the House do now adjourn.

The question was put, and the motion agreed to; and thereupon,

At a quarter past three o'clock, the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, April 11, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. MORTON presented two petitions of inhabitants of Gadsden county, Florida, praying the establishment of a mail route from Tallahassee to Ridleysville; which were referred to the Committee on the Post Office and Post Roads.

Mr. JONES, of Iowa, presented the petition of Charles Vinson, praying compensation for extra services as a clerk in the office of the Third Auditor; which was referred to the Committee on Claims.

REPORTS FROM A STANDING COMMITTEE.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Rebecca Bright, praying a pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Morris Powers, praying a pension on account of disability incurred during the Mexican war, submitted an adverse report thereon; which was ordered to be printed.

NOTICE OF A BILL.

Mr. RUSK gave notice of his intention to ask leave to introduce a bill to provide for the transportation of the mails of the United States on railroads.

BILL INTRODUCED.

Mr. MASON, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize the Baltimore and Ohio Railroad Company to extend their railroad to a point on the Potomac river, at or near the city of Washington; which was read a first and second time by its title, and referred to the Committee for the District of Columbia.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

Bill for the relief of Lyman N. Cook;
Bill for the relief of Emelie Hooe, widow of Captain Hooe;
Bill for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont;
Bill for the relief of Aaron Stafford;
Bill to provide a pension for Silas Champion, of Genesee county, in the State of New York;
Bill for the relief of the executors of the late Lieutenant John E. Bispham;
Bill for the relief of Lemuel Hudson;
Bill for the relief of James F. Green, of Pennsylvania;
Bill for the relief of Madison Parton;
Bill to establish additional land districts in the Territory of Minnesota; and
Bill for the relief of Alton Nelson.
The above named bills were severally signed by the President *pro tempore*.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MORTON, it was

Ordered, That the following memorials, &c., be withdrawn from the files of the Senate, and referred to the several committees as annexed:

Memorial of John Tucker—Committee on Claims.
Petition of Daniel Brister and others—Committee on Indian Affairs.
Petition of Charles G. Merchant—Committee on Military Affairs.
Memorial of citizens of Appalachicola—Committee on Commerce.
Petition of the heirs of John S. Budd—Committee on Revolutionary Claims.
Petition of George Jennings—Committee on Private Land Claims.
Petition of the heirs of Christopher Hillary—Committee on Revolutionary Claims.
Petition of Sarah Flinn—Committee on Claims.
Memorial of John P. Smith, administrator of Joshua B. Smith—Committee on Claims.
Petition of William B. Davis—Committee on Claims.
Petition of citizens of Marion and Nassau counties, Florida—Committee on Public Lands.
Petition of David Osburn—Committee on Claims.
Petition of Ellen H. Wood, heir of James Hall—Committee on Revolutionary Claims.
Petition of James P. Lighthorne—Committee on Claims.
Petition of the widow and children of Emanuel Munden, deceased—Committee on the Judiciary.
Petition of R. D. Battle, administrator of Isaac L. Battle, deceased—Committee on the Post Office and Post Roads.
Memorial of the heirs of Darius Garrison—Committee on Claims.

Documents relating to tonnage duties on Spanish vessels—Committee on Commerce.

Memorials in favor of increasing the salary of the United States district judge at Key West, Florida—Committee on the Judiciary.

On motion by Mr. BADGER, it was

Ordered, That the petition of Sally Bass, daughter of Charles Pastour, deceased, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. WALKER, it was

Ordered, That the documents in relation to the claim of the Menomonee Indians be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

J. W. KELLY'S MAIL CONTRACT.

Mr. MORTON submitted the following resolu-

tion; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be requested to inform the Senate whether a contract entered into by the Post Office Department with J. W. Kelly in 1853, for the transportation of the mail in steamers from Bainbridge, Georgia, to Appalachicola, Florida, has been annulled; and if so when, and for what reasons.

ISAAC P. SIMONTON.

Mr. STUART. Mr. President, on the last private bill day, I asked to have the House bill for the relief of the legal representatives of Isaac P. Simonton laid on the table, with a view of offering an amendment to it so as to include another case. I have been applied to very strongly by those interested, to waive that request, and I should like to have the Senate now take up the bill and pass it without any amendment.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to appropriate \$800 to the legal representatives of Isaac P. Simonton, on due and satisfactory proof being furnished that his claim for that sum, in schedule B, annexed to the treaty with the Saganaw band of Chippewa Indians, of the 14th of January, 1837, has regularly and legally descended to them.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ORDER OF BUSINESS.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

Mr. BADGER. I hope the motion will not be agreed to. I had very humbly suggested to the Senate, two or three days ago, that I should be very much obliged to them if they would take up, in the morning hour, a bill which I reported from the Committee on Finance.

Mr. MASON. If it involves debate I must object to it.

Mr. BADGER. I do not know whether it will involve debate or not. I ask the Senate to take it up. I cannot remain here for the purpose of attending to it. I believe I am as seldom out of my place as any other member of the Senate. I am scarcely ever absent from the city of Washington during the sessions of the Senate, and I had thought that this little favor would be accorded to me.

Mr. MASON. If the Senator desires to be heard on his bill, I will cheerfully yield my motion; but if he wishes to have a debate on the bill, I must adhere to the motion.

Mr. BADGER. I wish to have the bill taken up and passed. I do not wish to be heard upon it.

Mr. BRIGHT. I presume there can be no serious opposition to the bill of the Senator from North Carolina. It is a very important measure. The Senator from North Carolina is very anxious upon the subject, and so are many other Senators. I hope the honorable Senator from Virginia will not object to it.

Mr. MASON. What is the bill?

Mr. BRIGHT. It is one to extend the time for the collection of duties on railroad iron. It has been unanimously reported from the Committee on Finance. If it leads to a lengthy debate, of course the Senator from North Carolina will not press it this morning.

Mr. STUART. I should be glad if the Senator from Virginia would give the Senator from North Carolina an opportunity to be heard upon that bill.

Mr. BADGER. I do not want to be heard upon it; but I wish to have the bill passed.

Mr. STUART. If the Senator thinks he can have it passed this morning, I can assure him that, in my opinion, there is very little prospect of it.

Mr. BADGER. Let us try.

Mr. MASON. I ask that the question be put on my motion.

The PRESIDENT. The question is on the motion made by the Senator from Virginia, to proceed to the consideration of Executive business; and the question must be first put upon that, for it is the first motion before the Senate.

Mr. SEWARD. Before that question is put, I wish to say, that while I have no disposition to embarrass the bill of the Senator from North Carolina, I think it is a bill upon which the State of

Pennsylvania ought to be heard, and I observe that no members from that State are here. I shall, for that, if for no other reason, vote against acting upon that bill at this time.

Mr. DOUGLAS. When that bill is taken up, I desire to offer an amendment to it in the shape of a substitute, and if we are to postpone it, I wish to have that proposition presented to the Senate for consideration. My impression is that it is so simple a question that the Senate will be ready to act upon it at any time, but I desire to present a substitute for the bill of the Senator from North Carolina.

Mr. BADGER. Mr. President, I will not press any objection to this motion. I have never, since I have been in the Senate, refused to any gentleman to give way for the purpose of transacting any business. I gave notice to the Senate last week that I should be obliged to leave the city early this week, and that I should throw myself upon their indulgence to take up this bill on Monday. I gave way yesterday in the application which I intended to make, for the purpose of obliging the Senator from California, being always willing to postpone my own personal convenience to the convenience of any and every member of this body. I thought yesterday that the privilege of having this bill taken up would be accorded to me to-day without difficulty; but a favor reluctantly conceded is not a favor. I therefore withdraw all objection, and will give up the expectation of having the bill taken up.

Mr. ADAMS. I wish to suggest to the Senator from Virginia that we make the effort during the morning hour to see whether this bill can be disposed of; and, if it leads to discussion, the Senator from North Carolina will not press it to-day. I merely suggest that we had better take it up during the morning hour, with the understanding that if it is not disposed of during that hour it shall then be postponed, and we shall go into Executive session. I hope this course will be pursued.

Mr. MASON. Since I have had the honor of a seat on this floor, I have felt, doubtless, in common with other Senators, under obligations to the Senator from North Carolina for the uniform example of courtesy which he has set us, and I certainly should be the last Senator to avoid the benefit of the example. I have done all that I could; I have said to that Senator that if he desired to be heard upon his bill I would, with great pleasure, yield my motion; but if he desires to take up the bill, which, as we have been informed, will lead to debate, and probably a protracted debate, I am not at liberty, because of the condition of the public business, to yield my motion. I ask, therefore, that we proceed to the consideration of Executive business.

Mr. MASON called for the yeas and nays; and they were ordered, and being taken, resulted—yeas 17, nays 23; as follows:

YEAS—Messrs. Allen, Bayard, Butler, Cass, Clay, Clayton, Dodge of Wisconsin, Dodge of Iowa, Johnson, Mason, Pratt, Rusk, Sebastian, Seward, Silldell, Toucey, and Williams—17.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Bright, Brown, Chase, Douglas, Evans, Everett, Fessenden, Fish, Foot, Geyer, James, Jones of Iowa, Pettit, Shields, Stuart, Sumner, Wade, Walker, and Weller—23.

So the motion was not agreed to.

RAILROAD IRON.

The Senate, as in Committee of the Whole, proceeded to consider the bill allowing a credit, for a limited period, for duties on railroad iron imported into the United States, reported from the Committee on Finance with an amendment.

The original bill provides that a credit of five years shall be allowed on all unpaid bonds heretofore given for duties on railroad iron imported into the United States, or the Territories thereof, and on all bonds hereafter given for duties on railroad iron which shall be imported into the United States or the Territories, within the period of two years from the passing of this act; if it shall be made to appear, to the satisfaction of the Secretary of the Treasury, that the railroad iron has been imported for the purpose of being laid down on roads within the United States or the Territories thereof.

The Committee on Finance reported the bill back with an amendment, in the form of a substitute, to strike out all after the enacting clause, and insert the following:

That the owner, importer, or consignee of any railroad

iron, imported within the period of two years from and after the passage of this act, may declare, under oath, on the entry thereof, that the said iron is exclusively designed and intended to be used in the construction or repairs of a road or roads within the United States, or the Territories thereof, and the said iron shall be entered for warehousing, and may be withdrawn, in any quantity not less than one ton, on due entry for that purpose to be used as aforesaid, at any time within five years from the date of importation, or payment for such charge for storage as may have accrued thereon: *Provided*, That the owner, importer, or consignee, shall, with one or more sureties, to the satisfaction of the collector of the customs at the port of entry, become bound to the United States in double the amount of the duties thereon to pay the legal duties and charges on said iron, with interest thereupon at the rate of six per cent. per annum until paid, on or before the expiration of five years, from and after the date of importation, and to furnish within that period proof, to the satisfaction of the Secretary of the Treasury, that the iron so bonded and withdrawn has been actually used in the construction or repairs of a road or roads, as aforesaid; and if such satisfactory proof shall not be so furnished within the period aforesaid, the whole penal sum named in said bond shall be forfeited and paid to the United States: *And provided further*, That if the iron bonded and withdrawn from warehouse as aforesaid, shall, at any time within the said period of five years, be used for any other purpose than the construction of a road or roads within the United States, or the Territories thereof, the whole penalty of the bond shall be at once forfeited to the United States, which forfeiture may be enforced by due process of law in any court of competent jurisdiction.

Sec. 2. And be it further enacted, That the owner, importer, or consignee of any railroad iron now in warehouse under bond may, at any time within the period allowed by existing provisions of law for such iron to remain in warehouse, file with the collector of the customs having the charge and custody of the iron, the declaration, and execute the bond prescribed in the first section of this act, whereupon the bond given on the original entry shall be canceled, and the said owner, importer, or consignee, shall become entitled to all the privileges and be subject to all the requirements, conditions, and penalties specified in this act: *Provided*, That where a railroad is wholly owned by a State, no other security shall be required than a bond binding the property in said road for the payment of the duties as herein prescribed; and in all cases those representing the railroad may elect to give either the personal security above mentioned, or a lien upon the railroad and its property at their pleasure.

Sec. 3. And be it further enacted, That before the owner, importer, or consignee of such railroad iron shall be entitled to the benefit of this act, the president and directors of the road or roads, for which the benefits of this act are claimed, shall enter into an agreement to transport the mails of the United States, upon the terms and conditions now prescribed by law.

Mr. ADAMS. I move to strike out all that portion of the bill which forfeits double the amount of the duty. It will be perfectly useless to make such a provision, if any unforeseen event should occur, and the company could not pay the amount to recover double the amount as is proposed by the bill. In such a case it seems to me that Congress would release it. I think the provision for the payment of the debt and interest is amply sufficient.

Mr. DOUGLAS. I will state to the Senator from Mississippi that I have an amendment which I design to offer to the substitute of the committee, and which, if it meets with his approbation, will dispense with the necessity for his amendment.

Mr. ADAMS. Then I withdraw the amendment.

Mr. DOUGLAS. The substitute that I offer is to this effect: instead of giving a credit on railroad iron for a limited time, we suspend the duty on railroad iron until the 1st of July, 1857; because if you give a credit I am not certain that you render any substantial assistance to the railroad interest under the bill. You will have an uncertain debt suspended over the company in, perhaps, the expectation that Congress may remit the penalties and duties when they become due, without any certainty of such remission. You tell the railroad companies, therefore, to be ready to meet a debt when they hope not to be required to meet it; and I am afraid you neither benefit the Treasury nor the railroad interest of the country by a proposition of that kind. We have now a surplus of money in the Treasury. We have a larger revenue than we desire. It is our duty, if we intend properly to reduce the revenue within the necessary demands of the Government, to adopt some such measure as this. Between this and 1857 I do not think we shall need the revenue arising from importation of railroad iron. I know of no item upon which you can take off the revenue with greater facilities and advantages to the great material interests of the country than upon this item. For that reason I propose, instead of giving a credit of five years, that we suspend the duties until the first day of July, 1857. Then, when the period expires, the duty is again to be

levied as it now exists without any other legislation, unless Congress in the mean time determine to extend or change it. The substitute which I offer provides for this and for nothing else. It is to strike out of the substitute reported from the committee, all after the word "that," and insert the following:

Where it shall be satisfactorily proved to the Secretary of the Treasury that any railroad iron imported since the first day of July, 1853, and prior to the passage of this act, for the purpose of being applied to the construction or repair of any railroad, has been actually laid down on any railroad, he shall allow a drawback of the duties on such railroad iron, so laid down, or if the duties shall have been actually paid, he shall refund the same to the company or party thus laying down said iron.

Sec. 2. And be it further enacted, That so much of any law now in force, as imposes a duty on imported railroad iron, be suspended from and after the passage of this act, until the 1st day of July, 1857; and no duties or revenue shall be collected on railroad iron from foreign countries prior to the said 1st day of July, 1857: *Provided, however*, That at the time of such importation, the importers shall execute to the United States a bond, with such sureties and such penalties as the Secretary of the Treasury shall direct, to be approved by said Secretary, conditioned that said iron is bona fide imported for the purpose of being used for rails for railroads, and for no other purpose, and to be laid down and actually used by the person or companies so importing the same, within two years from the time of importation, and upon due proof furnished to the said Secretary of the Treasury that said iron has been so laid down and used, the said bonds shall be given up and canceled: *And provided further*, That no iron shall be considered as railroad iron, within the meaning of this act, except such as is prepared to be laid down as rails upon railroads, without further manufacture.

Mr. WALKER. There is a case for which the bill, as reported by the committee, provides, which I do not think is provided for by the amendment of the Senator from Illinois. It is that contained in the second section of the committee's amendment, where an importation has already taken place, and bonds have been given. It provides that those cases shall have some relief.

Mr. DOUGLAS. I will state to the Senator that the proposition which I make provides for all importations since the first of July last.

Mr. BADGER. Allowing a drawback of the duties.

Mr. DOUGLAS. Giving a drawback of duties; otherwise it might operate injuriously on importations made within a short time past.

Mr. BADGER. I desire to say that I very decidedly prefer the amendment proposed by the Senator from Illinois to the substitute reported by me from the Committee on Finance. I think it has every recommendation, and I do not see that it can lead to any material debate. In the first place, it applies to railroad iron which is to be used for rails, and to no other species of railroad iron. In the next place, it applies to that railroad iron which is imported in such a condition as that it can be laid down without further manufacture. In the third place, it proposes a suspension for three years of the acts of Congress levying duties, and by giving it a retroactive effect, it becomes, in fact, the proposition which the Senator from Illinois submitted last Congress giving a suspension of these duties on railroad iron.

I think it has manifold advantages. In the first place, as he has said, our revenue is now ample. To give a credit, in the terms proposed by the substitute, upon the importer or company giving bonds for the payment of the amount of duties and interest, is to give nothing to the company except the mere delay of payment; but under the provisions of the Senator's amendment there will be a real, beneficial encouragement extended to this great and important enterprise. There is scarcely a possibility that within three years the Government will need the revenue derived from the duties on railroad iron, for any of the purposes of the Government. Confining the suspension to that short period, we may be sure that no injury will be done to the Government; and if in the mean time any change shall take place which makes it necessary that the Government shall receive the advantage of revenue upon imported railroad iron, as the Senator from Illinois has said, we will have nothing to do at the expiration of the time; but the duties will be levied as if this act had not passed.

It seems to me, with the Treasury overflowing, that this is as small a benefit as Congress can be expected to extend to these great enterprises all over the country, which tend so much to the prosperity, not only of individual portions, but to the advancement, the connection, the cultivation of intercourse, the exchange of commodities, and the establishment of good feeling, and of united, patri-

otic friendship among the different members of this great confederacy. I hope that my friend, the chairman of the Committee on Finance, [Mr. HUNTER,] will have no objection to this amendment, but that he will prefer it to the substitute reported by the direction of the committee.

Mr. HUNTER. In regard to this bill, I vote under instructions. I regard the proposition offered as an amendment by the Senator from Illinois, as nearer to the instructions than the other; and I incline to think that it is a good financial expedient, as our revenue is greater than the wants of the Government demand.

Mr. SEWARD. I wish to ask the honorable Senator from Virginia, as chairman of the Committee on Finance, whether he can give me a general idea of how much the revenue derived from the duties on railroad iron amounts to?

Mr. HUNTER. The duty on railroad iron, manufactured, rolled, or otherwise, is about \$4,600,000.

Mr. SEWARD. I suppose that is correct. I have not now access to the tables to verify it. I shall not now detain the Senate by discussing this subject as fully as I intended to do. The proposition offered by the Senator from Illinois is similar to the one which he offered at the last session, and which was withdrawn.

Mr. DOUGLAS. It was withdrawn not because of objection to it, but because it was deemed improper to attach it to a general appropriation bill.

Mr. SEWARD. If the honorable Senator from North Carolina [Mr. BADGER] will introduce a bill giving credit for, or even suspending the duties upon the railroad iron imported for the completion of the railroad in that State which he has especially under his care, I will vote for it with the greatest pleasure in the world. I will do so, because I think that a very necessary, a very useful, and a very great work; and I think that the region of country where it is to be made, requires and ought to receive such a favor at the hands of Congress. I am free to say that I would vote for that as an exception to the general law which is now in force; but I cannot agree with the general policy now proposed. The proposition of the Senator from Illinois [Mr. DOUGLAS] is to remit the duties on railroad iron for three years. I think that worse, in one respect, than to remit them indefinitely; because it will, for the future, render everything, in regard to the manufacture of railroad iron in this country, uncertain and unreliable.

It will, so far as it goes, discourage the establishment of manufactories for the making of railroad iron; and will probably have the same effect now as if the measure were the abolition of the duties on railroad iron altogether. Then, soon after we shall have got into this period of three years, those who are interested in the construction of railroads, and those who are interested in the manufacture of railroad iron in this country, will be brought to the consideration of the question of what will probably be the action of Congress—whether they will, at the expiration of the time, remove the duties altogether, or whether they will suffer them to be restored? Here will be a field of perplexing and dangerous speculation, amounting almost to gambling on the policy of the country.

I think, therefore, that the proposition is objectionable on the ground that it introduces uncertainty into the financial system of the Government, so far as it operates upon the importation and on the manufacture of railroad iron—great and extensive interests in this country. Again, I do not see that because there is, at this moment, a surplus in the Treasury of the United States, we are able to say with confidence that it would be safe to reduce our revenues at this particular juncture. Sir, this is a moment of great interest and feverish anxiety throughout the commercial world. We cannot contemplate the aspect which Europe presents, without seeing that there is to be, in all human probability, a general war pervading the continent of Europe, and reaching even into the continent of Asia. We see that a vast amount of capital in Europe has already been begun to be withdrawn from its accustomed investments, and converted into loans for the support of the armies and navies of belligerent nations. We see that loans have been made by France, by Turkey, and by Austria; and that loans are attempted to be made by Russia. We know, also, that England

is to be a party to that war—a leading party; and that funds to a large amount will be immediately required by her to carry on its operations. The very shadow of these events has produced a panic in all commercial circles on the continent. Stocks have already fallen on the Bourse, in Paris, and on the Exchange, in London. Our own stocks have also become depreciated, and are quoted at nominal prices; and they are returning upon us.

Whatever may be the final result, and its bearing upon the interests of this country, we see that the country feels already the approach of a crisis. Good, well-established stocks have fallen within the last week in the expectation of the commencement of war in Europe from five to seven per cent., and the fall, it is thought by many, has only just begun. Not only is this seen, but there are also the indications of the commencement of a commercial revulsion. We have been sending from the eastern States to San Francisco large quantities of flour, and of implements of agriculture, and of those for mining, and I have observed, within a few days past, that vessels have returned from thence freighted with their own outgoing freights, instead of gold, and that that is producing derangement in our Pacific region. The effect of this will be a similar derangement elsewhere to a greater or less extent.

Now, although we have a surplus revenue, and have had for a few years past, no one can say that the imports of the next three years will exceed the wants of the Treasury. On the contrary, those who will take the pains to examine, will find that the imports have already sensibly diminished since the shadow of this European war fell upon us. We are then to have, in all probability, for a time, a reduction of the imposts and duties. This, therefore, seems to me just the worst time in which to depart from the system which we have been pursuing in regard to the revenue.

In the next place, if it were true that it were perfectly safe to reduce our revenues, I have heard no argument to satisfy me that the iron interest is that interest which ought to bear the *entire* reduction. It seems to me to be an entire departure from every principle of equity to make the reduction bear on this single interest alone. But, again, if this reduction of revenue is conceived to be safe, upon what basis can we reckon that, during the next three years, we shall not have occasion, at home, for all the revenue which we can collect? If we are to construct a railroad, or aid in the construction of a railroad to the Pacific ocean, we shall need, after the liberal gratuities of the public lands which have been given to other roads, to fortify the Treasury—to replenish and keep it full instead of reducing its stores. Thus, if this proposition proceeds upon the ground that we are to remain at peace, it seems to me very objectionable. But who knows how long we are to be able to keep, as a party, out of the convulsion which is coming on in the nations of Europe? I think no one can say that our neutral rights are so sure to be respected by the belligerents in Europe, that we shall not become, if not an active party, at least a party so far as to render it necessary to use our military and naval power for the protection of the rights of our citizens and their commerce. In every point of view, therefore, which I can take of this subject, it seems to be unwise.

There is but one other remark which I wish to present now; I see here a proposition for the aid and support of all the railroads in the United States. I believe that, in regard to the one which has caused this measure to be brought before us, it is reasonable and just in a limited degree; but I do not know why, because a railroad in North Carolina is in need of this aid, the capitalists of Boston, the capitalists of New York, or the capitalists of Philadelphia, who are engaged with adequate means in the construction of railroads, as largely and as extensively as is consistent with the general interests of society, so as to avoid a derangement of the whole business of the country, ought also to receive this boon at our hands, and at the cost of the other interests of the country. On these grounds I am not willing to vote for the bill.

Mr. STUART. I had examined the bill and substitute reported from the Committee on Finance, and was perfectly satisfied that it was one which I could not support. How it may be in respect to the proposition submitted by the Senator from Illinois, I really do not feel prepared to

say. It must be obvious to every Senator that the subject proposed is one of vast importance, in every point of view. I think there are points of importance involved in it which perhaps are greater than at first blush would strike the mind of almost any man. I confess the more I think of the subject, the more magnitude it seems to possess; and, therefore, I suggest the propriety of postponing the consideration of the subject until to-morrow, so that we may have the amendment proposed by the Senator from Illinois printed and before us, and see very clearly what it is that we are about to do.

Mr. HUNTER. If the Senator will allow me, I will state at this point that I have received a letter from one of the Senators from Pennsylvania, stating his anxiety to be here when this subject is considered. He expected to be here last night, but was attacked with sickness, and therefore prevented.

Mr. STUART. I was only intending to add, that a subject of this importance should not be acted upon—I submit to the Senate—on an amendment which we have merely heard read from our table. I therefore move that the farther consideration of the subject be postponed until to-morrow, and that the amendment of the Senator from Illinois be printed.

Mr. WELLER. I hope the motion of the Senator from Michigan will meet with no objection. The Senators from Pennsylvania desire on this question to represent and defend the interests of their State. Either of them is able to do so; but both of them are confined by indisposition, and neither of them is able to be here to-day; and therefore I think there is a peculiar propriety in postponing the consideration of the question until to-morrow, when one of them may be here.

Mr. BADGER. I desire to say, that I have not the slightest objection to the motion of the Senator from Michigan. We can have the amendment printed by to-morrow, and one of the Senators from Pennsylvania will be here by that time. I will then ask the Senate to take up the bill—not with any desire to press it to the exclusion of every other business, or to give it any undue advantage; but with the view of having the sense of the Senate upon it.

Mr. RUSK. I should like, if it would be as convenient to the Senator from North Carolina, to have the bill postponed for a longer period. I have given notice, this morning, of my intention to ask leave to introduce a bill which shall cover the ground proposed by this bill, as well as provide permanently for the transportation of the mails. It is a subject which ought to be acted upon promptly. These railroad companies now carry the mails or not, as they choose; and it seems to me to be very important, in any action taken upon the subject of reducing the duties on iron, or taking them off altogether, that we should make some provision further than this bill does in relation to the transportation of the mails. The truth is the Department is now at the mercy of the railroads. There is a quarrel existing at this time between them. I have not looked into the matter, and do not pretend to say which is right; but certainly it is very desirable that we should make some provision which shall apply to those railroads that are in existence, as well as to all those which shall hereafter be constructed, by which confusion in regard to the mails may be avoided, and at the same time diminish the great expense attendant upon their transportation, under the present system.

I will state briefly, and in general terms, what I shall propose to do by the bill of which I have given notice.

It is this: To authorize any company owning any road which has been completed, or such as may be hereafter constructed, that will enter into contracts with the Postmaster General to transport forever, free of charge, the mails upon their roads, under such rules as Congress or the Postmaster General may prescribe, to import all iron necessary for the construction, repairs, or relaying their roads, free of duty. I shall propose, also, to go still further. Railroads are being carried forward with great rapidity. I have voted for all the bills granting alternate sections to such roads. I expect to vote for all that may ask for grants hereafter. But it is evident, from the action of Congress for the last two or three sessions, that the system of grants, if applied at all, will be

applied very partially. It will be of no general benefit; for, notwithstanding the great facilities with which such bills pass the Senate, they uniformly fall in the House of Representatives; so that in place of being of general benefit, it perhaps tends to create ill-feeling in different sections of the country. One section is more fortunate in getting railroad bills through than another; and it consequently creates jealousy, distrust, and ill-feeling, which interfere with legislation. I propose—in the bill which I have not yet matured, but of which I have given notice this morning—in addition to authorizing the construction of roads, to grant to all railroad companies who shall enter into contracts for carrying the mails on the terms I have indicated, and who shall construct a substantial double track, six sections of land to the mile, out of the public lands of the United States. I think that by some such policy as this, we shall make a great saving of expense to the Government, facilitate and promote the construction of roads, and greatly diminish the risk of human life by procuring the building of double tracks.

Mr. FITZPATRICK. For all roads?

Mr. RUSK. Yes, sir, all roads in the United States; so as to make it a general bill. That was my idea upon the subject, and I should be glad to have time to present my plan before taking a final vote upon this bill.

Mr. BADGER. Mr. President, the plan suggested by my friend from Texas is a very large one; and I do not know but that when he brings it forward, I shall be entirely in favor of it; but I hope he will not embarrass this bill with it. The bill is, by no means, necessarily connected with his proposed plan. They are independent measures, and each may be adopted, or one may be adopted without the other, so far as I see, without any necessary inconvenience.

I have no objection, as I have already stated, to the postponement of this bill until to-morrow; because I think it is fair to the Senate, and I think it is fair to the absent Senators from Pennsylvania; but if this subject is to be postponed long, so far as the State which I represent is concerned, it will be a matter of very little importance whether the bill passes or not.

Now, sir, my own position is this: I have always believed both in the power of Congress, by duties, to protect the domestic industry of this country, and in the expediency of Congress exercising that power within reasonable guards; or, as General Jackson expressed it, I have always been, at least for many years past, in favor of a "judicious tariff;" and it has never been my fortune yet to meet with any man in or out of Congress who was not. But, sir, I confess, if the only operation of a "judicious tariff" is to impose burdens upon a State that scarcely ever receives anything from the country; and if the effect of that system is to postpone the consideration of a small bill, which proposes no exclusive benefit to that section of the country, but is, as it ought to be, impartially applicable to the whole country, I shall begin to doubt very seriously whether a "judicious tariff" is a judicious thing to be supported by a representative of North Carolina.

I hope, sir, that we will take up and dispose of the pending measure before the Senate. It is not complex in its details. It is easily understood. Its application and effect no one can misunderstand. If the Senate is in favor of it, I hope it will be passed. If the Senate is opposed to it, I shall enter no complaints; I shall submit, as I ought to do, with most perfect acquiescence in its determinations on the subject; but I beg that my friend from Texas will not complicate this little matter about suspending the duties on railroad iron with the large scheme for the Post Office which he proposes to bring forward.

Mr. PRATT. I hope my honorable friend from North Carolina will consent to a postponement to a longer day than the one which has been designated. He says that a postponement for a longer period would result in depriving the railroad in his State of the benefits which he proposes to result from this bill. I cannot see that that will be so; because, if the substitute which has been offered by the Senator from Illinois be adopted, I apprehend, inasmuch as it not only releases all iron hereafter to be imported, but also iron which has been imported since the first of July last, the Senator's railroad will not be deprived of the benefits which this bill proposes to

confer. Then, whether it pass now or a month hence, it will have no effect upon the road.

Now, sir, the State of Pennsylvania, unrepresented at this moment on the floor of the Senate, is the State most deeply interested in the question of depriving the iron interest of the protection afforded by the duty proposed to be taken off; and perhaps the little State of Maryland is the one next most interested. My colleague [Mr. PEARCE] is away; he has been called home by indisposition in his family. Both of the Senators from Pennsylvania are absent from their seats because of indisposition. Then I submit to the Senate whether, when there is no possible necessity for pressing the subject to immediate decision, it would not be just to postpone it until those States are fully represented upon this floor? I hope, therefore, that the Senator from North Carolina, who is obliged to go home, will consent to a postponement until after he shall have returned; and I will propose Monday week, instead of to-morrow, as the day to which this bill shall be postponed.

Mr. President, the remarks of the honorable Senator from New York well deserve the attention of the Senate and of the country. We are upon the verge of a great commercial crisis. Every one must see it. We have had laid upon our tables within a few days past, in reply to a resolution of a Senator from Pennsylvania, [Mr. BRODHEAD,] now absent, a statement of the indebtedness on the part of this country to European capitalists, and I find that it is \$222,225,315. This amount is already due to foreigners by the companies and people of this country in railroad bonds for railroad iron, and on other securities. We know that these railroad bonds are falling in the market. The effect of the crisis in Europe has been to send them back here for sale, and you find that every one of this description of securities is going down in the market. I apprehend that it will not require stimulants for the purpose of having an increase of railroads, but that the true policy of the country at this time is to do nothing at any rate which shall stimulate the different sections of the country in increasing the number of these roads. If these two hundred and twenty-two millions of our securities held abroad be brought back here for sale in our market, every one must see that it will bring about a commercial crisis, such as has not been known in the country for half a century—such certainly as has not been experienced within the last twenty or thirty years.

At any rate, sir, the subject is certainly one of sufficient importance to entitle it to mature consideration. It should therefore be postponed, and the amendments should be printed, that every one may be enabled to see their bearing, and their full bearing. We should have the proposition of the Senator from Texas [Mr. RUSK] before us, so that if anything is to be done, we may see what can be done with the least injury to that great class of the community, the iron interest of this country; and, at the same time, if we are bound to benefit these corporations, that we may do so.

For myself, on looking at this subject, I cannot see why the Government of the United States should be bound to contribute \$4,000,000 annually to the large capitalists, who have engaged their means, for the purpose of making money by the construction of railroads in the different sections of this country. That is the bald proposition, stripped of everything which surrounds it, and you are to disturb your tariff and to strike down the greatest interest protected by it, for the purpose of giving that amount of money to the capitalists engaged in this particular adventure!

I hope my proposition to postpone this bill until next Monday week, will be acceded to by the Senate, if not by the Senators who have this bill immediately in charge. By that time, we may hope to have present, both my colleague and the Senators from Pennsylvania, and we shall then understand better than we do now what is to be the effect of this measure, and its results upon the country, and particularly upon the great interest at which it certainly strikes in some degree; at least to the extent of the protection afforded by the imposition of an annual duty of over \$4,000,000.

The proposition of the Senator from Illinois contains another feature which, as it was read, struck me to be rather singular in its effect. It proposes not only to take off the duty on iron to be imported for railroad purposes hereafter, but it

is to have a retroactive effect, and the Government is to refund the duties paid upon all such iron imported since the 1st of July last. If that is to be the policy of the country—if we are to give to capitalists who have not yet completed these works the money which they have paid to the Government as import duties on iron for their particular roads—how, I ask, can we refuse to give to the capitalists of your State, sir, and of mine, who have completed their roads, the duties which they have paid for the railroad iron used on those roads? This is a bounty to capitalists; and I ask, in justice and fairness, why those who have made a road from this city to Baltimore, and a road from Baltimore to the Ohio river, without which many of these other roads would be comparatively useless, and those who have made other roads which have been completed, and the investments in which have been entirely unproductive, should not have returned to them the amount of duties which they paid? Those who are now being engaged in the construction of these roads are, according to this proposition, to have returned to them the duties which they may have paid since July last! It is an arbitrary rule. Why it should be July I do not know, except that that time suits some particular road, or particular class of roads. And why it should not as well be July, 1850, as July, 1853, I do not know.

Mr. President, this is certainly a subject which requires more consideration than can be bestowed upon it this morning; and I do hope that the Senate will concur in having it postponed till Monday week.

Mr. WELLER. Mr. President, I think it is very evident, from the discussion this morning, that it will be impossible to dispose of this question now. I do not think it ought to be disposed of without a full investigation. Why, sir, it is a proposition to give \$4,000,000 per annum to the railroad companies in the United States; and that my friend from North Carolina calls a very "small" thing. He said he hoped my friend from Texas would not embarrass this "little" bill of his with any proposition growing out of the carrying of the mails of the United States. Sir, it seems to me this is a very important measure. It is a proposition to take \$4,000,000 out of the Treasury and give that to railroad companies now organized in the United States, thus enabling them to compete successfully with other companies who have constructed their roads, and have paid full duties upon their iron! That strikes me, at first blush, as unjust. There are many railroads in the United States which have been completed for years, and are now in successful operation; and there are companies being organized for the purpose of constructing roads along the same lines, intended to compete with them; and you propose that the companies now being organized shall import into the United States their iron free of duty. This, it seems to me, would be an act of injustice to those who have already constructed roads after having paid the duties exacted by law.

But, sir, there is another question which should weigh with us. You are to look to the manufactories which have been established in the United States for the manufacture of railroad iron. I desire to have an opportunity of ascertaining what will be the effect of abolishing the duties on railroad iron on the manufactories which have been established in this country. It does seem to me, on the first blush, that the effect must be to strike down all those manufacturers of our own who have invested their capital in this particular branch of industry. But I have not turned my attention to this point. I trust, however, the bill will not be allowed to pass without full investigation—without our knowing exactly what we are doing—how it will affect not only the rights and interests of capitalists who have completed their roads, but how far it will affect the interests of the capitalists of the country who have invested their money in the manufacture of railroad iron.

A short time since I indicated a wish that this question ought to go over in order that the two Senators who feel a particular interest in it should have an opportunity of being heard. They are understood to represent the iron interest of this country, and I desire that they shall be fully heard, not only for my own satisfaction, but for the satisfaction of others, who may be, unfortunately, as ignorant of the true effect of this measure as I am. All that I desire to say to-day is, that

this strikes me, at first, blush as an unjust thing—as a measure which is calculated to build up a particular set of companies at the expense of others, and that it will have an effect upon your Treasury to diminish your receipts some four or five millions of dollars per annum. I do not know how you propose to dispose of the surplus revenue which you collect; but, in my judgment, there will be ample opportunities presented in the next four or five years for the investment of every dollar of it wisely and beneficially.

Mr. PRATT. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. BELL. Mr. President, I concur with those Senators who have expressed the opinion that this is a subject of too much importance to be considered and disposed of in one, two, or even three mornings. I am of opinion, however, that something ought to be done in relation to the subject-matter of this bill. In the section of country which I represent there is a very large interest connected with the construction of railroads—railroads not being constructed by large capitalists, but many of which are dependent upon the subscriptions of farmers and planters on the lines of those roads. Since the great rise in the price of labor, as well as of iron, some of those companies who commenced their works under fair auspices, and with the expectation of completing them without difficulty, find themselves at this time very much embarrassed. Now, although the Southwest has a considerable interest in the iron manufacture, I am not aware that any of the capitalists engaged in that business in that region have any disposition to engage in the manufacture of railroad iron. Nevertheless, I think a more general view ought to be taken of this subject than any one which is confined to any particular locality or interest—to one or more States. There is one consideration connected with this subject which ought to be weighed before we can determine wisely upon it, which I think has not yet been suggested by any gentleman.

In the present state of the Treasury, the financial question connected with this measure—the question of how much would be subtracted by it from the present means of the Government, or its prospective revenue in reference to any immediate future before us, or in regard to what may be the condition of Europe—is not so important, in my judgment, as another question; I mean a question connected with the manufacture of railroad iron in this country.

A very intelligent gentleman of my own State, the president of one of the companies which finds itself somewhat embarrassed by the circumstances to which I have already alluded, forwarded to me some time ago a memorial asking Congress to suspend the collection of the duty on railroad iron until a limited time after the roads now being constructed should be put into operation. In a private communication to me, he went into the reasoning on which the prayer of that memorial was founded. No one of the company of which he is the president is at all interested in the iron manufacture; but taking a larger view of the subject, and looking to the interest of all sections of the country, and the railroad interest generally, his conclusion against the repeal of duty on railroad iron seemed to me to be well supported. The prayer of the memorial was to suspend the collection of the duty until three years after the road should go into operation. He was of the opinion that suspension would probably be more beneficial to the railroad interest than the repeal of the duty.

Sir, I confess that his reasoning made an impression upon my mind. He contended—and it struck me forcibly—that if you repeal the duty entirely, you place the whole railroad interest, so far as it is connected with the price of railroad iron, within the control of the English manufacturers. He was persuaded that the repeal of the duty would be followed by the immediate suspension of the works now engaged in the manufacture of railroad iron in this country. The English manufacturers, seeing this result—seeing that the suspension of these works, and the withdrawal of capital from them, would in a year or two advance their prices; so that the full amount deducted from the present price of railroad iron in this country by the repeal of the duty would probably be more than balanced by the increased price of railroad iron in England.

Well, sir, since receiving that communication, I have taken occasion to converse with gentlemen who are far better informed on this subject than myself, and they concur in the sentiment that it will be impossible for the manufacturers of railroad iron in the United States to compete successfully with the English manufacturers, if the existing duty is repealed. The moment it is understood that the existing duty is to be repealed or suspended, manufacturers will close their business, and look about for some other employment of their capital and labor; they will consider their investments for the present as a total loss, as the larger portion of their machinery is not fit to be applied to the manufacture of any other description of iron. Now, sir, as I understand, about eighty thousand tons of railroad iron are now annually manufactured in the United States, being nearly or quite one fourth the whole consumption. Taking the average of the last few years, this is, perhaps, not quite one fourth; but certainly eighty thousand tons per annum is a very considerable proportion of the railroad iron used in the United States. If we suppose that the consumption of this article in this country amounts annually to \$15,000,000 in value, then the importations of it would amount to about \$12,000,000, and the manufacture in this country, one fourth of the whole, would be about \$3,000,000 in value. I have not looked into the statistics or the official reports upon this subject, nor have I informed myself from other sources of the actual state of the trade in this article, as I was not aware that this subject would be taken up this morning; but the fact, I believe, is, that about one fourth of the railroad iron now consumed in the United States is manufactured in this country. If you repeal the duty, these manufacturers will at once cease their operations, and this would produce an increased demand to that amount upon the English manufacturers; and the inference drawn by my friend who made this communication to me, accompanying the memorial from Tennessee to which I have alluded, was, that probably the whole amount of the duty would be made up in a very short time by the increased price of railroad iron in England.

Now, sir, what is to be the effect of the present aspect of affairs in Europe, is a different question. When the gentleman to whom I have referred made these calculations, it was with no reference to any such crisis as that which now seems impending in Europe. I believe that one of the greatest causes of the large increase in the price of railroad iron, particularly in England, is not so much owing to the great demand from the United States, as the demand for the construction of railroads on the continent of Europe. If there shall be a general war in Europe, which seems now to be very probable, it may be that it will produce a cessation of the construction of the numerous railroads projected on that continent; and that the railroad manufacturers in England, instead of raising their prices, will find themselves under the necessity of selling their iron at rates very much reduced below those which have obtained during the last two years. How that may be I am not able to state, or to make any inference which would be worthy of consideration.

But, sir, there is not yet a general war in Europe, and there is a possibility that there may be no war in Europe. If the continent generally remains in a state of peace, those works of internal improvement which are now being constructed there, and to which I have referred, will probably continue to progress as they have done within the last four or five years; and if that be so, the demand from the continent for English railroad iron will continue; and if it should continue in this country, even to an extent diminished by twenty or thirty per cent. from what it has been within the last two or three years, it would still be an enormous demand. Under these circumstances, the fair inference may be made that as soon as our own manufacturers should be obliged to stop their works, and abandon the idea of continuing them at any profit, the English manufacturers would immediately take advantage of it, and add twenty or thirty per cent. to the price of their rails. This is a consideration which demands serious attention. I have conversed with other gentlemen upon this subject, not manufacturers of iron, but with persons who seem to have taken an interest in the subject, and I am inclined very much to adopt the opinion of the gentlemen with

whom I have conferred, and who say that the better policy would be to reduce the duty, instead of repealing it. The proposition now presented by the Senator from Illinois amounts, in fact, to a suspension for six years.

Mr. DOUGLAS. Four years.

Mr. BELL. I understand it to be that no duties shall be charged upon any iron imported since the 1st of July, 1852, and prior to the 1st of July, 1857—

Mr. DOUGLAS. From 1853 to 1857.

Mr. BELL. To July, 1857; and that no duty shall be chargeable upon any railroad iron imported in that year (1857) to be used within two years thereafter.

Mr. DOUGLAS. The duty is to be suspended on iron imported between the 1st of July, 1853, and the 1st of July, 1857—four years.

Mr. BELL. I understand that; but the honorable Senator, I think, did not quite understand my proposition. I contend that this amounts, practically, to a suspension for six years; and I will state the reason. If the duty be suspended for four years, then, towards the expiration of that time, in anticipation of a renewal of the duty on the 1st of July, 1857, capitalists, whether connected with railroads or not, would consider it to be a profitable speculation to make very large importations in anticipation of the demand for railroad iron within the next two years. There is no question of that. So that, in point of fact, this would amount to a suspension for six years.

But, sir, I was speaking of the sentiments of gentlemen who have looked largely into the subject, and who have considered well of a proper basis of a financial system in this country, in regard to this article. I do not refer to gentlemen who have heretofore been considered protectionists, but to the advocates of free trade; and those to whom I refer are of opinion that it would be more beneficial to the railroad interests, and bring a more certain relief to the companies engaged at present in the construction of railroads, and who have not yet bought their iron, to reduce the duty, say to twenty per cent., rather than to repeal it altogether. Whether their opinions will be confirmed by the judgment of those who are immediately interested in the manufacture of railroad iron, I do not know directly; but from the information which I have received from gentlemen with whom I have conversed on this subject, I am led to believe that the manufacturers of railroad iron in the United States, who are now making it at the rate of eighty thousand tons per annum, could get on with a duty of twenty per cent. I believe some of them have so said; but if the duty were totally repealed, they would be compelled to abandon the business altogether. If that be a true view of the case, the question is whether the railroad companies will at last be substantially benefited by a total repeal, or even a suspension of the duty for so long a time. I do not go into the question as to how far a total repeal will benefit those capitalists who have undertaken to construct railroads as a matter of speculation and profit only; but I refer to all those interests in railroads, whether now being constructed or only proposed to be constructed, by the farmers, planters, and others, upon the routes of the roads which are projected; small subscribers who are not to be considered in any light as capitalists; and the question is, whether their interests, too, would not be more substantially benefited by a material reduction of the duty than by its total repeal.

I have already announced that I am ready, cheerfully, to do something for the relief of those interested in roads that are in course of construction and not completed, and which have been embarrassed by the increased prices of labor as well as of iron within the last few years; but I think we ought to consider maturely what is the best way in which we can relieve them. If we repeal the duty, the question to be inquired into by the Senate and by Congress is, whether we would thereby bring any substantial relief to these interests, and whether they might not be subjected to higher prices by the monopolizing policy of the English manufacturers. The occurrence of a general war in Europe may change the reasoning upon this part of the subject; for if there were a general war in Europe, the demand on that continent for railroad iron would no doubt be diminished; and if this country should continue in peace with Great Britain, railroad iron might fall ma-

terially in price. But, sir, if there shall be no war in Europe, with the high price of labor in this country at this time, and in England too—because there has been a great appreciation of labor there as well as here—we are to consider whether, by repealing the duty and annihilating our own manufactures, we should not run the risk of having to pay the existing duty, should it be repealed, by an addition to the price of English rails.

I believe the price of railroad iron in England is now about £8 or £8 10s. per ton. Would not the result of a repeal of duty be to raise it to £9 or £10. The increase might not be immediate; but as soon as the English manufacturers shall perceive that all engaged in the United States in making railroad iron had abandoned the business, would not a rise in their prices certainly follow? It is not probable that a rise would take place immediately; for British manufacturers study their interests so closely that they never pursue an impolitic course. The rise in price would not immediately follow; but they would wait until the manufacturers of railroad iron in this country were prostrated, and then we would probably find that the railroad interest in this country had gained nothing.

I am ready to concur in some measure which will give substantial relief to this interest; but if we cannot get a reduction of duty to twenty per cent. I think, according to the reasoning of the memorialist from Tennessee, to whom I have alluded, it would be better to suspend the collection, say for three years after the roads shall have been put in operation from one terminus to the other. If that cannot be done, and it be the sentiment of the Senate that we had better suspend the duty for five or six years, I should be constrained by the interests which I represent to go with the gentleman from Illinois on this subject.

I have thrown out these suggestions for the purpose of showing that this is a subject which requires mature consideration, in every aspect of the question, and that we cannot safely decide it upon such considerations as may be given it in one or two mornings.

Mr. DOUGLAS. Reference has been so often made to the state of things in Europe as a reason why this proposition should not prevail, that I must briefly notice the suggestion made by the Senator from New York and the Senator from Maryland upon that point. They have referred to the fact that, in consequence of the probable existence of a state of war over the continent of Europe, our American stocks have fallen in the European market; and they seem to infer in some way, I hardly know on what ground, that this is a reason why this step should not be taken. Sir, it strikes me that, as far as it is proper for that consideration to have any effect on this bill, it is a very decided argument in its favor; for it is well known that the railroad iron which we import for the purpose of carrying on our railroad system is usually paid for by the sale of American stocks in the European market; and if a state of things has taken place since those railroads were commenced by which our stocks have been depreciated in the market, at the same time that the cost of railroad iron has been nearly doubled in price, it would seem to be a reason why the duty should be removed, in order that the stocks may not be further depressed, and the expense of finishing the roads may not be still further enhanced.

Then, sir, an argument has been suggested by the Senator from California, and perhaps by others, that there is something unfair in allowing railroad iron to come in free for the making of roads which are now in progress, inasmuch as those just completed have paid duty on their iron. I wish to call the attention of that Senator and of the Senate to the fact, that at the time the roads to which he refers were made, the price of railroad iron ranged perhaps from forty to fifty dollars a ton, instead of being, as it is now, from seventy to seventy-five dollars. If my amendment be adopted, and the bill, thus amended, be passed, the railroad iron for the completion of the roads now under construction will come in free of duty, but still the iron will cost them more than it costs those who have completed their road, even when they paid the duty. When, therefore, we come to look at the existing state of facts, we find that this argument vanishes upon a closer examination of the case.

I do not see that there is the slightest proba-

bility that the price of railroad iron will be much reduced in the market during the time that this suspension of duty is to operate. It is now up to the highest point. It is up to a point so high that the remission of the duties cannot, in any way, prejudice the interests of the manufacturers of that article. It is up to that point which, by any rules of protection, for which some contend, the duty still would not be necessary in order to enable our manufacturing establishments to continue successfully in their operations. I see no reason for believing that the price is to diminish within the next three years; and you must bear in mind that my proposition is only for three years, from the first of July next. If the European war goes on, there is no reason to believe that the price will be reduced. If the war does not go on, there is no reason to believe that it will, because the present price arose out of facts in existence before the probabilities of war arose.

But, sir, the Senator from Maryland has asked why I fixed the first of July last as the day for the commencement of this system. It was simply for the reason that it was necessary to fix some time. If I had fixed the first of January last, he might have asked with the same propriety why that day was named, or why any one day more than another. It was necessary to fix some day; and I went back to the first of July last, because that was about the period at which the price of railroad iron got up nearly to its maximum.

Mr. PRATT. My inquiry was why the honorable Senator should desire to give any retroactive effect to the measure at all? Our ordinary legislation is to go into effect from the time the law passes. My difficulty was, not that last July should have been fixed, but why the provision should be retrospective at all?

Mr. DOUGLAS. I will answer the Senator upon that point. It was necessary to fix some period, according to my idea, and I fixed July last because that was the time when the price of railroad iron was approaching to about its maximum; and it has continued at a very high price since then. I know the increase commenced prior to that period.

I thought it necessary to go back somewhat for another reason: a large amount of iron has been approaching our shores, and is ready to be laid down; and a great deal of it is now in bond, but has not been laid down. I think it proper to extend the provision so as to apply to this, as well as to that which may arrive within the next few days. This iron has been bought under these increased prices; and coming in under the increased prices, I think it right to extend the operation of the provision back so as to cover it.

My object is to enable the railroads now in process of construction, or which have been commenced, to be completed. If a pecuniary revulsion is to come, as gentlemen predict, is it not wise that we should secure the completion of these roads, if possible, so that they shall not be a total loss? It will relieve us very much against the severity of such a crisis if these roads can be put in such a position that their stock will be available, and some assurance given that it will not be a total loss. The apprehension of a pecuniary crisis is, therefore, a very strong argument in favor of the passage of this measure, if there is no insuperable objection to it on other grounds.

Mr. BADGER. It has been asked, sir, what difference would be made as to the North Carolina railroad, if the amendment proposed by the honorable Senator from Illinois should be adopted, and the bill be passed, as it should be passed, now, or a month hence? I answer, none in the world; but then we have another alternative. Suppose that is not passed, and the proposition offered by that Senator does not meet the approbation of the Senate; it becomes, then, a matter of supreme importance, if it is to be of any value to the State which I represent, that the bill as reported from the Committee on Finance shall be passed at once. We have an immense amount of iron now in bond. It ought to be laid down. The company expect, in the course of a fortnight or three weeks, four thousand tons more. What are they to do? Let the iron remain in bond and suspend operations upon the road, waiting for the prospect of passing this bill? One great end of the substitute in the shape reported from the Committee on Finance was, by giving to that company and all others which should be in the like situation, an opportu-

nity of obtaining the credit to enable them to proceed at once to lay down the iron without paying the duty. It is obvious that if the bill is to remain in that shape, time, so far as the matter of relief is concerned, is the very essence of the measure.

Now, sir, a few words with regard to the time of postponement; for I intend to confine myself to the question before the Senate, and not to discuss the general merits of the bill. The motion now pending before the Senate, if I understand it, is the motion to postpone until to-morrow.

Mr. PRATT. No, sir; the question is, I believe, on my motion to postpone until Monday week.

The PRESIDENT. The question is on the motion to postpone until to-morrow.

Mr. BADGER. The President says the question is on postponing the bill until to-morrow. I have already said that I have no objection to that postponement, because I think it is right. I think it is due to one of the honorable Senators from Pennsylvania, who is expected to be here to-day, and who expected to be here so as to have been in his place to-day, that he shall have an opportunity of being present at the discussion of this bill. I am opposed to the further postponement which the Senator from Maryland proposes, to Monday week, and I am opposed to it particularly and specially on account of the illustration which the Senator from California gave of the necessity of postponement. I do not think we ought always to postpone measures, because particular Senators may happen to be absent when they are under consideration.

The Senator from Maryland also mentioned that his colleague [Mr. PEARCE] was absent, and that his State was greatly interested in this matter. Sir, I parted from his colleague yesterday; we occupy lodgings in the same house; and I heard no intimation from him, certainly he expressed none to me, that he desired that there should be a postponement of the proposition which I announced that I intended to submit, to take up this bill. He suggested nothing of the kind; and I presumed, in fact, that my absent friend from Maryland was rather too reasonable to think that it would be fair and right that this measure should be postponed because he was going away, when he knew that I had asked that it should be taken up, because I was going away myself. I have no objection to a postponement until to-morrow, when, I hope, one of the Senators from Pennsylvania will be here, and have an opportunity of being heard, though I do object to a postponement until Monday week.

Mr. PRATT. Mr. President, it is known, I believe, by the Senate, that one Senator from Pennsylvania [Mr. COOPER] has been detained by severe illness, in the city of Philadelphia, but he contemplates being here to-morrow. I understand that the other Senator from Pennsylvania [Mr. BRODHEAD] is also severely indisposed at Harrisburg, in his own State, but I hope he will be in his seat by the day indicated by me. My colleague [Mr. PEARCE] did not intimate to me his feelings in regard to this bill, and I only assumed on behalf of the State which he and I represent, that he would desire to be here during the discussion of a measure of so much importance to the great interests of that State. We have manufactories in our State for rolling this description of iron. We know that they will be broken up, and all the capital invested in them—some half a million of dollars perhaps—lost by the passage of the bill. I, therefore, knowing the regard which my colleague has for all the interests of his constituents, assumed that he would be desirous of being present when a measure so destructive of that interest was about to be passed.

Mr. SEWARD. You have one company in your State, I believe, having a capital of \$1,000,000.

Mr. PRATT. There are many millions invested in the iron business in my State, but I spoke of a particular interest, that of making railroad iron. There is one company alone which, the Senator from New York says, has a capital of \$1,000,000 invested in this interest; and that will be entirely destroyed by the passage of this bill. Now, is it right that, for the purpose of protecting the capitalists engaged in making these roads, who have entered on their construction for their individual interest and not for the public good—for I assume that capital seeks investment, not for public, but for individual advantage—is it

right, I ask, that for this purpose, the millions of dollars invested for the purpose of making the iron to supply the roads should be stricken down by the vote of the Senate, and that, too, without preparation, and without the greatest interests of the country being represented here?

But I rose only for the purpose of saying that I think the Senator from North Carolina is wrong in supposing that the question is to be first taken upon the motion to postpone until to-morrow. I have moved, as a substitute, that the subject be postponed until Monday week. I believe, according to all parliamentary rule, the question is first taken upon the longest time. It is upon my motion to postpone until Monday week that the Senate have ordered the yeas and nays.

The PRESIDENT. The Chair has examined the rule. The motion first made is first to be put to the Senate. The motion made by the Senator from Michigan was to postpone until to-morrow. The motion made by the Senator from Maryland was to postpone to Monday week. Both motions being to postpone to a day certain, the motion first made is first to be put to the Senate.

Mr. BADGER. I beg to say a word in correction. I did not assume at all that my honorable friend from Maryland, who is absent, [Mr. PEARCE] was otherwise than deeply interested in attending to everything that belongs to the people of the honorable State which he represents on this floor. No doubt, sir, he feels the same deep interest that the Senator from Maryland, who is present, [Mr. PRATT] does, in whatever is entitled to his special attention and care. But what I meant to say was, that I did not understand from that Senator, knowing the situation in which I was placed, that he would desire me to forego the application to the Senate, of which I had before given notice, to take up this bill. Having said that, sir, in justice to an absent friend of whom I know that there is no interest under Heaven, which it is his duty to protect, which he is not prepared to protect by every means in his power, I wish to say a word as to the discrimination which the Senator from Maryland has drawn between the persons who are engaged in making railroads and the manufacturers of railroad iron. He says these railroad companies are engaged in prosecuting their enterprises for their own benefit, and not for the public good; and is it not enormous, he asks, that an advantage shall be given to them at the expense of the manufacturers of railroad iron? Now, I wish to know if the manufacturers of railroad iron are not also engaged in prosecuting their business for their own pecuniary benefit, and not for the public good? Am I to understand from the Senator from Maryland that the iron manufacturers in Maryland prosecute their business for the public good, and not for their private interest?

Mr. PRATT. Will the Senator permit me to answer him?

Mr. BADGER. Certainly.

Mr. PRATT. I will answer both the questions of the Senator. I did not intimate, and no other member of the Senate, except the honorable Senator, understood me to intimate, that my colleague was less desirous of protecting the interests of his constituents than myself. Certainly no other Senator than the honorable Senator from North Carolina so understood me. The Senator said, and I agree with him, that he would not have been so unreasonable as to ask of the Senator his consent to the postponement of the bill. As I understood the Senator in his original speech, he said he had parted with my colleague last night; they boarded at the same house; and he had not indicated any wish upon the subject of this bill. That is all very true, I have no doubt. I stated, further, that he had indicated no wish to me upon the subject; but I thought I knew what his feelings and wishes would be, by supposing that I knew what were the interests and feelings of his constituents. I therefore do not choose to be put in the position of making an allegation here against the desire of my colleague to represent correctly the interests of his constituents.

Now, in regard to the other point. The sophistry of the argument of the honorable Senator will be perceived by every one who looks at it for a single moment. What did I say? That the capitalists engaged in making railroads had engaged in them for their self-interest. The Senator concedes it; but he says that my constituents who

are engaged in making railroad iron are engaged in that, too, for their interest; and, he says, there is no distinction to be drawn between the two. Now, I submit to his own mind, which, when unbiased by prejudice, is as clear as anybody's, whether there is not this manifest difference: that my constituents, who have engaged in this business, have engaged in it by virtue of the law of the land, by which they were to receive the protection which you are about to take away; while his constituents, engaged in the making of roads for their interest, have engaged in it with equal knowledge of the law of the land that they were to pay the duty which his bill proposes to take off? That is the distinction.

Mr. BADGER. Mr. President, it is possible that I may not be able to perceive the clearness of the distinction. Now let us see how it is. The distinction which the Senator first stated was, that those concerned in railroads were engaged in prosecuting their enterprises for their own advantage, and not for the public good.

Mr. PRATT. That is true.

Mr. BADGER. Very well, sir. If that be the distinction, of course that must be the circumstance in which they differ from those who are engaged in manufacturing iron. He states a distinction between the two classes of cases, and he complains that one should be promoted at the expense of the other; and that distinction is, that the persons of one class are engaged in prosecuting their enterprises for their own private benefit, and not for the public good. Now, I ask if it does not result, if there is any propriety in the discrimination stated, that the persons of the other class are engaged in prosecuting their work for the public good? Why, clearly so. But now the Senator says he admits both are prosecuting their enterprises for their own benefit, and not for the public good. Then, in that respect, they stand on the same foundation. But he says those who are engaged in manufacturing iron undertook to manufacture it on the expectation that they would receive a certain amount of protection. True; but for what was the protection to be given? It was to put them on a footing with their European rivals. Now, as my friend from Illinois has stated this morning, the price of railroad iron, which was formerly from forty-five to fifty dollars a ton, has risen to be between seventy and eighty dollars a ton. Then the question is not whether these manufacturers shall retain the protection which they had, and which might have been just, necessary, and proper when foreign iron could be procured at forty-five or fifty dollars a ton; but whether it is right, just, and fair to the industrial pursuits of the country generally, that they shall retain the same amount of ratio of duty when railroad iron has risen up to seventy-five dollars a ton? The question, in other words, is, whether, when the foreign price of the article is such that they no longer need protection, they shall have a greater protection than they had when they did need it! That is the whole question.

But, Mr. President, although I assumed for the purpose of the argument, deeming it immaterial, that the two classes of persons stood upon the same footing, as each pursuing their own interest; and though it is true in regard to railroad companies that their ultimate interest must be the object with those who are chiefly engaged in them; yet it is also true, as we all know, that many persons make investments in railroad companies, at least in the southern country, not with the prospect or hope of making profit upon their investment, but of aiding in the general diffusion of prosperity to the country of which they are members, and trusting for their return, not to a particular pecuniary benefit from the individual road, but to their share in the common results of the prosperity which shall be diffused by it through the whole country in which they live. I have no doubt that it is so in other portions of the country. Therefore, it seems to me, to make the most of this case, that those gentlemen who are engaged in manufacturing iron no longer need the protective duty which they did when forty-five dollars a ton was paid for it; and hence it is not at all unfair or ungenerous, it is not what they should complain of at all, that these duties should be suspended for the purpose of aiding these struggling roads, the proprietors of which are straining every nerve to raise money to accomplish the establishment of these great thoroughfares of quick travel through the country,

and who, though they may seek their own individual benefit, and their own alone, can only accomplish it by doing a great good to the country in the successful prosecution of their respective enterprises.

Sir, it has been said that you will thereby allow roads, without paying duty, to be put into successful competition with other railroads. The remarks of my friend from Illinois have shown that it will only put the roads now being made upon a footing with the old ones; but suppose it were otherwise; is there any harm in competition? Is a railroad monopoly no evil? Have we not found it to be one of the greatest of evils? Is it not an evil to travelers to subject them to the exactions of a single company without opposition? Is it not an evil to the Government? Have we not found it to be so? Have not these roads been able to dictate their own terms for the transportation of the mail? What harm will arise to us if we have lines of competition? Conveyances are improved, prices are lessened, conveniences are increased, and every advantage is secured by getting rid of an entire monopoly, and giving us the advantage which always results from fair and full competition. So that, in any respect, I do not see that the measure is liable to the objection. I am sorry, however, that I was drawn into making these remarks on the subject. I hope the question will be taken on the postponement.

Mr. BAYARD. Mr. President, I do not intend to enter into the merits of this question; nor do I intend to advert to the matter of protection in reference to the provisions of this bill; but the proposition now before the Senate, whether you take the amendment of the honorable Senator from Illinois or the bill reported from the Committee on Finance, is a proposition to make a partial revision of the tariff system of the United States for the purpose of conferring a bounty, not only prospectively, but retrospectively, upon particular railroads of this country. That is the proposition in point of truth and fact. It is to confer a bounty, prospectively, and also retrospectively, to the 1st of July last, on particular railroad companies of the United States. Sir, I am opposed to this principle of legislation. I do not desire to see the tariff revised in a partial mode. I think it does require revision. I have understood that that question was before the Committee on Finance, and I had hoped that even before this time they would have favored us with their views of a general system of revision.

I can conceive of a great variety of questions which would necessarily arise in reference to the proper revision of the tariff if you assume the principle, for which I contend, that the principle of raising a sufficient amount of revenue under a tariff is the true principle to make the basis upon which that tariff is to be adjusted. But in order fairly to adjust a tariff upon that basis you must have the whole of it before you. Are there no other interests in the country than railroads? If you are to exempt them from the payment of duties, and leave the existing duties standing on a variety of other interests which may equally call on you for a revision of the tariff, how are you to measure the amount of that revision until you have the whole subject before you? I am opposed to this bill not on that ground alone, but I am opposed to it because of its whole bearing upon the revenue. It is a partial revision of an important system, and ought to be fully discussed before a bill of this character is passed. The notice given by the honorable Senator from North Carolina was given on Friday last. The bill was brought up to-day with the hope of having it passed here to-day or to-morrow. I think it a bill of far more importance than many others which have taken a much longer time in discussion, and which have created a much wider and deeper agitation throughout the country. Nay, sir, I think the aspects of this very bill, one particularly, connect themselves with other matters which have been agitated throughout the country; and if you refer to the existing state of things in Pennsylvania, I can easily see that a connection will be sought to be made between this and another bill. I desire, before this bill shall be passed, that it shall, at least, be amply discussed before the Senate.

I believe, myself, that the tariff ought to be revised; but I think that, to revise it justly, on the principle which I am sure the chairman of the Committee on Finance, if he were here, could not

deny, the cardinal object should be to look to revenue as the basis on which it should be adjusted. You cannot do that unless you have the whole subject before you. You must have the whole interest of the country before you, and all the duties which you are going to impose before you; or, otherwise, in exempting a particular interest from the operations of the existing law, which was passed after great deliberation; and exempting it without regard to the pressure arising from the rise of price on many other interests of the country, you are disposing partially of a general subject which will ultimately lead to a conflict, which deranges and prevents a fair adjustment of the whole system. For this reason I am not only opposed to the particular bill, but I think even if it be passed, it ought to be more fully discussed than it can be at present.

The PRESIDING OFFICER. (Mr. ADAMS in the chair.) The question is, shall the bill under consideration be postponed until to-morrow?

Mr. PRATT. I hope the Senate will vote down that motion, and then take the question on the longer postponement which I propose.

Mr. STUART. When I submitted the motion to postpone until to-morrow, it was on the supposition that we should be able to do some other business to-day. I have abandoned that expectation now, and therefore I withdraw my motion.

Mr. PRATT. I move that the further consideration of the bill be postponed until Monday week, and on that question I ask for the yeas and nays.

The yeas and nays were ordered, and being taken, resulted—yeas 33, nays 9; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Bayard, Bell, Bright, Butler, Cass, Chase, Dodge of Iowa, Everett, Fessenden, Fish, Foot, Geyer, Hamlin, Hunter, Jones of Iowa, Mason, Pettit, Pratt, Rusk, Sebastian, Seward, Slicell, Smith, Stuart, Sumner, Thompson of Kentucky, Toucey, Weller, Williams, and Wright—33.

NAYS—Messrs. Badger, Brown, Clay, Douglas, Evans, Fitzpatrick, Morton, Shields, and Walker—9.

So the motion was agreed to.

EXECUTIVE BUSINESS.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

Mr. BRIGHT. It is now too late in the day to do any thing in Executive session. I move, therefore, that the Senate do now adjourn.

Mr. MASON. I call for the yeas and nays on that motion.

The yeas and nays were ordered and taken, with the following result:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Bright, Brown, Cass, Chase, Clay, Everett, Fessenden, Fish, Fitzpatrick, Foot, Hamlin, Morton, Pettit, Seward, Smith, Stuart, Sumner, Thompson of Kentucky, Walker, and Wright—24.

NAYS—Messrs. Adams, Allen, Butler, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Geyer, Gwin, Hunter, James, Jones of Iowa, Mason, Pratt, Rusk, Sebastian, Shields, Slicell, Toucey, Weller, and Williams—21.

So the motion was agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 11, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the President of the United States, in response to the resolution of the House of the 3d instant, calling for copies of all correspondence that may have taken place between the Government of the United States and that of Spain in relation to the refusal by the authorities of the Island of Cuba, some time in the summer of 1852, to permit the United States mail steamer Crescent City to land the mail or the passengers destined for that Island in Havana, stating that copies of the correspondence called for had been transmitted to the House in response to a former resolution of that body.

Mr. HAVEN. I move that the communication be laid upon the table, and printed.

Mr. DEAN. All similar communications have been referred to the Committee on Foreign Affairs, and I hope this will take that direction.

Mr. HAVEN. I will not insist upon my motion, if it is not in accordance with the usual course.

The communication was therefore referred to the Committee on Foreign Affairs.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which were signed by the Speaker:

H. R. No. 202. An act for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont;

H. R. No. 127. An act for the relief of James F. Green;

H. R. No. 170. An act for the relief of the legal representatives of the late Lieutenant John E. Bispham;

H. R. No. 54. An act for the relief of Madison Parton;

H. R. No. 179. An act for the relief of Emelie Hooe, widow of Captain Hooe;

H. R. No. 194. An act to provide a pension for Silas Champion, of Genesee county, State of New York;

H. R. No. 177. An act for the relief of Lyman N. Cook;

H. R. No. 201. An act for the relief of Aaron Stafford;

H. R. No. 193. An act for the relief of Alton Nelson;

H. R. No. 166. An act to establish additional land districts in the Territory of Minnesota; and

H. R. No. 124. An act for the relief of Lemuel Hudson.

The SPEAKER. The business first in order is the consideration of a bill granting lands equally to the several States to aid in the construction of railroads, and for the support of schools, on which the gentleman from New York [Mr. BENNETT] is entitled to the floor.

Mr. JONES, of New York. I would ask the unanimous consent of the House for the introduction of the following resolution:

Resolved, That the Joint Committee on Printing be requested to inquire into the propriety of publishing such part of the Census of 1850 as relates to vital and mortality statistics for distribution among the medical faculty of the United States.

There was no objection; and the resolution was introduced and adopted.

Mr. HIESTER. I would ask the unanimous consent of the House to offer a resolution, which is one merely of inquiry.

Mr. DAVIS, of Indiana. Does the time consumed in the introduction of these resolutions come out of the morning hour?

The SPEAKER. It does.

Mr. DAVIS. Then I object.

Mr. HIESTER. If the resolution be read I am sure the gentleman will withdraw his objection.

Mr. DAVIS. I withdraw my objection.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be requested to communicate to this House such information concerning the frauds on the Pension Office, mentioned in the late annual report of the Commissioner of Pensions, and any other similar frauds which may have since been discovered, as will exhibit the nature and extent thereof.

The question was then taken, and the resolution was adopted.

Mr. WELLS, by unanimous consent, introduced joint resolutions of the Legislature of the State of Wisconsin, in reference to cheap postage; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

JOHN GUSMAN, OF LOUISIANA.

Mr. NICHOLS. I would ask the unanimous consent of the House for leave to report back from the Committee on Private Land Claims Senate bill entitled "An act for the relief of John Gusman, of Louisiana."

Mr. BOCKOCK. What peculiar importance is there in that bill that it should be reported before other bills in the hands of members of the standing committees?

The SPEAKER. The gentleman asks to be permitted to report back the bill from the Committee on Public Lands. What disposition does the gentleman from Ohio propose to make of the bill?

Mr. NICHOLS. The bill merely proposes to confirm a land title. It has passed the Senate twice, and has been carefully examined by the Committee on Private Land Claims. It merits consideration, and I hope that the House will act upon it now.

The SPEAKER. If not objected to, the investigation of the bill will be gone into now.

Mr. KERR, and several other MEMBERS, objected.

Mr. NICHOLS. I hope there will be no objection.

The SPEAKER. Half a dozen gentlemen object.

Mr. NICHOLS. Then, sir, if objection is made, I move to refer the bill to a Committee of the Whole House.

Mr. PERKINS, of Louisiana. I would respectfully ask the permission of the House to have that bill put upon its passage. Its passage is asked by the Committee on Private Land Claims. It has passed the Senate twice, and has been reported favorably upon by the Committee on Public Lands in the House. It is a claim which is also recommended by the Land Office. The gentleman interested is a creole, who knows very little of our language. He is here with his family at much expense, and has been here for some time, and the bill simply proposes to correct a little informality in respect to his title.

I hope there will be no objection to the passage of the bill. The Representative of the claimant is obliged to leave the city, and when the bill comes up there will be no one from the State of Louisiana, who has examined the case, to give that explanation which I am prepared to give now.

Mr. BENNETT. If the gentleman will allow me, I will say that the bill reported by me from the Committee on Public Lands was postponed till this morning. I have been requested by several members to ask a further postponement of the consideration of that bill for two weeks, and I am willing that it shall be so postponed, if it is the unanimous wish of the House.

The amendment which has been proposed to it is one that will undoubtedly give rise to discussion, and occupy some time. If it is the unanimous consent of the House to postpone it for two weeks, the gentleman from Louisiana can go on with his bill.

The SPEAKER. The gentleman from New York proposes to postpone the further consideration of the bill first in order, being the bill reported by himself from the Committee on Public Lands, until this day two weeks. If there is no objection, that order will be made.

Mr. WENTWORTH, of Illinois. What is the order proposed?

The SPEAKER. The postponement for two weeks of this bill.

Mr. WARREN. What is the bill?

The SPEAKER. The bill reported by the gentleman from New York from the Committee on Public Lands.

Mr. WENTWORTH. I object to its further postponement. It has been postponed once already.

The SPEAKER. Then the question will be upon postponing it.

Mr. PERKINS. I hope it will be postponed. That will suit the views of the gentleman from New York, and will certainly suit mine. My amendment will come up at the same time as the bill, and we are both obliged to be absent from the city. I therefore hope the House will consent to the postponement of the bill.

Mr. DEAN. I move to refer the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is now pending; but the motion to postpone to a day certain takes precedence.

Mr. DEAN. I understood that the Speaker did not entertain that motion the other day.

The SPEAKER. The gentleman misunderstood the Chair.

Mr. BENNETT. I wish to inquire whether the question is on referring the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. No; it is on postponing the bill for two weeks. That is the question, and it must be first put to the House.

Mr. WARREN. I wish to know if it is not in order to move now to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair states again that that motion is already pending.

Mr. WARREN. That is the disposition I desire to be made of the bill.

The SPEAKER. But the motion to postpone

to a day certain takes precedence by express rule of the House.

Mr. McMULLIN. I would respectfully suggest to the gentleman from New York [Mr. BENNETT] that he name a later period for the postponement. I would ask the Chair if it is not competent for him to do so?

The SPEAKER. It is competent for him to name a later period; and the question would be first taken on the latest period named.

Mr. PERKINS, of Louisiana. As I understand it, the gentleman from New York will be absent from the city after the period named by him.

Mr. McMULLIN. And I shall be absent at the period of time he indicates.

The SPEAKER. What time does the gentleman from Virginia propose to which the consideration of the bill shall be postponed?

Mr. McMULLIN. I propose the first day of June.

Mr. BENNETT. That period would be extremely inconvenient for me.

Mr. WENTWORTH. I think it best to move to postpone it until after the Nebraska bill is acted upon. [Laughter.]

The SPEAKER. That motion is not in order, as the gentleman from Illinois must be aware.

Mr. RICHARDSON. I move to postpone the consideration of the bill until the fifteenth day of July next.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

Mr. RICHARDSON. I withdraw my motion.

Mr. KERR. I demand the yeas and nays upon the motion to lay upon the table.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 65, nays 76; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Barksdale, Benton, Bockock, Boyce, Bridges, Chastain, Chrisman, Clark, Cobb, John G. Davis, Dawson, Dean, Dent, Dowdell, Drum, Dunbar, Dunham, Eddy, Edgerton, Edmundson, Elliott, Ellison, English, Fuller, Goode, Hamilton, Sampson W. Harris, Wiley P. Harris, Hibbard, George W. Jones, J. Glancy Jones, Keitt, Knox, Lane, Latham, Lindsley, Maxwell, May, Smith Miller, Nichols, Olds, Parker, Phelps, Phillips, Richardson, Thomas Ritchey, Robbins, Ruffin, Sapp, Shaw, Shower, Gerrit Smith, George W. Smyth, David Stuart, Vansant, Walker, Warren, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, and Yates—65.

NAYS—Messrs. Ball, Belcher, Bennett, Benson, Bissell, Bliss, Bugg, Campbell, Carpenter, Chandler, Chase, Churchill, Corwin, Crocker, Culum, Thomas Davis, Dickinson, Edmonds, Etheridge, Everhart, Farley, Fenton, Flagler, Florence, Goodrich, Grey, Andrew J. Harlan, Harrison, Hastings, Haven, Hiester, Howe, Hughes, Hunt, Daniel T. Jones, Kerr, Kittredge, Kurtz, Letcher, Lindsey, McMullin, Mace, Mayall, Meacham, Middleswarth, John G. Miller, Morgan, Morrison, Andrew Oliver, Mordecai Oliver, Peck, John Perkins, Pratt, Ready, Riddle, David Ritchie, Rowe, Sabin, Sage, Seward, Seymour, Skelton, William R. Smith, Snodgrass, Frederick P. Stanton, Restor L. Stevens, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Tracy, Upham, Vail, Wade, Israel Washburn, and Zollieffer—76.

So the House refused to lay the bill upon the table.

After the call of the vote, Mr. MURRAY stated that if he had been within the bar of the House he should have voted in the negative.

Mr. STRATTON also stated that if he had been present he should have voted in the negative.

The SPEAKER. The gentleman from New York moves to postpone the consideration of the bill to this day two weeks; and the gentleman from Virginia moves to strike out this day two weeks, and insert in lieu thereof "the first day of June."

The question will be first upon the latter motion.

Mr. ASHE. Would it be in order to move to postpone the consideration of the bill indefinitely?

The SPEAKER. It would not be in order until the pending motions to postpone to a day certain, and to commit the bill to the Committee of the Whole on the state of the Union, are first disposed of. Then the motion to postpone indefinitely can be made, which, if carried, would be tantamount to a rejection of the bill.

The question was then taken on Mr. McMULLIN's amendment; and it was not agreed to.

The question was then taken upon Mr. BENNETT's motion; and the further consideration of the bill was postponed till this day two weeks.

Mr. PERKINS moved to reconsider the vote by which the consideration of the bill was postponed this day two weeks, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

JOHN GUSMAN.

The SPEAKER. The question now recurs upon the request made by the gentleman from Ohio, [Mr. NICHOLS,] that the Senate bill entitled "An act for the relief of John Gusman, of Louisiana," which was reported back from the Committee on Private Land Claims, be received and disposed of by the House. If there be no objection, the bill will be ordered to a third reading.

The bill was then read a third time *in extenso*.

Mr. NICHOLS. Mr. Speaker, I move the previous question on the passage of the bill.

Mr. HAVEN. I desire to know something more in relation to the bill just read, and ask the gentleman from Ohio to withdraw his demand for the previous question, so as to enable me to ask for information.

The SPEAKER. Does the gentleman from Ohio consent to withdraw his demand for the previous question?

Mr. NICHOLS. Yes; I withdraw it for the purpose of answering the inquiries of the gentleman from New York.

Mr. HAVEN. I wish, Mr. Speaker, to make one or two inquiries in relation to the bill before the House; and first, I desire to know from the gentleman from Louisiana, [Mr. PERKINS,] or from the gentleman representing the Committee on Private Land Claims, [Mr. NICHOLS,] whether there has been any legal proceedings in the courts of justice in regard to this bill?

Mr. NICHOLS. I will answer the inquiry of the gentleman from New York. This bill, Mr. Speaker, belongs to a class of claims in Louisiana for which Congress, some years since, passed various acts allowing confirmation, under which many similar claims were confirmed. But in this case, by the laches of the parties in interest, who were probably unaware of the necessity for such confirmation, it never was confirmed. Subsequently an act was passed by Congress authorizing courts of justice—the courts of the United States—to take cognizance of a certain class of claims in Louisiana. By virtue of that act of Congress this case was presented to the courts for confirmation, but it was never tried upon its merits. The courts there decided that the act allowing the courts to take cognizance of this certain class of claims did not cover the class of cases where the lands were held by possession only, and not by written evidence of title derived from the United States. This, I understand, was the point on which the court made its decision.

The lands claimed by the petitioner, and confirmed to him by this bill, have been in the undisputed possession of the party asking for confirmation for nearly half a century. This body—the House of Representatives—has reported at a former session in favor of relief, and the Senate has reported in favor of relief. But when we came on here at this session we found among the papers in the committee room of the private land claims, reports regularly drawn, confirming the title, but which had not been submitted to this body at the last Congress for want of time.

Mr. HAVEN. I have another question to ask in relation to this bill. I would like to know if the sole basis on which this claim is founded is the lengthened possession of thirty-odd years in which it has been in the hands of the claimants?

Mr. NICHOLS. The party in interest, under the bill, holds by an original purchase, in which a consideration was paid.

Mr. HAVEN. Was there a purchase and payment?

Mr. NICHOLS. There was an original purchase made from a tribe of Indians, who were the owners at the time, and had possession, under whom this party claims, and from whom he purchased long before the United States came in possession of the Louisiana purchase.

Mr. HAVEN. How many acres were there?

Mr. NICHOLS. The gentleman from Louisiana [Mr. PERKINS] can better answer that question than I can.

Mr. PERKINS. I answer to the gentleman from New York [Mr. HAVEN] that I cannot state the precise number of acres. It is more a question of principle. The land is not valuable, being mostly pine wood. On one portion of it there is a brick-yard; and that, I believe, gives the tract most of its value.

The population of that section were mostly French, who were not familiar with our laws and

customs. The possession has been continuous, and the Land Office reports have been in favor of it; the Senate has passed it, and, without hesitation, the committee in this House unanimously ask its passage. It is a simple informality that the bill is intended to remedy.

Mr. HAVEN. I do not desire to detain the House on this subject. I would have preferred the bill if it had been in a shape conforming with previous legislation, authorizing the claimant to make his claim in the same manner as though he had held under a written agreement or instrument. But, under the explanation of the gentleman from Louisiana, [Mr. PERKINS,] I make no opposition to the bill.

Mr. NICHOLS. I renew my motion for the previous question.

The previous question was seconded; and the main question ordered to be put.

The main question being, "Shall the bill pass?" it was put, and decided in the affirmative.

Mr. CAMPBELL. I now move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAVEN. I wish to ask the gentleman from Ohio to withdraw that motion for a moment, for the purpose of asking the gentleman from Alabama [Mr. COBB] if he will not consent to postpone the special order which is in order this morning, inasmuch as the gentleman from Tennessee [Mr. CULLOM] desires to address the House.

Mr. CAMPBELL. I withdraw the motion.

Mr. HAVEN. If the gentleman from Alabama will not postpone it longer, will he consent to postpone it one or two hours?

Mr. CAMPBELL. I hope he will postpone it for two weeks.

Mr. COBB. I am perfectly willing to oblige any gentleman as to the time of postponement. I consider the matter so plain that it certainly will pass when it shall be considered. I am perfectly willing to postpone it for two weeks, but with the understanding that we shall go on with the morning hour.

Mr. WENTWORTH. I object to postponing it for two weeks. It has already been postponed once.

Mr. COBB. Then I am disposed to accommodate the gentleman, and as the gentleman from Tennessee [Mr. CULLOM] wishes to speak this morning, I move to postpone the consideration of the special order until two o'clock to-day.

The question was taken, and the motion was agreed to.

Mr. COBB. I now insist upon the regular order of business.

On motion by Mr. FENTON, it was

Ordered, That leave be granted to withdraw from the files of the House the petition and papers of Jonathan Syter, for the purpose of referring them to the Pension Office.

Mr. CAMPBELL. I now move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. EDGERTON. I call for the yeas and nays. I want to see who will vote to deprive us of the morning hour.

Mr. CAMPBELL. If we wait for that, the gentleman from Tennessee will not have his hour to speak in committee. I hope we shall go into committee now.

Mr. HAMILTON. How long before the morning hour will be out?

The SPEAKER. In twenty minutes.

Mr. CAMPBELL. That is not a long time enough to make it worth while to call the yeas and nays on.

Mr. OLDS. It is very important that we should have those twenty minutes. I hope we shall have the yeas and nays.

The yeas and nays were not ordered.

Mr. OLDS. I demand tellers.

Tellers were not ordered.

The question was then taken; and Mr. CAMPBELL's motion agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair,) and resumed the consideration of House bill (No. 48) "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855."

The CHAIRMAN. When the committee last rose, the gentleman from Tennessee [Mr. CULLOM]

was upon the floor, and is now entitled to the same.

NEBRASKA AND KANSAS.

Mr. CULLOM, after preliminary remarks, said that when he left Tennessee he had not dreamed that he should be called upon to participate in the vexed question which has sprung on the House by the bill to organize territorial governments for Nebraska and Kansas. He came hither to participate in the legislation necessary to our common country. The honest claims of hundreds of our citizens are to be postponed, ruled out of court; the stream of legislation is to be dammed up by this nefarious project, which he intended to denounce as a work of politicians, to strangle the legislation of the country for personal aggrandizement. He believed, in the face of God, that he should be a coward if he did not denounce it. He should not be a Tennessean if he did not denounce this plot against the peace and quiet of the Union. Yes, Nebraska and Kansas, and Kansas and Nebraska, is the hue and cry. These Halls are made vocal with the sound of these cant phrases; and we are told that territorial governments must forthwith be given them; and the compromise of 1820, the work of our fathers, completed in times of great public excitement, when the Union of these States was in jeopardy, is to be repudiated and trampled under foot.

This is a naked question of repudiation or no repudiation. You may, he said, talk to me about bad faith and outraged southern honor, but I tell you the North and the South, the East and the West, that this is a naked question, whether the sons, the descendants of our patriotic fathers, who pledged their honor on a great and momentous question, will repudiate their solemn obligations on a mere quibble and plea.

The question had been sprung on him like a fire-bell at midnight. Where, he asked, was the voice of the people, North or South, asking for the passage of this measure, thus to bring the North and South by the ears, and reopen the fountain of bitter waters and the agitations which had well nigh severed this Union?

The measure came from a defeated presidential aspirant—defeated in 1850. This was the starting point, and should be known from Maine to the Pacific. Where are the South? Where have they been? Sleeping on their watchtower for thirty-four years? Was it necessary that they should be waked up to their interests by your big or little giants? [Laughter.] He [Senator DOUGLAS] is the great Sanhedrim of the State of Illinois, [laughter,] overshadowing everything. He has out-heroded Herod, and out-southered the South.

He referred to the fact that Senator DOUGLAS, in 1849, 1850, and in 1854, regarded the Missouri compromise as a binding contract, but now proposes to repeal it. The "Union," which denounced such a purpose, soon afterwards seized upon it as a means of nationalizing the Administration.

He denied that the North has repudiated the Missouri compact, and asked for the proof. It could not be shown.

He spoke of the provisions of the bill, which, he contended, does not contain the principle of non-intervention which is claimed for it; and, in conclusion, he defended the Missouri compromise, and eulogized and vindicated the memory of Tennesseans who sustained and assisted in the passage of that measure. The men of 1854 who rise here and asperse their character shall always find in him a vindicator.

[His speech will be found in the Appendix.]

HOMESTEAD BILL.

Mr. PHILLIPS obtained the floor.

Mr. COBB. I believe the floor has been assigned to my colleague, [Mr. PHILLIPS,] but as the time is so near when, by the order of the House, we must take up the special order, with his permission I will now make the motion to take up House bill No. 1, the title of which is as follows:

A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein

specified, and to graduate and reduce the price of the public lands.

I trust that every member of the committee will sustain the motion I have made.

The CHAIRMAN. The hour fixed by the House having arrived for the consideration of the bill designated by the gentleman from Alabama, the bill comes up without a motion.

Mr. COBB. Mr. Chairman, by the resolution of the House, closing debate in the Committee of the Whole on the homestead bill, debate was also terminated on the bill to graduate and reduce the price of the public lands. It was my anxious desire to express fully the views which I entertain in reference to the all-important question of graduating and reducing the price of the public lands; but I am precluded from doing so under the five-minute rule. I anticipated having such an opportunity, but it has not been afforded to me. The bill is now open to amendment; and I must, under the circumstances, submit to the rules. I shall propose such amendments as will, in my judgment, carry out more completely the object contemplated by the bill. The bill, as originally reported by me, embraced the homestead policy as well as that for the graduation and reduction of the price of the public lands. I shall now move that the provision for homesteads be entirely stricken out. When that amendment shall have been disposed of, I will move two or three others for the purpose of making the bill conform to what I believe to be the intention and wishes of the majority of the House. I do not desire to discuss this measure now. I can only briefly call the attention of members to its great importance.

The question of graduating and reducing the price of the public land is one which has had the consideration of Congress, from time to time, so far back as my recollection goes. If twenty-five or thirty years ago the necessity for graduating and reducing the price of the public land was apparent to the country, is it not more so now? Does not each and every individual feel the force of the argument that the public domain should be sold for such price as will encourage settlement and cultivation? Inasmuch as we cannot enter into a general discussion, I trust that the bill will be fairly considered. In doing so, I am satisfied members will arrive at but one conclusion; and that is, the necessity of reducing the price of lands which have remained unsold in market for forty or fifty years. Would it be the policy of an individual who had held up his real estate for a number of years at \$1 25 per acre, to still refuse to sell at such a price as the land would command in the market, and thus lose all interest upon his money?

Mr. SAGE. I move that the committee do now rise.

Mr. COBB. What is the object proposed by the rising of the committee?

Mr. HAMILTON. Does the gentleman move to rise that the bill may be reported to the House?

Mr. SAGE. My motion is a simple one. When the committee rise, I shall move that the House adjourn.

Mr. COBB. It is too early for the House to adjourn yet awhile. I trust, before rising, the committee will consider and act on the bill now before it.

Mr. DISNEY. I desire to make this remark, and this remark only: I trust that the House will make such a disposition of the bill as will enable those who are friendly to it to offer their reasons at length. It is my purpose to attack the bill; but before I make that attack, I desire to hear all that gentlemen have to say in its favor.

Mr. SAGE. I did not know that this matter would come before the committee to-day, and I would like to have an opportunity to look into the provisions of the bill. With that object, I move that the committee do now rise.

Mr. HAMILTON. I desire to make one inquiry of the Chair. Is not the five-minute discussion now the order of the House?

The CHAIRMAN. It is.

Mr. HAMILTON. On the special order?

The CHAIRMAN. Yes, on the special order.

Mr. HAMILTON. We cannot get rid of this bill in any way. It must be considered until it is disposed of. If we rise now, and then go back into the Committee of the Whole on the state of the Union, it will still be the order of the day, and you cannot avoid it.

Mr. JONES, of Tennessee. The order of the House is that it shall be considered from day to day until disposed of.

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Alabama, [Mr. COBB.]

Mr. DISNEY. As I intend, also, to attack the bill introduced by the gentleman from New York, [Mr. BENNETT,] proposing a general distribution of the public lands, and as I desire to say grace over the whole lot, and not be making separate speeches in relation to each of these measures, I move that the further consideration of this bill be postponed until the same day to which the bill of the gentleman from New York has been postponed.

Mr. COBB. That motion is clearly not in order.

Mr. HAMILTON. The committee can make no such order as that. We are acting under a special order of the House.

Mr. COBB. I would also remind the gentleman that that measure is before the House; this before the Committee of the Whole on the state of the Union.

Mr. DISNEY. That makes no difference.

Mr. STANTON, of Tennessee. But the committee has no power to make any such order as that proposed by the gentleman from Ohio.

Mr. COBB. None in the world.

The CHAIRMAN. The Chair so rules. The Chair is of opinion that the motion is not in order.

Mr. COBB. I was perfectly willing that the special order should be postponed this morning; but gentlemen objected to its postponement, and now we must go on with it.

Mr. HESTER. I would suggest to the gentleman from Ohio that he should move that the committee do now rise, for the purpose of submitting his motion to postpone in the House.

Mr. WENTWORTH, of Illinois. He cannot do it in the House even without unanimous consent; and of course there will be objection.

Mr. HESTER. There will probably be no objection.

Mr. SAGE. I must insist on my motion for the committee to rise. Many members in this part of the Hall, like myself, were not aware that this question would come up to-day, and are not prepared to consider it. Besides that, it is evident there is barely a quorum here. I hope the committee will rise.

The CHAIRMAN. Does the gentleman submit that motion?

Mr. SAGE. I do, sir.

Mr. COBB. I hope it will not be agreed to. We can gain nothing whatever by it.

Mr. HAMILTON. There is no use whatever in rising. You cannot postpone this special order except by unanimous consent.

Mr. SAGE. I call for tellers on my motion.

Tellers were not ordered.

The question was then put; and on a division, there were—ayes 21, noes 29; no quorum voting.

The CHAIRMAN. There being no quorum present, the roll must be called.

Mr. STANTON, of Tennessee. Cannot we have tellers?

The CHAIRMAN. No; tellers have been refused.

The roll was then called, and the names of the absentees noted.

The committee then rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No 1, and having found itself without a quorum, had directed the names of the absentees to be noted, and the Chairman to report the same to the House.

The SPEAKER. There being a quorum now present—123 gentlemen having answered to their names—the Chairman will again resume the chair. The Chairman resumed the chair.

Mr. COBB. I think I can make a suggestion to which the committee will agree unanimously. The committee is very thin, and the bill under consideration is a very important one, which gentlemen would like to examine more fully. I propose, then, that the committee rise, with the view that the House may receive such reports from the standing committees as will not give rise to debate. I hope that no gentleman will object to this course of proceeding, for, by so doing, we will greatly

facilitate business. I move, therefore, that the committee rise.

The question was taken; and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 1, being "a bill to grant homesteads and to graduate and reduce the price of public lands," but had come to no conclusion thereon.

Mr. COBB. I now move that the committees be called upon for reports that may give rise to no debate.

Mr. HAMILTON. Do I understand the gentleman from Alabama to mean that committees shall be called upon in their regular order?

Mr. COBB. Certainly.

The SPEAKER. The business first in order is the bill reported by the Committee on the Post Office and Post Roads, to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans to San Francisco according to time, upon which the previous question has been demanded.

Mr. HAMILTON. That bill comes up as business in the morning hour. Is it now in order?

Mr. SPEAKER. It is in order, because the morning hour had not expired; and in the absence of any motion to go to any other business, it would be in order.

Mr. HAMILTON. Mr. Speaker, has the previous question been demanded on that proposition?

The SPEAKER. The previous question has not been demanded.

Mr. HAMILTON. As the gentleman from Tennessee, [Mr. CHURCHWELL,] who has charge of the bill, is not in his seat, I desire in his absence to make a few remarks in reference to it. In doing so I will not encroach long upon the time of the House.

Mr. HAVEN. Would it be in order, Mr. Speaker, to move to postpone the further consideration of this bill until to-morrow morning?

The SPEAKER. It would be in order if the gentleman from Maryland, who has the floor, choose to make such motion, or if he would yield the floor for the purpose of permitting it to be made.

Mr. HAMILTON. I desired to make a few remarks in relation to this bill. I did not intend to make a speech or to encroach upon the time of the House; but as the gentleman from Tennessee is not here, I should be perfectly satisfied if the further consideration of the bill were postponed.

Mr. DISNEY. Mr. Speaker, I perceive the embarrassment under which the gentleman from Maryland and the House generally labor. In order to relieve it, therefore, I move that the House do now adjourn.

The SPEAKER. The gentleman from Maryland has the floor; and the motion cannot be made unless he yields the floor for that purpose.

Mr. PHILLIPS. I ask the gentleman from Ohio to withdraw his motion to adjourn, in order to permit me to make a motion to proceed to the business on the Speaker's table, with a view to the taking up of the bills there and having them referred to the appropriate committees.

Mr. DISNEY. Certainly; I do so with pleasure.

Mr. HAMILTON. I am satisfied with that.

The SPEAKER. Is it the pleasure of the House to go to the business on the Speaker's table?

Mr. COBB. I trust the House will go on as at present for half an hour or quarter of an hour longer, until the time arrives for going to the business on the Speaker's table. How much of the morning hour still remains, Mr. Speaker?

The SPEAKER. There are five minutes of the morning hour still unexpired.

Mr. COBB. Well, if that is all, I will not object to going to the business on the Speaker's table.

Mr. LETCHER. I hope the House will allow the committees to make reports. Reports have been accumulating here upon us for weeks without the committees having had an opportunity to present them; and what is the use now of referring more bills to committees when they cannot report those on hand?

The SPEAKER. The Chair thinks that the

gentleman from Virginia is rather late in making his objection.

Mr. LETCHER. I do not object at all, Mr. Speaker. I simply put it to the House as a plain practical matter of fact business, what is the use of referring bills, when the committee's hands are already full of business which they have not had an opportunity of reporting on?

BILLS ON THE SPEAKER'S TABLE.

The SPEAKER. The first bill in order upon the Speaker's table is House bill "for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army," which has been returned from the Senate with an amendment.

Mr. FLORENCE. I know, Mr. Speaker, what the amendment is, and move that the House concur in it.

The SPEAKER. The Clerk will report the amendment:

The amendment was accordingly read, as follows:

"At the end of the bill, add the following words: 'under sixteen years of age.'"

The bill, as amended, will read as follows:

"That the Secretary of the Interior be, and he is hereby, required to place the name of the said Mary Deany on the pension roll, and cause to be paid to her the sum of fifteen dollars per month for the term of ten years, commencing January 1st, 1853: *Provided*, That in case of the marriage or death of the said Mary Deany, the pension hereby granted to her shall be paid to her two children, or to the survivor of them under sixteen years of age."

Mr. HAVEN. I move the previous question upon the concurrence in that amendment.

The previous question was seconded; and the main question was ordered to be put.

Mr. EDGERTON. Is it in order now to move to commit that bill to the Committee of the Whole?

The SPEAKER. It is not in order, as the main question has been ordered to be put.

Mr. EDGERTON. Will it be in order to move to refer it to a committee?

The SPEAKER. It is not in order to make any motion. The question is upon the adoption of the amendment.

Mr. MIDDLESWARTH. I wish to make an inquiry of the Speaker. Is it intended by the Senate amendment, when the widow dies, to extend the pension to the children?

The SPEAKER. The amendment of the Senate confines the pension to children under sixteen years of age.

The main question being, "Shall the amendment be concurred in?" it was put, and decided in the affirmative.

Mr. FLORENCE moved to reconsider the vote by which the amendment was concurred in, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, informing the House that the Senate had passed sundry private bills.]

The next bill upon the Speaker's table was then reported by its title:

A bill for the relief of William B. Edwards.

The SPEAKER. This is a House bill, to which the Senate have made an amendment. The bill provides that the name of William B. Edwards shall be placed upon the pension roll, at the rate of eight dollars per month, to commence on the first of January, 1854. The Senate's amendment is to correct a mere clerical error, which is to strike out "1854" and insert in lieu thereof "1850."

The question was put; and the Senate amendment was concurred in.

The following bills were then taken up, and read a first and second time by their titles respectively, and referred as indicated below:

An act to constitute Keokuk and Dubuque, in the State of Iowa, ports of delivery—Committee on Commerce.

An act to promote the efficiency of the Army, by retiring disabled officers—Committee on Military Affairs.

An act to regulate the fees and compensation of the district attorneys in the courts of the United States for the Territories of Minnesota, New Mexico, and Utah—Committee on the Judiciary.

An act to authorize the issue of registers to vessels owned by the Accessory Transit Company—Committee on Commerce.

An act to authorize the issue of patents of land

in any State or Territory in certain cases—Committee on Public Lands.

An act to establish post roads in the State of California—Committee on the Post Office and Post Roads.

INDIANA AND ILLINOIS CENTRAL RAILROAD.

The bill granting to the States of Indiana and Illinois a portion of the public lands to aid in the construction of the Indiana and Illinois Central railroad having been read a first and second time by its title,

Mr. DAVIS, of Indiana, said: I mean to make the motion that this bill be put upon its passage.

Mr. EDGERTON. I move to lay the bill upon the table.

Mr. DAVIS. I have the floor, and the gentleman cannot, therefore, submit the motion before moving to put the bill upon its passage; however, I desire to move to commit it to the Committee on Public Lands, so that it may be kept before the House, in case of an adjournment before it is disposed of.

The SPEAKER. The motion to commit will be entered.

Mr. LETCHER. I now move to lay the bill upon the table.

The SPEAKER. The gentleman from Indiana is entitled to the floor upon the motion to commit the bill.

Mr. DAVIS. I do not desire to press this question upon the consideration of the House at this time, but merely wish to make a remark or two before it is disposed of in any manner. I am aware that it is taking the bill out of what is perhaps the usual course to move to put it upon its passage at this time; but the Committee on Public Lands have agreed upon and now have a bill ready to report to the House precisely in the same language of that now before the House. As it therefore has the sanction of the Committee on Public Lands, I do not see any necessity of referring it to that committee for a report upon it. So much for that point.

I repeat, that I do not wish to press action upon the bill at this moment, unless it meet the approbation of the House. If, however, there is unanimous consent, or if it is the general wish of the House, I am willing to say what I have to say upon the measure. Or if the House prefer, I will defer it until some future time.

Several MEMBERS. Let it come up some other time.

The SPEAKER. Does the gentleman from Indiana make the motion to postpone the further consideration of the bill to any day certain?

Mr. DAVIS. I am perfectly willing to make that motion, if I can be sure that it will come up at that time.

The SPEAKER. If that motion prevails, the bill will again take its place upon the Speaker's table.

Mr. DAVIS. And will it come up in order when the House again resumes the consideration of the business upon the Speaker's table?

The SPEAKER. The Chair is of the opinion that it will take its place in the fifth class of business upon the Speaker's table, if the House adjourns without disposing of it.

Mr. DAVIS. Well, sir, I do not so understand the rule; but I wish to be certain as to the point of order before I make any motion.

Mr. LETCHER rose.

Mr. DAVIS. I will yield to the gentleman from Virginia, if he has any suggestion to make.

Mr. LETCHER. I ask that the gentleman from Indiana should go on and make his speech or make his motion, and let somebody else have a chance. [Laughter.]

Mr. DAVIS. I am entitled to the floor, and I suppose I may either go on and make my speech rapidly, or take my time for it. I wish, however, that the Chair would decide the question definitely, as to what will be the condition of the bill if it be now postponed to a day certain.

The SPEAKER. If the consideration of the bill be postponed to a day certain, it will come up in its present order on the Calendar when the House shall resume the consideration of the business upon the Speaker's table. That will be the ruling of the Chair upon the subject.

Mr. DAVIS. I make the motion, then, that the further consideration of the bill be postponed for two weeks from this day.

Mr. LETCHER. I move that the bill be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. Under the rules of the House a motion to postpone to a day certain takes precedence of a motion to refer to the Committee of the Whole on the state of the Union.

Mr. LETCHER. Then I move to lay the bill upon the table.

The SPEAKER. That motion takes precedence of a motion to postpone.

Mr. JONES, of Tennessee. If the gentleman submits a motion that the bill be referred to the Committee of the Whole on the state of the Union, it will be pending; and if the motion to postpone fails, the question will come up on that motion to refer.

The SPEAKER. That is true. The motion to postpone to a day certain shuts out all amendments and debate.

Mr. JONES. I demand the yeas and nays on the motion that the bill be laid on the table.

The yeas and nays were ordered.

Mr. HESTER called for the reading of the bill. Mr. EDGERTON. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

Thereupon the House adjourned, at half past two o'clock, p. m., until to-morrow at twelve, m.

IN SENATE.

WEDNESDAY, April 12, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The journal of yesterday was read and approved.

RESIGNATION OF MR. SMITH.

The PRESIDENT. I received yesterday from the Senator from Connecticut this letter, which I now present to the Senate:

WASHINGTON CITY, April 11, 1854.

SIR: I hereby resign my seat as a member of the Senate of the United States, to take effect from and after the 24th day of May next.

TRUMAN SMITH.

To Hon. DAVID R. ATCHISON,
President of the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate of the 7th ultimo, a statement of the annual pay to the several railroad companies in the United States for the transportation of the mails; which was, on motion by Mr. Rusk, referred to the Committee on the Post Office and Post Roads.

PETITIONS, ETC.

Mr. DODGE, of Wisconsin, presented a memorial of the Legislature of Wisconsin, praying the establishment of a mail route from Freeport, Illinois, to Madison, Wisconsin; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON presented the petition of the legal representatives of Henry Payson, of the State of Maryland, praying indemnity for the loss of a schooner which was chased by an English privateer into the harbor of Pampator, in the island of Margaritta, and seized by the Spanish authorities; which was referred to the Committee on Claims.

Mr. PETTIT presented the petition of John B. Chapman and Clarinda P. Chapman, praying that steps may be taken to colonize and civilize the Indians at Puget's Sound, in Washington Territory; which was referred to the Committee on Indian Affairs.

Mr. PRATT presented a petition of American citizens, residents of Philadelphia and Baltimore, engaged in the importation of watches, diamonds, and other precious stones, praying the removal of the duties on those articles; which was referred to the Committee on Finance.

Mr. FISH presented the petition of John T. Hildreth, praying that the widow of John Hildreth, a soldier in the last war with Great Britain, may be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMLIN. I desire to submit to the Senate a communication from the Secretary of State, accompanied by a letter from Hon. J. Y. Mason, Minister at Paris, accompanied, also, by three

THE CONGRESSIONAL GLOBE.

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NEW SERIES....No. 57.

several memorials, asking that the Congress of the United States will provide for the adoption of a decimal metrical system in the United States, as a part of a uniform system of weights, measures, and money throughout the world. I move that these papers be received and referred to the Committee on the Library.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill from the House of Representatives "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending the 30th of June, 1855," reported it back with amendments.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred a memorial of citizens of Appalachicola, Florida, praying that Samuel Bray, keeper of the Dog Island light-house, on the coast of that State, may receive some remuneration for losses suffered by himself and family during the gales of the 23d and 24th August, 1851, reported a bill for his relief; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the memorial of Douglass Ottinger, a captain in the United States revenue marine, praying compensation for an invention by him for saving life and property from shipwrecked vessels, submitted an adverse report thereon; which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred the memorials of Lewis Morris and others, praying compensation for military services in Mexico, submitted a report, accompanied by a bill for the relief of the Tampico volunteers; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Seneca G. Simmons, praying to be released from liability for certain public money stolen from his possession in Mexico, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WILLIAMS, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives for the relief of Fayette Mauzy and Robert G. Ward, reported it back without amendment.

He also, from the Committee on Pensions, to whom was referred the bill from the House of Representatives for the relief of Samuel W. Brady, reported it back without amendment.

Mr. PRATT, from the Committee on Claims, to whom was referred the memorial of Thomas Crown, praying to be allowed damages occasioned by the breach of a contract on the part of the United States, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the Committee on Claims, to whom was referred the bill from the House of Representatives for the relief of the heirs of Anthony G. Willis, deceased, reported it back without amendment.

Mr. CLAY, from the Committee on Pensions, to whom was referred the petition of Laurence Taliaferro, praying a pension, on account of disease contracted in the war of 1812, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on Claims, to whom was referred the bill for the relief of Thomas Snodgrass, reported it back without amendment.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DODGE, it was

Ordered, That the petition of Catherine Clark be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. JOHNSON, it was

Ordered, That the petition of John McVey be withdrawn

from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. HUNTER, it was

Ordered, That the petition of the heirs of Richard B. Mason be withdrawn from the files of the Senate, and referred to the Committee for the District of Columbia.

CUSTOM-HOUSE AT BURLINGTON.

Mr. FOOT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the purchase of a site, and the erection of a custom-house at Burlington, in the State of Vermont.

CORRESPONDENCE OF HON. D. D. BARNARD.

Mr. FISH. I submitted on the day before yesterday a resolution asking for certain correspondence, to the consideration of which at that time the Senator from California [Mr. WELLER] objected. I believe now there is no objection to its adoption. I ask the Senate, therefore, to take up the resolution now and adopt it.

The resolution was considered and agreed to, as follows:

Resolved, That the President of the United States be requested to communicate to the Senate, if not, in his opinion, incompatible with the public interest, copies of the correspondence of Mr. Barnard, late Minister of the United States in Prussia, with the United States consul at Bremen, and of that consul with the Government of Bremen, relative to the case of Mr. Conrad Schmidt, a naturalized citizen of the United States, arrested at Bremen, and detained there upon a requisition from the Government of Hanover, claiming Schmidt as a subject of that kingdom.

Also, a copy of a letter addressed by Mr. Barnard, while Minister of the United States at Berlin, to his Majesty the King of Prussia, in October, 1852, on the subject of religious toleration, and of a dispatch addressed by Mr. Barnard to the Department of State in reference thereto.

Also, copies of the correspondence of the Legation of the United States at Berlin, with the Minister of the Grand Duke of Baden, at Berlin, in regard to the arrest and maltreatment of E. T. Dana, W. B. Dwight, and Dr. Ramsey, citizens of the United States, at Heidelberg, in the Grand Duchy of Baden.

LAND SYSTEM IN WASHINGTON TERRITORY.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of organizing a separate surveying district, embracing the Territory of Washington.

Mr. DODGE, of Iowa. I present a communication from the Commissioner of the General Land Office and the Secretary of the Interior, upon the subject of that resolution, and I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

BILL INTRODUCED.

Mr. RUSK, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the transportation of the mails of the United States on railroads; which was read a first and second time by its title, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

JOHN McAVOY.

Mr. WILLIAMS. The Committee on Claims, to whom was referred the petition of John McAvoy, have directed me to report a bill for his relief and to ask the Senate to consider it and put it upon its passage now. There can be no objection to it when it is understood.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to direct that twenty dollars be paid to John McAvoy, late a private in company H, eighth regiment, United States infantry, which sum was paid by him for transportation from Brazos Santiago to New Orleans, while he was in the service of the United States.

Mr. WILLIAMS. The petitioner merely claims the sum of twenty dollars for an expense which he incurred on his own account, which should have been paid by the Government. He was a soldier under General Worth in Mexico;

and became sick, and was placed upon the sick furlough. He was provided with an order from General Worth on the Quartermaster General for his transportation to New Orleans. He went as far as Brazos Santiago, from which point, owing to the employment of the Government vessels, he was obliged to defray the expense of his own transportation to New Orleans. The amount thus paid by him, the committee think, should be refunded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent in the consideration thereof, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 12, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

GRADUATION BILL.

Mr. COBB. I assure the House, Mr. Speaker, that it is with pain I again take the floor. The bill proposing to graduate and reduce the price of the public land came up yesterday in its order. At the solicitation of many persons who desired the postponement of the consideration of that measure again, in order that others which they deemed of pressing importance might be considered and acted on, I agreed that it should be postponed. I am extreme in the disposition to oblige every gentleman of this House, when I can do so. I am now going to ask the unanimous consent of the House to postpone the further consideration of the bill to reduce and graduate the price of the public land for two weeks from to-morrow. Then, I trust, that all members will be prepared to act on the measure.

Mr. HAMILTON. I object to making the bill a special order.

Mr. COBB. It is a special order now, and I only desire that its further consideration shall be postponed. I trust the gentleman will withdraw his objection.

Mr. HAMILTON. I cannot do so.

The SPEAKER. The gentleman's motion can only be made by unanimous consent; and the gentleman from Maryland objects.

DELEGATE FROM WASHINGTON.

Mr. LANE, of Oregon. The Delegate elect from the Territory of Washington is present, and I move, Mr. Speaker, that he be sworn in.

Mr. COLUMBIA LANCASTER, the Delegate from Washington Territory, was then conducted to the Speaker's chair, and took the usual oath to support the Constitution of the United States.

MAILS TO CALIFORNIA.

The SPEAKER. The business first in order is the consideration of a motion to refer to the Committee of the Whole on the state of the Union the bill to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans to San Francisco according to time.

On motion by Mr. MURRAY, the Committee on Printing was discharged from the further consideration of the following memorial and resolutions; which were ordered to lie on the table:

Resolution to print ten thousand extra copies of the majority report of the Committee on the Public Lands on the bill making grants of land to the several States of the Union for the benefit of indigent insane persons;

Resolution to print ten thousand extra copies of the minority report of same committee on same bill; and

Resolution of inquiry as to the expediency of printing extra copies of so much of the report of

the Secretary of the Treasury and tables as relates to the revision of the present tariff.

Memorial of Joseph G. C. Kennedy, relating to the statistics of manufacturers.

Mr. MURRAY, from the Committee on Printing, reported the following resolution; which was adopted:

Resolved, That there be printed by the printer of the House ten thousand copies of Captain R. B. Marcy's survey and exploration of the Red river and its sources, together with the accompanying maps and plates, for the use of the members of the House.

Mr. PERKINS, of Louisiana. I am instructed by the Committee on Foreign Affairs to request the House to receive a report, in order that the bill that accompanies it may take its place on the Calendar.

Mr. EDGERTON. I object.

Mr. WENTWORTH, of Illinois. I call for the regular order of business.

MAILS TO THE PACIFIC.

The SPEAKER. The question is on referring the following bill to the Committee of the Whole on the state of the Union: "A bill to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans to San Francisco according to time."

Mr. PHELPS. That is a bill reported from the Committee on the Post Office and Post Roads, is it not?

The SPEAKER. It is.

Mr. PHELPS. I desire to say something in reference to it.

Mr. HAMILTON. I believe I am entitled to the floor upon that bill.

The SPEAKER. The gentleman from Maryland is entitled to the floor.

Mr. PHELPS. If I am not mistaken, the gentleman from Virginia [Mr. McMULLIN] is entitled to the floor.

Mr. HAMILTON. The gentleman is mistaken. I obtained the floor yesterday, but yielded it for a motion to go to the business on the Speaker's table.

The SPEAKER. That is the fact of the case.

Mr. HAMILTON. I have a word or two to say in reference to this bill.

Mr. CHURCHWELL, (interposing.) Is the question before the House on committing the bill, or on postponing it for three weeks?

The SPEAKER. The pending motion is to refer the bill to the Committee of the Whole on the state of the Union.

Mr. CHURCHWELL. Is there not a motion pending to postpone the bill for three weeks?

The SPEAKER. That motion was made, but withdrawn, the Clerk informs the Chair.

Mr. CHURCHWELL. Well, then, I move to postpone the consideration of the bill for three weeks.

Mr. HAMILTON. Oh, no; I cannot yield the floor for that purpose.

Mr. CHURCHWELL. I thought the motion was pending.

Mr. McMULLIN. I desire to have the facts of this case understood. When this question was last before the House I was upon the floor; but a gentleman from Ohio arrested me by calling the attention of the House to the fact that the morning hour had expired.

The SPEAKER. With the permission of the gentleman from Virginia, the Chair will state that this measure came up yesterday morning. The gentleman from Virginia was not in his seat; or, if he was, did not claim his right, and the gentleman from Maryland acquired a right to the floor.

Mr. HAMILTON. I have but a few words to say in reference to this subject. This important bill has been introduced into the House with a considerable flourish of trumpets. The gentlemen who have spoken in its favor have urged the necessity and convenience of having speedy transportation between the Atlantic and the Pacific coast. From the arguments adduced by gentlemen in favor of the proposition, I would gather that it is to reduce the cost of transportation, to add to the revenues of the Post Office Department, and to be a great advantage to the country in every particular. Sir, the speeches of these gentlemen, and the bill and substitute upon the table, and as printed, do not agree.

The bill that lies upon your table proposes to establish a mail from New Orleans to San Fran-

cisco, and to give compensation, in specific terms, for each trip; and the bill, as published in the papers, proposes to give a monthly compensation. The bill now pending, if passed, must necessarily become the law of the land without amendment; and whether the mail is to be monthly, by the trip, or annual, must depend upon its provisions. There runs through the whole bill a general indefiniteness and vagueness, that requires marked consideration and deliberation; and, therefore, I think that it should be referred to the Committee of the Whole on the state of the Union.

But there is something else in this bill to which I wish to direct your attention. You propose to allow \$25,000 if the mail be transported in twenty-five days; and so you go on increasing the amount as you diminish the time, until you arrive at sixteen days, when you are to pay \$850,000 for the transportation of the mail from New Orleans to San Francisco. The idea intended to be impressed upon this House was, that it involved provision for the transportation of the mail from the Atlantic to the Pacific coast, and that it cut down and changed the existing contracts. It is not so, but it is a bill establishing additional mail facilities from New Orleans to San Francisco, and that too by causing an enormous increase of expense to the Post Office Department of the country. The postal revenues are now far below the annual expenditures. This is not a bill to change existing contracts, but to extend additional mail facilities; and the question is whether, in view of the now inadequate receipts of the postal Department, and the proposed addition of such an enormous expense to this Department, this House is ready to pass this bill? Will they pass it, and thus add so greatly to the embarrassment of that Department?

Our mail expenses are already large enough; and our Atlantic and Pacific facilities of communication are sufficiently adequate to the wants of the country to justify deliberation upon a question of this importance. The questions involved in the bill eminently demand the deliberate consideration of this House; for the bill is to make void no contracts, but to establish additional contracts. Suppose you were, under this bill, to annul the old systems, do you think that this country would tolerate the idea that we were to have but one mail from New Orleans to San Francisco, and no other? Will the whole North and the middle States rely, for mail facilities, to and from the Pacific coast through New Orleans alone? If that is the design, the House of Representatives should never tolerate or give its sanction to a system of this kind. As the object of the bill is to establish additional mail facilities merely from New Orleans to San Francisco, I wish to know further in reference to the details of the plan.

Mr. CHURCHWELL. Will the gentleman from Maryland permit me to ask him a question here?

Mr. HAMILTON. Certainly.

Mr. CHURCHWELL. I merely desire to ask the gentleman from Maryland the simple question, whether he is not aware of the fact that there is already a daily mail from New Orleans to every part of the United States? Has he not heard of that being so?

Mr. HAMILTON. I have heard of that. It is immaterial. I want to know the facts in regard of the principles of this bill, as it now stands before this House: whether the design of the bill is to confine the Pacific mails to the port of New Orleans. That is the important question. If the whole transportation of the mails is to be confined to that locality, I want to know the fact, and the House and country to know it. But, Mr. Speaker, the bill is one to provide additional mail facilities. That is the object of the bill. It is to impose the additional expense of a million of dollars on the Post Office Department, which is now weighed down and overburdened with its expenditure, to the utter ruin of the post offices and mail facilities in the interior. Such is the bill before the House. The gentleman from Tennessee may talk about his sliding scale. I am in favor of increasing the facilities for mail transportation as much as that honorable gentleman, or the honorable gentleman from Virginia, [Mr. SMITH.] I, too, am opposed to monopoly. I do not say that this bill promotes a monopoly, except it be a monopoly of the route. It may be a monopoly of the Tehuantepec route, or of the Vera Cruz and Acapulco route, or it may be a monopoly of route by some other way. I am

not aware that it does create a monopoly. I know not anything about the Sloo or the Gary grants. I am aware of the facilities for the quicker transportation of the mails from New Orleans to Vera Cruz, and thence to Acapulco. I know that some two thousand miles of sea transportation are saved by adopting the route from New Orleans to San Francisco, by way of Tehuantepec. But if this line is opened, the postal Department can take advantage of its facilities as well as any others. That route of travel may be fully completed in the course of three years; and, if you pass this bill you will saddle on the Post Office Department, for seven years after, an annual expenditure for this service of \$1,200,000—at all events, not less than \$1,000,000. It is all nonsense, Mr. Speaker, to talk about transporting the mail from New Orleans to San Francisco for \$25,000.

I do not desire to trespass on the time of the House, but I want to notice one or two arguments of my honorable friend from Tennessee. So far as the arguments for this system of mail transportation are concerned, some of them demand the reprobation of gentlemen here who believe as I do, in their impropriety. He, a Democrat from Tennessee, and I, a Democrat from Maryland, differ widely in our notions of what the Post Office Department ought to do.

Mr. CHURCHWELL, (in a low tone of voice.) And in a great many other things, too.

Mr. HAMILTON. That is true. We differ in a great many other things. One of that gentleman's main arguments was, that the object of this bill was to afford facilities for the transportation of the gold from the Pacific to the Atlantic coast. What has the Post Office Department to do with the transportation of gold more than with the carriage of oil, from the Pacific coast to the Atlantic? If they can send their gold here by Adams & Co.'s Express, or in vessels round the Pacific coast, or in any other way, so be it.

Gold is no more an article of commodity, and no less an article of commodity, than the oil of the Pacific; and this Government has no more right to afford means of transportation for gold than it has for oil, or whatever other commodities that may be produced on the Pacific coast.

Mr. Speaker, I would be rejoiced to lend my vote and voice to any proper system for affording additional mail facilities between the Atlantic and Pacific oceans; but I have heard quite enough of this proposed cheap system.

Mr. SMITH, of Virginia. Will the gentleman yield me the floor for a moment?

Mr. HAMILTON. With pleasure.

Mr. SMITH. I have always heard the increased efficiency of our Post Office Department advocated on the ground of its great value to the country, but not on account of economy in the transportation of the mails. The increased efficiency of the mail system, some years ago, before the introduction of expresses, was vindicated on that ground. The transportation of the mails by railroad was vindicated on that ground; and, if we can now still further increase the facilities of transportation of the mail, we do so upon the same ground; and it is evident, according to the statements made here, that we can do so.

Mr. HAMILTON. The gentleman from Virginia [Mr. SMITH] has misunderstood me entirely. I have not at all spoken against the great public convenience and profit arising from a speedy transmission of the mails. I was speaking about the right of the Government of the United States to transport the gold, or the produce, or the merchandise of any man. Let them avail themselves of the advantages of the various express lines which are in operation between the Atlantic and Pacific shores, and which are established between every portion of our country. Let them also avail themselves of the postal arrangements which the Government has already established for the purpose of securing the cheapest and speediest transmission of the mails. It is the duty of the Government to attend to this latter branch of transportation, and it is the duty of individuals to avail themselves of whatever advantages may be thus furnished.

The remarks of the gentleman from Virginia [Mr. SMITH] has nothing to do with this question. As an argument, I object to it. As an argument against or in favor of this bill, it has nothing to do. Look at it for one moment: Capital will find out its own reward, its own modes of employment, and its own channels of operation, independent of

the Government, and indeed in spite of the Government. This has already been proved, and is obvious to every one; and anything which we can do, as a Government, will be more likely to retard than to advance the interest of private enterprise. Let us attend to our legitimate business. I am not here to decide upon what private individuals shall or shall not do. Not at all.

Now, Mr. Speaker, I have shown what is the character of this bill, without noticing some of the other arguments which have been advanced in its support. Reference has been made to the great subject of cheap postage. We heard something of that two years ago; and in carrying out those ideas of cheap postage, a system was adopted which has been pursued until the whole internal postal arrangements of the country have become disordered and oppressed, and until the large cities of the country have monopolized all the advantages and privileges of that system, to the detriment of the smaller and rural post offices of the country. You have mails for the large cities daily and hourly, and we of the interior are called upon to give the hard-earned fruits of our industry for part payment of the transportation, and to pay for their privileges and conveniences, which they are enjoying. We have as much right to pay the expenses of the transportation of the merchandise of John Jacob Astor, as for the transportation of his letters. You call upon the people of the country, whose correspondence is comparatively limited and small, to pay their money to sustain a system for the benefit of those who do write; to pay an undue share to support a system monopolized by those who are realizing large fortunes from their investments, while we, of the interior of the country, who are taxed to support that system, are obliged to be satisfied with a limited return upon the products of our common industry.

We have heard enough of this matter of cheap postage. Public meetings were held in every city, and agents were swarming around the Halls of Congress, keeping up the cry of cheap postage. What was the consequence of their action, and of the action of Congress? The mails were overburdened, and overloaded with useless matter, until the cost of transportation of the same has become so great that the Department, because of this and other means, is \$2,000,000 behind the receipts, and the whole system is broken down. Far sooner would the people of my section of the country pay, and pay honestly, for their mails, rather than have a system so disorganized as is the present one. I am in favor of a reasonable and moderate rate of postage, and of affording mail facilities to all parts of the country. But the idea of paying \$1,000,000 a year under this bill; \$850,000 to the Collins' line, and large sums to other companies, until the whole postal revenue, and more than the whole, is absorbed, and the postal facilities of the interior of the country injured and burdened, is an idea fraught with ruin to the interests of our country.

I am opposed to such a course, and the bill now under consideration is one of the bills which are designed, or which tend to carry that system of things into operation.

I know my friend from Tennessee [Mr. CHURCHWELL] is sincere in his support of this bill—I have the highest respect for him, and I would not oppose it, did I not feel called upon to do so from a sense of duty to my constituents, and to the best interests of the country.

It is a favorite project of his, and the honorable gentleman announced it here to be his bantling. A high sense of public duty impels me to regard this House of Representatives not as a nursery for bantlings. We have higher and greater public duties to perform than that. Sir, practical questions should come before us for our consideration. We should deliberate upon such subjects as regard the public interest, and the public good, in our action upon them.

Mr. Speaker, I hope the consideration of this question will not be postponed. I do not like postponements. We are postponing everything of importance which comes before us; and if we go on in this way, before the present session shall be brought to a close, the business of the House will have been brought into such a condition that it will be almost impossible for us to accomplish anything. It was for that reason that I objected to the special order in the Committee of the Whole on the state of the Union being postponed. As

these questions come up, let us settle them, and settle them finally, for we shall have important business in the future, which will demand our consideration and action. I repeat, sir, that I am hostile to this postponement. Let us settle this question now; or if the House require further time for its consideration, let us refer it to the Committee of the Whole on the state of the Union, where we may reflect upon it, and in which we may perfect the bill in all its details.

Mr. McMULLIN obtained the floor.

Mr. PHELPS also, at the same time, addressed the Speaker.

Mr. McMULLIN. I shall detain the House but a very few minutes. The remarks of the gentleman from Maryland, who has just taken his seat, have superseded the necessity of my addressing the House to that extent which I had before intended. I first desire to notice a remark made by the gentleman from California [Mr. LATHAM] the other day, when this subject was under consideration.

Mr. CHURCHWELL. I rise to a question of order. If my recollection serves me right, the honorable gentleman from Virginia has made one speech against this bill, and therefore is not now entitled to the floor.

Mr. PHELPS. If that question of order prevails, I shall claim the floor.

Mr. CHURCHWELL. I shall be very glad to hear the gentleman from Missouri. I did not intend to address the House myself at this time.

The SPEAKER. The gentleman from Virginia having addressed the House once upon this question, cannot retain the floor if any other gentleman desires to speak.

Mr. McMULLIN. I have only to say that this very neighborly, kind courtesy of the gentleman from Tennessee merits my most cordial thanks. [Laughter.]

Mr. PHELPS. I am very sorry to deprive my friend from Virginia of the floor; but as the gentleman from Tennessee made the question of order, I thought it was for the purpose of claiming it for himself; and I therefore gave notice that I should contest his right to it. I do not, however, desire to occupy the hour to which I am entitled, and I will yield to the gentleman from Virginia before I shall conclude.

Mr. Speaker, the bill introduced by the honorable gentleman from Tennessee, reported from the Committee on the Post Office and Post Roads, is wrongly entitled. It should be entitled "A bill to increase the deficit in the revenues of the Post Office Department from a million and a quarter to a million and a half;" for before I close my remarks in relation to this bill, I will demonstrate to the House that this must be the inevitable result of its passage.

The other day I made a motion to lay this bill upon the table. There was then a motion pending to postpone which precluded all debate, and therefore I made the motion. But inasmuch as I did make a motion, which, if it had been successful, would have defeated the bill, I feel it to be my duty to give the reasons why I am opposed to this measure. I have no disposition to deprive the people of California, or the people upon the Atlantic and Pacific coasts, of rapid communications by mail. On the contrary, I desire to see rapid mail facilities established in every portion of the country. But when you proceed to expedite the transmission of the mail by providing for its transportation by a different route from that in which it is now carried, I like to see measures of retrenchment and economy going side by side.

It is true that the line of steamers which this bill proposes to establish will carry the mail more expeditiously than those now employed. I have no doubt such will be the result; and if the time should be shortened as much as is anticipated, the proposed line will entirely engross the transportation of the letter and newspaper mail, and leave the other "mailable matter" to be carried by the existing line. Why should you, while you have one mail line from the Atlantic to the Pacific coast, by the way of Chagres, which now costs the Government of the United States \$700,000—more than \$700,000 the last fiscal year—establish another route which will entirely supersede the existing one, and increase the deficiency in the revenues of the Post Office Department from \$1,250,000 to \$1,500,000. The gentleman from Tennessee does not propose to abrogate existing mail contracts.

He does not propose by his bill any method, by which we shall relieve the Government of the United States from the payment to Law and Aspinwall the amounts they now receive under the contracts made with them several years ago. No, these are to be kept in force.

Then you are to establish a mail route different from that now traversed by your steamers, or by travel. The gentleman from Tennessee does not believe that you can expedite the transmission of mail matter if you adopt the Nicaragua route. Then there are two other routes: the Tehuantepec, and the one by Vera Cruz and Acapulco, the latter known as the Ramsay and Cormack route. In relation to those routes, it must be recollected by the members of the House that there are gentlemen who claim they have grants from the Government of Mexico of the exclusive transportation over them. I am aware that there is a contest between those who claim under the Garay and the Sloo grants on the Tehuantepec route; but, as far as the other route is concerned, I presume there is no controversy; for, during the late Administration, when the Post Office was under the control of Mr. Hubbard, a conditional contract was entered into for the transportation of the mail by the way of Vera Cruz and Acapulco, which the present Postmaster General, on his induction into office, refused to ratify.

The gentleman proposes, in his extreme liberality, that the contract shall exist for ten years. He also proposes that if any cheaper, any nearer, and better route can be obtained, this contract shall be annulled. Now, if the right of transit by the two routes which have been indicated, and over which no travel is now passing, be vested exclusively in any individual or individuals, by virtue of the grant from the Mexican Government, how does he expect any nearer and more expeditious route can be procured than those?

Mr. SMITH, of Virginia. If the gentleman will allow me, I will say that the object is to supersede the contract that may be made if any other person can carry the mail quicker; not if any other can do it on a better route.

Mr. PHELPS. I have listened to the explanation of my friend from Virginia. I am glad that he has made it. They have taken the wrong course. They have not taken the proper method to accomplish what is intended. Is there any provision in the bill that the existing contracts shall be annulled? Is there any provision authorizing any officer of the Government to endeavor to buy up the old contracts, or to extinguish them? None at all. When the measure was before Congress to reduce the postage, I myself advocated it; but I also desired to diminish the cost of the transportation of the mail within the United States. I sought to reduce the exorbitant amount which was then, and is now, claimed by various railroad companies in the United States for the transportation of the mail; and if the reforms which I advocated had been adopted, the Post Office Department would now have been a self-sustaining machine. Instead of that, large expenditures are still added, and continue to be added; and the cost of the transportation of the mail is increased. By transferring the service from steamboats, coaches, or horseback, to railroads, the cost is vastly increased, while the cost of transportation of passengers is generally greatly diminished.

Mr. LATHAM. I wish to ask the gentleman whether or not he has ever read the existing contract for carrying the mail by the Panama route?

Mr. PHELPS. Yes, sir; I examined it several years ago.

Mr. LATHAM. I presume it was about seven years ago.

Mr. PHELPS. I cannot say how that is. This subject has been under consideration during each Congress for the last six or seven years. Inquiries have been made; calls for information from the Postmaster General and the Secretary of the Navy have been made in relation to every contract for the transportation of mails by ocean steamers, and those contracts have been published, and I have examined them at different times since those contracts were made. But I do not see the pertinency of the gentleman's question to the subject under consideration.

Sir, the friends of this bill are endeavoring to have it put upon its passage. A motion to commit is pending, to be followed up, as it was the other day, by a motion to postpone to a day certain,

which precludes debate, thus indicating that it is the intention of the friends of the measure to carry it through the House without permitting full and free discussion of it. They resist the motion to refer the bill to the Committee of the Whole on the state of the Union, where full and free discussion could take place.

The gentlemen from Tennessee, [Mr. CHURCHWELL,] and California, [Mr. LATHAM,] and Virginia, [Mr. SMITH,] have alluded to the time now consumed in the transportation of the mails from New York to San Francisco. The mail contract, as originally established, was for the transportation of the mail from New York, by the way of Havana, to Chagres, and from Panama, by the way of San Francisco, to Astoria. If, therefore, gentlemen propose to abrogate the existing mail contract for the transportation of the mail between New York and San Francisco, by the way of the Isthmus of Panama, they must make some provision for the transportation of the mails from San Francisco to Astoria, for that service is now embraced in the contract.

But, sir, I intend to demonstrate, that if the steamers which may be put upon this projected line between the cities of New Orleans and San Francisco, by the Isthmus of Tehuantepec, possess as good speed only as those now engaged in the transportation of the mails by the Isthmus of Panama, that transportation can be made in twelve or thirteen days. Now, according to the schedule of prices proposed in this bill, if the mail is transported in thirteen days, the Post Office Department is saddled with an expenditure of \$1,300,000 per annum; if in twelve days, with \$1,400,000; and if in eleven days, with \$1,500,000 per annum. The distance by the route now traversed by the steamers leaving New York city, by way of Havana to Aspinwall, and thence by the Isthmus of Panama to San Francisco, is five thousand eight hundred and fifty miles. The distance, however, from New Orleans to San Francisco, by the way of Chagres, is only four thousand nine hundred and sixty miles. The distance from New Orleans to San Francisco, by the way of the Isthmus of Tehuantepec, is only three thousand three hundred and sixty miles; one hundred and thirty miles of which is the Isthmus transit, and only about forty miles of that is by land transportation, for the river Coalzacoalcos is navigable for ninety miles.

Now, if the steamers that may be put upon the projected route between New Orleans and San Francisco, by the way of the Isthmus of Tehuantepec, will only make the same speed made by the two steamers which recently brought the mails from San Francisco, via Panama, to New Orleans—I refer to the Golden Gate and the El Dorado—the ocean service can be performed in eleven days, seven days between San Francisco and the Isthmus of Tehuantepec, and four days across the Gulf of Mexico—making eleven days of water transportation—leaving one hundred and thirty miles of Isthmus transportation by river and land. What say those interested in this Tehuantepec route?—for under the law of the last session of Congress proposals were invited by the Postmaster General for the transportation of the mail upon the various ocean routes of the United States. The object was to learn whether exorbitant prices were not now paid to the companies that had made these contracts in proportion to the service to be performed. I have here a letter written by two gentlemen, A. G. Sloo and Arnold G. Harris, who claim they have the exclusive right to the transportation of the mail across the Isthmus of Tehuantepec.

As the gentleman from Tennessee [Mr. CHURCHWELL] himself has proposed such a large compensation in his bill, I have no doubt that he looks to the transportation of the mail under and by virtue of the provisions of this bill by the Ramsay and Cormack route—the route via Vera Cruz and Acapulco. Messrs. Sloo and Harris make proposals for semi-monthly service, but they do not indicate the length of time in which they obligate themselves to perform this service. In a letter of the same date with their proposals, they use the following language:

"NEW ORLEANS, October 20, 1853.

"SIR: We have the honor to inclose herewith a proposition for the transportation of the United States mail between New Orleans and San Francisco, and beg leave to say a few words in explanation.

"By a contract already closed with responsible parties,

a plank road from Luchil, the head of steamboat navigation on the Coalzacoalcos river, to the Pacific ocean, is to be completed by the 1st of January, 1855, when we will be able to make connection between New Orleans and the Pacific ocean easily in less than five days. From that point eight days to San Francisco is a large allowance of time—we think it will often be done in seven; and between New Orleans and the Pacific in nearer four than five days; so that, between the two points, the time will average under twelve days."

Gentlemen who are interested in that line of roads say that after the first day of January next they will be able to make a communication between New Orleans and the Pacific ocean, by the Tehuantepec route, in less than five days. From that point to San Francisco eight days is a large allowance of time. Taking the lowest time specified in the schedule, the compensation for eleven days would be \$1,500,000 dollars. But these gentlemen say that they will perform this service for \$750,000. But I have here their proposals, which I will read:

"NEW ORLEANS, October 20, 1853.

"We, the undersigned, propose to transport the United States mail from New Orleans to San Francisco and back, via the Isthmus of Tehuantepec, semi-monthly, for the sum of \$750,000 per annum. They also propose to perform any increased service, due notice being given, for the additional compensation of seventy-five per cent. on the first contract, for a period of ten years. The service to commence on the 1st day of January, 1855, provided the contract is made before the 1st of March next; if made subsequent to that time, a corresponding allowance of time, if required, to be given us in commencing the service; or, if the contract be made immediately, we will commence on the 1st of October next.

A. G. SLOO,

ARNOLD HARRIS.

"HON. JAMES CAMPBELL, Postmaster General.

Mr. Speaker, instead of introducing a system of economy, as contended for by the gentleman from Tennessee, [Mr. CHURCHWELL,] you increase the amount of compensation to be given for this mail service over that proposed by good and responsible men. Why do we double the sum? Why do we propose to pay from \$1,300,000 to \$1,500,000 for this service, when we have gentlemen who represent that they are ready to transport the mail between New Orleans and San Francisco in from eleven to thirteen days; and that, too, at only \$750,000 per annum?

Mr. Speaker, that is my sentiment in regard to this matter. I do not propose to discuss this question further. Since I have had the honor of a seat in this body, I have opposed the system of ocean steam mail contracts. Already all your ocean mail contracts that are now in existence, with the exception of one or two, have been made by special legislation of Congress; and by directing the Secretary of the Navy, or the Postmaster General himself to contract with persons named in the law thus authorizing it, at a sum stipulated in the law, and not having the matter open to public competition, you have had these contractors, or some of them, afterwards coming here, and saying that the remuneration provided for in the contracts was inadequate and insufficient, and asking for additional compensation; and we found Congress ready to vote that additional compensation. This principle of giving additional compensation I have opposed; and I have opposed the forming of these contracts. That has been the course of policy which I have pursued, and which I am pursuing at the present time. For, Mr. Speaker, I believe that if this system is persisted in, it will destroy the Post Office Department. If this bill now before the House is enacted, it will draw from the revenue of that Department \$1,500,000; and this, too, from a Department where there is already a deficit of \$2,000,000 a year; which would make the deficit then \$3,500,000 a year.

Mr. McMULLIN. Will the gentleman from Missouri yield me the floor for a moment?

Mr. PHELPS. Certainly.

Mr. McMULLIN. Mr. Speaker, I shall not now take exception to the point of order made upon me by the gentleman from Tennessee, [Mr. CHURCHWELL,] I think, however, he might have saved himself that trouble—

Mr. CHURCHWELL, (interrupting.) Will the gentleman from Virginia allow me to explain?

Mr. McMULLIN. The gentleman from Missouri [Mr. PHELPS] has the floor; if he consents to yield I have no objection.

Mr. PHELPS. I yield to the gentleman from Tennessee for an explanation.

Mr. CHURCHWELL. What I desire to say is, that I had no disposition to cut off the speech of the gentleman from Virginia; for I have always

heard his speeches with great pleasure. But I thought the gentleman was out of order, and the Chair decided that I was right in my opinion.

Mr. McMULLIN. I accept with pleasure the explanation of the gentleman from Tennessee. But I think, with all due deference to the Chair and to that gentleman, that if I understand the facts of the case, I was not out of order. I rose the other day to submit a motion to refer this bill to the Committee of the Whole on the state of the Union. I did not then discuss the merits of the bill, but declined to do so.

Mr. CHURCHWELL. Will the gentleman from Virginia afford me another opportunity to explain?

Mr. McMULLIN. With pleasure.

Mr. CHURCHWELL. My understanding was, Mr. Speaker, when this debate was closed last week, that the gentleman from California [Mr. LATHAM] yielded the floor to the gentleman from Virginia, [Mr. McMULLIN,] on the condition that he would renew the motion which had been made for postponing the consideration of this bill for three weeks. (To Mr. LATHAM.) Am I right?

Mr. LATHAM. I understand it so.

Mr. McMULLIN. If the gentleman from Tennessee had but waited to hear me, he would have come at the facts of the case.

The SPEAKER. The papers, the record of the Journal, and the recollection of the Clerk and Speaker all go to show that on this bill there is but one proposition pending, which is to refer it to the Committee of the Whole on the state of the Union.

Mr. LATHAM. Will the gentleman from Missouri [Mr. PHELPS] yield me the floor for a word of explanation?

Mr. PHELPS. Yes; I will yield it for that purpose.

Mr. LATHAM. The proceedings, as I recollect them, are reported correctly in the Globe of Friday last. The gentleman from South Carolina [Mr. ORR] made a motion to postpone the consideration of this bill for three weeks. He gave way to me on the express condition that I should renew that motion. After I closed my remarks, I accordingly renewed the motion, and then gave way for the gentleman from Virginia, [Mr. McMULLIN,] with the express condition that he would renew it—

The SPEAKER, (interrupting.) And the gentleman from Virginia failed to do so. That is the history of the affair.

Mr. McMULLIN. The gentleman from California has stated the facts as I was proceeding to state them myself when I was interrupted. I was not in the House when the bill came up yesterday, or I would then have, in good faith, renewed the motion of the gentleman from South Carolina, [Mr. ORR,] to postpone for three weeks. The floor was taken from me by the gentleman from Ohio [Mr. DISNEY] the other day when I was about to renew the motion; and hence, sir, I thought the gentleman from Tennessee [Mr. CHURCHWELL] was not acting towards me in that extraordinary friendly character which he professed the other day when he was speaking upon this subject.

My purpose now is, more particularly, to notice the remarks of the gentleman from California, [Mr. LATHAM,] and to call the attention of the House to the fact which he stated the other day, that about one third of the whole revenue of the Post Office Department was paid for the transportation of letters by the express lines. Now I beg the House to remember this important fact, that upon all the mail lines established by law, those express companies have no right to transmit letters, and it is the duty of the Post Office Department to enforce the law upon that subject. The argument of the gentleman from California, therefore, ought not to have any influence with the House, because of the fact that if you enforce the law you will break up this system of carrying letters by these express lines. I understand that the mails to and from California are of immense size, amounting sometimes to twelve tons of matter.

I am perfectly willing to afford all the mail facilities which are necessary, but I ask the House if they are prepared to vote for these additional mail facilities between New Orleans and San Francisco; if they are willing to offer a direct premium to those gentlemen who are contemplated as the contractors within the provisions of this bill? I

ask why does not your Postmaster General let this contract, as he does all other mail contracts, to the lowest bidder? Why provide in this bill for a monopoly?

Sir, I did not intend to say one word in reply to the remarks of the gentleman from Tennessee, as the gentlemen from Maryland and Missouri have so fully discussed the nature of this measure; and I shall content myself by voting, either to refer this bill to the Committee of the Whole on the state of the Union; or, if the friends of this bill prefer to recommit it to the Committee on the Post Office and Post Roads, I will vote for that reference. But I will not consent that the vote shall be taken now, unless those who agree with me that the bill is objectionable, think best that it should be taken now, and in that case I will consent to it.

Mr. PHELPS. I have not understood that this bill contemplated disturbing the existing mail contracts now existing for the transportation of the mails from New York to San Francisco, but that it contemplates the establishment of an additional line. By the provisions of this bill, as I understand it, the Postmaster General is required to accept a contract, and enter into an agreement, for the transportation of the letter and paper mail only. Now it is true, perhaps, that in ordinary, common parlance the paper and letter mail would embrace all the mailable matter, but in the legal acceptance of those words it would not embrace all mailable matter besides letters and newspapers. This shows that it was the intention of the mover of the bill to establish this line as an additional line to California.

Mr. CHURCHWELL here obtained the floor. Mr. WASHBURNE, of Illinois. Will the gentleman yield the floor for a moment?

Mr. CHURCHWELL. Does the gentleman rise to a question of order?

Mr. WASHBURNE. I do.

Mr. CHURCHWELL. Then I yield, of course.

Mr. WASHBURNE. What I desired to know was, whether the gentleman has not occupied the floor once upon this matter?

The SPEAKER. The Chair thinks the gentleman has had the floor once.

Mr. CHURCHWELL. Does the gentleman desire to speak upon the bill?

Mr. WASHBURNE. No, sir, I do not. If the gentleman has occupied the floor once, my purpose was to move that the bill be laid upon the table.

Mr. CHURCHWELL. I have not occupied the floor upon the pending question.

The SPEAKER. If that is the case, the gentleman from Tennessee is entitled to the floor.

Mr. CHURCHWELL. Mr. Speaker, I am well satisfied from the course of things here this morning, that the bill has more merit in it than was at first supposed. It has attracted the attention of the able member from Maryland, [Mr. HAMILTON,] who has discussed and dissected its details, this morning, and still there is life left in it—the main principle.

Sir, neither the honorable gentleman from Maryland nor the honorable gentleman from Missouri have touched the principle of this bill. Not at all. They have dwelt, from the beginning to the end, upon questions concerning its details. They have talked about the compensation which is offered. They have spoken of the different routes between the two proposed starting points, but they have not touched the great principles of the bill itself, not one of them. They have not told the House the principle was wrong; they need not, for time is money.

The honorable gentleman from Maryland tells the House that he differs from me in reference to this question. That is true, and I differ upon many other questions besides this. I take it the honorable gentleman belongs to the class of which there are several in this House, who are opposed to all changes, whether for good or evil, who would not spend one dollar to save ten, but who are willing to pay out a dollar at a time all day, as long as they can get eighty-seven and a half cents to one dollar back. I will not say such is the character of all who oppose this bill. They are the men who belong—if it would not be indelicate to use the expression—to the Old Foggy party. For myself, I belong to the Young American party; to the progressive party; to that party which is

imbued with a spirit of goaheaditiveness, who, when they see one branch of the Government withering, shrinking, becoming a mere incumbrance upon the people's treasury, are ready to bring forward and support a measure which will have the effect to give that department new life, and place it in a healthy condition, so that it will accommodate the wants of the public, and thereby yield revenue sufficient for the purpose of carrying it on. No business will succeed, sir, unless conducted in a manner to command the patronage of the business public. Let me ask if this is the case with the Post Office Department? No, sir, the expresses carry the mail, and the Department pay hundreds of thousands of dollars to companies for running their steamers under the pretense of carrying the Government mail. Is this not so? Were not the facts this way before express lines were established? Then it had no competition, and the rural districts were better served with mail facilities than now.

Sir, what was the condition of this Department of the Government before these expresses were established for carrying the mail? We had revenue enough to afford proper mail facilities. But gentlemen now say the effect of this bill will be to increase the deficit of this Department; and the honorable gentleman from Missouri, with pleasing manner, says the title of the bill should be changed, and that it should be a bill to increase the deficit in the revenues of the Department. And why? Because it proposes to increase the sums now paid for carrying the mail. It does no such thing. It proposes entirely a different thing. He thinks that time is of but little consequence. To this argument I have no reply. All know the importance of time.

Now I wish this House distinctly to understand that in making out this schedule, I have no choice as to the particular amount of compensation. The object I had in view was only to present a sufficient sum to induce competition in carrying out the principle, which, like every new principle, must have a test before it is permanently established. You may, if you choose, strike out the compensation altogether, and if you can get any one of sufficient patriotism and enterprise to undertake to carry it for nothing, no one will be more gratified than I shall.

But gentlemen say, Why take it away from the Postmaster General? Sir, it proposes that he shall accept the contract, if in accordance with the law, as he accepts all contracts. Why propose a monopoly? The bill proposes no monopoly. One great feature of it is to destroy monopoly, which its establishment will do effectually. It leaves the matter open to competition. It invites the attention of the commercial world to contend for speed. It proposes that, after a contract shall have been made, if an individual or a company prove sufficiently and satisfactorily before the Postmaster General, that they can carry the mail three consecutive months in less time than those having the contract do, they shall be entitled to the contract. Does the bill propose that the Government shall advance anything for the purpose of carrying out the project, as has been the case on former occasions? No, sir; the contract is to be carried out by individuals, at their own expense, and not at the expense of the Government.

Does it propose to take vessels off the hands of contractors whenever there shall be a disposition to change the contract, as is the case with the Panama and other contracts? Not at all. Sir, the bill contains a new and important principle, which if tested, will be adopted and established. The Government is amply guarded in that respect, indeed in every respect. If it is successful the Government will receive much advantage from it; if it fails, the Government loses nothing. It is at least safe. But the honorable gentleman from Missouri [Mr. PHELPS] tells the House that every time the mails are changed there is an increase of expenditure. Against that I desire to guard. It is expressly provided in the last section of the bill that a change shall cause no expenditure to the Government. I request gentlemen to read that section, and they will satisfy themselves of the correctness of my position.

We are told time is of no consequence. What are the facts? With regard to the southern mail, by way of the South Carolina railroad to New Orleans, for speed you now pay over three hundred dollars per mile. Time is money—speed saves time; time

saved is money made. Yet gentlemen say that time is of little importance; that the revenue of the Department cannot be increased by the saving of time. I ask, in reply, if it could perform for the business public their mail service in as good time as the individual express lines now do, if it would not receive additional mail business—and consequently increased revenue, far exceeding the outlay, to bring about the result?

The honorable member from Maryland leads me to believe, from his remarks, that he desires, if I may be allowed the illustration, to place the Government in the predicament of a landlord owning an indifferent hotel, badly kept, alongside of one well conditioned and satisfactorily kept. What is the consequence? Is it not an inevitable result that one will force the other landlord to put his house in a condition to compete with its rival, or to suffer ruin, or to abandon it; for the house well kept will get all the patronage, while the other sinks and ruins the landlord? Is this not precisely the case with the Government and Post Office Department? Is it not, in a measure, superseded by expresses? Is not this decrease of business the cause of the heavy deficit in the revenue of that Department? Must not that branch of the Government be in a condition to afford ample facilities and offer equal inducements to the business public before they can hope to secure its patronage? Is it now in that condition? Are the wants of the public satisfied by the Post Office Department? If that be so, there is no necessity for the passage of the bill. But what are the facts? Here is the letter of the Postmaster General, in which he recommends additional service for California, to the extent of \$600,000; and yet he objects to the bill. If I may be allowed to judge, and I hope I do not judge harshly, it seems to me that his main objection is because the bill appears to take from him patronage, while it increases the revenue of the Department. The adoption of the main principle of the bill, sir, is all I care particularly about; as to its details, arrange them as you please. I do not desire to have anything embraced in the bill which is objectionable to the House. The principle of the bill, I repeat, is what I wish to see established. I desire that the mails shall be carried according to time; not that they shall be placed in steamers, and these steamers allowed to make their trips just as they think proper; to load and to unload freight on the way, and detain and delay Government business. I desire that whenever the Government mail is put aboard that they will speed quickly to the destined port. That is the object of the bill.

As I have already said, however, I do not wish to embrace anything in it which is objectionable to the House. The gentleman from Missouri says that the time is too long. It is ten years; and he talks about the Garay, and the Sloo, and the Ramsay, and the Cormack, and I do not know how many other routes. The bill proposes the quickest route. Nicaragua is now said to be the quickest. If so, let them have it; but if anybody can beat them on the same or any other route, the parties making quicker time should be entitled to the contract. In other words, the United States mail, the people's mail, should move along and up with all the developments of the times.

Ought not Government reap the advantage of such improvements and developments alike with express lines. For myself, I have no choice of routes, and certainly no concern about pay. If you will establish the principle of my bill, and any man has patriotism enough to take the contract without compensation, strike out the schedule. If ten years is too long for the contract, bring it down to five years. If that is too long, bring it down to one year. All I ask of you is to establish the principle, nothing more and nothing less. Once properly understood by the country, it will be demanded at your hands.

I hope the House will give that consideration to the bill that its merits demand, and I have every reason to believe that they will do so. The motion that was made by the gentleman from South Carolina, [Mr. ORR,] a few days ago, to postpone the consideration of the bill for three weeks, has been lost, I may say by accident, as it was distinctly understood that it was to be renewed. I hope the House will, therefore, vote down the motion to refer the bill to the Committee of the Whole on the state of the Union, and let it be

postponed for three weeks, that members may have an opportunity to investigate it as they desire.

Mr. LETCHER. As my progressive friend has reached a water station, [laughter,] I would inquire why he does not propose to apply this principle to all the inland mails, as well as to the ocean mails?

Mr. CHURCHWELL. If the gentleman had examined the bill; if he had paid attention to the remarks which I submitted to the House the other day, he would have seen that the object is to establish the principle that hereafter, when contracts are let, the Postmaster General shall propose to receive bids for carrying the mails from point to point—say from some point in Virginia to the gentleman's "water station," if you please—[laughter] at so much as per schedule attached, according to time, and the Postmaster General will then have the privilege of selecting the lowest bids according to time, by which means he will be able to give greater mail facilities to the rural districts.

It has been argued that the districts in the interior will not be served by the adoption of this measure; and I was astonished to hear the gentleman from Maryland advance the idea, in his remarks to-day, that the interests of the large cities will be advanced by it. Sir, that is the cry continually, not only here, but elsewhere; and upon that point let me ask this simple question: Who is it that pays the largest amount of revenue into the Treasury? Does not your revenue come from the mercantile community as well as from the agricultural community? And can you advance the interests of the one without advancing the interests of the other? Do gentlemen here desire to draw a distinction between the agricultural and the commercial communities? And if so, what is the character of that distinction? Can the one exist without the other? Their interests are inseparable. Where is the basis of the one without the other? I propose to advance the interests of both. I propose to give strength to that arm of the Government which is now palsied.

We have here the report of the honorable gentleman at the head of that Department, telling us that the deficit is so great that he is unable to give proper facilities for the transportation of mails in the inland and rural districts. I propose to remedy this difficulty by establishing the principle of the bill, in order that our coaches may be replaced on our inland and rural routes; that our facilities may be increased. What is the fact? You may go to the Post Office Department to-day, and ask the Postmaster General to give you better mail facilities, or as good as you have had heretofore in years gone by in your inland country, and what does he tell you? He will tell you that he would do it with great pleasure, but that there is a large deficit in the revenues of the Department, and that he cannot go to any further expense.

I propose to remove this difficulty, to offer the public inducements to patronize his Department, and thereby increase its revenue and cut down the deficiency.

I trust the House will consent to postpone the consideration of this bill for three weeks, and that it may be printed, so that members may examine its details, and discuss its merits. If members will take time to examine its provisions, to consider the main principle involved, I have no fears of the result. Whatever may be the fate of the bill to-day, I am well satisfied that it will be adopted at some future day. If it is not, that withered arm of the Government will have to be severed from the body to preserve it, or it will eat out its vitals and absorb its blood. I care not for the schedule; it is the principle of the bill that I wish to see adopted. I desire to hold out such inducements to the business men of the community as will secure the safe and rapid transmission of the mails between the important points named in the bill, as will confer great and lasting benefit upon all the interests of the country.

Mr. Speaker, no new principle of permanent public utility was ever established without first having to wade through bitter opposition.

This bill contains a great principle. I did not expect it would pass without opposition. It would have been unreasonable to have supposed that it would. While I was prepared for this, sir, I did not think that the details would overshadow the principle of the bill in the mind of honorable gentlemen who have spoken against it.

Had the principle been made the object of attack, honorable gentlemen would perhaps have felt the necessity for a closer examination of the bill than their remarks indicate; but should the bill be lost, will the country excuse them for sacrificing an important measure because they would not tax their leisure to study the great principle proposed to be established? Gentlemen have attacked the details—the figures—and these are nothing. It is the principle I advocate. It is the principle I defend. I would see it firmly fixed in the administrative policy of the Government. Do this, and it is all I ask.

Mr. Speaker, has the morning hour expired?

The SPEAKER. It has.

Mr. OLDS. Let us have a vote some way upon this matter.

Mr. CHURCHWELL. I do not desire to intrude further upon the patience of the House, although my bantling has been so fiercely attacked this morning. I will ask the House that the further consideration of the bill be postponed for three weeks, and that it be printed; and upon this motion I call the previous question.

Mr. KERR. Will it be in order to move to postpone the bill indefinitely?

The SPEAKER. Such a motion will not be in order until the motion to postpone to a day certain, and the motion to commit to the Committee of the Whole on the state of the Union are first disposed of.

Mr. KERR. I then move to lay the bill upon the table.

Mr. LETCHER. I ask the gentleman from North Carolina to withdraw his motion for a moment.

Mr. KERR. Certainly.

Mr. BISSELL. I believe the morning hour has expired, and I hope that the House will be inclined to proceed to the business upon the Speaker's table, as there are a few bills lying there.

The SPEAKER. There is a motion pending to commit the bill to the Committee of the Whole on the state of the Union. The gentleman from Tennessee [Mr. CHURCHWELL] moves to postpone its further consideration to this day three weeks, which motion would take precedence of the motion to commit and print. The gentleman from North Carolina [Mr. KERR] moves to lay the bill upon the table, which will take precedence of either or both of the other motions. The gentleman from Illinois moves that the House proceed to the business upon the Speaker's table.

The question was then taken on Mr. BISSELL's motion; and the House refused to proceed to the business upon the Speaker's table.

The SPEAKER. The question now recurs upon the motion that the bill do lie upon the table.

Mr. LETCHER. But the gentleman from North Carolina, at my request, withdrew it for a moment.

The SPEAKER. Then the motion to postpone to a day certain would not be debatable.

Mr. LETCHER. Will not the gentleman from Tennessee withdraw his motion to postpone for a moment? I promise to renew it.

Mr. CHURCHWELL. I cannot do so.

Mr. LETCHER. I then renew the motion to lay the bill upon the table, and ask for the yeas and nays.

The yeas and nays were ordered.

The roll having been called, there were—yeas 89, nays 59; as follows:

YEAS—Messrs. Willis Allen, Ball, Belcher, Bennett, Boyce, Bridges, Campbell, Caruthers, Chrisman, Clark, Cobb, Corwin, Cox, Craigie, Crocker, Culhoun, Dawson, Dean, Drum, Eastman, Eddy, Edmonds, English, Etheridge, Everhart, Ewing, Fuller, Hamilton, Aaron Harlan, Haven, Henn, Hubbard, Huester, Howe, Hunt, Ingersoll, Daniel T. Jones, J. Clancy Jones, Kerr, Kittredge, Knox, Kurtz, Letcher, Lilly, Lindley, Lyon, McMullin, Macy, Maurice, Meacham, Middlesworth, John G. Miller, Morrison, Murray, Andrew Oliver, Peck, Peckham, Phelps, Pratt, Puryear, Ready, David Ritchie, Rogers, Ruffin, Sabin, Sapp, Seward, Seymour, Shaw, Shower, Simmons, Singleton, Skelton, George W. Smyth, Snodgrass, Stratton, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Vansant, Wade, Walley, Ellihu B. Washburn, Israel Washburn, John Wentworth, Witte, Daniel B. Wright, Yates, and Zollcoffer—89.

NAYS—Messrs. Aiken, Appleton, Banks, Barksdale, Barry, Benson, Bissell, Carpenter, Chastain, Churchwell, Chingman, Colquitt, Cook, John G. Davis, Thomas Davis, Dent, Disney, Dunbar, Dunham, Ederston, Ellison, Fenton, Florence, Goodrich, Greenwood, Grey, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Hughes, Roland Jones, Latham, Lindsey, McDougall, Mace, Mayall, Smith Miller, Morgan, Nichols, Olds, Parker, John Perkins,

Phillips, Riddle, Rowe, Shannon, Samuel A. Smith, William Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, Tweed, Upham, Vail, and Warren—59.

So the bill was ordered to be laid on the table.

Mr. CAMPBELL. I move to reconsider the vote by which the bill was laid on the table; and I also move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Mr. COBB. Will the gentleman from Ohio yield to me, to enable me to make a proposition?

Mr. CAMPBELL declined yielding the floor.

Mr. COBB. Why, the gentleman from Ohio has made two motions at once.

Mr. LETCHER. I move to lay on the table the motion to reconsider the vote by which the bill was laid on the table.

The SPEAKER. The motion that the House do now resolve itself into the Committee of the Whole on the state of the Union has been made, and takes precedence of the motion to reconsider.

Mr. LETCHER. Is not my motion to lay the motion to reconsider on the table a privileged question?

The SPEAKER. It is a privileged question, and so is the other, and one of higher dignity.

Mr. CAMPBELL. I call for tellers on the motion.

Tellers were ordered; and Messrs. ASHE and CAMPBELL were appointed.

The question was taken; and the tellers reported—yeas 50; not a sufficient number.

So the House refused to go into the Committee of the Whole on the state of the Union.

Mr. PHELPS. I now move, Mr. Speaker, to lay on the table the motion to reconsider the vote by which the bill was laid on the table.

The question was taken; and the motion was agreed to.

Mr. PHELPS. I now ask the unanimous consent of the House that the special order may be postponed.

Mr. EDGERTON. I object to that motion. I have objection to the making of a special order in the matter.

Mr. PHELPS. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken; and the motion was agreed to.

GRADUATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair,) and resumed the consideration of House bill No. 1, to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, and to graduate and reduce the price of the public lands.

The CHAIRMAN. When the committee last rose, the pending question was the motion of the gentleman from Alabama [Mr. COBB] to strike out all after the word "that," in the first line of the first section, to the word "all," in the first line of the seventh section. Upon that motion the gentleman from Alabama [Mr. COBB] is entitled to the floor.

Mr. DISNEY. I rise to ask for information in regard to this bill; and, first of all, to enable me to arrive at the point I desire, I ask what the title of the bill is?

The CHAIRMAN. The Clerk will read the title.

The title was then read, (as inserted above.)

Mr. DISNEY. I now desire further to ask whether debate upon this bill has been limited by the order of the House; and if so, when and under what circumstances?

The CHAIRMAN. Debate has been limited under an order of the House, which will be read.

The order was read, as follows:

"Resolved, That House bill No. 1, being 'a bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, and to graduate and reduce the price of the public lands;' and House bill No. 37, 'to encourage agriculture, commerce, manufac-

tures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, be the special order of the day, in the order in which they were reported to the House, for Tuesday, the 14th of February next, and for each succeeding day, private bill days excepted, until disposed of.

Resolved, That all debate on said special order or bills shall terminate in the Committee of the Whole on the state of the Union, at three o'clock, p. m., on Tuesday, 21st of February next, when the House shall proceed to vote on the pending amendments, and such as may be offered to said bills, after which the committee shall rise and report to the House."

Mr. DISNEY. Exactly. I now raise the point of order which I have before indicated, and ask for the decision of the Chair upon it. I submit that the order of the House, which has just been read, limiting debate upon the bills designated, has been executed by the committee. The House having disposed of the homestead question, by a well settled principle of parliamentary law, no other bill proposing the same is before the House. I submit that question of order. But even should this be held otherwise—should this bill be now properly and legitimately before the committee, I submit that the order of the House limiting debate and requiring the committee to proceed to vote, &c., has been executed, and no longer applies to the bill under consideration. I make these two questions of order, therefore: First, that the House having disposed of one homestead bill, by a well settled principle of parliamentary law, no other homestead bill can come before the committee; and second, that the order limiting debate upon the homestead bill having been executed by the committee, does not apply to the pending bill, if it should be decided that this bill is now pending before us.

Mr. COBB. I suppose it is in-order to discuss this question. I think I can show the committee that the gentleman's questions of order will not hold good. I think the intelligence of the committee will bring them to that conclusion.

The CHAIRMAN. Debate is not in order. The order of the House is in the plural number, including bills No. 1 and 37. Bill No. 37 seems to have been disposed of; and bill No. 1 is still pending.

Mr. DISNEY. That is the very point I make. These bills are both upon the same subject, and I submit that the disposition of one disposes of them both.

The CHAIRMAN. Bill No. 1 has not been disposed of.

Mr. DISNEY. Am I to understand the Chair to rule that if there be forty homestead bills referred to this committee, this one having been disposed of, the others would still be before the committee?

The CHAIRMAN. The Chair rules that of the two bills designated in the order of the House which has been read by the Clerk, only one has been disposed of, and that debate is closed upon that bill.

Mr. CLINGMAN. It seems to me that the point raised by the gentleman from Ohio, is well taken. Those two bills relating to the same subject-matter, were referred to the Committee of the Whole on the state of the Union; one of them was taken up and disposed of, and it seems to me that in disposing of that bill the House disposed of the subject-matter, and that the other bill is no longer before us. I do not think it was the intention of the House to make this bill a special order. I know I had no such intention.

Mr. COBB. It was my intention to make it a special order. I had charge of the bill; and I think that was the intention of the House.

Mr. CLINGMAN. That was not my intention. I repeat, that the House having disposed of this subject-matter, it seems to me this bill should not come up in the committee. That is my opinion; and I think, upon reflection, the Chair will so rule.

Mr. PHELPS. I desire to inquire whether the order of the House specifies both bills, No. 1 and No. 37?

Mr. COBB. Certainly it does.

Mr. PHELPS. Is bill No. 1 undisposed of?

Mr. COBB. Certainly it has not been disposed of. It is the bill now before the committee.

The CHAIRMAN. Does the gentleman from North Carolina appeal from the decision of the Chair?

Mr. CLINGMAN. I do not know whether I understood distinctly the decision made by the Chair.

The CHAIRMAN. The Chair decides that one bill designated by the order of the House has been disposed of, and that the other is now before the committee, upon which debate has been terminated.

Mr. CLINGMAN. With a view of ascertaining the sense of the committee in reference to the question, whether both bills were disposed of by the House, I will take an appeal from the decision of the Chair.

Mr. KEITT. I hope the Chair will again state the question upon which an appeal has been taken, so that the House may distinctly understand it.

The CHAIRMAN again stated the question.

Mr. COBB. I ask the Chair to permit me to make one other suggestion. The gentleman from North Carolina says he thinks it was not the intention of the House to make this bill a special order. I will say to that gentleman that the House has half a dozen times recognized this as a special order. It has been postponed from day to day as such.

The CHAIRMAN. Debate is not in order.

Mr. COBB. I am aware that debate is not in order; but I wished to make the suggestion for the purpose of having the matter better understood by the committee.

The question, "Shall the decision of the Chair stand as the judgment of the committee?" was then taken, and decided in the affirmative.

So the bill was declared to be legitimately before the committee.

Mr. BAYLY, of Virginia. I would be glad if the Chairman would state what really is the special order before the committee.

Mr. COBB. The question has been disposed of, in my opinion.

The CHAIRMAN. The Clerk will report the title of the bill now the special order before the committee, for the information of the gentleman from Virginia.

The Clerk read the title of the bill (No. 1) as previously inserted.

The CHAIRMAN. The question now recurs on the amendment to strike out all that portion of the bill relating to homesteads.

Mr. DISNEY. Did I understand the Chair as embracing in his decision the second point of order which I made?

The CHAIRMAN. The Chair did not understand the gentleman as raising a second point of order.

Mr. DISNEY. I did present a second point.

The CHAIRMAN. Will the gentleman state his second point of order again.

Mr. DISNEY. Never mind. I will not press it.

Mr. DEAN. I oppose the amendment of the gentleman from Alabama, for the purpose of bringing it to a vote.

The question was then taken; and the amendment was adopted.

The Clerk then proceeded with the reading of the bill.

Mr. JONES, of Tennessee. I move to add the following proviso at the end of the seventh section:

Provided, That no one person shall enter more than six hundred and forty acres of land under the provisions of this section.

Mr. COBB. With the gentleman's permission, I would state that there is in another part of the bill a provision that no person shall enter more than three hundred and twenty acres. That provision, I think, is much better than the one the gentleman has proposed. The bill is meant for the benefit of actual settlers and cultivators alone. If no gentleman wishes to amend that part of the section which precedes the seventh line, I have an amendment to offer.

Mr. DISNEY. I propose to amend it by striking it out.

Mr. Chairman, this bill is one of the manifold schemes presented to this House, by which to despoil the General Government of a portion of the public domain; and while it avoids the question of constitutional power, it is quite as indefensible, upon the ground of policy and expediency, as any other proposition which has been, or probably will be, submitted to the House.

But, sir, for me to attempt to show to this House

all the objections that legitimately apply to this bill, within the limits of five minutes, would be simply absurd; and here I find myself in the position of opposing one of the most important bills that could possibly be brought before Congress; involving the disposition of hundreds of millions of acres of the public domain, without the power or the opportunity of giving to the House the reasons why such a bill should not be adopted. All that I can do, under the circumstances, is, of necessity, briefly and hurriedly to state a few of the prominent objections to that bill; and I can only do even that by snatches, by fits and starts, by offering amendments under the rule, *pro forma*, in order to dodge in, and steal in five minutes remarks at a time.

It is evident, then, that it is utterly impossible, in the present posture of the affairs in which this bill is placed, that either the House or the country can understand the reasons for or against this measure.

To begin, sir, this whole bill proceeds upon a false assumption with regard to the facts. It proceeds upon the idea that because lands have been offered for sale, and have remained a long time unsold, those lands are therefore of less value than the other lands owned by the Government, and ought to be put in market at a less price. Now, this is not true in point of fact. I have before me a document which goes to the point. In 1828, upon a proposition of this sort, the Land Office was called upon to give an exhibit of the number of acres of the public domain then in market and offered for sale, together with an estimate of the probable value. This document shows that at that time the amount of public land then in market and offered for sale was fifty millions five hundred thousand three hundred and thirty-four acres, estimated at a value of \$20,700,566. Assuming the theory, upon which the bill now pending before the committee is based, that those lands were, of necessity, of a less value because they had remained in market for so long a period of time although offered for sale—

[Here the hammer fell.]

Mr. DUNHAM. If I understand the purport of the remarks of the gentleman from Ohio, [Mr. DISNEY,] he is opposed to the idea of graduating and reducing the price of the public lands. I must confess my astonishment at the position assumed by that gentleman, as he comes from a State where the public lands have been in market many years; and I presume a gentleman of his observation must have noticed the fact that many of these lands remained unsold. The gentleman correctly remarked, that it was utterly impossible, in the limited time of five minutes, to enter into an examination of the merits of a question of this kind. I think that the bill under consideration is a very important one, which, if passed, will result in a great benefit to the country. I believe that the price of lands which have remained in market for a great length of time should be reduced for one reason, among others, which I think is a very important one. It would cause the lands to be settled and cultivated. It would prove of incalculable advantage to have these lands settled as emigration progresses westward. In other words, when a district of country is open to settlement, inducements should be held out, as far as practicable, upon the part of the Government, to have such district of country entirely occupied and settled, before lands are brought into market in another district of the country. We all know, that as you go westward and open a new district of country for sale, that speculators go in and select all the best lands, leaving the refuse lands unsold. From this cause township and county organizations are prevented, and large quantities of second and third-rate lands are left unsold and unimproved. If you were to graduate and reduce the price of these second and third-rate lands, many settlers occupying the best lands would induce their friends to purchase and occupy these refuse lands, and bring them into a state of cultivation. But if persons are obliged to pay the same price for lands which have been culled over, year after year, as they would have to pay for first-rate lands by going a little further West, they will move on where they can make such selection; and in this way is the western country settled, by persons who select the best lands, and leave the second and third-rate lands unsold and unimproved. It seems to me to be the dictate of sound policy that we should

graduate and reduce the price of the public lands, so as to bring them into market.

Mr. BISSELL. I propose to amend the amendment by substituting for the words "one dollar," in the fifth and sixth lines, the words "ninety cents."

I think that there never was a wiser proposition with regard to the public lands, presented to Congress, than that embraced in this seventh section. It is not a new proposition, but has been often urged upon the country by our wisest statesmen, and those best acquainted with the operations of our land system. It is well known that heretofore the public lands have been grasped by Congress with a strong and tight hand, or else this policy would have been defeated long ago. Does it not approach very near to absurdity for the Government to sell all these lands, of whatever quality, however or wherever situated, at the same price? Does any private individual act in that way, let his property be what it may?

But we are informed that the fact of these lands having been in market for a long time and unsold is conclusive evidence that they are less valuable than the others. That is not the argument which some of my friends have used in this Hall on other questions. We have insisted that when lands have been in market for ten, twenty, or thirty years, it is well for the Government to dispose of them in some way, though at a much less price than \$1 25 per acre. I still adhere to that opinion. Why, Mr. Chairman, I think, besides, that that is the very way to test the value of these lands. If these shrewd men who desire lands for speculation or for cultivation have rambled over the territory for twenty or thirty years, selecting here and rejecting there, and have left this tract unsold for forty odd years, it is the best possible evidence that, for some reason or other, that particular region is less valuable than others.

Again, sir, we are told that this is the beginning of a system which is to deprive the Government of all benefit from the public lands. I was somewhat surprised to hear that objection coming from the gentleman from Ohio, [Mr. DISNEY.] Heretofore he and I have urged upon this House the propriety of appropriating lands for the benefit of railroads, on the ground that the Government loses nothing by it, inasmuch as the alternate reserved sections were doubled in price. And I have urged that position honestly, as I believe the gentleman from Ohio has urged it, and I have voted accordingly. But what did we see here the other day in connection with this subject? After we had voted millions and millions of acres of the public lands for railroad purposes, mainly upon that ground, a bill came in here proposing to give to all the actual settlers on the reserved sections the right to enter their land at \$1 25 per acre, the old price; and my friend from Ohio, who is now so much alarmed on account of the public lands, voted for that measure.

Mr. DISNEY. The gentleman from Illinois is mistaken. I did not vote in favor of that bill.

Mr. BISSELL. I beg pardon. The gentleman from Ohio says he did not vote for the bill referred to. So far I stand corrected.

But, Mr. Chairman, there was another proposition before the House, which proposed, not to sell for a dollar, or fifty cents, or twenty-five cents, land to actual settlers, or to any others, but absolutely to give to every man who chooses to take possession of it one hundred and sixty acres of land. Now, Mr. Chairman, is it not a matter of surprise, after we have voted for a proposition like that, to hear it asserted that this bill, which proposes to fix the prices of the public lands more nearly in accordance with their value than these prices now are, is a measure which would inflict a loss on the General Government?

[Here the hammer fell.]

Mr. DISNEY. I would like to meet the gentleman from Illinois in every point connected with this matter. I have studied it, sir, in all its aspects and in all its bearings, and I am confident that I can satisfy the House and the country that such a bill as this before us is entirely wrong in principle.

Mr. Chairman, when I was broken off before in my remarks, I was reading a document which is a full answer to the friends of the measure. I will have it read now—

Mr. COBB, (interrupting.) I think we had better give the gentleman from Ohio half an hour

to finish what he has to say on the subject. We might as well do so, and it would be more satisfactory to the whole of us.

Several MEMBERS. Yes; give him half an hour.

Some, however, objected.

Mr. DISNEY. Mr. Chairman, the document which I was on the point of reading at the expiration of my time is itself an answer to the arguments of the gentleman from Illinois, [Mr. BISSELL.] That document shows that in 1828 there were fifty millions of acres of the public lands unsold, which had remained in market for a long period of time, and which were estimated then by the Land Office at the value of \$20,700,000. And yet, in 1840, only twelve years subsequently to the date of this statement, nineteen millions two hundred and seventeen thousand six hundred and forty-one of these same fifty millions of acres—barely exceeding one third of the quantity—had been sold, and yet this one third of the quantity brought \$24,053,032—\$4,000,000 more than the whole fifty millions of acres had been estimated at in 1828. This document of itself, then, is an answer to the argument of the gentleman from Illinois.

I repeat again, this document establishes the fact that the fact of land having remained a long time in market unsold, is no evidence of the want of value, or want of fertility in the soil. Various other circumstances enter into the result, and determine the value of these different parcels of the public domain. The general improvement of the country and the increase of the settlements are to be taken into account. Why, it may be that a poor, barren, and sterile soil may become valuable on account of the building materials upon it, which are called into use by the increasing demand for them as the country fills up. It may be that the very poorest soils may be enhanced in value twenty-fold by reasons of improvements which may be made in their vicinity, as has been the case in neighborhoods where railroads have been run, or are proposed to be run. A gentleman the other day mentioned a case in reference to land within his own knowledge, in the vicinity of which a railroad had been located, which land previously could not have been sold for fifty cents an acre, but cannot now be bought for twenty-five dollars an acre. Such instances are not rare.

Again, look at the absurdity of the policy. Year after year you are surveying and throwing into the market for sale three times the quantity of public lands which can, by any possibility, be taken up by the demand of the country. Your measure of policy is to make the supply greater than the demand; and consequently, as a matter of necessity, you will always have a large surplus of land on hand unsold, and which has been in market a considerable period of time for want of a purchaser. And yet while pursuing this policy of throwing upon the market a superabundance of land each and every year, you, at the same time, propose to adopt a policy which will reduce the price of this land after it has been in market a short time. You over-supply the market, and so keep it, and then upon that the excess is not sold, because it is of less value than the part sold.

If it be the true policy of the country to reduce the price of these lands, as suggested by the gentleman from Indiana, [Mr. DUNHAM,] stop your present policy of surveying large additional portions of the public domain, and throwing that upon the market. The two systems are incompatible, and cannot work in harmony. Arrest the extension of your settlements, and then you will be able to dispose of the unsold land in the older districts.

I repeat, while you are continuing to inundate the market with a supply of the public domain largely exceeding the demand, it is absurd to adopt, upon the other hand, a policy which will reduce the price of those lands after they have been in market a short period of time.

Again, take the case of my own State. There are two hundred thousand acres of land remaining unsold in that State, as good in quality, if not far better, than much of the land in the western States, and readily sought by purchasers. These lands have been in market for twenty to thirty years; and according to this bill they would have to be offered for sale at from twelve and a half to twenty-five cents per acre.

Mr. DUNHAM here obtained the floor.

Mr. BISSELL. Will the gentleman from Indiana allow me to make a single remark?

Mr. DUNHAM. I will.

Mr. BISSELL. I find, by consulting the record which is before me, that upon the proposition to reduce the price of these reserved lands from \$2 50 to \$1 25 per acre, the gentleman from Ohio [Mr. DISNEY] is recorded as voting in the affirmative.

Mr. DISNEY. I can only say in reply, if I am so recorded, I never intended to give any such vote.

Mr. BISSELL. However that may be, here is the record, and there is the gentleman.

Mr. DUNHAM. I move to amend by striking out "one dollar," and inserting "eighty cents."

Mr. PERKINS, of Louisiana. I ask the gentleman from Indiana to allow me to make an explanation?

Mr. DUNHAM. I have no time to spare out of my five minutes; but I will yield to the gentleman.

Mr. PERKINS. I desire to say a word in relation to the bill on which the gentleman from Illinois [Mr. BISSELL] said the gentleman from Ohio had voted in the affirmative. That was a bill, if I understand it, applying only to lands in Arkansas upon the borders of the State of Louisiana.

Mr. BISSELL. It applies to all persons living on these reserved sections.

Mr. PERKINS. The principles of the bill may be general in their application.

Mr. BISSELL. They are.

Mr. DUNHAM. I am compelled to claim the floor. Mr. Chairman, I do not suppose what I have to say will change the course of a single member of this committee in reference to this bill; but, nevertheless, it seems to me that the remarks made by the gentleman from Ohio [Mr. DISNEY] require that some explanation should be given to the members from the older States.

Now, it is very true that some of these lands, which have been in market for many years, are finally sold out at the Government price. But I have in my mind tracts of land in the district which I had the honor to represent in the last Congress, and in the district which I have the honor to represent now, which have remained in market twenty, thirty, and some of them forty years, and which yet remain unsold. They have been taken up in small quantities, year after year, but large tracts in my district still remain unsold; and at the Government price of \$1 25 an acre, perhaps will not be taken up for twenty years to come.

Now, suppose the prices of these lands had been reduced twenty years ago; or suppose some such system as is now proposed in this bill had been adopted, some of them would have been taken up immediately, most of them would have been taken up ten years ago, and but very few would now remain unsold; and these lands which have, for thirty or forty years remained an uncultivated waste, would have been cultivated and settled. Would it not have been much better, not only for the district of country in which the lands lie, but much better, also, for the interests of the General Government, that they should have been sold at a reduced price, and the revenues arising therefrom put into the public Treasury, and appropriated to defray the expenses of the Government for the last twenty or thirty years, rather than that they should have remained a wilderness, as they are now?

I will tell you how it is that these lands are taken up at all now. There are farmers who have large farms with but little timber upon them, and find it desirable to add land containing timber, although it may be uncultivable, and so a few acres are in this way taken up. Or perhaps some railroad or a canal is built in the vicinity, and in this manner lands which were before worthless, become valuable in consequence of the improvements. Now, would it not have been much better if, instead of waiting for these improvements to be made, the price of these lands had been reduced twenty or thirty years ago, so that they would have been taken up, thereby giving you not only the use of the proceeds of their sale, but by their settlement, increasing your revenue by increasing the commerce of the country? By such course these improvements might have been made fifteen or twenty years sooner. I submit to you whether it is good policy for the Government to

keep these lands, now perfectly worthless, uncultivated, thus preventing their being taken up—thus retarding the settlement of the country for forty or fifty years, for the sake of getting at last \$1 25 an acre for them?

Mr. DISNEY. One word in reference to the bill for which the gentleman from Illinois [Mr. BISSSELL] says I voted. I have just looked at it. That bill was in relation to a different principle, as I find, entirely different from any here involved. It was in relation to the recognition of a presumptive right. That I probably did vote for. But I will not discuss that now, sir. It is a perfect fallacy for the gentleman from Illinois, and others who have discussed this subject, to suppose that they can increase the permanent demand of the public for these lands by any legislation upon the part of Congress. You cannot increase that demand *ad libitum*. You may, from time to time, produce a fever in the market which will, for a time, cause an unnatural demand for land; but if you will take a series of years, you will find that the demand for the public domain for the purpose of cultivation is regulated by your population, and the wants of that population. And if those lands, which the gentleman says have been unsold, were sold, other lands in the newer States of the Union would have remained unsold. It was a question with the purchasers whether they should select the lands there or the lands at some other place; and although you may stimulate the demand by the reduction of the price, yet, I repeat that, taking a series of years, whether you put up or put down the price of the public domain, the demand for it will remain the same, other circumstances remaining the same. And, sir, it is a neglect in attending to this fundamental and important principle which leads these gentlemen into the error which they evince in regard to this subject.

I said, when I was up before, that the fact of land having been offered for a long time for sale without a purchaser, was no evidence of value. Why, turn to the reports of the Commissioner of the General Land Office. In the last one which he has submitted to Congress, you find that in the State of Illinois, the very State represented by my friend here, returns of land sold not only for \$1 25 per acre, but above that price, up to \$2 50 per acre—land which had been in market without finding a purchaser for thirteen years; in other cases for nine years; some nineteen years; some twenty-eight years; and others as high as thirty-four years. They had been in market without finding a purchaser at \$1 25 per acre; yet in less than twelve months they were sold at \$2 50 per acre.

The defeat of this bill is not alone, however, in the error of the principle of which I have spoken. It is objectionable in various other respects. Why, think of the immense amount of labor, if at all practicable, which would be required to classify all these lands throughout the entire public domain of this great Republic. Many of these lands, and part of tracts, have been offered for sale at different periods. One part of a tract was offered in market at one period, and another part at another period; and how are you to classify them? At the Land Office they tell me that the work would be interminable, if not impossible.

Mr. COBB. There is a map there showing the precise time all lands were put into market.

Mr. DISNEY. I have just said that parts of a tract have been offered for sale at one point of time, and other parts at other points; and how unpracticable will be the classification. I have a letter from the Commissioner of the General Land Office, which I will send to the Clerk's desk that it may be read.

The CHAIRMAN. The gentleman's time has expired.

The question was then taken on Mr. DUNHAM's amendment to the amendment; and it was rejected.

Mr. PHILLIPS. I move to strike out the words "twelve and a half cents per acre," and insert in lieu thereof "six and a quarter cents per acre." [Laughter.]

The CHAIRMAN. The amendment of the gentleman must apply to the amendment now pending.

Mr. PHILLIPS. What is the amendment pending?

The CHAIRMAN. It is to strike out "one dollar" and to insert "eight cents."

Mr. PHILLIPS. Well, I move, *pro forma*, to strike out "eight" and insert "fifty."

Mr. Chairman, the situation of the new States in reference to their public lands is well known. The Government of the United States is the largest landed proprietor within their borders. Those lands are reserved from taxation. They are held by the Government under a species of *mortmain*, or dead hand, and it is literally a "dead hand" placed on the energies of the people of the States in which those lands lie. Sir, in England, from which we derive our laws and even our prejudices, there is a hostility against corporations holding lands to an unlimited extent; and the new States of this Union are subject to the operation of precisely similar laws; for this great political corporation of the United States holds in *mortmain* a large portion of the lands in those States of this Confederacy known as the land States. Why, you cannot get the Legislature of one of those States to pass an act chartering a corporation in which one of the first provisions is not that such corporation shall not hold more than a certain quantity of land. This is because it is well known that the fact of the ownership of such lands within the country is a disaster to the people of the States in which those lands lie.

Now, I say that this Government owes it to the States in which these lands lie to deal with them in a fair, a just, nay, more, sir, in a liberal spirit. It never was intended that the Federal Government should become the perpetual owner, or the owner for centuries, of lands lying within the limits and jurisdiction of the sovereign States of the Union.

Sir, the gentleman from Ohio [Mr. DISNEY] says that if you will keep these lands long enough they will some day become of value. He refers to documents to show that lands which were offered for sale thirty years ago, and could not be sold, can be sold at the present day, in consequence of the improvements which are now projected through the country; and he tells us that if the Government will hold on, with the grasping spirit of the miser, to these lands which have been offered for sale for thirty years, and have not yet been improved, in thirty, or sixty, or ninety, or one hundred and twenty years hence, they will become valuable, in consequence of improvements then projected. Sir, is this the manner in which the Government is to deal with the States in which these lands lie? Is the Government to keep the lands perpetually bound up in the hope that some thirty, sixty, or ninety years hence there will be some improvements running through that waste country which will then give value to the lands? No, sir; I say that it is the duty of this Government to act in a different spirit. If the lands within those States have been offered for sale for thirty years, and there has been no offer to purchase them, it is the best evidence that those lands are not worth the price asked for them. Apply to your public lands precisely the same principle that you would apply to the sale of any other commodity in the market—

[Here the hammer fell.]

Mr. DISNEY. I must express my surprise that a gentleman of the ability of the honorable gentleman from Alabama should get up here and present such arguments as those which he has just presented. He contends that the fact of the land having been offered for sale for a long period of time, and having no purchaser, is an evidence of its want of value. Now, that would be true if the purchaser had no choice, but was compelled to take that land or none. But I put it to the gentleman whether it is at all conclusive on that point, when the purchaser has the option of either buying that land at that price, or going to a different part of the country, and selecting other lands at the same price.

Mr. PHILLIPS, (interrupting.) I would ask the gentleman from Ohio if he had goods to dispose of, calicoes for instance—and should expose them for sale thirty years, at a dollar a yard, without receiving anything for them—would it not be good evidence that the calicoes were not worth the price asked?

Mr. DISNEY. I will repeat that the argument offered by the gentleman from Alabama would be true, if there were no choice to be made and purchases could not be effected elsewhere. It might be fair to infer from the fact that the unsold lands were not worth as much as some other lands of

the Government, but certainly it is no evidence that the unsold land is not worth \$1 25 per acre.

Mr. HARRIS, of Alabama, here interrupted, occupying the remainder of the five minutes of Mr. DISNEY by expressing his dissent from the views of that gentleman, and advocating the principles of the bill.

The question was taken on the amendment to the amendment, and it was rejected.

Mr. COBB. I will move, with the assent of the Committee on Public Lands, an amendment which will answer some of the objections urged by my honorable colleague, [Mr. PHILLIPS.] It is to strike out the words "one dollar," and insert in lieu thereof, "sixty-two and a half cents."

Mr. Chairman, the gentleman from Ohio [Mr. DISNEY] in his proposition, moves to strike out the entire section of this bill. The purpose of that proposition is to defeat the objects contemplated by the bill. If I did not know the gentleman from Ohio as well as I do—if I had not so long observed his course in the Committee on Public Lands—I might have mistrusted the particular object that he has in view. But, sir, when I look at the history of the country, and find that measures were introduced here—coming from the State of Ohio—at the last session of Congress, proposing to give to that State all the public land within her jurisdiction, and when I recollect the movements that have taken place in this House at the present session, proposing to give to the State of Ohio all the lands within her jurisdiction—when I look at all this, I say, I would—did I not know the gentleman as well as I do—attribute his opposition to this measure to the ground that he expects his State to get all the public land within her limits without having to pay anything at all for it.

Sir, when you reduce the price of the public lands in accordance with the provisions of this bill, you bring the lands of the State of Ohio into market, and into speedy market; and in a very few years—even probably before that policy can prevail to any great extent—you get the money out of the State of Ohio for the lands within her jurisdiction at the graduated price.

What does the gentleman from Ohio propose by defeating this measure? He proposes, Mr. Chairman, to do this—or at least the practical effect of its defeat will be—to keep the public lands at \$1 25 per acre, and thereby to keep them in the same condition of wildness and unprofitableness in which they have been from the organization of the land system of the country to the present time. Yes, sir, that is it. Why, there is nothing but pine deserts and mountains now vacant, in my country. My father emigrated to it, and I was raised almost in the midst of these lands. Since the good lands of that country have been taken up, what has been the result? Why, the poor man goes and locates a quarter section, or forty acres of land there, which is admitted not to have been worth \$1 25 per acre, the best of it, from the very fact that it has been in the market for thirty years—he goes there, I say; he settles on the land; he builds a house, and clears ten or fifteen acres of land; and then, sir, one of the Shylocks, whom the gentleman from Ohio would protect, buys up the tract at \$1 25 per acre, comes and turns this man out of his house and home because he is not able to pay \$1 25 per acre for the whole tract. What do these Shylocks pay that price for? Is it for the original intrinsic value of the land? No, sir; it is for the labor which the poor man has expended upon it; and that is the very policy which the defeat of this bill will perpetuate.

I did not purpose to-day to allude to this matter; but I was led into these remarks. I would rather lose my eye than neglect to utter the sentiments which I feel in regard to the protection of the citizen and of the man who contributes all his might to raise his house, and clear and cultivate his farm for the support of his family. I will state before the discussion closes, the effect of this state of facts. I will point you to the district of country lying within the State of Mississippi, and I will also call upon the gentleman from Mississippi to testify, in relation to the lands which were reserved by the Chickasaw Indians, when they ceded that part of the country to the United States. The provisions of the cession required the lands to be sold at graduated prices. What has been the result of this wise provision? Why, the lands in that region of country have been—almost every acre—taken up.

Mr. DISNEY. I now ask that the letter, which I before sent to the Chair, may be read.

The letter was read, as follows:

LAND OFFICE, March 29, 1854.

SIR: In accordance with your request, I have the honor to inclose you a statement exhibiting the quantity of public lands in market and unsold on the 30th June, 1828, in the several land districts therein mentioned, the aggregate value of those lands as assessed or estimated by the land officers, the quantity of those lands sold between the 30th June, 1828, and the 30th September, 1840, with the amount received for them.

I would have been much pleased to bring this statement up to date, but the pressure of business is such that I find it wholly impossible to do so, in view of the great amount of labor involved in it.

This statement, embracing a period including the most prosperous, as well as the most adverse years for the land system, is probably as fair as any that could be prepared. It includes districts in nine of the land States, and therefore the results are not traceable to any local causes.

To attempt to establish this system will involve immense labor, as it will require an entire classification of all the public lands of the United States, and in many cases, parts of the same section even have been offered at different and remote periods.

The minimum price of the public lands, \$1 25 per acre, is merely nominal. Analyse it as you will, it will be perceived that a very slight amount of industry will pay for it. If it be only pine land, an hour's work each day, after the labor of the farm is over, will enable him to make shingles, staves, hoops, or lumber, in a short time, sufficient to pay for it. And if it be prairie, the crop of a single season will support his family and pay for his land. If, however, it is thought one season is too short, extend the period to two, three, four, or five years, in which preëmptors can pay for their lands.

The only plan yet presented for fixing the graduated prices, is the length of time the lands have been in market; and the results in the Chickasawcession have been referred to as evincing the efficient working of the system.

In that cession there was comparatively little land, and it was in the midst of a densely populated community. The surrounding lands were kept up to the minimum of \$1 25 per acre, and, of course, the readier sale of those at a less price. They were offered in small parcels, as wanted, and in that way the best lands were first taken, then the next, &c.; and there would seem to be more reason for reducing the price of the less valuable or refuse land.

But the graduating principle, if applied to the whole of the public domain, would not resemble this in a single feature.

For many years about ten millions of acres have been surveyed and brought into market each year, and that, too, with a full knowledge that from one to three millions would supply the entire demand. Thus about four fifths of the land each year was left unpurchased; and it would be absurd to suppose that there was not much, very much, as good land remaining as any that had been sold. Moreover, the lapse of time, that is supposed to dispose of all the good land, enhances the value of the poorer lands. As the settlements extend and become dense, rocky lands, wholly worthless for cultivation, become valuable for building materials. So also of sandy, gravelly, and poor pine lands. Suppose an acre of pine lands would grow three hundred trees, allowing considerably more than ten feet square for each tree, and that each tree would yield an average of three hundred feet of one inch plank, it would amount to ninety thousand feet of lumber. This divided into \$1 25 per acre, would make the cost to the settler but little over the one hundredth part of a mill per foot, a mere nominal price, while the lumber would yield a handsome profit, and the scrub lands would be valuable for hoop-poles, if for nothing else.

But if the graduating system be introduced, the first settlers will have to pay full price for their lands; while those who come after them will get them at less price. This, instead of promoting the settlement of the lands, will have a tendency to retard them, as each year's delay would, for some or other of them, reduce the price.

To you, sir, who are so intimately acquainted with the operations of the land system, the inclosed statement and above suggestions will, I am sure, satisfy you of the fallacy of the graduating process.

With great respect, your obedient servant,

JOHN WILSON, Commissioner.

Hon. D. P. DISNEY, House of Representatives.

Mr. ROWE. I move that the committee do now rise.

Mr. BOGOCCK. Upon that question I demand tellers.

Tellers were ordered; and Messrs. Cox and VAIL were appointed.

The question was taken; and the tellers reported—ayes 63, a further count not being demanded. So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. FULLER] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 1) granting portions of the public lands to actual settlers thereon, and to reduce and graduate the price of the public lands, and had come to no resolution thereon.

ENROLLED BILLS.

Mr. KERR obtained the floor.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled, bills of the

following titles, which were signed by the Speaker:

A bill for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army;

A bill for the relief of William B. Edwards; and

A bill for the relief of the legal representatives of Isaac P. Simonton.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. BISSELL. As it is not quite the usual adjourning hour, I move that the House do now proceed to the consideration of the business on the Speaker's table.

Mr. KERR. I believe that I have the floor.

The SPEAKER. The gentleman from North Carolina was recognized by the Chair, and he yielded for the report of the Committee on Enrolled Bills.

Mr. KERR. I merely rose for the purpose of moving that the House adjourn. [Laughter.]

[Here a message was received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that that body had passed a certain bill, and asked the concurrence of the House therein.]

Mr. PHELPS. I would ask the gentleman from North Carolina to withdraw his motion to adjourn, so that we may go to the business on the Speaker's table, and refer the Senate bills lying there to the appropriate committee.

Mr. KERR. If there be a disposition to do anything, I withdraw the motion to adjourn with great pleasure.

Mr. BISSELL. I move that the House do now proceed to the consideration of the business on the Speaker's table.

Mr. LETCHER. I move that the standing committees of the House be called on for reports. What is the use of referring bills after bills to committees when they have large numbers of reports ready to submit to the House without being able to do so? Let us first get rid of what we have before you give us others.

The SPEAKER. If the House decline to go to the consideration of the business on the Speaker's table, it will be the duty of the Chair to call on committees for reports.

The question was taken, and the House agreed to go to the business on the Speaker's table.

The SPEAKER laid before the House a bill from the Senate "to authorize the State of Wisconsin to select the residue of land to which she is entitled under the act of 8th August, 1846, for the improvement of the Fox and Wisconsin rivers;" which was read a first and second time by its title, and, on motion by Mr. PHELPS, referred to the Committee on Public Lands.

Mr. DAVIS, of Indiana. I suppose from the decision of the Chair made yesterday, that the bill granting to the States of Indiana and Illinois a portion of the public lands to aid in the construction of the Indiana and Illinois Central railway would be the first business in order when we proceeded to the consideration of the business on the Speaker's table.

The SPEAKER. The Chair decided that a postponement of the consideration of the bill yesterday when it was up to a particular day, would make it the first business in order when the House next went to the consideration of the business on the Speaker's table; but it was not postponed.

Mr. DAVIS, of Indiana. Is it not true that the House adjourned yesterday pending the motion to lay that bill on the table?

The SPEAKER. It is true that a motion was made by some gentleman to refer the bill to the Committee of the Whole on the state of the Union. The gentleman from Indiana, however, moved to postpone its consideration to a particular day. Some other gentleman then moved to lay the bill on the table. The House then adjourned, leaving all these motions pending. It is, nevertheless, the opinion of the Chair, that the adjournment of the House, without postponing the consideration of the bill to a particular day, requires it, according to a rule to which the Chair can refer if it be necessary, to take its place on the Speaker's table in the fourth class. The Chair said yesterday, that if the House postponed the consideration of the bill to a particular day, the bill would, after that day arrived, be the first business in order when the House proceeded to consider the business on the Speaker's table. That

is what the Chair intended to say yesterday. But the House did not make that order.

The gentleman from Indiana will recollect that he asked the Chair what would be the condition of the bill if its consideration were postponed to a day certain? The Chair replied that when that day should arrive, it would be the first business in order when the House proceeded to the consideration of the business on the Speaker's table.

Mr. DAVIS. I desire to make one other inquiry, and then I shall have done. Do I understand the Speaker to state now that the motion to refer the bill to the Committee on Public Lands does not change its present condition?

The SPEAKER. That motion would not change the condition of a bill taken from the Speaker's table, whatever effect it might have upon a bill reported from a committee. The practice in regard to bills reported from committees has been uniform. When a motion to commit is made, and left pending, it keeps the bill as the first business in order in the morning hour. But that has never been the practice in regard to the disposition of bills on the Speaker's table; nor is there any reason, under the rules, for such a practice—for it is only a practice.

Mr. HUNT. I move that the House do now adjourn.

Mr. PHELPS. I hope the gentleman from Louisiana will withdraw that motion. We can refer a number of bills in a very few moments.

Mr. HUNT. I have no objection; but I saw there was a very evident indisposition to do business.

Mr. PHELPS. Oh, yes, we can refer bills.

Mr. HUNT. Well, I withdraw the motion to adjourn.

The following Senate bills were then taken from the Speaker's table, read a first and second time by their respective titles, and severally referred as indicated below:

An act to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes. Referred to the Committee on Military Affairs.

An act for the relief of James M. Goggin. Referred to the Committee on the Post Office and Post Roads.

An act supplementary to an act confirming claims to land in the State of Missouri, and for other purposes. Referred to the Committee on Private Land Claims.

An act for the relief of Joseph Smith. Referred to the Committee on Private Land Claims.

An act to extend the limits of the collection district of Milwaukee, in the State of Wisconsin, and for other purposes. Referred to the Committee on Commerce.

An act for the relief of Thomas Butler. Referred to the Committee on Commerce.

An act for the relief of Mrs. Sally T. B. Cochran, widow of the late Lieutenant R. E. Cochran, of the United States Army. Referred to the Committee on Military Affairs.

An act for the relief of Thomas B. Parsons. Referred to the Committee on Invalid Pensions.

An act for the relief of Amos Knapp. Referred to the Committee on Invalid Pensions.

An act for the relief of Mary Carlton. Referred to the Committee on Invalid Pensions.

An act for the relief of Commander G. J. Pendergrast. Referred to the Committee on Naval Affairs.

An act to provide compensation for the services of George Morell, in adjusting the titles to lands in Michigan. Referred to the Committee of Claims.

An act for the relief of Thomas S. Russell. Referred to the Committee on Military Affairs.

An act for the relief of James Wormsley. Referred to the Committee on Invalid Pensions.

An act for the relief of E. J. McLane. Referred to the Committee on Commerce.

An act authorizing the legal representatives of Antoine Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Colligan, to enter certain lands in Missouri. Referred to the Committee on Private Land Claims.

An act for the relief of Alexander Lea. Referred to the Committee on Commerce.

An act confirming the claim of Dusan de la Croix to a lot of land therein described. Referred to the Committee on Private Land Claims.

An act for the relief of Gideon Hotchkiss. Referred to the Committee on Patents.

An act for the relief of Robert Jemison and the legal representatives of Benjamin Williamson. Referred to the Committee on the Post Office and Post Roads.

An act for the relief of Almanzon Huston. Referred to the Committee on the Post Office and Post Roads.

An act for the relief of Mark Bean and Richard H. Bean, of Arkansas. Referred to the Committee on Public Lands.

An act for the relief of Levi Pierce and Andrew Hodge, jr. Referred to the Committee of Claims.

An act for the relief of Andrew Dickerhoff. Referred to the Committee on Invalid Pensions.

An act for the relief of Theresa Dardenne, widow of Abraham Dardenne, deceased, and their children. Referred to the Committee on Public Lands.

An act for the relief of Hezekiah Miller. Referred to the Committee of Claims.

An act for the relief of Henry La Reintrie. Referred to the Committee of Claims.

An act for the relief of William Miller. Referred to the Committee on Invalid Pensions.

An act for the relief of Llewellyn Washington. Referred to the Committee on the Post Office and Post Roads.

An act for the relief of the heirs of Brigadier General Richard B. Mason. Referred to the Committee on Military Affairs.

An act for the relief of the heirs and representatives of the late Robert Sewall. Referred to the Committee of Claims.

An act for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy. Referred to the Committee on Naval Affairs.

An act for the relief of Manuel Hernandez. Referred to the Committee on Private Land Claims.

An act for the relief of Sylvanus Culver. Referred to the Committee on Private Land Claims.

An act for the relief of G. N. Baptiste Beaubien.

Mr. BISSELL. I wish to make a single remark in reference to the bill, the title of which has just been read. It does not relate to public lands; nor does it properly come within the jurisdiction of the Committee on Private Land Claims; but it relates to a portion of the old fort Beaubien, a military post in the city of Chicago, which was appropriated, some forty odd years ago, for the site of the fort, and has been reserved for that purpose ever since. I think, therefore, that the proper direction of this bill is to the Committee on Military Affairs.

It was so referred.

An act for the relief of Thomas Rhodes. Referred to the Committee on the Post Office and Post Roads.

An act for the relief of Robert Joynes. Referred to the Committee on Naval Affairs.

An act for the relief of the legal representatives of James Erwin, of Arkansas, and others. Referred to the Committee on Indian Affairs.

An act for the relief of A. G. Bennett. Referred to the Committee on Military Affairs.

An act for the relief of Michael Nourse. Referred to the Committee of Claims.

An act for the relief of Israel Johnson. Referred to the Committee of Claims.

An act to change the name of the bark Abeona to Mount Vernon. Referred to the Committee on Commerce.

An act for the relief of John McAvoy. Referred to the Committee of Claims.

INDIGENT INSANE.

The SPEAKER next announced Senate bill, making a grant of public lands to the several States of the Union for the benefit of indigent insane persons.

Mr. BISSELL. I should like to know, Mr. Speaker, in what condition that bill now stands.

The SPEAKER. It is open to commitment or to amendment. The Chair understands that a demand for the previous question is pending upon it.

Mr. BISSELL. I hope the demand for the previous question will be seconded.

Mr. PHELPS. I move that the House do now adjourn.

Mr. BISSELL. Will the gentleman from Missouri withdraw that motion, until we second the demand for the previous question on this bill?

Mr. PHELPS. No; better let the House adjourn.

The question was taken; and the motion was agreed to.

The House thereupon, at a quarter past three o'clock, p. m., adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, April 13, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented resolutions of the General Assembly of the Presbyterian Church, held at Philadelphia, praying that measures may be taken to secure freedom of religious worship to American citizens traveling or residing in foreign countries; which were referred to the Committee on Foreign Relations.

Mr. ALLEN presented the petition of Simeon Stedman, praying remuneration for services rendered during the war of 1812; which was referred to the Committee on Military Affairs.

REPORT FROM A STANDING COMMITTEE.

Mr. FESSENDEN, from the Committee on Patents and the Patent Office, to whom was referred the petition of Obed Hussey, praying the renewal of his patent for a reaping machine, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading.

The report was ordered to be printed.

ADDITIONAL LAND OFFICE IN MICHIGAN.

Mr. STUART. The Committee on Public Lands, to whom was referred a bill from the House of Representatives "establishing a land office in the lower peninsula of Michigan," have directed me to report it back, and recommend its passage. I ask the unanimous consent of the Senate to take up and consider the bill at this time.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill.

It proposes to create a new land district in the lower peninsula of Michigan, to be called the Sheboygan district, for which a register and receiver are to be appointed by the President of the United States, by and with the advice and consent of the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

RAILROAD IN MICHIGAN.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making a grant of land to aid in the construction of a railroad from Iron Bay, in the State of Michigan, to Little Bay-de-Noquette.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent in the consideration thereof, the doors were reopened, and

The Senate adjourned over until Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 13, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER. Reports are in order from the Committee on the Post Office and Post Roads.

EXPLORATION OF THE AMAZON.

Mr. STANTON, of Kentucky. Mr. Speaker, I am instructed by the Committee on Printing to make a report to the House. Some time ago a resolution was referred to that committee—

Mr. GREY. Will the gentleman from Kentucky withhold his report for a moment, to enable me to offer a resolution of inquiry which will not occupy the House more than a minute or two?

Mr. STANTON. The matter which I have in hand can be disposed of in a single minute.

As I was saying, Mr. Speaker, a resolution was sent some time ago from this House to the

Committee on Printing, directing that committee to inquire into the propriety of printing twenty thousand additional copies of Lieutenants Herndon and Gibbon's report of a survey of the river Amazon. The committee have instructed me to report it back, with a resolution authorizing the printing of ten thousand, instead of twenty thousand extra copies.

The following resolution was thereupon read by the Clerk:

Resolved, That there be printed ten thousand additional copies of the report of the surveys and explorations of the river Amazon, with the plates and maps accompanying, by Lieutenants Herndon and Gibbon—two hundred and fifty of them for distribution by Lieutenant Herndon, two hundred and fifty for distribution by Lieutenant Gibbon, and the remainder for the use of the members of this House.

Mr. BOYCE. I move, Mr. Speaker, to amend that resolution by increasing the number of additional copies from ten thousand to twenty thousand.

Mr. JONES, of Tennessee. I understand, Mr. Speaker, that there has been ordered by the House at the present session of Congress ten thousand copies of this work, which have not been as yet printed; and this resolution provides for an additional number, making the whole number that will have been ordered to be printed twenty thousand. It seems to me that that is as many as the House should order. I hope, therefore, that the gentleman from South Carolina will withdraw his motion.

Mr. TAYLOR, of Ohio. I wish to inquire of the gentleman from Kentucky, [Mr. STANTON,] who reported this resolution, when we may expect to get the copies which have already been ordered?

Mr. STANTON. The first part of the work, embracing Herndon's report, has been printed upon an order of the Senate; but the report of Lieutenant Gibbon was not made to this House until within a recent period—only a few weeks ago. It is now in the hands of the printer, who will proceed with the utmost dispatch in the execution of the work.

Mr. BOYCE. I understand that none of the Gibbon's report has been yet ordered to be printed. This is a very useful work, containing a large amount of useful information in reference to a region of country heretofore but little known; and I think that twenty thousand extra copies will not be too many. I therefore adhere to the motion which I made.

Mr. STANTON. Gentlemen of the House seem to be laboring under an erroneous idea in regard to this subject. The report of Lieutenant Herndon has been published under an order of the Senate, but not embracing the report of Lieutenant Gibbon, which was not then finished. The resolution of this House, passed some time since; directed ten thousand extra copies of that report to be published, and also provided that Lieutenant Gibbon's report should, when made, be included. That report has only been completed within the last three or four weeks. It has been laid upon your table, and ordered to be printed. The extra number now proposed to be published will contain both of these reports. They are very valuable, and afford rich and interesting information in reference to the country watered by the river Amazon.

The resolution which was passed a short time ago provided for the publication of ten thousand copies, and the resolution which I have offered now provides for an additional ten thousand. But the cost of printing the additional ten thousand will not be as great as that of the first ten thousand, as the original composition of the work will be charged to the previous ten thousand. I call for the previous question.

Mr. HIESTER. Will the gentleman from Kentucky withdraw his demand for a moment?

Mr. STANTON. I will, if the gentleman will renew the call.

Mr. HIESTER. I will. I desire to know from the gentlemen of the Committee on Printing when we shall probably receive this work, if it be ordered, or those which have been ordered?

Mr. STANTON. I am informed that the manuscript is now in the hand of the printer, and he is at work upon it. No doubt it will be speedily executed.

Mr. HIESTER. Can the gentleman from Kentucky form any idea, from the information he has upon the subject, when the printer will be

likely to finish the work, and have it ready for delivery? That is what we are particularly anxious to know.

Mr. MURRAY. The printer of the House has now commenced printing Lieutenant Herndon's report. He has put a large force upon it, and will have it ready very soon for delivery. He has provided himself with an additional number of presses, and the extra documents will be got along with as fast as possible.

Mr. JONES, of Tennessee. I wish to say a word as to the time when these documents will probably be delivered.

Mr. HIESTER. I believe I am entitled to the floor, Mr. Speaker.

Mr. JONES. I will detain the House but for a moment, if the gentleman will yield.

Mr. HIESTER, (retaining the floor.) I will give way for a moment.

Mr. JONES. I think we may very reasonably expect, from the number of copies we are ordering, and the amount of printing which we are having done, that those gentlemen who shall not have the good fortune to be reelected to the next Congress, will have the pleasure of finding the documents, which they now order, delivered to their successors in the next Congress, to be distributed by them among the people.

Mr. DEAN. Then we are not interested in the question.

Mr. HIESTER. If what the gentleman from Tennessee says shall prove true, then these documents will go into our districts, and that is where we desire that they shall go. The publication of this and other works is not for our individual benefit, but for that of the people of the country.

As the gentleman from Kentucky [Mr. STAN-
TON] withdrew the call for the previous question merely to allow me to make an inquiry of him, I now renew the demand.

The previous question was then seconded, and the main question ordered to be put.

The question was put; and, upon a division, eighty-five members rose in the affirmative.

Mr. HAMILTON. I call for the yeas and nays upon the adoption of the amendment.

Upon seconding the demand for the yeas and nays, only seventeen members voted therefor.

Mr. JONES, of Tennessee. I demand tellers upon the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

Mr. JONES. I demand tellers upon the adoption of the amendment.

Tellers were not ordered.

The division was then completed, and twenty-three members rose in the negative—no quorum voting.

Mr. WASHBURN, of Illinois. I move that there be a call of the House.

The question was put; and a call of the House was refused.

The SPEAKER then counted the House, and declared a hundred and thirty-six members to be present.

The question was again put; and decided in the affirmative—yeas 94, noes 34.

So the amendment was agreed to.

Mr. JONES, of Tennessee. I move to lay the resolution upon the table; and upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken; and the House refused to lay the resolution upon the table.

Mr. JONES. I call for the yeas and nays on the passage of the resolution.

The yeas and nays were not ordered.

The question was then taken; and the resolution was adopted.

Mr. WASHBURN, of Illinois. I move to reconsider the vote by which the resolution was adopted; and to lay the motion to reconsider on the table.

The latter motion was agreed to.

[A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had approved and signed a bill to establish additional land districts in the Territory of Minnesota.

Also, that he had approved and signed sundry private bills.

Also, transmitting a communication in writing.]

POSTMASTER GENERAL.

Mr. OLDS obtained the floor, but yielded to Mr. GREY, who said: Mr. Speaker, I ask the unanimous consent of the House to submit the following resolutions:

1. *Resolved*, That the Postmaster General be directed to furnish the House of Representatives with copies of all orders, rules, or regulations adopted by him, which prevent or deny to the members of the Committee on the Post Office and Post Roads the privilege of going into the public rooms of the Post Office Department during office hours, and of then and there examining the public records of that Department.

2. *Resolved*, That the Postmaster General be directed to abolish all rules, orders, or regulations, which prevent or denies the privilege to the members of the Committee on the Post Office and Post Roads, or any one of them, from going into the public rooms in the Post Office Department during office hours, and then and there examining such public records in the presence, and with the assistance of the clerk having charge of them, as such member may desire.

That he also abolish all rules, orders, or regulations by which the clerks, or either of them, are prevented or restrained from affording to any member of said committee such information during those examinations as the public records of the Post Office Department will enable him to give.

Mr. PHELPS. I object.

Mr. GREY. I am satisfied, if the gentleman will allow me to explain, that he will withdraw his objection, and that the House will unanimously adopt the resolutions.

The SPEAKER. Is it the pleasure of the House to hear the gentleman?

There was no objection.

Mr. GREY. The recommendation of the honorable Postmaster General to Congress to sanction and ratify a contract which he had, without legal authority, entered into for transporting and expediting the mails between Montgomery, Alabama, and New Orleans, by way of Mobile, was referred, by a vote of this House, to the Committee on the Post Office and Post Roads, (of which I am a member,) for a full and careful investigation, and to report to this House all the facts relating thereto. As soon as possible after the reference to our committee, I introduced, and this House adopted, resolutions calling upon the Postmaster General for information bearing on the proposition, (which was on the records of the Department.)

I am prepared to show that the information furnished by the Postmaster General in this, and in other instances, is not full and accurate—that it is contradictory. The statement of facts in the letter from the Postmaster General cannot be reconciled with the facts stated in other official documents before the committee upon this and other subjects.

As a member of the Committee on the Post Office and Post Roads, I went to the Post Office Department, for the purpose of ascertaining the facts correctly, and why it was that the letter and report were not more explicit and full, and did not agree with the facts as they actually existed, and why the different portions of them did not agree with each other. I charge no intentional fraud on the Postmaster General. But I will state facts, and can prove that there are very important omissions and mistakes in that report, and in other official reports from that Department, which assured me that they were not wholly reliable. I stated to the Second Assistant Postmaster General, at the Department, who is at the head of the Contract Office, and, in that capacity, has the control of all this information, that I wanted to go to the clerks' rooms to examine the official papers and records of the Department, the correspondence, &c., in relation to this matter, which had been referred to our committee. Yes, sir, I only desired to see and examine the "official public records." I wished to examine no private, confidential, or secret records.

I presume there could be none such in the Post Office Department in relation to a matter which the Postmaster General had sent to Congress for investigation, and for their action upon it. Mr. Dundas, the Second Assistant, informed me that the Postmaster General had adopted orders, or rules and regulations, which prevented any person whatever from going into the clerks' rooms for the purpose of examining the papers and records. I expressed my great surprise that any such regulation should have been made; that heretofore no such obstacles had been thrown in the way of members of Congress, or others desiring to examine the "official records" of that Department. I knew, moreover, that it had been the custom with members of Congress, with contract-

ors, and with gentlemen disconnected with the Government, to go to the clerks' rooms and obtain information from the public records of the Post Office Department. I never before heard of that privilege being denied to any one. I have heard that one, or all of these orders, had been made since this matter, relative to the Montgomery, Mobile, and New Orleans mail contracts, was referred to Congress. The Second Assistant Postmaster General told me that if I could tell him what papers I desired to see, that he would have them brought down into his room, where I might look at them; but that I could not, under the rules adopted by the present Postmaster General, go up into the clerks' rooms and examine them there.

Mr. Speaker, there may be, and I know there is, great propriety in withholding from public inspection the records of the State Department of our Government, which has charge of all our foreign relations, and very many important matters of negotiation and arrangement, which should be made public only at the discretion of the President and his Cabinet advisers.

But, sir, the present is, I presume, the first Postmaster General who ever asked for investigation and action by Congress upon his conduct, and at the same time denied to any of its members the opportunity for a full and fair examination of the public "official records" upon which he had based his action.

Sir, I wanted all the facts on file in the Department which might tend to enable me to ascertain the untold truth, and understand fully every fact in relation to the subject which this House had referred to me as one of that committee. It was impossible for me to tell exactly in what book, or under what head or particular title I could ascertain the information. But I knew I could ascertain all by examining the books, papers, &c., and from conversation with the clerks in their rooms, when all the records were in sight of them. Moreover, sir, every lawyer understands how difficult it is to get the whole truth out of an unwilling or overwary witness—out of a witness under duress, as it were. I know that if there has been violation of law, of official propriety, or if there has been any juggling or trickery, or combination in regard to that mail contract, by which the Government Treasury is about to lose thousands of dollars, that (although the head of that Department will be held responsible to public censure) yet, those who understand the internal regulation of the business in that Department, will hold the Second Assistant Postmaster General as the one, of all others, most guilty.

Suppose, sir, the Second Assistant, who has charge of the "Contract Office" of that Department, had brought in one of the "contract clerks," and sat him down with the books and papers in his room, and under his constant watch and observation—a clerk, sir, who was dependent upon the favor and good-will of the Second Assistant for his office, and for the daily support of his wife and children—one in such a position possibly might not be so ready and willing to volunteer full and complete information, or suggest how, or where, among the records, I might most readily obtain facts.

But, sir, if I could have thus obtained all the information, and read every line, and every word, and ascertained the feelings and the motives which prompted every one connected with those transactions, I would have scorned indignantly the impudent and insulting proposition that I might be graciously permitted to look over the "official public records" of that Department, and talk to a clerk about them, provided I would do so under the ear and watchings of the Second Assistant Postmaster General.

Well, sir, when informed of this new regulation for hiding and concealing, I addressed a note to the Postmaster General asking "official copies of those orders, rules, or regulations, that I might understand how far I had a right to go, and intended to violate none of the regulations of the Department. To that note, written several days ago, I have received no response.

Mr. Speaker, this case requires speedy action, if any at all. It is pending before the Committee on the Post Office and Post Roads. I have endeavored to hasten a decision upon it, but have failed in my efforts to get the necessary information from the Postmaster General, and therefore ask, in the first resolution, that the House will

direct copies of all such orders and regulations to be furnished by him to this branch of Congress.

The second resolution directs merely that the Postmaster General shall annul any order of his that would prevent any member of the Committee on the Post Office and Post Roads from going to the Department *during office hours*, and examining, in the presence of the clerks who have charge of them, the official records of the Department; and also to abolish any order he may have made which would tend to restrain the clerks from giving information in relation to the official documents in the Post Office Department.

Such, sir, is the sum and substance of those resolutions. Will this Democratic Congress demand investigation of matters of legislation by the Committee on the Post Office and Post Roads, and permit the Postmaster General to withhold from them the information essential to their guidance to correct conclusions? Will you, sir, tolerate in the Postmaster General and his subordinates, their arrogant assumption that they will stifle and smother investigation by locking their doors, withholding the "public records," and thereby deprive every member of the committee from hunting out and obtaining for himself full and reliable "official facts?"

Sir, if honesty, integrity, and justice has been observed, is it possible that there can be any information on the records of the Post Office Department which ought to be concealed from Congress? How is it possible that any member could obtain from the official papers there that which ought not to be known to all?

Now, Mr. Speaker, although, perhaps, not *legitimately* before the House, I desire to say one word in regard to the mail contracts for carrying the mails daily from Montgomery by Mobile to New Orleans. They were made in 1850 to terminate 1st of July, 1854. The "time" from Montgomery to New Orleans, by the *original* contracts, was fifty-eight hours—their aggregate cost \$56,175 per annum.

The same contracts now cost the Government \$101,300, and require fifty-nine hours from Montgomery to New Orleans, and yet only *once-a-day* mail service is now given from Montgomery to New Orleans. Yes, sir, these "*extra allowances*," which now swell the cost of those contracts up to \$101,300, instead of \$56,175, (their original cost,) were all granted, I believe, (except \$400,) under the *pretense* of expediting that "great mail," and now it requires one hour longer to go from Montgomery to New Orleans than it did by the *original* contracts at about one half the present cost.

The SPEAKER. The Chair must remind the gentleman from Kentucky that he is not in order in indulging in his present course of remark.

Mr. GREY. Then, sir, I am through.

Mr. LETCHER. I should like to have these resolutions read over again.

The SPEAKER. They are not before the House, as objection was made to their introduction.

Mr. GREY. If in order, then, I move to suspend the rules, to enable me to introduce them.

The SPEAKER. That motion would not be in order.

Mr. GREY. I hope there will be no longer objection to the introduction of the resolutions. I rise to a question of order. I understand that there is no objection to their introduction.

The SPEAKER. Objection was made, and the gentleman from Kentucky [Mr. GREY] asked leave of the House to explain. At the outset of his remarks he expressed the hope that the objection would be withdrawn, and that the House would give him an opportunity to indulge in an explanation. The Chair understood the gentleman from Tennessee [Mr. STANTON] as making the objection to the introduction of the resolutions.

Mr. STANTON. I did not object.

Mr. PHELPS. I made objection to the introduction of the resolutions.

Mr. GREY. Mr. Speaker, I now rise to a privileged question. I will state to the House, that I find it impossible for me to investigate and show all the facts connected with this matter of legislation, in consequence of not being able to consult and examine official records; and I therefore ask, most respectfully, that this House will excuse me from acting any longer on the Committee on the Post Office and Post Roads; and, sir, I do assure this House and my friends that I

earnestly ask, and sincerely desire, this favor be extended to me.

I ask it, sir, from no bad feelings, nor in any captious spirit, and free from the least excitement about the matter; for, sir, I have no *personal* interest in it, nor has any friend or acquaintance of mine.

Sir, I ask it as a *personal* favor, and as an act of justice due to me, because, sir, I am prevented from examining the "official records" of the Department, and thereby obtaining information essential to a faithful discharge of my duties as a member of the committee. In conclusion, I again express an earnest desire that the House will excuse me, unless the gentleman from Missouri [Mr. PHELPS] will withdraw his objection, and allow these resolutions to come up and pass, so as to give me an opportunity to examine the "public records," and do my whole duty to my country.

Mr. HARRIS, of Alabama. I feel some personal interest in reference to the bill, or the joint resolution of the Senate, about which the gentleman from Kentucky [Mr. GREY] seeks information. From the current of remark which has fallen from the honorable gentleman, I fear that that bill, on its passage through this body, may be prejudiced. I am prepared to meet every objection to the contract which was made by the Postmaster General with the present contractors between Montgomery and Mobile, and I desire that the fullest investigation may be had upon this subject. I hope that the objection to the introduction of the resolution offered by the gentleman from Kentucky [Mr. GREY] may be withdrawn, and give the gentleman from Kentucky, who seems opposed to an extension of this contract according to the recommendation of the Postmaster General, the fullest opportunity for investigation.

The SPEAKER. Is the objection withdrawn upon the appeal made by the gentleman from Alabama, [Mr. HARRIS?]

Mr. PHELPS. I do not withdraw it.

The SPEAKER. The gentleman from Kentucky [Mr. GREY] asks the House to excuse him from further service on the Committee on the Post Office and Post Roads.

Mr. OLDS. May I be allowed one word?

The SPEAKER. By unanimous consent, and unanimous consent alone.

Mr. OLDS. I think I can explain this matter to the satisfaction of the House.

The SPEAKER. Does the gentleman from Ohio have the unanimous consent of the House to make an explanation?

Mr. GREY. I object, unless the resolutions are read.

The SPEAKER. The resolutions have been already read twice.

Mr. OLDS. I was about to suggest that the resolutions be referred to the Committee on the Post Office and Post Roads. I think that the whole matter is susceptible of explanation, if the resolutions will be allowed to take that direction.

The SPEAKER. The question now before the House is, "Shall the gentleman from Kentucky [Mr. GREY] be excused from further service on the Committee on the Post Office and Post Roads?"

The question was then taken; and there were—ayes 50, noes not counted.

The SPEAKER. The number voting in the affirmative is less than a majority of a quorum.

Mr. CAMPBELL. I demand tellers.

Mr. WENTWORTH, of Illinois. I desire to ask the Speaker the question whether debate upon the request to be excused is now in order?

The SPEAKER. Debate is not in order upon it.

Mr. WENTWORTH. When the question was taken on the demand to be excused, the House was not divided.

The SPEAKER. The House did divide; but before the Chair announced the result, tellers were demanded on the proposition to excuse the gentleman from Kentucky.

Mr. WENTWORTH. But is not the question of excusing debatable?

The SPEAKER. It is not.

Tellers were ordered; and Messrs. VAIL, and JONES of Louisiana, were appointed.

The question was then taken; and the tellers reported—ayes 86, noes 37.

So the House agreed to excuse the gentleman

from Kentucky [Mr. GREY] from serving on the Committee on the Post Office and Post Roads.

Mr. STANTON, of Tennessee, took the floor. The SPEAKER. The Chair must say to the gentleman from Tennessee, [Mr. STANTON,] that the gentleman from Ohio [Mr. OLDS] was recognized by the Chair when he was interrupted by the gentleman from Kentucky, [Mr. GREY.] The gentleman from Ohio is therefore entitled to the floor.

Mr. STANTON. Will the gentleman from Ohio then give me an opportunity to ask the unanimous consent of the House to allow me to make a report from a committee, simply for the purpose of reference? I desire to do so now, as I am obliged to leave the city shortly.

Mr. OLDS. Such being the case, I yield to the gentleman for a moment.

Mr. STANTON. I then ask the unanimous consent of the House to make a report.

Mr. EDGERTON. I must say that the gentleman from Ohio is not authorized to yield the floor; and I feel it my duty to call for the regular order of business.

The SPEAKER. As objection is made, the report cannot be received. The gentleman from Ohio is entitled to the floor.

INCREASE OF POSTAGE.

Mr. OLDS. I am instructed by the Committee on the Post Office and Post Roads to report the bill which I send up to the Clerk's desk. I desire to call the attention of the committee to the reading of the bill. I design to have it read through.

The bill was then read a first and second time by its title, as follows:

A bill further to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, and an act amendatory thereto, passed August 30, 1852.

The following is the bill in *extenso*:

A bill further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, and the act amendatory thereto, passed August 30, 1852.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the commencement of the next fiscal quarter after the passage of this act, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit:

For every single letter in manuscript, or paper of any kind in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents; and for any distance exceeding three thousand miles, ten cents. For every such letter or paper when conveyed wholly or in part by sea, and to or from a foreign country, for any distance not exceeding three thousand miles, the ocean postage shall be five cents, and for any distance exceeding three thousand miles, such ocean postage shall be ten cents—excepting, however, all cases where such postages have been, or shall be, adjusted at different rates by postal treaty or convention already concluded or hereafter to be made;—and for a double letter there shall be charged double the rate above specified; and for a treble letter, treble those rates; and for a quadruple letter, quadruple those rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter; and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single postage; and upon all letters passing through or in the mail of the United States, except such as are from a foreign country, the postages as above specified shall be prepaid; and from and after the first day of January, 1855, such prepayment shall be by stamps; and all drop letters, or letters placed in any post office not for transmission through the mail, but for delivery only, shall be charged with postage at the rate of one cent each; and all letters which shall hereafter be advertised as remaining over, or uncalled for in any post office, shall be charged with one cent each in addition to the regular postage, both to be accounted for as other postages now are.

Sec. 2. And be it further enacted, That so much of the second section of an act entitled "An act to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,'" passed August 30, 1852, as is in these words, viz: "And when the postage upon any newspaper or periodical is paid quarterly or yearly in advance, at the office where the said periodical or newspaper is delivered, or is paid yearly or quarterly in advance, at the office where the same is mailed, and evidence of such payment is furnished to the office of delivery in such manner as the Post Office Department shall by general regulations prescribe, one half of said rates only shall be charged," be, and the same is hereby, repealed.

Sec. 3. And be it further enacted, That all acts or parts of acts which come in conflict with the provisions of this act, be, and the same are hereby, repealed.

Mr. OLDS. A week ago last Monday, when we were about acting upon the bill increasing the compensation of postmasters in the United States, I indicated to the House that I was willing to vote for increasing the rates of postage to a sufficient

amount to defray the expenses of the Department. Appeals were then made to me to move such a provision as an amendment to that bill. I did not do it then because I thought it better to allow each bill to stand upon its own merits; and I did not wish to have that bill trammelled by connecting it with any other question. But such was the expression of the House at that time, and such were my own pledges to the House, that I felt it to be my duty to bring the matter before the Committee on the Post Office and Post Roads. I did bring it before that committee, and they have instructed me to report the bill which has just been read at the Clerk's desk.

At the time to which I have alluded, there was a very general expression in the House that something should be done upon this subject immediately. I therefore propose to take up this bill at this time, and ask the House to put it upon its passage. I want it either to be passed or rejected by the House.

I shall not make any extended argument upon the subject at this time, reserving to myself the right to answer such objections as may be raised in the privilege which I shall have of closing the debate upon the bill. I shall, therefore, at this time, content myself with stating some of the peculiar features of the bill, and in giving the facts and figures which recommend the bill to the favorable consideration of the House.

I commence, Mr. Speaker, by stating to the House that it is necessary that we should do one of two things: either that we should abandon the idea of making the Post Office Department a self-sustaining Department, and make it absolutely and unconditionally a charge upon the General Treasury of the country, or to raise the rates of postage to something near the point which will make the Post Office Department a self-sustaining Department of the Government.

Now, sir, as long as this Department contains neither the one thing nor the other—as long as it is neither a self-sustaining Department, nor thrown upon the General Treasury, it operates peculiarly hard upon the rural districts of the country. The cities and the eastern States receive no detriment from it, for their postal facilities are fixed, their postal arrangements are perfected and secured to them; but not so with the rural districts. You have at this time a deficit in your post office revenue of more than \$2,000,000, in consequence of the reduction of the rates of postage. And when any gentleman, representing a western or a southern constituency, goes to the Postmaster General and asks him to increase the mail facilities in his section of the country, or asks him to establish a new post office in his district, he is met with the answer that there are no funds under the control of the Department for such increased facilities; that the Post Office Department is crippled, and that the Department cannot either establish new post offices or increase the mail facilities until there are funds provided for that purpose.

Now, if you will abandon entirely the idea of making the Post Office Department a self-sustaining Department of the Government—if you will do away with your postages altogether, and allow your mail matter to go free through the mail at the expense of the Government, let the Post Office Department be a charge upon the general Treasury, just the same as the War and the Navy Departments are; then the Postmaster General will understand that he can establish new post offices or increase the mail facilities whenever the wants of the community may require it. But if you are to have the Post Office Department a self-sustaining Department, then you should raise your postages to a point that will give that Department an amount of revenue sufficient to meet the wants of the service, and to enable the Postmaster General to provide such increased postal facilities as are needed in the rural districts of the country. I wish to make my appeal directly to western and southern gentlemen, for I expect the Representatives from the cities of New York, Philadelphia, Boston, and Baltimore, and perhaps the New England and the Atlantic States to vote against the bill, because the cheap postage of the country results to the benefit of the commercial men of your large commercial cities.

Mr. FULLER. Do not include the State of Maine.

Mr. OLDS. I am glad to accept the delegation from Maine. I hope they will be found voting

with me. They may be considered as belonging to the rural districts of the country.

The gentleman from Pennsylvania says that it is not personal to him. It is not personal to any member on this floor; but I can say to the gentleman from Pennsylvania what I said to one of her Representatives the other day, when I spoke of the propriety of passing this bill. He said, "You are right, and I hope that you may succeed in the effort, but it is against the interest of my constituents, and therefore you must not expect my vote for it." I expect that the gentleman, being a Representative from the city of Philadelphia, will vote against the bill because it does not inure to the interest of his constituents; yet I hope that he will have the honesty and candor to admit on this floor that the measure is right, and ought to receive the sanction of the House.

Mr. RITCHIE, of Pennsylvania. I would be glad if the gentleman would name the member from Pennsylvania to whom he has referred.

Mr. FLORENCE. I hope that the gentleman will yield me the floor for a moment.

Mr. OLDS. Certainly. I always hear my friend with a great deal of pleasure.

Mr. FLORENCE. I want to be convinced that a reduction or increase of the postage will inure to the advantage of anybody, or even to the Treasury of the United States, to make the Department a self-sustaining machine, before I vote to do so. I think, however, that the gentleman expressed my sentiment. I am very much afraid, indeed, that he will not be able to convince me that the bill is right, because I cannot see the difference between a self-sustaining establishment in regard to the Navy, the Army, or the Post Office. Still, I have been listening very attentively to the gentleman, and if he convinces me that his measure is just and right, and that my constituents are likely to be advantaged by it, he knows very well that I shall vote for it. I am very much afraid he cannot do so.

Mr. OLDS. It is an old adage—

"A man convinced against his will,
Is of the same opinion still;"

and I am afraid that it is so with my friend from Pennsylvania. [Laughter.]

It is not my purpose on this occasion, Mr. Speaker, to say that it is not right to abandon the policy of making the Post Office Department a self-sustaining Department. I might, perhaps, agree to the peculiar view of my friend from Pennsylvania, that he ought to abandon the idea of making it a self-sustaining one, and to throw it, as you do the Army and Navy, on the Treasury of the United States. It is not my purpose either to say that it should not be a self-sustaining Department of the Government; but I do say that you should do either the one thing or the other, for as long as you pretend to receive a revenue from the mails of the United States sufficient to support the mail facilities of the country, just so long will the Postmaster General feel himself compelled, from the necessity of the case, to deny mail facilities in the sparsely settled districts of the country.

Now, Mr. Speaker, it is an easy matter for us to ascertain what is the revenue point for postages; and let me say, before I proceed to that point, that the argument constantly used on this floor and elsewhere, that in Great Britain there is cheap postage, and the Post Office Department not only sustains itself, but affords a revenue to the country, is not applicable to this matter, or, if applicable, the same rate of postage cannot obtain here that does there, and still have the Post Office a self-sustaining Department of the Government.

Look, if you please, sir, at the Island of Great Britain, with a territory no larger than the State of New York, she has a population larger than the whole United States. It does not cost her more to transport the mails throughout the whole Island, than it costs the United States to transport our mails through the State of New York alone. And yet the revenue derived by Great Britain from her Post Office Department, is more than equal of the revenue of the Post Office Department of the United States. You cannot, therefore, expect that the same rates of postage can obtain here as in Great Britain, and our Post Office Department be a self-sustaining one. The penny postage in Great Britain, which is a two cent postage, is fully as adequate to sustain the post office depart-

ment of that country, as a five cent postage is to sustain the Post Office Department of this country, and other things being equal, a five cent postage in this country is as moderate and just, as is a two cent postage in the Island of Great Britain.

Now, sir, what is the revenue point for postages? It is easily ascertained. It will be recollected that up to the commencement of the year 1846, the maximum rate of postage on letters was twenty-five cents; and what was the revenue derived under that rate of postage? In 1841 the revenue of the Post Office Department was \$4,407,000; in 1842 it was \$4,546,000; in 1843 it was \$4,229,000; in 1844 it was \$4,237,000; in 1845 it was \$4,289,000. Thus for the five years preceding the reduction of postage from the maximum rate of twenty-five cents, the revenue of the Department averaged \$4,250,000. In 1845, you reduced the postages to five and ten cents; and what was the revenue of the Department from that time until the taking effect of the law of 1851, by which you reduced the postages to three and five cents? In 1846 it was \$3,388,000, being a reduction for the first year of nearly three quarters of a million of dollars; in 1847 it was \$4,161,000, coming up to within less than a quarter of a million of dollars of the maximum receipts under the twenty-five cents postage; in 1848 it was \$4,705,000, being an increase at five and ten cents on the highest receipts under the twenty-five cent postages; in 1850 it was \$5,499,000; in 1851, being the last year of the five and ten cent postages, it was \$6,410,000, being an increase of nearly two millions of dollars over the maximum receipts under the twenty-five cent postages.

Mr. SKELTON. I desire to ask the gentleman from Ohio, if he will not consent to allow this bill to be postponed to a day certain. It is a bill of too much importance to be acted on hastily. I am satisfied that we need some reform in the Post Office Department, and I should like to have an opportunity of presenting amendments to this bill.

Mr. OLDS. When I have concluded my remarks, I shall have no objection to the postponement of the bill to a day certain.

Mr. SKELTON. Then by all means let it be postponed.

Mr. OLDS. Before the floor is taken from me to move to proceed to business upon the Speaker's table, I desire the Clerk to enter the motion to commit the bill to the Committee of the Whole on the state of the Union.

Mr. SAGE. This is a very important bill which I desire to have printed.

Mr. OLDS. When a motion is made to postpone to a day certain, a motion to print will then be in order.

The SPEAKER. The motion to print will not now be in order.

Mr. OLDS. At the conclusion of my remarks, I will yield to the gentleman from New York, [Mr. SAGE,] to move to postpone the bill to a day certain, and to print. I am sure that every gentleman will feel an anxiety to print this bill.

Mr. WENTWORTH, of Illinois. I have been for some time a party to these postponements to a day certain; but so far, when a bill has come up on the day of postponement, it has been postponed to still another day. When we postpone a bill to a day certain, I desire it to come up on that day, when reached.

Mr. OLDS. I will say, that the bill can be printed in the Globe to-morrow morning, so as to give members an opportunity of examining it, without postponing it to a day certain.

I have shown what the revenues of the Post Office Department were under the reduction of postage that took place in consequence of the act of 1845. For the fiscal years 1852, 1853, we were under the operation of the law that was passed on the 3d of March, 1851, by which postage was reduced to three cents for prepaid, and five cents for unpaid letters.

Let me call the attention of the House to the revenues of the Department under this condition of things. In 1852 the revenues were \$5,184,000—being a reduction of more than one and a quarter million of dollars. If the increase of letters had been commensurate with the reduction of postage, there should have been no loss of this million and a quarter of dollars—at all events the second year should have come up to the former revenue. But in 1853 the revenue was only \$5,240,724, being

an increase of less than \$50,000 over the previous year, not more than equal to the increased business of the country over that of the previous year. I use this as an argument to show that your rates of three and five cents have reduced the postage of the country below the revenue point, and that the five and ten cent rates is the true revenue point as shown from these figures. If you desire, then, to make the Post Office Department a self-sustaining Department of the Government, you have facts and figures before you so that you cannot err in coming to the true revenue point.

I will now point out the changes which the committee propose to make in the postages of the country. Your postage upon letters now, anywhere under three thousand miles, is three cents where prepaid, and five cents where unpaid. We propose to make the rate of postage, prepaid, for any distance under three thousand miles, just what it is now upon unpaid letters. It is not an increase of postage upon unpaid letters, but it is to make the rate five cents, what it is now upon unpaid letters, and require prepayment. Some gentlemen ask me why we require the postage to be prepaid in stamps? The reason why we require this postage to be prepaid in stamps instead of money is, that the finance bureau of the Department, under this arrangement, will have a complete check upon the postmasters of the country. What checks and balances have you now? Nothing in the world but your post-bills. These go from the small post offices in the country to the distributing post offices, and from thence to the General Post Office. Now, I venture the assertion, that if you take the whole clerical force in the whole Post Office Department, and, in addition, if you take every person employed under the control of the Auditor of the Post Office Department, I venture the assertion that they cannot balance the accounts, by means of these post-bills, between one single postmaster of the country and the Department, under the present system.

Why, sir, there are no checks at all now. The Postmaster General himself acknowledges the fact in his report made to us at the commencement of this Congress. But the moment that the law requires the postage on letters to be prepaid by stamps, then you have a perfect check on every postmaster in the country. It would be the most perfect system of checks and balances that could possibly be adopted.

I may be told that it would be a great inconvenience to the general public, and that it cannot be expected that gentlemen are to be always prepared with postage stamps. Why, sir, it is not requisite that they should be always provided with postage stamps. If the gentleman from Maine, who sets by me, for instance, has no postage stamp to prepay his letter with, he has five cents to pay for one. He goes to the postmaster of his town, hands to him the letter and the five cents, and the postmaster affixes the stamp. Then when this system is enforced, there is a sufficient check between the country postmasters and the Post Office Department. The bill provides that the prepayment of letters is not to take effect until the first of January next, for the purpose of enabling the Postmaster General to provide for the issue of a new set of stamps, and to put them into the hands of deputy postmasters. Whether the postage remain at three cents, or be fixed at five cents, it is important to require prepayment, and that the prepayment be in stamps.

Now, Mr. Speaker, the next change proposed in this bill is in regard to ocean postage. Your committee have felt constrained to take that subject into their consideration. They have been instructed to do so by the resolutions of this House, and by resolutions referred to them from the different State Legislatures. And your committee saw no good reason why you should charge twenty cents for the transportation of a letter three thousand miles by water, and only five cents for the transportation of a letter three thousand miles by land. Your committee could see no good reason why you should charge anything more for the transportation of a letter from New York to Liverpool, a distance of three thousand miles, than you should for the transportation of a letter from Boston to Mobile, or to New Orleans, or to Houston, Texas, or to the Territory of Minnesota. Does it not cost Government just as much to transport a letter by land as it does to transport it by water? If therefore you charge twenty cents for

the one, there is no good reason why you should not make a like charge for the other. We propose therefore to reduce the ocean postage to just the same as the cost by land. For instance, we propose that when the letters are conveyed three thousand miles, whether by land or water, the postage shall be five cents, and where the distance is greater than three thousand miles, it shall be ten cents. Where you have an established postage agreed upon, by convention or treaty, between this and a foreign country, we do not propose to disturb such arrangement; and where such convention or treaty may hereafter become necessary, we propose that the rates may be changed by such convention or treaty stipulation. But where you have no postal regulations or convention rate of postage, we propose that the postage shall be the same on the ocean as the postage on the land; and I hope I shall receive the support of my friend from Pennsylvania, [Mr. FLORENCE,] and the support of the gentlemen who represent Boston, New York, Philadelphia, and New Jersey, who are clamorous for cheap ocean postage. I say, I hope I shall receive their support for thus much of the bill. As they are desirous and willing to reduce the ocean postage to the specific sum of five cents, I hope they will at the same time assist in raising the postage upon land transportation up to the same sum, knowing that it costs just as much to transport a letter by land as it does upon the ocean.

Allow me for a few moments to call your attention to the change which the committee recommend in relation to the postage on printed matter. The present rates are so unjust, that the Postmaster General has called the special attention of the committee to the subject. I will ask the Clerk to read the paragraph which I have marked in his communication.

The Clerk read as follows:

"I deem it my duty to use the present occasion to bring to your notice the fact that the compensation of the postmasters at the small offices was considerably reduced by the operation of that provision of the 'Act to amend the act entitled 'An act to reduce and modify the rates of postage,' &c., approved August 30, 1852, which declares that, 'When the postage upon any newspaper or periodical is paid quarterly or yearly in advance at the office where the said periodical or newspaper is delivered, or is paid yearly or quarterly in advance at the office where the same is mailed, and evidence of such payment is furnished to the office of delivery in such manner as the Post Office Department shall, by general regulations, prescribe, one half said rates only shall be charged.' This discount of fifty per cent. allowed for prepayment, inures chiefly to the benefit of the postmasters in the large towns and cities, where the prepayment is commonly made, and the country postmasters have to deliver the papers and periodicals without any compensation."

Mr. OLDS. It will be recollected, Mr. Speaker, that when the act of the 30th of August, 1852, was under consideration, in which act the rate of postage upon newspapers and periodicals was modified, an effort was made, and successfully, in this House, to insert an amendment therein, similar to that referred to by the Postmaster General. It was afterwards inserted in the bill by the Senate. It was maintained in this House, that that amendment would accrue to the benefit of publishers of newspapers and periodicals in the large cities, and operate adversely to the interest of the country newspaper press. The bill went into the Senate, was amended there, and came back to this House near the close of the session, and we were obliged to take it as it was, with the amendment, or lose all the good which was contained in the other provisions of the bill. The House agreed to the amendment under those circumstances, and it became a law.

The Postmaster General says it works great injustice to the country post offices, and I call the attention of members of this House, who represent rural districts, to the fact that it does great injustice to the press, the newspapers of their districts.

And here, again, I shall meet with opposition from gentlemen who represent the city press. They will oppose this change for the reason expressed by my worthy friend from Pennsylvania, [Mr. FLORENCE,] and they, like him, will vote against it because it is a proposition which will not advance the interest of their immediate constituents. Inasmuch as it operates unequally and unjustly, and is wrong in itself, I propose that it shall be repealed.

But what is the justice of this reduction? What do you now charge for the transportation of periodicals through the mails? You charge for

their transportation anywhere within the United States, even to California, one cent for the first three ounces, and one cent for each additional ounce. So it will be in this bill, if you repeal the clause to which I refer—which clause provides for a deduction of fifty per cent. prepayment. But as the law now stands, you receive only half of a cent for carrying three ounces of periodicals to California, and half a cent for each additional ounce. Do gentlemen know what the transportation cost the Government? The cost of transporting mail matter across the Isthmus alone is twenty-four cents per pound—double the amount which the Government receives for the whole postage upon periodicals going to the Pacific coast. Is it not really worth a cent an ounce to carry such matter from here to California? And the same in regard to newspapers. Take, for example, the Courier and Enquirer, of New York, which weighs between two and a half and three ounces, and if this amendment, which is proposed by the Post Office Committee, is adopted, you will carry that paper from New York to New Orleans, to Texas, and to San Francisco, for one cent; whereas, under the present rate, the Government receives only half a cent, and one half of that goes either to the postmaster at New York or New Orleans. Is one cent too much? Is it more than it costs the Government, considering that one half goes to the postmaster for delivery? Is half a cent per ounce too much to meet the expenses of transportation? Can you ask the Government to do it for less? Why, then, is it that you have inserted this provision? Why, sir, under this provision, the publishers of papers in New York and Philadelphia can go with their newspapers and periodicals, to the little town in which I live at home, and get as many subscribers as can be obtained for the paper published in that town. Its operation is against the presses in the rural districts of the country, and every gentleman representing one of the rural districts of the country is bound, in justice to his constituents, to vote for striking the provision out of the law which makes a reduction of fifty per cent. upon periodicals when they are paid in advance. If you can afford to carry these periodicals for half a cent for the first three ounces, and a half a cent for each additional ounce, it would be much better to make that provision in the first place, and not make a law that the rate shall be one cent for the first three ounces, and one cent for every additional ounce, and then make a further provision that there shall be a reduction of fifty per cent. in case of prepayment.

Mr. Speaker, I have no desire to do any injustice to the city presses. I am willing to do justice to the eastern States, and to the thickly settled portions of the country; but when I do justice to them, I also desire to do justice to the other parts of the country. But I repeat, that there is no good reason why you should fix the rate of postage upon the first three ounces at one cent, and then provide for a reduction of fifty per cent., and I hope that provision of the existing law will be stricken out.

These, Mr. Speaker, are the provisions of the bill; and they are all the changes it proposes to make in the existing law. The effect of its passage will be to increase the revenue of the Post Office Department at least \$2,500,000, as I can show from estimates which I have in my possession. Pass this bill into a law, and provide that five cents shall be paid upon letters sent not more than three thousand miles, and ten cents for letters sent over that distance, and then when the gentleman from Georgia, or the gentleman from Alabama, or the gentleman from Wisconsin, go to the Postmaster General to get him to establish some new post office, or to ask him to increase the mail service upon some route in his district, he will not be met with the plea that there is no money in the treasury of the Department out of which the expenses of these increased facilities can be paid.

Now, in conclusion, let me say to those gentlemen representing the eastern States, that their railroads and their ocean steamers are swallowing up all the revenues of the Post Office Department, and that it is but justice to them to go for some provision which will give increased mail facilities to the rural districts of the country.

This is all I propose to say in relation to this bill in its present stage. When the debate upon

it shall have been closed, I shall avail myself of my right to reply to such objections as may have been raised against it.

Mr. MEACHAM. I wish simply to ask the gentleman from Ohio this question: Whether, during the last ten months preceding the month of April, there has not been an increase of twelve hundred post offices in the country, and whether by the first of June next there will not be an increase of two thousand? If that be the case—if we can increase two thousand each year, it appears to me that we are not so poor as the gentleman would make out.

Mr. JONES, of Tennessee. I would ask the gentleman a question. Is not the increase of which he speaks under a provision of the law which expressly provides that the mail facilities shall not be diminished in consequence of the reduction of the postage and the diminution of the revenue? And is not the deficiency of means supplied by a withdrawal of the money from the Treasury of the United States?

Mr. OLDS. The act of the 3d March, 1851, in the sixth section, contains a provision that the compensation of postmasters shall not be reduced in consequence of the reduction which it makes in the postage of the country. The seventh section provides that the Postmaster General shall not do away with any post office or post route; that he shall give the same increase of mail facilities as though the act had not passed. Now, I will give the increase of postmasters for the satisfaction of the gentleman from Vermont.

On the 30th of June, 1850, it was 18,417; on the 30th of June, 1851, it was 19,706; on the 30th of June, 1852, it was 20,009; on the 30th of June, 1853, it was 22,320.

And it will be recollected, Mr. Speaker, that the last Congress established nearly two thousand new post routes in the country, all of which called for new offices and all of which would have had service and offices in accordance with the provision of the seventh section of the law of the 3d of March, 1851, had it not been for the fact that the Postmaster General did not wish to cripple the revenues of his office by doing so. Now there are constant complaints by gentlemen representing the southern and western districts, that they cannot get their increased mail facilities. They cannot get their increase of post offices, because they are met by the Postmaster General with the declaration that the revenues of the Department are crippled.

Mr. WASHBURN, of Illinois. Does the gentleman consider that a sufficient excuse on the part of the Postmaster General for denying these increased mail facilities?

Mr. OLDS. I answered that when I said that if you could entirely abandon the idea of making the Post Office Department a self-sustaining one, and make it a charge on the Treasury, just as you do your Army and Navy, then no Postmaster General would feel himself crippled. But until you do that, you, Mr. Speaker, and the gentleman from Illinois, will find that it will be a cry raised on the stump, as well as here, against the Postmaster General, that the expenditures of the Department are \$2,500,000 over and above the receipts. He will feel himself bound to keep the expenditures down in consequence of this cry being constantly made against him.

Mr. CHANDLER obtained the floor, but yielded to

Mr. COBB, who said: If the gentleman will allow me, as there are but a few minutes before the expiration of the morning hour, I will move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON, of Tennessee. If the gentleman from Pennsylvania consents, I will submit a report from the Committee on the Judiciary.

Mr. CHANDLER. It was my desire to reply to some remarks of the chairman of the Committee on the Post Office and Post Roads, but as it is likely that the subject is to come up again, I will yield to what appears to be the inclination of gentlemen. But before I take my seat, I desire to express the hope that the chairman of the Committee on the Judiciary [Mr. STANTON, of Tennessee] may be allowed to report one or two bills which are absolutely necessary. I now take my seat, considering that I shall be entitled to the floor when the subject again comes up.

JUDICIAL SYSTEM OF THE UNITED STATES.

Mr. STANTON, of Tennessee, by unani-

mous consent, from the Committee on the Judiciary, reported "a bill to modify the judicial system of the United States;" which was read a first and second time by its title.

Mr. S. said: My object in reporting that bill is to have it printed in order that the House may see and understand it. It is a bill of great importance, and may require some attention. I propose to recommit it to the Committee on the Judiciary, and that it be ordered to be printed.

Mr. JONES, of Tennessee. I would suggest to my colleague that the better way would be to let it be referred to the Committee of the Whole on the state of the Union, and printed.

Mr. STANTON. I think it would be better to keep it pending during the morning hour.

Mr. JONES. A bill of this importance, and that requires action, can certainly be taken up at almost any time.

The question was then taken on Mr. STANTON's motion; and it was agreed to.

Mr. SAGE. I move that the bill reported by the chairman of the Committee on the Post Office and Post Roads be made the special order for this day week, and be printed.

The SPEAKER. That motion can only be made by unanimous consent.

Mr. PHELPS. I object.

Mr. SAGE. Would a motion to postpone the further consideration of the bill be in order?

The SPEAKER. A motion to postpone to a day certain would be in order.

Mr. PHELPS. Is there not a motion pending to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is.

Mr. OLDS. I hope, if the consideration of the bill is postponed at all, it will be put off for four weeks, as I am under the necessity of going home. I will consent to a motion to postpone it for four weeks.

Mr. SAGE. Then I move that the further consideration of the bill be postponed for four weeks, and that it be printed.

The SPEAKER. The gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor upon this subject.

Mr. OLDS. The gentleman from Pennsylvania will probably yield the floor to allow the bill to be postponed.

The SPEAKER. The Chair mentions the fact because the floor cannot be taken from the gentleman from Pennsylvania for any such purpose.

Mr. CHANDLER. I yield the floor to enable the motion to postpone to be made.

Mr. SAGE. I then move that the further consideration of the bill be postponed till this day four weeks, and that it be printed.

Mr. LETCHER. I hope the gentleman from New York will withdraw that motion for a moment.

Mr. SAGE. I will do so, if the gentleman will renew it.

Mr. LETCHER. I will renew it.

Mr. SAGE. Then I withdraw the motion.

Mr. LETCHER. I hope the consideration of the bill will not be postponed, but that it will be referred to the Committee of the Whole on the state of the Union. It seems to me that we have swapped the devil for a witch. [Laughter.] We have at last got rid of the Committee on Public Lands, and now the Committee on the Post Office and Post Roads are trying to put all their bills upon their passage. I hope we shall have no more postponements. I now renew the motion of the gentleman from New York.

Mr. SAGE. On that motion I call the previous question.

The SPEAKER. The motion to postpone is not debatable, and, in fact, the previous question would cut off that motion.

Mr. SAGE. Then I withdraw the demand for the previous question.

The question was then taken on Mr. SAGE's motion, (as renewed by Mr. LETCHER;) and it was agreed to.

GRADUATION BILL.

Mr. COBB. I believe that it is the general disposition of the House to go on with and pass the graduation bill; and I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. COX. I hope the gentleman will withdraw

that motion, and allow me to move to postpone the consideration of the special order for one hour.

Mr. COBB. Oh, no; we can get through with the bill in thirty minutes. No one is disposed to speak on the subject for more than five or ten minutes.

Mr. UPHAM. Is it in order for me to present a report from the Committee on the Post Office and Post Roads?

The SPEAKER. It is not in order until the motion of the gentleman from Alabama has been disposed of.

The question was then taken on Mr. COBB's motion; and it was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair,) and resumed the consideration of the special order, being House bill (No. 1) "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, and to graduate and reduce the price of the public lands."

The CHAIRMAN stated that the pending question was on the motion of the gentleman from Alabama [Mr. COBB] to amend the seventh section by striking out "one dollar" and inserting "sixty-two and a half cents" in lieu thereof.

Mr. COBB. I withdraw that amendment.

Mr. LILLY. I desire to offer an amendment at the end of the seventh section.

The CHAIRMAN. There is an amendment already pending, proposed by the gentleman from Illinois, [Mr. BISSELL], to strike out the words "one dollar" and insert in lieu thereof "ninety cents."

Mr. BISSELL. I will withdraw that amendment, if there be no objection.

The CHAIRMAN. The question then recurs upon the motion to strike out the remainder of the seventh section.

Mr. LILLY. I propose to add at the end of the seventh section, the following proviso:

Nor to any public lands lying within fifteen miles of any railroad, which has been or hereafter may be constructed, either in whole or in part, by donations of public lands by Congress.

The proviso to this section reads as follows:

"Provided, This section shall not be so construed as to extend to lands reserved to the United States, in acts granting land to States for railroad or other internal improvements, or to mineral lands held at over \$1 25 per acre."

I understand gentlemen who are in favor of these railroad grants to make an argument of this kind: That the alternate sections of land reserved are worth double the price now that they were before the reservations were made, and that those lands which were in market at \$1 25 per acre, previous to the passage of these railroad bills, are now worth \$2 50 per acre. And not only so, but gentlemen have said that lands fifteen or twenty miles remote from these railroads, are greatly enhanced in value, and brought into market. The proviso which I have offered reserves lands for fifteen miles from the operation of this section—thus securing the benefit which these gentlemen say will accrue to the United States. According to the provisions of the bill as it now stands, those lands which are seven miles, or just without the alternate sections, if they have been in market for thirty years, will be sold for twelve and a half cents per acre. The object I have in view in the proviso I have offered is, that the United States shall have the full benefit of any improvement in the price of lands, whether they are within six miles of the reserved sections or not. I hope gentlemen who are in favor of these railroad bills, will have no objection to the adoption of the proviso I have offered. It is designed by the proviso, that the United States shall have the benefit of any increase in the price of the lands within fifteen miles of the railroads which may be constructed by grants of public lands.

Mr. COBB. I do not want to occupy the time of the committee for more than two or three minutes on this amendment of the gentleman from New Jersey, as my object is to get this bill out of the way of the other business waiting for action. If the gentleman from New Jersey will examine

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the bill, he will find that there is a proviso which renders his amendment in part unnecessary. It provides to except the lands reserved to the United States, or those given to the States for railroad or other purposes, for internal improvements, or the mineral lands held at \$1 25 per acre.

Mr. LILLY. I ask the gentleman how far that proviso extends?

Mr. COBB. Just as far as the lands extend. I shall make no formal speech now in reply to the gentleman's argument; but I hope his amendment will not pass, but that the committee will go on with the bill. I have been preparing to make a speech on this subject, which I would like to deliver; but for the sake of progressing with the business in the House, I am willing to forego the opportunity of doing so, and will wait till I get home, when I will give it to my constituency. [Laughter.] I shall retain that speech; it is a good one. I hope the amendment offered by the gentleman from New Jersey will not be adopted.

The question was taken; and the amendment was not agreed to.

Mr. JONES, of Louisiana. I propose to offer the following amendment.

In the seventeenth line of the seventh section, strike out the words "subject to sale at twelve and a half cents per acre," and insert "shall be ceded to the States in which they lie."

I presume, Mr. Chairman, that there is no question which so much divides the Democratic party of this country, as this public land question. So long as the Congress of the United States shall have the control of the public lands, so long will the Democratic party not be a unit in this country. It has been the policy of one of the most distinguished statesmen belonging to that party to which we belong—and a gentleman whose views were certainly more Democratic, at least, I think so, than any of the statesmen who have lived under the Constitution of the United States—I mean Mr. Calhoun, of South Carolina. It was his policy, a cherished policy of his life, to get rid of the question of the public lands, by ceding them to the States in which they lie, under some condition or other.

It strikes me that the amendment which I propose is one which the gentlemen of the southern States, at least, who cherish the memory and principles of Mr. Calhoun, cannot object to. After lands have been in market for some twenty-five years, and when they cease to be worth twenty-five cents per acre, it seems to me that it would be the true policy of the Government of the United States to yield them to the States in which they lie. That would be, I say, the true policy of the Government, not only upon principle but as a matter of economy. If lands are not worth more than twelve and a half cents per acre, why, it would cost more to keep up your Land Office, and to sell them, than the revenue which would be produced by the sale of them.

True, Mr. Chairman, it would take a long time—thirty years—to get rid of this public land question in Congress, under the proposition which I have submitted. But Congress would get rid of it in that time, and it would be far better that this should be done, rather than that the question should continue to divide the Democratic party of this country.

Mr. DISNEY. The propositions that have been made to amend the original bill are, in my opinion, all of them bad, but the proposition of the gentleman from Louisiana, [Mr. JONES,] as I understand it, is infinitely worse.

This is not the occasion, but I shall avail myself of an early opportunity to address the House at length in regard to our policy in reference to the public domain. But let me say here in general terms, that the House is generally laboring under a grievous error in regard to the true history of the action of Congress in relation to the public domain.

This bill as it stands ought to be entitled—for such will be its inevitable effect—"A bill to retard the settlement of the frontiers of the country," because, as I remarked yesterday, the demand

for the public domain is of necessity and of itself limited in amount. So if you hold out inducements to settle the older of the land States of the Union, by cheapening the price of the land therein, you prevent emigration to the newer parts of the country. But if the present policy of the country is insisted on, and adhered to, you will people the wilderness, and cause to mingle in a few years, the population of the Pacific with that of the Atlantic coast. If you resist that progress and change the present land policy, and depart from the principle which has been heretofore pursued, you will change the entire system of things, and bring back the Government to the policy of disposing of the lands of the older States of the Union first—I repeat it, you will arrest the settlement of the newer portions of the public domain.

Now, I heard a gentleman yesterday illustrating the position of the Government in regard to the public lands, by comparing it to the case of property held by the churches of the middle ages in England. Gentlemen who talk thus are too well informed seriously to insist upon an illustration or parallel of that sort. That was a case where the ecclesiastical power of the country overshadowed and pressed down the yeomanry of the country.

Complaints were made of the same sort, and from the same quarter, of the grasping power of the General Government in regard to the public domain. Is that true? Do the facts sustain the charge? Has not the Government, on the contrary, been liberal in the extreme in this respect? Look at your preemption laws. Why, sir, but the other day this House passed a bill absolutely making a free and naked gift of land to actual settlers upon the public domain. And yet gentlemen, who are in favor of this bill, stand up here and talk about the overbearing power and the grasping disposition of this Government in regard to the public lands.

Sir, this question connected with the disposition of the public domain is, as I understand it, entirely misunderstood by very many gentlemen upon this floor. Congress has not heretofore voted away, as donations and as naked gifts, large portions of the public domain; but, as I shall undertake to show, and shall show conclusively from the records of the country, the amount thus voted away is exceedingly limited—not exceeding fifty thousand acres, instead of the hundreds of millions of acres, as asserted by a gentleman the other day. All these things I shall notice in proper time.

I now come back to this bill. Its effect will be to retard the settlement of the frontier of our country. It will prevent the extension of those settlements, and limit them to those portions of the public domain which lie within the older land States of the Union. That policy, in my judgment, is unwise, and ought not to be sustained by this House. I showed yesterday, and showed conclusively, that in 1828, according to a report from the General Land Office, fifty millions of acres of the public land remained unsold, which had been in market for a long period of time; and yet, in 1840—only twelve years subsequent to the date of that statement—nineteen million two hundred and seventeen thousand six hundred and forty-one of these same fifty millions—barely exceeding one third of the quantity—had been sold for a sum exceeding the amount estimated as the value of the whole in 1828.

The question was then taken upon the amendment offered by Mr. JONES, of Louisiana; and it was not agreed to.

Mr. SKELTON. I move to amend in the tenth line by striking out the word "twenty," and inserting the word "twenty-five," so that the clause may read:

"And all of the lands of the United States that shall have been in market for twenty-five years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre."

Mr. Chairman, the bill which we have now under consideration, I believe to be one of great importance to the country. The principle involved

in it is, to my mind, the same as that involved in the bill called the homestead bill. The main object of both of these bills is to secure, as rapidly as possible, the settlement and cultivation of the public lands. This is an object which will be conceded by every American citizen as highly desirable to attain; and I am astonished to find that many of the Representatives from the new States—from the States in which these lands are located—should object to the passage of this bill.

The honorable chairman of the Committee on Public Lands, who has just taken his seat, [Mr. DISNEY,] says the effect of the passage of this bill will be to prevent the settlement upon the public lands which have come into market at a later period upon the remote frontiers of the country. That will be its effect to some extent, it is true; but I ask gentlemen representing the States in which the lands to which this bill principally applies, whether it is not for the interest of their constituents that these lands should be settled as rapidly as possible? Is it not for their interest that these lands, which are now an uncultivated wilderness, should become peopled by hardy and industrious settlers?

Sir, the argument of the gentleman from Ohio, to my mind, has no weight at all. The object of the Government, in disposing of its public lands, should be to secure their speedy settlement, whether it be of lands which have been in the market a long or a short time. This bill will, in my opinion, promote that object; because it will secure the settlement and cultivation of the waste lands of the country. Calculate for a moment what would be the effect of cultivating these lands which have been in the market twenty or thirty years. Let them be put under cultivation, and how many crops would it take to pay the price for them at \$1 25 per acre? How many years would it require? Why, sir, every crop would pay ten times over the amount the General Government will get for them; and if, in the last twenty years, while these lands have been lying an uncultivated waste, they had been under cultivation, the benefit which would have resulted therefrom is incalculable; it is a hundred times over the value of the lands to the Government. Hence it should be the object of every man to secure the cultivation and settlement of these lands as rapidly as possible.

But the gentleman tells us that by this bill you will not get the lands taken up as rapidly as would otherwise be the case; that the lands upon your frontiers will not be taken. Now, sir, there are many persons in the older States who have not the means of taking themselves and families to the frontier settlements, who would very gladly avail themselves of the opportunity of settling upon some of these lands, if the price were reduced within their means to purchase.

But again, the effect of this bill will be to attract and draw off many who otherwise would go to your cities for homes. It holds out inducements to them to go into your western States, and cultivate the soil. Thus many would be drawn from the purities of vice and corruption in your cities, and become hardy and industrious citizens of the western States.

If I could satisfy myself that the Senate would pass the homestead bill, I should prefer that to this. But the fears which I entertain in reference to the fate of that bill, forces me to support this as the next best proposition to secure the settlement of the public lands of the country. I repeat, sir, that the object of this Government in disposing of the public lands should not be to secure as much revenue from them as possible; it should be to settle them as speedily as possible. These lands should be cultivated. We want the products of the soil, and we want men to produce them—

[Here the hammer fell.]

Mr. WADE. It seems to me that the views which have been taken in reference to this bill, are entirely erroneous. I do not know what quantity of land under it will be subject to entry at twelve and a half cents; or what quantity at

twenty-five cents per acre; but I am confident as to what will be the result in regard to that which may remain subject to entry at those prices. It will ultimately fall into the hands of speculators instead of those of poor settlers.

The gentleman from New Jersey [Mr. SKELTON] says that it will draw the poor from the cities to settle on these lands. Capitalists will purchase these lands at twelve and a half cents per acre.

Mr. COBB. I would call the gentleman's attention to the latter clause of the bill, which restricts the entry of any one individual to three hundred and twenty acres.

Mr. WADE. Then I am satisfied with the bill, though dissatisfied with the reasons which have been given for it.

* The question was taken, and the amendment to the amendment was rejected.

The question recurring on the amendment, it was put, and the amendment was disagreed to.

The Clerk proceeded with the reading of the bill. Mr. COBB. I move to amend by inserting, after the word "until," in the eighth section, the words, "within thirty days preceding." If that amendment be adopted, I shall move to strike out the words "twelve months," and in lieu thereof insert the words "eleven months," so that the section would read as follows:

Sec. 8. And be it further enacted, That upon every reduction in price, under the provisions of this act, the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations, upon which the public lands of the United States are now subject to the right of preemption, until within thirty days preceding the next graduation or reduction shall take place; and if not so purchased, shall again be subject to right of preemption for eleven months as before, and so on from time to time, as reductions take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

It will be perceived that the amendment is an important one. If the settler does not come in and enter the land within thirty days of the next graduation, we open the land to others. We do not ask for settlers perpetual preemption. We do not ask that settlers shall hold their land over twelve months, other twelve months again, and so on, until he can get it for twelve and a half cents. My amendment, on the failure of the settler to enter within thirty days of the next graduation, allows somebody else to come in and enter it.

The question was taken, and the amendment was adopted.

Mr. COBB. To make the section correspond with the amendment just adopted, I now move to strike out the words "twelve months," and in lieu thereof to insert the words "eleven months."

The question was taken, and the amendment was adopted.

The Clerk proceeded with the reading of the bill. Mr. COBB. I move to strike from the ninth section the words "under the provisions of the eighth and ninth sections of this act." They are rendered unnecessary by previous amendment.

Mr. JAMES C. ALLEN. Is it in order to move to strike out the entire section?

The CHAIRMAN. Not while amendments are pending for perfecting the section.

Mr. HAVEN. Mr. Chairman, nobody seems to be much interested in the progress of this measure; at least it seems to be moving along in this committee in a very desultory manner, and so that no one can tell whether it has more friends or enemies among us.

I shall, when I have spoken briefly in opposition to the amendment of the gentleman from Alabama, [Mr. COBB], take the first proper opportunity to move that the committee do rise and report the bill to the House, with a recommendation that it do not pass. It seems to me that such a motion is the only one which will develop the sentiments of the committee in reference to the bill.

What possible use can there be in spending further time upon this bill? What is to be gained by it? Is it for the benefit of the poor and laboring men of the country that this legislation is needed, as we are told it is, by gentlemen upon the other side of the House? Why, sir, we have already passed and sent to the Senate a bill giving the poor man (nay, and the rich too) about as much land as they can occupy, if they will only go and settle upon it, without the payment of a single cent.

Is this legislation then, for the benefit of the rich man? No, sir; for the ninth section of this bill limits the entry of any one man under it (rich or poor) to three hundred and twenty acres. Then, sir, I ask for whom are we legislating in this bill?

It seems to be agreed, on all sides, that we shall keep the public lands out of the hands of speculators. Why then, sir, as this bill confines its provisions to actual settlers, and in small quantities, why, I ask, shall we foolishly provide that the settler may take at twenty-five cents, fifty cents, seventy-five cents, one dollar, or one dollar and twenty-five cents per acre, as the case may be, when, by the provisions of the homestead bill, we give him the privilege of taking the same lands for nothing? Does any one doubt under which bill the settler will make his entry?

The gentleman from New Jersey [Mr. SKELTON] avers that he will vote for this bill, because he entertains doubts of the passage of the homestead bill in the Senate, declaring that he prefers that bill to this, and will vote for this only, because this can be made available to the country, if that fails elsewhere. Now, sir, I voted against that bill; I voted against it very reluctantly. I was very nearly poised in my judgment upon the subject of its merits. I am quite willing to see that bill become a law. And let me say to the gentleman from New Jersey, that the best way to secure the passage of that bill in the Senate, is to offer them no alternative whatever; but let them know we stand firm upon our judgment in reference to that measure.

There is a bill now on the Speaker's table, sir, which has been postponed to a day certain, and which day will soon arrive, that will open up all the pending questions in reference to the public lands. I refer to the bill of my colleague, [Mr. BENNETT], and which bill is known as "Bennett's bill." That bill, sir, and the substitutes and amendments offered to it by the Speaker, and by the gentleman from Louisiana, [Mr. PERKINS], cover the whole ground. On the discussion of the questions there presented, this question of the graduation of price of the public lands most naturally belongs. In my opinion, sir, that is the time when it should be met and settled.

We ask now, sir, only \$1.25 per acre for the public lands. That, I submit, is reasonably cheap—cheap enough. More especially is it cheap enough when any man who is unwilling to give it can, under the homestead bill, take his land for nothing. Yes, sir, without paying a single cent.

Why, sir, it costs me—it costs all of us—two acres of land each a day, rated at the present prices, for our meals and lodging whilst we are legislating here for the country. Is it not true, sir, either that we are paying high prices, or the price of land is very low at the present minimum? I submit to the committee, sir, we had better go back into the House with this bill at once, with a recommendation that it do not pass.

Mr. COBB. What amendment does the gentleman from New York propose? I want to oppose it, and I think I can answer what the gentleman has said very satisfactorily.

The SPEAKER. The gentleman from New York has been speaking in opposition to the pending amendment.

The question was then taken on the amendment; and it was rejected.

Mr. HAVEN. I move that the committee do now rise and report the bill to the House, with a recommendation that it do not pass.

Mr. COBB. Before that motion is entertained, I wish to propose one more amendment to the bill;—to strike out the word "perjury" at the end of the third section.

I am sorry to find my worthy and talented friend from New York [Mr. HAVEN] opposing a measure which, I think, commends itself to every rational mind. I can only excuse him upon this ground, for I know that his heart is right—

Mr. LETCHER. Is the motion of the gentleman from New York debatable?

The CHAIRMAN. The motion of the gentleman from New York would not be in order as long as gentlemen have amendments to offer.

Mr. COBB. I am satisfied that if the gentleman from New York had investigated the bearings of this question, he would have come to the conclusion, that the bill now under consideration does not interfere with the homestead bill in the

least. There are thousands of individuals who have one hundred and sixty acres of land now who do not intend to avail themselves of the benefit of the homestead bill, provided you will allow them, under the provisions of this bill, to enter lands adjoining theirs at their intrinsic value. By the passage of this bill much will be saved to the Government; for there are a great many individuals who would pay for the land if you were to allow them to do so at their proper valuation, who otherwise will take up one hundred and sixty acres under the homestead bill, and settle there five years for the purpose of securing it. I contend that this bill has for its object not only the benefit of the poor man, but the interest of the General Government, in a revenue point of view. If the Government were to sell the lands at a fair price, it would receive, in a very few years, an amount equal to what she has received for many years past, and the poor men of the country would have land for cultivation, and, thereby, means of subsistence. I will say to the friends of the homestead bill, that there is no better friend of that bill in this House than myself; and I am the last man to interpose any obstacle in its way. I ask gentlemen not to get up a scare-crow, in order to drive the friends of the homestead policy from the support of a measure of so much importance as the one now under consideration. I am sorry to find my colleague, [Mr. PHILLIPS], who is a member of the Committee on Public Lands, taking the position he has, with regard to this question. I am sorry to find him treading upon the ashes of the illustrious Jackson, Polk, and others, who have recommended this policy.

I will send up to the reporter's desk the following statement from the Department of the Interior, containing some important facts bearing upon this question, which I desire to be incorporated with my remarks:

Nothing retards the growth and prosperity of the country more, nor inflicts greater injury upon the resident, than the possession, by individuals or companies, of extensive uncultivated tracts of the public lands. To correct this evil, facilities should be liberally extended to the actual settler, and withheld from the mere speculator.

During the last fiscal year 9,819,411 acres have been surveyed, and 10,363,891 acres brought into market. In the same period there were—

Sold.....	1,083,495 acres.
Located with military bounty land warrants.....	6,142,360 "
Located with other certificates.....	9,427 "
Selected for the States, as swamp lands.....	16,684,253 "
Donated for railroads, &c.....	1,427,457 "

Making a total of..... 25,346,992 "

Showing an increase in quantity sold and located with land warrants, and under grants, of 12,331,818 acres over the previous fiscal year.

The quantity of land sold during the second and third quarters of 1852, was 334,451 acres; amount received therefor, \$623,687 59.

Quantity sold second and third quarters of 1853, 1,609,919 acres; amount received therefor \$2,226,876 36.

The whole number of land warrants issued, under existing laws, up to the 30th September last, was 266,642, of which there were then outstanding 66,947. The quantity of land required to satisfy the latter is 4,778,120 acres.

Warrants have been issued to the 30th September last, under the act of 11th February, 1847, calling for..... 12,879,280 acres.

Under the acts of September 28, 1850, and March 29, 1852, for..... 12,505,360 "

Making a total of..... 25,384,640 "

There have been issued under the act of the 31st August, 1852, for the satisfaction of Virginia land warrants, 1,657 pieces of land scrip, embracing 129,669 acres. It is supposed the scrip yet to be issued under this act will require 870,000 acres.

It may be several years before the land warrants and scrip will be exhausted, and, until then, the amount of land sold for cash will be comparatively small.

The entire area of the public domain is estimated at about 1,584,000,000 acres. That within the States (exclusive of California) is 471,892,439 acres.

Its purchase was effected at the rate of 14.41 cents per acre, amounting to..... \$67,999,700

To this should be added the Indian reservations, which enter into the original cost, amounting to 3,409,725 acres, which, valued at \$1.25 per acre, would make..... 4,250,806

Up to 30th June, 1853, 334,256,810 acres had been sold, at an expense of 2.07 cents per acre, making..... 6,919,116

And 184,657,135 acres sold at an additional expense for selling, at 5.32 cents per acre, making..... 9,824,291

The entire cost (including surveying and selling) being..... \$88,994,013

The whole amount accruing from sales up to 30th June, 1853, was \$142,283,478; being \$53,289,465 more than the cost of the whole, thus far, inclusive of survey and sale.

Of the surveyed lands there have been granted—
 For educational purposes..... 11,199,973 acres.
 For military boundaries..... 24,641,980 "
 And for internal improvements..... 16,607,013 "

Making 52,748,966 "

There yet remain of the surveyed lands 96,940,709 acres,
 worth (after deducting the cost of selling yet to be
 borne).....\$116,918,641
 And 137,635,629 acres, worth (after deducting
 the expense of surveying and selling)..... 161,873,263

Making 277,891,904

To which add the net profits received for lands
 actually sold..... 53,289,465

And we find that, while the purchase, survey,
 and sale of the public lands will, in the end,
 have cost \$88,994,013, the net amount which
 will have been realized therefor is the enormous
 sum of.....\$331,181,369

The CHAIRMAN. The pending motion is to
 strike out the word "perjury."

Mr. BISSELL. I object to striking out the
 word "perjury," because I think the bill will be
 less perfect if that word is omitted. I should be
 very sorry to see anything done which would
 weaken the prospect for the success of this bill.
 There has been scarcely a bill before the House
 conceived, as I believe, in better policy than the
 one now under consideration. I look upon it as
 a sequel, and a very appropriate one, to the home-
 stead bill. What was the argument adduced in
 support of that bill? It was that the Government
 itself derived an indirect profit from having the
 public lands brought into a productive state; that
 the wealth and the number of freeholders of the
 country would be greatly increased thereby. Will
 not this bill have precisely the same effect?

If a man can now buy at the rate of one dollar
 per acre, lands which were previously held at
 \$1 25 per acre, or if he can buy now for fifty cents
 what \$1 25 was formerly asked for, or if he can
 buy now for twelve and a half cents lands which
 were formerly held at that higher price, will there
 not be many men who will then be able to buy
 and cultivate the lands who had been previously
 prevented from doing so in consequence of the
 high price? How, therefore, can those gentlemen
 who voted for the homestead bill prevail upon
 themselves to vote against this one?

The gentleman from New York inquires whether
 the bill is to benefit both the rich and the poor, or
 on which of these classes it is intended to confer
 benefits. Sir, I really never thought to ask my-
 self that question. I am not in the habit of being
 actuated by such motives in legislating for the
 country. I do not care to inquire into this ques-
 tion now. I do not know whether the rich or the
 poor will profit most by it. I was going to say,
 and as a legislator I do say, that I do not care—
 though as a man perhaps I might. But, sir, I
 think it will be a greater benefit to the poorer
 classes than to the rich. Very few rich men care
 to buy three hundred and twenty, and no more,
 acres of land at this reduced price. It is a very
 little object to a rich man. Therefore, I think that
 a much larger proportion of those who are in needy
 circumstances will be benefited by this bill than of
 the wealthy.

But it is said that if the homestead bill passed
 by this House should become a law, there is no
 necessity for the bill now under discussion. Those
 who say so seem to forget that those who may be-
 come actual settlers under that homestead bill, are
 bound to settle on alternate sections and parts of
 sections, thus leaving as many sections and parts
 of sections not liable to the provisions of the
 homestead law as there are sections and parts of
 sections. This difficulty is intended to be obvi-
 ated under the bill before us.

The land is not all of equal value. If you
 would be consistent, unless you reduce the price
 of certain lands, you ought to raise the price of
 others. I repeat what I said on this subject yes-
 terday. It is absurd to hold at a uniform hori-
 zontal price all our public domain, differing as it
 does in value on account of quality, on account of
 the facility of getting to market, and on account of
 a thousand other reasons, which regulate the
 value of land in all countries. Either reduce the
 price of a portion of the lands which are now all
 fixed at the one price, or else raise the price of a
 portion of them so that the prices may correspond
 in some way with the real value of these lands.

The gentleman from Ohio [Mr. DISNEY] argues

and objects, that if we pass this bill, actual settlers,
 instead of rushing over into the unoccupied terri-
 tories, and crowding out the Indians, will stop and
 settle on their route in some of the older States. I
 see no objection in that.

Mr. DISNEY. I do.

Mr. BISSELL. Well, I cannot imagine what
 good objection there can be to that. I do not see
 what objection the gentleman from Ohio should
 have to have two hundred thousand acres of public
 lands in one of the older States settled on and cul-
 tivated under this law, as it would have the effect
 of causing—

[Here the hammer fell.]

The CHAIRMAN. The question is on the
 amendment of the gentleman from Alabama, [Mr.
 COBB.]

Mr. COBB. I withdraw that amendment.

Objection was made to the withdrawal.

The question was then taken; and the amend-
 ment was not agreed to.

Mr. JONES, of Louisiana. I move to amend
 by striking out the entire ninth section of the bill.

The ninth section, Mr. Chairman, provides that
 persons shall not enter more than three hundred
 and twenty acres of land under the provisions of
 this bill. Now, I am in favor of this bill, because
 it reduces and graduates the price of the public
 lands; because it enables the General Government
 to sell the lands and receive a revenue for them,
 which they will not be able to do so long as the
 lands are retained by the Government at the price
 of \$1 25 per acre. I live in a new State, as well
 as other gentlemen who seem to have a contempt
 for the intelligence of everybody who happens to
 differ with them in opinion. I live in one of the
 new States; and I know that there are many thou-
 sands, and many hundreds of thousands acres of
 land in the State of Louisiana which never can be
 sold at the rate of \$1 25 per acre; and there are
 thousands and hundreds of thousands of acres
 which can never be disposed of for a dollar, or
 even for seventy-five cents an acre; yet this very
 land might be sold for twenty-five cents, or twelve
 and a half cents per acre—a mere nominal price.
 The effect of offering these lands for such a small
 price would be to produce a revenue to the State
 of Louisiana, and to bring in a revenue to the Gen-
 eral Government.

I do not say that persons should be confined to
 three hundred and twenty acres of land each.
 There are thousands of persons living in the South
 and West who want more than three hundred and
 twenty acres, for various purposes—for the pur-
 pose of lumbering and grazing, and various other
 uses.

I do not understand that we are here to legislate
 for classes. It is for the purpose of getting rid
 of the public lands, and deriving a revenue there-
 from. That is the object of this bill, and that is
 the reason why I support it. But if this ninth
 section shall be adopted, it will defeat, in a great
 measure, the very object of this bill—or what
 ought to be the object of this bill—which is to get
 rid of the public domain, (which we have not
 heretofore been able to dispose of at \$1 25 per
 acre) at twelve and a half cents per acre.

Mr. JONES, of Tennessee. The effect of the
 motion of the gentleman from Louisiana, [Mr.
 JONES,] if it be adopted by the committee, will be
 to subject all the land, under the operation of this
 bill, to general entry at a graduated price. When
 they shall be thrown upon the market at twelve
 and a half or twenty-five cents per acre, they will
 be entered, not by the section, or even by two
 sections, but in lots of thousands of acres, by
 capitalists, who will hold them in their hands,
 and will defeat the great object of the bill, which
 is to reduce the price, according to the time that
 they have been in the market unsold, and to place
 them into the hands of actual cultivators at reduced
 prices.

I am one of those who are uncompromisingly
 opposed to any and every system by which the
 public lands of this country can be so disposed
 of as to concentrate them in the hands of capital-
 ists at a small price. Sir, it is wrong in policy,
 and wrong in principle. Could I have my views
 prevail in regard to the disposition of the public
 lands, I would repeal all laws which require that
 they shall be sold or offered at public sale; and
 when surveyed and ready to be placed in market,
 I would open the land offices for private entry by
 settlers at the lowest price for which the Govern-

ment could afford to dispose of them. I would
 never permit this Government to sell one acre to
 any person except to those who would locate
 upon them, or who wanted them for their individ-
 ual use. I would not limit them to three hundred
 and twenty acres, but to six hundred and forty,
 or perhaps to two sections, and then require them
 to live upon and cultivate a portion of it. It is
 wrong for this Government, holding all the public
 lands of the country, to put them into market and
 make merchandise of them, while those who give
 to them all their value—the actual settlers—shall
 be subject to be speculated upon by the capitalists
 of the country. I hope the motion of the gentle-
 man from Louisiana, [Mr. JONES,] to strike out
 the ninth section, will not prevail.

Mr. JONES, of Louisiana. I ask for tellers
 upon the motion to strike out this section.

Mr. CHASTAIN moved a *pro forma* amend-
 ment, and said: Mr. Chairman, I have offered
 this amendment for the purpose of replying to
 what has been said by the gentleman from Ten-
 nessee, who has just taken his seat.

The CHAIRMAN. The Chair will feel it his
 duty to confine the gentleman in his remarks
 strictly to the explanation of his amendment.

Mr. CHASTAIN. That is what I propose to
 do. It will be recollected that the House has
 already passed one homestead bill; but the gentle-
 man from Tennessee objects to striking out this
 section which prohibits any man from purchasing
 more than one hundred and sixty acres of land,
 because it will be inviting those who are not set-
 tlers to come into the market, where they will not
 be restricted to three hundred and twenty acres.
 Now, sir, I had supposed that the main object of
 the Government in bringing those lands into the
 market was, that they should be sold so as most
 to benefit the Government. But the course you
 are now taking would indicate that the object is
 to benefit the new States and those who settle
 upon the public lands. That is the object of the
 homestead bill which you have passed. You have
 provided that any person shall be entitled to go
 and enter free of cost one hundred and sixty acres
 of land, and you now provide in this bill that he
 may purchase at a reduced cost three hundred
 and twenty acres more, but further than that he is
 not permitted to go. And in this way you propose
 to dispose of your entire public domain.

Sir, if a man from one of the old States, who
 cannot go and settle upon the public lands, chooses
 to go into the market and purchase at \$1 25 an
 acre, any quantity of land for which he may
 choose to pay the Government price, I know of no
 reason why he should not be permitted to do it.

Under the operation of this bill, if there are
 lands which have been thirty years in market, the
 settlers will get them at twelve and a half cents
 per acre—almost for nothing.

It seems to me you are legislating exclusively
 for one class of persons—the same class which
 your homestead bill is designed to benefit—those
 who move into the western country, and settle
 upon the lands. By this restriction in this bill,
 you legislate for the benefit of the settlers only,
 and exclude those in the old States, who cannot
 go there, from all the benefits arising from your
 public domain. Sir, that kind of legislation is
 unjust. It is not only unjust to the people of the
 old States, but it deprives the Government of the
 revenue which might otherwise accrue from the
 sale of the public lands. I hope the motion of the
 gentleman from Louisiana will prevail, and that
 the section will be stricken out.

Mr. SKELTON. I am opposed to this motion
 to strike out, for the reason that its adoption would
 defeat the object of the bill. As I said when I was
 up before, the object of this bill is to secure the
 settlement of the public lands. That object will
 be defeated by the removal of this restriction as
 proposed, because these lands would then be taken
 up by speculators and large monopolists, which
 would prevent their settlement for years to come.
 And while I shall give this bill my cordial support
 in its present form, should this section be stricken
 out I shall be compelled to vote against it.

But it seems to me that the argument of the
 gentleman from Georgia, who has just taken his
 seat, will not apply with any great force to this
 bill. If it is desirable, as he seems to think, that
 wealthy persons should be allowed to go on the
 public lands, and take up large tracts to hold for
 their own benefit—if they wish to purchase more

than three hundred and twenty acres, they can go on to the Government lands, upon which no restriction has been placed, and purchase any quantity they choose at the Government price; so that I do not see that this bill will work any great hardship upon that class of persons. But, as I said, the object of the bill is to secure the cultivation and settlement of the lands. We know very well the results of these land monopolies. We know that when these lands are once thrown into the hands of speculators, they will remain year after year without a cultivator.

The bill, if the amendment be adopted, will be to prevent settlement for years, because men with small capital will purchase large quantities for twelve and a half cents per acre, and hold them for a length of time. I hope the amendment will be rejected, without detaining the committee with further remarks which might be properly made.

The question was taken; and the amendment was rejected.

The question then recurred on the amendment to strike out the ninth section.

Mr. JONES, of Louisiana. I call for tellers on the amendment.

Tellers were not ordered.

The question was taken; and the amendment was rejected.

So the House refused to strike out the ninth section.

Mr. COBB. I move that the committee do now rise, and report the bill.

Mr. LETCHER. I submit the following, as a substitute for the bill:

A BILL to graduate the price of the public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the minimum price of the public lands of the United States, within the limits of the States, shall remain unchanged until the commencement of the fiscal year beginning July first, eighteen hundred and fifty-five, but after that period the price shall be reduced according to the following scale: All lands which shall have been offered at public sale, and remaining unsold ten years, shall be reduced to the price of one dollar per acre; all lands which shall have been offered at public sale, and remaining unsold fifteen years, shall be reduced to seventy five cents an acre; and all lands which shall have been offered at public sale, and remaining unsold twenty years, shall be sold at fifty cents an acre; and all lands which shall have been offered at public sale, and remaining unsold twenty five years, shall thereafter be reduced to a price of twenty five cents an acre; and all lands which shall have been offered at public sale, and remaining unsold thirty years, shall thereafter be reduced to twelve and a half cents an acre: *Provided,* That no lands shall be sold at twelve and a half cents an acre until they shall have been previously subject to entry through a period of two years, at the price of fifty cents an acre.

Sec. 2. And be it further enacted, That whenever a State shall desire to acquire a preemption right to all the lands, or to all the lands of any certain class and price, as fixed by this act, within its borders, and signify the same to the President of the United States, by an act of its government, duly passed and authenticated, it shall be granted on the following terms, and in the manner hereinafter prescribed: That said State may fix the price of said lands above that prescribed in the first section of this act, reserving the excess to itself: *Provided,* That the title shall not pass to the purchaser until he has paid the price fixed, in the said first section, to the United States; which, upon said payment, and the presentation of a certificate of title from the State, duly authenticated, shall, through its proper officers, issue a patent for said land to the purchaser: *Provided, however,* That the lands shall be subject to the same legal subdivisions in the sale and survey as are now provided by law; nor shall the sites of fortifications, navy and dock yards, arsenals, magazines, and other public buildings, be considered as included within the provisions of this act: *And provided further,* That any State which shall accept the provisions of this act, shall take them in full of the five per centum fund hereafter to become due, or any part thereof which may not have been paid, and also of the sections reserved for schools; nor shall the graduating process from one dollar and twenty five cents to one dollar, to seventy five cents, to fifty cents, to twenty five cents, and to twelve and a half cents an acre take place until the lands in each class shall have been exposed to sale for a period of at least two years at the price herein prescribed for its class, after which the price of the said lands shall be reduced to that of the grade next below it in value as herein declared.

Sec. 3. And be it further enacted, That this act shall in no way apply to town or village property, either in lots or out lots, nor be so construed as to interfere with any preemption claim, under any existing laws of the United States, nor to any of the mineral lands of the United States, the lands covered by such preemptions, or embracing such minerals, being hereby expressly excluded from the operations of this act; and full power and authority are hereby given to the Secretary of the Interior to make all needful rules and regulations for fully carrying into effect the several provisions of this act. The said Secretary of the Interior is also authorized to fix a uniform price according to some one of the classifications of this bill upon all the lands of a township where different parts of the same have been exposed to sale for different periods of time: *Provided, however,* That this provision shall not extend to town or village property, or to sections and special reservations made by the Department.

Mr. LETCHER. The committee is impatient, and I do not propose to detain it with any remarks upon this subject. The substitute is plain and intelligible, and gentlemen will have no difficulty in understanding it just as well without a word of remark from me as with it.

Mr. JONES, of Tennessee. That amendment, if I understand it, proposes to graduate the price of the public lands, and leave them subject to general entry by anybody and everybody, so that if one man had money enough he could enter the whole of them at this graduated price. I believe that is wrong in policy and principle, and I hope the committee will not adopt it.

Mr. GROW. I offer the following as a proviso to the first section of the substitute:

Provided, That no lands hereafter surveyed by the authority of the Government, except mineral lands and such reservations as have been or may be at any time made by Government for its own use, shall be exposed by proclamation or in any other way to public sale, but shall be subject to private entry only by actual settlers who make such entry for the purpose of settlement and cultivation.

I offer this amendment for the reason that as the substitute now stands it would, as is suggested by the gentleman from Tennessee, leave your lands subject to entry in unlimited quantities at your graduated prices. Your graduation then would be for the benefit of the capitalists of the country desiring to make this kind of investment, and not for the benefit of the settlers. It would leave these lands open to be absorbed by capitalists; after the settlements surrounding your vacant lands have made them valuable, they come in just in advance of the settlers, take them out of the market, and hold them at an enhanced price, thus doing an injury to the labor of the country.

Is that the proper policy for this Government? Is it just on the part of this Government, when it has the control and disposal of these lands, to leave them to be disposed of in such a way as to injure the settlers without benefiting any interest in the country? Is it right for this Government, when it has discretion to place such restrictions on the disposal of the lands, as will best promote the great interests of the country, to leave them for the sole benefit of capitalists seeking that kind of investment? No, sir; the first duty of the Government is to take care of men who cultivate the land and make it valuable, and not allow the fruits of their labor to be taken by the capitalists of the country, thereby depriving them of the means of educating their families, and rearing them as respectable members of society, thus inflicting an injury on the country not to be computed in dollars and cents. The Government derives the same revenue whether the lands are taken by speculators or by settlers. The price is the same to all. The whole loss then is the amount of interest from the time when the lands would be purchased by speculators until the time of settlement by settlers. And for the sake of this small amount, is the Government to do an injury to an estimable class of citizens by a system of legislation benefiting the class of the community that is least deserving of benefit, if any is to be bestowed by the Government?

This system of benefits is all wrong upon the part of the Government. Let not the Government extend its hand to any class—to the strong against the weak—but let it throw around these public lands those securities and restrictions that will secure to the laborer the earnings that may be used for the support of his family, and the education of his children.

Mr. DISNEY. I wish to say that I desire to see this bill brought to a vote. Circumstances compel me to leave the Hall, and I should regret if the bill were to be put upon its passage during my absence. I have repeatedly expressed my opposition in every possible form to all the propositions which have been presented here to despoil the General Government of the public domain. I repeat now, before I leave the Chamber, that nothing, in my judgment, can be more absurd than to entertain any of these propositions, while you are pursuing the policy of throwing, annually, upon the market three or four times as much land as settlers can take up and occupy.

Mr. BISSELL. I regret, too, that the gentleman from Ohio [Mr. DISNEY] is obliged to leave the Hall, before the vote is taken upon this bill; though his regret and mine ought to be somewhat lessened from the fact, that the House have heard

his views upon this question. This bill as originally introduced was a very simple and plain proposition. It was a bill simply to graduate and reduce the price of the public lands. It is a measure that has long been demanded by the country. I regret, therefore, that other propositions have been brought in differing widely from that embraced in the original bill. I think there may be something worthy of consideration in the proposition emanating from the gentleman from Pennsylvania, [Mr. GROW,] as well as in the proposition of the gentleman from Virginia, [Mr. LETCHER,] but I do not think that this is the time and occasion to entertain them. Let us pass this bill through the House, and then if the gentlemen from Pennsylvania and Virginia have any valuable suggestions which they desire to make, they can present them afterwards in the form of a bill. The proposition embraced in the original bill is perfectly simple and plain, and I hope that the committee without further amendment will come to a vote immediately upon it.

The question was then taken on Mr. GROW's amendment; and it was rejected.

Mr. WALBRIDGE. I move that the committee rise and report the bill.

The CHAIRMAN. That motion would not be in order, until the amendment offered by the gentleman from Virginia [Mr. LETCHER] is disposed of.

The question was then taken upon Mr. LETCHER's amendment; and it was rejected.

The CHAIRMAN. The question now is upon the amendment proposed by the committee to the bill—being five sections to grant homesteads to actual settlers and cultivators.

Mr. COBB. Strike it all out.

Mr. JONES, of Tennessee. I do not understand that the committee has reported this as a substitute. This is simply an amendment. The gentleman from Alabama [Mr. COBB] gave notice that he would offer an amendment.

The CHAIRMAN. The Chair is informed by the Clerk that it is an amendment proposed by the committee.

Mr. JONES. It is an amendment which they proposed to the first part of the bill—the homestead part of it.

Mr. COBB. If the gentleman will move to strike it all out, that will settle the matter at once.

Mr. JONES. The committee does not insist upon the amendment, and the homestead bill has already passed.

Mr. WALBRIDGE. Is it in order to move that the committee rise and report the bill?

The CHAIRMAN. It is not in order while an amendment is pending. The question now is upon the amendment proposed to the homestead bill reported by the committee.

The question was taken upon the amendment, and it was not agreed to.

Mr. WALBRIDGE. I now move that the committee rise and report the bill.

Mr. CHASTAIN. Is there not a previous motion pending that the committee rise and report the bill, with a recommendation that it do not pass?

Mr. COBB. That is not pending now.

Mr. CHASTAIN. I understood that such a motion was made.

The CHAIRMAN. There is only one motion pending, and that is the one offered by the gentleman from New York.

Mr. PHELPS. I would suggest to the gentleman, that he should modify his motion, and move that the committee lay aside the bill to be reported to the House, that we may take up other matters.

The question was then put, and the motion was agreed to.

So the committee rose, and the Speaker having resumed the chair, the Chairman [Mr. FULLER] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 1,) granting portions of the public lands to actual settlers thereon, and to reduce and graduate the price of the public lands, and had instructed him to report back the same, with certain amendments, with a recommendation that it do pass.

The SPEAKER. If it is the wish of the House, the Clerk will read the several amendments, and then a vote will be taken upon all those together upon which a separate vote is not asked; and a separate vote will then be taken upon such as

may be indicated by any gentleman while the Clerk is reading the amendments.

[Cries of "Agreed!" "agreed!"]

The Clerk then read the amendments.

Mr. TAYLOR. I now ask that the bill, with the amendments, may be read through, so that we may all understand precisely upon what we are to vote.

Mr. HAMILTON. I would suggest that it would be better to wait until the amendments are adopted, and then allow the bill, as amended, to be read.

No separate vote having been desired upon any amendment, the amendments were adopted in gross.

The SPEAKER. The question now is upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. HAVEN. Upon that I demand the yeas and nays.

Mr. JONES, of Tennessee. I hope the House will not order them upon its engrossment, and then we may have them upon the passage of the bill.

Mr. BRIDGES. I move to lay the bill upon the table, and upon that I demand the yeas and nays.

The yeas and nays were ordered.

The bill as amended is as follows:

A BILL to graduate and reduce the price of the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the public lands of the United States which shall have been in market for ten years and upwards, prior to the time of application to enter the same under the provisions of this act, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all the lands of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in market for twenty-five years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all lands of the United States that shall have been in market for thirty years or more, shall be subject to sale at twelve and a half cents per acre: *Provided*, This section shall not be so construed as to extend to lands reserved to the United States, in acts granting land to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre.

SEC. 2. *And be it further enacted*, That upon every reduction in price under the provisions of this act, the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations, upon which the public lands of the United States are now subject to the right of preemption, until within thirty days preceding the next graduation or reduction that shall take place; and if not so purchased, shall again be subject to right of preemption for eleven months as before, and so on from time to time, as reductions take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

SEC. 3. *And be it further enacted*, That any person applying to enter any of the aforesaid lands, shall be required to make affidavit before the register or receiver of the proper land office, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation, owned or occupied by him or herself, and together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres, according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury.

The question was taken, and decided in the negative—yeas 66, nays 69; as follows:

YEAS—Messrs. Aiken, Ashe, Ball, Belcher, Bennett, Benson, Bridges, Carpenter, Chandler, Chastain, Chrisman, Clingman, Corwin, Cox, Crocker, Curtis, Dawson, Dean, Dickinson, Drum, Edmunds, Everhart, Fuller, Goode, Grow, Aaron Harlan, Haven, Howe, J. Glancy Jones, Keitt, Kidwell, Kurtz, Letcher, Lindsey, Lyon, Macdonald, Meacham, Middleswarth, Morgan, Morrison, Murray, Andrew Oliver, Peckham, Pratt, Puryear, Ready, David Ritchie, Rogers, Rowe, Ruffin, Sage, Sapp, Seward, Seymour, Shannon, Simmons, Samuel A. Smith, George W. Smyth, Snodgrass, Stratton, John L. Taylor, Nathaniel G. Taylor, Tracy, Upham, Walbridge, and Walley—66.

NAYS—Messrs. James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Benton, Bissell, Bliss, Caruthers, Churchill, Cobb, John G. Davis, Thomas Davis, Dunbar, Eastman, Edgerton, Ellison, English, Etheridge, Ewing, Fenton, Florence, Greenwood, Hamilton, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Henn, Hibbard, Hiester, Ingersoll, George W. Jones, Roland Jones, Knox, Latham, Lilly, Lindley, McDougall, McMullin, Macy, Maxwell, May, John G. Miller, Smith Miller, Nichols, Mordecai Oliver, Parker, Peck, Phelps, Phillips, Thomas Ritchey, Skelton, Frederick P. Stanton, Alexander H. Stephens, Andrew Stuart, John J. Taylor, Thurston, Vail, Vansant, Wade, Elihu B. Washburne, Wells, John Wentworth, Wheeler, Daniel B. Wright, and Yates—69.

So the House refused to lay the bill upon the table.

The question then recurred upon ordering the bill to be engrossed, and read a third time.

Mr. COBB. Upon that I demand the previous question.

Mr. CHASTAIN. I move that the House do now adjourn.

The question was taken, and the motion agreed to—yeas 77, noes not counted.

The House therefore, at a quarter past three o'clock, adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 14, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the President of the United States, made in compliance with a resolution of the House of the 4th instant, requesting him "to transmit to the House of Representatives copies of the correspondence of the United States Legation at Constantinople, and the United States Consulate at Smyrna, with Captain Ingraham, and with the Government of Austria, and with this Government—together with the instructions from this Government to their agents abroad touching the seizure and rescue of Martin Koszta, and the terms and conditions on which he was liberated and sent to this country," transmitting a communication from the Secretary of State, with copies of the said correspondence and papers; which was laid upon the table, and ordered to be printed.

A message was received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a bill establishing an additional land office in the lower peninsula of Michigan.

GRADUATION BILL.

The SPEAKER stated the business first in order to be upon ordering to be engrossed and read a third time the bill of the House (No. 1) to graduate and reduce the price of the public lands, reported on yesterday from the Committee of the Whole on the state of the Union.

Mr. COBB. Was the previous question called upon its passage?

The SPEAKER. The main question has been ordered to be put, and the question is upon ordering the bill to be engrossed, and read a third time.

Mr. HAMILTON. I do not believe that a quorum of the House is present, and therefore ask for a division on the question.

Mr. FULLER. Is it in order to move that there be a call of the House?

The SPEAKER. It is not, for the reason that the previous question has been ordered to be now put.

Mr. COBB. Is not the previous question exhausted?

The SPEAKER. It is not, from the fact that the Chair has not announced the vote, a division of the House having been called.

Mr. COBB. Has not the call for a division of the House been withdrawn?

Mr. HAMILTON. I insist on a division of the House, that we may see whether a quorum be present.

The question was put; and, on a division, there were—yeas 42—

Mr. WENTWORTH. I demand the yeas and nays on the question.

The yeas and nays were ordered.

Mr. PHELPS. I doubt whether a quorum is present; and, as we cannot have a call of the House, I move that the House do now adjourn, intending to vote against it myself. And on that motion I call for the yeas and nays.

Mr. HENN. I move that when the House adjourns to-day, it be to meet on Monday next.

Mr. JONES, of Tennessee. I demand the yeas and nays on that motion.

Mr. PHELPS. I withdraw the motion for an adjournment.

The SPEAKER. Only twenty-one votes for ordering the yeas and nays, which is not a sufficient number.

Mr. JONES, of Tennessee. Count the other side.

The SPEAKER. The Chair will ascertain whether a quorum be present.

The Speaker counted those present, and found one hundred and fifteen—no quorum.

Mr. WHEELER. I move that the House do now adjourn.

Mr. PHELPS. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 9, nays 120.

So the House refused to adjourn.

The question then recurred on the motion to adjourn over to Monday.

The yeas and nays were not ordered.

The question was taken, and the motion, was agreed to.

The question recurred upon ordering the bill to be engrossed and read a third time; and being put, it was decided in the affirmative—yeas 72, nays 68; as follows:

YEAS—Messrs. Banks, Barksdale, Barry, Benton, Bissell, Bugg, Caruthers, Churchill, Clark, Cobb, Corwin, Cutting, John G. Davis, Dunbar, Dunham, Eastman, Eddy, Edgerton, Ellison, English, Etheridge, Greenwood, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hastings, Henn, Hibbard, George W. Jones, Roland Jones, Kitredge, Knox, Latham, Lindley, Lindsey, McDougall, Mace, Macy, Maxwell, John G. Miller, Smith Miller, Nichols, Olds, Mordecai Oliver, Parker, Peck, Phelps, Phillips, Richardson, Thomas Ritchey, Singleton, Skelton, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stevens, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Elihu B. Washburne, John Wentworth, Wheeler, Daniel B. Wright, Yates, and Zollicoffer—72.

NAYS—Messrs. Aiken, Ashe, Ball, Belcher, Bennett, Benson, Royce, Bridges, Carpenter, Chandler, Chastain, Chrisman, Clingman, Cox, Curtis, Thomas Davis, Dawson, Dent, Dickinson, Disney, Edmunds, Edmundson, Faulkner, Fenton, Fuller, Goode, Grey, Grow, Aaron Harlan, Haven, Howe, Hunt, Ingersoll, Daniel T. Jones, J. Glancy Jones, Kurtz, Letcher, Lilly, Maurice, May, Meacham, Middleswarth, Morrison, Murray, Andrew Oliver, Peckham, Powell, Pratt, Puryear, David Ritchie, Rogers, Ruffin, Sage, Sapp, Seward, Shaw, Shover, Simmons, Gerrit Smith, George W. Smyth, Snodgrass, Stratton, John L. Taylor, Tracy, Walley, Israel Washburne, Wells, and Witte—68.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time.

Mr. COBB. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

The question recurred on the passage of the bill.

Mr. COBB. I demand the previous question on the passage of the bill.

The previous question received a second.

Mr. COX. I move to lay the bill upon the table.

Mr. DISNEY. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 69, nays 80; as follows:

YEAS—Messrs. Aiken, Ashe, Ball, Belcher, Bennett, Benson, Royce, Bridges, Carpenter, Caskey, Chandler, Chastain, Chrisman, Clingman, Colquitt, Cook, Cox, Curtis, Thomas Davis, Dawson, Dean, Dent, Dickinson, Disney, Edmunds, Edmundson, Faulkner, Fenton, Fuller, Goode, Grow, Aaron Harlan, Haven, Howe, Hunt, Daniel T. Jones, J. Glancy Jones, Kidwell, Kurtz, Letcher, Lilly, Maurice, Meacham, Middleswarth, Morrison, Murray, Andrew Oliver, Peckham, Powell, Pratt, Puryear, David Ritchie, Rogers, Ruffin, Sage, Sapp, Seward, Shannon, Shaw, Simmons, Gerrit Smith, George W. Smyth, Snodgrass, Stratton, John L. Taylor, Tracy, Walley, Israel Washburne, and Witte—69.

NAYS—Messrs. Willis Allen, Barksdale, Barry, Benton, Bissell, Bugg, Caruthers, Churchill, Clark, Cobb, Corwin, Cutting, John G. Davis, Dunbar, Dunham, Eastman, Eddy, Edgerton, Ellison, English, Etheridge, Greenwood, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Henn, Hibbard, Hughes, George W. Jones, Roland Jones, Kitredge, Knox, Latham, Lindley, Lindsey, McDougall, Mace, Macy, Maxwell, John G. Miller, Peck, Phelps, Phillips, Richardson, Thomas Ritchey, Rowe, Singleton, Skelton, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stevens, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Warren, Elihu B. Washburne, Wells, Tappan Wentworth, Wheeler, Daniel B. Wright, Yates, and Zollicoffer—80.

So the House refused to lay the bill upon the table.

The main question was then ordered to be put; being "Shall the bill pass?"

Mr. LETCHER. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 83, nays 64; as follows:

YEAS.—Messrs. James C. Allen, Willis Allen, Banks, Barksdale, Barry, Benton, Bissell, Bugg, Caruthers, Churchwell, Clark, Cobb, Cook, Corwin, Cutting, John G. Davis, Dunham, Eastman, Eddy, Edgerton, Elliott, Ellison, English, Etheridge, Farley, Greenwood, Hamilton, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Henn, Hibbard, Hughes, George W. Jones, Roland Jones, Kittredge, Knox, Latham, Lindley, Lindsley, McDougall, McMullin, Mace, Macy, Maxwell, John G. Miller, Smith Miller, Nichols, Olds, Mordecai Oliver, Parker, Peck, Phelps, Phillips, Richardson, Thomas Ritchey, Rowe, Singleton, Skelton, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Warren, Elliott B. Washburne, Wells, John Wentworth, Wheeler, Daniel B. Wright, Yates, and Zollicoffer—83.

NAYS.—Messrs. Aiken, Ashe, Ball, Belcher, Bennett, Benson, Boyce, Bridges, Carpenter, Chandler, Chastain, Chrisman, Clingman, Cox, Dawson, Dean, Dent, Dickinson, Disney, Edmunds, Edmundson, Faulkner, Fenton, Fuller, Goode, Grey, Grow, Aaron Harlan, Haven, Howe, Hunt, Daniel T. Jones, J. Glancy Jones, Kidwell, Kurtz, Letcher, Lilly, Mencham, Middewarther, Morrison, Murray, Peckham, Powell, Pratt, Puryear, David Ritchie, Rogers, Ruffin, Sage, Sapp, Seward, Shannon, Shaw, Simmons, Gerrit Smith, George W. Smyth, Snodgrass, Stratton, John L. Taylor, Thurston, Tracy, Walley, Israel Washburne, and Witte—64.

So the bill passed.

Pending the call of the roll on the above vote, Mr. INGERSOLL, who was not within the bar when his name was called, asked unanimous consent to have his name recorded in the negative.

Objection was made.

Mr. COBB. I move to reconsider the vote by which the bill was passed; and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

The Clerk reported the title of the bill, as follows:

A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, and to graduate and reduce the price of the public lands.

Mr. COBB. I move to amend the title, so as to make it read simply "A bill to graduate and reduce the price of the public lands to actual cultivators and settlers."

The amendment was adopted; and then the title, as amended, was agreed to.

Mr. COBB. I move to reconsider the vote by which the title was agreed to, and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

Mr. PHELPS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. If that motion prevails, I shall endeavor to have the civil and diplomatic appropriation bill laid aside for the purpose of taking up and considering the deficiency bill, and the amendments of the Senate thereto.

Mr. EDGERTON. This is private bill day, and I therefore move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The SPEAKER. This being private bill day, the motion of the gentleman from Ohio takes precedence.

Mr. SEWARD. I move that the House do now adjourn.

The question was put; and it was decided in the negative.

So the House refused to adjourn.

The question was then taken upon Mr. Edgerton's motion; and it was decided in the affirmative.

PRIVATE CALENDAR.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. TAYLOR, of Ohio, in the chair.)

The CHAIRMAN. The business first in order is bill No. 51, "for the relief of the widow and heirs of Elijah Beebe."

This bill authorizes the Secretary of the Treas-

ury to pay to the widow and heirs of Elijah Beebe, the sum of \$3,000, being the amount of principal adjudged to be due and owing to the widow and heirs of said Beebe from the confederated tribes of the Sac and Fox Indians.

Mr. LETCHER. There was a motion, I believe, when the House was last in the Committee of the Whole on the Private Calendar, to strike out the second section of the bill.

Mr. JONES, of Tennessee. I do not see the gentleman in the House who reported this bill.

The CHAIRMAN. There is no motion pending to strike out the second section of the bill, as the Chair is informed by the Clerk.

Mr. LETCHER. I was under the impression that I had submitted that motion. If I did not, I submit the motion now to strike out the second section of the bill.

Mr. EASTMAN. I believe the bill has been discussed section by section, and I submit whether it is in order now to make the motion to strike out the second section.

Mr. WASHBURN, of Illinois. I believe, when the Committee of the Whole were last considering this bill, that the gentleman from South Carolina, [Mr. ORN,] the chairman of the Committee on Indian Affairs, was entitled to the floor. A resolution was passed, after we went into the House, limiting debate upon this bill to five minutes, after the consideration of the bill should be again resumed in Committee of the Whole.

The CHAIRMAN. The Chair is informed by the Clerk, that the motion to strike out the second section is still pending, and that motion is first to be considered.

Mr. WASHBURN, of Illinois. I would inquire whether I am not right, in point of fact, that a resolution has been passed limiting debate upon this bill?

Mr. EASTMAN. I find, upon reference to the Congressional Globe of the date of the 10th of March, that the gentleman from South Carolina [Mr. ORN] offered a resolution, which was read and agreed to, to the effect "that all debate in Committee of the Whole upon the bill of the House (No. 51) for the relief of the widow and heirs of Elijah Beebe, shall cease in five minutes after the consideration of it shall again be resumed by the committee, unless the committee shall sooner come to a conclusion thereon," &c. This settles the question.

Mr. WASHBURN. I suppose, Mr. Chairman, that the bill is open to amendment after debate is closed?

The CHAIRMAN. It is; but the Chair is advised that the motion made by the gentleman from Virginia [Mr. LETCHER] to strike out the second section is now pending, and the question must first be taken upon that.

Mr. LETCHER. I ask that the second section may be read, that the House may know what they are voting upon.

The second section was read, as follows:

"And be it further enacted, That the Secretary of the Interior be authorized to deduct the said sum of \$3,016 from the first annuities to become due from the said confederate tribes of Sacs and Fox Indians."

Mr. LETCHER. Whatever may be the action of the House in regard to this bill, it seems to me that the second section, if the bill shall become a law, is calculated to operate with great injustice towards these Indians.

The House will recollect the facts in connection with this matter. This claim originated some twenty-odd years ago, and there is no evidence, either in this report or otherwise, to show that it was brought to the attention of the Indians at all until after an interval of some five or six years. The intercourse act, as I understand it, requires that the Indians shall have notice of such facts within one year, in order to hold them liable to the Government of the United States, and to reimburse the Government for any wrongs committed by them upon individual citizens. It seems to me that it would be a monstrous wrong to those people, when the Government of the United States, on its part, has not complied with the law in bringing the matter to the attention of the Indians, in order to give them an opportunity to explain it. It would be a great wrong to hold them responsible now, as they would be if this second section is not stricken out. Whatever, therefore, may be the action of Congress in regard to the allowance of

this claim, it ought not to affect the Indians themselves.

Mr. WASHBURN. In regard to the amendment proposed by the gentleman from Virginia, [Mr. LETCHER,] perhaps I have no objection, for it does not affect the party interested.

The CHAIRMAN. The Chair would remind the gentleman that debate is in order only in opposition to the amendment.

Mr. WASHBURN. I intend to speak to the amendment. I was going on to say that it makes no difference to the party interested, whether this amendment be adopted or not. The Committee on Indian Affairs placed this section in the bill for the purpose, as I understand it, of giving a discretion to the Secretary of the Interior to deduct this amount from the annuity due to the tribe of Fox and Sacs Indians, if he should consider it just to do so. I think that is the true construction of it. He is merely authorized to deduct it; but it is not imperative upon him to do so.

One word more in regard to another matter which the gentleman from Virginia suggested, in relation to the claim as it was originally filed. I understand that one of the principal objections which the gentleman from Virginia had to the allowance of this claim, when the subject was discussed a few weeks ago, was that there was no evidence that the claim had been filed in the Indian office within a reasonable time after the depredations were committed.

I have here a letter from the Commissioner of Indian Affairs, in regard to this subject, which removes entirely the objection then raised by that gentleman. It is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, March 2, 1854.

SIR: In reply to your note of the 23d ultimo, I have the honor to transmit herewith an extract of so much of list No. 2, of depredation claims forwarded by Superintendent Cumming to this office, as relates to the claim of Elijah Beebe. The case appears to have been filed in the office at St. Louis some time in 1822.

Very respectfully, your obedient servant,
GEORGE W. MANNYPENNY, Commissioner.
Hon. E. B. WASHBURN, House of Representatives.

It will be recollected that these depredations were committed some time during the month of October, 1821, so that, as I remarked, that the principal objection of my friend from Virginia is thus obviated by the testimony which I have here adduced.

Mr. LETCHER. The gentleman is altogether mistaken in the conclusion to which he comes. In the first place there were other objections quite as important as the one to which he alludes, which I urged against this bill; but even this point is not proved at all. The letter says the claim was filed some time in the year 1822. Now, sir, the depredations were alleged to have been committed in the month of October, 1821, and you have no evidence in the letter that it was filed within a year.

Mr. WASHBURN. The probability is that it was; but whether it was or not, in point of fact makes no difference, as it was not required to be filed within that time, there being no limitation in the intercourse law of 1802. This claim does not come under the limitations of the intercourse law of 1834. That act prescribes a certain limit within which claims arising under it must be filed in the office of the Superintendent of Indian Affairs. But there was no such limitation in the law of 1802. But, sir, a gentleman is referred to in the report of the committee as certifying to the character and credibility of the witnesses—the honorable gentleman from Missouri—who is now in his seat; and I presume he knows something of the history of this matter. I desire to ask him if such be the fact, and if he will state to the committee his knowledge of this claim?

Mr. BENTON. This is five-minute debate, is it not?

The CHAIRMAN. It is.

Mr. BENTON. Plenty of time, and some to spare, for so good a case as this is. In the first place these parties are as good people as ever lived in the world. Mr. Beebe and his wife were Connecticut people. I am a cotemporary of the time when these depredations were committed. Mr. Beebe died very soon afterwards, as it has been stated. His children were then very young, and it was not until a very long time afterwards that they were able to attend to this claim themselves.

Now, sir, I know all about this matter. It has been shown that it did not come under the inter-

course act of 1802. That is a certain point. If it had come under that act, the claim would not have been here. If it were a case coming properly within the letter of that act, it would have been settled by the Department. But it does come under the policy of that act. Sir, what was the reason—what was the whole policy of that act? As has been stated, it was to preserve peace upon our frontiers. How preserve peace? Why by providing for settling the claims of the people upon the frontiers, when the Indians had crossed the line and committed depredations upon their property, and they did not pursue the Indians and take satisfaction upon them, and thereby bring war upon the frontiers. That is the policy and the reason of this intercourse act. It is to preserve peace upon your frontiers.

Now what difference does it make in the reason or the policy of the act, whether the depredations were committed inside or outside of the line? This, to be sure, was on the outside; but the stock of all the frontier people is ranging on the outside; and the reason and policy is still the same for paying in a case in which private satisfaction is not taken when the property or stock is taken outside of the line, as when taken inside of the line.

I know all about the case, sir. I know that it comes within the reason and policy of the intercourse law of 1802, to preserve peace on the frontiers, and I hope it will be passed. It is thirty years old now, and it is time that it should be passed.

Mr. LETCHER. I would like to inquire of the gentleman from Missouri, if he has any knowledge on the subject, when notice was given to these Indians that such a claim existed and was urged against them? From the papers it appears that it was fifteen years afterwards, for the first time.

Mr. BENTON. I do not know anything about that; but I think that the United States ought to pay the claim.

The question was taken on the amendment, to strike out the second section; and it was not agreed to.

Mr. EASTMAN. I now move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. Under the order closing debate, the Chair is of opinion that the bill ought to be reported to the House now. If it be the unanimous consent of the committee, it will be laid aside, to be reported with others which may be acted on.

Mr. HASTINGS. I called for a division of the committee on the amendment of the gentleman from Virginia, [Mr. LETCHER,] before the result was announced by the Chair. I do not believe that the committee understand the amendment.

The CHAIRMAN. The Chair is of opinion that the call for a division is now too late.

Mr. HASTINGS. I called for a division before the result was announced.

Mr. PECKHAM. I heard the gentleman call for a division, as he states.

Mr. HASTINGS. I am sure that the committee do not understand the effect of the vote. If I am in order, I insist that there be a division of the committee on the amendment.

The CHAIRMAN. If there be no objection, the question will be again taken on the amendment of the gentleman from Virginia to strike out the second section.

The amendment was again read.

Mr. HAVEN. It seems to be well understood that the only operation of striking out this section, is simply to prevent the charging of this money to those Indians who have received their annuities regularly for some thirty years. I think it better that the amendment should be adopted, and then that the bill should be reported to the House.

Mr. LETCHER. I demand tellers on the amendment.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and EASTMAN were appointed.

The question was then put; and the tellers reported—ayes 72, noes not counted.

So the amendment was agreed to.

The bill was then laid aside, to be reported to the House with a recommendation that it do pass.

The next bill in order on the Calendar was House bill No. 58, "for settling the claims of the

legal representatives of Richard W. Meade, deceased."

The bill was read.

The first section directs the proper officers of the Treasury to settle the claim of the legal representatives of Richard W. Meade, on their producing the testimony required by the commission from claimants under the Florida treaty, which, in the opinion of the said officers, shall be satisfactory as establishing said claim according to law and usage. Section second directs the Secretary of the Treasury to pay the amount found due out of any money in the Treasury not otherwise appropriated; provided, that more shall not be paid than said Meade would have received out of the \$5,000,000 appropriated to pay claimants under the Florida treaty, if his claim had been admitted by the commissioners.

Several MEMBERS. Read the report.

Mr. CHANDLER. If the committee has a desire to be edified by the reading of the report, which I believe is but about seventy-five or eighty pages of printed matter, I have no objection.

I rise to say that this is a bill of very considerable consequence, if it be paid from the Treasury, to the country, and of no less consequence, if it be paid, to those who are pressing the claim. The committee is very thin, indeed, and rather impatient, and if it be consistent with the sense of propriety of the committee that they should pass over this bill informally to-day, in order that it may come up under more favorable circumstances, when the whole of the case might be laid before the committee at one time, I shall feel gratified. I am ready, however, to go on now, but this is not a favorable time to commence it, and if there be no objection, I ask that the bill be passed over informally.

The CHAIRMAN. If there be no objection, the bill will be passed over informally.

Mr. COBB. I object. We had better consider it now. Now is the time to consider it.

Mr. CHANDLER. I will then make a brief statement of the case. This is a case not entirely new to the House.

Mr. CLINGMAN. Cannot a motion be made to postpone this bill for one week?

Mr. CHANDLER. You cannot make that motion in committee.

This is a bill that is founded upon a claim against the Government of Spain by the heirs and legal representatives of Richard W. Meade. Although I had intended to occupy some considerable time in the discussion of this matter, I shall now confine myself to a simple statement of the case, forbearing to make any remarks upon the injuries that the claimants have already suffered by the delay of Congress to compensate them for their losses, and forbearing also to trouble the members of this House by any reference to the inconveniences which have been suffered by the family; not choosing to refer directly to the *res angusta domi* of any person, especially those of the claimants who are presented here under such favorable circumstances.

Richard W. Meade, a native of this country, transacted business for himself in Spain. Spain then was not, as now, the claimant of one single island, a small tributary upon our coast, but she was a great commercial country, not having relinquished her claim to priority of trade in the East, and owning the sovereignty of almost the whole of Spanish America; almost the whole, indeed, of Central America at that time—

Mr. CLINGMAN. If the gentleman from Pennsylvania will allow me, as this is Good Friday, I will move that the committee rise. I should prefer the gentleman to make his remarks upon this bill when there is a full attendance of members present.

The question was then taken upon Mr. CLINGMAN's motion, and it was decided in the affirmative.

So the committee rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House on the Private Calendar, had had the Private Calendar under consideration, and more especially House bill No. 51, being a bill for the relief of the widow and heirs of Elijah Beebe, and had directed him to report back the same with an amendment.

Mr. WASHBURNE, of Illinois. I now ask the House to put the bill upon its passage, and upon that motion I demand the previous question.

The previous question was seconded, and the main question ordered.

The SPEAKER. The question will first be upon the amendment reported by the Committee of the Whole, to strike out the following words:

"Be it further enacted, That the Secretary of the Interior be authorized to deduct the sum of \$3,016 from the first annuities to become due to the said confederated tribes of the Sac and Fox tribes of Indians."

The question was then taken on the amendment; and it was agreed to.

The question then being, "Shall the bill be engrossed and read a third time?" it was put, and decided in the affirmative.

The bill being engrossed, it was subsequently read a third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

WEST POINT ACADEMY BILL.

Mr. HAVEN. The last bill having been disposed of, I desire to ask the House to go back into the Committee of the Whole on the state of the Union for five minutes perhaps, not more, to make a disposition of an appropriation bill. I refer to the West Point Military Academy bill. It has been reported to the House from the Committee of Ways and Means, after having passed the Senate with amendments, and has been referred to the Committee of the Whole on the state of the Union; and there are three amendments of the Senate to it which are in controversy between the House and Senate. I desire to go into committee and dispose of those amendments, and get the matter out of the way. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. EASTMAN. I move that the House do now adjourn.

The question was taken upon the motion to adjourn; and it was not agreed to.

Mr. HAVEN. I believe the question is now upon my motion to go into committee. I desire to say to the House that this matter has laid here for two months; and, although there is, perhaps, no pressing immediate necessity, I wish to show to the House the disposition of the Ways and Means to get along with business as rapidly as we can. I think the consideration of these amendments will not consume but a very few minutes.

The question was then taken on the motion of Mr. HAVEN; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of New York, in the chair.)

Mr. HAVEN. I move that all preceding business be laid aside, and that the House take up for consideration the West Point Military Academy bill.

Mr. WENTWORTH, of Illinois. Can such a motion be entertained? Must not each bill upon the Calendar preceding the West Point Academy bill be laid aside as it comes up?

The CHAIRMAN. If there be unanimous consent, it may be done.

Mr. WENTWORTH. I object.

Mr. JONES, of Tennessee. The gentleman from New York has the right to make that motion. The West Point Academy bill is a general appropriation bill; and it is in order, under the rules, to move to take up that bill, without moving to lay aside any other bill. The motion having been made, the vote must be taken whether the House will take up that bill.

The question was then taken; and the motion was agreed to.

Mr. HAVEN. I ask that the amendments to the bill may be read.

The Clerk read them, as follows:

Add at the end of the bill:

For repairs and additional professors' quarters, \$5,000.

For cavalry exercise hall, \$20,000.

SEC. 2. And be it further enacted, That the compensation of professors of French and drawing shall be made equal to that of the professors in the other departments; and that the compensation of the master of sword be \$1,200 per annum.

Mr. HAVEN. The Committee of Ways and Means, who had these amendments of the Senate to the bill under consideration, came to the conclusion to report, and did report adversely in

reference to them all, and recommended a non-concurrence.

The first amendment is in reference to quarters for the professors. The committee thought if this were adopted it would be only laying the foundations for the erection of new buildings, which are not necessary for the comfort and proper accommodation of the occupants, and which would require large appropriations in future to complete them. They thought this unwise, and therefore reported in favor of non-concurring in this amendment of the Senate.

The second amendment is in reference to an appropriation for building a riding hall for the cadets. There was some doubt in the minds of the committee as to the propriety of this appropriation; but the committee concluded to report in opposition to it. The controlling reason, so far as I was concerned—and I have no doubt it was substantially so with other members of the committee—in coming to such a conclusion, was this: while we thought that the hall for which the appropriation was asked might be made useful, and at certain seasons of the year might be said to be necessary, in the instruction of the cadets, yet, in consideration of the fact that this same question has been up before the House year after year, and rejected, we were of the opinion that an endeavor to ingraft it into the bill again would have the effect to bring the institution, to some extent, into a kind of discredit. I said this amendment has been here year after year nearly as long as I can remember, and has generally been made a subject of ridicule in debate on this floor; and I do not doubt that such debate has the effect of weakening the institution in the mind of the public.

I have seen some of the professors of the academy in relation to the matter; they are intelligent, honorable, and reliable men. I have great confidence in their judgment. They say the amendment ought to pass. They say the hall is very desirable for the purposes of instruction, and that during the fall and spring seasons of the year, without it, cavalry instructions must cease, owing to climate and the nature of the soil when frozen and when breaking up; but after a full consideration of the subject, the committee agreed to report in favor of non-concurring in this amendment also, and I hope this committee will adopt the recommendation of the Committee of Ways and Means.

The other amendment of the Senate non-concurred in by the Committee of Ways and Means, is the second section of the bill which proposes an increase in the compensation of the professors of French and drawing, so as to be equal to that of the professors in the other departments, and that the compensation of the master of the sword shall be \$1,200 per annum. The Committee of Ways and Means thought no sufficient reasons were apparent for this proposed change, and they recommended a non-concurrence in this amendment also.

Mr. Chairman, I, for one, am, and I believe every one of the committee which had this matter in charge are, friendly to this institution, and have every desire to cherish and protect it. I would not withhold from it one cent that would promote its usefulness and prosperity. Nay, sir, from an overflowing treasury I would give liberally; but, sir, it should be with due and proper discrimination; and the Committee of Ways and Means thought that these views would be best promoted by making the disposition of these amendments that I have pointed out. We are not wedded to these opinions, however, if a majority here think a concurrence in one, or all, of these amendments would be wiser. I think, sir, that this committee now understand the position of the bill and amendments, and I hope it will act promptly in the matter, and either concur with the Committee of Ways and Means or non-concur, for with either course I shall be satisfied. Although I believe that the permanent interests of the institution will be best promoted by concurring with the report of the Committee of Ways and Means.

Mr. BISSELL. Not having had the opportunity of hearing the first portion of the remarks of the gentleman from New York, I am not able to understand what the Committee of Ways and Means recommend in reference to these amendments.

Mr. HAVEN. We recommend the striking out of the appropriation of \$5,000 for additional

quarters for the professors; also, the appropriation of \$20,000 for a riding hall; and also striking out the second section.

Mr. BISSELL. I now ask that all the amendments may be read, so that we can see what they are.

The Clerk again read the amendments.

Mr. BISSELL. I believe, Mr. Chairman, that the two appropriations proposed to be stricken out—the one of \$5,000 for houses for the officers at West Point, and the other of \$20,000 for the erection of a suitable riding-hall, were recommended by the Board of Visitors, men indiscriminately taken from all sections of the country, selected for their presumed fitness for that and other kindred objects. After their visit to the Academy, and examination into the wants of the institution, they strongly recommended these two appropriations. These appropriations, or at least the one providing for the erection of a suitable riding-hall, have been recommended by the War Department for several years in succession, and strongly urged by those who are presumed to be most familiar with the wants and necessities of that institution.

But I have heretofore voted against the proposed appropriation for the riding-hall without much investigation, and on what was the popular idea here and elsewhere, that the young men who go to West Point should be drilled out of doors, and inured to out-door exercise; a policy which a riding-hall would interfere with; and that to erect such a building for them to ride in, a cover to protect them from the weather or any other inconvenience, was but an admonition to them to become as effeminate as possible in all those things in which they were being trained. But since I have had the honor of being chairman of the Committee on Military Affairs, I have taken occasion to look more closely into the subject, and have become convinced that a suitable riding-hall is absolutely necessary, not so much for the convenience of the cadets; not for their comfort, which I do not take into the account at all at this time, but for the benefit of the institution, and in order that the Government may derive all advantages which it is entitled to expect from an institution kept up at no inconsiderable expense. I am assured that without such a hall the cadets cannot be drilled on horseback more than about three months in the year. Do not let it be supposed that it is on account of the cold, the rain, or the snow, so far as they affect the cadets themselves, that they cannot be so drilled. It is on account, rather, of the horses.

This institution is located pretty far north, and pretty high up. Its latitude and altitude are both well up. It is a cold place. There are short summers and long winters. The snow lies deep there in winter, and it rains much in fall and spring. The ground is liable to be covered with ice, with deep snow, or with snow partially formed into ice, presenting a rough and hummocky surface, but still very slippery. This, in those peculiar, difficult, and prompt movements required in drilling a platoon of mounted men, is dangerous to the limbs and necks of the horses, to say nothing of the safety of their riders.

So it is again, in spring and fall, when the ground is being released from the frost—or, as we say, the ground is breaking up—a slow process in that high latitude. At such times, it will readily be perceived that ground, trampled upon by horses every day, must become plungy, and unfit for the purpose of teaching horses military exercise. It should be borne in mind that this is peculiar business—not plain straightforward riding, such as we who are here sometimes do. In this exercise horses are required to perform their evolutions side by side, and in very close proximity, as well as simultaneously. If the ground be soft and miry—if it be half frozen, but yet not sufficiently so to bear the horse and his rider—or if it be icy, and the horse liable to slip—and every abrupt or sudden turn or halt, with what advantage can horseback drill be prosecuted?

But, despite all these things, there might still be left some four or five months in the year, when cavalry exercise might be had but for another reason which I will mention. It is well known that for two or three months during the summer the cadets are required to leave the Academy for the purpose of being drilled in camp, and as infantry. This is an indispensable part of their instruction. This takes from their cavalry exercise during the most

favorable part of the season. On the whole, as I have already stated, the cadet, as things now are, can scarcely receive more than three months instruction in cavalry exercise during the year. Erect a suitable riding-hall, and he may receive nine months instruction.

Now, the Government is at the expense of keeping over ninety horses at West Point, for no other purpose than the one I have indicated. They are of use scarcely more than three months in the year. By granting the appropriation here asked for, they may be of service nine months in the year. Does not economy require, then, that this appropriation be made? It is not intended, of course, that the hall shall be used except at such times as the state of the ground forbids outdoor exercise. The whole amount of this matter is just this: that at present we do not get the advantage we ought to derive from this institution, considering the expense it has been and still is to the Government annually; and if we would get all the advantage which we are entitled to receive, considering that expense, we must make this additional appropriation for this very necessary appendage to the institution.

Mr. BENTON. This riding house is not absolutely a new acquaintance with me. I recollect, years ago, applications were made, some of which were successful, for appropriations for this house for equitation—learning to ride on horseback. I believe they were called “exercises in equitation,” which being translated into English, means riding on horseback. [Laughter.] I recollect that about 1836, \$30,000 were appropriated at one time for this house for exercising in equitation, which sum was in addition to the appropriations made before. I thought when that \$30,000 was added, that we should have no more of these appropriations, but here is an application for \$20,000 more. I have read the recommendation which the visitors have made in behalf of it. Doubtless the visitors are very clever and popular men.

But I have been accustomed to look at the reports which come from these visitors at West Point as coming from the professors themselves, through the instrumentality of a committee of these visitors. Every one of the reports which I have examined seems to be drawn up by the head of the branch of business which that particular section of the board is assigned to examine. I never had a good opinion of these boards of visitors. When we paid them a trifle there was an overwhelming number of applications to get appointments as visitors to West Point, and members of Congress often carried the day, getting a little mileage and some small pay besides. We afterwards stopped this, but made appropriations for subsistence and dinners, while the visitors remained there; and such is the love of office and compensation of some kind or other, that for a mere belly full of meat and wine there has always been a throng of applicants to the War Office for appointments upon the Board of Visitors.

For near twenty years I was chairman of the Senate's Committee on Military Affairs. From my position, and from the fact of having once belonged to the Army myself, I was a sort of natural line of visitors to West Point, but I would never go there. The reason why was this: I knew that no persons who begged their appointment there as visitors would ever sign a report that I would draw up, and I knew that I never would sign a report which they would draw up, or would be drawn up for us; and so I never went there. I recollect very well the old debates about this riding-house. I am not able to say how many appropriations were made for it, but I recollect one of \$30,000. When that was made, members from the West were astonished at hearing of the hardships of these young gentlemen, in having to ride upon horseback in cold weather, in hail and snow, and also in the hot, burning sun, and it was suggested by various members that it would be economy to reduce the young gentlemen to the degree of protection against bad weather, to which the young women and the old women of New England were subjected, by giving them a parasol for the sun, an umbrella for the rain, and a pelisse for a cold day. It was then said by New England men—and I could name one gentleman who said that the young women and the old women of his State all rode about during all kinds of weather in the open air; and New England was further north than West Point; and that the people of the country worked

in the open air, not two or three hours a day, but for the whole day; and that their sons did the same—even half-grown boys.

Well, the objections were voted down, and the appropriations were carried—how many I do not know, but I recollect one of \$30,000. A great many members of Congress had sons in the academy about that time. When I read the other day the recommendation of those visitors, and saw the appeal they made for help to the young gentlemen; when I saw the words "danger to life and limb"—those were the words, I think; am I mistaken?

Mr. HAVEN. I did not hear the gentleman.

Mr. BENTON. "Danger to life and limb"—were not those the words?

Mr. HAVEN. Those are the words, I believe.

Mr. BENTON. "Danger to life and limb;" not of the horses, but of the young cadets in learning to ride in such naughty houses which had cost so much money. When that was read in my family, it was suggested by some of the children that the floor be carpeted, and mattresses be placed around the room, so that when the young men roll off their horses they may roll up against the mattresses, so as not to endanger "life and limb." [Laughter.] Why, sir, the five-year old boys of the Utah nation would be ashamed to have themselves put into a house to learn to ride. These five-year old boys will drive away the stock outside of any stockade in which these house-taught riders command, who have learned to perform equestrianism in a house. [Laughter.] I have authority for saying these five-year old Utah boys would gallop around these house-taught riders all day, and drive off their stock in their view.

I want the yeas and nays upon the amendments when we get to the place for them—when the bill gets into the House, and I wish the provision in regard to the entertainment of the visitors stricken out. Surely, the race has not gone by, the race is not wholly extinct, who do something for their country without a mercenary motive, and a reward either in meat or money. I can recollect when the heads of the community, men of some age, who had acted their parts, and provided for themselves and their families, were ready to give up some share of time for the benefit of eleemosynary and charitable institutions, and for public institutions, such as colleges and universities, and do it at their own expense. And then a high order of men were got for the purpose. Now, disinterested service is getting out of date. Congress offers inducement, in meat or money, to get visitors. Those who value the inducement apply for the place, and get it. High-minded men will not contend with them. The visitation falls into unfit hands, and the result is a report from the professor himself, fathered by a committee of the visitors who have begged their places, and get their meat and wine free while wondering at what is shown them, and signing what is drawn up for them.

Mr. HAVEN was here recognized by the Chair; Mr. CHASTAIN endeavoring to obtain the floor at the same time.

Mr. BISSELL. Will the gentleman from New York allow me a moment to correct a misapprehension?

Mr. HAVEN. I will, if I have the floor, and I believe I have.

Mr. CHASTAIN. I claim the floor, Mr. Chairman. I want to know if it has come to this, that a gentleman cannot be recognized after he has got the eye of the Chairman? Is the floor to be farmed out forever and ever?

Mr. HAVEN. I would like to accommodate my friend from Georgia, for I certainly do not propose to discuss further this subject of riding. I understand my friend from Illinois [Mr. BISSELL] desires to make an explanation, and I yield to him for that purpose.

Mr. BISSELL. I have only a few words to say.

Mr. CHASTAIN. I insist upon my right to the floor.

Mr. BISSELL. Well, the Chair must decide who has the floor.

Mr. CHASTAIN. I supposed that I was recognized by the Chair, and therefore am entitled to the floor.

The CHAIRMAN. The Chair recognized the gentleman from New York first, and he understands that the gentleman from Illinois [Mr. BISSELL] desires to make an explanation, and asks the gentleman from New York to yield for that purpose.

The gentleman from New York has yielded for that purpose; and the gentleman from Illinois has the floor. But the Chair, aware that the gentleman from Georgia [Mr. CHASTAIN] desired to obtain the floor, sent a messenger to him, to say that he would recognize him immediately after the gentleman from New York yielded the floor, if he then claimed it.

Mr. CHASTAIN. I ask the gentleman from New York to allow me to say that I propose to leave the city very soon; and I wanted very much to make a few remarks upon the Nebraska question before I left. That was the reason of my anxiety to obtain the floor at this time.

The CHAIRMAN. The gentleman from Illinois [Mr. BISSELL] is entitled to the floor.

Mr. CHASTAIN. The gentleman from Illinois did not get the floor; and I object to its being farmed out in this manner.

Mr. HAVEN. I wish simply to say, that there is not a gentleman upon this floor to whom I would more cheerfully yield than the gentleman from Georgia; but—

The CHAIRMAN. Did the Chair understand the gentleman from Illinois to say that he only yielded the floor to the gentleman from Missouri [Mr. BENTON] for explanation, and that he still claims it?

Mr. BISSELL. Oh, no. I gave up the floor altogether to the gentleman from Missouri, and now only asked the gentleman from New York to yield it to me for an explanation.

Mr. SEWARD. Is it competent for one gentleman to obtain the floor, and yield it to another?

The CHAIRMAN. He may yield it for explanation.

Mr. SEWARD. I know it has been the custom to yield it on all occasions; but what I desired to know was, whether he had a right under the rule.

The CHAIRMAN. He has, for explanation. The Chair decides that the gentleman from New York is upon the floor, and he will proceed with his remarks.

Mr. CHASTAIN. I appeal from the decision of the Chair. My rights here are equal to those of any other member, and I mean to insist upon the appeal.

The CHAIRMAN. The Chair has decided that the gentleman from New York is entitled to the floor; and from this decision the gentleman from Georgia appeals. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. HAVEN. I submit that it is not an appealable case. The committee have no right to determine, and cannot determine, whether the Chair saw me first, or the gentleman from Georgia. That is a question which the Chair must decide for himself. It depends upon his vision and knowledge only.

The CHAIRMAN. The Chair was very well aware of the fact that it was not a question upon which an appeal could be taken, but he thought it would be the easiest way to settle the question between the gentleman from New York and the gentleman from Georgia, as to who is entitled to the floor.

Mr. HAVEN. I do not understand the gentleman from Georgia [Mr. CHASTAIN] as having taken any appeal from the decision of the Chair.

Mr. CHASTAIN. I have certainly taken no appeal from the decision of the Chair. The appeal I made was to the courtesy of the committee.

The CHAIRMAN. Then the gentleman from New York is entitled to the floor, and will proceed.

Mr. HAVEN. I only desire to say one word for the purpose of putting this matter right in reference to the gentleman from Georgia, [Mr. CHASTAIN.] There is no gentleman in this House to whom I would have sooner yielded the floor than to that gentleman. I know of no other gentleman whom I would sooner oblige; but I believe I am under some obligations to the House in reference to the discussion upon this bill to-day, so far as I can control it, because it was rather as a matter of grace that the House consented to go into committee upon it when I asked them to do so. The gentleman from Georgia indicates his purpose to address the committee upon the territorial question, and it seems to me it would be encroaching rather too much upon the kindness and good graces of the House, for me to be a party to a speech on

that subject, after such consent was given to go into committee upon this bill, with the understanding that no general discussion of other subjects would take place. I say, under these circumstances, it would be encroaching too much upon the indulgence of the House for me, now, to yield the floor to the gentleman from Georgia, [Mr. CHASTAIN,] for the purpose indicated by him.

The gentleman from Illinois, however, has desired me to yield him the floor for the purpose of making some explanation in relation to the remarks of the gentleman from Missouri, and I yield him the floor for that purpose.

Mr. BISSELL. I did not very distinctly understand all the remarks of the gentleman from Missouri, [Mr. BENTON.] If, however, he intended any portion of them heard by me as a reply to what I had previously said, then he must have entirely misunderstood me, notwithstanding the very great pains I took to avoid any such misunderstanding on the part of any one. I expressly stated to the committee that this appropriation was not asked for upon the ground that it was necessary to protect the cadets from the weather. I stated that this was not the purpose for which this hall was required, but that it was required for the safety of the horses, to say nothing about the cadets; and to allow of their being drilled and exercised appropriately for eight or nine months in the year instead of three or four, as is now the case. And how is this argument replied to? Why, by intimating that the call for this appropriation is with a view to protect and screen the cadet from the vicissitudes of the weather! And something is said in this connection about their being less willing to brave inclement weather, or less able to do it, than the young women of New England—and parasols and warm clothing is suggested for them. Now, sir, is that any reply to my argument? Or, rather, is it a fair response to the plain statement of fact which I presented?

Then again we are told that the Utah boys of five years old can ride the wildest horses, &c., &c., and they are not taught in riding halls. But what has all that to do with the question before this committee? Is this establishment kept up for them? We all know very well that the Utah, as well as various other tribes of Indians, are remarkable for their horsemanship; perhaps they are not surpassed by any nation or tribe of people on the globe. But what, I ask again, has all that to do with the question whether a riding hall shall be erected at West Point?

Mr. Chairman, I repeat then, and it is all I have to say, that this appropriation is asked for because it is believed that without it the Government will not receive the full benefit of the expense it has incurred in keeping up that institution. There are but few months in the year, comparatively a small portion of the year, when the horses can be exercised under the existing state of things at West Point.

Mr. BENTON. I was replying to the visitors.

Mr. HAVEN. I move that the committee do now rise, with a view of closing debate on this bill. We may then resolve ourselves into the Committee of the Whole, and finish the bill under a five-minutes discussion.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. JONES, of New York] reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the amendments of the Senate to House bill (No. 47) making appropriations for the support of the Military Academy at West Point for the year ending June 30, 1855, and had come to no resolution thereon.

Mr. HAVEN. I now move the usual resolution to close debate on the Military Academy appropriation bill within five minutes after the Committee of the Whole on the state of the Union shall again resume its consideration.

Mr. SEWARD. I move that the House do now adjourn.

Mr. HAVEN. If the gentleman will withdraw his motion I think that I can accommodate that side of the House. I wish to accommodate the gentleman from Georgia, [Mr. CHASTAIN,] and I understand that it will meet with his wishes if he can have the floor for five minutes. He can then

print what portion of his remarks he may not desire to deliver at length to-day.

Mr. CHASTAIN. I am obliged to the gentleman. I will try to avail myself of the rule again. If the gentleman had been so kind awhile ago, as to extend me that courtesy, I might have accepted it.

Mr. HAVEN. I demand tellers on the motion to adjourn.

Tellers were ordered; and Messrs. BENSON and VAIL were appointed.

The question was then taken, and the tellers reported—ayes 58, noes 42.

So the motion was agreed to, and thereupon, at twenty minutes to three o'clock, p. m., the House adjourned until Monday next at twelve o'clock.

IN SENATE.

MONDAY, April 17, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

PETITIONS, ETC.

Mr. WADE presented the petition of citizens of Ohio, remonstrating against any infringement of the Missouri compromise; which was ordered to lie on the table.

Mr. HAMLIN presented documents in relation to the claim of the heirs of Nathan Daggett to compensation for services during the revolutionary war; which, together with sundry papers on the files of the Senate in relation to the same claim, were referred to the Committee on Pensions.

Also, the remonstrance of a public meeting held at Point Isabel, in the State of Texas, against the removal of the custom-house from that place, and a change of the port of entry from there to Brownsville; also, the memorial of S. Musling, praying that the custom-house may not be removed from Point Isabel to Brownsville, Texas; which were referred to the Committee on Commerce.

Mr. FISH presented a memorial of the Pacific Mail Steamship Company of New York, protesting against the annulment of their contracts for the transportation of the mails; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented the petition of the women of Sandisfield, Massachusetts, remonstrating against the passage of any act, directly or indirectly, legalizing slavery in the Territories of the United States; which was ordered to lie on the table.

Also, two petitions of inhabitants of Andover, Massachusetts, praying a reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Also, a petition signed by Mrs. Harriet Beecher Stowe and other women, of Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented additional documents in relation to the claim of the representatives of John Shultz, for remuneration for services rendered by him during the revolutionary war; which were referred to the Committee on Revolutionary Claims.

Also, a remonstrance from citizens of Berrien county, Michigan, against the passage of the Nebraska-Kansas bill; which was ordered to lie on the table.

Mr. BRODHEAD presented a memorial signed by citizens of Northumberland county, Pennsylvania, praying that the homestead bill may be so amended as that each citizen, who has heretofore purchased one hundred and sixty acres of public land, may be refunded the amount paid by him with interest thereon; which was ordered to lie on the table.

Also, a memorial of the Board of Trade and Merchants' Exchange, of Pittsburgh, Pennsylvania, praying that an appropriation may be made for deepening the bar at the mouth of the Mississippi river; which was referred to the Committee on Commerce.

Mr. JONES, of Iowa, presented a petition of citizens of Marshall county, Iowa, praying the establishment of a mail route from Toledo to Eldorado, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. MASON presented a petition of citizens of Alexandria, Virginia, praying a reduction of the

rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE, of Wisconsin, presented a petition of the State Historical Society of Wisconsin, praying that copies of our national medals may be struck in bronze and distributed; which was referred to the Committee on the Library.

Mr. DODGE, of Iowa, presented the memorial of L. E. Truesdell, proposing to construct a good road from some point near Council Bluff to California, to establish a line of coaches thereon for transporting the mails and passengers, and also to construct a line of telegraph upon certain conditions.

Ordered, That so much of the memorial as relates to the construction of a road, be referred to the Committee on Public Lands; and that so much thereof as relates to the transportation of the mails, and the construction of a telegraph, be referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON. I present to the Senate the memorial of D. McManus, a chaplain in the Army, now at Fort Gibson, praying to be allowed a land warrant; which I move may be referred to the Committee on Pensions.

I do not know upon what law or regulation their position is based, or in what light their position ought to be regarded in reference to the application now made for bounty land; but as a new principle is to be adopted, or rather an old one is asked to be extended to a new class of cases, I move to refer it to the Pension Committee. I am glad now in this connection, however, to say, that if the clergy are connected with, incorporated with the Army as chaplains, or had any permanent connection with the Army during the war with Mexico, they ought not to be excluded from the same character of compensation at some fair rate, which has been allowed and conferred upon others. If they are actually connected with the Army, (and I understand they are, and are miserably paid,) it seems to me little short of a degradation and an outrage to exclude them from compensation and benefits which have been made to all other classes.

The memorial was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. STUART, it was

Ordered, That the memorial of members of the bar at Detroit, Michigan, praying an increase of the salary of the United States district judge for Michigan, be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition of Benjamin Arnold be withdrawn from the files of the Senate, and referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. WALKER, from the Committee on Indian Affairs, to whom was referred the petition of James Pool, praying interest on his accounts from the time when certified by the Second Auditor to be due to the time of their payment, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the memorial of Robert C. Steptoe and others, praying satisfaction for lands granted by the State of Georgia, in 1784, and afterwards ceded to the United States, submitted an adverse report thereon; which was ordered to be printed.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the petition of the legal representatives of Henry Conner, alias "Wabish-Kin-dib," deceased, praying the payment of an amount awarded said Conner under the treaty with the Saganaw band of Chippewa Indians, of January 14, 1837, submitted an adverse report thereon; which was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition of George Jennings and others, praying that Thomas D. Jennings may be allowed to enter a certain tract of land settled by his father, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Juan Manuel Luco and José Leandro Luco, praying permission to file their title to a certain tract of land in California

before the Board of United States Land Commissioners, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading.

The report was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom was referred the joint resolution from the House of Representatives, explanatory of the second section of a "resolution to establish certain post routes," approved July 12, 1852, reported it back without amendment, and recommended its passage.

He also, from the same committee, to whom was referred the petition of R. D. Battle, administrator of the estate of Isaac L. Battle, praying that the estate may be released from further liability under a judgment, submitted a report, accompanied by a bill for the relief of the estate of Isaac L. Battle; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives, to authorize the selection of school districts in lieu of the sixteenth sections within the twelve miles square reservation, State of Alabama, reported it back without amendment.

He also, from the same committee, reported a bill confirmatory of certain school selections; which was read, and passed to a second reading.

HON. TRUMAN SMITH.

Mr. SEWARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the Senate be requested to inform the Executive of the State of Connecticut that the Hon. TRUMAN SMITH, one of the Senators from said State, did, on the 11th instant, resign his seat in the Senate of the United States, to take effect from and after the 24th day of May next.

POSTAL OPERATIONS.

Mr. SEWARD submitted the following resolution for consideration:

Resolved, That the Postmaster General be requested to ascertain, and report for the information of the Senate.

First. The number of dead letters in the last postal year; and the proportion or per cent. of them not prepaid; and the amount of postage, known or estimated, which would have been received, or required for the prepayment of such of said letters as were not prepaid.

Second. What is the total weight of some given large number of dead letters, taken at random, at the dead letter office, and of those so weighed and counted; what is the total weight and number of those now rated at single postage; and, separately, the total weight and number of those now rated at more than single postage.

Third. In each of several of the large offices, supposed to be a fair average, in that respect, of the business of the country, what is the total weight of some given large number of letters deposited or delivered; and of those so weighed, what is the number and weight of those now rated at single postage, and, (separately) of those now rated at more than single postage.

Fourth. What proportion or per cent., in number, of the letters now mailed, are, in the opinion of the clerks and postmasters, and of the Postmaster General, probably of a weight not exceeding one fourth of an ounce each?

Fifth. In the opinion of the opening clerks at the dead-letter office, what proportionate part of the surface of paper of the letters opened by them is blank, i. e., what is the average proportion or per cent. of blank surface, as compared with the written surface.

Sixth. How well or sufficiently is the present rate charged upon advertised letters found to compensate for the cost of advertising, and what is the greatest loss to the Department, in any one of the last six years, in the cost of advertising letters over and above the receipts of the Department for advertising them.

Seventh. What is the number of clerks or persons now and heretofore required or employed in the General Post Office, in examining, computing, recording, and comparing the returns alone.

Eighth. What is the number of letters earned in the British mails in the last year, of which a report has been received; and what the number the year prior to the adoption of uniform penny postage.

Ninth. For how many years has the British penny postage been a source of revenue over and above the expenses; and what was the amount of such net revenue in the year last reported?

COLLECTION DISTRICT IN CALIFORNIA.

Mr. GWIN submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of creating an additional collection district in the State of California, to be composed of the counties of Humboldt, Trinity, Yreka, and Klamath.

LAND DISTRICT IN CALIFORNIA.

Mr. GWIN submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of creating a new

land district in the State of California, to be composed of the counties of Humboldt, Trinity, Yreka, and Klamath.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. FORNEY, their Clerk, announcing that they had concurred in the amendment of the Senate to the House bill for the relief of William B. Edwards, and to the House bill for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army.

Also, that the House had passed the bill from the Senate for the relief of John Gusman, of Louisiana.

Also, that they had passed a bill for the relief of the widow and heirs of Elijah Beebe; and

A bill to graduate and reduce the price of the public lands to actual cultivators and settlers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed three enrolled bills.

The PRESIDENT *pro tempore* then signed the enrolled bills for the relief of William B. Edwards; for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army; and for the relief of the legal representatives of Isaac P. Simonton.

SPIRITUAL MANIFESTATIONS.

Mr. SHIELDS. Mr. President, I beg leave to present to the Senate a petition, with some fifteen thousand names appended to it, upon a very singular and novel subject. The petitioners represent, that certain physical and mental phenomena of mysterious import have become so prevalent in this country and Europe as to engross a large share of public attention.

A partial analysis of these phenomena attest the existence:

First. Of an "occult force," which is exhibited in sliding, raising, arresting, holding, suspending, and otherwise disturbing ponderable bodies, apparently in direct opposition to the acknowledged laws of matter; and transcending the accredited powers of the human mind.

Secondly. Lights of various forms and colors, and of different degrees of intensity, appear in dark rooms, where chemical action, or phosphorescent illumination, cannot be developed, and where there are no means of generating electricity, or of producing combustion.

Thirdly. A variety of sounds, frequent in occurrence, and diversified in character, and of singular significance and import, consisting of mysterious rappings, indicating the presence of invisible intelligence. Sounds are often heard like those produced by the prosecution of mechanical operations—like the hoarse murmurs of the winds and waves, mingled with the harsh creaking noise of the masts and rigging of a ship laboring in a rough sea. Concussions also occur, resembling distant thunder, producing oscillatory movements of surrounding objects, and a tremulous motion of the premises upon which these phenomena occur. Harmonious sounds as of human voices, and other sounds resembling those of the fife, drum, trumpet, &c., have been produced without any visible agency.

Fourthly. All the functions of the human body and mind are influenced, in what appear to be certain abnormal states of the system, by causes not yet adequately understood or accounted for. The "occult force" or invisible power, frequently interrupts the normal operation of the faculties, suspending sensation and voluntary motion, and reducing the temperature of the body to a death-like coldness and rigidity; and diseases hitherto considered incurable have been entirely eradicated by this mysterious agency.

The petitioners proceed to state that two opinions prevail with respect to the origin of these phenomena. One ascribes them to the power and intelligence of departed spirits, operating upon the elements which pervade all material forms; the other rejects this conclusion, and contends that all these results may be accounted for in a rational and satisfactory manner.

The memorialists, while thus disagreeing as to the causes, concur in opinion as to the occurrence of the alleged phenomena, and in view of their origin, nature, and bearing upon the interests of mankind, demand for them a patient, rigid, scientific investigation; and request the appointment of a scientific commission for that purpose.

I have now given a faithful synopsis of this petition, which, however unprecedented in itself, has been prepared with singular ability, presenting the subject with great delicacy and moderation. I make it a rule to present any petition to the Senate which is respectful in its terms, upon any subject which the petitioners may desire to bring to the attention of this body. But having discharged this duty I may be permitted to say, that the prevalence of this delusion, at this age of the world, amongst any considerable portion of our citizens, must originate, in my opinion, in a defective system of education, or in a partial derangement of the mental faculties, produced by a diseased condition of the physical organization. I cannot, therefore, believe that it prevails to the extent indicated in this petition. Different ages of the world have had their peculiar delusions. Alchemy occupied the attention of eminent men for several centuries. But there was something sublime in alchemy. The philosopher's stone, or the transmutation of base metals into gold, the *elixir vite*, or water of life, which would preserve youth and beauty, and prevent old age, decay, and death, were blessings which poor humanity ardently desired, and which alchemy sought to discover by perseverance and piety.

Roger Bacon, one of the greatest alchemists, and greatest men of the thirteenth century, whilst searching for the philosopher's stone, discovered the telescope, burning glasses, and gunpowder. The prosecution of that delusion led, therefore, to a number of useful discoveries. In the sixteenth century, flourished Cornelius Agrippa, alchemist, astrologer, and magician, one of the greatest professors of *hermetic philosophy* that ever lived. He had all the spirits of the air and demons of the earth under his command. Paulus Jovius says "that the devil, in the shape of a large black dog, attended Agrippa wherever he went." Thomas Nash says that "at the request of Lord Surrey, Erasmus, and other learned men, Agrippa called up from the grave several of the great philosophers of antiquity; among others, Tully, whom he caused to redeliver his celebrated oration for Roscius." To please the Emperor, Charles the V., he summoned King David and King Solomon from the tomb, and the emperor conversed with them long upon the science of government. This was a glorious exhibition of spiritual power, compared with the insignificant manifestations of the present day.

I will pass over the celebrated Paracelsus, for the purpose of making allusion to an Englishman, with whose veracious history every one ought to make himself acquainted. In the sixteenth century, Doctor Dee made such progress in the "Talmudic Mysteries," that he acquired ample power to hold familiar converse with spirits and angels, and to learn from them all the secrets of the universe. On one occasion, the angel Uriel gave him a black crystal, of a convex form, which he had only to gaze upon intently, and by a strong effort of the will, he could summon any spirit he wished to reveal to him the secrets of futurity. Dee, in his veracious Diary, says, that one day, while he was sitting with Albertus Laski, a Polish nobleman, "there seemed to come out of the oratory a spiritual creature, like a pretty girl, of seven or nine years of age, attired on her head, with her hair rolled up before, and hanging down behind; with a gown of silk of changeable red and green, and with a train. She seemed to play up and down, and seemed to go in and out behind the books, and as she seemed to go between them, the books displaced themselves and made way for her." This I call a spiritual manifestation of the most interesting and fascinating kind. Even the very books felt the fascinating influence of this "spiritual creature," for "they displaced themselves and made way for her." Edward Kelly, an Irishman, who was present, and who witnessed this beautiful apparition, verifies the Doctor's statement; therefore it would be unreasonable to doubt a story so well attested. Doctor Dee was the distinguished favorite of Kings and Queens—a proof that spiritual science was held in high repute in the good old days of Queen Elizabeth.

But, of all the professors of *occult science*, *hermetic philosophy*, or *spiritualism*, the Rosicrucians were the most exalted and refined. With them the possession of the *philosopher's stone* was to be the means of health and happiness; an instrument by which man could command the services of

superior beings, control the elements, defy the obstructions of time and space, and acquire the most intimate knowledge of all the secrets of the universe. These were objects worth struggling for. The refined Rosicrucians were utterly disgusted with the coarse, gross, sensual spirits who had been in communion with man previous to their day; so they decreed the annihilation of them all, and substituted in their stead a race of mild, beautiful, and beneficent beings. The spirits of the olden time were a malignant race; and took especial delight in doing mischief; but the new generation is mild and benignant. These spirits, as this petition attests, indulge in the most innocent amusements and harmless recreations, such as sliding, raising and "tipping" tables, producing pleasant sounds and variegated lights, and sometimes curing diseases which were previously considered incurable; and, for the existence of this simple and benignant race, our petitioners are indebted to the brethren of the Rosie Cross.

Among the modern professors of spiritualism, Cagliostro was the most justly celebrated. In Paris his saloons were thronged with the rich and noble. To old ladies he sold immortality, to young ones he sold beauty that would endure for centuries; and his charming countess gained immense wealth by granting attendant "symples" to such ladies as were rich enough to pay for their services. "The Biographic des Contemporains," a work which our present mediums ought to consult with care, says, "There was hardly a fine lady in Paris who would not sup with the shade of Lucretius in the apartments of Cagliostro; there was not a military officer who would not discuss the art of war with Alexander, Hannibal, or Cæsar; or an advocate or counsellor who would not argue legal points with the ghost of Cicero." These were spiritual manifestations worth paying for; and all our present degenerate mediums would have to hide their diminished heads in the presence of Cagliostro. It would be a curious inquiry to follow this "occult science" through all its phases of *mineral magnetism*, *animal magnetism*, *mesmerism*, &c., until we reach the present latest and lowest phase of all "spiritual manifestation." But I have said enough to show the truth of Burke's beautiful aphorism, "The credulity of dupes is as inexhaustible as the invention of knaves."

Mr. WELLER. What does the Senator propose to do with the petition?

Mr. PETTIT. Let it be referred to the three thousand clergymen. [Laughter.]

Mr. SHIELDS. I present the petition.

Mr. SUMNER. To what committee is it to be referred?

Mr. WELLER. I suggest that it be referred to the Committee on Foreign Relations. [Laughter.]

Mr. SHIELDS. I am willing to agree to that reference.

Mr. WELLER. It may be that we may have occasion to enter into diplomatic relations with these spirits. [Laughter.] If so, it is a proper subject for the consideration of that committee. It may be necessary to ascertain whether or not Americans, when they leave this world, lose their citizenship. It may be expedient that all these grave questions should be considered by the Committee on Foreign Relations, of which I am an humble member. I move its reference to that committee.

Mr. MASON. I really think it has been made manifest by the honorable Senator who has presented the petition, that he has gone further into the subject than any of us, and that his capacity to elucidate it, is greater than that of any other Senator; I would, therefore, suggest to him that it should either go to a select committee on his motion, or be referred to the Committee on Military Affairs, of which he is chairman. Certainly the Committee on Foreign Relations have nothing to do with it. Perhaps it would be better to allow the petition to lie on the table.

Mr. SHIELDS. This is an important subject, and should not be sneered away in this manner. [Laughter.] I was willing to agree to the motion of the honorable Senator from California; but I do not wish to send the petition to the Committee on Foreign Relations, unless the chairman of that committee is perfectly satisfied that he can do the subject justice. I had thought of proposing to refer the matter to the Committee on the Post Office and Post Roads, because there may be a

possibility of establishing a spiritual telegraph between the material and the spiritual world.

Mr. MASON. I move that the petition lie upon the table.

Mr. SHIELDS. I am willing to allow it to lie on the table for the present.

The motion was agreed to; and the petition was ordered to lie on the table.

THE JUDICIARY.

Mr. BUTLER. Mr. President, so much of the President's annual message as related to the judiciary system of the United States, was referred to the Committee on the Judiciary. The report of the Attorney General, upon the same subject, was also referred to that committee. We have given the investigation of the subject unusual care and attention; and the bill, which I am directed to report from the committee, comes to the Senate under very high sanction. It embodies, I believe, the essential suggestions contained in the report of the Attorney General, and I may say is passing, that although the judges of the Supreme Court act under a pretty correct method and system, the bill I present will receive their approbation. I ask, as the bill is one of great practical importance, that it may be made the special order of the day for the first Monday in May, and that the report which accompanies the bill be printed.

The bill was read a first and second time, and made the special order of the day for the first Monday in May.

The report was ordered to be printed.

CAPTAIN GREY AND OTHERS.

Mr. PETTIT. I have an adverse report to make from the Committee on Private Land Claims, in reference to the claim of the heirs of Captain Grey and others, to land upon the northwest coast of America. I will detain the Senate but a moment in explaining the reasons for the report of the committee, as, it seemed to us, the papers ought to be referred to another committee.

The memorial on which this report is made, prays for two things. It alleges that these explorers were the first visitors upon the northwestern coast, that they purchased large tracts of country from the chiefs of the native tribes there, and that their purchases were very extensive. They ask a confirmation by Congress of their title to these purchases; but in the event—and they ask in the alternative—of the confirmation not being granted, they pray for a pecuniary consideration or reward for their trouble, vexation, &c.

The Committee on Private Land Claims have directed me to report adversely as to the confirmation of land, so far as the petition goes on that subject. The committee regard it as being very clear that they could not have bought of the natives. The parties admit that they took possession in the name of the United States—that they raised the flag of the United States. The committee, therefore, conclude that they must have acknowledged themselves as necessarily coming within the policy and laws of the United States, which forbid them to buy, individually, of any tribe. I am, therefore, directed to make a report on that subject, asking to be discharged from the further consideration of the question, not expressing any opinion, however, as to whether the Government ought or ought not to make the parties a pecuniary consideration; but if it ought, it is clear that the matter should go to the Committee on Claims, and not to the Committee on Private Land Claims. I, therefore, move that the report be printed, that the Committee on Private Land Claims be discharged from the further consideration of the memorial, and that it be referred to the Committee on Claims.

The motion was agreed to.

SCHOOL LANDS IN ALABAMA.

Mr. DODGE, of Iowa. The Committee on Public Lands, to whom was referred the bill from the House of Representatives "to authorize the school commissioners of the fractional township No. 1, range No. 10 east, in Alabama, to locate one half section of land for school purposes," have directed me to report it back without amendment, and recommend its passage. As the bill is one to which there can be no objection whatever, and as there is an anxiety prevailing among those interested for its passage, I move that it be now taken up and considered.

Mr. CLAY. I trust the motion of the honor-

able Senator from Iowa will prevail. If I recollect the facts of the case correctly, the sixteenth section of land in the township mentioned in the bill, (for the failure of which it is intended to provide,) happened to be an Indian reservation, and the people of the township were thereby deprived of the benefit provided by the general act for the admission of the State of Alabama into the Union. By that act the sixteenth section in each township was granted to the inhabitants of the township for the benefit of common schools. The present bill, I believe, is intended to provide the citizens of the township named in it, with the benefits derived under the general act by the citizens of other townships. Hence, I trust it will be considered and passed immediately.

Mr. BROWN. This bill has passed the House, I believe.

Mr. CLAY. Yes, sir.

Mr. BROWN. I hope, therefore, it will be permitted to go over until to-morrow morning. There are some other cases of the same kind which I would like to have provided for.

Mr. CLAY. But I hope this bill will not be embarrassed by them.

Mr. BROWN. I will not embarrass this bill; but I should prefer that it go over until to-morrow morning.

GRADUATION OF THE PUBLIC LANDS.

The bill from the House of Representatives to graduate and reduce the price of the public lands to actual settlers and cultivators, was read a first and second time.

Mr. ADAMS. I move that the bill be referred to the Committee on Public Lands; and in doing so beg leave to call the attention of that committee especially to it, inasmuch as I introduced a bill of similar import on one of the earliest days of this session. I know that that committee have a great deal of labor upon their hands; but the bill is one which I conceive to be worth more to the Treasury, more to the country, than twenty homestead bills, and, perhaps, than all the bills in addition relating to the public lands which have been passed for twenty years. It has the great advantage of being founded in justice; and I do hope that the committee will find it convenient to act early upon it. I think it requires slight amendment. It is the first time, I believe, that the House of Representatives have passed a graduation bill. I repeat, I hope the committee will act upon it at an early day, so that we may have an opportunity of ascertaining the sense of the Senate in relation to it.

The bill was referred to the Committee on Public Lands.

HOUSE BILL REFERRED.

The bill from the House of Representatives for the relief of the widow and heirs of Elijah Beebe, was read twice by its title; and referred to the Committee on Indian Affairs.

PACIFIC RAILROAD.

Mr. GWIN. I desire to ask the Senate to take up the Pacific railroad bill, for the purpose of making it the special order for to-morrow week, at twelve and a half o'clock.

The PRESIDENT. It is a special order now.

Mr. GWIN. Then I desire to say that I will, to-morrow week, ask the Senate to proceed to its consideration.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, April 17, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

THOMAS D. ELIOT, a Representative elect from the first congressional district of the State of Massachusetts, in the place of Zeno Scudder, resigned, appeared, and was qualified by taking the customary oath to support the Constitution of the United States.

The SPEAKER stated that the question was on the adoption of the following resolution:

Resolved, That all debate in the Committee of the Whole

House on the State of the Union, on the Senate amendments to House bill No. 47, (the Military Academy bill,) shall cease in five minutes after its consideration is resumed, if the committee shall not sooner come to a conclusion upon the same; and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and then report it to the House, with such amendments as may have been agreed to by the committee.

Mr. JONES, of Tennessee. I call for the previous question on that.

The previous question received a second; and the main question was ordered to be put.

The question was then taken; and the resolution was agreed to.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

MARITIME RIGHTS—THE EUROPEAN SYSTEMS.

Mr. WALBRIDGE. I ask the unanimous consent of the House to introduce the following resolutions. All I desire is, that they shall be read for information and referred to the Committee on Foreign Affairs.

The resolutions were then read, as follows:

Resolutions of Congress declaratory of our maritime rights, and of our policy interdicting the extension of the European system of Government on any portion of this hemisphere.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, as a maritime Power, having neutral rights to maintain, deem it proper, in view of the existing war in Europe, to declare and make known, that every American vessel engaged in the lawful pursuits of commerce, is held by this Government to be protected by the flag that covers her, and which shall be the evidence of her nationality; that we attach to all such vessels a character of sovereignty, considering them as clothed with immunities corresponding to those which appertain to our territory; that our rights, as thus declared, rest upon no precarious or temporary basis, nor upon the concessions of any power, but upon public law as insisted upon from the early history of the Republic; and that any attempt to enforce an obsolete right of impressment, search, detention, or visitation, in regard to such American ships, will be regarded as an act of hostility to the United States, and just cause of war.

Be it further resolved, That as the existing conflicts in Europe may lead to the change of political sovereignty in some of the European Powers, and the destruction of political sovereignty in others, we deem it proper for Congress to make known to them, that we affirm the doctrine, that we should consider any attempt on their part, to extend their system of government to any portion of this hemisphere, as dangerous to our peace and safety, and from the geographical and commercial position of the Island of Cuba to this continent, we will never consent that her sovereignty be transferred, except to the United States, to whom she seems naturally to belong.

Mr. COX. I object to the introduction of the resolutions.

Mr. WALBRIDGE. I move to suspend the rules for the purpose of introducing them. All I ask is that they be received and referred to the Committee on Foreign Affairs.

The yeas and nays were demanded, but not ordered.

The question was then put on Mr. WALBRIDGE's motion, and the Chair announced that it was carried in the negative.

Mr. COBB demanded tellers; which were ordered; and Messrs. CLINGMAN and GREY were appointed.

The question was then put; and the tellers reported—ayes 48, noes not counted.

Two thirds not voting in the affirmative, the rules were not suspended.

INCREASED COMPENSATION TO CLERKS.

Mr. ROBBINS. I am instructed by the Committee of Ways and Means to report back Senate bill No. 122, with a substitute therefor; and I ask the unanimous consent of the House to report it at this time.

The SPEAKER. The bill will be read for information.

The bill was read by its title, as follows:

An act to amend the third section of an act making appropriation for the civil and diplomatic expenses of the Government for the year ending 30th of June, 1854, and for other purposes.

Mr. ROBBINS. It is only necessary for me to say at this time, that the object of the bill is to increase the compensation of the clerks and other persons employed in the Executive Departments of the Government.

The SPEAKER. The gentleman having explained the object of the bill, if there is no objection, it will be received from the committee.

Mr. GREY. Is not this the day for resolutions?
The SPEAKER. It is not. Last Monday was the day set apart for calling the States for resolutions.

Mr. CLINGMAN. I am opposed to the bill, and I object to its introduction. I will ask the gentleman from Pennsylvania [Mr. ROBBINS] what disposition he now proposes to make of the bill?

Mr. ROBBINS. My intention is, if I am allowed to make the report, to move to put the bill upon its passage.

Mr. CLINGMAN. Then I object to its introduction at this time.

Mr. ROBBINS. I move that the rules be suspended, to enable me to introduce the bill.

Mr. McMULLIN. I call for the yeas and nays upon that motion.

Mr. TAYLOR, of Ohio. Will it be in order to have the bill read?

The SPEAKER. It will.

Mr. TAYLOR. Then I ask to have it read, that we may know what we are called to vote upon.

The Clerk commenced the reading of the bill, but was arrested by

Mr. CLINGMAN, who said: I rise to a question of order, Mr. Speaker. I believe that before a matter is regularly before the House, the reading of a paper is not a question of right, but one of general consent, and if it be in my power to prevent its being read at this time, I will do so. I object to the reading, and raise that question of order.

The SPEAKER. The Chair thinks the point of order well taken, and sustains it. The bill is not before the House; and the question is, "Shall it be received?" The gentleman from Pennsylvania [Mr. ROBBINS] has stated the character of the bill, and objection being made to its reading, the question must be decided by the House. Does the gentleman from Ohio [Mr. TAYLOR] still desire to have the bill read?

Mr. TAYLOR. I do, and I move that it be read.

Mr. CLINGMAN. It will take a two-third vote, I believe, to order the bill to be read, because the regular order of business is different from the reading of this paper. For that reason it requires a two-third vote. The rule in regard to such matters has been so decided heretofore, upon my own exception to a ruling of Speaker Cobb, in a former Congress. There is a clause of the rule which says that a majority may decide whether a paper shall be read or not; and the House decided, during the last Congress, by a vote of yeas and nays, that that clause meant only such papers as were before the House, and that it required a two-third vote to order a paper to be read which was not before the House. If this bill had been reported by the consent of the House, a majority might order it to be read.

The SPEAKER. When a paper is before the House, any member may have it read. The rule says:

"When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House."

This is a paper in connection with the legitimate business of the House; and the Chair thinks it comes properly within the competency of the majority of the House to have it read.

Mr. CLINGMAN. I beg leave to call the attention of the Chair to a case similar to this, which occurred during the Congress before the last. The predecessor of the present Speaker [Mr. Cobb] decided that a majority had the right to have the paper read. I took an appeal, and the House, upon the yeas and nays, reversed the decision of the Chair, and decided that, upon a motion to suspend the rules for the purpose of introducing a resolution, the majority could not order the resolution to be read. The paper is not before the House. If it was, and a motion was made to read it a second time, it would then be for a majority to decide; but the case now before us does not come under that rule. I can turn to the precedent, if the Chair desires to see it.

The SPEAKER. The House is not considering whether they will pass the bill, it is true. If they were, any member would have the right to demand that it should be read. But the question is upon suspending the rule for the purpose of introducing the bill. The gentleman from Ohio

asks that it may be read. The Chair has decided that a single member of the body has not the right to demand its reading. Objection being made, the gentleman from Pennsylvania stated the substance of the bill, which the Chair thinks sufficient for the House to base its action upon in determining whether it will receive it. If, however, the majority, for reasons sufficient to itself, determine that it shall be read, the Chair thinks they have the right to make the order. The Chair does not recollect any precedent upon which to base his action, but he thinks, under the rule, they have the right.

Mr. CLINGMAN. I would suggest a case to the Chair. Suppose the House were pursuing the regular order of business, and I should ask that the report of the Secretary of the Treasury should be read, would the Chair hold that I would have the right to interrupt the business of the House for that purpose?

The SPEAKER. He would not. It could only be done by a suspension of the rules. In this case, however, the Chair thinks that the House have the right, in some form, to have the bill for the introduction of which a motion to suspend the rules has been made, read. He so decides; and the question is, "Shall the bill and substitute be read?"

The question was put; and the motion agreed to. The Clerk then read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That of the clerks authorized by the third section of the act approved March third, eighteen hundred and fifty-three, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four," those of the first class shall receive a salary of twelve hundred dollars per annum; those of the second class, a salary of fourteen hundred dollars per annum; those of the third class, a salary of sixteen hundred dollars per annum; and all vacancies in any of the classes, named in said act mentioned, shall be filled by promotion from the class next below; and all clerks not provided for in this act, performing the same or similar duties with any one of the classes, shall receive the same compensation as is allowed to such class; and the clerks employed in the Census Bureau shall be paid, during the present fiscal year, the same as is hereby allowed to clerks of the second class.

SEC. 2. *And be it further enacted,* That the stamp and blank agent for the Post Office Department receive the same salary as clerks of the second class, provided for in the first section of this act; and an addition of twenty per cent. is hereby added to the pay now authorized by law to each of the messengers, packers, laborers, and watchmen of the different Executive Departments of the Government in Washington; (to the clerks employed at the navy-yard and marine barracks, at Washington;) to the clerk, messenger, and laborer in the office of Commissioner of Public Buildings, doorkeeper and assistant doorkeeper at the Executive Mansion; public gardener, laborers employed in the public grounds and President's garden; two additional watchmen and the police at the Capitol; watchmen employed at the President's house and reservation number two, lamplighter, the general superintendent; the draw-keepers of the bridges across the Eastern Branch and Potomac; and that the provisions of the second section of the act of August thirty-first, eighteen hundred and fifty-two, "making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three," &c., be, and is hereby, extended to such persons herein enumerated who were in employment during that fiscal year, and were excluded from the benefit of said act by the decision of the Comptroller of the Treasury.

SEC. 3. *And be it further enacted,* That instead of the salaries now allowed by law to the Superintendent of the Census, and to the Assistant Postmasters General, they shall each receive the same salary that is paid to the Assistant Secretary of the Treasury.

SEC. 4. *And be it further enacted,* That the increased compensation provided for in this act shall commence from the first day of July, eighteen hundred and fifty-three, and the necessary money to carry this act into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The following is the substitute proposed by the Committee of Ways and Means for the bill:

That the clerks of the first class, authorized by the third section of the act approved March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854," instead of the compensation therein provided for, shall receive a salary of \$1,100 per annum.

SEC. 2. *And be it further enacted,* That the increased compensation provided for in this act shall commence on the 1st day of July, 1853, and for the payment of the same to the 30th day of June, 1854, the necessary money is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. The yeas and nays have been demanded on the motion that the rules of the House be suspended for the purpose indicated.

Mr. CLINGMAN. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. LETCHER and DEAN were appointed.

The tellers reported—yeas 40, noes 83; more than one fifth of those present.

So the yeas and nays were ordered.

Mr. DEAN. I desire, before voting, to understand the question. The question is whether we will receive the report, is it not?

The SPEAKER. The question is on suspending the rules, to enable the gentleman from Pennsylvania to make the report from the Committee of Ways and Means.

Mr. CLINGMAN. And the gentleman from Pennsylvania announces that his purpose is to put the bill on its passage.

The question was then taken; and there were—yeas 107, nays 39; as follows:

YEAS—Messrs. Aiken, James C. Allen, Appleton, Ashe, David J. Bailey, Ball, Banks, Barksdale, Belcher, Bennett, Benson, Bissell, Bliss, Boyce, Bridges, Bugg, Carpenter, Chrisman, Clark, Cobb, Colquitt, Cook, Corwin, Crocker, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Dunbar, Eastman, Eddy, Edmunds, Edmundson, John M. Elliott, Thomas D. Eliot, Ellison, Etheridge, Faulkner, Feunton, Fuller, Greenwood, Grey, Grow, Wiley P. Harris, Harrison, Henn, Hibbard, Howe, Hughes, Hunt, J. Glancy Jones, Keitt, Kerr, Kidwell, Kurtz, Latham, Lilly, Lindsey, McDougall, McNair, Mace, Macy, Maxwell, Mayall, Middleswarth, John G. Miller, Smith Miller, Morrison, Nichols, Olds, Mordecai Oliver, Phelps, Powell, Thomas Ritchey, Robbins, Rogers, Sapp, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Snodgrass, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Vansant, Wade, Walbridge, Walley, Warren, Elisha B. Washburne, Israel Washburn, John Wentworth, Witte, Daniel B. Wright, and Yates—107.

NAYS—Messrs. Caske, Chastain, Clingman, Cox, Oulson, Dickinson, Drum, Edgerton, Giddings, Good, Hamilton, Aaron Harlan, Hastings, Haven, Heister, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Letcher, McMullin, Murray, Parker, Peck, Peckham, Pratt, Puryear, David Ritchie, Ruffin, Sage, Skelton, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Wheeler, and Zollicoffer—39.

So (two thirds voting in favor thereof) the rules were suspended.

Mr. ROBBINS, from the Committee of Ways and Means, then reported back bill of the following title, with a substitute:

An act to amend the third section of an act making appropriation for the civil and diplomatic expenses of the Government for the year ending June 30, 1854.

Mr. ROBBINS. I desire to have this bill put upon its passage; and as it contains an appropriation, I move to suspend that rule which requires bills making appropriations to be first considered in the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. There are some provisions in the bill which the House may desire to amend. For instance, it not only makes an appropriation, but it makes an appropriation to execute this bill as long as it stands on the statute-book.

[Cries of "Order!" "Order!"]

The SPEAKER. Debate is not in order.

Mr. McMULLIN. Is it in order now to move to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It will be in order when the motion to suspend this rule has been disposed of.

Mr. CLINGMAN. If we can defeat this motion, the bill will go to the Committee of the Whole on the state of the Union, as a matter of course. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then put; and there were—yeas 106, nays 40; as follows:

YEAS—Messrs. Aiken, James C. Allen, Ashe, Ball, Banks, Barksdale, Belcher, Bennett, Benson, Bissell, Bliss, Boyce, Bridges, Bugg, Carpenter, Chrisman, Clark, Cobb, Colquitt, Cook, Corwin, Crocker, Curtis, Cutting, Thomas Davis, Dawson, Dean, Dent, Dunbar, Eastman, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, Etheridge, Faulkner, Feunton, Fuller, Greenwood, Grey, Grow, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Henn, Hibbard, Howe, Hughes, Hunt, J. Glancy Jones, Keitt, Kerr, Kidwell, Kurtz, Latham, Lilly, Lindsey, McDougall, McNair, Mace, Macy, Maurice, Maxwell, Mayall, John G. Miller, Smith Miller, Morrison, Nichols, Olds, Andrew Oliver, Mordecai Oliver, Phelps, Pringle, Thomas Ritchey, Robbins, Rogers, Sapp, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Vansant, Walbridge, Walley, Warren, Elisha B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, and Yates—106.

NAYS—Messrs. Caske, Chastain, Clingman, Cox, Drum, Edgerton, Giddings, Hamilton, Aaron Harlan, Hastings, Haven, Heister, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Letcher, McMullin,

in, Middleswarth, Murray, Parker, Peck, Peckham, Pratt, Puryear, David Ritchie, Ruffin, Sage, Skelton, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Wade, Wells, Wheeler, and Zollcoffer—40.

So (two thirds voting in favor thereof) the motion to suspend the rule was agreed to.

Mr. ROBBINS. I merely wish to say to the House that the original bill was referred to the Committee of Ways and Means. A majority of that committee have instructed me to report a substitute; and I only want to state that I am opposed to the substitute, and in favor of the original bill. I now demand the previous question.

Mr. CLINGMAN. I ask the gentleman to withdraw the demand for the previous question. I will renew it.

[Loud cries of "No!" "No!"]

Mr. JONES, of Tennessee. I ask the gentleman from Pennsylvania to withdraw the call for the previous question for one moment. I do not want to make a speech.

Mr. ROBBINS. I should like to gratify the gentlemen who wish to submit remarks in reference to this bill, but I must insist on the demand for the previous question.

Mr. JONES. I do not wish to make a speech. I merely desire to make a suggestion.

Mr. ROBBINS. I must insist on my motion.

Mr. JONES. I am one of the committee who have reported the bill.

Mr. WHEELER. I move to lay the bill on the table; and on that motion I demand the yeas and nays.

Mr. WASHBURN, of Maine. I wish to make an inquiry of the Chair. If the motion to lay the bill on the table does not prevail, will not the first question be on the substitute?

The SPEAKER. The first question will be on seconding the demand for the previous question.

Mr. WASHBURN. And if the previous question is sustained?

The SPEAKER. It will bring the House to a vote directly on the substitute, and then on the engrossment of the bill.

Mr. WASHBURN. And if the substitute is voted down, the question will then be on the Senate bill?

The SPEAKER. Yes, on the Senate bill.

Mr. WASHBURN. Well, I hope the Senate bill will pass.

Mr. WHEELER. I withdraw my motion to lay the bill on the table for the present.

Mr. McMULLIN. Is it in order now to move to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is not, for the reason that the previous question is demanded.

Mr. McMULLIN. I then desire to make an appeal to the gentleman from Pennsylvania [Mr. Robbins] to withdraw the demand for the previous question.

Mr. ROBBINS. I should like to gratify the gentleman; but there are so many gentlemen around me insisting upon the previous question, that I cannot withdraw it.

Mr. PRATT. I move to lay the bill upon the table; and upon that motion I ask the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 30, nays 115; as follows:

YEAS—Messrs. Caskey, Chastain, Clingman, Cox, Culom, Dick, Drum, Edgerton, Hamilton, Aaron Harlan, Hastings, Haven, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Knox, Letcher, McMullin, Murray, Parker, Pratt, Puryear, Ruffin, Skelton, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, and Wheeler—30.

NAYS—Messrs. Aiken, James C. Allen, Appleton, Ashe, Ball, Banks, Barksdale, Barry, Bennett, Benson, Bissell, Bliss, Boyce, Bridges, Carpenter, Chrisman, Clark, Cobb, Colquitt, Cook, Corwin, Crocker, Curtis, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Dickinson, Dunbar, Eastman, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, Etheridge, Farley, Faulkner, Fenton, Giddings, Greenwood, Grow, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hinn, Hibbard, Howe, Hughes, Hunt, J. Glancy Jones, Kerr, Kidwell, Kurtz, Latham, Lilly, Lindley, Macdonald, McNair, Mace, Macy, Maurice, Maxwell, Mayall, Middleswarth, Smith Miller, Morrison, Nichols, Olds, Andrew Oliver, Mordecai Oliver, Peckham, Phelps, Powell, Pringle, David Ritchie, Thomas Ritchey, Robbins, Rogers, Sapp, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Snodgrass, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Vansant, Walbridge, Walley, Warren, Ellihu B. Washburne, Israel Washburn, Wells, John

Wentworth, Tappan Wentworth, Witte, Daniel B. Wright, and Yates—115.

So the House refused to lay the bill upon the table.

Mr. ROBBINS. I now ask for a vote on the call for the previous question.

Mr. TAYLOR, of Ohio, demanded tellers; which were ordered; and Messrs. Jones, of Pennsylvania, and Ashe, were appointed.

Upon seconding the demand for the previous question, the tellers reported—aye 66, noes 63.

So there was a second.

Mr. JONES, of Tennessee. If the House should refuse to order the main question to be now put, will it not be in order to offer amendments to the bill?

The SPEAKER. If the House should refuse to order the main question to be now put, it will carry the bill over until to-morrow.

Mr. JONES. That is a change from the practice which prevailed a year or two ago.

The question recurring upon ordering the main question to be put,

Mr. JONES, of Tennessee, called for the yeas and nays; which were ordered.

The question was then taken; and there were—yeas 81, nays 63; as follows:

YEAS—Messrs. Aiken, Willis Allen, David J. Bailey, Banks, Barksdale, Bennett, Benson, Bissell, Bliss, Bridges, Carpenter, Chrisman, Clark, Colquitt, Cook, Corwin, Cutting, Thomas Davis, Dawson, Dent, Dunbar, Eastman, Eddy, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, Etheridge, Farley, Faulkner, Fenton, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Hinn, Hibbard, Howe, Hughes, Hunt, J. Glancy Jones, Kerr, Kurtz, Latham, Lindley, McNair, Mace, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Nichols, Olds, Mordecai Oliver, Thomas Ritchey, Robbins, Rogers, Sapp, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Upham, Vansant, Walbridge, Warren, Ellihu B. Washburne, Israel Washburn, Witte, Daniel B. Wright, and Yates—81.

NAYS—Messrs. Appleton, Ball, Belcher, Boyce, Caskey, Chastain, Clingman, Cobb, Cox, Culom, John G. Davis, Dean, Dickinson, Drum, Edgerton, Edmunds, Giddings, Grey, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hester, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Kittredge, Knox, Letcher, Lilly, McMullin, Middleswarth, Murray, Parker, Peck, Peckham, Phillips, Powell, Pratt, Pringle, Puryear, David Ritchie, Ruffin, Sage, Skelton, George W. Smyth, Stratton, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Wade, Walley, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Zollcoffer—63.

So the main question was ordered to be put.

The SPEAKER. The question first recurs upon the amendment of the committee.

Mr. McNAIR. I would inquire of the Chair if the vote is not directly upon the bill of the Senate?

The SPEAKER. The House is brought first to a vote upon the amendment proposed by the Committee of Ways and Means, which will now be read.

Mr. McNAIR. And then the vote will be upon the Senate bill?

The SPEAKER. It will be.

Mr. HIBBARD. I ask that the original bill and the substitute be read.

The Clerk then read the same, (as inserted previously.)

Mr. LETCHER. I demand the yeas and nays upon the adoption of the substitute.

The yeas and nays were ordered.

The question was then taken upon the adoption of the substitute reported by the Committee of Ways and Means, (inserted above,) and decided in the negative—yeas 70, nays 82; as follows:

YEAS—Messrs. James C. Allen, Appleton, David J. Bailey, Barry, Belcher, Bissell, Boyce, Caskey, Chastain, Clingman, Cobb, Cox, Crocker, Culom, John G. Davis, Dean, Dent, Dickinson, Drum, Edgerton, Edmundson, Ellison, Fuller, Giddings, Grey, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hibbard, Hester, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kittredge, Knox, Letcher, Lilly, McMullin, Maurice, Middleswarth, Murray, Andrew Oliver, Parker, Peck, Peckham, Phillips, Pratt, Pringle, Puryear, David Ritchie, Ruffin, Sage, Seward, Skelton, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Tracy, Tweed, Vail, Wade, Wells, John Wentworth, Wheeler, and Zollcoffer—70.

NAYS—Messrs. Aiken, Willis Allen, Ball, Banks, Barksdale, Bennett, Benson, Bliss, Bridges, Bugg, Carpenter, Chrisman, Clark, Colquitt, Cook, Corwin, Cutting, Thomas Davis, Dawson, Dunbar, Eddy, Edmunds, Thomas D. Eliot, Etheridge, Farley, Faulkner, Fenton, Goode, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Hinn, Howe, Hughes, Hunt, J. Glancy Jones, Kerr, Kidwell, Kurtz, Latham, Lindley, Macdonald, McNair, Mace, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Morrison, Nichols, Olds, Powell, Thomas Ritchey, Rob-

bins, Rogers, Sapp, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Upham, Vansant, Walbridge, Walley, Warren, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, Witte, Daniel B. Wright, and Yates—82.

So the substitute was not adopted.

Mr. DEAN. I move that the bill be laid upon the table.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 61, nays 84; as follows:

YEAS—Messrs. Appleton, Ashe, Barry, Belcher, Boyce, Caskey, Chastain, Clingman, Cox, Culom, Curtis, John G. Davis, Dean, Dent, Dickinson, Drum, Edgerton, Ellison, English, Fuller, Goode, Grey, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hibbard, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Letcher, Lilly, McMullin, Maurice, Murray, Andrew Oliver, Parker, Peck, Phillips, Pratt, Puryear, David Ritchie, Ruffin, Sage, Seward, Skelton, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Tracy, Tweed, Vail, Wells, Wheeler, and Zollcoffer—61.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, David J. Bailey, Ball, Banks, Barksdale, Bennett, Benson, Bissell, Bliss, Bridges, Carpenter, Caruthers, Chrisman, Clark, Colquitt, Cook, Corwin, Crocker, Cutting, Thomas Davis, Dawson, Dunbar, Eastman, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Etheridge, Farley, Faulkner, Fenton, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Hinn, Howe, Hughes, Hunt, J. Glancy Jones, Kerr, Kidwell, Kurtz, Latham, Lindley, Macdonald, McDougall, McNair, Mace, Macy, Maxwell, Mayall, Middleswarth, John G. Miller, Smith Miller, Nichols, Olds, Mordecai Oliver, Peckham, Phelps, Powell, Pringle, Thomas Ritchey, Robbins, Rogers, Sapp, Shannon, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, Stratton, David Stuart, John L. Taylor, Thurston, Upham, Vansant, Walbridge, Walker, Walley, Warren, Ellihu B. Washburn, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, Daniel B. Wright, and Yates—84.

So the House refused to lay the bill on the table.

Mr. DRUM. I move that the House do now adjourn.

Mr. INGERSOLL. I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken; and the House refused to adjourn.

[Here a message was received from the President of the United States, by his Private Secretary, notifying the House that he did approve and sign House bill No. 54, entitled "A bill for the relief of Madison Parton."]

Mr. McMULLIN. Is it competent now to move to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is not. The main question has been ordered, and the question is upon ordering the bill to be engrossed and read a third time.

Mr. TAYLOR, of Ohio. I ask the previous question on that.

The SPEAKER. The previous question is now operating on the bill.

Mr. McMULLIN. I move to lay the bill upon the table.

Mr. WHEELER. On that motion I demand the yeas and nays.

Mr. ROBBINS. Is that motion now in order?

The SPEAKER. It is in order, for the reason that, since the last motion to lay on the table was acted on, the House has voted on a motion to adjourn.

Mr. JONES, of Tennessee. Have we not just taken a vote on laying the bill on the table?

The SPEAKER. Since then a motion to adjourn has been made and voted on.

Mr. JONES. That does not alter the position of the bill.

The SPEAKER. It is a mere question of time. In the morning the House might not be willing to lay a bill on the table, but, without acting on the bill during the day, the House might be willing in the evening to lay it on the table.

The yeas and nays were not ordered.

The question was then taken on Mr. McMULLIN's motion; and it was decided in the negative. So the House refused to lay the bill upon the table.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, it was subsequently read the third time.

Mr. CLINGMAN and Mr. ROBBINS both claimed the floor.

The SPEAKER. If the gentleman from Penn-

sylvania [Mr. ROBBINS] addressed the Chair, he is entitled to the floor by courtesy.

Mr. ROBBINS. I wish to know if the previous question is exhausted?

The SPEAKER. It is exhausted.

Mr. ROBBINS. Then, sir, I demand the previous question on the passage of the bill.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. WASHBURN, of Maine. I move to lay the motion to reconsider on the table.

Mr. JONES. The gentleman has not got the floor to submit that motion.

Mr. ROBBINS. Can that motion be made while I have the floor?

The SPEAKER. The gentleman from Tennessee [Mr. JONES] is entitled to the floor on the motion to reconsider.

Mr. JONES. The gentleman from Pennsylvania had made a motion which he could not debate, and was not, therefore, entitled to the floor.

The SPEAKER. The Chair decides that the gentleman from Tennessee is entitled to the floor, on his motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. TAYLOR, of Ohio. I would inquire if the gentleman from Tennessee voted in the affirmative?

Mr. CLINGMAN. There was no division.

Mr. TAYLOR. Does the gentleman from Tennessee say that he voted in the affirmative?

The SPEAKER. As there was no division, any gentleman is entitled, according to the rules and practice of the House, to move to reconsider.

Mr. JONES, of Tennessee. It is not my intention to attempt to throw any obstacles in the way of the passage of this bill. I see that a majority of more than two to one is determined to pass it. But, sir, my object in making the motion to reconsider, is merely to state one objection to the bill which I am confident that a majority of the House would have remedied, if the gentleman from Pennsylvania [Mr. ROBBINS] had permitted me to point it out. I ask that the last clause of the bill may be read.

The fourth section was then read, as follows:

Be it further enacted, That the increase of compensation provided for in this act shall commence from the 1st day of July, 1853; and the necessary money to carry this act into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WASHBURN, of Illinois. I would ask the gentleman from Tennessee [Mr. JONES] to have the last section of the substitute read.

Mr. JONES. The substitute has been voted down.

Mr. WASHBURN. I ask the gentleman from Tennessee if the substitute to the bill does not contain the same provision?

Mr. JONES. I think not. This bill provides for an increase of the salaries of the clerks employed by the Government in this city, of the first, second, and third classes, and who constitute nearly the entire force employed in the Executive Departments. Should it pass with that clause in it, a permanent and indefinite appropriation of money will thereby be made to pay the salaries of the clerks provided in this bill, so long as the act shall stand upon the statute-book. The Executive officers, the next year, when they come to submit estimates, will not present any as a basis of appropriation for the current year to pay these clerks, but they will take the money out of the Treasury under this appropriation for the next year, and from year to year, for a hundred or thousand years, should the law remain upon the statute-book that long. The bill provides for a permanent and indefinite appropriation; and it removes, in my opinion, all checks and guards upon the Executive officers touching the payment of these salaries. So important were the appropriations thought to be for a limited period, that the Constitution provides that no appropriation for the support and sustenance of the Army of the country shall be for more than two years. But here, by this proposition, you make an appropriation for the increase of these salaries for an indefinite period of time, unless there shall be future legislation altering or changing its provisions.

The provision which I wished to incorporate into the bill, before the previous question was

sustained, was, that nothing in this act should be construed as appropriating money for a longer period than the current fiscal year, and requiring the salaries of these clerks to be estimated for and submitted to Congress at each session, as the salaries of the President, heads of Departments, and members of this House are estimated for and submitted at each session. I suppose the matter has gone so far now that, perhaps, the House will not reconsider the step they have taken; but if they will allow me to propose the amendment I have indicated, I shall not attempt to interfere with any other portion of the bill. I ask for the previous question upon the reconsideration.

Mr. CLINGMAN. I hope the gentleman from Tennessee will withdraw his demand for the previous question for one moment. I promise to renew it.

Mr. JONES. I withdraw the demand for the previous question.

Mr. CLINGMAN. I desire to say only a word or two to the House in regard to this bill. It may be unpleasant to gentlemen who have made up their mind to vote for it to hear any remarks; but I do not think that the bill in all its features is thoroughly understood. I promise not to be tedious, as I desire only to make a few suggestions. The proposition now under consideration is a very important one, as it increases, by several hundred thousand dollars, the annual expenses of the Government; and I think that we may be likely to hurry it through without due examination, and without giving members an opportunity for that discussion and consideration which all bills making appropriations of money ought to receive. It is a bill which appropriates a large sum of money; but the principal effect is more objectionable than the waste of money even. We have lately got into great difficulty in regard to the subject of the appointment of clerks. It is well known that there is an immense rush here for offices. Every man here is pressed from time to time with applications from their constituents to get them situations in the different offices of the Government.

I believe that the action of Congress during the last session has contributed very much to produce this evil of which I speak. Everybody admits that the fact of there being so much office-seeking under the Government is a very serious vice. There is a very great desire to get into public offices, and there is a constantly increasing number of men who are seeking for them. The result is, that whenever we have a State or a presidential election there is an immense excitement in the country; and Congress ought not to legislate in any way that will tend to increase this mischief.

At the last session of Congress there was a proposition brought in to increase the salaries of the clerks. The eight-hundred-dollar clerks were raised up to a salary of one thousand dollars, and all classes of these employees were moved forward to a higher rate of compensation.

During the discussion upon that occasion I remember very well that an eloquent friend of mine [Mr. Gentry, of Tennessee] made a handsome plea in favor of the increase. He told us of a young man in the practice of law in his own State who came here and obtained a thousand-dollar clerkship. He brought his wife and family here, and he found that he could not conveniently sustain himself upon his salary. He presented the case very feelingly and ably, and the consequence was that the House went forward, and passed a bill for the increased compensation. The present bill raises the salaries of the lower class of clerks to \$1,200 per annum; the second class to \$1,400, and so on. It also gives back pay additional to the clerks that have already been in office, &c. It thus appears that there is a greater demand for an increased salary than before. Let us see how that is brought about. Here, for instance, is a young man practicing law in Tennessee. He is informed that men obtain at Washington what he regards as a high salary. He makes an application through his friends, obtains an appointment to an office in one of the Departments, and comes on here and enters upon the performance of its duties. He finds that his expenses are considerable; holds office for a few years, and then probably leaves it, or is turned out under an incoming Administration. In nineteen out of twenty such cases the individual goes home insolvent, or nearly so—a great many of them, perhaps, having contracted bad habits from their associations in Washington.

Now, if the public service required this, I would vote the money, and let the men be sacrificed, just as men are sacrificed in battle, or die by disease contracted upon the frontiers. But if the public service does not demand it, there is no just principle which requires that we should give it. The rule which an individual adopts for his government in like cases, is to give that sum which will secure a competent man to perform the duties which he desires. I know of no other principle which the Government should adopt for the guidance of its action.

If you want a mere copying clerk, any man who can keep a country school in your district or mine, or who would be employed as a merchant's clerk to keep books, is competent for that purpose. Such individuals are glad to get three or four hundred dollars a year in the country; and we have such individuals constantly coming to us to obtain employment in directing speeches and documents, or to seek places as messengers in the Departments, at that rate of pay. I remember a case which will, perhaps, illustrate the principle. I will state it. At the beginning of this session a lady came to me with a letter of introduction, who stated to me that she had a husband, who was a messenger in one of the Departments, and got thirty dollars per month; that his health was very bad, and that he was barely able to discharge his duties. He was not able to attend to any other sort of business when not performing office duty, and he had half a dozen children. She was very anxious to get one of her sons in here as a page in the House. I called upon the Doorkeeper of the House, who is a very polite and obliging man, and asked him to give this boy a place. He informed me that he could not, because several members of Congress had brought on young boys from the distant States for the purpose of getting these situations for them. The conclusion I came to was, that the pages are paid so well as to make it worth while to bring on these boys from the distant parts of the Union to get these appointments. Our pages receive two dollars a day, regular compensation. During the last session of Congress, by a two-third vote, but against mine, the House agreed to give the pages a sum in addition as an extra allowance, amounting to considerable more than their salary for the session, making their pay as much as four or five dollars a day; and the result is, as I stated, that boys are brought on from the remote States and secure places, while those in the city who need the pay as much are excluded. This is an abuse which I have constantly opposed, but unsuccessfully heretofore. In fact, at each session I am in a minority of less than one third, generous members giving away the public money to their favorites here.

I want to call the attention of the House to another fact. There are persons in the city who are glad to be employed as copying clerks at a dollar a day. But when you raise the salary of copying clerks to \$1,000 a year, you throw these persons out of employment. And how? Why, as soon as the salaries are raised, and the fact becomes known abroad, young politicians from North Carolina, from Tennessee, and from the remote States, will come here and apply for the places. They are young men out of business, or, perhaps, a little above their business, and having political influence, they secure the situations; and those here in the city are displaced. This is the way the system works; while you take more and more from your Treasury, you get no better officers, but, in fact, worse ones.

Suppose you were to pay the workmen employed upon the wings of your Capitol ten dollars a day; the consequence would be that men would come on here from every quarter of the Union and apply for situations. Political influence would be brought into requisition, and the Superintendent would probably finally be obliged to distribute his workmen among the different States, as the cadets and midshipmen are now distributed. As it is now, the ordinary price is paid, and proper workmen are obtained, without any noise being made abroad in reference to it.

I know we are called upon to be liberal to these clerks, and I should be very glad to be so; I have friends from my section of country among them. But it is not our own money that we are voting away. We only act as the trustees of the people; and I am not going to vote to raise the compensation of these clerks still higher when hundreds of

my constituents work quite as hard at home, and do not receive more than fifty or seventy-five cents a day for it. Suppose, Mr. Speaker, I should say to you, I am directed by one of my constituents to get some work done for him; I am his agent merely, or trustee; I can get it done for \$100, but there is a good clever fellow who wants me to give him \$200 as a favor to do it; and I should tell you, further, my constituent is a poor man but an honest one, and a hard worker, with a large family that he is trying to educate, and he finds it very difficult to get along and maintain them. You would at once tell me that, as an honest man, I had no right to give away \$100 of his money merely to gratify one of my favorites; that I would act fraudulent as a trustee, if I were to spend his money thus. Suppose, sir, I should go to one of my constituents, who was plowing in his field, and say to him, Why do you not hire hands at seventy-five cents or a dollar per day, to help you tend more land and make a bigger crop? He will tell me, "I cannot afford to give anybody seventy-five cents per day. I cannot give fifty cents per day in cash to hire a hand. I am not, perhaps, clearing that amount myself." If I should say to him, "Now, my friend, you are taxed on your plow, on your salt, your sugar, the woolen goods you wear, or the blankets you buy to protect your family from the inclemency of the season. Are you willing to pay an additional tax; you who are making from fifty cents to seventy-five cents per day? Are you willing to pay an additional tax to enable some others to get more than four or five dollars per day, who are not working near as hard as you do?" He will tell me instantly, "No!" Have I the right to take that man's money who pays it for public purposes, for necessary expenses, and appropriate it to an uncalled for increase of salary, merely to gratify my favorites? The moment I go beyond the line of what is just and proper; the moment I determine to give a man more than his work is worth—for the value of every man is regulated by the demand for his services—I cannot say that I do what my duty calls for. If I employ a man to do my private work, and I pay him more than he gets from anybody else, I pay him well. The fact that you can get men to come forward and seek these offices, if you were to put them down to \$500 or \$600, is evident that they are doing better here, in their own opinion, than anywhere else.

The only rule for Congress to adopt is the one which I have laid down, and that is, to pay what is necessary to obtain competent men. I admit, for higher officers, your Commissioner of Pensions and others, who are required to understand the laws of the country, and ought to have judicial minds, you ought to pay more. The rule we have to adopt is to pay what will secure the necessary work. Do as any honest trustee would do with a trust fund. Where he has to spend any money for his trustors, he will spend only as much as will get the work done. If you, Mr. Speaker, and I were employed to have a house built for a man, we would not think it right to pay twice as much as we could get the work well done for merely to gratify those in our employ.

And I will beg, Mr. Speaker, that gentlemen will bear one thing in mind. There has not been a single instance, during my time in Congress, where the emoluments of an office have been reduced. I do not speak of petty post offices. We reduced the salaries there, indirectly, by reducing the rates of postage. You will find that whenever you move a man forward—I do not care what office he fills—the result is that he stands where he is advanced. This matter of salaries is an advancing tide; it never recedes.

Again: You cannot satisfy the wants of these gentlemen. Suppose you raise the clerkships up to \$8,000 per year, the amount now given cabinet officers. Well, the result will be that men who have been Governors in their own States, or Senators of the United States, understanding that they can get \$8,000 per year, will come here, and such men will fill the clerkships. They will crowd out those individuals who would be glad to do the work at lower rates; and after they have held those offices ten years, they will petition, if they think that we will listen to their petitions. They will tell us that house rent is high; that they are bound to entertain their friends when they come here; that it costs a great deal to keep up carriages, and rent pews in fashionable churches, and that they must have an increase to \$10,000 per year.

There is not a man in the country who is making money as fast as he wants to, and there is not a man holding office who gets as much as he would like to get; and if you will ask him whether he ought to have an advance, he will answer, "Yes, I can turn this money to a good account."

Gentlemen talk to me about liberality. I can very well understand the liberality of the man who puts his hand into his own pocket, and pays out his own money. I do not call it liberality to misuse the money of other people, and give it away to favorites. This money is raised by taxation. It is taken from an unwilling, reluctant community. They are willing to pay as much as we need, and nothing more. And I do not feel that I can, with any sort of propriety, insist on taxing my constituents, the majority of whom cannot make one dollar per day, to enable others to get a much larger sum, when we can secure the service for less.

I want to present these considerations to the House. I intend, at some time during this session, if I get the opportunity on one of the appropriation bills, to say something about the character of the public expenditures of the country. They vastly exceed those of any other country in the world. You may go to London, Paris, or any where else, and you will not find the public expenditures there like the amount paid for the same service here. I know that the rate of wages is higher in the United States, but it is no reason why we should pay ten times as much for the same service as others do, when we can get it for the half only.

This is a thankless duty which I am discharging, sir. We are surrounded by a constant pressure. It is a very popular thing to be generous, and vote the people's money out of the Treasury. If that money came into the Treasury just as the water comes into the Potomac, I should be glad to hand it about to everybody around us; but when I remember that it comes there by taxation upon the people, I do not feel at liberty to vote it away unnecessarily.

Sir, this Government of the United States is rapidly becoming the most extravagant in the world; in fact, it is the most extravagant for its service, and it will soon become the most profligate and wasteful, for it is the nature of all vices, growing out of expenditures to increase rapidly. Everybody knows that the decay of the Roman Republic arose from the fact, that in its latter days the public men gave away the money, lands, and other public property for votes to make themselves popular, and to be elected consuls and pro-consuls; but they were in the habit of giving it to the soldiers, and there was, therefore, some excuse for it; they said these men had defended the country. We, however, are making ourselves popular by voting money and lands to men engaged in the civil service, or who have performed no service at all. The result is that things are moving on at railroad speed. We are constantly increasing our expenditures with less service. It is a notorious fact that we do not get better service now, in the Departments, than we got twenty or thirty years ago when we did not spend one half as much. I beg gentlemen to look at this matter. If you will put down these expenses to the lowest rate that will pay and secure competent men, that is all they have a right to expect you to do. When you have done that, you will not have this great pressure for office; you will not have the whole country seeking office and this perpetual struggle in politics. You will get the work well done, and remember too, that by tempting these men to quit their usual business and come on here to seek office, you do them a great deal more mischief than good.

I have made these remarks, Mr. Speaker, merely to indicate the grounds of my opposition to this bill. I should like to gratify these clerks, and pages, and others, by voting them money; but I do not feel that I can do it with justice to my constituents. I would much rather avoid making this opposition. I would much rather that some other gentleman should come out and present the points of objection to these measures. I think this bill ought to be referred to the Committee of the Whole on the state of the Union, and be discussed there, as all money bills should be discussed. If its principles will stand discussion, then let it pass, and I will acquiesce in it. I do not believe they will stand discussion. I do not

believe there is a congressional district in the Union where these expenditures, which we are making all from good feeling, and to gratify persons around us, would be justified by the people; because it can be shown that you do not benefit the donees at all, taking them as a class; you may benefit an individual here and there, but you do more mischief than good to them as a class. I hope this matter will be well understood by the people, and that each gentleman who votes for the bill may have to justify his vote before the people. If so, I do not think the next Congress will press through such a bill as this without discussion, and under the gag of the previous question, as they are determined to do this, if they can. I consider myself fortunate in getting this opportunity to put in a few words; and I promise that this shall not be the last that gentlemen are to hear from me on this question; for I mean that the country shall understand it fully.

I now, in accordance with my agreement with the gentleman from Tennessee, demand the previous question. I hope that the motion to reconsider will prevail, and that the bill will be referred to the Committee of the Whole on the state of the Union, there to be considered upon its merits.

Mr. ROBBINS. I move to lay the motion to reconsider upon the table.

Mr. BRIDGES. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ENGLISH. Before the question is taken, I desire that the eleventh, twelfth, and thirteenth lines of the first section of the bill may be read. I think they contain a principle which has not been noticed by the House.

The SPEAKER. That portion of the bill will be read, unless objected to.

No objection being made, the Clerk read the passage indicated, as follows:

"A salary of \$1,600 per annum; and all vacancies in any of the classes named in said act mentioned shall be filled by promotion from the class next below."

Mr. ENGLISH. The effect of that provision is to exclude all those not already in the Departments.

Mr. CORB. Read the rest of the clause.

The Clerk read as follows:

"And all clerks not provided for in this act, performing the same or similar duties with any one of the classes, shall receive the same compensation as is allowed such classes."

A MEMBER. That is bad too.

Mr. TAYLOR, of Ohio. I wish to make an inquiry of the Chair. Is the question now upon the motion of the gentleman from Tennessee? [Mr. JONES.]

The SPEAKER. The question pending is upon the motion of the gentleman from Pennsylvania [Mr. ROBBINS] to lay the motion to reconsider on the table.

Mr. INGERSOLL. I rise to a privileged question. I move that the House adjourn.

The question was then taken upon the motion; and, on a division, there were—ayes 44, noes 80. So the House refused to adjourn.

The SPEAKER. The question now recurs upon the motion to lay upon the table the motion to reconsider, upon which the yeas and nays were ordered.

The question was then taken; and there were—yeas 69, nays 75; as follows:

YEAS—Messrs. Aiken, Appleton, Ball, Barksdale, Bennett, Benson, Bliss, Bridges, Carpenter, Chrisman, Cobb, Cook, Corwin, Crocker, Thomas Davis, Dawson, Dunbar, Eastman, Eddy, Thomas D. Eliot, John M. Elliott, Etheridge, Farley, Faulkner, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Hearn, Howe, Hughes, Hunt, J. Glancy Jones, Kerr, Kurtz, Latham, Lindley, Macdonald, McNair, Mace, Macy, Maxwell, Mayall, Smith Miller, Olds, Phelps, Robbins, Rogers, Sapp, Shannon, William R. Smith, Snodgrass, Richard H. Stanton, Hestor L. Stevens, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Upham, Walbridge, Walley, Warren, Edwin B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, Daniel B. Wright, and Yates—69.

NAYS—Messrs. James C. Allen, David J. Bailey, Barry, Belcher, Bissell, Boyce, Buzz, Caskie, Chastain, Clark, Clingman, Cox, Cullom, John G. Davis, Dean, Dent, Dickinson, Drum, Edgerton, Edmonds, Edmundson, Ellison, English, Fuller, Goode, Grey, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hubbard, Hester, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Knox, Leicher, Lilly, McDougal, McMullin, Maurice, Middewarth, Murray, Andrew Oliver, Parker, Peck, Peckham, Phillips, Pratt, Pringle, Pyrrus, David Ritchie, Thomas Ritchey, Ruffin, Sage, Seward, Shower, Skelton, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Tracy,

THE CONGRESSIONAL GLOBE.

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33D CONGRESS, 1ST SESSION.

WEDNESDAY, APRIL 19, 1854.

NEW SERIES.....No. 59.

Tweed, Vail, Vansant, Wade, Wells, Wheeler, and Zoll-coffer—75.

So the House refused to lay the motion to reconsider upon the table.

The SPEAKER. The question now recurs upon the motion to reconsider.

Mr. CLINGMAN. Is it not first upon seconding the demand for the previous question?

Mr. SPEAKER. It is.

Mr. PHILLIPS. Is that question open for debate?

The SPEAKER. It is not.

The previous question was seconded, and the main question ordered to be put.

Mr. ROBBINS. I call for the yeas and nays.

Mr. LETCHER. I move that the House do now adjourn, in order that the bill may be printed, and we may have an opportunity of examining it.

The question was then taken on Mr. LETCHER's motion; and, a division being had, there were—ayes 65, noes 62.

Mr. COBB. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. CLINGMAN. I ask for tellers upon the motion to adjourn.

Mr. ROBBINS. I wish to make an inquiry of the Chair. I desire to know in what condition the bill will be left, if the House now adjourn?

Mr. CLINGMAN. The previous question has been seconded.

Mr. ROBBINS. If it has been, all will be right.

Mr. DEAN. The previous question was not seconded. Only one side of the question has been counted.

The SPEAKER. A motion to reconsider is pending, and the question of reconsideration will bring the bill up at any time.

The question was then taken upon the demand for tellers; and they were not ordered.

The Chair then announced the result upon the motion to adjourn as being—ayes 66, noes 62.

The House accordingly (at three o'clock and twenty minutes) adjourned until to-morrow, at twelve o'clock, m.

IN SENATE.

TUESDAY, April 18, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. EVERETT. Mr. President, I have been requested to present the memorial of the American Statistical Association, praying that a copy of the documents printed by order of Congress may be furnished to them. This subject has already been referred to the Committee on the Library, and therefore I move that this memorial be referred to the same committee. I may say that the association which makes this request is a very important one, has done a good deal for the promotion of statistical science, and has rendered important services to the Census Department of this Government, in preparing their recent report. I hope, therefore, that the prayer of the memorial may be favorably considered by the Committee on the Library. I move that it be referred to that committee.

The motion was agreed to.

Mr. COOPER presented a memorial of citizens of Philadelphia, praying Congress to erect a new post office building at Philadelphia; which was referred to the Committee on the Post Office and Post Roads.

Also, a remonstrance of citizens of Pennsylvania, against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a memorial of the members of the faculty of Pennsylvania College, praying for a grant of land in favor of the chartered colleges of the United States; which was referred to the Committee on Public Lands.

Also, the memorial of Gideon Prior, a soldier of the revolutionary war, praying for a pension; which was referred to the Committee on Pensions.

Also, resolutions passed at a meeting of citizens of Norristown, Montgomery county, Pennsylvania,

and resolutions passed at a meeting of citizens of Delaware county, Pennsylvania, held in the town hall, at Chester, remonstrating against the passage of the bill to establish territorial governments in Nebraska and Kansas; which were ordered to lie on the table.

Also, a petition of citizens of Lancaster county, Pennsylvania, praying the establishment of a daily mail route from Kinzer's post office to the village of Intercourse; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of the heirs-at-law and descendants of officers of the Army of the Revolution, who served to the end of the war, praying that they be allowed the half pay for life promised those officers, and that the value of the commutation received by them be deducted from that allowance; which was referred to the Committee on Military Affairs.

Also, a remonstrance of citizens of Philadelphia against the passage by Congress of any bill which will permit the introduction of slavery into the Territory of Nebraska, or in anywise infringe upon the eighth section of the Missouri compromise act; which was ordered to lie on the table.

Mr. MALLORY. I present the petition of Adèle Sands, widow of Major R. M. Sands, late of the Army of the United States, asking for an increase of pension. I will say, in regard to this petition, that it is one which appeals strongly to the sympathies of the Committee on Military Affairs; and it comes within the precedents established by the acts granting pensions to the widows of Major Dade and Major Gardiner. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Also, the petition of Margaret Chandler, mother of the late Walter S. Chandler, second lieutenant of second regiment of United States Artillery, who was drowned while in the discharge of his duty, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

Mr. SUMNER presented a petition of citizens of Ludlow, Vermont, praying that no appropriation be made to pay for the negroes captured in the schooner *Amistad*, and set at liberty by order of the United States Supreme Court; which was referred to the Committee on Foreign Relations.

RELIGIOUS PRIVILEGES ABROAD.

Mr. CASS. Mr. President, it affords me much pleasure to present a petition from a number of American citizens of the Hebrew faith, who desire to unite with their Christian fellow-citizens in asking the interposition of the Government to secure to all our countrymen abroad the rights of religious worship. This union, in order to promote the accomplishment of this great object, is a happy illustration of the spirit of equality and toleration which marks our institutions. Persecuted for centuries with bitter hostility, subjected to a tyranny, civil and religious, more oppressive than that endured by any other people, driven from the promised land granted to their forefathers, the separate existence to this day of the children of Israel is a perpetual miracle, establishing the truth of their history as well as of our religion, foretold, as it was, in the earliest period, and seen, as it still is, in the latest. In their migrations they have at length reached a continent, unknown to the patriarchs, by whose rivers they may sit down without weeping, to change the language of their Psalmist, even when remembering Zion, and where the law secures equal rights to all, be they Jew or Gentile. Exposed as the members of this persuasion yet are, in portions of Europe and America, both Protestant and Catholic, to the most illiberal prejudices, and to religious disabilities, the position of our citizens abroad who belong to it has peculiar claims to the consideration and interposition of the Government. Besides their legal right to equal protection, there is no portion of our population whose peaceable and law-abiding conduct better proves than theirs does, that they are well entitled to all the privileges secured to every American by our system of Government. I repeat, sir, I am grat-

ified that they are taking part in this great movement, and I trust that ere long, they as well as all our other citizens, sent by the accidents of life to foreign countries, may receive the benefits of it. I present this petition and another of similar import; and I move that they be referred to the Committee on Foreign Relations.

They were so referred.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of William Brown be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition of Francois Cousin, praying the confirmation of his title to a tract of land, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. EVERETT, from the Committee on Foreign Relations, to whom was referred the petition of Charles Evans and others, praying indemnity for losses occasioned by the operations of the American army in Florida, in 1814, submitted a report, accompanied by a bill further to carry into effect the provisions of the ninth article of the Florida treaty, with respect to certain losses of Spanish subjects in West Florida; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. COOPER, from the Committee on Revolutionary Claims, to whom was referred the petition of Eliza M. Evans, praying to be allowed interest on a sum of money advanced by her father, Colonel Anthony Walton White, deceased, for the use of a regiment commanded by him during the revolutionary war, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom were referred papers in relation to the claim of Isaac C. Thompson, reported a bill for the relief of Isaac C. Thompson, the only surviving child and legal representative of William Thompson, deceased, formerly a brigadier general in the Army of the Revolution; which was read, and passed to a second reading.

Mr. SHIELDS, from the Committee on Military Affairs, to whom the subject was referred, submitted a report, accompanied by a bill making provision to compensate agents for paying pensions, and prescribing the time and manner of settling their accounts; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred documents in support of the claim of Sarah Crandall, widow of James Coon, to a pension, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Rhoda Lewis, praying a pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. SEWARD, from the Committee on Pensions, to whom was referred the petition of Anne Royall, widow of Captain William Royall, of the Revolutionary Army, praying for a pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill for the relief of Sophia Kirby, submitted an adverse report thereon; which was ordered to be printed.

PERCUSSION ARMS TO THE STATES.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of so altering the law, that such States as shall desire, be allowed to return to

the United States the whole, or any portion, of the flint lock small arms now in their possession, and previously issued by the General Government, under the act of April 28, 1808; and that the value of said arms, according to the standard at the time of their issue, be furnished said States in percussion muskets and rifles, originally manufactured as such by the United States, at their armories, or in such other ordnance or ordnance stores as shall be designated by the Governors of said States respectively, or their authorized agents: *Provided*, That all arms returned as aforesaid shall appear in good condition; and all expenses of transportation shall be paid by the States so making the change as aforesaid, respectively.

BILL INTRODUCED.

Mr. SEBASTIAN, in pursuance of previous notice, asked and obtained leave to introduce a bill to revive, for a limited time, an act in relation to donations of land to certain persons in the State of Arkansas; which was read a first and second time by its title, and referred to the Committee on Public Lands.

MARINE HOSPITAL AT DUBUQUE.

Mr. JONES, of Iowa, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the construction of a marine hospital at Dubuque, Iowa.

BURLINGTON UNIVERSITY.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands to report a bill for the relief of the Burlington University, in Iowa. It is a bill to which there can be no objection, and I ask the Senate to put it upon its passage now.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to grant to the Burlington University, in the State of Iowa, the lot or parcel of land in the city of Burlington, lying west of lot 978, between Market and Valley streets, which was set apart as a burying-ground, under the provisions of the acts of July 2, 1836, and March 3, 1837, with a proviso that this grant is to operate only as a relinquishment of the right of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

HOMESTEAD BILL.

On motion by Mr. WALKER, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, granting a homestead of one hundred and sixty acres of the public lands to actual settlers.

Mr. PETTIT. Mr. President, to the details of the bill now under consideration I have given no attention, but its principles meet the full approbation of my head and my heart. Of my head because, in my judgment, it will give to the country strength and defense, which will serve in the place of fortifications and standing armies. Of my heart, because it is an act of justice. Of my head, because it does that wisest of all things in a country, it couples patriotism with an interest, and makes it more ardent, available, and enduring. Of my heart, because it will give a house to the homeless and a home to the homeless.

The people of a country form its institutions, and its institutions, in turn, form the character of the people. People, institutions, and country are so nearly allied that they must mutually mould and sustain each other, for separately they will fall and decay.

Institutions should create and encourage love of country, and willingness to suffer in its defense; for, without this, institutions will fall into weakness, disrepute, and degeneracy, from which tyranny cannot rescue, nor severity save.

Mr. President, in all ages of the world there has been a longing, aching, and earnest desire in men to own and individualize the ownership of the soil; and for the promise, possession, and enjoyment of this, they have and will endure patiently more hardships, more fatigue, more suffering, and show more patriotism, than for all other earthly things put together.

In undertaking so wide and radical a change of our past policy, and adopting a new one with us, that is to effect so materially a large portion of our fellow-citizens, it is both prudent and proper to pause, and inquire whether other countries have adopted this, or a similar policy, and what its results have been. This is a legitimate inquiry. From the past, under like circumstances, we may

safely reason what the future will be. The first instance of the adoption of a similar policy was in Egypt, long anterior to the Mosaic period, given by Diodorus Siculus, in Book I, chapter 6, in which he says that, *anciently*, the lands were divided into three parts, the first to the priests, the second to the king, and the third to the soldiers or people.

I disapprove of the first and second divisions, but the third commends itself to my approbation as well for its wisdom as its justice.

Hear what the historian says as to the last division:

"The last portion belongs to the soldiers who, at a word, are ready at the King's commands, for every expedition; that they who venture their lives in the wars, being endeared to their country by that plentiful share and proportion allotted them, may more cheerfully undergo the hazards of war. For it would be an irrational thing to intrust the safety and preservation of the whole, with them who have nothing in their country that is dear or valuable to them to fight for. And the chief reason why so large a share is allotted to them, is that they might more readily marry, and by that means make the nation more populous, and so there might be no need of foreign aids and assistances."

A wise policy in a nut-shell, and well expressed. To the soldiers were given one third of all the lands of Egypt, that they might at all times be ready and willing to defend the country, and might the more readily marry and take the responsibility of a family, and thereby increase the population and strength of the country, so that "there might be no need of foreign aids and assistances."

This was in the country where civilization and science were first known, and where regular government was first established among men, and all these continued to prosper and flourish until this wholesome policy was abandoned.

The next instance in which I find this adopted as a national policy, was among the Jews. Moses, that wisest of secular law-givers, fourteen hundred and ninety years before Christ, led the children of Israel out of that bondage in which they and their ancestors had been for four hundred years, and starting them on their weary and perilous journey of forty years through a wilderness, it became necessary to hold out to them some inducement or promise of reward to act, as a stimulant of the highest order, to buoy them up, and sustain them against the depressing consequences of such a journey, with all its trials, fatigues, dangers, disappointments, and wretchedness. Moses had made known to the Jews all the moral law and will of God; and had held Him up amidst his attributes, in all His perfection and beauty of holiness. He had promised them God's enduring favor and protection on earth, and their final reward of happiness in heaven. Yet there was mutiny in the camp. They murmured, complained, repented that they had started on their journey, and loudly clamored to return to the bondage and "flesh-pots of Egypt." Something yet remained to be done to restore order and give confidence. Amidst the thunders of Sinai another revelation was made, and another law was given. What was that revelation? What was that law? That the land of Canaan should be divided among the Israelites, that they should *individually* own it, and that "the land should not be sold forever."—[Leviticus, chapter 25, verse 23.]

This produced the desired effect. Discontent, murmurings, and longings after the "flesh-pots of Egypt" ceased, and in their stead they had patience, fortitude, and endurance to the end of their journey, thus proving, Mr. President, that men will do more and suffer more for the promise and possession of lands, than for the love or the fear of God. It may well be doubted whether anything could have induced that people to perform that journey, undergoing its fatigues, privations, and wretchedness, but this promise that they should own the land, and that it should not be sold forever.

Thirty-eight years after that promise was made and that law was given, that is one thousand four hundred and fifty-two years before Christ, when Moses was about to take leave of and bid his followers farewell, he called them all together, and having set down all the names and heads of families, he said, "Unto these the land shall be divided for an inheritance according to the number of names."—[Numbers, chapter 26, verse 53.] At this time and place Moses delivered his farewell address and gave to the Jews a secular form of government; both of which will be found in the fourth book of the Antiquities of the Jews, by

Josephus. And if this address is not the original of, or the model from which Washington formed his immortal address to his countrymen, it will well repay the curious for the labor of reading it to see how similar they are in many respects, and satisfy all that Washington had a predecessor.

This great Hebrew law giver, in the most impressive manner, enjoined upon his followers the observance of his policy and laws; and promised them that so long as they maintained and observed this policy and these laws, they should be prosperous, happy, and prevail over their enemies.

Eight years later, that is one thousand four hundred and forty-four years before Christ, Joshua having exterminated the ancient Canaanites, and fully possessed their country, divided the lands among the families as had been commanded by Moses; thus consummating the promise that had been made to the Jews more than forty years before, and for the accomplishment of which they had born with unparalleled patience and fortitude, indescribable privations and sufferings.

Thus had the Jews, under the stimulant of a promise that they should be the owners of lands, performed this journey, expelled and exterminated a more numerous and powerful nation than themselves, with "cities great and fenced up to heaven."—[Deuteronomy, chapter 9, verse 1.]

Mr. President, so long as this people kept these laws and observed this policy, they constantly progressed in power and greatness, and bid defiance to all the surrounding barbarous nations, though many times more numerous and powerful than they. But so soon as they ceased to observe this policy and these laws, and allowed their lands to be absorbed by the few, (the common soldier having nothing to fight for,) they became a prey to surrounding nations, their homes were desolated, and their people became captives in foreign lands.

I call the history of Sparta to the notice of Senators. For many years the Spartans had been distracted and overcome by their enemies in every engagement, and reduced to abject weakness, till "Lycurgus, eight hundred and eighty-four years before Christ, destroyed all distinctions; and by making an equal division of the land of Laconia among the members of the Commonwealth, he banished luxury and encouraged the useful arts." Luxury was banished, and the useful arts were encouraged by the division of the lands. But this was not all; from that time the Spartans were united in a warm, burning, glowing, and ardent patriotism, and never met or suffered a reverse in war till the battle of Leuctra—a period of five hundred and twelve years. Here, then, may be seen in bold relief the direct effects and advantages of the ownership of lands by the mass of the people. Nor did this defeat happen till they had in substance abandoned the laws of Lycurgus. In my deliberate judgment \$1,000,000 thus appropriated is worth more than \$100,000,000 expended in fortifications and standing armies.

An instance in the history of Rome may be referred to.

After all the lands and wealth of that mighty empire had been absorbed into the hands of a few aristocratic patricians, enervated and effeminized by excessive luxury, idleness, and debauchery, and the plebeians were reduced to beggary and almost to starvation, and after the failure of the Gracchi and others to divide the lands among the masses, Rome was threatened, yes, was actually involved in war, and her very citadel reduced to imminent danger, and out of her immense population she could not raise troops to defend herself. Then the patricians appealed to the oppressed plebeians to rise, take arms, and defend their country; but the plebeians' reply was: "we have no country. Why should we shed our blood and give our lives for Rome when she gives us only misery and degradation?"

Here, Mr. President, is a glaring instance of national weakness from national injustice—from the want of coupling patriotism with an interest. If the lands had been divided among the masses, Rome would never have wanted soldiers or defenders.

Mr. President, the Egyptian and his laws have disappeared. The Jews forsook the law that was given them amidst the reverberation of the thunders of Sinai and fell. The Spartans suffered their lands to be absorbed by the few, and they were swept from the face of the earth. Rome pursued

her course of oppression to the toiling masses, and nothing remains of her former greatness and grandeur but her decayed and decaying monuments, statues, and temples!

Mr. President, like causes will produce like effects. With what a warning voice do these historic reminiscences come to us? They are suggestive of words that would fill large volumes, but I will not enlarge or detain the Senate. Let us take heed and avoid the rock on which they split, by an early division of our public lands among those who will occupy and cultivate them; and thus you will avoid the answer of the plebeians to the patricians of Rome, and at all times have an army willing and efficient in time of need. Give to the country an army of land-owners and cultivators, and we may successfully bid defiance to the world in arms.

We have vast unoccupied and uncultivated tracts of lands, and they must remain so for long years to come unless we adopt this policy; and, as the lands are no longer needed as a source of revenue to the Government, let us make this wise disposition of them that has proved so advantageous to other countries.

And now, Mr. President, if I have not and cannot convince the judgments of Senators that this is a wise, prudent, and statesmanlike policy, let me appeal to their pity, justice, and humanity; and oh, that I had a thousand eloquent tongues to make that appeal with. Pass this bill, and hear the prayers and blessings of millions of honest hearts ascend to Heaven in your behalf.

Is there a Senator here who, if in his declining years should find one man surrounded by a family of children, who by the operation of this bill had been raised from poverty, want, and wretchedness to comfort, prosperity, and happiness, would not feel fully rewarded, and in his heart thank God that he had been instrumental in producing so happy a result, and that he had voted for so benign a law? Justice requires what wisdom dictates. Let it be done.

Mr. EVANS. I have the consent of the Senator [Mr. WALKER] who reported this bill to move that it be postponed until to-morrow, and at the same time to move that the bill which has been heretofore under consideration, reported from the Committee on Revolutionary Claims, in regard to the claims of revolutionary officers, be taken up.

The motion to postpone was agreed to.

SCHOOL LANDS IN ALABAMA.

Mr. CLAY. With the consent of the Senator from South Carolina, I desire to move to take up the bill which was laid over yesterday at the suggestion of the honorable Senator from Mississippi, [Mr. BROWN,] which, I presume, will incur no opposition, and which will excite no debate. It is the bill to authorize the school commissioners of fractional township No. 1, of range No. 10 east, in Alabama, to locate one half section of land for school purposes. It was laid over at the suggestion of the Senator from Mississippi, not through any opposition to the measure itself, but with the view of amending it so as to provide for certain citizens of the same class in his own State. It is intended to authorize the inhabitants of certain townships in Alabama to locate other lands in lieu of the sixteenth section in those townships which had been reserved by Indian treaties for the benefit of the Indians.

Mr. EVANS. I will waive my motion to take up the revolutionary claim bill, to permit the bill which the Senator mentions to be considered.

Mr. CLAY's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to direct the school commissioners of the fractional township mentioned, in the district of lands subject to sale at Lebanon, Alabama, to enter, free of charge, in lieu of lands to which they are entitled by any existing law, one half section any where in the township, with a view to the ultimate convenience of the citizens and the quality of the soil, for school purposes; and such selection is to be governed by the same rules, laws, and regulations as other reserved sixteenth sections in Alabama. They are to locate and report within two years to the Commissioner of the General Land Office, what lands they have located; and he is, upon the receipt of the report, to withdraw the land from sale, and the title is to be as

valid as any of the sixteenth sections heretofore granted in the new States.

Mr. BROWN. I had intended to move an amendment to the bill. I asked its postponement yesterday for that purpose. My friend from Alabama objects to it, and thinks it would embarrass the bill, as the making of an amendment to it would take it back to the other House. I therefore forego that purpose, but give notice that I will introduce a separate bill to provide for like interests in Mississippi. The title of the bill I have not prepared.

The bill was reported to the Senate without amendment, ordered to be read a third time, was read a third time, and passed.

REVOLUTIONARY CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill "to provide for the final settlement of the officers of the Revolutionary Army, and of the widows and orphan children of those who died in the service."

Mr. BRODHEAD. I desire to offer a proviso to one of the sections of the bill, which, I think the honorable Senator from South Carolina, [Mr. EVANS,] who reported the bill, and who deserves so much credit for reporting it, and stating it so ably, will agree to. It is that this act shall be construed to extend to surgeons' mates, who served to the end of the war.

Mr. EVANS. It can be done by amending the first section, which reads as follows:

"Be it enacted, &c., That the officers of the Army of the Revolution, who were entitled to half pay for life under the resolutions of Congress, of the 21st of October, 1780, the 17th of January, 1781, the 8th of May, 1781, and the 8th of March, 1785, shall be entitled to receive the same, although such officer may have received, in lieu thereof, the commutation of full pay for five years, under the resolution of Congress, of the 22d of March, 1783."

—after the words "eighty-five," may be inserted the words "including assistant surgeons, or surgeons' mates, who shall be allowed the same as lieutenants."

The amendment was agreed to.

Mr. EVANS. I move to amend the bill further by adding, after the fifth section, the following:

"And be it further enacted, That in all cases where any officer received full pay under the act of 15th of May, 1828, or any other act of Congress granting pensions to the officers and soldiers of the Army of the Revolution, one half the amount so received shall be deducted from the sum to which such officer, or his lineal descendants may be entitled under this act, and the time for which such officer's half pay shall be computed, shall cease at the time he receives such pension."

I desire to say that the object of the committee has been throughout, and the bill has been drawn with that single view, to do mere justice to these officers, and to give no one an advantage over another. Therefore, this clause contains this provision. In 1828 all surviving officers of the Revolutionary Army, by the act passed on the 15th of May, were to receive full pay for life. The act contains a provision that their half pay under this act shall cease at the time when their pensions commenced; but their pension was more than half pay; it was full pay; and this additional section merely provides, that whatsoever they receive over and above their half pay, shall be deducted from the sum to which they may be entitled. This is done with the view of putting the survivors on the same footing as deceased officers.

Mr. WALKER. I do not know that I properly understand the amendment of the honorable Senator from South Carolina; and I will ask him whether I understand it aright. If I do, it provides that from the time that the pensions under the act of 1828 commenced, the half pay shall cease.

Mr. EVANS. Yes, sir.

Mr. WALKER. And in addition thereto, if an officer lived for any length of time afterwards, and received a pension, one half of the pension so received is to be deducted from the amount of half pay which he would have received up to the commencement of the pension.

Mr. EVANS. That is it.

Mr. WALKER. Well, sir, I cannot go for that proposition. I think that the withholding of the half pay of the revolutionary officers, or rather the commutation of it, inflicted sufficient injury upon them.

Mr. EVANS. If the Senator from Wisconsin, the chairman of the Committee on Revolutionary Claims, objects to the amendment, I will withdraw it.

Mr. WALKER. I think that it is better to do so.

Mr. EVANS. I withdraw the amendment.

Mr. CASS. Mr. President, this is a very important bill, and I must confess that I am not prepared to vote in favor of it; nor, I may say, to vote against it at present. All those who have known, historically or traditionally, anything of the events of the Revolution, must know that it was a period of suffering from its commencement to its termination. In fact, during the existence of that struggle, we had scarcely a Government. Our institutions were kept on almost by their own force. From the commencement to the termination of the Revolution, from year to year, there was a successive depreciation of the currency issued by the Government, whether in the shape of securities, or Continental money, or whatever it was. These were graduated, and the losses were imposed upon the community from time to time.

We all know that the amount of payment to the officers and soldiers was small; in fact, next to nothing. My own father was one of the officers of the Revolutionary Army, and I recollect perfectly, that when a boy, I heard him tell that he had given a month's pay for what was called a "yard" of tobacco in those days. That depreciation was the lot of all.

Now, my difficulty in regard to the matter is this: This matter was settled nearly half a century ago. I do not know how it comes before us. Have there been applications from any particular quarter for it? Then, if we begin a system of compensation which shall make the Government pay in one case, or one class of cases, the actual and nominal amount of its money issues, without reference to the scale of depreciation at which they were issued, why are we not called upon to pay off the old Continental money, dollar for dollar? Yet we all know that it is perfectly impossible to do any such thing; our revenue could not meet it at all. The losses of the Revolution did not fall upon individuals alone, but more or less upon the whole community; and it seems to me that we ought to understand thoroughly what we are doing. The honorable Senator from South Carolina, I know, has investigated the subject; and after his examinations, he has stated the amount of expense to which the bill will subject us as not exceeding \$4,000,000. But, sir, every man who has attended to the operations of this Government for a series of years, must know how little dependence can be placed on such calculations. Let any man go back to the history of the pension laws, the heavy ones of which commenced about 1831, and he will observe what little connection there has been between the estimates and the actual expenditures under the pension laws. The expenditures have exceeded the estimates three or four or five times. This will be the case here. Judging from what has happened, we may well suppose that this will be so. Perhaps we have not sufficient materials on which to base a calculation. Whatever the circumstances were which led to the result, such, nevertheless, has been the fact under the pension laws.

I think I am in the same condition with a number of other gentlemen of the Senate on this subject; and I rose for the purpose of stating that I am not now prepared to vote on this bill. I want to do justice; but it seems to me that this bill will be either opening the door very partially, or will be opening a door for expenditures which it would be out of the power of this or any other Government to meet.

Mr. EVANS. Mr. President, when this bill was before the Senate, some days ago, I submitted what I supposed to be a fair statement of the amount in which it was likely to involve us in the way of expenditure. I now hold in my hand a letter from the Third Auditor, in which he says that the whole number of officers who have received the commutation, or half pay for life, amounts to two thousand two hundred and fifty-six. If you add to these the claims that have never been presented, forty-six more, it will make two thousand three hundred. The highest amount at which the officers of the Revolution have ever been estimated was two thousand four hundred and eighty; but it does not appear, from the books in the Treasury Department, that more than two thousand two hundred and fifty-six have ever received commutation, or half pay. Now, if you take the average

number of officers at two thousand three hundred, and allow them (what I endeavored to show, and what I have no doubt is an over, rather than an under estimate) the half pay of a captain for twenty years, taking that as the average of their lives, the amount of expenditure will be what I before stated. In the books in relation to revolutionary claims that I have looked at, the officers are said to be of the age of "thirty and upwards." If they were of that age, I think we may fairly compute—and this is the largest computation that I have seen—the average of their lives at twenty years beyond the close of the war. Then the half pay of a captain, which would be about the average, and probably a little more than an average, of the half pay of all the officers, would be \$2,400, deducting, as this bill proposes, the commutation which each has already received. Each officer, therefore, will, on the average, be entitled to receive \$2,400 under this bill. Then, according to this calculation, the largest amount, supposing that the descendants of every officer of whom we have any record, come in, and receive under this bill, will be \$5,520,000. But of this number, two thousand three hundred, what proportion is it likely will ever present their claims? In the first place, I think it a fair presumption, that in the time which has elapsed between the Revolution and this period, at least one fourth of those families have become extinct. To be sure, this is conjectural. We have no tables, no statistics, by which we can ascertain this matter with any great certainty. I beg leave, however, to state one or two facts in connection with it.

I had occasion some years ago to compare a list of the British peerage of 1756 with that of 1820, a period of about sixty years. From the comparison, it appeared that more than one half of the names which existed in the British peerage in 1756, had disappeared entirely before 1820. In a large number of cases the title had become extinct, and the families that owned them were no more; or it may have been (and no doubt it was in many cases the fact) that the title had come into the possession of female branches of the family, by whose marriage the name was changed. This is the only fact within my knowledge by which I have any means of ascertaining this point; but I think it a very fair calculation, from the information which I can obtain on the subject, that in the period which has elapsed from the Revolution to this time, at least one fourth of the revolutionary families have become extinct. Taking one fourth from two thousand three hundred, we have one thousand seven hundred and twenty-five as the probable number of the officers whose descendants will be entitled to relief under this bill.

Now, sir, suppose the descendants of every one of these one thousand seven hundred and twenty-five should apply, what sum will you have to provide for them under the bill? Only \$4,140,000. But, is it likely that all will apply? Are the descendants of each one of the one thousand seven hundred and twenty-five, now in such a location that they can be easily identified? I have gone into some calculations upon this matter, and I will state my conclusions to the Senate.

By the act of 1828, a pension was granted to all the surviving officers and soldiers in the Revolution. In the returns from the Pension Office, this statement appears: that there were two thousand one hundred and seventy-three applications under that act, and that of this number only one thousand one hundred and seventy-eight were ever put upon the pension list. The rest were unable to make out their claims. I assume, therefore, that, although under the pension law of 1828, nearly half the applications were disallowed for want of proof, yet that one fourth the officers may now be fairly estimated as incapable of proving their cases under this bill. Their descendants are scattered from Maine to Georgia, and from the Atlantic to the Pacific ocean. Then, taking off one fourth of this number, it will leave one thousand two hundred and forty-four. Multiply one thousand two hundred and forty-four by two thousand four hundred, and it will give you as the total amount necessary to be appropriated for the entire extinguishment of all the claims likely to come in under this bill, \$2,985,600—a little less than \$3,000,000.

This seems to be a large sum, but compare it with what you have done in other cases. We have now the largest pension list in the world, I believe, in proportion to the military force which

we have employed in our wars. I find, in looking at the report of the Commissioner of Pensions, that we have now upon the pension rolls fifteen thousand persons, and we have been paying them since 1833, a period of twenty years, on an average \$1,000,000 a year. In 1851, the estimate for pensions was \$2,344,220. The actual payment for the last year was \$1,876,072. That is the sum which we are now paying from year to year. Twice that sum will more than provide for all the claims which will be allowed under this act. If, therefore, we have dealt so liberally with those who are now living, who rendered services, why should we not make some adequate provision for the descendants of those who are dead?

There is another view of this question. We passed, the other day—and I believe that you, Mr. President, [Mr. Foot occupying the chair,] was the principal champion of it—a bill to give ten millions of acres for lunatic asylums in the States. I suppose that the value of that grant may be put down at \$10,000,000. I find, on looking at the reports, that, for military services, we have given away twenty-four millions of acres of land, and that more than three fourths of this quantity has been granted to those who were engaged in the war of 1812, to those engaged in Indian warfare, and in the Florida and Mexican wars. I find, in addition to this, that we have granted away for railroad purposes six millions of acres. This makes a total of forty millions of acres of land which we have given away for the living; yet some gentlemen object to providing a small pittance for the descendants of those who are dead.

The honorable Senator from Michigan seems to think that this bill has been sprung upon the Senate in some irregular way. Now, sir, I find, in looking through the previous proceedings of Congress—for I know, personally, very little of what has been done here—that, in 1818, there was a report by Mr. Richard M. Johnson upon this subject. He reported a bill proposing to provide for these claims pretty much as this bill does. Again, in 1824 and 1828 there were similar bills reported. They, however, ultimately in granting pensions to the living, although the committees reported bills corresponding very much with the provisions of this, except that, instead of going back to the half pay, and charging the officer with what he received by way of commutation, they proposed to give him the amount of the commutation, with a deduction of one eighth from it, and to allow him interest also. That was done because, according to all the evidence, it appeared that the officers received actually only about one eighth of the amount of their commutation.

I have not looked much into the progress of the question from that time; and I do not find that there were any petitions presented from 1828 up to 1850. About that period, the petitions on which the bill is framed began to be presented. At the last Congress there were two or three. This year there are about fifty; and I am satisfied that next year there will be five hundred, and they will continue to multiply, until finally your table will be covered with them, and something will have to be done.

I have now stated, Mr. President, all the information which I have in relation to the subject; and I do not propose to discuss, what I suppose every Senator feels, the great propriety and justice of the claims which these people have upon us.

Mr. WALKER. Mr. President, I wish to make an additional observation at present, in reply to a seeming objection taken by the honorable Senator from Michigan to this bill. He seemed to liken it to that class of propositions which have been made here, to make good to the recipients the depreciation upon our revolutionary currency. He will observe upon examining the bill, that it does not partake of that quality at all; but the moving consideration of the bill was undoubtedly the depreciation of the revolutionary currency. The Senator must be aware that promises were made, under resolutions of Congress, of half pay for life to those officers who should serve to the end of the revolutionary war. That got up a clamor in the country that there was likely to be fastened upon it a pensioned class for life; and the proposition became very unpopular. It was then proposed, I think by General Washington in the first instance, that Congress should commute this half pay for life, to five years' full pay. In the resolution of Congress, commuting the half pay

for life, it was not provided that the individual officers should be called upon to give their assent to it, but that it should be given by divisions.

Mr. CASS. By State lines.

Mr. WALKER. Yes, sir, by the Continental lines of the several States. Agents were sent into the country, and this assent was obtained, either expressly or impliedly; but in whatever way the commutation was assented to, it was evidently the supposition of those whose half pay for life was thus to be commuted, that they were to receive the full amount of the commutation. Instead, however, of receiving it in money, commutation certificates were issued; and it is known, as part of the history of the country, that those certificates immediately became depreciated until they were worth at different periods, varying from eight to twelve per cent. only.

Now, this bill proposes to reinstate the parties, upon certain conditions, in their half pay for life; but it does not propose that the Government shall pay the commutation over again, for it provides that the nominal amount of the commutation shall be deducted in full, notwithstanding the depreciation from the amount of the half pay to which the officer would be entitled; consequently we are not making good the depreciation upon our certificates of that day, but we are restoring each officer to his rights under the promise of half pay, and then deducting the nominal amount of which he did get by way of commutation. The result will be this: If the life was a short one, the commutation will amount in reality to as much, and in fact to more than the half pay for life; and therefore, the descendants, in such cases, will get nothing, for when you come to make the deduction, there will be found to be a balance against the officer. But if the life was a good one, or a long one, if it ran on until the time when the half pay, according to the resolution of Congress, would amount to more than the full sum of the commutation, then the descendants will get the balance, after deducting the commutation. It will, therefore, be perceived by the Senator from Michigan, and by the Senate, that the provisions of this bill do not make good any depreciation whatever.

The Senator's recollection may serve him in remembering that the Committee on Revolutionary Claims, two years ago, I believe, did bring forward a proposition to make up to the officers of the Revolution, the amount of the depreciation. That committee at this session, could not agree upon that proposition; but they deemed it wiser to report this bill; and after a very full and careful examination by the Senator from South Carolina, he reported the bill. I am satisfied that he has examined its provisions with great care, and that he has devoted much attention to the history of the period. I am satisfied, as I doubt not the other members of the committee are, that this bill, to say the very most of it, will do nothing more than legal justice to the officers of the Revolution. I for one should be truly gratified to see it passed.

Mr. CASS. The honorable Senator from Wisconsin must not misunderstand me. I take no position against the bill, but as it had not been argued, I threw out the suggestions which occurred to me.

Mr. WALKER. I did not understand the Senator as opposing the bill, and I wished simply to answer the objections which he suggested.

Mr. CASS. The difficulty which occurs to me is precisely this: It is now proposed to reopen, under the Constitution, claims which have arisen from the bad faith, if you may give it that name, of the Government of the Revolution. Although it did all it could, it was incapable of carrying into effect the pledged faith of the Government. If you open that question in this case, I do not see why you should not reopen it in every other.

The men of the Revolution settled the claims of the Revolution. The question of commutation must have been settled sixty-five or seventy years ago, and at that period the parties received the commutation in full discharge of their claims on the Government. I cannot state precisely the circumstances, for I have not adverted to the matter for some time; but I know the facts traditionally. As the honorable Senator from Wisconsin very correctly says, there was a great prejudice against the proposition to continue life pensions, precisely as there was a prejudice against the Society of the Cincinnati. The hereditary nature of that society created such a prejudice against it that the society,

in fact, became extinguished. That feature of it was abolished, and the society went on. There was a similar feeling against life pensions, and therefore there was a change. If I understand it, the change was not in all instances agreed to by individuals, but submitted to the lines of different States, and agreed to by them, and the commutations were then accepted by the individuals.

Now, there is no doubt that the Government was bound to pay the amount of the commutation. You may consider it, if you please, a breach of faith that it was not paid, but it was not paid, because the Government had no means with which to pay it. So it is a breach of faith that you did not pay the soldiers of the Revolution, who went barefooted and without clothes. They were supported throughout all that trying struggle by a principle of patriotism, the most glorious that the world has ever seen.

Now, then, I ask again, Mr. President, without saying how this bill ought to be determined, why select this particular instance of the incapacity of the Government to carry out its pledged faith? Why not carry the principle through, and look to all other cases, and provide for the soldiers as well as the officers of the Revolution. This is my difficulty, and it is the only difficulty I have about the bill. If there has been a want of faith on the part of the Government, or an incapability to fulfill its promises, and we are now able to fulfill them, let us do so.

Mr. SUMNER. And provide for the Continental money?

Mr. CASS. Certainly. Why not include the Continental money and various other matters? If, when the Government began issuing that currency, it considered each paper dollar issued as equal to a Spanish milled dollar, and at the end of the year there was a depreciation perhaps of fifty per centum, and it went on the succeeding year to seventy-five per centum, and so on until you can hardly count the rate of depreciation, why not go back and ascertain those scales of depreciation, and actually pay the face amount of that currency? We all know that there was a great loss upon that species of currency. Some of the younger portion of the Senate may suppose, perhaps, that it was funded like the other debts of the Government; but it is a mistake to suppose so. Not a dollar of it, not a cent of it, was ever funded. It died in the hands of the community. The soldiers were paid in it, but it went for nothing, and it died in their hands. I repeat, then, if you once begin to open that question with relation to the faith of the Revolutionary Government and the non-fulfillment of its obligations, let us examine the whole of it, and I do not see, myself, why you should select one case any more than another. Before that is done the whole subject ought to be much more maturely considered than it has been.

Mr. SEWARD. I wish to look a little further into this matter, and I perceive indications on the part of those around me to do so; I therefore move that the further consideration of the bill be postponed, say for a week.

Mr. CASS. It would be better to say next week.

Mr. SEWARD. Next Wednesday.

Mr. EVANS. Suppose we say Monday.

Mr. SEWARD. The honorable Senator who has charge of the bill suggests Monday. I have no objection to that except this: I am informed that the honorable Senator from Maryland [Mr. PEARCE] desired, probably, to submit some views to the Senate on the subject, and I am told that he is detained from here by illness, and is not likely to return before the day which I have named. I therefore move to postpone the further consideration of the bill until to-morrow week.

Mr. EVANS. Very well.

Mr. CASS. The Senate have been good enough to say that they will hear my remarks upon another subject on Monday next. There is no particular pressure of business, I believe; but, if there is, I will give way.

Mr. SEWARD. It is better to say Wednesday next, the day which I have already named.

Mr. WALKER. Before the question is put on the motion to postpone, I wish to say, in reply to the question put by the honorable Senator from Michigan, that I think the answer to his question is a very plain one. The question he asks is, why not extend this principle to the soldiers as well as to the officers of the Revolution? The plain answer

is, that the Government made a promise to the officers.

Mr. CASS. I see that the honorable Senator misunderstands me. I know perfectly well that the soldiers were not entitled to this pension, if it may be so called; but what I mean to say, is, why not ascertain the value of the pay given to the soldiers, and, if it turns out to be worth nothing, why not pay them again? I know they were not entitled to commutation, but every one knows that their pay was, in point of fact, nothing.

Mr. WALKER. I have no objection to going as far as the Senator from Michigan would go; but for our present purpose, the answer to the query of the Senator from Michigan is very plain. The Government promised half pay for life to the officers if they served to the end of the war. They did serve to the end of the war, and complied with the conditions on their part. Then, as it were, in violation of the contract, they were cut down in the amount promised them. They were tacitly forced to take a commutation of their half pay for life, in five years' full pay, and even that commutation was never paid. Now, we propose to comply with the promise of the Government to some extent. We cannot do it to the full extent; but we propose to comply with it as far as we can, and to make good the promise as far as it is in our power to do so.

The question was taken on the motion to postpone the further consideration of the bill until Wednesday the 26th instant; and it was agreed to.

EXECUTIVE SESSION.

On motion by Mr. WELLER, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 18, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. ROBBINS. I wish to inquire of the Chair what the first question is before the House?

The SPEAKER. The first business in order is upon the motion to reconsider the vote by which the bill increasing the salaries of the clerks in the Executive Departments was ordered to be engrossed and read a third time on yesterday; and the question is, "Shall the main question upon the motion to reconsider be now put?" the demand for the previous question having been seconded on yesterday.

Mr. ROBBINS. Is it in order to make any remarks at this time?

The SPEAKER. It is not. The previous question was seconded yesterday, and the question is, "Shall the main question be now put?"

Mr. TAYLOR, of Ohio. Would it be in order to have the bill now read?

Mr. DEAN. The original bill was read yesterday.

The SPEAKER. It is not in order to have the bill read as a matter of right, upon the demand of a single member, but it is competent for a majority of the House to order the bill to be read.

Mr. TAYLOR. I hope there will be no objection to it.

Mr. DEAN. I object. The bill is published in the Globe which is upon our desks, and every member can look at it for himself.

Mr. HENN. It will be much more intelligible if gentlemen will read it for themselves in the Globe. I also object.

Mr. SAGE. When the vote by which the bill was ordered to be engrossed and read a third time shall have been reconsidered, will it then be open for discussion?

The SPEAKER. If the House shall reconsider the vote, the bill will then be subject to commitment or to amendment, and will be open to discussion.

Mr. ROBBINS. I desire to ask the Chair one question. The gentleman from Tennessee indicated yesterday that he desired to offer an amendment. Now I want to know if, by unanimous consent, he cannot offer it without the necessity of taking all the backward steps which will be required in order to reach it regularly?

The SPEAKER. Certainly it will be competent for the House to amend the bill by unanimous consent.

Mr. ROBBINS. I have no objection to the amendment indicated by the gentleman from Tennessee, and I hope it may be allowed, by unanimous consent, to be offered.

Mr. DEAN. I object.

Mr. CLINGMAN. I am opposed to the bill. I am willing that it should be thrown open for amendment and discussion. But the gentleman from Pennsylvania yesterday had the previous question ordered upon the bill without giving us an opportunity of saying one word upon it, and I am now unwilling that the gentleman should be allowed by unanimous consent to go back and make the modification which he desires, without giving others an opportunity for explanation. If the bill, by general consent, may be thrown open to discussion and amendment, I have no objection; but I am not willing that the gentleman from Pennsylvania shall have the general consent to accomplish his own purposes.

Mr. ROBBINS. I have no modification to propose, or desire for discussion. I only desired unanimous consent to accommodate the gentleman from Tennessee.

The SPEAKER. Discussion is not in order, the previous question having been seconded. The question now is, "Shall the main question be now put upon the motion to reconsider?"

The question was taken; and the main question was ordered to be put.

The question now being upon reconsidering the vote by which the bill was ordered to be engrossed and read a third time,

Mr. LETCHER demanded the yeas and nays.

The yeas and nays were not ordered.

The question was then taken; and the vote was reconsidered.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. JONES, of Tennessee. The reconsideration of the vote by which the bill was ordered to be engrossed and read a third time, was upon my motion. I stated, at the time of making it, that it was with a view of so amending the bill as to prevent it from making the appropriation for the salaries provided for in it permanent. I now propose to make that amendment. I move, therefore, to add at the end of the original bill the following:

Provided, That nothing herein contained shall be so construed as to make an appropriation for any period beyond the 30th of June, 1854.

Mr. COBB. I desire to offer an amendment to the amendment.

Mr. ROBBINS. I have the power. I am willing to accept the amendment of the gentleman from Tennessee.

Mr. JONES. It is not my purpose to go into an argument upon the merits of this bill. It is objectionable to me in its main features, and, for one, I cannot support it; but having proposed the amendment which I indicated to the House that I would, if the vote was reconsidered by which the bill was ordered to be engrossed and read a third time, I shall make no other motion in reference to the bill, but leave it in the hands of the House.

Mr. COBB. I desire, Mr. Speaker, to offer an amendment to the bill which I am sure will meet with the approval of the House. Members will think that it is right. I move to strike out the words:

"And all vacancies in any of the classes named in said act mentioned shall be filled by promotion from the next class below."

The effect of the amendment is to destroy the proposition that where a vacancy occurs in class number three, the highest office, it is bound to be filled by a clerk of class number two, when a number one is better qualified to discharge the duties than number two. If the amendment be adopted, promotion will be left to the discretion of the heads of the Departments. They will not be restricted in their action. If a number one is a more efficient clerk than a number two, they will be allowed to promote him. Now they cannot do so. Merit should be the stepping-stone to promotion; and if my proposition be adopted, it will be, under this bill. Heads of Departments have the right to make their appointments as they deem best. I doubt very much the propriety, or the right, of Congress to fix rules for these promotions; but I

will not argue the question. It is so obvious that the appointing power should not be restricted by them, that I will content myself with submitting the question to the House without further remark. Hereafter I may suggest another amendment. I do not think it is proper for me to call for the previous question, and I will not do so.

The amendment was read by the Clerk.

Mr. PHILLIPS. Mr. Speaker, the motion which my colleague has made, to strike out that provision of the bill, is one which it seems to me the House will not hesitate to adopt. It is a new principle introduced into the legislation of Congress, so far as I am aware of it, that promotions of the civil list shall be made according to the rule and practice which has heretofore only obtained in the military service of the country. It is very evident that it is not the policy of the country to confine appointments to any particular class. It is against the spirit of our institutions, and it is against the proper exercise of the appointing power itself, that it shall be limited to any specific persons, or any specific class of persons.

But, sir, it seems to me that the objection goes a step further, and that the provision contained in this act, by which vacancies in the first class must be filled from the second class, is absolutely unconstitutional. The Constitution provides that Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, or in the courts of law, or in the heads of Departments. Now, it is perfectly well known that Congress itself cannot make the appointment. These two Houses of Congress could not by act appoint A, B, or C to any office in this Government. The appointing power is not in Congress, but to Congress is delegated the right to vest the appointment in the President alone, in the heads of Departments, or in the judges of the Supreme Court. Now, when Congress proceeds to exercise this constitutional power, by vesting the appointment in the President, or in the heads of Departments, it must vest the complete and entire power. As Congress itself cannot make the appointment, Congress cannot by act control the mode and the manner; it cannot confine and limit the appointing power to persons and classes. But the appointment and the appointing power must be regarded as a complete thing in itself.

Now, if it is competent for Congress by act to say to the President or Heads of Departments, in whom the act has vested the power, you shall confine your appointing power to the second class of clerks, why may it not, by the same process of reasoning, say, when a vacancy occurs in the first class, you shall give it to the oldest officer in the second class?

Mr. CLINGMAN. Will the gentleman from Alabama allow me to ask whether it would not be competent for us, if the view of the Constitution is right which he is combating, to provide in the civil and diplomatic appropriation bill that all the valuable offices—say all those of which the salaries are more than \$2,000—shall be filled by ex-members of Congress? It would be a fine thing; for legislation of that sort would make a great many ex-members of Congress, and we might provide for those gentlemen who are put out. [Laughter.]

Mr. PHILLIPS. It involves precisely the same idea. The whole matter amounts to this: that as the appointment itself cannot be made by Congress itself, so Congress cannot, by act, control the person to whom the appointing power is given, but to that person must be left the power of making the selection to fill vacancies.

Mr. ROBBINS. Will the gentleman allow me to say that I have no objection whatever to the amendment of his colleague, [Mr. Cobb,] and am perfectly willing to accept it, so far as I am concerned.

Mr. PHILLIPS. My principal desire was to bring this question to the attention of the members of the House, because it seems to me to be so clear a principle that the mere statement of it would lead to no further argument on the subject.

The SPEAKER. With the permission of the gentleman, that there may be no misunderstanding in regard to these amendments, the Chair begs leave to state that the only pending amendment is the one proposed by the gentleman from Tennessee, [Mr. Jones.] The amendment of the gentleman from Alabama being inconsistent with that, or not connected with it at all, is not pending as an

amendment to an amendment; and the only amendment now before the body, is the one proposed by the gentleman from Tennessee.

Mr. GROW. I desire to ask the Chair if the gentleman from Pennsylvania [Mr. Robbins] did not accept the amendment suggested by the gentleman from Alabama?

The SPEAKER. The gentleman from Pennsylvania has no right to accept it, as he is acting for the committee, and not for himself.

Mr. SAGE. I have an amendment which I desire to offer. I will not detain the House a single moment in explanation.

Mr. PHILLIPS. The Speaker has ruled that no amendment is in order.

The SPEAKER. Except that proposed by the gentleman from Tennessee, [Mr. Jones.]

Mr. SAGE. I desire simply to state to the House, that I received a communication last evening from the clerks in the navy-yard at Brooklyn, New York, calling my attention to this bill, and requesting me to use my influence to have a section incorporated into it, providing that its benefits should apply to them. I see no reason why we should not extend its provisions to them, as the expenses of living in that city are fully as high as they are here. At the proper time, I will move, therefore, to amend, by offering an additional section, providing for these employees of the Government at Brooklyn.

The SPEAKER. Does the gentleman from Alabama [Mr. Phillips] yield the floor?

Mr. PHILLIPS. I understood the Chair to say that no amendments were now in order.

The SPEAKER. The Chair decided that no amendment was in order, unless it was an amendment to the amendment of the gentleman from Tennessee, [Mr. Jones,] which reads as follows:

Provided, That nothing herein contained shall be construed as making an appropriation for any period beyond the 30th of June, 1854.

Mr. PHILLIPS. Having brought before the House the question to which I alluded, I will now take the occasion, while I am occupying the floor, to make a few additional remarks.

The principal reason urged for the passage of this bill is the increase in the expenses of living. I make the inquiry if this is a local result? Is the increased expense of living confined to the city of Washington; and is it here, alone, that the Government should provide for this change of circumstances? If such an increase in the expenses of living exists—and I do not deny it—is it not universal? Is there not the same increase in expenses in all the States—in my State as in yours, Mr. Speaker? Is it a local increase? If it is, as I state it to be, an increase of expenditure throughout the country, owing, probably, to an influx of a greater quantity of coin into the country, producing similar effects everywhere, why should the bill upon your table confine the increase of salaries to the clerks employed in this particular locality? Why is not this increase made in the salaries of clerks employed in the custom-houses and post offices in the city of Mobile and the city of New Orleans, where I know the expenses of living are greater than at Washington? If the evil exists which makes it necessary to act upon this subject for the clerks in this particular locality, then I say it is proper for the committee to take the whole subject into consideration, and do equal justice to the employees of the Government everywhere. If it were for nothing else than the principle of inequality contained in this bill, I should be opposed to it.

I move that the bill be referred to the Committee of the Whole on the state of the Union.

[Many Voices. "That is right!"]

Mr. SMITH, of Virginia. I suppose, Mr. Chairman, the bill is debatable under that motion?

The SPEAKER. It is.

Mr. SMITH. I propose to trouble the House with but a very few remarks upon this subject; but I shall be glad to have their attention, because I understand that the subject which has been under consideration is the power to appoint clerks from the first to the second, and from the second to the third classes, and so on.

Mr. COBB. That subject is not under discussion. The amendment was not entertained.

Mr. SMITH. Did not the gentleman from Alabama move an amendment reaching that point?

Mr. COBB. I did; but the Chair did not entertain the motion, because the amendment of the

gentleman from Tennessee [Mr. Jones] was pending.

Mr. SMITH. If that is so, I have no remarks to offer now, and have no objection to the bill being sent to the Committee of the Whole on the state of the Union. Upon the motion of the gentleman from Alabama, [Mr. Phillips,] I call for the previous question.

Mr. GREENWOOD. I would suggest to the gentleman that he should modify his motion by moving that the bill be referred to the Committee of Ways and Means.

Mr. SMITH. The motion was made by the gentleman from Alabama, [Mr. Phillips,] I made no motion, but only called the previous question.

The previous question was then seconded, and the main question ordered to be put.

Mr. WHEELER. I move to lay the bill upon the table.

Mr. CLINGMAN. I hope we shall not do that. Let us refer the bill.

Mr. PECKHAM. I hope the gentleman will withdraw that motion.

Mr. WHEELER. As it is the wish of several members, I will withdraw my motion.

The question then recurring upon the motion to commit the bill to the Committee of the Whole on the state of the Union,

Mr. SAGE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. OLDS. I should like to know if discussion can be had now upon the bill?

The SPEAKER. The gentleman is not in order, unless he rises to a point of order.

Mr. OLDS. I do rise to a point of order. It is that discussion is not in order.

The SPEAKER. The Chair has long since decided that the discussions going on throughout the Hall are very disorderly.

Mr. OLDS. I so understood.

The SPEAKER. The House having determined that the main question shall be now put, cuts off all debate.

The question was then taken; and there were—yeas 59, nays 87; as follows:

YEAS—Messrs. Appleton, Barry, Belcher, Bugg, Caskie, Chingman, Corwin, Cox, Crocker, Cullom, John G. Davis, Dean, Dent, Drum, Edgerton, Thomas D. Eliot, Ellison, English, Fuller, Goode, Grey, Grow, Hamilton, Sampson, W. Harris, Hastings, Hayes, Hubbard, Hoester, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kirtledge, Letcher, Macdonald, Maurice, Middlesworth, Morgan, Murray, Parker, Peck, Peckham, Phillips, Pratt, Puryear, David Ritchie, Rufin, Sage, Seymour, Skelton, William Smith, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Walley, Wheeler, and Zollicoffer—59.

NAYS—Messrs. Aiken, Barksdale, Bell, Bennett, Benson, Benton, Bissell, Bliss, Boyce, Bridges, Carpenter, Chandler, Chrisman, Clark, Cobb, Colquitt, Cook, Curtis, Cutting, Thomas Davis, Dawson, Dunbar, Eastman, Eddy, Edmundson, John M. Elliott, Etheridge, Farley, Faulkner, Fenton, Giddings, Greenwood, Aaron Harlan, Andrew J. Harlan, Wiley F. Harris, Harrison, Henn, Howe, Hughes, Hunt, J. Clancy Jones, Keitt, Kerr, Knox, Kurz, Latham, Lindley, Lindsay, McDougall, McKim, Mace, Macy, Mayall, Smith Miller, Olds, Phelps, Pringle, Richardson, Thos. Richey, Robbins, Rogers, Sapp, Seward, Shannon, Showers, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Thurston, Upham, Vansant, Wade, Walbridge, Warren, Elliott B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, Daniel W. Wright, and Yates—87.

So the House refused to refer the bill to the Committee of the Whole on the state of the Union.

Pending this call,

Mr. LILLY stated that he would have voted in the affirmative, but that he had paired off with Mr. DISNEY, of Ohio.

Mr. CLINGMAN also, pending the call, said: I rise to a question of order. I understood that when the name of the gentleman from Virginia [Mr. Bayly] was called, the gentleman from Missouri [Mr. Benton] answered for him. He answered for General Bayly, supposing it was his own name, and there may be two votes.

A Voice. General Bayly would have voted the same way.

Mr. CLINGMAN. My friend from South Carolina says General Bayly would have voted the same way. I do not know how that is, for General Bayly is not in his seat; and in order to prevent mistake, I have raised the question, in order that this correction may be made now.

Mr. BENTON. I heard the name Thomas H. called, and supposing it was intended for my name, I answered to it.

The SPEAKER. The mistake will be corrected. Further debate is not in order. The question now recurs upon the motion made by the gentleman from Tennessee, [Mr. Jones.]

Mr. SMITH, of Virginia. I suppose it will be in order now to speak upon this bill generally. I desire to call the attention of the House—

The SPEAKER. The Chair is obliged to interrupt the gentleman, as debate is not in order; the call for the previous question having been called and sustained by the House.

Mr. SMITH. Then the question comes up upon the previous question?

The SPEAKER. The previous question has already been ordered to be now put. The previous question as demanded by the gentleman from Virginia himself, [Mr. Smith,] sustained by the House, and the main question ordered to be put, first applies to the motion to commit. The House will then be brought to vote upon the pending amendment, and next upon ordering the bill to be engrossed and read a third time. All further amendment, as well as debate, is cut off by the previous question.

Mr. COBB. Is my motion cut off too?

The SPEAKER. It is.

Mr. COBB. I am sure the House did not so understand it.

The SPEAKER. The Chair thinks the gentleman must have been out of the House when the Chair explained that matter. The Chair rose, in order that there might be no mistake in regard to the course of proceeding upon the bill, and stated in reference to the amendment of the gentleman from Alabama, that two amendments differing in their character so widely as did the amendment of the gentleman from Tennessee, [Mr. Jones,] and that of the gentleman from Alabama, [Mr. Cobb,] could not be entertained at the same time.

Mr. COBB. I will make an explanation when the Chair is through.

The SPEAKER. The Chair stated distinctly that he could entertain but one motion at a time, and did not entertain the motion of the gentleman from Alabama.

Mr. COBB. Will it not be in order to move to reconsider the vote by which the previous question was sustained, so as to enable me to get my amendment in?

The SPEAKER. That can be done.

Mr. COBB. I am satisfied that there are not three members of this House who are opposed to my amendment; and therefore I will move, at the proper time, to reconsider the vote by which the previous question was sustained.

The question was then put upon the amendment offered by Mr. Jones; and it was agreed to.

Mr. COBB. I now ask the unanimous consent of the House to allow me to introduce the amendment which I before offered.

[Several MEMBERS. I object.]

Mr. COBB. Then I move to reconsider the vote by which the previous question was seconded, and the main question ordered to be put.

Mr. CLINGMAN. If that be reconsidered, then we shall have to reconsider the vote by which the amendment of the gentleman from Tennessee [Mr. Jones] was adopted, and the vote upon the motion to commit to the Committee of the Whole on the state of the Union.

The SPEAKER. For what reason, and upon what principle?

Mr. CLINGMAN. We shall have to reconsider the successive votes which have been taken in order to get back to that vote.

The SPEAKER. Wherefore?

Mr. CLINGMAN. If we are to go back of the vote by which the previous question was seconded, we must go through all the intermediate steps; we must reconsider all the votes that have been taken since the previous question was seconded.

The SPEAKER. The votes to which the gentleman refers were legitimate and proper, whether the previous question was operating or not, and are conclusive in their nature. The House have determined that they will not commit the bill to the Committee of the Whole on the state of the Union; and by another vote they have determined that they will adopt the amendment of the gentleman from Tennessee, leaving the previous question operating alone upon ordering the bill to be engrossed and read a third time; and it is necessary to recon-

sider the votes by which the main question was ordered to be put, and by which the previous question was seconded alone, to make the amendment of the gentleman from Alabama in order; but—

Mr. COBB. I ask for the vote upon the motion to reconsider.

Mr. ROBBINS. Will the gentleman allow me to—

The SPEAKER. The gentleman from Pennsylvania and the gentleman from Alabama will allow the Chair to say, that unless better order is preserved in debate, it will be impossible to transact any business understandingly. The Chair could not hear one word that either the gentleman from Alabama or the gentleman from Pennsylvania said.

Mr. LETCHER. Is it in order to move to recommit this bill to the Committee of Ways and Means at this time?

The SPEAKER. Not while the previous question is resting upon the bill. That cuts off all motions to commit or to amend. The question pending is upon a motion to reconsider the vote by which the main question was ordered to be put.

The question was taken; and the vote was reconsidered.

Mr. COBB. I now submit my amendment.

The SPEAKER. It is not in order now to submit any motion to amend, the previous question having been seconded.

Mr. COBB. Is it necessary to reconsider that, too?

The SPEAKER. It is necessary to reconsider the vote by which the previous question was seconded, before any motion can be entertained. Unless that be done, under the rule the question must be now put upon ordering the main question to be now put.

Mr. COBB. I then submit the motion to reconsider the vote by which the previous question was seconded.

The question was taken; and the vote was reconsidered.

Mr. COBB. I now submit the amendment which I have before indicated, and, as I presume it is the wish of the House, I move the previous question.

Mr. TAYLOR, of Ohio. I wish to ask a question of the Chair, for it is impossible to understand what has been done and what has not. I wish to inquire whether the amendment of the gentleman from Tennessee [Mr. Jones] has been reported at the Clerk's desk, and whether the House has adopted it without ever hearing it read?

The SPEAKER. The amendment was reported to the House.

Mr. TAYLOR. I did not hear it at all. If it was reported, there was so much noise that it was impossible to hear it. I submit that it is impossible for us to get on understandingly in transacting any business while the House is in such a state of confusion.

The SPEAKER. The Chair states to the gentleman, that the amendment of the gentleman from Tennessee was reported twice at the Clerk's desk, and adopted by the House.

Mr. SAGE. I wish to inquire whether it will be in order, after the amendment of the gentleman from Alabama shall have been disposed of, to offer the amendment which I have before indicated?

The SPEAKER. The amendment of the gentleman would not be in order as an independent proposition. The Chair stated to the gentleman that it could not be received as an independent proposition; it would only be in order as an amendment to an amendment.

Mr. SAGE. Can I offer it as an amendment to the amendment of the gentleman from Alabama?

The SPEAKER. The gentleman from Alabama offered his amendment, and demanded the previous question. Should the House second the previous question, and order the main question to be put, as a matter of course it would cut off all motions to amend or to commit from being made.

Mr. SAGE. I ask that my proposition may be read.

Mr. KERR. I desire also to hear the amendment of the gentleman from Alabama.

The proposition of Mr. SAGE was then read for information, as follows:

Sec. 5. And be it further enacted, That the compensa-

tion given to the clerks and employees in the navy-yard at Brooklyn, New York, be increased twenty per cent.; and that said increase commence on the 1st day of July, 1853.

Mr. LETCHER. Is it in order now to submit a motion that the bill be recommitted to the Committee of Ways and Means?

The SPEAKER. It will not. The gentleman from Alabama has submitted an amendment on which he calls for the previous question.

Mr. COBB. That being now understood I shall resume my seat.

Mr. DEAN. Before the call for the previous question is seconded, I believe, Mr. Speaker, that it is in order to move that the further consideration of the bill be postponed to a day certain.

The SPEAKER. It is not in order, and it will not be until the call for the previous question is voted down.

Mr. WASHBURN, of Illinois. I understand that the gentleman from Alabama has called for the previous question.

The SPEAKER. The gentleman from Alabama has called for the previous question, and all motions and debate are now out of order.

Mr. WASHBURN. I hope that the call for the previous question will be seconded.

The question was put; and there were, on a division—ayes 60—

Mr. ROBBINS. I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and PRATT, were appointed.

The question was taken; and it was decided in the affirmative, the tellers having reported—ayes 78, noes 52.

The main question was then ordered to be put.

Mr. PRATT. I move to lay the bill upon the table.

Mr. WHEELER. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—ayes 58, nays 84; as follows:

YEAS—Messrs. Appleton, Ball, Barry, Belcher, Bugg, Caskin, Clingman, Cobb, Corwin, Cox, Crocker, Cullom, John G. Davis, Dean, Dent, Dickinson, Drum, Edgerton, Ellison, English, Fuller, Goode, Grey, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hubbard, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Letcher, Maurice, Middlesworth, Morgan, Murray, Parker, Peck, Phillips, Pratt, Puryear, David Ritchie, Rufin, Sage, Seymour, Skelton, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Walley, Wheeler, and Zollcoffer—58.

NAYS—Messrs. Aiken, David J. Bailey, Barkedale, Bell, Bennett, Benson, Benton, Bissell, Bliss, Boyce, Bridges, Carpenter, Chandler, Clark, Colquitt, Cook, Curtis, Thomas Davis, Dawson, Dunbar, Easman, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Etheridge, Farley, Faulkner, Fenton, Florence, Giddings, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Henn, Howe, Hughes, Hunt, J. Glancy Jones, Keitt, Kerr, Kurtz, Latham, Lindley, Lindsley, McDougall, McNair, Mace, Macy, Mayall, Smith Miller, Olds, Phelps, Powell, Pringle, Thomas Ritchie, Robbins, Rogers, Sapp, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Lester L. Stevens, Andrew Stuart, John L. Taylor, Thurston, Upham, Vansant, Wade, Watbridge, Warren, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—84.

So the House refused to lay the bill upon the table.

The question was then taken on Mr. Cobb's amendment; and it was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time.

Mr. ROBBINS. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and to lay the motion to reconsider upon the table.

Mr. PRATT. I desire to know if it is not in order to consider the amendment offered by the gentleman from New York [Mr. SAGE] now?

Mr. SAGE. Did I understand the Chair to say that the previous question cut off my amendment?

The SPEAKER. The Chair so stated distinctly at the time.

Mr. SAGE. Would a motion to reconsider enable me to offer that amendment now?

Mr. ROBBINS. My motion is not debatable.

Mr. SAGE. If it would, I desire to move to reconsider.

The SPEAKER. If the motion of the gentleman from Pennsylvania [Mr. Robbins] to lay his motion to reconsider on the table shall fail, and his motion to reconsider shall prevail, the bill will then be again open for amendment or com-

mitment, provided the House chooses to relieve itself from the operation of the previous question. The motion now pending is to lay on the table the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. WHEELER. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 83, nays 60; as follows:

YEAS—Messrs. Aiken, David J. Bailey, Barksdale, Bell, Bennett, Benson, Benton, Bissell, Bliss, Boyce, Bridges, Carpenter, Chandler, Chrisman, Clark, Colquitt, Cook, Curtis, Thomas Davis, Dawson, Dunbar, Eastman, Eddy, Edmundson, Thomas D. Eliot, John M. Elliott, Etheridge, Farley, Faulkner, Fenton, Florence, Giddings, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Henn, Howe, Hughes, Hunt, J. Glancey Jones, Keitt, Kerr, Kuriz, Latham, Lindley, Lindsley, McDougall, McNair, Mace, Macy, Mayall, Smith Miller, Olds, Phelps, Powell, Thomas Ritchey, Robbins, Rogers, Sapp, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Thurston, Upham, Vansant, Wade, Walbridge, Warren, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, and Yates—83.

NAYS—Messrs. Ball, Barry, Belcher, Bugg, Caskie, Clingman, Cobb, Corwin, Cox, Crocker, Cullom, John G. Davis, Dean, Dent, Dickinson, Drum, Edgerton, Edmunds, Ellison, English, Goode, Grey, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hibbard, Hiestler, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Letcher, Maurice, Middleswarth, Morgan, Murray, Parker, Peck, Phillips, Pratt, Pringle, Puryear, David Ritchie, Ruffin, Sage, Seymour, Skelton, George W. Smyth, Snodgrass, John B. Taylor, Nathaniel G. Taylor, Tracy, Vail, Walley, Wheeler, and Zollcoffer—60.

So the motion to reconsider was laid upon the table.

Mr. PRATT. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. ROBBINS. I move the previous question upon the passage of the bill.

Mr. PRATT. Is not my motion entitled to precedence?

The SPEAKER. The Chair did not recognize the gentleman from Connecticut, [Mr. PRATT.]

Mr. PRATT. I now make the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. INGERSOLL demanded tellers upon the yeas and nays.

Tellers were not ordered.

The question was then taken upon Mr. PRATT's motion; and a division being had, there were—aye 51, noes not counted.

The SPEAKER. The motion is lost.

Mr. PRATT. I now move that the House adjourn, and upon that motion I call the yeas and nays.

The yeas and nays were not ordered.

The question was then taken on Mr. PRATT's motion; and the House refused to adjourn.

The SPEAKER. The question now is upon seconding the demand for the previous question upon the passage of the bill.

The previous question was then seconded, and the main question ordered to be put.

Mr. WHEELER demanded the yeas and nays upon the passage of the bill; which were ordered.

Mr. WALBRIDGE. Is it in order to introduce an amendment now?

The SPEAKER. It is not; no amendment is in order, no motion is in order, and no speech is in order.

Mr. WALBRIDGE. I do not want to make a speech.

The question was then taken; and there were—yeas 77, nays 65; as follows:

YEAS—Messrs. Aiken, David J. Bailey, Ball, Barksdale, Bell, Benson, Benton, Bissell, Bliss, Boyce, Bridges, Carpenter, Chandler, Chrisman, Churchwell, Clark, Colquitt, Cook, Curtis, Dawson, Dunbar, Eastman, Eddy, Edmundson, Thomas D. Eliot, John M. Elliott, Etheridge, Farley, Faulkner, Fenton, Florence, Giddings, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Henn, Howe, Hughes, Hunt, J. Glancey Jones, Keitt, Kurtz, Latham, Lindley, Lindsley, McNair, Mace, Macy, Mayall, Smith Miller, Olds, Feckham, Powell, Thomas Ritchey, Robbins, Rogers, Sapp, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Thurston, Upham, Vansant, Wade, Warren, Ellihu B. Washburne, Israel Washburn, John Wentworth, and Yates—77.

NAYS—Messrs. Appleton, Barry, Belcher, Bennett, Bugg, Caskie, Clingman, Cobb, Corwin, Cox, Crocker, Cullom, John G. Davis, Dean, Dent, Dickinson, Drum, Edger-

ton, Edmunds, Ellison, English, Goode, Grey, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Haven, Hiestler, Ingersoll, Daniel T. Jones, George W. Jones, Kittredge, Knox, Letcher, Maurice, Middleswarth, Morgan, Murray, Parker, Peck, Phelps, Phillips, Pratt, Pringle, Puryear, Richardson, David Ritchie, Ruffin, Sage, Seward, Seymour, Skelton, George W. Smyth, Stratton, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Walbridge, Walley, Wheeler, Witte, and Zollcoffer—65.

So the bill was passed.

Mr. ROBBINS. I move to reconsider the vote by which the bill was passed; and to lay the motion to reconsider upon the table.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken upon the motion to lay the motion to reconsider upon the table; and it was agreed to.

Mr. ROBBINS. I call the previous question upon the adoption of the title of the bill.

The previous question was seconded, and the main question ordered to be put.

The question was taken, and the title adopted.

Mr. PRATT. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

STATE OF OREGON.

Mr. LANE, of Oregon. I ask the gentleman from Connecticut to withdraw his motion, to allow me to introduce a bill, of which previous notice has been given, for the purpose of having it referred.

Mr. PRATT. I prefer to insist upon my motion.

Mr. LANE. I hope the gentleman will allow me to introduce the bill. The time is drawing near when the House has made territorial business the special order, and it is important that this bill should be acted on.

Mr. PRATT. If no other gentleman objects I will not.

There being no objection,

Mr. LANE introduced a bill, of which previous notice had been given, which was read a first and second time by its title, as follows, referred to the Committee on Territories, and ordered to be printed:

A bill to enable the people of Oregon Territory to form a constitution and State government, and for the admission of said State into the Union.

Mr. JONES, of Tennessee. I would suggest that it is not customary to print bills until they have been reported by a committee.

Mr. LANE. My reason for having the printing ordered now, was, that the time which is to elapse before the territorial business is to come up for consideration is so short, that I feared it would not be printed in time if I waited until the committee reported upon it.

Mr. JONES. I would suggest, then, that the bill be referred immediately to the Committee of the Whole on the state of the Union.

Mr. LANE. I would prefer that it should go to the Committee on Territories.

The SPEAKER. The Chair stated that the bill was referred to the Committee on Territories, and ordered to be printed. Debate is not therefore in order.

Mr. JONES. Well, sir, then I will only say that it is contrary to the usual custom of the House.

Mr. PRATT. I now ask for a vote upon my motion to go into the Committee of the Whole on the state of the Union.

Mr. OLDS. I appeal to the gentleman to allow me to report a bill. I will state that I expect to leave the city in the morning.

Mr. PRATT. I would withdraw the motion if I could do so consistently; but if I give way for the committees to report, I do not know where it would end.

Mr. COBB. This is the business legitimately before the House during the morning hour, which has not yet expired. I hope the motion to go into the Committee of the Whole on the state of the Union will be voted down, and that we shall go on with the call of the committees for reports.

The question was put upon the motion to go into committee; and, upon a division, there were—aye 59, noes 49; no quorum voting.

Mr. JONES, of Tennessee. I demand tellers upon the motion.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and VAIL, were appointed.

The question was taken, and the motion was agreed to; the tellers having reported—aye 67, noes 52.

WEST POINT MILITARY ACADEMY.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of New York, in the chair.)

The CHAIRMAN. The question before the committee for consideration, is on the amendments of the Senate to the West Point Military Academy appropriation bill. Under the order of the House, debate will close in five minutes after the committee resumed its session.

Mr. HAVEN. The report of the Committee of Ways and Means was for non-concurrence in three of the Senate amendments. The vote will be taken on the separate propositions, I suppose. The first one is in reference to the appropriation, for the repairs and additions to professors' quarters, of \$5,000. Debate is closed, and I presume every member has made up his mind on the appropriation. Therefore, I hope that the vote will be at once taken on it.

The Clerk then reported the first amendment of the Senate, as follows:

For repairs and additions to professors' quarters, \$5,000.

Mr. JONES, of Tennessee. That amendment from the Senate proposes to appropriate \$5,000 for repairs and additions to the officers' quarters at the Military Academy. We have no estimates, no plan of what additions they intend to make to those quarters. Under this provision, if it is passed into a law, they may commence houses there, in addition to the officers' quarters, which will involve an expenditure of fifty or a hundred thousand dollars, or perhaps half a million of dollars.

Mr. TAYLOR, of Ohio. What amendment does the gentleman from Tennessee propose?

Mr. JONES. I move to strike out the word "additions." I hope that none of the Senate's amendment will be entertained, and particularly not that part of it which authorizes them to make additions to those quarters, until they shall submit some estimates and some plan, and give us some reason why additions to these quarters are needed; why is it that the quarters are not as well adapted now for the accommodation of the officers as they have been in past years? We are acting upon this amendment entirely in the dark, without limitation, without restriction, without plan, and without reason.

Mr. TAYLOR, of Ohio. I wish to say a few words in opposition to the amendment proposed by the gentleman from Tennessee, not that I do not concur in much that he says, but I wish to submit a few remarks in regard to the proposition of the Committee of Ways and Means to strike out all these amendments of the Senate.

I understand the gentleman from Tennessee, who is one of the Committee of Ways and Means, to state they have no information, no report, no estimates showing the necessity of these appropriations. Well, now, I am unable to lay my hands immediately on the report of the visitors to the West Point Academy, a board recognized by Congress, and for which we make an annual appropriation of about \$3,000; but my impression is, that that board, composed of highly intelligent gentlemen from all parts of the United States, have recommended each and all of these amendments. I may be wrong in this, but I know that they have recommended to Congress several important reforms and improvements in this West Point Military Academy, which I believe are required by the public necessity, and are for the interest of the institution and of the whole country.

If it was in order, I would move to refer this bill to the Committee on Military Affairs, with instructions to inquire particularly with regard to the necessity of these amendments, and some other reforms which I think are highly needed in that institution.

Sir, I am the friend of the institution. I wish to see it prosper; because I think that history, and the history of many of those educated there, shows the necessity of it for this great country. But I would reform abuses; I would make improvements; I would not withhold the small sum of five, or even twenty thousand dollars, if needed, to improve the institution.

It may be necessary that you should make this appropriation of \$5,000 in this bill, in order to make the quarters of the officers you send there comfortable. It may be necessary that the \$20,000 proposed by the Senate to this bill should be appropriated for a riding school. I believe that we ought to abolish at once the cavalry tactics at that institution, or we should conform, in some degree, to the experienced judgment and advice of military men, who are upon the ground to give us their advice and counsel. If it is necessary to give instructions in cavalry tactics in the institution at West Point, we should conform our action according to the advice of those who know best how to give it. Perhaps we ought to abolish these instructions altogether.

There is another reform which I would introduce, if this matter were referred to the Military Committee. I would abolish the Board of Visitors, as at present appointed. We at present appropriate \$3,000 a year to send ten or fifteen gentlemen from all parts of the United States to West Point.

Mr. JONES, of Tennessee. I rise to a question of order. The general principles of the Academy at West Point are not under discussion.

Mr. TAYLOR. I can only say that I desire to confine myself to the section under consideration. If the gentleman from Tennessee [Mr. JONES] would confine his remarks only to questions in order, he would make very few speeches indeed. He is scarcely ever in order. I wish to say a single word more without detaining the House—

Mr. JONES. I ask the Chair to decide the question of order.

Mr. TAYLOR. I think that the Committee on Military Affairs in the Senate and House— [Here the hammer fell.]

Mr. SAGE. Is debate exhausted upon the amendment?

The CHAIRMAN. Debate is exhausted upon the amendment to the amendment. The question now comes up on the amendment offered by the gentleman from Tennessee, [Mr. JONES.]

The question was then taken, and the amendment was rejected.

The CHAIRMAN. The question now is upon concurring with the Senate amendment, which reads as follows:

For repairs and additions to professors' quarters, \$5,000.

Mr. SAGE. I propose to add "one dollar" to the amount.

As was intimated by the gentleman from Ohio, [Mr. TAYLOR], all these appropriations have been recommended by the Board of Visitors at West Point. If Congress are to make annual appropriations of the amount which has been made for a few years past for the support of this institution, I deem it good policy to make the appropriation the least possible. This institution at West Point is supported at an annual cost of about \$130,000. We appoint a Board of Visitors to go there, attend to the details, and look after the affairs of the institution. We should either abolish entirely this Board of Visitors that we send there from all parts of the country, or we should certainly make the appropriations asked for. And amongst these appropriations I believe the one which was so much ridiculed by the gentleman from Missouri, [Mr. BENTON], the other day, should receive the careful consideration of this House, and be acted upon. I refer to the appropriation which provides for cavalry exercise—

Mr. JONES, of Tennessee. The hippodrome.

Mr. SAGE. Here is an expenditure proposed for this Academy, of \$130,000. The Board of Visitors, as I before stated, is composed of gentlemen from all parts of the United States, and their report of last year recommends this appropriation for the riding hall, and here we are disregarding that recommendation, and no allusion is made to it except by the gentleman from Ohio, [Mr. TAYLOR], who just preceded me. I think we should be prepared to act much more understandingly upon this whole subject, if gentlemen who have not read this report would do so. It is an important document, and I ask that it may be read at the Clerk's desk, that all may see what the whole report is.

The report was read, as follows:

"1st. The revised regulations for the United States Military Academy require that instruction shall be given in cavalry tactics. To carry out this requirement, we are all of us entirely satisfied that a new building should be erected without delay. A decent regard for safety to the lives and

limbs of the cadets requires this, as well as their successful progress in this branch of instruction. It is the opinion of the Superintendent, that the course of equitation cannot be properly taught without it, and that the room now used for the purpose is extremely dangerous to the lives and limbs of the cadets.

"It is estimated that, in addition to the amount before appropriated, (\$2,000,) the sum of \$21,197 will be required for this object.

"2d. The cadet's hospital should be enlarged and improved. A brick front should be built extending to the center, flush with the front of the wings, to connect the wards with the additional space so formed by cutting the present windows into doors; also, two projections in rear, equal in width to the north and south wards, which shall contain the staircases, water-closets, and bath-rooms; the whole to be raised one story (ten feet) in addition to the present height of the building. To accomplish this will require an appropriation of \$6,500.

"3d. Quarters for sixteen officers and two families should be constructed, in the form of a brick building of two stories, with a basement with two wings, (one for each family.) It is estimated that it will require about \$28,000 to accomplish this object.

"4th. Suitable additions may be made to the quarters of the professors by an appropriation, in addition to the amount already appropriated, (\$3,000,) of \$5,051 35.

"5th. Suitable stables may be erected by an appropriation, in addition to the amount already appropriated, (\$3,000,) of \$7,491.

"6th. We are of the opinion that the number of the cadets should be increased, so as to correspond with the number of Senators of the United States, by adding two from each State, and that the recommendations of Senators in each State should have great weight in selecting the cadets from their respective States to make up this increased number.

"7th. We are of the opinion that great care should be taken in the selection of cadets; that is, to be made from among those who have the highest qualifications—physical, intellectual, and moral.

"8th. That the period of instruction should be extended to five years. This may be accomplished without any additional expense to the nation, and with great advantage to the cadets. They should be qualified to take and hold with honor to themselves the highest positions in civil as well as military life.

"9th. We are of the opinion that the decisions of the Academic Board, as to the capacity and conduct of the cadets, and their qualifications to be admitted and continued in the academy, should be considered as final and conclusive.

"10th. We are all of the opinion that the pay of the cadets should be increased, making it at least \$23 20 per month; and a very large majority of the board are of the opinion that it should be increased to \$30 per month.

"11th. We concur in the recommendations made by the Board of Visitors last year, that the pay of the Superintendent should not be less than \$3,000; that the pay of the instructors of French and drawing should be made equal to that of the principals in other departments; that the principal instructors of practical engineering and of artillery, &c., should be allowed the same compensation as other principal professors; that the first assistant instructor of drawing and French should be allowed the same pay as the first assistant in all the other departments; that all the secondary instructors and teachers taken from the Army should be allowed \$10 per month extra pay; and that the fencing master, who now instructs two classes, should be allowed the pay of \$900 per annum.

"12th. If the period of instruction should be extended to five years, we are of the opinion that the study of elocution, writing, English composition, history, and the evidences of Christianity, should make a part of the course to be arranged by the Academic Board; and that the study of rhetoric should be postponed to the second year. For additional facts and arguments in favor of the measures we recommend, we refer to the reports of the several committees above named.

"13th. We concur in the recommendation especially of the committee on instruction, that an appropriation of \$5,000 should be made for the purpose of establishing at this point a museum of artillery, and for the reasons by them stated."

Mr. HAVEN. I wish to say a word to the committee in opposition to the amendment proposed by my colleague, [Mr. SAGE], and in support of the conclusion to which the Committee of Ways and Means have come, which conclusion was a non-concurrence in the Senate amendment. The objection, Mr. Chairman, taken by the gentleman from Tennessee, [Mr. JONES], it seems to me, is not met by the gentleman from New York, [Mr. SAGE]; nor is it met by the documents which are before this committee. The objection he makes is this, that the amendment which is proposed by the Senate, and to which the Committee of Ways and Means were opposed, is indefinite, and points to nothing certain; and that under the amendment you may commence the erection of any number or amount of buildings, of any quality, of any size, or upon any plan, and without any restriction or control by Congress, and next year come here and ask means to finish those erections, without which they will be useless; that you may commence them as we have been in the habit of commencing custom-houses and other public buildings, upon a deficiency. Yes, sir, begin them upon a deficiency, nobody is responsible for having made a plan, a drawing, or an estimate.

Now, sir, all that has been said on this subject in the documents before us, is to be found in the

letter of Colonel Lee, to General Totten, of October 8, 1853, and in the report of the Board of Visitors, a portion of which has been read by my colleague, [Mr. SAGE.] I will now read what Colonel Lee says upon the question. He says this, and this, I believe, is all he does say:

"In my report of last year, the want of quarters for the officers on duty at the academy, was stated."

That is what he says in reference to quarters for the officers. He then goes on to say in reference to the houses for the professors:

"Experience since that time has convinced me of the advantages of also adding to the houses of the professors."

This is the proposition which we now have under consideration, in reference to these additions to the houses of the professors. He says further:

"They are inadequate to the healthful accommodation of their families, and inferior to those provided at the colleges and State institutions. An appropriation of \$5,000 is asked to render them more comfortable."

That is all that Colonel Lee says upon the subject. "Experience," says he, "since that time, has convinced me of the advantages of also adding to the houses of these professors." And the only reason he gives for asking these additions to be made to the professors' houses is, that they are inferior to those provided at the colleges and State institutions. Why, sir, the same number of professors are there now as at any former time, needing the same number of rooms and the same accommodations now as formerly; there can, therefore, be no great or urgent necessity for additional houses, unless you propose to increase the number of professors, or unless their families are increased.

Mr. LETCHER. I suppose the object is to make them more genteel.

Mr. HAVEN. That is all Colonel Lee says upon the subject which I can find in the document, and, as I before remarked, the only other official information we have upon the subject is in the report of the Board of Visitors, of which a portion has already been read. I will now read all that is said upon the subject of this appropriation in that report:

"4th. Suitable additions may be made to the quarters of the professors by an appropriation, in addition to the amount already appropriated, (\$3,000,) of \$3,051 35."

That is all I find upon the subject in the report of the Board of Visitors. They say that "suitable additions may be made."

A sub-committee of the visitors, in their report to the Board of Visitors, say:

"There has been heretofore appropriated the sum of \$3,000 for the improvement and addition to officers' quarters. This sum is still subject to the direction of the Superintendent, who has hesitated in its expenditure, for the reason that it is entirely inadequate to the object had in view."

"There are seven professors, whose quarters are so small and restricted, as to render them inconsistent, not with comfort, but with their absolute wants."

"Many of these gentlemen have families, for whose comfort their present quarters are entirely too small, leaving them no apartment for study, or for the arrangement of apparatus, books, drawings, cabinets, &c. From the estimate of the Superintendent, an additional appropriation of \$5,051 35 will be required in order to make such improvements to officers' quarters as are absolutely necessary, and the committee earnestly recommend that such additional appropriation be asked for."

There, sir, that is all I can find in the documents on this subject.

Now, Mr. Chairman, what are we doing here? What do the Senate propose to do? Why, sir, they propose to make an appropriation that will allow the commencement of buildings for which we have no plans, and for which we have no estimates, and of which we know nothing that a prudent man should know. No one who is responsible in any degree to this Government, in the premises, has pointed out to us the necessity of this appropriation beyond what I have read, nor has any one given us any estimates of the amount which will be required to complete these houses; and if this amendment is passed, and becomes a law, they may lay the foundations of a row of houses that we shall be asked for appropriation after appropriation for years to come to complete.

Now, in reference to the Board of Visitors. I have no desire or occasion to attack them. There may be much in the suggestion made by the gentleman from Missouri, [Mr. BENTON], that they merely report what they are told they may appropriately report; but of that I know nothing—I presume them to be honorable and fit men. The only suggestion we have from them, as a Board,

is what I have already read, that "suitable additions may be made to the quarters of the professors by an appropriation, in addition to the amount already appropriated, (\$3,000,) of \$5,051 35." Now, it seems that the amount of \$3,000 has already been appropriated, and has been at the disposal of the institution for the year past, which they might have used for the purpose of repairs, and it appears they have not used it, but ask that \$5,051 35 may be appropriated in addition. Now sir, they give no good and sufficient reason for asking this additional appropriation, which, of itself, in my opinion, is a sufficient reason for non-concurring in this amendment of the Senate.

Mr. SAGE. If there be no objection, I will withdraw my amendment.

There being no objection, the amendment was withdrawn.

NEBRASKA AND KANSAS.

Mr. BLISS. I ask the recognition of the Chair at this time for my own personal convenience. I wish simply to say that I had intended to have made some remarks upon the bill for the organization of the Territories of Nebraska and Kansas; but such is the state of my health that I shall not be able to do it. I desire, therefore, the consent of the House to publish the remarks I intended to have made in the Globe, and allow them to take their place in the regular proceedings of the House.

A general assent was expressed. [This speech will be found in the Appendix.]

MILITARY ACADEMY.

The CHAIRMAN. The question is on concurring in the amendment of the Senate appropriating \$5,000 for the officers' quarters.

The question was taken; and the amendment was non-concurred in.

The Clerk read the next amendment of the Senate, as follows:

For cavalry exercise hall, \$20,000.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had passed without amendment House bill No. 32, entitled "An act to authorize the school commissioners of fractional township No. 1, of range No. 10 east, in Alabama, to locate a half section of land for school purposes; and had also passed Senate bill No. 335, entitled "An act for the relief of the Burlington University of Iowa," in which it asked the concurrence of the House.]

Mr. BISSELL. Before the vote is taken on the amendment which has just been read, I desire to say a few words.

The CHAIRMAN. Does the gentleman propose an amendment?

Mr. BISSELL. I do. I move, *pro forma*, that the appropriation be increased five dollars. I hope that the committee is not going to vote too precipitately on this amendment. For my own part, I have seen nothing yet to change my views in regard to the propriety of our concurring with the Senate. I have heard nothing to change them.

Now the gentleman from New York, [Mr. HAVEN,] who called up this bill the other day, told us the views which brought the Committee of Ways and Means, of which he is a member, to the action which they took on this subject. He told us that the committee were in much doubt whether to recommend that appropriation or not, but that finally they concluded to recommend that the House disagree with the Senate; for the reason, said he, that we feared that when brought into the House it would be ridiculed here, as we know that it had been for several years before, and that the institution would be injured more than the chance of passing the appropriation would benefit it. Now who ever before heard of such a reason as that emanating from a committee? Inasmuch as this appropriation had been frequently pressed on the House before, and had met only with ridicule, they feared that it would meet with ridicule and nothing else, which would injure the institution! Therefore, after deliberation, they concluded to reject the amendment, to recommend the House to non-concur in it.

I do not cast my vote on any such principle as that; and I am proud to say that the committee of which I have the honor to be a member, never recommend the rejection or adoption of any proposition on any such principle. Is it right? Is this appropriation needed for the benefit of that institution, and to enable the Government to derive all

the advantages which it ought to have? That is the question, and the only one which ought to be considered. And we were informed by the gentleman from Missouri, who followed me in the discussion the other day, and who is not now in his seat, that there were appropriated some seventeen years ago, when he was chairman of the Military Committee of the Senate—and he had more influence in that body than any other member there—\$30,000 were appropriated for a riding hall at West Point; and it was done with his approbation. Seventeen years have gone by, and now, when a similar proposition is made here, he takes his cue apparently from the hint thrown out by the gentleman from New York, [Mr. HAVEN,] and ridicules the proposition, and does nothing but ridicule it.

Mr. HIBBARD. Well, give some reason for it.

Mr. BISSELL. I am now merely replying to some remarks made by the gentleman from Missouri; but I am asked to give some reason why it is necessary. I will do so with pleasure, although I think it would be unnecessary to those who heard me the other day.

In the first place, in consequence of the latitude and altitude of the location of the institution at West Point, they have a long winter, a long fall, a long spring, and a very short summer. During a large portion of the winter the snow lies deep upon the mountains there; during several weeks in the spring and autumn the ground is filled with frost, or is in process of breaking up, when a horse will break in at every step he takes; and in winter, when snow is on the ground, rain falls upon it, which freezes, but not enough to bear a horse; so that he cuts through it some twelve or eighteen inches at every step.

Mr. HAVEN. I submit to the committee that no reasons have been given by the gentleman who last addressed us [Mr. BISSELL] in favor of his amendment, that ought to control this committee in its action.

The gentleman is slightly mistaken, I think, in reference to the ground that I took when the bill was up the other day. I did not undertake to say that the Committee of Ways and Means were fearful that this proposition would be attacked with ridicule, and that that was the reason why they reported against the amendment. What I did say was substantially this: that propositions of this character, and nearly akin to it, had been recommended and been before the House year after year, nearly as long as I could remember; that they had been attacked here in debate, and that I feared these repeated endeavors to ingraft them on the academy bill, when it had been so repeatedly refused, would have the effect or tendency to bring this institution into discredit. I submit to this committee that I am right in that. I submit that these repeated applications, year after year, for what Congress has again and again refused—applications unaccompanied by any good and sufficient reasons for their constant renewal, whether they are resisted by ridicule or not—are calculated, or have the tendency, to bring the institution into disrepute and discredit. Sir, I am as little controlled by the fear of ridicule as my friend from Illinois, [Mr. BISSELL.] And the fear of the imputation has as little control over me as the fear of ridicule itself.

Now, a word as to the positions taken the other day by my friend who has spoken in favor of this amendment now. As I understood the gentleman from Illinois then, he was very specific in declaring that the reasons which induced him to support the proposition this year, although heretofore he had been opposed to it—and I will set off the gentleman's position in that respect against the position of the gentleman from Missouri—he said particularly that the reasons which induced him to support the proposition now were not on account of the effect it would have on the cadets, but because the ground for some six months in the year was so uneven and hummocky—I think that was his word—that the horses were in danger, and that the horses could not perform the service and evolutions there with safety. Now, I have no such desire to protect the horses at West Point, or rather I have no such apprehensions in reference to them. The colonel who recommends this appropriation this year—for the twentieth time, for aught I know—and the Board of Visitors, differ, however, from the gentleman. They tell us, in reference to this proposition, in substance, that the room is necessary

for the cadets; that "a decent regard for safety to the lives and limbs of the cadets requires this hall, as well as their successful progress in this branch of instruction."

The colonel says that a sheltered room is as necessary, in his opinion, for the proper and economical instruction of this course of education, as any other. It would require one of large dimensions, and built for the purpose. No plan, no estimate in detail, from any responsible source, is laid before the committee. The amendment now under consideration is open to the precise objection to which the last one offered was. I do not desire to argue the question here that was argued by the gentleman from Missouri, [Mr. BENTON,] as to the propriety and necessity of this course of instruction. I take it for granted that we desire it taught.

The gentleman from Illinois [Mr. BISSELL] tells us to-day, in substance, that this riding school is not intended for the benefit and protection of the cadet himself, but for convenience and safety to the horses in using them. Colonel Lee tells us in his report that there are six months in each year, from September until June, that the weather is unfit for this exercise in the open air. Is not this rather strongly stated? I submit to this committee—for there are many gentlemen upon this floor who can speak from actual knowledge—whether, in the months of September, October, and November even, persons in the country in that latitude, are not harvesting their potatoes and corn in the fields without any inconvenience from the weather? I undertake to say that before May has gone and June is reached—for May is one of the months included in the statement against cavalry exercise in the open air—we shall have beautiful weather and settled grounds at West Point. I believe, sir, it is not unusual to have settled roads and good traveling there in April, although this year it seems an unpleasant month. I am ready to have the question taken.

Mr. BISSELL. If there is no objection, I withdraw the amendment.

The CHAIRMAN. The question now recurs upon concurring with the Senate amendment.

Mr. PECKHAM. I offer an amendment to increase the appropriation \$100.

I understand the gentleman from New York, [Mr. HAVEN,] a member of the Committee of Ways and Means, to occupy a doubtful position in regard to this appropriation, and to be undecided as to whether it is proper or not. I am satisfied his judgment, his knowledge of the facts in reference to West Point, will not permit him to say that it is really improper. He is apprehensive that the discussion of this subject may injure that institution. I have no such apprehension. It will bear full discussion. He objects that no plans, no estimates have been submitted. I submit to the gentleman, that if no plans or estimates were submitted, it was the duty of the Committee of Ways and Means to have inquired for them, and to have had them submitted by the proper officers. But I am told by gentlemen near me, that they have been submitted, and that they amount to some \$21,000.

It appears that an appropriation was made by the last Congress of \$2,000 to build a hall for cavalry exercises, but that it has not been applied, for the sole reason that the officers deemed it utterly insufficient for the purpose intended. This shows the judgment of that Congress, that such a hall for cavalry exercise was necessary. The refusal to use any part of the appropriation when, its insufficiency was ascertained, exhibits the integrity of the officers in charge. The appropriation now asked is for a hall for cavalry exercises, which are deemed to hold a very important part in the system of education at West Point. I need not advert to the importance of an efficient cavalry. It is appreciated in every nation, and in every army of Europe. I have not time to enlarge upon this point, though I should be happy to do so, and to show its indispensable necessity to every efficient army.

But how is efficiency in cavalry to be attained? Sir, I submit that it is only to be attained by proper instruction, by drilling, by discipline. It is said, to be sure, that our boys in this country are all good riders. They are. But will good riders alone make an efficient cavalry? The most inefficient cavalry in the field are those composed of what we call good riders, but who are untaught in cavalry exercises, and are without proper dis-

cipline. Now, sir, in Europe, for instance in Russia, there is one of the best riding halls to be found in any country; it is six hundred feet long, and two hundred feet wide. They have, I believe, men of some hardihood there—yet a covered riding hall is deemed necessary there, where their young men are well and thoroughly instructed in cavalry exercise. In France they have three riding halls for cavalry exercise, and in them the young men of France are instructed. There, even in that pleasant climate, covered riding schools are deemed necessary, to train their young men, who are to instruct others—and they have them.

I wish I had time to enlarge upon these facts; upon the example of other nations, who understand this subject, who know the value of well-trained cavalry, and practice on their knowledge.

In France, sir, young men are taken from the school at St. Cyr, a place near Paris, and sent to these riding halls at Saumur, upon the Loire, and kept there twenty-one months; and then, if they are of sufficient ability to sustain an examination, they are transferred to their regiment; and, after being kept there for a time, and before they can be promoted to a captaincy, they have to go back to these institutions at Saumur again, and remain there for eighteen months longer; and then they are not promoted unless they can sustain a rigid and thorough examination.

Mr. BENSON. I desire to say a single word in reply to the gentleman who has just taken his seat, [Mr. PECKHAM,] and in opposition to the amendment of the Senate. I rise for that purpose, sir, because I am a friend to the West Point Academy, and as such, I believe our legislation should be calculated to protect that institution. Well, sir, I ask, why is it necessary to load down this bill so that the appropriations, which are absolutely necessary, will be lost?

By referring to the bill which has been printed, and which is upon our desks, I find that the appropriations for this academy amount to \$144,281, independent of the amendments which have been added to it by the Senate. Now, sir, I ask why add any more to it, unless it is necessary to do so in order to secure the efficiency of the institution? It is well known to those who have kept an eye upon this institution for years past, that it was fast losing its hold upon the public mind; and but for the occurrence of the Mexican war, which developed the ability, patriotism, and efficiency of the officers who were educated at that institution, in my humble opinion, the annual appropriations for its support would, long before this time, have been lost.

Now, why is it necessary to do anything more than enough to sustain efficiently that institution? Let gentlemen look for a moment and see where the boys come from who go to this academy. By law, they come from every congressional district in the Union; from the hills and valleys, as well as cities, of the country, and it is not necessary to put them into a band-box, or into any hall, for the purpose of teaching them to ride. I think that the boy who is sent to that institution from my district will know how to ride better than those who go there and are taught to ride solely in this pocket edition of a riding school. The gentleman from New York [Mr. PECKHAM] says that a set of good riders make a poor body of cavalry. I take it that you cannot have good cavalry without good riders.

Again, it is said that the climate is inclement at West Point. Sir, is the climate more inclement at West Point than it is in Maine? I believe the location of my district is further north than West Point; yet the boys sixteen years old in my district find time enough to learn to ride, and are, most of them, as good riders as they would be if they had learned to ride in a building erected for that purpose.

Mr. PECKHAM. What do the cavalry do in Maine?

Mr. BENSON. They fight the enemy when called upon to do so; and they do not go into hedges, or wood-sheds, or riding halls either, to learn to ride.

But it is said, again, that in Russia and in France they have schools for the purpose of instructing their young men in the art of riding. Sir, we in America have riding schools, too. Almost every farm in this broad land is a riding school, where our young men are taught to become as good riders as you can find in the world. And I do not be-

lieve it is necessary for us in republican America to go to aristocratic Russia or to imperial France for examples how to teach our boys. I believe we have a policy at home which we shall find will answer our purpose quite as well. Let the boys be taught at home, as they will be; and during the four years of instruction at West Point there will be found sufficient time in the free, open air, in suitable weather, to give them the graces of horsemanship and a knowledge of cavalry tactics, without incurring this expense.

But again, it is said that this hall is not wanted for the benefit of the boys, but to protect the officers and the horses. Now, sir, I do not believe it is necessary for us to erect a riding hall for the protection of the horses; and if the officers need it—if the officers, in other words, are not competent to perform their duties without these additional accommodations, we had better exchange them, if necessary, which I do not believe, and get those more efficient in their places. Mr. Chairman, I hope the committee will refuse to adopt this amendment of the Senate. I do not believe it is necessary for the maintenance of the institution; and, in my judgment, it will endanger those appropriations which are material to the usefulness—

[Here the hammer fell.]

Mr. PECKHAM. I desire to say a word more on this subject.

The CHAIRMAN. No further remarks are in order. The question is now upon the amendment offered by the gentleman himself.

Mr. PECKHAM. I withdraw that amendment, and offer another, to increase the appropriation \$110.

Mr. Chairman, I desire to make a remark or two in reply to the gentleman who has just taken his seat. With great respect to the gentleman from Maine, I desire to say that he certainly does not mean to have this House understand that he is perfectly familiar or acquainted with what is necessary to constitute an efficient cavalry, or what is important to that end. I do not doubt or deny the position which he has asserted. He says they have exceedingly fine horsemen in Maine. He tells us what his young men can do. Amen. Do not we all know that not only in Maine, but everywhere in the United States, we have as good horsemen as can be found in the world? No one here denies that; but, sir, is that all that is necessary to make efficient cavalry? I am told by those whose experience in the Army entitles their opinions to the highest respect, and who, if I were to mention their names, would be recognized as such, that undrilled cavalry are utterly useless and unreliable—far more so than undisciplined infantry.

Mr. McNAIR. I rise to a question of order. The gentleman from New York is not speaking in opposition to the amendment, but directly in favor of it.

Mr. PECKHAM. The gentleman from Pennsylvania, I believe, is out of order; I am speaking in support of an amendment which I have just offered. Now, sir, to give you an illustration: There are no better horsemen in the world than the Mamelukes, in Egypt, and yet they proved to be inefficient as cavalry. They would ride directly up to the infantry, and even jump their horses over into the infantry squares; and yet, in their conflicts with the army of Napoleon, because they were not properly drilled and disciplined to act in masses, they proved to be utterly inefficient as cavalry.

Sir, it is a well known fact, a conceded maxim, as I am told, with military men, that it requires three times as long to drill a corps of cavalry as a corps of infantry or artillery; and it is worse than idle to assume, as gentlemen seem to assume here, that all that is necessary to make good cavalry is that the men shall be good riders. Besides, the young men instructed here, are not only to understand it themselves, but to be rendered competent to instruct others. They are to be made disciplinarians. The gentleman from Missouri [Mr. BENTON] referred to the Utah Indians as objects for imitation. There are no better riders than the Utah Indians, but what would they amount to as cavalry? How would they act in masses?

Now, Mr. Chairman, to the facts presented from all countries abroad where they have an efficient cavalry, that they all have extensive covered riding halls, and deem them indispensable, what is presented in answer? Why can we dis-

pense with such a hall better than they can in Russia, or in France, or in England? Why, the gentleman from Maine told us that if we attempt to establish them we shall ruin this institution. Sir, with great respect to the gentleman, I think that I can appeal with safety to this committee, to its intelligence, to its reliance on doing what is right rather than on what the prejudices of constituents of members may say, to discharge its high duty to the country on this subject.

The distinguished gentleman from Missouri [Mr. BENTON] does not presume to present any answer on the merits of this measure, but he has recourse entirely to ridicule; he appeals to the prejudices of members; he re-presents the productions of former years, the parasol and pelisse of the old lady from New England, and the five year-old Utah Indian boy. Will this committee regard that as an answer to an application for this riding hall, which has been made on the recommendation of every committee of visitors which has considered the subject, and by every Army officer, as well those disconnected with this academy as those attached to it, and sustained, too, by the example and practice of every civilized nation that have an efficient cavalry? We can afford to meet ridicule that comes in this shape. We have courage to meet that; but we cannot refuse to sustain this appropriation, and we ought not to have courage to refuse, when it is necessary to the efficiency of our cavalry; when it is properly recommended; and when there is no rational objection presented against it.

Mr. JONES, of Tennessee. Mr. Chairman, as has been before remarked, this recommendation of appropriation for the construction of a riding hall has been presented to Congress and thrust on its consideration for the last ten or twelve years, if not for a longer period. Up to the present time all that has been asked is \$12,000; but I suppose with the great improvements which have been made in riding halls of hippodromes over circuses, [laughter]—

Mr. HENN. I rise to a question of order. I know my friend will take it in good part. If we go on discussing this question in the way we have, we shall never see the end of it. The amendment proposes to increase the appropriation \$110. The gentleman who should have spoken in favor of it did not speak to it at all, and neither is the gentleman from Tennessee opposing it, as he should do to entitle him to the floor.

Mr. JONES. I am speaking against the amendment. I do not want to see it adopted.

The CHAIRMAN. The Chair does not see that the gentleman's remarks are out of order.

Mr. JONES. Now they ask for \$20,000, instead of \$12,000. There is no particular reason assigned for the change. The gentleman from New York proposes to increase it \$110. Now, I cannot conceive the necessity of one dollar of this appropriation. Why is it necessary to have a house in which to train young men to ride? From the remarks of the gentleman from Illinois, the chairman of the Committee on Military Affairs, it seems to me that for the service the country will want mounted troops for some years to come. West Point, on the hills, amid ice and snow, is the place of all others where we should teach our cavalry soldiers. Where will you want your troops? On the plains, in the gorges, among the rocks of the Rocky Mountains, and elsewhere in the country between the Atlantic and the Pacific oceans.

I would ask the gentleman from Illinois whether he supposes the mode of taking youths under shelter into a riding hall, and on horses trained to start at the whistle and stop at the crack of the whip, is the proper one to teach those to ride who are to be called on to protect our frontiers against the Indians? Why, sir, take one of these persons who have learned to ride in these halls for exhibition through the country, where they are well schooled, and put them on a paved street here in the city, and they will be as awkward at riding as if they had never exhibited or performed at all. They have their horses trained, and are trained themselves to suit the action of the horses, and they know exactly, when they start, the gait they are to go at, and where they will stop. But put them into the field or on to the mountains, and they will be as awkward as if they had never seen a riding hall.

Sir, if you want these cadets to learn to ride

efficiently, so that their services will be available, and so that they will not have unlearned in the field what they have learned at the academy, and to learn anew, let them ride in the hot sun and in the rain and snow; let them ride upon the mountains and the hills.

Mr. PECKHAM. Does the gentleman suppose they do not ride in the open air also?

Mr. JONES. I suppose they do not, since they want a riding hall.

Mr. PECKHAM. They exercise in the hall at the proper time, and at other times in the open air.

Mr. JONES. Well, you will find that the sun is too hot for them in summer, and that the rain and snow are too cold for them in winter.

[Here the hammer fell.]

Mr. PECKHAM. I withdraw my amendment to the amendment.

Mr. BOYCE. I move to amend the amendment so as to reduce the appropriation to one dollar.

Mr. Chairman, I suppose no one can be more favorable to this West Point institution than I am; but I think that the true policy of those who are friendly to the institution is to restrict it within the narrowest circle of economy—to spend no more money upon it than is absolutely necessary.

Now, is this appropriation absolutely necessary? By no means. What is the object of this riding school? The distinguished gentleman from the northwest [Mr. BISSELL] tells us that his object in advocating the riding school is to save the horses. But what is the object of the riding school? Why, it is to teach the cadets how to ride. Well, there is a better way of teaching them how to ride than having a riding school—a very simple one, that costs nothing—and that is to require the youths to know how to ride before they go to West Point. That is the true idea. They are required now to be healthy, and stout, and hardy, and to submit to a physical examination; they ought also to be required to be able to ride like Camanche Indians. Learning to ride in a riding school! Why, the idea is absurd. When they leave the academy, and take their places in the Army, they will have to ride among the Indians in New Mexico and California, and will riding learned in a riding school serve them then? They will have to ride like the Camanche Indians, like the wind, and that kind of riding they can only learn, not in a riding school, but in the open air, on the hills and mountains. I say, then, that this riding school is not necessary for that purpose.

What is it necessary for, then? Why, it is only necessary to teach the cadets cavalry tactics—how to ride in squadrons and troops. That is all. Well, I submit that there must be sufficient good weather, in the course of the year, to enable them to learn those cavalry tactics in the open air. During six months of the year they can certainly ride in the open air; and, if so, six months is enough. I have seen good cavalry troops, who acted efficiently in the field, who did not have ten days' practice in the course of the year. What do they want to do? After they once know how to ride, it is very easy for them to become familiar with cavalry exercises.

Mr. BISSELL. But how will you teach them?

Mr. BOYCE. You can teach them very easily. I have seen cavalry in my State that will compare with any cavalry in the regular Army; and they do not practice more than ten days in the course of the year. The gentleman from New York [Mr. HAVEN] speaks of the Mamelukes, and refers to the battle of the Pyramids. They were the best cavalry in the world; and why did they not succeed? Because they attacked hollow squares, in which were placed the best infantry soldiers in the world, with the genius of a Napoleon directing their movements. What did Napoleon say of them? He said, "Give me the Mameluke cavalry and the French infantry, and I will conquer the world."

Mr. LETCHER. There seems to be a very great difference of opinion among my Democratic friends, and I am somewhat perplexed how to vote in this conflict of opinion. Here are military gentlemen upon both sides of the House, and each one seems to have a peculiar set of opinions of his own, differing widely from those of all the others. I suggest, if the committee will agree to rise, that there is an experiment going on here, in Judiciary square, which may throw some light

upon this question. The hippodrome will soon be prepared, and opened for exhibition, and we can then see how this thing of riding in a house will work. [Laughter.] As the matter now stands, I may give a wrong vote. Suppose I should follow the suggestions of the gentleman from South Carolina, [Mr. Boyce,] and it should turn out that I had given a wrong vote, I should regret it very much. Suppose I should follow the suggestions of the other side, still I might have cause to regret it.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from South Carolina, [Mr. Boyce.]

Mr. BOYCE. I withdraw my amendment.

Mr. TAYLOR, of Ohio. I offer the following amendment, to increase the amount \$100, in order to make a few remarks.

There seems to be in the discussion of this appropriation of \$20,000, as recommended by the Board of Visitors, very great misapprehension in the minds of the committee. The appropriation is not asked for a riding school. What is it asked for then? The Superintendent of the Military Academy, in his report, which is laid before all the members of the House, says that the appropriation is asked for cavalry exercises and instruction. There is something else to be taught there than riding, if I understand it; and it is required that instruction in cavalry exercises shall be given. Every boy of sixteen there, I presume, knows how to ride, but it is required, also, that he shall be instructed in cavalry and sword exercises. If any answer was needed to the arguments of the gentlemen who oppose this appropriation, it may be found in the report of the Superintendent of the Military Academy, which I have before me, dated last October. I will read what he says as the best reply I can make to all that is said against this amendment.

I read from a letter of Colonel R. E. Lee, the Superintendent of the Academy, of the date of October 8th, 1853. He says:

"I cannot help again calling your attention to the necessity of a hall for cavalry exercise and instruction. The knowledge of cavalry tactics is necessary to the cadets in the performance of their duty in the Army. It is so recognized, and a sufficient number of horses, dragoons, and cavalry officers have been placed at the Academy for their instruction. The three higher classes are instructed in this branch, and are divided into squads, and parade daily at stated hours, as in their other studies. When the weather permits, the instruction is given on the plain; but from September to June, the period allotted to this course, the weather and ground in this climate are so often unfit for this exercise in the open air, that for the want of a hall the regular lesson must be omitted, and the provision and expense of men and horses lost to the country, and the time and opportunity to the cadets. A sheltered room is as necessary, in my opinion, for the proper and economical instruction of this course as any other. It requires one of large dimensions, and must be built for the purpose. A plan and estimate of the proposed building have been submitted to you. Two thousand dollars are already appropriated for its commencement, and the balance of the estimate, \$20,000, is now asked for its completion."

Young men are required, for twenty-four dollars per month, to board and clothe themselves at this institution. They study a greater portion of the time within doors, and are not expected to go out like soldiers, in all weathers, and exercise on horseback a few hours a day. Their studies are regular and systematically conducted, and a portion of every day, whether like the three last days which we have had even in this latitude, where it has been exceedingly disagreeable to be out—I say a portion of every day, rain or shine, snow or hail, this instruction in equestrianism is to be given and ought to be given.

Mr. LILLY. I desire to oppose the amendment offered by the gentleman from Ohio, [Mr. TAYLOR,] for various reasons. First, I am opposed to the whole appropriation, for the reason that I do not consider it necessary. Gentlemen who have spoken upon this subject have said that the example furnished us in the Mexican war was decidedly in favor of these cavalry officers who were trained at West Point. If those gentlemen will but recur to the history of that war, they will learn that the most successful cavalry officer in that war, and almost the only one that gained renown, was Colonel May, who learned to ride in this city, among the ravines and inequalities of ground around this city; and I undertake to say that he was never in a riding hall in his life.

If it is absolutely necessary for these officers to be taught riding in this hall, why is it not quite as necessary that the men in the ranks should also

be taught to ride? You should, in order to have an efficient cavalry, have the men trained and drilled as well as the officers. Yet was it ever proposed to have a cavalry hall erected for the purpose of training the men in the ranks as you do the officers? I also ask these military gentlemen whether the most efficient portion of the cavalry tactics is not in the charge? And I ask you how they, the men, are to learn to charge an enemy? Are you going to build a riding hall a quarter of a mile long, and teach them how to charge? I think the whole thing is an absurdity upon its face, and I hope the amendment of the Senate will not be concurred in.

Mr. TAYLOR, by unanimous consent, withdrew the amendment.

Mr. BISSELL. I move to increase the appropriation \$100. Mr. Chairman, I am sure there are some gentlemen in this Hall who are laboring under a mistake as to the true state of things in regard to the West Point Military Academy. It does not seem to be understood, as a matter of fact, that we have already a riding hall here, and have for the last twenty years kept it up.

A MEMBER. More than that.

Mr. BISSELL. Yes, and more than twenty years. And now gentlemen are heard clamoring against the idea of having a riding hall there at all. This is nothing new in the history of this institution. A riding hall has been kept up for this long period, without complaint upon your part, or upon the part of the people. An appropriation was made of \$30,000 years ago for that purpose, and was expended for that object, and the hall has been used ever since.

Gentlemen talk as if we were about starting out with a new principle, or about to establish a new department of the West Point Academy. The gentleman from Tennessee [Mr. JONES] does not want a hall to be erected, because he desires that the boys shall be exercised on the snow and ice and sleet, in order to make them hardy; and the gentleman from Maine [Mr. Benson] says that the boys in his State can ride well enough, and they are not taught in riding halls. I do not doubt that the boys in the gentleman's district can ride as well as country boys and village boys elsewhere. But I would like to know how the gentleman from Maine would like to see his own sons, or the sons of his neighbors, charging as cavalry upon a line of infantry. How many of them does he suppose would be sitting upon their horses by the time the line was reached?

Mr. SMITH, of Virginia, made a remark not heard by the reporter.

Mr. BISSELL. Not even the gentleman himself could sit upon his horse in such a charge.

Mr. SMITH. Does the gentleman think we shall have no cavalry unless we have riding halls to train them in?

Mr. BISSELL. I mean to say that you can have no efficient cavalry without the riders and the horses being thoroughly drilled as cavalry—the horse as well as his rider.

The horse must be learned to halt in an instant, and to plant his feet when he halts so that he will not slip. He must be learned to turn in an instant on a very small space, with other horses in very close proximity, and on each side of him, so as not to jostle those on the one side or the other. And the rider must learn to hold his reins in one hand and to wield his broadsword with the other, and in such a manner, too, as not to cut the head of his own or his neighbor's horse. All this must be done, unless you have dry covered earth, as in a hall, upon ground which is slippery with ice, or where it is soft and miry. It cannot be accomplished even where the ground is dry and tolerably smooth, without very much practice and drilling; and gentlemen can form their own impressions of how much drilling is necessary to complete the cavalry soldier.

The gentleman from Maine tells us that the boys in Maine can ride well enough. Sir, I should like to know if the gentleman from Maine has ever seen the difference illustrated between volunteers, who may have been what are commonly called good riders, and cavalry which have been regularly trained as such? I am sure he can never have seen it, or he would not venture to make the statements with which he has attempted to defeat this bill.

We are told—and I think it a strong argument in favor of this appropriation—that the institution

at West Point was rapidly lessening in the public estimation until the Mexican war arose. So it was. A strong prejudice had been excited against it, and in which I, to some extent, participated. But, it is added, since the Mexican war, that prejudice has passed away. I reply emphatically, and well it may pass off since the Mexican war.

Mr. SMITH, of Virginia. I recollect upon one occasion that in a suit instituted at law, the conduct of the horse was made a subject of inquiry; and the conclusion was solemnly come to that the horse was more reprehensible than that of the rider. From the case made out by the gentleman from Illinois, the only conclusion I can arrive at is, that it is much more important that there should be a school for training the horses than the men.

Mr. BISSELL. It is highly important that the horses should be properly trained.

Mr. SMITH. Then the bill before us is certainly a very imperfect one, for it does not provide all the machinery necessary. But I do not deny that it is highly important your cavalry should be properly trained. The point at which I desire to arrive is whether, in order to have efficient cavalry, you must have a hall to train them in. Now I maintain that the most efficient cavalry which ever existed was that which was trained in the open field.

Mr. BISSELL. With the gentleman's permission I will put him right just here. I do not pretend to say that you cannot have efficient cavalry without a hall to ride in; but I do say that it is the better, the more efficient, the quicker way to make your cavalry soldier, to have a place where he can be drilled every day regularly, and at stated times, and under favorable auspices.

Mr. SMITH. I am myself perfectly satisfied that this attempt, if it were really known to the country, would excite a general feeling of ridicule and indignation. The idea that at West Point there is not sufficient dry weather to train your cavalry officers out of doors, is to me strange and impossible.

Mr. BISSELL. It is so. They keep ninety horses there all the time.

Mr. SMITH. Yes, sir; they keep ninety horses there all the time, and yet the young men cannot be brought out in the snow and trained, and they are not to learn anything. Train them on the plan of the hippodrome, and what is the consequence? When you put them in snow to encounter the enemy, they would be defeated; they would be unfit to meet the foe in battle. We have illustrations on that subject. They are to be abundantly found in history; and even the French cavalry could not stand before the British cavalry at Waterloo, though they were trained in a house of the sort indicated.

Mr. BISSELL. And the British have them of the same kind exactly.

Mr. SMITH. Perhaps the finest cavalry in the world was that which revolutionary history tells us existed here. I want to know whether the cavalry of Tarleton, educated in a house of this sort, could stand before that of Washington and Lee?

I think that this is only one of the fancies, the thick-coming fancies of the day. Nobody can do things as their ancestors did them. They do not only fear the peltings of the pitiless storm, but the scorching sunbeams of heaven. That is it; and they will want to perform in the shade as they now want to perform with a view to escape the showers of heaven. The whole doctrine is wrong; and I do hope, for the honor of the soldiery of this country, that there will be no additional luxuriousness in appropriations for them.

But I differ with the gentleman, in saying that the recent experience of the Mexican war has had the slightest tendency to revive the reputation of this institution. I would say that the history of the Mexican war is calculated—well calculated—to establish the great and preëminent fact that we are able to do without military schools, except such as are provided by the enterprise of the country. I appeal to the gentleman, and ask him who were more efficient in the public service than the volunteer regiments of the northwest and southwest?

[Here the hammer fell.]

Mr. BISSELL. I wish the committee would allow me a single word of reply.

[Cries all over the Hall "Consent!" "Hear him!"]

Mr. BISSELL. I will, with the unanimous consent of the committee, withdraw the amendment pending.

There was no objection, and the amendment was withdrawn.

Mr. BISSELL. I move a *pro forma* amendment. I will answer, at the outset, the pointed queries put to me by the gentleman from Virginia. Nobody is prouder than I am of the gallant and glorious services rendered by your volunteers—volunteers untaught, except such teaching as they received after they reached Mexico, in a war with that Republic. I accord to them the highest praise. At the same time, I declare my positive conviction that but for the science and skill drawn from the institution at West Point, our army would have been driven in disgrace from Mexico, in less than six months after they had entered it. What would have become of all your battles?

Mr. JONES, of Tennessee. Will the gentleman allow me to ask him a question?

Mr. BISSELL. Certainly.

Mr. JONES. It is this: Whether it was West Point science or untrained valor that gained the field at Buena Vista?

Mr. BISSELL. Without the science and skill drawn from that institution, as I before remarked, the battle would have been lost to the Americans in thirty minutes.

[Several MEMBERS. "Undoubtedly," and "That is true."]

Mr. BISSELL. Now, let me go further and say, that without the gallantry displayed by the volunteers on that occasion, which has never been surpassed on earth, added to the skill of the artillery, the battle would have been lost in half an hour. Neither could have succeeded without the other.

Mr. JONES. I would ask the gentleman one other question, with his permission.

Mr. BISSELL. I will hear the gentleman's question.

Mr. JONES. Does the gentleman think that science, without the volunteers, but with an equal number of regular troops, would have won that battle?

Mr. BISSELL. Well, sir, I cannot say, nor is it material that I should answer the question. But I say that without the science of which I have spoken, that battle would not have been won. I also say that without the gallant conduct of the volunteers, it would not have been won. Without the regular troops, but with an additional number of volunteers equal to the number of regular troops, we could not have succeeded without that skill and science of which I have spoken, and which was especially manifested in the serving of the artillery there.

But what strange things do we hear? For thirty years and more your cadets, sneered at as they have been, have been riding in a hall.

Mr. SMITH, of Virginia. I wish it to be distinctly understood that I do not sneer at science, or at the cadets. On the contrary, I am one of those who appreciate science; but I would not effeminate our soldiers.

Mr. BISSELL. Well, the gentleman speaks of the cadets being effeminated, and sneers at the mode in which they are taught to ride. That is what he does. And yet they have been taught to ride in that way for thirty years; and who ever heard the least complaint from the country, of which he speaks, before. Thirty thousand dollars was formerly appropriated for a riding hall; but the hall is found to be too small, and is filled with columns and so forth, and they want to enlarge and improve it; and instead of \$30,000, they only ask for \$20,000 to make it complete, so that the ninety horses which are kept at the institution, a great expense, may be employed for three or four months in the year more than they are now employed. Is not that economy? If it is not, in what would economy consist?

Mr. SMITH, of Virginia. Will the gentleman allow me to ask him a question? He is occupying the floor by the indulgence of the committee, and therefore I shall not deprive him of any of his time.

Mr. BISSELL. I yield to the gentleman.

Mr. SMITH. My question is this: Are not those ninety horses employed now in the room which the gentleman says has always existed?

Mr. BISSELL. Yes, sir; but, as the officers there say, to very great disadvantage.

Mr. SMITH. Oh, of course, they say so.

Mr. BISSELL. Well, who can say the reverse? The officers at the institution say those horses are employed at a disadvantage. "Oh, yes," says the gentleman; "they say so, of course." Well, who says otherwise?

Now, sir, we have heard some strange things during this discussion. For instance, that the Czar of Russia does not know how to make hardy soldiers. He, too, makes his soldiers effeminate, does he? The riding hall at Moscow is six hundred feet in length and two hundred feet in breadth, without a column or pillar through the whole of it. Napoleon Bonaparte did not know how to make hardy soldiers when he established his three riding halls. Neither did the Duke of Wellington know how to make hardy soldiers. Why, the very troops that gentlemen have referred to were taught their cavalry exercises in riding schools.

The gentleman from Maine [Mr. Benson] declares that it is unbecoming and quite ridiculous for us to undertake to copy foreign nations in these things. Why, does he not know that officers have very frequently been sent to Europe to look into things there, and see if they could not bring home some valuable suggestions in regard to the Army?

Mr. DEAN. General Scott was sent.

Mr. BISSELL. Yes, sir; General Scott was sent to Europe for this purpose, and nobody complained about it.

A MEMBER. And General Wool.

Mr. BISSELL. General Wool was sent, also, and others whom I might name. Those officers found riding halls in every country that pretended to have regular cavalry. They came back and so reported here. This country has always had one, and yet now, when a proposition is made for an appropriation of \$20,000 to repair and perfect that hall, we have a discussion of the whole question—the propriety of keeping up the institution at all, the effeminate of the cadets who go there, and the folly of attempting to make hardy soldiers in this way.

Mr. HAVEN. I do not desire to weary the committee, and I hope this debate will not be protracted to any unreasonable length; but I wish to say a few words in answer to the gentleman who last addressed us. He referred to foreign practices, and to the course of similar instruction in other countries, and gentlemen upon the other side of the Hall have also made the same reference. I agree with them, that we should enlighten ourselves, and draw instruction from whatever sources may be within our reach. I am far from shutting my eyes to improvements abroad, or to light from any quarter. I do not understand, however, that the instances to which gentlemen have referred are the end of knowledge upon this subject. One gentleman has told us that the Mamelukes of Egypt could not succeed against the French army there, because they were not trained and educated in cavalry exercises in riding schools; and that, for that reason, they could not succeed against the army of Napoleon, when it was thrown into hollow squares. Let me state to gentlemen upon the other side, also, that the best cavalry of France, the Old Guard, under the command of Marshal Ney, and who were instructed, for aught I know, in the riding halls of France, so highly eulogized by the gentlemen opposite, could make no impression upon the troops of Wellington, when they were thrown into hollow squares to receive them at the battle of Waterloo.

We have no information that is to guide us absolutely in these matters, without a proper exercise of our own judgment and our own senses. Gentlemen disagree upon this question as to the propriety and uses of a riding hall. Upon one side they tell us that it is intended for the benefit of the horses, so as not to injure them; and, upon the other, they say it is for the instruction of the cadets. The colonel, Lee, says that a sheltered room is necessary, in his opinion, for proper and economical instruction in this course. Which of these shall we follow? No, plan, no detailed estimate has been communicated to, or ever reached the Committee of Ways and Means, or this committee, in regard to this riding hall.

The gentlemen from Illinois [Mr. Bissell] tells us that battles in Mexico would have been lost but for the science displayed by the officers who had graduated at West Point. I agree with him, and I accord to the graduates at West Point, in

those battles, as high a place on the roll of fame as the gentlemen does, but I desire him to remember that all the science from West Point displayed in the battles of Mexico, so far as the movements and operations of the cavalry was concerned, was taught in the present riding hall, in "the old shed" at West Point, for no appropriations for this new enterprise had then been made. It was capable then to turn out efficient men, and I believe it is still. I have never visited the present hall; I suppose it to be a tolerably good one. I am not sure but it is coeval with cavalry instructions in that institution. I am not aware it is out of repair. Some of it, I know, is of indestructible materials, for we are told here that the lives and limbs of the cadets are endangered by a liability to run against the iron posts that sustain it.

But I will not detain the committee with extended remarks; and I only desired to make these suggestions, not because they are to have any influence one way or the other, but because I feared that the remarks of the gentleman from Illinois, if nothing was said in reply, would conclude the recommendations of the committee who reported back this bill. It is sufficient for me to say, that the Committee of Ways and Means did not intend or desire to pettifog or urge this measure upon the House. They wished that this committee and the House should have all the facts before them, and then make such disposition of the matter as the good judgment of the House should lead it to, without any regard to the opinions of the Committee of Ways and Means, or their recommendation. I hope the vote will now be taken.

Mr. WASHBURN, of Illinois. I move that the committee rise.

The question was then taken; and the committee refused to rise.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Illinois, [Mr. BISSELL.]

The question was then taken; and the amendment was rejected.

The CHAIRMAN. The question now recurs upon concurring with the Senate amendment appropriating \$20,000 for a cavalry exercise hall.

Mr. KERR called for tellers; which were ordered, and Messrs. McNam and Van. were appointed.

Mr. LETCHER. It is manifest that there is no quorum present, and I object to doing business without a quorum.

Mr. JONES, of Tennessee. There is evidently a quorum present, and I hope we shall go on. It is too early to adjourn.

Mr. PECKHAM. The fact can be ascertained by counting the House.

The CHAIRMAN. It would appear that there is a quorum present. The question is upon concurring in the Senate's amendment. Upon that question tellers have been ordered. The tellers will take their places.

The question was then taken; and the tellers reported—ayes 45, noes 56; no quorum voting. [Cries of "Call the roll!" "Call the roll!"]

The CHAIRMAN. The Chair will ascertain by counting the House whether there is a quorum present.

Mr. LETCHER. I move that the committee do now rise.

Mr. JONES. The gentleman cannot make that motion.

The CHAIRMAN. The Chair will first ascertain whether there be a quorum in the House.

Mr. WASHBURN, of Illinois. If we cannot rise and adjourn without a quorum, we should have to sit here all night. I ask that the question be put on the motion that the committee rise.

The CHAIRMAN. There is no quorum present, and the Chair cannot entertain the motion.

Mr. LETCHER. I desire to understand this point. If I understand the decision of the Chair, I shall take an appeal.

Mr. JONES. The gentleman cannot take an appeal. The rule requires that the roll shall be called whenever the committee finds itself without a quorum; and no motion can be entertained until it has been called.

Mr. LETCHER. Do I understand the Chair to decide that the motion for the committee to rise cannot be entertained when there is not a quorum present?

The CHAIRMAN. The Chair decides that no

motion can be entertained when the committee finds itself without a quorum.

Mr. LETCHER. Then I appeal from the decision of the Chair. We might be kept here a week, if that decision were to prevail.

Mr. JONES. I rise to a question of order. The rule prescribes that when the committee shall find itself without a quorum the roll shall be called, and the facts stated to the House.

Mr. CLINGMAN. I call the gentleman to order.

Mr. JONES. I am stating a point of order.

Mr. CLINGMAN. The gentleman is discussing his question. No debate is in order, and I submit that the gentleman from Tennessee is out of order.

Mr. JONES. I am not debating the question. The gentleman from Virginia appealed from the decision of the Chair; and the point of order I make is, that no appeal can be entertained.

Mr. CLINGMAN. I call the gentleman to order.

The CHAIRMAN. The Chair decides that no motion is in order; and the Clerk will call the roll.

Mr. KERR. I appeal from that decision.

Mr. JONES. I again raise the question of order that no appeal can be taken. The Chair has decided that there is no quorum present, and less than a quorum cannot decide a point of order.

The CHAIRMAN. The Chair has so decided; and the Clerk will call the roll.

Mr. LETCHER. I insist upon my appeal. The motion that the committee rise is always in order, whether there is a quorum present or not. I insist that the committee shall decide the question.

The CHAIRMAN. The Chair will recognize no such appeal in the present stage of the proceedings.

Mr. LETCHER. But suppose a quorum of members do not make their appearance, how am I to have my appeal decided? Am I to wait here a week for them to come?

The CHAIRMAN. The Clerk will call the roll.

The Clerk then called the roll, and the names of the absentees were noted.

The committee rose, and the Speaker having resumed the chair, the Chairman (Mr. JONES, of New York) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the Military Academy bill, with the Senate amendments thereto, and having found itself without a quorum, had caused the roll to be called, and the names of the absentees to be noted, and had directed him to report the facts to the House, with the names of the absentees, as follows:

Messrs. Abernethy, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barry, Bell, Bennett, Benton, Bliss, Boreock, Breckinridge, Brooks, Campbell, Caruthers, Chamberlain, Chase, Chastain, Cook, Corwin, Cox, Craig, Cunningham, Curtis, Cutting, De Witt, Dick, Disney, Dowdell, Drum, Dunbar, Dunham, Eastman, Thomas D. Eliot, Etheridge, Everhart, Feller, Gamble, Goode, Goodrich, Florence, Franklin, Grey, Andrew J. Harlan, Wiley P. Harris, Hendricks, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lyon, McCulloch, Macdonald, McMullin, McQueen, Mace, Macy, Matteson, Maurice, Maxwell, May, Mayall, Meacham, John G. Miller, Milson, Morgan, Morrison, Nichols, Noble, Norton, Olds, Andrew Oliver, Mordant Oliver, Orr, Packard, Peck, Pennington, Bishop Perkins, John Perkins, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Rowe, Russell, Sabin, Sage, Scudder, Seward, Shaulder, Shaw, Simmons, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, Strabers, Frederick P. Stanton, Alexander H. Stephens, Stoll, Andrew Stuart, David Stuart, Trout, Tweed, Watker, Walsh, Warren, Israel Washburn, Wells, John Wentworth, Westbrook, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer.

The SPEAKER announced that 107 members (less than a quorum) had answered to their names.

Mr. LETCHER. I move that the House do now adjourn.

Mr. HENN. I desire to make a report from the Committee on Enrolled Bills, if the gentleman will withdraw the motion for that purpose.

Mr. LETCHER. I do not withdraw the motion.

The question was put; and the motion agreed to; and

Thereupon (at fifteen minutes before four o'clock) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, April 19, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. WADE presented resolutions of the Presbytery of Portage, Ohio, remonstrating against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. BRIGHT presented a memorial of the President and Directors of the Metropolitan Railroad Company, praying the passage of an act assenting to the act of the Legislature of Maryland incorporating said company; and also the passage of an act incorporating said company within the District of Columbia, with authority to extend and construct said road from its terminus in Georgetown through said town and the city of Washington, to the depot of the Baltimore and Ohio railroad in the city of Washington, and to the navy-yard and Potomac river; and a donation of public land, or an appropriation of money, to aid in its construction; which was referred to the Committee for the District of Columbia.

Mr. ALLEN presented the petition of George W. Lippitt, United States consul at Vienna, praying compensation for diplomatic services; which was referred to the Committee on Foreign Relations.

Mr. COOPER presented twelve petitions of citizens of Pennsylvania, remonstrating against the passage of the Nebraska bill; which were ordered to lie on the table.

Also, a petition of steamboat inspectors, engine builders, and others, citizens of Pittsburg, Pennsylvania, representing the importance of Evans's safety guard for preventing the explosion of steam-boilers, and praying the purchase of the patent right, or the adoption of some other means of making the same free to the public; which was referred to the Committee on Commerce.

Also, a petition of citizens of western Pennsylvania, praying that the duty on salt may not be abolished; which was referred to the Committee on Finance.

Also, the petition of Joseph S. Kite, praying the extension of his patent for an improvement in the construction of railroad cars; which was referred to the Committee on Patents and the Patent Office.

Mr. DODGE, of Iowa, presented a memorial of citizens of the Territory of New Mexico, praying the establishment of a custom-house on the Rio Grande, near the town of El Paso, either within the limits of New Mexico or the State of Texas. The petitioners state, that a just regard to the interests of the citizens of New Mexico, in their commercial relations with the Republic of Mexico, requires the establishment of a custom-house, as above described, in consequence of the late regulations of the tariff of Mexico, the duties imposed by which have effected an entire prohibition of the introduction of all classes of goods. The petitioners state further, that as the matter now stands, the commerce of New Mexico and the United States, by way of Missouri, is entirely prohibited by the onerous duties levied at the frontier custom-house of El Paso; while, on the other hand, the citizens of Mexico introduce into New Mexico, free of duty, all their products, manufactures, and imports, and by their competition, exclude from the market the products and manufactures of their own country. The petitioners also suggest that, geographically considered, the place called Frontera, about eight miles north of El Paso, on the Rio Grande, in the State of Texas, would be the most suitable point for a custom-house; that point commanding all the now traveled passes to and from the town of El Paso. The petition was referred to the Committee on Commerce.

ROBERT C. THOMPSON.

On motion by Mr. COOPER, it was

Ordered, That the bill for the relief of Robert C. Thompson, together with the report accompanying it, be recommended to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. ADAMS, it was

Ordered, That the memorial of John R. Jefferson and James H. Jenkins be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. RUSK, it was

Ordered, That the petition of J. S. Gibson be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the petitions of Harriet A. Wilcox and Elizabeth A. W. Gibson, praying to be allowed pensions, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom were referred sundry petitions praying relief for persons disabled by captivity in the Dartmoor and other prisons during the late war with Great Britain, submitted an adverse report thereon; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom were referred documents in relation to the repeal of the tonnage duties on Spanish vessels, asked to be discharged from their further consideration, on the ground that the committee had already submitted a report on the subject; which was agreed to.

Mr. WADE, from the Committee on Claims, to whom were referred the petition and papers in the case of William Darby, praying remuneration for the time and money spent by him in the survey of the Sabine river, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading.

The report was ordered to be printed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

Bill for the relief of John Guzman, of Louisiana;
Bill for the establishment of a land office in the Lower Peninsula of Michigan;

Which were signed by the President *pro tempore*.

FACILITIES IN UNLOADING CARGOES.

Mr. SEWARD. Mr. President, the Committee on Commerce, to whom was referred the bill to prevent unnecessary delays in the unloading of cargoes arriving from foreign ports, have directed me to report in favor of the passage of the bill, with an amendment. As this is a matter of considerable public importance, as the amendment of the committee is recommended by the Department, and as there can be no serious objection to the bill, I ask that it be now taken up. The object is simply to dispense, where the owner requires it, with the delay of five days in unloading cargoes arriving by steamships.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

The amendment of the Committee on Commerce was to strike out all after the enacting clause, and insert the following:

That whenever merchandise shall hereafter be imported into any port of the United States from any foreign country in vessels propelled in whole or in part by steam, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, it shall be lawful for the collector at such port to take possession of such merchandise and deposit the same in bonded warehouse. But whenever it shall not appear by the bills of lading that the merchandise imported, as aforesaid, is to be immediately delivered, it shall be lawful for the collector of the customs to take possession of the same and deposit it in bonded warehouse at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel. And all acts and parts of acts inconsistent with the foregoing provision are hereby repealed.

Mr. SEWARD. The chairman of the committee has received from the Secretary of the Treasury a letter, recommending this substitute in these words:

TREASURY DEPARTMENT, April 11, 1854.

Sir: I have the honor to return herewith the bill and other papers inclosed in your letter of the 15th ultimo, intended to prevent unnecessary delay in the unloading of imports from vessels from foreign ports.

I inclose, also, a draft of a bill which, in my opinion, is calculated to meet the necessities of the case, and which is respectfully recommended as a substitute for the draft inclosed in your letter.

You will perceive that its operation is confined to steam-vessels, as it is understood that the difficulties and delays complained of, are mainly in reference to that description of vessels employed as regular and established lines for the transportation of merchandise and passengers between ports of Europe and the United States.

To make the provisions of the bill applicable to all vessels, would so increase the business of the customs as to require

a very considerable addition to the force now at the disposal of collectors, to superintend the delivery and storing of imports.

For the foregoing reasons, it has been thought best to limit the operation of the bill to steam-vessels.

It is not deemed necessary to insert any special provision in the bill, in regard to the lien for freight. It is thought best to leave it under the operation of existing laws.

I am, sir, very respectfully, your obedient servant,

JAMES GUTHRIE,

Secretary of the Treasury.

Hon. H. HAMLIN, Chairman Committee on Commerce,
United States Senate.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

CLERKS' COMPENSATION BILL.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk, announcing that the House had passed the bill of the Senate, to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854, and for other purposes, with two amendments, in which they ask the concurrence of the Senate.

Mr. ADAMS. I move that the Senate take up the message with the view of moving, as I have authority to do, to concur in the amendments of the House.

The motion was agreed to; and the Senate proceeded to consider the amendments.

The first amendment of the House was to strike out the words "and all vacancies in any of the classes named in said section mentioned shall be filled by promotion from the class next below."

The second amendment was to add, at the end of the bill, the following proviso:

"Provided, That nothing herein contained shall be construed as making an appropriation for any period beyond the 30th of June, 1854."

Mr. ADAMS. The first amendment relates to the filling of vacancies; the second only limits the provision contained in the act to the present fiscal year, which was intended by the Senate anyhow. As the amendments are not important, I move that the Senate concur in them.

The amendments were concurred in.

PRACTICAL ANÆSTHESIA.

Mr. EVERETT. I am desirous of asking the attention of the Senate this morning to Senate bill No. 210, to recompense the discoverer of practical anæsthesia. I move that the Senate proceed to its consideration.

Mr. EVANS. I hope that bill will not be taken up this morning. It requires some investigation. I have not yet given it that examination which I should desire to do. It is, I believe, considered a private bill, and I did not anticipate that it would be called up this morning; and, therefore, I am not prepared to present my views upon it.

Mr. EVERETT. I did not distinctly hear the Senator's objection. This is a bill which passed the Senate last year; and it is very much desired by the parties interested that it should be acted upon at an early day. I hope the Senator will withdraw his objection.

Mr. EVANS. I cannot withdraw my objection. I had no idea that the bill would be called up this morning. If I have the right, I object, therefore, to its being taken up out of its order.

Mr. WALKER. The motion of the Senator from Massachusetts, I suppose, is at the disposition of the majority of the Senate. I hope that the Senate will agree to the motion, and that the bill will be taken up. It is a subject which has been long before the Senate; and I think the Senator from South Carolina has not yet turned his attention to it, or he would not object to it. The bill has been as thoroughly investigated in both Houses of Congress as any other which has been before them for a number of years. I presume the Senate are prepared to vote upon it; and I should hope very much that we might now get a vote upon it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The amendments of the committee were to insert the names of William T. G. Morton,

Charles T. Jackson, and Horace Wells, as the probable discoverers; and to fill a blank in the bill, relative to the amount to be paid, with \$100,000.

The amendments of the committee were agreed to.

The bill, as amended, recites that a discovery has been made, and is now in practice, whereby the human body can be rendered safely insensible to pain in dental, surgical, and obstetrical operations. by the use of what are commonly called anæsthetic agents, and the Government of the United States has been and is in the enjoyment of the discovery, in the military and naval service; and that it is believed that the discovery was made by some one of the following persons: William T. G. Morton, Charles T. Jackson, each of Boston, and Horace Wells, of Hartford, deceased; but it does not appear, to the satisfaction of Congress, which of those parties was the original, true, and first discoverer thereof; and as Congress is willing to provide a recompense for such discovery when ascertained, it proposes to appropriate \$100,000, to be paid by the Secretary of the Treasury as a recompense for the discovery, and the use and benefit thereof by the Government and people of the United States.

It is to be the duty of the district attorney of the United States for the northern district of New York, within a reasonable time after the passage of the bill, to file in the circuit court of the United States for that district, sitting in equity, a bill of interpleader, wherein, reciting the act, or its substance, the Secretary of the Treasury, as trustee of the sum appropriated, shall be complainant, and William T. G. Morton, Charles T. Jackson, and the personal representative or representatives of Horace Wells, and any other person or persons who may make application to the court for that purpose, shall be defendants; of which bill those parties shall take notice, and may appear, and answer, and make proofs; and the circuit court is to have jurisdiction of the case, and it is to be tried according to the practice of the court, in equity cases; and the issue is to be, which one of the parties named was the original, true, and first discoverer of the discovery; and by final decree in such case, the court is to decide that issue, and direct that the sum of \$100,000, without any costs, to be paid over to the party who shall be found to have been such discoverer, or to his personal representative or representatives or assignee. But if one or more of the defendants shall conceive himself or themselves to be aggrieved by the decree, he or they may, within twenty days after the making of the decree, appeal to the Supreme Court of the United States, and the payment of the sum shall be suspended until final disposition be made of the case by that court; and if it shall appear that either of the defendants holds a patent for the discovery, or the means of applying it, which, in the judgment of the circuit court, is valid, it is to be the duty of that court to certify the fact to the Secretary, who is thereupon to withhold from that defendant the sum appropriated, should it be decreed to him by the final decree, until he shall have executed, under his hand and seal, an instrument in writing surrendering the patent, and granting the free use of the discovery, and the means of using or applying it, to the Government and people of the United States; which instrument shall be lodged in the Patent Office, and entered on the records thereof. Before the sum of \$100,000 shall be paid to either of the parties named, he is to make oath in due form of law that he has not been guilty of collusion with either of the other parties named, in any way whatever.

Mr. EVERETT. I wish to move a further amendment, in the second section, to strike out the words "or assignee," in the provision directing the payment of the amount to the discoverer, or to his personal representatives or assignee. In the early stage of this discovery, when two of the persons named, Dr. Morton and Dr. Jackson, were in connection with each other as partners, Dr. Jackson made an assignment of his interest in it to Dr. Morton, for a small consideration. The state of things is now entirely changed; the relations of the parties to the subject and to each other are changed; and neither of them wishes to take any advantage, or to make any use of the assignment; and at the joint suggestion and request of both of them, I am desirous that the bill shall be so amended as to strike out these words, in order that when a decision is made by the Su-

preme Court, the benefit shall accrue to the individual who shall be adjudged to be the discoverer, and that this old assignment, which was made in a very early stage of the history of the discovery, and which does not apply at all to the existing state of the case, shall not interfere with the decision which the court may make. I move the amendment at the request of both the parties principally interested, and I hope there will be no objection to it.

The amendment was agreed to.

Mr. DAWSON. I regret that I failed this morning to bring up some papers connected with this subject. I wish now to ask that the further consideration of the bill be postponed until tomorrow, in order that I may produce those papers. I have in my possession a letter from Dr. Jackson, and one from Dr. Long, of Athens, in the State of Georgia, on this subject. Dr. Long is a very young man, but he commenced his practice as early, I think, as the year 1843, and has, therefore, been over ten years in the profession. The evidence which I have will, I think, establish the fact beyond controversy, that this young man applied this discovery in the same form in which it is said to have been applied by one of the three individuals mentioned. I have forgotten his given name, or I would propose to insert it in the proper place.

Mr. EVERETT. It is provided for by the general provision allowing all persons to come in.

Mr. DAWSON. I know that, but I wish Dr. Long to stand among the four named in the bill as one of the individuals who, in all probability, made the first discovery. Perhaps it would be sufficient to put in "Dr. Long, of Athens, Georgia."

Mr. WALKER. I will state to the Senator from Georgia that I heard of this gentleman, and procured of Mr. HILLYER, of the House of Representatives, his name, and I thought I had it in my pocket, but I have lost it. The terms of the bill, however, are broad enough to embrace him.

Mr. DAWSON. But I wish to have him distinctly mentioned in both sections. I move, therefore, to insert the name of "Dr. Long, of Athens, Georgia," in every place in the bill, where the names of Dr. Jackson and Dr. Morton occur.

The amendment was agreed to.

Mr. PETTIT. I desire either to make a similar amendment, or to ask that the bill shall be laid over until tomorrow. I have no doubt myself that another gentleman than any of those who have been named, is the discoverer of this remedial agent, whatever it may be. I am satisfied that I can show to the Senate, beyond a doubt, that Doctor Samuel Guthrie, of New York, made this discovery as early as 1831. He is now dead, but his heirs are living; and they have had a correspondence with me this winter on the subject. I have their letter, and the references which they make to authorities acknowledging him to be the discoverer; and this acknowledgment is from New England. I ask then that "the heirs of Doctor Samuel Guthrie, of New York," shall be inserted in the proper place.

Mr. EVERETT. I have no objection.

The amendment was agreed to.

Mr. STUART. I wish to suggest to the Senator from Massachusetts an amendment, which I think ought to be appended to this bill, to carry out its objects. The latter part provides, that if it shall appear that any of these persons claiming the discovery has a patent, and if the court shall decree the sum appropriated to belong to him, it shall not be paid to him until he surrenders his patent. It will be seen, therefore, that this bill proposes to try the validity of his patent; and, as a matter of course, if the court should determine to pay this money to any other person, it would determine the question of priority of discovery—the very foundation of the patent. Hence, I submit that the bill should further provide, that if the decree should be in favor of any other person than the patentee, the patent should be thereby annulled.

Mr. EVERETT. I have no objection to that.

Mr. STUART. Then I move to amend the bill by adding:

Provided, further, That if the decree shall be in favor of any party other than the one holding a patent for the said discovery, it shall be the duty of the said court to decree further, that any patent so held by any party to the proceedings shall be null and void.

The amendment was agreed to.

Mr. RUSK. It has just been suggested to me that Dr. J. G. Dickinson claims to have made this discovery; I move, therefore, to amend the bill by inserting his name.

Mr. EVERETT. I have no objection to that, though there is a general clause which covers all the claimants.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT. The question is, "Shall the bill be engrossed, and read a third time?"

Mr. MASON. Mr. President, I do not know much of the merits of the alleged discovery, but I cannot for my life see any earthly jurisdiction in the Senate either to pass upon its merits, or to compensate the alleged discoverer. I recollect a discussion which took place upon it heretofore, when some gentlemen entertained different opinions from those which I entertain; but I should regret that it should pass into a precedent, without its appearing upon the record how the vote stood; I trust, therefore, that the Senate will indulge me with the yeas and nays upon the engrossment of the bill.

The yeas and nays were ordered.

Mr. BROWN. Since the yeas and nays are to be called upon this proposition, and I am to be required to record my name, as I shall do, in favor of the passage of the bill, I wish to say, in a single word, why I do so. That the Government has the right to pay for the use of patents, or for the use of things which have been patented under the authority of law, is established, as far as we can establish it, by precedent; and I risk nothing in saying, that in more than fifty cases has the Government paid for the use of patents. We paid Mr. Colt, Dr. Maynard, of this city, and various others, for the use of patents. There are many such cases, which I have not now in my mind, but which can be established by reference to the records.

In this case, after a careful investigation of all the facts in reference to it, I state it to be true, that the Government has for years used this patent without paying to the patentee one solitary sixpence. In all your hospitals, on board of all your men-of-war, habitually during the late war with Mexico, and wherever your Army and your Navy surgeons are located, this discovery has been used without the Government paying or pretending to pay, in any manner, shape, or form, anything to the patentee. That being true, I hold, that according to precedent, you are bound to pay, and by the facts of this particular case, you are especially bound to compensate the patentee for the use of his discovery.

That the importance of the discovery may be known, as it stands in my mind, I will simply remark that for more than two thousand years the world has been in search of this discovery. At last it has been made. It is the most important boon, I think, which has been given to mankind for many centuries. When the Government has taken possession of it, and is using it without pay, without compensation, and without acknowledgment to the patentee, its acknowledged discoverer, I think we ought to pay for it. I do not desire to detain the Senate. I rose merely to put upon the record some justification of the vote which I intend to give.

The question being taken by yeas and nays on ordering the bill to be engrossed and read a third time, resulted—yeas 24, nays 13; as follows:

YEAS—Messrs. Adams, Bright, Brown, Chase, Cooper, Everett, Fessenden, Fish, Foot, Geyer, Johnson, Jones of Iowa, Jones of Tennessee, Pettit, Sebastian, Seward, Shields, Sumner, Thompson of Kentucky, Thomson of New Jersey, Wade, Walker, Weller, and Wright—24.

NAYS—Messrs. Allen, Aitchison, Brodhead, Clay, Dawson, Dodge of Wisconsin, Evans, Fitzpatrick, Hunter, Mason, Rusk, Shedd, and Stuart—13.

The bill was then read a third time, and passed.

HOMESTEAD BILL.

On motion by Mr. WALKER, the Senate resumed, as in Committee of the Whole, the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers."

Mr. WADE. I move to amend the bill in the sixth section, by striking out after the word "individual" to the word "and." The words proposed to be stricken out are, "a resident of any one of the States or Territories, and." The object of my amendment is to strike out the limitation which restricts the benefits of the bill to persons

who are now residents of the United States, and prevents its operating in favor of those who may come into the country after its passage. I can see no good reason for the distinction now made in the bill.

I am willing that foreigners who come into this country, and go on to the public lands and settle there and labor for five years, should then have the advantages of this law. I am willing, so far as I am concerned, that the law shall operate as an inducement for such persons to come here and settle our public lands. The effect of the amendment will be barely to strike out this restriction, and to make the bill operate in favor of all foreigners who may come in hereafter, as well as those who are now here. That is the only object of the amendment.

Mr. WALKER. Will not the effect of that amendment, in this connection, be to confine the benefits of the bill entirely to foreigners?

Mr. WADE. No, sir; the first section provides for all who are now residents of the United States. They are provided for without this section, and this amendment will only strike out the limitation to which I have referred. Let the section be read as it will stand if amended, so as to ascertain whether I am right or not.

The PRESIDENT. The section, if amended as proposed to be amended by the Senator from Ohio, reads:

"If any individual now not a citizen of the United States, but at the time of making such application for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

Mr. ADAMS. I cannot, Mr. President, vote for the amendment of the Senator from Ohio. Since I have had the honor of a seat here, I have been very anxious for the passage of a bill to reduce the price of the public lands. My own opinion is, that a proper graduation of the price of the public lands, so as to dispose of them at their intrinsic value, will be worth a great deal more to the country than what is known as the homestead bill. I am opposed to the principle of this bill which, disguise it as you may, is at last but taxing one portion of the people for the benefit of another; taking money out of the pockets of a portion of the people, and placing it in the pockets of others by legislation. However meritorious, and however deeply my sympathies may be excited in favor of the necessities of the poor, I consider this bill a violation of principle, a principle which I look upon as almost vitally important to the legislation of this country.

But, sir, the proposition of the Senator from Ohio is, that you shall not only tax one portion of the people for the benefit of another, but that you shall tax the native born and adopted citizens of this country for the benefit of foreigners; that you shall say, by this bill, to every man who may reside without the limits of the United States, if he will come here, that your citizens shall be taxed to the value of one hundred and sixty acres, and a bounty of that amount of land bestowed upon him. To that I am opposed.

I have no hostility against foreigners. My friend from Iowa, the other day, on a collateral issue, on a question which came before the Senate, remarked that I had deserted him, and those who act with him, on this bill. Sir, I am not conscious that I have ever favored the bill, or the principle of the bill; therefore, I am not a deserter from it. I think, if we will cast our eyes around us, we shall see that the time has passed when it is necessary to hold out inducements to individuals to emigrate to this country. My friend from Iowa said he hoped the time would never arrive when the people of this country would cease to remember with sentiments of gratitude, the claims of the descendants of the Lafayettees and Montgomeries, and others who aided our fathers in the Revolution. I hope so too; but times have changed. The time has ceased, in my humble judgment, when we should continue to hold out other and different inducements to individuals to immigrate and become citizens of this country, than are afforded by the character of our institutions. I would not change the policy of this Government, and refuse to hold out inducements such as we have heretofore held out to foreigners. I desire to see this country continue to be a home and an asylum for the oppressed of all

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

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nations. I desire, whenever a foreigner sets his foot upon our soil, to have thrown over him the panoply of our free institutions, to protect him in his person, his property, in the pursuit of happiness, and an unbounded liberty of conscience; and with that, from this day forth, I will stop. To every man who has come here under existing laws, I would extend all the rights which our present laws promise him; and to every man who comes to this country in the future, with the rights I have indicated, I would cease to offer more.

Have you not seen, sir, within the last few months, petitions presented here and laid upon your table, remonstrating, in the name of foreigners, against the action of this body? Not content with that, have you not learned through the public newspapers, that a mob of foreigners, under the style of foreigners, assembled together, and hanged in effigy an honorable member of this body? What does that indicate? If the act indicates anything, or has any significance, it is that, in the estimation of those men, the individual referred to, the chairman of the Committee on Territories, [Mr. DOUGLAS,] ought to be hung by the neck until he is dead; and for what, sir? For doing his duty to the Constitution, to his oath, and to his country. I ask Senators, if they do not see indications in this of a combination in retaining the notions of the olden country, which shows that it is necessary, not that we should check it by legislation—I do not propose that at the present time—but that we should cease to hold out any further inducements. What do we need of further immigration from other countries? We have a sufficient population to protect ourselves against all the world. We have a sufficient population to settle every portion of our country which it is necessary to settle. For the purpose of a free and happy Government, we have a sufficient population, and I think we should not adopt the amendment of the Senator from Ohio, and thereby tax native born and adopted citizens to purchase one hundred and sixty acres of land for those who may think proper to come here hereafter. My friend from Iowa, a few days ago, manifested his great anxiety for these foreigners. Well, sir, when I remembered that that Senator, by his speech and his vote here, had done the very same thing that the chairman of the Committee on Territories had done, I supposed that the hanging of the chairman in effigy, signified that they believed that my friend from Iowa, also ought to be hung for discharging his duty upon this floor fearlessly, impartially, and manfully, as he always does. Sir, when I saw what they had done, and the disgrace which they had attempted to heap upon that Senator, I thought he might well have used language which was used in olden times. A certain individual went to Absalom, who had usurped the throne of his father, and proposed to serve him. Absalom remembered the many favors which his father had conferred upon this individual, and he turned to him, and in place of accepting cordially his proposed services, said: "Is this thy kindness to thy friend?" I think my friend from Iowa, when he was battling here for the rights of these foreigners, might well have turned as Absalom did, and said, when they, by their conduct, declared to the world that he ought to be hung for discharging his duty here: "Is this thy kindness to thy friends?"

Sir, the time has come, if combinations are formed, if separate distinctions are kept up by those who think proper to adopt this as their country, when we should at least cease to tax our own citizens for their benefit. These circumstances may not weigh with others; with me they have their influence. But I am opposed to the bill upon principle. You may reduce the price of the land as low as you please, so as to restore to the Treasury the cost of it; but to tax one portion of the people for the benefit of another, is a thing to which, to my knowledge, I have not consented; nor will I ever consent to such a proposition.

Mr. President, I hope I will not be considered unkind or unfriendly to foreigners. I showed my regard for them during the present session, when they were denounced in this body for alleged

mob in the Bedini affair. I was the first Senator to furnish an apology for what seemed to be (from the reports in the papers) a breach of the peace, and that hospitality to the stranger for which our countrymen are so justly distinguished. I thought, and then said, in substance, that some allowance was to be made for those who had participated in the meetings referred to; that they had suffered from the oppressions of the Pope; that many of them had come from a country where the name of the Pope's Nuncio was synonymous with tyranny, the stake, and martyrdom for conscience sake; it was not, therefore, strange, when they heard that name in this country of unbounded liberty, that they should have committed some excesses in manifesting their disapprobation of the part he was supposed to have taken in the oppressions of their countrymen. I repeat, sir, that I am not opposed to foreigners, but have briefly stated my opinions as to the true future policy of this Government.

I will not consume the time of the Senate by going into details as to what will be the effect of this bill if it should become a law. I will say, however, that I had the honor of making a few remarks upon a graduation bill, and upon this subject, at the last session of Congress. Since that time, I have mingled with my constituents, and conversed with them freely upon this subject, and I have found but one man in the State of Mississippi, with whom I conversed, who did not express a preference for the graduation bill to the homestead bill. For what reason? By the homestead bill you give a man one hundred and sixty acres, upon condition that he will remain upon it five years. Men feel, and every freeman must feel, that you are making him a pauper upon this Government by doing so. Men would prefer paying twelve and a half cents, twenty-five, or fifty cents an acre, according to the intrinsic value of the land, with the liberty of selling it when they think proper. They would greatly prefer that; and I tell you that the man does not understand the people, who supposes that they prefer having lands given them to their buying them, and giving for them their intrinsic value.

I know that holding up all the lands at \$1 25 per acre, charging for poor and valueless lands the same price that you charge for the most valuable and rich lands, has created, and justly so, a prejudice against the present system; but graduate the lands according to their value, and public opinion will be very different from what it is now. I say that the people prefer paying a reasonable compensation for their land, and thus be independent freemen, feeling that they have purchased their own homes, and that they are not paupers upon the Federal Government, to having it given to them, and requiring them to remain upon it for five years; which is a sort of penance, a kind of penitentiary, that does not suit the genius of the people of this country at all. They prefer being free, having lands of their own, being at liberty to sell them whenever they please, and for whatever they may be able to obtain for them. I say, sir, that, according to my humble judgment, ninety-nine out of one hundred of the landholding States will greatly prefer a graduation system to this homestead bill, as it is called.

Mr. President, I did not rise for the purpose of entering into anything like a general argument on this question; but as this homestead bill has created some interest in the country, and as I have heard, upon various occasions, its paternity claimed, I think it due to the dead, as I have the floor on this occasion, to say that the father of the principle of this bill was the late Felix G. McConnell. My friend from Indiana [Mr. PETTIT] will remember, that when we were in the House of Representatives, the first that was ever heard of such a bill in the Congress of the United States, so far as I know, was on the proposition of General McConnell. He offered it upon every occasion, in season and out of season. His amendment was this, "that one hundred and sixty acres of the public domain is hereby appropriated to every head of a family, man, maid, and widow." He was the father of the bill, so far as I know; and if

credit is due to any one, it is due to his memory. I do not know that I should have alluded to the fact, but still, as I have heard others claimed as the authors of it, I thought I would state it, though I do not think that the bill is right in principle, or that any credit will result to any one from it.

Mr. THOMPSON, of Kentucky. The first section of the bill grants to every man who is a citizen of the United States, or who shall hereafter become a citizen of the United States, who is the head of a family, or twenty-one years of age, one hundred and sixty acres of land, without paying for it, after five years' residence and occupation. The sixth section authorizes any resident of a State or Territory, who is not now a citizen of the United States, also to make a like application, and take one hundred and sixty acres. If I understand the amendment proposed by the Senator from Ohio, it is, that hereafter citizenship shall be no prerequisite to the making of the claim, nor shall residence in a State or Territory be a prerequisite; but that, on the actual filing of a declaration by a foreigner from any portion of the world, when he comes here, of his intention to become naturalized, he shall also be enabled, without pay, free of cost, to take and occupy one hundred and sixty acres of the public land. Am I right in reference to my understanding of your amendment?

Mr. WADE. They must live five years on it. Mr. THOMPSON. That is true. They must live five years on it. Now, in reference to the amendment as well as to the bill, I desire, although I am not prepared as I wished to be, to say some few things.

A few days since, at the other end of this Capitol, when it was proposed to donate to the different States land for the purpose of taking care of the needy citizens of this country, who, by the visitation of Heaven are insane, and are incapable of taking care of themselves, it was reported upon adversely, as being against the Constitution of the United States. When it was proposed that our own citizens, the insane, the pauper, and the necessities, who need this aid, should have such a grant made for their benefit, we were told that it could not be done under the Constitution of the United States. Such a donation to States for the purpose of taking care of the insane, we were told was unconstitutional; but now the Senator from Ohio offers a proposition which, if it be adopted and carried into effect, will enable us to give to every criminal, every fugitive from justice, every vagabond, and every pauper from Europe, and from every portion of the world, who lands on our shores, that which we deny to our own citizens who, under the visitation of God, need it, of whom we ought to take care, and to whom we are bound by ties different from any which unite us to foreigners.

Mr. President, I had intended, when I heard this measure spoken of as one of justice and propriety, to move its commitment to the Committee on the Judiciary, that they might lick it into shape before we were compelled to vote upon it; for, in its operation, it should be equal, equitable, right, and just. There should be no class legislation as is now proposed—no class legislation in favor of foreigners. In our legislation we should begin with our own people at home. But if you give land to the landless, why not amend the bill, and give money to the moneyless? One man needs land, but another needs money. Amend the bill then, and give \$200 to each of those who are out of change; to those who need money. And in addition, Mr. President, make some provision for mechanics, professional men, merchants, in short for that large class of people who are not agriculturists. If it is intended as a donation, as a bonus, equity and justice require that you should likewise give to other vocations and professions, to artisans, mechanics, and merchants, the bonus, the donation, the largess, the pauper's gift, or whatever you choose to denominate it. As in the one case you give land, in the other you should give money, and make no such discrimination as is proposed by this bill. Let there be equality. If you claim that, under the Constitution of the United States, in making

rules and regulations in reference to the territory of the Union, doing no injustice to the respective States, you have a right so to donate the lands, donate them with no invidious discrimination; make no unequal distinction; donate to those who are not able to bear the toil, and burden, and hardships of frontier life—your old men, your cripples, your widows, your workmen, your mechanics, and people of that description, outside of agricultural interests—in money, what you donate in land to those who are agriculturists.

Mr. President, I have said that I thought this bill should be committed to the Committee on the Judiciary; I think it should go there for several reasons. I have heard it said that so far as the public domain is concerned, at least so much of it as we owned anterior to the Mexican war, we had pledged it for money to prosecute that war. I ask, then, as a legal question, can you take this property, which is thus under mortgage and lien, and give it away? I ask, too, as a question of morals, whether you should give it away when it is bound and pledged for the payment of your debts? Are you to neglect this private claim, and say now to strangers, and foreigners, to aliens in blood and in language, that they may have it? Ought it not to be held as a sacred treasure to redeem your plighted honor, to pay the debt which you incurred in the prosecution of that war?

But further, Mr. President, this bill is offering a bonus and a premium to those men in Europe, who are unwilling to remain there, under the hazards of the approaching war, to emigrate to this country. It tells those men, who, because they do not wish to stand by their king or country, or who, from want of patriotism, or from a deep feeling of cowardice, will not stay there to fight for republican interests, and stand by their own country, "if you become renegades from your country, in trying to escape the dangers of war which threaten there, and if you will flee to the United States, and make a declaration of intention, we will set you up with a nice little farm of one hundred and sixty acres of land. You can settle on it, and live there, whether you left your country for your country's good, or escaped from it because you happened to be a liberal, although unwilling to fight for liberal institutions." Are you, sir, to offer them this bonus? And what else do you hold out? Why, you tell all your own citizens, your lazy, trifling men, that have never made \$200, and would not work for it, fellows of a bad stock, whose ancestors were as lazy and improvident as themselves—a bad breed in the beginning—"we will shield you with a sort of bankrupt law; we will give you, you trifling lazy pauper rascals, if you will go out there, one hundred and sixty acres of land, and neither constable nor sheriff shall take it for debt; you are of no account, you may keep it, you shall be bankrupts as to all previous debts." [Laughter.] And that, sir, you offer as a premium to loafism and laziness; and a nice set you will have when you get them there, with vagabonds and vagrants from Europe, to build up a new State, and a new community.

But, Mr. President, if you intend to give one hundred and sixty acres of land to men of this description, I ask you if it will not be an act of great injustice to all who have bought public lands heretofore; and ought not the Judiciary Committee to introduce a provision to pay back to all those from whom you have wrung \$1 25 per acre for the land which they have purchased? Ought you not to refund what they have paid? They were our own hardy pioneers, kith and kin to us, bone of our bone, our brethren, hardy men, and Indian fighters. They have paid for their land, and whipped out the Indians; they have possession of the country; but if you are going to send out to these lands all the offscourings of foreign countries, in the name of justice and common sense, pay back to all the men who have bought public lands their \$1 25 an acre, with interest upon it. It is a just claim, and those men are worthy of it. Introduce such a provision, and we shall very soon sweep away the twenty odd million of dollars which are now in the Treasury. But, as a matter of justice, if you pass this bill, do it.

This bill proposes a radical change in our system of public lands. Nothing of the kind has ever been sanctioned under the action of the Government. It is a premature, radical, revolutionary proposition to waste away the public inheritance,

and give it to ragamuffins coming from all parts of creation, [laughter,] congregating here as buzzards do around the carcass to eat it up. Such is the proposition which we have before us.

I ask you, sir, has any President ever recommended such a thing? Has the present President of the United States recommended it? Did President Polk recommend it? Did President Taylor recommend it? Not at all. Did Jackson or Jefferson recommend it? Did Washington or Adams? Take them, Federalists or Republicans, Whigs or Democrats, where is the President of the United States, who has ever recommended such a policy, or has ever given his name to such a proposition for the public plunder, and dissipation of the public treasure? Has any President ever had the audacity or fortitude to come to the American people, and recommend such a disposition of this rich inheritance, which we have had bequeathed to us, which we have looked to as a home and a homestead for our children, and our children's children—not for strangers, but for us and for our families? Has any President, of any party, of any stripe, of any faith, ever recommended it? However weak in power, however abandoned by his party, however abused, has any man ever done it? No, sir, no man ever thought of it, no man ever alluded to it. Why, sir, General Jackson, I believe, in his message of 1829, thought that, under the articles of cession, the land rather belonged to the States, and ought to go that way. It is true that he afterwards strangled the land proceeds distribution bill, when he found that the child was to be called after Henry Clay, and named as one of his brood and generation. But from Jackson down to the present period, has any Administration ever put its credit and character upon the recommendation of a plan of this sort? No, sir.

Mr. President, in reference to this subject, I will ask gentlemen if it would not be tolerably prudent, considering the way in which we stand about matters of this sort, to take it a little more deliberately, and a little more considerably? We know that at this time there is over the continent of Europe an impending struggle and contention, the like of which perhaps has not transpired before in the times of civilization. We want this land fund. We want it as a matter of finance; we want it as a fund to build up a navy; we need it for our own purposes; we need it for our own people; and just at this juncture, and at this time, up comes a proposition that to every man who is twenty-one years of age, married or unmarried, to every foreigner now resident in any State or Territory, and to every foreigner who will congregate on our shores from the difficulties of Europe, we shall give this land, instead of holding it as a fund to protect ourselves, to build up a navy, establish an army, and use it in time of need for war purposes. You are told that with a profusion, and with a profligacy, and without reference to economy or a prudent judgment or sense, that it is to be all drifted off to that population which is coming from the troubles of Europe to our shores.

The bill, Mr. President, is to me singular in many of its aspects; and I hope I shall not be out of order in alluding to the action of the other House. They passed this bill a short time ago, giving away, so far as it will be settled, the whole of the public domain to the first occupant, or the first comer, whoever he may be. Since that time they have passed a bill graduating the price of the public lands. It looks to me as if there was a sort of demagoguery over the land, and that the House, in reference to this subject, was acting thus because, when the next August election comes round, they do not want to make any explanation to the whisky boys of the country when they wish to be returned to Congress. [Laughter.] They seem to pass the bill as if they thought the Senate would have steadiness and sense enough to reject it. [Laughter.] They pass this bill, and then one for graduating the price of the public lands, and then bills for railroad purposes; and they are proceeding as if the whole of it was a solemn farce, with the hope that no explanation was to be made in reference to it at all. I hope that we shall not disappoint them. They voted for the homestead bill; they voted for the graduation bill; still, they are going on, voting for railroad bills as if nothing had ever happened in any shape whatever in the world. [Laughter.]

I do not see in his seat now the Senator from Texas, [Mr. Rusk,] who has such intense anxiety

about the Pacific railroad; and, in fact, I admire his enthusiasm upon that subject, however much I think that it is a wild and Utopian project; however much I reflect that in making it you will have to carry it through deserts, where there is neither wood nor water, and over mountains and snows, many feet deep, over a vast continent; however impracticable I may think it, and although I think that it will cost the Union, if it is ever made, as much as it cost Napoleon to march his grand army to Moscow; still, if, in the prospect of things, we are to have the Pacific railroad, and if, by the mere extension of territory, we are becoming as weak as a rope of sand; if, as is said by the poet, *Roma ruit suis viribus*; if, by the mere extension of territory, we are becoming like a rickety hog-head, which must be bound together; and if we need this Pacific railroad to bind us together, for the Lord's sake keep this land. Do not touch the people of South Carolina, of Kentucky, and other portions of the country, to get the means to build it. If you are to have these emigrants, catch them as you catch the Irish and Germans, and keep them at work until they make the road to the Pacific; but give them land and no money. That is my opinion about it. A nice chance you have to build a road there; it will cost the Lord knows how many millions of dollars, for I would be afraid to calculate it. But if you are ever to have a road, do not give away the only fund upon which you can rely for the making of it; and if you bring these emigrants in, let them work for what they get; do not make them a present of it. [Laughter.]

I suppose, Mr. President, that according to the notion of progress, and the bellicose propensity of our people, we must acquire territory—for a fuss they will eternally and everlastingly have. You can hardly keep old-fashioned Whigs now in the traces, for they want to annex Canada, and get another State or two from Mexico; war, or some little fight, they must have; for the whole Union, in reference to that, seems to be like Simon Wild-fire; if they do not have a fight they would spoil about the breast and shoulders merely for the want of it. [Laughter.] But, sir, if you are to go on in acquisition, keep the territory to pension the old soldiers with, as you have done heretofore. Go with my friend from South Carolina, [Mr. EVANS,] and pay off the claims which you owe to the old revolutionary fathers and their descendants; pay off what you owe to the men who fought in the war of 1812; pay those who fought in Mexico, and keep a little back for future fighting. Do not dispose of it all in the way you now propose; we shall want it, because—I suppose it is a sort of North American sentiment—there is no people in the world who respond to the call of liberty as readily as ours do. Send a fellow to Texas and Mexico to fight, but keep a little land to let him know that when he has done fighting he will have a home to come to. Do not give it all to foreign adventurers who come here merely as criminals or from cowardice. Do not give it to those who come here on such accounts; not because they love America, but because they can here impose upon American hospitality and generosity.

I have not had an opportunity to prepare the statistics which I should like to have before me in reference to this bill, and I therefore cannot go at length into it now. But if some older and abler Senator does not argue it before the discussion on it terminates, I will prepare myself to make a speech in reference to this amendment, and about the bill generally. I wish to deliver my own opinions. What is now proposed? They say, for instance, to the Senator from Massachusetts, who comes from one of the old States of this Union, We are going to give this land all away. It is true, under the cessions that were made by the original thirteen States, it was held for the benefit of all the States. I will not now go into a discussion of the questions about tenancy in common, or joint tenancy; but I ask the Senator from the State of Massachusetts, knowing the effect of this pauper population as you have it now crowded in the poor-houses and in the lazar-houses of every description in Massachusetts, when they tell you it is true that the old thirteen fellows fought through the revolutionary war, and are entitled to this land, and own it, and although we have a sort of half-way, lively recollection of Concord, and Lexington, and Bunker Hill, where your fathers fought for the land, still, we will give it to these

foreigners, will you, I ask the Senator, agree to it? Although there are a few things in reference to niggers, and other matters, and various Yankee and Puritan notions that do not exactly come up to our notions down South, still we have a lingering affection, and are willing to do your State of Massachusetts justice. Out of the granite and ice you make fortunes; with your invention and education you are progressing in the world; and you stand, a noble Puritan population, obstinate and perverse though you may have been with the English Government before you landed here, and against it afterwards, and pretty generally against your own Government—[laughter]—still, in reference to a matter of equity and justice, I will ask you what you will say when a man turns round and tells you that the old States of Massachusetts and Connecticut are not to get any of this land; that he wants to take it from you, and that you shall not have it, either for schools, or insane, or paupers, or for anything else; that it shall be snatched away from you, and given to some Hessian that butchered your ancestors in the revolutionary war; that it shall be given to some man who then was in the army of our enemies; that it shall be handed over to some German, with his broad figure, which it would take three generations to lick into the shape of an American gentleman? [Laughter.] A nice proposition, that is; and yet that is the proposition made by the Senator from Ohio. The old thirteen States are to get nothing. Whatever we may claim, we are to have nothing. The Senator's proposition not only comes up to that, but it turns round and says, in reference to Nebraska and the Missouri compromise, to southern Senators, not only are the old thirteen States to be deprived of their rights, but we will let these Irish, and Dutch, and anybody you please—I do not speak in disrespectful terms—come into the territory, and, if you want to go anywhere from Virginia, or Louisiana, or Texas, you must stand back and let them take the land. Is there a southern man, who has a regard for his constituency, or the interest of the section which he represents, who intends—as he knows it is a foregone conclusion that this is all to be free-soil territory—to let them take it, and let them snatch it away from them, and say that men from the South are not to go into it, because they are tainted with a nigger? Are we to be told that we must stand back, and let strangers, and aliens in blood, in feeling, and language, have it? But I do not know what southern Senators, or Senators from the old States, may think in reference to this sort of thing, because they have got recently to arguing about matters in such a way that a man scarcely knows, unless he examines closely, what they really design.

The Senator from Indiana, [Mr. PETTIT,] for whom I entertain a very high regard, yesterday said, that this bill approved itself to his heart and his head. I can easily see how, he being a liberal man, such a thing would approve itself to his heart. He is a man of large head, a man of a great deal of faculty; but I rather think that his heart has got the better of his judgment in this case. In support of the proposition, he set out to prove, historically, that this was a right policy. He alluded, I believe, to the Assyrians, and the Jews, and the Spartans, and he came down to the Gracchi, but being a Democrat, in this age of progress, he never could cite an instance that had occurred this side the discovery of America, or since the birth of our Saviour. [Laughter.] In talking about this liberality, I want you just to look at the question, and ask yourselves how this territory stands; for it is well enough to look to it in that way. When the territory, under the oppression of a system which will restrict slavery from going there, comes to be settled, how will it stand, and how do we stand? We stand as a powerful and a great nation. I know—at least there are newspaper rumors, and I suppose I may speak legitimately of newspaper rumors—we propose to buy an immense territory in addition to our present territory. For what do you buy that territory? Are you to pay \$5,000,000 or \$20,000,000, and as soon as you get it are you to give it away? Are you to adopt such a policy in the disposition of the lands which you obtain, I may say, by violent solicitation; that is to say, by whipping and flogging the Indians, by browbeating the Mexicans, until you whip them into a peace, and as a salvo to the conscience, get what territory

you can? Are you, not only in reference to the poor red man, who is fading away before the face of the white man as the snow melts before the face of the sun, but in reference to the neighboring Republic, are you, by bullying and browbeating, to obtain territory, and when you have obtained it, are you to turn round and say that you will give it to these foreigners and emigrants, who come here, and to lazy fellows and loafers, in our midst? I ask, in the name of common sense, is that what the Government is to do; and then, after the General Government has done that, and you come to make a distribution of the spoils, is one half of the nation to turn round and say to the other half, you smell of the nigger, and you shall not have any of the land; we will give it to the foreigners, and you shall not take a particle? And then, as to the old States and land States, although no President of the United States has ever recommended this, we will rob you of it, and give it to the foreigners, and then we will get up a German interest, having its center at Cincinnati and Louisville, and other places over the Union; and although you boast of being Anglo-Saxons, you shall be like that other Anglo-Saxon race, which has been for centuries ruled by half crazy Dutch Princes and Queens. We will have the same influence over you, with your Saxon influence and Saxon blood. We will build up a foreign power that shall control the whole American people. This we will do in the name of generosity and liberality, and in the name of our modern Democracy. This is what is to be done by a radical change in our policy.

I have some other things to say in regard to this bill; and probably, if I get a chance in the progress of its discussion, I shall go into it more fully; for I am not prepared to speak to-day upon some points to which I desire to address myself. It seems to me, since I have had the honor to come to the national councils, whether in this or the other House of Congress, the public lands have been banded about eternally as a bribe in the shape of cession and retrocession, in the shape of graduation and of distribution, and of every imaginable project. Thus ambitious men act with them, instead of standing up as the guardians of the public domain and public treasury, doing what they ought to do. Millions upon millions of acres of lands have gone for railroads and canals in the way of grants of alternate sections and swamp lands; and the advocacy of such appropriations has eternally been predicated upon the ambition of some presidential aspirant. It is useless to discuss it. It is useless to talk about it. If there had been a provision in the Constitution of the United States that men standing on this floor, or on the floor of the other House, should be forever debarred thereafter from looking to the other end of the avenue, such propositions would never have been made. Members of Congress would have husbanded the lands as old fellows take care of their lands as their sons and daughters grow up, for the purpose of giving the young fellows a home, and a place to emigrate to. Thus, instead of looking to the other end of the avenue, and making such propositions, they would have held on to these lands as an inheritance to our children, and our children's children, for ages to come. I do not know, sir, of any man in this body who looks to anything of that sort, [laughter;] but one thing I will say, I have scarcely ever seen a public man in this country who had once turned his eyes upon the purple, and gazed intently at the White House, that ever afterwards seemed to be fully a sane man. [Laughter.] His head reels as if he had the vertigo, and he puts up at auction whatever he thinks, if once defeated, would help him for the Presidency at a succeeding election; and that is the way in which the public domain has been controlled. Say what you will about it, all men feel it and know it.

Mr. President, I do not know that I exactly concur with him who said some years ago, in commenting upon this matter, that we never would have a first-rate man again as President; for, he said, that understrappers and understrickers would never let a man of prominent ability attain to the position; that no such man could ever come to the presidency of the nation, because the understrappers and seekers for office would be eternally for catching a man whom they could control. He thought we never would have a President of any size or account again. So far as that is concerned,

the first thing that you see these presidential aspirants do—I am sorry to say it; I apply it to no party, or men—is to start out a demagoging; and, sir, he draws himself up; he is not an American at all; his father was an Irishman, and his mother a Dutchman. [Laughter.] That is the beginning of it. Then, though he has no respect for religion, no regard for things of that sort, supposing himself in his peculiar views to be in, the minority, and though he may be an infidel, and hate all religion, the next thing we hear he is making the sign of the cross, and muttering all sort of insensible jargon over the country to catch Catholics; [laughter;] and then, sir, to top off the thing, he offers all this land to these men, just as the wicked one of old offered to our Saviour the kingdoms of the world, if he would fall down and worship him, when the old scoundrel had not an inch of *terra firma* in all creation to put his foot upon. [Great laughter.]

Why, sir, every man understands this measure and knows what it means. It is the most hollow, perfidious, deceptive, cajoling thing in the world. It proposes to give our public land to these people, when it is pledged for the payment of the debt incurred by the Mexican war, and belongs to the States equally. It does not belong to politicians; but still some of them propose this largess or bribe, for such it is, and say, "Come in, all ye Dutch and Irish." Perhaps they may expect, in return, to hear: "We will make you Presidents."

Now, sir, I wish gentlemen to understand that I am not a Native American, in the political sense in which that word is used. I have a profound respect for the original policy which was inaugurated or installed at the origin of this Government in relation to foreigners. I believe that we now commonly use regal and imperial terms when speaking of a matter of policy; everything now-a-days, whether a principle or a measure, is "installed" or "inaugurated." I say, therefore, that I have a very great reverence for the original policy installed or inaugurated by the founders of our Government in relation to foreigners. I have no objection to allowing a foreigner to come here; I would extend to him the right hand of friendship; I would allow him to become a citizen, and, after sufficient residence, be eligible to office. I would encourage him and take him into the body-politic. Sir, if I had any doubt about the propriety of this policy, it would be removed by the appearance here of my honorable friend from Illinois, [Mr. SHIELDS,] from the land of Emmet and other patriots—a land which has been crushed down by tyranny for a thousand years. It does good to the heart of a philanthropist and patriot to see a man of his integrity and character come here. But, sir, I adhere to the motto, *Festina lente*—do not hasten onwards too fast. There is a gentleman from Louisiana here, who, I suppose, may be considered as of the tribe of Benjamin. When one thinks of these men, he is apt to inquire, in the language of the poet:

"Where shall Israel lay her bleeding feet?
Where shall she find a resting-place?"

We are proud to answer that, under the folds of the stars and stripes, she shall find protection and succor; and to her children, as to others, shall be extended the rights of citizenship. Thus far I am willing to go; but I cannot agree that now, when there is about to be a great struggle in Europe, we shall invite men from the purlieus and faubourgs of Paris, from the outskirts and brothels of London, and from the civil and revolutionary wars of Italy and Hungary. I cannot consent that, upon a mere declaration of intention, each of them shall have a right to one hundred and sixty acres of our public land. Suppose such fellows should come here in large numbers, and go out to that land of flowers—Nebraska—a country beyond the State in which you live, Mr. President, and one of us should go there. If we went, we should find it a perfect Babel of confusion, where unknown and innumerable tongues were spoken. If a man of the Anglo-Saxon race should go among them, and they should find that he had not been in a riot anywhere in Italy, that he had not been compelled to run away from France, but that he was a peaceable American, they would probably say to him, "How did you come here, sir? Who did you murder in Tennessee, or in Kentucky, for which you ran away? Who did you swindle in

New York, or what did you steal in Ohio, that you have come out here into this Babel of confusion?" Sir, are these the people whom we should build up into a State in that far-off region, out of the ruined fortunes, the ransacked homes, and the broken hearts of the red men of the forest? Is this your philanthropy? I fear this is exactly what it will result in.

Mr. President, I have intimated that there may be some designs for the Presidency connected with this bill. Of course I would not intimate that any gentleman here thus seeks the Presidency. If any should, I would ask them to look at the last few instances which have happened, and, I think, they will find that they need not go out to the people on any great public measure in order to reach that station. For example, we had Mr. Polk, a very clever man, who is now dead. He reached the Presidency accidentally. I will say nothing further of him; for *de mortuis nil nisi bonum*. President Taylor next reached that station. He was a good soldier, a fine citizen, and a tolerable President.

A SENATOR. He did not know much. [Laughter.]

Mr. THOMPSON. Not over much. [Renewed laughter.] Then Mr. Pierce got there. I know he is busy now. I do not mean to strike at him, because at this time I know, and the Presiding Officer of this body knows, that the greatest of his troubles is to decide a question, upon which I suppose he is very religiously and anxiously exercised; that is, in reference to the distribution of the spoils and plunder. He is engaged in deciding whether a fellow who came on the last platform, but who was wrong on the Buffalo platform, is or is not entitled to consideration in the distribution of offices; and the most politico-religious question which I have ever known, in my day, is the grave question now before the Administration of this country, whether the prodigal son came home before he was hungry, or, being half lean, came home because the old man had a good fat calf. [Laughter.] That is the grave question which they are considering at this time.

Well, sir, from these illustrations I would say to men of this description that they should take the thing very quietly; for, sir, no gentleman in the country is safe now. He does not know what day he may be snatched up and made a President before he thinks about it. I would say to gentlemen, therefore, that they had better avoid originating great measures which are wrong in themselves, but should stand by quietly, and somebody may be kind enough to invite them out for the Presidency one of these days. [Laughter.]

Mr. President, there is another consideration connected with this matter. I will not say anything about progress and young America, for some one might wish to contravene it; but I say that our climate, and the character of our soil and population, have engendered and inflamed in our people a wild, progressive, rabid notion. I do not know whether it is socialism from France, or whether it is Kossuthism from Hungary and Italy; but I say that, from the infusion of foreign material, or from the idiosyncracies of our own people, they have become so inflamed and so restive of power that if they were so concentrated in this country, and could make a revolution here as in France or in England, by getting possession of the capital, our inflammable, revolutionary, discontented, dissatisfied people would go far beyond filibusterism or anything of that sort, and would strike for the overthrow of the Government itself. It is a blessing that they are not so concentrated. I ask you, then, sir, for the sake of the safety and the perpetuity of this Union, to keep our public domain, not for foreigners, but as a safety-valve, as a means of escape to let off the wild, unrestrained spirits whom we have amongst us; to keep it as a place where, among Indians and buffaloes, and in the deep recesses of the mountains, and in reckless and perilous adventures, such men, intolerant of society, averse to toil, and opposed to labor, may go out and waste away that spirit which, if cramped up in a capital that controlled a nation, would subvert the institutions of the country. That, sir, with me is a grave consideration.

Sir, I trust that some older member of the body will give the Senate the statistics in regard to the value of our public domain. I am diffident to do so, because I am always averse to speaking. I trespass but seldom upon the attention of the

Senate, and when I do so, it is only when I think duty requires it of me. I have ventured now to speak upon this subject, because I think deep injustice will be done to the old States by depriving them of their just share of the public domain. I believe further, that this measure will be injurious to the southern States. They do not want to have foreigners around their plantations, corrupting the people, injuring their children, and excluding them from a fair participation in the benefits of the common territory of the Union.

But, Mr. President, above all things, when you are about to vote this gratuity, remember the eternal principles of justice. Millions and millions of dollars have been paid by treaty in Indian annuities, and in extinguishing Indian titles; vast amounts of blood and treasure have been expended for the acquisition of our public domain. For the payment of the money thus spent you have taxed South Carolina and Maine, Massachusetts and Pennsylvania, and all the other old States. Now, after the enormous expenditure at which these lands have been bought, it is proposed to give them to Hessians, and wild men from all parts of Europe! How will the people of the old States like it? Recollect, this bill will cut like a two-edged sword; it will depreciate the value of land in the old States, and at the same time it will diminish their population. The reason for this is obvious. People will not buy land in the old States when they can get better elsewhere for nothing. In this way, the men, by whose blood and treasure the public territory was acquired, will have it snatched from them; and that, too, not by receiving in return its original cost, but it will be followed by a great depreciation of the value of their property, and a diminution of their business and population.

There are some other matters to which I do not now wish to allude, but to which I may probably refer before the bill shall be finally disposed of, if I get an opportunity. In regard to the policy of it, I am almost constrained to say that, rather than see located on the western borders of Missouri a people aliens and strangers to us in blood, aliens and strangers to us in language, as confused in language as were those who were endeavoring to build the tower of Babel; people who do not love us, people of a bad stock, (for the vagabond, the pauper, and the refugee from Europe, or from our old States, are those who are to receive this gratuity;) rather than see such a confusion of tongues, such a ring-streaked and speckled set put up in our far off territory, as a sort of *imperium in imperio* to hold the balance of power and control this Union, I would wish it destroyed like Sodom and Gomorrah, and lost to the Union forever; for we had better have no public land than have such neighbors.

Again; when the Senate come to consider this question, I wish them to bear in mind that there are now great troubles in Europe, and that, according to recent calculations, it would cost from \$500,000,000 to \$1,000,000,000, to make our navy equal to that of Great Britain, to say nothing of the navy of France. Suppose three or four belligerent Powers of Europe should unite to send a fleet against us; they could bombard and burn down New York, come up the Chesapeake and Potomac, and take this Federal City, lie off in the Chesapeake Bay destroying property, blockade California, and cut us off from all communication with her, except by the tedious overland route, and not feel the absence of that portion of their navy which would be required for these objects. In this perilous, in this helpless condition, looking to these emergencies, knowing the need of our naval and commercial marine in a proper situation for defense; knowing the importance and value of the property which we have afloat upon the ocean, for the protection of which our navy is necessary; I ask you, in a time of peace, if we ought not to be prepared for a time of war, and for emergencies such as may possibly arise? Let us not act like a drunken boy who wastes away his inheritance by throwing his dollars to the crazy mob around him; but does it not become us, as American statesmen, to husband our resources, to look at eventualities, to look to justice? Let us not offer inducements to bring in reckless foreigners who will lie down, like the locusts upon the land of Egypt. Let us consider whether it would not be a curse to the country; and whether you had not better have all the plagues of Egypt, locusts,

frogs, and lice, thrown in, rather than have the country settled up in this way with a State or colony in the West, holding power, predominance, and influence in the Union under the control of alien and wrong feeling.

Sir, I have no more to say at present upon this bill, and I do not know that I shall have anything further to say upon it at any time. I prefer that some one else should expose it. I prefer that some one else should investigate the statistics, look at the real position of the question, and expose the wickedness of the proposition. I have, in a somewhat incoherent way, given my convictions and feelings and notions about it. I think it is based upon a mistaken principle. It is a radical change in our public land system. No President has ever recommended it. There is no call for it. It is not needed by any pressing public necessity. It is wasting away our means for nothing. I hope the bill will not be passed; but if it should pass, though I make no promises, I must say, notwithstanding what has been heretofore urged in reference to the veto power, that if President Pierce should veto the bill, I am not so certain that I would not be for him for the succession; such is my conviction of the impropriety of the measure.

Mr. BROWN. Mr. President, I have no intention, at this stage of the discussion, to enter into a full review of this whole homestead subject. It has been very well said, sir, that this is "the land of the free, and the home of the brave;" and if there is anything about which we are accustomed to boast on the fourth of July, and on all occasions of national festivity, it is that this is the asylum of the oppressed of every land. Having been taught, sir, from my earliest infancy, to honor and revere these sentiments, it will not astonish Senators if I say, that I do not fully sympathize in the sentiments which have been uttered to-day by my honorable friend from Kentucky, [Mr. Thompson.]

Like that honorable Senator, I approve, to the fullest extent, the idea that foreigners coming to our country should conform themselves in their conduct to our laws and to our customs; but when they have done so, and have been admitted under our laws to full citizenship, I would not deprive them by my policy here or elsewhere, of one hundredth part of a single privilege which rightfully belongs to an American citizen. I will not vote for the amendment of the Senator from Ohio, [Mr. Wade.] And why? Because it proposes to put foreigners upon an equal footing with American citizens, before they become American citizens. I care not where a man may have been born, whether in France or in Scotland, in Ireland or in Germany, if he seek an asylum upon these shores—that asylum which in all our public declarations, and by our whole public policy we have guaranteed to him—and if he shall live amongst us for the full time required by our laws, and shall be admitted to the rights of citizenship, I would have him enjoy those rights to their fullest and most ample extent. But until that has been done, I cannot consent to grant him, so far as the occupancy of the soil is concerned, the rights of citizenship to which he is not entitled under the general laws and general policy of the country.

But I did not rise, Mr. President, as I said in the beginning, to discuss this question at this time. My object is to give notice to the Senate, at this stage of the proceedings, that I mean, at the proper time, to move a substitute for the whole bill. I may say, in a word, that I have never given the sanction of my own mind to the policy of giving away the public lands to American citizens or to foreigners. I am, however, for guaranteeing to every citizen a home. Whether he be of native or of foreign birth, I would give him a home, and secure him in the possession of it. I have before me, and ask to have read at this stage of the proceedings, a proposition which looks to that end; and without detaining the Senate further, I send it to the Chair, and ask to have it read now, giving notice to the Senate that I shall, at the proper time, move it as a substitute for the original bill.

I will remark further, in this connection, that the substitute has undergone the revision of the Committee on Public Lands; and, like the bill under consideration, has received their full sanction. If one be adopted, the other may as well, or better, be rejected; and it becomes a simple question for the Senate to decide, whether they

will take this proposition, which was first recommended by the committee, or the one now under consideration, and which has also been recommended.

THE PRESIDENT. The Senator from Mississippi gives notice that he will hereafter move to strike out all of the bill after the enacting clause, and insert a substitute, which will be read.

It was read, as follows:

That the laws now in force, granting preemption to actual settlers on the public lands, shall continue until otherwise ordered by Congress, and that the same be extended to all the Territories of the United States.

SEC. 2. *And be it further enacted,* That from and after the passage of this act, the rights of preceptors shall be perpetuated, that is to say: persons acquiring the right of preemption, shall retain the same without disturbance, and without payment of any kind to the United States, but on these conditions: First. The preceptor shall not sell, alienate, or dispose of his or her right for a consideration; and if he or she voluntarily abandon one preemption and claim another, no right shall be acquired by such claim until the claimant shall first have testified, under oath, before the register of the land office, when the claim is preferred, that he or she has voluntarily abandoned his or her original preemption, and that no consideration, reward, or payment of any kind, has been received, or is expected, directly or indirectly, as an inducement for such abandonment; and any person who shall testify falsely in such case shall be deemed guilty of perjury. Second. Any person claiming and holding the right of preemption to lands under this act, may be required by the State within which the same lies to pay taxes thereon, in the same manner and to the same extent as if he or she owned the said land in fee-simple; and in case such lands are sold for taxes, the purchaser shall acquire the right of preemption only. Third. Absence of the preceptor and his family for six consecutive months shall be deemed an abandonment, and the land shall, in such case, revert to the United States, and be subject to the same disposition as other public lands.

SEC. 3. *And be it further enacted,* That no lands entered upon, and held under the provisions of this act, or the improvements thereon, shall ever be sold under any judgment or decree for any debt or other liability or penalty to the United States; nor shall any sale of the same for debt, other liability, or penalty (other than for taxes) under the authority of any State, or the courts thereof, entitle the purchaser to any right to disturb the possession of the preceptor by purchase from the Government; nor shall it be lawful to issue a patent for any such land to any such purchaser.

SEC. 4. *And be it further enacted,* That the preceptor may at any time, at his or her discretion, enter the lands preempted by paying therefor to the proper officer of the United States one dollar and twenty five cents per acre.

SEC. 5. *And be it further enacted,* That in case of the preceptor's death, if a married man, his right shall survive to his widow and infant children; but the rights of the older children shall cease as they respectively come of age, or when they shall reach the age of twenty one years. In all cases the right of preemption shall remain in the youngest child. And in case of the death of both father and mother, leaving an infant child or children, the executor, administrator, or guardian, shall, upon submitting satisfactory proof of that fact to the register and receiver of the proper land office, be entitled to a patent for the land so preempted for the benefit of said infant child or children, and may thereafter sell said lands, or otherwise dispose of them, for the benefit of the infant child or children aforesaid.

MR. ADAMS. I only wish to say that the amendment of my colleague meets my entire approbation; and that if I shall be here when the vote is taken upon it, I will vote for it. I make this explanation merely because it is probable that, on account of the indisposition of my family, I may leave here in a few days.

MR. WELLER. I move to postpone the further consideration of the bill until to-morrow at one o'clock, so that we may have an Executive session.

MR. WALKER. I ask the Senator to make his motion general, to postpone until to-morrow, and not to any particular hour, for we may be able to reach the bill before one o'clock.

MR. WELLER. Then I move to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

On the motion of **MR. WELLER**, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were opened.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by **MR. FORNEY**, their Clerk, announcing that the Speaker of the House had signed two enrolled bills.

The **PRESIDENT** thereupon signed the enrolled bill to authorize the school commissioners of fractional township No. 1, of range No. 10 east, in Alabama, to locate one half section of land for school purposes; and the enrolled bill to amend the third section of the act "making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1854, and for other purposes."

EXECUTIVE COMMUNICATION.

The **PRESIDENT** laid before the Senate a communication from the Postmaster General, in answer to the resolution of the Senate, of the 11th instant, transmitting information in relation to the contract of **J. W. Kelly**, for the transportation of the mail from Bainbridge, Georgia, to Apalachicola, Florida; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 19, 1854.

The House met at twelve o'clock, m. Prayer by **REV. WILLIAM H. MILBURN**.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The **SPEAKER** presented a communication from the Post Office Department, transmitting specific estimates of money expected to be required for the service of that Department for the year commencing July 1, 1854.

MR. JONES, of Tennessee. These are the regular annual estimates from that Department. I move that, without reading, they be referred to the Committee of Ways and Means, and ordered to be printed.

The motion was agreed to, and the order entered.

Also, a communication from the same Department, transmitting an estimate for the ocean mail service, payable out of the revenue of that Department, for the year commencing 1st July, 1854; which was also referred to the Committee of Ways and Means, and ordered to be printed.

ORDER OF THE DAY.

The **SPEAKER**. The first business in order is the call of committees for reports, commencing with the Committee on the Post Office and Post Roads.

MR. OLDS, from the Committee on the Post Office and Post Roads, reported back Senate bill for the relief of Almanzon Huston.

MR. O. said: The committee make an adverse report upon this bill. I do not, however, propose to move to lay it upon the table, as is usual in such cases. I move that it be referred to the Committee of the Whole House.

MR. JONES, of Tennessee. I move that the bill be laid on the table.

MR. OLDS. I have no objection to its being laid on the table.

The **SPEAKER**. There being no objection, it will be so ordered.

MR. OLDS, from the same committee, reported back the following Senate bills, with a recommendation that they do not pass; which were referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

S. No. 303. An act for the relief of Llewellyn Washington; and

S. No. 303. An act for the relief of James M. Goggin.

MAIL CONTRACT.

MR. OLDS. I am directed to report back Senate resolution entitled "A resolution for extending an existing contract for carrying the mail in Alabama," with the recommendation that it do pass. I desire to trouble the House with a word or two of explanation; and I am sorry that I am compelled to ask the House to let me put the resolution on its passage, knowing that members have been troubled too much with such applications of late.

The facts are simply these: If this resolution be not passed before the 25th of this month, it will be of no consequence to the parties to have the resolution passed at all. I would state, for the information of the House, that the committee have taken a good deal of pains to investigate this case, which caused some excitement here the other day. In obedience to the resolution of the House, the Postmaster General has sent us copies of all the correspondence and contracts and petitions and reports which have been made to him on the subject. The committee find nothing in this case but what is fair and honest. An attempt was made the other day to prejudice the House in relation to this case. The House was perhaps prejudiced

against this claim, from the fact that **Mr. Metcalfe**, who had been the special agent for the Post Office Department for the State of Alabama, was connected with **Mr. Powell** in the contract. I desire to disabuse the House of any prejudice they may have received from the representation of this kind. They will see at a single glance, **Mr. Speaker**, that it is not reasonable that the Postmaster General should have discharged **Mr. Metcalfe** from being the special agent of the Post Office Department, and that he should still have been such a favorite with him, that after having thus discharged him he should award **Mr. Metcalfe** a contract unjust in itself. There is an absurdity on the very face of it. It is unreasonable to suppose that there should be such relations existing between **Mr. Metcalfe** and the Postmaster General as should make him a favorite with that officer, while at the same time he had discharged him from being a special agent of the Post Office Department. He discharged him, not because there was anything wrong in the conduct of **Mr. Metcalfe** as agent, but under the general rule that obtains that when there is a change of Administration there should be a change of officers—the Postmaster General being a Democrat, and **Mr. Metcalfe** a Whig.

MR. GREY. With the gentleman's permission, I would ask him to state the date at which **Mr. Metcalfe** ceased to be the special agent for the Post Office Department, and the date of the commencement of this contract.

MR. OLDS. I am unable, **Mr. Speaker**, to state precisely the date. I believe that **Mr. Metcalfe** was discharged some time in June; and that this contract was also made in June, the latter portion of the month, perhaps the last day, or a day or two of the end of June.

Now, what has all that to do with the case? What difference would it make if **Mr. Metcalfe** had been discharged upon the very day that this contract was made with **Mr. Powell**? **Mr. Metcalfe** came into this contract from the fact that he is the special friend of **Mr. Powell**. **Mr. Powell** became the assignee of **Wade Allen**, who formerly held the contract, and he associated with himself **Mr. Metcalfe**, a discharged special agent of the Post Office Department; and after **Mr. Powell** had associated **Mr. Metcalfe** with him, inasmuch as the Post Office Department could have no objection to his being thus associated, it was the duty of the Postmaster General, as a matter of course, in making the contract, to name **Mr. Metcalfe** with **Mr. Powell** in that contract.

But I ask gentlemen, in order to disabuse their minds of any prejudice that may have been created against the validity and honesty of the contract by the fact that it has been given to a discharged agent, or, as is represented, an agent of the Post Office Department, to look at the fact that the Postmaster General conceived it to be his duty to discharge **Mr. Metcalfe**, who was a Whig special agent of the Post Office Department; but at the same time he felt it to be his duty to discharge him for political reasons, and political reasons only, to show that the Postmaster General had no ill feeling against this man, he was willing that he should be associated with **Mr. Powell** in this contract. Would you infer from that any favoritism on the part of the Postmaster General towards **Mr. Metcalfe**? Then, why did he discharge him from the post of special agent? He has kept other men in his employ who are Whigs. Why did he discharge **Mr. Metcalfe**, if that gentleman is such a friend of his that he would show him favoritism in awarding this contract? I hope there is no prejudice of this kind existing in the minds of members.

MR. JONES, of Tennessee. Will the gentleman permit me to ask him a question?

MR. OLDS. Certainly.

MR. JONES. The time for receiving bids for carrying the mails in all that section of country where this route is has been closed. I suppose the bids have all been opened, and that it is known to the Postmaster General now what propositions have been made for carrying the mails upon that route for the next four years from the termination of the present contract. Does the chairman of the Committee on the Post Office and Post Roads know anything of such bids?

MR. OLDS. If it were in the power of the chairman of the Committee on the Post Office and Post Roads to know anything of the kind, it must

be known to him in violation of the rules of the Post Office Department.

Mr. JONES. Well, if the gentleman does not wish to answer the question, I will not press it. But this is the condition of this case: The contractors had the contract; the Postmaster General made another contract with them for additional service at \$24,000 per annum, with the condition that if he could not get authority to extend the whole contract for four years from the termination of the existing contract, he would pay them at the rate of \$30,000 instead of \$24,000.

Mr. OLDS. Yes, sir.

Mr. JONES. Now, if the Postmaster General has bids for transporting the mails upon this route which will be more advantageous to the Government than it would be to extend this contract, I think he should take a more advantageous bid, and pay the alternative contract of \$30,000.

Mr. OLDS. The gentleman interrupted my reply to his question; but I deem it important that I should finish what I had to say with reference to my knowledge of other bids, and what those bids were.

Sir, one of the charges made the other day by the honorable gentleman from Kentucky against the Postmaster General was, that that officer did not permit him to go into the rooms of the clerks in the Post Office Department, and himself examine the papers. Why, sir, suppose the Postmaster General should give permission of that kind to the public generally, what would be the result? What might be the result?

If you extend this privilege to the Post Office Department, this rule should be adopted in all the Departments—even in the Department of the Secretary of State. Suppose that one of the honorable members of Congress should desire to go into the Department of the Secretary of State and examine the secret correspondence on file in his office—correspondence in regard to which, when you call upon the President for copies of it, you always insert a provision "if he deems it not inexpedient with the public interests." Yet the gentleman says if this rule was relaxed, gentlemen could go to the Post Office Department and get the bids. Precisely a case of this kind has occurred within three or four days. The bids to which the gentleman from Tennessee [Mr. JONES] refers were opened on the 10th of April by the Assistant Postmaster General. They were not known to the Postmaster General himself, but they were indorsed and opened in the presence of the assistants, and are entered upon the books; and no person has a right to know anything about them until they are declared publicly on the 25th day of April. A case occurred since the opening of these bids, on the 10th of the present month, like this: A contractor, who had offered a bid for a mail contract at \$28,500, ascertained, in some manner—I do not know how—that he was underbid. Upon an examination of the entries upon the books of the Department, it has been found that that bid of \$28,500 has been changed to \$23,500.

Mr. PHILLIPS. Upon what route?

Mr. OLDS. I do not recollect upon what route it was. The Postmaster General found it to be his duty to order the clerk of the Department, having charge of that particular desk, to give an account of himself. Another clerk in that Department addressed a communication to the Postmaster General, declaring that the clerk who is ordered to give an account of himself is innocent of the charge. The Postmaster General says to him, "If you know this man is innocent, you must know who is guilty. Tell me who is the guilty person." But he would not do it, not because, it is supposed, that he himself has changed the bid, but that he is cognizant of the fact that the contractor himself has had access by some means or other to the books of the Department and has seen the bids, and if the fact should be established upon the contractor, he would be forever precluded from making any further contracts. This clerk submits to the degradation of resigning rather than implicate the guilty person in the transaction. I refer to this case to show the necessity of the rule established by the Postmaster General, that the papers in charge of the clerks in the different bureaus should not be submitted to the inspection of any person whatever.

Mr. GREY. The gentleman from Ohio [Mr. OLDS] puts a singular phase upon this affair. Have

we any "State secrets," or records of delicate negotiations with foreign Governments, in the Post Office Department? I claimed the right, as a member of the Committee on the Post Office and Post Roads, to make a personal examination of the "public records," with the aid and assistance of the clerks having charge of them in the public rooms, which the chairman of that committee [Mr. OLDS] knows was never before denied to the members of that committee or of Congress. He has often gone there, as well as myself, and never was denied the exercise of the privilege I claimed; and when I spoke to him of those new rules and regulations, he replied: "I should like to see any of them refuse to allow me to go in and see the bids." And yet he comes in here and makes the speech he has this morning, from which it might be inferred that I wished to examine the bids; yet, sir, he knows I wanted to see no such thing. He knows the unacted on bids are not "public records." All bids are locked up when received for the annual lettings until a certain day, of which notice is given in the printed advertisements of the Post Office Department, when the seal of each bid is broken in the presence of the Postmaster General. Then the clerks are locked up with them in certain specified rooms until they record all of them (which have been received) into large books. The doors of the rooms are locked until all the bids are thus recorded, and until the Postmaster General has reviewed the bids and decided to which bid each contract shall be assigned. Up to that time they are the "secret records" of the Post Office Department. But from the time that those decisions are made, the doors are thrown open, the books are subject to inspection, and all are, or have ever heretofore been, permitted to come in and examine them.

Now, I ask any gentleman who is a member of this, or who was a member of any preceding Congress, if he has ever known a member of Congress, a contractor, or bidder, to be refused the privilege of going to the clerks' rooms to inspect the public records of the Department until since this case for action? But now, forsooth, all who desire to look at the papers and books of the Department, are required to go into the room of the Postmaster or Assistant Postmaster General, and there await their pleasure to bring in the public records of the Department, that they may examine them. This is done by a Democratic Administration! Why done, sir? Is it in order to conceal and smother and hide their doings? What member of this House has leisure to go through all that formula, and yield to all that ridiculous etiquette and nonsense sought to be enforced by an eastern and city gentleman now at the head of that Department. Sir, the Postmaster General sent a message to us requesting that we should sanction an illegal act of his, in order to give it validity. The matter was referred for investigation to the committee of which I was a member. I introduced a resolution calling for information—for the facts in the case, and for the data upon which the Postmaster General had assumed the privilege of making privately a contract on a mail route for the next four years, when the law positively requires that he shall advertise and relet every four years to the lowest bidder. The reply of the Postmaster General was contradictory in itself—incomplete, and did not state the facts as they existed.

Sir, I can establish, by the report itself, all I have charged. The report, I say, does not state all the facts truly, but withholds some, and equivocates insincerely as to others; therefore I desired a personal examination. But lo and behold! His Honor had just then adopted an order, which said, in substance, "If you are not satisfied with my report, you shall not have any additional information, nor the chance of detecting my errors." Sir, if all had been honest and fair on those records, would not he and his second assistant have desired an examination of their records? Secret records in regard to the making of mail contracts by the Postmaster General! Sir, do you call that one of the principles of this, the "age of progress?"

Thus, sir, has the Postmaster General asked us to indorse his illegal acts, and refused to permit us to see and know the data upon which he presumed to violate a positive law of Congress in regard to "letting" of mail contracts. I proposed to introduce into this Democratic House of Congress a resolution asking the Postmaster General for a copy of those new rules of his. But, it not being

"resolution day," any one member objecting would, under the rules of the House, prevent my getting a vote upon them. One member did object, and I now give notice that I will, when it is in order, again ask for copies of those new rules which seem to have been adopted to conceal the facts in regard to this particular case.

Mr. OLDS, (interrupting.) I am sorry to be obliged to interrupt the gentleman, but he is extending his remarks somewhat, and I must resume what I have to say; and the gentleman will have an opportunity to bring up the matter on which he is speaking at some other time; and, if he chooses, after I have finished my remarks.

Mr. JONES, of Tennessee. I desire to ask the gentleman from Kentucky [Mr. GREY] one question before he takes his seat. Did I understand the gentleman, when he spoke upon this subject some days ago, to state when he was told at the Post Office Department that he could not go into the rooms of the clerks to examine books or records, that the Assistant Postmaster General told him at the same time that he would send for all the books and papers appertaining to the subject which the gentleman wished to investigate, and that he would exhibit them to him in his room?

Mr. GREY. He replied to me that he would send a clerk for the books and papers, (I presume he meant for such as I desired to see,) and told me of the rules and regulations that had been adopted.

Mr. JONES. I recollect very distinctly that, during the last Administration, an order was made in the Pension Office that neither a member of this House or of the Senate could go into a clerk's room and look for a bounty land warrant, without first going to the Commissioner of Pensions, or to the chief clerk, and getting an order to permit him to do so.

Mr. OLDS. And I am told that that rule is still enforced.

Mr. JONES. Most frequently under that rule they sent for books and papers, and had them brought to the Commissioner's or clerk's room. Now, I ask the gentleman from Kentucky [Mr. GREY] if there is any room in the Post Office Department where they permit contractors to see any of these bids until they are opened and decided upon by the Department and registered? I ask, further, if, when the bids are decided and registered, they are not, from that time, opened to the inspection of everybody—contractors, bidders, and all other persons who wish to see them?

Mr. GREY. The gentleman is well aware that I did not desire to see any bids. Sir, it was before the lettings now going on at the Department that I went to examine the facts in regard to this special contract of the Postmaster General, which he made last summer and fall, but which, by law, was obliged to be made now. Yes, sir, now, and at these present "lettings." Sir, there are records in the Pension Office relating to private rights and the interests of poor widows and orphans, which ought not, perhaps, to be investigated by speculators, who thereby could ascertain the pensions due to minors, and thus buy them up for a mere song, before the heirs could find out their value. But the gentleman admits that by calling first on the Commissioner of Pensions, or chief clerk, he was allowed to go to the rooms and examine the "records." But, sir, did the gentleman ever hear of a member of Congress being refused to examine the "public records" of that Department until after the Postmaster General sent to Congress for their sanction of his conduct in regard to this mail contract? That is the point, sir.

Mr. OLDS. I wish to do my colleague justice in reference to this matter. At a meeting of the committee before the one in which he resigned his position as a member of that committee, the gentleman stated his griefs. I was not, at that time, aware of the existence of the order of the Post Office Department; for it had been my practice universally to go to the head of a Department, who sent for a clerk to come and give me the information I called for; and I did so now. I told that gentleman that I would go with him to the Department, and that we would have full access to all the papers we desired to see. Perhaps I used the very language the gentleman has quoted this morning. I make this statement in justice to the gentleman, for I have always had a very high regard for the gentleman from Kentucky, having

been associated with him for three years upon the Committee on the Post Office and Post Roads, and I feel the same regard for him to-day.

But, sir, the explanation which I have given to the House this morning, which the gentleman says I have made to go out to the public, I have not made at the request of the Postmaster General; neither have I communicated the facts which I have communicated as coming from him. He has called upon me to make no explanation in his behalf. I was only speaking of the necessity there is for such an order as the gentleman complains of having been made at the Department, and of which I myself was ignorant until my attention was called to it by the complaint of the gentleman in this case. If the gentleman himself will reflect upon it for a moment, he will see the necessity there is for such a regulation.

Take another case in connection with this Department. Who does not know that removals take place every day in the Post Office Department, upon charges that do not go to the public, and upon charges which, perhaps, the person himself has no knowledge of? Does the gentleman say that it would be right that members of Congress should be allowed to go into the room of the clerk having charge of the petitions for the appointment and removal of postmasters, and should have the privilege of examining all these petitions, and all the private correspondence in relation to them—correspondence of members of Congress and others, for the purpose of making it public to the world? Should they be made acquainted with all these secrets, which are peculiarly the business of the Department?

Why, suppose a charge is made against a postmaster for robbing the mail, or suppose he himself makes the charge against another. Suppose the charges and the evidence are such as to satisfy the Postmaster General, but not such as to warrant him in instituting legal proceedings; but he thinks himself called upon, in the administration of his Department, to remove the delinquent postmaster. Would the gentleman have these charges made public? Would not the making of them public remove the only means in his power of detecting the guilty postmaster, by putting him upon his guard? Mr. Speaker, it does seem to me that there is reason, and good reason, nay, sir, that there is a necessity, that such a regulation as is now complained of by the gentleman from Kentucky should exist in the various departments of the Government.

Now, sir, I have said what I have upon this subject, not as wishing to raise any hard feeling against the gentleman from Kentucky in the minds of the members of this House. I do not believe that any such exists. I certainly entertain none, and am sure no other gentleman does; but I have made this reference because I feared that the resolutions which I have recommended for the adoption of the House, under the direction of the Committee on the Post Office and Post Roads, might be prejudiced by the complaints made by the gentleman from Kentucky in reference to this matter. Sir, I protest against any such prejudice being raised. What has the Postmaster General done in relation to the matter? The gentleman from Kentucky offers a resolution calling upon him for copies of all correspondence concerning this case. And what is the reply of the Postmaster General? He transmits copies of every paper in the possession of the Department which was called for; and not only that, but he has marked them for the inspection of the gentleman from Kentucky, or any other member of the House. I challenge the gentleman from Kentucky, or any other gentleman upon this floor, to point to the first scintilla of evidence that has not been furnished by this correspondence, so that if there is anything wrong in the contract made with Messrs. Powell and Metcalfe, gentlemen can ascertain it for themselves.

This, sir, is the condition of the case. The Postmaster General sent his special agents to investigate the state of the service upon this mail route, and they reported to him that the service was not sufficient for carrying the mail upon it. The Chamber of Commerce of New Orleans made a special request of the Postmaster General for increased mail facilities on that route.

Mr. GREY. What is the date of the contract?

Mr. PHILLIPS. It is not dated.

Mr. OLDS. The date is not here. Perhaps

I am unable to give the date. I have not turned my attention to anything with regard to dates, seeing nothing wrong in the whole matter.

Mr. GREY. Has the gentleman the copy of the memorial?

Mr. OLDS. I have.

Mr. GREY. Does it not give the date?

Mr. OLDS. It does not.

I say that there were complaints from the people all along the route at the feeble manner in which the mail service was performed, and calling for increased mail facilities; and your Postmaster General, as in duty bound, called on the postmasters along that route for information. Copies of that information have been given. He sent a special agent from the Post Office Department to make investigation. His report is also given. The report recommended that the service should be put on the river. The Postmaster General asked for bids from the steamboat owners, and the lowest bid that he received for the performance of the service was \$50,000 for six months, which was at the rate of \$100,000 per annum. Now, what could the Postmaster General do? The people demanded this increase of mail facilities; the bids of the steamboat owners were too exorbitant. He could not make a contract of that kind. He then called on Messrs. Metcalfe and Powell, who had the existing contract, for a proposition for double daily service for running two coaches. They were willing to perform it for a *pro rata* compensation. They were receiving \$36,000, and they were willing to perform double service for \$36,000 more, which would make \$72,000 per annum—still \$28,000 less than the lowest bid put in by the steamboat owners for the performance of the same service.

The Postmaster General, after the fullest investigation, made an offer to Messrs. Metcalfe and Powell that the double daily service should be performed for \$24,000 in addition to what they already received. They were unwilling to make this contract. They were unwilling for that compensation to double their stock on the road, to enlarge their stabling, which they would have to do if they entered into the contract. To do so would require an outlay of \$30,000, which, if they did not get a continuance of the contract from the 30th of June next, would be thrown on their hands as lost. They objected then to entering into the contract unless they had some kind of assurance from the Postmaster General that they could be continued in that service for four years longer. The Postmaster General had no power to make the contract beyond the 30th day of June; but, as an inducement to these men to take that contract and expend their \$30,000 in increase of stock and stabling, and in repairing the road—for Mr. Powell himself expended \$15,000 in building a bridge on the road at his own expense—the Postmaster General gave them the assurance that he would make a recommendation to Congress that the contract should be continued four years longer.

Now there is not a particle of evidence to show that it is more than the service is worth. On the contrary the evidence is that it is not beyond the real value of the service to be performed. There is not a particle of evidence that bids would be put in at a lower rate.

But the point which I wish to urge upon the consideration of the House is this: Messrs. Powell and Metcalfe, have been induced to take this contract and make an outlay of \$30,000, upon the supposition that the Congress of the United States would extend their contract four years longer; and if this contract is to be abrogated, or if Congress should refuse its assent to the extension of the contract, and it is let to the lowest bidders, and they shall not be the lowest bidders, they will incur a loss of \$25,000 or \$30,000 in consequence of having acted on what they supposed would be, and what really is, the recommendation of the Postmaster General that the contract should be continued four years longer.

There is not a particle of evidence to show that, everything about the contract has not been fair. I believe, on my honor, that a fair and just contract has been made by the Postmaster General, in accordance with his usual desire to advance the interests of the country in the administration of his Department. For I believe that if Postmaster General Campbell has a fault at all, it is that of being too close and economical in the administra-

tion of his department of the Government, rather than that he is at all disposed to lend himself to anything that looks like over-payment for any service that may be performed.

Now, I ask the House, under these circumstances, with this understanding upon the part of Messrs. Powell and Metcalfe, that they should have the contract for four years longer, Congress assenting to the same—I ask if it is just that we should refuse to pass this resolution, and throw the loss upon these individuals who have come in to the aid of the Post Office Department in the very hour of its need, and throw this loss upon them in consequence of their liberality, and their desire to advance the interests of the Post Office Department?

I think the resolution ought to pass; and, to make it effective, it ought to be passed at once; for, if it is not passed before the 25th of this month, the bids which have been made under the advertisements will then be declared; and it will be too late, because the Postmaster General must then award the contract to the lowest bidder, whether the lowest bid be \$150,000, \$100,000, or \$50,000. I hope, therefore, that the House will at once put the resolution upon its passage. I am willing, however, that any gentleman shall now have the floor who wishes to speak in opposition to the resolution. Does the gentleman from Kentucky [Mr. GREY] desire to speak in opposition to it?

Mr. GREY. I desire to say a few words only.

Mr. OLDS. Before yielding the floor, in order to prevent the bill from going into the fifth class of business on the Speaker's table, in case a motion should be made and carried to proceed to the business on the Speaker's table, I desire to submit a motion to recommit the bill to the Committee on the Post Office and Post Roads.

[Mr. HENN, from the Committee on Enrolled Bills, reported back as correctly enrolled, the following bills; which thereupon received the signature of the Speaker:

An act for the relief of John Guzman, of Louisiana; and

An act establishing a land office in the lower peninsula of Michigan.]

Mr. GREY. Mr. Speaker, the subject-matter of this resolution does not immediately interest me or my constituents. When it was first brought up before this House I was not in my seat, but coming in while it was under discussion, I learned that it was a contract in violation of the general laws governing the "lettings" of mail contracts, that it was a contract made under the discretionary power of the Postmaster General. That, sir, drew my attention to it more particularly than anything else, because, by and under the exercise of these "discretionary powers" and privileges, in violation of the laws of the country, the State which you and I in part represent, have, I will not say been swindled by the Post Office Department out of \$10,000 per annum, by the operation of that dangerous "discretionary power;" I do not like to use the word "swindled." But I will say, here, that the State of Kentucky has been unjustly and illegally charged about \$100,000 within the last year for mail facilities and about half that sum per year previous, under a contract made in violation of law, and now continued, and the service upon which has never been performed in accordance with the terms and stipulations of that illegal contract. Nor has it benefited, but has been of actual injury and prejudice to our mail facilities in Kentucky.

That is a matter, Mr. Speaker, about which you and I had some conversation during last Congress, and went together to the Post Office Department to see about; and I then protested against it, and insisted the contract on that route should be "let" according to law, and to the advertisements then published for bids upon it.

Mr. HARRIS, of Alabama. I wish to ask the gentleman from Kentucky [Mr. GREY] when the contract of which he speaks was made?

Mr. GREY. When the contract in Kentucky was made?

Mr. HARRIS. Yes, sir.

Mr. GREY. If the House will allow me the digression, I will, if he desires it, explain to the gentleman. In 1850 the contract was let to carry the mail from Louisville to St. Louis, by the way of the Ohio river, for \$10,000 a year, by J. C. Buckles, or Buckles and a partner, perhaps. There was some personal disagreement between

Buckles and the present Second Assistant Postmaster General, which induced the Committee on the Post Office and Post Roads of the last and this Congress to believe that Buckles had been unjustly dealt with. Buckles was seriously fined, his pay withheld from him, his contract forfeited, and given to Messrs. Sherlock and Shirley, without advertisement for bids, but under this odious "discretionary power," at a much higher price of compensation than had been given to Buckles. Sherlock and Shirley performed the service so badly that complaints were loud and universal, and Congress, in August, 1852, passed an act which made it the "duty of the Postmaster General to issue proposals and contract for the transportation of the mails" on that route.

Accordingly, on the 31st December, 1852, advertisements were published by the then Postmaster General for bids for the service, "on suitable and safe steamboats," for four years from 1st of July, 1853. 1st. From Louisville to Evansville and back, daily. 2d. From Evansville to Cairo and back, daily. 3d. Between Cairo and St. Louis, daily. The bids to be received at the Post Office Department by 10th February, 1853, to be considered and decided on by the 1st March, and service to commence the 1st July, 1853. Well, sir, in January, 1853, Mr. Shirley came on here, and obtained an extra allowance upon his contract, (which I believe was then at about \$40,000 per annum,) running his pay up to \$70,000 per annum; and from 1st February, 1853, until the service should commence upon the new contracts, that is, those to be let 1st March, 1853. This extra allowance contract to Shirley and Shirley was recommended by the present Second Assistant Postmaster General. I protested against it, for I knew it was in violation of law, and I believed it would tend to fix the price for that service from Louisville to St. Louis at \$70,000 per annum, which was greatly above the steamboat daily service between Louisville and Cincinnati, (which is \$10,500 for one hundred and forty-two miles,) I knew, too, that Shirley and Sherlock had never performed the service with any regularity; for the district I represent fronts upon the Ohio river for hundreds of miles, and, sir, I believe it was the desire of the present Second Assistant Postmaster General to afford to Sherlock and Shirley the means by this \$70,000 to get their line of packets so regularly established from Louisville to St. Louis before the new contract could be ready to commence operation, that the new contractors could not compete with their opposition line, and would be thus compelled to give up to Shirley and Sherlock their contracts.

The bids were filed, and on the 2d March, 1853, Messrs. Glover and Mather were informed by an "official" letter signed by Mr. Dundas, informing them that their bids had been accepted for the routes from Louisville to Evansville, Evansville to Cairo, (and several other routes,) the whole of them at the annual compensation of \$450,000.

On the 12th March, 1853, Mr. Dundas wrote again to Messrs. Glover and Mather, that he was instructed by the present Postmaster General to inform them that he had not yet had time "to examine the matter of the acceptance" of their bids for these routes, "but that it is his intention to reconsider the acceptance as soon as he can find time to give it his attention."

The result was a reconsideration and an annulment of their "acceptance" as contractors on 13th March, 1853; and in lieu changes and modifications were made under that "discretionary power," and a contract finally agreed upon at the annual compensation of \$297,975, for various steamboat routes, twice daily, on the Ohio and Mississippi rivers, &c., to commence on the 1st December, 1853. This contract was dated on the 20th day of May, all written out in due form and fully executed, and endorsed "signed, sealed, and delivered by the Postmaster General, in the presence of James N. Davis," "and by the other parties in the presence of W. P. Young," and several other witnesses, whose names are attached.

Well, sir, all would here naturally expect an end to the exercise of that "discretionary power." But no, not yet. The contractors went West, procured boats, had everything ready and in complete trim, and on the morning of the 1st December, 1853, presented their boats and demanded the mails. But, lo and behold, a letter from the Postmaster General, dated 26th November, 1853,

addressed to the "mail agent" at Louisville, informed him not to give the mail to the contractors unless they would agree not to carry *any freight—nothing but mails and passengers on any of their boats*. This, too, when there was no such provision or prohibition in the contract, which he, as *Postmaster General of the United States*, had executed. All had turned out as I had anticipated. Those favorites, Messrs. Sherlock and Shirley, had all this while been conveying the mails daily from Louisville in boats to St. Louis, and are yet doing so.

The mails are carried from Louisville by stages, across Illinois, to St. Louis. Therefore, the river mail was established solely to supply the intermediate offices on the river between Louisville and St. Louis. If it fails to supply these offices, it is valueless and worthless; it is a fraud upon the people along those rivers, and a swindle upon the Treasury.

Although these contractors sail their mail boats along up and down the rivers both ways daily, with freights, passengers, and mails, yet the intermediate offices in my district, which ought to have been supplied daily both by up and down boats, would have been much better off without any river mail at all, for then their mails would have been sent by land routes, where the contractors do their duty.

I have remonstrated personally, and by letters, with the Postmaster General, and with his Second Assistant. I have sent them newspaper complaints, and those sent me by private correspondents, but all to no purpose. These favorite contractors, Messrs. Sherlock and Shirley, must be protected, and secured in their monopoly of the "packet line" from Louisville to St. Louis, whether they furnish "mail facilities" or not.

There is now for that service paid to Sherlock and Shirley \$70,000 per year; then to the "route agents," mail messengers, local agents, &c., enough to swell it up to about \$100,000; all of which is charged to Kentucky for "mail facilities" in that State. Thus the law of August, 1852, making it the "duty of the Postmaster General" to "let out" that river mail service to the lowest bidder, is disregarded and violated by this "discretionary power" to favor and fatten "pet contractors," at an enormous cost to, and shameful disregard of, the rights and interests of Kentucky.

Then I would ask the gentleman from Alabama [Mr. HARRIS] if I have not reasons for exerting what little influence I may have in order to put a check upon official corruption resulting from discretionary powers by a Postmaster General and his assistants, who disregard all laws and moral obligations in relation to contracts? During these negotiations, Mr. Dundas, I am informed, often tried to induce Mr. Glover to agree to let Sherlock and Shirley have that contract from Louisville to St. Louis; often said to Glover, "You had better let Shirley and Sherlock have that route," and "You will have to let Shirley and Sherlock have that route. They have the boats on it, and already stocked," &c., &c.—substantially as above.

Now, Mr. Speaker, in relation to this Montgomery and Mobile route—

Mr. HAVEN, (interrupting.) Has the morning hour expired?

The SPEAKER. It has expired.

Mr. HAVEN. I do not like to interrupt the gentleman from Kentucky; but if he will yield me the floor, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. GREY. I will yield for that purpose, if I can have the floor in the morning to finish my remarks.

The SPEAKER. The gentleman will be entitled to the floor when the resolution again comes under consideration.

Mr. HAVEN. I make the motion because I am anxious that the West Point Academy bill should be disposed of; and I think the committee will finish it in a short time, if the House will go into committee.

Mr. BISSELL. I wish to make a single suggestion. I hope the motion of the gentleman from New York will not prevail; and if the House will indulge me, I will state the reason in about three words. There is a bill upon the Speaker's table known as the bill making appropriations of land to the different States for the benefit of the indigent insane. I hope the motion

of the gentleman from New York will not prevail, but that the House will proceed to the consideration of the business upon the Speaker's table, with a view of disposing of this bill.

The question was put on the motion; and there were, on a division—ayes 54.

Mr. WHEELER. I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and Cox, were appointed.

The question was taken; and the motion was disagreed to, the tellers having reported—ayes 42, noes not counted.

So the House refused to resolve itself into the Committee of the Whole on the state of the Union.

Mr. BISSELL. I move that the House do now proceed to the consideration of the business on the Speaker's table.

Mr. HARRIS, of Alabama. I wish to appeal to my friend from Illinois to permit the bill which has been under consideration nearly all the morning to be disposed of. It is a matter of some importance to the contractors.

Mr. BISSELL. We have already got to the business which I have proposed. I must adhere to my motion.

The question was taken on the motion to go to the business on the Speaker's table; and there were, on a division—ayes 61.

Mr. BISSELL. I demand tellers on the motion.

Mr. WHEELER. I move that there be a call of the House. I do not believe we have a quorum present.

The question was taken; and the House refused to order a call of the House.

Tellers were ordered; and Messrs. CLINGMAN, and HARRIS of Alabama, were appointed.

The question was then put; and the tellers reported—ayes 48, noes 46; no quorum voting.

Mr. HAMILTON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 76, nays 70; as follows:

YEAS—Messrs. Appleton, Ball, Belcher, Bennett, Benson, Benton, Bissell, Bugg, Carpenter, Chandler, Churchwell, Cobb, Cook, Corwin, Crocker, Cullom, Cutting, Thomas Davis, Edgerton, Edmunds, Thomas D. Eliot, Ellison, English, Etheridge, Giddings, Grey, Aaron Harlan, Harrison, Hastings, Haven, Hester, Howe, Hughes, Hunt, Kerr, Kittredge, Knox, Lilly, Lindley, Lyon, McDougall, Maurice, Middlesworth, John G. Miller, Mordecai Oliver, Parker, Peck, Peckham, Pratt, Puryear, David Ritchie, Thomas Ritchey, Rogers, Sage, Sapp, Seymour, Skelton, William R. Smith, Hester L. Stevens, Stratton, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vail, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, Yates, and Zollcoffer—76.

NAYS—Messrs. Aiken, David J. Bailey, Barksdale, Barry, Bell, Bocoock, Boyce, Bridges, Caskey, Chrisman, Clingman, Colquitt, Cox, Craig, Curtis, John G. Davis, Dawson, Dean, Dent, Drum, Dunbar, Eddy, Edmundson, John M. Elliott, Faulkner, Florence, Goode, Greenwood, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hens, Hibbard, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Kurtz, Latham, Letcher, Lindsley, Macdonald, McNair, Maxwell, Mayall, Smith Miller, Murray, Olds, Phelps, Phillips, Powell, Richardson, Robbins, Ruffin, Seward, Shannon, Shower, Gerrit Smith, Samuel A. Smith, George W. Smyth, John J. Taylor, Walbridge, Warren, Wells, and Witte—70.

So the motion was agreed to; and the House accordingly proceeded to the business on the Speaker's table.

A bill of the following title was then taken up, read a first and second time by its title, and referred to the Committee on Public Lands:

An act for the relief of the Burlington University, in Iowa.

Mr. PHELPS. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. BISSELL. I hope not. What is the object?

Mr. PHELPS. The object is to dispose of the Military Academy bill, and then take up the deficiency bill.

The question was then taken on Mr. PHELPS's motion; and, on a division, there were—ayes 49, noes not counted.

So the motion was disagreed to.

LANDS FOR THE INDIGENT INSANE.

Bill of the following title was then taken up from the Speaker's table:

An act making a grant of public lands to the several States of the Union for the benefit of indigent insane persons.

THE SPEAKER. There is a motion pending to refer this bill to the Committee of the Whole on the state of the Union, and a demand has been made for the previous question.

MR. BISSELL. I hope the demand for the previous question will be sustained, and that the motion to refer the bill to the Committee of the Whole on the state of the Union will not prevail, as that would be practically a defeat of the bill. I ask that the bill may be read; it is not long.

The Clerk read the bill.

MR. BOYCE. I move to lay the bill upon the table.

MR. PECK demanded the yeas and nays; which were ordered.

The question was then put; and there were—yeas 43, nays 91; as follows:

YEAS—Messrs. Aiken, David J. Bailey, Barksdale, Barry, Bell, Bockock, Boyce, Caskie, Chrisman, Colquitt, Craig, John G. Davis, Dean, Dent, Eddy, Edmundson, Faulkner, Giddings, Goode, Greenwood, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Hibbard, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kidwell, Letcher, Lindsley, McNair, Maxwell, Mayall, Murray, Phelps, Phillips, Powell, Robbins, Ruffin, Seward, Shannon, Shower, Gerrit Smith, George W. Smyth, Wells, and Witte—48.

NAYS—Messrs. Appleton, Ball, Banks, Belcher, Bennett, Benson, Bissell, Bridges, Bugg, Carpenter, Chandler, Churchwell, Cobb, Cook, Corwin, Cox, Crocker, Curtis, Cutting, Thomas Davis, Dawson, Dickinson, Drum, Dunbar, Edmunds, Thomas D. Eliot, Ellison, English, Etheridge, Farley, Fenton, Florence, Grey, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Heister, Howe, Hughes, Hunt, Ingersoll, Kerr, Knox, Kurtz, Latham, Lilly, Lindsey, Lyon, Mace, Maurice, Middlesworth, John G. Miller, Smith Miller, Mordecai Oliver, Parker, Peck, Peckham, Pratt, Puryear, Richardson, David Ritchie, Thos. Ritchey, Rogers, Sage, Sapp, Seymour, Skelton, Samuel A. Smith, William R. Smith, Richard H. Stanton, Nestor L. Stevens, Stratton, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Tweed, Upham, Vail, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—91.

So the House refused to lay the bill upon the table.

MR. BISSELL. I hope the House will sustain the demand for the previous question.

The House was divided on the second; and there were—yeas 56, noes not counted.

MR. PHELPS. I move a call of the House. I want a vote of more than one hundred and thirty-nine members upon this bill.

The question was then taken; and the House refused a call.

MR. COBB. I am a friend to this bill, and I wish to see it amended as Miss Dix desires. I would ask the Chair what will be the effect of sustaining the previous question?

THE SPEAKER. If the previous question be sustained, it will cut off all amendments and all discussion, and bring the House to a vote upon the proposition to commit the bill; and, if that fails, then ultimately upon the passage of the bill. The question now is upon seconding the demand for the previous question.

Tellers were demanded, and ordered; and Messrs. VAIL and WITTE were appointed.

The question was then taken; and the tellers reported—yeas 69, noes 42; no quorum voting.

MR. DEAN. I move a call of the House; and upon that I demand the yeas and nays.

MR. WHEELER. I move that the House do now adjourn.

MR. JONES, of Tennessee. Upon that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken; and the House refused to adjourn.

MR. HAMILTON. I move that there be a call of the House.

THE SPEAKER. That is the pending motion, and upon that proposition the yeas and nays have been demanded.

MR. DEAN. I withdraw the call for the yeas and nays; but I insist upon the motion for a call.

The question was then put, and the House refused a call.

MR. COBB. I rise to a point of order. The previous question has not been seconded, and I claim the right to offer an amendment. Now, what does the Journal say upon that point of order?

MR. HAMILTON. I rise to a question of order. It is, that there is not a quorum here for the transaction of business.

MR. COBB. I claim the floor.

MR. PHELPS. I rise to a question of order. If the fact stated by the gentleman from Alabama

be true, that the demand for the previous question has not been seconded, still the motion to commit is pending, which would cut off any motion to amend.

THE SPEAKER. That is true; but, in addition to that, a demand for the previous question was made.

MR. COBB. But I deny that any such demand was made.

THE SPEAKER. That is a question of fact, upon which the Chair apprehends the Journal of the House and the gentleman from Alabama will differ.

MR. COBB. I understand the Journal states that the gentleman from Virginia [Mr. LETCHER] demanded the previous question. Now, the gentleman from Virginia has informed me that he did not make any such demand.

MR. LETCHER. If the Journal states that I demanded the previous question, there must be some mistake about it. I have no recollection of any such thing.

THE SPEAKER. The Journal itself is not present. There is an indorsement upon the bill, to the effect that the gentleman from Virginia demanded the previous question upon it.

MR. LETCHER. There is some mistake about it.

THE SPEAKER. The regular proceedings of the House show that it was the gentleman from Indiana [Mr. HENDRICKS] who made the demand.

MR. COBB. I had been informed that it was the gentleman from Virginia.

THE SPEAKER. That was merely an indorsement upon the bill, and a mistake. The Chair will count the House, and ascertain whether there is a quorum present.

A count having been made, the Speaker announced that one hundred and thirty-seven members (a quorum) were present.

[Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which were accordingly signed by the Speaker:

An act to authorize the school commissioners of fractional township number one, of range ten, in Alabama, to locate one half section of land for school purposes; and

An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1854, and for other purposes.]

The question now being upon seconding the demand for the previous question, the tellers—Messrs. VAIL and MACE—resumed their places.

The question was then put; and the tellers reported—yeas 80, noes 38; there was a second.

THE SPEAKER. The question recurs on ordering the main question to be now put.

MR. JONES, of Tennessee. I demand tellers. Tellers were not ordered.

MR. SEWARD. I move that the House do now adjourn.

The question was taken; and the motion was disagreed to.

The question now recurring, "Shall the main question be now put?"

MR. COBB. On that I demand the yeas and nays.

The yeas and nays were ordered.

MR. WARREN. I move that the House do now adjourn.

The question was put; and it was decided in the negative.

So the House refused to adjourn.

The question was then taken on ordering the main question; and it was decided in the affirmative—yeas 85, nays 53; as follows:

YEAS—Messrs. Appleton, Ball, Banks, Belcher, Bell, Bennett, Benson, Bissell, Bridges, Bugg, Carpenter, Chandler, Churchwell, Clark, Cook, Corwin, Cox, Crocker, Culom, Cutting, Thomas Davis, Dawson, Dickinson, Dunbar, Edmunds, Thomas D. Eliot, Ellison, English, Etheridge, Farley, Florence, Grey, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Heister, Howe, Hughes, Hunt, Kerr, Knox, Kurtz, Latham, Lilly, Lindsey, Lyon, McDougall, Mace, Maurice, Middlesworth, John G. Miller, Mordecai Oliver, Parker, Peck, Peckham, Pratt, Puryear, David Ritchie, Thomas Ritchey, Rogers, Sage, Sapp, Seymour, Skelton, Samuel A. Smith, William R. Smith, Richard H. Stanton, Stratton, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vail, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—85.

NAYS—Messrs. Aiken, David J. Bailey, Barksdale, Barry, Benton, Boyce, Caskie, Chrisman, Clingman, Cobb,

Colquitt, Craig, Curtis, John G. Davis, Dean, Dent, Eddy, Edmundson, Faulkner, Fenton, Giddings, Goode, Greenwood, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Henn, Hibbard, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kidwell, Kittredge, Letcher, Lindsley, Macdonald, Smith Miller, Murray, Phelps, Phillips, Powell, Robbins, Ruffin, Seward, Shannon, Shower, Gerrit Smith, George W. Smyth, John J. Taylor, Wade, and Witte—53.

So the main question was ordered to be now put, being first upon the motion to refer the bill to the Committee of the Whole on the state of the Union.

MR. BISSELL. If that motion prevails it will, of course, kill the bill.

MR. PHELPS. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

MR. BISSELL. I understand that a wrong impression exists in the minds of some gentlemen as to the effect of the vote now to be taken.

MR. CRAIGE. I call the gentleman to order.

MR. BISSELL. To refer the bill now to the Committee of the Whole on the state of the Union is, of course, to defeat it. Those who are in favor of the bill should, therefore, vote against the motion to refer.

THE SPEAKER. The Chair will remind the gentleman that debate is not in order.

MR. SMITH, of Tennessee. I move that the House do now adjourn.

The question was put; and it was decided in the negative.

So the House refused to adjourn.

The question was then put on the motion to refer the bill to the Committee of the Whole on the state of the Union, and it was decided in the negative—yeas 53, nays 81; as follows:

YEAS—Messrs. Aiken, David J. Bailey, Barksdale, Barry, Bell, Benton, Bockock, Boyce, Caskie, Chrisman, Clingman, Colquitt, Craig, John G. Davis, Dean, Dent, Eddy, Edmundson, John M. Elliott, Faulkner, Giddings, Goode, Greenwood, Grow, Hamilton, Wiley P. Harris, Hastings, Hibbard, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Kittredge, Letcher, Lindsley, Smith Miller, Murray, Ods, Phelps, Phillips, Powell, Robbins, Ruffin, Seward, Shannon, Shower, Gerrit Smith, George W. Smyth, Richard H. Stanton, John J. Taylor, Wade, and Witte—53.

NAYS—Messrs. Appleton, Ball, Banks, Belcher, Bennett, Benson, Bissell, Bridges, Bugg, Carpenter, Chandler, Churchwell, Clark, Corwin, Cox, Crocker, Culom, Cutting, Thomas Davis, Dawson, Dunbar, Edmunds, Thomas D. Eliot, Ellison, English, Etheridge, Farley, Fenton, Florence, Grey, Aaron Harlan, Harrison, Haven, Henn, Heister, Howe, Hughes, Hunt, Kerr, Knox, Kurtz, Latham, Lilly, Lindsey, Lyon, Maurice, Middlesworth, John G. Miller, Mordecai Oliver, Parker, Peck, Peckham, Pratt, Puryear, David Ritchie, Thomas Ritchey, Rogers, Sage, Sapp, Seymour, Skelton, Samuel A. Smith, William R. Smith, Stratton, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vail, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—81.

So the motion was disagreed to.

The question recurred upon ordering the bill to be read a third time.

MR. BISSELL. I believe the previous question is not exhausted.

THE SPEAKER. It is not exhausted, nor will it be until the House shall have voted on ordering the bill to a third reading.

MR. DENT. I move that the House do now adjourn.

MR. HAMILTON. I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then put; and it was decided in the negative.

So the House again refused to adjourn.

The bill was then ordered to a third reading, and was subsequently read the third time.

MR. BISSELL. I move the previous question on the passage of the bill.

MR. CLINGMAN. I rise to a privileged question. I move to reconsider the vote by which the bill was ordered to a third reading; and I do it for the purpose of asking a question of the gentleman from Illinois.

MR. TAYLOR, of Ohio. Is not the motion too late?

THE SPEAKER. It is not. The gentleman from North Carolina has a right to submit the motion, and to be heard upon it.

MR. CLINGMAN. I do not know exactly the position in which the bill is placed, and I do not desire to occupy the time of the House in making a speech upon it.

MR. BISSELL. Is the gentleman from North Carolina entitled to the floor while we were in the act of dividing?

The SPEAKER. Before the count was had, the gentleman from North Carolina rose, and moved to reconsider the vote by which the bill was ordered to be engrossed, and read the third time.

Mr. BISSELL. The House was in the act of dividing, when the gentleman from North Carolina made his motion to reconsider.

The SPEAKER. The Chair had not counted at all. He had only commenced to count when the gentleman from North Carolina rose and made his motion. There was an example of this kind on yesterday, and the Chair would not vary the practice.

Mr. BISSELL. I wish to understand what the motion of the gentleman from North Carolina is?

The SPEAKER. It is to reconsider the motion by which the bill was ordered to be engrossed, and read the third time.

Mr. BISSELL. I move to lay the motion to reconsider upon the table.

Mr. CLINGMAN. I shall give the gentleman from Illinois an opportunity to make that motion in a few minutes.

Mr. BISSELL. I desire to ask the Chair, if my motion, upon which the House was in the act of dividing, is not a privileged motion?

The SPEAKER. It is a privileged motion, but the motion made by the gentleman from North Carolina is a privileged motion of a still higher character. If the House had seconded the demand for the previous question, and ordered the main question to be put, the Chair could not have entertained the proposition to reconsider; but before the Chair had announced the result of a count, the gentleman from North Carolina rose in his place, and made the motion to reconsider.

Mr. CLINGMAN. I am surprised to see this uneasiness manifested by gentlemen. I did not intend to occupy the time of the House more than a single moment, when I first arose and addressed the Chair. I desire to know if the bill does not contain certain limitations upon the States with reference to the mode of disposing of the money; in other words, whether it does not as it stands—I will not trouble the House by having it reread—require the States to expend this money in a particular manner as indicated in the bill? I understand the gentleman from Illinois [Mr. BISSELL] to admit that it does. My opposition, then, I would say, rests upon these features of the bill. I will waive the general question. Gentlemen may take it for granted that Congress has a right to give land to the States, and divide it among them according to the Federal population, or any other equitable mode. I am now taking no exception to that principle. I hold that when you do it, when you give land to the States, that you have no right to control their expenditure of what becomes their's absolutely by your gift—at any rate, to require them to do what this Government itself cannot constitutionally do.

For example, in order that gentlemen may understand my point—and I shall be gratified if they can meet it—I hold that this Federal Government has no jurisdiction over the lunatics or paupers in North Carolina, nor any right to take care of them; that this Government has no authority, under the powers given to it as a Federal and limited Government, to legislate in this way for either the lunatics, paupers, negroes, or anybody else, in the States; but that it is a matter which belongs to each State exclusively. If, therefore, this bill proposed to give lands or money, and to appoint a set of Federal officers to go into the States and take care of the lunatics, I presume that most of the members of the House would say that the Government was exceeding its powers. I think that nobody would maintain that we had a right to appoint a set of Federal officers to go into the States, and take care of the poor lunatics, or any other class.

But does not this objection apply with equal force to the pending proposition? As the bill is now framed, I understand it merely makes the States agents to carry out its provisions, instead of having it done by the Federal officers. It is so framed that the States under it will take the money under an obligation to use it in a particular manner pointed out in the bill, and, in fact, to use it to effect what the Government then has not a particle of authority to carry out. It requires, too, I believe, the States to make returns from time to time as to how they are spending the money, just

exactly as an overseer would do upon a plantation. It degrades the States, therefore, by making them the mere agents of the General Government to do the will of the Government, and that will, too, being a violation of the Constitution of the United States, which plainly limits its powers. If the Government, by the Constitution, had any authority to do such a thing, possibly it might be contended that it could effect its object through the agency of the States. But if the General Government have no such authority, it is equally clear that this whole proceeding is wrong, whether it appoints the States agents or the Federal officers. I therefore rest my opposition to the bill upon the ground thus briefly stated.

I shall yield the floor in a moment, and then the gentleman from Illinois [Mr. BISSELL] can either move to lay my motion upon the table, or he may discuss it, or any other gentleman may take the floor. My opposition to the bill rests upon this ground, but there may be other objections to it.

I should be glad to hear from the gentleman from Illinois. I understand him to be a believer in the doctrine that this is a Government of limited powers, and I have no doubt that he holds that we must act under the Constitution according to the power granted to the Government by it. If the gentleman can show me that there is anything in the Constitution which will authorize us to take care of the lunatics in the States, either by a donation out of the Treasury or in this mode, I might vote for the bill. I do not think he can do so, however. And yet the bill is so framed as to make the States mere agents to enable the Federal Government to violate the Constitution, to which it owes its existence.

When I got up I did not intend to occupy more time than might be necessary to indicate the grounds of my opposition to the bill. As a question of expediency, I need not say that I regard with favor a proposition so benevolent and charitable as this measure, and should be pleased to see it carried into practice, if it could be constitutionally done.

Mr. BISSELL. I will say but a word in reply—

Mr. TAYLOR. Will the gentleman from Illinois allow me to suggest that he move to lay the motion to reconsider upon the table, and then we will pass the bill immediately?

Mr. BISSELL. I will, after saying a word. [Cries of "No!" "No!"]

Mr. BISSELL. Very well, then; I move to lay the motion to reconsider upon the table.

The question was put; and the motion to reconsider was laid upon the table.

Mr. BISSELL. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. JONES, of Tennessee. Upon the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 81, nays 53; as follows:

YEAS—Messrs. Appleton, Ball, Banks, Belcher, Bennett, Benson, Benton, Bissell, Bridges, Bugg, Carpenter, Chandler, Churchwell, Clark, Cobb, Corwin, Cox, Crocker, Cullom, Cutting, Thomas Davis, Dawson, Dunbar, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Farley, Fenton, Florence, Grey, Aaron Harlan, Harrison, Haven, Hester, Howe, Hughes, Hunt, Kerr, Knox, Kurtz, Latham, Lilly, Lindsey, Lindsey, Lyon, Maurice, Middletown, John G. Miller, Smith Miller, Mordecai Oliver, Parker, Peck, Peckham, Pratt, Puryear, David Ritchie, Rogers, Sage, Sapp, Seymour, Skelton, Samuel A. Smith, William R. Smith, Hester L. Stevens, Stratton, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vail, Walbridge, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—81.

NAYS—Messrs. Aiken, David J. Bailey, Barksdale, Barry, Bocoek, Boyce, Caskie, Chrisman, Clingman, Colquitt, Craig, Curtis, John G. Davis, Dean, Dent, Drum, Eddy, Edmundson, Faulkner, Giddings, Goode, Greenwood, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Hibbard, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Kidwell, Kittredge, Letcher, Macdonald, McNair, Maxwell, Murray, Phelps, Phillips, Powell, Robbins, Ruffin, Seward, Shannon, Shower, Gerrit Smith, George W. Smyth, Richard H. Stanton, John J. Taylor, Wade, and Witte—53.

So the bill was passed.

Mr. PHELPS. I move that the House do now adjourn.

Mr. BISSELL. I rise to a privileged question. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was first taken upon the motion to adjourn; and it was not agreed to.

The question then recurring upon the motion offered by Mr. BISSELL,

Mr. LETCHER demanded the yeas and nays upon the same; but they were not ordered.

The question was then put; and the motion to reconsider was laid upon the table.

On motion by Mr. SAGE, the House, at three o'clock and thirty minutes, adjourned until tomorrow at twelve o'clock, m.

IN SENATE.

THURSDAY, April 20, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

J. W. KELLY.

Mr. MORTON. Mr. President, early in the session a memorial was presented from J. W. Kelly, of Florida, asking remuneration for an alleged violation of a contract entered into with him by the Post Office Department for carrying the mail from Bainbridge, Georgia, to Appalachicola. That memorial was referred to the Committee on Claims. Subsequently a resolution was adopted by the Senate, inquiring of the Post Office Department if that contract had been annulled; and if so, for what reasons. The response of the Department was received yesterday, and referred to the Committee on the Post Office and Post Roads. Thus the memorial is in the possession of the Committee on Claims, while the response of the Department, giving information in regard to the claim, is in possession of the Committee on the Post Office and Post Roads. I move, therefore, that the Committee on Claims be discharged from the further consideration of the memorial of J. W. Kelly, and that it be referred to the Committee on the Post Office and Post Roads, which, I presume, is the appropriate committee to take charge of the subject.

The motion was agreed to.

PETITIONS, ETC.

Mr. BRODHEAD. Mr. President, I beg leave to present a memorial signed by citizens of Northumberland county, Pennsylvania, praying that the homestead bill may be so amended before its final passage, as to authorize the Treasurer of the United States to refund to each and every former purchaser of any portion of the public domain, not exceeding a quarter section of land, the original cost of that land with interest from the time of purchase. They represent, in the first part of their memorial, that many of our citizens have toiled hard to get sufficient money to purchase one hundred and sixty acres of land, and that we now propose to give the same amount of land to other citizens without demanding any payment. They wish to have the bill so amended as to provide for refunding the amount which has already been paid by those who have purchased public lands. As the subject is already before the Senate, I move that the memorial lie upon the table.

The motion was agreed to.

Mr. PETTIT. I present a number of petitions from citizens of different States. I have one petition from one hundred and ten citizens of Indiana; another from one hundred and twenty-five citizens of Indiana; another from one hundred and ten citizens of Ohio; one from twelve citizens of Pennsylvania; one from eighty citizens of Massachusetts; another from forty-eight citizens of New York; one from twenty-seven citizens of Mississippi, and one from one hundred and one citizens of Georgia. All these petitioners pray for the abolition of, as they say, the unconstitutional office of Chaplain to Congress. I do not know whether any such petitions have been heretofore presented at this session, or whether they have been referred to any committee. I doubt whether any similar ones have been presented at this session. I move, therefore, that these petitions lie upon the table for the present.

The motion was agreed to.

Mr. BRODHEAD presented a petition of engravers employed in the office of the Coast Survey, praying to be allowed the benefits of the act of 31st August, 1852, granting a percentage to the clerks and messengers in the several Executive Departments at Washington; which was referred to the Committee on Finance.

Mr. RUSK presented a petition of certain residents of the Rio Grande Valley, praying that Brownsville, in the State of Texas, be established the port of entry for the collection district of Brazos de Santiago; which was referred to the Committee on Commerce.

Mr. WADE presented resolutions passed by the Presbytery of Trumbull county, Ohio, at its sessions in Warren, April 12, protesting against any enactment by Congress which shall open the way to the extension of slavery into any State or Territory of the United States where it does not now exist; which were ordered to lie on the table.

Mr. DAWSON presented the petition of Peter Berry, George Poe, jr., Robert P. Dodge, and other citizens of Georgetown, District of Columbia, praying an appropriation to improve the basin of the Chesapeake and Ohio canal, between that town and Washington city, and to raise the bridges over the canal; which was referred to the Committee for the District of Columbia.

Mr. SUMNER presented a series of resolutions passed at the annual meeting of the inhabitants of Westport, Massachusetts, protesting against the repeal of that portion of the Missouri compromise by which slavery was prohibited in the territory north of 36° 30'; which were ordered to lie on the table.

Mr. HAMLIN presented the petition of Edward Bartlett and others, who served in the last war with Great Britain, praying to be allowed pensions; which was referred to the Committee on Pensions.

Also, the petition of Thomas Dyer, praying remuneration for clothing lost by the destruction of the United States ship Adams; which was referred to the Committee on Naval Affairs.

Mr. TOOMBS presented the memorial of the Hepzibah Baptist Association, of Georgia, praying that measures be taken to secure to American citizens residing or traveling in foreign countries the rights of religious liberty; which was ordered to lie on the table.

Mr. GEYER presented a memorial of the Board of Directors of the Mississippi Valley railroad, praying a grant of land to aid in the construction of their railroad; which was referred to the Committee on Public Lands.

Also, the memorial of M. Tarver, praying a grant of public lands to the State of Missouri for the establishment and support of a juvenile reform school; which was referred to the Committee on Public Lands.

GEORGIA ON THE SLAVERY QUESTION.

Mr. DAWSON. Mr. President, during my recent absence from this city, resolutions were transmitted to me from the Legislature of the State of Georgia, through the Executive of that State, which I did not intend, nor think it necessary, to submit to the Senate; but, as I am instructed to do so, in consequence of the oft-repeated presentation of petitions on the subject of slavery, I beg leave to present them.

They set forth that the State of Georgia, in solemn convention, has firmly fixed herself upon the principles of the compromise measures of 1850, relating to the subject of slavery in the Territories of the United States, as a final settlement of the agitation of that question, its withdrawal from the Halls of Congress and the political arena, and its reference to the people of the Territories interested therein, and distinctly recognizes in those compromise measures the doctrine, that it is not competent for Congress to impose any restrictions as to the existence of slavery among them, upon the citizens moving into or settling upon the Territories of the Union, acquired or to be hereafter acquired; but that the question, whether slavery shall or shall not form a part of their domestic institutions, is for them alone to determine for themselves. Her present Executive has reiterated and affirmed the same fixed policy in his inaugural address. They therefore resolve:

"That the Legislature of Georgia, as the representatives of the people, speaking their will and expressing their feelings, have had their confidence strengthened in the settled determination of the great body of the northern people to carry out in good faith those principles, in the practical application of them to the bills reported by Mr. Douglas, from the Committee on Territories, in the United States Senate, at the present session, proposing the organization of a territorial government for the Territory of Nebraska. "And be it further resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to vote for and support those principles, and to use all proper means in their power for carrying them out,

either as applied to the government of the Territory of Nebraska, or in any other bill for territorial government which may come before them.

"Resolved further, That his Excellency the Governor, be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress."

I present those resolutions—I do not wish to make any further commentaries on them, but simply to say that they are the decision of the representatives of the people of Georgia, in Legislative Assembly convened. I move that they lie on the table.

The motion was agreed to.

POST OFFICE AT SAVANNAH.

Mr. DAWSON. I hold in my hand a petition very numerously signed by the merchants and citizens of the city of Savannah, Georgia, asking Congress to make an appropriation for the erection of a post office building in that city. The grounds on which they make this request are these:

The basement of the custom-house is now used as a post office, and is altogether unsuited for it.

1st. It is too contracted even for present business, and is decidedly so, in view of the rapid annual increase of the business and population of the city. I will here take occasion to state that the city of Savannah has nearly doubled her population within the last few years, and is rapidly increasing in numbers.

In the second place, the petitioners state that the present location of the post office is unhealthy.

In the third place, it is too dark, rendering gas-lights over the whole establishment necessary on some days, and in the general delivery room, day and night, indispensable; and thus, also, increasing materially the expense to the department.

Again, when the custom-house was first planned the basement was intended for custom-house stores. The placing the post office there was an after-thought, as is clearly proved by the fact that the architect omitted to make any arrangements for heating and ventilating the same, while ample arrangements were made in all other parts of the building.

And further, the basement of the custom-house is necessary for the convenience of the collector and merchants, as stores for the deposit of goods have to be hired at other points and at heavy expense.

In consideration of all these circumstances, and in view of the fact that the Savannah custom-house cost only \$150,000, when some of the cheapest custom-houses built elsewhere, both North and South, have cost \$500,000, the petitioners think that it will be vastly advantageous to the Government, and will be a great saving of expense, to appropriate \$100,000 for the purpose of building a post office for the convenience of that city. I am also authorized to say, that the city will find a site for the purpose and cede it to the United States. I ask my friend from Texas, [Mr. Rusk,] chairman of the Committee on the Post Office and Post Roads, to take this petition into consideration. I am satisfied that if he examines all the documents he will come to the conclusion that it would be just and economical on the part of the Government to make the appropriation asked for in the petition. I move that it be referred to the Committee on the Post Office and Post Roads.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the petition of Adele Sands, widow of Richard M. Sands, of the Army, praying an increase of pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred a petition of descendants of officers of the Army of the Revolution, praying that the heirs and descendants of officers of the Revolution who served to the end of that war, may be allowed the half pay for life promised by the resolution of 1780, deducting therefrom the value of the commutation received, asked to be discharged from its further consideration, on the ground that a bill applying to the subject, reported by the Senator from South Carolina, [Mr. Evans,] from the Committee on Revolutionary Claims, was now pending before the Senate.

It was so ordered.

Mr. TOOMBS, from the Committee on Indian Affairs, to whom was referred a bill to authorize

the payment of certain claims for depredations and spoiliations during the hostilities with the Creek and Seminole Indians in 1836 and 1837; reported it back without amendment. He also submitted a report upon the subject; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Willard H. Boynton, praying indemnity for merchandise destroyed by the Creek Indians in the year 1836, submitted a report, accompanied by a bill for the relief of Calvin B. Seymore and Willard H. Boynton, surviving partners of the firm of W. & H. Boynton; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the Committee on the Judiciary, to whom was referred the memorial of Charles Stearns, praying indemnity for expenses, &c., incurred in defending himself against an unjustifiable suit brought against him and others by the United States, submitted an adverse report; which was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred the petition and documents in the case of Seth Ingram, praying to be allowed certain arrears of pension, submitted an adverse report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. SLIDELL asked, and by unanimous consent obtained, leave to introduce a bill to confirm the claim of William H. Henderson and the heirs of Robert Henderson, to five hundred acres of land in the Bastrop grant; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

Mr. BROWN, in pursuance of previous notice, asked and obtained leave to introduce a bill to grant other lands in lieu of certain sixteenth sections in the State of Mississippi, heretofore disposed of by the United States for other than school purposes; which was referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. McKEAN, Chief Clerk, announcing that they had passed the bill from the Senate making a grant of land to the several States of the Union for the benefit of indigent insane persons.

DANIEL NIPPES.

Mr. COOPER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, required to transmit to the Senate all papers, vouchers, &c., relative to the claim of Daniel Nippes, now on file in the Department of War.

JEFFRIES AND SMITH.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred the petition of James Jeffries and Jeremiah M. Smith, have directed me to report a bill for their relief. It is a very small bill; the case is a hard one, and I therefore ask the unanimous consent of the Senate to act upon it now.

The bill was accordingly read a first and second time by unanimous consent, and considered as in Committee of the Whole. It proposes to direct the Postmaster General to release the parties mentioned, and their guarantors from the penalty incurred by their failure to carry the mail on routes 6268, 6269, 6277, according to the bid offered by them and accepted by the Department; and to refund to them the amount of any fine which has been paid by them in consequence of any failure.

Mr. RUSK. The facts in relation to the case are briefly these: These parties resided in Kentucky, and became bidders for some routes there, and for fourteen in Texas. Their bids were accepted as being the lowest. They went on to Texas, and arranged for all but the three routes specified in the bill; but they ascertained that the distance on those three was about one third more than was stated in the advertisement; so that, they being men of limited means, it was not possible for them to put those routes in operation. The testimony was very clear that the distance advertised for the three routes was two hundred and four miles, and that the actual distance was three hundred and five miles. They therefore failed to put these three routes into operation. The routes which they obtained in Kentucky they

did put in operation. The Postmaster General fined them for their failure on the three, and they paid the fines out of the routes which they are now actually carrying on in Kentucky. They are men of limited means, and it is very embarrassing to them. It is a very clear case, in my judgment. I hope, therefore, that the Senate will pass the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MAIL CONTRACT SETTLEMENTS.

Mr. ADAMS. I am instructed by the Committee on the Post Office and Post Roads, to whom was referred the petition of John R. Jefferson and others, to report a joint resolution authorizing settlements under certain mail contracts. As I shall necessarily be absent from the city for some weeks to come, I ask the unanimous consent of the Senate to consider it now. If it should lead to any discussion I will consent to let it pass over.

The joint resolution was read a first and second time by unanimous consent, and considered as in Committee of the Whole. It proposes to require the Auditor of the Treasury for the Post Office Department, to settle the accounts of the contractors for carrying the mail of the United States, who were ordered by the Postmaster General to suspend a portion of their regular mail service between November 1, 1838, and the 1st of June, 1839, at the *pro rata* reduction of their contract pay, and credit each one with a sum equal to the amount withheld from his pay under the order of suspension and reduction, and then to certify the amount found to be due to the Secretary of the Treasury for payment. The Auditor, however, is not to allow or certify any case where it is not proved that the services were actually performed during the time the suspension was ordered.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

WILLIAM VAN WART.

Mr. SEWARD. I am instructed by the Committee on Pensions, to report a bill granting arrears of pension to the representatives of William Van Wart, deceased, which I do, and ask that the report may be printed. I will state to the Senate, that the party, for the relief of whose heirs-at-law the bill is reported, was the one who gave to Paulding, Williams, and Van Wart, the information which put them on the lookout for Major André, on his return from the American lines, after his interview with Arnold. He is dead, and his family are in need of such a provision. Under these circumstances, I ask that the bill may be considered at this time. It only grants the arrears of pension, which the Commissioner of Pensions says ought to have been allowed to them, but which were withheld under existing previous laws for want of evidence. I ask for its immediate consideration.

Mr. WELLER. I shall be compelled to object to its consideration now. I think the Senator from New York, a short time since, reported a bill, and asked for its consideration, without asking that the report accompanying it be printed. Now he makes a report, and moves to have it printed, but, in the meanwhile, wants to have the bill passed. I would rather have the report printed first.

The bill was read a first time by its title, "for the relief of the heirs-at-law of William Van Wart, deceased," and passed to a second reading. The report was ordered to be printed.

ARMY PENSIONS.

Mr. CLAY. The Committee on Pensions, to whom was referred the petition of Ann Eliza Childs, widow of General Childs, praying the passage of a general law granting half pay to the widows of all officers of the Army who died while in the service of the country, have had the same under consideration, and have directed me to report a general bill providing half pay for all widows and minor children of officers or privates in the Army of the United States who may die in the line of their duty in the public service.

I will state to the Senate that, as is known perhaps to most members, by a general act, passed in 1837, I think, this provision was made for the widows and minor children of all officers, seamen, and marines in the Navy, but no such provision is made for any widow or orphan of an officer or private in the service of the Army, unless he died of wounds received, or diseases contracted during

some wars since 1790. Now, the committee concluded, in order to equalize the pension system, to report the same bounty to the widows and minor children of officers of the Army, which is extended to the widows and minor children of officers of the Navy. This bill should be passed, or we should abolish the former act. They have, therefore, instructed me to report a bill according to the prayer of the petitioner.

The bill, in addition to an act entitled "An act to continue half pay to certain widows and orphans," was read, and passed to a second reading. The report was ordered to be printed.

PUBLIC LANDS IN NEW MEXICO.

Mr. DODGE, of Iowa. I move that the Senate now take up for consideration the bill "to provide for the survey of the public lands in New Mexico, and for other purposes," which has been reported from the Committee on Public Lands. It is important that it should be passed now, because a day has been fixed for the consideration of territorial business in the House of Representatives, and the Senate should pass the bill as soon as possible, in order that it may reach the House before the "territorial day." I appeal to the Senate, therefore, to take up and consider the bill now.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. DODGE, of Iowa. The Committee on Public Lands have reported an entire substitute for the bill which was originally introduced by the honorable Senator from Illinois, [Mr. SHIELDS.] The substitute was drawn up by the Commissioner of the General Land Office, after a conference with the Committees on Public Lands of the two Houses of Congress, and received the unanimous approbation of the two committees. The amendment of the committee is to strike out all of the bill after the enacting clause, and to insert in lieu thereof the following:

That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for New Mexico, whose power, and authority, duties, compensation, and allowances for clerk hire, office rent, fuel, &c., shall be the same as now provided by law for the surveyor general of California; and he shall locate his office, from time to time, at such places as may be directed by the President of the United States.

SEC. 2. *And be it further enacted*, That to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who was residing in said Territory prior to the first day of January, eighteen hundred and fifty-three, there shall be, and hereby is, donated one half section, or three hundred and twenty acres of land, if single, but if married, one section, or six hundred and forty acres, and to each white male American citizen, who shall have removed or shall remove to and settle in said Territory between the first day of January, eighteen hundred and fifty-three, and the first day of January, eighteen hundred and fifty-eight, there shall, in like manner, be donated one quarter section or one hundred and sixty acres, if a single man, or if married, one half section or three hundred and twenty acres, on condition of actual settlement and cultivation for not less than four years: *Provided, however*, That each of said donations shall include the actual settlement and improvement of the donee, and shall be selected by legal subdivisions within three months after the survey of the land where the settlement was made before the survey, and where the settlement was made after the survey, then within three months after the settlement has been made; and all persons failing to designate the boundaries of their claims within that time shall forfeit all right to the same.

SEC. 3. *And be it further enacted*, That on proof of settlement and cultivation, as required by this act, to the satisfaction of the surveyor general, or other officer designated by law for that purpose, subject to the supervision of the Secretary of the Interior, a certificate shall be issued to the party entitled, on presentation of which, if approved by the Secretary of the Interior, a patent shall issue thereon: *Provided, however*, That on the death of any such settler before the completion of the four years occupancy and cultivation required by this act, the right shall descend to his heirs-at-law, who shall be entitled to a certificate and patent as aforesaid, on proof, as before provided, of continued occupancy and cultivation by such settler to the time of his death.

SEC. 4. *And be it further enacted*, That none of the provisions of this act shall extend to mineral or school lands, salines, military or other reservations, or lands settled on and occupied for purposes of trade and commerce and not for agriculture, and all legal subdivisions so settled on and occupied, in whole or in part, for purposes of trade and commerce and not for agriculture, shall be subject to the provisions of the act of the twenty-third of May, eighteen hundred and forty-four, in relation to town sites on the public lands, whether so settled and occupied before or after the survey of said lands, except that said lands shall be donated instead of being sold.

SEC. 5. *And be it further enacted*, That sections sixteen and thirty-six in each township in said Territory shall be reserved for the use of schools therein, and when either of said sections, or any part thereof, shall be taken by a claim originating under this act, before the survey of the lands,

other lands, in lieu thereof, shall be selected by the Governor of the Territory, and subject to the approval of the Secretary of the Interior.

SEC. 6. *And be it further enacted*, That a quantity of land equal to two townships shall be, and the same are hereby, granted to said Territory, for the establishment of a university therein, to be selected under the direction of the Legislature thereof, in legal subdivisions of not less than one half section, and to be disposed of as said Legislature shall direct.

SEC. 7. *And be it further enacted*, That any of the lands, not taken under the provisions of this act, shall be subject to the operations of the preemption act of September fourth, eighteen hundred and forty-one, as extended to California, and any person claiming a donation under this act shall be permitted to enter the land claimed by him at any time prior to the four years' occupancy and cultivation required, by paying therefor at the rate of one dollar and twenty-five cents per acre, and proving occupancy and cultivation up to the time of such payment.

SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summons witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States, and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, the nature of their titles to the land; such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm bona fide grants, and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico, and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale, or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

SEC. 9. *And be it further enacted*, That full power and authority are hereby given to the Secretary of the Interior to issue all needful rules and regulations for fully carrying into effect the several provisions of this act.

Mr. SHIELDS. I introduced the original bill; and on my motion it was referred to the Committee on Public Lands. I have examined the substitute of the committee, and I find it to be quite an improvement upon the original bill. I think it much better adapted to the condition of this distant Territory than the original bill. I am, therefore, decidedly in favor of the substitute.

Mr. HUNTER. I am not sure that I understand exactly the provisions of this amendment, but it seems to me from hearing it read, that it gives away all the lands in this Territory to actual settlers. It gives some persons as much as six hundred and forty acres.

Mr. DODGE, of Iowa. Its provisions are precisely the same as those which were made in the case of Oregon.

Mr. SHIELDS. I can state to the honorable Senator from Virginia, that the provisions of this amendment are the same as were made in the Oregon and California bills; and the lands in New Mexico are much less valuable than those in either California or Oregon. It does not give any additional land.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed; and its title was amended so as to read, "A bill to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes."

EXECUTIVE SESSION.

Mr. STUART. As there seems to be no other business now before the Senate, and as the hour has arrived at which, by the agreement or understanding made yesterday, we should go into Executive session, I move that the Senate proceed to the consideration of Executive business.

The motion was agreed to; and after some time spent in Executive session, the doors were reopened, and the Senate adjourned till Monday.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 20, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The first business in order

is the question upon the motion to recommit the resolution for extending the existing contract for carrying the mail in Alabama. The question pending is the motion to recommit the bill to the Committee on the Post Office and Post Roads; and upon that question the gentleman from Kentucky [Mr. GREY] is entitled to the floor.

CLERK FOR A COMMITTEE.

Mr. RICHARDSON. I ask the gentleman from Kentucky [Mr. GREY] to yield me the floor for a moment. I will not consume much of his time.

Mr. GREY. I will yield, if it be not taken out of my time.

Mr. RICHARDSON. The Committee on Territories have found it impossible to properly discharge their duties as connected with the various matters referred to them by the House, unless they can have the assistance, for a short time, of the services of a clerk. They have asked me to ask the unanimous consent of the House to empower them to employ a clerk for the period of thirty days. I offer the following resolution:

Resolved, That the Committee on Territories be authorized to employ a clerk, at a price not exceeding four dollars per day for the time said clerk is actually engaged: *And provided*, Said clerk is not to be employed beyond the period of thirty days.

Mr. MURRAY. I object to the resolution.

Mr. RICHARDSON. It is impossible for the committee to get along without a clerk for the time specified; and I am sure the gentleman will withdraw the objection, if he considers that the resolution authorizes the committee to employ a clerk for only thirty days.

Mr. BISSELL. It is a very modest request, and I hope it will be granted.

Mr. MURRAY. I withdraw the objection.

The resolution was then introduced and adopted.

Mr. GREY. I ask the unanimous consent of the House to offer a resolution.

Mr. HARRIS, of Alabama. I call for the regular order of business.

Mr. GREY. I hope the gentleman will allow the resolution to be read for information, and I am sure he will then have no objection to it.

Mr. HARRIS. I will withdraw my call, provided the resolution which the gentleman wishes to introduce is not intended to delay action upon the bill which was under consideration yesterday.

Mr. GREY. It is not designed to do so; and if there is any objection to it, I will not say a word upon it.

The resolution was then read for information, as follows:

1. *Resolved*, That the Postmaster General be directed to report to the House of Representatives why the mail service was not "let" and contracted for on the river routes, 1st. From Louisville, Kentucky, to Evansville, Indiana, and back, daily; 2d. From Evansville to Cairo, Illinois, and back, daily; 3d. From Cairo to St. Louis, Missouri, and back, daily; according to the advertisement of 31st December, 1852, and the 11th section of the act of Congress, approved 31st August, 1852, which made it the "duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail" on those routes, "on suitable and safe steamboats." The bids, by terms of the advertisement, to be received in the Post Office Department "until three o'clock p. m., of the 10th day of February, 1853, to be decided by 1st of March, and service to commence on 1st July following, and continue for four years."

2. *Resolved*, That he furnish copies of all the contracts and bids, and "proposals" for contracts and bids, which have been made with, proposed to, or received from Thomas Shirlock and Z. M. Shirley, or either of them, or with, to, or from any other person or persons, together with copies of all the amendments, alterations, privileges, extensions, or restrictions authorized and permitted, or assumed and exercised, and of all orders for additional compensation, except what appears on the face of the contract or contracts, on this said route from Louisville to St. Louis, or any part of it, since March, 1851. Also, the greatest number of "mail messengers," "route agents," local agents, and employees, that now are, or have at any one time during the above period, been engaged in, or connected with, the service on that route, (exclusive of postmasters)—at what points engaged, and the salary per quarter or per annum of each one of them; also, who are now the contractors from Louisville to St. Louis, and in what manner each and all of said contracts were made, whether privately or by being let to the lowest bidder; also, what intermediate offices between Louisville and St. Louis have been authorized to be supplied by each contract on that route since March, 1851, and how often per week each and every one of those offices were to be supplied under those contracts or arrangements since March, 1851.

3. *Resolved*, That he furnish copies of all orders, rules, or regulations adopted by him, which tends to prevent or deny to members of Congress the privilege of going into the public rooms of the Post Office Department, and then and there examining, with assistance of the clerks, the "public records" under the charge of said clerks.

4. *Resolved*, That the Postmaster General be directed to abolish all rules, orders, or regulations, which prevents or

denies the privilege to the members of Congress of going into the public rooms in the Post Office Department, and then and there examining such public records in the presence, and with the assistance of the clerk having charge of them, as such member may desire. That he also abolish all rules, orders, or regulations by which the clerks, or either of them, are prevented or restrained from affording to any member such information during those examinations as the public records of the Post Office Department will enable him to give.

Mr. DEAN. I think that resolution ought not to be adopted. I must object.

Mr. GREY. Which one does the gentleman object to?

Mr. DEAN. The last one. The one which proposes to interfere in the Postmaster General's disposition of the rooms in his Department.

Mr. GREY. If the gentleman objects to only one, I hope the others may be adopted.

The SPEAKER. The resolutions cannot be received, unless by unanimous consent of the House.

Mr. DEAN. I must object.

Mr. PHELPS. I call for the regular order of business.

Mr. DEAN. I will say to the gentleman from Kentucky, that next Monday will be resolution day. If he will offer it then, I will not object.

Mr. GREY. I cannot offer it now, of course, if the gentleman objects. Mr. Speaker, how much time have I left?

The SPEAKER. Twenty minutes.

Mr. GREY then resumed and concluded his remarks in explanation of the nature of the contract which was proposed to be extended by this bill. He showed that the amount proposed to be given was higher than was allowed for a greater amount of service by other contractors. He said that there were eastern men who had actually proposed to take this contract at \$44,740, for which it was proposed by this resolution to give \$60,000. [See Appendix for his remarks.]

Mr. HARRIS, of Alabama, obtained the floor.

Mr. GREY. I ask the gentleman from Alabama to allow me to correct one remark. I said this bid was for \$40,000. I understand it was \$44,000.

Mr. HARRIS. I would ask the gentleman if that included steamboat service between Mobile and Stockton?

Mr. GREY. It did include steamboat service and all.

Mr. HARRIS. Well, Mr. Speaker, I seldom intrude myself upon the House, and never unless it is from a sense of duty. And from a conviction of that kind, I now propose to make a few remarks, chiefly in reply to what has fallen from my honorable friend from Kentucky, who has just taken his seat.

Sir, the person who is perhaps most deeply interested in the disposition which is to be made of this resolution, is my neighbor and constituent. He has been placed by one of the Departments of this Government in such a position that if this resolution be defeated, he will be, if not entirely ruined, at least seriously injured, and I propose to make this apparent before I take my seat.

My honorable friend from Kentucky, I say in all kindness to him, has brought a degree of opposition to this resolution which seems to me to be totally disproportionate to the object which it contemplates. The gentleman seems to be very bitter in his opposition; and, if I may be allowed in kindness to say, his opposition seems rather to be directed to the Post Office Department than to the resolution under consideration itself.

Mr. Speaker, I seek not to make myself a party to any controversy between the Postmaster General and my honorable friend from Kentucky. I wish not to mix myself up in any such matter. All I ask is, that if the gentleman from Kentucky comes here with prejudice in his heart against the Post Office Department, that that prejudice may not be allowed to operate to the injury of these innocent contractors who are likely to be ruined by the failure of the House to pass the resolution.

Mr. GREY. I ask the gentleman from Alabama, to allow me to say, that I assure him that I have not the least prejudice against these contractors.

Mr. HARRIS. Certainly not. I did not understand the gentleman as having any.

Mr. GREY. Nor have I any personal prejudice against the Postmaster General. But I have a prejudice against, and I am opposed to allowing, an officer of this Government the exercise of discretionary power, such as the Postmaster General has exercised in this case.

Mr. HARRIS. I will say to the gentleman that I do not stand here as an apologist of the Postmaster General. I am clothed with no such authority; I invite no such responsibility; I aspire to no such dangerous preeminence; nor shall I go one step further in his defense than I deem absolutely necessary in justice to these contractors.

Now, sir, I do not propose to follow my honorable friend through all the sinuosities of his argument. He has made two vehement speeches in opposition to this resolution, one when it was before the House on a former occasion, and the other commenced yesterday and finished to-day. I do not propose to follow him. In the brief period of forty minutes, in which I wish to close my remarks, I could not follow him. I wish to confine myself to what I consider the gist of this matter—the contract. I will not go back beyond the period of the contract to investigate whether or not the head of the Post Office Department has done right or wrong. I call the attention of the House to this matter; and how stands it?

But, I will first say, that my friend from Kentucky [Mr. GREY] spoke yesterday of the character of this House; that it was Democratic; and he appealed to the majority here not to dispose of the matter on principles of party. By way of giving force to his appeal, he said that he had never been considered too good a Whig, for he had run against the organization of his own party. Now, I mention this simply by way of reply, that I am a good Democrat. I respect the organization of all parties; and yet do I stand here, in the midst of a Democratic majority, without appealing to Democrats on the score of party. I do not ask them to vote for this, because it is recommended by a Democratic Postmaster General, and I appeal with confidence to Whigs, to say that they will not reject it, because it has the recommendation of a Democratic Postmaster General.

My friend, in the first speech he made, seemed to me to endeavor to interweave something like prejudice against this measure, by intimating that there was favoritism on the part of the Post Office Department; that a previous special mail agent had become the beneficiary of this contract. When we come to look into this matter, we find that the very individual of whom my honorable friend speaks is, as I can testify, as good a Whig as ever trod the soil of Alabama. The other is a Democrat; but they are both honorable men—men of enterprise, and who are and have been connected with the staging interest of the country. Mr. Metcalfe, the Whig, fell under the guillotine of this Administration; and after he was decapitated, he and Mr. Powell came together and made this contract. There is no favoritism in it. The Postmaster General was animated by higher considerations—considerations which looked to the public interests of the country, as I think that I shall be able to show. How stands this matter; then, sir? I propose to state the facts, divested of all the extraneous matter to which my honorable friend has alluded.

This contract which is proposed to be extended, is for carrying the mail between Montgomery and Mobile, a distance of some one hundred and sixty or one hundred and ninety miles. It is in the line of the great thoroughfare between the great cities of Boston, New York, Philadelphia, Baltimore, Charleston, and Augusta, to the north, and to the south of the great cities of Mobile and New Orleans, and all the south. I say, sir, that it is a link of this great chain of inter-communication. One of the most important mails of the country passes over it, perhaps the most important. Well, in consequence of the extension of railroad improvements, the reduction of the postage on printed mail matter, the increase of population within the last few years, the mails have become so cumbrous that it is impossible that a four-horse stage coach, which was the specific contract for that route, could convey this mail. This mail supplies New Orleans; supplies Pensacola, one of your naval stations; supplies Alabama, portion of Mississippi, South Arkansas; and supplies the country for a considerable distance up the Mississippi river. It is an important mail—important to the people, and most especially important to the commercial and mercantile interests of the country.

My honorable friend says, that sometime back the mail passed over this route for \$36,000 per annum. So it did. During the last year, in conse-

quence of the accumulation of mail matter at Montgomery, where it is piled up in masses to such an extent that a house would not contain it, where it is put on the side-walk, obstructing the passages in the city, as I have seen it, it has become necessary that additional service should be performed.

My honorable friend reads the law, and he tells you that these contractors agreed to carry the whole mail, and that when a man makes a contract of that kind he must carry the whole mail; if he has a two-horse stage coach, and a steamboat comes along, the two-horse stage coach must take the steamboat load, for that is the interpretation.

Mr. GREY. The gentleman misunderstood me. I said that if the mail was more than the contractor could carry, the Postmaster General must release him. The law provides that his contract shall be forfeited.

Mr. HARRIS. I will read the law myself. My honorable friend is mistaken upon that point. That is not the law. Whenever a contractor abandons his contract, or whenever the Postmaster General feels it to be his duty to dismiss him, he can do it. If the contractor abandons his contract, then the Postmaster General must re-advertise the service. But in a case like this, there is no necessity for a re-advertisement. The law does not require it. The Department has never practiced upon it. But here is the law, and the reason of it will address itself at once to the good sense of every intelligent man. What is it? It is, that whenever it becomes necessary for the service of the Post Office Department, or for the postal service of the country, that additional service shall be put upon a line, the Postmaster General is clothed with authority to put additional service upon it, and it is limited only by the question of pay; he cannot go beyond the *pro rata* pay for the original contract. That is the substance of the law.

Mr. GREY. Will the gentleman now allow me to read a portion of the contract made by these very contractors?

Mr. HARRIS. I know what the contract is. The gentleman has read it once.

Mr. GREY. I have not read this part of it in relation to the service. It says, that the Postmaster General may discontinue or curtail the service, in order to place on the route a greater degree of service, or whenever the public interests require such curtailment or discontinuance, and that the contractor shall be paid one month's pay.

Mr. HARRIS. I know that. Certainly the Postmaster General has reserved the right to himself, under the law, of annulling this contract altogether, by paying the contractors one month's extra pay. He does that in every contract. There is not a contract made in the Union that is not precisely in the terms which have been read by the gentleman. But let me turn to the law. Here is the law—the law made by you, and it clothes the Postmaster General with authority, in the first place to annul a contract if he thinks proper, and in the next place, to put additional service on the route, and in the event he does order additional service, he can pay nothing more than *pro rata* for that additional service. That is the law.

Now, what are the facts in this case? I say, that that very provision of the law contemplated that such an exigency might arise in the postal arrangements of the country, and it therefore provided that the Postmaster General should add to the service. Well, sir, precisely such an exigency did arise in this case; and in *rebuttal* to the declaration of my friend that this service has heretofore been performed by Wade, Allen & Co., and that there is now no necessity for extra pay, I need only refer to the communication of the Postmaster General, which comes here in answer to the resolution of my friend, for ample evidence to show that this exigency contemplated by law had arisen. What is it?

I presume that a great majority of the members have read it, as it is found in document eighty-nine. I will not consume the time of the House by reading it. In the communication signed by four special mail agents of the Department, addressed to the Department, I find the following:

"We are satisfied that the mails have nearly doubled in the last twelve months, and that something should be done, with as little delay as possible, to relieve said line by putting on an additional daily line of coaches."

This communication is signed by four special mail agents, who are upon the ground, acquainted

with the necessities of the service and the geography of the country; and this is the information which they communicate to the Post Office Department. But this is not all. My friend from Kentucky, [Mr. GREY,] in the first speech he made the other day, states that this was a secret and private contract, and that the thing was done in a corner. It was done from the house-top. I have read from the report of the special mail agents; and in the very same pamphlet containing it, to which I call the attention of the Speaker and the House, I find a memorial, signed by the leading citizens of Mobile, asking for additional service upon this line. Not only so, but I call the attention of the House to a memorial, contained in the same pamphlet, from the Chamber of Commerce in the city of New Orleans, asking for this additional service. The newspaper press in that region of the country teemed with articles upon the subject of mail irregularities and mail obstructions occasioned by the accumulation of mail matter.

Mr. COBB. My colleague says that the contract was not a secret and private one, and that the thing was not done in a corner. I ask him if he will read the proposition from a number of steamboat men?

Mr. HARRIS. I was just coming to that. I think I have shown, and produced evidence, that the exigency contemplated by the law had arisen, and that the mail could not be conveyed under the contract requiring the mail to be carried in single four-horse coaches. The exigency arose, and the service had to be increased. What does the Postmaster General do? Did he contract privately and secretly, and make a clandestine arrangement, as the honorable gentleman intimated? Not at all. Mr. Zevely, an agent of the Post Office Department, was sent to southern Alabama, and his communication is contained in the same document called for by my honorable friend from Kentucky, [Mr. GREY,] It seems that the Postmaster General sent agents for the purpose of finding out the best terms upon which an arrangement could be made. What was the result? I find in this same pamphlet a communication from the steamboat captains of the river, and also communications from the contractors of the land service. Mark you, here is a communication from stage-men of Montgomery and Mobile, upon a route running parallel with the river. There is also a letter from Messrs. Waring & Co., addressed to the Postmaster General, in which they say:

"That they have had a convention of steamboat captains to deliberate upon this matter, and let the Postmaster General know the best terms upon which this thing could be done. Their proposition is to carry the mail for \$100,000, with the privilege of an extended schedule."

That is what the steamboat captains say, in solemn convention assembled. Let me read what the contractors for the land service say. Here is the correspondence contained in this same document, called for by my friend from Kentucky, of Beman, Ellsworth & Co., the largest and most responsible mail contract firm in the South. They say to the Postmaster General that they will undertake it, and that the best terms upon which they will undertake it is \$72,000; and mark that this is upon the condition of the privilege of having the contract extended for four years. Now, sir, there was the proposition made, and what do Messrs. Powell and Metcalfe do? They propose that they will do it for the same rate of compensation that they were to get for the original line. But the special agents of the Post Office Department said that the service ought to be doubled. These parties said they would do double service for double pay. The Postmaster General said he would not give that, but that he would give two thirds *pro rata* compensation. What said the contractors to that? They answered that they could not afford to do it upon such terms. They agreed to do it even upon such terms, provided that the Postmaster General would recommend to Congress to extend their contract for four years. Mark, this occurred only last July. This additional service commenced on the first day of November. They were obliged to new stock a route one hundred and sixty miles in length with horses, coaches, and everything else necessary for the service. They said they could not do that for a term of only seven months, the period which elapsed before the contract would expire; but that if the Postmaster General would recommend to Congress to extend the contract for four years, they would do it.

Mr. GREY. I understand the gentleman to say that when they proposed to give to those contractors the route at the same price at which Wade Allen had had it, they said they could not undertake to do it for the seven months, the unexpired time of their contract. But if the gentleman will look at the contract, he will see that they did undertake to do it. They did contract to do it at the same price, and the contract is now among the documents of the Post Office Department.

Mr. HARRIS. I know that; but subsequent to the time to which the gentleman refers, it became necessary to add a double daily service. The Department said we require a double service, and the contractors replied that they would do it for double pay—double the price, and we will double the labor. But the Postmaster General was not willing to do that, but he proposed to pay them two thirds *pro rata* compensation, and they accepted upon the terms which had been offered by the next lowest bidder, \$72,000. The contract was closed.

Now, why is it that Ellsworth & Co. would not agree to do it for \$72,000, for the unexpired term of seven months? Why was it that Powell and Metcalfe would not except of it upon any other ground than the extension of their contract? The answer will be found in the statement which I shall make of the expenses which they were obliged to incur. What were they? They had to restock their road, which is one hundred and sixty miles in length. Their horses were jaded and broken down, and they purchased two hundred horses. They built several bridges, one of which cost them, out of their private purse, \$1,500. They erected workshops for the repairs of their coaches, and blacksmith shops for repairs of damages. You will see that these latter expenses were necessary from the fact that this road runs through an uninhabited region for seventy miles. They have had to erect permanent stables and workshops. They have purchased for their original stock fifty sets of harness, at fifty dollars a piece, amounting to \$2,500. They purchased their stock and planted them upon the road, and made these expensive investments, and they did it all in view of an extension of their contract by Congress. They did it—for permit me to say that these are not men of extensive means—upon borrowed capital, upon the good faith, upon the good conscience, of Congress. They did it in a spirit of generous confidence upon Congress.

Now, sir, how stands this case? My only purpose is to present what I consider to be the kernel of the case—the gist of the matter, rejecting all extraneous consideration. I say, how stands the case? Sir, in good faith, in good conscience, in equity, this Congress is pledged to the extension of this contract.

Mr. Speaker, I have had placed in my hand a note from a gentleman upon this floor, which I beg leave to introduce, as evidence in the matter, in defense of the Postmaster General, to show that he has only performed his duty in reference to the letting of this contract. It is from the Hon. J. VANSANT, and is as follows:

"I know that the Postmaster General was active to the end that a contractor might be secured to perform the service, and sent for a large and distinguished mail contractor at Baltimore, and importuned him to stock the road, to convey the mail. The latter refused, upon the ground that no reasonable amount of pay would be sufficient compensation for such heavy service as is required from Montgomery to Mobile."

And yet, in the face of all this, when these men have come forward, as I said, relying upon the good faith of Congress to protect them in the immense investments which they have been obliged to make, amounting to \$30,000, gentlemen oppose the extension of this contract. Sir, the law is not now as it once was, when the successor of a contractor was bound to take the stock of that contractor at a reasonable price; but if this contract goes into the hands of other contractors, their stock will all be left upon their hands. Many of their investments are of a permanent character, consisting not only of coaches, but in workshops, which must be nearly a total loss to them. They will be nearly or wholly ruined; and why? Because, in a spirit of generous confidence, relying upon a contract made by an officer of the Government, who is a representative of Congress, they made these investments. I said, a moment since, that Congress are in equity bound to carry out this contract. It may be that contractors can be

obtained now for a less amount than this resolution proposes to pay; and why? These men did not have the usual notice for making preparations for this service; they did not wait for the regular day of letting, but they came forward when mail bags were lying piled up in heaps at Montgomery, and the transportation stopped.

Now, sir, how is it? The law of Congress has clothed the Postmaster General with power at his discretion, whenever the service requires it, to extend contracts, and to increase them. He has the discretionary power to authorize additional service, and wherever the necessity arises he would neglect his duty if he did not do it. Then, sir, he had the right to do it. The exigency arose, and he was bound to act. How did he act? Did he act rightly? He ought to have so acted. It was his duty to act rightly. What was right? To get responsible contractors on the best possible terms? Did he do it? Does not the testimony show it? What more could the Postmaster General do? What less will you give those contractors than an extension of this contract when they came forward, as I a moment since remarked, at a crisis in the public service, only seven months anterior to the expiration of the contract term, and made the lowest bid that could be possibly procured.

Now what is the predicament in which these men are placed? This resolution was introduced into the Senate. It passed that body, in pursuance of a special recommendation of the Postmaster General, contained in his general report to Congress, which I hold in my hand, and, as I learn, without a dissenting voice. It came here, was referred to one of the standing committees, reported back, and recommended to the favorable action of the House. That is the way the thing stands here. When the resolution came here from the Senate we wanted it acted on. Why? Because the period of letting contracts was at hand. These gentlemen are men engaged in the mail contract service. They wanted to know what their fate would be. They wanted to know whether Congress would ratify this matter. My honorable friend from Kentucky would not let us have action. He moved its reference to the Committee on the Post Office and Post Roads. We wanted action then? It was but just and fair to these contractors that they should be put loose before the period of bidding was over; but, as I have said, by the action of my honorable friend, they were prevented attaining their object. It was sent to the Committee on the Post Office and Post Roads. The day for bidding has passed. There stand these contractors—men who have had the contract, men who have already contracted with the Post Office Department for it. They were placed in this predicament: If they bid for this contract, they were compelled to abandon their contract with the Department. They could not put in a bid there, and with any conscience ask Congress to extend this contract. What have they done? They, in a spirit of reliance on the good faith of Congress, determined not to bid. They did not bid; and they now leave this whole matter to the equity, good conscience, and sense of justice which may control the deliberations and the action of this body.

Mr. COBB. I would ask my colleague to yield me the floor, that I may say three words.

Mr. HARRIS. Only three?

Mr. COBB. May be four or five. [Laughter.] I have done injustice to this case, perhaps, and I want to set myself right.

Mr. HARRIS. I yield for that purpose.

Mr. COBB. In a conversation with several gentlemen on this floor, when the resolution now under consideration was on the Speaker's table, it seeming to be for the relief of Alabamians, and as I was myself a Representative from Alabama, without investigating the matter, but with the lights I had before me then, I stated that I thought it was wrong. I now intend to do justice, so far as that declaration is concerned; I am bound to do to-day as I did yesterday when I ascertained that I was not in the right; I back out from that declaration of the resolution being wrong. When the question came up for full discussion and fair consideration, as I do in every case where I am called to vote, I investigated it with the utmost of the limited ability which I possess. I investigated this matter; and after full conference with persons who are well informed in relation to it, and with all the

facts I could collect bearing upon the question, I have come to the conclusion that my first opinion was wrong, and that this resolution ought to pass. I think it is due to the persons interested in this matter, due to myself, and in order to present the question fairly before those with whom I conversed when this subject first came up, that they may not say that an Alabamian is opposed to the resolution, and consequently it must be wrong, that I should make this explanation. I now take back what I said before, and I shall support the resolution.

Mr. JONES, of Louisiana. Will the gentleman permit me to say a word or two?

Mr. HARRIS. I will yield to the gentleman for a minute or two.

Mr. JONES. The House is aware that when this bill came from the Senate, and when it was attempted to be put upon its passage by the gentleman from Alabama, [Mr. PHILLIPS,] I objected to its passage, and advocated its reference to the committee on the Post Office and Post Roads. It is possible that, from the fact of my location, and the fact that my constituents are almost entirely supplied by this route, the suggestions which I made the other day may have had some influence upon the decision of the House at that time. I am glad that the course was then pursued of referring the bill to the Committee on the Post Office and Post Roads. I confess that I was somewhat influenced in my course on that occasion by the fact that I do not approve generally of the course of the Postmaster General, at least so far as my constituents are concerned, and I felt disposed to hold him to a strict accountability.

I have investigated this matter, and, in the language of the gentleman from Alabama, who has just taken his seat, I confess myself wrong, and I am willing to take back what I then said.

I will state, further, that I believe it is the duty of this House not to ruin these contractors by refusing to pass this resolution, but that, on the contrary, it is a duty which we owe to them and to the public service to extend their contract.

It is apparent, it seems to me, from the testimony which has been adduced here, that this contract could not be secured for a less sum to have it efficiently performed. We all know that the mail line from Montgomery to Mobile carries perhaps more mail matter than any other route of the same length in the United States. It is also a fact that it requires not only stage coaches, but also a steamboat, to carry this mail; and the whole of this service is now performed for \$60,000.

Well, there is another point in this case which had a material influence on my judgment the other day, and which I am now disposed to correct, because I believe I gave a wrong interpretation to the law. As I stated the other day, there are two species of contracts—one is called "specific service," and the other "star bids." Now, a "star bid" is where a party agrees to carry the whole mail on a certain route for a certain sum of money; and it matters not how large that mail may be, he is still required to carry it, but he is not required to carry it in any particular way. It would appear from the contract, as read by the gentleman from Kentucky, that the person is required to carry the whole mail in stage coaches, if he agrees to carry it in that specific mode.

Mr. HARRIS. I have but a moment left, and my time will allow me to make only a single remark. I have endeavored to present what I conceive to be the merits of this case. My friend from Kentucky speaks of the underbidding which has been offered under this contract with Powell.

Mr. GREY. I said that it was not a legal bid according to the advertisement.

Mr. HARRIS. It is a legal bid, and a contract made with the Department under the law. The resolution is no contract at all. It simply calls upon Congress to vest the Postmaster General with authority to extend the contract, provided he believes it will comport with the public interests. Inasmuch as these contractors have been cut off from the privilege of bidding, it is equivalent to a mere proposition to place them in the category of bidders, that they may have a fair chance. I could reply more fully, and, as I think, conclusively, to the remarks of the honorable gentleman from Kentucky, but I have not the time to do it now. This subject, I presume, has been fully discussed, and I presume that every member of the House has made up his mind in

regard to it. Inasmuch as there is a great anxiety to dispose of this matter, I shall move the previous question, provided it is not deemed unfair.

Mr. GREY. Will the gentleman from Alabama [Mr. HARRIS] allow me to call his attention to the law to be found on the forty-third page of the Post Office Laws and Regulations; which reads as follows:

"And whenever it shall become necessary to change the terms of any existing contract in any other manner than that designated in this act, or to enter into a contract for the transportation of the mail at any other time than at the annual letting, the Postmaster General shall give notice in one newspaper published at Washington city, and in one newspaper published as near as may be to the route on which the services are to be performed, for at least four weeks before changing or making such contract, inviting proposals therefor; which proposals shall be received and opened, and such proceedings thereon had in all things as at the annual lettings: *Provided, however, That the Postmaster General may make temporary contracts until a regular letting can take place.*"

Mr. HARRIS. I dare say that the law has no application at all to the case under consideration. I have read the law which does apply to it, and it clothes the Postmaster General with power to add additional service when the exigencies of the service require it. The resolution only proposes to carry out a contract already existing. I understand that the motion which will be first put to the House is upon the motion of the chairman of the Committee on the Post Office and Post Roads to recommit this bill to the Committee on the Post Office and Post Roads.

I will only say to those who feel disposed to advance this bill, and even to its enemies, who are in favor of disposing of the matter, that when the motion is put to recommit the bill to the Committee on the Post Office and Post Roads, we can vote it down, and then proceed to vote upon the bill. The chairman of the committee, [Mr. OLDS,] who made the motion for the purpose only of saving the position of this bill, and to prevent it from going to the lower orders of business upon the Speaker's table, is not now in his seat. Were he here, he would withdraw the motion; but as he is not, we must vote upon it, and can vote it down, and then proceed to action upon the bill itself.

Mr. GROW. I have asked the indulgence of the gentleman from Alabama [Mr. HARRIS] merely to explain a point which the gentleman from Kentucky [Mr. GREY] seems to insist on, and that is, that a mail contractor is bound by his contract to carry all the mail on his route. There is but one bid recognized by the Post Office Department which requires a contractor to carry all the mail matter, and that is what is called a "star bid." In that he is bound to carry the mails with safety, certainty, and dispatch; and he must carry the whole mail. But if he specifies in his bid the mode of carrying the mail, he is only bound to carry a reasonable quantity consistent with the mode of conveyance designated. If he contracts to transport the mail with a one-horse conveyance, he is bound to carry only such a quantity as is reasonable for such a mode of service. If the Post Office Department is satisfied that the quantity which is required to be carried is too large for the mode of service specified, then it is the duty of the Postmaster General to supply the ways and means of carrying the balance.

Mr. TRACY. As my name has been mentioned in connection with this matter of bids, I will simply explain what I know about the subject. A constituent of mine, one Daniel P. Kingsley, who has been long successfully engaged in the business of staging, and who is a gentleman and a man of responsibility, made a bid for this route, agreeably to the existing contract, for \$44,740, by which bid he offered to carry the mail precisely as is done under the contract which is now proposed to be extended, but in one hour shorter time.

Mr. HARRIS. If this proposition is rejected, and these gentlemen are defeated, they will stand to-morrow just where they stand to-day. But look at the condition of these contractors, who have gone into this matter, relying upon a recommendation to Congress to extend the contract. I have already shown the great expenditures which they have been obliged to make to carry out their arrangement with the Post Office Department, and it is unnecessary to say more about it. I demand the previous question.

Mr. SEWARD. I move to lay the resolution upon the table.

Mr. GREY. I ask the gentleman from Alabama to withdraw the call for the previous question to allow me one word?

Mr. HARRIS. I think the gentleman has already said enough upon this subject.

Mr. GREY. I ask it as a matter of courtesy. I will renew the motion.

Mr. HARRIS. I would inquire of the Chair how much time I have yet?

The SPEAKER. Eleven minutes.

Mr. HARRIS. I am anxious to have this resolution disposed of and passed. Unless it receives immediate action, and is disposed of before the 25th of this month, it will be entirely useless to the parties whom it is proposed to relieve.

The SPEAKER. The Chair would remind the gentleman that discussion is not in order, as there is a motion pending to lay the bill upon the table.

Mr. GREY. I again ask the gentleman to withdraw his call, to allow me to read a statement from an official record of the Post Office Department?

The SPEAKER. The gentleman from Alabama having made a demand for the previous question, and the gentleman from Georgia [Mr. SEWARD] having moved to lay the bill upon the table, both the call and the motion must be withdrawn before discussion will be in order.

Mr. SEWARD. I withdraw my motion.

Mr. HARRIS. I do not like to be discourteous; but I do not feel at liberty to withdraw the demand. I must insist upon it.

The question now being upon the motion to lay the resolution upon the table,

Mr. SEWARD demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. WHEELER. I demand tellers upon the motion.

Tellers were ordered; and Messrs. LILLY and COX were appointed.

The question was taken; and the tellers reported—ayes 41; a further count not being demanded.

So the House refused to lay the resolution upon the table.

Mr. SEWARD. I move that the House proceed to the consideration of the business upon the Speaker's table.

Mr. RICHARDSON. I submit that the previous question has been demanded, and that the motion of the gentleman from Georgia is not in order.

The SPEAKER. The previous question has been demanded but not seconded; and the morning hour having expired, a motion to proceed to the consideration of the business upon the Speaker's table is, under the rule, in order.

Mr. SEWARD. I will withdraw the motion. I do it to show the gentleman from Alabama that I do not wish to embarrass his resolution. I appealed to the gentleman to allow me ten minutes to speak upon the resolution, and he would not do it. I will, however, not make any factious opposition, and I withdraw the motion.

Mr. WHEELER. I renew the motion to go to the business upon the Speaker's table.

The question was taken; and the motion was not agreed to.

Mr. GREY. Has the previous question been seconded upon this resolution?

The SPEAKER. It has not. It has been demanded, however.

Mr. GREY. Have I the right to say anything upon it?

The SPEAKER. The resolution is not debatable, the previous question having been demanded.

Mr. GREY. Then I appeal to the gentleman from Alabama to withdraw the demand for the previous question.

Mr. HARRIS. I would if I thought it was the wish of the House; but I do not think it is.

Mr. DEAN. I demand tellers on the second to the demand for the previous question.

Tellers were ordered; and Messrs. JONES, of Louisiana, and DENT were appointed.

The question was taken; and the tellers reported—ayes 78, noes 41.

So there was a second; and the main question was then ordered to be put.

The question was then taken on the motion to recommit the bill to the Committee on the Post Office and Post Roads; and it was disagreed to.

The resolution was then ordered to a third reading, and was subsequently read the third time.

Mr. HARRIS, of Alabama, called for the previous question on the passage of the resolution.

The question was put on seconding the demand for the previous question; and, on a division, there were—ayes 76, noes 35; no quorum voting.

Mr. ROBBINS called for tellers.

Tellers were ordered; and Messrs. VAIL, and JONES of Louisiana, were appointed.

The question was again put; and the tellers reported—ayes 86, noes not counted.

So the previous question received a second.

Mr. COBB moved to reconsider the vote by which the bill was ordered to a third reading, and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

The main question was then ordered to be put, being "Shall the bill pass?"

Mr. GREY demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 82, nays 54; as follows:

YEAS—Messrs. Aiken, Appleton, David J. Bailey, Banks, Barksdale, Belcher, Bell, Bennett, Bissell, Boyce, Bridges, Caskie, Cobb, Colquitt, Craige, Curtis, John G. Davis, Dawson, Dean, Dent, Drum, Dunbar, Dunham, Eddy, John M. Elliott, Etheridge, Fenton, Florence, Goode, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Henn, Hibbard, Hunt, Ingersoll, Daniel T. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Kurtz, Latham, Lindsley, Lyon, Macdonald, McDougall, McNair, Mace, Macy, Maxwell, May, Mayall, Smith Miller, Murray, Peckham, Bishop Perkins, Phelps, Phillips, Powell, Pratt, Richardson, Riddle, Thomas Ritchey, Robbins, Rufin, Seymour, Shower, Singleton, Samuel A. Smith, William Smith, Hester L. Stevens, John J. Taylor, Nathaniel G. Taylor, Thurston, Vansant, Warren, John Wentworth, Witte, and Daniel B. Wright—82.

NAYS—Messrs. Ball, Boccock, Bugg, Carpenter, Clark, Chigman, Corwin, Cox, Crocker, Cullom, Thomas Davis, Dickinson, Thomas D. Eliot, Farley, Franklin, Giddings, Grey, Hamilton, Aaron Harlan, Harrison, Hiestor, Howe, George W. Jones, Kerr, Knox, Letcher, Lilly, Maurice, Middleswarth, John G. Miller, Milson, Parker, Puryear, David Ritchie, Rogers, Sage, Sapp, Seward, Skelton, Gerrit Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Stratton, John L. Taylor, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, and Zollicoffer—54.

So the resolution was passed.

Mr. HARRIS, of Alabama, moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. SMITH, of Virginia. I have a memorial which I desire to present to the House, signed by one hundred and twenty-four citizens of Washington and Alexandria, against the military superintendence of the public works.

Mr. BISSELL. I object.

The SPEAKER. The gentleman from Virginia [Mr. SMITH] can present it at the Clerk's desk, under the rules.

Mr. SMITH. I desired to present it in open House, so that some notice should be taken of it.

THE MILITARY ACADEMY BILL.

Mr. PHELPS. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken; and it was decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of New York, in the chair,) and resumed the consideration of the bill making appropriations for the support of the Military Academy at West Point, for the year ending the 30th June, 1855.

The CHAIRMAN. When the committee last rose, they had under consideration a bill making appropriations for the West Point Military Academy, and particularly the Senate amendments thereto. The first question is upon agreeing to the second Senate amendment, which will be reported by the Clerk.

The amendment was read, as follows:

"For cavalry-exercise hall, \$20,000."

The CHAIRMAN. Upon the pending question tellers have been ordered.

Messrs. SMITH, of Tennessee, and RIDDLE, were appointed tellers.

The question was then taken; and the tellers reported—ayes 65, noes 55.

So the amendment was concurred in.

The third amendment of the Senate was then reported, as follows:

"Sec. 2. And be it further enacted, That the compensation of the professors of French and drawing be made equal to that of the professors in the other departments; and that the compensation of the master of the sword be \$1,200 per annum."

Mr. JONES, of Tennessee. This, Mr. Chairman, is an amendment proposing to increase the salaries of the teachers of French and drawing from \$1,500 to \$2,000. By the act of September 16, 1850, changing the pay of these professors, it was

"Provided, That hereafter, in lieu of the pay proper, ordinary rations, forage, and servants, heretofore received under the act of April 12, 1812, the professors of engineers, philosophy, mathematics, ethics, and chemistry, shall be entitled to receive \$2,000 each per annum, and the professors of drawing and French each \$1,500 per annum; and that the adjunct of the Military Academy shall hereafter be entitled to receive the same pay and allowances as an adjunct of a regiment of dragoons."

By the act of March 3, 1851, that was so altered as to allow the officers and professors longevity rations in addition to the salaries of \$2,000 provided in the law from which I have just read. And at the time the salaries of these professors of French and drawing were fixed at \$1,500 per annum, it was admitted, I believe, by those who advocated the proposition upon this floor, that the best of French teachers and the best teachers of drawing were employed in the colleges and universities of the country for \$600 or \$800 per annum. We gave them \$1,500 and quarters or houses to live in; and now the proposition is brought forward to increase their salaries to \$2,000 per annum.

Mr. BISSELL. I am not aware that it is the intention of any gentleman to insist on raising the salaries of the professors of drawing and French. It is desired, and it is thought to be altogether proper, that the pay of the fencing-master should be increased to \$1,200 per annum. That is almost as little as any man can live on at that place.

A MEMBER. What is his salary now?

Mr. DEAN. With the permission of the gentleman from Illinois, I would answer that it is \$750 per annum.

Mr. PECKHAM. That is a small affair. His salary should be raised to be equal to that of the lowest clerk here.

Mr. BISSELL. I hope that the gentleman from Tennessee [Mr. JONES] will not object to the increase of the salary of the fencing-master to \$1,200 per annum. The other professors receive \$1,500 per annum.

Mr. JONES, of Tennessee. I hope that the committee will non-concur with the Senate's amendment. The fencing-master, or the master of the sword, now gets his rations, quarters, and, I believe, forty-six dollars per month. And, if I mistake not, it is a soldier who performs this service. The office requires but few qualifications, and little capacity. I suppose that they look only to his qualification as a master of the sword. They can get plenty of them; more than they want. They could get regiments of them at the price now paid. The question is before the committee, and I hope they will disagree to the whole amendment.

Mr. BISSELL. The gentleman is mistaken in saying that the fencing-master is a soldier, if he means by that a private of the Army. Not at all; and I am authorized, by gentlemen who know, to say further, that he was only induced to accept that position at the small salary he now receives of \$750 per annum, by the promise that every effort should be made to get him an increased salary. Now that is an important position to occupy; and it is not every man who has a strong and active arm who can get employment in such business. It is a very skillful exercise, and requires a man to qualify himself to be a good teacher. He must have a high degree of excellence in the art, such as is not attained without years of practice. I think, under all the circumstances, that \$1,200 is not too great a salary for the fencing-master.

Mr. JONES. I think his pay now is as good as that of a captain, certainly as good as that of a lieutenant in the Army.

Mr. BISSELL. It is not as good as that of a captain; but I will not consume the time of the committee by going into an argument on the subject. Nor is it as good as that of a lieutenant. He is there, and is compelled to keep up those associations which we would desire of a man in that position, as one of the teachers at our only military school. He has necessarily to incur

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some expenses beyond the bare necessities of living; and I do think that if we allow him \$1,200 per annum, it would not be extravagant. It is less than any of the clerks of the Departments here receive under the law lately passed.

Mr. DEAN. I have no desire to detain the committee. I would inquire whether the question can be divided—whether a separate vote can be had on the proposition to increase the fencing teacher's salary only?

The CHAIRMAN. The gentleman can move to amend by striking out all of the Senate's amendment, except that providing for an increase of the salary of the fencing-master.

Mr. DEAN. Then for the purpose of testing the question, I move to strike out that portion of the Senate's amendment relating to the increase of the salaries of the professors of drawing and French. I wish they might all be raised; but I desire to test the question.

Mr. SAGE. What is the pending amendment?

The CHAIRMAN. It is to strike out the following words:

"That the compensation of the professors of French and drawing be made equal to that of the professors in the other departments."

Mr. TAYLOR, of Ohio. How will the amendment of the Senate then read?

The CHAIRMAN. It will read:

"For compensation of the master of the sword, \$1,200 per annum."

Mr. SMITH, of Virginia. I should like some gentleman to tell me what the other professors get.

Mr. DEAN. Two thousand a year, and the professors of French and drawing, \$1,500 a year. That there may be no misunderstanding, I will state that I have offered this amendment for the purpose of getting a separate vote on the two propositions embraced in the amendment of the Senate.

Mr. SMITH. I should really be glad if some gentleman would tell me why the professors of drawing and French at West Point should be paid \$2,000 a year, when similar professors, equally efficient, no doubt, can be had in the private academies of the country for less than half the money?

Several MEMBERS. Oh, no.

Mr. SMITH. Yes, I say for less than half the money; and half the professors in the colleges of the country do not get over \$1,000.

Mr. DEAN. Well, I propose to strike out that part of the Senate's amendment which provides increased compensation for the professors of French and drawing.

Mr. PECKHAM. The gentleman from Virginia does not understand the proposition. The amendment of my colleague, [Mr. DEAN,] if adopted, will let the salaries of those professors stand as they now are.

Mr. PRATT. I should like to inquire of the gentleman from New York, if, in addition to \$2,000 a year, the professors do not have their private quarters furnished them?

Mr. DEAN. I do not know what the gentleman means by "private quarters."

Mr. PRATT. Houses for their families to live in.

Mr. DEAN. They have houses to live in, but no rations, or any thing of that kind.

Mr. PRATT. That is what I understand, and that is quite enough.

Mr. SMITH, of Virginia. I desire to know whether, if the amendment proposed by the gentleman from New York should prevail, we should be denied the privilege of voting upon the salary of the gentleman who teaches the sword exercise?

Mr. DEAN. Oh, no.

Mr. BISSELL. That will be the next question.

Mr. DEAN. The object of my amendment is to separate the two questions.

The question was then taken on Mr. DEAN's amendment; and it was agreed to.

Mr. TAYLOR, of Ohio. I would be glad, if it be in order, to move to add after the words "per annum" the following words:

And the pay of the cadets shall be increased to \$28 20 per month.

Mr. JONES, of Tennessee. I rise to a question of order. It is, that the proposed amendment is not in order; in the first place because it is not germane to the pending amendment; and in the second place because the pay of the cadets is provided for in the bill which has been passed upon by the Senate, and it is not now within the control of the House.

Mr. TAYLOR. I think the amendment is in order, but the Chair can decide the question.

The CHAIRMAN. The Chair holds that the proposed amendment is not in order, not being germane to the subject.

Mr. PECKHAM. Let me say to the gentleman from Ohio, that what he desires is provided for in another bill.

Mr. SMITH, of Virginia. I suppose, if the section is stricken out, that the salary which the teacher in fencing now receives would still be the same. I move to strike out the section. In submitting the motion, I desire some one, who is familiar with the subject, to inform me how much time the teacher of the sword exercise is engaged during each day.

Mr. BISSELL. I will answer the gentleman as far as I can, with a great deal of pleasure. I do not suppose, by any means, that this man is engaged in teaching the sword exercise from sunrise to sundown; but I presume that he is engaged ten hours in a day. He has some five classes to teach; and being required to attend so often to his duties there, it is quite out of the question that he can carry on any other business there or elsewhere. Our chaplain here does not employ in his duties more than three or four minutes in the course of the day, but we do not pay him according to the time he spends here. The gentleman from Virginia, [Mr. SMITH,] as well as myself, are not engaged in official duties ordinarily more than three or four hours in a day, but our constituents never think of paying us in proportion to the time we spend here. They send us from our business and homes to this city, to attend to the duties which they think proper to devolve upon us; and when we get here they pay us what they suppose is a liberal compensation. Suppose they should insist upon paying us according to the time we were actually in session. What would the gentleman from Virginia think of it? It is enough for me to say, that the master of the sword exercise is required to be upon the spot at certain hours, and perform his duties as teacher, and of course he cannot be engaged in other business there or elsewhere. Is not that a sufficient answer to what the gentleman has said, or does the gentleman desire to know the precise number of hours and minutes he is engaged each day?

Mr. SMITH. I merely desire information upon this subject. I look upon the practice of sword exercise as more distinguished for strength of muscle and quickness of eye, than for anything else. The acquisition of the art is within the reach of every one of ordinary ability, and of course the qualification is possessed by many persons whose services may be readily commanded. We know, also, that none of the responsibilities of the ordinary professors devolve upon him.

Mr. BISSELL. Nor is he paid as much as the other professors.

Mr. SMITH. It is well known to all that there is no obligation imposed upon him to remain in the institution all the time. He can as well live across the river, as in the institution. He has only to come forward in the course of the day, attend at his room, instruct his classes, and then go where he chooses, and devote himself to what business he may desire, as our professors of languages do in this city, who after instruction given here, go to Georgetown and other places. Now, I think, that for services three or four hours a day, \$750 is enough. At any rate, I should be glad if any gentleman will tell me of another man, thus proficient, and thus employed, who gets as much money. I doubt whether there is.

A VOICE. The clerks under the Government.

Mr. SMITH. Do not point me to evidence to

be found in the clerkships under this Government. I confess I have had no hand in that matter, and I state it here with satisfaction. Their salaries are too great, but their condition is altogether different from that of the individual of whom I am speaking. The clerks are required to be qualified in a variety of ways, as well as to be men of integrity. The salaries are not rightly regulated, and if some gentleman would devise a plan by which they should be paid in proportion to their labors, he would render a great service to the country.

A MEMBER. We are engaged here only three or four hours.

Mr. SMITH. Let me say to gentlemen, that although we, as members of Congress, are in this Hall but three or four hours a day, yet if we are true and diligent in the performance of our duties, very few of us get off with less than fourteen hours a day of persevering labor. I know the fact to be so. Every member who gives himself to the performance of his duties, labors as much as that. There may be some members who desire to be here for pleasure, but —

[Here the hammer fell.]

Mr. DEAN. I only rise to answer the question which the gentleman has put. This institution is not situated in my district, but it is so near to it that I have been there frequently, and know something about the duties of this man. There are constantly four classes in that institution, who occupy the time of this professor to the exclusion of everything else. He can engage in nothing else. The training of these classes commences in winter at six o'clock, and in summer one hour earlier. The professor who is engaged there can go into no other business whatever; and the only question now is, whether \$750 is sufficient pay for a person who is qualified to be sent there, and whom you are willing to send there, to train the young men of the country who are to be put at the head of your armies in time of war?

Mr. SMITH, of Virginia. I would inquire of the gentleman how long the instruction continues each day to each class?

Mr. DEAN. For one hour to each class.

Mr. SMITH. Does he teach each of these classes every day?

Mr. DEAN. I presume he does not on Sunday.

Mr. SMITH. Then he instructs each class only one hour a day?

Mr. DEAN. Now, Mr. Chairman, that is the sort of exercise which is required. To be sure, it is, to some extent, physical exercise, but it is the most exhausting physical exercise you can conceive. Labor by the day is nothing in comparison to it.

Mr. LETCHER. I desire to ask the gentleman one question, and I hope he will answer it, for I assure him it involves a consideration that will have much weight in determining my vote upon this amendment. If we refuse to give this man \$1,200 will he resign? [Laughter.]

Mr. HUNT. Will the gentleman from New York allow me to say a word?

Mr. DEAN. Yes, sir, I will, if the gentleman is going to speak for the Senate amendment. [Laughter.]

Mr. HUNT. Mr. Chairman, the fencing-master employed at the Military Academy ought to be a gentleman who is fit to associate with young men of high character. He is, usually, a man taken from the ranks of some foreign service, who is out of employment at home; and such a gentleman ought not to receive a compensation less than that which this amendment of the Senate proposes to give him. He should be able to give advice in reference to questions of honor. Something more is required than the more physical force of a clown. He should be something more than merely strong in muscle. He should be one who, by years of experience, has acquired great skill in the use of the weapon, which is a proper weapon for a gentleman of high character in his national profession.

Mr. JONES, of Tennessee. Is there any amendment pending to the Senate amendment?

The CHAIRMAN. The amendment to the amendment is pending.

Mr. JONES. I move to strike out \$1,200.

Mr. Chairman, I have moved this amendment for the purpose of saying a word in reference to the compensation of this fencing-master. The gentleman from New York has stated that his compensation was \$750 per annum. Now, by reference to the Blue Book, it will be seen that the master of the sword at the Military Academy receives \$46 66 per month, making about \$560 a year. In addition to this, he receives four rations per day. These rations are computed at twenty cents each, making eighty cents a day, and increasing his compensation to about \$852. Then, in addition to this, he has quarters, making in all about \$1,000 or \$1,100 a year.

Mr. DEAN. I said the salary of this master of the sword was \$750 a year. I have before me a letter from him, in which he says his pay is only \$720. I will read an extract from the letter, and allow him to speak for himself. He says:

"The salary of all the professors here is \$2,000 per annum, with the exception of Professors Anguel and Weir, who receive \$1,500. My pay is \$720. This enormous difference between my salary and that of those gentlemen, will show you how poorly my services are compensated."

Mr. PHELPS. I ask the gentleman if he does not get as much pay as a lieutenant in the Army?

Mr. DEAN. I do not know.

Mr. PHELPS. He does get more; and there are some fifteen or twenty lieutenants employed at the academy at West Point.

Mr. BISSELL. What are they doing there?

Mr. PHELPS. They are instructing the cadets.

The question now being upon the amendment to the amendment,

Mr. JONES, by unanimous consent, withdrew it.

The question then recurred upon concurring in the amendment to the Senate.

The question was taken; and the amendment of the Senate was non-concurred in, there being, on a division, ayes 72, noes not counted.

Mr. JONES, of Tennessee. I move that the committee do now rise and report the amendments of the Senate to the House.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. JONES, of New York) reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the Senate amendments to the Military Academy appropriation bill, and had directed him to report the same back, with the recommendation that the first amendment should be non-concurred in, the second concurred in, and the third concurred in, with an amendment.

Mr. BISSELL. I call for the previous question on the amendments.

The call for the previous question was seconded; and the main question was then ordered to be put.

The SPEAKER. The question is first on the following amendment of the Senate, in which the Committee of the Whole on the state of the Union recommend a non-concurrence:

"For repairs and additions to professors' quarters, \$5,000."

The question was taken; and the amendment was non-concurred in.

The Clerk then reported the second amendment of the Senate, as follows:

"For cavalry exercise hall, \$20,000."

Mr. LYON. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. SKELTON. I desire to ask if the question is on concurring in the Senate amendment, or in the report of the Committee of the Whole on the state of the Union?

The SPEAKER. They are the same thing. The Committee of the Whole on the state of the Union report in favor of the amendment; and the question is upon agreeing to the amendment of the Senate.

The question was then put; and it was decided in the affirmative—yeas 69, nays 66; as follows:

YEAS.—Messrs. Aiken, Appleton, Banks, Bell, Bennett, Bissell, Carpenter, Caskie, Chandler, Clark, Clingman, Colquitt, Crocker, Curtis, Cutting, Thomas Davis, Dean, Dent, Dickinson, Drum, Dunbar, Eddy, Thomas D. Eliot, Farley, Fenton, Florence, Franklin, Aaron Harlan,

Sampson W. Harris, Harrison, Hastings, Hibbard, Howe, Hughes, Hunt, Daniel T. Jones, Kerr, Kittredge, Knox, Latham, Lindsley, Macdonald, McDougall, Mace, Maurice, Murray, Parker, Peck, Peckham, Bishop Perkins, Phillips, Riddle, David Ritchie, Rogers, Sage, Seward, Shower, Hester L. Stevens, John J. Taylor, John L. Taylor, Thurston, Tracy, Upham, Vansant, Walley, Wells, Tappan Wentworth, Wheeler, and Witte—69.

NAVS.—Messrs. David J. Bailey, Ball, Barksdale, Benson, Bocock, Boyce, Bridges, Bugg, Chrisman, Churchwell, Cobb, Cook, Corwin, Cox, John G. Davis, Dawson, Dunham, Eastman, Edgerton, John M. Elliott, Ellison, English, Etheridge, Giddings, Greenwood, Grey, Grow, Hamilton, Wiley P. Harris, Hiester, George W. Jones, Keitt, Kurtz, Leitcher, Lilly, Lindley, Lyon, McNair, May, Mayall, Middleswarth, John G. Miller, Smith Miller, Millson, Phelps, Powell, Pratt, Puryear, Robbins, Rufin, Sapp, Shannon, Singleton, Skelton, Gerrit Smith, William Smith, George W. Smyth, Richard H. Stanton, Stratton, Andrew Stuart, Nathaniel G. Taylor, Vail, Wade, Ellihu B. Washburne, Israel Washburn, and Zollcoffer—66.

So the second amendment of the Senate was agreed to.

Mr. PECKHAM. I move to reconsider the vote by which the amendment was agreed to, and to lay the motion to reconsider upon the table.

Mr. LYON. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PECKHAM. I withdraw the motion.

Mr. SMITH, of Virginia. I rise to a question of order. After a motion is made, and the House has acted on it, is it in the power of the party making the motion to withdraw it? Is it not then in the possession of the House?

The SPEAKER. By an express rule of the House, it is in the power of the mover to withdraw it before action has been had upon it.

Mr. SMITH. But here was action; we were called upon to vote. The yeas and nays were ordered.

The SPEAKER. Preparatory to taking action.

The Clerk then read the third amendment of the Senate, as follows:

"Sec. 2. Be it further enacted, That the compensation of the professors of French and drawing be made equal to that of the professors in the other departments, and the compensation of the master of the sword be \$1,200 per annum."

The SPEAKER. The Committee of the Whole on the state of the Union propose to strike out the following words: "Professors of French and drawing be made equal to that of the professors in the other departments, and the compensation of the;" so that it will read:

"Sec. 2. And be it further enacted, That the compensation of the master of the sword be \$1,200 per annum."

The question was then taken on the amendment proposed by the Committee of the Whole on the state of the Union; and it was agreed to.

The question recurred on agreeing to the amendment of the Senate, as amended.

Mr. JONES, of Tennessee. On that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. BENSON. I ask for tellers.

Tellers were ordered; and Messrs. SMITH, of Virginia, and CHURCHWELL, were appointed.

The question was then taken; and the tellers reported—ayes 79, noes 42.

So the amendment was agreed to.

KANSAS AND NEBRASKA.

Mr. HASTINGS. I ask the indulgence of the House one moment. I am under the necessity of leaving the city for a few days. Before doing so, I was very desirous of giving my views briefly upon the territorial bills now under consideration in the Committee of the Whole on the state of the Union; and I ask that the House will now allow me the privilege of printing my remarks with the proceedings of the House.

The SPEAKER. If no objection is made, that privilege will be granted to the gentleman from New York.

[Cries of "Agreed!" "Agreed!" from all parts of the House.]

Mr. DEAN. I move to reconsider the votes by which the amendments read were agreed to; and to lay the motion to reconsider upon the table.

The SPEAKER. The gentleman cannot move to reconsider all the votes upon the different amendments together.

Mr. DEAN. Then I move to reconsider the vote by which the last Senate amendment was concurred in; and also to lay the motion to reconsider upon the table.

The question was taken; and the latter motion was agreed to.

Mr. HENN. I move that the House do now adjourn.

[Cries of "No!" "No!" from all parts of the Hall.]

Mr. HENN. I withdraw it, as it seems to be the wish of the House.

Mr. PECKHAM. I believe the question has not been taken upon the passage of the bill.

The SPEAKER. That is not necessary, as the bill passed the House upon a former occasion; and the only question for the House was upon agreeing or disagreeing to the Senate amendments. That has been disposed of.

Mr. SMITH, of Virginia. Was the motion of the gentleman from New York [Mr. DEAN] to reconsider confined to only one amendment?

The SPEAKER. It was; and that motion was laid upon the table. The Chair stated to the gentleman from New York that he could not group all the amendments together in a motion to reconsider. He made but one motion, and that was in reference to the last vote.

Mr. SMITH. And that does not dispose of the other amendments?

The SPEAKER. He submitted no motion in regard to the other amendments.

Mr. PECKHAM. Is that motion in order now?

The SPEAKER. It is.

Mr. PECKHAM. Then I move to reconsider the vote by which the House adopted the amendment last but one.

Mr. DEAN. Is that in reference to the riding hall?

Mr. PECKHAM. It is.

Mr. LYON. Upon that I demand the yeas and nays.

Mr. EASTMAN. I move that the House do now adjourn.

The question was taken; and there were, upon a division—ayes 53, noes 63; no quorum voting. [Cries of "Call the roll!" "Call the roll!"]

The SPEAKER. The Chair will ascertain whether there is a quorum present by counting the House.

Mr. PECKHAM. I withdraw my motion.

Mr. LYON. I renew it.

Mr. HAMILTON. The gentleman cannot withdraw the motion now. A question has been taken since he made the motion.

The SPEAKER. But no quorum voted upon the question.

Mr. SMITH, of Virginia. I rise to a question of order. It is, that the gentleman cannot withdraw his motion when business has been transacted since he made the motion.

The SPEAKER. It is perfectly competent, under the rules, for the gentleman to control his own motion until action is had upon it. A question put, upon which no quorum votes, is no action upon it. The gentleman from New York [Mr. LYON] renews the motion. The Chair would inquire whether the gentleman voted in the majority?

Mr. LYON. I did not vote at all.

The SPEAKER. By the rules of the House, when the yeas and nays have been demanded and taken, some gentleman only who voted in the majority is entitled to move to reconsider the vote. When a vote has been taken, upon which the yeas and nays were not called, any gentleman can move to reconsider, because there is no convenient test by which to determine how members voted. The Clerk will read the 56th rule, which governs in such cases.

The rule was read, as follows:

"When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day," &c.

Mr. SMITH. The object of my inquiry was this: The motion was made, and the yeas and nays were ordered upon it—

The SPEAKER. But the gentleman will observe that there was only a preparation to take a vote. It was not action upon the part of the House—it was only preparation for action.

Mr. SMITH. But the yeas and nays were not only ordered, but the Clerk had proceeded to call the name of at least one member.

The SPEAKER. The Clerk will read the rule governing the case.

The Clerk then read the 45th rule, which is as follows:

"After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment."

The SPEAKER. Under that rule the Chair decides the gentleman has the right to withdraw his motion.

Mr. SAGE. I move that the House do now adjourn.

The question was taken; and the motion agreed to, and

Thereupon, at ten minutes past three o'clock, the House adjourned until to-morrow, at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 21, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting estimates of \$25,000 for construction of cistern for marine hospital at San Francisco; and of \$44,000 for the removal of earth around said hospital.

Also, transmitting copies of letters from the collector of the port of San Francisco, and from the contractor for building said marine hospital, in reference to a claim of said contractor for damages incurred by him in consequence of the failure of the Government to procure a site.

Mr. HOUSTON. This is a long communication. It relates to a subject which is before the Committee of the Whole on the state of the Union, and is not before any standing committee of the House. I move, therefore, that without reading, it be laid upon the table, and ordered to be printed. The motion was agreed to.

Mr. TAYLOR, of New York. I ask the unanimous consent of the House to offer a resolution, which I send to the Clerk's desk and ask to have read for information.

The resolution was read, as follows:

Resolved, That the Committee on the Library be instructed to inquire whether it be not expedient that one copy of each work belonging to the Library be constantly retained therein. Also, whether books taken from the Library should not be required to be returned within a definite time, to be fixed by the rules regulating the Library.

Mr. CLINGMAN. That is the rule now.

Mr. TAYLOR. Yes, sir; but is not put in force.

The SPEAKER. If there be no objection to the introduction of the resolution, the question will be on its adoption.

Mr. CLINGMAN. I object to the introduction of the resolution.

On motion by Mr. TAYLOR, of Tennessee, it was

Ordered, That leave be granted for the withdrawal from the files of the House of the petitions of citizens of Cooke and Sevier counties, Tennessee, for a mail route from Newport to Sevierville, in said State, for the purpose of a reference to the Post Office Department.

On motion by Mr. ROGERS, it was

Ordered, That the Committee of the Whole House be discharged from the further consideration of the resolution to refer the petition of Isaac S. Bowman, son and executor of Isaac Bowman, deceased, to the Secretary of the Interior for liquidation under the act of July 5, 1832; and that the same be referred to the Committee on Revolutionary Claims.

ANÆSTHESIA.

The SPEAKER laid before the House Senate bill No. 210, entitled "An act to recompense the discovery of practical anæsthesia."

Mr. HAMILTON. I move that the bill be referred to the Committee of Claims. If the House were full, I would move that it be laid on the table.

Mr. BISSELL. If I were permitted, I would make a statement in regard to the bill.

Mr. CLINGMAN. How does the bill get in? Is it before us regularly?

The SPEAKER. This being private bill day, and the Chair, conceiving it to be a private bill, laid it before the House.

Mr. CLINGMAN. I have no desire to throw obstacles in the way of its consideration.

The SPEAKER. The gentleman from Maryland is on the floor, and entitled to it.

Mr. HAMILTON. I yield to the gentleman from Illinois for the purpose of explanation.

Mr. BISSELL. I rose for the purpose of moving that the bill be referred to the Committee on Military Affairs. That was the committee in whose charge the bill was in the Senate.

Mr. HAMILTON. I did not yield, Mr. Speaker, for the gentleman to move a reference of the bill different from that I proposed. I yielded merely for explanation.

Mr. LETCHER. With the permission of the gentleman from Maryland, I would say a word. I hope that the bill will not be sent to the Committee of Claims. I do not consider it a claim at all. Let it go to some other committee of this House—the Committee of Ways and Means, or some other committee.

Mr. EDGERTON. I hope that the bill may be referred to the Committee on Military Affairs. I will say that the Committee on Military Affairs of the Senate had this subject under consideration, and that the Committee on Military Affairs of the House, during the last Congress, also had it under consideration. If it be sent to the Committee of Claims, there is no possible chance of its ever being considered by that committee. They know nothing about the case, and they do not want to know anything. The Committee on Military Affairs have had the subject once in their charge, and I think it should be now referred to them for investigation.

Mr. LETCHER. I will make a proposition. We have about a dozen doctors in the House, and I propose to organize them into a committee and give them the charge of this matter. [Laughter.]

Mr. BISSELL. With the permission of the gentleman from Maryland, I will say a word. I only want to give a single reason which occurs to me why the bill should be referred to the Committee on Military Affairs. Those who have looked into this matter at all, and who have noticed the memorial which was presented to the Senate, are aware that the petitioner claims something for the reason that this article is used extensively in the Army in the mode discovered or invented by him. I believe the whole claim is based on the fact that the invention, or rather the discovery of the memorialist, whoever he may be, is used extensively in the Army of the United States. I can, therefore, think of no committee to which it could be so appropriately referred as to the Committee on Military Affairs.

Mr. HAMILTON. I desire to say a few words in reference to this matter. I have so much confidence in the Committee of Claims, that I should prefer that this bill should be referred to it. I do not mean anything disparaging to the Committee on Military Affairs, for I have the highest confidence in it also; but I think the subject appropriately belongs to the other committee.

This is a private claim. It is ostensibly brought before the House on the ground that it benefits the Army and Navy; but that is not the true design of the bill. The bill proposes, after awarding \$100,000 to the gentlemen claiming to have made this discovery, to throw it open for the use of the whole people of the United States. It is, therefore, for the benefit of the people; and the Committee of Claims as well represents the people as the Committee on Military Affairs does. If the views of the honorable gentleman from Illinois [Mr. BISSELL] are correct, there is quite as much reason for referring it to the Naval Committee as to the Military Committee. It is intended for the benefit of the whole people of the United States, and I have great confidence in the Committee of Claims that it will fairly and honestly represent the people of the United States.

What is this proposition? We have an idea of what it is. We had it here in this House once before, and we summarily excluded it from consideration, and much less from approval. It is a proposition to pay \$100,000 to six gentlemen, or to the one of them to whom the circuit court of the United States for the northern district of New York shall determine to be the discoverer of this anæsthetic agent. These claimants, Messrs. Morton, Jackson, Nicholson, Wells, and others, are scattered over the whole country. There is to be a bill of interpleader filed in the circuit court of the northern district of New York. The Secretary of the Treasury is to be the complainant as the trustee of this fund, and these gentlemen are to be the defendants. They are to get together their witnesses and counsel there from all sections

of the Union, and to litigate this matter to their satisfaction, and then this money is to be awarded to them, or to one of them, and the Government is to pay the costs of that adjudication. I would infinitely prefer that either of the committees of this House should at once decide the question, and give the money, whether right or wrong; for it would be a saving to the country. And when all this is done, then the people of the United States are to have the free use of this anæsthetic agent. If either of these gentlemen has a right to this agent as the original discoverer, let him maintain that right under the patent laws of the United States. I therefore hope that the bill will be referred to the Committee of Claims. I know that committee will give the case that consideration it deserves; and upon the motion so to refer it I demand the previous question.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

[A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had signed bills of the following titles:

H. R. No. 53. An act for the relief of the legal representatives of Isaac P. Simonton.

H. R. No. 180. An act for the relief of William B. Edwards.

H. R. No. 204. An act establishing a land office in the lower peninsula of Michigan.

H. R. No. 237. An act for the relief of Mary Deany, widow of the late Lieutenant James A. Deany.]

Mr. CLINGMAN. What is the state of the question before the House?

The SPEAKER. The gentleman from Maryland [Mr. HAMILTON] moves to refer the bill to the Committee of Claims, and demands the previous question upon it. The gentleman from Tennessee [Mr. JONES] moves to lay the bill upon the table, and demands the yeas and nays upon that proposition.

Mr. CLINGMAN. I hope the gentleman from Tennessee will withdraw his motion, and allow the bill to go to the Committee of Claims.

Mr. JONES. I cannot withdraw it.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 82, nays 46; as follows:

YEAS—Messrs. Aiken, David J. Bailey, Barksdale, Belcher, Benton, Bridges, Brooks, Bugg, Carpenter, Chrisman, Clingman, Cobb, Colquitt, Corwin, Cox, Craig, Curtis, Cutting, John G. Davis, Thomas Davis, Dent, Drum, Eddy, Edgerton, John M. Elliott, Ellison, English, Giddings, Greenwood, Grow, Hamilton, Hibbard, Hiester, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Knox, Kurtz, Latham, Letcher, Lilly, Lindsley, McNair, Mace, Maurice, Maxwell, May, Middleswarth, Milson, Murray, Parker, Phelps, Powell, Pratt, Puryear, David Ritchie, Thomas Ritchey, Robbins, Ruffin, Seward, Shannon, Simmons, Gerit Smith, William Smith, George W. Smyth, Stratton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Trout, Vail, Vansant, Warren, Elihu B. Washburne, Witte, and Daniel B. Wright—80.

NAYS—Messrs. Appleton, Banks, Benson, Biswell, Cas- kie, Chandler, Cook, Crocker, Dawson, Dean, Dunbar, Eastman, Edmunds, Thomas D. Eliot, Etheridge, Farley, Faulkner, Franklin, Aaron Harlan, Heen, Howe, Hunt, Kerr, Kittredge, Smith Miller, Peckham, Phillips, Ready, Riddle, Rogers, Sapp, Shower, William R. Smith, Richard H. Stanton, Straub, David Stuart, John L. Taylor, Tracy, Upham, Wade, Walley, Israel Washburn, Wells, Tappan Wentworth, Wheeler, and Zoilcoffer—46.

So the bill was laid upon the table.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the bill was laid upon the table, and to lay the motion to reconsider upon the table.

Mr. BISSELL. I hope the gentleman from Tennessee will withdraw that motion for a single moment.

Mr. JONES. It would not be debatable in any event.

Mr. BISSELL. It seems hardly respectful to lay a Senate bill upon the table without giving it the slightest consideration.

The question was then taken upon Mr. Jones's motion; and it was decided in the affirmative.

SENATE BILL.

The following bill upon the Speaker's table was then taken up, read a first and second time by its title, and referred as indicated below:

An act for the relief of James Jeffries and Jeremiah M. Smith. Referred to the Committee on the Post Office and Post Roads.

The SPEAKER then announced that reports

were in order from the Committee on the Post Office and Post Roads.

Mr. JONES, of Louisiana, from said committee, reported adversely upon the petition and papers of Wade Allen; which report was ordered to lie upon the table, and be printed.

MAIL SERVICE.

Mr. McDUGALL, from the same committee, reported a bill; which was read a first and second time by its title, as follows:

A bill to provide for a weekly mail service between the Atlantic States and San Francisco.

Mr. McDUGALL. On a previous day a bill was reported providing for that service. The provisions of that bill did not altogether meet with my approbation, and I have endeavored to bring before the House now a bill which will obviate all the objections made to the former bill.

The bill was then read *in extenso*.

It provides that the Postmaster General shall contract with the lowest bidder, after the usual advertisement, for the transportation of the mails of the United States from New York, Philadelphia, Baltimore, and New Orleans, to San Francisco, and from San Francisco to those places, by the most expeditious and practicable route; the service to be performed semi-monthly, at such times, under the direction of the Postmaster General, as, in connection with the existing mail service, shall secure weekly mail service each way, provided the cost shall not exceed \$280,000 per annum; that no contract shall be made for more than four years, &c.

Mr. McDUGALL. It was understood by the discussion had upon a former day that there was no objection to this service, and that the business interests of the country demanded a weekly mail service. This bill has been prepared with as much care as we could give to the measure, and I believe meets the views expressed by the House in reference to it. For the purpose of having the measure fairly before the House, I desire to have the consideration of the bill postponed until the first Monday in June, and I submit that motion.

The question was put; and the motion agreed to.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, reported back, without amendment, and with a recommendation that it do pass, Senate bill No. 209, entitled "An act for the relief of Ira Day, of Vermont;" which was referred to the Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

JAMES JEFFRIES AND JEREMIAH SMITH.

Mr. EWING. I wish to move to reconsider a vote which was taken a few minutes ago, by which a bill was referred to the Committee on the Post Office and Post Roads. It is a private bill which passed the Senate during the last Congress, and was only lost in this House for want of time. It is a bill which has been under nursing very carefully for the last two Congresses, and I fear it will meet no better fate now than heretofore if it be left to the destiny fixed for it by the reference. It is a bill for the relief of James Jeffries and Jeremiah Smith. I move to reconsider the vote by which it was referred to the Committee on the Post Office and Post Roads, with a view of moving to put it upon its passage.

Mr. COBB. I would suggest to the gentleman that the motion go over until after the morning hour has been consumed in the call of committees for reports.

Mr. EWING. I should have no objection, if it was the unanimous consent of the House that it should come up then. I will state to the House that I have been unable to attend its sessions for some time past, in consequence of indisposition, and that pressing business will call me home as soon as the state of my health will permit it.

Mr. COBB. The gentleman can call up the motion to reconsider at any time.

Mr. EWING. I prefer to have it considered now. I am not able to be in the House longer than is absolutely necessary.

Mr. LETCHER. I ask that the bill may be read.

The bill was read through by the Clerk.

It authorizes the Postmaster General to release James Jeffries and Jeremiah Smith from the penalty incurred in consequence of a failure on their

part to carry the mail on certain routes, according to the bids made by them, and accepted by the Post Office Department, and also referring to them the fines consequent upon the failure.

Mr. EWING. I will say a single word in explanation of this bill, if I can make my voice sufficiently audible. These petitioners are poor men. They entered into a contract to carry the mail upon a route in Texas; and by positive and conclusive proof, as is shown by the papers accompanying the bill, the route was twice as long as advertised by the Department. The report made by Mr. Rusk, the chairman of the Post Office Committee in the Senate, shows clearly that the claim ought to be allowed. It has passed the Senate twice, but has been lost in the House in each instance, in consequence of want of time. I shall not be in the House again for some time, as I am only waiting until I am well enough to enable me to travel home. I would regard it as a special favor if the bill be taken up and passed.

Mr. GREY. I would ask the gentleman from Kentucky whether I understand him to say, that the routes were much longer than the length advertised by the Postmaster General?

Mr. EWING. They were nearly twice as long as the length advertised, as the gentleman will find by referring to the proof in the case.

Mr. GREY. They were advertised to be relet, and there was a mistake in the statement of the length of the routes. They were double the length, as stated in the advertisement of the Postmaster General. Hence the mistake, and the injury under these contracts.

Mr. JONES, of Tennessee. The rule on that subject at the Department is to state the length of the route, according to the best information they have; and if they advertise a route to be fifty miles in length when it is one hundred miles, it is the business of the bidder to understand the country and the expense of carrying the mail. He must inform himself as to the real distance; and if the person is acquainted with the country for the transportation of the mail over which he has bid, he will know whether the statement in the advertisement be correct or not. If it is not, he ought not to bid for carrying the mail on a route the length of which he knows himself to be much greater than that stated by the Department. I suppose in this case that the gentlemen were not residents of that country, and knew nothing about the length of the route, or about the points from the one to the other of which this mail was to be transported, and consequently they were deceived themselves, and not through any fault of the Department.

Mr. EWING. I know nothing of what has induced the gentleman from Tennessee, who has paid no attention to this particular case, to raise a discussion on it, when I am utterly unable to engage in it. I had no idea that he would do so. I can only refer the gentleman to the report. Neither the Department nor the bidders were exactly informed of the length of the route. It was through a new country. The proof is clear and conclusive, and if the gentleman had examined it he could find no objection whatever to the claim. The claim would have passed long since but for the delay which attends all just private claims in this House. I cannot explain further. I hope that the House will take the bill up and put it on its passage. I call for the previous question.

The call for the previous question was seconded; and the main question was ordered to be put.

The question was then taken on reconsidering the vote by which the bill was referred to the Committee on the Post Office and Post Roads, and it was agreed to.

The SPEAKER. The bill is now open to amendment, or to be ordered to be engrossed for a third reading.

Mr. EWING. I now move that the bill be put on its passage.

Mr. LETCHER. If there be a report accompanying the bill, I would be glad if the Clerk would read it.

The SPEAKER. According to the memorandum on the bill the report is in the hands of the printer.

Mr. LETCHER. Then the House is not able to act on it.

Mr. EWING. I state the facts as fully as I am able, on my own responsibility. I merely appeal to the House, because I have watched this

bill day after day during the last session of Congress as well as this. It is impossible for me now to give that attention which I would like to, and I hope that no unnecessary objection will be made to it. I state the facts on my own responsibility, I would say in answer to the gentleman from Virginia. The case is clear, and the report conclusive. The proof is as satisfactory as it could be in any claim. The route was through a new country, and no bidders could be apprised of the exact length of it. The bill has passed this House before; I have watched it many a long day here. I now throw myself on the known courtesy of the House in this case. I ask nothing but what is just, and I so state on my own responsibility.

Mr. LETCHER. There is no one here whom I would more willingly accommodate than the gentleman from Kentucky; but it seems to me that there is something in this bill which involves more than a mere spirit of accommodation. Now, sir, take the converse of the proposition. The gentleman states that this line proved to be twice as long as was advertised; and that, in consequence of that fact, the parties come here now and ask relief. Suppose the line had been only half as long as advertised, what then would have been the action of the contractors in regard to it? Would they have come then and asked relief, or would they have come here and proposed to refund a part of the moneys they were to receive by virtue of that contract?

Now, it seems to me, that there is something in this matter, that there is at least a principle at the bottom of it, and that principle may be one of very serious consequence. I would as willingly defer to the wishes of the gentleman from Kentucky as of any other member of the House; but when a matter of principle is involved, I think it my duty to adhere to that principle.

Mr. EWING. I call for the previous question.

The SPEAKER. The Chair will state that if the previous question is sustained, the first question will be upon the motion to commit the bill to the Committee on the Post Office and Post Roads. If that motion shall be voted down, the bill will then be open to amendment, or will be put upon its third reading.

Mr. GREY. I desire to say a word upon this subject.

The SPEAKER. Debate is not in order; a demand for the previous question is pending.

Mr. TAYLOR, of Ohio. I wish to inquire if the bill has been read?

The SPEAKER. It has been read.

Mr. TAYLOR. I have every disposition to accommodate the gentleman from Kentucky; but I did not hear a word he said; and I do not yet know what the bill is. I ask that it may be read?

The SPEAKER. If not objected to, the bill will again be read.

Mr. WARREN. I object.

Mr. HAMILTON. Then let a vote of the House determine whether the bill shall be read.

Mr. LETCHER. It is very short, and I hope no gentleman will object to its being read.

Mr. EDGERTON. I move that the House resolve itself into a Committee of the Whole on the Private Calendar.

The question was put; and the motion was disagreed to.

ADJOURNMENT TILL MONDAY.

Mr. HIESTER. I rise to a privileged motion. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. I ask for the yeas and nays on that motion.

The yeas and nays were not ordered—only fourteen members rising.

Mr. JONES. I hope the demand for the yeas and nays will be entered on the Journal.

The SPEAKER. It is not customary.

Mr. JONES. When it is not entered on the Journal, it looks as if we did this thing unanimously.

The SPEAKER. The gentleman will have it in his power to move to amend the Journal.

Mr. JONES. Yes, but it would save time to have it entered now.

The SPEAKER. Perhaps that would be the case if the Chair would place upon the Journal that which has never gone there since the foundation of the Government. But if the practice is

changed at all, it must be by the order of the House.

Mr. HAMILTON. What is the point?

The SPEAKER. It is with regard to the entry upon the Journal of the demand made by the gentleman from Tennessee for the yeas and nays.

Mr. CHURCHWELL. It will go in the Globe.

The SPEAKER. When the yeas and nays are not ordered, the demand for them is never entered on the Journal. The gentleman from Tennessee desires that it shall be.

The Chair would state, that if the practice in this respect be changed, it must be done by a vote of the House. The object of the gentleman from Tennessee may be reached, when the Journal shall be read on Monday morning, if the House adjourns until Monday.

Mr. CHURCHWELL. I desire simply to ask my colleague, if it would not satisfy him to have his motion published in the Globe without mutilating the Journal?

The question was then taken on Mr. HESTER's motion; and it was decided in the affirmative.

So the House agreed that when it adjourns, it be until Monday next.

Mr. SMITH, of Virginia. The gentleman from Arkansas withdraws his objection to having the bill read, and as there is a general desire to have it read, I hope that the Clerk will now be allowed to read the bill.

The bill was then read through by the Clerk.

The demand for the previous question was not seconded.

The SPEAKER. The question now is upon referring the bill to the Committee on the Post Office and Post Roads.

The question was then taken; and a division being had, there were—ayes 55; noes not counted.

Mr. JONES demanded tellers.

Mr. EDGERTON. I move to refer the bill to the Committee of the Whole House.

The SPEAKER. That motion would take precedence of the motion to commit the bill, but it cannot be entertained during the pendency of the demand for the previous question.

Mr. JONES, of Tennessee. But the House have refused to second the demand for the previous question.

The SPEAKER. That is very true; there was no second. The motion of the gentleman from Ohio [Mr. EDGERTON] would now be in order.

Mr. LETCHER. I would inquire of the Chair, if it is in order to submit a motion to postpone the consideration of this matter until next Wednesday?

The SPEAKER. That motion would be in order, if the House should vote down the several pending propositions to refer.

Mr. EWING. If the gentleman from Virginia [Mr. LETCHER] will allow me, I will say to him that if he will promise to take charge of the bill, I will not object so strongly to the motion which he has indicated; but I must state to the House, that I have only been waiting in this city, in bad health, in order to get this matter disposed of. I shall soon be compelled to leave for the West, and when I shall return I cannot tell.

Mr. LETCHER. I am willing, for the purpose of accommodating the gentleman, to fix upon any day of postponement which will meet the wishes of the gentleman.

Mr. HUNT. I hope the gentleman from Virginia will allow this matter to proceed now. The gentleman from Kentucky informs us that he is only waiting in this city for the purpose of disposing of this bill. He tells us he has thoroughly examined it, and that the parties have suffered on account of a wrong advertisement on the part of the Government officers. It is said that the parties have acted in good faith; and are we to hold those men, like Shylock, to the pound of flesh, when they are not in fault?

The SPEAKER, (interrupting.) The Chair would remind the gentleman that debate is not in order upon the proposition to postpone.

Mr. HUNT. Then I ask the unanimous consent of the House to allow me to proceed.

Mr. EDGERTON. I object.

Mr. HAMILTON. I desire to ask the gentleman from Kentucky a question.

The SPEAKER. Debate is not in order.

Mr. LETCHER. I withdraw the motion.

The SPEAKER. Debate is then in order.

Mr. SAGE. I hope the motion to recommend this bill, or the motion to postpone, will prevail.

There is no disposition upon the part of any member, I presume, to delay action upon it from any captious motive. The objection seems to be that if we act upon it now, it would be establishing the precedent of acting upon a bill without a report, and without investigation, but upon the recommendation of an individual member. We all have equal rights here, and I have bills in my possession which I am interested in getting through, but I take it for granted that this House is not ready to allow these bills to be put upon their passage without a report and examination. If it will meet the wishes of the gentleman from Kentucky, [Mr. EWING,] I will move that the further consideration of this matter be postponed until next Wednesday.

Mr. HUNT. I would consent to the motion of the gentleman from New York, if I could see any good reason for postponing action. But I can see none whatever. The gentleman from Kentucky says the Senate have twice acted upon this matter, and that he desires to have it disposed of now.

The SPEAKER, (interrupting.) The Chair desires to ask the gentleman from New York [Mr. SAGE] if he submitted a motion to postpone, or only suggested such a motion?

Mr. SAGE. I submitted the motion. We shall then have the report before us.

The SPEAKER. Then that motion cuts off debate, and the remarks of the gentleman from Louisiana [Mr. HUNT] are not in order.

Mr. HUNT. I ask the gentleman from New York to withdraw his motion.

Mr. SAGE. I will, if the gentleman will renew it.

Mr. HUNT. I will.

Mr. SAGE. I withdraw the motion.

Mr. HUNT. I am acting altogether in courtesy in this matter, and upon principles of justice. We have heard the gentleman from New York [Mr. SAGE] advert to precedent. The first of all precedents is justice. Here is a measure of relief called for by individuals who have suffered by contracting for a route twice as long as was advertised by the Postmaster General. Now they come before the House in perfect good faith and with clean hands. We have proof that they acted in good faith, and that the Postmaster General deluded them.

Now one gentleman asks, suppose the mistake was upon the other side? When that question recurs it will be time enough to act upon it. Here is a gentleman of honor who has investigated the case, and he refers also to the Senate reports. The gentleman says he cannot be here on next Wednesday. If there were any motive for postponement; if there were any doubt of the correctness of the statements in the reports of the Senate; if it were alleged that they were made in error, it would be reasonable and just that there should be a postponement. It appears to me, under the circumstances, that the gentleman from Kentucky [Mr. EWING] ought to be gratified in his reasonable desire, and that this matter, which he has thoroughly examined, ought to be disposed of now.

In accordance with my promise, I now renew the motion to postpone the further consideration of this bill until Wednesday next.

Mr. EDGERTON. I wish to state to the gentleman from Kentucky—

Mr. HUNT. The gentleman is not in order. I return the gentleman's courtesy to me.

The question was then taken upon the motion to postpone; and it was not agreed to.

Mr. EDGERTON. I would state to the gentleman from Kentucky that I have no hostility to his bill. I wish to give it a fair and candid consideration; and it was only for that purpose that I made the motion which I made.

I will say, however, to the gentleman from Louisiana, [Mr. HUNT,] that when he has read as many Senate reports as perhaps I have, he will become satisfied that it is not the best evidence in the world that a bill ought to pass because a favorable report has been made upon it in the Senate, or because it has once or twice passed that body. I will state to the gentleman from Kentucky, that if this bill be referred to the Committee of the Whole House, next Friday is objection day; and if it is one of those cases which are as clear as the gentleman states it is, its justice will be manifest upon reading the report, and it will be passed without difficulty. If, however, it should be objected to, it will lie over until it can come up and be

discussed there. It is not defeating a bill by referring it to the Committee of the Whole House; but, on the contrary, in my opinion, it is the best method of passing it.

Mr. EWING. I have not been disposed, and am not disposed, to press this matter upon the House against their wishes. I appealed to the courtesy of the House, not with a view of establishing a precedent for ordinary cases, but hoping that by an explanation of the peculiar circumstances connected with this case the House would allow the bill to be disposed of at once. The gentleman from New York, [Mr. SAGE,] however, seems to place it simply upon the ground of ordinary transactions. Sir, I wish very much I could establish in this House a precedent for courtesy. I know of no precedent that would be more useful, save more time, or contribute more to secure justice to those having honest claims against the Government of the United States. But I despair of being able to establish a precedent which would be of sufficient force to reach the sense of propriety of the gentleman from New York. I say I despair of such a result; for I have discovered that when the great body of the House seem disposed to recognize the peculiarity of the circumstances attending this case, a few members like the gentleman from New York seem disposed to throw insurmountable obstacles in the way of accomplishing what is the obvious wish of the great majority of the House.

As to the motion of the gentleman from Ohio, I have served the little time I have been in this House to but little purpose, if it has not taught me what is the effect of such motions. I presume even the new members of the House would need no explanation to be able to ascertain what is the effect, not to say anything of the object, of such motions. I can say nothing of the motive of the gentleman—nothing of his object; I leave that for the conjecture of others. The effect, however, I cannot misunderstand.

I will say to the House, however, that, not wishing to press this matter at present, if there be objection, I will consent to the motion to postpone its further consideration until some day next week, although it will result in keeping me in the city until that time, and subject me to very much inconvenience in consequence. I ask that as early a day may be fixed as possible. I would suggest Tuesday; and I hope in the mean time the objectors of the bill will examine the subject fairly, and ascertain whether there are objections that are insurmountable against its passage.

The SPEAKER. There is also postponed to next Tuesday the consideration of another report from one of the standing committees, and it would take precedence of the bill before the House in the morning hour, being of the same character of business.

Mr. EWING. At the request of friends around me, I would move that the further consideration of the bill be postponed until Monday next.

Mr. SAGE. I would ask the gentleman to withdraw his motion for a moment.

Mr. EWING. I will, if the gentleman will renew it.

Mr. SAGE. I will. The gentleman seemed to throw some reflection on my want of courtesy here, when I distinctly stated, in making the motion I did, that I did not intend to be discourteous. There has not been a single instance since the commencement of this session, where this House has passed a bill without having the report of the committee before it. It was for that reason I objected to having the bill under consideration passed at this time. On examination, I stated that I had no doubt I would vote for the claim. I do not think I can be charged, in good grace, with want of courtesy, when I stated the reasons which actuated me. That is all I have to say. I now renew the motion that the further consideration of the bill be postponed until Monday next.

The question was then taken on the motion to postpone; and it was agreed to.

So the further consideration of the bill is postponed until Monday next.

The SPEAKER. Reports are now in order from the Committee on the Post Office and Post Roads.

Mr. EDGERTON. I now move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. TAYLOR, of Ohio, in the chair.)

RICHARD W. MEADE.

The CHAIRMAN. When the committee last rose it had under consideration "A bill for settling the claims of the legal representatives of Richard W. Meade, deceased," on which, the gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor.

Mr. CHANDLER. Mr. Chairman, when this bill was called before the committee a week ago to-day, I yielded to the pious suggestion of my friend from North Carolina, [Mr. CLINGMAN,] that, it being Good Friday, we should postpone the consideration of private claims, and give ourselves up to that business which was more public; and though we did not enter into spiritual matters, as they did in the other end of the building, yet I trust that the consciences of all members are at rest as regards our own observance of this sacred season. It is not my intention at this time to inflict on the committee a speech on the bill now before it; nor, indeed, to enter into any argument. I shall, as I suggested a week ago, confine myself to a simple narrative of the origin of these claims, and all those events which made these claims; which, in the first place, were against the King of Spain, valid against the Government of the United States, and which have brought the memorialists hither to ask of us the justice which has been denied them in other quarters.

Richard W. Meade was a citizen of the United States, pursuing his commerce in the kingdom of Spain, and very much with the dependencies of Spain in America. In the course of a protracted business in that part of the world, the Government of Spain became largely indebted to him, and to his principals, in the sum, I believe, of some millions of dollars. The revolutions that were going forward in Spain from year to year, never producing any good to the subjects, and only disturbing the seats of the various monarchs, rendered it much easier for the Government of Spain to increase its debts to the merchants than to pay them. After various attempts to procure from the Spanish Government an acknowledgment of the debt—a liquidation of his claim arising from demurrage of his ships, from flour furnished to the army, and from various articles supplied to, or taken by the King's officers—Mr. Meade, growing weary of those efforts, laid his claim before the Government of the United States, and asked his own Government to interfere in his behalf.

In the year 1819, the Government of the United States concluded a treaty with the Government of Spain. That treaty contained, among other things, a condition that the Government of Spain should cede to the United States the whole of the province of East and West Florida—the whole of the Spanish possessions lying east of the Mississippi, for which territory the sovereignty of all, and the fee simple of what was left, the Government of the United States was to pay \$5,000,000, and that sum of \$5,000,000 was to be divided among the claimants of the United States upon the Government of Spain, *pro rata*, to be apportioned by a commission to be appointed to hold their offices for three years, to which commission there should be furnished proofs of the claims, and those claims, those unliquidated claims, which were sustained by ample proof, were to be allowed by the commission. Another condition of that treaty was, that if it were not confirmed by each party, within six months of the date of its being made here, it should become null and void. The treaty also acknowledged the validity of grants of land made by the King of Spain to his subjects in Florida—a very important consideration to this committee.

The treaty was made on the 22d day of February, 1819. In that treaty, of course, Mr. Meade's claim upon Spain was recognized, if it could be proved. There is no doubt of that; it was so understood.

On the 22d day of July, 1819, our Minister at Madrid gave notice to the Government of Spain, that in thirty days from that time, the treaty, unless confirmed by the King, would be null and void. On the 23d of August, 1819, the treaty was unconfirmed, and was consequently null and void, and of no effect. Neither Power was bound by that

treaty, and those parties in this country that set up a claim upon the \$5,000,000 were forever cut off from that claim. The whole matter was then in the same position as it was before the 22d of February, 1819. Mr. Meade was then thrown again upon his own resources, and left to come back upon the Government of Spain for an acknowledgment and payment of his debt which they owed him. After much exertion, Mr. Meade procured from the Minister of the United States in Spain, and with the consent of the Government of this country, assistance to procure a liquidation of his claim upon the Government of Spain, and a commission, on account of this interference, and on account of the urgency of Mr. Meade, was appointed by the Government of Spain, who, after taking the case to the various courts of that Government, finally declared them liquidated, and the King of Spain issued his obligation to Mr. Meade for the amount due him. Between \$400,000 and \$500,000 were recognized at that time as being due him. Here was the claim recognized, and Mr. Meade held in his hands the treasury notes of the King of Spain for the sum that the King acknowledged he owed him. So far, then, the Government of the United States was released from all consideration of this matter, and Mr. Meade was reinstated in his position towards the Spanish Government, and the King of Spain became his debtor in that amount. The Cortes of Spain were not then in session, but as soon as they assembled, Mr. Meade made application to this Congress of that country to provide ways and means for the payment of his debt. In the meantime, the Minister of the United States and the Government of Spain entered into negotiations again for a treaty, and the basis of the treaty to be formed was the old treaty of the 22d of February, 1819. That was to be the basis of the negotiation, and the treaty was formed after the recognition of the debt upon the part of the King of Spain, after the liquidation of that claim, and the issuing of an acknowledgement in the customary form, but bearing the same relation to the debt that a treasury note, or any of the bonds of the Treasury Department bear to their holders here. The new treaty varied from the old one.

I maintained, in the first part of my remarks, that in the acquisition of Florida, the whole sovereignty of course was acquired for the Government. There were occupants of the land there who held of course their lands in fee simple from the Government abroad. The King, in 1818, issued his royal warrant to three of his distinguished counsellors for a vast quantity of land, covering a great amount of the beautiful everglades that prove so rich a source of supply for our naval deposits in this country. He gave a large part, I should think, nearly one third of the whole territory, to these three persons. The new treaty gave up all the sovereignty as before, and gave to the United States the fee simple of all these vast grants of land, which before were not included in the acquisition of the United States. This treaty was then, inasmuch, better than the other, for the former conditions were held. Five millions of dollars were to be given by the United States to the American claimants upon the King of Spain, to be settled as under the former treaty, by commission to hold for three years.

When this treaty came before the Cortes for their consideration they regarded it with some favor, but they also recollected that at the same time there was the claim of Mr. Meade, an American citizen, for nearly \$500,000, which had been awarded to him. There was a gentleman there by the name of Joseph Guerera; and he was the "gentleman from Tennessee" of the Spanish Cortes—just such a man as is my friend from Tennessee [Mr. JONES] in this House.

Mr. JONES, of Tennessee, (in his seat.) May that not be a doubtful compliment.

Mr. CHANDLER. The compliment is to Mr. Guerera that he was so much like my friend from Tennessee. There is the compliment. That gentleman, a member of the Cortes, inquired what was to become of this claim? Was the Government of Spain to give up all its sovereignty over East and West Florida; relinquish all its vast possessions there, and afterwards pay this \$500,000? Because the new treaty already gave up those vast possessions there which the King held in fee simple, and besides that, would have to pay the \$500,000, or nearly that sum, which was

included in the former treaty on the part of the United States, and which they, Spain, agreed to pay to Mr. Meade. Here, then, was a just inquiry. Here was a proper inquiry on the part of Mr. Guerera—and he did ask if this was to be included in the treaty. The question was pertinent and just, and as proper as nine tenths of those which my friend from Tennessee [Mr. JONES] puts to this House. The result was the appointment of a committee, on the part of the Cortes of Spain, to wait upon the American Minister, to ask him whether this new treaty included the claim of Richard W. Meade. The committee returned to the Cortes of Spain, and informed them that the Minister said that it did include it.

In that condition of things, then, the Cortes advised the King of Spain to ratify and confirm the new treaty, upon the condition that it included the claim of Mr. Meade; for you are aware that, under the general nature of treaties, it would not be included, because it was a "liquidated debt." The Cortes, understanding that it did include it, advised the ratification of that treaty, although it gave up an immense amount of valuable land to the United States.

It was a singular circumstance—but one of those circumstances which will happen in the progress of treaties—that there was going on, a few weeks ago, in the Supreme Court room below, a trial nominally between John Doe and Richard Roe, but in which the real party was Joseph M. Branden, which involved a claim to some of the Florida lands. In looking over the written argument of this case, I was struck with a singular fact. It had nothing to do with the Meade case at all; it was entirely foreign to it; and yet there I found a reference was made to this very circumstance to which I allude—an extract from the proceedings of the Cortes, including this treaty, in which the King is advised to ratify the treaty then made, including the claim of R. W. Meade and others; but that, as his Majesty might feel that his kingdom was shorn of a part of its honors, and they were going to pay too much by relinquishing those vast possessions; therefore, if he should conclude not to accept of the advice of the Cortes, and should refuse to ratify the treaty, the Cortes then most respectfully recommended to the King, in the first place, a care for the wants and conditions of his faithful subjects in Florida; and they recommended to him in like manner, if the treaty should not be ratified, the just and valid claim of Richard W. Meade. That was their view of it. Subsequently, also, they declared that, notwithstanding the fact that this treaty should not be ratified, these claims upon this valuable body of land should not be longer considered as withholding them from the King. Such was the value of the land that they deemed it of sufficient importance to warrant the King in taking it from the Spanish claimants; but, at the same time, such was the regard for the claim of Mr. Meade, that they recommended it to the favorable consideration of the King. These were the opinions of the Cortes. But the King did sanction the treaty. The treaty was ratified in 1820, upon the basis of that of 1819, containing the conditions to which I have referred by which this Government received an immense tract of land, including the claim of Mr. Meade, worth twice as much as this Government paid for the whole of Florida.

No sooner did Mr. Meade hear that his claim was included in the treaty, than he entered his solemn protest against the proceeding. It may be said that it was a very foolish proceeding upon the part of Mr. Meade to protest against the transfer of his claim from the Spanish Government to ours; but the great difficulty in reference to Spain had been to get an acknowledgment of the debt. Spain could not pay, and therefore she would not settle; but when she became in a better condition she would settle, because she could pay.

But, I was proceeding to say, that Mr. Meade protested against his claim being included in this treaty; because, although he knew that these commissioners would pay over in good faith every dollar of the \$5,000,000 set apart for the purpose of paying the claims of our citizens against the Spanish Government, yet there were other claimants in the United States as well as himself; and after paying the expenses of the commission, he knew very well that he could not secure the allowance of an amount equal to his claim.

All claims by citizens of the United States upon

Spain which had been unadjudicated, or unliquidated, as they call it, came within the provisions of the treaty, and this Government was bound to pay the claims. The liquidated or settled claims were made subject to an appeal to the Spanish Government. To that Government the claimant must look for satisfaction; but this was a liquidated claim, and, as such, the Government of Spain was bound to pay it.

There is one point which I regard as of some consequence in reference to this view of the case. It is this: When Mr. Meade procured the liquidation of his claim from the Spanish Government, that Government itself took occasion, through their official agent with this Government, to give information of the fact. Mr. Meade informed the Secretary of State of the United States, also, that it had been settled. The Secretary, in acknowledging Mr. Meade's letter, congratulates him upon the success of his efforts to secure a settlement; and in extending his congratulations, he takes occasion to remark: "The Government feels not a little gratification in having contributed to this satisfactory result." The Secretary takes to himself and to the Government of the United States praise that he had had a hand in procuring that settlement. I ask the committee to mark that fact, because upon it may depend a portion of the argument in favor of this claim. I ask the committee to remember that the Government of the United States interfered itself in the case; that it desired the settlement of the claim, and that it was instrumental in procuring that settlement.

The committee will perceive that I am making a simple statement of facts, not so full even as the report which I have had the honor to present to the House.

I use the few moments in making this simple narrative, divesting it of all attempts at appeal to sympathies, denying myself the pleasure of improving it towards their feelings, but asking only that members shall listen to a simple, naked statement of these facts which involve the comforts of Americans, and which include, in no small degree, the honor of our own country.

Mr. Meade, I say, seeing that he was, without his consent, involved in this treaty, protested against it; but he knew, while he protested, that the Government of the United States, in the exercise of its "eminent domain," had the right to include him. He knew that the Government of the United States had a right to say that "we involve the claim of every citizen of the United States in this settlement, and we assume, while we exercise the power of doing that, the right of settling honorably with those whose property we have taken." When this was done Mr. Meade returned to this country. He brought his claims here, and when the commission was appointed, as it was, he laid this great claim before it. After some time, the dates of which are unnecessary, he was informed that it was not a proper claim on this Government, because it was a liquidated claim, and that treaties, in general, involved only unliquidated claims. After some months spent in discussions of this kind, it became evident to the commission that his claim was specially included in that treaty, and then instead of allowing it, as they might and ought to have done, they threw themselves back on that clause of the treaty which gave the commission the right of judging of the character of the claim. In general, no power can be more just, none can be more prudent than that. We have since that time seen how, even with the exercise of that power, errors may creep in. And Mr. Meade brought to them the full proof. He brought to them the treasury note of the King of Spain, acknowledging the liquidation of the account, and confessing the indebtedness to the man at that time. They demanded of him the proof of that note. That was very singular. Other persons came with naked claims upon our territory, with a mere bill and statement of accounts of how much was due, and the commission demanded of them some proof of those statements. Here was a very different case. However, finding that he was not likely to succeed without the evidences which had satisfied Spain, Mr. Meade resorted to the Minister of Spain to know whether he could procure the proofs necessary. Now, Mr. Chairman, any person who has any knowledge of the Spanish character, will pretty well judge how a Minister of Spain would jump up when he was asked to prove the words of the

King of Spain—how he would feel if he was asked to offer some proof of the justice of his Majesty's court.

When Mr. Meade addressed his letter to the Marquis de Anduaga, the Marquis expressed great indignation at the decision of the Commissioners here in doubting the truth of the proceedings of the Spanish King and courts, and added:

"The Spanish Government will regard as a serious insult that what in Spain is acknowledged as most sacred and respectable, should here be pronounced of no value; that it will never consent to have questioned the legality and purity with which your liquidation was made; and which is accompanied by all the marks of authenticity which it can give it; and, in fine, though it should be practicable to reunite all the documents upon which that liquidation was made, his Catholic Majesty knows too well what is due to his own dignity, to the reputation of his ministers, and to the integrity of his tribunals, to consent that a foreign commission shall deem itself authorized to revise their decrees."

That was the answer of the haughty old Don. If they had not any money in Spain, they had some honor left, and they stood upon it when the money was gone. Sir, whatever may be the effect of that feeling which the Spaniard has, upon the gentleman's family whose claims are now before us, you and I, I hope, will ever respect that national feeling which rises indignant at an imputation cast upon the character of its judicial institutions; and when once the head of a nation has confessed its indebtedness to an individual, it becomes dishonorable almost in that head to lend itself to inquiries as regards the motives of that procedure. Nevertheless, Spain was a waning country. Island after island had been filibustered away. Mexico was retreating from its grasp. Venezuela was passing away. Ecuador, Chili, Bolivia, and all those with new fangled names and new forms of government, were passing from the grasp of the mother country. She began to feel that a new power was springing up, and though she had all the feelings of honor that recognize an insult, and all the remains of the old Castilian pride that would resent it, yet she said: this new republic is not so sensitive to these matters as we are, and perhaps we had better yield.

The Government of the United States consented at last to interfere again in behalf of Mr. Meade, and they determined that they would ask the Spanish Government to supply these records under the treaty; and they sent thither, after eight months waiting. Governments do not move fast in these matters, and they did not do it, I am sorry to say, until the distinguished Secretary of State had, with a characteristic zeal, broken a lance or two with the Spanish Minister on the merits of the case—preferring to keep up his own credit as a severe letter-writer to the establishment of the just claim of a fellow-citizen. But *de mortuis nil nisi bonum*. After some time, Spain consented to the demand. After some six months she ordered that the archives of the Spanish courts should be examined; and, accordingly, from pigeon-hole to pigeon-hole the clerks went. But, in the mean time, these of Government had been changed, and the documents of the various courts were *in transitu* from Seville to Cadiz, and from Cadiz to Madrid; and they were about in the same situation as some other State Departments have been; and the Spanish Government said, we cannot supply you with all these papers now, but you shall be furnished with them as soon as possible. And while they were considering that matter, while they were hesitating upon this last failure, the time of the commission expired, the door was closed, and Mr. Meade was excluded from the benefits of that treaty.

It is the duty of a Government to perform the duties it owes to any of its citizens, as much so as any of the duties which it owes to any other Government. If Mr. Meade had procured, as he might and can now procure, I presume, all the proofs of his claim upon the Spanish Government, the commission which sat in that city in 1822 and 1823 would have allowed the claim; but he could not produce them. Is that his fault? You may say it was his misfortune. Undoubtedly it was.

But there is one clause of this treaty of 1820, which says that the Government of Spain pledges itself to supply the proofs which it has in its possession. Then the Government of the United States was solemnly pledged to demand those proofs. Suppose the Spanish Government had said, we refuse to give you up the sovereignty of Florida; suppose they had said, we retain, not-

withstanding the solemn compact of this treaty, all those vast everglades, and all the lands lying between the mouths and heads of the rivers, and, instead of allowing you to take them in fee-simple, we will give them to our favorites, the Governor General of Cuba and others, the Government of the United States could have justly declared war, and could have justly taken possession of what would give to them full satisfaction. What the Government of the United States owed to itself in the enforcement and fulfillment of that treaty, it owed to every gentleman concerned in the claims involved in that treaty. There can be no doubt to any man acquainted with national law, that the Government of the United States was in fault in not making a treaty in behalf of Mr. Meade. He was foreclosed by the very terms of the treaty, and he had no longer any claim against Spain. If he had, there are gentlemen in the sound of my voice who would rejoice at it. Five hundred thousand dollars against the Government of Old Spain, and she not pay it, with Cuba within two days' sail of our shores! We might annex Cuba to Florida, and tie her to the Everglades. It would be one of the best claims that we could institute against her, and I would ask nothing, if I desired to set up as a filibuster, but to demand immediate compliance with this claim of \$400,000 or \$500,000. But I am arguing before the Congress of the United States, and in the presence of those who, while they see no wrong done to the Government, know that there is laid upon their consciences a sense to do right to the people of that Government, and to maintain the dignity and honor of this nation with regard to individuals as well as communities. They will not see injustice permitted towards one who has a claim upon us of this kind.

This is a claim of a citizen of the United States, a native of the State of Pennsylvania, a merchant; and in that character is involved almost all we recognize of honor between man and man. It is to the merchant that our country owes much of its fame abroad. It is from the merchant and his business that the country derives its means and methods of greatness. Here, sir, is one who, by our neglect, has endured losses, "enough to break a royal merchant down," and we stand here for thirty years debating whether we will consider his wrongs or not; spending more time in the discussion of the claim than the claim amounts to; not that I think that wrong, for in the way of honor, and truth, and justice I would cavil on the ninth part of a hair. I would spend ten thousand dollars in legislating upon one dime, if the spending of it involved the principle of honor or public faith.

Mr. CLINGMAN, (interrupting.) I have been listening to the argument of the gentleman, and I want to obtain information upon this subject. If I understand the gentleman's position, it is that this claim was properly included, and ought to have been allowed, by the commission. That the reason that the commission did not do so, was, that proofs were not furnished in time before the commission was dissolved; and that this Government was under obligation to obtain the proof and submit it. They failed to do so, and therefore the commission declined to pass upon the claim; and that the claim was lost in that way.

Mr. CHANDLER. That was the *a fortiori* part of the claim.

Mr. CLINGMAN. Did the commission leave the claim in a condition of suspense when they adjourned; or did they reject it?

Mr. CHANDLER. They did not directly reject it.

Mr. CLINGMAN. Then I understand that the Government should have obtained the proof; and if they had done so, the claim would have been allowed?

Mr. CHANDLER. The money was all expended upon the other claims.

Mr. CLINGMAN. But if this proof had been furnished to the commission in time, there is a probability, and, in the opinion of the gentleman from Pennsylvania, a certainty, that they would have allowed the claim.

Mr. CHANDLER. There is no doubt of it. There is in the report a statement of what the claim was.

Mr. CLINGMAN. These inquiries are made merely to get at the facts of the case, as it is an important one.

Mr. CHANDLER. I should regret to have

the intelligence of the committee rely entirely upon the statements which I make, for I see that while I have confined my objections within the limits of the report, I have omitted many parts of it, which, if examined, would give strength, and will give strength, to the future arguments which will be made upon this case. I forbear any argument here; I forbear any appeal to this committee beyond this statement; and I reserve to myself the right to reply to objections which I presume will be made. I have no doubt that they will be made, for they have been heretofore, and I am prepared to answer them. But I do not think it is the part of an advocate to anticipate them, and make them known. I have already referred to only a few strong points which will attract the attention of the committee whenever the objections are made. One of these I wish to recall the attention of the committee to: and that is, that the Government of the United States, while it felicitated Mr. Meade upon the success he had in procuring a liquidation of his account, did not fail to take to itself the credit of having assisted in that matter; that between the death of the treaty of 1819 and the treaty of 1820, that treaty was null and void, and the treaty had no bearing upon the condition of the two countries, and the citizens of the two countries, between the death of the old treaty and the birth of the new treaty; that the liquidation of the claim by the Spanish Government, in the full belief, to all appearances, that no new treaty was to be made. Or, if they believed, as they might believe, that two great nations, like the United States and Spain, would not exist without a treaty, they might have taken it for granted that a treaty would have been made, including all claims.

Mr. Chairman, I have already occupied more of the time of the committee than I intended. I repeat, that I have endeavored to confine myself to a simple narrative of the facts, avoiding all argument upon them. I have also avoided appealing to the feelings of the House. I appeal to the justice of the House, and to their justice alone. This is a claim brought against this Government by the family of a deceased American; and that family and I believe in its justice. That family has hope and confidence in your justice.

Mr. Chairman, nothing strikes me more with a feeling of dread than to hear that somebody has died and left his heirs a claim upon the Government of the United States. Sir, in the kingdom of Siam, when a Minister wants to break down a rival Minister at court, he proceeds to ask the King to give his rival a white elephant. The King does it; and the favored man spends his wealth, his time, and his life, in trying to take care of this royal gift of the King. Mr. Chairman, this white elephant is an emblem of the claims which are brought against our Government. Heavy hearts and light purses are the consequence of them. Few, very few, succeed—scarcely enough to induce those who follow to hold on. Sir, of the thousands who ascend the steps of this Capitol, having claims upon the justice of Congress, scarcely any succeed, unless the claim is represented by a lady. Then, sometimes, they do succeed. They succeed in justice; they succeed in truth; but, Mr. Chairman, there are too many young and gallant members of this House to allow a female to plead for justice at the hands of the House, and plead in vain; and even those like you and I, Mr. Chairman, with mottled locks upon our heads—we vote for these female-enforced claims also, and for the same reason—we cannot but remember that such things were, and were most dear.

But, sir, I do not propose to continue these remarks any further at present, reserving to myself the right to answer any objections which may be raised during the progress of the debate, when I use the privilege of the author of a report to close the argument.

Mr. JONES, of Tennessee. This claim, Mr. Chairman, has been pending for a long time before Congress. It is one of considerable magnitude and importance, both as to the amount and the principle involved, and on which payment is asked of the United States. My attention having been specifically called to it by the gentleman who is engaged in its prosecution before Congress, I did look into it with a view of satisfying myself as to its justice and merits. If the principle on which it rests be right; if it can be shown by the provisions of the treaty with Spain, ratified in October, 1820, that the Government of the United States

did renounce the claim of Meade, now presented here, and relinquish all liability of the Spanish Government therefor, and assumed its settlement, then it is a valid claim against the United States, and the Representatives of the people upon this floor, and the Representatives of the States in the other end of this building, should provide for its adjudication and payment upon the principles and in the manner specified in the treaty. There are, however, two sides to this case; and when I am called on to vote this money to the heirs of the original claimant, I must look to the rights of the other side, to the rights of those whose money must be taken to pay it, if paid at all. If there be any valid claim at all, it is provided for in the treaty of February, 1819. By the ninth article of that treaty it is provided:

"The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th August, 1802.

"2d. To all claims on account of prizes made by French privateers, and condemned by French consuls within the territory and jurisdiction of Spain.

"3d. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in 1802.

"4th. To all claims of citizens of the United States on the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies."

It will be conceded that in none of these provisions is Mr. Meade's claim provided for. If provided for at all, it is provided for in the fifth clause of the ninth article. It is as follows:

"5th. To all claims of citizens of the United States on the Spanish Government, statements of which soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty."

If the claim is embraced at all by the treaty, it is under the clause which I have just read. It is embraced, however, not because of any inherent merit, but, as I conceive, merely for the reason that it was presented by our Minister to the Spanish authorities for adjudication.

On what basis does this claim rest? I ask the legal gentlemen of this committee to determine whether it was such a claim, in view of its origin, that it devolved upon the Government of the United States to any degree whatever the duty of interposing in behalf of the claimant.

Was there any obligation, in consequence of Mr. Meade's being a citizen of the United States, for his Government to interfere and ask a settlement of his claim? Sir, he had left his own country. He had located in and been for years a resident in the kingdom of Spain. That country was embroiled in wars. His Government was a neutral Power. During his residence there, he made contracts with the Spanish Government to furnish them with tobacco and flour. He purchased a draft, I believe, upon Mexico, then a province of Spain. That draft was not honored and paid promptly, and he alleges, as a part of his claim, that he had to keep a vessel in the port of Vera Cruz for some months, waiting for his \$300,000, the proceeds of the draft, to take back to Spain.

Again, he took upon himself the execution of a commission in bankruptcy, and when he had got the funds in his hands he failed to pay them over. Perhaps it was not strictly legal for him to pay them out; I do not know how that is; but some of the claimants who believed they were entitled to a part of the funds of the bankrupt concern, took legal steps against Mr. Meade, and for failing to pay over that money, he was incarcerated in jail, according to the laws and customs of Spain. He alleges, I believe, that he had paid the money into the royal treasury of Spain, under a decree of the proper authorities of the Government. These are the items of which his claim is made up, for losses and damages in his commercial and business transactions with the Government of Spain, and his imprisonment growing out of and under that commission of bankruptcy.

Now, sir, this is the character of his claim, contracted, under these circumstances, against a Government with which we were at peace, for furnishing that Government, which was engaged in wars with other nations, with the sinews of war. But afterwards this Government did come in, as a mere matter of grace and favor—as I think I shall show before I get through—and present the claim of Mr. Meade, and ask for its settlement.

Well, sir, thus stood Mr. Meade's claim in 1819

when the treaty was negotiated in this city between Mr. Adams, then Secretary of State, and the Spanish Minister. The condition was that that treaty was to be ratified within a limited time, or else it was to be null and void. The President and Senate of the United States ratified it, but the Spanish Government failed to ratify it. When they failed to ratify it, Mr. Meade, through the friendly interposition of our then Minister at Madrid, Mr. Forsyth, again presented his claim to the Spanish Government for liquidation, and that Government did settle and liquidate the claim. They acknowledged the debt, or, rather, they compromised with him, and agreed to give him a certificate upon the Royal exchequer for the amount of his claim, which took it out of the provisions of the treaty with Spain.

Mr. CHANDLER. The last treaty.

Mr. JONES. The last treaty was the same as the first, with, perhaps, a few slight alterations in regard to some grants of land in Florida. When gentlemen assert that we got the Floridas for these debts, they should recollect that we transferred to Spain, by that treaty, a country larger in extent, and more fertile than the Floridas ever can be. We transferred in that treaty—as one of the reports which I have upon this subject shows—the entire country between the Sabine and the Rio Grande—what is now Texas. It was thus that this claim stood at the time of the rejection, or rather failure, on the part of Spain to ratify the treaty, when Mr. Forsyth, our Minister, again interposed to procure its acknowledgment and settlement by the Spanish Government. The Spanish Government did, under the interposition of the United States, acknowledge and settle the unsettled claim of Meade; and on the 17th of May, 1820, gave to Meade a certificate of the amount of his ascertained debt, for \$491,153 62, and an order on the Royal Treasury of Spain, with interest from that date; which was not paid, because of the embarrassed state of the Spanish finances. This acknowledgment and finding of the claim of Meade by the Spanish Government, at a time when there was no treaty ratified or pending between the two Governments, entirely changed the character and nature of Meade's claim, and took it out of the provisions of the treaty of 1819, if it had ever been embraced. After the settlement of Meade's claim, the treaty of 1819 was revived, and finally ratified by the two Governments in October, 1820. That the settled, funded claim of Meade, as it was at the time of the ratification of the treaty in October, after its liquidation, was not included and provided for, it is only necessary to refer to the report of the gentleman from Pennsylvania, [Mr. CHANDLER,] from the Committee on Foreign Affairs. The committee, in their report to this House, say:

"As the treaty stands, this Government is exonerated from the payment of Mr. Meade's claim. The negotiations being thus definitively closed, Mr. Meade was thrown upon his own exertions.

"The negotiation being thus definitively closed, Mr. Meade was thrown upon his own exertions. He continued to urge his claim on the Government of Spain, and, with the aid of the friendly offices of our Minister, was at length successful. On the 19th May, 1820, his claims were liquidated and their validity acknowledged; and a certificate in due form was given to him, as evidence of his acknowledged debt, amounting, in his own right, to \$373,879 88.

"This adjustment was made by both parties in the faith that Spain, and Spain alone, was to be responsible for the debt.

"It was made at the instance of our Government, which even took some credit to itself for its agency in effecting it.

"The grounds of the claim, as it stood at the signing the treaty, were entirely changed, both in regard to the evidence and responsibility. From an unliquidated claim, resting on the evidence of original contracts and of personal injuries, for which the United States were then quasi responsible, it had now become a liquidated debt, resting on the express contract of the Government, and for which Spain alone was responsible.

"This change of the character of the claim, thus communicated to our Government, was *per se* a revocation of all prior authority to interpose on behalf of the claimant, and a renunciation of any benefit, under any construction or understanding of the treaty, or that could accrue from its rescission at any future period.

"The provisions of the treaty, as signed, under any construction, were no longer applicable or appropriate to the case. The claim on which the interposition of the Government had been solicited no longer existed. There was no longer anything, either as to amount or validity, for adjudication. There was nothing left to be done but the payment of an acknowledged debt.

"It does not appear that Mr. Meade gave any new authority to the Government to interpose on his behalf, or in any way assented to waive the benefit of the responsibility thus assumed by Spain; but, on the contrary, that the subsequent interference of the Government was without his consent, and against his remonstrances.

"About the same time negotiations were renewed at Madrid, and the signed treaty of 1819, with an additional article annulling three Spanish grants of land in Florida, was offered on our part as the basis of the negotiation—not as deriving any validity from its having been signed by the parties, or from its having been ratified by this Government, but as a proposition which was presented for the then future assent of the Cortes and of the United States.

"In October, 1820, that proposition and the memorial of Mr. Meade were both pending before the Cortes; and the question was then raised, if the treaty should be agreed to, who was to pay Mr. Meade's debts—Spain or the United States? A committee was appointed to ascertain the fact. The committee was informed by the Spanish Ministry that the debt was to be assumed by the United States; and on applying to our Minister, they understood him to say that it should be paid by the United States if the treaty was agreed to by the Cortes, and that the debt spoken of was the debt as acknowledged by the Government of Spain.

"Our Minister, however, did not understand the conversation as having any official character. He took no note of it, nor did he make any communication respecting it to his Government; nor does he admit having given any assurance that the debt should be paid, though he thinks it probable he may have said that it was provided for by the treaty."

Now, sir, there stands the report of the committee; and by it they show conclusively, beyond doubt or cavil, that Meade's debt against Spain was not included by any one of the provisions of the treaty. In order to make it a good claim against the United States, such an one as we would be justifiable in voting to pay out of the Treasury of our own Government, it is necessary to relieve it from the predicament in which the committee were constrained to place it, or rather, in which they found it. How is this to be done? Certainly not by appealing to the provisions of the treaty; for the committee state that, by that instrument, Meade is precluded from all claim against the United States. But, sir, to fix this claim upon the United States, oral testimony is resorted to to prove what was the opinion, respecting this claim, of the American Minister at Madrid, at the time the ratification of the treaty was under consideration by the Spanish Cortes, in October, 1820. For this purpose the deposition of Guera, a member of the Cortes at the time, is produced, not to prove what is in the treaty, but what was the opinion of a particular individual at that time as to whether Meade's debt against the Spanish Government was renounced, and its payment assumed by the United States.

Well, sir, they took the deposition of Guera, some years afterwards, in Philadelphia, I believe, before Francis Hopkinson, and it is here in the report which lies upon your table. He deposes that, in order to avoid any possible misunderstanding or mistake upon the subject, he, with another member of the Cortes, were deputed as a commission, while the treaty was under the consideration of the Cortes, to wait upon the American Minister at Madrid, [Mr. Forsyth,] to inquire of him whether he construed the Meade claim as it then stood, or as it was claimed to stand, to be within the terms of the treaty. He testifies, further, that Mr. Forsyth, our Minister, gave it as his clear and distinct opinion, that the Government of the United States would be responsible for the debt of Meade, if the treaty should be ratified. I will read his language. He says:

"In order to avoid any possible misunderstanding or mistake upon this subject, it was proposed in the Cortes that a committee of two of its members should be appointed to wait on the Minister of the United States, Mr. Forsyth; and accordingly this deponent, with Mr. Thomas Isturio, member of the city Cadiz, were appointed, did wait on Mr. Forsyth, and obtained from that gentleman the clear and distinct assurance that the debt due to Richard W. Meade would certainly be paid to him by the United States, if the treaty were ratified by the Spanish Government, and the conditions above mentioned totally annulled.

"And this deponent solemnly declares that these assurances, thus conveyed to the Cortes, and these assurances only, induced that body to annul the grants of land in the Floridas, two of which had been acknowledged valid in the treaty itself; that had not the Cortes been perfectly satisfied by these solemn assurances that the national debt (as it was regarded) due to Richard W. Meade would be fully paid by the United States, it would not have consented to vacate those grants of land, as far as respected the United States, but would have vacated them as respects individuals to whom they had been made, reserving them to the Spanish nation by the law of reversion, for the express purpose of paying, by them, the debt due to the said Richard W. Meade, either by their transfer to said Meade, or by sale, and with the product thereof would have paid the debt and interest."

Now, sir, it is not for me to say what credit I will attach to this gentleman's testimony; but when his testimony is brought in conflict with that of Mr. Forsyth's; when the question is to be decided by a conflict with the testimony of a number of the Spanish Cortes and that of Mr. For-

syth, who was our Minister at that Court, it is not perhaps necessary for me to say how I should decide it. Mr. Forsyth's testimony is contained in another part of the report; and he says:

"No persons ever presented themselves to me, as a committee of the Spanish Cortes, during my residence in Madrid as the Minister of the United States. If I ever had any conversation with those deputies on the subject of the Florida treaty, I am entirely unconscious that they spoke with me by the authority of that body, or that any importance was attached to the opinion I might express. It is proper to add, that I should have stated, on such application, that I believe Mr. Meade's claim was provided for in the treaty of cession. This opinion was freely expressed to all who conversed with me, and may have been, and no doubt was, to Joseph Moreno de Guera, in the presence of Mr. Isturio. The only conversation I distinctly recollect was held with Martinez de la Rosa, also a deputy of the Cortes, and of the commission to whom was referred the treaty of 1819."

This, sir, is the testimony of Mr. Forsyth. In the conclusion of his deposition he says:

"I wish it to be clearly understood that I do not question the accuracy of Joseph Moreno de Guera's statement further than relates to my conversing with him and Mr. Isturio as a committee from the Cortes. The Cortes may have given them such a commission, and the conversation may have been held in consequence thereof; if it was, I have no recollection of it, and do not know that they were conversing with me officially, and certainly did not say more than that Mr. Meade's claim was included in the treaty of 1819."

Such, sir, is the whole sum and substance of Mr. Forsyth's deposition. The most that can be deduced from it is, that if he expressed any opinion at all in reference to the claim, it was a private opinion, and not officially communicated to the Cortes or those representing the Spanish Government. He says that whatever he said was merely an opinion of his own; but that if he ever expressed any opinion, it was, that this claim was included within the treaty.

Sir, after Mr. Forsyth returned home, he became a member of this House. In the Nineteenth Congress, first session, he, as a member of the Committee on Foreign Affairs, made a report upon this very claim, in which he says:

"The committee consider that the decision of the commissioners, forming a tribunal of limited and specified jurisdiction under a treaty, ought to be considered conclusive, and would recommend that the whole subject of claims of citizens of the United States on Spain, prior to 1819, should be deemed settled."

Thus it will be seen that he, as a member of this House, reported a recommendation that the whole subject of claims of citizens of the United States on Spain, prior to 1819, should be considered settled. He goes on further to say:

"But the petitioner alleges that his claim has not been, and could not be, fairly examined by the commissioners, for the want of sundry papers in the hands of the Spanish Government, which they were bound to furnish; which were, at his instance, duly demanded, were not furnished prior to the day fixed by the treaty for the termination of the commission, and the final decision on all claims presented to it; indeed, not yet furnished by the Government of Spain."

Notwithstanding this expression of opinion in the report, the committee reported a bill providing that this and other claims which had been before that commission, should again be referred to the commission for adjudication. The bill, however, did not pass. This case was, in the Nineteenth Congress, First Session, referred to a select committee of the Senate, of which Mr. Thomas M. Clayton was then a member. That gentleman made an unfavorable report upon it, which concluded as follows:

"Resolved, That the prayer of the memorialist ought not to be granted."

Now, sir, from the position in which I find this case, so far as I have thus presented it to this committee, my mind has been brought to the conclusion, that Mr. Meade has no claim upon the Government of the United States, but that he had a good and valid claim upon the Spanish Government, which that Government ought to have paid. If I could have doubted as to the justice of the claim, there is one more document to which I call the attention of the committee, and more especially that of the gentleman from Pennsylvania. It is one of those which have not been brought up in company with reports on this claim for years past. It is one which I doubt whether my friend from Pennsylvania has ever seen or heard of. The report of the committee says:

"Second Session Eighteenth Congress, 1824-25. Petition referred to the Committee on Foreign Relations. Committee discharged, and referred to the Secretary of State, and reported on.—(Reports No. 40.)"

Now, it happens that the Secretary of State, to

which the Senate referred this claim, was the identical gentleman who negotiated this treaty in 1819, to wit: John Quincy Adams. In his report he referred the Senate to two letters which he had written on the subject, one to our Minister in Spain, and the other to the representative at Spain to this Government. It is, to my mind, the clearest, plainest, and most conclusive document I have ever perused. He meets several of the points of the gentleman from Pennsylvania. The letter to Mr. Solman, the Spanish Minister, is among the papers appended to the report of the committee; but the one written by Mr. Adams to our Minister at Madrid, is not in it; and it seems to be out of place in the document where it is printed. It was a considerable time before I could find it. It is headed: "Extract of the general instructions, No. 1, from Mr. Adams, Secretary of State, to Mr. Nelson, Minister Plenipotentiary to Spain, dated Department of State, Washington, 28th April, 1823." It goes on to say that:

"A letter from the Spanish Chargé d'Affaires, Mr. Solman, dated the 15th of April, has been received at this Department, inclosing a copy of one from Mr. Anduaga to Mr. R. W. Meade, of 16th October, 1822, relating to his claim pending before the commissioners under the Florida treaty, translations of these papers, and a copy of my answer to Mr. Solman's letter, are herewith inclosed. The claim of Mr. Meade, as presented to the commissioners, was palpably not, and could not be embraced by the treaty, as an order for payment of it by the Spanish Department of Finance. Spain was undoubtedly bound to the payment of it in full; and so she was for the payment of all the certificates of her public debt which were purchasable in the market at thirty or forty per cent. of their nominal value."

My friend from Pennsylvania spoke of these people having been kept out of their money so long; that it should be paid in full because it was a settled, liquidated debt; but here your own Secretary of State tells you at the time that it was not, and could not be included within the treaty. He shows you the reason why it could not be included. He maintains that the debt, such as it was, on Spain, was worth but thirty or forty cents on the dollar in market. Spain was not able to pay her debts at the time, and that was the reason, as Mr. Adams shows, why she did not pay this liquidated debt of Mr. Meade.

But again, Mr. Adams says:

"All the claims provided for by the treaty were unsettled claims, the proper subjects of compromise, and the avowed and unequivocal principle of the treaty was to make such compromise. This was well known to Mr. Meade, as well as to the Spanish Government. The first report of the Spanish Junta of four counselors in favor of Mr. Meade's claim, was made on the 30th September, 1819, after the termination of the period when the treaty should have been ratified by Spain. The certificate delivered to Mr. Meade in May, 1820, directed that the sum which had been found due to him should be paid out of the funds of the Royal Finance Department, with interest. The treaty, though not ratified by Spain, was then public in Europe and America. It had twice been communicated by the President of the United States to Congress—first in February, 1819, immediately after it was signed, and again in December of the same year, when it was published with the documents at the commencement of that session."

Then, sir, it was not possible that Mr. Meade could have been mistaken. He understood the provisions of this treaty; he understood the nature and character of his claim; and he knew, I doubt not, that his claim was not one of those provided for by this treaty.

But, says Mr. Adams:

"It was well known to Mr. Meade that it did not provide for his claim thus liquidated and acknowledged. If he, then, expected that it should ever be chargeable upon the United States, that was the time for him to have so declared to the Spanish Government. The nature of his claim was entirely changed by the liquidation, but it made, and could make, no corresponding change in the stipulation of the treaty. It was not for an order on the funds of the Royal Finance Department of Spain, for near half a million of dollars, with interest from May, 1820, that the United States had undertaken to provide; and the real effect of the liquidation and certificate was to take the case entirely out of the treaty."

Now, sir, my friend from Pennsylvania dwelt somewhat upon the fact that our Government had taken some credit to itself for having aided Mr. Meade in procuring an acknowledgment of his debt; but, sir, it is not so surprising that the officers of the Government should have taken to themselves some credit for that, as that Mr. Meade should claim that because they had done so, they were bound to pay the debt. Upon this point, Mr. Adams says:

"It was a strange use to make of the warm interest and ardent solicitation of the American Minister in Spain in Mr. Meade's favor, to obtain a settlement by Spain of his claims, and of the friendly congratulation of the American Secretary of State, after it had been obtained, when the

treaty had no existence, to contend that these manifestations of kindness to him, bound the United States to payment in full of his demand upon Spain, if the treaty should ever be ratified."

There is the answer of the Secretary of State who negotiated that treaty.

Mr. CHANDLER. Will my friend from Tennessee allow me to say in reply, that whatever Mr. Meade may have done, or Mr. Adams may have responded to him, it was not included in my argument. My remarks upon that point were intended to meet a charge which has sometimes been made, and which I dare say will be uttered here, to the effect that Mr. Meade made his settlement by some collusion on the part of the Government. That was all I intended. I did not suppose that our Government was thereby bound to prosecute the matter further, nor do I admit that Mr. Meade's case ought to have been excluded from the treaty.

Mr. JONES. I did not know that any such charge of collusion had been made. I do not make any such; nor do I know why any such charge should be made; for I suppose that the Spanish Government, at the time they made this settlement, expected at least to be able to pay the money themselves.

Mr. CHANDLER. I did not mean to impute that the gentleman from Tennessee had made such a charge. I merely meant to lodge that as a caveat against anything of the kind.

Mr. JONES. Here is the principle upon which they settled; and it seems that they did not settle it exactly upon evidence, but upon a compromise:

"And, lastly, we do hereby certify, that, in compliance with the above mentioned order of his Majesty, and having employed on our part all the means that prudence could suggest, and after holding several conferences with the concerned, we have compromised the matter, and agreed that the 8,500,000 reals, for damages and personal injuries claimed by him according to his reclamations, shall be reduced to 5,461,500 reals vellon; making the sum total due to Mr. Meade, for his own claims and for those of the persons he represents, 9,823,072 reals and 11 maravedis, which amount he must receive from the Royal Finance for all his claims to principal and interest, (the latter calculated down to the date of the liquidation,) and for the damages and personal injuries above mentioned, in this order, viz: 7,477,595 reals and 7 maravedis belonging to Mr. Meade himself; 1,563,590 reals belonging to Mr. John Dickson; and 841,887 reals and 4 maravedis vellon, belonging to the American citizens, consigned to Mr. James Wardrop, as appears more extensively and minutely from the documents of proceedings, to which we refer ourselves; and for the complete fulfillment of the royal order above mentioned, we give the present certificate."

BRUNO VALLARINO,

JOSE VASQUEZ BALLESTEROS,
THE MARQUIS DE LAS HERMAZAS,
JUAN FLORIN.

MADRID, May 17, 1820.

The King has been pleased to approve this liquidation.
ROYAL PALACE, May 19, 1820.

JOSE CANGA ARGUELLES.

Mr. Adams goes on, in his letter to Mr. Nelson, and says, further:

"The principle of the treaty is a compromise of undisturbed claims. The principle of the liquidation was payment in full, with profuse allowances for interest and damages; these, very suitably for Spain to make in acknowledgment of great services of the claimant to her, were in no wise proper for the United States, being under no such obligations to assume, nor could they assume them without wrong to other claimants, more entitled to favor from them, though less from Spain, than Mr. Meade. In that liquidation it is abundantly shown, by Mr. Meade himself, that the Spanish tribunals intended to discharge a debt of Spanish gratitude, as well as of justice; to remunerate services, as well as to fulfill engagements. It is doubtful whether any others of the claimants, under the treaty, will obtain any allowance for interest, even simple interest, upon the clearest and most inveterate of their demands. Mr. Meade's liquidated claim calls for interest upon interest on a debt of half a million of dollars; compound interest accruing after the treaty was signed, and accumulating by the act of Spain herself, in withholding the stipulated ratification of the treaty. Other claimants besides Mr. Meade, had been wrongfully and far more rigorously imprisoned by authority of the Spanish Government. Should they be paid at the rate of nearly \$30,000 a year for such detention, the \$5,000,000 allotted to the settlement of the claims, five times doubled, would scarcely suffice for their satisfaction. To complete the demonstration that Mr. Meade's liquidated claim was not included in the treaty, let it be supposed that the order, which, in May, 1820, he received upon the funds of the Royal Finance Department, had been immediately paid, and that the Spanish Government had afterwards ratified the treaty as it did, Mr. Meade would assuredly then have had no claim under the treaty; and as little could the Spanish Government have claimed repayment by the United States of the money paid to Mr. Meade.

It does seem to me that this argument of Mr. Adams is clear and conclusive; that is, that if the Spanish Government, after the claim had been liquidated, had paid Mr. Meade, he of course would have had no claim upon this Government. I read still further from this same letter, "and why

was not the order upon the Royal Finance Department immediately paid?" Mr. Meade himself has answered, that it was owing to the embarrassments of the new revolution. He petitioned the Cortes for immediate payment, and to designate the mode of payment. But he could obtain no definite resolution from the Cortes, till the 5th of October, 1820, the day they decided in favor of ratifying the Florida treaty; upon which occasion Mr. Meade says:

"They ordered that my memorial should be united with the papers relative to the treaty, and submitted to the King, in order to have it ascertained whether the American Government had consented to the introduction of my individual claim into the negotiation of the treaty, and if so, that the American Government had distinctly assumed upon itself the payment of my claim, and had wholly exonerated Spain from it; but if it should be found that my case had not been taken into view by the negotiators, and was not distinctly understood as embraced in the treaty stipulations, then, in that case, decreed the immediate payment of the debt by the Spanish Government. Upon this reference from the Cortes, the Spanish Minister of State pronounced an unequivocal opinion that the debt had been distinctly and specifically assumed by the United States in exoneration of Spain; or would be so upon the exchange of the ratification."

"Here we see that the Cortes, when advising the ratification of the treaty before them, considered the assumption by the United States of Mr. Meade's claim as entirely depending on the question whether it had individually, distinctly, and specifically been treated for in the negotiation between Mr. Onís and the American Secretary of State. This the Cortes did not know, with the treaty and all the documents of the negotiation before them."

Then, sir, it was not until they had determined to ratify this treaty that they pretended to give Meade any satisfaction as to whether they would pay his debt or not; and it was because, as Mr. Adams says, and as Mr. Meade himself has shown, of the embarrassed condition of the Spanish Government. It was because they had not the money at their disposal with which to pay the claim. When it was ratified, they found it convenient to try to put Mr. Meade off for a time, and to put him upon this Government for the payment of a debt which they were bound to pay.

Again, Mr. Adams further says:

"Mr. Meade proceeds in his memorial to say, 'the opinion of the Minister was founded (as I was informed from high authority) upon facts said to have been notorious to the negotiators of the treaty, and verified, as it was said, by the official communications of Mr. Onís to the Spanish Government, to wit: that my claim had been introduced by name into the discussion between Mr. Adams and Mr. Onís, who finally agreed, in their verbal conferences, that it should be assumed and paid by the United States; that Mr. Onís proposed the insertion of my name, and a specific stipulation to that effect in the treaty; but that Mr. Adams thought it unnecessary to do so, though he agreed to the insertion of a clause intended to comprehend my case, without naming it, and to exonerate Spain from the debt, with the understanding, nevertheless, that it was to be specifically assumed and paid by the United States.' I shall not inquire how it happened that the Cortes, with this fact said to have been verified by the official communications of Mr. Onís to the Spanish Government, before them, could have referred it to the King, to ascertain whether Mr. Meade's claim had been assumed by the United States or not; nor how the Minister of State, to whom it was again referred, should have been so uncertain with regard to the fact, as merely to give an opinion that the claim had been specifically assumed by the United States, or would be so, upon the exchange of the ratifications. Neither shall I ask how it happened that Mr. Meade, at Madrid, in October, 1820, with his claim liquidated and acknowledged, and demanding immediate payment, when put off with these uncertainties of the Cortes and the Minister, should have contented himself with this information from high authority, of facts said to have been notorious, and said to have been verified by official communications of Mr. Onís to his Government, without demanding, as, under those circumstances he had the unquestionable right, and the deepest interest to do, authenticated copies of these official communications of Mr. Onís, to produce them before the American Government: How it happened that for this only document which could have given Mr. Meade the shadow of a claim upon the American Government for specific satisfaction of his liquidated claim, he took at Madrid this information from high authority of things said to have been said, and then came to the United States, and called upon their President and Senate to palm upon the people of this Union the payment of half a million of dollars, with interest, to him, or to annul, by a conditional ratification, the Florida treaty, with this hearsay of hearsay, for the only color of his demand."

"But the facility with which Mr. Meade received upon trust this information from high authority of an official document which would have been the only admissible voucher for his new claim upon the United States, is not the only surprising part of this allegation in his memorial to the President. He says that the Spanish Minister of State pronounced an unequivocal opinion that the debt had been distinctly and specifically assumed by the United States, in exoneration of Spain, or would be so upon the exchange of the ratifications. That it had not been, is now shown beyond all power of reply, nor was it at the exchange of the ratifications. Mr. Meade, after failing in the attempt to stay the ratification of the United States, did apply to the Spanish Minister then here, General Vives, to make some such specific reference to his individual claim, which General Vives explicitly declined. There was, indeed, no

pretence upon which it could have been made, and the tale which Mr. Meade had received from high authority, appears to be no other than a device to elude his importunities for payment, and only proves the consciousness of necessity for resorting to fiction to give a show of coloring to Mr. Meade's liquidated claim, as chargeable to the United States."

Mr. Adams says, further:

"The subsequent liquidation and acknowledgment of the Spanish tribunals gave Mr. Meade a new and entirely distinct claim upon Spain. It was an order upon the Spanish treasury for a specific sum of money, with interest from May, 1820. The effect of this transaction was to take the claims of Mr. Meade entirely out of the treaty, and Spain, by the subsequent ratification of the treaty, without noticing in any manner this claim or its liquidation, gave the United States some reason for insisting, were they so disposed, that no provision for any part of it had been made by the treaty at all."

"But the rule of equity applicable to this case, and by which substantial justice may be done to all parties is this:

"Mr. Meade's claims, as existing and exhibited before the signature of the treaty, are included in its provisions. Their amount and validity must be proved to the Commissioners conformably to the provisions of the treaty. The allowance or rejection of every item in them must be determined on principles applied by the Commissioners to all other claims of a similar description before them. The sum finally awarded to him must be subject to all the other provisions of the treaty. To charge the United States in the exact proportion stipulated by the treaty, and to suffer deduction from their admitted account, in common with all the other claims, as they may be finally admitted. So far have they been assumed by the United States, and so far has Spain been exonerated from them. For the balance of the sum which Mr. Meade may thus receive from the United States to equalize in amount the specific sum with interest, from May, 1820, awarded him by the Spanish liquidation, his claim remains unimpaired upon the Spanish treasury. It was never assumed or renounced by the United States—it was never cancelled by Spain. For the decisions of her own tribunals, subsequent to the signature of the treaty, Spain alone must be responsible. The treaty alone must be the standard to which the decisions of the American Commissioners, and the obligations of the United States must conform."

Mr. Chairman, I think any gentleman who will take up and peruse this letter of Mr. Adams to Mr. Nelson, upon this subject, will have sufficient information to give him an insight into the whole history of this claim, and determine him as to its validity.

This is a claim which has been frequently considered upon this floor since I have been a member of this House. The last time within my recollection any action was taken upon it, was in 1848, when it was discussed at length. No report of that debate is preserved, because the debates upon private claims were not then reported at all. I recollect, however, that it was discussed for three or four days; and the Journal will show that when it was reported to the House, a motion was made to lay it upon the table, which was carried by a very large majority—I think by 118 to 38. From that time to this, I believe, there has been no action in this House upon this claim.

Mr. Chairman, as I said in the outset, if I believed this Government was legally and equitably bound to pay this debt, I, for one, should be in favor of paying it to the last farthing. Such, however, is not my impression.

Mr. SMITH, of New York. I have risen, Mr. Chairman, to reply briefly to what the gentleman, who has just taken his seat [Mr. JONES, of Tennessee] said on one of the points, which he raised. This I can do most effectually by turning against himself his most material witness—the witness, among all he has summoned to his aid, on whom he most relies. This witness is John Quincy Adams.

By our treaty with Spain, we exonerated her from the payment of the claims of our citizens upon her, and assumed to pay them ourselves, so far as they were valid, and so far as \$5,000,000 would be sufficient to pay them. The honorable gentleman denies that the claim of Richard W. Meade has a place among these claims. I maintain that it has. This is the issue between us. To sustain himself he has quoted largely from Mr. Adams. But the gentleman has, surely, in this instance, allowed clouds to come into his very clear brain, and hence he has seen one thing for another. What has he proved by Mr. Adams? Why, that we are not held by the Spanish liquidation of this claim—a liquidation subsequent to the signing of the treaty. I admit that we are not held by it. But I insist that we are bound to recognize the claim in spite of that liquidation. So insisted Mr. Adams, as I shall prove by his words, quoted from the same letter from which the honorable gentleman quoted:

"It was intended by the Government of the United

States, that Mr. Meade's claims, as then exhibited to them, unsettled, disputed claims, a mixed character, for contracts for losses upon exchange, for depreciation of Spanish Government paper, for interest, and for damages, all, except the first, of most uncertain amount and validity, should, in common with the other claims provided for, have the benefit of the treaty. But no stipulation of special favor to the claims of Mr. Meade, at the expense of other claimants, was, or would be intended by the Government of the United States. The claim presented by Mr. Meade to the Commissioners is for an acknowledged debt from the Spanish Government to him, dated May, 1820, and directed to be paid out of the funds of the Royal Finance Department, with interest. To say that this is not the claim which, in February, 1819, the United States had renounced and agreed to compound, would be to say that daylight is not darkness."

Now, whether the claim in question comes within the scope of the treaty, I am willing to leave to the decision of Mr. Adams—to the decision of the gentleman's own witness. I am glad that it was the honorable gentleman himself who called Mr. Adams to the stand; for he has thereby rendered himself incompetent to impeach him.

I might pause here. But I will add a few special reasons why the soundness of Mr. Adams's conclusion in this case is to be relied on. It is to be relied on, not only because Mr. Adams, in addition to being an honest man, was a preeminently able one; nor because, also, that he gave to this subject, as the paper from which we have quoted shows, the most patient and laborious investigation; but because, also, that Mr. Adams disliked Mr. Meade; nay, well nigh abhorred him. Mr. A. was a man of very strong feelings. He did not like and dislike so much as he loved and hated. He scouted the pretensions of Meade to a peculiar sacredness for his claim; and seemed well nigh to hate Meade for those pretensions. He was willing to admit that the treaty provided for this claim; nay, he insisted, as we have seen, in the strongest terms, that the treaty did provide for it. But, so far from admitting that it was a stronger claim than all others, he argued to show that it was weaker than some others. Now, I hold, that because of Mr. Adams's strong disapprobation of the course of Mr. Meade, all the greater value is to be ascribed to what he felt constrained to say in favor of Mr. Meade's claim—in favor of our Government's recognizing it among the claims from which it released Spain, and which it took upon itself.

We are not then at liberty to reject this claim, because Mr. Meade was so foolish as to arrogate peculiar favor for it. He did not forfeit his claim by reason of this folly. If I claim that my neighbor shall give to my debt a preference over a dozen other equally just debts, I am not to lose my debt because of my arrogance. The debt is none the less obligatory for my folly and impudence.

Nor are we at liberty to reject this claim because Spain liquidated it after the signing of the treaty. My neighbors may, very impertinently, undertake to liquidate or determine the true amount of the debts I owe, but such impertinence does not cancel my obligation to pay them.

I have not time to see all, or even much, of what the commissioners said upon this claim. My eye falls upon the closing words of one of them, Judge White; and I will read them:

"Believing, as I do, from the other testimony, that Mr. Meade has a well-founded claim, or at least a claim which the Spanish Government considered well-founded, I am perfectly willing to require any document from that Government which there is reason to think they possess, which will elucidate those transactions; and for that purpose am willing to continue the cause. If we can procure more evidence, it is well; we shall have greater certainty in our ultimate decision. If we cannot procure more, we must come to the best conclusion in our power, from the proofs, as they now exist, as to the validity of the claims and the extent of allowance."

Now, surely, these words do not favor the idea that the Meade claim did not fall among the claims which the commissioners were to investigate. These words show, on the contrary, that what the commissioners required was the establishing of the claim—the proving of the debt.

But, it is said that Mr. Meade failed to prove his claim. I admit that he did. I admit that the commissioners were right in exacting the kind of proof which they did exact. But was it the fault of Mr. Meade that he did not produce it? Far from it. The proof exacted was in the hands, and among the archives, of the Spanish Government; and that Government, because of its foolish pride, refused to give up the proof. The Royal certificate of the amount of the debt due to Mr. Meade was, as that Government haughtily held, all we needed and all we were entitled to.

In these circumstances, what could Mr. Meade do more? I answer, that he had nothing more to do. The matter then lay between the two Governments. Our Government had discharged the Spanish Government from all obligation to pay the claims of our citizens, and that Government had, in turn, bound itself to put our Government in possession, so far as it could, of all vouchers and papers which could serve to establish the character of those claims. Our Government was bound to enforce this provision of the treaty against Spain.

Shall our Government pay the whole amount of this claim? Perhaps it should not do so. I have no doubt, however, that in the liquidation of the claim by the Spanish Government, the amount was made small enough. Unprecedented pains were taken to bring the amount within the limits of strict justice. Moreover, it was then expected that the Spanish Government, not ours, would have to pay it. Hence, that Government is not to be supposed to have been as easy in making up the amount, as it might have been, were it making it up for another Government to pay. And, again, Spain at that time felt herself to be poor. This was another reason why she was concerned to reduce the amount as low as justice could possibly allow. The scholarly gentleman of Pennsylvania, [Mr. CHANDLER,] spoke of the "*res angustae domi*," the straitened home circumstances of the Meade family. His classical words are no less applicable to illustrate the condition of poor Spain, at the time we refer to.

I fully believe that the claim of Mr. Meade was, in no degree, exaggerated; and that the amount fixed upon by the Spanish Government was due, justly and religiously due, to that unfortunate and cruelly wronged gentleman. Nevertheless, as I said, perhaps our Government should not pay the whole amount. Our Government had but \$5,000,000 with which to pay all these claims. So far as that sum would pay them, and no further were they to be paid. All I ask for the present claim is, that as great a percentage be paid on it, as was paid on the established claims—be that percentage three fourths of the amount of the claim or only one half of the amount of the claim—be it in other words, \$300,000 or \$200,000.

The honorable gentleman from Tennessee admits that the amount fixed upon by the Spanish Government was justly due, and is now justly due, from Spain. Would he send the wronged and impoverished children of Mr. Meade to that Government? What, however, if there were technicalities in the case of which we could avail ourselves to escape the payment of this debt, and to burden Spain with it? Would we consent to avail ourselves of them? Forbid it justice! forbid it honor! Even if we pay this debt, still shall we not have made a sufficiently good bargain out of Spain? It was well understood that the treaty exonerated her from all claims of our citizens. Spain so understood it, as she has repeatedly declared. Oh! we should hang our heads in shame, at the thought of being unkind enough and small enough to require poor and unhappy Spain to pay this debt.

Sir, I am a believer in a strong Government; and I would have civil Government strong, the earth over. It is worthless wherever it is weak. But, sir, a Government is not necessarily strong that clings, with miserly grasp, to its dollars; that rejoices in an overflowing Treasury; that multiplies its battle-ships, and swells its armies. A Government may do all this, and still be essentially weak, because essentially unjust. But that Government is strong, emphatically strong, which aims to be the impersonation of justice. Such a Government is strong, because it is respected and honored abroad, and beloved at home. Be ours, sir, a strong, because a just Government. But let us remember that the first claim on justice is, that she pay her debts. Let us then, sir, pay this sacred debt, that we should have paid thirty years ago; and our cruel neglect to pay which has been followed with so much suffering and sorrow. I am sad for the creditors, and deeply mortified for my country, in this instance. In the case of the no less sacred French claims, which should have been paid more than half a century ago, my pity for the suffering creditors is greater, because they are so very numerous; and my mortification at the disgrace of my Government and country amounts to anguish of spirit. Let us pay these debts, sir, now

—now, when we so easily can—and, in such ways let us make ourselves a strong Government and a strong nation.

Mr. GIDDINGS. It was not my intention to participate in the discussion of the bill now under consideration until I heard the remarks of the gentleman who has just taken his seat. Nor do I now intend to examine more than one point involved in this claim. It was my fortune many years ago to engage in its discussion, and I then spent much time and labor in its examination; but that was in other days, comparatively, the days of my youth. I have repeatedly listened to the discussion of it by others, by some of the ablest minds that ever entered upon the debates of this body; I heard it argued on one occasion by Mr. Marvin, one of the predecessors of the gentleman from New York, [Mr. SMITH,] in a manner that I never heard excelled; but his view was entirely different from that which my friend has taken of it.

And here I may say, that I regret most deeply to come in conflict with my learned and excellent friend, [Mr. SMITH;] but we are all liable to differ in cases which involve so many considerations as the bill before us. Now, sir, let that gentleman, or let any other gentleman, tell us by what rule we are authorized to put our hands into the pockets of the people of the United States and pay their money to this claimant? Remember, sir, that you take this money from the people to pay it over to Mr. Meade. No member will consent to do this unless he can see good cause for it. The people have never seen nor heard of this claimant. He left this country, went to Spain, dealt with His Most Christian Majesty, and lost his property by not getting his pay. Now, certainly these facts give him no claim on his fellow-citizens who remained at home. The question therefore arises, by what means have the people become liable for this claim? How was their liability incurred? It is certain that this Government never undertook to pay this debt, nor any part of it. There was never any stipulation, agreement, or contract between Meade and the United States. It is, however, true that this Government, representing the people of the United States, stipulated with Spain, in the eleventh article of the treaty of 1819, to pay over to such claimants upon the Spanish Government, as should make proof of their claims, \$5,000,000 as a part of the consideration for the cession of Florida. By the treaty this \$5,000,000 remained in the hands of this Government to be paid out to our citizens who had sustained losses by the wrongs of the Spanish Government. Mark the stipulation. It was to pay a certain definite sum to such persons as should prove their losses before commissioners to be appointed by the President for that purpose. We held the money as trustee, to be paid over to those who should, within a given time, prove their demands. The \$5,000,000 only paid a part of the losses. This Government, nor the people, had no choice as to who should receive this money. It was the money of Spain that was to be paid over to the claimants who should prove existing valid claims against the Spanish Crown. Meade was unable to obtain proof of his claim. This Government lent him assistance to get his proof. In that they did right, although there was no obligation resting upon it to do anything of the kind. Yet that kindness surely did not render us liable to pay the debt. But I beg leave to differ entirely from my friend when he says that we reposed trust in the Spanish Crown to furnish the proofs; and when they failed to do it, we ought to hold them responsible. The Spanish Government required us to pay the money to such individuals as should make proof of their claims; and in order to aid the claimants to whom we were to pay money for the benefit of Spain, they agreed to furnish such proofs as were in possession of the Spanish Crown. Our undertaking was to pay out the money to those who should make the necessary proof. Meade had reposed confidence in the Spanish Crown; had furnished provisions for their army, and trusted to their honor and ability. In that he was disappointed. He was unable to prove his claim. In that he was unfortunate. The time limited for the decision of the commissioners was about to expire, and they were compelled to divide the \$5,000,000 among those who had established their claims. Meade shared no part of the money. His misfortune arose from his inability to make the proper proof. But, sir, we have paid to the

claimants of the Spanish Crown the full and entire sum of \$5,000,000, as we agreed to do. We have fairly and in good faith fulfilled our stipulations. And I ask, by what act of this Government have we become liable to pay this claim to Meade? Had he made his proof, he would have shared *pro rata* with the other claimants. But does his misfortune, his inability to make the proof, give him any claim on the people of the United States? Surely not. This \$5,000,000 was a trust fund in our hands, which we were as willing to pay to Meade as to any other person, could he have shown himself entitled to it. He could not do that; and had any portion of it been paid to him without such proof, the other claimants would have had a legal and equitable demand on us for the money thus improperly paid to him.

I most fully concur with Mr. Adams, then Secretary of State, that this is the same claim which had been presented to the Spanish Government; and I also agree with Mr. Adams that Meade has not the shadow of a claim against the United States. Any man who will look into Mr. Adams's letter, will see that he regarded this claim in the light which I have endeavored to express. Nor is it possible for me to see how gentlemen can differ in regard to it. I repeat, that Meade's failure to obtain the necessary proof, even with the aid of our Government, was his misfortune, and not that of the people of the United States. They have been guilty of no laches. They have omitted no duty. They have conformed to their stipulations. It is true that Meade was unfortunate; and I would as soon thrust my hands into the Treasury of the United States to relieve his misfortune as that of any other man. But he stands upon the same principles as any other unfortunate individual, and by no logic, by no course of reasoning, by no sophistry of argument, can you place him upon any other ground than that of an unfortunate man. We do not sit here to relieve the misfortunes of mankind; and I have never been able to see in this matter any other claim than that of an unfortunate man, claiming relief from a Government able to pay, but on whom no other obligation rests.

But, Mr. Chairman, I will not go further into the merits of this case. The point I have suggested appears to me conclusive. Whenever this case has been before the House, on former occasions, this point has appeared to present an insurmountable obstacle, one which I have never been able to get over; and I will add, that it still appears in that light.

Mr. COX. I move that the committee do now rise.

Mr. DEAN. I would suggest that the gentleman amend the motion by adding, "and report the bill to the House."

Mr. COX. No, sir; I do not accept that amendment.

The question was put; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. TAYLOR, of Ohio) reported that the Committee of the Whole House had, according to order, had the Private Calendar generally under consideration, and particularly the bill of the House (No. 58) for settling the claims of the legal representatives of Richard W. Meade, deceased, and had come to no resolution thereon.

Mr. LETCHER. I move that the House do now adjourn.

The question was put; and the motion agreed to; and

Thereupon, at a quarter past three o'clock, the House adjourned until Monday, at twelve o'clock m.

IN SENATE.

Monday, April 24, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

PETITIONS, ETC.

Mr. FOOT presented documents in relation to the claim of Sherman Pierce to a pension for military services in the last war with Great Britain; which were referred to the Committee on Pensions.

Also, a petition of citizens of Hartford, Vermont, remonstrating against the passage of the

Nebraska bill; which was ordered to lie on the table.

Mr. SEWARD presented a petition of citizens of the United States professing the Jewish religion, praying that measures may be taken to secure to them the rights of civil and religious liberty while traveling or residing in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the memorial of John S. Eddy and others, praying remuneration for services rendered in the war of 1812; which was referred to the Committee on Military Affairs.

Mr. FISH presented a memorial of the Marine Society of New York, praying Congress to pass a law to make it obligatory for all ships and vessels, from one hundred and fifty tons and upwards, to be furnished with two or more boys, leaving it optional to adopt the apprentice system, or go as volunteers, as the parties may choose; which was referred to the Committee on Commerce.

Also, a petition of citizens of the United States professing the Jewish religion, praying that, when absent in foreign lands, the same civil and religious rights may be extended to them as are accorded to foreigners while resident in the United States; which was referred to the Committee on Foreign Relations.

Also, a remonstrance of citizens of New York, against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. DAWSON presented documents in relation to the claim of John Makin, a pilot, for salvage or compensation for aid rendered the frigate *Saranac* when in distress off the harbor of Savannah, Georgia; which were referred to the Committee on Naval Affairs.

Mr. HAMLIN presented resolutions adopted at a meeting of the inhabitants of Harrison and its vicinity, Cumberland county, Maine, against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. SUMNER presented the following petitions, praying a reduction of the rate of ocean postage to two cents for single letters, and others in proportion; which were referred to the Committee on the Post Office and Post Roads:

Petition of citizens of Boston and its vicinity, Massachusetts;

Petition of inhabitants of Dorchester, Massachusetts;

Petition of inhabitants of the town of Aulborough, Massachusetts;

Petition of inhabitants of the town of Ashburnham, Massachusetts.

Petition of citizens of Portsmouth, New Hampshire; and a

Petition of citizens of Massachusetts.

Mr. BUTLER presented the petition of Oscar Cole and Alexander Cook, praying that the law compelling restaurants and eating-houses in Washington city, D. C., to be closed at midnight, may be repealed; which was referred to the Committee for the District of Columbia.

Mr. GWIN presented the memorial of Charles Wolter, of Monterey, California, praying indemnity for loss of live-stock during the administration of Governor R. B. Mason in 1848 and 1849; which was referred to the Committee on Claims.

Mr. CHASE presented a memorial of the inhabitants of the town of Oberlin, Ohio, praying the reduction of the rate of ocean postage for a single letter to two cents; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of the United States professing the Jewish religion, praying Congress to take such measures as will secure to them religious freedom while absent in foreign lands; which was referred to the Committee on Foreign Relations.

Mr. RUSK presented a document containing a new plan of a railroad, intended for the transportation of the mails, and to secure the safety of passengers and pedestrians, invented by Robert Mills, engineer and architect; which was referred to the Committee on the Post Office and Post Roads.

Mr. MALLORY presented a petition of the citizens of Hernando county, Florida, praying a grant of land wherein to locate a county site; which was referred to the Committee on Public Lands.

Mr. JOHNSON presented a petition of citizens of Hot Spring county, Arkansas, praying the es-

tablishment of a post route from Fair Play to Owensville, in Arkansas; which was referred to the Committee on the Post Office and Post Roads.

Mr. HUNTER presented the petition of William Woodward and others, praying that \$200 may be granted out of the Treasury to mechanics, if the homestead bill should become a law; which was ordered to lie on the table.

Mr. SEWARD presented a petition of George J. Cornell, Albert Gallatin, A. J. Hamilton, and other citizens of New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, the petition of Charles Neilson, executor, son, and heir-at-law of John Neilson, praying compensation for the services of his father, and remuneration for losses sustained by him in the revolutionary war; also, praying to be allowed the pension to which his father was entitled; which was referred to the Committee on Revolutionary Claims.

Also, the petition of C. M. Clarke, praying remuneration for losses sustained by her father, Ethan Stillman, under a contract with the Government to furnish muskets; which was referred to the Committee on Claims.

RIGHT-ASCENSIONS AND DECLINATIONS.

Mr. EVERETT. I have been requested to present the memorial of Benjamin Pierce and others, members of the American Association for the Promotion of Science, praying Congress to make an appropriation to enable Professor Mitchell, of Cincinnati, to construct a machine for observing right-ascensions and declinations by the aid of magnetism.

This is a subject of very great importance to science. The memorialists are among the most distinguished men of science in the country. Their memorial is accompanied by the report of a committee of this association, in which they represent this machine to be of great importance, promising great practical utility in its application to scientific purposes, and reflecting great credit upon American science.

I am somewhat at a loss to know what disposition to ask for the memorial. It does not seem to belong to any of the standing committees of the Senate, and I have been requested to move that it be referred to a select committee. I make the motion with great reluctance; but as the subject does not fall within the province of any standing committee, I move that the memorial be committed to a select committee of five members.

The motion was agreed to.

Mr. EVERETT. I now move that the committee be appointed by the President *pro tempore*. The motion was agreed to.

PETITION WITHDRAWN AND REFERRED.

On motion by Mr. EVERETT, it was

Ordered, That the memorial of Henry Newman be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

REPORTS FROM STANDING COMMITTEES.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the memorial of Charles Gordon, praying compensation for his services as draughtsman to the Committee on Public Lands, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred a memorial of the Legislature of the Territory of New Mexico, praying the confirmation of the titles to land under grants from the Mexican Government, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the Legislature of the Territory of New Mexico, praying that measures may be taken to protect the inhabitants of that Territory from Indian depredations, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the Legislature of the Territory of New Mexico, praying the reestablishment of the military post at Fort Atkinson, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred the following petitions, asked to be discharged from their further consideration, and that they be referred to the Committee on Public Lands; which was agreed to: Petition of Frances Depriest, praying to be allowed bounty land;

Petition of the heirs of George Hoyle, deceased, praying authority to sell a land warrant issued to said George Hoyle; and

Petition of D. McManus, a chaplain in the Army, praying to be allowed bounty land.

Mr. CLAY. The Committee on Pensions, to whom were referred the petitions of James Worden, John O'Leary, John Williams, and others, invalid pensioners of the Navy, praying an increase of their pensions, have directed me to submit a report, and ask to be discharged from their further consideration, having concluded to report a general bill, embracing all cases of their kind. As is known to the Senate, I presume, generally, the highest pension paid to an invalid pensioner of the Navy is six dollars per month; that is to what is called the seamen, but the seaman in ordinary is paid five dollars per month, and a marine \$3 50. The committee have ascertained, on inquiry of the Commissioner of Pensions, that the aggregate increase of pensions by the bill which we report, will be something upwards of \$9,000. They have, therefore, instructed me to report a bill placing the pensioners in the naval service on the same footing with pensioners in the Army of the United States. I move that the report be printed.

The bill was read a first time by its title, "A bill to increase the pensions of seamen and marines," and passed to a second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Joseph Nock, praying indemnity for the violation, by the Post Office Department, of his contract for making mail locks and keys, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. CLAY, from the Committee on Pensions, to whom were referred the petitions of Nannie Denman, Arabella Riley, Minerva Catlett, and Eliza G. Townsend, praying pensions on account of the services of their husbands, asked to be discharged from their further consideration, on the ground that their cases had been provided for by the general bill reported in the case of Mrs. General Childs; which was agreed to.

GRAFTON BAKER.

Mr. BRODHEAD. The Committee on Claims, to whom was referred the House bill for the relief of Grafton Baker, have instructed me to report it back, with a recommendation that it do pass; and at the instance of the honorable Senator from Mississippi, whose constituent Mr. Baker is, I ask that it may be considered now.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to pay to Grafton Baker \$366 50 in full for services rendered and expenses incurred by him as bearer of dispatches from the Governor of New Mexico to the President of the United States in 1852.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed the joint resolution from the Senate for extending an existing contract for carrying the mail in Alabama.

Also, that they had non-concurred in the first amendment of the Senate to the bill of the House, making appropriations for the support of the Military Academy for the year ending the 30th of June, 1855, concurred in the second, and concurred in the third, with an amendment.

OREGON TERRITORIAL EXPENSES.

Mr. DOUGLAS. The Committee on Territories, to whom was referred the joint resolution of the House of Representatives authorizing the accounting officers of the Treasury to adjust the expenses of the Board of Commissioners appointed by the Territorial Assembly of Oregon to prepare

a code of laws, also to adjust the expenses of collecting and printing certain laws and archives of the Territory of Oregon, have had the same under consideration, and directed me to report it back without amendment, recommend its passage, and ask for its consideration at this time.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the joint resolution. It proposes to authorize the accounting officers to adjust the expenses mentioned, and to pay the amount reasonably incurred from the balance of the appropriation, for compensation and mileage of the members of the Territorial Legislature, and of the officers and clerks, now standing on the books of the Treasury unexpended.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NEW POST ROUTE.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Memphis, Tennessee, via Mound City, Arkansas, to Aberdeen, in Arkansas.

BILL INTRODUCED.

Mr. FITZPATRICK asked and obtained the unanimous consent of the Senate to introduce a bill granting the right of way and making a grant of land to the State of Alabama, to aid in the construction of a railroad from Girard, Alabama, to the city of Mobile; which was read, and passed to a second reading.

MILITARY ACADEMY.

Mr. SHIELDS. I move that the message from the House in regard to the Military Academy bill be taken up for consideration.

The motion was agreed to.

The first amendment of the Senate, in which the House non-concurred, was to add to the bill the following:

"For repairs and additions to professors' quarters, \$5,000."

The second amendment in which the House concurred, was to add the following:

"For cavalry exercise hall, \$20,000."

The third amendment in which the House concurred with an amendment, was to add the following as an additional section:

Be it further enacted, That the compensation of the professors of French and drawing be made equal to that of the professors of the other departments, and the compensation of the master of the sword be \$1,200 per annum.

The amendment was to strike out the words:

"Professors of French and drawing be made equal to that of the professors of the other departments, and the compensation of the"—

So as to make the section read:

Sec. 2. Be it further enacted, That the compensation of the master of the sword be \$1,200 per annum.

The PRESIDENT. What action will the Senate take upon the amendments?

Mr. HUNTER. I am disposed to concur in the action of the House. The difference is not large; and I would rather close this bill, and have it finally passed. We have gained something. The House has agreed to the appropriation for the riding hall, and I am rather disposed to concur in their action, and endeavor at another time to obtain the other appropriation which we proposed to make.

Mr. SHIELDS. I should prefer to obtain the appropriations which we proposed to make. Perhaps, however, we had better comply with the suggestion of the Senator from Virginia, though I confess the amendment of the House to our third amendment is very extraordinary. The honorable Senator can see that they have increased the salary of the sword master, and have left the other salaries as they were, thus leaving a marked difference between them. I think it will be doing injustice to those professors. However, rather than hazard the bill, I will agree to it.

The amendment of the House to the third amendment of the Senate was concurred in.

The PRESIDENT. The question now is on receding from the first amendment in which the House non-concurred.

Mr. SHIELDS. I think we ought, in justice to those officers, to try and have our whole amendment agreed to. I am satisfied that any one who understands the subject will endeavor to give the

two professors a little additional salary. If, however, the House shall insist on their amendment, I shall consent at once to it. I think, therefore, we had better disagree to the amendment of the House, and ask for a committee of conference. If the honorable Senator from Virginia will join me in that, I think it will be the better course to pursue.

Mr. HUNTER. If the honorable Senator desires a committee of conference, I will not oppose him. I believe we have gained nearly all we wished. They have agreed to most of our amendments; and although I believe the salaries of those gentlemen ought to be raised, I doubt whether it is prudent to insist now on more than the House has agreed to. It seems to me that something should be due to the House, as they have given us so much; but if the Senator prefers a committee of conference, I will not object to it.

Mr. SHIELDS. I prefer to take that course, because I think we shall have a better chance to do justice to those men. I do not see that it can hazard the bill to ask for a committee of conference, and I would rather that the honorable Senator from Virginia would consent to it.

Mr. HUNTER. I do not suppose that the House will defeat the bill for that; but inasmuch as they had concurred in so much, I thought it better for us to yield, and try to have our propositions agreed to next year.

Mr. SHIELDS. I move, then, that the Senate disagree to the amendment of the House to our third amendment, and insist upon our first amendment.

The PRESIDENT. The vote will first have to be reconsidered upon concurring in the amendment of the House. The question is on reconsidering that vote.

Mr. PRATT. Who made the motion to reconsider?

Mr. BRODHEAD. If the Senator from Illinois desires, a committee of conference, I will make the motion.

The motion was agreed to.

Mr. SHIELDS. I now make the motion that the Senate disagree to the amendment of the House to the third amendment of the Senate, insist on the first amendment, and ask a committee of conference.

The motion was agreed to.

RAILROAD IN ALABAMA.

Mr. DODGE, of Iowa. I am directed by the Committee on Public Lands to report back, without amendment, "A bill granting to the State of Alabama, public lands in alternate sections, to aid in the construction of a central railroad, from some point on the boundary line of the States of Alabama and Tennessee, to a point on the boundary line of the States of Alabama and Florida." As, owing to an accidental circumstance, the report has been delayed, I ask that the bill may now be put on its passage.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole. Mr. CLAY. I move to dispense with the reading of the bill, as it is in the usual form of similar bills that have been passed at this session.

The reading of the bill was dispensed with.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

RESCUE OF THE SAN FRANCISCO.

Mr. SHIELDS. I think the present moment is a favorable opportunity to call up a measure which has been lying on the table for some weeks. It is a subject which I think ought to have been acted upon long ago. I refer to the joint resolution to make some indemnification to the persons engaged in the rescue of those who were on board the steamship San Francisco at the time she was wrecked. The claim is one of courtesy and generosity, and one which should be acted upon as promptly as possible. I hope the honorable Senator from California, who made a minority report upon the subject, is prepared to have the resolution taken up, and considered this morning.

Mr. GWIN. Certainly.

Mr. SHIELDS. I move, then, that the Senate pass by the previous orders, and proceed to the consideration of the joint resolution, "manifesting the sense of Congress towards the officers and seamen of the vessels, and others, engaged in the rescue of the officers and soldiers of the Army,

the passengers, and the officers and crew of the steamship San Francisco, from perishing with the wreck of that vessel."

Mr. HUNTER. I am anxious to have the Senate take up the Indian appropriation bill to-day. I hope we shall devote this day to that bill; it is time we were considering it.

Mr. BROADHEAD. This is the day which was assigned for the consideration of the bill giving a credit for a limited time on the duties on railroad iron. There are many considerations which, I think, appeal to us to dispose of that subject. There are many gentlemen about to engage in the manufacture of railroad iron, and it is proper that that bill should be considered and disposed of at an early day, in order that those who are to be affected by it may know their fate. They want to know whether they are to go on with their business or not. I think, therefore, we had better take up the bill which was assigned for consideration to-day, and, at any rate, know whether we are to consider it seriously or not.

Mr. SHIELDS. I will state to honorable Senators the nature of this case; and I think when I do so, there can be no objection to our acting upon the joint resolution to which I have referred. A joint committee of fourteen was appointed shortly after the unfortunate accident which occasioned the loss of the San Francisco, to report upon a suitable form of acknowledgment to the rescuers of the persons on board that wreck. The committee reported; but the consideration of the subject has been postponed from day to day. Every Senator knows that it is one of those peculiar cases, appealing, as it were, to our courtesy, which should have been acted on promptly, if at all. The object of the joint resolution is to make some acknowledgment and some indemnification to those who suffered in rescuing those poor unfortunate persons who were on board the San Francisco. It has been put off from day to day. If honorable Senators will permit it to be taken up and acted on now, it will not take much time.

Mr. BROADHEAD. I yield to the Senator from Illinois.

Mr. HUNTER. I hope that this day will be given to the Indian appropriation bill. The joint resolution which the honorable Senator from Illinois proposes to take up will lead to debate. It was reported by a divided committee, as I understand, and there will be a debate upon it. It seems to me that we had better take up the Indian appropriation bill, and go on with it. We know that to-morrow is set apart for Executive business, and it is important to have that bill passed as soon as possible.

Mr. BADGER. I was desirous of having called up to-day the bill to which the Senator from Pennsylvania has alluded, respecting the duties on railroad iron; but I cheerfully defer my wishes on that subject, as he has deferred his, to enable the Senator from Illinois to get the joint resolution to which he refers, passed. I really think we are placed in a position in regard to it which is not entirely respectful. It is, as the Senator from Illinois has said, a matter of courtesy and generosity on the part of the Government. It has been delayed by various causes, without any fault or blame; but I think that a longer procrastination of it would not be right. It ought to be disposed of one way or the other. I will say to my friend from Virginia that it will not take long. Nobody is disposed to protract it. There may be a little discussion; but the joint resolution will only take a very little time.

Mr. HUNTER. I know nothing of the merits of the joint resolution, but I understand there was a divided committee in relation to it.

Mr. SHIELDS's motion was agreed to; and the joint resolution was read a second time, and considered as in Committee of the Whole.

It proposes to request the President of the United States to procure three valuable gold medals, with suitable devices, one to be presented to Captain Creighton, of the ship Three Bells, of Glasgow; one to Captain Low, of the bark Kilby, of Boston; and one to Captain Stouffer, of the ship Antarctic, as testimonials of national gratitude for their gallant conduct in rescuing about five hundred Americans from the wreck of the steamship San Francisco; and to direct that a sum not exceeding \$100,000 be appropriated, to enable the President to reward, in such manner as he may deem most appropriate, the officers and crews of

those vessels that aided in the rescue of the survivors of the wreck, and such other persons as distinguished themselves by offices of humanity and heroism on that occasion; the reward to be proportionate to the nature of the efforts made, and the merit of the services rendered, so far as the same can be ascertained.

Mr. GWIN. I laid upon the table some weeks ago, a substitute for the joint resolution reported by the majority of the committee. I now move to amend that resolution by striking out all after the resolving clause, and inserting that substitute, as follows:

That the President of the United States be requested to procure four valuable gold medals, with suitable devices, one to be presented to Captain Creighton, of the ship Three Bells, of Glasgow; one to Captain Low, of the bark Kilby, of Boston; one to Captain Stouffer, of the ship Antarctic, as testimonials of national gratitude for their gallant conduct in rescuing about five hundred Americans from the wreck of the steamship San Francisco; and one to Captain Pendleton of the ship Lucy Thompson, as a testimonial of national gratitude for his gallant conduct in rescuing a large number of those sufferers from the bark Kilby, then in distress, and her crew and the survivors on board in a state of extreme suffering.

SEC. 2. And be it further resolved, That the President be also requested to reward the officers and crews of those vessels that aided in the rescue of the survivors of said wreck, and such other persons as distinguished themselves by offices of humanity and heroism on that occasion, by presenting them with medals of gold, silver, or bronze, with suitable devices; the testimonials to be proportioned to the nature of the efforts made and the merits of the services rendered, so far as the same can be ascertained, and that such amount of money as may be necessary to carry out the object of this resolution be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. GWIN. I will state very briefly the reasons which have induced me to offer the substitute. I know that important and valuable services were rendered by the captains of these vessels and their crews; but they have been rewarded by the people of the United States. A sum exceeding \$50,000 was raised in various cities of the Union, and it was distributed among the officers and men of these vessels. Each captain received a sum varying from \$6,000 to \$10,000, and the seamen have received sums from \$600 to \$1,000. In addition, the Government of the United States has paid the owners of these vessels large sums of money for the services which they rendered and the losses which they sustained. The Government paid their accounts as they were rendered—paid the precise amounts which they asked. For instance, the owners of the Three Bells charged \$25,000, and the quartermaster paid it forthwith; the owners of the bark Kilby brought in a bill for \$15,000, and it was paid at once. What was paid to the other vessels I have not ascertained. The Antarctic went to Liverpool; and when I made the examination, and expected to go into the discussion of the question some weeks ago, a return had not been received from that vessel; and my attention has not been turned to the question since.

My object is to give testimonials to these parties from the Government of the United States, such as will be preserved and held in high estimation by them. Heretofore, in the instances which are stated in the report made by the Senator from Illinois from the majority of the committee, there have been appropriations of money paid from the Treasury, because it was necessary in those instances to make compensation to the owners of the vessels. In this case, the San Francisco was chartered by the Government for the purpose of conveying the third regiment of the United States Infantry to California; and the Government had power, without further provision, to compensate the parties who owned the vessels for the losses which they sustained and the services which they rendered. There are instances where laws have been passed, by which small sums of money have been appropriated from the Treasury for the purpose of rewarding individuals, and also for compensating the owners of vessels. This case, however, is not like any which has heretofore occurred. In consideration of the vast sums of money which have already been paid to these parties, and the munificent manner in which the Government has paid the owners of vessels that rendered the service, it seems to me that the proper course for us to adopt is to give testimonials in the way of medals—to give gold, silver, and bronze medals, subject to the discretion of the President of the United States.

There is one provision which the Senator from Illinois, I have no doubt, will accept at once, whether my proposition prevail or not. It is that the commander of the Lucy Thompson shall also be compensated. He went to the relief of the bark Kilby when she was supposed to be in a sinking condition, and took off all the soldiers who were on board of her. My only object is not to establish a precedent by which enormous sums may hereafter be drawn from the Treasury for services rendered in this form. The Government of the United States has already compensated the owners of the vessels. It has paid their accounts as they presented them. The people of the United States have raised a large sum of money and distributed it among the officers and seamen who rescued the survivors. I think, then, we should confine ourselves to what I have proposed in my amendment.

Mr. SHIELDS. Mr. President, the honorable Senator from California is right when he says that the people of the United States have collected large sums of money, and rewarded, to some extent, the men engaged in the rescue of those unfortunate persons who were on board of the San Francisco at the time of the disaster. He is also right, when he states that the Government has indemnified the owners of the vessels engaged in the rescue, for the sacrifices which they made. But that does not affect the object of this resolution in any one particular. The San Francisco was chartered, and, for the time being, belonged to the Government. The men who were on board the vessel were the troops of the Government. The men who were rescued were the soldiers of the Government. The property rescued belonged to the Government. The fact that owing to the delay and procrastination of the Government in acting, the public came forward, and, to some extent, indemnified these men, only proves that, in the public estimation, they deserved some reward, some indemnification, some acknowledgment on the part of the nation.

A committee of fourteen was appointed by the Senate and the House to take the subject into consideration, and they brought forward this joint resolution, which involves two propositions. It proposes to give a gold medal to the captain of the Three Bells, who well deserves it, as every man will admit; to give a gold medal to the captain of the Antarctic, who also deserves it; and a third medal to the captain of the bark Kilby, of Boston. Then it proposes to enable the President to reward, in such a manner as he shall deem best, (after appointing, perhaps, a commission for the purpose of ascertaining the facts,) all those who were engaged in rescuing the poor unfortunate men on board of the San Francisco, whether the rescuers belonged to these or to other vessels, or to the San Francisco herself.

What the Government has already paid has been paid to the owners of the vessels; but the object of this resolution is to acknowledge and reward the services of the captains, the seamen, the soldiers, and the officers engaged in the rescue; to acknowledge and reward every man who risked his life to rescue those poor unfortunate men from a watery grave.

Now, the Senator from California says that the captain of the Lucy Thompson ought to receive a gold medal as well as the captains of the other three vessels. I think if the honorable Senator considers the matter aright, he will not insist on that. The captain of the Lucy Thompson did his duty. He did all that was required of him. He found these persons in distress, and he relieved them; but, sir, he made no sacrifice, he incurred no risk, he hazarded neither himself nor his vessel. It was not so with these other men. They hazarded everything that men can hazard here.

On the 22d day of last December, I think, the San Francisco left the port of New York. On the night of the 23d, in the very first storm which she encountered, she was a wreck, floating at the mercy of the waves on the ocean. On the next morning she was struck by a wave, and about one hundred and fifty of those on board were swept into the ocean. Among them was Colonel Washington; and I cannot allow this occasion to pass without saying a word in regard to that noble officer, who is now lying at the bottom of the Atlantic ocean. He was on deck with his command when the storm came on. He took shelter in what was called a saloon, that is a painted

wood work erected on the deck, which afforded but very little shelter. Some of his brother officers told him that he was in danger, and that he had better retire to the officers' cabin. His reply—and it should be remembered—was, "No, I will retire nowhere; I will seek shelter nowhere; I will endure the same fate that my poor men are compelled to endure." Now, sir, he lies at the bottom of the ocean. This was the condition of the men upon that vessel. Until the Three Bells came up, there was no help, no rescue, no deliverance for them. The captain of that vessel, a noble Scotchman, a brave and gallant man, at the hazard of his own life, at the risk of losing his vessel, and everything which he had upon this earth, lay by that wreck for six days and six nights, until he succeeded in the rescue of those poor unfortunate men. Sir, will any man hesitate to reward such conduct as that? such heroism as that? We had no claim upon that man. His own vessel was almost in a sinking condition when he came in sight of the wreck. Yet there he remained until he aided in rescuing these poor persons from on board the wreck. The bark Kilby, of Boston, and the ship Antarctic, also came up, and assisted in the noble work. The captains of those three vessels were the men who saved five hundred of their fellow beings from the same fate which overtook Colonel Washington and his brave companions. Now, sir, I think it is due from us to give some recognition, or acknowledgment, or reward, to these men, who periled everything to rescue the soldiers of the United States, and who did rescue five hundred of them by their gallant conduct.

So far as the Lucy Thompson is concerned, I repeat, her captain found the bark Kilby very near New York, and the persons on board of that bark were transferred to the Lucy Thompson, and she gave water and provisions to them. That was an act for which I think her commander ought to be highly respected; but there was no risk, no hazard, no extraordinary peril, no sacrifice in this, and by giving that captain a medal, you confound different services.

It is not the worth or the value of the medals which makes them valued by the officers, but it is an acknowledgment given to these men, a testimonial from the nation, for their gallant and heroic conduct. That is the object of giving the medals. Now, sir, let me say that more gallant and more heroic conduct has never been recorded than that performed by the commander of the Three Bells. His own vessel was in a sinking condition, out of water, leaky, her sails were shivered by the same storm, and yet there she lay six days and six nights by this wreck, her commander telling the unfortunate sufferers all the while to hold on, to keep the vessel afloat, encouraging them with the assurance, "I will stand by you to the last." Sir, a medal to such a man is the least testimonial which you can give.

Then, we also propose to give money; and I will explain the object of that. Some of the seamen, some of the common soldiers and non-commissioned officers behaved gallantly; and the object of appropriating the money is to enable the President to discriminate and reward them accordingly. But, by the amendment of the Senator from California, you give medals in the first section, you give medals in the second section, and you give nothing but medals. He proposes to give gold medals, and silver medals, and bronze medals, and, he ought to have added, "all kinds of medals." That is not the way to reward distinguished services; it is turning the whole thing into a burlesque. Do you want the President to go to these men with a pack of medals on his back? I should like to see you go to one of the Jack-Tars, and present him with a bronze medal, and tell him, "this is the way the nation rewards you for an act of heroism." What would he do with that medal? Sir, this is not the way to manage a thing of this kind. Here are three men who stand out prominently, who distinguished themselves on this occasion. Give them medals. Then, if you go further, give the men a little money—give them something to improve their condition—something tangible and substantial—something which will be of value to them; but as for giving the common sailors bronze, and silver, and gold medals, I think it is out of the question. I should like to see them when they receive them.

Mr. GWIN. If I mistake not, the distinguished Senator from Illinois received a sword for

his gallant services during the last war. He received one by a vote of Congress, if I mistake not, but certainly a sword was presented to him. I presume when he received from his country a sword as a recognition of his gallant services, he valued it more than all the money in the Treasury. It is not the worth of such a thing in dollars and cents; it is the testimonial granted to an individual by a great nation, which attaches value to it.

Now, Mr. President, in regard to the commander of the Lucy Thompson, the Senator has not stated the case fairly; because, when that vessel came up with the Kilby her crew were in a state of mutiny, and had proposed to run her ashore, which would have resulted in the inevitable destruction of all the passengers and crew. He exhibited his gallant conduct, as the officers on board told me personally, as much as any of the other commanders.

But, sir, the Senator says the Captain of the Three Bells behaved gallantly, and deserves reward. He has been rewarded by the gratitude of the wholenation, and by their money. The people have paid over to him from \$6,000 to \$10,000 in money. They have given him another testimonial which will live as long as the latest posterity. They have given him a gold medal, infinitely more valuable to him than the money. The people have already rewarded the sailors. They have given them money. From \$600 to \$1,000 a piece has been distributed to them. That money has been raised by the people of the United States, and given to them. The Government has already rewarded the owners of the ships. There has been more than \$100,000 paid by the people and by the Government of the United States, for the services rendered to the unfortunate sufferers on board the San Francisco. I appreciate the services of these rescuers as highly as the Senator from Illinois or any man in the country, but I believe the proper plan is the one which I propose; and that is, to give them enduring testimonials, such as any man who has an American heart in his bosom, would infinitely prefer to money, and which he would preserve and hand down to his posterity.

I have as high an appreciation of the services of these officers and their crews, as any member of the Senate; but, sir, there is one thing perfectly certain, that they would have been eternally disgraced if they had not done just what they did; they would have been driven from civilized society if they had acted otherwise than as they did. I appreciate the daring which they exhibited, and the risk which they ran, regardless of their own lives, to relieve the unfortunate individuals on board that ill-fated vessel; but they were bound to do it. If they had gone off without exhibiting proper zeal in rescuing those individuals, all know what reproach would have been cast upon the commanders of those vessels all over the Union.

I am in favor of giving to those officers gold medals just as the Senator from Illinois proposes to do; but the people of the United States have already given them money, a large amount of money. I am not for paying them money from the Treasury of the United States, in addition to the gold medals which we propose to give them. I have also given, in the second resolution of my amendment, an opportunity to exhibit the thanks of the Government of the United States to the officers of the San Francisco. The only difference between the Senator and myself is, that he wishes to give these men money, and I wish to give them a testimonial in the shape of medals, leaving it discretionary with the President whether they shall be of gold, silver, or bronze. I know that there are bronze medals of very little intrinsic value which cannot be bought for any money; for they are testimonials of a great Government to individuals for valuable services rendered. Now, I think the best thing we can do—the people of the United States having rewarded in money these persons for their services which they have rendered, and the Government having amply paid the owners of the vessels for their services—is to give this testimonial.

Mr. HAMLIN. Mr. President, it is a little doubtful to my mind how far the Senator from California and the chairman of the select committee really disagree in the manner in which they would express their gratitude for the meritorious conduct of those who were prominent in rescuing the lives of the officers and soldiers from this un-

fortunate wreck. I think that when the propositions of the two Senators to whom I have referred shall be examined, it will be found that but very little difference in fact exists between them. However much difference there may be between the views presented by those Senators, their resolutions may, perhaps, be very nearly alike.

Now, sir, the resolution reported by the committee proposes to grant medals to the officers of certain vessels that rendered distinguished services which are therein named. It also proposes to make an appropriation of \$100,000, to be expended under the direction of the President of the United States. The amendment submitted by the Senator from California, is to grant medals to the commanding officers of the same three vessels named in the resolution of the committee, and one other; and, then, the Senator from California, in addition, proposes to grant medals to the seamen, to the soldiers, and to the other parties engaged in that transaction. The joint resolution reported by the committee does not limit the President in regard to the manner in which he shall express the gratitude of the country to the soldiers, seamen, and other parties, besides the officers named. It may be, therefore, that the President himself, upon mature consideration, will deem it advisable to express the thanks of the country by granting medals to a certain extent, in the very way which the Senator from California proposes. Hence there is no limitation upon the act of the President; the manner in which the money shall be appropriated is submitted to him; and if the resolution of the committee shall be adopted, it will be in the power of the President, if he shall see fit, to adopt precisely the same rule that the Senator from California proposes in his amendment.

Now, sir, it is desirable, is it advisable, to prescribe precisely the mode and the manner in which the thanks of the country shall be expressed to this great number of persons? Allow me to express my opinion, and to give my belief; that it is not only not desirable thus to limit it, but that, as expressing the commercial spirit of the nation, it may be, and probably will be desirable, in many instances, to make direct appropriations in money, as vastly better than these medals. When the dies are struck, and the medals are delivered to the officers of these vessels, they will no doubt be regarded as of more value than anything which could be presented to them in money. They would be regarded as being granted for acts of heroism, which, I will say, these officers have nobly performed; and would undoubtedly be more gratifying than any other expression of the thanks of the country which could be made to them. But this would not be so with another class—those who are truly the representatives of the commercial spirit of the country. They would expect the compensation which commerce itself would direct. And it might be better, and I doubt not myself the President might—I do not say he would—come to the conclusion that, as representing the commercial feature of the question, it would be desirable, in some cases, to make this expression of gratitude in dollars and cents rather than in medals. The Government was directly connected with this transaction, and it was brought in as representing, and connecting itself with, the commercial aspect of the question. It is appropriate—in my judgment, it is highly appropriate—that the Government, thus connected with it, should do, in the commercial aspect of the case, precisely what your citizens have done. And what have they done? Why, sir, from no other motives than those of a general character, from no other motive than a desire to induce persons whose calling is to traverse the ocean, to render assistance in similar cases; our merchants, our underwriters, our insurance officers, and our citizens generally, have contributed largely, purely, and solely in the commercial view of the transaction. Connected as the Government was with this question in that point of view, it is, in my judgment, equally appropriate that the Government also should contribute in that view, as well as by giving medals to the officers. Still, whatever may be the opinions of Senators in relation to this matter, whether I be correct in the view that I take of it or not, with the President of the United States it will be an open question, and it will be for him to determine, after a full examination of the matter, precisely what he will do. The resolution reported by the committee, therefore, submits the question to the President,

leaving it to him to determine, without any restrictions whatever, and leaving him, with such advice and such information as he can get, to pursue precisely that course which he shall deem to be best and most appropriate.

I think for that, if for no other reason, the report of the committee should be sustained, in preference to the amendment which has been offered by the Senator from California. I think the Government owes it to itself and to these men, that there should be an appropriation made in the commercial aspect of this question, as apart from that which is a mere matter of tribute to the officers, who may need no other compensation for the meritorious services which they have performed. But a commercial contribution to the soldiers and to the seamen, who may have lost there all, is more appropriate, or is quite as appropriate to a certain extent, as would be the bestowal of medals in all cases.

Mr. SLIDELL. I wish to ask the Senator from Maine one question. He argues this point as though, if the resolution should pass in the form presented by the committee, it would be discretionary with the President what sum he should expend for the objects contemplated by the resolution. My own impression is, and I think it is consistent with usage, that the President will consider himself bound, in some form or other, to expend the whole amount of the appropriation among the persons who distinguished themselves on this occasion. If the resolution be so amended as to leave to the President the discretion to expend such sum of money as he may think proper, without compelling him to disburse the whole \$100,000, I will vote for the resolution.

Mr. SHIELDS. The honorable Senator will perceive that that is the language of the resolution now. The President is to disburse the sum in any way that he may think proper, to the persons best entitled; but that sum is in no case to exceed \$100,000.

Mr. SLIDELL. That does not at all answer my question. My desire is to know whether the President will not consider himself bound, according to established usage, to distribute this sum of \$100,000, in some form or other, among the persons who may have rendered distinguished services upon this occasion.

Mr. HAMLIN. The second section of the resolution, as reported by the committee, provides:

"That a sum not exceeding \$100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President to reward, in such manner as he may deem most appropriate, the officers and crews of those vessels that aided in the rescue of the survivors of said wreck, and such other persons as distinguished themselves by offices of humanity and heroism on that occasion; the reward to be proportionate to the nature of the efforts made and the merit of the services rendered, so far as the same can be ascertained."

I will state to the Senator from Louisiana very cheerfully what is my impression of the matter. I will only say that I have never known an appropriation made by Congress where a maximum was fixed, where the executive officer has not always adopted the maximum in administering the law; and I have no doubt, myself, that the President would deem it his duty to expend the whole sum appropriated.

Mr. SLIDELL. I am extremely reluctant to oppose an appropriation of this sort; but I cannot reconcile it to myself to vote the public money away in such a manner. I think it proper that the people of the United States should not only give some complimentary expression of their high opinion of such a transaction, but also extend some pecuniary compensation to the parties who were so honorably engaged in it; but I venture to say that, in the annals of this or any other country, no set of men on any occasion have ever been so beneficently rewarded as have been the persons engaged in the rescue from the San Francisco. Consult the annals of the British Government, which has always been extremely liberal in such cases. I have not had occasion to refer to them lately; but I am very sure that, under no circumstances, has any greater reward been extended by the British Government towards persons who rescued its citizens from shipwreck, than a medal occasionally; and, in one instance, I believe, £1,000. Now, we are told that in this case \$50,000 have been already disbursed by the Government; \$60,000 have been distributed among the officers and crew of two ships; and, I believe, some \$2,000

have been given for some complimentary presents to one or two officers of the Army and Navy.

We ought to look forward. These things are of a great deal of interest. I do not see that these people are entitled to call upon the Government of the United States for remuneration in this case, because the persons rescued were in the employ of the Government. I do not conceive that that at all changes the merits of the case. Instances of the kind, sir, are occurring every day. It was not more than ten or fifteen days after the arrival of the persons who were rescued from the San Francisco, that a ship, called the Henry Grinnell, arrived in port, having saved from two ships some twenty or thirty persons. Now, why are not the captain and crew of the Henry Grinnell entitled, in some degree, not to the same extent, to some compensation as much as these parties?

It appears to me that the proper mode is to pass some general law on the subject. I think it is highly proper, under all circumstances, to compensate the officers of the vessel by whom property is rescued, for their benevolent efforts, and to compensate the officers and crew who expose themselves personally for the purpose of saving those who are shipwrecked. I think we ought to adopt some general law; and if the chairman of the committee who reported this resolution will introduce some joint resolution or bill to that effect, making, not only a provision for this case, but a prospective provision for all cases of a similar character, I shall most cheerfully vote for it.

In order to enable the President to carry into effect the provisions of the substitute offered by the Senator from California, I will move to strike out "100," and insert "20," so as to make the appropriation \$20,000. That will be sufficient for all the purposes.

Mr. MALLORY. I shall support the chairman of the committee who reported this joint resolution; and the only regret I have on the subject is, that the resolution has been postponed to so late a day as this. It was reported upon the 6th of February, and if it was proper at all to pass it, it loses much of its grace by the delay; so that I must express my regret that the vote has not been taken at an earlier day.

Mr. SHIELDS. If the honorable Senator will permit me, I will set him right on that point. I acted as the organ of the committee in bringing forward this resolution and report. I endeavored to have it called up, until I got so tired that I had to abandon it. I came very near losing it to-day.

Mr. MALLORY. I did not mean to accuse the chairman of the committee of producing the delay in not bringing this up before.

Mr. GWIN. Mr. President—

The PRESIDENT. The Senator from Florida is entitled to the floor.

Mr. GWIN. I have on more than one occasion been charged with the delay in this matter. It was called up one day when I was not here. I was necessarily absent at the time, and the Senator from Louisiana [Mr. SLIDELL] stated that I desired to be present when it was considered, and that I was prepared to offer a substitute for the resolution. I have always been ready ever since, and was ready on the first day that the joint resolution was introduced, to give my objections and my reasons why I was opposed to it. It has never been delayed one day, on my account, except that on which I was absent.

Mr. MALLORY. I did not mean to say, or to indicate in any way, that the delay has been the direct result of any gentleman. I only expressed my regret that an act of grace of this character had been postponed. Why, sir, what is the object of giving a reward of this character? What is the philosophy of the proposition, if it be not to stimulate men in the position of these rescuers to go out under similar circumstances, and perform the same high duty? There is no property at stake here. There was no fund out of which the persons could be rewarded. It is the noblest effort, perhaps, in which any one can be engaged—the salvation of life under such circumstances as these; and, Mr. President, there was a moral bravery connected with this act which may very well influence us in our action. I repeat, there is no fund here out of which compensation can be made. If there had been a fund, I have not the slightest doubt that the rescuers would have obtained a far greater amount of compensation than that which the select committee reported.

In one case, the case of the British frigate *Venus*, salvage was awarded, where no life was at stake, merely for the salvation of property; but, sir, situated as we are here, soon to be the largest commercial Power on earth, it is highly important that we should embrace, not that we should lose, an opportunity to show our readiness to reward actions of this kind. In speaking of the moral greatness of the transaction, I will remind the Senate that there have been two or three expressions used in modern naval warfare which have been handed down to posterity, and kindled the hearts of those who were called to engage in battle. You recollect distinctly the flag which Nelson spread out before his fleet—"England expects that every man will do his duty." You recollect also the last words of our own hero: "Don't give up the ship." When we recollect words of this kind, and see how they spur men forward to acts of bravery under all circumstances in which they may be placed, we ought to recollect with much pleasure the words of the captain of the *Three Bells*, which the chairman of the committee has so well described in his report. Finding his voice drowned by the storm, he bade the men to mount the rigging and give them three cheers, the only indication which he could throw out that he would not desert the wreck. There was a moral greatness in that, and we should reward it in a suitable manner.

The honorable Senator from Louisiana has spoken of the extravagance of the reward proposed. Sir, this was a most extraordinary case. It is the first case, and the only one that has ever occurred in the history of our Government; and, as I before remarked, as the first commercial Power on earth, who have more tons afloat than any other nation, it is peculiarly incumbent upon us to show ourselves always willing to induce men to go out when no certain reward can possibly arise from the property saved, in order to save lives.

The Senator from California, in his argument upon the subject, seems to look at the amount. Should we hesitate about the amount in interests of this kind? Can we reward these men at all? Can any amount that we can reasonably give reward conduct of this kind? Sir, there are thousands of men upon the ocean who would be exceedingly happy to perform the service for nothing, without hope of reward. Their generosity would lead them to do it; but that is no reason why we should not reward them.

The argument is also adduced, that the people have come forward and rewarded these parties. Is that any reason why the Government of the United States should not manifest, in its capacity as a Government, its appreciation of this conduct? No, sir. If it be any argument at all, it is a stronger one in favor of the proposition. The people themselves have spontaneously set an example as to what we should do. Should we hesitate, as a Government, to acknowledge the propriety of the conduct which the people have approved? I say that if there is any validity in the argument at all, it renders it more incumbent upon the Government to make the reward. I shall have no hesitation in voting for the resolution.

Mr. SLIDELL. I move to amend the substitute of the Senator from California by inserting:

That the President be authorized to appropriate a sum not exceeding \$20,000.

Mr. GWIN. The second section, I believe, authorizes the President of the United States to give medals to the different parties, and to pay for them out of any money in the Treasury not otherwise appropriated. The Senator can attain his object by adding a proviso that this sum shall not exceed \$20,000.

Mr. SLIDELL. I offer the amendment to the amendment in the following form:

And that such an amount of money, not exceeding \$20,000, as may be necessary to carry out the object of the resolution, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. GWIN. I am willing to accept that.

Mr. SEWARD. I hope the amendment will not be agreed to. After we have seen the expressions and manifestations of gratitude which have been given by the citizens of the United States to these meritorious men, it does seem to me that it would be much more satisfactory to the people that we should award nothing at all, than that we should differ upon the sum, and cut it down from

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\$100,000 to \$20,000. These men are entitled to some reward, to some acknowledgment from the country, or they are not. They are entitled to some reward from the Government, or they are not. There is no one here or elsewhere who will maintain that a higher act of heroism in civil life has ever occurred, or can ever occur. Such an act, then, deserves acknowledgment. The very nature of the transaction itself is an evidence of its merit; and all civilized nations regard services of this kind as magnanimous, heroic, and worthy of reward. It is a principle of maritime law that he who shall venture his life, or even his property, at sea, in tempests and storms, to protect the property of another, much more to protect the life of one or of many, is entitled to what, under other circumstances, would be called an extravagant reward. The law divides, by way of salvage, the whole value of the property saved, between the original owner and those who saved it from destruction.

If the Government of the United States is to make a special acknowledgment, as it is agreed on all hands it should, of this great act, the sum which that acknowledgment shall cost is to be fixed with reference to our position and character not less than with reference to the greatness and heroism of the transaction itself. In regard to the first, I need not say to Senators that we have to sustain a character which we are perhaps too proud in claiming, as not inferior to any other commercial or political power on earth. Then the next consideration is the greatness and heroism of the transaction itself, as compared with others of a similar nature; and on this subject I am sure that there is a unanimous agreement, that the history of naval and maritime affairs presents no transaction in which more devoted, persevering, self-denying hardships were undergone, from motives of mere benevolence and humanity, than in this case. Then with reference to the effect of this proceeding as an example, by way of encouragement to similar deeds of heroism. If the amount is to be restricted, it must be wholly through fear that some evil will come from this legislation as a precedent? Now, is any man afraid, by appropriating \$100,000 to signalize the public appreciation of conduct such as that which elicits this reward, that we shall encourage too bold, too heroic, too disinterested conduct, in cases of peril and shipwreck, on the part of American seamen, or of seamen throughout the civilized world? Certainly not. There is no danger of that.

I repeat, sir, if we are, by a special act of this kind, to show our appreciation of such conduct, it should be commensurate with the greatness of the transaction itself. I am sure that if such a proposition had been made when the intelligence of the disaster and the partial salvage first reached the Capitol, there is no man who would have been for cutting down the appropriation then to \$20,000. We have no claim of property now to settle. We owe, practically, no debts. We have a large surplus in our Treasury. We are rich. We are strong; and a Government which has no use for its surplus funds, except to buy up its own perfectly safe bonds at an advance of fifteen cents on a dollar, ought to make a liberal reward for benefits conferred by others at the peril of the property and lives of those who confer them, or it ought not to make a mockery of the virtue of gratitude at all. Let us, then, sustain our own character, and encourage our own seamen, and those of all nations, to emulate the achievements of the saviors of those who were perishing on the wreck of the San Francisco.

Mr. GWIN asked for the yeas and nays on his amendment; and they were ordered; and being taken, resulted—yeas 16, nays 21; as follows:

YEAS—Messrs. Atchison, Butler, Clay, Dawson, Dodge of Iowa, Evans, Fitzpatrick, Gwin, Hunter, Norris, Pratt, Rusk, Sebastian, Slidell, Toombs, and Williams—16.

NAYS—Messrs. Allen, Badger, Bell, Bright, Brown, Cooper, Everett, Fish, Foot, Geyer, Hamlin, Jones of Iowa, Mallory, Pettit, Seward, Shields, Stuart, Sumner, Thompson of Kentucky, Wade, and Wright—21.

So it was rejected.

Mr. BRIGHT, subsequent to the declaration

of the vote, explained that it was his intention to vote for the smallest sum, and hence that his vote should be recorded in the affirmative.

Mr. GWIN. I move to strike out "\$100,000," and insert "\$50,000," and on that amendment I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 16; as follows:

YEAS—Messrs. Atchison, Bright, Butler, Clay, Dawson, Evans, Fitzpatrick, Geyer, Gwin, Hunter, Jones of Tennessee, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Slidell, Thompson of Kentucky, Toombs, and Williams—21.

NAYS—Messrs. Allen, Badger, Bell, Brown, Cooper, Everett, Fish, Foot, Hamlin, Mallory, Seward, Shields, Stuart, Sumner, Wade, and Wright—16.

So it was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. On the question of ordering the resolution to be engrossed for a third reading, Mr. Toombs called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 21, nays 16; as follows:

YEAS—Messrs. Allen, Badger, Bell, Chase, Cooper, Everett, Fish, Foot, Geyer, Hamlin, Jones of Tennessee, Mallory, Pearce, Rusk, Seward, Shields, Stuart, Sumner, Thompson of Kentucky, Wade, and Wright—21.

NAYS—Messrs. Atchison, Bright, Brown, Butler, Clay, Dawson, Evans, Fitzpatrick, Hunter, Norris, Pettit, Pratt, Sebastian, Slidell, Toombs, and Williams—16.

The resolution was then read a third time, and passed.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855; which had been reported from the Committee on Finance with amendments.

Mr. HUNTER. I think we shall get along faster, if the Secretary will read all the amendments, and if there be any to which any Senator excepts, he can name it, and ask for a separate vote upon it.

THE PRESIDING OFFICER, (Mr. STUART.) If there be no objection, that course will be pursued.

The amendments of the committee were as follows: To insert—

For pay of five Indian sub-agents, for California, at an annual salary of \$1,500 each, \$7,500;

For pay of four Indian sub-agents in Oregon Territory, at an annual salary of \$1,000 each, \$4,000;

For pay of two Indian sub-agents in Washington Territory, at an annual salary of \$1,000 each, \$2,000;

For pay of three Indian agents in Washington Territory, for six months, ending June 30, 1854, \$9,250;

For pay of two Indian sub-agents in Washington Territory, for six months, ending June 30, 1854, \$1,000;

For pay of six interpreters for the Indian tribes in Washington Territory, \$3,000;

For pay of six interpreters for the Indian tribes in Washington Territory, for six months, ending June 30, 1854, \$1,500;

For erecting buildings for Indian agents in Washington Territory, \$5,000;

For the reappropriation for expenses of the removal of the Catawba Indians to the west of the Mississippi river, and of settling and subsisting them one year in their new homes, provided that a home shall first be obtained for them, and that they shall be removed only with their own consent, \$5,000.

In the clause:

For payment to the Chickasaw nation in full of the expenses of their commissioners in negotiating the treaty of June 22, 1852, \$1,000,

—to strike out "June 22, 1852, \$1,000," and insert:

—the 22d of June, 1852, as stipulated in the ninth article of said treaty, \$1,500.

In the following clause to strike out "28th" and insert "29th:"

For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the 28th of July, 1837, \$2,000.

In the following clause to strike out "thirteen" and insert "thirteenth:"

For thirteen of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the 4th of October, 1842, \$2,000.

In the following clause to strike out "eighteen" and insert "eighteenth:"

For eighteen of twenty installments for iron and steel for shops, stipulated in the thirteenth article of the treaty of the 24th of March, 1832, \$540.

To insert the following:

For fulfilling treaty stipulations with the Navajos, pursuant to the requirements of the tenth article of the treaty of September 9th, 1849, \$5,000.

In the following clause to strike out "27th" and insert "20th:"

For interest to be paid as annuity, on \$300,000, at six per cent. per annum, stipulated in the resolution of the Senate of the 27th of May, 1836, \$12,000.

In the following clauses to strike out "eighteen" and insert "eighteenth:"

For eighteen of twenty installments as annuity in goods, stipulated in the second article of the treaty of the 29th of September, 1837, \$10,000;

For eighteen of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers, physicians, and blacksmith, stipulated in the second article of the treaty of the 29th of September, 1837, \$8,250.

In the following clauses to strike out "third" and insert "fourth," and strike out "of interest:"

For third of fifty installments of interest, at the rate of five per centum, on \$1,360,000, stipulated in the fourth article of the treaty of the 23d of July, 1851, \$68,000;

For third of fifty installments of interest, at the rate of five per centum, \$112,000, being the amount in lieu of the reservation set apart in the third article per Senate's amendment to treaty, 23d July, 1851, \$5,600;

For third of fifty installments of interest, at the rate of five per centum, on \$1,160,000, stipulated in the fourth article of the treaty of the 5th of August, 1851, \$58,000;

For third of fifty installments of interest, at the rate of five per centum, on \$69,000, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty of 5th of August, 1851, \$3,450.

To insert the following:

For payment to Thompson Connolly and James Connolly, children of John Connolly, deceased, \$200.

Stockbridges.—For the removal of the Stockbridge Indians to the country west of the Mississippi river, which has been selected for and approved by them, and for subsistence for one year, stipulated in the eighth article of the treaty of 24th November, 1848, \$7,000.

Utahs.—For fulfilling treaty stipulations with the Utahs, pursuant to the requirements of the eighth article of the treaty of December 30, 1849, \$5,000.

In the following clause to strike out "twenty-six" and insert "twenty-sixth:"

For twenty-six of thirty installments as annuity, stipulated in the second article of the treaty of the 1st of August, 1829, \$18,000.

In the following clause to insert before "treaty" the words "fifth article of the:"

For twenty-third of twenty-seven installments for pay of two physicians, stipulated in the treaty of the 15th of September, 1832, \$400;

To insert the following:

For the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Grosventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of Washington Territory, \$100,000.

To strike out of the following clause the words "and farming to the lands," and insert "to the bands."

For the expense of making presents of agricultural implements and farming to the lands of Pueblo Indians, in the Territory of New Mexico, \$10,000: *Provided*, That the Secretary of the Interior may, if in his discretion the public interests require it, be authorized to use any part of the appropriations herein made for making treaties in Oregon, Washington, Utah, and New Mexico, and for holding councils at Fort Benton, prior to the commencement of the next fiscal year.

To insert the following:

For adjusting difficulties and preventing outbreaks among the Indians in Oregon Territory, \$10,000;

For general incidental expenses of the Indian service in Oregon Territory, \$10,000;

For general incidental expenses of the Indian service in Washington Territory, \$15,000;

For general incidental expenses of the Indian service in the Territory of New Mexico, \$25,000;

For general incidental expenses of the Indian service in the Territory of Utah, \$20,000;

For general incidental expenses of the Indian service in the Territory of Utah, during the year ending June 30, 1854, \$10,000;

For general incidental expenses in the Indian service in Washington Territory, for six months, ending June 30, 1854, \$5,000;

For payment of balance due for transportation of presents,

goods, and provisions, to the Camanches, Kioways, and other Indians on the Arkansas river, \$1,300;

To pay for certain goods borrowed by late agent J. S. Watrous, to fulfill treaty stipulations with the Chippewas, to be replaced out of annuity goods, but which, with the agency building, were consumed by fire, in May, 1853, \$4,136 03;

For payment to the Winnebago nation of Indians of certain unexpended balances of appropriations under various treaties, on account of annuities, education, provisions, goods, &c., \$40,004 69;

For payment of balance found due the Creek Indians for losses sustained during the war with Great Britain, by that portion of the tribe who were friendly to, and cooperated with, the United States, in addition to the appropriation of the 30th of August, 1852, \$258 10;

For payment to certain Creek Indians for their individual reserves, sold with the approbation of the Secretary of War, in the year 1841, the Commissioner of Indian Affairs having received the consideration for the use of said Indians in certificates of deposit on the Planters' and Mechanics' Bank of Columbus, Georgia, which failing, while said certificates were in the hands of the Commissioner, became lost to said Indians, \$2,600;

For the second and third of ten installments of provisions and merchandise, in addition to former appropriations, for payment of annuities and transportation of same to certain tribes of Indians, per seventh article of the treaty at Fort Laramie, of 17th of September, 1851, \$24,000;

For the fourth of ten installments in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article of the treaty of Fort Laramie, of 17th of September, 1851, \$72,000.

Mr. BELL. I think we ought to have some explanation from the chairman of the Committee on Finance in regard to the amendment proposing to appropriate \$100,000 for treaties with, and presents to, the wild tribes of Indians on the eastern boundary of Washington Territory. I do not remember that any of these tribes of Indians are on this side the Rocky Mountains, and the \$100,000 is proposed to be appropriated, as I understand by reading the amendment, merely for treating with them. Now, sir, if it was proposed to appropriate for treating with the Indians anywhere connected with the present settlement of the United States, and it was necessary to send an expedition and a squadron of horse or infantry to accompany commissioners to treat with them, and for the transportation of supplies, I can readily see that it would be very costly; but upon no ground that I know of, or can conceive of, except one, is there any utility in making these treaties at all; and that one is, if it should be ascertained that the northern route surveyed by Governor Stevens should be the proper one for the construction of the Pacific railroad. If that is an ascertained fact, I can see some propriety in this; but I have not yet understood that it has been ascertained that that route is a practicable one at all. I am not opposed to an appropriation, or even a bill, if one were introduced to make an appropriation of lands, and to give the aid of this Government, so far as it is proper to do it, for the construction of the road; but it seems to me that this is an appropriation in advance of the facts, which are important to be ascertained. For what other purpose do you want to treat with these Indians except that? They are a thousand miles removed from any white settlement on either side of the Rocky Mountains. I think that item ought to be excepted from the general vote, so that the honorable chairman of the Committee on Finance may give a full explanation of it.

Mr. HUNTER. This proposition has nothing to do with a route for a railroad. The design is to prevent wars among the Indians, and to secure peace to the emigrants passing over the country. The estimate of Governor Stevens was not quite so large as is now asked for by the Department, but it was found that the furnishing of provisions to the tribes would amount to some \$25,600 or \$27,000. That is an expense of less than five dollars per head. This includes not only the expense of feeding them when they are got together—and Governor Stevens had a conference at Fort Gibson with some of them—but the distribution of presents among them to keep the peace, not only with regard to one another, but in regard to the whites. It is stated that the assurances which Governor Stevens gave them have already been of some use in keeping the Blackfeet in peace. It is proposed now to collect a great many of the Indians, not only west, but east of the Rocky Mountains, and to have a conference to secure the peace of the country. I have here the communication of the Indian Department upon which the estimate is founded.

Mr. BELL. I only wanted the chairman of

the committee to state the facts. I deny that there is any line of communication over that part of the country. There is no route over which the emigrants pass that I know of, or that I ever heard of. I imagine that the whole appropriation is predicated on the idea that we ought to have a railroad constructed there. Take that away, and I can see no possible ground for the appropriation.

Now, with regard to the Indians themselves, we know that they will fight. We have been making treaty after treaty with the Sioux. That does not prevent them massacring each other, and the neighboring tribes, and from engaging in regular wars with them. I can see no use whatever in the appropriation, unless it has reference to the project which I have stated. If that be ascertained and established to be a practicable route, I have no objection to it.

Mr. HUNTER. The estimate has no reference to that route. I believe Governor Stevens states that he did find a wagon route that would answer for emigrants, but that is a minor consideration. The object for which the appropriation is asked is to keep the peace between the Indians, prevent inroads into the Territory, and their attacking the emigrants and each other. It has been thought that the policy, to some extent, of feeding and making presents to the Indians, instead of making war with them, is not only more humane, but in the end more economical.

Mr. BELL. We have had no wars with them, nor they with us.

Mr. HUNTER. I beg the gentleman's pardon. We shall be called upon for a pretty heavy appropriation for wars with one of the tribes of Indians. I am told that a very small amount expended in presents would have prevented them.

Mr. BELL. One of these tribes?

Mr. HUNTER. Not one of these tribes; but in the Territory of Oregon.

Mr. BELL. That is a different region altogether.

Mr. HUNTER. The Senator is mistaken in that. The council will comprehend tribes not only east but west of the Rocky Mountains. It comprehends the Blackfeet, who, as I understand, range on both sides, and are troublesome on both. It is the design to have the Indians on both sides included. If the Secretary will read what Governor Stevens says, the Senator will be in the possession of the grounds for the appropriation.

Mr. BELL. I do not pretend to make any further opposition to it.

The Secretary read as follows, from a communication of the Commissioner of Indian Affairs:

"His Excellency Isaac I. Stevens, on his recent exploration of a northern route, reports that he met with a most friendly reception by all the Indian tribes which he encountered; yet after consultation with agent Vaughan and Mr. Culbertson, a gentleman long resident among these Indians, and on account of the well known warlike character and hostile feeling of some of the tribes located on the east and west sides of the eastern range of the Rocky Mountains, he esteems it necessary that a council be held with all the tribes in that vicinity not parties to the treaty of Fort Laramie, for the purpose of conciliating them by means of presents of goods and provisions, and that the council be held during the coming summer at Fort Benton, on the Upper Missouri.

"For accomplishing this purpose Governor Stevens estimates that \$30,000 would be required for presents and transportation; \$5,000 for provisions; \$15,000 for incidental expenses; and \$10,000 to enable a number of chiefs of the principal tribes to visit the President of the United States.

"The tribes which he proposes to invite to the council are the Grosventres, Pegans, Bloods, and Blackfeet, east of the mountain range, and all the tribes west of the same range with whom they are at variance. Agent Vaughan, in his annual report, also urgently recommends that a treaty similar to the treaty at Fort Laramie be made with the Grosventres and the Blackfeet tribes. He estimates the Blackfeet nation to number about 10,000, and the Grosventres 3,750.

"Governor Stevens estimates the Blackfeet nation, embracing the Pegan, Blood, and Blackfeet tribes, at 14,400, and Mr. Culbertson at 14,000.

"Their number, heretofore, has generally been estimated as much greater, which is doubtless to be ascribed to their roving, bold, and warlike character.

"Assuming, then, that the number is about 14,000, and the Grosventres 3,750, the number of Indians in the tribes west of the mountain range, which Governor Stevens proposes to invite to the council, may probably be stated at 6,000 to 10,000, which will make the census of the tribes to be invited to the council and furnished with presents, 25,000 to 27,000.

"Governor Stevens estimates that there would be needed about one hundred tons of transportation; and assuming this to be about the correct amount, in view of the remoteness of the points of delivery, and the dangers of the navigation of the Missouri river, and also because presents are proposed to be made to the Indians of so many and so populous nations, I am led to believe that the estimate made

by Governor Stevens for goods, provisions and transportation, is too low, and that if the council is to be held as proposed, a supply of goods and provisions should be distributed to the Indians more plentifully than funds to the amount of his estimate would procure.

"I have, therefore, to state my approbation of the proposition of Governor Stevens in respect to the council, and to recommend that an appropriation be asked for, of \$100,000, to be placed at the disposal of the Department, for the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Grosventres, and other wild tribes of Indians, immediately within, or adjacent to the eastern boundary of Washington Territory, and to defray the expense of conveying a delegation of the chiefs of those tribes to Washington city."

Mr. PEARCE. The Senator from Virginia stated that the amount proposed by the amendment is greater than Governor Stevens recommends. What did he recommend?

Mr. HUNTER. About \$60,000. I think the communication of the Commissioner of Indian Affairs states the reason why it is proposed to increase it.

Mr. PEARCE. Governor Stevens takes a large and comprehensive view of these matters; and I suggest that he would recommend all that was desirable in this case. I think the estimate which he gives would be quite as large as it is desirable that the Senate should pass. I doubt very much whether there is any great pressing necessity at this time for concluding treaties of peace with the Indians between the Rocky Mountains and that part of the Territory of Washington in which there is any settlement. Certainly one consequence of this appropriation will be a large array of Government officers. It will lead to a considerable amount of money being paid to Indian agents and sub-agents. I think, therefore, it will be better to limit it, at all events, to the amount proposed by Governor Stevens.

The PRESIDING OFFICER. The Chair will suggest that the question first be taken on such amendments as are not objected to; and then it would be in order to amend the amendment to which reference is now made. If desired, the question will now be taken on all the amendments except that one.

The question was taken; and they were agreed to.

The PRESIDING OFFICER. The question is now upon the amendment.

Mr. HUNTER. I have no objection to the reduction. I do not care about the sum. I have followed the estimate of the Indian Department. I believe it is important that something should be appropriated, because these tribes have been invited to meet in council. They will meet there in great numbers; and if there is not provision made for them, there will be a difficulty.

Mr. PEARCE. I move to amend the amendment by inserting in place of "\$100,000" the amount which Governor Stevens estimates for.

The PRESIDING OFFICER. Then the question is on striking out "\$100,000" and inserting "\$80,000."

The amendment to the amendment was agreed to.

Mr. PRATT. If the Senator from Tennessee is right, I do not think there should be any appropriation for the purpose indicated by the amendment. If, as he says, the tribes for whom it is proposed to make an appropriation, are not within a thousand miles of any white settlement, and that there is no emigrant route which goes near their habitation, I do not see the reason for commencing treaties with the numerous nations of Indians who are so far removed from us as not to interfere with us at all, or with our people who are going from one section of the country to the other. There is no necessity for the appropriation, if the Senator from Tennessee is right; and I do not understand the Senator from Virginia to differ from him in regard to the facts. It is known to us that if we once commence the system of treating with the numerous nations of Indians mentioned in the report which has been read, we shall increase every year our appropriations to each of them. It is not presents for this year alone for which we are making ourselves responsible, but it is the commencement of future appropriations for the tribes mentioned; so that, in all future time, we shall have an annual increase of the appropriation for those different purposes. If the Senator from Tennessee is right, as I presume he is, I do not think the appropriation ought to be made.

Mr. ATCHISON, (Mr. STUART occupying the chair.) It seems to me that if the argument of the Senator from Maryland is worth anything at all, it goes to the whole appropriation.

Mr. PRATT. I say so.

Mr. ATCHISON. Now, if I understand the matter aright, this appropriation is asked for on account of, and the necessity for it grows out of, communications of Governor Stevens to the Indian department. The Senator says, this is not on the line of any route to Oregon or Washington.

Mr. PRATT. So, I understand.

Mr. ATCHISON. It is not at this time, it is true. The main line is through the South Pass, but the probability is, that in future, this will be the route for those from the extreme northwestern States, being the nearest and best route to the Territory of Washington.

Now, sir, the Government of the United States has never had a treaty with the Blackfeet. We have an agent on the head waters of the Mississippi, who has had "talks" with them for many years, but yet we have never had a treaty with them. They are anxious now, it seems, from Governor Stevens's report and other reports, to treat with the United States, and for a very obvious reason. They see other bands of Indians in their neighborhood obtaining annuities from the Government of the United States, and they desire to be bound to the Government by the same ties that their neighbors, the Crows, and other Indians are. They say further, as I am informed by Mr. Culbertson, who was a trader among them for many years, that the means of subsistence are now giving out. They have heretofore subsisted on the buffalo. They have followed the buffalo from the head waters of the Mississippi to the waters of the Yellow Stone, and frequently south of the Yellow Stone. The buffalo are now giving out. The means of subsistence, which were formerly so abundant among them, are becoming scarcer and scarcer; and every year hundreds of them die, it is said, from starvation.

They have been informed by other Indians, and by traders, that the Government of the United States has agents among the various tribes of Indians; that the Government sends to them missionaries, blacksmiths, and other persons, teaching them the arts of civilization, by which they will hereafter be supplied with the means of subsistence. The Blackfeet are anxious to be placed in this category, in the same condition with other Indians. If this be so, I can see no reason why they should not be placed on the same footing. If they desire to commence the work of civilization, they should have the means of doing so, and the means must be furnished by the United States. You must furnish them with blacksmiths and with farmers; and to do this, you must treat with them. My opinion is, that the sum of \$100,000 is little enough for the purpose.

Mr. PRATT. The amendment proposes to appropriate \$80,000.

Mr. ATCHISON. Then the argument is still stronger. If \$100,000 be necessary, surely \$80,000 is little enough. I think, sir, that the demand of the Blackfeet is right, just, and proper; that they should be treated as other Indians east and west of them are. We have treaties with the Oregon Indians, with the Indians of Washington Territory—bands that roam from the Pacific ocean to the Cascade Mountains, and across to the Rocky Mountains—who are in communication with the Blackfeet. Then the Crows, the Sioux, the Pawnees, and the Camanches, and all the other Indians have treaties with us. Perhaps the Blackfeet are now the only exceptions to this general rule. Then, sir, I think it is good policy to treat with them. I am satisfied that to transport \$20,000 or \$30,000 worth of presents into the Blackfeet country, would require three times the amount of the original cost of the goods. Then \$80,000 is certainly necessary.

Mr. HUNTER. I understand from the Indian Department, that the cost of transportation for presents will be very heavy, I think something like twelve or fourteen cents per pound. That is one reason for the increased estimate. I understand, also, that it is desired to treat with the tribes which range on both sides of the mountains in Washington Territory, as well as along the route. It is true that Governor Stevens looks to the further probability that there may be an emigrant route along that direction, and I think he says a

wagon pass has been found. But in order that the Senate may see the grounds on which the Department rest this appropriation, I ask that the letter of Governor Stevens may be read.

The Secretary read the letter, as follows:

OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS,
OLYMPIA, WASHINGTON TERRITORY,
January 31, 1854.

SIR: I have the honor to inform you that I have this morning received from Lieutenant Mullan, in charge of a winter post in the valley of the St. Mary's river, in connection with my exploration, a report of outrages committed by the Blackfeet Indians since the period of my passing through their country, a copy of which is herewith inclosed. It seems that, notwithstanding the promises made to me in council at Fort Benton, they are still committing their terrible depredations; and I consider that the convening of the council at Fort Benton during next summer, which I recommended in communications from that point, is become a matter of necessity. It is my belief that the chiefs whom I met at Fort Benton are abiding by their promises; but their young men are numerous, and require a stringent course to compel them to abandon their accustomed depredations. It is mentioned by Lieutenant Mullan that the traders at the posts of the American Fur Company purchase horses of the Indians without inquiries as to where they were obtained; and it is my impression that those in charge of these posts have not paid sufficient attention to this matter.

I will most urgently repeat my recommendations to convene the council at Fort Benton; and, though I would still further try the influence of kindness with these Indians, my opinion is that a military force should be present at the time of the council, and that a military post should be established at this point. If, then, after a fair trial of the influence of kind treatment, outrages continued to be committed, the force of Government should be brought to bear upon them with great force. A report just received from Mr. Finkhnm, one of the civil engineers of my exploration, states that in crossing the Rocky Mountains, for the third time during the fall, he took a trail which carried him through a pass which even now will permit of the passage of an emigrant wagon. It seems to me that a route for emigration is now open which will come into competition with the route through the South Pass. By steamers, emigrants can probably ascend the Missouri river as far as Fort Benton, and certainly as high as the mouth of the Milk river, carrying with them their effects, and driving their cattle along the river trails. From either point good wagon routes lead to the passes of the mountains, and to the St. Mary's Valley. For the protection of our emigrants, as well as to secure peace between the Indians, the importance of the council at Fort Benton becomes more and more obvious; and I cannot doubt that a military force ought to be present, and a military post be established at that place. Mr. James Doty, in charge of a meteorological post at Fort Benton, is engaged in collecting all possible information concerning the Blackfeet Indians; and by the hands of Lieutenant Grover, who is expected to arrive here in March, I shall probably receive a full report, which will be immediately communicated to the Department.

Very respectfully, sir, your most obedient,
ISAAC I. STEVENS,
Governor of Washington Territory,
and Superintendent of Indian Affairs.
Col. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs,
Washington City, D. C.

Mr. DODGE, of Iowa. I regard this appropriation, Mr. President, as a very important one. I noticed the suggestion made by Governor Stevens some time since, in his report on that section of the country, and I think the making of it will save very many lives. I believe that the route over which he passed is destined to become a very important thoroughfare; and I am sure that nothing can be more important than at this time to propitiate the good will of these remote and distant tribes, of which I know nothing except as we hear from them through a wandering agent or reporter.

I have met with the same gentleman to whom the Senator from Missouri alluded—Mr. Culbertson. He has spent twenty or thirty years of his life among these Indians. He is in no way interested in this matter; and he thinks that it is of very great importance to our Indian relations in that quarter that this appropriation should be made. I understand it to be recommended by the Secretary of the Interior, as well as by Governor Stevens and the Commissioner of Indian Affairs. I have a great respect for the recommendation of these officers, and, in this case, especially for that of Governor Stevens, whom I regard as one of the ablest men in the service of the Government—a far-seeing statesman, who is destined to render important service to the Territory over which he presides. I trust that his suggestion in this instance will be carried into effect.

The amendment as amended was agreed to.

Mr. HUNTER. There are some other amendments made necessary by the treaties which have recently been ratified; and I will ask the chairman of the Committee on Indian Affairs, if he has prepared those amendments from his committee? If not, I will offer them; but I shall

have to offer them in my individual capacity at present, as I have not conferred with the committee on the subject.

Mr. SEBASTIAN. The Committee on Indian Affairs will take charge of them.

Mr. HUNTER. Then I have nothing further to propose from the Committee on Finance.

Mr. SEBASTIAN. I move that the further consideration of the bill be postponed until tomorrow.

The motion was agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 24, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

The SPEAKER stated that the business first in order was the consideration of Senate bill for the relief of James Jeffries and Jeremiah M. Smith, upon which a motion was pending to refer to the Committee of the Whole House, and also a motion pending to refer to the Committee on the Post Office and Post Roads, upon which the gentleman from Kentucky [Mr. EWING] was entitled to the floor.

Mr. EDGERTON, by unanimous consent of the House, presented a joint resolution of the State of Ohio in favor of the passage of a bill dividing that State into two judicial districts; which was read by the Clerk, and referred to the Committee on the Judiciary.

Mr. ELLISON presented a joint resolution of the Legislature of Ohio upon the same subject; which received the same reference.

Mr. BERNHISEL, by unanimous consent, introduced the following resolution; which was read and adopted:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of placing the Legislative Assembly of the Territory of Utah on the same footing as regards clerks, &c., as those of Minnesota and New Mexico; and that said committee report by bill, or otherwise.

Mr. BANKS, by unanimous consent, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Military Affairs:

A bill to refund the balance due to Massachusetts for disbursements during the late war with Great Britain.

Mr. GREY. I ask the unanimous consent of the House to introduce the following resolutions:

1. *Resolved*, That the Postmaster General be directed to report to the House of Representatives why the mail service was not "let" and contracted for on the river routes, 1st. From Louisville, Kentucky, to Evansville, Indiana, and back, daily; 2d. From Evansville to Cairo, Illinois, and back, daily; 3d. From Cairo to St. Louis, Missouri, and back, daily; according to the advertisement of 31st December, 1852, and the eleventh section of the act of Congress, approved 31st August, 1852, which made it the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail "on those routes, 'on suitable and safe steamboats.' " The bids, by terms of the advertisement, to be received in the Post Office Department "until three o'clock p. m. of the 10th day of February, 1853, to be decided by 1st of March, and service to commence on the 1st July following, and continue for four years.

2. *Resolved*, That he furnish copies of all the contracts and bids, and "proposals" for contracts and bids, which have been made with, proposed to, or received from Thomas Shirlock and Z. M. Shirley, or either of them, or with, to, or from any other person or persons, together with copies of all the amendments, alterations, privileges, extensions, or restrictions authorized and permitted, or assumed and exercised, and of all orders for additional compensation, except what appears on the face of the contract or contracts, on this route from Louisville to St. Louis, or any part of it, since March, 1851. Also, the greatest number of "mail messengers," "route agents," local agents, and employees, that have ever, or have at any one time during the above period, been engaged in, or connected with, the service on that route, (exclusive of postmasters)—at what points engaged, and the salary per quarter or per annum of each one of them; also, who are now the contractors from Louisville to St. Louis, and in what manner each and all of said contracts were made, whether privately or by being let to the lowest bidder; also, what intermediate offices let between Louisville and St. Louis have been authorized to be supplied by each contract on that route since March, 1851, and how often per week each and every one of those offices were to be supplied under those contracts or arrangements since March, 1851, or either one of them, and why the official reports from the Postmaster General, as published in the "Blue Book," state the service between Louisville and St. Louis is performed for \$40,222 22, when the allowance to the contractors on that route is \$70,000 per year, exclusive of "route agents," "local agents," "messengers," &c.

3. *Resolved*, That he furnish copies of all orders, rules, or regulations adopted by him, which tends to prevent or deny to members of Congress the privilege of going into the public rooms of the Post Office Department, and then and there examining, with assistance of the clerks, the "public records" under the charge of said clerks.

4. *Resolved*, That the Postmaster General be directed to abolish all rules, orders, or regulations, which prevents or denies the privilege to the members of Congress of going into the public rooms in the Post Office Department, and then and there examining such public records in the presence, and with the assistance of the clerk having charge of them, as such member may desire. That he also abolish all rules, orders, or regulations by which the clerks, or either of them, are prevented or restrained from affording to any member such information during those examinations as the public records of the Post Office Department will enable him to give.

Mr. DRUM. I object.

Mr. GROW. I object to the last part of the resolutions.

Mr. GREY. I move to suspend the rules, that I may have an opportunity of offering the resolutions.

Mr. TAYLOR, of New York. Is it in order to move the reference of the resolutions to the Committee on the Post Office and Post Roads?

The SPEAKER. The resolutions are not before the body. It is only proposed that they shall come before the body.

Mr. GREY. Have I the privilege now of saying anything upon these resolutions?

The SPEAKER. They are not debatable, because the subject-matter of them is not before the House.

Mr. GREY. Can I say a few words in explanation of the first part of the resolutions?

The SPEAKER. By the unanimous consent of the House alone.

Mr. DRUM. I object.

Mr. SMITH, of Virginia. I only wish to remark that if the gentleman from Kentucky is allowed to make an explanation, it need not be expected that the privilege of responding to him will not be claimed.

The SPEAKER. The gentleman from Kentucky can make no remarks; it is objected to.

Mr. SMITH. I desire it to be distinctly understood that the gentleman is quite welcome to make any explanation, so far as I am concerned.

The SPEAKER. Discussion is objected to, and is, therefore, out of order.

Mr. GREY. I will, for the present, withdraw the resolution No. 4 of the series.

Mr. GROW. I objected to the last of these resolutions. I have no objection to the balance.

Mr. WASHBURN, of Maine. I ask for the yeas and nays on the motion to suspend the rules.

Mr. CLINGMAN. I believe the objection to the resolutions is withdrawn.

The SPEAKER. Is the objection withdrawn?

Mr. GROW. I withdraw the objection I made.

Mr. DRUM. I objected to the introduction of the resolutions, and I do not withdraw my objection.

The SPEAKER. The question, then, is upon the suspension of the rules, to allow the gentleman from Kentucky [Mr. GREY] to introduce the resolutions just read.

Mr. WASHBURN, of Maine. I ask the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 64, nays 81; as follows:

YEAS—Messrs. Appleton, Ball, Benson, Benton, Buggy, Carpenter, Clingman, Cobb, Cook, Corwin, Cox, Crocker, Culom, Thomas Davis, Dent, Dickinson, Thomas D. Enot, Ewing, Faulkner, Flager, Franklin, Gray, Grow, Aaron Harlan, Harrison, Haven, Heister, Howe, Hunt, Roland Jones, Keith, Kerr, Knox, Latham, Letcher, Maurice, Middlewarth, John G. Miller, Morgan, Mordecai Oliver, Parker, Peckham, John Perkins, Ready, David Ritchie, Rogers, Sage, Sapp, Simmons, William R. Smith, Alexander H. Stephens, Stratton, John L. Taylor, Nathaniel G. Taylor, Tracy, Upham, Vail, Walbridge, Walley, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, and Zollcoffer—61.

NAYS—Messrs. Aiken, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Bissell, Bliss, Boyce, Bridges, Caskie, Chrisman, Clark, Craig, Curtis, John G. Davis, Dean, Drum, Eastman, Eddy, Edgerton, John M. Elliott, Ellison, Elberidge, Fenton, Florence, Giddings, Green, Greenwood, Hamilton, Sampson W. Harris, Wiley P. Harris, Hibbard, Houston, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, J. Glucy Jones, Kurtz, Lilly, Lindsley, Macdonald, McDougall, McNair, Maxwell, Mayall, Milson, Murray, Noble, Pennington, Bishop Perkins, Phelps, Powell, Pratt, Richardson, Biddle, Thomas Ritchey, Robbins, Ruffin, Seward, Seymour, Shaw, Shower, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, George W. Smyth, Richard H. Stanton, Hester L. Stevens, Straub, Andrew Stuart, John J. Taylor, Thurston, Tront, Walker,

Warren, Wells, John Wentworth, Witte, and Daniel B. Wright—81.

So the rules were not suspended.

Mr. STRATTON. I ask the unanimous consent of the House to withdraw from the files of the House the papers in the case of Captain Huddy, for the purpose of reference to the Committee on Revolutionary Claims.

The SPEAKER. The gentleman from New Jersey can effect his object by making a memorandum and sending it to the Clerk's desk.

COMMISSIONS TO PRIVATE ARMED VESSELS.

Mr. FAULKNER. I ask the unanimous consent of the House to introduce the following resolution.

The resolution was then read, as follows:

Resolved, That the President of the United States be requested to communicate to this House, if in his judgment not incompatible with the public interests, the instructions referred to by President Monroe in his annual message of the 2d of December, 1823, and transmitted to our diplomatic agents abroad, upon the subject of the issue of commissions to private armed vessels, together with the responses, if any, received from said Governments; also, any other instructions, together with the correspondence held with foreign Governments upon the same subject since the date of the last message, and not heretofore communicated to Congress.

The SPEAKER. If not objected to, the question will be upon the introduction of the resolution.

Mr. PERKINS, of New York. I object.

The SPEAKER. It must therefore lie over, unless two thirds agree to suspend the rules.

Mr. FAULKNER. I hope no one will object to the introduction of the resolution. The object simply is to get information which has never been communicated to Congress.

The SPEAKER. The gentleman from Virginia will allow the Chair to remind him that debate is not in order.

Mr. FAULKNER. As objection is made, I move to suspend the rules, to enable me to introduce the resolution.

The question was then taken; and the rules were suspended.

The resolution was then received and adopted.

THE POST OFFICE CONTRACTORS AGAIN.

The SPEAKER. The gentleman from Kentucky [Mr. Ewing] has the floor.

Mr. SAGE. Will the gentleman yield the floor for a moment?

Mr. EWING. I would be disposed, Mr. Speaker, to yield the floor to any other gentleman; but there are so many claiming it that I think it better not to yield to any of them. I therefore insist on the House proceeding to the regular order of business.

The SPEAKER. The gentleman from Kentucky, [Mr. Ewing,] as the Chair understands him, insists upon the regular order of business, which is the consideration of the bill in which he is interested; the title of which the Clerk will report.

The title of the bill was then read, as follows:

An act for relief of James Jeffries and Jeremiah M. Smith.

The SPEAKER. There are two motions pending on the subject of this bill. One is to refer it to the Committee of the Whole House, and the other to refer it to the Committee on the Post Office and Post Roads.

Mr. EWING. I desire, Mr. Speaker, to have read to the House the report of the committee which accompanies the bill.

The Clerk accordingly read the report of the Committee on the Post Office and Post Roads, to whom the petition of James Jeffries and Jeremiah M. Smith had been referred. The report states that at the mail lettings of 1850 the petitioners had bid off and received the contracts for a number of mail routes in Texas; including, among other routes, Nos. 6268, 6269, and 6277. These latter routes the petitioners had failed to carry into operation, and for such failure the Postmaster General had imposed several fines on them, and deducted their amount from the allowances made for the other routes when the service was being performed. The report goes on to state that it had appeared in evidence that the petitioners had made efforts to carry out the service on the routes mentioned, but had failed to do so. It was further in proof that route No. 6268 had been advertised as but ninety-one miles in length, while its actual distance was one hundred and thirty-five miles;

that the route No. 6269 was stated in the advertisement as thirty-five miles, while its actual distance turned out to be sixty-five miles; and that route No. 6277 was advertised as seventy-eight miles in length, while its actual distance was one hundred and five miles—making the actual distance on the three routes three hundred and five miles, while the advertisement had described them as but two hundred and four miles. Under these circumstances the committee were of opinion that the petitioners were entitled to relief, and reported a bill for that purpose.

Mr. EWING. Mr. Speaker, what is the pending question before the House on the reference of this bill?

The SPEAKER. There are two questions pending on the subject. One is to refer the bill to the Committee of the Whole House, and the other to refer it to the Committee on the Post Office and Post Roads.

Mr. EWING. Then I ask the previous question.

Mr. SAGE. I wish that the gentleman from Kentucky would withdraw his demand for the previous question. I would like at this time to make a simple explanation in regard to this matter, and therefore hope the gentleman from Kentucky will comply with my request.

Mr. EWING. Certainly; I withdraw the call for the previous question.

Mr. SAGE. I desire, Mr. Speaker, the attention of the House for a moment or two in relation to this matter, for I deem it one of very great importance in establishing a principle by which we are to be governed here in the future.

It will be borne in mind by the members who were present in the House last Friday, when the gentleman from Kentucky came into the House and asked for the reconsideration of the matter, that he stated, among other things, that these routes were twice the distance described in the advertisement by the Postmaster General. Well, on this statement the House agreed to reconsider the matter, and discussed the reference of the bill. The gentleman from Virginia then called for the reading of the report, but it turned out that the report was not here; and therefore the gentleman from Kentucky asked to have the matter postponed for a few days, for the purpose of enabling members to get the report, and to act understandingly on the question. For that I was charged, by the gentleman from Kentucky, with a want of courtesy.

Now, in following this matter up, I have taken some pains to obtain official information from the Post Office Department. The result of my investigation of this matter is this: It appears that these gentlemen bid for a large number of routes in various States, in 1850. After they were awarded to them, they assented them over, and accepted those routes which suited them, and rejected such as did not suit them. Among all these routes, which were declared off to them, there is not one in which the distance was twice as great as represented in the advertisement, nor anything approximating to it. Some of the routes were shorter than the distance mentioned in the advertisement. But, furthermore, as stated by the gentleman from Tennessee, [Mr. Jones,] there was a clause in the advertisement which put these men upon their guard. The Post Office Department did not undertake to determine the actual distance, but named the routes as extending from place to place, naming them, and gave the distance as they were understood, and thus threw upon the bidders the responsibility of informing themselves of the actual distance.

With this explanation, I will send to the Clerk's desk, to be read, a letter which I received from the Postmaster General, in answer to one I addressed to him, asking for the information to which it refers. I hope the members of the House will listen to it, as this is a pioneer case; and there are many others of the same sort, which will come in hereafter, if this one be favorably considered by the House.

The letter was then read, as follows:

POST OFFICE DEPARTMENT,
CONTRACT OFFICE, April 24, 1854.

SIR: In answer to your letter of the 22d instant, I have the honor to inform you, that under the advertisement of the Postmaster General, for proposals to convey the mails of the United States from 1st July, 1850, to 30th June, 1854, inclusive, in the States of Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas,

Messrs. Smith and Jeffries were the accepted bidders on the following routes, to wit: Nos. 5184, 5201, and 5204, in Kentucky, and 5234, in Tennessee. The latter was transferred to Messrs. Ustry and Fisher, in November, 1850. The service on the other routes appears to have been performed with average regularity. They were also the accepted bidders on the following routes in Texas:

No. 6229. From Shelbyville to Pulaski, 45 miles and back, once a week; distance proved to be 41 miles. Accepted at \$270, and relet to James Truit at \$305.

No. 6235. From Henderson to Crockett, 85 miles and back, once a week; distance proved to be 93 miles. Accepted at \$185, and relet to T. J. R. Greenwood at same pay of \$485.

No. 6248. From Jefferson to Greenwood, 42 miles and back, once a week; distance proved to be 55 miles. Accepted at \$247, and relet to E. Ussery at \$520.

No. 6250. From Dangerfield to Clarksville, 69 miles and back, three times a week; distance proved to be the same. Accepted at \$999 50, and relet to W. B. Stout, twice a week, at \$944.

No. 6257. From Tarrant to Buffalo, 100 miles and back, once a week; distance proved to be 99 miles. Accepted at \$597 50, and relet to W. B. Stout at same, \$597 50.

No. 6259. From Paris to Pine Bluff, 20 miles and back, once a week; distance proved to be 21 miles. Accepted at \$119 86, and relet to W. B. Stout at same, \$119 86.

No. 6268. From Franklin to Chamber's Creek, 91 miles and back once a week; distance proved to be 105 miles. Accepted at \$499, and relet to Alexander Douglass at \$599.

No. 6269. From Nashville to Leona, 35 miles and back, once a week; distance proved to be 55 miles. Accepted at \$210, and relet to W. H. Wheelock at \$400.

No. 6277. From Independence to Cameron, 78 miles and back, once a week; distance proved to be 76 miles. Accepted at \$468, and relet to E. Burns at \$569.

The following note is always embraced in the instructions of every annual advertisement of mail proposals issued from the Department:

"The distances are always given according to the best information; but no increased pay will be allowed, should they prove to be greater than advertised, if the points to be supplied be correctly stated. Bidders must inform themselves on this point."

Messrs. Smith and Jeffries are liable for damages on routes Nos. 6229, 6248, 6268, 6269, and 6277.

On the other routes it does not appear that they are liable for any damages.

Very respectfully, your obedient servant,

WM. H. DUNDAS,

Second Assistant Postmaster General.

Hon. R. SAGE,

House of Representatives.

Mr. SAGE continued: Now, Mr. Speaker, I think the House are in possession of information upon which they can act understandingly upon this bill—information which shows that those contractors bid off a large number of contracts, and after sorting them out, they executed such as suited them, and rejected those which did not suit them. In several instances these contracts were relet at less sums than those these parties bid them off for. Here are the statistics in reference to the routes bid off by these parties:

No. of Routes.	Estimated distance.	Ascertained distance.	Bid.	Relet.
6229.....	45.....	44.....	\$270 00.....	\$305 00
6235.....	85.....	93.....	485 00.....	485 00
6248.....	42.....	55.....	247 00.....	520 00
6250.....	599 50.....	944 00
6257.....	100.....	97.....	597 50.....	597 50
6259.....	20.....	21.....	119 86.....	119 86
6268.....	91.....	105.....	499 00.....	599 00
6269.....	35.....	55.....	210 00.....	400 00
6277.....	78.....	76.....	468 00.....	569 00
	496	546	\$3,494 86	\$4,559 36

Now, I ask the House to bear with me while I read two or three short extracts from the proceedings in reference to this bill on Friday. In presenting the bill to the House, the gentleman from Kentucky is reported as saying:

"I will say a single word in explanation of this bill, if I can make my voice sufficiently audible. These petitioners are poor men. They entered into a contract to carry the mail upon a route in Texas; and by positive and conclusive proof, as is shown by the papers accompanying the bill, the route was twice as long as advertised by the Department. The report made by Mr. Ross, the chairman of the Post Office Committee in the Senate, shows clearly that the claim ought to be allowed. It has passed the Senate twice, but has been lost in the House in each instance, in consequence of want of time. I shall not be in the House again for some time, as I am only waiting until I am well enough to enable me to travel home. I would regard it as a special favor if the bill be taken up and passed."

Again he says:

"They were nearly twice as long as the length advertised, as the gentleman will find by referring to the proof in the case."

Mr. PECKHAM. What was the actual difference?

Mr. SAGE. The actual difference was thirty-two miles on the three routes under consideration. Some of them, as I stated, were less than advertised. Now, sir, I ask the House to bear in mind that, in the absence of official information upon the subject, the gentleman from Virginia [Mr. LETCHER] and myself thought it would be better to wait

until the report could be brought before the House; and I was very much surprised at the rebuke which I received, and which I may say this House received—for I thought the House were very courteous to the gentleman in obliging him by a reconsideration of the vote by which the bill was referred, and by the postponement of its consideration to an early day to suit his convenience.

Now, sir, what I said, to which the gentleman from Kentucky takes exceptions, and all I said, at that time upon the subject, was the following:

"I hope the motion to recommit this bill, or the motion to postpone, will prevail. There is no disposition upon the part of any member, I presume, to delay action upon it from any captious motive. The objection seems to be that if we act upon it now, it would be establishing the precedent of acting upon a bill without a report, and without investigation, but upon the recommendation of an individual member. We all have equal rights here, and I have bills in my possession which I am interested in getting through, but I take it for granted that this House is not ready to allow these bills to be put upon their passage without a report and examination. If it will meet the wishes of the gentleman from Kentucky, [Mr. EWING,] I will move that the further consideration of this matter be postponed until next Wednesday."

To this the gentleman from Kentucky replies, as follows:

"I have not been disposed, and am not disposed, to press this matter upon the House against their wishes. I appealed to the courtesy of the House, not with a view of establishing a precedent for ordinary cases, but hoping that by an explanation of the peculiar circumstances connected with this case, the House would allow the bill to be disposed of at once. The gentleman from New York, [Mr. SAGE,] however, seems to place it simply upon the ground of ordinary transactions. Sir, I wish very much I could establish in this House a precedent for courtesy. I know of no precedent that would be more useful, save more time, or contribute more to secure justice to those having honest claims against the Government of the United States. But I despair of being able to establish a precedent which would be of sufficient force to reach the sense of propriety of the gentleman from New York. I say I despair of such a result; for I have discovered that when the great body of the House seem to recognize the peculiarity of the circumstances attending this case, a few members, like the gentleman from New York, seem disposed to throw insurmountable obstacles in the way of accomplishing what is the obvious wish of the great majority of the House."

Now, then, Mr. Speaker, I have stated what the action of the House was in relation to this matter, and I leave it to gentlemen to say whether they, or I, acted with a want of courtesy, or with a want of anything which should actuate every legislator? They desired to have correct information.

Here is an official letter from the Post Office Department detailing all the facts in the case; and I am informed that this is not the only case which will come before the House. There are many of a similar character, where mail contractors have contracted to transport the mails of the United States from certain points in the country to certain other points. After they have received the contracts they have accepted those which suited them, and by which they could make money, but they rejected those which they deemed unprofitable. This proves to be of that class of cases.

In conclusion, I hope that the House, before it passes from this matter, will give it the consideration which it deserves; for, as I said before, this is only a pioneer bill. If it be passed, we shall have a score of a similar description before us previous to the adjournment of Congress.

Mr. EWING. Mr. Speaker, I am reluctant, I may say, to parade anything like my private afflictions before the House; but I think it due to the body to give the reason why I asked the favor which gentlemen were kind enough to grant me last Friday. I had been confined for a week or two with an affection which I feared was about to assume a chronic form. If that were the case, I was perfectly aware that I could take no further part in the action of this House during the balance of this session. I was about to go home, at all events for a length of time, on a call of pressing business. I appealed to the courtesy of the House, so far as I could make myself audible in giving the explanation necessary in taking up this bill, to act on it instead of referring it, as they were about to do—to act on it at once, as the facts were brief and simple.

As to the courtesy of the gentleman from New York, [Mr. SAGE,] I repeat that I said that I should be most happy if I, or any member of this House, could establish a precedent of courtesy. The gentleman very ingeniously attempts to identify himself with this House. I acknowledged at that time the courtesy of the House. In the very remarks which

the gentleman has read I spoke of the amiable disposition of the House to make an exception in this case, and to recognize the demands of courtesy which I invoked, the disposition which prevailed among at least the great body of the House. I did not say whether the gentleman was courteous or not. I am willing to acknowledge that I said by implication that he was not so; and I am now willing to say explicitly that I do not think that he was. I leave it to the judgment of members of the House, who were witnesses of the facts, whether he was. At the same time I am disposed to acknowledge my obligation to the kindness of the gentleman who has taken such peculiar interest in this case from the very first, and whose counsels with the Department, I am willing to allow, have led to the results which have just been read.

"We have been courteous," said the gentleman. *We have been courteous!* Why, sir, who denied that the action of the House was courteous on Friday last? Most cordially did I thank the great majority of the House, and I hoped to have an additional reason for gratitude in their overruling the evident purpose of the gentleman who comes here at the risk of defeating the ends of private justice to gratify a personal resentment, because I used language not grateful to his ears.

I did not intend to explain this matter further than the reading of the report which the gentleman was so anxious to see the other day, and which is only about an inch and a quarter in length. It was a Senate report, and not in the hands of the printer of this House, but the hands of the printer of the Senate. I am driven by the gentleman to do more.

He has facts, which he has carefully gathered from the Department, as to the length of these routes; he means, and ought to have said, the length which they are advertised the second time, allowing, as he does, and as the Department also allows, that they are longer by the second advertisement than they were by the first advertisement. I did not say—and I was tempted, though very reluctantly, to interrupt him, to ask him what was his purpose in reading this letter from the Department, and in reading my remarks—I did not say that the routes were twice as long.

Mr. SAGE. If the gentleman will allow me, I will read him what he said, as reported.

Mr. EWING. The gentleman has read it already. I know it is so reported. But if the gentleman will look at another portion of my remarks, he will see that I there said they were nearly twice as long, not recollecting the precise figures, or having examined them since the last Congress, when I carefully investigated the case, though then in vain. I did not say they were twice as long. I said, and I now say, that the proofs in the case, upon oath, and the only proofs I had seen—proofs which satisfied the committee of the Senate and the Senate—showed that they were nearly twice as long, or, at all events, they were advertised at only one third of the distance which they afterwards turned out to be.

Now, I ask the attention of the House to this petition for relief. Sir, when the gentleman from New York was making his remarks in opposition to this humble petition of poor and humble men, I could not help reflecting upon the difference between the action of the gentleman, or his predecessors, in the past, with his probable action in the future. I could not help contrasting his conduct on this occasion with the action of his predecessors upon the claims which were presented during the last Congress by mail contractors, constituents of the gentleman from New York, who filled these lobbies, and who did not ask to be released from a fine inflicted upon them; who did not ask that this Government would refrain from putting its hands into their pockets, and taking their own private money in the rigorous infliction of an unjust fine, but who said that they had made a bad bargain, and demanded the small sum of several hundred thousand dollars as an indemnity for their want of judgment. That claim was carried through, as all such claims are, by the influence brought to bear upon Congress from that great omnipotent commercial emporium. But when an humble mail contractor from the West, beaten down and ground to the earth by the parsimoniousness—perhaps it is necessary—of the Department under the cheap postage system—a cheap postage brought about by the great cities,

in order that the merchants may circulate their circulars at the expense of taxation upon the people of the West—when such a contractor comes here, under all these circumstances, ground down by the force of competition to the lowest limit, and compelled by the rules of the Department to accept the service for the lowest possible sum, and asks, not indemnity, but to be released from an unjust fine, they are met with such replies as that made by the gentleman from New York. Why is this difference made? Why is it that after paying our fair share towards supporting this Department, which has become a sort of merchants' express, and is regulated at the will of merchants, because they regulate its amount of business, we are to be treated so differently from those who ask more, merely because they ask more? I was a mail contractor under that same letting, and I know of my own personal experience and personal losses, that mail contractors could not, under the peculiar circumstances of the times, have borne the hardships inflicted on my constituents. Just at that time, owing to peculiar circumstances, everything which these mail contractors were obliged to buy—horses and provender of every description—rose in price upon an average of one hundred per cent. at least. I know that this is true, because I had a good right to know. These contractors bid for various routes, looked over and selected what suited them, and rejected others that they did not like. Where did the gentleman from New York [Mr. SAGE] get his information in regard to these gentlemen? It is entirely gratuitous, and is not true. These contractors bid for contracts upon various routes, and they performed service upon most of them, while other routes were let through their instrumentality at great expense, and perhaps at a possible sacrifice and personal loss. They were fined upon three only; and they ask therefore to be released from the fine imposed upon them. When the routes were discovered to be longer than was at first supposed, the Department relet them; but they could not do so without a considerable reduction in the terms. The difference between the two lettings is the sum which these contractors desire to be reimbursed.

Mr. SMITH, of Virginia. Will the gentleman from Kentucky allow me to ask him a question? The report states that some of the routes bid for by these persons were much longer than at first supposed. Is that the chief reason urged for the passage of the bill?

Mr. EWING. That is one of the reasons why these contractors ask to be released from the fine imposed upon them.

Mr. SMITH. I call the attention of the gentleman from Kentucky to a section in the advertisement of the Department.

Mr. EWING. I will explain that directly.

Mr. SMITH. With the permission of the gentleman I will read it:

"8. The distances are given according to the best information; but no increased pay will be allowed should they be greater than advertised, if the points to be supplied be correctly stated. Bidders must inform themselves on this point."

Mr. EWING. I will explain the meaning of the section just read by the gentleman from Virginia, as far as I can. I know very well that the laws of the Department could not release these contractors from the fine, and therefore the reason of this application to Congress.

It would not, perhaps, do for Congress to say that a contractor should be always released from a contract if it should turn out to be half a mile or a mile longer; but the contractors in this case, where the distance proved to be so great, apply to the equity and justice of Congress to pay back to them the money which was exacted from them by the Department. I know very well that the terms of the law state that contracts must be let upon exact distances. But here was a first letting in a new country where the distances were taken from maps, and which were vaguely and blindly given. The bidders themselves knew nothing of the distances, save as they procured them in this way, and as a result, these mistakes occurred. The Department states the distance is so much. The statements of the Department in the advertisements are usually correct; but if they do not mean to inform the bidders of the correct distances, why make any statement at all about it, and why not leave a blank?

They might as well leave the advertisements

with simply the names of the termini, with blanks as to the distances. If it were not intended to give correct statements and information as to the distance of the route, of course the law, as interpreted by the Department, does not provide for the relief of these people, otherwise they would not be found applying to Congress for relief.

I simply ask here—not that which has been conceded to other contractors—not that which was conceded to the constituents of the gentleman from New York during the last Congress, when indemnity was made for the losses sustained by a company of contractors under a bad contract—I simply ask that these men who attempted to fulfill, and who, for the greatest part, did fulfill their obligations to the Government; who discharged all their obligations under peculiar hardships—for there has not been any letting under which so much hardship has been inflicted on western mail contractors, and from which such losses and bankruptcy have resulted—I simply ask, I say, that relief be extended to these men by Congress. They have discharged their duty under peculiar difficulties, and they simply ask to be released from the fines imposed on them by the Postmaster General.

I hope the House fully understands the case; and begging pardon for engrossing so much of their time, which I had not intended to do, and would not have done but for the objections that have been made in the matter, I now desire to call for the previous question.

Mr. GROW. I ask the gentleman from Kentucky to withdraw for a moment his call for the previous question.

Mr. EWING. No; I cannot now consent to withdraw my call for the previous question. I have already done so to-day once before; but as I speak with great difficulty, I do not wish to do so again.

Mr. EDGERTON. I appeal to the gentleman from Kentucky to withdraw his call for the previous question, for the purpose of enabling the House to be put into full possession of the facts of the case. For, I say here, that the House is not at this time in possession of the facts; and all I ask is that the gentleman from Kentucky will agree to allow the House to understand thoroughly the question before us. I wish to refer to the memorial of the petitioners, and the report of the committee.

Mr. EWING. If the gentleman from Ohio desires to have the memorial read, it can be done. The report of the Committee on the Post Office and Post Roads has been already read by the Clerk. The gentleman from New York [Mr. SAGE] comes now with a letter from the Department; but I think the question has been fully discussed, and I do not believe that the House needs any further enlightenment on the subject.

Mr. EDGERTON. If the gentleman from Kentucky will allow me to read the memorial of the petitioners, I think I will be able to satisfy the House that after all there has been no very great hardship sustained by these persons.

Mr. SAGE. I wish the gentleman from Kentucky would withdraw for a moment or two his call for the previous question. I want to make a single remark, and to present an abstract of facts in the case.

The SPEAKER. The gentleman from Kentucky declines, as the Chair understands, to withdraw the call for the previous question; and consequently debate is out of order.

Mr. EDGERTON. Then I hope the House will vote down the previous question.

The question was then taken; and the previous question was not seconded, only thirty-three members—not a sufficient number—voting for it.

Mr. EDGERTON. Mr. Speaker, I want to state to the House—and I do so upon the memorial presented by these gentlemen, the claimants—the facts, the real facts in the case. It appears from the memorial that the contractors made bids for fourteen routes in Texas—

Mr. EWING, (interrupting.) Let the memorial be read from the Clerk's desk.

Mr. EDGERTON. No. I will briefly state the facts.

Mr. EWING. I would rather have the memorial read from the table.

Mr. EDGERTON. It is not necessary. These persons got the contracts for the conveyance of the mails on fourteen routes in Texas. One of the

contractors went from Kentucky to Texas for the purpose of examining the country. It appears that the Post Office Department were without any previous knowledge as to the condition of the country; but the bids for the contracts were taken on the representation of some persons in whom they had confidence. This contractor went down, as I said, from Kentucky to Texas, and on his arrival there he found himself greatly deceived as to the nature of the country and the state of the roads over which the mails were to be carried, inasmuch that it was with difficulty he succeeded in employing persons to carry the mail on one part of the route. He succeeded in employing persons to carry the mails upon parts of the routes; and those routes over which he could not get persons to carry the mails for a less sum than their bids, they abandoned.

They state, that for their failure to execute the bonds required by the Department, as security for carrying the mails over the aforesaid routes, that is, the three routes upon which they have been fined, the Postmaster General has imposed fines to the amount of \$1,644. The length of these routes is not the cause of their complaint. It is not so stated in the memorial. Their complaint is the fact that they were deceived as to the nature of the country over which the routes pass; and, in the concluding prayer of the memorial, they state that they "conceive that it cannot be for the interest of the General Government rigorously to exact from its citizens, your petitioners and their guarantors, a forfeiture incurred by their failure"—or, more properly, their inability to comply with a hard bargain. "They therefore pray that your honorable body will take their case into consideration, and exonerate them from the fine and forfeiture aforesaid, or extend to them such relief as may be deemed reasonable." That is the whole case. They proposed to carry the mails upon certain routes, and in doing so they made a bad bargain. They relet those routes upon which they could save money, and the others, in relation to which they could not make advantageous bargains, they abandoned. The Department fined them for the abandonment. If this relief is granted to these gentlemen, every individual who makes a bad bargain with the Government will come here and claim remuneration at the hands of Congress, and will cite this case as a precedent for such application.

Mr. GROW. I have but a word to say upon this matter; for, take it as presented by its friends, and is it such a case as Congress ought to grant relief in? The amount in controversy may not be very large, or of any great consequence. But the policy of the Post Office Department, in receiving bids for the transportation of the mails, is to secure a faithful performance of the contracts; and, previous to 1836, the bidders for the routes were simply required to present a recommendation to the Department from some persons known to it. But Congress then changed the law in that respect, and required the bids to be guaranteed, for the express purpose of having reliable and sufficient security to secure and compel a faithful performance.

Now, in the case before us, as in every other case of mail lettings, bidders put in bids upon a large number of routes. Then, on examination of their routes, if they ascertain that they have been mistaken in relation to the nature of the routes, and that they have become involved in expenses above the receipts, is the Government to relieve them? *Bona fide* bidders who live in the vicinity of the routes, who understood the character of the country, and knew the expenses of carrying the mail over it, bid in the expectation that if their bids are accepted, they will go on and perform the service. But they were deprived of the opportunity of carrying the mails, by the competition of such individuals, who have subjected the Government to unnecessary inconvenience and delay by the non-performance of their contracts, and who have subjected the citizens along these routes to inconvenience, delay, and disturbance, in their mail facilities.

If we grant this relief, we establish a precedent for making up for losses, which will induce speculating men to bid upon every route advertised, and then, when they find that they have been deceived, or have made hard bargains, to throw up their contracts and apply to Congress for relief, based upon this very case. It is a bad precedent

to establish. Let Government hold men who take contracts to a strict accountability; and when the Government has not deceived the parties, nor done any act to their prejudice, it should not grant relief. The Government has not deceived these parties, because it gave notice to them of the routes, and named the points between which they run; and that the contractors should inform themselves in relation to them. A clause of the advertisement for these lettings is in these words:

"10. The distances are given according to the best information; but no increased pay will be allowed should they be greater than advertised, if the points to be supplied be correctly stated. Bidders must inform themselves on this point."

If these routes had been one third less in length than they were advertised to be, the parties would have had the benefit of that variation. If they advertise a route as three hundred miles in length, and it turns out to be only two hundred and fifty, they must pay for the three hundred miles advertised, and the contractor would get the benefit of it. I am opposed to granting the relief asked for, however great the case of individual hardship; for it was one brought on the parties by their own folly.

Mr. WALBRIDGE. I ask the gentleman from Pennsylvania to withdraw the proposition long enough to have the memorial read.

Mr. GROW. I will withdraw it for that purpose.

Mr. EWING. I was about to ask to have the memorial read.

Mr. GROW. I do not withdraw the demand for any remarks to be made.

Mr. EWING. That would be a very hard case.

Mr. GROW. I appealed to the gentleman to withdraw his demand in my favor a few minutes since, and he refused. I withdraw only for the purpose of having the memorial read.

The memorial was read by the Clerk, as follows:
To the honorable Senate and House of Representatives in Congress assembled:

Your petitioners, James Jeffries and Jeremiah Smith, state that they were the successful bidders for carrying the mail for four years ending the 1st day of July, 1854, on fourteen routes in the State of Texas, among which were those numbered 6263, 6269, and 6277. Your petitioners state that one of them went from his residence in Barren county, Kentucky, to the State of Texas, for the purpose of making the necessary arrangements for filling their contract; but, on his arrival, found himself greatly deceived as to the nature of the country and the state of the roads over which the mails were to be carried, inasmuch that it was with difficulty that he succeeded in employing persons to carry the mail on only a portion of the routes, which he did by engaging to give them the whole of the compensation they were to receive from the Government. Your petitioners, anxious to carry their contract into execution in good faith, being willing to lose their time and their necessary expenses incurred in traveling. Your petitioners are informed that most of the persons with whom they contracted, as aforesaid, have been substituted for them by the Postmaster General, and it is presumed they have executed the necessary bonds, so that as to all such routes your petitioners suppose they are exonerated. But for their failure to execute bonds with the required security for carrying the mail on the aforesaid routes—Nos. 6263, 6269, and 6277, they have been fined by the Postmaster General in the sum of \$1,644, part of which, viz: \$444, they have paid. Now your petitioners state that the distance on route No. 6269 was stated in the advertisement of the Department to be thirty-five miles, whereas they have been informed, and believe the actual distance is about seventy-five miles; and they have, moreover, understood from information that the real distance on all the routes in Texas which they bid off, exceeded that stated in the advertisement—they looked to the advertisement for the distances, and have thus been misled. But, however deceived or misled, your petitioners humbly conceive that it cannot be for the interest of the Government rigorously to exact from its citizens, your petitioners and their guarantors, a forfeiture incurred by their failure, or more properly, their inability, to comply with a hard bargain. They therefore pray that your honorable body will take their case into consideration, and exonerate them from the fine and forfeiture aforesaid, or extend to them such relief as may be deemed reasonable.

JAMES JEFFRIES,
J. M. SMITH.

Mr. EWING. I hope the House will refuse to second the demand.

The previous question was seconded; and the main question ordered to be put.

The question then recurred upon the motion to refer to the Committee of the Whole House.

Mr. PHELPS. Is there not a motion pending to refer the bill to the Committee on the Post Office and Post Roads?

The SPEAKER. There is such a motion pending, but the question is first upon referring to the Committee of the Whole House.

The question was then taken on the motion to refer the bill; and it was disagreed to.

The SPEAKER. The question now recurs on the motion to refer the bill to the Committee on the Post Office and Post Roads.

Mr. EWING. Is not the call for the previous question now exhausted?

The SPEAKER. It is not, and will not be until the motions to commit are disposed of.

Mr. HESTER. I move that the bill be laid on the table.

The question was taken; and the House refused to lay the bill on the table; there being, on a division—ayes 48, noes not counted.

The question was then taken on the reference of the bill to the Committee on the Post Office and Post Roads; and it was agreed to.

SENATE AMENDMENTS TO THE DEFICIENCY BILL.

Mr. PHELPS. I move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair.)

The CHAIRMAN. The question under consideration when the committee was last in session, was the civil and diplomatic appropriation bill.

Mr. PHELPS. I move the bill be laid aside, that we may take up for consideration the amendments of the Senate to the deficiency bill.

The question was taken; and the motion was agreed to.

Mr. PHELPS. Mr. Chairman, I do not propose to occupy much of the time of the committee at present in explaining the action of the Committee of Ways and Means on the amendments of the Senate to the deficiency bill. The bill as it passed the House of Representatives contained appropriations to the amount of nearly \$1,500,000. The Senate, by its action, has added, as amendments to the bill, appropriations (besides indefinite ones) to the amount of upwards of \$2,000,000. The Committee of Ways and Means, in considering those amendments of the Senate, concluded to recommend to the House the adoption of a number of them, amounting to little less than \$500,000. If the recommendation of the Committee of Ways and Means be adopted, there will be still more than \$1,500,000 involved in the disagreeing votes of the two Houses.

A portion of the amendment made by the Senate, and in which the Committee of Ways and Means agree in recommending to the adoption of the House, consist of appropriations for fulfilling treaty stipulations with the Indians. These amount to about \$150,000. The object of having them in this bill is, that the Department may be enabled to have at their command this sum of money in advance of the passage of the regular Indian appropriation bill. This money is for annuities we are bound to pay to the Sioux Indians in Minnesota, by treaties made with them in 1851. A portion of these annuities have to be paid in goods, and as the Commissioner of Indian Affairs, under existing laws, is required to give sixty days' notice for proposals for furnishing those goods, and as those goods have to be transported from the Atlantic cities to the Territory of Minnesota, it is important, nay more, it is necessary, that these goods should be delivered to the Indians agents in the summer months. For if we wait until the rivers are frozen, the transportation would have to be entirely by land from the shores of Lake Michigan. The appropriation does not increase the expenditures of the Government at all. It is a mere transfer of this appropriation from the Indian appropriation bill to this deficiency bill, and the Department urges upon Congress that a similar course shall be pursued with the appropriations designed for the next year.

The Committee of Ways and Means also find an amendment adopted by the Senate, appropriating \$500,000 towards the construction of water-works for the cities of Washington and Georgetown. This appropriation is proposed as a deficiency. The sum of \$100,000 was appropriated by the last Congress to be expended on these works during the present fiscal year. I am informed that, since the passage of this bill by the Senate, a portion of the workmen who have been employed upon these works have been discharged, and no more have been retained than can be employed under

the appropriation during the residue of the present fiscal year.

A more important question than that of expediting the work by making appropriations in advance of the regular appropriation bills is, in the opinion of the Committee of Ways and Means, whether Congress will prosecute work on this aqueduct upon the plan adopted. This plan, according to the estimate of the officers having the work in charge, will cost about \$2,400,000. Shall Congress prosecute this work or abandon it?

It is stated a sufficient supply of water can be obtained at a cost of about \$1,000,000 by adopting a different plan. The Committee of Ways and Means did not feel competent to decide this question; they leave it for the decision of the House.

Another amendment provides for the construction of a bridge across the Potomac, at Little Falls. It appropriates \$75,000. The Committee of Ways and Means cannot concur in this, but recommend to the House to disagree to it.

There is another important amendment made by the Senate, which was much discussed at the time the deficiency bill was under consideration here before: I refer to the appropriations for the further prosecution of the work on various custom-houses. It will be recollected that the first deficiency bill failed in this House in consequence of burdening it with appropriations for custom-houses. A second bill was reported by the Committee of Ways and Means, omitting them. The Committee of Ways and Means deemed it expedient to report a separate bill, providing for the prosecution of the work on those custom-houses, and also providing some additional guards and checks upon the expenditure of that money. The Senate has added to this deficiency bill all those custom-houses which were defeated here, and has also made appropriations to the amount of \$450,000 in addition—\$250,000 of it for the completion of the custom-house at San Francisco, and \$200,000 for the construction of a new custom-house at Portland, Maine, the late custom-house in that city having been burnt down.

Again, there is another class of appropriations for the completion of marine hospitals. The Senate has added an appropriation for such marine hospitals as were adopted in the Committee of the Whole here, but rejected in the House. In addition to those, it has appropriated \$15,000 towards constructing a new hospital at the town of Burlington, in the State of Iowa. While we were discussing the proposed expenditures for custom-houses and marine hospitals, it was urged in the House by the advocates of these appropriations, that it was necessary that fire-proof buildings should be erected.

In explanation of the action of the Committee of Ways and Means upon this subject, it is proper to say they desire to see erected substantial fire-proof buildings, but do not feel justified in recommending large expenditures for the purpose of constructing ornamental public buildings. Whilst the Committee of Ways and Means desire to secure a wise public economy, they do not desire the Government to be either parsimonious or niggardly in its expenditure of money upon important public buildings. It must also be recollected that these appropriations are not deficiencies. The report of the Secretary of the Treasury shows that but a small portion of the money already appropriated for the erection of these custom-houses has been expended. Perhaps not one fourth of the money appropriated has been expended up to this time; certainly it was not expended in the month of January last, the date of the report of the Secretary of the Treasury. There has been, and now is, sufficiency of money on hand in the Treasury, as appears by that report, which may be applied to the erection and completion of these buildings, and more money than can be wisely expended during the residue of this fiscal year. For these reasons, the Committee of Ways and Means felt themselves bound, at that time, to oppose those appropriations, and for the same reasons they now recommend a non-concurrence in this amendment.

I did not expect, in the few remarks which I felt called upon to make in explanation of the action of the committee, to comment upon every amendment proposed by the Senate. There will be time for this when the five-minute debate shall commence; and I hope that the House, when the

committee have risen, will agree to close debate at an early hour, for a great deal of the money appropriated in this bill, in the form in which the appropriations were passed in the House of Representatives, is needed, and needed at this moment, for the purpose of defraying the expenses of the Government. I shall therefore feel myself bound to ask the House to close the general debate upon this bill at an early period. Some other bill can be taken up upon which general discussion can be resumed. I hope, therefore, when we shall go into the House again, a resolution will be passed closing the general debate upon this bill to-morrow; for in such debate, I am satisfied, very little will be said in relation to the expenditure of money proposed to be made by this bill.

Mr. PHILLIPS then addressed the committee on the subject of the bill for the organization of territorial governments for Nebraska and Kansas. He said that the bill was assailed by many who admitted the correctness of the principle upon which it was founded, and yet objected to it as a repeal of the Missouri act of 1820. If that act had no further claim upon their consideration than its own intrinsic merits, it surely would be illogical to say that the wrong of their predecessors should be a bar to righteous action on their own part.

But it was said that the act of 1820 was something more than a legislative act; that it was the result of a compact, an agreement between the two great sections of the confederacy at that time intended to be perpetually obligatory. It was, then, of the greatest importance to examine into the truth of this allegation; for if it were true, then, whatever might be the merits of the measure before them, it could not receive the assent or concurrence of any honorable man.

Now, for the purpose of making this examination, he had, with great care, looked into the Journals of the two Houses of Congress for the sessions of 1820-'21, for the truth of the proposition was not to be tried by hearsay evidence, but by the records—the faithful chroniclers of the past, and the unerring guides for the future.

He would say in advance, and say it boldly, that so far from the Journals showing that any such compact or agreement as was now alleged was then entertained between the representatives of the non-slaveholding States and those from the slaveholding States, there was not a page relative to this subject-matter which did not dispute the assertion.

Mr. P. then quoted from the Journals of 1820-'21 to show that the idea of the Missouri act of 1820 being a compact or agreement, was not entertained at that time, and in behalf of the North he rejected this argument as a reproach and a calumny upon that great section of the Confederacy.

Mr. BENTON and Mr. HARRIS took the floor.

The CHAIRMAN decided that the gentleman from Missouri had obtained the floor.

Mr. BENTON stated that he would, for the present, yield the floor to the gentleman from Mississippi, on condition that he (Mr. BENTON) would be entitled to it to-morrow morning.

The CHAIRMAN. If there is no objection on the part of the committee, that will be the order of proceedings.

MESSAGE FROM THE PRESIDENT.

A message was here received from the President of the United States by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, notifying the House that he did, on the 20th instant, approve and sign House bill No. 32, entitled "An act to authorize the school commissioners of fractional township number one, of range ten east, in Alabama, to locate one half section of land for school purposes."

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by the hands of Mr. ASBURY DICKINS, its Secretary, notifying the House that the Senate had passed a bill and joint resolution of the House of the following titles:

H. R. No. 235. An act for the relief of Grafton Baker.

Joint resolution of the House authorizing the accounting officers of the Treasury to adjust the expenses of a Board of Commissioners appointed by the Territorial Assembly of Oregon to prepare a code of laws; also, to adjust the expense of col-

lecting and printing certain laws and archives of the Territory of Oregon; severally without amendment.

Also, that the Senate insist upon its first amendment disagreed to by the House, and disagree to the amendment of the House to the third amendment of the Senate (House bill No. 47) making appropriations for the support of the Military Academy for the year ending June 30, 1855; and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. HARRIS, of Mississippi, then addressed the committee for some time in regard to the Nebraska bill. He had not concluded, when

Mr. KEITT said: Mr. Chairman, my friend from Mississippi [Mr. HARRIS] is unwell, and unable to proceed; and therefore, with his permission, I move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Mississippi yield to that motion?

Mr. HARRIS expressed his assent.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and especially House bill No. 271, and had come to no conclusion thereon.

Mr. PHELPS. I desire to offer a resolution to close the debate on this bill in two hours after the committee shall have resumed its consideration; and on that motion I demand the previous question.

Several MEMBERS. Oh, no!

Mr. HESTER. I move that the House do now adjourn.

The question was taken on the latter motion; and it was agreed to.

The House thereupon, at a quarter past three o'clock, p. m., adjourned to to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, April 25, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

SELECT COMMITTEE.

The PRESIDENT *pro tempore* appointed Messrs. EVERETT, TOUCY, MALLORY, DAWSON, and NORRIS, as the Select Committee to consider the memorial of the American Association for the Promotion of Science, praying that an appropriation be made to enable Professor Mitchell to construct a machine for observing right-ascensions and declinations by the aid of magnetism.

MILITARY ACADEMY.

The PRESIDENT *pro tempore* appointed Messrs. HUNTER, SHIELDS, and BELL, as managers, on the part of the Senate, of the conference on the disagreeing votes of the two Houses on the bill making appropriations for the support of the Military Academy for the year ending June 30, 1855.

PETITIONS, ETC.

Mr. WADE presented resolutions passed at a meeting of citizens of North Benton, Ohio, remonstrating against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. HAMLIN presented the memorial of Robert B. Forbes, praying the establishment of floating schools in the principal seaports of the United States, and on the lakes, for the partial education of seamen; which was referred to the Committee on Commerce.

Mr. BRODHEAD presented a petition of citizens of Pennsylvania, and a petition of citizens of New Jersey, remonstrating against any infringement of the Missouri compromise; which were ordered to lie on the table.

Also, a petition of citizens of the city and county of Philadelphia, remonstrating against an extension or renewal of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a memorial of the Franklin Institute of the State of Pennsylvania for the Promotion of the Mechanic Arts, praying that the Executive of the United States be authorized to negotiate with the Government of Great Britain for the establishment of a coinage for the two countries identical in every-

thing but name; which was referred to the Committee on Finance.

Also, a memorial of the heirs-at-law of Samuel R. Fisher, the surviving partner of the firm of Joshua Fisher & Sons, praying payment for goods taken by the Committee of Safety, of Philadelphia, in 1774, for the use of the Army; which was referred to the Committee on Claims.

Mr. COOPER presented a petition of citizens of Philadelphia, praying that steel in sheets, as well as steel in bars, may be admitted free of duty; which was referred to the Committee on Finance.

Also, five petitions of citizens of Pennsylvania, remonstrating against the repeal of the Missouri compromise; which were ordered to lie on the table.

Also, the memorial of the Uwchlan monthly meeting of the Religious Society of Friends, of Chester county, Pennsylvania, remonstrating against the passage of the Nebraska bill; which was ordered to lie on the table.

Also, the memorial of citizens of Philadelphia, signed by Henry Vethake, Provost of the University of Pennsylvania, William H. Allen, President of Girard College, L. A. Godey, Joel Jones, A. V. Parsons, Edward King, Elliott Cresson, and others, praying Congress to set apart three or four millions of acres of the public national domain for the education of female teachers; which was referred to the Committee on Public Lands.

Also, a petition of Washington J. Jackson, William J. McElroy, and other citizens of Philadelphia, remonstrating against the ratification of an international copyright treaty with Great Britain; which was ordered to lie on the table.

BENJAMIN ROWE.

Mr. HAMLIN. I ask the Senate to take up House bill for the relief of Benjamin Rowe, for the purpose of having it recommitted, with additional evidence, to the Committee on Pensions.

The Senate proceeded to consider the bill as in Committee of the Whole.

Mr. HAMLIN. I move that it be recommitted to the Committee on Pensions.

The motion was agreed to.

Mr. HAMLIN. I present now additional documents in relation to that case. I move that they be referred to the same committee.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. WELLER, from the Committee on Foreign Relations, to whom was referred the petition of John de Wolf, praying to be indemnified for losses sustained in consequence of having been suspended in the performance of his duties as United States consul at Sidney, Nova Scotia, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of M. Jean Deplaigne, a French subject, resident in Mexico, praying indemnity for the loss of certain property seized by the naval force of the United States after the surrender of Frontera de Tabasco, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of William G. Morehead, late United States consul at Valparaiso, praying compensation for the time he acted as chargé d'affaires, asked to be discharged from its further consideration; which was agreed to.

Mr. EVANS, from the Committee on Revolutionary Claims, to whom was referred the memorial of Margaret Barnitz, sole heir of Lieutenant Colonel David Greer, praying for commutation, and for the payment of moneys due her deceased father by the United States, on account of advances made by him during the revolutionary war, submitted an adverse report thereon; which was ordered to be printed.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the petition of C. C. Beatty, son and executor of Reading Beatty, praying an increase of the pension allowed his father for services as surgeon in the war of the Revolution, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Caty White, widow of William White, a lieutenant in Colonel G. Gibson's regiment in the war of the Revolution,

praying for arrears of pension due her, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Hiram Upson and others, of Warwick, New York, praying that pensions may be granted to the children of officers and soldiers who were killed or died in service during the revolutionary war, and whose mothers would have been entitled to pensions if they had survived, submitted an adverse report; which was ordered to be printed.

Mr. SEWARD, from the Committee on Pensions, to whom was referred the petition of Edward Bartlett and others, praying to be placed on the same footing as pensioners of the Revolution, asked to be discharged from its further consideration, on the ground that the committee had already made a report upon a similar petition.

It was so ordered.

He also, from the same committee, to whom was referred the petition of the heirs of Nathan Daggett, deceased, praying compensation for his services during the revolutionary war, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Jane Becannon, widow of Philip Becannon, praying a pension on account of his services during the revolutionary war, submitted an adverse report thereon; which was ordered to be printed.

Mr. COOPER, from the Committee on Revolutionary Claims, to whom was referred the petition of William L. Meredith, the son and only heir of Major William Meredith, late of Edmonson county, Kentucky, praying compensation for services and losses in the revolutionary war, asked to be discharged from its further consideration; which was agreed to. He also submitted a report on the subject; which was ordered to be printed.

Mr. ALLEN, from the Committee on Pensions, reported a joint resolution relative to the administration of pension laws; which was read and passed to a second reading.

He also, from the same committee, to whom were referred the petitions of Sarah Larabee and Nancy Bowen, praying to be allowed pensions, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. COOPER, from the Committee on Revolutionary Claims, to whom was recommended the bill for the relief of Robert C. Thompson, only surviving child and legal representative of William Thompson, deceased, formerly a brigadier general in the Army of the Revolutionary war, reported it back without amendment.

He also, from the same committee, to whom was referred the memorial of the representative of Henry King, praying payment for arrears due him for services in the war of the Revolution, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

PETITION WITHDRAWN AND REFERRED.

On motion by Mr. TOUCEY, it was

Ordered, That the petition of George Dennet be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

MAISON ROUGE GRANT.

Mr. JOHNSON. I am instructed by the Committee on Public Lands to report a bill to amend an act entitled "An act to grant the right of preemption to certain purchasers and settlers on the Maison Rouge Grant, in the event of the final adjudication of the title in favor of the United States," approved January 27, 1851. There have been contested claims in reference to this land, and it is very necessary that the bill should be passed speedily. I therefore ask the unanimous consent of the Senate to put it on its passage now.

The bill was read a first and second time, by unanimous consent, and considered as in Committee of the Whole.

It proposes to amend the act of January 27, 1851, so that the preemption privilege granted by the second and third sections of that act shall extend to the smallest legal subdivisions on which any portion of the improvements or possession of the settlers contemplated by those sections, extends; with a proviso, that, when the improvement or possession of two or more settlers extends over

the same forty-acre subdivision or subdivisions, it or they shall be patented to all the settlers whose improvements extend thereon, and who avail themselves of the benefit of this act and of the act of which it is amendatory—the right of each to be in proportion to the extent of his improvements thereon.

Mr. JOHNSON. I have received a letter from the Commissioner of Public Lands, on this subject, which explains the bill. I ask that it be read.

The communication was read, as follows:

GENERAL LAND OFFICE, March 17, 1854.

SIR: In accordance with your request I have prepared, and I have the honor to inclose, a draft of a bill to amend the act of 27th January, 1851, "to grant the right of preemption to certain purchasers and settlers on the Maison Rouge Grant," &c. The bill does not propose to interfere with the rights of those who purchased from Daniel Cox, and whose rights are protected by the first section of the act of 1851, but simply to extend the provisions of the other sections, so that the actual settlers may get all the lands improved by them. As settlers, they have higher rights than any one else; and the Government will get the minimum price for the land. Every principle of justice and expediency would seem to require the enactment of such a provision.

I have the honor to be, very respectfully, your obedient servant,
JOHN WILSON, Commissioner.
Hon. ROBERT W. JOHNSON, Senate Chamber.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SCHOOL LANDS.

Mr. DODGE, of Iowa. The Committee on Public Lands, to whom was referred the bill "to grant other lands in lieu of certain sixteenth sections in the State of Mississippi, heretofore disposed of by the United States for other than school purposes," have instructed me to report it back with amendments, and to recommend the passage of the bill as thus amended. I ask the Senate to allow it to be put on its passage at this time.

Mr. BROWN. I hope the Senate will agree to consider the bill now.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill.

It proposes to enact that, in all cases where it shall be made to appear to the satisfaction of the Secretary of the Interior, that the sixteenth section of land in any township of the State of Mississippi has been given to an Indian as a reservation, or has been otherwise disposed of by the United States, so that it cannot now be used for school purposes, the Secretary shall permit such person as may be appointed by the Governor of Mississippi for that purpose, to locate another section in legal subdivisions on any of the vacant lands of the United States in any land district where that sixteenth section lies.

The amendments of the committee were to strike out the words "the State of Mississippi," where they first occurred, and insert "any State in which there are public lands;" and to strike out "Governor of Mississippi," and insert "Governor of such State."

Mr. BROWN. These amendments are simply meant to make the bill general, instead of confining its provisions to a single State. I have no objection to them myself.

The amendments were agreed to, the bill was reported to the Senate, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, read a third time, and passed. Its title was amended so as to read: "A bill to grant other lands in lieu of certain sixteenth sections heretofore disposed of by the United States for other than school purposes."

PENSACOLA MARINE HOSPITAL.

Mr. MORTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation for the erection of a marine hospital at Pensacola, in Florida.

ENROLLED BILLS SIGNED.

A message from the House of Representatives was received, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the bill making a grant of land to the several States of the Union for the benefit of indigent insane persons.

The PRESIDENT *pro tempore* then signed the bill.

JUDICIAL EXPENSES.

The PRESIDENT *pro tempore* laid before the

Senate a communication from the President of the United States, transmitting, and recommending to the favorable consideration of the Senate, a report of the Attorney General, suggesting modifications in the manner of conducting the legal business of the Government.

Mr. MASON. I move that the communication be referred to the Committee on the Judiciary.

Mr. FITZPATRICK. I would suggest to the Senator from Virginia that this communication is in response to a request from the Committee on Retrenchment and Reform. I think, therefore, that its proper reference should be to that committee.

Mr. MASON. Then I withdraw my motion.

Mr. FITZPATRICK. I move to refer the communication to the Committee on Retrenchment and Reform, and that it be ordered to be printed.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 25, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The question first in order is on the adoption of the resolution offered by the gentleman from Missouri, [Mr. PHELPS], providing for closing the debate on the deficiency bill in two hours after the Committee of the Whole on the state of the Union shall have resumed its consideration; and on that motion the previous question has been demanded.

[Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill; which thereupon received the signature of the Speaker:

An act making grants of public lands to the several States of the Union for the benefit of insane persons.]

The SPEAKER. The previous question has been demanded upon the resolution offered yesterday by the gentleman from Missouri, [Mr. PHELPS,] to close debate upon the deficiency bill in two hours after it shall be again resumed by the committee.

Mr. EWING. Before that vote is taken, I should be happy to have the consent of the House to introduce a resolution of inquiry, as I shall not be here on Monday, when such matters are more properly in order.

The resolution was then read for information, as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to inform this House what steps, if any, have been taken by this Government to secure, the permanent acknowledgment, by treaty of the rights of neutrals by the Governments of Great Britain and France, and what degree of success has attended those efforts, if any have been made.

Resolved, further, That the President be requested, if not incompatible with the public interests, to inform this House whether, in any particular, the Government of Great Britain has assumed to act for Spain in the negotiations consequent upon the seizure of the Black Warrior—what degree of responsibility that Government has assumed in the matter, and if so assuming to act for Spain, upon what pretext, if any is alleged.

Mr. EWING. I have but a word to say in regard to the object I have in view in presenting the resolution. As the question is upon its adoption, an explanation of the object may influence some members in the vote they may give upon it.

I drew up the resolution and have submitted it to the judgment of some of the members of the Committee on Foreign Affairs, as well as to other gentlemen outside of that committee, all of whom regard it as a matter of practical importance. I am as much averse to wasting the time of the House in the passage of mere declarations of sentiments as any member can be. I have always been opposed to that course. But I am fully convinced the time has come for practical action upon this subject.

It has been said that our able representative at the court of Great Britain is endeavoring to per-

fect a treaty to effect the purpose referred to in the resolution. I know not that it is so; but it has been intimated that there is danger that, amid the jealousies of the leaders of that great party whose peculiar mission it is to furnish Presidents to this country and to divide the spoils, that this negotiation may come to naught. At all events, I believe that secret diplomacy is of no advantage to this Government. We gain nothing by it. Our only strength arises from the knowledge that the uncontrollable Democracy of this country plant themselves upon their rights, and are determined to assert them, and will not yield a particle of them, and that is our greatest, perhaps our only advantage in negotiations with foreign Governments. Secrecy gives us no strength, because we cannot secure that profound secrecy which surrounds the diplomacy of foreign Governments.

I think, therefore, that this Department of the Government, and the people of the country, ought to participate in the councils, and in the knowledge of all such matters as this. In reference to the last of the two resolutions, I will also say a word. I perceive in the reports of the debates of the British Parliament, that a member asked Lord John Russell what course the British Government had taken in relation to the Black Warrior affair. He informed the House that instructions had been transmitted to Mr. Crampton, the British Minister to this country, but that no answer had been received. I read that with amazement. It is important that we should know what action, if any, that Government has taken in relation to that affair in connection with Spain.

Mr. DAVIS, of Indiana. I rise to a question of order. It is, that this resolution gives rise to debate, and must go over, under the rule.

The SPEAKER. The Chair decides that the resolution will not go over, for the reason that the House allowed its introduction by unanimous consent. It is properly before the House to the exclusion of all other business. It would go over under other circumstances, but not now.

Mr. EWING. I only wish to add, sir, that it would seem the purpose of the British Government, or of the present Ministry of that Government, to interfere—as they have expressed their determination, in conjunction with France, to do—in the regulation of affairs upon this continent, and all over the universe. These are my reasons for calling the attention of the House to this subject at this time. I hope the House will, at least, see that I have a practical object in view; and now, in accordance with the request of gentlemen around me, I move the previous question.

Mr. INGERSOLL. I wish to inquire whether it is in order at this time to move to refer this resolution to the Committee on Foreign Affairs? The gentleman from Kentucky—

Mr. EWING. I rise to a question of order. I demanded the previous question.

The SPEAKER. The Chair heard no call from the gentleman.

Mr. EWING. I certainly closed my remarks with a demand for the previous question, as gentlemen all round me can testify.

The SPEAKER. The Chair repeats that he did not hear the gentleman. It is in order to move to refer the resolution to the Committee on Foreign Affairs.

Mr. INGERSOLL. Well, sir, I wish to ask the gentleman from Kentucky what members of the Committee on Foreign Affairs have been consulted in reference to this resolution?

Mr. EWING. I do not feel called upon to answer the question.

Mr. INGERSOLL. I then move to refer the resolution to the Committee on Foreign Affairs; and upon that motion I call the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. KEITT. I ask that the resolution may again be read.

The SPEAKER. It will again be read, unless objected to.

Mr. WHEELER. I object.

Mr. WALKER. I move that the resolution be read.

The question was put; and the motion was agreed to.

The Clerk then read the resolution.

Mr. STEPHENS, of Georgia. If the motion to refer this resolution to the Committee on Foreign

Affairs be voted down, the question will then recur upon its passage; will it not?

The SPEAKER. It will.

Mr. STEPHENS. I hope then the motion to refer will be voted down.

Mr. HOUSTON. I hope the resolution will be referred.

The question was taken; and the resolution was referred to the Committee on Foreign Affairs.

Mr. INGERSOLL. I rise to a privileged question. I move to reconsider the vote by which the resolution was referred, and to lay the motion to reconsider upon the table.

The question was taken, and the latter motion agreed to.

ESTIMATES FROM INDIAN DEPARTMENT.

Mr. ORR. I would ask the unanimous consent of the House to have printed, for the use of members, certain estimates which I have received from the Department of the Interior in reference to Indian matters.

There was no objection, and it was so ordered.

REPORT OF COMMITTEE ON PUBLIC LANDS.

Mr. LATHAM. I ask the unanimous consent of the House to report a bill from the Committee on the Public Lands, in order that it may be referred to the Committee of the Whole on the state of the Union, and ordered to be printed, inasmuch as it is connected with territorial business, which is set down for hearing for Monday next.

There was no objection.

Mr. L. then, from the Committee on the Public Lands, reported a bill; which was read a first and second time by its title, as follows, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to extend the rights of preemption over unsurveyed land in Minnesota, and for other purposes.

DEFICIENCY BILL—CLOSE OF DEBATE.

Mr. PHELPS. Yesterday evening I introduced a resolution proposing to close debate on the deficiency bill, and called for the previous question. I now withdraw the call for the previous question, in order to modify the resolution so as to propose that the general debate on the bill referred to, be closed to-morrow, at one o'clock.

[Cries of "No!" "No!" "Yes!"]

Mr. PHELPS. The necessity for the passage of the deficiency bill, so that the money may be at the disposal of the Government, is very great. If we pursue the course I have suggested, we shall soon reach another bill on which the general debate may proceed.

The question was put on seconding the call for the previous question, and there were, on a division—yeas 51—

Mr. JONES, of Tennessee. I call for tellers.

Mr. PECKHAM. I move to amend the resolution of the gentleman from Missouri, so that it shall propose to close general debate a week from to-day.

Mr. JONES. Next week is devoted, by special order of the House, to the consideration of territorial business.

The SPEAKER. The gentleman's amendment is not in order, the previous question having been called on the resolution.

Tellers were ordered; and Messrs. PERKINS, of New York, and CHURCHWELL, were appointed.

The question was put on seconding the call for the previous question, and the tellers reported—aye 58—

The SPEAKER. Not a sufficient number.

Mr. HOUSTON. Then I call for the yeas and nays.

The SPEAKER. The Chair will ascertain whether a quorum be present, because the question is substantially raised by the gentleman from Alabama.

The SPEAKER then proceeded to count the number of members present, and announced that there were one hundred and sixty-two in their places, being more than a quorum.

So the previous question was not seconded.

Mr. DEAN. I move to amend the resolution of the gentleman from Missouri by inserting "Thursday next, at one o'clock," in lieu of "to-morrow, at one o'clock;" and on that I demand the previous question.

Mr. PECKHAM. Am I in time to move to amend the resolution by inserting "Tuesday next, at one o'clock?"

The SPEAKER. The gentleman would have been in time, but for the fact that his colleague, occupying the floor, has demanded the previous question.

Mr. PECKHAM. I ask my colleague to withdraw the demand for the previous question that I may offer an amendment.

Mr. DEAN. I will withdraw it for that purpose.

Mr. PECKHAM. I then move to amend the resolution so as to close the debate on Tuesday next, at two o'clock.

Mr. MACE. I have a prior motion to make.

The SPEAKER. What is it?

Mr. MACE. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The proposition of the gentleman from Indiana is a highly privileged motion, but so is the proposition of the gentleman from Missouri, and it has been usual under the practice of the House to give precedence to a motion to close debate on a particular question over a motion to go into committee to consider that question.

Mr. JONES, of Tennessee. I wish to inquire of the Chair if the order for territorial business does not commence on Monday next, and continue during the whole week?

The SPEAKER. It does.

Mr. JONES. Then it is no use to allow the debate on this bill to continue till Tuesday.

Mr. PECKHAM. I do not think it will do us any harm.

Mr. JONES. It will stave the bill off for two weeks longer. I ask for the yeas and nays on the amendment of the gentleman from New York, [Mr. PECKHAM.]

The yeas and nays were not ordered.

The question was then put; and, on a division, there were—aye 73, noes 53.

Mr. PHELPS. I demand tellers.

Tellers were ordered; and Messrs. VAIL, and TAYLOR of Tennessee, were appointed.

The question was then taken; and the tellers reported—aye 80, noes 61.

So the amendment was agreed to.

The question then recurring upon the amendment as amended, it was taken, and carried in the affirmative.

The question then recurring upon the resolution, as amended,

Mr. JONES, of Tennessee, moved to lay the resolution upon the table.

The question was then taken upon Mr. Jones's motion; and it was decided in the negative.

The question was then taken upon the adoption of the resolution, as amended; and it was decided in the affirmative.

Mr. DEAN moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. MACE. I now renew my motion that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken; and it was decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair.)

The CHAIRMAN. The question before the committee is on the Senate amendments to the deficiency bill. On that question the member from Mississippi [Mr. HARRIS] has still the floor.

Mr. HARRIS not availing himself of his right, Mr. BENTON addressed the House in opposition to the Nebraska and Kansas bills, and in favor of maintaining the Missouri compromise. [See Appendix for his speech.]

After the expiration of the hour allotted to Mr. BENTON under the rule, and before he had concluded, the following proceedings took place:

Several gentlemen rose to get the floor at the same time.

The CHAIRMAN. The gentleman from Illinois [Mr. WENTWORTH] has the floor.

Mr. WENTWORTH. Mr. Chairman, I understand that the gentleman from Missouri [Mr. BENTON] wishes to speak a few minutes longer, and I am willing, with the consent of the committee, to yield him a portion of my time for that purpose.

Mr. SEWARD and others objected.

Mr. BAYLY, of Virginia. If the gentleman from Mississippi, who is entitled to the floor, [Mr. HARRIS,] does not desire to avail himself of his right, I wish to address the committee.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. WENTWORTH] as having the floor.

Mr. WENTWORTH. Certainly, sir, I claim the floor; but I am willing, indeed, I am desirous, that the gentleman from Missouri should have enough of my time to finish his speech.

Mr. BAYLY. I have no objection, Mr. Chairman, to the gentleman from Missouri being permitted to go on and conclude his speech; but if the gentleman from Illinois does not want the floor, I will want it.

Mr. HUNT. I hope the gentleman from Missouri will be allowed to proceed.

Mr. WENTWORTH. I believe, Mr. Chairman, that I have the control of the floor, and I can see no objection to the gentleman's concluding, if he does so out of my time.

Mr. CULLOM. I hope that the courtesy of the committee will be extended to the gentleman from Missouri, and that he will be permitted to occupy such further time as will enable him to conclude his speech. This privilege has been frequently granted heretofore.

Mr. CLINGMAN. It has been again and again decided out of order.

The CHAIRMAN. The rules of the House must be observed. The gentleman from Illinois has the floor, and expresses his desire to yield it to the gentleman from Missouri for explanation. But this cannot be done unless by the general consent of the committee.

Mr. WENTWORTH. I ask the Chair if I have the floor; and, if I am entitled to it for one hour, who is injured by my giving fifteen minutes, more or less, of my hour to the gentleman from Missouri?

The CHAIRMAN. The gentleman is entitled to the floor; and the committee will preserve order, so that the gentleman can proceed.

Mr. PERKINS, of New York. I move that the committee rise, for the purpose of submitting a motion to alter the rules.

[Cries of "No!" "No!"]

Mr. PERKINS. I withdraw the motion.

Many MEMBERS. Mr. Chairman! Mr. Chairman!

The CHAIRMAN. The gentleman from Illinois has the floor, and gentlemen will take their seats, and forbear conversation.

In the midst of much noise and confusion

Mr. WENTWORTH proceeded: I wish, at the outset of my remarks, to know, if at any time during this Congress, or any other, when any member of this House has obtained the floor, and another gentleman has requested a short portion of his time to finish his speech, that request has ever been denied by the House?

Many MEMBERS. Never, never.

Mr. WENTWORTH. I suppose, Mr. Chairman, that I have an hour, and I can talk it out if necessary; but, nevertheless, if the gentleman from Missouri has not finished his speech, as this is an important question—as the eyes of the whole country are turned to this debate, and to the course which is to be taken in the determination of this question—I want the whole country to understand that the oldest man living in Congress, the man who was here at the time when the Missouri compromise was adopted, and the only man in the whole Congress, is now refused a courtesy which has been refused to no other living man. Let it go out to the country as a sample of the courtesy of those who are trying to control this House.

Mr. COBB. The gentleman's statement is not true in point of fact.

Mr. ORR. He is mistaken.

Mr. KEITT. As the gentleman wants the facts to go to the country, it would be well enough for him to state them as they are.

[Cries of "Order!" "Order!" all over the House.]

The CHAIRMAN. The gentleman from Illinois is upon the floor, and gentlemen will preserve order.

After order was restored,

Mr. WENTWORTH continued: I have not been here always; but this is my ninth session; and I am in my seat as much as any other man in

Congress; and I never knew an instance when this appeal to the courtesy of the House was denied. Never, sir! In the bitterest of party times, John Quincy Adams often made the appeal, and it was never denied him. I make the assertion, and let those who dispute me contradict me by the record. Where are the instances on the Journals to prove that I am wrong? Sir, I now ask that the oldest man in the House, one who knows more than all the rest of us put together, may be heard a few moments out of my hour.

Mr. CULLOM. Will the gentleman from Illinois allow me a word?

Mr. WENTWORTH. I yield to the gentleman for a moment.

Mr. CULLOM. I understand that the gentleman from Missouri would desire but a few minutes of time longer; and I do hope, in view of the importance of the question, and in view of the great age and experience in legislation of the gentleman, he will be allowed to proceed.

Mr. CLINGMAN. I rise to a point of order. The gentleman cannot make a speech inside of the speech of the gentleman from Illinois.

Mr. CULLOM. I am proceeding by the permission of the gentleman from Illinois, [Mr. WENTWORTH,] and not by the courtesy of the gentleman from North Carolina, [Mr. CLINGMAN,] for I never appeal to his courtesy.

[Cries of "Good!" "Good!"]

Mr. CULLOM. I say here, in the face of this committee, that I have seen this courtesy extended over and over again, during my short probation in Congress, and I ask if there is anything peculiar in the case of the gentleman from Missouri why a discrimination should be made against him?

Mr. CLINGMAN. I insist upon my point of order, that the gentleman is not in order.

Mr. CULLOM. I appeal to the committee to extend to the gentleman a few minutes, and I hope they will do it.

Mr. WENTWORTH. It is evidently within the power of any one member of the committee to object to the gentleman from Missouri proceeding. I am too well acquainted with the rules of this House to trespass upon its courtesy, if it is the determination, even of one individual, to object. But, if I understand the rules, a majority may allow the gentleman to proceed, if it is taken out of my time.

Mr. CLINGMAN. Not at all.

Mr. PECKHAM. What is the decision of the Chair upon the question?

Mr. WASHBURN, of Maine. Will the gentleman from Illinois allow me a word?

[Cries of "Order!" "Order!"]

Mr. WASHBURN. I wish to state the question.

Mr. BAYLY, of Virginia. I call the gentleman to order. He is not addressing the Chair.

The CHAIRMAN. That is not a point of order.

Mr. WASHBURN. In the last Congress, a case precisely similar to this occurred. A gentleman from Kentucky was occupying the floor for a certain time; his time expired, and I obtained the floor. I yielded to him for further remarks, and upon the motion of some gentleman, the committee gave him an extension of time.

Mr. ORR. That was by unanimous consent, not by a vote of the committee.

Mr. WASHBURN. It was by a vote of the committee. The gentleman is mistaken.

Mr. ORR. I ask the gentleman to produce the record. I do not think such a case has ever occurred.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor, and cannot yield it but for the purpose of explanation, except by the unanimous consent of the committee.

Mr. PECKHAM. From that decision I respectfully appeal.

The CHAIRMAN. The question will be, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. PECKHAM. I understand there is no objection to the gentleman from Missouri proceeding with his remarks. If there is not, I withdraw my appeal.

Mr. WENTWORTH. I hope the objection will be withdrawn, if any is made. I understand the gentleman from Missouri would have finished

his remarks before this time, if he had been allowed to go on.

Several gentlemen here rose at the same time and addressed the Chair.

Mr. SMITH, of Virginia. I rise to a question of order. I want to know who is entitled to the floor?

The CHAIRMAN. The gentleman from Illinois is entitled to the floor?

Mr. SMITH. Then I hope the gentleman from Illinois will proceed.

Mr. WENTWORTH. The gentleman from Illinois objects to proceeding in discourtesy to the venerable gentleman from Missouri, who asks a few moments more in which to conclude his speech.

The CHAIRMAN. The Chair understands that an appeal has been taken from the decision of the Chair, that the gentleman from Missouri cannot proceed in the time of the gentleman from Illinois, without the unanimous consent of the committee.

Mr. CLINGMAN. Well, if an appeal has been taken, I ask that it may be decided without further delay.

Mr. OLIVER, of Missouri. Will the gentleman from Illinois allow me to make a single suggestion?

Mr. WENTWORTH. I will hear the gentleman.

The CHAIRMAN. Before any further debate is had, the Chair desires to know whether the gentleman from New York appeals from the decision of the Chair?

Mr. BISSELL. If no other gentleman appeals, I do.

Mr. OLIVER. Mr. Chairman, being decidedly in favor of the bill under discussion, and feeling that the friends of the measure have nothing to fear from the most thorough investigation, not even from anything that my venerable colleague may say in opposition, on account of my respect for his age and position, I am prompted to beg the committee to extend to him the courtesy of permitting him to finish his remarks.

Mr. BISSELL. That he may proceed in the time of the gentleman from Illinois?

Mr. WENTWORTH. Certainly, within my time.

Mr. SMITH. Now, I should be very glad of an opportunity of saying a word, if I can get the attention of the committee. I am perfectly willing myself—perfectly willing—that the gentleman from Missouri should be allowed to finish his remarks; but the committee will understand that while it is desirable to himself, to the committee, and to the country that he should proceed in order—

Mr. CLINGMAN. I rise to a question of order. All this discussion is out of order.

Mr. SMITH. I hope the gentleman will allow me to go on and finish the single remark I was making.

Mr. CLINGMAN. Well, sir, there are other members who desire to make remarks too. Debate is out of order, and I think it had better be stopped.

Mr. SMITH. Have I the floor or not?

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. SMITH. Well, sir, I rise to a privileged question.

Several MEMBERS called to order.

Mr. SMITH. I appeal to the committee to listen to me for a single moment.

Mr. CLINGMAN. Again I rise to a question of order. I must object to any discussion. My friend from Virginia will understand that I do not make any personal objection to him. But as this debate is all out of order, I must insist upon the rules being observed.

Mr. SMITH. Just one single word—

Mr. WENTWORTH. I am willing to yield to the gentleman from Virginia; but first, I desire to know if there is any objection to the gentleman from Missouri proceeding to occupy a part of my time in concluding his remarks? If it is objected that I cannot yield to the gentleman from Missouri a portion of my time, how can those making the objection appeal to my courtesy, and ask for a portion of my time to themselves? The gentleman from Missouri has the first claim. If he cannot have my time, no one can. Is there an objection? If there is, I shall have to make another point, whereby I am confident that I can get him

a chance to speak by right. I think it would look better if we allowed so old and so wise a man to speak by courtesy than by right. I am neither joking nor boasting when I say that "Old Bullion" will yet be heard again to-day.

Mr. CLINGMAN. Certainly there is. I have objected, and other members have objected.

Mr. WENTWORTH. Then I make the point of order that I have the right to yield the floor to the gentleman, and that he has the right to occupy a portion of my time.

The CHAIRMAN. The Chair decides that, according to his understanding of the rules of the House, the gentleman from Missouri may proceed with the unanimous consent of the committee, and not otherwise.

Mr. CLINGMAN. I object.

Mr. PECKHAM. From that decision I respectfully take an appeal.

The CHAIRMAN. The question then will be, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. ORR. Upon that question I demand tellers.

Mr. SMITH, of Virginia. Will the Chair be pleased to state the question again?

The CHAIRMAN. Certainly. The gentleman from Illinois, [Mr. WENTWORTH], who is in possession of the floor, desires to yield a portion of his time to the gentleman from Missouri, that he may complete his speech. The Chair decides that that may be done, but that it cannot be done unless by the unanimous consent of the committee. From that decision an appeal has been taken; and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. ORR. Before the question is again taken, I ask for the reading of the rule which prohibits a member speaking more than one hour.

[Cries of "I object!" "Let us hear the rule!"]

Mr. ORR. I am entitled to have the rule read.

The CHAIRMAN. The rule will be read.

The Clerk then read the rule, as follows:

"34. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee."

The CHAIRMAN. It is on the rule which has just been read that the decision of the Chair is founded.

Mr. SEWARD. I submit whether a rule of the House can be changed in committee. It cannot; and gentlemen have no right to appeal from the decision of the Chair.

The CHAIRMAN. The committee have a right to put their own construction on the rules.

Mr. HUNT. I understand that the appeal from the decision of the Chair has been withdrawn.

The CHAIRMAN. It has not been withdrawn.

Mr. JONES, of Tennessee. If I understand the Chair, he decides that gentlemen have a right to appeal in this case, and that a majority of this committee can change the rules of the House. If that be the decision, I, for one, will not vote on the appeal.

[Cries of "Order!"]

Tellers were ordered; and Messrs. DAVIS, of Indiana, and SAPP, were appointed.

The committee then proceeded to divide on the question, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. SEWARD. I have made a point of order, and I do not withdraw it. If the Chair decide against me, I appeal from his decision.

The CHAIRMAN. There is a question of order already pending, and the committee is now dividing on it. Two questions of order cannot be entertained at the same time.

Mr. SEWARD, (amid much confusion.) I make my point of order, and insist on it.

The CHAIRMAN. The gentleman's point of order cannot be entertained at this time.

The question was put on the question, "Shall

the decision of the Chair stand as the judgment of the committee?" and the tellers reported—ayes 96; no quorum voting.

[Cries of "Call the roll!"]

Mr. PECKHAM. I withdraw the appeal.

The CHAIRMAN. Will the committee allow the gentleman to withdraw the appeal?

[Cries of "No! no!" and "Object!"]

Mr. COBB. We want a record made up of the facts.

Mr. ORR. The roll must be called.

Mr. HUGHES. I move that the committee do now rise.

The CHAIRMAN. That motion is not now in order. The roll must be called.

The Clerk then proceeded to call the roll, and the names of the absentees were noted. The committee then rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the amendment of the Senate to the deficiency bill, and finding itself without a quorum, had caused the roll to be called and the names of the absentees to be noted, and had directed him to report the facts to the House, with the names of the absentees.

The following are the names of the absentees:

Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Bell, Bliss, Bocoek, Campbell, Caruthers, Chamberlain, Chase, Chastain, Cumming, Dawson, De Witt, Dick, Dowdell, English, Everhart, Faulkner, Fenton, Fuller, Gambie, Giddings, Goode, Andrew J. Harlan, Hastings, Hendricks, Hill, Hillyer, Johnson, Lane, McCulloch, Macdonald, McMullin, McNair, McQueen, Matteson, Morrison, Nichols, Norton, Olds, Andrew Oliver, Packer, Peck, Preston, Pringle, Reese, Russell, Sabin, Snodgrass, Sillers, Frederick P. Stanton, Stratton, Tracy, Tweed, Vansant, Wade, Westbrook, and Yates.

A quorum (172 members) being now present, the committee resumed its session.

The CHAIRMAN. The Chair understands that the gentleman who took the appeal from the decision of the Chair withdraws it. If there be no objection, the appeal will be considered as withdrawn.

No objection was made.

The CHAIRMAN. The gentleman from Illinois [Mr. WENTWORTH] is entitled to the floor.

Mr. WENTWORTH. What is the proposition now pending before the committee?

The CHAIRMAN. The amendments of the Senate to the deficiency bill are now before the committee.

Mr. WENTWORTH. Is there any proposition pending to amend the amendments of the Senate?

The CHAIRMAN. There is no such proposition pending.

Mr. WENTWORTH. Well, I desire to offer an amendment on the fifteenth page of the bill. If I cannot succeed one way, I must try another.

The CHAIRMAN. The amendments of the Senate will be read in their order. The Chair will have the first amendment reported.

Mr. CLINGMAN. Has the reading of the bill commenced?

The CHAIRMAN. The reading of the amendments has not commenced.

Mr. CLINGMAN. Has the bill been read through?

The CHAIRMAN. The amendments of the Senate only are before us.

Mr. CLINGMAN. I understand that when a bill is taken up in the Committee of the Whole on the state of the Union, it must first be read through, and then read by paragraphs. I make the point of order that the bill has not all been read over.

Mr. WENTWORTH. That is only the case with original bills.

Mr. CLINGMAN. Yes; and the amendments of the Senate to this bill must all be read through, and until they have all been read, no amendment will be in order.

Mr. WENTWORTH. I care not what is read, provided that it does not come out of my hour.

The CHAIRMAN. It has been customary to read the first amendment first.

Mr. CLINGMAN. I insist on the rule in this case, as we have got into some difficulty already. I make the point that, before we can be called upon to amend any amendment, or before the question can be changed in any way, all the amendments must be read over.

Mr. WENTWORTH. Were not the amendments read yesterday?

The CHAIRMAN. They were not read. If the gentleman calls for the reading of the amendments, they will be read.

Mr. WENTWORTH. I hope the reading will not come out of my time.

The CHAIRMAN. Certainly not.

Mr. CLINGMAN. I make the point of order, that the amendments of the Senate must be regularly read before any amendment can be offered.

The CHAIRMAN. The Clerk will proceed to read the amendments to the House.

Mr. HUGHES. I make the point of order, that one of the members of this House, who reported this bill, has already spoken upon it. I ask the Chair to state whether it is not so.

The CHAIRMAN. The gentleman from Missouri, [Mr. PHELPS], a member of the Committee of Ways and Means, has already spoken upon the bill.

Mr. HUGHES. Then is it not too late to raise a question of order, and have not the committee passed over the amendments?

Mr. WENTWORTH. No matter; let them have their own way, and see how much they will make.

Mr. CLINGMAN. My point of order is, that that gentleman cannot move amendments until the whole bill is read.

The CHAIRMAN. Does the gentleman from Illinois [Mr. WENTWORTH] propose an amendment?

Mr. WENTWORTH. I ask what the proposition is before the House?

The CHAIRMAN. It is the consideration of the bill generally.

Mr. WENTWORTH. Are not the Senate amendments before the committee?

Mr. CLINGMAN. The Senate amendments are before the committee, but before any amendment can be offered to them, they must be read.

Mr. WENTWORTH. Well, read away; I can await if the gentleman from Missouri can.

Mr. HOUSTON. I desire, if the amendments are to be read, that they shall be read in connection with the bill itself, so that we may understand their direct application.

Mr. JONES, of Tennessee. The customary practice is, first, to read the bill and amendments through; and then, upon the reading of the first amendment, the bill is open for amendment and debate. But, as the committee have commenced and progressed with the bill, passing over the first reading of the amendments, I think it is too late now to make the question of order of having the amendments all read over.

The CHAIRMAN. I am inclined to think that the gentleman from Tennessee is right in the opinion he has expressed.

Mr. WENTWORTH. Does the Chair decide that the amendments are not to be read?

The CHAIRMAN. The Chair decides that the House has waived the necessity of reading the amendments.

Mr. WENTWORTH. I move to amend the first amendment by inserting the word "three" in the place of the word "four."

The CHAIRMAN. The first amendment will be reported by the Clerk.

The amendment was then read as follows:

On page 2, line 22, to strike out the word "two," and insert in lieu thereof the word "four."

Mr. WENTWORTH. That is the amendment pending before the committee. I understand that no gentleman has spoken since that amendment has been made.

Mr. BAYLY, of Virginia. If the gentleman from Illinois does not propose to go on with his remarks in the Committee of the Whole, I claim the floor against any one who has spoken upon this bill.

The CHAIRMAN. The gentleman from Illinois [Mr. WENTWORTH] is now entitled to the floor.

Mr. WENTWORTH. And intends to hold it.

Mr. BAYLY. The chairman, I presume, understood me. I only remind the Chair of my right to the floor against any gentleman who has spoken upon this bill.

Mr. PECKHAM. What is the decision of the Chair upon that question?

The CHAIRMAN. There is no point made as yet upon that question.

Mr. BENTON. Has there been an amendment offered?

The CHAIRMAN. An amendment has been offered by the gentleman from Illinois, [Mr. WENTWORTH.]

Mr. BENTON. And entertained?

The CHAIRMAN. Not entertained as yet. The gentleman from Illinois [Mr. WENTWORTH] proposes an amendment.

Mr. WENTWORTH. I ask the chairman if he decides that it cannot be entertained?

The CHAIRMAN. The Chair thinks that it can be.

Mr. TAYLOR, of Ohio. I will ask the Chair if he decides that an amendment can be entertained until general debate has closed?

The CHAIRMAN. I believe that it is an amendment in the second degree, and therefore it is liable to be spoken to.

Mr. TAYLOR. But, Mr. Chairman, that will so alter the practice—

Mr. JONES, of Tennessee, (interrupting.) If the gentleman from Ohio will permit me, I will state that, so far from that altering the state of the case, no debate is in order in the Committee of the Whole on the state of the Union upon any proposition, except there is a pending motion touching that proposition.

Mr. WENTWORTH. That is my doctrine. I have made a proposition. I have an hour upon it.

Mr. TAYLOR. But we are going on now by general consent.

Mr. BAYLY, of Virginia. There is no general consent to the course about being pursued.

Mr. TAYLOR. If the gentleman from Illinois will allow me, I would suggest that he had better go on and make his hour's speech, and then move his amendment.

Mr. WENTWORTH. I wish to say to the gentleman from Ohio, and to the committee, that I moved the amendment for a particular purpose; and those gentlemen who know me, and know the course which I have pursued in Congress, know that when I undertake to effect a matter of this kind, within the rules of the House, I will persevere in my efforts until I exhaust my powers under the rule. Until I have exercised the full powers which I may possess under the rule, I will not stop. This is a matter which is frequently seen carried out here. After the members have spoken round, some one moves an amendment, and then, under that motion, the discussion goes round again, and each member is entitled to another hour to express his views. An amendment is now pending, and the whole House understands what my object was in moving it. I now ask that the gentleman from Missouri, who claims the floor, be heard upon this amendment.

General assent was expressed.

Mr. BENTON. What is the decision made by the Chair?

The CHAIRMAN. The Chair decides, that in an amendment of the second degree, as that offered by the gentleman from Illinois, debate is in order, and therefore the gentleman from Missouri has the floor.

Mr. SMITH, of Virginia. I rise to a question of order.

The CHAIRMAN. The gentleman from Virginia will state his point of order.

Mr. BENTON. "Amphibology," sir, "Amphibology;" that was the point where I left off.

The CHAIRMAN, (interrupting.) The gentleman from Virginia [Mr. SMITH] has risen to a point of order.

[Several MEMBERS here cried "Give it up!" "Give it up!" "Oh, withdraw your amendment!" "Withdraw it, WENTWORTH!"]

Mr. WENTWORTH said he thanked members for their suggestions to withdraw. He doubted not their kind feelings. But they were new members, and, with all due respect, he was confident that they would not make such suggestions if they knew the points he still had. And, as those opposed to the venerable gentleman's speaking were principally old members, and had served with him many years in Congress, he would respectfully suggest that he had made up his mind to hear the gentleman from Missouri speak. He had reflected well upon his rights in this matter, and had made up his mind fully upon the subject. And those who knew him knew well that every one of those

rights would be exhausted before he should leave the floor.

When he spoke of his rights, he meant his rights under the rules. It was not his purpose to discuss the propriety of the rules now. He should obey them all. Those rules were now in his favor, and gentlemen might as well keep cool; as, sooner or later, the gentleman from Missouri would follow him with his speech, even though he [Mr. W.] kept the committee in session to the end of time. For he was confident that the Chairman would not take these interruptions out of the full hour which he was entitled to, and which he intended to exhaust, unless the committee would allow an older and abler man to be heard in his place. He hoped the gentleman from Missouri would now be allowed to proceed.

Mr. SMITH. The question of order which I rise to, Mr. Chairman, is this: I want to know distinctly whether that be the decision of the Chair, that during the consideration of a matter—

Some MEMBERS interrupted.

Mr. SMITH. Gentlemen will please allow me to express myself. I did not exactly hear what the gentleman from Missouri said; but if I gather his meaning aright, I can only say in reply that threats have no terror for me.

Mr. BENTON. Is that a point of order, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia is going to state his point of order.

[Cries of "Order!" "Order!"]

Mr. SMITH. The point of order to which I wish to call the attention of the Chairman and of the committee is this: I want to know if, during the consideration of a bill, and after a gentleman has discussed the general question on the Union, he can go on again, and discuss it upon each amendment that may be offered. Is that the decision of the Chair?

The CHAIRMAN. The Chair decides, that after the general discussion has closed, members have a right to speak on such amendments as may be subsequently offered.

Mr. SMITH. Very well; I only wanted to know that fact. I can know how to avail myself of the effects of that decision.

Mr. BENTON. That was all I wanted.

Mr. WENTWORTH. And that's all I wanted.

Mr. BENTON resumed, and concluded his speech, the full report of which is given above.

Mr. HESTER obtained the floor.

Mr. MEACHAM. With the permission of the gentleman from Pennsylvania, [Mr. HESTER,] I move that the committee rise.

The question was then taken; and it was decided in the affirmative.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House, (No. 271,) to supply deficiencies in the appropriations for the service of the Government, for the fiscal year ending 30th June, 1854, with the amendments of the Senate thereto, and had come to no resolution thereon.

[A message from the President of the United States was here received, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, transmitting a report of the Attorney General suggesting modifications in the manner of conducting the legal business of the Government.]

Mr. HAMILTON. I call for the regular order of business.

Mr. FLORENCE. I desire to ask the unanimous consent of the House to allow me to present a resolution.

Mr. HAMILTON. I object, and insist upon the regular order of business.

The SPEAKER. The regular order of business is the consideration of the bill reported from the Committee on Public Lands "granting lands equally to the several States to aid in the construction of railroads and the support of schools." The first question in order is upon recommitting the bill to the Committee on Public Lands, upon which the gentleman from New York [Mr. BENNETT] is entitled to the floor.

Mr. STEPHENS, of Georgia. If the gentleman from New York will give way, I move that the House adjourn; or rather, before that is done, take up the message of the President. I suppose that the gentleman from New York was not expecting

his bill to come up to-day, and is not prepared to go on.

Mr. BENNETT. I willingly yield to the motion made by the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia proposes that the message from the President be now presented to the House. As it is not objected to, the Chair presents the following message from the President of the United States:

MESSAGE FROM THE PRESIDENT.

The Clerk read the President's message, transmitting a report of the Attorney General, suggesting modifications of the manner of conducting the legal business of the Government; which message and report were referred to the Judiciary Committee, and ordered to be printed.

Mr. STEPHENS. I move that the House do now adjourn.

Mr. HOUSTON. I hope that the member from Georgia will withdraw his motion. We have yet an hour before the ordinary time of adjournment, and there are several committees which have reports to make. I think, therefore, that we ought to remain and receive their reports.

Mr. WHEELER. If the gentleman from Georgia will withdraw his motion, I will renew it.

Mr. STEPHENS. I insist upon my motion. I think the gentleman from Alabama [Mr. HOUSTON] is mistaken about the reports of committees.

Mr. HAMILTON. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

The question was then taken; and the motion was agreed to.

The House thereupon, at a quarter before three o'clock, p. m., adjourned to to-morrow, at twelve o'clock, m.

IN SENATE.

WEDNESDAY, April 26, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. SEWARD presented a petition of citizens of Pennsylvania, remonstrating against the passage of any bill which will permit the introduction of slavery into Nebraska or Kansas; which was ordered to lie on the table.

Also, a petition of citizens of New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. SUMNER presented a petition of the Pennsylvania Yearly Meeting of Progressive Friends, praying Congress to adopt such measures as will tend to induce foreign Powers to refer all disputes to an arbitration of nations; which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of Bradford, New Hampshire, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, an additional document in support of the claim of Hall J. Kelly, for remuneration for discoveries made by him in Oregon; which was referred to the Committee on Territories.

Mr. GWIN presented the petition of Charlotte S. Westcott, widow of Captain George C. Westcott, of the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JONES, of Tennessee, presented the petition of John F. Moses, of Exeter, in the State of New Hampshire, praying the further favorable action of Congress in relation to the indigent insane bill; which was ordered to lie on the table.

Mr. EVANS presented two petitions of citizens of the United States professing the Jewish religion, and residing in Charleston, South Carolina, praying that measures may be taken to procure for all citizens of the United States, of every creed, a just degree of civil and religious freedom while residing in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. STUART presented a document in favor of the establishment of certain mail routes in the mineral region of Lake Superior; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of Mi-

chael Hanson, praying to be allowed a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred a bill from the House of Representatives for the relief of Captain E. A. F. Lavallette, of the United States Navy, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the petition of George Dennett, praying compensation for services as naval officer at Portsmouth, New Hampshire, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. NORRIS, from the Committee for the District of Columbia, to whom were referred a petition of citizens of Washington, and a memorial of Barnes & Mitchell, S. P. Hoover, and others, citizens of Washington, praying that Pennsylvania avenue may be paved with the Russ pavement, asked to be discharged from its further consideration; which was agreed to.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the memorial of Urban Stoll, praying to be allowed arrears of pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

PORTRAITS OF THE EARLY PRESIDENTS.

Mr. PEARCE. I am instructed by the Committee on the Library, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of purchasing portraits of the first five Presidents of the United States, to report a bill "to authorize the purchase of portraits of the first five Presidents of the United States."

The bill was read a first time, and ordered to a second reading.

Mr. PEARCE. I ask for the present consideration of the bill, if such be the pleasure of the Senate. I presume that not any, or, at all events, not much discussion will ensue upon it.

Mr. HUNTER. I have no objection to considering the bill now, provided the Senator will agree to postpone it, if it gives rise to debate. We wish to dispose of the Indian appropriation bill to-day.

Mr. PEARCE. If I find that the bill gives rise to any debate of more than a few minutes duration, I will consent to its postponement.

The bill was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the President to purchase, and place in the Executive Mansion, a series of portraits of the first five Presidents of the United States, by Gilbert Stuart, and to appropriate \$5,000, or so much thereof as may be necessary, for that purpose.

Mr. PEARCE. Mr. President, there are five portraits, being those of the first five Presidents of the United States, which have been offered to the Government. They were all painted by Gilbert Stuart, whom the Senate know to have been one of the most eminent artists of the country. They are originals, except that of Washington, which is Stuart's copy from his original. They are paintings of great value, as is certified by a number of gentlemen who are themselves artists or amateurs, of great skill and judgment. All the portraits of Stuart are highly valued, as we know. Very lately a portrait of Washington, painted by him, was purchased, I believe, by the Boston Athenaeum for \$1,000. Those portraits are now insured at the sum of \$5,000. They are believed to form the only complete series of portraits of the first five Presidents by Stuart, now in existence. There was a series of the same Presidents, by the same artist, which the owner had deposited in the library of Congress, some few years ago, but they were destroyed by the fire which consumed the library in 1852. This is probably the only opportunity which the Government will have of acquiring the portraits of the Presidents by such a master.

The committee thought they would be appropriate ornaments to the President's House, and

fitting testimonials of the great men who served their country so well and so ably in the office of Chief Magistrate. The committee had no doubt that Congress would readily furnish the means for their purchase, and desire to see them placed in the President's House.

Mr. HAMLIN. Mr. President, I think, myself, it is very desirable that this appropriation should be made, and I shall vote for the bill with great cheerfulness. I should, however, vote for it with much more cheerfulness, if the committee had thought it expedient to make its provisions more extensive. This may, perhaps, be the last opportunity we shall have to obtain the five portraits for which the committee makes provision. I suppose, with the lapse of years, that difficulty will increase, and it will also increase in regard to those not provided for. It seems to me that the bill should be so amended as to include all the Presidents, or, at least, all the ex-Presidents, for there might be an impropriety in including the President for the time being. But I certainly should be glad to see the Executive Mansion adorned with the portraits of all the preceding Presidents, and, if there is no impropriety in the thing, I would also include the present President. I think the portraits of all our Chief Magistrates ought to be preserved in the Executive Mansion.

Mr. PEARCE. If we knew where we could procure portraits of the other Presidents, executed by competent masters, and at the proper price, I should have no sort of objection. This, however, will do for a beginning. We know that we can get these portraits painted by a consummate artist; and I think it is as well to begin in this way, and leave anything further to time and the future determination of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

REMOVAL OF INDIANS.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior communicate to the Senate copies of the contract and instructions under which Luther Blake was employed to remove the Indians from Florida, together with copies of his correspondence with the Department upon that subject, and of his accounts and vouchers of his expenditures as such agent.

ADVERSE REPORTS.

Mr. FISH. A few weeks since, on my motion, last Friday week was set apart for the consideration of adverse reports. The day arrived, but the Senate was not in session. I now move that Friday next be set apart for the consideration of those reports.

The PRESIDENT. If there be no objection, the order will be made.

There was no objection.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855.

Mr. SEBASTIAN. I am directed by the Committee on Indian Affairs to offer several amendments to the bill. The first is to add to the following clause—

"For the pay of superintendents of Indian affairs per acts of 5th June, 1850; 27th February, 1851, and 3d March, 1852, \$12,500"

the words:

Provided, That the President may, from time to time, in his discretion, remove or change the location of any of the superintendencies, now, or hereafter to be, established by law.

The object of that amendment is simply to give the power to the President to make a change in the location of the superintendencies now established by law, if, in his discretion, it should be desirable. It is to leave it, as a matter of discretion, with the Indian Department, in order to accommodate the service, and to bring the superintendent in such connection with the Indians, that he may the more easily perform his duty. It is found that in some cases a change of location would not only be desirable, but sometimes necessary for the proper conducting of the business of the Department, and now the object is to authorize the

Department, at discretion, to make the removal or change.

Mr. STUART. I am in favor of the proposition made in that amendment, but I desire to move an amendment to it, to the effect that the proviso in the second section of the act, approved February 27, 1851, be, and the same is hereby, repealed.

Mr. SEBASTIAN. Will the Senator state what the proviso is which he desires to repeal?

Mr. STUART. I want to repeal the proviso in the second section of the act of February 27, 1851, which connects the superintendency in Minnesota with the Governor of Minnesota. That superintendency should be under the charge of the superintendent now in Wisconsin. It was retained with the Governor, as will be seen by looking at the law, as a special case east of the Rocky Mountains, because the then Governor of the Territory was said to be engaged in making a treaty; so that at that time the general provision of the law could not apply to him. My amendment will be in the following form:

And that the proviso contained in section two of the act approved February 27, 1851, be, and the same is hereby, repealed.

Mr. SEBASTIAN. I think I am not mistaken in saying, that the object which the Senator from Michigan has in view, can be accomplished under the law as it now exists. In the act of 1851, and in the proviso which he proposes to repeal, and which established the connection between the superintendency of Indian affairs in Minnesota and the office of Governor of Minnesota, the President is vested with the power of separating the two offices. The connection is to continue "until he shall otherwise direct." Under the law, as it now stands, the power is conferred. I think it better to leave it to the Executive discretion, inasmuch as that is the case. I think, therefore, that the Senator had better withdraw his amendment.

Mr. STUART. The Senator will see in a moment that he is mistaken in that respect. The proviso which I propose to repeal, as I said, makes an exception to the general law which was passed at that time, and the reason for the exception is the one which I have assigned. Now, sir, whilst it is true that the proviso itself authorizes the President of the United States to discontinue the connection whenever he chooses, yet he has no power to increase the salary of the Governor to such a point as it ought to be increased to. The Governor gets \$1,500 as Governor, and he gets \$1,000 a year as superintendent. He should have \$2,000 a year as Governor, which is the usual salary in such instances, and the superintendency should be separated from the Governor, and given to the general superintendent now in Wisconsin, who can do the business better, and by doing which you will save \$500 a year. You have a general superintendent there, who, like all others east of the Rocky Mountains, receives \$2,000 a year, and he can just as well superintend Indian affairs in Minnesota, in connection with what he has, as not. You will see, therefore, that the power attempted to be conferred upon the President by the proviso, is incomplete. He can separate the duties, but by doing so, the Governor would receive only \$1,500 a year, which is insufficient.

My object is to separate the duties—to leave the Indian duties with the superintendent of Indian affairs, where they ought to be left, and at the proper time to increase the salary of the Governor of Minnesota \$500 per annum, so as to put him on a par with the other Governors of Territories—the whole operation of which, in a pecuniary point of view, will be to save the Government \$500 a year, while you will have the business connected with the Indian affairs done better. The Senator will see that the only way to effect the object is to change the law—to repeal the proviso. The President has not the power now to carry it out as Congress intended.

Mr. SEBASTIAN. It is very true, as the Senator from Michigan remarks, that though that proviso confers upon the President the power of separating the duties of Governor and superintendent, he will not be able to increase the salary of the Governor. The proviso provides for the contingency of separating the offices, but does not provide for the increase of the salary; but if that is not now provided for, it can be effected directly and appropriately by a provision authorizing the Governor to receive a salary of \$2,000 or \$2,500

per annum, in case the President may think proper to separate the two offices.

I therefore suggest to my friend from Michigan, that he can obtain his object by providing that, in the contingency that the Executive does this, the salary shall be raised to, say \$2,000 or \$2,500, and leave the duty of separating the offices to the Indian Department, instead of fixing it now, at a time when, perhaps, this step ought not to be taken.

I will remark, also, that this is a subject which the Committee on Indian Affairs have had before them, and they came to the conclusion that they were not prepared to recommend the separation of the duties of superintendent from the Executive of the Territories, for the reason, that in Washington Territory, in Utah Territory, and in the Territory of New Mexico, the laws, as they now exist, confide the superintendency of Indian affairs to the Executive of the Territory. They have concluded to report a bill, for reasons which will be assigned when the bill comes forward, recommending a separation in the Territory of Utah. But that is done for reasons applicable to that Territory, which do not apply to the others. If we adopt the policy of separating the two classes of duties in the Territory of Minnesota, we shall, almost for the same reasons, have to separate them in Washington and New Mexico. We, therefore, thought it best to confine the innovation upon the present law to the case, and in the manner which I have mentioned.

Mr. STUART. I am really at a loss to know why the Senator from Arkansas, as chairman of the Committee on Indian Affairs, should object to this proposition. A little experience on the subject, it seems to me, ought to have convinced everybody that, as a measure of policy, there is nothing worse than to give the Governor of the Territory the superintendency of Indian affairs. What has it cost the Government of the United States already, with the superintendency as it was conducted by the late Governor Ramsay, and the investigation of the charges brought against him? And who is satisfied with the result of the investigation? Now, just as long as the Governor of the Territory has confided to him the superintendency of Indian affairs, just so long will you have bad management of these affairs, except once in a while, when you may secure a very remarkable man.

So satisfied was I upon this subject, that I addressed a note to the Commissioner of Indian Affairs yesterday morning. I have received his reply, which I will read:

DEPARTMENT OF THE INTERIOR, }
OFFICE INDIAN AFFAIRS, April 25, 1854. }

SIR: I have the honor to acknowledge the receipt of your note of to-day, asking my "opinion as to the propriety of separating the duties of superintendent of Indian affairs from those of Governor of Minnesota," as "the Indian appropriation bill is now before the Senate, and" you "wish to append to it such a provision, if it meets with" my "judgment."

By reference to the second section of the twenty-fourth chapter of laws passed at the second session of the Thirty-First Congress, page 586, in volume 9, you will find that the President has the power of suspending the execution of the duties of superintendent by the Governor of Minnesota.

My individual opinion has been, and is, that the public interests, so far as Indian matters are concerned, would, in all the Territories, be subserved by a separation of the two offices, there being no similarity in duty, or necessity for connection, in any respect.

Very respectfully, your obedient servant,
GEO. W. MANNYPENNY, Commissioner.
Hon. CHARLES E. STUART, United States Senate.

That opinion of the Commissioner of Indian Affairs the Senate will see, when I read the second section of the act, is entirely in accordance with the views of Congress at the time; and, as I said, the exception was made in the case of Minnesota, simply because there existed a temporary reason. Let us see the section:

SEC. 2. And he it further enacted, That from and after the 30th day of June next, all laws, or parts of laws, now in force, providing for the appointment or employment of superintendents of Indian affairs, of whatever character, for any of the Indian tribes east of the Rocky Mountains, and north of New Mexico and Texas, shall be, and the same are hereby, repealed; and that the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three superintendents of Indian affairs for said Indians, who shall receive an annual salary each of \$2,000, and whose duty it shall be to exercise a general superintendence over such tribes of Indians as the President of the United States, or the Secretary of the Department of the Interior may direct, and to execute and perform all the powers and duties now assigned by law to superintendents of Indian affairs: *Provided*, That the Governor of Minnesota shall continue to be, *ex officio*, su-

perintendent of Indian affairs for that Territory until the President shall otherwise direct.

I say it will be seen that the intention of Congress was to clear out all other modes of superintending Indian affairs, and confide it to those three general superintendents. Look at it. There is one superintendent south. There is another in the vicinity of Missouri; and still another north, who resides in Wisconsin. It would make the provision here complete to separate those duties in Minnesota, and give the duty of conducting Indian affairs to the superintendent in Wisconsin, all of which will be effected by the provision which the chairman of the committee has now introduced; but as I said before, the provision of law cannot be properly carried out by the President, because he cannot add to the salary of the Governor as such.

I do not understand why we should not do right things in the right places. We have now under consideration the question of Indian superintendencies. Here is the place, then, of all others, to make that part of it complete; and when we come to the other place, I shall propose to add such sum to the salary of the Governor of Minnesota as shall place him on a proper footing. But, sir, there is, I apprehend, in the experience of no man a reason for retaining the superintendency of Indian affairs with the Governors of the Territories. I have the authority of the Commissioner of Indian Affairs, which I have just read, sanctioning that view. He says that the duties should be separated in all cases.

Mr. HUNTER. I think I would rather leave this matter to the discretion of the Executive. I think it would be better to do that than to make it imperative. I have, myself, some doubts as to the policy of separating the two offices. I can well conceive, especially in the distant Territories, that the two powers ought to be united in the hands of the Governor, who would be enabled more effectually to control the Indian tribes and prevent wars. It may be so. For that reason it seems to me better to follow the suggestion of the Committee on Indian Affairs, and leave the matter to the discretion of the President.

Mr. WALKER. As a member of the Committee on Indian Affairs, I feel it my duty to say a few words upon this subject. I have very opposite views to those of the Senator from Virginia. I believe that one of the most fruitful causes of the difficulties among the Indian tribes, and between the Indians and the whites, has been the result of the inability on the part of the Governors of Territories to bestow that attention to the superintendency of Indian affairs, which it was requisite they should bestow. We know that, at the season of the year when the Indians require the supervision of the agents, and of their superintendents, more than at any other time—the winter season—the Legislatures of the Territories are almost always in session.

The Governor has, in the duties of his office as Governor, about as much to attend to as he can do, and very frequently more. At those times when Indian affairs might call him from the seat of government, he cannot attend to them; but in the hurry of the discharge of his duty, he employs persons to attend to them who are frequently inadequate to the task imposed. The Indians perhaps dislike the person; he is odious to them; they have a contempt for him, and a collision springs up between them and the Government, in consequence of an improper person having to attend to the duties. Difficulties begin, in consequence of the neglect, necessarily, on the part of the Governor, and the Indians begin to seek to right their own wrongs; they make aggressions upon the settlements. There is no one whose special duty it is to superintend them, to conciliate them, and to supply them with what it is necessary they should be supplied. The result is, that more difficulty arises in consequence of this than from almost any other cause.

I do not know what would be the effect in regard to the northern superintendency, of the adoption of the proposition offered by the Senator from Michigan. Its main effect would be to separate the office of Governor from that of superintendent in Minnesota; but what effect it would have upon the present office—upon the present location of the office—I cannot determine. This much, however, I have determined in my own mind to do, to vote for the proposition of the committee, if

amended according to the motion of the Senator from Michigan; but I cannot vote for it as offered by the chairman of the committee.

I can see no reason why, while there is a superintendent for the North, termed the northern superintendency, he should not, in point of fact, have the superintendency of the Indians. It is his duty to attend to them; it is his duty to study the best policy, the best system for conducting the business of the office, and to communicate frequently with the Indian Bureau. It is his business to learn, and to practice what he learns, in regard to them. It cannot be so with the Governor. I believe that one of the most efficient officers of the United States, in the Indian service, is the individual who now discharges the duties of the northern superintendency. I believe that he could take charge, as superintendent, of all the Indians in the northwest, and discharge the duties to them more faithfully, and serve their interests and those of the Government better, than the Governor of Minnesota, who has a great amount of duty resting upon him as Governor, can possibly do. I say this with some considerable knowledge of Indian matters in that portion of the country. It is where my home is. With many of the individuals of these tribes, their chiefs, &c., I am personally acquainted, and I know their great solicitude to have some one as their superintendent, or agent, or "local father," as they term him, who shall give his undivided attention to their affairs. I do not think those affairs can receive that attention so long as the Governor has to divide his time and attention between the duties of his office as Governor and those of superintendent of Indian affairs.

Mr. DOUGLAS. Mr. President, I have great doubts about the propriety of adopting an amendment like that of the Senator from Michigan. It contemplates a change in our Indian department—a very radical and sweeping change. Heretofore it has been the custom that the Governors of Territories shall be superintendents of Indian affairs. In Oregon, I think such is the case now; and in Utah, and in New Mexico also. It has usually been the case in all Territories. I have never heard any complaints of that mode of conducting Indian affairs. If our forty or fifty years' experience has proved that it is not a proper and efficient mode of conducting them, it would be a good reason for a change; but I do think that it is a change of that sweeping character that ought to be well matured by the Committee on Indian Affairs, and brought forward in an Indian bill by those who have directed their attention to the subject, and not sprung upon us suddenly by way of an amendment to the Indian appropriation bill.

I think it ought also to be general. I know of no reason why this change should take place in Minnesota, that would not apply to the other Territories; and, sir, if we are to make a general change, I certainly am not prepared to act upon it until I can hear from those who understand the question better. I am not aware that there is any reason applying to Minnesota that does not apply elsewhere. I do not understand, therefore, on what ground it is brought in at this time and place, and not applied to the other Territories.

But, again, if we should conclude to dispense with the services of the Governors of Territories, as superintendents of Indian affairs, another question very properly arises. The salaries of the Governors then would necessarily have to be raised. The form of the territorial laws now is, that the Governor receives \$1,500 or \$1,000 a year as Governor, and \$1,500 or \$1,000 as superintendent. The effect of the amendment to the amendment would be, to leave the Governor with a salary that is not sufficient to defray his expenses at all. The same act that provides for releasing him from his Indian duties, and thereby takes away one half of his salary, certainly ought to provide for an adequate salary for him in his capacity as Governor.

Inasmuch, therefore, as it involves other matters that require consideration, that of what the proper salary of the Governor should be when released from these duties, and as it should apply to other Territories and involve a general rule, I think the Committee on Indian Affairs ought to take charge of it, and bring forward a new system. If they think the present system ought to be changed, I should certainly defer to their bet-

ter opportunities of knowing—to their better information upon this subject—than I can possess.

Mr. STUART. The Senator from Illinois evidently has not looked at this subject with his usual attention. He says he sees no reason why this should be done in this case, and not in Oregon or Washington Territory, for instance. The reason is contained in the very act to which I alluded. The law of 1851 abolished all superintendencies of a minor character east of the Rocky Mountains, the object of which was to place all the Indians east of those mountains under the three superintendents provided for in the law. Then Mr. Sibley, the Delegate for Minnesota in the other House, suggested that, inasmuch as the Governor of that Territory at that time was engaged in making a treaty with some Indians in that Territory, it would be best to form a temporary exception, so that he might carry out that object.

The three superintendents east of the Rocky Mountains have control of all Indian affairs, except in the Territory of Minnesota; and this exception was made for the purpose to which I have alluded. The Senator will see, therefore, that west of the Rocky Mountains, on the Pacific side, where there are no general superintendents, the reason exists for keeping the superintendencies in the hands of the Governors, although the letter which I have read from the Commissioner of Indian Affairs, states that, in his opinion, they ought to be separated in all cases. The system is complete when you carry out what the Legislature, in 1851, intended to carry out. You abolished all minor superintendencies, and placed the whole in the hands of three general superintendents. We have the third general superintendent in the person of Mr. Huebschmann, in Wisconsin, who can superintend these affairs in Minnesota, as well as those which he has now under his charge. So far as regards the duties of the Governor, I intend to move, if nobody else does, to increase his salary up to the proper point—say \$2,000 or \$2,500; for, so far as I am concerned, I will vote for either. It need not be done here, if this is not the proper place; but this is the proper place to perfect what the Congress of 1851 intended to perfect in reference to Indian superintendencies. The Senator will see that the reason exists in full force. Here are three general superintendents provided for; and the effect of my amendment is simply to obviate an exception which, at the time, was made for a mere temporary purpose; and I say again, that the experience which we have had in Minnesota, under Governor Ramsay, the amount it has cost the Government, and the difficulties which have grown out of it, admonish us that the Congress in 1851 were wise in these general provisions. The Commissioner says, in his letter, that the business of the two offices has no relation to each other. The duties are inconsistent with each other. What is said by the Senator from Wisconsin, one of the Committee on Indian Affairs, is said with great truth and force. It was the existence of all these things that induced Congress, in 1851, to abolish all other means, and regulate it by the appointment of three superintendents. I am very much disinclined to consume the time of the Senate on this subject; but I confess that, to my mind, the proposition is one of the plainest in the world.

Mr. WALKER. I think the Senator from Illinois will discover, when the facts are fully presented, that his views are the very reverse of what they ought to be. He assumes that the general rule now is, that the Governor shall, *ex officio*, discharge the duties of superintendent, and that we are about to make an exception to that general rule in the case of Minnesota. The reverse is the fact. He will perceive that, under the law which it is now proposed to amend, the general rule is made that the Governor shall not be, *ex officio*, superintendent, but that there shall be superintendents of Indian affairs appointed, though for the reason mentioned by the Senator from Michigan—that at that time the Governor of Minnesota was negotiating treaties—that locality was made an exception to the general rule. It is to get rid of that exception, that the amendment of the Senator from Michigan is designed. There exists now, east of the Rocky Mountains, this exception, in the case of Minnesota. Perhaps it would be well for it to exist, provided we had no northern superintendent; but

we have a northern superintendent, an officer who can take charge of the Indian affairs and relieve the Government of them. As for the gentleman who is Governor, I have no doubt he is as competent, and will as faithfully discharge the duties of superintendent, as any other man in America, but he cannot do it properly and attend to his other duties. Suppose that, during the session of the Legislature in winter, a difficulty arises with the Indians; it becomes his duty to leave the seat of government; the law compels him to do it, and go among the Indians. What is he going to do? He must seek the agency of some irresponsible person, and send him there, and ten to one he is not the man to reconcile matters with the Indians. The Governor cannot go himself in person, for he has to be at the seat of government in attendance upon the Legislature, and hence very often these difficulties arise. I think it is well to get rid of the exception made in the law of 1851, and place the Indians where they are placed everywhere else east of the Rocky Mountains, under the superintendency of the superintendent of Indian affairs proper.

Mr. DOUGLAS. It is true, as the Senator from Michigan has said, that I do not understand this question as well as I should if I had thoroughly investigated it. I had not turned my attention specially to it for the reason that I had no idea such a proposition would be made on a motion to amend the Indian appropriation bill, and that if any such radical change was contemplated in our Indian affairs, I presumed it would come from the Committee on Indian Affairs, and that I should have time to examine it. The act of 1851 does provide that the superintendencies shall be dispensed with east of the Rocky Mountains and north of New Mexico, except that in Minnesota, where the Governor shall continue, *ex officio*, superintendent of Indian affairs, unless the President of the United States shall relieve him therefrom. Then, as under this law as it is the President of the United States has the power to-day to make this very change as to that Territory, if he sees proper, why the necessity of this provision on the subject?

Mr. STUART. The Senator did not hear what I said in the outset. The object is this: The President, as the matter stands, would not separate these duties, and leave the Governor only \$1,500 a year. It would not be fair. He can separate the duties, but he cannot increase the salary.

Mr. DOUGLAS. Exactly.

Mr. STUART. Therefore, there is the necessity to legislate on the subject.

Mr. DOUGLAS. I know; but still, in this legislation you do not propose to increase the salary. You only propose in this bill to do what the President is authorized to do under the existing law. I take it for granted that if, in the estimation of the President, the public interest required this change, he would have made it before this time. I take it for granted, that if, in his estimation, the public interest should hereafter require the change, he will make it under the existing law. By your amendment you only require it to be imperative upon him to make a change which he is authorized to make, if he thinks his duty and the public interest require it. Hence, there is no necessity connected with the public service to do this act, unless you believe that the President does not understand, or is not willing to perform his duty under the law.

But, sir, I cannot really understand that this is an exception to the general rule. The general rule has been, in this country, to make the Governors of the Territories *ex officio* superintendents of Indian affairs. I know that under peculiar emergencies you have sometimes required the appointment of an extra superintendent; but the general rule has been that the Governor shall *ex officio* be superintendent. It was so in Iowa, it was so in Wisconsin, in Missouri, in Michigan, in Oregon, in Minnesota, in all the Territories. I am not certain but that some slight change has been made in Oregon recently; but if so it has been in this indirect mode, and without due reflection and investigation.

But why should there be a difference between your superintendencies east and west of the Rocky Mountains? If the Governor is a proper superintendent west, I suppose he is a proper superintendent east. Certainly that range of mountains does not make such a difference either in the powers of

your Governors, or in their duties or capacity, or in the nature of the Indians, or the duties towards them, as to require one system of policy on the east and another on the west side. I think, therefore, that this attempt to adopt one system in one place, and another one in another place, on the suggestions of members or of particular officers, without having the whole subject investigated, is calculated to lead to confusion. I repeat, if you will show me that the Governor is so much engaged that he cannot perform his duties as superintendent, I am willing, upon a bill to be reported by the Committee on Indian Affairs, carefully matured, to make a change; but I wish to make it everywhere, and not make an exception of one Territory when no good reason for that exception can be pointed out.

The Senator from Wisconsin [Mr. WALKER] says, that the Governor has to be at the seat of government to attend on the Legislature, and has not time to attend to those duties. He has to be at the seat of government not exceeding forty days in the year. Your law provides that the Legislature shall only continue in session forty days in twelve months. I should think that the Governor might attend the rest of the time to Indian affairs.

Mr. WALKER. Has he not other duties to attend to?

Mr. DOUGLAS. Certainly; he has other duties, but duties that can be performed in one part of the Territory almost as well as in another. At any rate, if he cannot attend to those duties, the same objection applies to New Mexico; why not make the change there? If the Governor of Minnesota cannot perform both those duties, or cannot be permitted to absent himself from the seat of government to superintend the Indian affairs in Minnesota, how can the Governor of New Mexico do it there?

Mr. WALKER. They ought to be separated there.

Mr. DOUGLAS. Then, if they ought to be separated in New Mexico, why not separate them in Utah?

Mr. STUART. The Committee on Indian Affairs are going to report a bill to do so.

Mr. DOUGLAS. The committee, you say, are going to do that; then, if it is done in Utah, why not also in Washington and Oregon, if it has not already been done there?

Mr. SEBASTIAN. Will the Senator from Illinois allow me to correct him?

Mr. DOUGLAS. Certainly.

Mr. SEBASTIAN. From the tenor of his remarks, I suppose the Senator takes it for granted, that the committee have recommended this separation?

Mr. DOUGLAS. No; I do not understand it so. I was pursuing the train of remark because these gentlemen [Messrs. STUART and WALKER] were arguing in derogation of the committee, so far as I am informed.

Mr. SEBASTIAN. The committee have recommended simply to make the location or seat of the superintendencies movable—nothing more. The proposition to separate the superintendency from the governorship comes from the Senator from Michigan.

Mr. DOUGLAS. I am very glad to hear that explanation. I supposed that such was the case; and I was arguing in the manner I was pursuing, because the Committee on Indian Affairs had been deprived of their legitimate functions, and had not had charge of the subject. It was a reason why it should go to the Committee on Indian Affairs. We know that that committee have devoted their attention to Indian affairs, and understand these questions much better than the other members of the Senate do. We know that the chairman [Mr. SEBASTIAN] has devoted his attention to them until he is perfectly acquainted with the question in all its bearings; and, I think, that a proposition as sweeping as this, ought to have come from that committee, and not been brought in by persons not connected with the committee at all. That is the reason I was arguing upon that point.

As to the recommendation of the committee, that the President might change the seats of the superintendents, I think it is proper and right. One of them is located now in St. Louis. There are no Indians within many hundred miles of that place. By changing his locality from there to St. Joseph's, Missouri, or the mouth of the Kansas, or some other proper point, it is possible he might be

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rendered much more efficient and useful in the performance of his duties. If the President should come to the conclusion that such was the case, it would be well to permit him to change the location with reference to placing him nearer the theater of his action, or the scene of his duties. So it would be with the other agencies.

But, sir, when you come to the question of separating the duties of superintendent in the Territories from the office of Governor, it is a question of vast importance, requiring mature consideration. I am, by no means, certain but that the Governor of a Territory possesses a power over the Indians, that no other man would possess. The very fact that he is Governor, the very title of his office, the very fact that he is commander-in-chief of the militia of the Territory, the very fact that he has the executive power and authority in his hands, the right to call out the militia, the right to exercise military power, makes him the proper man to enforce your Indian laws, in the event they are resisted by the Indians. If you have a mere superintendent there, he is a man with naked authority, without the power to enforce his commands. Are you going to have your superintendent with authority to call upon and command the Governor? Suppose the superintendent finds that his orders are resisted, and that he cannot execute them; who, then is to call out the militia, or the military authority for that purpose? Is it the superintendent himself? If so, you make him commander-in-chief over your Governor. It will produce a collision of authority; and I think that it requires deliberation before you throw all this confusion into the government of the different Territories of the Union. I wish to see the necessity for this change. I should like to hear the experience of the distinguished Senator from Wisconsin, [Mr. DODGE,] who has been the Governor of Territories. I should like to hear the experience of the distinguished Senator from Iowa, [Mr. DODGE,] who has lived nearly all his life in Territories; or of the other Senator from Iowa, [Mr. JONES,] who has represented Territories nearly his whole life here. I should like to have those gentlemen, who are familiar with the territorial organization, with the duties of the superintendent of Indian affairs, with the authority of the Governor, and who have had experience upon the subject, confer with the Committee on Indian Affairs, and prepare such a general bill as would do justice to the subject.

I did not desire, Mr. President, to interfere with this question; but my position as chairman of the Committee on Territories, makes it my duty to call the attention of the Senate to the subject, to show that by pursuing the course proposed by the Senator from Michigan, you will be producing confusion in the whole territorial organization, which ought not to be done except upon mature deliberation.

Mr. HUNTER. I hope we shall confine ourselves to the amendment of the Committee on Indian Affairs, and not be introducing other topics, which, it is evident, will lead to debate in regard to the general policy which should prevail in the government of the Indians. I think it would be better to reserve those questions for some separate bill. The provision moved by the Committee on Indian Affairs, in regard to changing the locations of the superintendencies, is a matter of necessity, and I trust that the other matter will not be pressed upon us now.

Mr. WALKER. There is one point in the remarks of the Senator from Illinois [Mr. DOUGLAS] to which I wish to make a very brief reply. He suggested one reason against the amendment of the Senator from Michigan; and I think in that reason there was more force involved than in any other which he gave. He says he thinks that it is peculiarly appropriate that the Governor of a Territory should be superintendent of Indian affairs.

Mr. DOUGLAS. I say such has been the practice; and I do not see what reason there is for a change in the practice, which has existed for sixty years. But I say if the Committee on In-

dian Affairs can satisfy me that there is a necessity for a change, after mature consideration, I should be likely to bow with deference to the opinion of that committee.

Mr. WALKER. The propriety of the Governor of a Territory being at the same time superintendent of Indian affairs, was certainly enforced by the Senator from Illinois, and he gave a reason for it; and to that reason I wish to reply. His reason was, that the Governor had influence over the Indians because he held the title and official position of Governor, and because he was, besides, commander-in-chief of the territorial militia, and had power to call them out. Did not that Senator reflect, that when the Governor calls out the militia, he does so as Governor, and not as superintendent of Indian affairs? The superintendent is not appointed to fight the Indians, but to protect their interests, to care for them, and to look after their welfare. Then, if the Indians are under the superintendency of a separate superintendent of Indian affairs, what will be the result? If violence ensues between them and the whites, the Governor does just what he would do if he were also superintendent of Indian affairs: he calls out the militia then. For what purpose? To protect the interests of the Indians? To take care of them? No, sir! But to whip them, and to protect the whites. That is just what he would do, if the Indians were under the superintendency of a person separate from the Governor. He would call out the militia to fight them, and put down the insurrection. That is his duty, as Governor, and not as superintendent; and his being superintendent disqualifies him, to a great extent, from doing so; for the very insurrection may arise from his own fault, and after he has committed the fault, and brought the Indians to arms, he turns round and calls out the militia to fight them, and put them down. Sir, there should be a disinterested person to judge of that matter, and he should be the superintendent of Indian affairs, and not the Governor. It is not for the superintendent to set up a rule of action for the whites, but for the Indians; and the Governor's duty is to set up a rule of action for the whites. It is not his duty, and it is never imposed upon him, as superintendent of Indian affairs, to call out the militia to fight the Indians. When he does so, and appeals to arms, he does it as the enemy of the Indians, as Governor, and not in discharge of his duties as superintendent.

I think that when the idea advanced by the Senator from Illinois is properly understood, it will be an argument for the propriety of separating the offices of Governor and superintendent. I hope and trust that it will be done in this instance, and that the proposition of the chairman of the Committee on Indian Affairs will not be adopted. For one, I do not wish to see it adopted, unless the proposition offered by the Senator from Michigan be also adopted. If the two can go together, I will vote for them.

Mr. DOUGLAS. It may be that all the difficulties which the Senator from Wisconsin portrays may exist in case we do not change the law; but, sir, inasmuch as the system which he proposes to change, and which he thinks will be so dreadful and so unjust in its operation, has been in existence as long as this Government has been in being; and inasmuch as you have had from three to six Territories during that whole period; and inasmuch as no such collision, or injustice, or violence has occurred, I can hardly see that there is any great reason for the alarm expressed that it is about to occur at this instant. In arguing against this change before, what I said was, that as we have had the system for half a century, and there has been no pretense that any one of these evils has occurred, no pretense that any one of these acts of violence or of injustice has been committed, I wanted to know what ground there was for the change. I do not say that it ought not to be made, but I say that fifty years' experience is long enough to enable gentlemen to point out the evils if they exist; and I say further, that that long acquiescence, and the absence of any complaints, and the absence of any of the wrongs and

injuries which are feared, should restrain us from acting; at least until the appropriate committee of this body can consider the subject, and give us their sanction for our action. That is all that I was urging. It may be right to make the change, but I do not see that, as yet, any good reasons have been advanced which require us to make a departure from the old policy.

Mr. TOUCEY. Mr. President, I infer from the introduction of this measure here, that the application has been made to the President to make the very change which is proposed by the present amendment. The law gives the President the power to make that change; and I infer, therefore, that it has not been accomplished, because the Executive is not convinced that it ought to be done. Now, sir, I am not willing, unless good ground be presented here for it, to take an appeal from the Executive to this Chamber, or to Congress, in a matter in regard to which he must be better informed (it being a part of his executive duty) than the legislative department of the Government.

If I understand the matter, these two offices are united in every Territory, except in Oregon, by the existing law; but in regard to Minnesota, power is conferred upon the President to make the separation, and he has not chosen to make any such change. The Committee on Indian Affairs of this body has not reported in favor of any such change, nor has any member of that committee, if I understand the matter aright, except the Senator from Wisconsin, favored it. But here is a proposition brought in against the action of that committee, or without its action, and against or without the action of the President, proposing to make an exception in regard to the Territory of Minnesota. It may be right; I am not prepared to say that it is not right; but it is contrary to the practice of the Government hitherto, if I am correctly informed, except in the case of Oregon, and I can readily conceive why that should be an exception. If a proper measure were presented to us, upon general grounds, I would have a law which would apply to all Territories; at all events, I should not be willing to make the change unless it came from the committee, or in some way received its sanction.

Mr. WALKER. I simply wish to answer as to the inference drawn by the Senator from Connecticut. He says he infers that application has been made to the President to do just what it is proposed to do by this amendment. I wish to assure him, and the Senate, that if any such application has been made to the President, I am entirely ignorant of it. I do not think such an application has been made. If it had been made, however, I have no doubt the President gave this answer: "If I separate the duties of superintendent of Indian affairs from those of Governor, I shall reduce the Governor's salary \$1,000, leaving him only \$1,500 a year. That would be inadequate; and therefore I decline to separate the two offices." That, probably, would be his answer, if he were asked to make the change; and I think he would be correct in it. He would be correct in it if he looked only to the interests of the officeholder, and not to those of the Indians. If he looked to the interests of the Governor of Minnesota, he would see, that by making the change, he was reducing the salary of the Governor so much, without having any power to make compensation for the reduction. Now, what is proposed by the Senator from Michigan is, to separate the duties of the two offices, and, when the proper bill comes up, to increase the salary of the Governor, so as to do him justice. Then it is only to do, on the part of Congress, what the President probably could not do in justice to the Governor of Minnesota. There has been, to my knowledge, no application made to the President for this change.

Mr. TOUCEY. I did not mean to say that there had been any such application. I merely drew the inference in my own mind, from the fact that the power was lodged in the President, and that upon that subject he was much better in-

formed than individual members of the Senate, and I confided in his action, and especially when that action is sustained by the appropriate committee of this body.

Mr. SEBASTIAN. The debate upon this amendment of the committee, and upon the amendment proposed to it by the Senator from Michigan, has assumed so wide a range, and involved the discussion of so many collateral questions and considerations, that I beg the attention of the Senate for a short time, merely to enable me to state the very simple question which is presented by the amendment of the Committee on Indian Affairs. That amendment proposes simply to allow the locations of the present superintendencies of Indian affairs, wherever they may be, to be changed according to the discretion of the President, which is, of course, the discretion of the Indian Department, in order to accommodate our Indian system to the shifting and changing geographical position of the Indians. It is a matter of evident necessity, the propriety of which, I presume, no Senator will question.

The Senator from Michigan proposes to go further, and to separate the office of superintendent of Indian affairs from that of Governor of the Territory of Minnesota. So far as the Committee on Indian Affairs have had that subject under consideration, and they gave but very slight consideration to it, indeed, they could not agree to recommend it. It did not meet the sanction of the judgment of the committee. The opposite policy has been pursued so long, and has, with some few exceptions, worked so well, that we are not prepared to recommend a separation of the duties of the two offices in this case. The offices of superintendent of Indian Affairs and Executive of the Territory are now united in the Territories of New Mexico, Utah, Washington, and Minnesota; we were therefore not prepared to sanction the amendment which has been moved by the Senator from Michigan. He seeks to do by law that which existing laws authorize to be accomplished by a simple order of the Executive.

Now, sir, in order to meet the only argument which, as it seems to me, the Senator from Michigan has brought forward against leaving this discretion with the President—that is, that he would not like to exercise it because by so doing he would decrease the Governor's salary—I intend, if the Senate decline to adopt the amendment of the Senator from Michigan, which I hope they will do, to offer this proviso to the amendment of the committee:

Provided, That whenever the President may order the transfer of the duties of superintendent of Indian affairs from the Governor of the Territory of Minnesota, the salary of such Governor shall thereafter be ——— dollars per annum.

By putting in such a provision as this, we shall remove all the difficulty and all the objection arising out of the sudden decrease of the salary of that officer, and leave the question of the separation of the duties of the two offices to be determined as now provided for by law—that is, by the President of the United States. I presume that being a mere matter of administrative detail, that it is much better it should be left to the discretion of the President, who is supposed to be better aware of the exigencies of the Indian service than we are, and allow him to accomplish, by a simple order, that which, if we regulate it, must be done by a fixed, imperative, and compulsory law.

Mr. STUART. It has become a matter of very little consequence with me whether the Senate adopt my amendment, as I shall modify it—because I intend to test the sense of the Senate upon the exact question, and I shall modify it so as to increase the salary of the Governor at the same time—or whether they adopt the suggestion now intimated by the Senator from Arkansas. And, sir, but for some things which have been said in the debate, I should have contented myself with allowing the question to be taken without any further remarks; but the movement which I have made here has been characterized by the Senator from Illinois, and by the Senator from Connecticut, as most remarkable. The Senator from Illinois characterized my amendment as a most sweeping one, making a very great change in our Indian relations, and said it ought to receive the serious consideration of the Committee on Indian Affairs, and of the Senate. This only goes to show how men may differ. I consider it

the simplest question in the world, and reduced to a nut shell.

Congress, in 1851, provided for a general change of Indian superintendencies east of the Rocky Mountains; and the Senator seems to have forgotten, in his remarks, that the history of the Government, in respect to its Indian affairs, is a history of fraud and plunder. The Senator says he can see no reason why this change should be made. Why, sir, the system itself was subjected in the hands of designing men to the perpetration of such frauds upon the Treasury of the United States, that it was impossible for human ingenuity to prevent them; and the statistics will show that this Government has been plundered to a greater extent through its Indian agencies than from all other sources put together. Hence Congress, in 1851, being aroused to this question, resolved to sweep away all these informal modes of distributing money among the Indians and superintending Indian affairs, and provided for three general agents, who should be nominated by the President, and confirmed by the Senate, paid a liberal salary, and held to a rigid accountability for the proper exercise of the duties of their office. The Territory of Minnesota was excepted out of that general rule for a reason to which I have already alluded, and which I will not trouble the Senate with repeating. The ground of the exception having ceased, the exception itself should cease. This, therefore, in my judgment, is no sweeping change. The sweeping change was made in the second section of the law of 1851, which swept away this whole mode. It was done then, and done maturely—done with deliberation, and done, I apprehend, with great propriety.

The reason to which I alluded for the distinction west of the Rocky Mountains still prevails. There are no general superintendencies there. But I have read the letter of the Commissioner of Indian Affairs, who is presumed to know more about the matter than any other man under this Government, in which he says the change ought to be made in all cases; that there is no reason for retaining the two offices in one person anywhere, and that the Government service would be better without it. That is his view, and it should be pretty good authority.

Then, sir, the Senator suggests, and the Senator from Virginia, and the Senator from Connecticut, have fallen into the same argument, that there should be no amendments to appropriation bills except they come from the committees. That would leave very little for the rest of us to do.

Mr. HUNTER. I beg the gentleman's pardon; I did not say so.

Mr. TOUCEY. Nor I.

Mr. DOUGLAS. Nor I; nor any one else, I believe. I neither stated it, nor hinted it, nor said anything from which any one could infer it.

Mr. STUART. The remarks will be published in the Globe; and I venture to say that it will appear from the report, that the argument of the Senator from Illinois against this amendment was, that the subject had not received the attention of the Committee on Indian Affairs, and that the Senate ought not to entertain it, because it had not been acted upon, and reported upon by the committee. Now, sir, I say that that argument will cut off the right of any individual Senator, who does not belong to any particular committee, to offer an amendment, because if the argument is sound in this instance, it is sound in all instances. That is the necessary result of the argument.

Now, sir, I think that the Senator from Connecticut has introduced an argument which is still more remarkable than that. He says that he infers that the President has been called upon to make the change, and has declined to do it. If the Senator himself has called upon the President to make that change, and the President has declined, he has a right to draw the inference, because then he knows something about it; but there is nothing in the proposition which carries any such inference. Then he follows this up by saying that he objects to taking an appeal from the action of the President to the Senate, or to Congress. I never dreamed that any such appeal was being taken. I had called upon the Commissioner of Indian Affairs, and I read to the Senate the correspondence in which he sanctioned this change. I had called upon the Secretary of the Interior, who has charge of the Indian depart-

ment, and he told me that he would not recommend the change, because it took away part of the Governor's salary, but that, in his judgment, the change ought to be made. That I had stated here. If I were President of the United States I would not make the change, nor would the Senator from Connecticut do it, and take \$1,000 off the salary of the Governor of Minnesota. He could not infer that Congress would increase the salary. Hence, I said in the outset that the proviso to the second section of the act of 1851 was incomplete; that while it purported to give this power to the President of the United States, the power was so incompletely given that he could not exercise it without injustice. I say, therefore, it is quite immaterial to me whether the amendment which I have moved, or that now indicated by the chairman of the Committee on Indian Affairs, be adopted. I have the opinion of the Indian Commissioner, and of the Secretary of the Interior, that the separation ought to be made, and, as I said before, it is impossible for me to conceive why the Senate should hesitate in doing what it is conceded ought to be done, but the objection to doing which is, that this is not the proper way and proper place to do it. I should have thought that the general Indian appropriation bill was the very place to provide for everything connected with Indian affairs.

I will modify my amendment by adding to it a proviso, that the salary of the Governor of Minnesota shall remain at \$2,500, which is his present salary as Governor and superintendent of Indian affairs. I can see no reason myself—I do not say what reason other gentlemen can see—why a measure which is recommended by the Commissioner of Indian Affairs, and sanctioned by the Secretary of the Interior, (and which I have, therefore, a right to infer would be sanctioned by the President of the United States, because he is in the habit, I apprehend, of sanctioning the action of the officers who have charge of these questions,) should not be carried out by Congress. Why should it not be done? What has been urged against it? Nothing, except what I conceive to be—I say it, certainly, with great respect—a very remarkable argument, charging me with asserting a right which does not belong to anybody but a member of the Committee on Indian Affairs, and with the intention of appealing from the President of the United States to the Senate, and, therefore, invoking the power of the friends of the President to vote down my amendment. Why, sir, I do not know anything about that course of action. I have offered this amendment because I deem it very important. I had some little knowledge of what occurred under Governor Ramsay. I looked a little into those transactions, and although I believe he was acquitted of the charges brought against him, I also believe he impugned the law, and I believe, just as long as the Governor of a Territory holds the patronage of Governor and the money of the Indians, there is too strong a temptation for most men, and we shall find that the difficulties will continue to occur. It is for that reason that I offered and urged the amendment; but I say again, that I care not how the object is effected. I would as lief turn the responsibility over to the President, if the Senate are afraid of it, as to take the responsibility here. For myself, however, I prefer to do whatever in my judgment ought to be done, and to do it myself. I prefer, as a member of Congress, to take the responsibility, so far as my vote and action go, to change this law, rather than turn the question over to the President, and say to him, "Sir, you must take the responsibility, because a former Congress conferred it upon you imperfectly." I propose to relieve the President of it, and to place the responsibility where it belongs, and that is on the Congress of the United States.

Now, in conclusion, (and I hope this is all I shall be called upon to say on the subject,) let me say, that I predicate my action upon the recommendation of the Commissioner of Indian Affairs, asked of him for that purpose, upon the opinion informally obtained of the Secretary of the Interior; and I infer, from the fact that these two officers are combined upon the question, that the President would be of the same opinion, if called upon, in respect to this change.

Mr. DOUGLAS. The Senator is entirely mistaken in supposing that he predicates his amendment on the recommendation of the Commissioner

of Indian Affairs. It seems, by a letter from the Commissioner, addressed to the Senator, in answer to an inquiry made by him, whether this change ought to be made in Minnesota, that he says: "By reference to the second section," &c., "you will find that the President already has the power" to make the separation in Minnesota. Then he adds, "My individual opinion has been, and is, that the public interests, so far as Indian matters are concerned, would, in all the Territories, be subserved by a separation of the two offices, there being no similarity in duty, or necessity for the connection in any respect."

What is his recommendation? He answers, as to the point put to him, whether the separation ought to be made in Minnesota, that the law already authorizes it. As to the question, whether there ought to be a general law, he says his opinion is in favor of a general change. Certainly you cannot draw an inference from that letter that he thought it ought to be made in this particular case, while the old system continued in other cases. The inference, it seems to me, should be, that he saw no necessity for making a special exception of this case; but if you are going to reorganize the system, and make a general change, he says he is in favor of it; otherwise, he says, the law as it stands is sufficient to authorize the President to act. Then his recommendation, so far as there is any recommendation at all, is against this special act instead of being in favor of it.

Again, if the Commissioner of Indian Affairs had intended to make a recommendation for this change, he would certainly have sent it to the chairman of the Committee on Indian Affairs, who is the appropriate person to hold communication between that committee and the Commissioner of Indian Affairs, on a question of this kind.

Sir, I regret that I have been under the necessity of rising again on this point; but I must say a few words further. The Senator says, that here is an exception to the general rule—that the act of 1851 abolished the sub-agencies, and all that kind of thing, east of the Rocky Mountains, with this exception. Why, sir, if he will look into that matter, he will find that the act of 1851, to which he refers, does not remove an agency in any organized Territory of the United States, and does not deprive any Governor of a Territory of the duties of superintendent of Indian affairs. What is the exception? The act of 1851 excepts from it every organized Territory in America. It applies to the Territories east of the Rocky Mountains, north of New Mexico, thus excepting that Territory, and excepting Minnesota; and those are the only two organized Territories east of the mountains. This shows that the act was intended to apply to the unorganized Indian country, and to none other.

No provision of that act applied to any of the organized Territories of the United States, and for fear it might be construed as applying to an organized Territory, Congress excepted Minnesota by name, and used language excepting New Mexico also. It is very clear, therefore, that the act was intended only to reduce the number of agencies through all that vast Indian country which is unorganized, and not subject to the jurisdiction or control of any Governor, or of any government, except the Indian department.

Then you can find no authority for this measure in the act of 1851. It is not carrying out that act; it is not in accordance with its spirit; and I say, therefore, this proposition to make a radical change in our Indian department, as connected with the organized Territories, should be presented in a different shape. If it is necessary to make the change, let it be done by a general law; and if the Committee on Indian Affairs, on investigation, will report a general law, and satisfy the Senate that there is good reason for it, I will not object; but I wish it brought in regularly.

The Senator says, also, that other Senators and myself have taken the position, that a member of the Senate cannot offer an amendment unless it comes recommended from a committee. Sir, I intimated no such position. I said nothing of the kind. In my argument I did not allude to any such thing. I said that a proposition of this kind, making so radical and sweeping a change in our Indian policy, which had continued for fifty years as it is, should not be presented until the subject had been referred to the proper committee, reported upon, and well considered. I did not intimate that

on ordinary amendments such was the case; but in a proposition to make a great change in a permanent system, there should be deliberation, examination, and investigation. I hope I shall have no more to say on the question.

Mr. STUART. I modify the amendment to the amendment, so as to read in this way:

And that the proviso contained in the second section of the act of February 27, 1851, be, and the same is hereby, repealed: *Provided*, That the salary of the Governor of Minnesota shall remain at \$2,500 per annum.

The amendment to the amendment was rejected; and the question recurred on the adoption of the amendment of the committee.

Mr. SEBASTIAN. I move, as a modification of the amendment of the committee, to add to it the following:

Provided, That whenever the President may order the transfer of the duties of superintendent of Indian affairs from the Governor of the Territory of Minnesota, the salary of said Governor shall thereafter be — dollars per annum.

My object is simply to provide that, if the President exercises the power now conferred on him by law, to separate the executive duties of the Governor of Minnesota from the duties of superintendent of Indian affairs, the salary of the Governor shall be raised to a sufficient amount. I have left the amount blank in the amendment, but the blank can be filled by the vote of the Senate.

Mr. WALKER. I move to fill the blank with "\$2,000."

Mr. DOUGLAS. I ask the chairman of the Committee on Indian Affairs to accept an amendment of this sort: "That whenever the President shall relieve the Governor of Minnesota, or of any other organized Territory, from the performance of the duties of superintendent of Indian affairs, the salary of the Governor shall remain the same as if the order had not been made," so as to make the provision general.

Mr. SEBASTIAN. I will state to the Senator, that the President has not got that authority, except in this particular case.

Mr. DOUGLAS. He will have it, if that amendment be made.

Mr. SEBASTIAN. This power of the President applies to the Governor of Minnesota. The law does not authorize him to separate the duties of superintendent of Indian affairs from those of Governor in any other Territory.

Mr. DOUGLAS. I think, however, he would have that power by inference, if we put the amendment in the form which I suggest. My amendment is, that "whenever the President of the United States shall separate from the office of Governor of Minnesota, or of any other Territory, the duties of superintendent of Indian affairs, then the salary of the Governor shall remain the same as it would have been if such order had not been made."

Mr. SEBASTIAN. Then, do I understand the Senator from Illinois to mean that, by the adoption of his modification, the amendment would confer the authority upon the President, in reference to the other Territories, which he has not now by law?

Mr. DOUGLAS. Precisely. It is with that view that I suggest my amendment.

Mr. SEBASTIAN. I will accept the modification.

Mr. DAWSON. I wish to ask whether the adoption of this amendment will not increase the amount of compensation that will be paid to these territorial officers?

Mr. WELLER. When the President separates them, it will.

Mr. DAWSON. Then I ask, wherefore the necessity for placing the President in a condition where he will be constantly harassed to separate these appointments; and thus make his position exceedingly uncomfortable, for such is the desire to get into office, that we know it will be a prevailing feeling. If the Senate is determined that the superintendency shall be vested in the Governor, let us say so, and not put the President in this embarrassing condition. I think it is legislating in a wrong way. Let us say that this shall or shall not be so, and leave no discretion with the President. That is my view about it, and I hope the chairman of the Committee on Indian Affairs will not accept propositions of this kind, which are merely calculated to embarrass the President.

Mr. COOPER. I do not think it will injure

the President much in that respect. He has a good deal of that business on hand now, and the making of this little addition to it will not embarrass him a great deal. If there be no better argument against the proposition than that, I hardly think it ought to prevail.

Mr. WALKER. I will say to the Senator from Georgia that, as regards Minnesota, it will not increase the amount, because there is already a superintendent there, and the Governor now, *ex officio*, discharges the duties of another superintendent; and therefore, if you leave his salary for Governor alone, as it now is for Governor and superintendent, and take from him the duties of superintendent and impose them upon the person now appointed for the purpose, the amount paid to the two officers will be just the same as it is now. But if you increase his salary as Governor \$500, and take from him the duties of superintendent of Indian affairs, and impose them upon the regular superintendent, you will decrease the amount \$500, and thus save \$500 a year to the Treasury by the operation.

Mr. DOUGLAS. As I understand it, there is now a general superintendent for Wisconsin.

Mr. WALKER. He is the northern superintendent.

Mr. DOUGLAS. Superintendent for Wisconsin, I believe.

Mr. WALKER. Not at all. There are three general superintendents—northern, western, and southern. The northern superintendent, whose office is at present located in Wisconsin, would be entitled to the jurisdiction of the Indians in Minnesota, but for this exception.

Mr. DOUGLAS. The superintendent was appointed for Wisconsin. Then, if you relieve the Governor of Minnesota from these duties, the question is, whether you shall put them on that superintendent.

Mr. STUART. They go there by law.

Mr. DOUGLAS. If they are thrown on that superintendent, the question will be whether his salary shall be increased. If his salary should not be increased, but the Governor's salary should be increased by the amount thus taken from him, it would make no change in that respect in the amount paid. I would say the Governor's salary should be \$2,500.

Mr. SEBASTIAN. I have already said to the Senator from Illinois, that I would accept his modification, and so I will, if he insists upon it; but I think that, by pursuing a different course, we shall relieve the amendment of the committee in relation to the change of the location of the superintendencies, which I think had better be left by itself, without incurring it with the provision suggested by the Senator from Illinois. I will presently offer an amendment to separate the superintendent of Indian affairs in Utah from the Governor of that Territory, for particular reasons, and the Senator's amendment can come in then.

Mr. DOUGLAS. I am willing to have it come in at any place.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) Does the Senator from Illinois withdraw his amendment?

Mr. DOUGLAS. I understood the Senator from Arkansas to accept it, and I am not willing that we shall adopt his amendment, as it now stands, without adding more. I wish, whenever we act in regard to Minnesota, to make our action general; but at the same time, I am willing that the amendment of the committee, in relation to the change of the location of superintendencies, shall be voted on first.

Mr. SEBASTIAN. I will say to the Senator that I will offer another amendment presently to separate the office of Governor and superintendent of Indian affairs in Utah, and then the Senator can move more appropriately than here, to attach the general provision to it.

Mr. DOUGLAS. Very well; then I withdraw my amendment.

The blank was filled with "\$2,500," and the amendment as thus amended, was adopted, as follows:

Provided, That the President may, from time to time, in his discretion, remove or change the location of any of the superintendencies now or hereafter to be established by law: *Provided*, That whenever the President may order the transfer of the duties of superintendent of Indian affairs from the Governor of the Territory of Minnesota, the salary of said Governor shall thereafter be \$2,500 per annum.

Mr. SEBASTIAN. I am instructed by the

Committee on Indian Affairs to offer another amendment, to insert, before the appropriation for the Creeks, the following:

Camanches, Kioways, and Apaches, of the Arkansas river.—For the first of ten installments for the purchase of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the 27th of July, 1853, \$18,000;

For expenses of the transportation of the first of ten installments of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the 27th of July, 1853, \$5,000;

Provided, That the goods, provisions, and agricultural implements which may be purchased and transported out of the moneys hereby appropriated, shall not be delivered until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the said treaty, on account of which they are procured.

This amendment is merely intended to carry out the treaty lately ratified, which has been made with these Camanches, Kioways, and Apaches; and is in strict pursuance of the treaty stipulations. The amendment was agreed to.

Mr. SEBASTIAN. The next amendment of the Committee on Indian Affairs is to insert, at the end of the appropriation for the Creeks, the following:

For the expenses of running and marking the eastern boundary line of the Creek country west of the Arkansas, \$8,000.

This is in pursuance of an estimate from the Department, and is in fulfillment of the treaty of 1838 with the Creek Indians, by which the United States assumed the expense of marking the boundary line between that nation and the Cherokees.

The amendment was agreed to.

Mr. SEBASTIAN. I have now some amendments to offer from the Committee on Indian Affairs to fulfill the treaties with the Omahas, Ottos, and Missourias, lately ratified by the Senate. The first of these amendments is, to strike out of the appropriations for the Omahas, this provision:

"For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the 15th of July, 1839, \$500"—and to insert in lieu of it—

For fulfilling the stipulations contained in the fifth article of the treaty of the 16th of March, 1854, \$41,000.

For surveying and marking the boundary of the reservation of lands, stipulated in the first article of the treaty of the 16th of March, 1854, \$1,200.

The next of this series of amendments is, to strike out from the appropriation for the Ottos and Missourias these words:

"For education, during the pleasure of the President, stipulated in the fourth article of the treaty of the 21st of September, 1833, \$500"—

and to insert, at the end of the appropriations for the Ottos and Missourias, the following:

For fulfilling the stipulations contained in the fifth article of the treaty of the 15th of March, 1854, \$20,000.

For surveying and marking the boundary of the reservation lands, stipulated in the first article of the treaty of the 15th of March, 1854, \$800.

The amendments were agreed to.

Mr. SEBASTIAN. I now offer two amendments from the Committee on Indian Affairs, one of which is to carry into effect a treaty lately ratified by the Senate, which was concluded with the Rogue River Indians in Oregon; and the other, a treaty with a band of the Umpqua tribe of Indians of Oregon. They are both in strict pursuance of treaty stipulations. The first of these amendments is, to insert, after the appropriations for the Quapaws, the following:

Rogue Rivers.—For first of sixteen installments in blankets, clothing, farming utensils, and stocks, stipulated in the third article of the treaty of the 10th of September, 1853, \$2,500.

For the purchase of agricultural implements, clothing, and such other articles as may be deemed conducive to the comfort and necessities of said Indians, and for the expenses of such permanent improvements as may have been made by claimants to land on the reserves named in the second article of the treaty, stipulated by the third article of the treaty of the 10th of September, 1853, \$5,000.

For payment of the property of the whites destroyed in the late war, stipulated in the third article of the treaty of the 10th of September, 1853, \$5,000.

For the erection of three dwelling houses for the principal chiefs of said tribe, stipulated in the fourth article of the treaty of the 10th of September, 1853, \$1,500.

Provided, That no payment shall be made to said Rogue River Indians, or to claimants referred to in these provisions, until said tribe shall have assented to the amendments of the Senate of the United States to the treaty on account of which these several sums are appropriated.

The second of these amendments is to add, before the provision for the Utahs, the following:

Umpquas—Cow Creek Band.—For first of twenty installments in blankets, clothing, provisions, and stock, stipu-

lated in the third article of the treaty of the 19th of September, 1853, \$550.

For the purchase of blankets, clothing, and goods, stipulated in the first clause of the third article of the treaty of the 19th of September, 1853, \$1,000.

For the erection of two dwelling houses, plowing and fencing field, and purchasing seed, stipulated in the fourth article of the treaty of the 19th of September, 1853, \$1,000.

The amendments were agreed to.

Mr. SEBASTIAN. The next amendment of the committee is to insert, after the appropriation for incidental expenses of Indian service in Oregon Territory,

For expenses of insurance and transportation of annuities payable to Indians in the Territory of Oregon, \$3,000.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment of the committee is to insert, under the head of "Texas Indians,"

For the expenses of making the necessary selections and surveys of lands to accommodate the Indians residing within the State of Texas, agreeably to arrangements authorized by an act of the Legislature of that State, allowing the requisite jurisdiction of the Government of the United States for such purposes, and for concentrating and subsisting them, and furnishing suitable stock, cattle, agricultural implements, seeds, and other necessary articles incident thereto, \$86,430.

Mr. President, the object of this amendment is to carry out a policy which the Senate has lately approved in more than one instance within the recollection of the body, for changing the administration of Indian affairs in our distant Territories and States. It proposes to enable the Indian authorities in Texas to collect the wandering and numerous tribes of Indians within the territorial limits of that State, and to teach them the habits of settled life, and endeavor to induce them to follow agricultural pursuits. That measure is specifically recommended by the Department, upon the estimate of a very practical man, the present incumbent of the office of Indian agent in that country, Mr. Neighbors—a man who has an extensive reputation as one of the best Indian agents on the western frontier. I have seen the estimates, and I think they are upon a very moderate scale; and I shall be truly gratified if the project sought to be carried out can be accomplished within the means proposed to be appropriated.

The difficulty in this matter heretofore has been, that the State of Texas, having the sovereignty and entire jurisdiction over the whole territory, had not ceded it to the United States, so that we were unable to effect any arrangement with the Indians for civilizing them, or taking care of them. She has now, by an act or resolution of her Legislature, granted that jurisdiction, and given us the right to select lands out of her own domain, leaving the Federal Government only the remaining expense of collecting the Indians upon the reservations which she proposes to give us.

Mr. HUNTER. I should like to know, from the chairman of the Committee on Indian Affairs, if this sum of \$86,000 is the amount estimated for?

Mr. SEBASTIAN. It is the precise sum of Major Neighbors's estimate.

Mr. HUNTER. I should like to know whether the appropriation is to be for purchasing the lands, or collecting the Indians on them?

Mr. SEBASTIAN. For collecting the Indians, and furnishing them with agricultural implements. Texas has granted us the lands.

Mr. HUNTER. How much?

Mr. SEBASTIAN. A sufficient quantity for the purpose.

Mr. HUNTER. I do not know that we can do anything better than agree to this; but it seems to me to be an innovation upon our old policy. The General Government has no public lands in Texas; and no jurisdiction there over either lands or Indians, so far as I know. The jurisdiction of the State of Texas is exclusive. It seems, however, that there have been difficulties between the Indians and the government of Texas; and, perhaps, in order to prevent trouble, and collision, and war, it may be better for the United States to take upon themselves the charge and care of these Indians. I suppose this is but the commencement of that system. How much further it will go I do not know. It would be as well for the Senate to consider that question.

I am not opposing the amendment, for I am inclined to think that we shall have to adopt some policy like that which it proposes. But it would be as well for the Senate to consider how far they

are disposed to adopt a new policy in regard to the Indians within the States; and I rose simply to call the attention of the Senate to that question. Perhaps, in order to keep the peace, and prevent collisions between the whites and Indians, it would be better to adopt some such policy as this in regard to reservations where jurisdiction has been ceded to us, as has been done in the case of Texas.

Mr. RUSK. Mr. President, I have no sort of doubt that this will be an economical measure on the part of the Government, and extremely beneficial to the Indians. The Government has now a great many posts in the State of Texas, and they are kept up at a very large expense, for the purpose of defending the frontier against the depredations of these Indians. The frontier is so long, and the posts are so far scattered, that they do not effectually prevent depredations on the part of these wandering tribes, the Camanches and others. I may here mention that there are other Indians there belonging to other portions of the United States who had no right to come there. The game is giving out, and the only thing they have left to subsist upon with any certainty, is the horses and mules they can steal from the citizens of Texas or from the citizens of Mexico.

During the last summer I was out through this Indian country, and saw these tribes of Indians. I found that many of them were in a starving condition. I met with all the southern bands of Camanches, and I found them in a starving condition. They are forced to steal or to starve. The estimate of Mr. Neighbors, I think, is a very low one. We have adopted this policy in regard to California at a much higher cost. Perhaps that was proper, owing to the higher prices of the necessary articles there. The women, children, and old men of these Indians informed me that they were ready to go to work, and to farm, and they wanted to do so. The agent who has been out among them has made the necessary calculations, and thinks the sum named in the amendment will be sufficient to enable him to get the necessary stock, provisions, and cattle, and settle them down to labor and work for something to live upon.

Mr. BRODHEAD. How many of these Indians are there?

Mr. RUSK. That is a difficult question to answer. I suppose, when I was there last summer, there were three thousand of them; but a much larger portion of the Camanches were still further north. These Indians pass backwards and forwards, up and down the country. They have no settled habitation. Those that I saw were a little over three thousand. Sometimes many of them go north, following the buffalo and other game. Sometimes they pass over into Mexico, and sometimes into New Mexico; and at other times a very large number of the northern Camanches are assembled there together.

I regard the sum proposed as little enough. The agent who has been there, and who is very familiar with them, regards it as necessary, and thinks he can make the experiment for this sum. My opinion is, that this appropriation will do more to preserve peace on the frontier than five times the amount expended in a military force; and I am satisfied it will relieve the Indians from great suffering.

The amendment was agreed to.

Mr. SEBASTIAN. I am also instructed by the Committee on Indian Affairs, to offer the following amendment, to come in at the end of the appropriations for the Sioux of Mississippi:

That the President be authorized to confirm to the Sioux of Minnesota forever, the reserve on the Minnesota river now occupied by them, and to embrace the country lying between the Little Maraga and the St. Peter's rivers, upon such conditions as he may deem just. And, further, that it be agreed between the United States and the Sioux band of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among them, and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

The object of this amendment, Mr. President, is to confirm to the Sioux nation of Indians in Minnesota, as a permanent home, that reservation upon which they are now located for a temporary purpose. It will be remembered, that the Senate amended the treaty of 1851, so as to take away from them the reserve for which they had pro-

vided in the original treaty, and required the President to purchase and acquire for them territory outside the limits of Minnesota. In attempting to execute that provision, however, he found it to be impracticable; and, under the general authority conferred on him by the treaty, he located them on the reserve provided for in the treaty, but which the Senate struck out. The license, for it amounts to nothing more than that, which he extended to them to reside on that reservation, expires in five years. In the mean time, under the treaty, different provisions were made for establishing farms, building school-houses, furnishing them with agricultural implements, and all such provisions as are made in favor of those who are permanently fixed upon the soil.

The consequence is, that if the Sioux be driven from that reserve at the end of five years, all that we shall have gained in the mean time in civilizing them, and elevating their social and physical condition, will be entirely lost, and the money not only squandered, but worse than squandered. Inasmuch, therefore, as it is ascertained that we have no place to which to remove them, not occupied by other Indians, and secured under treaty stipulations, it is proposed to locate them permanently on the reserve where they are now temporarily located under the arrangement made by the President. It is understood, that the authorities and Territorial Legislature of Minnesota have agreed to the location of the Sioux there. The provision is recommended by the Department, and by the Indian agent for that tribe.

It is conceded, I believe, in all quarters, by those best informed about the matter, that the lands now reserved for their use, are in that portion which is least valuable, and which will probably be the last reached by the white man in the onward march of white population. The hope is, that by that time they will be so fixed to the soil that they can make it their final and permanent resting place, if such a thing can be found for an Indian at all. It is an expedient of necessity to which we are compelled to resort. They are satisfied with this location, and desire very much to be permanently settled there.

The amendment, as proposed by the committee, goes further than the original boundaries of the reserve in the treaty, and establishes, by the acquisition of a small amount of additional territory, the natural boundary of a river, instead of the artificial and arbitrary line which was to bound the southeastern part of the country under the treaty. This addition gives them a small tract of wooded country, which is very much desired by one of their prominent chiefs, Little Crow, now in this city, and it is but an act of justice to give it to them for a small consideration, and maintain the policy of the Government in the location of the Indians, which is to give them fixed and permanent homes, instead of keeping them continually floating about with the fluctuations of the white population.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment of the committee is to insert:

For settling the accounts of W. A. Gorman, superintendent of Indian affairs of Minnesota, for services in taking testimony and investigating certain charges preferred against the Hon. Alexander Ramsay, late Governor, &c., by appointment of the President of the United States, under the resolution of the Senate of the United States, of the 3d of April, 1853, \$1,416;

For expenses of witnesses in said case, summoned on behalf of respondent, and for copying the evidence, \$80 00.

The first item in this amendment is estimated for, and recommended in the official documents on the files of the Senate, by the proper Department. The appropriation is for arrearages of expenses incurred in carrying out the resolution of the Senate, passed at the last session, requiring an investigation to be made into the official conduct of Governor Ramsay. That investigation, as will be remembered, was turned over to the President. The proper Department, the Secretary of the Interior, has paid a portion of these expenses out of the contingent fund of that Department; but for some reason did not pay the balance. I believe he came to the conclusion that the payment was not chargeable to the contingent fund of that Department, but should be made out of the contingent fund of the Senate. The Senate has paid a portion of the expenses, for instance, the *per diem* of Judge Young, one of the commissioners, out of its contingent fund; but there is still a bal-

ance remaining, as embraced in this amendment, of expenses incurred in the execution of that resolution, not yet paid out of any fund. They certainly constitute a legitimate charge upon some Department, or upon some fund; and we propose to ingraft them, where we think they most properly belong—upon the general Indian appropriation bill.

The details of the estimate provide for the payment of Governor Gorman, the other commissioner, at the same rate as Judge Young, for a shorter period, and for the payment of the marshal and attorney employed, at the usual rate, and of the witnesses in attendance. The second item, embraces an amount of \$250, which we believe to be a reasonable allowance to the person employed by Judge Young to copy, arrange, and methodize the evidence taken; which is a very large volume, and would amount, I suppose, to a large printed octavo volume. The other \$350, making up the \$600, is estimated for the purpose of covering the expenses of witnesses summoned by the Government at the instance of Governor Ramsay himself. It is believed that this was a proper charge, as part of the expenses, and ought to be paid equally with the witnesses summoned on the part of the United States. No specific return of the expenses of these witnesses has been made; but it was suggested by Governor Ramsay himself, that \$350 would be sufficient to cover the amount. It is in that way that the appropriation is asked for.

Mr. HUNTER. I should like to know of the chairman of the Committee on Indian Affairs, of what items the allowance of \$1,416 to Governor Gorman is composed?

Mr. SEBASTIAN. That amount is not for Governor Gorman alone, but it includes the sum to be paid to the marshal and to the attorney.

Mr. HUNTER. I should like to know whether the resolution of the Senate required the Governor to discharge this duty. It seems to me to be improper thus to add to the emoluments of one officer.

Mr. SEBASTIAN. In answer to the inquiry of the Senator from Virginia, I will state that I have in my hand an estimate of the items making up that aggregate of \$1,416, and I ask that it be read, in order that the Senator may see of what items this sum is made up.

The Secretary read the statement, as follows:

EXECUTIVE OFFICE, SAINT PAUL.	
<i>The United States in account with W. A. Gorman.</i>	
For services in taking testimony and investigating certain charges preferred against Hon. Alexander Ramsay, late Governor, &c., by appointment by the President of the United States under the resolution of the United States Senate.	
From 4th July till 1st day of October, 1853, 87 days, stationery, &c., at \$8 per day.....	\$696 00
Services of Lafayette Emmett, Esq., attorney general of Minnesota, called by the commissioners to represent the Government, \$5 per day.....	435 00
For services of William B. Dodd, Esq., as deputy marshal in serving subpoenas, returns, mileage, &c.....	160 00
Services of Robert A. Smith for copying records of evidence.....	75 00
To J. M. Stone, for services as notary public in personal attendance, swearing witnesses during the whole investigation.....	50 00
	<u>\$1,416 00</u>

I certify that the above account is just, as allowed by the commissioners, and is due and unpaid.

W. A. GORMAN.

Mr. HUNTER. I believe that it is right to pay an officer liberally for services which he discharges under his appointment, but it seems to me that it is improper to be heaping upon one officer employments and emoluments in this way. If the resolution of the Senate required the Governor to execute these duties, I suppose he would be entitled to some additional compensation. I should like to know who estimates for this sum—whether the amount is allowed at the Department, or whether it is a mere charge made by Governor Gorman himself?

Mr. SEBASTIAN. The President of the United States, in carrying out the resolution of the Senate, conferred the authority to make this investigation on Governor Gorman, who was then, and is now, the superintendent of Indian affairs in that Territory, and Judge Young. He associated them together for the purpose of carrying on that investigation. Now, wherever we allow emoluments to a commissioner of this sort, it is at

the rate of eight dollars a day. I think that analogy is preserved for the rates of compensation to all persons acting as commissioners for the Government. That compensation has been paid by the resolution of the Senate to Judge Young, and expressly promised in the letter of appointment to that gentleman. Governor Gorman performed the same service, but for a shorter period of time, and asks for exactly the same compensation per day whilst he was engaged in what he contends, and I think very properly, to have been an extra official duty, something not contemplated, and certainly beyond the sphere of his ordinary official duties. His business as Governor of the Territory and Superintendent of Indian Affairs, does not necessarily impose upon him, by virtue of those offices, the duty of performing extra official labor as a commissioner of the United States, to investigate charges of misconduct against any officer. I think, therefore, if this compensation is not allowed by law, it is proper that we should allow it by this appropriation. The question whether he is allowed by the existing laws for extra official services or not, is a question which I am not able to decide; probably he is not, but the effect of the appropriation, if the Senate agree to it, will be to make him this allowance; and it is for that purpose we have offered the amendment.

Mr. HUNTER. I can only say that I think it an exceedingly bad precedent to establish, to allow Governors of Territories to receive additional offices and emoluments. It is supposed that the duties imposed upon them in relation to the Territories themselves, and the superintendency of Indian affairs, fully occupy their time. I think, sir, that when such inquiries as these are proposed, or such appointments are to be made, it will be better to employ persons who are not engaged in another capacity in the service of the United States.

Mr. BADGER. I hope the honorable chairman of the Committee on Finance will withdraw his objection to this appropriation. This gentleman, holding a particular office, was called upon by the joint action, I may say, of the Senate and of the President, to institute an inquiry in its nature judicial, troublesome, vexatious, having no connection whatever with the appropriate duties of his office. He was asked to do it by the President. He was directed to do it by the President. And this has been done in consequence of the Senate having refused to institute the investigation, and having turned it over to the Executive branch of the Government as the most proper place in which the investigation should be carried on. I do think he ought to be paid for those services. They had no connection in the world, in my opinion, with the office which he held. I will stand by my friend from Virginia, as he knows, in resisting all improper charges against the Treasury; but I think he ought not to resist this.

Mr. DAWSON. As I understand the matter, Governor Ramsay was in office as Governor of Minnesota and superintendent of Indian affairs in that Territory, and was succeeded by Governor Gorman. An investigation was instituted into the conduct of Governor Ramsay as Governor and superintendent of Indian affairs in that Territory. Now the question raised by my friend from Virginia, as I understand it, is this: whether it was not a part of the duty of Governor Gorman, in settling with his predecessor, Governor Ramsay, to ascertain the state and condition of the affairs in relation to the superintendency prior to his going in? It is, whether the very object of his appointment was not to carry on these unfinished affairs, and see that they had been correctly administered before. Now, as I understand it, Governor Gorman was in office when this inquiry was instituted.

Mr. SEBASTIAN. Will the Senator from Georgia allow me to correct a misapprehension into which I think he has fallen?

Mr. DAWSON. Certainly; I wish to know the facts.

Mr. SEBASTIAN. Governor Gorman succeeded Governor Ramsay with the change of Administration; but it was not the duty of the successor of Governor Ramsay to settle with him, Governor Ramsay has settled with the Department. Probably some funds left in his possession were ordered to be turned over to his successor; but the charges in relation to official misconduct

brought against Governor Ramsay did not originate with Governor Gorman; on the contrary, those charges were preferred before he was appointed. They were referred to the Committee on Indian Affairs of the Senate, who took the matter into consideration, and, finding that they were incompetent to carry on an investigation here into a case, the facts of which could be collected only in Minnesota, they asked to be discharged, and were discharged, by a resolution in this body, from the further consideration of the subject. They reported a resolution, which was adopted, asking the President of the United States to cause the official conduct of Governor Ramsay to be investigated, in such manner as he might see proper, and cause a report of the proceedings to be made to the Senate. Under this resolution of the Senate, the President of the United States appointed Judge Young and Governor Gorman commissioners. Under that appointment this duty was discharged and these expenses incurred.

Mr. DAWSON. Then Governor Gorman was superintendent of Indian affairs when the investigation took place?

Mr. SEBASTIAN. Certainly.

Mr. DAWSON. And it was in the discharge of his duty as Governor and superintendent of Indian affairs, inquiring into the previous conduct of his predecessor—

Mr. SEBASTIAN. I beg the Senator to allow me to correct him. This investigation was not made by Governor Gorman in his character of Governor or superintendent; but it was under a special appointment by the President of the United States, as commissioner for that purpose alone, by virtue of a resolution of the Senate.

Mr. DAWSON. My idea is, that when he was appointed superintendent of Indian affairs, it was his duty to assume the position of his predecessor, and to examine whether his predecessor had been guilty of any error or impropriety. The very object of sending him there was to discharge that duty. He was sent there at a salary of \$2,500 a year; and yet you propose to give him eight dollars a day for investigating the very business in regard to which he was appointed a superintendent by the Government. Now, it is said, he was appointed in a distinct character as commissioner, separate from his gubernatorial and superintending character, giving him a third appointment. What was the object of the third appointment? To inquire into the very duties incumbent on him as Governor and superintendent, and as agent of the Government to see what his predecessor had done. It was his duty to correct any errors of which his predecessor might have been guilty in the discharge of his office. I have no particular objection to paying Governor Gorman, but I like to see principles adhered to in these matters.

Mr. SHIELDS. Will the honorable Senator permit me to correct him on one point? The resolution of the Senate directed the President to appoint commissioners to make this investigation. The President, therefore, could have appointed any commissioners he pleased. He chose to appoint Governor Gorman as one of the commissioners. Now, suppose he had appointed some other man as commissioner, should we not be bound to pay him? We have paid the other commissioner, as I understand, and should we not have been bound to pay the second, if Governor Gorman had not been appointed?

Mr. DAWSON. Undoubtedly; but still it was the duty of Governor Gorman to make this further inquiry when ordered by the Government, and it is no extra service at all. It is the very duty which he was appointed to perform. That is the ground which I occupy in relation to it. If I had been appointed to go there, of course it would be disconnected altogether from any duty incumbent on me as an officer of the Government. But the duty of Governor Gorman, as superintendent of Indian affairs, was connected with this question. This, I understand to be the view of the Senator from Virginia, and the only question which I have to propound is, shall we pay him an additional eight dollars per day, for investigating affairs, which it was incumbent on him to superintend and investigate anyhow? That is the point.

Mr. PETTIT. This matter stands precisely thus: At the last session, charges were presented to the Senate against Governor Ramsay, for peculation in his office of superintendent of Indian

affairs, not as Governor, before the present Administration came in. An investigation was attempted in the Committee on Indian Affairs. They proceeded to some extent in taking testimony, but they discovered that they could not accomplish it here. Therefore, just at the close of the session, a resolution was offered from the committee, by the Senator from Wisconsin, [Mr. WALKER,] that there should be one Senator appointed or detailed from the committee during vacation, to proceed to Minnesota, and to such other places as might be deemed necessary—it was then thought that it would perhaps be necessary to go to New York, and take some evidence in regard to deposits of money in a bank there—to take evidence, and report it to the Senate at this session. That resolution underwent various phases. A proposition was made to extend the number of Senators to be sent out to three. It was debated at some considerable length. Various propositions and amendments were offered; but, finally, it resolved itself into a resolution of this kind—and the records of the Senate will show it—that the President cause the question to be fully investigated during the recess of the Senate. Thereupon, after the Senate adjourned, after Governor Gorman had been appointed as Governor, and after he took charge of the duties prescribed by law, this additional duty was imposed on him. Let it be remembered that the duties of superintendent of Indian affairs and of Governor of a Territory are prescribed by law. The resolution of the Senate did not direct by whose hands the President should make the investigation, but that he should cause the charges to be investigated. The President associated with Governor Gorman, Judge Young, of this city, to make the investigation.

Judge Young presented his claim to the Senate two months ago or more. It amounted to over \$900. By a resolution it was directed to be paid out of the contingent fund of the Senate. The deficiency bill has an express provision in it, making up to the contingent fund of the Senate that \$900 paid to Judge Young for his services. Now, Governor Gorman comes in, and asks that he shall be allowed as much per day as Judge Young was allowed for the additional duties superadded to those of superintendent of Indian affairs and Governor of the Territory. Can there be any thing fairer or plainer? It did not belong or pertain to his duties as Governor of the Territory, or as superintendent of Indian affairs. It was an additional duty. The President might have appointed whomsoever he pleased to perform it. He did appoint one. It was an onerous and unpleasant duty for Governor Gorman to undertake to investigate the official conduct of his predecessor. It did not devolve on him by virtue of his official relation as successor to Governor Ramsay. The President might have appointed whomsoever he pleased. He was not compelled to appoint Governor Gorman. It did not appertain to him as Governor; but he was specially appointed by a letter from the Department, under the direction of the President, to make the investigation. He and Judge Young made it together. Judge Young rendered service more days than Governor Gorman; hence his bill is larger—between \$900 and \$1,000—while Governor Gorman's is about \$690. This, then, is the whole matter. Additional services were imposed on Governor Gorman, apart from the duties of his office; and the question is, shall he be paid for them? The whole \$1,400 is not for his pay, but for the subordinate officers also—the marshal and attorney, and for summoning witnesses. It seems to me, no more legitimate appropriation could be made. It is certainly in the legitimate place, and upon the proper bill.

Mr. HUNTER. Mr. President, I find that the resolution of the Senate was as follows:

Resolved, That the President be, and he is hereby, requested to cause to be investigated the charges of fraud and misconduct in office alleged against Alexander Ramsay, superintendent of Indian affairs in Minnesota, which were referred to the Committee on Indian Affairs by the resolution of the 10th of January last, and to report the results of such investigation to the Senate at the next session of Congress, and a record of the proceedings of said committee, under said resolution, be referred to the President, and be subject to such order as he may make thereon.

Now, it seems to me, it was the official duty of Governor Gorman, who was also superintendent of Indian affairs, to make this investigation, if he

was directed to do it by the President. I know that at the time it was said it would cost nothing, so far as it was executed by the Governor of the Territory and superintendent of Indian affairs in that Territory. I have no objection to seeing a full remuneration given to Governor Gorman for all his services, but I object to the principle of this amendment; I object to giving extra compensation to an officer for discharging duties which properly belong to his office. It seems to me that is what we are doing. But I understand that there is no recommendation from the Department for this. Am I rightly informed?

Mr. SEBASTIAN. The accounts are certified to be correct.

Mr. HUNTER. I do not know that there is any recommendation. I did not hear the chairman of the Committee on Indian Affairs say that there was.

Mr. BRIGHT. The resolution read by the honorable Senator from Virginia shows very clearly that this subject has been in the keeping of the President of the United States; that, by the terms of the resolution, he was directed to cause this investigation to be made. He has made, I believe, his report to this body; and I think if it was proper to pay a claim for services arising under that appointment, it was proper for the Executive to say so. I believe the President has not recommended that the Governor of Minnesota be paid for his services, and furthermore, when the United States employ, as in this case, the Governor of a Territory, do they not employ all his time? Upon the same principle that you would give to Governor Gorman in this case eight dollars per day for services as a commissioner, you would give to a public officer, who belongs to the Army, and is detailed to supervise the erection of the two wings of the Capitol which we are building, so much per day for that service. Upon the same principle you would give the Attorney General, who is applied to for his opinion week after week, by different committees, a regular fee for his opinions.

Now, sir, I am against the principle. It is wrong. It is demoralizing in its tendencies. When we employ an officer, as in this case, and give him a regular salary, he has no right to claim anything in addition for his time. I recollect very well, as stated by the Senator from Virginia, that when this question was presented before, one of the reasons assigned for raising this board was, that it would cost nothing; that it would, *ex officio*, come within the duties of the Governor. That was a reason stated at the time the resolution was presented; and it is a sufficient one to operate on my mind against voting for the appropriation. But, independent of that, the precedent is wrong. There are hundreds of other officers who might liken their case to this, and claim additional compensation for their services; and their claim would be as just and meritorious.

Mr. SEBASTIAN. I have looked into the letter of the Secretary of the Interior, and find that there is a distinct estimate for this. A certified account of Governor Gorman is transmitted with the estimate; but the Secretary declined to make a recommendation, for the simple reason that he deemed it a charge on the contingent fund of the Senate. That is his sole reason. It certainly must be a charge against some Department of the Government.

Mr. COOPER. I think my friend from Indiana [Mr. BRIGHT] is wrong in the comparison he has instituted between officers of the Army detailed to perform some particular service, and the case which is pending here. Governor Gorman was not discharged from any of his duties as Governor of Minnesota, nor as superintendent of Indian affairs. He was in the performance of those duties at the same time. There is no objection that Governor Gorman left unperformed any of his duties, either as Governor or superintendent. This additional duty was imposed upon him by the President of the United States. He gave to it his attention. It occupied time that might have been employed in his private affairs, without injury to the public service; and why is it that he ought not to be paid, as well as if some person, not officially connected with the Government, had been employed.

Sir, I do not remember that any such ground, as that mentioned by the Senator from Indiana, or that assumed by the Senator from Virginia,

was the reason why this question was referred to the Executive. If I remember rightly, nothing of that kind was said; at least nothing of a character to bind us now under the circumstances. The President might have selected any other person. It was not incumbent upon him by the resolution of the Senate, if I remember aright, to appoint Governor Gorman for this purpose. He might have selected any other person, and commissioned him to do this duty; but, I presume, supposing, from his connection with the Indians of the Territory, that he would be better informed, and have access to reliable information with greater facility than any other person, he was selected by the President.

I can see no reason why he should not be paid; and the only hardship in connection with the case is, that Governor Ramsay should not be indemnified. He, as it turned out, had performed all his duties. He had neglected no duty; he had violated no duty; yet, in defending himself, he was called upon to expend a very large sum of money. My objection to the amendment is, that it does not make provision to pay him the money which he actually expended. I would not ask that he should be paid for his time, for it is one of the risks that official personages run; but he ought to be paid for the necessary expenditures incurred in his defense. He was a Government officer; he was not only defending himself, but he was defending the character of the Government, whose agent he was; and in justice and equity, he is entitled to remuneration for his outlays.

I do not know whether, under the rules of the Senate, an amendment to this amendment would be proper, but if so I would introduce one to provide that his accounts should be settled by the proper accounting officers of the Treasury, and that he should be allowed for the witnesses whom he subpoenaed to testify as to the correctness of his conduct in the negotiation of the treaties, and in the payment of the money, in regard to which he was accused, as well as for the sums expended in the employment of counsel, necessary for his defense. It would be but justice, sheer justice. I hope, however, that the amendment of the committee will be adopted, and that hereafter, if not now, Governor Ramsay also will be indemnified.

Mr. CHASE. I have no doubt, whatever, that Governor Ramsay is better entitled to compensation than this gentleman. He was accused of malfeasance in office. A protracted investigation was had, the result of which was, as I understand, his complete exoneration from every charge made against him. In making his defense, he was put to considerable expense. I am not, however, of opinion that in any case, any person who is prosecuted by the Government of the United States is entitled to indemnity on account of the expenses to which he is put in that prosecution. It would be carrying the doctrine of indemnity very far. Much less am I of opinion that an officer of the United States, detached for the performance of a particular duty, is entitled to extra compensation whilst in the performance of that duty. I do not now recollect a single instance in which any such proposition has ever received the sanction of the Senate. There are instances of this sort, where an officer in the civil service of the Government has been employed to perform the duties of an office of superior rank, and having a larger salary, temporarily, he is allowed the difference between the salary of his office and the higher salary, but never both. In the case of the Superintendent of the Census, that matter was before us, and we uniformly refused to allow the officer both salaries; in fact, I believe he did not claim them, but only claimed the higher salary, and we refused even to allow him that. So in the case of an officer in the military service of the country. If extra or special duties are devolved upon him, as the Senator from Indiana stated, such as to take charge of the construction of the wings of this Capitol, or to take charge of any public work, or of an armory, nobody ever thinks of allowing him additional compensation on account of the time during which he is engaged in that service.

This case falls precisely within that principle. Here is a gentleman receiving a salary of \$2,500 as Governor and superintendent of Indian affairs of the Territory of Minnesota, and in the discharge of the duties of that office, he is called upon to make a special investigation. Nobody says his salary is not ample. The Governor of the

State of Iowa, upon one side of him, receives \$1,000 a year, and the Governor of the State of Wisconsin, also adjoining the same Territory, receives \$1,500 a year. Here is a gentleman who is paid out of the Federal Treasury a full compensation, and now he asks an additional compensation, at the rate of eight dollars a day, for extra services. I agree with the Senator from Indiana, that this is wrong, and that to establish this principle would lead to the appointment of persons already in official stations, and rewarding them at the pleasure of the Executive, for special services. It is wrong, and certainly would tend to bad results.

Mr. SEBASTIAN. I wish to call the attention of the Senator from Virginia, chairman of the Committee on Finance, to the fact, that the whole of the opposition to this amendment is entirely in consequence of one item, and there is no objection to the remainder. If the Senator chooses to controvert the propriety of this extra allowance to Governor Gorman, I would suggest to him that he move for a reduction of the amount, so that the other claims to which no objection at all is made, may be paid.

Mr. BRIGHT. My objections reach the entire amendment. Whenever the President makes a recommendation in reference to these charges, he having had the care of the commission, it will be time enough for us to act upon it. I object to the entire amendment.

The amendment was not agreed to.

Mr. HAMLIN. I now move that the further consideration of this bill be postponed until tomorrow morning. I make this motion for the purpose of moving afterwards, that the Senate proceed to the consideration of Executive business.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. HAMLIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 26, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

INTRODUCTION OF BILLS, ETC.

Mr. HOUSTON. Mr. Speaker, I have some estimates here, received by the Committee of Ways and Means, in relation to the surveying of the public lands in the State of California, which estimates I desire to have printed in advance of the proposition to act upon them. I therefore ask the unanimous consent of the House to have them printed.

There being no objection, it was so ordered.

POST OFFICE APPROPRIATION BILL.

Mr. HOUSTON. The Committee of Ways and Means have also received, Mr. Speaker, the post office estimates; and they have instructed me to report a bill which I would like to have printed and put upon the Calendar. If it be the will of the House, therefore, I will make the motion to that effect.

There being no objection, the following bill was introduced, read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Bill making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1855.

SALARIES OF DISTRICT JUDGES.

Mr. PARKER. Mr. Speaker, I have been instructed by the Judiciary Committee to present a bill to the House for the regulation of the salaries of the district judges of the United States. I therefore ask leave of the House to introduce it, for the purpose of having it printed and referred.

The bill was read a first and second time by its title, and referred to the Committee on the Judiciary.

A bill to regulate the salaries of the district judges of the United States.

EXPENSES OF INDIAN AGGRESSIONS.

Mr. McDUGALL, by unanimous consent,

reported back from the Committee on Military Affairs, with a report and amendment; the bill to refund to the State of California, the expenses incurred in suppressing Indian hostilities in that State; which was read, and referred to the Committee of the Whole on the state of the Union; and the bill and report ordered to be printed.

Mr. McDUGALL. I give notice now, that it is my intention to move this bill as an amendment to the military appropriation bill, whenever that bill shall be taken up for consideration.

SALARIES OF DISTRICT JUDGES.

Mr. HOUSTON. I rise to a privileged question. I understand that the bill to readjust the salaries of the district judges of the United States has been reported this morning from the Judiciary Committee by the gentleman from Indiana, [Mr. PARKER,] and with a motion of reference, which has succeeded in referring it back to that same committee. I move to reconsider the vote by which that reference was made, for the purpose of moving to refer the bill to the Committee of the Whole on the state of the Union. The Committee on the Judiciary has just reported the bill this morning, and why now refer it immediately back to them? I can see no good reason for it, and therefore I move to reconsider the vote of reference.

Mr. PARKER. I hope that will not be done. Mr. HAVEN. I hope the motion of the gentleman from Alabama [Mr. Houston] will not be sustained by the House, because the evident intention of the Committee on the Judiciary was to give to the bill the direction which it has received. It is one of those bills which call for action, and this is the only way in which it can receive intelligent action, after it shall have been printed and laid upon the tables of members.

Mr. HOUSTON. It is one of those bills which are more particularly cared for in this House than others, because, I presume, it raises the salaries of the judges. Now, if we are to dodge the Committee of the Whole on the state of the Union in regard to all these bills in this way, I think we had better abolish that committee altogether. If it was proper and right to send those bills to that committee which have already been sent there, why not let this bill take the course of other bills, and thereby allow an opportunity for their discussion?

I presume my friend from Indiana, [Mr. PARKER,] and also my friend from New York, [Mr. HAVEN,] voted to refer the Nebraska bill to the Committee of the Whole on the state of the Union, for the reason that it might have a free and full discussion upon its merits. If that bill was properly referred, and if other bills should go there too, why should this bill, which proposes to increase the salaries of the district judges of the United States, be exempt from the same order of the House to which other bills are subjected?

* If gentlemen will not consume too much of the time of the House upon the appropriation bills, by a general and irrelevant discussion, we can take up all the bills which are upon the Calendar in the Committee of the Whole on the state of the Union; and we can yet, although the session is half gone—and it would have been all gone, if we had pressed forward business as we should—I say we can yet take up all the bills upon that Calendar, and pass the first and last of them. We have actually spent more time this session in attempts to avoid the reference of bills to that committee, than would have been consumed in taking them up from the Calendar and disposing of them.

Mr. LETCHER. It seems to me that about the most reasonable proposition that I have heard coming from any of the committees, is with regard to this bill which has been brought before the House for consideration. For the last month committees have been reporting here, and, without giving anybody an opportunity to examine them, these bills have been put upon their passage and immediately passed by the House. It is not a week since the clerks' bill was introduced here by a member of the Committee of Ways and Means, and, under the direction of that committee, immediately put upon its passage.

Mr. HOUSTON. I ask my friend from Virginia to allow me to say that the Committee of Ways and Means gave no such direction, and contemplated no such action. The Committee of Ways and Means directed that bill to be reported

with a substitute, but they did not give instructions to have it put upon its passage.

Mr. LETCHER. Well, sir, it was reported here by the Committee of Ways and Means, and with a recommendation upon the part of that committee that it be put upon its passage; and upon the motion of a member of that committee it was put upon its passage, and the previous question called upon it.

Mr. HOUSTON. The gentleman is mistaken. It certainly was not put upon its passage by the recommendation of the Committee of Ways and Means. The committee contemplated no such thing, that I ever heard of. As one member of that committee, I was very much astonished when I heard the bill had been put upon its passage. My wish was, that it should be referred to the Committee of the Whole on the state of the Union; and I think that was the wish of a majority of the members of the committee.

Mr. ROBBINS. I wish to state, as a member of the Committee of Ways and Means, that I was instructed by that committee to report this bill, to which allusion has been made, with a substitute. I did as I was instructed to do; and the House, by a two-third vote, put it upon its passage. That is the history of the matter. There was nothing unfair or dishonorable about it.

Mr. LETCHER. Nobody has charged that there was anything unfair or dishonorable.

Mr. JONES, of Tennessee. I ask the gentleman from Virginia to allow me to say a word in reference to this matter. It is within the recollection of the Chair, I doubt not, and within the recollection of the gentleman from Virginia, and of the gentleman from Pennsylvania, who reported this clerk's bill, that when it was reported I raised the question that as it contained an appropriation it must of necessity go to the Committee of the Whole on the state of the Union, and that then the House, by a vote of nearly two to one, suspended the rule, and the bill was then put upon its passage. I will state, however, that upon suspending the rules I believe only one or two members of the Committee of Ways and Means voted in the affirmative.

Mr. LETCHER. I do not recollect how the members of the Committee of Ways and Means voted, except so far as the gentleman from Tennessee himself was concerned; but I recollect distinctly that the bill was introduced here by the Committee of Ways and Means, and put upon its passage by a two-third vote of the House; and not only that, but the previous question was called by the gentleman who introduced it, and sustained by the House, without affording any one an opportunity of speaking upon it, or of having its provisions amended in the slightest particular.

Now, sir, I do not charge anybody with impropriety in this matter. There is no impropriety about it. I claim that every gentleman has the right to regulate his own conduct here as his own sense of propriety may dictate, precisely as I regulate my own. Gentlemen will vote as they think proper; and whether their action or the action of the House is proper action, is for them and not for me to decide.

But, sir, I say these bills have come here from the Committee on the Post Office and Post Roads, and from the various committees, and without even being printed have been brought up for consideration, have been put upon their passage, and carried through under the operation of the previous question. Now, sir, why is it that objection is made for the first time to that course with reference to this bill, which has been introduced here to equalize the salaries of the judges?

Many of these district judges receive less compensation than the third class of clerks in the Departments of the Government—men, sir, who are employed continually for months, who perform hard physical labor in attending their courts. And when a proposition is made to equalize the salaries of these men, to place them on something like a clerk's platform, gentlemen of this House object to it. I hope, as the House has given this reference to the matter, and as the committee themselves have furnished to everybody the opportunity to examine this bill by desiring to have it printed and considered here in due form, when there is time to examine it, and familiarize ourselves with its provisions, that it will not reconsider the proposition as suggested by the gentle-

man from Alabama. I therefore move to lay the motion to reconsider on the table.

The question was taken; and the motion was agreed to.

DISTRIBUTION OF PUBLIC LANDS.

Mr. HAMILTON. I call for the consideration of the regular order of business.

The SPEAKER. The first business in order is the consideration of a motion to recommit the bill granting lands equally to the several States to aid in the construction of railroads, and for the support of schools.

Mr. BENNETT. Mr. Speaker, the bill which I have had the honor to propose for the consideration of the House is similar to the one introduced by me at the last session of Congress; the object of which was to equalize the grants of land among the several States, so far as public lands are granted for certain public purposes, railroads, schools, and the like. That bill did not provide for giving to the States in which there was no public lands as large quantities as States in which it lay; but it did propose to give the public land to the several States for school, and railroad, and other public purposes, in something like equal proportions. That was the principle of that bill, and it is the principle of the present one.

I will state to the House that the bill, as now prepared, is different from the one of the last session. The bill of the last session proposed to give to the States in which there were no public land—the old States—a certain number of acres, according to representation, for schools; but if they chose, they could devote it to railroad or other public purposes; but the object of the grant was mainly for school purposes. It also provided that the new States should equalize their grants of the public land—for instance: Illinois had received a large amount of land for railroads and internal improvements, while Iowa, Wisconsin, and other new States, had only received small grants, or none at all, for the same objects. The proposition was that, as far as possible, the grants should be equalized; and the bill was drawn embracing all the States except those which were deemed to have already received sufficient. That bill was strongly objected to, by gentlemen from the West especially, as unequal in its provisions, and that, although it attempted to equalize the grants among the land States, it did not equalize them as among the land States themselves. That objection may be true to some extent, for in the very nature of things it is almost impossible to make a provision in any single bill which will make these grants equally to all the States.

But there was another objection urged with still more force: that, by giving the lands directly to the State Legislatures of the western States, they would not receive any benefit from them. By the law, in every western State and Territory, there is now every sixteenth section set apart for school purposes. These are devoted and applied to that purpose, consequently the western States desire, at least so their Representatives urge here, that the grants which are made to them shall be made, not for school purposes—those they have—but they want them applied for railroad purposes, to aid in constructing some of their many important lines of railroads. They urge that, under the bill of last session, the grants would be made to the State Legislature, and would be divided by the Legislature among all the railroads in the State, and the result would be that no one road could be completed, and they would all be involved in difficulty. It was universally urged by the Representatives from the West, that if any further grants are made to equalize the amounts given to the land States, they shall be made to the States to aid in constructing some specified line of railroad.

Mr. COBB. I have always protested against that, and I want the gentleman to make an exception of me.

Mr. BENNETT. At least most of the western Representatives take that ground.

Mr. COBB. Make an exception of me.

Mr. BENNETT. But that objection has been urged, and I have, therefore, changed the bill. The original bill is similar to the proposition of last session, embracing all the States; but the substitute which I have offered in lieu of the original bill simply provides for granting the same amount of land as the bill of last session did to the old States—that is, at the rate of one hundred and fifty

thousand acres to each Senator and Representative, leaving out the land States—leaving those of them that have not yet received grants to frame bills that will make them equal to those that have. This bill cannot certainly be objected to as unequal; for amongst the old States, the States in which there are no public lands, there can be no fairer mode of distribution for these public purposes, if any such distribution is to be made, than that of representation—so much to each Representative and Senator; the Senators are included for the benefit of the smaller States. This bill, therefore, as far as it goes, would provide for an equal apportionment of the public lands for these purposes; and it leaves the land States that have not received grants equal to those which have been made to other land States, to apply to the Committee on Public Lands to have it settled by that committee how much they are entitled to. It therefore obviates the objection of any inequality in the grants. The bill embraces this principle, whether while these lands are being disposed of and dissipated for every possible purpose; whether, while they are being disposed of in part for these various purposes to the western States, the old States which have contributed their share towards the purchase and the expense of management, shall also have a proportionate share of the benefit of these grants for schools, railroads, and other public purposes.

Sir, this system has been pursued until the grants are now much beyond the sales. Last year the sales amounted to a little over one million acres; and at this very session there are applications here which will be reported on favorably by the committee for over fifteen millions of acres for railroads only.

We are met, however, with some very singular objections to this principle. Gentlemen seem to claim that these lands should be granted away, and devoted entirely for the benefit of individuals and corporations; that they should not be given to the States themselves, or only to a favored portion of the States which have a constitutional right to these grants of land, and the other portion of the States have no constitutional right to similar grants of land for precisely the same purposes.

Is there a different rule applicable to the State of New York, of Illinois, and between Virginia and Missouri? If it is constitutional to give the lands, which are public property, for school purposes, and for the education of children in one State, is it a violation of the Constitution to make the same disposition of lands in another State? Gentlemen who contend for that doctrine should be able to point out the provision in the Constitution which makes such a distinction, and tell us what it is, and where it is. Upon what principle are these grants in the land States made? Upon the ground that such grants are intended to promote education, and therefore tending to promote the public benefit and general welfare of the State. I ask whether the operation of this system would not be just as beneficial in the old States as in the new?

Let me illustrate this by stating a case. Take the State of Virginia, for example. That State ceded her public lands away to the United States, comprising all that vast territory that has since been formed into the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, I believe. When Virginia granted this immense territory to the United States, she expressly stipulated in the act of cession that these grants should be "used for the common benefit of all the States, Virginia included;" and yet Virginia, to this day, has never had the benefit of a single acre of land of all that vast territory, and this, too, while we have been giving the land in large and small grants to every one of the new States formed out of this territory, and even to other States. I contend, therefore, that this system of giving lands to a part of the States is unequal and unjust; and all I claim in this matter is justice and equality. As one of the members of the State of New York, I ask no more than a proportionate share of these lands for that State. I would not ask or vote for more than her just share; but I entirely disclaim the doctrine that these lands belong exclusively to the land States.

There has been growing in Congress, for a few years past, a kind of mania upon the subject of the public lands—to get rid of, and squander them as fast as possible, give away all we can, and sell the rest at a reduced price. As an instance of this,

I need only refer to the homestead bill, and to the land graduation bills which have passed the House this session; and there is an amendment offered to this bill, by which we are to surrender all right to the public lands, to give up the whole of these lands to the States within which they lie. I am opposed to this whole system of giving away the public lands. The original policy, the original land system, has been departed from, and grants of the public lands have been made, to a large extent, to the land States; and the question now is, is it right and just to make a similar provision, to a much less extent, for the benefit of the other States? Such grants will certainly prove as great an advantage to the old States for the purposes of education, for common schools, and for other purposes, as they will for the new States. It is certainly right, according to the very terms upon which these lands were originally ceded, that the old States should be entitled to their equal share in these grants; for they do not belong to the thirteen land States, but they belong, in common, to the whole thirty-one. The new States certainly have no right to claim the exclusive benefit of the lands, and they have no more right to claim an exclusive right to these grants than they have to claim an exclusive right to the money arising from the sales of the public lands, and which is paid into the Treasury.

This is a bill which everybody can understand. It gives to the old States something over twenty millions of acres to equalize—or rather as an equivalent, for it does not equalize—for the grants which have been made from time to time to the land States. Let me state further, that there have been granted for internal improvements, from time to time, as appears from the statement made by the Commissioner of the General Land Office, over twenty-eight millions of acres of land, worth over \$36,000,000, to the twelve land States exclusively. There has also been granted to the new States and to the Territories over forty-nine million acres of land for schools, worth over \$61,000,000—

Mr. SMITH, of Virginia, (interrupting.) Will the gentleman from New York permit me to make an inquiry at this point?

Mr. BENNETT. Certainly.

Mr. SMITH. The gentleman from New York stated a moment ago that the State of Virginia had never received an acre of these public lands, although her right to them was reserved. I beg to inquire of the gentleman if the proceeds of the sales of these lands do not go into the National Treasury, and whether if the State of Virginia does not, in this way, get her share of the benefits derived from them?

Mr. BENNETT. The proceeds of the sale of the public lands do undoubtedly go into the National Treasury, and in this way Virginia derives her share of the benefits accruing from them; but I am speaking now of grants of public lands, not of the sales. I admit, indeed, that so far as the lands are sold, and so far as the proceeds thereof are received in the Treasury, all the old States share equally and fairly in the benefit of them.

But the object of my remarks is to show that when we give the public lands to some States for particular and public purposes, all the States do not share equally in the advantage. A great injury has been thereby done to the interests of the old States in that respect; and the worst of it is, that the system of granting public lands for particular purposes has been rapidly increasing, and increasing until no sales of public lands worth speaking of are made. Under the operation of this system the land distributed in grants have of late exceeded to a great amount the lands sold. My object is that this sort of legislation be put an end to. First equalize the grants to all, and then stop short, and allow the lands to be sold.

The land States admit the rights of the old States. I have here a resolution from the State of Illinois, which was passed at the present session of the Legislature of that State, on the 20th March, 1854, in which the Legislature instruct their Senators, and request their Representatives in Congress, to exert all their influence to obtain the passage of a law donating to each State in the Union public lands, at the value of \$500,000 to each, for school purposes. To each State of the Union! Here it is:

"Be it resolved by the House of Representatives, (the Senate concurring herein,) That our Senators in Congress

be instructed, and our Representatives be requested, to use their best exertions to procure the passage of a law of Congress donating to each State in the Union an amount of public lands not less in value than five hundred thousand dollars, for the liberal endowment of a system of industrial universities—one in each State in the Union—to cooperate with each other, and with the Smithsonian Institution in Washington, for the more liberal and practical education of our industrial classes and their teachers; a liberal and varied education, adapted to the manifold wants of a practical and enterprising people; and a provision for such educational facilities being in manifest concurrence with the intimations of the popular will, it urgently demands the united efforts of our national strength."

That is what they seek to have accomplished. And—as the paper states—that resolution was passed unanimously by the Legislature of the State of Illinois. While it is admitted that these lands belong to all the States, that they have cost an immense amount of money—and it is not necessary here to determine whether they have ever paid for themselves or not, although I think that I can show by official papers that they never have; but I will not go into that branch of the question at this time—and that this immense amount of money which they have cost has been paid by all the States: I say that while this is not denied, still the legislation has been, as far as grants are concerned, for the benefit of only a part of the Union, and that, too, of only a very small part. That sort of legislation is unequal and unjust. I contend that some provision should be made to make the public lands equally as well for the benefit of the old States as of the new. Or if not equal, at least some provision so that the old States should not be altogether excluded from participation in the benefits of these grants. Give to the old States, I say, some proportionate part of the public lands for school purposes in their several States, if you extend that privilege to the new States. If you give to the new States land for railroad purposes, give the same proportion of the lands for the same purpose to the old States. If this system of making grants for particular purposes is to be adhered to, let it be general, not local, in its operation. That is what I contend for.

It appears to be a question what should be done by Congress to dispose of these public lands more rapidly than at present? For instance, they are being disposed of just now as rapidly as legislation appears to be able to effect that object. But while we are going on getting rid of the public lands in this rapid way—while we are granting them away by millions, and millions, and millions of acres—certainly we ought to have some kind of fairness and equality in the distribution. The grants should be proportioned to all the States in the Union for the same public purposes.

I was going on, Mr. Speaker, when interrupted by the gentleman from Virginia, [Mr. SMITH,] to state that there had been granted to the land States—embracing some grants to the Territories—twenty-eight millions of acres of public land for the purposes of internal improvement, and that there were over forty-nine millions of acres granted to them for school purposes. That immense quantity of public land would have brought to the Treasury, if sold at Government prices, over \$100,000,000. As equivalent to that, let me ask, what have the old States received? Nothing at all. And yet it is contended that these grants were constitutional. It is contended that these grants were authorized by the Constitution, and that grants for the same purposes to the old States would be unconstitutional. Now, I should like to know whether such legislation can be constitutional in one State, and yet unconstitutional in another? I do not want it to be said in reply that it was the policy of the Government to do so and so. But when the Constitution is referred to as authority, I should like to know whether or not the Constitution makes any difference between the several States of the Union as to the distribution of the public lands. I should have thought that the Constitution required equality in the distribution to be observed. It undoubtedly contains a reference to this subject, and requires equality in the distribution of the public lands. It requires that, in their distribution, the rights of no State shall be prejudiced; but that they shall be disposed of for the benefit of all, equally and fairly.

That is all I ask. I do not stand here to solicit the giving of land to New York, or to urge that you should make any gift to that State. I stand here to claim, that when you disposed of these

lands for great public purposes, you shall dispose of them, as nearly as can be done, so as to confer equal benefits to the old and new States. We are told that the Constitution requires a pecuniary consideration in order to justify a grant of this kind. If I should attach to this bill the words "provided each State shall pay one dollar for the grant herein made," I suppose then, according to their view, the grant would be constitutional; but if I do not put in that proviso, then the grant is unconstitutional. Can anything be more ridiculous than to pretend that the power depends upon a pecuniary consideration? I insist that the power in Congress is perfect and original. It has always been so regarded, and has always been exercised. It could reside nowhere else. It is also expressly provided for in the Constitution. I say I have the same right, as good a right, to ask this grant for the benefit of schools in my State, as any gentleman has to ask it for any other State. And if this system is to go on, I do insist upon it that is the object of this bill.

Another thing: I wish western men to understand the reason why a provision for their States is omitted, is, that it is done at the request of western men themselves. They prefer to have their claim and their bills stand alone. They say that the claims of the land States stand upon a different principle; and if they should be included in this bill, they might be prejudiced in the Senate, and might meet with a veto from the President. They prefer to have this bill stand alone. I am content; and I am willing that they should take their bills alone.

I want to understand, by a vote of the House, whether those States which have paid millions and millions towards these public lands—for it will be found that the whole amount which they have paid is enormous—shall be entirely deprived of any benefit of them? The old States paid at least two thirds of the cost. Those States paying most should not be deprived entirely of all benefit from the lands which they so largely contributed to pay for. I would not be illiberal towards the western States; nor do I contend we do wrong when we make grants of the public domain to the land States for public purposes. But if it is right to make grants in one case, it is in other cases, and equally constitutional, equally just. Can the fairness and correctness of that position be answered? I contend that, if the Constitution gives the right to educate the children of the western States by a distribution of the public lands, or by the application of the proceeds thereof, it is equally right to educate the children of the old States in the same manner. The western States have, to a certain extent, had the benefit of these lands; and will you deny an appropriate share thereof to the old States?

The bill, as I have framed it, will not give to the old States, in proportion to their population, one half as much as has been already granted for internal improvement and school purposes to the land States, with the amount now asked for by them for such purposes. It would probably not amount to one third as much, perhaps not a fourth. Twenty eight millions of acres, or nearly that, have already been granted to them for internal improvements, and fifteen millions more are now asked, and over forty-nine million acres for schools; and their population is about one third as large as that of the old States. I am speaking without the figures before me, but I am substantially correct. I have not asked for as large a portion as they have already received; much less, not one half as much, in proportion, as has been granted and is now asked for.

The grants to the land States should also be equalized. It would be wrong to give the public lands to Illinois for railroads, and then deny to Iowa a similar grant, or deny the other land States which have not had a like donation; and this bill will lead to that.

If this bill passes, railroad bills will undoubtedly also pass, sufficient to render the land States equal, perhaps not during the present session of Congress, but they will, in my judgment, pass from time to time as asked for. The Committees on Public Lands in the House and Senate begin to see the necessity of adopting the principle of equalization in the distribution of the public lands among the land States. And, in reporting their railroad bills, they are determined—so far as I know—not to give any State a larger amount of

land for railroads, than Illinois has received. They make the donations to that State the standard. They are willing to give to the other land States in that proportion, and to report bills from time to time, donating lands to the different States for public purposes, until they arrive at that point, and there stop. There is, therefore, no danger of the lands being expended beyond this limit for this purpose.

What I propose to do by this bill, is to donate over twenty million acres to the old States, for the purpose of equalizing the donations among the several States. I do not propose to give lands directly to the States, but to donate them in the form of land warrants, to be issued to the State, to be sold by the States, and to be located by purchasers precisely like other land warrants are located. This system of land warrants is no new system. It is a system established. Our military grants, &c., it is estimated, will take about fifty million acres of the public lands; of this, about twenty-four million have been issued in land warrants. These land warrants may, to a small extent, regulate the prices of the lands. But no injury can result from this.

But this bill forbids the States to locate the lands. The warrants are issued to them, and to be sold by them, and located by the purchasers themselves; and the only difference it can make in the operation of the system, as it is now carried out, will be, by throwing an increased number of those warrants into market, to reduce the price to a limited extent. That is all the effect the bill can have in this respect. It is also provided in the bill that preemption rights are to be protected to any person who may have located upon any of these lands. These warrants, too, are to be located only upon the surveyed lands which are in the market, and open for sale. In fact, this bill for the benefit of the old States is so carefully guarded that no inconvenience can result from its passage in the operation of the land system.

Mr. Speaker, I do not wish to debate this bill. I should have been willing to have made a brief explanation of the provisions of the bill, and then to have called the previous question. It contains but one principle, which all understand; but there are gentlemen in the Hall who are opposed to any grants of this kind upon the part of the Government, who have indicated their desire to speak upon it. I shall therefore content myself with stating, imperfectly as I have, the purport of the bill, without going at all into any argument in its favor, reserving to myself the right, when debate shall be closed upon it, to answer such objections as may have been raised by its opponents. I leave it in their hands for the present.

Mr. DISNEY obtained the floor.

Mr. DEAN. Will the gentleman from Ohio permit me to ask a question of the Chair as to how this bill stands, with a view of making any motion that may be necessary to keep it before the House, and then of moving to go into the Committee of the Whole on the state of the Union?

Mr. COBB. Oh, I hope not; I hope we shall have the morning hour for committees to report.

Mr. HAMILTON. I desire to ask the Chair how much of the morning hour remains?

The SPEAKER. About forty minutes.

Mr. HAMILTON. Then I hope we shall proceed with the regular order of business.

Mr. DISNEY. I will yield to the gentleman from New York to ask any question he may wish.

Mr. DEAN. I wish to ask, then, if there is any motion pending to refer this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is no such motion pending.

Mr. DEAN. I wanted the House to understand exactly how the bill stood. I would ask whether the motion cannot now be entertained?

The SPEAKER. The gentleman can make the motion, if the gentleman from Ohio yields for that purpose.

Mr. DEAN. I have heretofore made the motion twice. The Speaker entertained it, and stated to the House that it was pending. I now learn that it is not entered in the Journal, and would therefore ask leave to again submit it.

Mr. DISNEY. I do not think that it is material that the motion should be made now.

Mr. DEAN. If it be not made now, the previous question may be called, and cut it off.

Mr. PERKINS, of Louisiana. I have been

absent, Mr. Speaker, for some time; and during my absence I met a member of this House, who requested me to state that he was deeply interested in this bill; that he had left here in the expectation that it would not be discussed until his return; and that he considered that the originator of it was under a promise not to press it until his return. I allude to the gentleman from Virginia, [Mr. McMULLIN,] who participated in the debate when this question was postponed, two weeks since. I do not know on which side of the question that gentleman intends to speak; but I feel it due to him to make the request of the House that the bill should not be pressed to a decision until his return.

Mr. COBB. There will be no decision until his return.

Mr. PERKINS. With the gentleman's consent, I would move that the House do now resolve itself into the Committee of the Whole on the state of the Union. He can then make his speech to-morrow morning.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., notifying the House that that body had passed and amended sundry bills, in which it asks the concurrence of the House.]

Mr. BENNETT. I would, with the consent of the gentleman from Ohio, send a substitute for the bill to the Chair, in order that it may be printed.

The SPEAKER. The Chair understands that the gentleman from Ohio has an amendment pending, in the nature of a substitute. To that substitute an amendment has been proposed by the gentleman from Louisiana, [Mr. PERKINS.]

Mr. BENNETT. The substitute which I send to the Clerk's desk is the one now under consideration with some slight amendment. I ask to give notice of my intention to submit it, so that it may be ordered to be printed.

The SPEAKER. The gentleman can modify his own amendment.

Mr. BENNETT. Then I modify it by substituting the one I sent up to the Clerk's desk for it.

Mr. PERKINS. With the permission of the gentleman from Ohio, I would ask to modify my amendment by filling the blanks, so that it may be properly before the House in connection with the bill.

Mr. DISNEY. I was about remarking, in reply to the suggestion of the gentleman from Louisiana, [Mr. PERKINS,] that I have no disposition to press upon the House action in regard to this bill. But in view of the statements which have been made to the House and the country by the gentleman from New York, as well in the report which he submitted to the House as in the speech he has made in regard to the pending bill, I feel it a duty which I owe to the House and the country, as chairman of the Committee on Public Lands, to exhibit the facts, and to make some comments upon the, to me, exceedingly amusing remarks which the gentleman has put forward in the shape of argument.

I say that I feel it my duty to disabuse the mind of the House and the country with regard to the facts; and, in doing that, I shall, of necessity, probably be led, to a greater or less extent, to examine into the value of the reasons advanced by him. When I do this, it is my purpose to be as brief as I can—as much so as the nature of the case will admit of; yet I should exceedingly dislike to be interrupted by the expiration of the morning hour; and, as I see around the Hall indications of a desire to go into the Committee of the Whole on the state of the Union, I am willing to yield for a motion of that sort, with the understanding that on to-morrow morning I can take the floor and proceed with my remarks.

Mr. HIESTER. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the motion was agreed to.

DEFICIENCY BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair,) and resumed the consideration of the amendments of the Senate to the deficiency bill.

The CHAIRMAN stated that when the com-

mittee last rose, the pending question was on an amendment offered by the gentleman from Illinois, [Mr. WENTWORTH,] and that the gentleman from Pennsylvania [Mr. HIESTER] was entitled to the floor.

Mr. HARRIS, of Mississippi, (who occupied a portion only of his hour on Monday,) claimed the floor.

Mr. HIESTER. If the gentleman from Mississippi desires to occupy the remainder of his time to-day, or a sufficient portion of time to complete the hour which he ought to have had on Monday, I am willing to concede it to him, provided it is not taken out of my hour.

[Cries of "Agreed!" and "That's right!"]

The CHAIRMAN. Then the gentleman from Mississippi can proceed.

NEBRASKA AND KANSAS.

Mr. HARRIS, of Mississippi, concluded the remarks commenced by him a few days since, in opposition to the Nebraska-Kansas bill. He argued that Congress should repeal the Missouri compromise boldly, or not at all. If they were not prepared to do this, they should let it stand where it is. He condemned the insidious character of the bill, and said that the Badger proviso was the Wilmot proviso in another form.

[The speech will be found in the Appendix.]

Mr. HIESTER addressed the committee on the same subject. He opposed the bill on the ground that, if passed, it would violate our treaties with the Indian tribes residing within the limits of the proposed Territories, and because it contained a clause for the repeal of the Missouri compromise of 1820.

[His speech will be found in the Appendix.]

Mr. SMITH, of Virginia, obtained the floor.

Mr. ELLISON. With the permission of the gentleman from Virginia, I will move that the committee do now rise.

Mr. SMITH. I yield the floor for that motion.

[Cries of "No!" "No!" and "Go on!"]

Mr. SMITH. I should be gratified if the committee would rise. The committee is very thin.

A MEMBER. We shall lose so much time if we adjourn now.

Mr. SMITH. Oh, no; we need not adjourn. There is plenty of business for the House to do.

Mr. HAMILTON. Some other gentleman will, perhaps, speak now, if the gentleman from Virginia does not desire to do it.

Mr. ELLISON. The House is very slenderly attended now, and I therefore insist on my motion to rise.

The CHAIRMAN. The Chair is compelled to entertain the motion.

Mr. SMITH. I understand that there is a gentleman from Ohio who wishes to speak this evening, and I hope the House will consent that the understanding shall prevail which prevailed yesterday, and allow me to have the floor to-morrow.

[Cries of "Agreed!" and "Certainly!"]

Mr. ELLISON. I withdraw my motion.

The CHAIRMAN. The Chair then recognizes the gentleman from Ohio [Mr. TAYLOR] as entitled to the floor.

Mr. TAYLOR, of Ohio. I should be very glad to hear the gentleman from Virginia, but as he does not desire to go on now, and as it is only half past two o'clock, it seems to me that it would be better to continue the discussion, and get rid of it as soon as we can.

Mr. SMITH. As I am to have the floor to-morrow, I yield it now to the gentleman.

Mr. TAYLOR, of Ohio, said that, instead of progressing with the business of Congress, as the people demanded, they were tied down, day by day, by a sectional question, of which, as a Whig, he washed his hands; nor did he believe that the party to which he belonged instigated it. This was a sectional question, which far transcends in importance any other since the compromises of the Constitution. He did not impute all the responsibility of the introduction of the Nebraska bill to the honorable Senator from Illinois; there were other eminent men who advocated it with equal zeal. It was brought forward as an Administration measure, to relieve it from the consequences of its own conduct. At least such was his opinion; and, in support of it, he quoted a remark heretofore made by Mr. SMITH, of Virginia, that he [Mr. SMITH] "believed that this was an Administration measure, and that all good Democrats would support it;"

and further, he quoted remarks from the Union of the 5th of February last. He then opposed the repeal of the Missouri compromise. If you, he said, repeal this, you will set a precedent by which all other compromises will be repealed; and which will leave it to a numerical majority, and not to the good sense and patriotism of the people.

He wished to stand on the compromises of 1850. He gave his reasons for opposing the Nebraska Kansas bill.

[His speech will be found in the Appendix.]

Mr. BARRY obtained the floor; but yielded it to Mr. WASHBURN, of Illinois, who moved that the committee do now rise.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 271) to supply deficiencies in the appropriations for the service of the Government, for the fiscal year ending 30th June, 1854, with the amendments of the Senate thereto, and had come to no resolution thereon.

Mr. LETCHER moved that the House do now adjourn.

The motion was agreed to; and thereupon (at half past three o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, April 27, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. EVERETT presented the memorial of Nathaniel Hayward, praying the extension of his patent for an improvement in the manufacture of India rubber goods; which was referred to the Committee on Patents and the Patent Office.

Mr. WELLER presented resolutions of the Legislature of California, in favor of additional mail facilities for California and Oregon; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, resolutions of the Legislature of California, in favor of the establishment of a free and permanent watering place in Humboldt desert, on the emigrant route from Missouri to California; which were referred to the Committee on Military Affairs, and ordered to be printed.

Also, resolutions of the State of California, in favor of the enactment of a law authorizing the Board of Commissioners appointed under the act of the 3d of March, 1851, to ascertain and settle private land claims in that State, to hold a session at the city of Los Angeles; which were referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SUMNER presented a petition of citizens of Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of inhabitants of Providence, Rhode Island, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial signed by the Governor, Lieutenant Governor, President of the Senate, Speaker of the House, and members of the Executive Council of Massachusetts, together with a large number of the other members of the State government, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. HUNTER presented the petition of Hardy H. Holstead and others, praying a modification of the bounty land law so as to give one hundred and sixty acres of land to all who served in the wars of the United States, and to their heirs; which was referred to the Committee on Military Affairs.

Mr. RUSK presented a memorial of the clerks and other employees engaged in the city post office, Washington, District of Columbia, praying for an increase of compensation; which was referred to the Committee on the Post Office and Post Roads.

Mr. TOUCEY presented a petition of inhabitants of Norwich, Connecticut, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WILLIAMS presented documents in relation to the claim of Betsey Whipple, widow of Stephen Whipple, a soldier in the last war with Great Britain, to a pension; which was referred to the Committee on Pensions.

Mr. PRATT presented resolutions of the Mayor and City Council of the city of Baltimore, praying an appropriation of public lands to aid in the establishment of juvenile reform schools and houses of refuge in the several States; which were referred to the Committee on Public Lands.

Mr. RUSK presented the petition of F. M. Weathered, jr., and others, praying a change in the mail route from Grand Ecore, on the Red river, Louisiana, to eastern Texas; which was referred to the Committee on the Post Office and Post Roads.

Mr. FISH presented a petition of citizens of the United States professing the Jewish religion, praying that measures may be taken to procure for citizens of the United States of every creed, a just degree of civil and religious liberty, while residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

NEW MAIL ROUTES.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing the following mail routes: From Fort Madison, via West Point, Big Mount, and Utica, to Keosauqua, Iowa; from Fort Madison, via Franklin and Primrose, to Farmington; from Marengo, by Toledo, to Eldora; from Cedar Falls to Clear Lake.

REPORT FROM A STANDING COMMITTEE.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the memorial of James L. Collins, praying indemnity for property lost in the Mexican war, and for services as secret and confidential agent of the United States, rendered during said war, asked to be discharged from its further consideration; which was agreed to.

PAPERS WITHDRAWN.

On motion by Mr. BRODHEAD, it was

Ordered, That James L. Collins have leave to withdraw his petition and papers.

HENRY CRONCHEY.

Mr. EVERETT. I am directed by the Committee on Foreign Relations, to whom the subject was referred, to report a bill to make compensation to Henry Cronchey for extra services. This bill is reported by the unanimous direction of the committee, and as it is a small matter, I hope it will be put upon its passage now.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to allow to Henry Cronchey the sum of \$1,000, in full compensation for extra services performed in the office of the United States legation at London, while the office of secretary of legation was vacant, between December, 1852, and August, 1853.

Mr. EVERETT. Mr. Cronchey performed all the clerical duties of secretary of legation for nearly six months while that office was vacant. The subject having been referred to Congress from the Department, and laid before the Committee on Foreign Relations, the committee thought it was but fair he should have this compensation, which is at the rate of the salary of a secretary of legation. He was obliged to take home the work in extra hours—the writing that devolved on him as clerk in copying the dispatches and other official notes—and he probably labored twice the number of hours that he would otherwise have been called upon to do. The salary of clerk was but \$500 a year. This will give him \$1,000 for performing all the clerical duties of the office for six months. The service was very acceptably and faithfully performed; and the Committee on Foreign Relations thought he was well entitled to this small amount.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

On the motion of Mr. EVERETT, the report was ordered to be printed.

FRANÇOIS COUSIN.

The bill for the relief of François Cousin was

read a second time; and, on motion by Mr. SELLE, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to confirm François Cousin in his title to all those parts of sections twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-six, in township eight south, of range twelve east, which are included within the limits of his original claim, filed before the commissioner to adjust private land claims in Louisiana; and all that parcel of land described as section forty, in township eight south, of range twelve east, and section thirty-seven, in township eight south, of range thirteen east, in the parish of St. Tammany, Louisiana; and a patent is to be issued for them.

François Cousin, Sen., the father of the petitioner, about the year 1770, settled upon and cultivated a tract of land in Louisiana; in 1785, as appears by the affidavit of the late surveyor general of the Province, he presented four decrees of grants, which were recorded, but were destroyed by fire in 1788. He continued to reside upon and cultivate the lands until the time of his death. His son, since his death, has always resided upon and cultivated them. The claim of the elder Cousin was filed with the commissioner to adjust private land claims in the Territory of Louisiana; who, in his report, classed the claims among the anonymous claims, as number twenty-one, and which was not confirmed by the commissioner, and recommended for the consideration of Congress.

The Committee on Private Land Claims are of opinion that the antiquity of the settlement, and the cultivation of the land claimed, together with the circumstances of the case, warrant Congress in confirming the title.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

NATIONAL HOTEL, DISTRICT OF COLUMBIA.

Mr. PRATT. I ask the Senate to take up and consider the bill "to incorporate the National Hotel Company, of Washington city," which was some time since reported from the Committee for the District of Columbia. It is designed by this company to build a hotel worthy of the metropolis of the nation. It will be an extensive enterprise, and will require a larger capital than individuals separately could appropriate to such an object. It will lead to no discussion, I presume.

The motion was agreed to, and the bill was considered as in Committee of the Whole.

It provides that George H. Calvert, Charles B. Calvert, Roger C. Weightman, Philip Otterback, John Withers, Richard H. Stuart, and Joseph Bryan, and those who may hereafter become members of the company, and their successors, be created a body-politic and corporate, by the name and style of the National Hotel Company, Washington city. The company is empowered to hold, in fee-simple, lots situated in the city of Washington, 8, 9, 10, 11, 12, 13, and parts of lots 7 and 14, in square 491, on the plat of that city, upon which are now erected the house or buildings and appurtenances known and denominated as the National Hotel; and also any additional lots or parts of lots, adjoining that said property, which may be hereafter acquired. The capital stock of the company is to be \$500,000 to be divided into five thousand shares of \$100 each.

The affairs of the company are to be conducted by a president and six directors, to be elected by the stockholders, and they may exercise all the power and privileges of a corporation necessary or proper to promote its objects.

There being no amendment, the bill was reported to the Senate, ordered to be engrossed for a third reading, was read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House insisted on their disagreement to the first amendment of the Senate to the bill making appropriations for the support of the Military Academy for the year ending 30th of June, 1855; insisted on their amendment to the third amendment of the Senate to that bill; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses; and had appointed Messrs. GEORGE W. JONES, of Tennes-

see, WILLIAM H. BISSELL, of Illinois, and JOHN G. DAVIS, of Indiana, as managers on their part.

RECONSIDERATION OF A BILL.

Mr. JOHNSON. The Senate on Tuesday passed a bill to amend an act, entitled "an act to grant the right of preemption to certain purchasers and settlers on the Maison Rouge Grant, in the event of the final adjudication of the title in favor of the United States." It was discovered this morning that there is a defect in the bill as passed, in consequence of which the wrong act is proposed to be extended by that bill. That mistake should be corrected; and I wish to move a reconsideration of the vote by which the bill was passed in order that the necessary correction may be made. This is the last day on which, by our rules, the reconsideration can be moved. The bill is now, however, on the Speaker's table in the other House; and I wish to have it brought back to the Senate. Unless it be sent back to-day, before the House adjourns, I cannot move to reconsider. I move, therefore, now, that the Secretary be directed to request the House of Representatives to return that bill.

The motion was agreed to.

A message was subsequently received from the House of Representatives, by Mr. McKEAN, Chief Clerk, returning the bill mentioned, in accordance with the request of the Senate.

Mr. JOHNSON. I move that the vote on the passage of the bill be reconsidered, and I ask that the motion be entered on the journal.

The PRESIDENT. It will be so entered.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855.

Mr. SEBASTIAN. The next amendment which I have to offer from the Committee on Indian Affairs, is to insert under the "miscellaneous" heading, the following:

For surveying and marking the boundary lines of such tract or tracts of land as may be provided under the stipulations of the amendments of the Senate to the treaties of the 23d of July and 5th of August, 1851, with the Sioux Indians, \$1,200;

For expenses of negotiating the treaties of the 10th of September, 1853, with the Rogue River Indians, and of the 19th of September, 1853, with the Cow Creek band of Umpqua Indians, \$5,000.

The amendment was agreed to.

Mr. SEBASTIAN. I have another amendment from the Committee on Indian Affairs, to come in at the end of the second section. That section provides that no existing provisions of law, prescribing the manner in which payment shall be made to Indians, shall be construed to repeal or contravene the seventeenth section of the Indian intercourse act. The amendment of the committee is to add to this provision the following:

Or to prohibit the payment of any claim or claims, other than those of agents or attorneys, for bona fide services rendered to any Indian tribe, in cases where the President may adjudicate such services necessary, and the claim or claims, therefore, just and reasonable.

Mr. WALKER. With the acquiescence of the chairman of the Committee on Indian Affairs, I wish to have a slight verbal alteration made in the amendment, in order more fully to carry out its design. I move to amend it by inserting after the word "attorneys" the words "for claims."

Mr. SEBASTIAN. I agree to the propriety of that.

The amendment to the amendment was agreed to; and the amendment as amended was adopted.

Mr. SEBASTIAN. I have another amendment from the Committee on Indian Affairs, as an additional section:

SEC. 3. *And be it further enacted*, That the President be authorized, by and with the advice and consent of the Senate, to appoint a superintendent of Indian affairs for the Territory of Utah, who shall receive an annual salary of \$2,000, and whose duty it shall be to exercise a general superintendence over the Indian tribes in Utah, and to exercise and perform all the powers and duties assigned by law to other superintendents of Indian affairs.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment is to add an additional section:

SEC. 4. *And be it further enacted*, That so much of the

act to establish the territorial government of Utah, approved 9th September, 1850, as requires the Governor of said Territory to perform the duties of superintendent of Indian affairs, and authorizes him to receive a salary therefor, in addition to the salary allowed for his services as Governor, be repealed, and that the Governor of said Territory shall hereafter receive an annual salary of \$2,500.

The object of this provision, Mr. President, is merely to separate the duties of superintendent of Indian affairs, from the office of Governor in the Territory of Utah. It is unnecessary, probably, to explain the considerations which have induced the committee to report this amendment. They are obvious in their character, and such as will suggest themselves to the Senate at a glance. We also propose to make provision for increasing the salary of the Governor, in consequence of the separation of the duties of superintendent from his office, and to make his salary equal to that which we now allow to the Governors of Washington and Oregon, who, in their relations to our country, are situated about as remotely and inaccessible, and the expenses of living in each are about the same. We thought it just, therefore, to allow the Executive of Utah the same salary as the Governors of those other Territories. The main object was to separate the duties of superintendent of Indian affairs, from those of the Executive of that Territory.

Mr. CHASE. I doubt the expediency of increasing the salary of the Governor of Utah. I have heard no special reason why it should be increased by this amendment. The office which has heretofore been paid \$2,500 as Governor and as superintendent, is to be divided into two, and one is to be paid \$2,500 and the other \$2,000, making \$4,500 for these services. Unless the chairman of the committee can assign some good reason for it, I think the amendment ought to be rejected.

Mr. SEBASTIAN. The Senator, I imagine, is mistaken slightly in his facts. The object is only to give to the Governor of Utah, as Governor, a salary of \$2,500, in consequence of the separation of these duties. He now receives a salary of \$1,500 as Governor, and \$1,500 as superintendent. This amendment creates a separate superintendent, and to that extent it does enlarge, of course, the salary of one of the offices. But it will be recollected that the Senate yesterday, in providing for the salary of the Executive of Minnesota, in just such a contingency as this, allowed a salary of \$2,500. In the Kansas and Nebraska bill, lately passed by this body, the same salary was allowed to the Governors of those two Territories, and in those cases the duties of superintendent of Indian affairs were separated from those of the Executive. We allow to the Governor of Oregon, whose duties are separated from those of Indian superintendent, the same salary, \$2,500. By this amendment, therefore, we but preserve the same analogy in reference to the salary of this officer, which has already been established as to the salaries of four other territorial Governors where the office of superintendent is not connected with the office of Governor. It simply allows him, in this case, a similar salary as is allowed in the others.

The amendment was agreed to.

Mr. SEBASTIAN. The Committee on Indian Affairs have instructed me to offer the following, as an additional section:

SEC. 5. *And be it further enacted*, That the President be, and he is hereby, authorized and required to cause to be fulfilled the stipulations of the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians, concluded on the 15th of July, 1830, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee simple, in such manner, and under such rules and regulations as he may prescribe; and, to defray the expenses of the same, there be, and is hereby, appropriated the sum of \$10,922 29.

The object of this amendment, Mr. President, is simply to carry into effect the stipulations of the ninth and tenth articles of the treaty of 1830, made with some five or six different bands of Indians, which have never yet been fulfilled. The purport of those articles requires the setting apart, by the United States, of reserves, one upon the Missouri, and the other upon the Mississippi river, in the ordinary form of Indian reservations, for the use of their nations. It was stipulated that the President, at any future time, might survey off the country, and allot in severalty to the half breeds, reservations not exceeding six hundred and forty acres each. Circumstances have heretofore prevented the carrying into effect of that stipulation. In the

mean time the land which was regarded as fixed for the reservation, has been settled upon by large numbers of white settlers from the States, who are occupying the best lands, and all the most valuable sites, commercial and otherwise, in the Territory, until the Indians themselves have become alarmed, and justly alarmed, at the prospect that the absorption, by settlement, of the lands by the white population, will soon leave them nothing out of which the treaty stipulations can be performed.

The period of the fulfillment of this treaty has been postponed until the very last moment, and the Indians now allege, and I think with very great justice, that the treaty stipulations should be performed. If we concur in the amendment of the committee, it will be the duty of the President to survey the country, and allot off the reservations according to the stipulations of the treaty, and dispose of the residue of the land according to existing laws. The estimate of the amount necessary for this purpose has been made, upon a basis suggested by the Land Office, and is in strict accordance with the views of the Indian department.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment of the Committee on Indian Affairs, is to add the following two additional sections:

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two Indian agents for the Indians east of the Rocky Mountains, in addition to the eleven provided for by the fourth section of the act entitled "An act making appropriations for the current and contingent expenses of the Indian department," &c., approved February 27, 1851; one Indian agent for the Indians in the Territory of New Mexico, in addition to the four provided for by the fifth section of the same act; and such number of Indian agents not exceeding three, as he may deem expedient, for the Indian tribes in the Territory of Washington.

SEC. 7. *And be it further enacted*, That the agents appointed under the provisions of the first section of this act shall, before entering on the duties of their respective offices, give bond in such penalties, and with such conditions and security, as the President or the Secretary of the Interior may require. They shall hold their offices respectively for the term of four years, and shall receive an annual salary of \$1,500 each.

I will explain to the Senate the necessities of the services which require the appointments of these different agents. There are six asked for by the Department, three of which, in the first place, are for the Territory of Washington. This is simply to supply the omission in the act establishing the territorial government of Washington, in consequence of which there was no provision made for the appointment of Indian agents for that Territory at all. Usually it is the case, that the Indian agents are provided for as often as we create territorial governments for our distant possessions. For what reason the omission took place, I am unable to say. There are, however, provided at this time, three Indian agents for the Territory of Oregon, containing a little more population, and about the same area as the Territory of Washington, while there are none for the latter Territory. In addition to this, the Territory of Oregon is furnished with a superintendent separated from the office of Governor, while in Washington the office of superintendent and that of Governor are lodged in the same person. To this extent it disqualifies even the superintendent, who is the only Indian officer provided for that Territory, from performing the duties.

It will be remembered by those who are familiar with the geography of Washington Territory, that it is separated into three great natural divisions, and there are supposed to be some fifteen or twenty thousand Indians within its limits. The Indians in these three geographical divisions have entirely different habits, and necessarily require an agent to attend particularly to the wants of each. I can see great reason therefore for establishing three Indian agents in Washington Territory, because it only puts that on a footing with our other Territories.

The additional agent for the Territory of New Mexico is asked for, in order to have him assigned to the Pueblo Indians, an extensive class, with whom our relations at this time are very interesting. It is doubted whether they belong to that class of Indians, with whom we are enabled to treat as independent nations. The present bill however contains several generous provisions for presenting them agricultural implements, and such other articles as are suited for their advance

to civilization, and giving them fixed agricultural habits. If it is thought proper to establish and maintain friendly relations with these Indians at all, it is no doubt necessary that we should establish an agency for them.

The other two Indian agents proposed to be appointed are asked for by the Department, to be located in the vast territory lying between the Red river upon the south, the British possessions upon the north, the great chain of the Stony Mountains upon the west, and the States bordering upon the Mississippi river on the east. Any one who will think for a minute of the vast extent of that country, the great numbers of Indian tribes who wander over it, and then will consider the fact that we have but two Indian agents, who traverse that immense range of country, to maintain friendly relations with all these Indians, and disburse payments of provisions and money under the different treaties with them, will see that the task imposed on these two agents is one which it is absolutely physically impossible for them to perform. One agent will be required upon the Arkansas river alone, and another upon the Platte, and it will take at least two to discharge the duties of agents with the immense number of tribes extending from Minnesota Territory to the dividing ridge between Washington Territory and the plains lying east of it.

The Department is not without ample and sufficient information in making this recommendation. Last year, when Mr. Fitzpatrick was required to go out and pay the Indian annuities which had been provided under the treaty of Fort Laramie, it required a journey of several months from the head waters of the Arkansas up to the head waters of the Missouri, to visit the different tribes with whom we had treaty relations, and to whom he had to make disbursements. It does appear to me that, considering the number of Indians in that region, and the vast extent of country over which our Indian agents have to travel, and our diversified relations with these Indians, it is utterly impossible that two agents can perform that service. I am more certain that this portion of the amendment ought to be adopted than either of its other provisions, but I am pretty well convinced that all of these agents have become necessary for the service.

Mr. BELL. I desire to ask my friend, the chairman of the Committee on Indian Affairs, a question in relation to his statement as to the necessity of appointing three new agents for the Territory of Washington. As I understood him, he intimated that there was some propriety in having an equal number in Washington and Oregon. There have been three heretofore appointed in Oregon, and I ask the honorable Senator if one of those there is not agent for the tribes that are now said to be located in the Territory of Washington, west of the Cascade range; and whether that would not make some difference in the necessity of appointing three? The honorable Senator stated that, inasmuch as there were three for the Territory of Oregon, there would be some propriety in giving the same number to Washington. There are some twenty thousand Indians in Washington Territory, I believe, and most of them roam over the eastern part of it, between the Rocky Mountains and the Cascade range.

Mr. SEBASTIAN. I can answer the honorable Senator. The three Indian agents now in Oregon are all under the jurisdiction of the superintendent of Indian affairs for Oregon, and their operations are confined entirely to that Territory.

Mr. BELL. That was not the question.

Mr. SEBASTIAN. There are none in Washington, except some agents who have been employed by the superintendent of Indian affairs for Washington, taking upon himself the responsibility of employing them under the special necessities of the case, and for whom provision is made in this bill; but, by law, there are none at all in Washington.

Mr. BELL. I know that that is so by the terms of the law technically; but, when these agents were appointed, was not one of them for the tribes, or remnants, or fragments of tribes, around Puget's Sound? When we had settlements forming there in Washington Territory, it was thought necessary to have an Indian agent. Now, as to the jurisdiction of the superintendent in Oregon, I presume that can be remedied by extending the superintendency to Washington. That is answered by

the suggestion that the Governor of Washington has the superintendency of Indian affairs. Then, there could be an agent for Washington Territory taken from those who were appointed for Oregon Territory, while Washington formed a part of Oregon Territory; and the proper amendment would be to transfer the jurisdiction of that agency to the Governor of Washington.

Mr. SEBASTIAN. I imagine there is ample use for all the Indian agents who are already in Oregon. They have made several treaties in Oregon, but none have been made in Washington at all. In Washington, the personnel of the Indian department consists of the superintendent without any agent or sub-agents. There is no agent or sub-agent now on Puget's Sound. Governor Stevens says it is an unexplored country.

Mr. BELL. Settlements south of Puget's Sound. I really do not know how far our settlements extend.

Mr. SEBASTIAN. I will say to the Senator, that in my opinion there is ample necessity for the appointment of three agents at this time.

Mr. BELL. Well.

Mr. SEBASTIAN. The Department asked for the appointment of a number not exceeding three. I presume that at this time one agent would be sufficient for the country between the Pacific and the Cascade range; and another among the Flatheads along the eastern range of mountains would be sufficient. There are no wandering tribes in Oregon except those near the mountains; the others are stationary, having their fixed dwellings or lodges.

The amendment was agreed to.

Mr. SEBASTIAN. I offer the following amendment:

For defraying the expenses of witnesses, marshal, attorney, notary, interpreters, and stationery, and for copying evidence in the investigation of the official conduct of Alexander Ramsay, of Minnesota, \$720.

That item, and several which will follow, are the same as the amendment which was under discussion yesterday, with the exception that they leave out the item embracing the compensation for Governor Gorman, and provide only for the necessary expenses, the fees of witnesses, the expenses of interpreters, and of marshals for the service of processes, &c. They are estimated for by the Department, and are recommended. The item which was exceptionable was separated from these which are estimated for, and are now recommended by the committee.

The amendment was agreed to.

Mr. SEBASTIAN. The next item is the following:

For the services of Robert A. Matthews, for copying the proceedings and evidence in said investigation, and for the employment of Richard M. Young, one of the commissioners, \$250.

This item is not embraced in the last estimate, but an additional estimate is sent from the Secretary of the Interior. At the time that the proceedings of that commission were settled, the papers in regard to this claim were for some time mislaid, and it was not paid. We have them now upon hand, and the amendment is offered to meet the claim. On the return of Judge Young, one of the commissioners, to this place, and after he had ceased to draw pay as commissioner, he employed a clerk to copy all the evidence, to transcribe it, and prepare it in due form. It was a service which I think was well worth the money which is asked for it.

Mr. HUNTER. I desire simply to remark that I hope we shall get through with this, and that we will not again repeat the experiment upon which the expenditure is founded. Last year the Senate undertook to request the President, without the concurrence of the other House, to enter into the investigation which led to all this expense. The Department of the Interior seemed to think that, as it was done by order of the Senate, it should be paid out of the contingent fund of the Senate; and I believe a portion of the expenses—Judge Young's compensation—was so paid. This all shows the anomalous sort of legislation into which we have been led. It seems to me that, except for the expenses of the Senate itself, this body and the President together have no right to incur liabilities for the United States. We have authorized this to be done. We had better pay this gentleman, and repeat the precedent no more.

Mr. CHASE. I would inquire of the chairman

of the Committee on Indian Affairs if this is not a private claim? and if it be such, I suggest that it is not competent for it to be offered as an amendment to an appropriation bill.

Mr. SEBASTIAN. I apprehend that it is not more a private claim than the payment of witnesses, marshals, and others who were engaged in this examination. We have agreed to pay the expenses of other persons engaged in the execution of this commission. This claim ought to have been, and would have been, paid by the Department, if the funds had been sufficient; and we are now supplying the deficiency. It is for services rendered in pursuance of a resolution of the Senate; and I may say that this is a reasonable and necessary expenditure, and the expenditures incurred by the commission do not amount to anything very alarming. The fact that I have been compelled to present these items in detail, on account of the objection yesterday, has made them appear much larger than they otherwise would. I do not think that the claims of every kind, and every expense attendant upon the investigation, exceed \$2,000. It is certainly a very small amount, compared with the expense of some investigations which have been entered into.

Mr. CHASE. I submit the question to the Chair, whether this is not a private claim? I do not understand the statement of the honorable Senator from Arkansas to be, that the claim is in consequence of any special appropriation made heretofore. There was a resolution directing the President to cause a certain investigation to be made, and this is one of the items of the claim made in consequence of that resolution. But there has been no appropriation made for the purpose of carrying out the resolution; hence I submit the question to the Chair.

Mr. HUNTER. I suggest to the Senator from Ohio that this arises out of the anomalous nature of the proceedings attendant upon this investigation. The Senate had no right to authorize the President to cause the investigation to be made, unless it meant to pay for the expenses out of the contingent fund. The question has arisen in regard to that; and it seems to me that the best way would be to dispose of it, settle the claim in this bill, and, as I said before, repeat the experiment no more. I think that probably we did depart from our powers in authorizing any such expenditure to be incurred, unless it was something that came properly within the range of the appropriation for the contingent fund of the Senate.

Mr. CHASE. My desire was to adhere to the rules of the Senate in our legislation. By unanimous consent these rules can be dispensed with, and I certainly have no wish to interpose any objection to this.

Mr. HUNTER. I am very anxious to preserve that rule, but I merely suggest that this arises out of the anomalous nature of the proceeding which authorizes the payment out of the contingent fund of the Senate.

Mr. CHASE. I acquiesce.

The PRESIDING OFFICER. (Mr. BRYANT in the chair.) The Chair is under the impression that the expenditure arose under a resolution of the Senate. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. SEBASTIAN. The next item is:

For paying the expenses and fees of witnesses summoned in said investigation by the United States, at the instance of Alexander Ramsay, \$350.

That is also one of the items of expenses attendant on this investigation. It is for the expenses of witnesses who were summoned by the United States, at the instance of the respondent, Governor Ramsay, in this investigation; and I suppose that the Government incurs precisely the same obligation to pay them as it does to pay those who were summoned in behalf of the United States.

This investigation did not take the form of a suit or indictment, making the party a defendant, but the whole object was to ascertain the circumstances in regard to the conduct of Governor Ramsay; and I presume it is as much the duty of the United States to pay the expenses of the persons whom Governor Ramsay called for the purpose of eliciting truth on his side, as to pay those who were summoned directly by the persons employed to investigate the transaction. The object of the commissioners was to ascertain whether there was

palpable misconduct on the part of the officer; and it was their duty to ascertain his innocence, if he was innocent; and it was, therefore, due to him to summon his witnesses. I can see no difference at all in the obligation to pay each set of witnesses, and for that reason, at the suggestion of Governor Ramsay, we have offered the amendment.

Mr. STUART. I will inquire of the chairman of the committee whether this is recommended?

Mr. SEBASTIAN. No, sir; it is not recommended.

Mr. STUART. If I understand, then, it is not offered by direction of the Department. I voted yesterday against another part of this proceeding, for the simple reason that the whole question was turned over by the Senate to the Executive department for investigation. I will vote to pay just as much money as the Executive department will recommend, and not one dollar more. We are now taking upon ourselves precisely what was the worst part of the subject which we turned over to the President. He has made the investigation, and reported it; but refuses to recommend the payment of certain claims. The Senate are now asked voluntarily to pay them. I cannot agree to it.

Mr. SEBASTIAN. I desire to correct the Senator in a very important part of his statement. The Executive did not refuse to entertain these claims. He recommended the payment of every one which had been presented to him. The commissioner recommended, and did certify to certain expenses; but they left out the expenses of witnesses for the respondent, or defendant, in the case, and the consequence was, that there was nothing before the Department upon which it could act, and the matter has never been before it. It was introduced to the committee, and we have thought proper to make provision for the appropriation of \$350 to cover the expenses of witnesses summoned on behalf of Governor Ramsay. The amount was considered to be amply sufficient, and the committee think that it ought to be paid. I think it better, in this matter, that we should follow the suggestion of the Senator from Virginia. This is the last of the items of expenditure arising from that investigation. We had better make the appropriation; and I concur with the Senator most heartily that we should hereafter refuse any more such investigations by the Senate; but I think, as we have ordered this investigation, and it has been had in good faith; as just and necessary expenses have been incurred, it is best not to insist upon too close an adherence to the rules of the Senate, which would have the effect of excluding one class of witnesses and paying all the others.

The amendment was agreed to.

Mr. SEBASTIAN. There is one other amendment which I have to offer under the direction of the committee, but I wish, before doing so, to obtain some information from the Department in regard to it. I shall not, therefore, offer any more at present, as chairman of the committee. There are some other members who have amendments, which they will offer on the authority of the committee.

Mr. TOOMBS. I am instructed by the Committee on Indian Affairs to offer the following amendment:

Sec. 7. *And be it further enacted*, That the sum of \$350,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to pay to persons entitled to receive the same, the sums ascertained by agents appointed by the authority of the second section of the act making appropriations for the current and contingent expenses of the Indian department, approved March 2, 1837, to be due the individuals, their heirs and assigns, and whose names are set forth in the report of said commissioners, transmitted to Congress on the 27th of January, 1838, for spoiliations of the Creek Indians, excepting those whose claims have been heretofore paid by the United States.

Mr. HUNTER. At the last session of Congress this was decided to be a private claim. It is an old claim for spoiliations by the Creeks in 1836 and 1837.

Mr. TOOMBS. I do not know anything of the decision referred to, but I think I can show, upon the Senator's own principles, if such a decision was made, that it was wrong. It is necessary to state the class of cases in the amendment, that the Senate may see whether it comes within their rules. I submit to the Senate that the amendment comes within the rule for two reasons. In the first place, it is certainly within the principle of the words of the intercourse act of 1834, by which the United States guaranteed to pay claim-

ants who had been injured by Indian spoiliations, and to ultimately indemnify them against all such losses. In the second place, the Congress of 1836 passed an act directing the President to appoint commissioners to send to the country to take testimony of the amount of the claim, which they did, and subsequently that report came to Congress. Now, the Committee on Finance, unless they have the exclusive right of violating the rules of the Senate, have put in the bill an amendment meeting a case beyond this principle, and most assuredly covering it. On their recommendation, the following amendment was made to the bill:

"For payment of balance found due the Creek Indians for losses sustained during the war with Great Britain, by that portion of the tribe who were friendly to, and co-operated with, the United States, in addition to the appropriation of the 30th of August, 1852, \$258 10."

Now, unless the Senator can show that the friendly Indians in the war of 1812 are entitled to better privileges under the order of this Government than those of our fellow-citizens who were guaranteed payment for losses on account of Indian depredations, certainly he is estopped from objecting to this amendment, because, in his opinion, it violates a rule of the Senate. The clause which I have read, is an amendment of the Committee on Finance. They have made three or four of the same sort, but that is conclusive and direct upon the point, without any law, and without the accounts having been adjusted by authority of the Government. That amendment, which the Senate has put on this bill, on the recommendation of the Committee on Finance, covers all this ground, and more besides.

But I say, that it being within the intercourse act of 1834, it has been the uniform rule of the Government to make annual appropriations whenever they were necessary for the purpose of paying for those spoiliations. If you object to it because it is a private claim, on the ground that money will be paid to individuals, the same objections may be made to the appropriations in your civil and diplomatic appropriation bill. They are paid to somebody; but under this general law of 1834—and that was but one of a class commencing in 1790, to pay for spoiliations committed on the settlements by the Indians—Congress has made annual appropriations wherever a case has been brought to its notice by the President of the United States, where there was money due under that act, which was entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers." To settle this point of order, I will read the seventeenth section of the act:

"Sec. 17. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or sub agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury."

The President brought this subject before Congress; and upon his recommendation they authorized him to appoint three commissioners to ascertain the damages, in a more formal way, really, than ordinarily. Then the act goes on:

"And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party so injured, an eventual indemnification."

Under this act of 1834—and it is but one of a class amendatory of various acts to the same purpose, commencing in 1790—Congress uniformly, whenever these spoiliations existed, have put in the regular appropriation bills, appropriations for their payment; therefore, I say, this is distinguishable from any class of private claims. It is to carry out an existing law, and it is to appropriate a sum specified and ascertained under the law. Commissioners were appointed by the President, under the provisions of that act of 1834, expressly for the purpose of investigating the claims. The claims have been passed by the Senate once—

before I became a member of it, as some of my seniors here will recollect—and most certainly the Senator from Virginia is estopped, by the amendment to which I have referred, from objecting to this, unless he can show that the friendly Indians, who were injured by the hostile Indians, and to compensate whom we were bound by no law, but under the general principles of equity, they having appealed to the United States for payment, are to be a more favored class in the legislative halls than our own fellow-citizens, who were robbed and plundered by these same Indians.

I refrain, for the present, from going into the justice of the claim; but in regard to the point of order, this amendment is certainly more proper than one for paying Indians which has not the same sanction of law as this. I suppose that other committees have as much right in the Senate as the Committee on Finance, and that what is out of order with the others is out of order with them. I do not know any prescriptive right which the Committee on Finance have to violate the rules of the Senate, which is not possessed by the Committee on Indian Affairs, whose organ I am.

Mr. HUNTER. The question happens to have been decided by the Senate. It does not rest upon the Senator from Georgia or myself. On this precise amendment the question was raised; and upon the question: "Shall the decision of the Chair stand as the judgment of the Senate?"—the Chair deciding the amendment to be out of order under this rule in relation to private claims—the vote was—yeas 19, nays 22; so that it was ruled out of order at the last session.

Mr. BELL. What is the date of that?

Mr. HUNTER. March 3, 1853. That is sufficient for me.

Mr. TOOMBS. Read the names.

Mr. SEBASTIAN. Was it not previously decided otherwise?

Mr. HUNTER. I find it stated otherwise in the Globe. I find that the Senator from Delaware [Mr. BAYARD] stated that it had been decided otherwise; but when the vote was referred to, it was found that twenty were for ruling it out of order, and sixteen in favor of it. On the debate afterwards, it was suggested by some gentlemen that it rested upon the question whether a member of the committee had the right to offer it without instructions from the committee, or whether it must come from the committee itself. I have not examined that decision, in order to see how it stood; the Senator, however, who referred to it, said that the vote was upon the question of order; but it is enough for me that the subject was before us in 1852, on this distinct question, and that the Senate decided, by a vote of 22 to 19, that it was out of order. So far as the action of the Committee on Finance is concerned, I submit to the Senator, that if that committee made a mistake in regard to the rule, that is not to estop the Senate from applying it. The Senate is not to be governed by them in regard to that; and I will also suggest to him that he is somewhat too technical in talking about being estopped by this or that amendment. If he will look to the amendment to which he has referred, he will find that it is the result of an appropriation last year. It is only making up for an omission of two names in the appropriation of last year. It has been discovered since the appropriation of 31st August, 1852, for this purpose was made, that the name of John Stedham was omitted in such claims by mistake. Here is a clerical error in carrying out the appropriation made in the law of 1852; but suppose the Committee on Finance should have made a mistake, or that I had made a mistake, that does not bind the Senate. It is not bound by my mistake. The question is, what is the rule, and here is the decision of the Senate upon it.

Mr. BELL. I would like to inquire of the honorable Senator from Virginia, whether he considers the decision of the Senate as a precedent and binding as parliamentary law?

Mr. HUNTER. I need not say to the Senator from Tennessee—he is certainly familiar with a question of that sort—that decisions upon points of order are always regarded as precedents, and they have a persuasive force. I will not say that they are irrevocable; that they cannot be changed; that they are like the laws of the Medes and Persians.

Mr. BELL. That is the answer which I expected from the honorable Senator. From the

reports of the proceedings of the Senate, it appears that this claim of citizens, who were wronged by their property being taken by the Indians, was brought forward in the Senate, on the 3d of March, 1853, the last day of the session; and I suspect it will be ascertained that it was towards the close of the proceedings of that day, which terminated the session of Congress, when no friend of the claim thought it was proper to urge it. They saw that if it was debated and any exception was taken to it, it was likely that it would be killed for the purpose of getting it out of the way. I think I have an impression myself that I advised the friends of the proposition not to urge it upon such an occasion, when it was possible and most likely that it would be voted down merely to get it out of the way of business of more importance. They acquiesced in it, and the question was made, and the decision as to the point of order was arrived at, upon very little debate.

But, Mr. President, I ask the attention of the honorable Senator from Virginia to the fact which I now state, that this question was settled after great deliberation—perhaps after an entire day's debate—at the preceding session, or one or two sessions preceding, when we had ample time to consider it, when there was no hurry of the business before Congress, when it was not at the close of the session, and the debate, if the honorable Senator will refer to it, will be found to have been very full upon the whole question. The Senate, then, deliberately decided that it was not excluded by the rule which is relied upon now to reject the claim. Now, ought a precedent, established at the very heel of a session, on the last day, and very probably within the last two or three hours of the session, when no friend of the bill would think seriously of debating the question, or insisting upon it at such an hour, be considered as overruling the deliberate, solemn expression of the sense of the Senate at the preceding session?

Mr. HUNTER. If the Senator will allow me, I will state that, on referring to the Globe, he will find that there was a debate upon it at the last session.

Mr. BELL. But I say it was a very slight debate. The Senator will find, however, that there was a more full and elaborate discussion upon it on a former occasion. I have the impression on my mind, that I advised the friends of it not to press it at the last session.

Mr. FITZPATRICK. It was proposed at ten o'clock at night.

Mr. BELL. The honorable Senator from Alabama says that it was proposed at ten o'clock at night; and how many appropriation bills had yet to be acted upon? The most of them, and the most important of them. I would have regarded it as imprudent to have pressed such a claim at such an hour.

But what I mean by pressing the consideration of the fact, that there was a deliberate, solemn vote of the Senate settling this much controverted question at a former session, is to show that it was decided not to be excluded by the rule which is relied upon by the Senator from Virginia. In that former debate, when the Senate took it up *seriatim*, and all the considerations which seemed to be due to it on both sides were presented, the intercourse law, relied upon by the Senator from Georgia, will be found to have been relied upon; but more strenuously the act or joint resolution of 1837, was relied upon. What was that but an existing law of the country which had never been complied with? By a joint resolution or act passed by the two Houses, the President was authorized and required to appoint commissioners to go into the country, where they could have access to the witnesses, where they could be on the spot, where they would be able to eviscerate the truth connected with the infliction of Indian depredations upon settlers in that country. I believe there were three commissioners, and they went there, and after a most laborious investigation of the facts on which each one separately was founded, they reported a balance. I do not remember what that balance was. If my recollection is right upon the subject, there was a large amount of claims struck out altogether.

Mr. TOOMBS. Seven hundred thousand dollars.

Mr. BELL. Nearly \$700,000. I mean that of the claims set up for damages, \$600,000 or \$700,000

were stricken out. I had an idea that they were greatly beyond the present amount. Will any gentleman say that that is not an existing law of the land? Congress, in 1837, felt the sense of obligation imposed by the intercourse act of 1834; and the only question was, how Congress could ever be satisfied that the amount ought really to be allowed to the claimants. They resorted to the method of appointing commissioners to go into the territory, and see what really could be honestly claimed by the claimants. They reported, after a most thorough investigation. They reduced the amount which was claimed; and the sole act left on the part of Congress to fulfill the obligation under which the Government lay in respect to the claims was to make the appropriation.

The claims were recognized by the Executive authority. The report was transmitted by the Executive, in compliance with the resolution or act of 1837. It was submitted to Congress—for what? For an appropriation to pay the amount found due by the Commissioners. Was not that an existing obligation and law, as complete as any other? It is not a vague and indefinite claim upon the Government. It is a claim settled by the Government officers—by the commissioners, who stood in the place of the Auditor of the Treasury. They were special auditors. They went into that country to audit the claims, and they reported them to Congress, for the fulfillment of the obligation of the Government for their payment. I say that it is an obligation on the part of Congress. The claims were audited, and the balance was struck and presented. A large amount of claims, which were regularly presented, were stricken out; and a balance was presented, which they say is a fair, and honest, and settled account under an existing law. Independently of the decision which took place, at a former session, upon a deliberate consideration of the whole question, I think we might adjudicate now in favor of the amendment. We have a decision saying that it comes within the rule, and we have another decision going against that opinion. But to come back to the original ground on which the claim stands: it is based on an existing law and obligation on the part of the Government. As to the precedent set at ten o'clock at night, on the last day of the session, I am satisfied, from my own recollection, as well as the statements of other gentlemen, that decision was arrived at because the friends of the claim did not think proper to press it.

Mr. CHASE. I know something of the history of this claim, because it is one which attracted my attention when it was first presented. The Senator from Tennessee is right in saying that an elaborate discussion was had upon it when it was first moved by him, from the Committee on Indian Affairs. It was discussed fully; and was then, after a full discussion, rejected by the Senate upon its merits. It was next presented as an amendment to one of the appropriation bills by the Senator from Alabama, who is not now a member of the Senate, [Mr. Clemens.] It was then objected to as a private claim. The Chair—the late venerated Vice President, [Mr. King]—submitted that question to the Senate, and the Senate decided that it was a private claim. The Chair did not decide, one way or the other, on that occasion.

Subsequently, at the last session of Congress, it was again moved from the Committee on Indian Affairs, and then the decision took place which has been referred to by the Senator from Virginia. There was a discussion upon the question, whether or not it was a private claim. It was insisted, I think, by the Senator from Georgia, [Mr. Dawson,] that it was decided not to be in order on the previous occasion, because it was moved by a gentleman not a member of a standing committee. It was urged, however, by others, in debate, that it was a private claim, whether so moved or not on the previous occasion; and now, although moved by a member of a standing committee, the Committee on Indian Affairs, it fell within the rule of the Senate, and must, therefore, be adjudged to be out of order, because it is a private claim.

The Senator then temporarily occupying the chair, the Senator from Vermont, [Mr. Foot,] expressed the opinion that it was not within the rule. An appeal was taken by the Senator from Delaware [Mr. Bayard] from that decision; and

upon that appeal the Senate decided the claim not to be in order.

That is the history of this affair, so far as the votes of the Senate go; and it is strictly correct, as I believe. I do not know that any discussion upon the merits of the amendment is now in order. I suppose it is not. Indeed, I suppose this whole discussion is out of order, because I take it, as the question has been submitted to the Chair, it ought to be decided by him without debate; and after that, discussion may arise upon an appeal.

Mr. BELL. Does the Senator from Ohio say that there was not a decision in its favor?

Mr. CHASE. Not that I am aware of. My recollection is—and I think it will be confirmed by the proceedings in the Globe—that when it was originally presented by the Senator from Tennessee, from the Committee on Indian Affairs, the question was not raised. No objection was made to it. But a discussion arose, which was protracted to great length, and which resulted in a decision upon the merits.

Mr. BELL. It may be necessary, before the Chair is called upon to make a decision, to recur to the original decision. My memory is not very good; but I think the Senator from Ohio is greatly mistaken.

Mr. CHASE. I am confident I am right.

Mr. FITZPATRICK. I had not the honor of voting upon this question in 1852; I was, however, here at the close of the last session, and I concur with all that is said by the Senator from Tennessee in relation to the hour at which this claim was brought forward, and the unfavorable auspices under which it came before the Senate. As far as the merits of the question are concerned—as the Senator from Ohio has alluded to them—I will not undertake to discuss them; but I shall be excused for saying that, at the proper time, I will demonstrate to the Senate that the case is a meritorious one; and that, when thoroughly investigated, it will commend itself to the favorable consideration of the Senate. I recollect the hour when it was brought before the Senate at the last session; and I know it was late at night, after the Senate had had a very protracted sitting; and I know the impatience and restlessness which were incident to the introduction of the matter when it was presented to the consideration of the Senate. If this question had received the deliberate attention of the Senate, and the rule had been determined in conformity with the decisions at the close of the last session, I am the last man upon this floor to undertake to say anything against a rule as settled by the deliberate act of the body; but my recollection is distinct that that rule was discussed hurriedly, and did not receive that attention which the merits of the case under consideration demanded. Perhaps the rule was referred to. Perhaps something was incidentally said about the decision on the previous occasion; but it was not listened to with that attention which it ought to receive in the mind of every Senator. I must be excused for saying that it was not debated at any length, as every Senator who was then here can testify. The rule under which the point of order is raised is this:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

Look at the language of this rule. It says, that "no amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law." Refer to the history of this case; and I ask you if it is not brought before the Senate under an existing law? After the outbreak of Indian hostilities in 1836, this matter attracted the attention of Congress, which authorized the President to appoint three commissioners to visit the seat of war, and to ascertain the extent of the damages and depredations committed upon the individuals inhabiting that portion of the country. The commissioners went there, and made an elaborate report, setting forth the extent of the depredations. When they returned, it was submitted to the President of the United States, and then communicated to Congress. If this be

the fact, it seems to me that the amendment is legitimately within the provision of the first portion of the rule. It is to carry out the provisions of some existing law.

But, sir, suppose that that portion of the rule does not meet the case; yet another branch of the rules says that it shall not be entertained, unless it is in pursuance of an estimate from the head of one of the Departments. I presume that, although the rule specifies that it must be estimated by the head of one of the Departments, if it is recommended by the President of the United States, it will come within the spirit and within the intent of the rule. Well, what were the proceedings when that report was made by the three commissioners? General Jackson, in his message to Congress in 1836, used the following language:

"On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops."

It seems to me that this, being in pursuance of an established law, and under the recommendation of the President of the United States, is clearly and emphatically brought within the meaning of the rule, and I think it is strictly in order under it.

Mr. TOOMBS. I have a word to say upon the point of order. The Senator from Virginia, instead of offering an argument, brings in another precedent, and says that the amendment to which I alluded as having been made on the recommendation of the Committee on Finance, was put in the bill by some mistake, probably of the committee, and is introduced here to supply an omission, because the balance of the claims were provided for last year except these two.

Mr. HUNTER. The Senator is mistaken. I did not say that it was through any mistake of the committee. It was the mistake of the commissioner in giving the list of the claims.

Mr. TOOMBS. But it was a mistake in the point of order. I supposed that the chairman of the Committee on Finance would not deliberately violate the rules of the Senate, and therefore said that it was a mistake in the point of order in proposing the amendment. It seems that the last Congress passed a law under which the claims were paid, with the exception of two, and the committee recommend the present Congress to pass these two. I say, that far from that being an argument against me, it is another precedent.

Mr. HUNTER. It was passed against the opinion of the Committee on Finance. We resisted it.

Mr. TOOMBS. Then it was the precedent of the Senate, and this is the precedent of the committee; so that I have both. Both the Senate and the Senator from Virginia sustained me. The Senator seems to get into a worse and worse difficulty in his explanations; therefore I say that I have the vote of the Senate at a previous session. Then I have the action of his committee, at this time, confirming the action of the Senate; so that in both events what he says is no answer to my argument. The amendment which his committee has introduced, provides for the payment of the Indians who suffered depredations from hostiles during the last war with Great Britain, there being no law, no intercourse act under which they could ask for the payment; for the intercourse act provided only for the payment of the damages sustained by depredations between the white men and the Indians. That amendment provides for the payment of friendly Indians for damages sustained by attacks from hostiles, although there was no general law in operation; so that, unless the Committee on Finance have the exclusive right of violating the rules of the Senate, their action is a precedent for this amendment. It is a matter of some concern with other committees whether that committee is to absorb the whole of the right of the Senate in offering amendments.

Now, Mr. President, we have two decisions before us, one each way. What were the circumstances of the decision of the 3d of March, 1853? The Presiding Officer decided the amendment to be in order. Some gentlemen say that it was three o'clock in the morning. Certainly it was on the

3d of March; but what did the Senator from Ohio, who now speaks of that decision of the Senate as being worthy of great consideration, say at that time. Let us hear him:

"Mr. President, it is very obvious that the Senate is hardly in a condition to decide upon the merits of any claim at this time of the evening."

That was an argument on the point of order. The Senate was hardly in a condition to decide upon it. I do not know what the condition was. Various accounts are given of the condition of the Senate under different circumstances; but there was something in the condition of the Senate which the honorable Senator from Ohio thought disqualified them from deciding upon the merits of the claim; and that was the class of argument used against it. He continued:

"I think, if the Senator from Texas would yield, as the Senator from Wisconsin has yielded, upon a claim as meritorious as this in any aspect of it, to an appeal to withdraw it, and present it in a single bill, where it would receive the fair consideration of the Senate, I should be very glad."

He first appealed to have it withdrawn. The Senator from Texas said that he, having offered it under an order of the committee, could not withdraw it. The question was taken—the Chair decided that it was in order—and by a vote of 19 to 22, the Senator from Virginia says, it was ruled otherwise, having been determined at a previous time to be in order; so that we have a decision both ways; and then we have the decision of yesterday, the action of the Committee on Finance, and the action of the Senate upon a case which is not so strong as this.

But there is one great and guiding rule. It is insisted by the Committee on Indian Affairs unanimously, that this amendment comes within the provisions of the act of 1834. If it does, the first duty of every committee of this body, which the Senate has no right to make out of order, is to provide an appropriation of money for all the purposes demanded by the laws. The Finance Committee must take up the laws, and see what appropriations are necessary. The time for which some appropriations run are limited by the Constitution in some respects; and if all are not limited, they ought to be. Our first duty is to inquire what sums of money are necessary to carry on the Government under existing laws. That is your duty by the rule. It is the great and paramount duty. It is the special duty of the Committee on Finance. Here is the old policy of the Government; here is the statute-book full of intercourse laws, from 1790 to this hour, providing that if the whites commit depredations upon the Indians, the Government shall pay the Indians; and that if the Indians commit depredations upon the whites, and the whites cannot get indemnity out of the Indians, the Government shall pay them. It stands pledged to indemnify the injured parties. In this case the President asked for authority to send a commission to audit these claims, as the Senator from Tennessee properly states. He appointed a commission to go to the country, which scaled them down to the lowest point. The proper time, though, to enter into this will be when we get to the merits of the case, and then, after a statement of them, it will be for the Senate to agree to or reject the claims; but upon the question of order, I say that the amendment is to carry out two or three existing laws of the land; and, as I again repeat, the Senator from Virginia has failed to answer what I said.

The Indian appropriation bills from 1790 until now have always provided for carrying out the act of 1834, or those acts of a similar character—cognate acts—which existed on the statute-book before that time. How are you to pay for these depredations? Look all along the frontier—Oregon, California, west of the Mississippi. There is no adequate fund, if there is an outbreak with the Indians and settlers. They have to go and redress themselves as a body, the doing of which in Georgia before these intercourse acts passed led to continual war and constant hostilities. The Government thought it was a wise policy to tell them, if you do not go and redress your own wrongs, we have a law upon our statute-book under which, if the Indians do not pay you in twelve months, you can come here and be indemnified. The moment the information was given to the President of the United States, and the fact was established in regard to the depredations, this class of claims, coming under a general law, was distinguishable from the ordinary private claims;

and they come under annual appropriations as much as any single law connected with the Indian department. In this bill, among other items, there are the following appropriations:

"For payment of balance due for transportation of presents, goods, and provisions to the Camanche, Kioways, and other Indians on the Arkansas river, \$1,200."

This is due. To whom? To the people who carried them. You made an appropriation for carrying the supplies; the appropriation was not sufficient, and now you come here to pay steamboat agents, or other agents, who transported the goods.

Again:

"To pay for certain goods borrowed by late agent, J. S. Watrous, to fulfill treaty stipulations with the Chippewas, to be replaced out of annuity goods, but which, with the agency building, were consumed by fire in May, 1853, \$4,136 03."

He borrowed goods, and they were burnt up. Is not that a private claim? The amount is going to an individual for a private loss; but the loss having been incurred in public business, he ought to be paid for it. So that we can scarcely select from the whole appropriation bill a single item that stands as firmly on existing laws as the amendment which I have now offered under the direction of the Committee on Indian Affairs. Our committees could not work if the rule was enforced as contended for by the chairman of the Committee on Finance. Every member of a committee who goes to the committee rooms examines the laws. He sees there what the Indian department does, and what the other Departments do; and the committees are bound to report to the Senate whatever appropriations they think should be made; and they are derelict to their duty if they permit one dollar, which is necessary to carry out existing laws, not to be appropriated for the purpose.

Mr. WALKER. I find that, when the decision was made by the Chair, at the last session of Congress, upon an appeal from that decision, I voted to overrule the decision. The decision was, that the proposition was in order. At that time I had never been upon the Committee on Indian Affairs, and had no opportunity to investigate the claim. I am now satisfied that I voted wrong, and, upon reflection, I have come to the conclusion that, if a vote shall be again taken, I shall reverse my position. I do not believe it is a private claim. There were spoliation claims committed in these two States by the Indians in 1836 and 1837. Why was not indemnity made for those spoliations under the general law? It was by reason of a mere technicality. They were not technically committed upon and within Indian territory. If they had been there, so far from being considered a private interest, the general laws of the country would have already taken cognizance of them, and there would have been indemnity given, under the general intercourse laws of the United States; but when the application was made for indemnity for the spoliations, this technicality prevented their payment.

Now, certain steps had to be taken. They were taken. A commission was appointed to investigate the claims, ascertain their amount, and to whom due. The commissioners went to that section of the country. They examined into the matter of the claims. They made a full and elaborate report; but still the same difficulty occurred. In its effect and operation the proposition now is simply to do away with that technicality. If that technicality did not exist, the parties would apply to the proper Department and get their money now. That being the effect and operation of the amendment, I cannot see, for my life, how it can be viewed in the nature of a private claim; and I am only surprised that I did vote to consider it so before. It certainly resulted from my lack of information in reference to the matter. Hence, viewing it in the light that I now do, that it is in the nature of a general law, to obviate a mere technicality, which prevents a portion of our citizens from obtaining their proper indemnity, I shall reverse my vote, and vote that this is not a private claim, excluded by the rule.

Mr. COOPER. It does seem to me that the amendment falls within the spirit of the rule, and is not excluded by it. I do not think it was the intention of the rule to exclude claims of the character of the one provided for by the amendment. The object of the rule was to keep out of the Senate, during the pendency of the appropriation

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bills, the adjudication of private claims. We all know, sir, that contested claims cannot be considered—the proof *pro* and *con* cannot be weighed with the deliberation that is requisite in the midst of a debate on an appropriation bill. It is the province of the committee to examine and report upon these claims.

One word in relation to the circumstances under which this claim was rejected at the last session of Congress. I presume you remember, sir, that it was late at night, in the hurry of the closing hours of the session, when there was a great deal of business still to be done; when there was an apprehension existing in the minds of Senators—and a well-founded apprehension, too—that all of the important appropriation bills would be lost, if the time of the Senate should be taken up in disputing controverted points. This was the reason, I apprehend, why the majority of the Senate voted to overrule the decision of the Chair. We know that such considerations weigh upon the minds of Senators; and that, under such circumstances, on the question before the Senate for its determination, much weight cannot be attached to the vote of so small a majority as that by which the decision of the Chair was overruled.

I remember, at the same time, that another amendment was put upon the bill, much more in the nature of a private claim than the one in question—that was the claim of Andrew Taylor. I believe it was during the same day that was admitted, although there was some contest about it. It was debated, and was only lost in committee of conference at last, if I recollect aright; and if I am wrong, my friend from Arkansas, the chairman of the Committee on Indian Affairs, will put me right. That stood upon a similar policy, but savored more of the character of a private claim than this. I need not recapitulate the reasons advanced now by the Senator from Georgia, [Mr. TOOMBS;] but it seems to me that they are surely sufficient to satisfy the Senate that this is not a private claim in the contemplation of the rule; that it is providing for a claim public in its character, to carry out the provisions of an existing law, and the policy which has existed from the foundation of the Government. I cannot doubt at all that the amendment is legitimate, and that it is not excluded by the rule.

Mr. CHASE. It is quite true that when this question was before the Senate, at the last session, I appealed to the Senator from Texas, [Mr. Rusk,] who then moved it, to withdraw it; and that I referred to the condition in which the Senate was as a reason for his yielding to the appeal. He was inclined to do so; but said, that, being the organ of the committee, he did not feel at liberty to yield to his own personal inclinations. In referring to the condition of the Senate, I, of course, referred only to the fatigue incident to the late discussion during a night session. The vote by which this class of claims was decided to be a private claim was, however, not the less an understood vote upon the part of the Senate. I recollect perfectly well the argument that was urged by the Senator from Delaware, [Mr. Bayard,] He said that he was interested in providing for the payment of claimants for French spoliations, and a bill had actually passed the Senate sanctioning the payment of those claims; and yet he said he was not at liberty to move an amendment to the civil and diplomatic bill providing for them. Although they arose under a law of the land, they were private claims. They arose under a treaty, the supreme law of the land; but still, being a large class of private claims, they could not be entertained by the Senate as an amendment to the civil and diplomatic appropriation bill.

I have before me the report which was made at the session of 1838, upon these claims, when they were very fully considered and investigated. It was made by the present Comptroller of the Treasury, Mr. Whittlesey, then a member of the House of Representatives, whose habits of investigation and clearness in judgment are well known to every member of the Senate. In speaking of this class of claims, he says:

"The third class. Under this head, commencing at page 7, Executive document 127, is a list of claims to the number of 1003 for depredations committed by the Creek Indians upon the citizens of Georgia and Alabama."

He then showed the mode in which these claims had been reported. It seems that out of the three commissioners but two acted, and that no report of the evidence on which they acted was ever furnished to the Departments; but they stated, as the gross amount necessary to satisfy the claims, the sum of \$356,167 92.

Mr. TOOMBS. I do not wish the Senator to go into that now. Both those statements are not so. My object now is only to show the impropriety of the point of order. I am, however, prepared with the documents to show that those statements are not correct, but that the three commissioners acted upon the greater part of the claims; though the third one resigned before the time of the commission expired. These are the facts of the case.

Mr. CHASE. I know it is improper to go into the merits of the claims upon a point of order; and yet we have had those merits urged upon the Senate as a reason why the decision should be that they are not private claims. I refer to this report for the purpose of showing that when they were referred to the Committee on Claims in the House of Representatives, they were reported as a list of claims—a list of claims of private individuals on the Government. Then they are private claims. It is impossible to question it, unless no claim is regarded as a private claim which arises under the provisions of any general law whatever.

If there is any law upon the statute-book, in consequence of which, remotely or approximately, any claim arises upon the Government on behalf of a private individual, then if these claims are not private claims, that claim is not a private claim, and such a rule becomes worthless. Whether or not these claims fall within the principle of the intercourse law, whether they fall within the provisions of that law, is another question; but I think I can show, as I endeavored to show on a former occasion, when that question was before the Senate, if it ever should come before us in a separate bill, or if the Senate entertain it now, that this claim does not fall within the principle of the Indian intercourse law, or within the terms of the law.

I will not, however, go into that now. My object in rising was simply to show that the committee which reported upon them heretofore, regarded them as private claims; and that they have been so regarded by the Senate heretofore; that there has been no decision of the Senate upon any occasion when they were not so held; and that if all these considerations are not sufficient to bring them within the rule, and to show that they ought to be excluded by it, it seems to me useless to have the rule.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The Senator from Virginia objects to the consideration of the amendment, on the ground that it is excluded by the 30th rule. The individual opinion of the Chair is very clear upon that head: that it does come within the exception, and is excluded by the rule. But independent of his own opinion, the fact that the Senate, at the last session of Congress, overruled a decision sustaining the amendment as in order, would make it respectful for the Chair to decide that the amendment is not in order.

Mr. TOOMBS. I respectfully appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. CHASE. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BELL. I have a strong impression, with some other gentlemen who voted on this matter in 1852, when it was up, that the question of order was then raised, and decided favorably to the entertainment of the proposition. I have sent for the debates of that year to see if we cannot find

some evidence of it there. Before I receive that volume, and before the question is taken, I wish to refer the Senate to a question of order which was raised on a somewhat similar case in that year. I find, by reference to the Journal of the Senate of August 10, 1852:

"The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 43) making appropriation for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1853."

A motion was made by myself to amend the bill by inserting:

"For supplying a deficiency in the appropriations heretofore made for the removal of the Choctaw Indians from Mississippi, as estimated by the Commissioner of Indian Affairs, \$37,412."

"And the same being objected to as against the 30th rule, The PRESIDENT *pro tempore* submitted the question for the decision of the Senate, whether the said amendment was in order; and

"It was determined in the affirmative—yeas 30, nays 14."

This was at the same session, and upon the Indian appropriation bill. The Senator from Virginia must remember that decision. It was in regard to the claim of William B. Hart and others, who represented the contractors for removing the Choctaw Indians to the west of the Mississippi, under a contract made with the Government. The only specification in the existing law at the time was that the Executive should be authorized to make a contract for the removal of those Indians, and perhaps it made an appropriation for that purpose, but I am not certain whether that was so or not. Probably there was an appropriation in the bill. The contractors, in the execution of the contract, were detained a great length of time, unnecessarily, as they alleged, by the default of the Government in not sending one half the amount of scrip claimed by the emigrant Choctaw Indians in due time. They alleged that they had assembled a large proportion of the Indians in as short a time after they entered upon the execution of the contract as was practicable. The Indians were poor, and came with their families, perhaps one thousand or two thousand of them, and the contractors had to subsist the Indians out of their own funds. Their contract was, in terms, that they should remove the Indians for so much a head, or for a certain sum in gross, according to the number removed. The question arose whether they were not entitled to indemnity from the Government, in consequence of the default of the officers of the Government in not transmitting earlier to the Choctaw Indians the scrip which was to be handed over to them before they started on their journey to the west of the Mississippi. The claim was for the supplies, clothing, and provisions furnished while they were encamped.

An amendment to provide for this claim was moved to the Indian appropriation bill, and the question was raised whether it was not a mere private claim? The amendment was to provide for contractors who had stipulated for a particular amount to remove the Choctaws west of the Mississippi river, and after they had been paid the amount specified in the contract; the claim was for indemnity for extra supplies furnished them, upon the allegation that there had been neglect on the part of the Government. Upon that ground, the exception was taken by the Senator from Ohio, in that case as in the other, that it was excluded by the 30th rule. The question was debated pretty fully, and the Senate decided, by a vote of thirty to fourteen, that it was not a private claim coming within the 30th rule. Upon what ground? Because here was an existing act of Congress authorizing the President to contract for the transportation of those Indians west of the Mississippi, according to the terms of the contract, (probably it could have been executed for the specific amount mentioned in it;) and there was a further stipulation in it that they should make no claim for extra supplies. Nevertheless, the Government, by its negligence in waiting a month, or perhaps two months, before sending the scrip which was to be delivered to the Choctaws before their removal, caused the contractors to be subjected to the expense of supplying the

Indians encamped in the mean time. Although the contractors received the entire amount specified in their contract with the Government for the removal, yet they claimed remuneration for extra expenses and charges incurred by the negligence of the Government.

The argument was, that it justly belonged to that class of private claims meant to be included under the act of 1830. The reply was, that here was an act of Congress authorizing this removal; here was an existing obligation on the part of the Government. It was a claim which was set up under an existing act which had not been fulfilled in good faith to the contractors. That was the state of that case; and the amendment was ruled to be in order.

In addition to that, I cannot help thinking that after the question upon the proposition now before us had been debated—whether it arose in 1852 or not for the first time I do not know—so clear was the expression of opinion in regard to it, that the amendment was ruled to be in order, after full consideration, when objection was taken that it did not properly come within the 30th rule. If I can refer to the debates on that point, I shall do so, and see whether I am not correct. I think it will be found that this question was settled at the very first session when the claim was presented in the Senate. But it may have been that in the decision alluded to by the Senator from Ohio, the exception was taken and sustained, when it was offered as an amendment to the deficiency bill by a member on his individual responsibility, and not by order of a standing committee of the Senate. The debates upon the question will show how that was. I do not myself remember the facts; and though I presented the amendment, I cannot say whether it was by order of the committee or not. I know it was amply discussed. I think the question of order was discussed. Whether the opinion of the Senate was taken upon the question or not, I am hardly able to say. It may be that my recollection is founded upon the objections stated in the argument; or it may be, as is suggested to me by the Senator from Missouri, [Mr. Geyer,] that many Senators declared their intention to vote against it, as an amendment to the deficiency bill, because it was not appropriate to that bill.

Mr. CHASE. I have before me, in the Congressional Globe, the debate to which the Senator from Tennessee refers, which took place in 1852, when he first introduced this provision.

Mr. BELL. Was that the first year when it was proposed?

Mr. CHASE. That is the first time it was presented when discussion arose. The Senator from Tennessee then proposed the following amendment to the deficiency bill of that year:

"For payment to the citizens of Alabama, Georgia, and Florida, for depredations committed by Creek Indians upon their property, and for other property taken by the troops of the United States and friendly Creeks, in the year 1836, \$355,797."

And then he immediately proceeded to say:

"I offer this by direction of the Committee on Indian Affairs. I would not have presumed to offer it upon my own responsibility," &c.

Then a debate followed upon the merits of the claim, showing clearly that there was no question of order made at that time.

The question on sustaining the decision of the Chair being taken by yeas and nays, resulted—yeas 17, nays 15; as follows:

YEAS—Messrs. Allen, Butler, Chase, Dodge of Wisconsin, Dodge of Iowa, Fish, Hamlin, Hunter, Jones of Iowa, Pettit, Silldell, Stuart, Sumner, Toucey, Wade, Welles, and Wright—17.

NAYS—Messrs. Badger, Bell, Benjamin, Clay, Dawson, Everett, Fitzpatrick, Foot, Geyer, Pratt, Rusk, Sebastian, Seward, Toombs, and Walker—15.

So the decision of the Chair was sustained, and the amendment was ruled out of order.

Mr. RUSK. I am authorized by the Committee on Indian Affairs to offer the following amendment:

That to such Cherokees as were omitted in the census taken by D. W. Siler, but who were included and paid under the act of July, 1843, the Commissioner of Indian Affairs be authorized to pay them the same *per capita* allowance that was paid the other Indians under that distribution: *Provided*, The commission shall be satisfied that they ought to be included in said *per capita* distribution; and that the sum of \$5,000 be appropriated for that purpose.

Mr. HUNTER. I would ask the Senator from Texas if this applies to a band, or to individuals?

Mr. RUSK. I do not know exactly the amount, nor could the Commissioner of Indian Affairs himself estimate the amount, necessary to carry out this provision; but \$5,000 is sufficient, and will, perhaps, more than cover it.

Mr. HUNTER. Is it a private claim?

Mr. RUSK. No, sir; but I will state how it arises. By the treaty with these Indians, they were to have so much *per capita* out of a certain fund. There was a census of them taken, in what year I do not remember, by D. W. Siler. It was alleged by the Indians that he did not take the entire census; that there were some who lived at a distance from where he was, whom he did not enumerate. An examination was made by the Commissioner of Indian Affairs, and it was found that all the Indians were not included. From the report of the agent, it was ascertained that the Indians proposed to be provided for by this amendment were not included in Siler's census. They were just as much entitled to be paid under the treaty as were the others. The others were paid simply because they were included by Mr. Siler. This proposes to pay those who were not included, provided the commissioner shall ascertain that they are entitled. It is but an act of justice.

Mr. PRATT. I wish to have the decision of the Chair, whether this is a private claim or not.

Mr. RUSK. It is to carry out an existing law.

Mr. PRATT. I cannot see the distinction between this case and the one which has just been decided. The claim which has just been decided not to be in order, was a claim growing out of the act of 1834.

Mr. HUNTER. Not at all.

Mr. PRATT. If there is a claim at all in that case, it is a claim existing under the provisions of the act of 1834. Now, the Senator from Texas supposes that his amendment does not come within the rule which forbids private claims to be offered as amendments to an appropriation bill, because, he says, it is a claim growing out of some public law. That is the only ground upon which he can put it; because, by the very terms of the amendment itself, a claim of so much money to be paid *per capita* to certain Indians. It is, therefore, a private claim on the part of those Indians, to receive *per capita* a certain amount of money.

The Senator from Texas says this is not a private claim, within the view of the thirtieth rule, because it is a claim growing out of a treaty or public law. I think the Senator is right; but if he is right now, the Senate were wrong in the decision which they have just given. A decision in favor of this claim now, by the Senate, would involve, in order to preserve consistency, as a necessary result, the reconsideration of the vote which has just been given. If the inhabitants of Alabama and Georgia are entitled to receive anything for the depredations committed upon them, it is only because, under the provisions of the act of 1834, they are entitled to the money which was proposed to be appropriated by the amendment offered by the Senator from Georgia. It is a provision, therefore, made by a public law; and it is a provision in relation to individuals. Here is an amendment which gives a *per capita* amount to Indians; and the only reason, according to the argument of the Senator from Texas, why it is not a private claim, is because these individual Indians are entitled to it under some public law. I desire only, for the sake of consistency, that the Chair shall decide this question.

Mr. RUSK. The rule is very clear:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law."

Now here is clearly an existing law; here is a treaty with these Indians, which is the law of the land, providing for the payment of a *per capita* allowance to them. It is clear, then, that this amendment is to carry out a general law of the land. But the rule proceeds:

"or some act or resolution, previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

This is simply carrying out a law, an obligation, which would have been discharged before but for a defect in the census which was taken, and which was discovered and rectified by the act of

1848. It is just as clearly not a private claim, within the meaning of the rule, as is a provision to pay the salary of an officer. The salary of the officers of the Government is ascertained by the law of the land; and the amount to be paid to these Indians must be ascertained by reference to the treaty, which is the law of the land.

Mr. PRATT. I desire to read the first clause of the seventeenth section of the act of 1834, on which the claim presented by the honorable Senator from Georgia is predicated. It is in these words:

"That if any Indian or Indians, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong, for satisfaction," &c.

Then it provides, that if the nation to which the Indian or Indians depredating may belong does not indemnify the individuals suffering, the United States shall do it.

Mr. RUSK. Will the Senator allow me a moment?

Mr. PRATT. Certainly.

Mr. RUSK. I voted with the Senator from Maryland in regard to the amendment moved by the Senator from Georgia. I thought it ought to be included, and I think so still. I have voted for that half a dozen times. But the Senator will observe this clear distinction: that the law of 1834 is not applicable to the States of Alabama and Georgia, and therefore the claims of citizens of those States for the depredations referred to have not been paid.

Mr. PRATT. I desire only to make myself understood. I find that I voted, at the last session, that the claim, presented by the amendment of the Senator from Georgia, was a private claim; but I apprehend very many Senators so voted because they did not think that the citizens of Georgia and Alabama came within the provisions of the law of 1834. Whether they are entitled to the money or not is one question. They claim to be entitled to it under that law. You refused to permit that question to be decided by the Senate, by saying that it is a private claim, although it may exist as a claim under that law. Now, I say that the decision which has been made by the Senate should not have been made; but the whole question should be presented to the Senate, whether, under the seventeenth section of the act of 1834, the inhabitants of Alabama and Georgia were entitled to be paid for those depredations. Now, the Senator from Texas concedes that if they were entitled to be paid under the act of 1834, that amendment stands in the same position with the one which he has now offered.

Mr. RUSK. Certainly.

Mr. PRATT. If the inhabitants of Alabama and Georgia have no claim under the act of 1834, it is not pretended, on the part of the honorable Senator from Georgia, or any one else, that they have any claim at all. Therefore, being presented from a committee, as a claim under an existing law, the Senate should not have decided against the amendment upon a question of order, as to whether the claim ought to be considered or not. The Committee on Indian Affairs reported that as an amendment, upon the ground that it was a just claim under the act of 1834.

Mr. RUSK. Under the principles of the act of 1834.

Mr. PRATT. Under the act of 1834.

Mr. RUSK. Oh, no!

Mr. PRATT. That is to say, Indians in amity with the United States proceeded from their territory within the limits of Alabama, and destroyed the property of citizens of the United States; and that should be paid for under the act of 1834. Commissioners were appointed, who have adjudicated the amount, and that amount has been recommended to be paid. That is the claim, as I understand it to be, presented by the honorable Senator from Georgia. Now, I say it is manifestly unjust that that amendment should have been set aside, on the ground that it was a private claim, and that this claim should be admitted,

when the Senator who presents this admits that if the other comes within the act of 1834, it is not a private claim, and should not have been ruled out of order.

Mr. HUNTER. The Senator from Maryland was mistaken in regard to the intercourse act. It only applies to Indians within the territories of the United States, and not to Indians within the States. If the Indians within the territories come into the States, and make spoiliations, it covers their case, and it covers the case of spoiliations within the territories; but it does not apply at all to Indians within a State; and there is the mistake of the Senator. Nor was the claim set up heretofore—I do not know what reasons may be urged for it now—on the ground that it comes within that act; but it was said to come within the equity of the act. It was said that if the policy and principle upon which that act was founded, were correct, then, in equity, the persons upon whom spoiliations were committed in Georgia and Alabama were entitled to indemnity, but it never was asserted that the claim came within the act of 1834.

Mr. PRATT. The act provides that if Indians "shall pass from the Indian country into any State or Territory inhabited by the citizens of the United States, and there take" &c., indemnity shall be made. Did not those Indians pass from the Indian country?

Mr. HUNTER. If the Senator will look at the first section of that act, he will find that it defines what the Indian country is.

Mr. TOOMBS. The Senator from Virginia is mistaken.

Mr. HUNTER. We shall see.

Mr. TOOMBS. The first section of the act is not, I think, subject to the construction which the Senator from Virginia would put upon it.

Mr. RUSK. I rise to a point of order. The question which gentlemen are debating cannot be reached without a reconsideration.

Mr. PRATT. It is claimed that this amendment is out of order.

Mr. RUSK. I submit that question to the decision of the Chair.

The PRESIDING OFFICER, (Mr. BRIGHT.) The question presented is, whether the amendment moved by the Senator from Texas, from the Committee on Indian Affairs, comes within the rule. It is very difficult to apply the thirtieth rule to all the different cases which arise here suddenly; but the Chair is of the impression that this amendment is excluded as a private claim.

Mr. RUSK. I appeal from the decision of the Chair; and I desire to say a word upon the question, as the argument has taken a very extensive range. If any payment ever be made under the appropriation made by this amendment of mine, it will be made under a treaty, which is the law of the land. The amendment does not select out the individuals to whom the money is to be paid; it does not ascertain them; it does not fix the amount. The amount is fixed by law. This is altogether different from the case which has just been ruled to be a private claim, and excluded as such, because the Indian intercourse law of 1834 does not extend over Alabama and Georgia. If it did, there would be no application of that sort, because the law provides that the claims shall be paid out of the Treasury. Every one familiar with the history of that claim, (and it has been before Congress for several years past,) knows that it does not come within the law of 1834. I believe upon two occasions, certainly upon one, a bill passed the Senate, but was defeated in the House, to extend the provisions of the intercourse law of 1834 to Alabama and Georgia. I believe that it is not pretended—I do not think the honorable Senator from Georgia pretended—that it came within the provisions of that law. He said it came within the principles of the law, and ought to have been paid according to them; but the law does not extend there; and twice, I think, certainly once, when a bill passed this body to extend it over the States of Georgia, Alabama, Florida, and Texas, it was defeated in the House of Representatives.

Mr. TOOMBS. I am satisfied that the decision of the Chair is wrong; and I will, therefore, vote with the Senator from Texas. I am satisfied that the amendment of that Senator is to carry out an existing law. So was the amendment which I introduced by direction of the Committee on Indian Affairs, and so were some of the amendments

of the Committee on Finance. The Senate acquiesced in the amendments of the Finance Committee, decided against mine, and will probably decide for this, showing the certainty of these matters.

But, sir, I wish to put the Senator from Virginia right on another point. I stated that the case which I presented was clearly within the principle, and, in my judgment, within the letter of the intercourse law of 1834. He has referred to the first section of that law, as showing that it does not embrace Alabama and Georgia. That first section is a very singular one, and, according to its wording, the gentleman contends that the States of Alabama and Georgia are not included within its letter. I will read it, to show that he is wrong in point of fact. It defines the Indian country thus:

"All that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana or the Territory of Arkansas"

That does not include us, of course; but it goes on:

"—and also that part of the United States east of the Mississippi river, and not within any State, to which the Indian title has not been extinguished."

This includes the Creek country then within Alabama and Georgia. It was not within a State to which the Indian title had not been extinguished, but within States to which the Indian title had been extinguished. The territory mentioned, it was declared, should "for the purposes of this act be taken and deemed to be the Indian country." The act does not mention territories east of the Mississippi; it does not mention Florida, then a Territory, as the Senator seems to suppose. It applies to "that part of the United States east of the Mississippi river, and not within any State to which the Indian title has not been extinguished." This Indian country was "east of the Mississippi river, and not within any State to which the Indian title has not been extinguished," but within States to which the Indian title had been extinguished.

Mr. PETTIT. What is the date of the act?

Mr. TOOMBS. June 30, 1834.

Mr. PETTIT. That was before Wisconsin and Michigan were admitted, and those were the Territories alluded to "east of the Mississippi, and not within any State."

Mr. TOOMBS. The words are: "not within any State to which the Indian title has not been extinguished." That is the designation. It does not say "any State," but "any State to which the Indian title has not been extinguished."

Mr. PETTIT. It refers to lands to which the Indian title has not been extinguished.

Mr. TOOMBS. It says "that part of the United States east of the Mississippi river, and not within any State to which the Indian title has not been extinguished, for the purposes of this act, be taken and deemed to be Indian country."

Mr. FISH. What Indian title was there to extinguish in Georgia and Alabama?

Mr. PETTIT. What is the punctuation of that clause? Is there a comma after "State?"

Mr. TOOMBS. That makes no difference.

Mr. HUNTER. If the Senator will observe the section closely, he will see that I was strictly accurate. First it applies to all Territories west of the Mississippi river, excepting by name the States there, and the Territory of Arkansas. Next it applies east of the Mississippi, except to States in which the Indian title has not been extinguished. It does not apply, it cannot apply, to States in which the Indian title has been extinguished, because there is there no Indian territory to which it can apply; but it was designed to apply to the Territories of Wisconsin and Florida, which were not then States, and in which there was Indian territory east of the Mississippi. If the Senator from Georgia will look at the debates—for there have been extended debates upon this claim—he will find that it was admitted, by those who advocated the claim, that the intercourse act did not apply to it. If it applied, the claimants might have gone to the Department without coming here for payment. He will find that that admission was made two years ago by the Senator from Tennessee, [Mr. BELL,] by the Senator from Alabama, [Mr. CLEMENS,] who introduced it, and by the Senator from Michigan, [Mr. CASS,] who discussed it. It was never claimed before that that law covered it.

Mr. STUART. I wish to ascertain from the Senator from Texas one or two facts in reference to this question before I vote upon it. I understand him to say, that there was originally a treaty with these Indians, by which certain sums of money were to be paid; that then it was claimed that some of them were left out in an enumeration taken, and that the object of this amendment is to supply that defect, and to carry out the provisions of the treaty, as well as of a subsequent law.

Mr. RUSK. That is precisely the case.

Mr. STUART. A word or two will explain the reason for my vote upon this question. I voted to sustain the decision of the Chair in the other case, from a very clear impression that he was right. But, sir, under our Government, a treaty with an Indian tribe occupies precisely the same relation that a treaty with Great Britain does. If we were to enter into a treaty with Great Britain to pay certain claims, an amendment to carry out the provisions of that treaty would clearly be in order, and could not be objected to as providing for a private claim. Here is a case arising under a treaty with an Indian tribe. It is the duty of the Executive department of this Government to carry out that treaty. There has been a defect, in virtue of which the provisions of the treaty have not been carried out. The object of this amendment is to cure that defect, and to carry out the original intention.

Now, sir, such a proposition is clearly not a private claim. The law, for certain wise purposes, has said that payments to Indians shall be made *per capita*, in order to prevent frauds; but that does not individualize the claims at all. If you are to carry out the distinction contended for on the other side, there would be nothing but a private claim under the Government. The salaries of your officers would become private claims.

The question has been alluded to as to contractors—individuals who contract to carry out treaty provisions with Indians, by furnishing goods, &c. That is all within the authority of the Executive department, and is a public transaction; but the moment you step beyond that contract, and find that your contractor asks for extra pay, it becomes a private claim, and is excluded under the rule.

I cannot consent, of course, to take up the time of the Senate in attempting to elucidate this question. I only wished to call out these facts from the Senator from Texas, by which it appears that this amendment is clearly to carry out a treaty, a public law, and not to indemnify individuals. The difficulty in the other case was, that the amendment was to pay private individuals for individual claims that they had for spoiliations, which is as much a private claim as any which can be presented.

Mr. SEBASTIAN. The Senator from Michigan has said, and well said, exactly what I had wished to say in regard to this case. It will be remembered that it was the constant practice of the late Vice President King, when presiding officer of this body, in ascertaining the distinction between what were and were not private claims, to inquire whether they were in fulfillment of an existing law or treaty, or not. If they were, he never excluded them, although the benefit of the proposed appropriation might inure to one individual, or to a class of individuals.

The treaty under which this claim arises is the treaty of 1835-'6, with the Cherokees. An appropriation was made in the year 1851 to carry out that treaty. In the administration, however, of that fund, the mere division of it, it was requisite, for the purpose of ascertaining who were the true beneficiaries of it, to make an enrollment of the Indians. An agent was sent out by the Department for that purpose. In making that enrollment, unavoidably, from the absence of the claimants and from different causes, he was unable to make a complete enrollment of all the persons entitled. Hence, some who were clearly entitled under the law, and under the treaty, did not receive their *per capita*. I will call the attention of the Chair, and of the Senate also, to the case of Andrew Taylor, who was embraced by a vote of the Senate in the last Indian appropriation bill, arising under the very same treaty, but under a different clause. That, by a vote of the Senate, was decided not to be a private claim. That occurred on the discussion of the last Indian appropriation bill in this body.

Mr. TOUCEY. I voted to sustain the decision of the Chair in the case last decided, and I voted so upon the ground that there was no existing legislation that would authorize the payment. I think so still. If there had been existing legislation which would authorize the payment, so that the Executive officers of the Government could make that payment, if they had funds applicable to the purpose, it would be a case for the admission of the proposition under the rule; and then I should have voted differently from what I did. In this case, there is a law under which it is the duty of the officers of the Government to make this payment, if they have the means of doing so. The object of this appropriation is not to change the law, it is not to add a new law, it is merely to provide ways and means from which the officers at the other end of the avenue may make the payment.

Now, if the Senator from Georgia was right in his supposition, that the claim which he presented was a debt due within the law of 1834, and only wanted an appropriation of money, I voted wrong; but, thinking that he needed some further legislation, and that the propriety of that legislation must be brought under discussion before we reached the point of appropriation, I voted in opposition to his views. But now in this case, we need no new law. We need no extension of law. Indeed, we need no legislation, properly so called. We need merely the appropriation of the money; and the existing law applies it to this object. If I understand it, there is a treaty by which these individuals are entitled to this money—just as much entitled to it as any officer under this Government is entitled to the amount which the law has fixed for his salary.

Mr. HUNTER. I believe it has been ruled by those who have held the Chair, that those claims which come in under a treaty are not precluded by the rule of the Senate. The Senator from Texas states that there is a treaty stipulation in this case. No doubt there is. I have not adverted to it. There is a clear distinction, which has been stated by the Senator from Connecticut, between the case of a man who comes in under a treaty and one who comes in merely under some supposed equity of a law.

Mr. RUSK called for the yeas and nays upon the question of sustaining the decision of the Chair; and they were ordered, and taken with the following result:

YEAS—Messrs. Allen, Atchison, Chase, Dodge of Wisconsin, Dodge of Iowa, Evans, Fish, Jones of Iowa, Norris, Pettit, Shidell, Sumner, Wade, and Williams—14.

NAYS—Messrs. Bell, Benjamin, Brown, Clay, Cooper, Dawson, Everett, Fitzpatrick, Hunter, Pratt, Rusk, Sebastian, Seward, Stuart, Tombs, Toucey, Walker, Weller, and Wright—19.

So the decision of the Chair was overruled, and the amendment of Mr. Rusk was decided to be in order.

The amendment was then adopted.

Mr. COOPER. I move the following amendment, by instruction of the Committee on Indian Affairs:

To pay Andrew Taylor for his reservation of six hundred and forty acres of land at Sitico Old Town, on the waters of the Tennessee river, \$14,720, with interest from the 23d of August, 1843.

Mr. HUNTER. That seems to me to be a private claim. The Senator from Arkansas tells me that the decision of the Senate has been had upon it, and that they have decided that it is not a private claim. If that is the case, I make no opposition to it.

Mr. SEBASTIAN. This is the very claim to which I alluded a few minutes ago, which was ruled into the Indian appropriation bill last year, and passed by the Senate, but was lost by the committee of conference. It was decided then, by the vote of the Senate, not to be a private claim.

Mr. STUART. What are the facts?

Mr. SEBASTIAN. It arises under a different clause of the same treaty.

Mr. COOPER. I will state, in a few words, the nature of the case. This claim arises under the treaty of 1817, made between the United States and the Cherokee Indians. Andrew Taylor was married to a Cherokee woman, by whom he had children; and under the provisions of the treaty, therefore, became entitled to a section of land. This section of land was situated at Sitico Old

Town, on the waters of the Tennessee river. Some time subsequently to the ratification of the treaty, the Legislature of Tennessee passed a law, by which the reservations made under the treaty were condemned and ordered to be sold. By the provisions of that act a sale was made, and the reservation was purchased by a white man, who ejected Andrew Taylor; and Taylor, by this process, lost his land.

In 1835 a subsequent treaty was made, and it contained a provision for the indemnification of the reserves under the treaty of 1817. By the seventeenth article of the same treaty, provision was made for ascertaining the value of the reservations; and the mode of assessment was fixed by the article. President Jackson appointed two gentlemen, Messrs. Upton and Summy, to make the valuation. They were to fix the value of the land in its natural state at the time the valuation should take place. They proceeded to value the land, and fixed it at the sum named in the amendment—\$14,720. Their commission expired before the report of their proceedings was filed. Subsequently, however, the estimates for reserves, under the treaty of 1817, were returned to the office, and I believe nearly all of them have been paid. Interest is fixed from the time when the valuation was returned to the Department and became final—the 2d of August, 1843.

These are the facts; and I presume there will be no difficulty on the part of the Senate in passing the amendment. I will not go into a statement of the hardships that this man has undergone. It is not necessary. The amendment was discussed at the last session of Congress, and adopted by the Senate, and was only lost, as the chairman of the committee has informed the Senate, in the committee of conference, it having been given up for the purpose, as I have learned from him, of securing matters which were regarded as of greater public moment. I hope, therefore, that the amendment will be adopted.

Mr. CHASE. I think that the Senate is very much in the habit of deciding claims to be private claims against which there is a majority of the Senate, and reversing the rule as to claims which meet the favor of a majority. I think that was so in regard to this claim at the last session of Congress. I recollect an appeal was then made to the Senate, which the Senator from Pennsylvania now has not made, in regard to the peculiar hardship of the case, and the Senate decided it to be not a private claim, although it had previously decided the whole of the class of claims which has been presented by the Senator from Georgia to be private claims.

Now, sir, I wish to call the attention of the Senate, for a moment, to the thirtieth rule, and ascertain what its real construction is; for, in my judgment, this is a private claim, and falls within the rule, and I desire to be consistent in my votes. The rule is in these words:

"No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received, whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

Now, sir, this rule establishes a general regulation applicable in its first clause to all amendments, of every description, proposing additional appropriations. It, however, admits of certain exceptions. The first of these exceptions is, "unless it be made to carry out the provisions of some existing law." That applies to all amendments proposing additional appropriations. The next exception is, "or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments." If an amendment falls within either of these exceptions it may be presented. "And no amendment shall be received whose object is to provide for a private claim." If it stopped there, it would exclude the whole of the amendments which fall within these previous exceptions clearly, and it would not be in order to offer an amendment providing for a private claim, although it might be made to carry out the provisions of some existing law; although it might be made to

carry out the provisions of some act or resolution previously passed by the Senate; although it might be moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some one of the Departments. I say that if the rule stopped there, no amendment proposing to provide for a private claim would be in order, although it fell within either one of these exceptions. The rule, however, does not stop there, but it goes further, and the whole of this clause, as it stands, is in these words:

"No amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

Now, sir, this exception of private claims is universal, and the clause, "although the same may have been previously sanctioned by the Senate," is applicable to only one of this class of exceptions, which control all amendments whatever. It would follow, then, that no amendment can be received whose object is to provide for a private claim in any case. It cannot be received, although it may be made to carry out the provisions of some existing law, if it comes strictly under the head of private claims. An example may be found very easily. Suppose a claim to arise under the provisions of a general law, as in the settlement of a post office account, or as to the compensation of some contractor under a contract made with the Government, and suppose that claim has been presented to the proper Department, and there rejected, and then comes here to the Senate. Then it is a private claim; yet it may be made to carry out the provisions of some existing law, but still I think it is excluded by this rule.

Now, I admit that, according to the statement of the Senator from Pennsylvania, this claim does arise in consequence of a treaty which provided for the payment of the value of this reservation to the reservee, and the amount appears to have been ascertained. What has prevented its being paid by the proper Department I do not know; but it seems to me to be one of those cases which are constantly coming here, constantly referred to the Committee on Claims, but which are excluded by the rule from being proposed as amendments to general appropriation bills. If it be not excluded by the rule, then it would follow that any amendment which provides for a private claim may be received in every case whatsoever, provided for by the exceptions to the general rule in relation to all claims whatsoever.

Mr. COOPER. I think if strict attention had been given to the statement which I made, the objection would not have been raised by the Senator from Ohio. It seems to me very clear that this claim is admissible under the rule. I said, in some remarks which I submitted on another claim before the Senate, during the course of the morning, that the object of that rule was to exclude private claims from being considered during the pendency of the general appropriation bills, because it was not supposed that the Senate, in full session, would be very competent to form an estimate of the amount that should be paid. That, no doubt, was the substantial reason for the adoption of the rule. But here, sir, in pursuance of the treaty of 1835, a claim arises, the amount of which has been already fixed, and fixed by the provisions of the treaty itself. The sum was ascertained as far back as 1843, and all that is necessary to be done is to authorize the Department to pay it, with such interest as may have accrued in the mean time. What would be the object of sending this claim to the Committee on Claims? The amount is fixed. The committee would not gainsay the report of the commissioners, because there is no evidence, beyond their report, of what was the value of the reserved section of land. They were appointed under the provisions of the treaty to estimate, or to value, to speak more properly, the section of which this reservee had been deprived by the act of the Legislature of Tennessee. The manner, the time at which the valuation was to be fixed, and all the other preliminaries were arranged and provided for by the treaty, and in pursuance of it commissioners were appointed, whose report is on file in the Department, and that fixed the sum. It is in pursuance of a treaty which is the law of the land. The amount is fixed; nothing is left to be ascertained, all that is to be done is to authorize the proper Department of the Government to pay it to the

party entitled. It seems to me that there is nothing clearer than that it falls within the principles of the rule, which has been passed upon by the Senate during the session of to-day. I hope there will be no objection to it.

The PRESIDING OFFICER. The Chair is under the impression that the amendment is excluded by the rule.

Mr. BADGER. I wish to make a remark, and then submit a motion to the Senate. I think my friend from Virginia must have seen, by this time, that the rule about excluding these private claims is of no practical value to the Senate, and that the exposition of it has occupied more time and given us more trouble than would be involved in the determination of the merits of all the private claims which have been proposed to be put upon appropriation bills since the rule was adopted; and I wish he would consider the propriety of introducing a proposition to rescind that rule, so far as it excludes private claims recommended by the standing committees of this body. Having said this, I desire to seize this favorable occasion to submit a motion, that when the Senate adjourns to-day, it be to meet on Monday next.

Mr. SLIDELL. I hope that course will not be taken.

The PRESIDING OFFICER. There is a question before the Senate undisposed of, and therefore the motion of the Senator from North Carolina is not in order, except by the unanimous consent of the Senate. By unanimous consent the motion can be received and disposed of.

Mr. SLIDELL. If the Senate adjourn over regularly from Thursday to Monday, I consider it equivalent to the rejection of every private bill to which a single member of the Senate may object during the present session of Congress.

Mr. BRODHEAD. I wish to remind the Senator from Louisiana, that to-morrow has been set apart for the consideration of adverse reports.

Mr. SLIDELL. The reason for disposing of them is equally strong.

The PRESIDING OFFICER. The Chair understands the motion to be objected to.

Mr. BADGER. The Senator from Louisiana opposes the motion, but he does not object to its consideration now.

Mr. SLIDELL. I do not object to entertaining the motion.

The PRESIDING OFFICER. The Chair will put the question on the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. COOPER. Do I understand the Chair to decide that the amendment which I have offered from the Committee on Indian Affairs is not in order?

The PRESIDING OFFICER. The Chair so decides.

Mr. COOPER. I appeal from the decision of the Chair. I feel bound to do it.

Mr. FISH. I move that the further consideration of the bill be postponed until Monday.

The motion was agreed to.

PRINTING OF REPORTS.

Mr. FISH submitted the following resolution; which was referred to the Committee on Printing: Resolved, That eight thousand copies of the report of an expedition down the Zuni and Colorado rivers, by Captain Sigreaves, and the like number of the report of Captain R. B. Marcy, of his exploration of the waters of the Red river, in addition to the number of these reports heretofore ordered, be printed for the use of the Senate.

The Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 27, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

Before calling the House to order,

The SPEAKER laid before the body a communication from J. Lawrence Smith, Secretary of the American Association for the Advancement of Science, inviting the members of the House to attend the meetings of that Association, now in session at the Smithsonian Institution.

The Journal of yesterday was then read and approved.

The SPEAKER stated that the question before the House was on recommitting to the Committee on the Public Lands a bill "granting lands to the several States to aid in the construction of rail-

roads, and for other purposes," and that upon that question the gentleman from Ohio [Mr. DISNEY] was entitled to the floor.

COMMITTEE OF CONFERENCE.

Mr. JONES, of Tennessee. The Senate have returned to this House the Military Academy appropriation bill, insisting upon their amendments non-concurred in by the House, and asking for a committee of conference. I move for the appointment of a committee of conference on the part of the House to meet the committee which has been appointed on the part of the Senate.

There being no objection, it was so ordered; and

The SPEAKER thereupon appointed Messrs. JONES, of Tennessee, BISSELL, and DAVIS, of Indiana, as said committee on the part of the House.

DISPOSITION OF THE PUBLIC DOMAIN.

Mr. DISNEY, after some preliminary remarks, said that the public domain was vast in amount. He doubted exceedingly whether any man now living could justly appreciate the value of that domain in regard to the future, looking upon it as the most solid basis of credit in time of peace, and one of the most effective sinews in time of war, and considering the teeming millions of people who were to inhabit it.

For the last sixty years the public domain had been preserved intact; and now it remained for this Congress to signalize itself by an abrupt and violent departure from the principles of the Government, and the destruction of this invaluable treasure of the Federal Government.

He knew and could appreciate the attempt by gentlemen to secure an ephemeral popularity by wresting and tearing a portion of it as plunder from the Government; but the people of the United States are intelligent, and would sooner or later ascertain and understand that they were also the proprietors and masters of the funds of the General Government, as well as of the funds of their own respective State governments; and when Representatives shall go home and boast of the amount taken from one pocket to be put into the other, they will find that the process will not pay, after the substantial interests of the country have been sacrificed by the operation.

While he confessed he had little hope of arresting the progress of the House in wasting the public lands, he should feel all the better in the consciousness of the fact that he had discharged his duty on this subject. By the graduation bill, should it become a law, the value of the public domain now in market would be stricken down in value to the extent of fifty millions of dollars.

As to the report adverse to granting lands for the benefit of the indigent insane, he should stand upon it. By the passage of that bill, a new era had been inaugurated in the violation of the principles heretofore applicable to the public domain; an act which, in his opinion, was not only unconstitutional, but impolitic.

The bill now under consideration, introduced by the gentleman from New York, [Mr. BENNETT], proposed to give lands to the old States of the Union, in common with the new, for internal improvement and educational purposes. The principles on which it was advocated by that gentleman were fully set forth in his report upon the subject; and with this report it was his [Mr. DISNEY's] purpose to deal. Of all remarkable documents which had ever fallen under his eye, during his legislative experience, he had never before seen one which would compare with this. There was in it not one fact proven. He [Mr. DISNEY] had said, yesterday, that he would to-day gibbet the report, and now commenced that operation; and after he was done, he doubted whether the gentleman from New York would put his hand upon the carcass to take it up.

He examined, at length, the statements in Mr. Bennett's report, and said, in the course of his remarks, that the General Government has never, except in the cases of grants of lands to the deaf and dumb asylums of Connecticut and Kentucky, made a naked gift to the States until this House of Representatives set the example the other day.

[The speech will be found in the Appendix.] Mr. PERKINS, of Louisiana. After the very able speech of the gentleman from Ohio, I move, to enable the House to have the full advantage of it, that this question be postponed until Tuesday next. To-morrow will be private bill day and

Monday will be resolution day, and both those days will, therefore, be fully occupied. I hope the House will postpone this subject till Tuesday.

Mr. ROGERS. I rise to ask the gentleman from Louisiana to withdraw that motion. I desire to submit some remarks to the House upon this bill, and I fear that I shall not be able to be in the House on Tuesday next, or probably for some days to come. I will renew the motion to postpone.

Mr. PERKINS. I should like very much to oblige the gentleman from North Carolina, but perhaps it will answer his purpose to speak on some subsequent day. There are several gentlemen upon this side of the House who desire to speak early upon this bill, but have yielded to what they believe to be the proprieties of the occasion.

Mr. ROGERS. Well, as I understand the morning hour has nearly expired, I will withdraw my request.

Mr. HOUSTON obtained the floor.

The SPEAKER. The motion to postpone to a day certain is not debatable.

Mr. HOUSTON. I am not going to debate it. I want to know whether, if this bill be postponed till Tuesday next, it will be competent for the Chair to go on with the call of the committees for reports during the morning hour? There is an immense amount of business blocked up in the committees.

The SPEAKER. It will be competent for the Chair to do so; but the call will be confined, on that day, to territorial business, the whole of that week having been set apart for the consideration of territorial business. If there are no reports touching the subject of the Territories to be made during the morning hour, the Chair supposes that the committees might be called for reports during that week.

Mr. CUTTING. I rise to a point of order, involving, perhaps, more the answer to a question for information. Did I not understand that the Committee on Territories had made all their reports, and that the report now under consideration was postponed until a future day to accommodate the gentleman from New York, [Mr. BENNETT], and that in the mean time other committees were called upon and made reports? If the effect of that postponement is to keep the Committee on Territories still before the House in order to make reports—

The SPEAKER. Not the Committee on Territories. Next week is set apart for territorial business, and that alone of a local character.

Mr. CUTTING. Under that special order merely?

The SPEAKER. Yes, under the special order alone.

Mr. BENNETT. I desire to withdraw the application I made.

The SPEAKER. The gentleman from New York [Mr. CUTTING] seems to be laboring under the impression that other reports from other committees would, in some way, be cut off by the special order. That is not the case. Next week has been set apart for the consideration of territorial business of a local character alone.

Mr. CUTTING. Territorial business reported?

The SPEAKER. Such as is already reported, and which may be specially reported, of a local character. Upon that day, it will be in order to make reports of territorial business of a local character merely.

Mr. CUTTING. Coming within the purview of that special order?

The SPEAKER. It would cut out the Nebraska bill. [Laughter.]

The gentleman from Ohio [Mr. SAPP] moves that the House resolve itself into the Committee of the Whole on the state of the Union. The gentleman from Louisiana [Mr. PERKINS] submits the motion that the consideration of this bill be postponed until the next Tuesday. The motion of the gentleman from Ohio takes precedence.

The question was then taken upon Mr. SAPP's motion; and it was agreed to.

THE DEFICIENCY BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair,) and resumed the consideration

of the amendments of the Senate to the deficiency bill.

The CHAIRMAN stated that when the committee last rose, the pending question was on an amendment offered by the gentleman from Illinois, [Mr. WENTWORTH,] and that the gentleman from Virginia [Mr. SMITH] was entitled to the floor.

Mr. SMITH, of Virginia, rose to address the committee on the subject of the Nebraska-Kansas bill. He rejoiced from the bottom of his heart that there was some indication to repair a great wrong which had been perpetrated on the South; and expressed his surprise and astonishment that gentlemen from that section of the country were to be found in opposition to this measure.

After reviewing the origin of slavery, he proceeded to prove the unconstitutionality of the Missouri compromise, which he denied had brought peace to the country. On the contrary, from the period of its enactment up to the present time, there had been no repose. The prohibition of 1820 did not originate in a love of humanity and justice, but in an ambitious desire for political power. This was the motive of its originators.

He then adverted to the Journals to show that a majority of the southern members of the House voted against the restriction of 36° 30'; and desired to know, in view of this fact, how gentlemen could say that the South imposed this restrictive feature on the North?

Mr. S., in his remarks, (which have been withheld for revision,) alluded, in terms of censure, to the course of the gentleman from Ohio, [Mr. GIDDINGS.]

[His speech will be found in the Appendix.]

Mr. BARRY said he came hither entertaining the opinion that we live under a constitutional Government, but he had been told that we have compromises equally obligatory and binding upon us as the Constitution itself. He repudiated the idea that this is a Government of compromises; it is a Government of the Constitution; and that portion of the country which receives less, or asks more than the Constitution guarantees, is faithless to the trust under which it lives, or to the Constitution itself. He then argued the unconstitutionality of the Missouri act of 1820, insisting that it had been violated over and over again.

Mr. B. having concluded, (a report of whose speech will be found in the Appendix,)

Several MEMBERS claimed the floor.

The CHAIRMAN. The gentleman from Missouri [Mr. OLIVER] has the floor.

Mr. OLIVER. If it be the pleasure of the committee—as I do not myself particularly desire to speak this evening—I would wish that my friend from New York [Mr. HUGHES] may be permitted to make his speech now. If so, I will yield him the floor for that purpose, with the understanding that I am to get it to-morrow morning.

The CHAIRMAN. If there be no objection, the gentleman from New York is at liberty to proceed.

Mr. HUGHES took the floor.

Mr. GIDDINGS. I wish to appeal to the gentleman from New York to yield me the floor for the purpose of making a personal explanation in reply to some remarks made by the gentleman from Virginia, [Mr. SMITH.]

Mr. HUGHES. I am certainly willing to yield when the request is put in this way, as a matter of personal explanation. But I trust the time that may be consumed by the gentleman from Ohio will not be taken out of my hour.

Mr. GIDDINGS. Oh, no. I trust not.

The CHAIRMAN. The gentleman from Ohio is now at liberty to make his personal explanation.

Mr. GIDDINGS. Mr. Chairman, any personal explanation from me comes with pain on all occasions—

Mr. BAYLY, of Virginia, (interrupting.) Will the gentleman from Ohio permit me to make a suggestion.

Mr. GIDDINGS. I have the floor myself only for a few minutes.

Mr. BAYLY. I merely wish to make this suggestion, and I trust the gentleman from Ohio will not deem it discourteous in me to do so. My colleague who spoke this morning, and to whom the gentleman from Ohio wishes to respond, is not now in the House. I hope therefore he will postpone his explanation till to-morrow.

Mr. GIDDINGS. Very well; be it so. I should certainly wish the gentleman from Virginia to be present, and I supposed he was here. I will take occasion, however, to say to the committee that I did not intend to reply to the remarks of that gentleman, nor would I but for his personal attack on me. I will not occupy more than eight or ten minutes in the morning at furthest; and I hope the committee will extend me that time to-morrow.

Several MEMBERS. Oh, yes; certainly.

Mr. WENTWORTH, of Illinois. I move that the committee do now rise.

The CHAIRMAN. The gentleman from New York [Mr. HUGHES] has the floor, and only yielded it to the gentleman from Ohio for a personal explanation.

Mr. WENTWORTH. Then I ask that gentleman to yield me the floor that I may make a motion for the committee to rise.

Mr. HUGHES. I got the floor on the understanding that I was to go on now.

Mr. WENTWORTH. But you can have it to-morrow.

Several MEMBERS. No, no; let him go on now.

Mr. HUGHES then addressed the committee during his hour in opposition to the Nebraska bill.

[His speech will be found in the Appendix.]

Mr. SAPP obtained the floor, and moved that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman, [Mr. CHANDLER,] reported that the Committee of the Whole on the state of the Union, had had the Union generally under consideration, and particularly House bill No. 271, "to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1854," and the amendments of the Senate to said bill, and had come to no resolution thereon.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, requesting that the House would return to that body Senate bill No. 352, entitled "An act to amend an act entitled 'An act to grant the right of preemption to certain purchasers and settlers on the Maison Rouge Grant, in the event of the final adjudication of the title in favor of the United States,'" approved July 27, 1852.

Mr. STEPHENS, of Georgia. I hope by unanimous consent the Clerk will be directed to return the bill.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection, and the Clerk was ordered to return the bill to the Senate.]

Mr. FLORENCE moved that the House do now adjourn.

The motion was agreed to.

And thereupon, at five minutes past four o'clock, p. m., the House adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 28, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the War Department, in compliance with a resolution of the House of Representatives of 2d December last, "that the Secretary of War be requested to furnish the House of Representatives, as soon as practicable, with a copy of the report, estimates, and maps of the survey of the road from Mendota to the Big Sioux river," submitting the report of the Colonel of Topographical Engineers, inclosing the papers called for; which was laid upon the table, and ordered to be printed.

Mr. ORR. I ask the unanimous consent of the House to report a bill from the Committee on Indian Affairs, to be referred to the Committee of the Whole on the state of the Union, and printed. It is territorial business, and it is necessary that it should be printed at once, as it will come up for action next week.

There being no objection, the bill was received, read a first and second time by its title, as follows,

referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to authorize the President to cause to be surveyed the tract of land in the Territory of Minnesota, belonging to the half-breeds or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes.

DISPOSITION OF THE PUBLIC DOMAIN.

The SPEAKER. This is private bill day, but there being no private bills upon the table, and in the absence of a motion to go into the Committee of the Whole House, the following bill is under consideration: "A bill granting lands equally to the several States to aid in the construction of railroads, and for the support of schools." The immediate question before the House with regard to it is on the motion of the gentleman from Louisiana, [Mr. PERKINS,] that the further consideration of the bill be postponed until Tuesday next.

Mr. ROGERS. I ask the gentleman from Louisiana to withdraw his motion, in order that I may have an opportunity of addressing the House to-day.

Mr. PERKINS, of Louisiana. I will withdraw the motion to gratify the gentleman from North Carolina; but I give notice that I shall insist, as far as I can, on the postponement of this bill until the return of the gentleman from Virginia.

Mr. DISNEY. I feel no disposition to trespass upon the patience of the gentleman from North Carolina, or of the House; but I desire to have an opportunity to finish the very incomplete remarks which I submitted yesterday, and which I was prevented from finishing then by the expiration of my hour. I feel sure that I have a great many facts and arguments to present, which I am satisfied would save the House and the country a great deal of labor in the investigation of this subject.

Mr. ROGERS. I must decline, under the circumstances, to yield the floor to the gentleman from Ohio. I have my reasons for desiring to address the House to-day.

Mr. EDGERTON. I should like to inquire if the debate upon this bill is confined to the morning hour?

The SPEAKER. It is.

Mr. ROGERS spoke during the morning hour in support of the bill, believing that the old States had suffered great injustice by the unequal distribution of the public domain. He believed that a distribution to all the States equally, such as was proposed by the bill under consideration, would promote justice and constitutional equality. [The speech will be found in the Appendix.]

Mr. HAMILTON next obtained the floor.

Mr. EDGERTON. I would inquire of the Chair how long before the morning hour expires?

The SPEAKER. About twelve minutes.

Mr. EDGERTON. If the gentleman from Maryland will yield for that purpose, I will move that the House go into committee.

Mr. HAMILTON. I yield for that motion.

Mr. EDGERTON. Then I move that the House resolve itself into a Committee of the Whole on the Private Calendar.

Mr. JONES, of Tennessee. I would ask the Chair if this is objection day?

The SPEAKER. It is.

Mr. ORR. I give notice that if the motion of the gentleman from Ohio does not prevail, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. I understand this is objection day, and we shall accomplish but little by going into Committee of the Whole on the Private Calendar.

Mr. CHANDLER. This is objection day, and there are no bills of any consequence upon the Private Calendar to object to. Next Friday is also objection day; so that nothing will be lost by passing over the Private Calendar until next week.

Mr. HOUSTON. Debate upon the deficiency bill terminates, by the order of the House, on Tuesday next; but virtually it terminates to-morrow; for the consideration of a special order commences on Monday, and will override the deficiency bill. If the committee determine to go on with the general debate upon that bill, I hope they will go into committee, and do so now, as I shall object, on Monday, to the postponement of the special order. Unless the House shall sit to-morrow, this is the only remaining day for such debate.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. WASHBURN, of Illinois. I rise to a privileged motion. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. ELLISON. I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 75, nays 64; as follows:

YEAS.—Messrs. Abercrombie, Aiken, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Bell, Bissell, Brooks, Colquitt, Corwin, Cutting, Thomas Davis, Dickinson, Disney, Eastman, Eddy, Thomas D. Eliot, John M. Elliott, Farley, Fenton, Flagler, Florence, Franklin, Goodrich, Green, Aaron Harlan, Sampson W. Harris, Henn, Hiester, Hillyer, Hughes, Hunt, Ingersoll, Daniel T. Jones, Keitt, Kerr, Kittredge, Knox, Kurtz, Latham, Lilly, McCulloch, Mace, Meacham, Smith Miller, Murray, Noble, Parker, Peckham, Pennington, John Perkins, Phillips, Pratt, Pringle, Ready, Riddle, David Ritchie, Rogers, Sabin, Seward, Singleton, Gerrit Smith, William Smith, Hestor L. Stevens, Thurston, Upham, Walker, Walley, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Daniel B. Wright—75.

NAYS.—Messrs. Ball, Bennett, Boyce, Carpenter, Chandler, Churchwell, Clark, Cobb, Cox, John G. Davis, Dunbar, Edgerton, Edmunds, Ellison, English, Etheridge, Giddings, Greenwood, Grey, Grow, Hamilton, Harrison, Haven, Hendricks, Hibbard, Houston, George W. Jones, J. Glancy Jones, Roland Jones, Letcher, Lindsey, Lindsley, McNair, Maxwell, Mayall, Middletown, John G. Miller, Milson, Morgan, Mordecai Oliver, Orr, Bishop Perkins, Phelps, Thomas Ritchey, Robbins, Ruffin, Sapp, Shaw, Shower, Skelton, Samuel A. Smith, George W. Smyth, Richard H. Stanton, Alexander H. Stephens, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Wade, Wells, Wheeler, and Zollicoffer—64.

So the motion was agreed to.

PRIVATE CALENDAR.

The SPEAKER. The question now recurs upon the motion of the gentleman from Ohio, [Mr. EDGERTON,] that the House resolve itself into a Committee of the Whole on the Private Calendar.

Mr. EDGERTON. I call for tellers upon the motion.

Tellers were ordered; and Messrs. CHURCHWELL and VAIL were appointed.

The question was taken; and the tellers reported—ayes 54.

The SPEAKER announced that less than a quorum having voted in the affirmative, the motion was lost.

Mr. EDGERTON. I ask that the other side may be counted.

The SPEAKER. The Chair decides that the demand comes too late.

Mr. EDGERTON. Then I demand the yeas and nays upon the motion.

The SPEAKER. The Chair decides that that demand also comes too late.

Mr. JONES, of Tennessee. Do I understand the Chair to decide that it is too late to have the yeas and nays upon the motion to go into a Committee of the Whole on the Private Calendar?

The SPEAKER. It is too late, the result of the vote having been announced.

Mr. JONES. Only one side had been counted.

Mr. ORR. But the Chair had announced the vote, and entertained another motion. It is evidently too late.

Mr. JONES. The Constitution secures the yeas and nays upon any proposition when they are demanded by one fifth of the members present, and I think they are entitled to have them upon this motion.

The SPEAKER. The result of the vote had been announced, and the Chair was about to put the question upon another motion, when the demand for the yeas and nays was made. If the demand had been made before the result was announced, it would have been entertained; but, under the existing circumstances, the Chair decides that the demand comes too late.

Mr. EDGERTON. I ask for the yeas and nays then, upon the motion to go into the Committee of the Whole on the state of the Union.

The SPEAKER. That is in order.

Mr. WENTWORTH, of Illinois. I ask the Chair, if a quorum voted upon the motion to go into Committee of the Whole?

The SPEAKER. Only fifty-four members voted in the affirmative, which was less than a majority of a quorum. A quorum was present, and therefore the motion was lost.

Mr. WENTWORTH. Does the Chair know officially that a quorum was present? I insist upon my point of order. I have seen the question

tried again and again in this House, and I want to know what the rule is?

Mr. HAMILTON. I rise to a question of order. I want to know if the Chair has not already decided that question. I ask that the vote may be taken upon the motion to go into the Committee of the Whole on the state of the Union.

The SPEAKER. In reply to the gentleman from Illinois, the Chair will say that the House had just voted upon the yeas and nays, when there appeared 75 in the affirmative and 64 in the negative, which shows officially that a quorum was present.

Mr. WENTWORTH. How does the Chair know that members kept their seats for the purpose of leaving the House without a quorum?

The SPEAKER. The Chair decides that a quorum was present, and overrules the point of order made by the gentleman from Illinois.

Mr. WENTWORTH. It very often happens that members refuse to vote, for the purpose of leaving the House without a quorum, and I submit that both sides should have been counted.

The SPEAKER. The Chair overrules the point of order.

The House was divided on the demand for the yeas and nays, and only nineteen voted in the affirmative; not one fifth of a quorum.

Mr. EDGERTON. I demand tellers on the question.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. EDGERTON. I demand tellers on the motion that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Tellers were ordered; and Messrs. TAYLOR, of Tennessee, and WALKER, were appointed.

The question was put, and the tellers reported—ayes 81, noes 30; no quorum.

Mr. EDGERTON. I move that there be a call of the House.

Mr. LETCHER. I ask for the yeas and nays upon that motion. That will settle the question as to whether there is a quorum present or not.

Mr. GROW. Let us have a recount.

Mr. WALSH. There are several members around me who have not voted.

The yeas and nays were not ordered.

Mr. GROW. I call for tellers.

Mr. CLINGMAN. Oh, no; let us have a recount.

Mr. GROW. Well, I withdraw the call for tellers, if we can have a recount.

Mr. STEPHENS, of Georgia. There is evidently a quorum in the House. I call for a recount.

The SPEAKER. The gentleman from Georgia must remember that a motion is now pending that there be a call of the House.

Mr. STEPHENS. I hope that motion will be withdrawn.

Mr. EDGERTON. I decline to withdraw it.

Mr. COBB. I call for tellers on the motion.

Tellers were ordered; and Messrs. DAVIS, of Indiana, and CLINGMAN, were appointed.

Mr. LETCHER. Now I hope the gentleman who made the motion will vote.

Mr. EDGERTON. I voted before.

The question was then put on Mr. EDGERTON's motion; and the tellers reported—ayes 13, noes 105.

So the motion was disagreed to.

The SPEAKER. The question now recurs upon the adoption of the motion submitted by the gentleman from South Carolina, [Mr. ORR,] that the House resolve itself into the Committee of the Whole on the state of the Union.

Upon that question tellers were ordered; and Messrs. CLINGMAN and EDMUNDSON were appointed.

The question was then taken; and the tellers reported—ayes 91, noes 28.

DEFICIENCY BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair,) and resumed the consideration of the amendments of the Senate to the deficiency bill.

The CHAIRMAN stated that when the committee last rose, the pending question was on the amendment offered by the gentleman from Illinois,

[Mr. WENTWORTH,] and that the gentleman from Missouri [Mr. OLIVER] was entitled to the floor.

Mr. GIDDINGS. I hope the gentleman from Missouri [Mr. OLIVER] will now allow me to make the personal explanation to which I referred yesterday.

Mr. OLIVER. I have no objection, provided it does not come out of my time.

[Cries of "Agreed!" "Agreed!"]

Mr. GIDDINGS. Mr. Chairman, previously to the rising of the committee yesterday evening, there was a general consent given that I should occupy the floor for a few minutes this morning, for a personal explanation. But the unanimous consent of the committee was given to me on the understanding that the explanation should be in regard to myself. There is, however, one thing which I wish to propose to the committee now, and that is, that I may occupy a few minutes of the time allowed me, to reply to the remarks of the gentleman from Virginia [Mr. SMITH] yesterday, so far as they regard a distinguished and venerated friend, who is now no more, and whose memory has been violently attacked; I refer to the Hon. John Quincy Adams.

A general assent was expressed by the committee.

Mr. GIDDINGS. Mr. Chairman, the remarks of the gentleman from Virginia, in regard to the memory of that great and good man, would have given me infinitely more pain than anything he could have said in regard to myself, provided, I had believed the attack of the member from Virginia could, in any degree, affect the world-wide fame of that distinguished statesman.

Sir, he served long upon this floor, and stood as the leader of this House in all the great moral and political questions that agitated the nation during the last decade of his life. Emphatically, sir, he stood as the leader, the standard bearer of the cause of freedom, of truth, of righteousness.

Mr. Chairman, an attempt has been made to represent that statesman as a blood-thirsty man—a man of violence, a man of blood. Nothing could have been more unworthy of any statesman than such a representation. But in order that I may be fully understood, I will read an extract from the remarks of the gentleman from Virginia:

"Did they not all know that a distinguished man, John Quincy Adams, had stepped down from the Chief Magistracy, and asserted this question, saying that sooner than stop agitation, he would see five millions of southern hearths drenched in blood?"

Mr. Chairman, let me say that I have no explanation to give to this remark. It is, emphatically, an unmitigated misrepresentation. That is the whole of it, in all its length and breadth, in all its depth and height. It was coined from the fertile brain of an opponent, who opposed him while living, and who attempts to raise his puny arm to assail his fame now that he is departed. Who, Mr. Chairman, has read the speeches of Mr. Adams, that does not know that on all occasions he sought peace; that he was at all times opposed to bloodshed; that he was at all times opposed to violence; that he sought the moral regeneration of this country and nation, and of the world by the force of reason, intelligence, and example?

Sir, I suppose we all know the history (for it is familiar to us all) which gave rise to the attack of the member from Virginia. I think it was in the year 1841, that the venerable man to whom I have alluded, was in the city of Pittsburg, and, by request, delivered an address to the colored people of that city. In the remarks which he made upon that occasion, he told them that the time would come when justice would be done to them. In the emphatic manner in which he was accustomed to speak, he told them that their redemption would come; and as he rose with the majesty of his subject and the occasion, he repeated that it would come. He knew not when. Some were apprehensive that it would come in blood; "but, sir," said he, "let it come—let justice be done." I quote from memory, but am substantially correct. Some months afterwards, a member of this body from Alabama [Mr. DILLET] was making a speech in this Hall, and, referring to this subject, represented Mr. Adams as having said that "he hoped the redemption of the colored race would come, even if it came in blood." "Yes," said Mr. Adams—he was sitting at my right hand, near me—"I now say, let it come."

"Yes," said the gentleman from Alabama, "if it come in the blood of the white man." The gentleman from Massachusetts [Mr. Adams] said, "let it come." "Yes," said that venerable man, with an emphasis which often characterized his remarks, "I now say, let it come." "Yes," said the gentleman from Alabama, "though it comes in the blood of thousands of white men, let it come." "Yes," said the venerable statesman, "though it comes in the blood of millions of white men, let it come—let justice be done though the heavens fall." He spoke of justice to the colored man. That he desired at all times, and above all other objects.

I stand here to make no apology for that venerable statesman. Every man is familiar with his history. He died in this Hall. He died where the honorable gentleman from Vermont [Mr. MEACHAM] now sits. He lived a life of unusual devotion to his country, to the world, and his fame is beyond the reach of the puny efforts at detraction, put forth by the member from Virginia.

Mr. Chairman, personal conflicts are at all times painful to me. They constitute no part of the object for which I was sent to this body. They are opposed to all the feelings of my nature. But, sir, we owe duties to ourselves, as well as to the public. I have no right to permit false charges, uttered against me in this body, to pass unnoticed. In such case silence is often taken as an admission of their truth.

Yesterday the member from Virginia [Mr. SMITH] took occasion to make the following most extraordinary assertion:

"Who does not know that the gentleman from Ohio, [Mr. GIDDINGS], when I was in Congress some years ago, offered resolutions declaring that it was lawful, in effect, for negroes to slay the wife and children of their masters?"

When I heard this I respectfully endeavored to correct him, by assuring him that I had presented no such resolutions, to which he replied:

"No, of course not directly; that would have been too provoking, too insufferable. But for his act, the gentleman received the benefit of a resolution or resolutions of this body that made him retire from the proceedings of Congress that he might go home and get Congress rebuked by the people. They sent him back by a majority diminished by two thousand, and he was afraid to continue the experiment."

Now, sir, in regard to the character of the resolutions which I offered, I will merely say, that in 1842, the President, John Tyler—for whom my Whig friends and I voted, God forgive us!—through our Secretary of State, instructed our Minister at London to demand a compensation of the British Government for the people who gained their liberty on board the Creole, a slave ship from Richmond, Virginia, while on her way to New Orleans. The history of that transaction must be within the recollection of every member, and I therefore merely refer to it.

The demand carried with it an implied acknowledgment that it was our duty to protect the slave dealers. This I felt to be an insult to the people of the free States. I was unwilling to see the people of Ohio and the other free States involved in such disgrace; and offered to this body the declaration of my sentiments, in the following resolutions, which I now send to the Clerk's table to be read.

They were read, as follows:

"Resolved, That prior to the adoption of our Federal Constitution, each of the several States composing this Union, exercised full and exclusive jurisdiction over the subject of slavery within its own territory, and possessed full power to continue or abolish it at pleasure.

"Resolved, That by adopting the Constitution, no part of the aforesaid powers was delegated to the Federal Government, but was reserved by, and still pertain to, each of the several States.

"Resolved, That by the eighth section of the first article of the Constitution, each of the several States surrendered to the Federal Government all jurisdiction over the subjects of commerce and navigation upon the high seas.

"Resolved, That slavery, being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the jurisdiction of the power creating it.

"Resolved, That when a ship belonging to the citizens of any State of this Union leaves the waters and territory of such State, and enters upon the high seas, the persons on board cease to be subject to the slave laws of such State, and thenceforth are governed in their relations to each other by, and are amenable to, the laws of the United States.

"Resolved, That when the brig Creole, on her late passage to New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that State ceased to have jurisdiction over the persons on board said brig, and they became amenable only to the laws of the United States.

"Resolved, That the persons on board said ship, in resuming their natural rights of personal liberty, violated no law

of the United States, incurred no legal penalty, and are justly liable to no punishment.

"Resolved, That all attempts to reenslave said persons are unauthorized by the Constitution, or the laws of the United States, and are incompatible with our national honor.

"Resolved, That all attempts to exert our national influence in favor of the coast-wise slave trade, or to place this nation in the attitude of maintaining a commerce in human beings, are subversive of the rights and injurious to the feelings and interests of the free States, are unauthorized by the Constitution, and prejudicial to our national character."

Mr. GIDDINGS resumed. Every member will see there is not the most distant reference, nor the remotest intimation of the right of those negroes to slay the wives and children of their masters. It merely asserts their right to freedom, and that in resuming that right, they violated no law. The misrepresentation of the member from Virginia [Mr. SMITH] is so palpable, so obvious, that I will leave it to the consideration of this body and of the country, to judge of the principles and feelings of a member who thus falsely and wantonly assails a fellow-member with fabrications so unfounded and destitute of truth.

But, sir, for the presentation of those views, a member from Virginia [Mr. BORRS] offered resolutions censuring me for daring thus to express my opinions. No one denied their truth, but the censure was for uttering the opinions. He, however, being out of order, handed them over to a servile member from my own State, who offered them, and called for the previous question to cut me off from any defense.

Sir, this body took it upon themselves to pass a vote of censure upon me for thus avowing my opinions, and the member from Virginia [Mr. SMITH] voted for my censure. He now appears to think I should have bowed in silence like the slaves on his own plantation, that I should have received his rebuke with humility, and plied myself to the task of legislation under his surveillance. I could not recognize him as my master, nor this body as having authority to control me in the expression of my constitutional views. I hurled from me the petty despotism which they attempted to exercise over me. I did not remain in my seat one minute after the vote was declared. The liberties of my country had been purchased in part by the blood of both my paternal and maternal ancestors. At a more recent period I had myself borne arms in the war of 1812; and had I remained in my seat here, submitting to such tyranny, I should have disgraced my name and the Constitution of my country.

On reaching the first county in my district, on my way home, I was hailed by a people who appreciated my motives, and responded heartily to the course I had pursued. A meeting was called at the seat of justice; a distinguished lawyer of the Democratic party moved a resolution requesting me to stand as a nominee for reelection, without the formalities of a regular convention. To this I consented; and, until the day before election, it was supposed, in that part of the district in which I lived, there would be no competitor. But, as was then said, an opposition was raised, in pursuance of advice sent from this city; yet, as I stated yesterday, I was reflected by a larger proportion of the votes given than on any former or any subsequent occasion. Many of the Democratic party voted for me, and have since continued to vote for me. My majority was more than thirty-five hundred; but then the member from Virginia says it was diminished to two thousand, intending to represent my constituents as dissatisfied with my course. Why, sir, at one of the largest conventions ever met in that district, I was specially instructed to maintain the position I had assumed, without reference to the miserable efforts put forth in this body to control my thoughts and my action. I have intended to obey those instructions. Of that, however, my constituents are my judges; and they have given me some evidence of their approbation—for they have continued to send me here, to the present time.

Where are those who then assumed the unconstitutional power to censure me? And echo answers, Where? Why, sir, of the two hundred and twenty members then composing this body, one, and only one monument of the people's mercy, beside myself, has continued to hold a seat here. They have departed. Several generations, like the member from Virginia, have since appeared here, and taken their departure also to the shades of political life.

The member from Virginia, at the close of that Congress, disappeared, and sunk out of view, into the tide of political forgetfulness, from whence he was again cast up in the political storm of 1852—a striking instance of political resurrection. But he comes back apparently bringing with him the same views of dictation and "overseerism" which he possessed when he left us ten years since. He seems unconscious of the progress which has been made in this body during the period of his confinement in political purgatory.

It is said of Dean Swift, that while relating an anecdote to a friend they became separated. After the lapse of ten years they again met, when the Dean, without a bow or other salutation, resumed his story with the simple introduction of "*as I was saying*." So the member from Virginia, on again finding himself in this Hall, without a bow or salutation, introduces himself by a flourish of the whip, and in full livery proclaims himself the "*whipper-in*" of this Administration, and in merciless style he plies the lash to all who get off the track.

In the course of his remarks, the member said I was afraid to continue the experiment I had tried in presenting my resolutions. In other words, he charges me with submission to the usurpations of this House, of surrendering the freedom of speech. Sir, it gives me pleasure to say that this is the first time, in a service of nearly twenty years, that I have ever been subjected to the charge of being a *doughface*, not daring to speak my views. I was aware that, judging from his speeches, the member must have regarded all who differ from him as poltroons; but I had not supposed he would take occasion openly and in definite words, to charge any member with being afraid to speak his sentiments.

Well, sir, I am afraid to do wrong. I am afraid of giving just offense to any human being. But, sir, I would speak truth fearlessly. Among these truths, I would lay it down as an axiom, that none but "*cowards*" ever doubt the courage of their fellow-members. But should the member from Virginia think I treat him with less severity than he deserves, I hope he will attribute it to my unusual good nature, and not to cowardice.

But the gentleman assures the country that I was afraid to continue the experiment. I think it was on the 5th of May I resumed my seat in this Hall, and on the 3d of June I made a speech, in which, to the extent of my humble abilities, I vindicated the doctrine embraced in the resolutions for which I was censured. For the House will observe that the offensive part of my resolutions was the assertion that the negroes, when taken beyond the jurisdiction of the slave laws of Virginia, were restored to their natural right of self-defense. This was the substance, the gist of the resolutions for which I was censured. No member of this House, from that day to this, has had the boldness to deny their accuracy. They assert mere legal principles known to lawyers of science.

Yesterday, the gentleman from Virginia [Mr. SMITH] asserted that I presented "resolutions declaring that it was lawful for negroes to slay the wives and children of their owners." The assertion which I did make was, that when slaves were taken without the jurisdiction of slave laws they became free under the common law and the laws of nature, and that they had a right to assert that freedom. And I am glad that there is before me a Representative of Louisiana, [Mr. HUNT] a State which led off in the declaration of this principle. There is not a slave State, nor is there a free State, in the Union which has not proclaimed it through their courts. It has been announced from the tribunals of the Louisiana State Court.

Mr. PERKINS, of Louisiana. With the gentleman's permission, as Louisiana has been alluded to, I will make a single remark. Does the gentleman yield to me?

Mr. GIDDINGS. I yield with pleasure to the gentleman for that purpose.

Mr. PERKINS. Such was the decision under the Louisiana law, and such, practically, was the law until after the Abolition excitement at the North, when the Legislature passed a law directing the reverse in consequence of that agitation.

Mr. GIDDINGS. That does not change the common law, nor any law outside of that State. If the Legislature has passed a statute to reenslave the people who have become free, that statute itself has no effect outside the State. I refer, how-

ever, to the decision of the courts of Louisiana, under the civil law, which guided her courts in former times. It is the same, also, as common law wherever it is in force. It was so decided in 1782, by Lord Mansfield, after an unprecedented struggle in behalf of oppression. It was repeated in 1821, in the great case of *Forbes vs. Cochran*, decided in the Common Pleas of England. It has been repeated again and again, in all the courts of civilized nations of the earth. I go back more than one hundred years, on the continent of Europe, and show that a slave leaving the jurisdiction which held him in bondage became free. Why, sir, every heart would respond that he would be free, and the member from Virginia recorded his vote on that occasion to censure me for daring to utter a legal principle known and understood by every tyro in the profession.

Mr. PERKINS. I regret to have to interrupt the gentleman again. I am told that I did not hear correctly his position. The decision of the Louisiana court was not to the effect of his resolution, but to this extent only: that where a slave was voluntarily carried by his owner beyond the jurisdiction of slave law into a free State, the owner lost his power over him on his return to Louisiana.

Mr. GIDDINGS. The gentleman is mistaken. I understand the decision to which I referred. The case decided in his State was not that of a slave taken into a free State, but of a lady who took her slave to France, across the high seas.

Mr. PERKINS. That is a free State, as I understand it.

Mr. GIDDINGS. No, sir; it is an *Empire*, not a State. [Laughter.] The decision of the court of Louisiana was, that the very moment when the slave was taken beyond the jurisdiction of Louisiana, that moment she was clothed in the attributes of freedom, and humanity stood forth vindicated in her person.

In the speech to which I referred, as made on the 3d June, I said:

"The persons on board the *Creole*, when taken beyond the jurisdiction of Virginia, were *absolutely free*—they were free in the consideration of *all law, human and Divine*—possessing all the rights incident to American liberty. From that moment they possessed the full, just, and indisputable right of self-defense—the right to defend their persons and liberty with all the means and all the force within their power."

Again, sir, I declared that:

"Had I been in the situation in which they were placed, with the same alternative before me, a cowardly submission to a slave dealer, with slavery and degradation to myself and posterity on one hand, or heroic effort, with freedom to myself and offspring on the other, I could not have hesitated to defend the liberty which God had bestowed upon me to the extent of every means within my control."

Why did not the member from Virginia meet this doctrine in open debate like a man—like a statesman? Sir, he sat in silence. I endeavored to use language that should admit of no misinterpretation. It was addressed to those who had dared to pass a vote of censure upon a Representative in this Hall. And I greatly desired to provoke some one of them to meet me before the country. They had sealed my lips while on trial, and under the previous question they had condemned me and my doctrine. I intended in that speech to defy their tyranny, to hold them up to the country as a set of men who, through ignorance or malice, had trampled upon the Constitution, upon the rights of the people, upon the privileges of the members of this House. The member from Virginia [Mr. SMITH] had voted for my censure; I had appealed to the people; had returned to this Hall indorsed by the sovereign power, and I challenged him to the forum. There he sat in mute silence.

A prophet, in Bible times, is said to have kicked an ass into speech; but I could not do it. I endeavored to follow Balaam's example, but failed in the effort. And now, after ten years' absence, the member's galled sides have become healed. He has found his way back to this body, but appears to have forgotten

"Whether the boot was made of neat or Spanish leather;" and now he charges me with not daring to maintain my position.

But I pass to another, and the last point. Speaking of myself, he proceeded to say:

"At any rate, he did not get the resolutions repealed; (referring to the resolutions censuring me;) he came back here, and had the grace actually to ask Congress to repeal the resolution."

Astonished at the utterance of such an unmiti-

gated fabrication, I asked to set him right. I, sir, disbelieved that any man could have obtained an election to this Hall who would thus openly, and in bold defiance of all truth and honor, state, as matters of fact, transactions which never had the shadow of existence. The circumstances flowing from that resolution of censure constituted an important era in my life. I scorned the attempt to control my action. I held it in unutterable contempt. I bade defiance to it, and to all who sustained it. The thought of asking its repeal never entered my mind, never flitted through my imagination, until the astounding falsehood was put forth by the member on yesterday. Had such resolution been presented, he could show it from the record. That he cannot do. It does not exist. It never did exist. Why, sir, my resolutions had gone forth to the country. They had been sanctioned by the whole people of the North. They had gone over the waters, had reached the eye of British ministers and British statesmen. That apology for an administration, John Tyler, who then controlled the Executive power, had backed out of the demand on England; and so far as I or the public have any knowledge, the demand has never been renewed, and, I venture to say, never will be renewed. My effort had a greater effect upon the action of this Government, and upon the sentiment of the country, than I had expected.

My position was adverse to that entertained by the Senate, by the Executive, and by this House. In opposition to these branches of the Federal power, the country acknowledged the correctness of my doctrine. And I now look upon that as the proudest era of my life. My triumph was complete. I was willing that the resolution of censure, and those who voted for it, should go down and receive the approval or the condemnation of posterity. I neither asked nor desired its repeal; nor did I ever hear its repeal spoken of until the member charged me, on yesterday, with asking "this House to repeal it;" and, as if intending to place himself beyond the pale of charity, he made up for the occasion, and proclaimed the additional fabrication that "the proposition was received with a loud laugh, and that was the end of it."

Astonished at the fool-hardiness of the member, from my seat I declared that *I never made such a proposition*. And here came the last effort of the member's ingenuity and facility in the manufacture of hypothetical facts, which never had any foundation, which are made up entirely of falsehood. He then at once abandoned his previous assertion, tacitly acknowledging its falsity, but saying:

"The gentleman from Ohio did not make the proposition, but one of his colleagues did, I presume with his consent."

Now, Mr. Chairman, I will not detain the committee to make any comments on this last subterfuge, these additional statements destitute of truth. They are false in the general and in their detail. I can only say that I never heard of such an application by any colleague. My friend on my left, [Mr. WADE,] at that time a constituent, and intimate friend, assures me he never heard of any such application. I have searched the Journal and the Congressional Globe, and I find no trace of any such application. And I declare this last declaration to be equally groundless with the others—equally false, malicious, and disgraceful.

Now, sir, this accumulation of untruths, this concatenation of falsehoods, put forth in rapid succession by a member of this body, cannot be properly characterized by any language becoming the dignity of an American Congress. He may have deemed the course he has pursued as necessary to support the cause he advocates, and as due to the Executive whose organ he professes to be. But whatever may be his motive, he has gone beyond the reach of parliamentary language. I leave him to the judgment of the House and the country.

Mr. TAYLOR, of Tennessee. I rise to a question of order.

Several MEMBERS. "Oh, let him go on."

Mr. TAYLOR. I merely wish, with the consent of the gentleman, to make a single remark in reference to the point of order. I wish to ask a question of the Chair. I believe in the freedom of speech, but I have been taught to believe that the proceedings of a deliberative body like this should be governed by rules of decorum.

[Renewed cries of "Too late!"]

Mr. TAYLOR. Well, sir, I will not insist upon my point of order.

Mr. GIDDINGS. I have nothing further to say. I might stand here and talk from now till to-morrow, and not be able to find language sufficiently strong to reach the gentleman from Virginia.

The CHAIRMAN. The gentleman from Missouri [Mr. OLIVER] is entitled to the floor.

Mr. SMITH. I ask the gentleman to yield me the floor to make an explanation.

[Cries of "Yes!" "Yes!" "Go on with your explanation!"]

Mr. OLIVER. I ask the gentleman how much of my time he wishes?

Mr. SMITH. I suppose what I have to say will not come out of the gentleman's hour.

The CHAIRMAN. That arrangement can be made by unanimous consent.

A general assent was expressed.

Mr. SMITH. Mr. Chairman, we have, indeed, had an interesting display, characterized by those manners which we should naturally expect from the gentleman from whom it comes. We have seen a gentleman here aspiring to be sarcastic. We have seen him rising here and assailing members of this House with a display of coarseness and vulgarity which he alone understands how to use; just the sort of defamation and scandal which would find no place in the association of gentlemen; nay, such only as could have been taught and learned by an association with free negroes.

Sir, it is within the recollection of this committee that, on yesterday, when I was replying to the extraordinary position which had been taken here by those who had preceded me, that the Missouri compromise, as it was called—that the act of 1820 had given peace and quiet to the country. I say, when I was replying to that most extraordinary position, and confronting it with the truth of history, I referred, by way of illustration, to a distinguished man, supreme in his eminent ability, who had previously occupied the highest official position in the country, and who descended from that high position into this arena; for the purpose of creating agitation upon the subject of slavery. I stated that as an illustration. I stated that he forgot the high dignities with which he had been honored, the distinguished offices which he had filled, the mighty part he had played as a national man; and that he came here to agitate for the wild, disorganizing purposes of anti-slavery. That was an illustration; and I referred on that occasion to sentiments which he uttered on this floor, and which I would make good. Indeed they are substantially admitted by the gentleman who has just addressed the House.

I referred to him, [Mr. GIDDINGS,] also, as an illustration. I had no occasion to misrepresent him. I alluded to him as one of those who had been continued here by constituents, no doubt worthy of him, and whose chief office, instead of being to minister peace and good will unto all men, had been to agitate the great country of which he is a most unworthy member, and to seek to distract, and divide, and ruin the Union of this Republic—in the perpetuation of which the destinies of the world are at once and forever bound. Is not that true? Speaking from memory, I did not perhaps specify in exact and literal verbiage the sense which had been communicated; but I am here with the record, prepared, substantially, to sustain the position which I took. The member—and according to polite parliamentary parlance the honorable member—and I suppose that we are all honorable men—the honorable member has thought fit, his own job not being sufficient, and being ambitious of that unity which he sought to establish, when the distinguished man, to whom I previously referred, had a living place on this floor—he has thought fit to get some grace and strength for his position, by a union with one who had genius and intellect to redeem the errors of his principles, and to commend him to the interest, at least, if not to the affections of the country.

He sought to acquire some distinction by that association. Not content to rest himself here on his own defense, he undertakes to vindicate that man, superseding the duty of some gentleman from the State of Massachusetts. The member—the honorable member—really conceded the strength of my remarks. In vindicating Mr. Adams, he actually acknowledges the ascription which I made. But I might be relieved from the duty of

meeting this question, if I chose to remind the gentleman that he has been guilty of a very great defect in memory, if not of a gross misstatement.

Mr. Chairman, and gentlemen of the committee, let me call your attention to an incident which occurred the 22d of February, 1844, a day pregnant with the dearest associations, as connected with the name of one who was "first in war, first in peace, and first in the hearts of his countrymen." On that day, Mr. Dillet, of Alabama, a distinguished Whig member—I say Whig member, because at that day political ligaments were stronger than local subordination or independence. I speak from the record. In referring to the remarks of Mr. Adams on the question of slavery, without going much into the quotation, and which I had hastily collected, not expecting to be called on from the source which I have, to justify my remarks, Mr. Dillet, in addressing this House on the 22d of February, 1844, said:

"And whence came this language: 'That slavery will be abolished in this country, and throughout the world, I firmly believe; whether it will be done peaceably or by blood, God only knows. But that it shall be accomplished, I have not a doubt; and by whatever means, I say let it come. Yes, by whatever means, I say, let it come.' That was the prayer offered in transitu to the Throne of Mercy. By blood, or otherwise, let it come."

"Mr. ADAMS. Let it come.
"Mr. DILLET. Yes, sir, these were the prayers of this man, [Mr. Adams,] who, if he had retired from the Presidency to the shades of private life, which he would so much have dignified and adorned, would have gone down to the tomb with the united admiration and applause of a mighty nation. This man comes here upon this floor, and says: 'Let it come; let it come, by blood or otherwise; let it come.'"

Mr. Adams here threw in the words: "Let it come."

"Mr. DILLET. Yes, let it come, no matter what havoc shall ensue amongst the five millions of men, women, and children of the South; let them all be served up to satiate the Moloch of those assemblages of the Constitution; and for the purpose of offering up sweet incense to the holy, thrice holy Abolitionists," &c.

Well, sir, Mr. Dillet went on a good deal in that strain, and then Mr. Adams proclaims, not let it come even at the expense of the blood of five millions, as I stated, and as my memory enabled me to speak of it after the lapse of years, but he even goes further and says, without restriction as to numbers: "Let it come." Yes, sir, even if it cause the blood of the entire slaveholding section of this Union to flow.

But, sir, Mr. Dillet goes on to say:

"He was one among those who, in 1824, preferred the civil qualifications of the gentleman to those of a military character, in the selection of a Chief Magistrate of the Union. He need not ask to be pardoned by the gentleman, but he did ask the forgiveness of his country."

Yes, sir, so shocking, so horrid to every humane and gentle affection were the sentiments of this man—this Mr. Adams, who had come here to agitate upon this question that he had proclaimed: Let it come, though at the peril of the entire South. And Mr. Dillet, a political and personal friend, in the agony of his heart, said "I was one of those who, in 1824, preferred the civil qualifications of the gentleman to a military chieftain, and gave him my support. I now say here, in the face of this House, in the face of the assembled country, that I ask pardon of my countrymen for so doing." And yet this act, this sacrilege, this outrage upon every sentiment of humanity, this treason—I use the word—this moral treason to the Constitution of our Republic, finds vindication upon this floor. But no other man has dared to vindicate it but such a man as that from Ohio. Sir, have I not made good my reference? Can I not stand up here proudly and say that my case is made out? Sir, although the member wishes to be tacked to the illustrious name of Adams, let me tell him that he is but the tail; and long, long must it be, if there is any connection between the two. [Laughter.]

But, sir, I now come to the honorable member himself. That honorable member gives us to understand that his ancestors rendered important services in the war of the Revolution, but his modesty will not permit him to speak of the services which he himself rendered in the war of 1812. I wish he had delighted us by recounting them here, for I believe his military achievements have not yet been sung in song or told in story. But the gentleman, on account of his capital good nature, forbears to say what otherwise he might say, in reference to myself; but what can we think of the supreme gentleness of disposition of the

man who can get up here and perform such a part as he has done to-day?

The display which the gentleman made upon this floor was the malignity of a fiend—a coward fiend. I was a member of this House when the particular incident took place which has brought out this difficulty. After the honorable member from Ohio resigned his seat, he went around the Hall bidding good-bye to his friends. I was sitting very near the place where I am now standing; and when he came to me, offering his hand, I did not pretend to be very busy, as some southern members did, who turned their backs upon him, but I said to him, "I do not shake hands with you." "Just as you please," replied the gentleman from Ohio; and that is the way in which I treated his conduct, and that was the way he deserved to be treated by all.

The gentleman has been pleased to refer to my political history, and my retirement from these Halls. I will state to this House that, for eighteen years I was an active party man, before I ever sought a seat in legislative halls. My time, money, and such humble talents as God has blessed me with, were freely dedicated to the propagation of the great principles of the Democratic party, in season and out of season. Until 1836, when the muttering thunder which was heard in the distance was about to burst upon the country, I did not attempt to go into public life; but at that time, being called upon to be a candidate for the State Senate, I, under protest, yielded to the call, after having once declined a nomination. I then ran for Congress, and had the honor of succeeding against a Democrat and a Whig, with only about six hundred majority, and the Democrat the then incumbent in office, which is, with us, almost conclusive in favor of a reelection. When I retired from these Halls, I was a candidate for reelection, under a peculiar state of things—for it so happened that the district was reorganized, and a Federal district was formed. I allowed my name to be used, and I reduced a Whig majority of twelve hundred to some two hundred and sixty-five. I then resumed the duties of private life, but not in retirement, as the mendacious speaker says—for I was elected Governor of the Commonwealth of Virginia, without ever having written a letter or expressed a wish for the office. I ask if any man can furnish a prouder and higher memorial of the estimation of his fellow-citizens than that—elected to the Chief Magistracy of the Old Dominion without an expressed wish for the proud distinction?

When I returned from California, where I had gone to mend my fortunes, I had scarcely reached home before my friends began to talk of returning me to Congress. Circumstances, not my wishes, made me a candidate, and I was elected without ever organizing a county; without ever treating a voter; without ever holding a private conversation but with two worthy, but plain and unambitious persons, to affect their votes before my election. I proudly stood up and relied upon my character and principles, and upon the liberal sentiments of the noble people whose suffrage I expected; and I am here.

Well, Mr. Chairman, the member from Ohio has read the resolutions for which the House condemned him. I shall not pause to comment upon them, but I will bring you to the result. The first item—for there is a good deal here on the subject—the first item to which I call the attention of the committee, is the remark of Mr. Everett—Mr. Everett, of Vermont; from the green hills; a cold hard man—I hope that no one will pitch into me for this. But yet I shall beg the attention of the committee to the remarks of Mr. Everett on the subject, because I am one of those who never speak lightly, and when I take a position, I am proud to believe that I can maintain it. I read from the Journal.

Mr. Everett rose and begged to be excused from voting. He assigned his reasons:

"And he wished also on this occasion to express his utter abhorrence of the firebrand course of the gentleman from Ohio, [Mr. GIDDINGS.]"

Yes, sir, Mr. Everett asked to be excused from voting; and he did it because he wanted an opportunity of expressing his deep abhorrence—I repeat—his deep abhorrence of the fire-brand course of the gentleman from Ohio. Well, now, when that man could act in such a way in these Halls as to provoke such a fierce denunciation

from a party associate, from a man who was engaged in a common cause, and animated by a common feeling, what, sir, what must have been the deep damnation of the act?

There are various other references on this subject. I shall not dwell upon them. But such was the howling storm of indignation in this entire Hall, such was the deep abhorrence of the vile and atrocious conduct of that member, that he, in view of that storm, and shrinking from it, asked if he had the power to withdraw his resolutions. The Chair pronounced that he had, against the positions taken to the contrary. But I will read a line or two from the record:

"Mr. GIDDINGS said, that when he had risen to offer his resolutions, he had stated that they were important, and that he merely laid them before the House."

"Cries of 'Order!' 'Order!'"

"The SPEAKER. The gentleman will either withdraw his resolutions or not."

"Mr. GIDDINGS. I was merely saying that I was about to reply—"

"The SPEAKER. Do you withdraw the resolutions or not?"

"Mr. GIDDINGS withdrew his resolutions."

Yes, sir, that man who boasts that he has uttered nothing in the world but proper and correct sentiments; who said that his resolutions were important, and that he merely laid them on the table for consideration, when he saw the howling blast of indignation against him which raged around the Hall, skulked from its fury, and, in the face of such a howling tempest, sought to shelter himself by withdrawing his resolutions.

Well, Mr. Chairman, the member from Ohio resigned. He resigned to go home, to get the rebuke of his people upon this House, it may be: perhaps to pocket his mileage, for the question was raised whether he intended to charge double mileage or not; and that question was not answered. So, I suppose, he got it. Of course he got it—of course. No moral sentiment could have restrained him, no feeling of personal honor.

Well, sir, I say he resigned. I cannot undertake to give you chapter and verse for the common talk of this Hall. But it was said that he resigned and went home, to get the rebuke of his people upon the action of this Hall.

I stated yesterday, and I repeat it now, that it was bruited around this Hall that it was the common understanding that he went home, relying upon that people whom he represents, of whom he appears so proud, and with whom he so cordially sympathizes. Yes, sir, I say it was so understood, and I am going to give some sort of proof of it. It was understood that he would come back here and renew his resolutions, until those resolutions of censure were repealed.

But here is the record, and I ought not to omit it. The resolution of censure brought out by the honorable member's atrocious resolutions, denounced him for offering resolutions which embodied rapine and murder. Yes, sir, that embodied rapine and murder! After the resolutions were withdrawn, the House was not satisfied with his retreat—with his cowardly retreat—with his skulking from the storm which he had raised. I say the House was not satisfied, and a resolution of the character of which I have spoken was offered. He had offended the House and the country, and though his resolutions were withdrawn, it was felt in this Hall that they still left an offense which must be avenged, and Mr. Botts, of Virginia, offered resolutions which, not being in order, were offered by his noble colleague, Mr. Weller, in which the resolutions of the gentleman were denounced for justifying rapine and murder. This House passed them by a vote of nearly two to one, after nearly every parliamentary effort had been resorted to to prevent their adoption. The judgment of this House, not upon party grounds, the judgment of the American Congress, by nearly two thirds out of nearly two hundred votes, solemnly pronounced that the resolutions of the gentleman legalized and justified rapine and murder, and that he deserved not only the censure of the country, but of this House in particular.

For that he resigned and went home; and I say now, that during his absence, the understanding was that he was to come back here by the election of his people, and that he was to renew those resolutions, and was to press them until the resolutions of censure were revoked. Did he ever renew them? Never! never!

I find, in the resolutions offered by Mr. Goode, of Ohio, the following:

"Resolved, That the Hon. J. R. GIDDINGS, on his return to Congress, be, and is hereby, instructed, at the first moment after it shall be in order, to offer the identical resolutions over again which he before offered, and insist that the House of Representatives act upon them by a direct vote."

Instructed by his beloved constituents! Did he obey that instruction? No, sir; his white-livered heart skulked from it. He even disregarded the instructions of his dear and much loved people, who sent him here, with instructions to carry out his original purpose. Big, sir, with pride and consequence, and offended feeling, he left this Hall with a determination to do or die. He was backed up by his people at home—better men than himself, I have no doubt; yet when he came into the presence of the majesty of the Representatives of the American people, he quailed; yes, sir, he quailed before it, and did not obey his instructions, or carry out his original purpose.

But, sir, having adverted to the facts connected with this period sufficiently, and having vindicated, from the record, the truth of my former assertions, I pass on. The gentleman from Ohio came back to this House on the 5th of May, I think it was, and was qualified by being sworn. But what are oaths to those who believe not in their value? But I was proceeding to say, he came back here, and on the 5th of May was sworn to observe the Constitution, and to respect all its compromises. He took his seat.

Well, sir, I said this member from Ohio offered a resolution to rescind the former vote of censure. Now, Mr. Chairman, I am one of those who never disregard or refuse to recognize the act of an agent. I am one of those who regard what is done by my agent as having been done by myself; and if it is necessary I could give you law and Latin to show that it is an established legal principle. I am not here to draw nice distinctions. I do not split hairs—not I. But the member from Ohio says he did not offer this resolution. Well, sir, he did not, but his colleague did; and I suppose his colleague would not have done anything of this sort without his concurrence. I appeal to this committee to decide whether it is likely that he would have permitted one of his colleagues—one who sympathized with him in his original determination, who prevented him from undertaking to defend himself on that occasion, although the opportunity was again and again tendered to him; who seemed to be his friend, associate, and counselor—does the member himself suppose he shall be able to make this House believe that this colleague of his would have taken this step without his knowledge and consent? And therefore it is that I say the member from Ohio draws nice distinctions, and disproves at most the letter, but not the spirit of my charge.

Well, sir, I have shown what was the resolution which was offered by the counselor and adviser of the member from Ohio, and I leave it to the intelligent judgment of every member of this House to decide whether he is responsible for the resolution—that is all.

Mr. GIDDINGS. Will the gentleman read the resolution?

Mr. SMITH. You may read it if you wish.

Mr. GIDDINGS. Either read it or back out.

Mr. SMITH. I have the resolution before me, and I will not back out.

Mr. GIDDINGS. There is no such resolution.

Mr. SMITH. No, sir; there is no such resolution in express terms, but it was designed indirectly to accomplish the purpose I have stated; for if received by the House, that would revoke the censure, and that will explain what follows hereafter.

Mr. GIDDINGS. Read it.

Mr. SMITH. I will not read it. Mr. Chairman, how did it get in here? I recollect the circumstances distinctly; and I have no doubt the committee understand them. I have refused to read the resolution because the whole debate to which it gave rise would have to be read, to make it intelligible. I would not be guilty of such a foul transaction as to refuse to read a resolution for the purpose of misrepresenting it. I have the resolution before me, and the whole proceedings in connection with it. Every member has them in his possession. I wish the member from Ohio to understand that I do not consider it necessary to resort to any such means to strengthen my exposition of such a case as his.

And how did it come into the House? I recol-

lect when the gentleman from Ohio, [Mr. Goode,] against whose character I know nothing, other than is found on this record, and I am happy to so express myself—I recollect when he got up and offered the resolutions, there was one general laugh throughout the House; and I believe, and it was the general belief, as the record shows, that that was the end of them. But no. He took the laugh; said not a word; but marched up to the Clerk's desk, and under pretense of their being of the character of a petition, filed them with the Clerk for the purpose of entry on the Journal. There is honesty and fair dealing for you! And the member knew nothing about it! Of course, he did not! He was as innocent of the matter as the unborn child. He was perfectly good natured, and could not inquire into anything of the sort.

When the Journal was read next morning a statement of the facts was made. It appeared, from the Journal, that the resolutions were presented and received. Mr. Botts immediately rose in his place, and moved that they be stricken out. He did not like to say expunged; but he moved that the entire paragraph—and I have the whole of it here—that the paragraph in reference to the resolutions, one of which I have read, and one of which led the member to repeat his own resolutions, be stricken out. Considerable debate resulted. A great deal of excuse was offered. A strong impression of a fraudulent movement was declared. Mr. Goode obtained the floor, and announced to the House that he had had no fraudulent purpose whatsoever. Such was the loathsome, vile, miserable, contemptible character of the proceeding, that the House struck out the paragraph with the implied imputation of fraud. Yes, sir, these resolutions, which had for their end the deeming of the member from Ohio from the deep damnation of his conduct in advocating mutiny and murder, were expunged from the record. They were stricken from the Journal, and now they have no place except in the papers of the day.

This, then, being the condition of things, I would ask wherein I have misstated? The gentleman says that I stated that he was elected by a diminished majority. I will advert to that now, though a little out of the regular course. Of course, I spoke on the subject from memory, and I really ask the member for information. When facts are involved, however, I do not rest satisfied until I am fully convinced. Had not the gentleman Whig and Democratic opposition? Was he not elected by a plurality, and not a majority? This I distinctly know: that the impression was, that the operation of another resignation was considered too dangerous for another trial by the member. I know the understanding was, that if the Democrats had not been so foolish in that district—where Democracy, perhaps, cannot live for lack of necessary congeniality of elements and respiration—had it not been that they brought out a candidate, it is believed that the gentleman would have gone to the tomb of all the capulets. His race would have terminated against his will. Why, sir, it was believed that a genteel Whig—such was the language of the day—would have filled the place which the member has so much dishonored.

These are my views. I have presented the record. I have shown the course of Mr. Adams. I have shown the course of the member from Ohio; and to show that he is still in character, he is compelled to misrepresent the laws of a southern State to this committee. He has directly, and in face of the explanation of the distinguished gentleman from Louisiana, [Mr. PERKINS,] distorted and misstated them: that decision being, that when a slave went into territory where freedom was established—God save the mark!—he was free. He partakes of the character of the country in which he is placed. That is the effect of the decision which the member has chosen to mystify and distort.

But, sir, Othello's occupation is not gone so long as the member has a place here. Even during the present session of Congress, he has uttered the same damnable and abhorrent sentiments. Sir, look at the record of a previous debate during the present session. He says:

"Sir, I would intimidate no one; but I tell you there is a spirit in the North which will set at defiance all the low and unworthy machinations of this Executive, and of the minions of its power. When the contest shall come; when

the thunder shall roll and the lightning flash; when the slaves shall rise in the South; when, in imitation of the Cuban bondmen, the southern slaves of the South shall feel that they are men; when they feel the stirring emotions of immortality, and recognize the stirring truth that they are men, and entitled to the rights which God has bestowed upon them; when the slaves shall feel that, and when masters shall turn pale and tremble when their dwellings shall smoke, and dismay sit on each countenance, then, sir, I do not say 'we will laugh at your calamity, and mock when your fear cometh,' but I do say, when that time shall come, the lovers of our race will stand forth, and exert the legitimate powers of this Government for freedom. We shall then have constitutional power to act for the good of our country, and do justice to the slave. Then will we strike off the shackles from the limbs of the slaves. That will be a period when this Government will have power to act between slavery and freedom, and when it can make peace by giving freedom to the slaves. And let me tell you, Mr. Speaker, that that time hastens. It is rolling forward. The President is exerting a power that will hasten it, though not intended by him. I hail it as I do the approaching dawn of that political and moral millennium which I am well assured will come upon the world."

Yes, sir, that period when our slaves shall rise; that period when our houses shall smoke; that period when "fear cometh upon the hearts of the masters;" that period when rapine, and bloodshed, and desolation shall stalk o'er the land, the member will hail as the dawning day preceding the approach of the millennium! "Oh shame, where is thy blush!" Yes, he gets up here, in the presence of this assembly of American freemen, the Representatives of millions, a large portion of them from the southern States, and he tells them here to their faces, that he hails this day which is to desolate the whole South with fire and bloodshed, as he would the dawn antecedent to the millennium. Sir, I ask you if it is not fully made out by what I have previously read, and by this very speech itself, that he would rejoice, as he would rejoice at the dawning of that day preceding the millennium, to see our slaves rise, and sacrifice the wives and daughters of their masters?

I would remark that this question of slavery is one in which I am deeply interested. Gentlemen will be held to a strict accountability by their constituents for sitting quietly here, day after day, and submitting to insults, such as have been inflicted upon them in days past.

The gentleman from Ohio says that I did not answer him on certain occasions. Does he imagine, for a single moment, that when he speaks, and there is no response, it is because he is unanswered? From whence, in the name of God, did there spring such a conceit! When he speaks—as never man spake before, for he is really without a parallel—and gentlemen are silent, has he never imagined it was because of their pity and contempt for him and his sentiments?

I know I am wearying this House, but I plead as my excuse the deep interest I feel in this subject. I believe that the institution of slavery is a noble one; that it is necessary for the good, the well-being of the negro race. Looking to history, I go further, and I say, in the presence of this assembly, and under all the imposing circumstances surrounding me, that I believe it is God's institution. Yes, sir, if there is anything in the action of the great Author of us all; if there is anything in the conduct of His chosen people; if there is anything in the conduct of Christ himself, who came upon this earth, and yielded up his life as a sacrifice, that all through his death might live; if there is anything in the conduct of his Apostles, who inculcated obedience upon the part of slaves towards their masters as a Christian duty, then we must believe that the institution is from God.

Has there ever been a nation that so preëminently distinguished itself as a nation of masters? Go to Judea. Go to Greece, where there was four hundred slaves to ninety freemen. Go to Rome, where, in the pride of her imperial power, you found some thirty to forty millions of slaves; and come to our own favored land, and what do you see? Where is any evidence of inferiority between the North and South? We see in the South those "first in war, first in peace, and first in the hearts of their countrymen;" not one alone, but many, always distinguishing themselves upon every crisis, and in every place where their services were needed in behalf of their country. Go into your halls of legislation; go into the battle-fields, and, I ask, where is the evidence of that inferiority which gentlemen attempt to establish between those who own and those who do not own slaves? The owners of slaves are no better

than their fellows, it is true; but they will not suffer in the comparison.

I ask, then, how does the institution of slavery operate upon the black race? It operates like a charm. We have slaves among us eminently worthy of respect and confidence. We have female servants that, in point of manners, morals, and principles, far surpass many white servants. But free them, and they are valueless; they are valueless the moment you knock their shackles off. I appeal to those around me in support of the position I take. I contrast the slave of the South, the genteel, well raised, obedient slave of the South, with the free negro of the North. It is a principle universally understood, known, and conceded as a fact, that if you take the best raised, best cultivated slave, break off his shackles and send him a freeman, to the North especially, or even if you free him at home, the chances are nine out of ten, that he becomes a degraded man and a worthless vagabond.

I advert to these things now, sir, not in reproach or anger. I can only say to the House, in the name of God, spare us from the polished and elegant language of the member from Ohio. [Laughter.] Let this Hall be no longer desecrated or degraded by such unbecoming, unworthy, unfraternal displays as we have had here to-day. Let us cultivate a refined, and delicate form of speech, so that we may utter no word of unkindness or reproach calculated to disturb the relations which should animate us. Let us alone, gentlemen of the North. I repent, in the name of God and the country, let us alone. Give us our equal rights. Convert us, if you can, but give us our equal rights; and we will never utter a word to compromise harmony and amity.

I thank the committee, and I thank you, Mr. Chairman, for the patience with which my remarks have been listened to. I have, I trust.

"Nothing extenuated, nor ought set down in malice."

[A message was received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that they had passed Senate bills of the following titles; in which he was directed to ask the concurrence of the House:

An act (No. 178) to incorporate the National Hotel Company, of Washington city;

An act (No. 334) for the relief of François Cousin; and

An act (No. 358) to make compensation to Henry Crouchey for extra services.]

Mr. KERR. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Missouri [Mr. OLIVER] is entitled to the floor.

Mr. OLIVER took the floor.

Mr. JONES, of Tennessee. I hope the gentleman from Missouri will yield me the floor that I may make a suggestion to the committee.

Mr. OLIVER. Certainly.

Mr. JONES. The House closes the debate on the deficiency bill on Tuesday of next week. Monday commences the territorial business. The House has adjourned over to-day until Monday; and if this committee do now rise, and the House adjourn, the gentlemen who have obtained the floor to speak upon this bill in Committee of the Whole will not have an opportunity to make their speeches upon it, because, when it is again taken up, it will be under the five-minute rule, and members can then only speak to amendments. I think, myself, that it would be as well for the committee to rise, and let the House reconsider the vote agreeing to the proposition to adjourn over, so that we may resume our session to-morrow, and allow gentlemen who desire so to do to make their speeches. I am not in a condition to move for the reconsideration myself; if I were, I would make the motion.

Mr. BAYLY, of Virginia. Will the gentleman from Missouri [Mr. OLIVER] permit me to make a remark?

Mr. OLIVER. Certainly.

Mr. BAYLY. It is true there is a special order for next week; but that special order has already been once postponed—

Several MEMBERS. "No!" "No!"

Mr. BAYLY. Well, it can be postponed at any rate.

[Cries of "No, it cannot!"

Mr. BAYLY. The gentleman from Missouri

[Mr. OLIVER] has acted with unusual courtesy on this occasion. He is now unwell; too much so to go on with his speech this evening. I therefore do think that the committee ought to rise.

Mr. COX. I understand that the gentleman from Ohio [Mr. SAPP] is ready to go on with his speech to-day, if it would be the pleasure of the committee; and the gentleman from Missouri [Mr. OLIVER] would not lose his right to the floor whenever the committee shall sit again.

Mr. COBB. I hope that suggestion will be agreed to.

[Cries of "Agreed!" "Agreed!"

Mr. PECKHAM. Is it in order to move that the committee rise?

The CHAIRMAN. It is not, unless by the permission of the gentleman from Ohio [Mr. SAPP] who has the floor.

Mr. PECKHAM. I thought I had the floor for the purpose of the motion, before the gentleman obtained it.

The CHAIRMAN. The gentleman from Missouri [Mr. OLIVER] had the floor, and yielded it to the gentleman from Ohio, [Mr. SAPP] who is now entitled to it.

NEBRASKA AND KANSAS.

Mr. SAPP then took the floor, and addressed the committee on the Nebraska question. [His speech will be found in the Appendix.]

Mr. MAXWELL obtained the floor, and said: I propose to address the committee on the subject which has been under discussion, but the evening is too far advanced for me to go on now.

Mr. BOYCE. With the permission of the gentleman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 271, "to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1854," and the amendments of the Senate to said bill, and had come to no resolution thereon.

Mr. KNOX. I move that the House do now adjourn; and upon that motion I ask for the yeas and nays.

The SPEAKER. There is a communication on the table from the President of the United States, which the Chair will present to the House, if the gentleman from Illinois will withdraw his motion for a moment.

Mr. KNOX. I withdraw it for that purpose.

PROTECTION OF IMMIGRANTS.

The SPEAKER then laid before the House the following message from the President:

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence between the Secretary of State and her Britannic Majesty's Minister accredited to this Government, and between the Secretary of State and the Secretary of the Treasury, relative to the expediency of further measures for the safety, health, and comfort of immigrants to the United States by sea; and as it is probable that further legislation may be necessary for the purpose of securing those desirable objects, I commend the subject to the consideration of Congress.

FRANKLIN PIERCE.

On motion by Mr. PHELPS, the message was referred to the Committee on Commerce, and ordered to be printed.

Mr. KNOX. I now renew my motion to adjourn, and the call for the yeas and nays on that motion.

Mr. LETCHER. Cannot we reconsider the vote by which the House determined to adjourn over till Monday?

The SPEAKER. If the gentleman from Virginia voted in the affirmative, he can submit a motion to reconsider.

Mr. LETCHER. I want to make a speech against the deficiency bill, if I can get a chance to do so.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 25, nays 19.

So the motion was agreed to.

And thereupon (at ten minutes past four o'clock, p. m.) the House adjourned until Monday, at twelve o'clock, m.

IN SENATE.

MONDAY, May 1, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Thursday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report from the Postmaster General, in further compliance with a resolution of the Senate, calling for information in relation to the annulment of a contract with J. W. Kelly; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented an act passed by the Legislature of the State of Rhode Island, by which they reverse and annul the judgment of the supreme court of that State for treason, rendered against Thomas W. Dorr, June 25, 1844. It was read, and ordered to lie on the table.

Also, a memorial of clerks employed in the United States armory at Harper's Ferry, praying an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. CHASE. I ask leave to present a petition of citizens of Morrow county, Ohio, who seem to have become very thorough converts to the principle of non-intervention, for they pray the repeal of the whole Missouri compromise, for the repeal of all laws enacted by Congress in reference to the subject of slavery in the District of Columbia, and in the Territories, and for the repeal of the fugitive slave act. I move that it lie on the table.

The motion was agreed to.

Mr. THOMSON, of New Jersey, presented a petition of inhabitants of Burlington, New Jersey, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. HAMLIN presented the petition of Horatio Gates Cook, praying to be allowed the half pay to which his father, David Cook, was entitled for services in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, a petition of inhabitants of the Plantation of Bancroft and vicinity, in Aroostook county, Maine, praying the establishment of a mail route from Haynesville, through Bancroft Plantation, to Weston; which was referred to the Committee on the Post Office and Post Roads.

Mr. TOUCHEY presented two petitions of tobaccoists residing in West Suffield, Connecticut, praying that a specific duty of forty cents per pound may be levied on all cigars imported into the United States; which were referred to the Committee on Finance.

Also, a memorial of citizens of New Haven, Connecticut, praying that measures may be taken to secure to American citizens residing or traveling in foreign countries the right of religious liberty; which was referred to the Committee on Foreign Relations.

Also, a petition of inhabitants of Meriden, Connecticut, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of citizens of New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition of inhabitants of Milford, Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. MORTON presented a document in favor of the establishment of a mail route, by steamboats, between Chattanooga and Columbus; which was referred to the Committee on the Post Office and Post Roads.

Mr. COOPER presented the memorial of George W. Harris, praying that Congress may pass an act to vest in him the copyright to the thirteenth, fourteenth, and fifteenth volumes of the Pennsylvania State Reports; which was referred to the Committee on the Judiciary.

Also, the petition of John Garvin, praying for indemnity for expenses incurred in taking care of and supporting Thomas Garvin, who became an invalid in consequence of exposure during the last war with Great Britain; which was referred to the Committee on Claims.

Also, a memorial of the Pittsburg and Connells-ville Railroad Company, praying a donation of

land, and credit on rails imported for the use of that railroad; which was referred to the Committee on Public Lands.

Mr. BUTLER presented a petition of citizens of Chester district, South Carolina, praying the establishment of a mail route from Chester Court House to Cedar Shoal; which was referred to the Committee on the Post Office and Post Roads.

Mr. JONES, of Tennessee, presented a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to procure for citizens of the United States, of every creed, a just degree of civil and religious liberty, while residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. CHASE presented a petition of steamboat officers and engineers at Cincinnati, praying that measures be taken to make "Evans's safety guard," against the explosion of boilers, free to the public, by the purchase of his patent right or otherwise; which was referred to the Committee on Commerce.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. MORTON, it was

Ordered, That the memorial of J. M. Hernandez, in behalf of the claimants to the indemnity under the ninth article of the treaty with Spain, of February 22, 1819, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

COMMITTEE SERVICE.

Mr. HAMLIN. As I am about to be absent from the city for some time, I desire to ask the Senate to excuse me from serving any longer on the Committee on Printing. It is a committee which requires almost daily attention. As I am on two other working committees, and am compelled to be absent for a few weeks, I hope the Senate will excuse me from serving on that committee.

The motion to excuse the Senator was agreed to. Mr. HAMLIN. I move that the President *pro tempore* be authorized to fill the vacancy.

The motion was unanimously agreed to; and Mr. JOHNSON was appointed.

Mr. SMITH. I ask the Senate to excuse me from serving on any of the standing committees for the residue of the brief period during which I am to remain a member of the body. I am a member of the Committee on Printing, and of the Committee on the Post Office and Post Roads. I am under the necessity of leaving the city for the purpose of conducting my family to Connecticut, and I hope, therefore, that the Senate will accord me this favor.

The Senator was excused; and the President *pro tempore* was authorized to fill the vacancies thus created.

The PRESIDENT *pro tempore* appointed Mr. FESSENDEN to supply the vacancy in the Committee on Printing, and Mr. SEWARD to supply the vacancy in the Committee on the Post Office and Post Roads.

SUSPENSION OF THE NEUTRALITY LAWS.

Mr. SLIDELL. I offer the following resolution:

Resolved, That the Committee on Foreign Relations be requested to inquire into the expediency of authorizing the President of the United States, during any future recess of Congress, to suspend by proclamation, either wholly or partially, the operation of the act "in addition to an act for the punishment of certain crimes against the United States," approved the 20th of April, 1818; and also of the act supplementary thereto, approved 10th of March, 1838; should, in his opinion, the public interests require such total or partial suspension; such suspension not to exceed the period of twelve months; and the causes which shall have induced the President to proclaim it to be communicated to Congress immediately on its first meeting thereafter.

Mr. SLIDELL. Although the resolution which has just been read is, on its face, simply one of inquiry, I think it proper to state, at this time, the motives that have induced me to present it. I consider it one of great importance; it is not brought forward as a mere formality, but as the basis of substantive, direct, and, as I hope, prompt legislative action. I am quite conscious of the gravity of the responsibility assumed by a Senator taking the initiative in such a matter; but, with the firm conviction I entertain of its necessity, I should feel that I was recreant to my duty to the nation, and especially to the State that sent me here, were I to shrink from it. The duty, moreover, is distinctly imposed upon me by the action

of the Legislature of Louisiana. On the 16th of March last, joint resolutions on the subject of Cuba were unanimously adopted. I have since been in the daily expectation of receiving official notice of them; but from neglect to forward a copy, or from some irregularity of the mail, they have not yet reached the delegation in an authentic form. I have a copy which I believe to be correct, but do not feel at liberty to present it formally, as I am advised that it would not be in conformity with the usage of the Senate to do so.*

Some months since, Mr. President, I was as skeptical as any one on this floor could be about the existence of any concerted plan to Africanize Cuba. I use the word, not for the reason that it has become fashionable, but because it plainly conveys, to my mind, at least, without periphrasis, the complex ideas of emancipation, confiscation, pillage, murder, devastation, and barbarism. Past experience has led me to be surprised at nothing that England might attempt to prevent the possession of this magnificent island by her great commercial rival, a rival destined to be, in a very few years, if, in fact, she be not already, in that respect, her recognized superior. Still, I could not bring myself to believe that Spain, with all her pride and obstinacy, would prefer the destruction of a flourishing colony, peopled by her own sons, to the prospect of its transfer, at some future, perhaps distant day, by honorable and peaceful negotiation, to a friendly nation, for a price that would extricate her finances from that gulf of seemingly hopeless bankruptcy in which they have been so long plunged.

If the Senate will indulge me, I will state now, as briefly as possible, the reasons that have led me to the full conviction of a well-understood purpose between Spain and England, in which France is certainly a confidant, and probably a participant, for the Africanization of Cuba.

On the 8th of April, 1852, Lord Malmesbury, British Secretary of State for Foreign Affairs, directed his Minister at Washington, in concert with the French Minister, to propose to our Government "a tripartite convention, by which the three nations should bind themselves severally and collectively, to renounce, both now and hereafter, all intention to obtain possession of the Island of Cuba, and to discountenance all attempts to that effect on the part of others." This proposition was made to Mr. Webster, then Secretary of State, but no definite reply was made to it while he remained in office. His successor, however, Mr. Everett, under date of 1st December, 1852, declined the overture in a paper which will be forever remarkable in our diplomatic history, for its high-toned nationality, and a vigor of style corresponding with the importance of the question. Let us now trace the origin of this joint proposition of England and France, on the 20th October, 1851. Lord Palmerston, then British Foreign Secretary, writing to Lord Howden, his Minister at Madrid, says:

"With reference to the passage in M. Miraflores's note, in which he states that the Spanish Government cannot

* Joint Resolutions of the Legislature of Louisiana, passed 16th March, 1854.

Be it resolved, That we view with alarm the recent and avowed change that has taken place in the policy of the Spanish Government in Cuba, the manifest tendency and result of which must be the abolition of slavery and the destruction of the white race in that country.

Resolved, That we believe such an event will have a most pernicious effect upon the same institution and interests in these States; that it will destroy the social and political existence of that island; that it will materially affect the natural law of American progress by precluding forever the admission of Cuba into this Union; that it will create in our immediate vicinity, and almost within sight of our own shores, a government administered by an inferior and barbarous African race, under the immediate influence of European interests and ideas, and adverse to the pure American influence which should predominate on this continent and its adjacent islands; that it will menace the security of the outlets of all our southern and southwestern rivers and harbors of the Gulf of Mexico, of the American Mediterranean, of the new great highways of commerce through those seas and across the Isthmus of America; and that it will materially endanger the intercourse between our Atlantic and Pacific States.

Resolved, That we approve of the sentiments expressed in the inaugural message of General Pierce, relative to the extension of our limits and the prevention of the establishment of prejudicial influences around our southern border, and of those laid down by his Excellency Governor Hébert in his late annual message.

Resolved, That we deem the time has arrived when the American people and the Federal Government should take a great and active interest in the proceedings of Spain and other European Powers in Cuba, in order to prevent the establishment of measures and institutions prejudicial to our own safety and welfare.

understand how her Majesty's Government can seriously recommend a measure which would prove very injurious to the natives of Cuba, when they also recommend that the Spanish Government should conciliate the affections of those Cubans, I have to instruct your lordship to observe to M. Miraflores, that the slaves in Cuba form a large portion, and by no means an unimportant one, of the people of Cuba, and that any steps taken to provide for their emancipation would, therefore, as far as the black population is concerned, be quite in unison with the recommendation made by her Majesty's Government, that measures should be adopted for contenting the people of Cuba, with a view to secure the connection between that island and the Spanish Crown; and it must be evident that if the negro population of Cuba were rendered free, that fact would create a most powerful element of resistance to any scheme for annexing Cuba to the United States, where slavery still exists.

"With regard to the bearing which negro emancipation would have on the interests of the white proprietors, it may safely be affirmed that free labor costs less than slave labor; and it is indisputable that a free and contented peasantry are safer neighbors for the wealthy classes above them than ill-treated and resentful slaves."

On the 9th of January, 1852, Lord Howden thus writes from Madrid to Earl Glanville, who had come into the Foreign Office on the resignation of Lord Palmerston:

"By the anxious desire of the Spanish Government, I take the liberty of calling your lordship's attention to the wish, widely entertained here, that, through the friendly interest and influence of England, an abnegatory declaration on the part of France and the United States, and of England, of course, might be made with regard to Cuba."

This invitation of interference from Spain was evidently brought about by the communication of 20th October, and others of a similar character. On the 24th April, 1852, Lord Malmesbury communicates to Mr. Isturitz, Spanish Ambassador at London, copies of the project of a convention to be proposed to the United States by the British and French Ministers at Washington, and the Marquis de Miraflores, on the 30th April, 1852, thanks Lord Howden in the warmest terms for his agency in having brought about this convention, or rather proposition for a convention. Mr. Isturitz, in a memorandum, which has no date, but from the order in which it appears in the parliamentary document from which I quote, must have been addressed to Lord Malmesbury between the 8th and 30th July, 1852, says:

"Her Catholic Majesty desires that, should the Government of the United States not adhere to the declaration respecting the island of Cuba, entrusted to the British and French Representatives at Washington, England and France would declare on their side, that they never will allow any other Power, whether European or American, at any time to possess itself of the Island of Cuba, either by cession, alienation, conquest, or insurrection of the same. Any such declaration made by the two Powers collectively would answer the intention put forward on a former occasion by the United States, never to allow a European Power to possess itself of Cuba. It would, moreover, be in consonance with the idea which, according to information received by Her Catholic Majesty's Government, at present prevails with the French and British Representatives, to whose care the negotiations now pending at Washington have been entrusted."

On the 12th July, 1852, the Marquis de Miraflores, in writing to Mr. Calderon de la Barca, states, very openly, what Mr. Crampton, in writing to Lord Malmesbury, on the same day, had only indirectly alluded to, "the inexpediency of urging too strongly the pending questions, whilst the result of the presidential election remains, as yet, undecided." Mr. Crampton says:

"Two months, however, having elapsed without our having received any further communication from Mr. Webster on this subject, and certain circumstances regarding the internal political state of the country, (these must, of course, have been the presidential nominations,) which M. Sartiges and myself had reason to believe were the cause of the delay, no longer existing, we thought the time had come when it would be well to bring the matter again under the consideration of the United States Government."

This was done on the 8th July, when the presidential nominations had been made. But the illness and lamented death of Mr. Webster prevented his replying. I have already offered my feeble tribute of praise to the able, thoroughly American, and, if he will allow me to pay him, what to some of his admirers may seem an equivocal compliment, Democratic reply of his successor. By the way, if the distinguished Senator from Massachusetts, whom I regret not to see in his seat, has no special reason to the contrary, he would greatly gratify my curiosity, and, I doubt not, that of many others, if he would explain the great discrepancy between his letter, as Secretary of State, dated December 1, 1852, and President Fillmore's message, communicated to Congress only five days after; for the objections urged in the latter against the acquisition of Cuba, will apply with equal

force in all future time, or at least, until the races that now compose its population shall be exterminated. The African and Spaniard must alike disappear, before Mr. Fillmore could consider its acquisition desirable. If England be allowed to have her way in the matter, this problem will soon be more than half solved. The Spanish race will have ceased to exist; and the African, if left to its own resources, with the enormous disproportion of males to females now, according to the last census, existing in the island, will rapidly melt away. The overtures of France and England having been thus definitively rejected, Lord John Russell, in his dispatch to Mr. Crampton, of February 16, 1853, which was by him communicated to our Government, closed with this very significant remark:

"Finally, while fully admitting the right of the United States to reject the proposal made by Lord Melbourne and M. de Turgot, Great Britain must at once resume her entire liberty, and upon any occasion that may call for it be free to act either singly or in conjunction with other Powers as to her may seem fit."

This implied menace seems, by the declaration of Lord Clarendon on the first night of the present session of Parliament, in the House of Peers, to have been carried out, at least so far as mutual promises between France and England go. Recollect that it is the Secretary for Foreign Affairs who speaks:

"I will further add that the union between the two Governments has not been confined to the Eastern question. The happy accord and good understanding between France and England have been extended beyond Eastern policy to the policy affecting all parts of the world, and I am heartily rejoiced to say that there is no portion of the two hemispheres with regard to which the policy of the two countries, however heretofore antagonistic, is not now in entire harmony. [Cheers.] Thus, then, my lords, at least one great good will have been secured by these transactions—that two great, and hitherto rival, nations have learnt to know and to appreciate each other better, to reject the fallacy that they are each other's natural enemy, and to be ready to act heartily together in any just and righteous cause." [Cheers.]

Now, there is another matter which to many, indeed to most Americans, will appear too trivial for notice here, but which to me seems of very grave import. In the recent duel at Madrid, between our Minister and the French Ambassador, M. de Turgot, Lord Howden, the representative of a Government where duelling is not only a felony at law, but where—what is much more important—public opinion permits the penalties of the law to be enforced, acted as the second of the French Minister; and, although this happened some three or four months since, he has not been recalled, nor have we heard that he has been even reprimanded for his conduct.

That I may not be misunderstood, I would here disclaim any idea of censuring the course of the principals in the duel. Each of them, no doubt, thought that it could not be avoided without the risk of compromising his honor. But, on the part of Lord Howden, there could be no possible obligation to go out with M. de Turgot, and he certainly would not have done so, had he not felt assured, in advance, of the approbation of his government. I have taken some pains to inquire, and learn that there can be nowhere found a parallel case. While on the subject of Lord Howden, I cannot refrain from saying that his very emphatic denial, addressed to an old and valued friend of mine, Mr. F. P. Corbin, of Virginia, of any interference, past or present, actual or intended, with the emancipation of the slaves in Cuba, would have commanded from me more implicit credence, if he had alluded to the letter of Lord Palmerston, of the 20th of October, 1851, and said that he had abstained from acting on it. His reticence respecting so important a fact, having a direct connection with the subject on which he was writing to Mr. Corbin, cannot, without excessive charity, be ascribed to inadvertence or forgetfulness.

To satisfy the Senate that this doubt of the fairness of Lord Howden's denegation is not unwarranted by the facts, I will read that portion of his letter, dated Paris, 14th November last, in which, after denying in the most positive terms, every assertion that England wished to Africanize Cuba, he proceeds to specify "what had been, during the last three years, his negotiations with the Spanish Government respecting Cuba, that it might be seen that there was not the slightest foundation for the rumors that had been circulated in the United States:"

"Firstly, I have been making unceasing representations

at the number of slaves annually imported into the island, and complaints of the almost open manner in which the traffic was carried on under the very noses of the Captains-General, always excepting the excellent General Concha. Secondly, I have been making fruitless attempts to get the Spanish Government to declare the abominable traffic in men piracy—that is to say, to follow the example of the United States in this particular. Thirdly, I passed my time in anxious solicitations to obtain the ultimate and complete freedom of those negroes called 'Emancipados,' which have been fraudulently detained in bondage since the year 1817, in disregard of treaties. I rejoice to say that the Spanish Government has listened to the dictates of justice and humanity, and has granted me this boon. Fourthly, I have been endeavoring to procure an abrogation of that intolerant and immoral law, by which foreigners wishing to settle in Cuba are obliged to change their religion, on the somewhat startling principle (not understood elsewhere) that becoming bad men is a satisfactory preliminary to becoming good subjects.

"To these official negotiations I have added, at various times, friendly and officious exhortations to improve the internal system of the island, by facilitating the administration of justice, and by liberalizing the nominations to office and employment among the natives of the island. You will see what I really have done, or rather attempted to do, is very different from what I am said to have done in your papers. When the true state of the case is known, and ignorance or malevolence dispelled, I even reckon upon the good wishes of your countrymen in the success of the measures I ask, so consonant with your own laws and institutions. In all that I have here told you, with entire candor, the United States can only see the natural working of England's declared and unchanging policy in a cause which is dear to her; and Spain herself must feel that, in days like these, unless she executes her engagements and modifies her intolerance, she can never hope to enter again, and as she ought to do, into the hierarchy of nations."

Let us compare these bold, unqualified assertions, that all his negotiations with the Spanish Government respecting Cuba have been fully stated by him, with the record which I hold in my hand, and see how completely they are falsified. His letter to Lord Glenville of 9th January, 1852, I have already read, and have alluded to that of the Marquis of Miraflores, of 30th April, and from which I will now read extracts, and it will be seen that I have qualified Lord Howden's volunteer declaration to Mr. Corbin by the mildest possible term, as a reticence, the "*suppressio veri*."

"It is highly gratifying for me to be able to offer, in reply to your lordship's note, (conveying a copy of the proposed tripartite convention,) a new testimony of the lively satisfaction which the Government of Her Majesty feels in reflecting upon the manner essentially beneficial for the common interests of Spain and England, with which your lordship fills the high mission confided to you by your august Sovereign at this Court. I beg your lordship to accept the sincere and expressive thanks which I give you in the name of the Government of Her Majesty, for the efficacious manner in which you have contributed to the happy issue of the negotiation which forms the subject of the present communication."

Might I not, with perfect propriety, have gone further, and charged the British Minister at Madrid with the assertion of a falsehood? But it is quite as evident that he is an equally unreliable witness in a much more important matter. His agency in the proposed tripartite convention might have been safely avowed; not so in relation to the suggestion of Lord Palmerston of the emancipation of the slaves. Lord Howden still represents Queen Victoria at Madrid, and yet, if he speak the truth in his letter to Mr. Corbin, he had, since the 20th of October, 1851, failed to present the arguments in favor of emancipation, which he was expressly instructed to urge upon the Spanish Government. The habitual discipline of English diplomatists, their strict and prompt obedience to the instructions of their official chiefs, are well known, and Lord Palmerston, a thorough martinet in the administration of the Foreign Office, was the last man to tolerate anything like contumacy or neglect of his orders. We are bound then to believe that Lord Howden did say to M. Miraflores what he was instructed to say, and the most favorable construction we can place upon the discrepancy is, that the archives of his legation, not being at hand to refresh his memory, the fifth and sixth and most important subjects of his negotiations had escaped his recollection.

Another and more natural, if less charitable solution, may be found in the supposition that Lord Howden, knowing that his cabinet was desirous, from the threatening aspect of the Russian question, to remove suspicions of the existence of a convention between the three Governments respecting Cuba, found it convenient to profit by the opportunity presented by Mr. Corbin, to effect his object. His letter, on so grave a subject, to a citizen of the United States, eminently respectable, but occupying no public position, is altogether anomalous, and contrasts strongly with the habitual reserve of

English diplomatists. It was widely circulated in Europe and the United States, and could not have failed to attract the notice of Lord Clarendon, and yet we have no intimation in any of the London journals of its not being approved by him. Silence in such a case presumes not only assent, but approbation, and commentary upon so gross a perversion of the truth in so high a quarter, would be superfluous. To say the least of it, it presents no very favorable specimen of the fair dealing of the English Cabinet.

There is one thing in Lord Palmerston's letter, which cannot fail to strike even the most casual reader; it is the recklessness of the assertion, with the experience of Jamaica and every other West Indian colony where the experiment of emancipation had been tried, fresh and full before him, that "free labor costing less than slave labor, negro emancipation would promote the interests of white proprietors, a free and contented peasantry being safer neighbors for the wealthy classes than ill-treated and resentful slaves."

Let us now see how far the idea of a concerted plan for the emancipation of the slaves in Cuba is borne out by the action of the authorities of the island. It is a matter of notoriety that the Spanish officials there have repeatedly and openly declared that, in the event of the insurrection of the Creole population, they would not only emancipate the slaves, but arm them against their masters; but, until very lately, nothing had been done towards the realization of this threat, and utterance had not been given to it in any official form. The Creoles of the white race are the great slave proprietors, and whatever may be said to the contrary, are, with entire unanimity, opposed to the Spanish domination, and desire, either by revolution and subsequent annexation, or by purchase, to enter into our Confederacy.

On this point, I speak not from mere conjecture or report, but from personal observation, and the most reliable sources of information; and the fact will hardly be questioned, when I cite as a witness, the late Captain General Cañedo, who, in a circular addressed, on the 29th October, 1853, to the subordinate officers in the island, said:

"Convinced, as is the Supreme Government, that it can only count upon the efficacious adhesion of the Spaniards of the Peninsula, (Spain,) and of the traders; and persuaded, also, that the Creoles are all its enemies, or, at least, that they are indifferent to the triumph of the holy cause of Her Majesty, and that, in the course of time, their fortunes will be contributed to serve the purposes of the revolutionary traitors, you will proceed," &c.

The threat of a servile war is sufficiently clear in the proclamation of the same Captain General, on resigning the command of the Island to his successor, General Pezuela, on the 3d December last; he then says:

"Remain obedient to the Supreme Government and to the officers it sends you, and never for a moment forget that the very existence and the name of Cuba depend upon its continuing to be a Spanish possession."

Mr. Barringer our late Minister to Spain, in his dispatch of 14th December, 1852, confirms this view of the subject:

"It is said that as a last resort to prevent its (Cuba) falling into the power of the United States, or becoming a free independent State by revolution, secret orders have been issued to emancipate the slaves, and place arms in their hands for the maintenance of their own rule and authority in the island, and that is the true reason of the recent increase of the slave trade in that island, in violation of public treaties. It is repeated as a motto in the public press of Spain, that Cuba must always be either 'Spanish or African.' What the future may bring forth it is impossible to see; but this, certainly, is the prevalent feeling and determination in Spain, in reference to the aspect of affairs and the final destiny of the Island of Cuba."

General Pezuela was known in Spain to entertain notions favorable to the emancipation of the slaves. He lost no time in proclaiming them in Cuba. He entered upon his office on the 4th of December, and on the 8th an article appeared in the official paper, the "*Diario de la Marina*," in which the policy of emancipation, as a necessary concession to European opinion, was very plainly indicated. Justly to appreciate the value of quotations from this journal, it will be proper to show what are the relations of the press in Cuba to the government. The "rules for the censorship of newspapers" declare:

"It shall be the duty of the censor to inform the civil Governor, within the day of the publication of the newspaper subject to his revision, of the publication of any article which has been inserted without his approval, or with alterations."

"Art. 14. All articles which treat of political or administrative matters, shall be submitted to the censor, without

corrections or interlineations. The censor shall make such modifications as he may esteem opportune, noting them at the foot, and shall sign every leaf of the paper when he returns it to the editor."

Under these regulations which are stringently enforced, the opinions and arguments enounced in the newspapers of Havana are all approved by the Government before publication. The "Diario" of the 28th December, has an article on the necessity of a new organization of labor, recommending the importation of apprentices. It is much too verbose for quotation, and is written in a very ambitious and oracular style; but it contains one paragraph which cannot be misinterpreted:

"It being understood that what we have in view is to make a transition from labor that is entirely compulsory to the organization of labor under the system of complete freedom which prevails in other countries, it is necessary, prudent, and just, that we shall conciliate as far as possible the exigencies of both extremes. The contract system, which establishes for a fixed period, a reciprocal servitude and a reciprocal mastership, is the only possible solution of so delicate a problem."

On the 24th December last, a decree was promulgated authorizing, for two years, the unlimited importation of apprenticed laborers from Spain, India, Yucatan, and the Chinese Empire. It contains sixty-seven articles, prescribing minute regulations for the system. But some idea of their efficacy for the protection of the victims of this new slave trade, may be formed from the second clause of the fifth article, which declares that not more than four persons per ton, including the crew, shall be shipped on any vessel. Our limit for passengers was two to every five tons, and when the present regulation requiring fourteen square feet of deck for each passenger was substituted, it was supposed to be a fair equivalent for the old allowance. If I err, my friend from New York [Mr. Fish] who has lately investigated the subject of European emigration, will correct me. We all know that there is a vast deal of suffering, and great mortality on board of our emigrant ships, whose voyages are altogether made in the temperate zone. What, then, will be the horrid fate of these Cuban apprentices transported within the tropics on vessels allowed, by law, to carry ten times the proportioned number of passengers to which our ships are limited? With us, a ship of a thousand tons, which probably is about the average size of our Liverpool packet-ships, can transport four hundred passengers. The Spanish slaver is permitted to stow, or rather pack, in the same space four thousand apprentices. This would seem hardly credible, yet here is the decree at full, and any one who chooses to examine it, may find many other provisions exemplifying almost as strongly the paternal care which is to be extended to these favored objects of English philanthropy. Take, for instance, article fifty-seven:

"The master will only be able to apply the following punishments: The stocks, prison, and chains from one to thirty days, with or without privation of salary."

But subsequent articles expressly recognize the right of the master to inflict other punishment whenever, in his opinion, "the emergency requires summary action."

I have visited several plantations in Cuba where a portion of the laborers were Chinese, and I know that they were subjected to precisely the same labor and the same discipline as the negro slaves. Cannot some of our northern abolitionists spare a portion of their sympathy for these yellow-skinned sufferers, or is ebony the only shade of complexion that can elicit it? Why are not the horrid details of the sufferings of five or six hundred Chinese, inveigled by English merchants on board of English ships, under the pretext of conveying them to California, and then sold to bondage in the Chincha Islands, made the theme of eloquent declamation at the Tabernacle or Faneuil Hall by the Beechers, Jays, Phillipses, and other orators of the abolition school?*

*The following letter is taken from the New York National Democrat:

"The guano is dug by Chinese coolies, or laborers, who are brought here by English ships from the free ports of their native coasts. The poor fellows are made to believe that they are going to do well by engaging to serve as laborers for five years at a real (York shilling) a day, and a scanty allowance of rice. They fancy, it is said, they are coming to labor in the gold mines of California. How ever this may be, it is certain that they are shipped here in English vessels, and transferred or assigned (or whatever the word for such a transaction should be) to the Peruvian Government. I have known Englishmen who spoke of having been engaged in the traffic. The Government places

On the 28th December, four days after the promulgation of the decree authorizing the importation of apprentices, the "Diario" contained a long and labored article to prove that none but black laborers could be usefully employed in agricultural industry in Cuba. On the 20th January the Captain General addressed to the several administrative bureaux, and to a few private individuals high in its confidence, the following circular:

"Gobierno y Capitanía General.—Being desirous of reporting to Her Majesty accurately in regard to the labor applicable in this island to agriculture, I request that you lay before me your opinion upon this subject, taking into view and studying the situation of the slave race relative to our internal and external relations; and the manner in which laborers can be increased in sufficient numbers to cover those requirements of agriculture which are not reached by the newly instituted system of colonization, the propriety of resorting or not (with due respect to our treaties with other nations regarding the slave trade) to the introduction of African apprentices; and finally, the form and manner in which this system can be best established, and whatever else may occur to you upon this subject of so great importance.

"God preserve you many years.

"EL MARQUES DE LA PEZUELA.

"HAVANA, 18th January, 1854."

It has already appeared in a New Orleans paper, but I have received manuscript copies from two different sources in Cuba; they vouch for its authenticity, and speak of the design of the Captain General, acting under instructions from Madrid, to bring about the emancipation of the negroes, as no longer a matter of doubt. To cap the climax of usurpation and oppression, an order has been issued allowing all slaves to hire their time at eight dollars per month. The Spanish law has always favored the emancipation of the slave, and to enable him to acquire his liberty a tariff has been placed on his labor according to his convertible value, or the price paid for him. This was ten cents per day on every \$100 value. Thus: a slave worth \$500, by paying his master fifty cents per day, or fifteen dollars per month, could apply the balance of his earnings to the accumulation of a fund for the purchase of his liberty. Six hundred dollars is the minimum price of a healthy slave, so that the master, by being reduced from a monthly compensation of eighteen dollars to eight dollars, is deprived, by a stroke of the pen, of more than half his revenue.

Meanwhile the slave trade is going on with increased vigor, the vigilance of English cruisers has been so much relaxed for some months, as to justify the belief that the British Government is conniving at the introduction of slaves into Cuba. As we know that there is no disposition to promote the development of the agricultural resources of the island, to the detriment of their own colonies, we can draw but one inference from a course which would otherwise be inexplicable. She has

them on these islands, avowedly under the original contract, to labor for five years; but who is to know how far this contract, if such it may be called, is adhered to? The truth is, the poor Chinamen are sold into absolute slavery—sold by Englishmen into slavery, the worst and most cruel, perhaps, in the world. There are about eight hundred of the unfortunate creatures at work on these islands at a time. As fast as death thins them out, the number is increased by new importations. The labor is severe, much more so than that of the negroes on our southern plantations. They are kept at hard work in the hot sun throughout the day. On the middle island they are tasked, each one, strong and weak alike, to dig from the hill and wheel to the mangers five tons of guano each per diem. The guano is compact, like hard clay like loam, and as dusty, when dug, as ashes. On the north island it has to be blasted for the steam paddies. It has to be wheeled from a hundred yards to a quarter of a mile. The nature of the labor may be conceived.

"The Chinese work almost naked, under a tropical sun, where it never rains. They are slender figures, and do not look strong. Negro drivers, the most ugly-looking blacks I ever saw, are stationed among them, with heavy thongs, which I have seen them use. The poor coolies have no hope or reward, no day of rest.

"The smoke of their torment goes up on Sundays as well as on week days. It blows away in a yellow cloud miles to leeward, and I never see it without thinking what a hell on earth these islands must be. That I do not exaggerate this account, any one who has been here will readily bear witness. The fact that some of the Chinese almost every week commit suicide to escape their fate shows the true state of their case. I was told that more than sixty had killed themselves during the year, chiefly by throwing themselves from the cliffs. They are buried as they live, like so many dogs. I saw one who had been drowned—it was not known whether accidental or not—lying on the guano, when I first went ashore. All the morning his dead body lay in the sun; in the afternoon they had covered it a few inches, and there it lies, along with many similar heaps, within a few yards of where they were digging. On the north island the Chinese carry heavy water cases, slung on poles, between two, up the steep hills; they can, in this way, as well as in barrows, take weights altogether disproportionate to their slender forms."

always contended, that the negroes imported since the treaty for the suppression of the slave trade, in 1817, were entitled to their freedom; and, over those introduced since the supplemental treaty of 1835, she has claimed guardianship and right of interference. It is estimated that much more than a moiety of all the slaves in the island are in this category. The price of present immunity from interference must be future emancipation.

This is probably the question in this hemisphere on which Lord Clarendon says that the policy of France and England, however antagonistic heretofore, is now in entire harmony. He cannot allude to any other subject than Cuba. For several years the two countries acted in concert in their difficulties with the Argentine Confederacy, until their final adjustment; and I am not aware of any part of this hemisphere, with the exception of the United States, where any occasion for concerted action has existed, or can exist; and as on the surface, at least, there appear elsewhere no disturbing elements, it would puzzle the most ingenious head to imagine where, on this side of the Atlantic, these loving allies are to display their harmonious policy, except towards us in Cuba. It is now, fortunately, not improbable that they will find themselves sufficiently occupied nearer home.

And here it may not be inappropriate to say how much it is to be regretted that in the Russo-Turkish quarrel, the attention of the country has not been more directed to the question in its aspects as affecting our own political interests. As between the rude and vigorous barbarism of the Cossack, and the effete nationality of the Moslem, I find no room for active sympathy, scarcely even for an abstract preference. The gratuitous and unwarranted declarations of our Minister, Mr. Spence, in his presentation to the Porte, calls for something more decided than a reprimand. If made in the terms stated in the newspapers, with every appearance of authenticity, there is but one fitting remedy, his immediate and unqualified recall. Should the contest, as many believe it will, (I am not of the number,) be speedily decided in favor of Western allies of the Porte, Louis Napoleon living and continuing to wield despotic power, we may not only abandon all hope of any early reaction in favor of liberal principles in Europe, but may look to a probable collision for which we are by no means prepared.

It is true that we have just made one short step in the right direction: we have appropriated three millions for a half dozen steam frigates, and have had the good sense to give a large discretion as to the mode of construction to the able Secretary of the Navy, which I feel confident will produce, instead of the miserable abortions under the old system, ships not unworthy of our past naval reputation. But England has now fifty or sixty war steamers afloat, and France as many more—ready, so soon as their services may be dispensed with in the Baltic and Black Seas, to illustrate, on our shores, the happy accord which Lord Clarendon traveled out of the record so offensively to state, existed between the two Powers in both hemispheres. We have fortunately been forewarned; it will be our own fault if we be not forearmed. This menace should, at least, have one salutary effect—that of checking the disposition to scatter with so much profusion the public treasure on every side on objects of more than questionable justice or utility. We seem to be in constant dread of financial plethora, and anxious to deplete in every way, excepting in preparations for defense.

With these, as I think, conclusive evidences of the intentions of Great Britain and France, intentions which, if realized, will soon, after scenes of blood and horror from which every one not blinded by fanaticism must instinctively recoil, convert this fair island into a second Hayti, what course have we to pursue? Shall we remain passive spectators until the fatal blow has been struck, or shall we at once put ourselves in an attitude to repel and avert it? I counsel neither negotiation nor remonstrance on this subject; we have the remedy in our own hands; it is that indicated in the resolution which I have submitted. Arm the President with the simple power to unfetter the limbs of our people, and the Government will have no occasion to put forth the energies of the nation; individual enterprise and liberality will at once furnish the men and the materiel that will

enable the native population of Cuba to shake off the yoke of their trans-Atlantic tyrants.

I desire no movement on the part of our citizens, until the Cubans shall have put their own shoulders to the wheel. They have been reproached for their pusillanimity; but let it be once understood that if, by their own efforts to vindicate their rights, they show themselves worthy of our sympathies, the arm of the Federal Government will not be interposed on behalf of their oppressors, in less than six months the flag of freedom, the lone star, will wave over the whole island—the Moro may, perhaps, hold out somewhat longer. One thing is certain, that in despite of all your statutes, your collectors, your marshals, your Army and Navy, if the revolutionary standard be once hoisted in Cuba, and maintained for a few short weeks, no Administration can prevent our citizens rushing to the rescue in such numbers as will secure its triumph—a Democratic President would not desire to do it. I deprecate as much as any one can such a contingency. There is but one mode to avert it. Intrust the power to suspend the neutrality laws to the President. He will not exercise it lightly; and, in all probability, the knowledge of his power will dispense with the necessity of exercising it at all. France and England will retract their mischievous counsels, and orders will be given to the Captain General to retract his steps.

We have already had some experience of the emptiness of these menaces of interposition; they tended rather to precipitate than to retard the acquisition of Texas, and will, if persisted in, produce the same effect now. I repeat, I would deprecate any movement not invited by the uprising of the people of Cuba; but if they be driven to it by the conviction that they are doomed by their jailors to the horrors of a servile war, then, I say, hands off; the people will not, cannot, be prevented from giving them aid more substantial than their prayers. They will not permit a Black empire under a British Protectorate, the key of the Gulf of Mexico, nominally independent, but for every purpose of annoyance and aggression, a British dependency to be established in sight of our own shores.

Cuba is studded with the safest and most capacious ports, from whence an enemy may menace, if not command, the immense and constantly increasing commerce which must pass through the narrow strait that separates it from Florida. We have repeatedly announced to the world that we will not permit it to fall into the possession of any other European power than Spain. This declaration has met with the hearty, unanimous response of the nation, and yet its cession to either France or England would be less dangerous to the South than the existence of a pretended independent black Empire or Republic. I say nothing of the value of the island in a financial point of view; its inexhaustible fertility; its annual exports, now amounting to nearly thirty millions, and which would soon be doubled under a good government, where any confidence was reposed in its stability. At this time agricultural property is not worth more than three or four years' purchase, estimated on the basis of present income. A plantation, yielding a net revenue of \$25,000, can be bought for less than \$100,000.

I think it unnecessary to make more than a passing allusion to a matter of recent occurrence, and which has been the subject of a communication from the President to the House of Representatives. I mean the seizure of the United States mail steamer *Black Warrior* at Havana, and confiscation of her cargo. This is but one, the most outrageous, indeed, of a long series of insults and vexations by which it has been attempted to exclude our steamers from Cuba. They serve to complete the proof I have adduced of an understanding, probably an alliance, consummated by treaty between Spain, France, and England. The Cuban authorities would never have dared to take so offensive a step, if they had not relied on the support of those Powers. I have no doubt that the policy indicated by the President will be energetically pursued, and that full pecuniary reparation to the owners of the *Black Warrior*, and apology for the insult to our flag, will ultimately be obtained.

But I regret that we are to look for this at Madrid. I should have preferred to see it enacted in a more summary way by the blockade of Ha-

vana and the other principal ports of the island. It is high time that we should have a remedy for these insults more immediately at hand, and that the Captain General should be compelled to use his power, which is only restricted by his ultimate responsibility at Madrid, as well for redress as for aggression. I have been satisfied, for the last three months, that the power of suspending the neutrality laws should be conferred on the President; I now think that it should be done at once. Perhaps it may be proper to go further than I have proposed, and to make it discretionary, to use it even during the session of Congress, but I have been restrained by the belief that the President will only have to announce to the Representatives of the people and of the States, that the contingency has arrived, and call for immediate action, and his appeal will be promptly responded to. The issue must be met eventually, and we cannot choose a more proper moment for its solution.

Mr. BENJAMIN. Mr. President, I am aware that this is not the proper occasion for the discussion of the very grave subject to which my colleague has called the attention of the Senate and the country; yet, as he has done it in obedience to resolutions passed by the Legislature of our State, I think it proper to say a very few words.

I concur with him in opinion, that the existence of a concerted scheme for the Africanization of Cuba, and for the establishment of a negro State, nominally independent, and yet under the virtual protectorate of England, France, and Spain, has been conclusively established by the evidence that he has placed before the Senate in so connected and conclusive a form. I deem it proper further to state, that I am thoroughly convinced of the fact that this scheme is now in process of execution; and I deem it to be the duty of this Government firmly and promptly to oppose, by all proper means, the carrying out of a line of policy so fraught with danger, not only to the country at large, but especially to our southern constituencies.

I am not prepared, sir, to commit myself to the line of policy indicated by the resolution offered by my colleague. I shall reserve what I have to say upon that point. I only rose to express the hope that this matter may be speedily taken into consideration by the Committee on Foreign Relations, and that their report may be presented to us. When it shall be presented, at the proper time, and when discussion shall arise, I shall ask the indulgence of the Senate for a fuller expression of my views upon the subject.

Mr. HUNTER. If any other gentleman desires to speak on this subject, I suggest the propriety of postponing it until to-morrow, so that we may now take up the Indian appropriation bill.

Mr. SLIDELL. I consider that this is not the proper time for the general discussion of the subject. The resolution is merely one of inquiry, and can now be referred to the Committee on Foreign Relations, and when they make their report, I take it for granted that, whatever it may be, it will not be agreed to without discussion.

Mr. SEWARD. I suppose, as this resolution was introduced this morning, it cannot be considered now unless by unanimous consent.

The PRESIDENT. It was introduced by unanimous consent, and there was no objection to its consideration.

Mr. SEWARD. It was impossible, at the distance which I sit from the honorable Senator from Louisiana, to hear the very elaborate argument which he has addressed to the Senate; and as this question is one of very grave magnitude in its bearings, and in some respects may possibly tend to endanger the peace of the country, and to involve us in the calamities of war, which are just beginning in the eastern world; and as, in looking around, I see that the honorable chairman of the Committee on Foreign Relations [Mr. MASON] is not in his seat, and that two other distinguished members of that committee are not here, I have risen for the purpose of suggesting that the further consideration of the resolution be postponed until to-morrow.

Mr. SLIDELL. I have no sort of objection to that.

Several Senators. Postpone it for a week.

Mr. SLIDELL. I think to-morrow will be better.

Mr. MALLORY. Mr. President, as the representative in part of the State which probably

will more directly be affected by the policy which has been indicated, I must express my thanks to the Senator from Louisiana for bringing forward this proposition, although I am not prepared to say that I will vote directly for that proposition. I take this opportunity to express my own opinion that there cannot be a reasonable doubt in the mind of any sensible man, who has been watching the course of events in Cuba, that there is, and has been for a long time, a decided determination to Africanize that island. I have always thought so; and watching, as I have done for many years, the policy of that island, I have always thought that course was the most suicidal that could possibly have been resorted to. Sir, Senators will recollect that as far back as 1823, the proposition was directly made to our Minister at London, Mr. Rush, by the British Government, that we should pledge ourselves to take no measures for possessing ourselves either of the island, or of any peculiar interests in the island of Cuba, and that we should join England and France then in committing ourselves. This was declined at that time.

Now, through the intervention of England, the term of apprenticeship to which imported Africans have been subject, of seven years, has been recently reduced to one; and the latest advices from Cuba disclose this state of facts, that the three hundred or four hundred Africans seized near Matanzas some months ago, when their title to liberty was fully made out, were not apprenticed for the usual term of seven years, but were put out to favorites of the Government for one year—the Captain General himself, the highest in authority, setting the example of approbation of that policy by selecting one of the children for himself, who could be of no use to him, but to show to the people his own approbation of the policy. I trust the Committee on Foreign Relations, seeing the importance of the subject, will report at an early day.

Mr. HUNTER. I hope the resolution will be referred.

The PRESIDENT. The question is on postponing its further consideration until to-morrow.

Mr. CHASE. I have no objection to taking the question on postponement without further debate. I hope the resolution will be postponed; but I prefer that the postponement be for a week, rather than till to-morrow.

The resolution does not contemplate any immediate action, but merely proposes to confer a power on the President of the United States to be exercised during the recess of Congress. Of course there is no necessity for immediate reference. As the opinion of the honorable Senator from Louisiana [Mr. SLIDELL] has been expressed upon the general question of our relation to Cuba, and also that of the honorable Senator from Florida, [Mr. MALLORY], their opinion, of course must go out to the country, and may, perhaps be taken as indicating the judgment of the Senate, unless some opportunity be afforded to those who entertain different opinions to state their views.

For myself, I do not hesitate to say that, so far as any proper measures be taken by the Spanish Government, either at Madrid or in Havana, whether under the influence of England or France, or from independent considerations of duty and policy, may tend to the emancipation of slaves in Cuba, those measures will command my sympathy and my best wishes for their happy and beneficial issue to all parties.

But, sir, I am far from thinking that the disposition towards emancipation is confined to the Spanish Government in either hemisphere, or to the Governments of England and France. Certain facts which have come to my knowledge incline me to the opinion that the idea of emancipation is seriously and favorably entertained by many enlightened Spaniards and Creoles in the island and out of the island, and by at least some of the gentlemen who constitute what is familiarly known as the Cuban Junta. To that idea and that purpose, by whomsoever entertained, I am decidedly favorable.

On the other hand, to all that part of the policy of the English and Spanish Governments, if there be such a policy, which tends to revive the African slave trade under any name or in any form, whether for the purpose of supplying apprentices to the island, to be converted at some future period, either near or remote, into freemen, or for any

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other purpose, I take the same objections, and take them as strongly, as the Senator from Louisiana.

I do not wish to go into this subject now. I wish, however, to have an opportunity of submitting my views of it to the Senate and the country, and therefore suggest the postponement of the resolution for a week.

Mr. BUTLER. I hope, Mr. President, that this matter will now be referred. I think it prudent that the Committee on Foreign Relations should take charge of it at this time. I am sure, for one, that I could not, and I hardly think the Senate could come to any intelligent or satisfactory conclusion upon the suggestions that have thus far been made. They are certainly deserving of great respect and consideration, coming from the Senator from Louisiana as they do, acting upon his very high responsibility as the representative of a State very deeply concerned; but as this is a matter which must necessarily depend upon information and communications to be made by the Executive to the committee, I think prudence requires that I should move the reference of it immediately; for if we engage in a debate on these general topics, without having any definite issue upon which the Senate can pronounce its judgment, I doubt very much whether we may not do as much mischief as good. I therefore move that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT. The question must first be taken on the motion to postpone.

Mr. SEWARD. I hope the honorable Senator from South Carolina will consider better his proposition, and let the resolution be postponed for some time—some Senators say for a week. To me it is quite indifferent whether for a week or not. It is quite enough for me to have it postponed for a day, until I shall have an opportunity to see what the argument which I have not been able to hear on this subject is; and if that be the arrangement, I will wait with great pleasure for another day, in order to be better informed.

Mr. SLIDELL. I will state to the honorable Senator from New York, that the chairman of the Committee on Foreign Relations, [Mr. Mason,] informed me that he would not return until this day week. I think that, perhaps, there would be some degree of impropriety in going on with the discussion of the question, in the absence not only of the chairman, but of the honorable Senator from Massachusetts, [Mr. EVERETT.]

Mr. SEWARD. And of the honorable Senator from Delaware, [Mr. CLAYTON.]

Mr. SLIDELL. And of the honorable Senator from Delaware, who is also on the Committee on Foreign Relations. It seems to me better to reserve the discussion, until the committee report, and I therefore hope that, by general consent, the resolution will be referred now.

Mr. HUNTER. I suggest that Senators will have a chance to discuss the question when the Committee on Foreign Relations report.

Mr. SEWARD. If that be the general sense of the Senate, I will not object further than to say that the fact of receiving a resolution of this kind, and referring it, after a debate, in favor of the proposition, without any argument opposed to it, is calculated, by implication, to commit the Senate to some degree of favor towards the proposition itself. Protesting for myself that I do not in any way compromise myself, but that I wait to hear the argument and the report of the committee, I will very cheerfully yield.

Mr. HUNTER. I hope, then, the resolution will be referred. It commits no one, I think.

Mr. BENJAMIN. I merely wish to say that I think I stated very distinctly that I do not mean to commit myself to the support of any policy, or to the course recommended by my colleague; but that I would reserve my views on that subject until a report should be made by the Committee on Foreign Relations. I conceive, however, that the question has not been discussed, as gentlemen say, upon one side alone; but that my colleague simply accompanied the offering of the

resolution with such explanations as would necessarily be demanded by the Senate and the country, and which, as a matter of justice to himself, he was bound to offer, when putting before the country a question so grave as this is, so as to justify him in bringing it to the attention of the Senate and the country.

The PRESIDENT. The question is on postponing the further consideration of the resolution for a week.

Mr. HUNTER. I hope the Senator from Ohio will withdraw that motion, and let us refer the resolution now.

Mr. CHASE. As it seems to be the general sense of the Senate that the subject should be referred, I withdraw the motion.

The resolution was then agreed to.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855, the pending question being on the appeal taken by Mr. COOPER, on Thursday last, from the decision of the Presiding Officer, (Mr. BRIGHT being in the chair,) ruling that the following amendment, reported by Mr. COOPER, from the Committee on Indian Affairs, was to provide for a private claim, and therefore excluded by the 30th rule:

"To pay Andrew Taylor for his reservation of six hundred and forty acres of land at Sitico Old Town, on the waters of the Tennessee river, \$14,720, with interest from the 23d of August, 1843."

Mr. COOPER. I appealed on Thursday last from the decision of the Chair, because I believed that that decision was not in conformity with the spirit of the rule upon which the question of order was raised. I stated then that this same claim, presented in the same shape a year ago, had been received. It was passed both by the House and the Senate, and was afterwards lost in the committee of conference, which took place between the two Houses, upon the disagreeing votes on the Indian appropriation bill. The amendment does not involve any of the characteristics of a private claim, such as are contemplated by the rule in question.

As I stated on Thursday last, it is a claim which arose under the provisions of the treaty of 1817, between the United States and the Cherokee Indians. By that treaty, all Indians, or white men married to Indian women, by whom they had children, became entitled to land; and Andrew Taylor, being a person within the provision, became entitled to a section of land. By the operation of an act of the Legislature of Tennessee, he was ejected from that land; and afterwards, in 1835, when a new treaty was negotiated between the United States and the Cherokees, provision was made for such as had lost their lands in virtue of the legislation of the Legislature of Tennessee. Commissioners were appointed, in pursuance of the seventeenth article of that treaty, to assess the value of the reservations made under the treaty of 1817. They made the assessment, and returned it into the office. The value put upon this reservation was \$14,720; and by an act of Congress subsequently passed—which I have not just now before me—provision was made for its payment, and for the payment of other claims, the value of which had been determined by the same commissioners. That sum is exhausted; and the proposition now is merely that provision shall be made for a claim which stands both upon the faith of treaties, and upon a statute passed by the Congress of the United States. It is in no sense a private claim. I trust that the Senate will overrule the decision of the Chair, and thus do justice to this most meritorious claimant.

Mr. RUSK. It seems to me that this amendment is clearly not excluded by the rule. The rule excludes only such private claims as are not for the purpose of carrying out an existing law. Any appropriation, it seems to me, upon the reading

of that rule, will at once strike the Senate as being in order, if it is to carry out an existing law. This amendment is clearly for the purpose of carrying out an existing law. By one treaty this reservation was allowed. By the laws of the State in which the reservation was made, the reservee was deprived of his reservation. A law of Congress was then passed, authorizing the payment to him of the value of the reservation, not including the improvements. But, whatever the land would have been worth, taken under the former treaty, was to be paid at its valuation, not including the improvements. A commission was appointed for the purpose of ascertaining that fact; appropriations were made for their payment, and other cases similarly situated were paid. The commissioners went out, and determined the amount of damage. Then the amendment is offered under the provisions of a treaty, under the provisions of a law, and is clearly not intended to be excluded by the rule, because it is simply the carrying out of the law.

Mr. COOPER. When addressing the Senate before, I was not able to turn to the provisions of the law making appropriation for the payment of the claim. Before the question is taken, I desire to read it:

"Resolved, &c., That the Secretary of the Treasury be directed to pay, or cause to be paid, the several sums found due to claimants under the Cherokee treaty of 1836, upon the certificate issued by the board of commissioners appointed in pursuance of the seventeenth article of said treaty, out of the unexpended balance of appropriations made for the payment of such claims, upon the presentation of said certificates."

I have stated already that the claim arose under the treaty of 1817, originally, and that provision was made for the assessment of the value of the reservation by the subsequent treaty of 1835 and 1836. This is the one referred to in the resolution.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. BRIGHT called for the yeas and nays; and they were ordered, and being taken, resulted—yeas 16, nays 16; as follows:

YEAS—Messrs. Atchison, Bayard, Bright, Chase, Clay, Dodge of Iowa, Douglas, Evans, Fish, Foot, Jones of Iowa, Norris, Pettit, Stuart, Sumner, and Wade—16.

NAYS—Messrs. Benjamin, Brodhead, Brown, Cooper, Dawson, Fitzpatrick, Geyer, Johnson, Jones of Tennessee, Rusk, Sebastian, Seward, Toombs, Toucey, Walker, and Weller—16.

The PRESIDING OFFICER. The decision of the Chair is sustained. The amendment is not in order.

Mr. WALKER. If I understand, it is a tie vote. The Chair made a decision; the appeal was taken; and the question then was, "Shall the decision of the Chair stand as the judgment of the Senate?" On a tie vote the affirmative is lost. It does not stand. The amendment is, therefore, decided to be in order.

Mr. COOPER. The Presiding Officer votes.

Mr. WALKER. The question is in the affirmative; shall the decision stand? There was not a majority for that.

Mr. BADGER. I think the Senator is right; and in order to settle the question, and ascertain the sense of the Senate on that subject, I take an appeal from the decision of the Chair, that that vote is an affirmation of the judgment of the Chair.

The PRESIDING OFFICER. The Chair thinks it is not in order to take an appeal upon an appeal.

Mr. WALKER. There is no appeal now. The Chair announces that to be settled.

Mr. BROWN. That appeal the Chair has announced to be settled.

Mr. BADGER. The Chair announces that the decision is affirmed; and I appeal from that decision. Suppose the Chair were to announce yeas 15, nays 25, and that the decision was thereby affirmed, could not I appeal from that?

Mr. WALKER. The decision holds the affirmative, if I understand, and the Senate has failed to cast a majority vote for it. It is a tie vote.

Mr. BADGER. The form of the question is, "Shall the decision of the Chair stand as the judgment of the Senate?" There must be a majority in the affirmative to sustain the Chair.

The PRESIDING OFFICER. The Chair holds that it is not in order to take an appeal from a decision upon a question of order.

Mr. BADGER. I take an appeal from that. Surely the Senate must have the ruling of its own decisions, otherwise we cease to have any influence upon our own business.

Mr. BRIGHT. I concur entirely in the opinion expressed by the Chair. It is not the opinion of the Chair that the question is upon in this case; it is an appeal from the decision of the Senate that the Senator proposes to take. The Senate, of course, have sustained the decision.

Mr. COOPER. Oh, no.

Mr. BADGER. The Senate is equally divided.

Mr. BRIGHT. This comes up in the shape of an affirmative proposition. Suppose the question was upon an amendment, and the vote was 16 to 16; as a matter of course, the amendment would fail.

Mr. BADGER. Certainly.

Mr. BRIGHT. The Chair decided this amendment out of order. The question is, shall the decision of the Chair stand as the judgment of the Senate? The Senate being equally divided, clearly the proposition fails, and the decision originally made by the Chair stands, and the amendment is out of order.

Mr. BAYARD. It seems to me that the proposition is an exceedingly simple one. The Chair decided that the amendment offered was out of order. That is binding, unless appealed from. I ask, whether you must not reverse the decision of the Chair in order to permit the amendment to be introduced? If you must reverse it, certainly you must have a majority to reverse a positive decision. The decision of the Chair would make the amendment out of order, unless reversed by the Senate. Can there be a reversal by an equality vote? If you take the analogy of courts of justice, the principle is that an exception to a decision must obtain a majority. Take, for instance, the case of a motion for a new trial. Where a trial has been had, and a motion for a new trial is made, if the court is equally divided, the motion is refused.

Mr. BADGER. The Senator will allow me to say that that is not the question now before the Senate. There being an equality of votes, the Presiding Officer declares that the decision is affirmed; from that decision I take an appeal.

Mr. BAYARD. I understand.

Mr. BADGER. And the Presiding Officer informs me that I have no right to take the sense of the Senate whether he is right in his construction. I say, therefore, that that would be equally true if the vote stood yeas fifteen and nays twenty-five. Suppose he said, in such a case, "The yeas have it;" could not I appeal from that decision? That is the question now before the Senate—whether the announcement of the vote by the Presiding Officer is conclusive.

Mr. BAYARD. I have no objection to the decision of that question by the Senate.

Mr. BADGER. That is the present question.

Mr. BAYARD. But it seems to me that there cannot be a shadow of a doubt, in regard to the decision of the Chair, that it requires a majority to reverse a decision of the Chair on a question of order.

Mr. BADGER. That may be so; but I think, clearly, we have a right to have the judgment of the Senate on that point. If not, then we have no right to the judgment of the Senate that the majority overrules the minority, if the Chair declares it the other way. I do not mean, of course, to imply that the Chair would decide it the other way; but to illustrate this proposition: There being a vote of yeas sixteen, nays sixteen, the Chair says the yeas have it, or the nays have it—either way; surely I have a right to the judgment of the Senate upon it.

Mr. BENJAMIN. It seems to me that the Chair has decided two propositions. From one of those propositions there has been an appeal; from the other there has not been an appeal. The first proposition was whether this amendment was out of order. The Chair decided it to be out of order. That was one decision, from which an appeal was taken. When the votes were counted, they were found equally divided. The Chair then

decided, upon that state of facts, that the appeal was lost—that the decision of the Chair was sustained. Now, the proposition to which the Senator from North Carolina proposes to take an appeal is this decision of the Chair, that an equally divided vote upon an appeal on a point of order affirms the decision originally rendered. It is from that proposition the appeal is now taken, and upon that proposition I cannot conceive how an appeal can be denied.

Mr. BRIGHT. The rule in this case, I apprehend, settles the question, as far as the Chair is concerned. The rule gives to the Chair the power of deciding whether an amendment is in order or not. If the Chair decides that it is in order, it requires a majority of the Senate to overrule that decision. Now, in this case, a majority of the Senate have not overruled the decision. It requires a majority to reverse the decision of the Chair; and if the appeal be persisted in, and the question is put, it ought to be in this shape: Shall the decision of the Chair be reversed by the Senate?—whether sixteen votes against sixteen reverses the decision of the Chair?

Mr. BADGER. Let me call the attention of the Senator from Indiana to the fact that he does not meet the proposition before the Senate. There is a vote of sixteen to sixteen; the Chair announces that, therefore, the decision of the Chair is affirmed by the Senate.

Mr. BRIGHT. Because a majority has not reversed it.

Mr. BADGER. I am not entering into that. I will assume, for the present, that the honorable Senator from Indiana is correct; that the Chair is correct; but I happen to have a different opinion, and I take an appeal from that decision. The Chair says I am not entitled to it. Now, it is a question of construction; and, like every other question, is to be decided by this body. The Chair says, there being an equal division, the Chair is sustained. I say, there being an equal division, the decision of the Chair is reversed. Well, now, have we not a right to have the judgment of the body upon that question? I am not entering into the merits of the original question at all. I am not undertaking to decide now whether the ruling of the Chair is right or wrong; but I say I have a right to test that ruling by an appeal to the Senate. That is all. I very respectfully submit to the Presiding Officer that I think he must see that that is a question upon which, at all events, he has not a right to decide without appeal.

Mr. RUSK. The Senate was not paying much attention at the time this matter was discussed, and a bare quorum voted. I have no sort of doubt that this amendment comes clearly within the rule—that it is not excluded by it. We are delaying time with it. Here is a treaty stipulation to pay money; the amendment is to carry out a treaty; and when we propose to make an appropriation for that purpose, and pay one of the beneficiaries of the treaty, it is determined, under that rule, to be out of order. The honorable Senator from Wisconsin [Mr. WALKER] says we cannot appropriate at all under it, if that is the case. But we are getting into a hobble about the matter. We have one decision after another; and I suggest to the Senator from North Carolina, whether it would not be better, instead of following up his appeal, to get some one who voted in the majority to move a reconsideration, or to offer the amendment again, when the bill is reported, and we have a full Senate.

Mr. BADGER. I have no objection to the course suggested by my friend from Texas, but then I do not want it to be understood that when a Presiding Officer of this body announces that a vote is carried, the announcement is conclusive upon the body; because, as I have just mentioned, without the slightest imputation upon the honorable gentleman now filling the Chair, if that were so, and the Chair were to decide upon any other question, there being fifteen yeas and twenty-five nays, that the yeas had it, we should be entirely powerless, and a minority might determine anything, having the sanction of the Chair. I only want to have the sense of the Senate in that particular. I am entirely indifferent as to this particular vote.

The PRESIDING OFFICER. The Chair will put the question raised by the Senator from North Carolina. The Chair has no power to refuse to put questions.

Mr. BADGER. Then, sir, I have no hesita-

tion in withdrawing the appeal; I am very willing to withdraw it, and let the matter fall. I do not wish to embarrass the Senate or delay the bill.

The PRESIDING OFFICER. The appeal being withdrawn, the bill is open to amendment.

Mr. SEBASTIAN. I move to strike out "ten" and insert "twenty," in line fifty-four. The object is to increase the appropriations for buildings for Indian agencies from \$10,000 to \$20,000. I have received a letter from the Indian office on the subject which explains the necessity for this:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, May 1, 1854.

SIR: In view of the necessity of removing the present localities of the Indian agencies in our remote Territories, and also of the negotiations which are being made with the Indians of Nebraska, and the consequent necessity of removing the agencies situated there, I have the honor to recommend that the appropriation now at the disposal of this Department for agency buildings be increased by \$10,000, so that the amount applicable to that object will be \$20,000.

Very respectfully, your obedient servant,
GEORGE W. MANYPENNY, Commissioner.

Hon. W. K. SEBASTIAN,
Chairman Committee Indian Affairs, U. S. Senate.

The amendment was agreed to.

Mr. SEBASTIAN. I am further directed by the Committee on Indian Affairs to offer the following as an additional section:

SEC. — And be it further enacted, That the President be, and he is hereby, authorized and required, in all cases where by law or treaty stipulations the United States have engaged to invest sums of money in stocks for the benefit of the Indians, or to hold the same in trust, and pay interest thereon, or to pay perpetual annuities, to cause the said sums to be invested or held in trust, and the sums equal to the principal of said perpetual annuities to be, with the assent of the Indians, when necessary, invested in safe and profitable stocks of any of the States in this Union, or committed into shorter annuities, or the principal paid to the Indians, as the President, in his discretion, thinks most advantageous to the Indians.

Mr. President, the United States are indebted by treaty stipulations to Indian tribes in about three and a half millions of dollars, which they engaged many years ago to invest in safe and profitable stocks for the benefit of the Indians. Heretofore, in consequence of the embarrassed state of our exchequer, that treaty stipulation has never been redeemed; and the consequence is, that we are appropriating the interest upon the money every year, while we have an overflowing Treasury, out of which the money might be taken and well invested, and the treaty stipulations fulfilled. This, then, is a proposition to pay off so much of our national debt as is due under treaty stipulations to the Indians. That is one class of debt which is owing on account of Indian treaties, and it amounts to about three and a half millions of dollars. The stipulation is uniformly in some half dozen treaties, that it shall be invested in "safe and profitable stocks." That has not been done heretofore; and this merely requires the President to do what the treaties required to be done long since.

The second class of engagements are of this kind: where the United States pledged themselves to the Indians that they would hold certain amounts of money in the Treasury of the United States in trust, and pay them the annual interest perpetually. This, to all intents and purposes, is of course a national debt, and might as well be invested in safe and profitable stocks for the benefit of the Indians.

There is also a third class, that of perpetual annuities, which ought to be changed to the form of stocks. The United States are paying the interest perpetually, but there is now idle in the Treasury not only the capital, but more than the capital required to produce this annual interest. In order to convert this and the second class to which I have adverted, would require the formal assent of the tribes before it could be done; and the amendment only authorizes the President to make these investments for the Indians when they agree to it, and he judges it to be necessary.

In regard to the first class, however, amounting to three and a half millions of dollars, their assent is not necessary, because it has already been given by treaty; and it is simply required of us to invest the money, which ought to have been done long since, and would have been done ere this but for the state of the Treasury. The main object is to prevent the enormous accumulation of these perpetual annuities, trust funds, and other national debts, which are swelling to an alarming extent, I may say, the annual appropriations in the Indian bill.

Mr. HUNTER. Mr. President, if I understand this proposition, it is to invest the money which we owe to the Indians in State stocks; and those State stocks, according to the practice of the Government heretofore, we must guarantee. If they fall below par, or if the State fails to pay the interest, we have to make it good. In each of the annual appropriation bills we have already stipulations to make good the interest on the Indian funds which we have already invested in those stocks. I think our experience has shown that this is a very dangerous relation to hold towards the States. I am not disposed to see the United States going into the market, and investing money, especially in such large sums as these, in the stocks of the States, for many reasons. The precedent is a bad one, and it is a dangerous sort of patronage, especially when we come to extend it further; and it is one which may be sought to be extended further in the present condition of the Treasury. It seems to me that we had better meet the question at once. It is far safer for the United States, if we have to guarantee, to retain the funds, and pay the interest ourselves, instead of running this risk. We have not found, heretofore, that this relation of debtor and creditor between the United States and the States has been very profitable, and I am not disposed now to extend the practice. It has gone far enough already.

Mr. SEBASTIAN. I wish, Mr. President, to be allowed to correct what I think is an obvious misapprehension of the Senator from Virginia. I do not think the Indian bill contains the feature of which he speaks—that of annual appropriations to make up for the fall or depreciation in the price of State stocks.

Mr. HUNTER. The failure to pay the interest.

Mr. SEBASTIAN. It is true there is in every Indian appropriation bill an appropriation to pay interest, but that interest is received from the States into the Treasury of the United States as trustee, and requires an appropriation to pay it out again. That is a mere matter of form. After the money goes into the Treasury it requires an act of appropriation to get it out again. The Government of the United States holds largely of the stocks of the States in trust for the Indians, at this time, in pursuance of treaty stipulations; and as to the first class of cases embraced in the amendment, there cannot be any question or doubt as to the propriety of it, because such is the positive, imperative obligation of the treaties, that it must be invested for the benefit of the Indians "in safe and profitable stocks." The duty which we take upon ourselves to discharge is that of trustee; a plain one, which involves no responsibility where the trust is honestly performed. If stocks are safe and paying stocks at the time we buy them, we are certainly not bound to guarantee the fortunes of the particular State, or its punctuality and promptness, through all coming time. Such has not been the view which the United States have taken of their obligations heretofore. I well remember that in a case where some bonds were bought for the Chickasaws, they fell from par to twenty-five cents on the dollar. We have large stocks of the State of Michigan at this time which are paying interest, but the annual interest thereon is appropriated in the Indian appropriation bill, and these are the appropriations which the Senator from Virginia erroneously supposes to be appropriations to make good out of the Treasury of the United States, the losses to the Indians. Such is not the case. There can be, therefore, no difficulty as to the first class, amounting to about three and a half millions of dollars, in regard to which we have most imperatively engaged by treaty to do the very thing which the amendment proposes to require the President now to do.

The second class of cases, those in which we hold moneys in trust where we have engaged to pay perpetual annuities, I assimilate to the case of a national debt, and allow them to be converted into stocks, with the assent of the Indians. If they give us that assent in such a manner as to enable us to be freed from any responsibility afterwards to invest these surplus funds for their benefit, it will be of great advantage. We are now paying interest on large sums of money which are lying idle in the Treasury of the United States, and this will be, to that extent, a discharge of the national debt. The amount which we have thus engaged to pay interest to the Indians reaches, at

this time, the astonishing sum of \$10,000,000; and I am sure that few Senators are aware that this amount is a perpetual charge against the United States, unless it can be redeemed, or its extinction provided for in the manner pointed out by the amendment.

But the amendment does not stop simply with requiring the investment of these funds of the Indians in safe and profitable stocks. It allows, with their consent, these long annuities to be turned into shorter annuities; or, in such cases where the President may judge it to be advisable, the whole capital may be paid over to the Indians. I can imagine many cases in which the Indians are highly competent to manage the funds for themselves, and where, instead of dealing out to them little dribbling annuities perpetually, it would be much better for their condition, socially and physically, that the whole capital should be redeemed and extinguished by the payment of the principal over to them.

Mr. HUNTER. Mr. President, I think that if the Senator from Arkansas will look into the matter, he will find that we have been in the habit of making good an appropriation to Indians on account of the failure of Indiana to pay the interest on certain moneys invested in Indiana State stocks. I think we have made good investments in Arkansas stock for the Smithsonian Institution.

Mr. SEBASTIAN. No, sir.

Mr. HUNTER. I think we have; I think the Senator will find that such is the case. And I apprehend, if we were to invest these funds of the Indians in State stocks, and the States should fail to pay the interest, we should hold ourselves bound to make it good to the Indians. Now, if this be the case, if we are bound to guarantee this payment to the Indians, is it not safer to retain the money in our hands? What do we gain by investing it in State stocks? If we are to have this obligation imposed upon us, is it not far better to retain the fund in our own hands, and pay the Indians the interest annually? So far as these long annuities are concerned, if it be desirable to exchange them for shorter annuities, paying them larger sums, that could be done by treaty, whether we pay them directly out of the Treasury, or in the form of State stocks. There is no reason why treaties, bargains, or contracts should not be entered into for that purpose, if it be a desirable object. What I object to is, taking this money and investing it in State stocks in a mode and shape which will make us responsible for the payment of the interest on those stocks.

I object to that for many reasons. One is, that it is a species of obligation which I do not wish to see imposed on this Government. Another is, that it may be the commencement of a very dangerous system. Suppose, whenever we have a surplus in the Treasury, it is proposed to extend the system further, and invest the whole surplus in State stocks, what a dangerous sort of patronage, and to what evils might it not lead? It is better, I think, to oppose these things in the beginning. Now, there is nothing in the treaty stipulation with the Indians, which forces us to invest this money in State stocks, so long as we guarantee and secure to them the payment of the interest, which is all that they are entitled to demand. They have it in truth and in effect in the United States stocks—in a six per cent. United States stock, and this is far better for them than any State stock which we could purchase.

Mr. JOHNSON. The Senator from Virginia is not correct in regard to the delinquency of Arkansas as connected with the Smithsonian Institution; but still I believe he is substantially right in this, that they were a portion of the bonds of the State of Arkansas, now under par, for the State is unable to pay the interest, which did constitute an investment by this Government. The State having failed to pay the interest, and the stocks having gone below par, they were, some years ago, by authority of the Government of the United States, sold out for what they would bring.

Now, sir, respecting this policy, in regard to which the Senator from Virginia, the chairman of the Committee on Finance, and my colleague, the chairman of the Committee on Indian Affairs, differ, I have no question that if the Government of the United States, under the authority of a treaty, goes on according to the terms of the treaty, and invests funds due to the Indians, in State stocks, it renders itself liable. If the Government

does not invest in safe stocks, it must ultimately pay the amount. It seems to me that there can be no question of that. When the United States have all the power in their own hands, and when they have the management of the Indian funds, there is no defense for a failure on their part to secure to the Indians the whole of their money. Especially is this so when we look at the history of the Indians in connection with our Government. As to the question, then, what shall be done with this matter, I must say, if we are to continue this policy, let it be done in this case as in all others. If not, a distinctive and definite proposition ought to be adopted; and perhaps we might as well get clear of those bonds which we have, and let the United States invest the sum in their own stocks at once. I do not know how that would be. Gentlemen can settle that matter as they please; but it seems to me that we are bound for the money when we make an investment for the Indians.

Mr. SEWARD. Mr. President, I do not see any necessity now for our investing any funds in the stocks of the States. There are United States stocks enough in which we can invest; if there is any necessity for investing these sums. It seems to me to be a mere matter of book-keeping. We may as well be indebted to the Indians without investment, and that has to them all the security of a stock of the United States as much as if we were to make an investment; but certainly, while we are paying off our own stocks to reduce our own debt, it seems to me, very unwise and unnecessary to be investing special funds in the stocks of the States. I agree with the honorable chairman of the Committee on Finance.

Mr. SEBASTIAN. I think the Senator from New York misunderstands the amendment. I did not certainly undertake to recommend investments in stocks of the United States, because these engagements already constitute a stock of the United States. What I propose is, when there is so large a surplus in the Treasury of the United States, to take the money and invest it in stocks of the States, in pursuance of the treaties with the Indians requiring this specific investment to be made "safe and profitable stocks," say the treaties, and this obligation reaches to \$3,500,000.

Mr. SEWARD. Then it is only necessary to make a new stock of the United States; that will be a "safe" investment.

Mr. SEBASTIAN. That would be changing the form of the investment, and not extinguishing the debt.

Mr. SEWARD. It would be changing the form of the books certainly. I think that for us to buy up State stocks, and get into the difficulties into which we got once before, would be very unwise.

The amendment was rejected.

Mr. SEBASTIAN. I have another amendment to offer from the committee. It is to insert under the heading "miscellaneous" the following:

For defraying the expenses of continuing the removal and subsistence of the Indians in California to five military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$125,000: *Provided*, the sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation nor five in all. Said reservations to contain not less than five, nor more than twenty-five thousand acres: And the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding \$25,000 in the extinguishment of conflicting titles and rights to said reserved lands at a price not exceeding \$1 25 per acre for a valid and indefeasible title to the lands so purchased: *And Provided*, the State of California shall cede the necessary jurisdiction in such cases.

For general incidental expenses of the Indian service in California, embracing the expenses of travel of the superintendent and agent, &c., \$25,000.

Mr. WELLER. This amendment makes an appropriation of \$125,000 for continuing the removal and subsistence of the Indians in California, while the estimate of the Commissioner of Indian Affairs for this purpose was \$200,000. Really I do not see upon what ground the Committee on Indian Affairs have reduced the amount to \$125,000. Why, sir, according to the report of the Commissioner, it appears that one fourth of all the Indians in the United States are in the State of California. There are one hundred thousand Indians there. The superintendent of Indian affairs in California asked for an appropriation of \$500,000 to carry out the plan which was adopted by Congress at the preceding session. Upon con-

sultation with the Commissioner of Indian Affairs, I was satisfied that this estimate was extravagant, and that \$200,000 would answer all the purposes of carrying out that plan, and pacifying and providing for the wants of the Indians. I am therefore surprised to find that the Committee on Indian Affairs propose to reduce the sum to \$125,000. That, in my judgment, is wholly inadequate. It will not answer the purpose. It will neither enable the superintendent of Indian affairs to remove these Indians, and make the necessary provision for their support during the present year; nor will it protect our people against the outrages committed by them. I therefore move to strike out "\$125,000," and insert the amount fixed by the Commissioner of Indian Affairs, "\$200,000."

Mr. GWIN. Twenty-five thousand dollars is put in the amendment for the purpose of meeting requisitions by the superintendent of Indian affairs, in regard to purchasing claims to the reservations. I would therefore suggest to my colleague that he had better say \$225,000, so as to leave \$25,000 for the specific object of purchasing claims to the reservations, and \$200,000, the amount of the estimate, for removal and subsistence.

Mr. WELLER. My first motion is to strike out "\$125,000," and insert "\$200,000." Then I suppose I can accomplish the object which I have in view, by a subsequent amendment which I shall submit to the next provision of this amendment of the committee.

Mr. SEBASTIAN. I have no manner of objection to the amendment of the Senator from California, if it shall meet the favor of the Senate. It is true, as stated by the Senator from California, that the Indian Office did recommend \$200,000. It is a recommendation which, as I am informed by the Commissioner, was based on the information that he had in his office, in reference to the condition of the past appropriations. There was an old appropriation of \$100,000, for the purpose of preserving peace with the Indians in California. Last winter, it will be remembered, \$250,000 were appropriated. We have an account, by the return of the late superintendent, of the expenditure of a large portion of the old appropriations; but, by accident, perhaps, the whole \$250,000 is not accounted for. I believe the report of the superintendent of Indian affairs has been in arrears for the last two or three quarters.

This experiment, for experiment it only amounts to thus far, seemed to be the only one which afforded a solution of the problem of Indian civilization and protection in California; but it was working out its results at a cost which caused the committee to hesitate as to the amount of money which they should recommend in its further prosecution, until they could see how the fund which had been heretofore provided by very liberal appropriations, had been disposed of. There was an amount of almost \$250,000 unaccounted for. The reason why we cut down the amount from \$200,000 to \$100,000, resulted entirely from the unwillingness of the committee to embark more than the sum of \$100,000 in the prosecution of this experiment, until they should see better evidence as to the manner in which it was working in California.

I have said that I believe the system is an efficient one in California, but it is an expensive one. I have contemplated that it must necessarily be so. But when it has been in operation for only a short period of time, and has worked so expensively, I think the friends of that system ought not to ask that too much shall be embarked in it at the beginning. There is great danger that the system will break down under the weight which it thus accumulates on its shoulders, and fall before it has a fair chance of proving its efficacy. We thought, therefore, that the sum of \$100,000 was as much as could profitably be expended there in carrying out this experiment; for it has, as yet, been developed only on a small scale.

At present, out of five reservations which Congress authorized to be selected by the superintendent, only one is in operation; and upon that he has congregated, and gives employment and protection to about twenty-three thousand Indians. It will be recollected that the population of Indians in California has been estimated as high as one hundred thousand souls. If, therefore, the experiment, successful as it may be to the extent of twenty-three thousand Indians, is to be carried out at the same expensive ratio for one hundred

thousand, it is easy to see that the coffers of our Treasury, large as they are now, will not be able to stand the successful completion of this experiment in regard to the whole Indian population of California.

We have provided, however, in the amendment, an additional fund of \$25,000, for the purpose of enabling the superintendent of Indian affairs in California, to extinguish conflicting private claims to some of the reservations which have been selected, provided the Government of the United States can obtain a good title by purchase; and the State of California shall, by the necessary acts of cession, give the United States Government jurisdiction over these grants. I have stated that, if it be the sense of the Senate that a larger amount is necessary to carry out this experiment, I shall have no hesitation in agreeing to it; but the amount named in the amendment was all that the committee, under the present circumstances of the case, were willing to sanction.

Mr. GWIN. I think the whole form of this proposition should be changed. I propose to strike out the whole of the amendment after the statement of the amount, and increase that amount as recommended by my colleague, and add the words "and to preserve peace with the Indian tribes within that State;" so as to make the amendment read:

"For removal and subsistence of Indians in California, and to preserve peace with the Indian tribes within that State, \$200,000."

I move, however, now, if it be in order, to strike out all of the amendment after the statement of the sum.

This policy of Indian reservations is a new one. It has been tried for the first time, I believe, in the State of California; and the people are very much opposed to having these Indians constantly on military reservations within their borders. It is a new policy. There are doubts as to whether there is any power on the part of the General Government to reserve large tracts of land in one of the States of this Confederacy, for the purpose of concentrating Indian tribes within its limits. I think the proper course for us is to make an appropriation, according to the estimate of the Indian Department, of \$200,000, for the purpose of continuing the removal and subsistence of the Indians, and preserving peace with the Indian tribes within that State.

Mr. President, the most hostile Indians in our State are those in the northern section; and they have never received any of the benefits of these appropriations. The superintendent of Indian affairs has never yet gone to the extreme northern section of the State, where the Indians are most hostile. It is well known that if you feed them they will not fight. Their hunting-grounds have been taken possession of by the citizens of California, and they are in a state of starvation; but if we make appropriations by which these Indians can, in certain seasons of the year, be supplied with beef, through the superintendent of Indian affairs, we can preserve peace there. For the present, I think we had better merely make an appropriation for their removal and subsistence; because, if some of these Indians are willing to remove outside of the borders of the State, the superintendent ought to have power to remove them; but I do not think the present policy should be pursued further until we ascertain that it is a useful policy. I do not think it is. I think it is very doubtful whether we have a right to build up military reservations of this sort in the heart of any State of this Confederacy. I am sure the people of California have given indications of opposition to it; and I do not think they will ever consent to cede jurisdiction. Therefore, I wish this proposition to be "simply for the removal and subsistence of the Indians in California, and for preserving peace with the Indian tribes."

Mr. WALKER. I was not aware before that the Senators from California had any objection, or made any opposition, to the experiment which has been attempted in California. I think, sir, that there can be no doubt, from the position taken by the Senator from California, [Mr. GWIN], that if that State shall object to the acquisition within her borders, by the United States, of these reservations, the Government will not have the power to make them. I understood, however, at the inception of this scheme, that it was advocated by

the Senators from California; but I may be mistaken in that.

Mr. GWIN. The Senator will permit me to say that it originated with the superintendent of Indian affairs, and the military commander of the Pacific division—General Hitchcock. It was brought forward by them, presented to the Committee on Indian Affairs, and by the committee brought before the Senate. I do not believe that my colleague and myself recommended it at first.

Mr. WALKER. I did not say that the Senators recommended it, but I understood at the time that it was done with their acquiescence.

Mr. GWIN. It seemed to me that it might possibly be a good plan to settle the difficulties in that State.

Mr. WALKER. I was about to remark, that I understood it was undertaken with the acquiescence, at all events, of the Senators from California. The only doubt that I had about the matter at the time was, whether, when the citizens of California came to look at it, they would not object to it. I do not wonder that they did object. I regret to find that they are objecting; but it does not surprise me. I regret it, because I believe some such policy as this is the last hope which the country has of properly arranging and settling our Indian relations. But, sir, the Government certainly must feel itself powerless. It cannot go against the consent of a State within its geographical and jurisdictional limits, and there settle down the Indians upon reservations. I think it would require the express assent of the State, given through the supreme power of the State, to enable the Government to do what it has been proposed to do here. In one instance, in Wisconsin, that assent has been given by the Legislature of the State, as regards the location within its borders of the Menominee nation of Indians. But what are we to do? Certainly, with the information before us, we cannot do what the Committee on Indian Affairs recommend, in which recommendation I cordially acquiesced. The committee are evidently thrown off their position, and the Senate ought not, in compliance with their recommendation, to make the appropriation in the form proposed; for when the Senators from that State tell us that there are arising in that State, serious objections to this policy, it certainly is futile for the Government to attempt it.

But it is proposed by one of the Senators from California, [Mr. GWIN], to make this a general appropriation for removal and subsistence, and for maintaining peace with the Indian tribes in that State. These objects are, a part of them, very desirable, and another part absolutely necessary, I presume; but we are without information in regard to them. We have not the necessary information from the proper department of the Government. The appropriate committee of the Senate have not had the subject under consideration at all. They have not had an opportunity to investigate it, much less to consider it on any information derived from the proper department of the Government. It seems to me, from all that I can see now, that we are left without the ability to do anything, until we can have some consultation with the department, and know what it would say under this changed view of the subject.

Mr. WELLER. Mr. President, the only difficulty that is presented to my mind, is as to the constitutional power of this Government to make these reservations. I have, from the outset, entertained the opinion—and I avowed it at the last session of Congress—that, in my judgment, this was the only practicable way of preserving the Indians of California from destruction; but, it is true, a considerable portion of the population of California have been opposed to these reservations. My views have been honestly entertained and fearlessly expressed. To protect the people, and at the same time preserve the Indians from extermination, has been the leading object with me.

Now, sir, if the superintendent of Indian affairs in that State has not made a return of the expenditure of the appropriation made at the last session of Congress, I apprehend it is the duty of the Department to compel him to do so; and if he has not discharged his duty, I apprehend there is an obligation resting on the Department to remove him, and appoint some person who will give a faithful account of the expenditures. The delay may be unavoidable, as I have no doubt the incumbent will be able to account for all public money

which may have been entrusted to him. It is, therefore, no objection to the proposed appropriation to carry out the plan adopted by Congress, to affirm that the superintendent has not made a return to the Department of the moneys which have been entrusted to his care. There may be reasons for the delay easily explained.

But, sir, the power of the Federal Government to go into a State to make these reservations may very well be doubted. The phraseology of the Constitution is that Congress shall have power "to exercise exclusive legislation in all cases whatsoever" over the district ceded for the purpose of locating the seat of Government, "and to exercise like authority over all places purchased by consent of the Legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." If the Federal Government possesses the power at all, it is by virtue of the authority which it has to establish military posts. There is no limitation upon the power of the Federal Government in going into a State and establishing a military post, for the purpose of protecting the inhabitants against the Indians. If it has the power, then, to establish a military post on the frontier, and if it should be necessary to make that post so large as to bring the Indians down upon that reservation, and thus not only protect the Indians, but at the same time protect the people from their incursions, I presume that then it has the power. I do not believe the Federal Government possesses the power to make these reservations, and exercise exclusive jurisdiction over them, without the assent of the State, and hence I desire that the consent of the Legislature should be obtained before they are made. The State, in the exercise of its sovereignty, must determine this question. No State will be willing to concede the right to the Federal Government to go within its limits and exercise exclusive jurisdiction over any portion of its territory.

Sir, last fall, when the superintendent of Indian affairs in California was involved in difficulty in the execution of the act of Congress, he called upon the Representatives from that State for their written opinion upon the subject. I hold in my hand the answer which I wrote him at that time, and which was submitted to the Department of Indian Affairs. In that letter I said:

"I should regret very much to find that you were unable to execute the act of Congress passed on the 3d March last. The plan contemplated by that law is, in my opinion, the only practicable one for preserving the Indians of this State from destruction. Unless they can be gathered together, and placed under military protection, we shall have a bloody war, which will result in the extermination of the race. The Indians should be withdrawn, as much as possible, from the white population, and taught to rely upon their own labor and industry for their support. The supplies which nature has heretofore furnished them will soon be cut off, and an attempt to sustain them otherwise than through their own labor would be impolitic.

"It is well known to you that whilst the plan you are endeavoring to carry out received my warm support, yet I was utterly opposed to making the reservations as large as they are now authorized by law. Whilst we have some of the richest agricultural lands in the Union, the fact cannot be disguised that we have a large body of land in this State which cannot be cultivated. The greater portion of our population are engaged in commerce and mining. They are consumers; and in order to feed them, all our agricultural lands should be put under cultivation. We should not depend upon other States, or foreign countries, for our bread-stuffs. If five reservations are made in this State, and to the extent authorized by law, great injustice will be done to our citizens; withheld, for the use of the Indians, one hundred and twenty-five thousand acres of agricultural land, and a serious blow will be struck at the farming interests of this State. Such a policy would be unwise in every particular; no reservation, in my judgment, should be made containing more than eight thousand acres. In each of them you could readily find a sufficient quantity of land susceptible of cultivation to produce enough to sustain five thousand Indians; and this, I apprehend, will be as many as you can assemble or settle upon any one of your reservations."

I have never believed that it would be possible for the superintendent of Indian affairs to concentrate more than twenty or twenty-five thousand Indians upon these reservations, and they would be generally those who were attached, in the olden time, to the missions, and who have been christianized and civilized, to a certain extent, through the influence of the Catholic church. If the consent of the Legislature can be obtained, I am unwilling to abandon this plan; it may be an expensive one, but in the end it will be found to be an economical one. It will save an immense amount of money that the State would otherwise be compelled to expend in affording protection to her people against the outrages of the Indians. If

they can be concentrated in these reservations; if they can be taught to rely upon their own labor for subsistence, as I believe they can, to a very considerable extent, you will have effected more than has been done in any other State of this Confederacy. It is because I am unwilling to have these Indians exterminated, as I know they must be unless this policy can be carried out, that I am anxious to have it continued; at all events, the experiment should be fairly tested. I hold, therefore, that it is simply a question of whether you will fully test this experiment by making the necessary appropriations in order to protect the Indians, as well as to protect our citizens; or whether you will say to all who are so disposed, "you must seek protection for your lives and property in the extermination of these Indians." If we make no provision for them, and hunger compels them to steal for a subsistence, our people must protect themselves. This they will do. Then we shall hear the charge of inhumanity and barbarity preferred against our citizens.

Mr. President, I have no local feeling in regard to this matter at all. I am actuated by no other consideration than a desire to soften the blow which necessity will compel us to inflict upon these Indians. Their extermination in the end is inevitable. It is a mere question of time. They must finally disappear before the onward march of the white man; but in the meanwhile humanity demands that you should, as far as possible, lighten the blow. This plan, therefore, received the sanction of my judgment; and I propose, at the proper time, to offer a proposition to limit the extent of the reservations, in accordance with the suggestions made in the letter to which I have just referred, that they shall not exceed eight thousand acres, instead of twenty-five thousand acres, as now allowed. There is no necessity for making more than two or three reservations, at the outside, in the State of California. The others could be made in Utah and New Mexico. The great body of our agricultural lands are demanded by the wants and necessities of our own people.

Mr. GWIN. Mr. President, it is perfectly evident that we can find no place for the Indians of California in the Territories referred to, without infringing on the rights of some of the citizens of the United States. In Utah and New Mexico, they have earnestly protested against removing the Indians within the borders of the State of California to those Territories. The idea of removing them to Oregon has met with a similar protest there. We are bound by treaty not to drive those Indians into Mexican territory. Then it is absolutely necessary to make some provision for them within the State of California, unless we infringe on the rights of citizens of the United States within the Territories, which are not represented here. I am not disposed, so far as I am concerned, to urge the removal of these Indians into those Territories, as at present advised.

It seems to me, sir, that while there is a doubt, we have no right to force upon the State of California a policy offensive to the people of that State—the policy of colonizing the Indians in military reservations within the State; and all that we can do for the present is to preserve peace between the Indians and the people of California. That can only be done, as I believe, by giving the Indians such sustenance as is indispensable to preserve life, and without which they will rob the white citizens there, and bring on wars between the whites and the Indians.

I was very much struck with this policy when it was first presented, but the difficulties have increased since. As my colleague has stated, he agreed to the recommendation of the superintendent of Indian affairs. I also did, to a certain extent, and that was as to the necessity of getting reservations in the southern section of the State, where the Indians could not be surrounded by white population. I thought that if the reservations were made in the midst of the white population, it would be impossible to preserve them from depredation. I believe the true policy in regard to the Indians in California, is to sustain them for the present, to have an energetic and active superintendent of Indian affairs, who will have means to sustain these Indians when they are suffering for the want of something to eat, as they must do in the severity of the winter season; and leave the future to develop what is to become of them. I am afraid the prediction of my col-

league as to the ultimate fate of the tribes in California, will be fully realized. It is well known that they cannot live near the whites without leading to collision. There may be some point developed hereafter, east of the Sierra Nevada, within the limits of the State, where the Indians may be concentrated. I have read a debate which recently occurred in the Legislature of California, in which one of the representatives in that body stated that he had explored a country east of the Sierra Nevada, where the Indians could be concentrated, and be entirely out of the reach of the white population. I do not know whether this is correct, or not; but, in the mean time, it is our duty to make an appropriation of at least \$200,000 for the purpose of preserving peace between the Indians and the whites. I think that is as far as we should go at the present time.

In regard to the reservations, I think we had better have some information as to whether the State of California will relinquish her jurisdiction before we fix, by act of Congress, the policy of continuing them. The Indians who have been concentrated already at one of them (and but one has been established) will not be disturbed. I think, therefore, it would be better to limit the appropriation "for continuing removal and subsistence," and let others be removed to the same locality, where they are out of the reach of the white population; and let it be also "to preserve peace between the whites and the Indians," as I have suggested.

Mr. HUNTER. Mr. President, this seems to me to be a subject of considerable difficulty. I believe there is a good deal in the objections suggested by the Senator from California, [Mr. WELLER,] in regard to our right to accept the cession of exclusive jurisdiction over these reservations within the limits of a State. That is a question of some doubt. It is manifest, too, that it is impossible that we can carry out this policy, even if we should believe that we had the power, without the consent of California; and it seems doubtful, from what we hear from her Senators, whether that consent will be given. Under these circumstances, therefore, it seems to me that whatever appropriation we make should be given to be used at the discretion of the Department, restricting it to removal, subsistence, and, I would add, settlement, for it may be that some mode of carrying out these reservations may be discovered that will prove acceptable to the State and the Indians. In my State, and not far from my home, there is still an Indian tribe, which holds its lands under charter from the State, governed by trustees. This was the old policy of Virginia. It may be that the State of California, and other States in which Indians are situated, may resort to some expedient of this sort; and when they do so, it may be that we can aid them with these appropriations. At present, as it is entirely doubtful what is best to be done, it seems to me, whatever appropriation we make, should be at the discretion of the Department; and therefore I would not make it too large, especially as I understand there is a large balance in the hands of the Superintendent which has not yet been accounted for. I understand the Department does not know where it is. It has not been accounted for.

Under these circumstances, I should be reluctant to go further than the Committee on Indian Affairs have gone; and the sum they propose I would leave to the discretion of the Department, to be expended for the removal, subsistence, or settlement of the Indians, I would say; because if it should turn out to be practicable to make these reservations, I am inclined to think it is the best, most economical, and humane mode of disposing of the Indians. If it can be done, I am inclined to think it is the best thing that can be done; but in the doubt which surrounds the whole subject, I do not see that anything better can be done than to leave it to the discretion of the Department.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The first question is on the amendment to the amendment, to strike out "125," and insert "200."

Mr. HUNTER. In regard to that, I do not think that I should be willing to increase the sum under present circumstances.

Mr. GWIN. Two hundred thousand dollars is the estimate of the Department. I am willing to leave the expenditure of the money precisely as the Senator from Virginia says—with the Department. The estimate of the superintendent of Indian

affairs was \$500,000; the Department, in its judgment, thought best to limit it to \$300,000. I am entirely willing to leave it to the head of the Department, as the Senator suggests; but certainly, if there are one half of the Indians reported to be there—the superintendent reports one hundred thousand, which is one fourth of the Indians within the whole territory of the United States—it is utterly impossible for the superintendent to do anything beneficial to them with so small a sum. If we leave it entirely to the discretion of the Secretary of the Interior, it seems to me we should give him the power for which he has estimated.

Mr. WALKER. I regret that the chairman of the Committee on Indian Affairs has been compelled to leave the Senate Chamber just at this particular moment; for as he had this matter more particularly under his charge, the other members of the committee are not prepared to speak to it so definitely. I wish, however, to remark that I cannot see the necessity of appropriating the amount recommended by the Secretary of the Interior, and for this reason: There is yet unaccounted for, if I remember aright, about \$180,000, in the hands of the superintendent of Indian affairs of California. Now, it is proposed by the committee to appropriate \$125,000 more, making about \$300,000. The question for us to decide is, not how much we shall ultimately appropriate for the protection and subsistence of the large number of Indians in California, but how much we shall appropriate for the coming fiscal year. The present fiscal year will soon expire, and, for aught we know, there may be of the appropriation made for this fiscal year a large balance yet remaining. We are acting in the dark in making these large appropriations. I think the Committee on Indian Affairs have recommended the largest sums that prudence would dictate, until we have some account of what has become of the money already appropriated. I feel confident that the Superintendent will not be able to appropriate and expend profitably for the Government, before the end of the next fiscal year, an amount exceeding that now in his hands, and this sum of \$125,000, making \$305,000 in all. So that I think, with this view of the subject, the Senate must be impressed with the belief that the appropriation for the fiscal year will be large enough when we have appropriated this sum of \$125,000.

Mr. WELLER. Mr. President—

Mr. SLIDELL. I would suggest to the Senator from California the propriety of postponing the further consideration of the subject until to-morrow.

Mr. WELLER. I shall not interfere with that suggestion, but I wish simply to remark, in answer to the Senator from Wisconsin, that a large portion of the expenses necessary to carry out the plan, was necessarily incurred in the first year. They had to purchase stock—

Mr. WALKER. Will the Senator allow me a word?

Mr. WELLER. Certainly.

Mr. WALKER. I am not making any opposition at all to this policy. For my own part, as I remarked before, I think it is the last hope the Government has of reconciling its relations with the Indians; and I should regret most exceedingly to see it broken up by the action of California. It is only a question of prudence as to the amount which we shall appropriate for the fiscal year.

Mr. WELLER. Entertaining the opinions which I have expressed in regard to the practicability of this plan, and its being the only one which, in my opinion, will preserve these Indians from extermination, I am anxious that the responsibility should be thrown upon the Legislature of California. If they are disposed to break down what I conceive to be the only practicable way of preserving the Indians; if they prefer to throw them back dependent on the mere mercy of the settlers there, let them say so, and I shall abandon it, of course, at once. I have heretofore defended it as the only practicable way. If those who are the immediate representatives of the people of the State of California do not see proper to give the consent of that State to the reservations, as a matter of course the Government will be saved the trouble of making any future appropriations, and the time will very speedily come when there will be no Indians there. I propose, therefore, that, by the unanimous consent of the Senate, this amendment be withdrawn for the

present, to be renewed hereafter when the chairman of the Committee on Indian Affairs may be here.

Mr. HUNTER. That is not necessary. Let the Senator move to postpone the bill until to-morrow.

Mr. WELLER. I move to postpone its further consideration until one o'clock to-morrow. The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. SLIDELL, The Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, May 1, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICKER.

The Journal of Friday was read and approved.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting, in compliance with a resolution of the House of Representatives of the 5th instant, estimates, prepared from the muster-rolls and vouchers filed in the War Department, principally by the Delegate in Congress from the Territory of Oregon, showing the amount of claims for services of volunteers, and for supplies furnished for their use in suppressing Indian hostilities in the Rogue River Valley, in that Territory.

On motion, by Mr. HOUSTON, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled, the following bills; which thereupon received the signature of the Speaker:

An act for the relief of Grafton Baker; and

A joint resolution authorizing the accounting officers of the Treasury to adjust the expenses of the commissioners appointed by the Territorial Assembly of Oregon to prepare a code of laws; and also, to adjust the expenses of collecting and printing certain laws and archives of the Territory of Oregon.

ROADS IN NEW MEXICO.

The SPEAKER. The first business before the House, under the special order, is the question upon the passage of the bill for the construction of certain roads in the Territory of New Mexico, which was ordered to be, and which was read the third time; and the question being upon its passage, the yeas and nays were ordered.

Mr. HOUSTON. I rise to a privileged question. I understand from the Delegate from Oregon [Mr. LANE] that the bill to which the estimates laid before the House this morning refers, has been already referred to the Committee on Military Affairs. I therefore propose to reconsider the vote by which the estimates were referred to the Committee of Ways and Means, so that they may be sent to the same committee to which the bill was referred.

The SPEAKER. Is it the unanimous wish of the House that the suggestion of the gentleman from Alabama [Mr. HOUSTON] be followed in reference to this bill? If not objected to, that order will be made without the formality of going through a reconsideration.

PROTECTION ON THE NEW JERSEY COAST.

Mr. SKELTON. I ask the unanimous consent of the House to introduce a bill for the better protection of life and property on the New Jersey coast from shipwreck. The recent disasters upon our coast fully demonstrate the necessity of action upon this subject on the part of the House.

Mr. RICHARDSON. I object, as the gentleman from New Jersey [Mr. SKELTON] took occasion, when I sought to introduce a similar proposition, to make objection.

Mr. SKELTON. The gentleman from Illinois [Mr. RICHARDSON] is mistaken.

Mr. RICHARDSON. I have sought an opportunity to repay the gentleman for some time, and I now repay him.

Mr. SKELTON. I move a suspension of the rules, for the purpose of enabling me to introduce the resolution indicated by me.

The SPEAKER. Under a suspension of the

rules, this day was set apart as a special order for the consideration of territorial business; and it is not in order to move to suspend the rules, unless the object be to reconsider the steps taken by the House with regard to the special order.

Mr. COBB. Is it not in order to have the committees called upon for reports?

The SPEAKER. If there be no further territorial business, and the House are not disposed to go into the Committee of the Whole on the state of the Union, the Chair would state that it would be in order to call upon committees for reports.

THE ATMOSPHERIC TELEGRAPH.

Mr. BANKS. Mr. Speaker, I am intrusted with the memorial of a citizen of the State which I in part represent—James S. Richardson—the inventor of the atmospheric telegraph, who asks the aid of the Government to enable him to make an experimental demonstration of the efficacy of that machine for the instantaneous transmission of letters, packages, and mails. As there seems to be no one standing committee of the House to which this subject of inquiry is more appropriate than another, I ask the unanimous consent of the House for the introduction of the following resolution, making a reference of the matter to a select committee:

Resolved, That the memorial of James S. Richardson, the inventor of the atmospheric telegraph, asking aid of the Government for the purpose of testing, on an extensive scale, the efficacy of the invention for the rapid transmission of packages, letters, mails, &c., be referred to a select committee.

Mr. JONES, of Tennessee. Mr. Speaker, I do not think it is necessary to trouble the House with the resolution.

The SPEAKER. It will then be received and referred under the rule.

Mr. BANKS. But the gentleman from Tennessee will see that this is a subject which is not more appropriate to any one standing committee of the House than to any other.

Mr. JONES. I do not think it appropriate to any committee. I do not think that this House has anything to do with inventions. This Government was not organized for the purpose of making experiments with new inventions.

The SPEAKER. There being objection, the introduction of the resolution is not in order.

TERRITORIAL BUSINESS.

Mr. FARLEY. Mr. Speaker, is it in order to move that the House do now resolve itself into the Committee of the Whole, for the purpose of taking up the special order?

The SPEAKER. That is the business specially in order.

Mr. FARLEY. Then I move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. I hope the gentleman from Maine [Mr. FARLEY] will withdraw his motion, to allow me to call for the special order.

Mr. FARLEY. I withdraw my motion for that purpose.

ROADS IN NEW MEXICO.

Mr. RICHARDSON. I now demand the special order, which is, I believe, the vote upon the passage of a bill for the construction of roads in the Territory of New Mexico.

The bill was accordingly read by its title, as follows:

"Bill for the construction of certain roads in the Territory of New Mexico."

Mr. HAMILTON. Were not the yeas and nays ordered on the passage of this bill?

The SPEAKER. Such is the case. On the passage of this bill the yeas and nays were ordered.

The bill was then read, *in extenso*, by the Clerk. Mr. HAVEN. Mr. Speaker, have we gone so far in the consideration of this bill as to order the yeas and nays?

The SPEAKER. The yeas and nays were ordered.

Mr. HAVEN. I recollect having the impression on my mind that I intended to move to strike out the second appropriation of \$12,000—that is, as much of the bill as authorizes the sinking of wells along the road.

The SPEAKER. On the 7th day of March last this bill was under consideration; and then it was ordered to be read, and was read a third time; and the yeas and nays were ordered on its passage, when the House adjourned.

Mr. HAVEN. I certainly had it on my mind that I intended to move to strike out the latter portion of the second clause, allowing the sinking of wells.

Mr. PHILLIPS. When I had occasion to trespass on the House on this subject, when the bill came before the House, I read a letter from Mr. Sumner, who is intrusted with this bureau, showing the propriety of this appropriation.

Mr. HAVEN. I recollect the fact, but that does not meet the point at which I was aiming. I thought it unauthorized to dig wells along the line of these roads.

Mr. PHILLIPS. The fact was then stated to the House, that the roads in this country pass over deserts, and wells are as necessary there as the roads themselves, because such roads could not be used unless there be artificial means of supplying water.

Mr. HAVEN. I think we might as well authorize public houses to be built.

The question was then taken; and decided in the affirmative—yeas 73, nays 59; as follows:

YEAS.—Messrs. James C. Allen, Appleton, Ball, Banks, Benson, Breckinridge, Campbell, Carpenter, Chrisman, Clark, Clingman, Cook, Corwin, Curtis, Cutting, Dickinson, Disney, Dunbar, Eddy, Edmunds, Thomas D. Eliot, Ellison, Farley, Fenton, Flager, Franklin, Green, Greenwood, Aaron Harlan, Sampson W. Harris, Harrison, Henn, Hiester, Howe, Hughes, Ingersoll, Johnson, McDougall, Mace, Middleswarth, John G. Miller, Smith Mill, Olds, Mordecai Oliver, Orr, Parker, Peckham, Pennington, John Perkins, Phillips, Reese, Richardson, Riddle, David Ritchie, Sabin, Sapp, Seymour, Gerrit Smith, William Smith, Alexander H. Stephens, Horst L. Stevens, Stratton, John L. Taylor, Thurston, Upham, Wade, Walbridge, Warren, Elihu B. Washburne, Wells, John Wentworth, and Hendrick B. Wright—73.

NAYS.—Messrs. David J. Bailey, Belcher, Boyce, Brooks, Caskie, Churchwell, Cobb, Colquitt, Cox, Cullom, John G. Davis, Dowdell, Dunham, Eastman, Edgerton, Edmundson, Giddings, Goode, Grow, Hamilton, Haven, Hendricks, Hibbard, Houston, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kerr, Kittredge, Knox, Kurtz, Letcher, Lilly, McCulloch, McNair, Matteson, Maurice, Milson, Murray, Bishop Perkins, Powell, Pratt, Ready, Robbins, Rogers, Ruffin, Seward, Shaw, Skelton, Snodgrass, Richard H. Stanton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Tracy, Vail, Vansant, Wheeler, Daniel B. Wright, and Zollicoffer—59.

So the bill was passed.

The title of the bill was then read a third time: An act for the construction of certain roads in the Territory of New Mexico.

Mr. PHILLIPS. I move to amend the title by inserting the word "military" before the word "roads."

Mr. HAVEN. I move to amend the amendment by inserting the words "and wells" after the word "roads," so that it shall read "An act for the construction of certain military roads and wells in the Territory of New Mexico."

The question was then put upon the adoption of the amendment to the amendment.

Mr. PHILLIPS called for the yeas and nays upon the motion.

Mr. SMITH, of Virginia. I rise to a point of order. Is it in order to call for the yeas and nays after the decision of the Chair has been announced upon the vote?

The SPEAKER. The Chair had not announced the decision, and the yeas and nays were demanded in time.

Mr. PHELPS. I hope the gentleman from Alabama [Mr. PHILLIPS] will withdraw his call for the yeas and nays, and let us ascertain the result by a simple division.

Mr. PHILLIPS. I withdraw the demand, and ask for a division.

The question was again put; and, on a division, sixty-three rose in the affirmative.

Mr. ORR. I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and CHURCHWELL, were appointed.

The question was again put; and the tellers reported—ayes 82, noes 49.

So the amendment to the amendment was agreed to.

The question then recurred on the title, as amended; and it was agreed to.

Mr. PECKHAM. I would inquire of the Chair whether a resolution calling for information in regard to Territories is now in order?

The SPEAKER. The Chair thinks that it would not be in order. It would not be in order under the special order of the House.

ROGUE RIVER INDIAN WAR.

Mr. BISSELL, from the Committee on Military

Affairs, reported a bill; which was read a first and second time by its title, as follows, and referred to the Committee of the Whole on the state of the Union:

A bill to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war.

MILITARY ROAD IN OREGON.

Mr. BISSELL, from the same committee, reported back without amendment, House bill (No. 119) "to provide for the continuation of the military road from Myrtle creek to Scottsburg, in Oregon Territory;" which was referred to the Committee of the Whole on the state of the Union.

RIGHTS OF NEUTRALS.

Mr. BAYLY, of Virginia. I ask the unanimous consent of the House—I know that it cannot be done except by unanimous consent—to offer resolutions from the Committee on Foreign Affairs requesting information only.

The SPEAKER. They will be read for information.

The resolutions were read by the Clerk, as follows:

Resolved, That the President be, and he is hereby, requested to communicate to this House, as far as, in his opinion, it may not be incompatible with the public interest, copies of all correspondence which has passed between this Government and foreign Governments on the subject, accorded by declaration or otherwise, to neutrals, and the rights claimed by belligerents in the war pending between certain European Powers.

Resolved, That the President be also requested to communicate to this House, as far as, in his opinion, may not be incompatible with the public interest, copies of such instructions as have been furnished by the Department of State to our representatives abroad, in relation to the Island of Cuba, as well as all such dispatches as have been received from said representatives by the Department of State.

The SPEAKER. If there be no objection, the question will be on the adoption of the resolutions.

There was no objection.

The question was then taken; and the resolutions were adopted.

TERRITORIAL BUSINESS AGAIN.

Mr. LETCHER. I would inquire whether the bills which have been reported this morning by the chairman of the Committee on Military Affairs [Mr. BISSELL] are to be acted on this week, in the disposition of territorial business?

Mr. BISSELL. I can only say to the gentleman that such is the hope of the committee.

Mr. LETCHER. Then I hope that the bills will be printed. Nobody here knows anything about them except the gentleman and the members of the Military Committee.

Mr. BISSELL. I will say to the gentleman that there is no sort of objection on the part of the committee to having them printed. They are short bills, and the time during which they are to be acted on is not long. Therefore we thought that it would not, perhaps, be necessary to have them printed.

The SPEAKER. If not objected to, the usual order will be made for the printing of the bills referred to.

There was no objection; and it was ordered accordingly.

Mr. FARLEY. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of territorial business.

The SPEAKER. The Chair would suggest to the gentleman from Maine the propriety of referring a single territorial bill, which is upon the Speaker's table, before his motion is acted on.

Mr. FARLEY. I will withdraw it until that bill is referred.

Mr. CLINGMAN. I move to reconsider the vote by which the resolutions of the gentleman from Virginia [Mr. BAYLY] were adopted, and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

A bill of the following title was then taken from the Speaker's table, read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union:

An act to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes.

Mr. FARLEY. I now renew my motion.

Mr. RICHARDSON. I hope the gentleman from Maine will withdraw that motion till the com-

mittees have an opportunity to report all the territorial bills which are ready, that we may get them upon the Calendar.

Mr. FARLEY. I will withdraw it, if there are any more territorial bills to be reported.

Mr. BISSELL. I desire to report two more bills of a territorial character from the Committee on Military Affairs; and ask that they may take the same direction as those which I reported just now.

Mr. B., from the Committee on Military Affairs, then reported bills of the following titles; which were read a first and second time by their respective titles, and referred to the Committee of the Whole on the state of the Union:

A bill to provide for the construction of a military road in the Territory of Utah; and

A bill to refund to the Territory of Utah the expenses incurred in suppressing Indian hostilities.

Mr. FARLEY. I now renew my motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair.)

The CHAIRMAN. The bill first in order for consideration is House bill No. 164, "making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department."

The bill was then read through by the Clerk.

The CHAIRMAN. An amendment is reported by the committee to strike out all of the bill after the enacting clause, and insert the following:

That the following sums of money be, and they are hereby, appropriated for continuing the construction of roads in the Territory of Minnesota, to wit:

For the continuation of the road from Point Douglas, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, \$20,000.

For the continuation of the road from Point Douglas to Fort Gaines, now Fort Ripley, \$10,000.

For the continuation of the road from the mouth of Swan river to the Winnebago agency, \$5,000.

For the continuation of the road from Wabashaw to Mendota \$15,000.

The continuation of the construction of said roads to be made under the direction of the Secretary of War, pursuant to contracts to be made by him, or under his direction: *Provided*, That so much of any former acts as require the first-mentioned road to terminate at the falls or rapids of said St. Louis river, are hereby repealed.

The CHAIRMAN. In the month of March last we had under consideration, in the Committee of the Whole on the state of the Union, territorial business. At that time a question of order was raised as to what latitude of discussion could be allowed when a special order was under consideration. The present occupant of the Chair then ruled that, under the order of the House, he would be compelled to restrict debate to the bill under consideration. In that decision the committee then acquiesced. The Chair feels it his duty to make this statement now in advance of any discussion, so that gentlemen of the committee may be aware of the decision of the Chair, which was sustained on a former occasion.

Mr. FARLEY. With the indulgence of the committee, I will endeavor to explain the reasons which induced the Committee on Territories to report this bill back to the House with a recommendation that it do pass. There are four roads named in the bill, which are all of a military character, necessary for the convenience of the Government in the transportation of troops and military stores, and necessary also for the protection of settlers in that section of the country, which, it is well known to the committee, is quite new.

The bill now under consideration proposes to make an appropriation for the continuation of the construction of these roads. The first appropriation made by Congress for their construction was in July, 1850; and a further appropriation for the same purpose was also made in January, 1853. The appropriation made in July, 1850, amounted in the aggregate to the sum of \$35,000; and the appropriation of January, 1853, amounted in the aggregate to the sum of \$40,000. It is now apparent, as exhibited by the estimates coming from the Topographical Bureau, under the direction of the Secretary of War, that further appropriations are necessary, amounting in the aggregate to the sum of \$50,000. If gentlemen will turn to the

third volume of the documents accompanying the President's message, they will find on pages four and five that the sums named in the bill are there recommended to be appropriated by this Congress. And in a letter addressed to the Delegate from Minnesota, by the Colonel of the Bureau of Topographical Engineers, the opinion is expressed that these sums named in the bill are the sums which can be judiciously expended during the present year. The committee will find, also, on pages twenty-eight and twenty-nine of the same document, a letter from J. H. Simpson, of the Corps of Civil Engineers, dated St. Paul, September 17, 1853, stating the progress that has been made in the construction of these roads.

In accordance with the report of the bureau, a bill has been drawn, and the sums recommended in that report are embraced in the bill; so that, in addition to the sums which have been already appropriated, including the sums which, by this bill, are proposed to be appropriated, the whole expenditure thus far will amount to \$125,000. The estimates for the building of these four roads amount in the aggregate to the sum of \$189,114. As I before said, the sums which have been already expended, with those which it is now proposed to appropriate, will amount to \$125,000. And this will leave the sum of \$64,000 to be appropriated hereafter, which amount will—as I understand, from the best information I can obtain—complete the roads.

And I would now call the attention of the committee to the fact, that this is not a new project, but is merely a proposition to continue the construction of roads that have been already commenced. There are one or two amendments proposed by the committee to which I also wish to call the attention of members. The first of these amendments is in relation to the termination of the road which commences at Point Douglas, and leads to the falls or rapids of the St. Louis river of Lake Superior. The former appropriations required the road to terminate at the falls or rapids of the St. Louis river; but it is now proposed to change the road, and instead of having its termination at that point, to have its termination at the mouth of said river, at its connection with Lake Superior.

The reasons of this change, are these: If the road terminated at the falls or rapids of the St. Louis river, it would not terminate at good navigation, and would involve the necessity of transportation around the falls of the St. Louis river. If, on the contrary, the terminus is at Lake Superior, then the road terminates at good navigation, and saves the cost and trouble of transportation around the falls, and will be of great convenience to that section of the country, which is rapidly becoming settled. There is another fact in favor of this change of termination. It is this: that the lands in the neighborhood of Lake Superior, where it is proposed, by the amendment, to have the road terminate, have been reserved by the President of the United States for military purposes. This is the most important amendment that has been proposed, and it meets, as I understand, with the approbation of the settlers in that section of the country, and with the approbation of the officers of the Government here, who have given the matter investigation and consideration. I will state that all of these roads are of a military character. The one from Point Douglas to Fort Gaines is necessary for the convenience of the Government, because it terminates near to the Chippewa agency. The one from the mouth of the Swan river terminates at an important point near the Winnebago agency. The road from Wabashaw to Mendota is also a military road, which will be of great convenience to the Government.

I will detain this committee but for a few moments longer, principally for the purpose of reading a short letter from the civil engineer at Minnesota, Mr. Emerson, which he addressed to the Delegate from that Territory, explanatory of the reasons for the change of location of the first named road. He says:

ST. PAUL, MINNESOTA, December 28, 1853.

SIR: Having been engaged for the last three years upon the survey of Government roads in this Territory as a civil engineer, I wish, respectfully, to recommend to you a change in the terminus of the Point Douglas and St. Louis river road.

This road is now surveyed, and located on the St. Louis river, above navigation on Lake Superior, and cannot be approached from the lake without going into the Indian country.

There is no advantage whatever to be derived from its present location on this river; whereas, if it should be changed, so as to run to the mouth of the St. Louis river, it would terminate at a good harbor on that lake, and be of great advantage to the many settlers who will soon be upon the borders of this lake.

I have no doubt but what the expense of making the road would be much less on the proposed route than as now located.

Very respectfully, your obedient servant,

C. L. EMERSON, Civil Engineer.

Hon. H. M. Rice, M. C.

I do not know that there are any other facts, having a bearing upon this matter, which need be stated; and I will simply say, in conclusion, that, from the investigation which I have given to the subject, I have become perfectly satisfied of the correctness of the provisions of the bill.

Mr. LETCHER. I hope the gentleman will retain the floor for a few moments, until I can propound to him a question or two for information. I notice, in this bill, that all these appropriations are for the continuation of the roads, and not one for the completion of a single one of them. The information I desire is, what these roads are to cost? How much more, in addition to the appropriations heretofore made, and to the proposed one, will be required, in order to complete them?

Mr. FARLEY. I stated in my remarks, which I presume were not heard by the gentleman from Virginia, that for the completion of these roads the sum of \$64,000 will be necessary.

Mr. LETCHER. In addition to the present?

Mr. FARLEY. In addition. The estimate of the whole cost of these roads is \$189,000.

Mr. LETCHER. That will complete all?

Mr. FARLEY. It will. If this appropriation is made next year, or at some future time, it will be necessary to appropriate some \$64,000 more.

The question then recurring upon agreeing with the amendment reported by the committee, it was put, and the amendment was agreed to.

No further amendment being offered to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

INDIAN AGENTS.

The next business in order upon the Calendar, was House bill (No. 292) authorizing the appointment of an additional number of Indian agents.

The CHAIRMAN. The Clerk will report the bill.

Mr. ORR. I would remark to the Chair that it is hardly necessary to report the bill, for I observe in the proceedings of the Senate of Thursday or Friday, that two sections were introduced into the general Indian appropriation bill, making provision for the appointment of the different Indian agents, whose appointment is provided for in this bill. The sections to which I have referred have been adopted in the Senate. The bill will come back to this House, and they will have an opportunity of passing upon the subject when it is returned. I suggest the propriety of laying aside this bill. I would move to lay it upon the table, if there were any table in the Committee of the Whole. I see no objection to its being passed over.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House, where it can be disposed of.

There being no objection, it was so ordered.

CHIPPEWA INDIANS.

The next bill coming up in order, was the bill to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization.

The bill was then read entire.

Mr. ORR. I suppose it is proper that I should move an amendment. I desire to make a few remarks in explanation of the bill, and for the purpose of giving me an opportunity, I move *pro forma* to strike out the first paragraph of the bill.

Mr. Chairman, the Committee on Indian Affairs have reported this bill, and recommended unanimously its passage. It proposes to introduce a new feature in our Indian relations. It is not, however, without precedent that the legislative department of the Government should indicate to the Executive the manner and terms upon which treaties with the Indian tribes should be negotiated. We have several precedents for it.

The propositions contained in this bill have been suggested by many persons who reside within the limits of the Territory of Minnesota; and will, I am informed, if the bill passes, meet the sanction of the white settlers in the immediate vicinity of the Indians. It proposes that the President shall enter into negotiations with the Chippewa Indians, for the purpose of extinguishing their title to the lands which they own in the Territory of Minnesota, and to a small portion in the State of Wisconsin.

It further proposes, that when their title shall have been extinguished, to make a grant of eighty acres of land to each Indian who is the head of a family as a homestead. The object is to interest the Indians in the actual cultivation of the soil. We are informed that those who reside in the vicinity of Lake Superior have been found to be valuable laborers. Their labor has been already turned into very useful channels, in digging copper ore, and in discharging the duty of menials. The committee desire that they shall be allowed to remain on their own lands, and cultivate the same; and we are informed that such is the desire of the people of Minnesota.

The bill directs the President to allow each head of a family the reservation of eighty acres; and for the purpose of guarding against any fraud which may be attempted to be practised, now or hereafter, on the Indians by the whites, the bill makes this reserved land inalienable in the hands of the Indians until Congress shall otherwise direct.

It also contains a further stipulation, that the annuities which are proposed to be paid these Indians, for their title to the remainder of their lands, shall be paid either in money; or, if, in the discretion of the President, it will be more conducive to their interest, in goods, provisions, or means of subsistence.

The President is also authorized to expend a portion of the money which may be due these Indians, to have their lands cleared, fenced, and cabins erected for their comfort and convenience.

These are the general provisions of the bill. My own impression is, that if the system which is contemplated be carried out, it will be found to work well. I think that we have had experience enough that the policy which we have heretofore pursued of extinguishing the title to the Indian lands, removing them further West, and paying them large money annuities, has been demonstrated by experiment to be an utter failure. I believe that it has been the most fruitful of all other causes of the retrograde movements of these people in the scale of civilization. They have made no progress on that account. You furnish them with money, and that money is expended in a week or two, or, at most, a month after they have received it. Then, for the balance of the year, they live scantily, frequently suffering want and starvation. Now, if the President exercises a sound discretion when these treaties shall have been executed, if he appoints a judicious agent, one who will look to the interests of the Indians, we shall see the whole of the expenditures made for them really inuring to their benefit. We shall see that it will not find its way into the hands of traders and speculators.

The territory in which it is proposed to extinguish this Indian title is a very extensive and valuable one. It embraces a very large proportion of the copper region situated in the Territory of Minnesota. It now belongs to the Indians. The opening of the canal around the falls of the Sault St. Mary is bringing all that section of country into notice. It is giving it all the facilities of market; and hundreds and thousands of persons, in a short time, will be operating in the mines there. Therefore, it is desirable that the treaty shall be executed at the earliest day, and executed so that the Indians may be allowed to remain, and their labor converted to useful purposes by the whites. It is desirable that it shall be made in such a way that whatever payments be made to the Indians shall enure to their benefit, and not that of speculators.

I have thus explained very briefly and concisely the provisions of the bill, and I trust that it may be adopted by the committee.

Mr. HENN. I wish to ask the gentleman from South Carolina, what is the area of the country which it is proposed to purchase in this way?

Mr. ORR. Well, sir, I am not prepared to answer that question specifically. It is, perhaps, fifty miles square, though I do not know but that it is more than that. The Delegate from the Ter-

ritory of Minnesota [Mr. RICE] is better informed upon that point than I am.

Mr. RICE. It embraces about twenty-five millions of acres.

The Clerk then proceeded to read the bill through by paragraphs for amendment. When the second clause of the first section was read as follows:

Second. The annuities to which said Indian are entitled under existing treaties, together with such as may be allowed them for the cession or cessions under the provisions of this act, shall be equally distributed and paid them at their villages, or settlements within the limits of the ceded territory; but the President shall be invested with power to cause said annuities to be commuted from time to time for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as in his discretion will conduce most to promote their comfort, civilization, and permanent welfare.

Mr. HOUSTON said: I should like to know of the gentleman from South Carolina, if that section is intended to be a section of law to control the President, or a mere suggestion to him in making a treaty? It proposes that the President shall dispose of the annuities now due to the Indians by treaty stipulation, in a particular way. Now, I understand that all the annuities due to the Indians are due under treaty stipulations, and are to be paid according to the terms of the treaties. We cannot pass a law, I apprehend, by which we will change the manner of paying those annuities; and if that is the proposition contained in this bill, I think it is objectionable.

Mr. ORR. The bill is merely advisory to the President of the United States. As a matter of course, we could not, if we were to attempt it, control the President and Senate as to how they should negotiate and ratify treaties. It is merely advisory, but it is necessary that you should put it in the shape of law, so that the stipulations which the President may propose to make with the Indians shall be valid and binding on this Government, and the Indian not deceived by promises which Congress may fail to redeem.

Now, with reference to the annuities. If the gentleman objects to paying the annuities now due to the Indians in a different manner from that contemplated by existing treaties, he can amend this section of the bill by adding a proviso making it applicable to no annuities except those which these Chippewa Indians may receive by virtue of the treaty which we expect now to make with them.

Mr. HOUSTON. I have not a copy of the bill before me, and I cannot, therefore, propose an amendment at this moment. I am perfectly willing that the President of the United States shall, with the consent of the Indians, change the existing treaties, and improve the mode of payment to the Indians. I believe that the present mode is a bad one; I believe that it results badly for the Government, and injuriously to the Indian tribes. I believe that large amounts of the money paid out, and which are supposed to be applied for the benefit of the Indians, go into the pockets of other people for their personal advantage, and to the prejudice of the interest of the Indians. If therefore the gentleman from South Carolina, [Mr. ORR.] and the Committee on Indian Affairs, shall propose any improvement in the mode of paying annuities to the Indians, all I desire is that they shall accomplish that purpose by proper approaches, and by that kind of treaty stipulation which shall bind the Indians. If I understand the remarks of the gentleman from South Carolina correctly, that the treaty will bind the Government without any law, because it is the supreme law of the land when it is adopted and ratified, then I certainly differ with him.

Mr. ORR. I will suggest an amendment to come in the twenty-first line, which will meet the views of the gentleman from Alabama, [Mr. HOUSTON,] and which is to insert the words, "with the consent of said Indians." If the amendment be adopted, then the payment of annuities cannot be changed without the consent of the Indians themselves.

Mr. LETCHER. The amendment proposed by the gentleman from South Carolina does not meet my objection to this section. The gentleman says, that the object of this bill is to prevent the Indians from being imposed upon and swindled, and that, under present management, their money is distributed to those who have imposed upon them, and who have rendered little or no equivalent for the claims they hold against them.

I think the latter part of this section, when carefully examined, opens the door just as widely to fraud upon the Indians as under the present system. What is it?

"The President shall be invested with power to cause said annuities to be commuted from time to time for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as in his discretion will conduce most to promote their comfort, civilization, and permanent welfare."

If the President of the United States could superintend this commutation in person, I imagine that no imposition would be practiced upon the Indians. But if it is to be intrusted, as it is now intrusted, to Indian agents of the Government, many of whom, if report does them no injustice, are interested in securing their money, there is exactly the same chance for imposition on their part towards the Indians, as there is under the present arrangement.

Mr. ORR. If my friend will allow me, I do not think that the difficulty would be so great as he apprehends. In the first place, I do not know that we have occasion to complain of our agents having acted dishonestly in paying these Indians. The reason why these payments have not proved serviceable to the Indians is, that as soon as the money reached their hands, and until within the last three years, before it reached their hands, it was seized upon by the traders located within the limits of their country; and if it was not for prior contracted debts, it was for goods furnished at exorbitant prices, and for spirituous liquors furnished to the Indians. If, therefore, the amendment I have suggested be adopted, I cannot see how it will work any injury; for the Indians, in one contingency, will be greatly benefited, because the President will be invested with power to cause said annuities to be commuted for such articles of goods, provisions, stock, cattle, implements of agriculture, as their necessities may require. When these payments are made, why, as a matter of course, the Indians will get the benefit of them. I think myself, that it will be much better to make these payments in goods and implements of agriculture, than in money annuities.

Mr. HAVEN. I desire only to make a suggestion. I have had a little experience in reference to paying Indians their annuities in goods. I am in favor of the general objects of this bill. I think that the first provision of this bill is a very proper one, and that it is calculated to bring the influences of civilization over the Indians more than anything that has been done by the Government of the United States since I have known anything of their history or of their intercourse with the Indians. But, Mr. Chairman, this second provision does not meet with my approbation. I have no objection to the first part of the provision, with the amendments suggested by the gentleman from South Carolina, [Mr. ORR.] down to the word "but," in the twenty-fourth line. But I would strike out the rest of the section, because all that I have seen, impels me to the opinion and the belief that it would open the door to fraud and bad dealing on the part of the agents. For the agents themselves would become interested in the implements and provisions to be furnished to the Indians, and would either make bargains beforehand, or compel them to take such articles as they wished. With the exception of this provision, I consider the bill very valuable, and I therefore now move to strike out the latter part of the second provision, which I have designated.

Mr. LETCHER. I hope the motion of the gentleman from New York [Mr. HAVEN] will be adopted; and in reply to my friend from South Carolina, [Mr. ORR.] I take occasion to say that I have heard of some of these agents who do take advantage of the Indians under the present system. They are all more or less interested in all of these grog-shops, and other establishments introduced into the Indian country; and they carry away some share of the plunder where there is so much to be distributed. It seems to me that the very moment you pass this law, including the provision proposed to be stricken out, these agents will become interested in the agricultural implements, goods, merchandise, and everything of that sort to be furnished to the Indians; and they will thus reap the same sort of profit which they are reaping now from the distribution of Indian annuities. I hope, therefore, Mr. Chairman, that the suggestion of my friend from New York

will be adopted, and that the latter half of this second section will be stricken out.

Mr. HOUSTON. I am not quite certain myself, Mr. Chairman, but that the latter branch of the second section ought to be retained, with some modifications. I believe that it is the better plan of the two, that the Government, instead of making cash payments, should furnish to the Indians such goods and implements as they require to improve their condition. I am well convinced, from the observations that have been made on this floor on occasions like this, that the present mode of paying Indians for our indebtedness to them is not good, and does ordinarily result very little to their advancement and for their benefit. Now, Mr. Chairman, I would rather, as a general rule, agree in our treaties to pay the Indians so much of the articles that are necessary to their comfort and subsistence, either in goods, or food, or implements of husbandry, than pay them in cash. I would carry out the idea of my friend from South Carolina, [Mr. ORR,] so as to let the annuity to be paid them, whether of \$100,000 or \$50,000, or any other sum, as stipulated in the treaty, be paid in such articles as the Indians may need.

Now, Mr. Chairman, I object to giving the President, or to the Indian agents, or superintendent, such power as is proposed to be given by this proposition. But, if the gentleman from South Carolina will so modify the second branch of that provision, that the whole thing shall be changed by treaty with the Indians, so that the annuities shall be paid in goods, such as the Indians may need, why then I should have no objection; because the goods then might be purchased by the Government in large quantities, and under the direct eye of the Government or some of its officers. I believe that the appropriate control of this subject is now vested in the Interior Department. If this be true, when you propose to purchase these large quantities of goods and implements, to discharge the obligations growing out of our treaties with the Indian tribes, the Secretary of that Department will exercise such a supervision over the matter as will guard against these frauds. When the money is once invested in the goods, then there is no other opportunity of committing fraud. The frauds which are committed now take place at the time of the payment of the money. The traders and the grog-shop keepers are upon the ground, watching the Indians. As soon as the Indians get a handful of money under the treaty stipulations, these traders and shop keepers seize upon it; and before the poor native can relieve himself of them, he is relieved of his money.

If the Government invest the money, which it is obligated to pay, in goods which the Indians really need, and must have, then you dispense with the necessity of having a great number of traders in the Indian country, and, at the same time, put it out of the power of the traders to commit frauds upon the Indians.

The only fraud indicated by the gentleman from South Carolina, [Mr. ORR,] is perpetrated in the purchase of goods. Whenever you guard that point we are safe, and the Indians will get what they ought to have. And, certainly, in the purchase of a large stock of goods in this way, under the supervision of the Indian Bureau, and of the Secretary of the Interior, it could be done safely. It would free us from those difficulties which have heretofore surrounded our Indian policy; it would enable us to get along more easily, more to our satisfaction, and certainly with more profit to the Indians themselves, than under the present system.

Mr. LETCHER. What will you do with those improvements mentioned in the bill?

Mr. HOUSTON. That part of the bill, in my opinion, ought to be modified. I would strike out the provision for the clearing and fencing of lands, the erection of buildings, and other improvements, and pay the Indians their annuities in goods, such as they need, and let them make their own improvement upon the land, by their own labor.

Mr. DUNHAM. I concur fully in the views just expressed by the gentleman from Alabama. I regard this provision of the bill which is proposed to be stricken out as one of the most important provisions of it. Some little attention to this subject has convinced me that more frauds are perpetrated upon the Indians, under the system of paying to them their annuities in cash, when gathered together at a specified place and time,

than in any other way. There is not a single Indian trader, in the whole western country, who does not know the exact moment when the payment from the Government is to be made to these Indian tribes. They know the agent who is to pay, and when and where he is to pay, and they follow him, as sharks are said to follow a vessel upon which is sickness and death, for a like purpose, that of seizing their prey.

If you make the payment in money to the Indians, the traders are on hand with their trinkets, toys, spirituous liquors, and other things useless, or worse than useless, to exchange with them for their money as soon as it is paid.

I submit to any member in this House whether this exchange can be so readily made when the articles which the Indians receive are cumbersome in their character, and of such a kind as would be beneficial to the Indians in the cultivation of their grounds? The traders have no use for such articles. If we pay them in plows, wagons, and articles of that kind, it is evident the traders will not bargain for them, for they have no use for them, and consequently do not want them. Besides, the Indians would better understand and appreciate the real value of such articles, and would not be so readily tempted to part with them as with money, the value of which they cannot so readily appreciate.

I regard this bill as one of the most important which has ever been brought into this House for the benefit of the Indian tribes. We have tried the present system of managing our Indian affairs long enough to satisfy every man who has given the least attention to it that it is an absolute failure, and that these tribes are gradually, but certainly, vanishing away from the face of the earth. None, no, not one, will soon be left, if it is still followed, to tell the tale of their glories or their wrongs.

I object to this whole system of annuities; and I should be glad to see all our treaties with the Indians hereafter negotiated upon some other basis than the payment of annuities. I should also be glad if some arrangement could be made by which all now payable should be extinguished. I would do away with them entirely. These annuities, as a general thing, are injurious to them; and money annuities are especially so. Instead of advancing their civilization, they generally operate to retard it; and I will give you my reasons for this opinion.

You make a treaty with a tribe of Indians, and pay them in annuities—perhaps half or quarter enough for their support—just enough to induce them to withhold their exertions from industrial pursuits, yet scarcely enough to keep them from starvation; a mere bonus for their degradation, instead of a stimulus to exertion to improvement and civilization. I repeat, I should be glad if we could do away with these annuities altogether, and pay them whatever we do pay them for their lands in the shape of farming utensils, in the shape of instruction, and in any other way that will have the effect of improving and elevating them.

The present system has been an enormous tax upon the Treasury, year after year, and with no resulting good, and much that has been demoralizing and degrading to Indians and whites. Civilization and Christianization has been retarded, not advanced.

There is another principle in the bill which I regard as of great importance in the relations we are hereafter to sustain with this interesting people—that of giving each a distinct interest in his property. I regard the adoption of this principle as the sheet anchor of his salvation, if there is to be any salvation for him. It must be obvious to every one, that we now offer no inducement for him to exert himself for his improvement and support. The idle, the lazy, the drunken and vicious fare just as well as the industrious one. The prudent, the sober and worthy, the economical, is in just as much danger of starvation as the reckless and prodigal. So long as property is held in common, and individual interests are not recognized among them, there is no stimulus for his exertions; there is nothing to induce him to exert himself, either to acquire property, or to retain what he has acquired, or what the Government has paid him. All things are in common among them, and so long as they remain so, there is nothing to encourage, nothing to stimulate, nothing to reward; no hope for the future. There is no citizenship held out to them by the Government, no matter how loyal, how worthy, or how civil-

ized and competent for self-government. Always treat a child as a child, and he will never become a man; always treat a savage as a savage, and he can never become a civilized man and a Christian; and so long as the present system is continued, he will continue lazy, and reckless, and vicious, as they always have been, and as their fathers and grandfathers were before them.

But this bill will, in my judgment, open up a new era in the history of these people. I believe it will open up the bright star of their salvation, and that some portion of this race, now rapidly passing away, may go down to posterity fit mementoes of the mighty, and, in many respects, noble race, who once peopled this vast continent from ocean to ocean.

I trust this bill, amended as has been indicated by the gentleman from South Carolina, will be adopted by the House; with that single exception, it meets my approval *in toto*. I think it will prove grateful to the Indians themselves; and I believe that nothing which has been done by this or any Congress, will prove of greater honor and credit to the country, than the passage of this very bill.

Mr. ORR. I do not desire to weary the committee, but I wish to make one or two remarks in reply to the gentleman from New York, [Mr. HAVEN,] the gentleman from Alabama, [Mr. HOUSTON,] and the gentleman from Virginia, [Mr. LETCHER.]

Mr. HAVEN. I would suggest that the vote had better be taken first upon the pending amendment.

Mr. ORR. I will give way for that purpose.

The question was taken; and the amendment agreed to.

Mr. HAVEN. I now move to strike out, in the third paragraph of the bill, all after the word "territory," as follows:

"But the President shall be invested with power to cause said annuities to be commuted from time to time for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as in his discretion will conduce most to promote their comfort, civilization, and permanent welfare."

I do this in order to perfect the paragraph in a way that may be satisfactory to the committee.

Mr. HOUSTON. I move to amend the amendment by striking out the words "the clearing and fencing of land, and the erection of buildings and other improvements." I desire first to get rid of this provision, and therefore offer the amendment.

The CHAIRMAN. The amendment of the gentleman from Alabama is first in order.

Mr. HOUSTON. I do not propose to make any remarks. What I have already said is sufficient for my purpose.

Mr. RICE. Mr. Chairman, I wish to say a few words in reference to the last portion of the second section. I concur with the gentleman from Indiana, [Mr. DUNHAM,] in all that he has said, excepting his remarks in relation to Indian traders. Having myself been one for many years, I will not here combat his opinion on the subject. I would now explain to the committee the condition of the Indians. I have lived among them for years. Most of them live along the line of the British possessions, and in a very cold country. Very few of them have received annuities. They are, so far as money and trade are concerned, mere children. If money be appropriated for them, I say that it will be anticipated, every dollar of it, before it reaches their country. They will cease their hunts. Their labors will stop, and indolently lounging about the whisky shops, they will anticipate the receipt of the money to be paid them. If they can get credit for one dollar, or to the full amount, or for ten times the amount they are to receive, they will take it. When the money reaches there, of course they will see but little of it; consequently, after the payment they are as poor as before. Thus they will go on from day to day, never looking forward for one moment beyond the next payment.

The object of the clause is to leave the discretion in the hands of the President, or of such agents as he may appoint, to change their annuities as they progress in civilization. At first we would not give the Indian hat and boots; he would want the money expended in moccasins and blankets. Next year he would want cloth. The year after he would want boots and shoes, hats and coats. He is to be led on step by step, as all past history has shown us nations are brought from

barbarism to civilization. In a few years he will want a cow, a yoke of cattle, a house; and this clause of the bill leaves the power in the proper authorities to expend the money so as to meet the necessities of the advancing strides of the savage towards civilization. Therefore I hope that it will not be stricken out. It may be amended, and perhaps profitably amended.

Mr. WASHBURN, of Illinois. Let me ask the gentleman whether, in his opinion, it would not be better to pay the annuities to these Indians without commutation?

Mr. RICE. No, sir.

Mr. WASHBURN. Would not the annuities be squandered by the Indians at once, instead of their receiving something every year?

Mr. RICE. As I understand, the bill proposes to pay the Indians from time to time, as their necessities may require.

Mr. WASHBURN. With the gentleman's permission, he will see that the bill provides that the President shall be invested with power to commute the annuities from time to time, as the Indians may desire.

Mr. RICE. That refers to some of the bands which receive annuities under former treaties. The bill provides that the annuities shall be received according to the necessities of the Indians.

I will state another objection. Many years ago treaties were made with the Indians, stipulating that they should receive certain articles. Those treaty stipulations cannot be altered, except by the making of new treaties. Well, as the Indians advance in civilization, those articles become useless to them, and still hundreds and thousands of dollars worth of goods are taken from the eastern cities annually at the expense of the Government, and given to the western tribes. Those goods are perfectly worthless to the Indian. He sells them to the traders for one hundredth or one thousandth part of what they cost. I have seen axes which cost \$1 50 apiece in New York, sold for five cents apiece on the distant plains. They are then taken by the white traders—"sharks," as the gentleman from Indiana [Mr. DUNHAM] calls them—to the settlements, and sold to the white settlers there. That is the way in which the traders make their great profits. Whereas, if the Indians should receive that which is necessary, and receive it when they want it, it would be a benefit to them. If an Indian takes it into his head that he will have a house built, let the agent build one for him. If he wants to have a few acres plowed and fenced—and we all know the Indians cannot do these things for themselves—put it in the power of the agent to pursue that policy. This is the only way in which it can be done; and I hope, for the sake of the Indians, that this clause will not be stricken out, for at this very day the Indians are starving to death in that country for want of provisions, and it is the only thing that can save them. It can be modified, however, so as to make it more acceptable.

Mr. HOUSTON. I will now read the modification of the section which I propose. I have drawn it up hastily.

Mr. ORR. Are we to understand that the amendment of the gentleman from New York [Mr. HAVEN] is pending?

The CHAIRMAN. The amendment of the gentleman from New York will be pending after the amendment of the gentleman from Alabama [Mr. HOUSTON] shall have been disposed of. The amendment of the gentleman from New York is to strike out a larger portion of the section than is proposed to be stricken out by the gentleman from Alabama.

Mr. HOUSTON. My amendment will make the clause read thus:

"But the President shall make treaties with said Indians, changing the present mode of paying annuities so as to pay said annuities in such goods, provisions, stock, cattle, and implements of agriculture, as, in his discretion, will conduce most to promote their comfort, civilization, and permanent welfare: *Provided*, That he shall cause reports to be made to Congress of each and every purchase of goods made under this provision, giving the character of goods purchased, the prices paid, and the parties of whom purchased."

Mr. HAVEN. Let me say at this point that I think that is unobjectionable, and the difficulty grows out of leaving the alternative power in the hands of the agents to pay or commute. If it is fixed one way or the other it would be satisfactory to me.

Mr. HOUSTON. I saw that very difficulty myself, that it would put it in the power of the agents to commute without any particular supervisory power on the part of the head of the Department. I propose to modify this clause of the bill so as to make it substantially as I have read it.

Mr. HAVEN. I withdraw my amendment.

Mr. ORR. I will state to the committee very briefly the reasons that influenced the Committee on Indian Affairs in reporting the bill in the shape in which it presents itself here. By examining the seventh and eighth lines of the bill, it will be found that the "treaties shall contain the following provisions, and such others as may be requisite and proper to carry the same into effect." In the forty-seventh line of the same section, it is provided that: "The President shall have power to prescribe and enforce such rules and regulations, not inconsistent with the foregoing provisions, as he may deem necessary for the effectual execution of the purposes of this act, which said rules and regulations shall be annually reported to Congress."

The bill also extends to the mixed bloods among the Chippewa nation. Many of them are intelligent. Many of them may have some property. They are as much entitled to the benefit of the provisions of this bill as the Indians themselves. These persons are capable of managing for themselves. If you make the payment to them in money, they will, perhaps, dispense it as judiciously as any white man would. The committee reported the clause in its present shape, leaving it an alternative with the President, in the expectation that the President would instruct his agents to pay a certain amount to certain Indians in annuities from year to year, and, to those who are capable of managing for themselves, to make the payments directly in money. That was the object the committee had in view in reporting the bill in its present shape. If it be more satisfactory, I have no especial objection to the amendment offered by the gentleman from Alabama, although it will defeat the object which the committee had in view in allowing the President to make the payment of annuities in money to those who are competent to manage for themselves; yet a large proportion of the payments to be made, as provided in this bill, will still be made, as the committee desire, in goods, implements of agriculture, &c., &c. I have no doubt that many frauds have been perpetrated upon the Indians, and I doubt not that they will continue to be perpetrated. Wherever you have public money dispensed, you find that frauds are committed. It is out of the question that you can have honest agents all the time, especially when they are removed fifteen hundred and two thousand miles from the seat of Government.

Many agents, who have been in the service of the Government for a quarter of a century at least, have lived lives of integrity, and have preserved unimpeached their character and reputation for honesty. It is our duty, however, to guard the Indians as effectually as possible against the commission of frauds upon them by those who are not honest.

The object which the committee had in view, was to protect the Indians from the impositions which might be practiced upon them by traders, and by persons settling in their midst; or, in other words, the "sharks" which the gentleman from Indiana [Mr. DUNHAM] so well described. The committee desire that the Indians shall get the full benefit of everything designed to be paid them by the Government. If all the money which has been appropriated by the Government for the benefit of the Indians had been faithfully applied, we should have heard of none of this difficulty and suffering among them; and the Chippewas, even, to whom the Delegate from Minnesota [Mr. Rice] has referred, as having been in a starving condition, many of them, in the cold and inclement region in which they were located, would have been relieved of much of their suffering.

The committee are anxious that the bill should be passed in such a shape as will give the Indians the greatest protection possible. I desire, however, that the bill should not be weakened or impaired in its efficiency. I will not interpose, for a single moment, the slightest objection to any amendment the object of which is to guard and protect the Indians from fraud and imposition. If the committee think that the amendment of the gentleman from Alabama [Mr. Houston] should

be adopted, I will interpose no objection, although I would prefer that the bill should retain the shape in which it was recommended by the Committee on Indian Affairs. If a majority of the Committee of the Whole are opposed to the bill in its original shape, I will cheerfully acquiesce in their decision in regard to the proposed modification, believing that it will not materially impair the efficiency of the bill.

Mr. GREENWOOD. The gentleman from Alabama [Mr. Houston] proposes to strike out the latter part of the second section of the bill.

As I understand this bill, the object proposed by the committee in reporting it, was to make an experiment—a new experiment—in civilizing these wild tribes of Indians, of which the gentleman from Minnesota [Mr. Rice] has spoken. The great difficulty which presented itself to the mind of the committee, was stated to the House by the chairman, [Mr. Orr.] Now, with reference to the character of the proposition to which objection has been made, we have been told by the gentleman from Minnesota that these Indians are wandering tribes; that they are children, as it were, in the management of all their affairs. If this be true, Mr. Chairman, and we can have no doubt of it, then it shows the very great necessity there is for voting down the amendment which the gentleman from Alabama [Mr. Houston] has proposed, namely: to strike out the latter portion of this second section. If the object of this bill be to civilize these Indians, to prevent their wandering from place to place, and to get them to settle down in this Territory among the citizens; if this, I say, be the object of the bill, then, as a matter of course, it is important to retain the provision, in order that they may be induced to settle down, and each individual Indian may know his home. It is desirable to have a cabin erected for him, and to supply him with food, clothing, and other necessities that will add to his own comfort and to that of his family; and to afford him the means at the same time to improve himself in agricultural pursuits. As a matter of course, inducements should be held out by the Government, in order that the Indian may be induced to come under this mode of civilization.

Mr. Chairman, this is quite a new proposition, as has been stated to the House; and it seems to me that great discretion and latitude ought to be given to the Government and its officers, for the purpose of testing the applicability of this proposition. It is impossible for this House now, in a new proposition of such a character as this, to make a bill perfect in itself, by which to carry it out. It is almost impossible to do it. As I before remarked, the committee had great difficulty in forming this second section of the bill, in order to meet the exigencies which might arise. And, Mr. Chairman, I agree with the gentlemen who have addressed the committee, heretofore, with reference to the impossibility—yes, sir, the impossibility—of guarding these Indians from the frauds and speculations that are being daily practiced upon them. The practice of paying in money those Indians which are in the same condition as those immediately affected by this bill, should be abandoned. If you place in their power the means of subsistence; if you give them provisions; if you give them such goods as are necessary for their wear, and give them agricultural implements, and build houses for them and lay out their grounds, then they may improve themselves in agriculture. This provision is the only thing that could be placed in this bill to enable the Government to exercise proper controlling influence over them, in order to civilize them. They are a wandering tribe; and in testing this experiment, the President, or the officials who may be appointed by the President for the purpose of testing this new system, should have a discretionary power vested in them, such as is proposed by the second section of this bill. If it be necessary for the comfort of these Indians to furnish them with articles of food, certainly it can be done. If provisions be required to add to their comfort, and to save them from starving, let them be procured for them. Let implements of husbandry also be furnished to them to enable them to till their grounds. If, for the purpose of improving their agriculture, it is necessary to procure them a plow, or a hoe, or anything of that kind, let the agent provide it for them.

Sir, I think there is great objection to striking out

the provision which is proposed to be stricken out by the gentleman from Alabama, [Mr. Houston.] It is, in my estimation, the most important provision in the bill. If you desire to succeed in an endeavor to make citizens of them, by civilizing them, give them houses. It seems to me it is the most humane provision contained in the entire bill; and inasmuch as it is an experiment merely, I trust that the provision will be retained by the committee.

I know you cannot frame a bill perfect in all its parts, at the beginning. I have no doubt, however, that in a year or two, if this bill shall become a law, Congress will be called upon to make different provisions; anticipating, therefore, such a result, you must give the President and agents discretion, in order to meet all the difficulties which may arise in the conditions and wants of the Indians.

Mr. WASHBURN, of Maine. I ask that the amendment of the gentleman from Alabama [Mr. Houston] may be read again; for, if I understand it, I desire to offer an amendment to it.

The amendment was accordingly again read, as hereinbefore inserted.

Mr. WASHBURN. I move to amend the amendment by inserting after the words "implements of agriculture," the words, "the clearing and fencing of land, and the erection of buildings and other improvements;" so that his amendment, if adopted, shall be substantially like the provision originally reported by the committee, with the exception that there shall be no discretion whether the sum shall be paid in money, or by commutation in these articles; but that the bill shall specifically provide that it shall be paid in those articles. I think it is as necessary and as important that a provision should be made for the payment of the treaty stipulation in this way, as in reference to any of the other specific articles. I think it will tend as clearly and directly to the civilization of the Indians, if not more so, than the provision for the payment of stock, cattle, implements, &c. I think the Indians would be much more likely to have dwelling houses, to have fields cleared and fenced, and to have all the improvement of civilization—if a provision is made by which they shall be supplied to them—than if we made no such provision. I hope my amendment will be adopted.

Mr. HOUSTON. The words which the gentleman from Maine proposes to insert is one of the most objectionable features in the bill, and that provision is all that I get clear of by my amendment, or propose to get clear of. I propose, in my amendment, to get rid of that part of the amendment providing for the clearing and fencing of land, and the erection of buildings.

No gentleman upon this floor who has observed our intercourse with, and relations to, the various tribes of Indians, can for a moment controvert what I say, and that is, that at all times it is the most difficult thing in the world to have our agents deal fairly with the Indians—I mean our agents, and everybody who makes treaties with them—and at the same time make our laws operate upon them with fairness and equality. If, then, we can avoid that sort of relationship towards the Indians, which will give rise to frauds of this sort, I think we ought, upon principles of justice and morality, to do it.

Now, sir, I ask gentlemen to look for a moment at what would be done, if a requisition of this sort were made upon the President. Suppose it should become necessary for the President to have lands for fifty, one hundred, or one hundred and fifty Indians cleared, he must find means for the building of fences, the erection of houses, and the clearing of the lands; and how is he to do it? He invests the Indian agent with power. The agent is compelled to employ A, B, and C to go upon the lands, clear them, and build the fences, &c. Sir, I tell the committee that it will result in the introduction of a horde of others to fleece those Indians, who, under your present laws, are kept out of their country. That will be the result. I would much prefer that the Indians themselves should be left to assist by their own labor in this work; and I repeat, that if this provision be adopted, it will send a horde of people to that Territory to fleece the Indians worse than they are now fleeced by the traders against whom we hear so much complaint.

Now, sir, I trust we shall pay these annuities. If the committee prefer it, let a part be paid in money;

but let us pay these annuities principally in goods, in provisions, in stock, in cattle, in implements of agriculture, in tools, and in whatever the Indians may need for their subsistence and comfort; and then let us rely upon them to clear the land, and build their houses in part by their own labor.

It seems to me that, if, after giving the Indians the land, the Government is to clear them, to fence them, and to build houses, it will result in its being obliged to cultivate them also. If the Indians will not assist in these matters by their own labor, they will not be likely to cultivate the lands.

But, suppose the President undertakes to have this work executed, and the agent employs A, B, and C to do the work, who is to superintend these men? Who is to see that they do full days' work? Who is to see that they cut the rails the right length, split them properly, and build them into fence in a proper manner? Who is to see that the houses are built in a substantial and workmanlike manner? Sir, by adopting this provision, you will open an avenue for more injustice to be perpetrated upon these Indians than is done under the present system? Let us, as far as possible, simplify our dealings with these Indians, and thereby relieve them from the hordes of people whose object it is to fleece them out of whatever they receive from the Government. Let us pay their annuities to them in provisions, in stock, and in implements of husbandry and agriculture. In that way they will be much less likely to have their annuities taken from them by the traders than if they come to them in money.

Mr. CHAIRMAN, I have nothing to say against the traders. They are there for the purpose of making money. If we could so regulate our intercourse with the Indian tribes as to do away with the necessity of traders going among them at all; if the furnishing of their supplies could be carried on entirely by the Government agents, who live among them, and who receive regular salaries from the Government; if they could receive their goods and provisions, and distribute them, it would save the Indians immense sums of money, which would otherwise be lost to them, and tend very much to promote their civilization and happiness.

If you adopt this provision, you will, in my judgment, accomplish the very thing which all of us wish to avoid. If you insist upon providing for clearing their lands, building their fences, building their houses, and plowing their fields—and gentlemen will observe that the words "and other improvements" which the clause contains, will embrace plowing their fields, and whatever the authorities may choose to consider improvements—I say, if you pass this provision, you will, in my judgment, involve the Government in greater difficulties than were ever witnessed in the whole course of our Indian intercourse. You will never be able to execute in good faith, to their satisfaction, our treaties with them. I therefore hope that my amendment will be adopted, and that the clause will be stricken out.

Mr. RICE. I will say a few words in reply to the gentleman from Alabama. I must confess that I feel a deep interest in this bill; more profound than that I have for any other measure before this body. I know the whole of the people for whom it is designed. I have spent years among them. I have hunted, fed, and starved, almost, with them.

Hespeaks of traders. Traders! traders! Indian traders! Their names have been howled from one end of the country to the other, in Congress and out of it. Now, the proposition under consideration provides a remedy for the gentleman's objections. Under the existing treaties, the Indians are paid annually and semi-annually. If an Indian wants a favor, no matter of what kind, he is compelled to go to his trader. The trader, indeed, is now the only man who can afford him relief. He affords it, but as payment is doubtful, he must sell at a large profit. Then, the proper course should be to pass a bill, to throw the Indians on the Government. Under this bill, if an Indian wants a favor, to whom is he to go? He will not go to his trader. No; he is independent of him. He will go to the agent. He will go to the man who has been sent there to provide for his wants. He will go to the man who ought to have influence over the Indians. He will go to the man whose only aim, it is presumed, is the improvement of the condition of the Indians. The bill takes the In-

dians completely out of the influence of the traders.

Let me give an illustration to the gentleman from Alabama. Here is an Indian who has heretofore lived in a wigwam, and now takes it into his head that he would like to reside in a house. A beautiful piece of ground is selected, and the Government gives him title to eighty acres. He now wants a house built, a few acres of ground plowed and fenced, that he may be sowing something for his support during the coming winter. This bill leaves it within the power of the agent to build the house, to break and fence the land, and to furnish the Indian with seeds and implements of agriculture.

The gentleman is mistaken in another of his objections. Contracts by existing Indian regulations stand thus: If the Indians desire to have them changed, the agents are compelled to submit the proposed changes to the department. If the department approves them they are sent back to the agents, and they advertise throughout the country that they want so many buildings of such and such dimensions built, so many acres broken and fenced; and if you will look at the records of the Indian Department, you will find that improvements have been made by agents under this system cheaper than citizens would have been enabled to make them.

The object of the bill is to take the influence from the trader, and to throw it into the hands of the Government, where it belongs. It provides for the Indian according to his necessities. It gives discretion to the President, or his agents, to change the articles to be furnished as the Indians progress toward civilization. We see advertisements in the newspapers for \$300,000 or \$400,000 worth of goods. Merchants of New York and Philadelphia send in their bids and samples, and, after examination by the Department, contracts are made. You send to the Indians of Florida the same kind of goods that you send to the Indians of the far north. They are useless to those of one section or the other, and to perhaps both.

But the proposed system allows the Indians, whenever they assemble, to say to their agent: our next year's annuities will amount to so much; we want so many cattle, so much expended in breaking land, so much in building houses, and so much in buying agricultural implements; and the specification is then to be sent here, and, under that specification, the contracts are to be made.

Mr. SKELTON. I have been much gratified by the discussion thus far upon this bill, and likewise with the provisions of the bill itself. But before the vote is taken, I desire to say a few words with regard to that portion of it which is proposed to be stricken out.

The alteration proposed to be made by the honorable member from Alabama [Mr. Houston] would, in my opinion, strike out the most valuable part of the bill; that part of it which, in my estimation, is of more importance and value, and better calculated to promote the civilization of the Indians, than any other.

We hear complaints here that the Indians are wronged. As to that matter, I have no knowledge; but if it be the case, we should give to the Indian those things which cannot be taken away from him; and this very clause which the gentleman from Alabama proposes to strike out, includes the articles which cannot be taken away from him. It secures to him, in the first place, eighty acres of land inalienable.

Mr. HOUSTON. I don't propose to touch that.

Mr. SKELTON. I know that; but the land is to be inalienable, and the clearing, fencing, and buildings on the land remain with the land, of course, and are, therefore, also inalienable; and those articles are the only articles that the Indian is not allowed to dispose of to traders, and that there is no possibility of his being cheated in. So much, then, for that part of the argument which contemplates that the Indian will be wronged out of that which is his just due.

But the object of this bill appears to be to promote the civilization of the Indians, and in that particular it meets with my hearty cooperation and support; and the very argument which the gentleman from Alabama has adduced as an objection to this section of the bill, is to my mind one of the strongest arguments in its favor. He says that by it you will draw white men among

the Indians, and he wants to keep white men away from the Indians. Now, I take it for granted that the object of this bill is to assimilate the Indian with the white man, to lead him forward by the force of example in the path of civilization and virtue. Now, we all know that these Indians are uncultivated, have no knowledge of the mechanic arts, and are unable even to build their own houses, or construct their fences. How shall you teach them those useful arts? Can you teach them in any other way than by sending among them men who understand those arts? Certainly not. Sir, whenever you want to civilize people, to lead them into the path of virtue and sobriety, the best means of accomplishing that reform is to present before them example. Example is infinitely more powerful in everything that tends to progress and improvement than precept can be. It is for that reason that I hope this provision of the bill which relates to the cultivation of the lands, to the building of houses, and the erection of fences, will be retained; first, because it gives the Indians substantial benefits, which cannot be taken away from them; and, secondly, because it introduces among them men who will teach them, by the force of example, lessons of civilization and art. I hope that this feature of the bill will be retained as one of the most important provisions in it.

Mr. HUNT. I should like to understand this matter. I would inquire what the effect of the amendment of the gentleman from Maine [Mr. WASHBURN] would be.

The CHAIRMAN. The gentleman from Alabama [Mr. Houston] proposes to strike out, and insert what has already been read by the Clerk. The gentleman from Maine [Mr. WASHBURN] submitted an amendment to insert in the amendment of the gentleman from Alabama the words, "clearing and fencing of grounds, the erection of buildings, and other improvements."

The question was then taken on Mr. WASHBURN's amendment; and it was rejected.

The question then recurring on Mr. Houston's amendment, it was taken; and, upon division, there being only 20 voting in the affirmative, the amendment was rejected.

The fourth section of the bill was then read, as follows:

"Fourth. The laws of the United States and the Territory of Minnesota shall be extended over the Chippewa territory whenever the same may be ceded, and the same shall cease to be Indian country, except that the lands reserved to said Indians, or other property owned by them, shall be exempt from taxation and execution, and that the act passed 30th June, 1834, 'to regulate trade and intercourse with the Indian tribes,' &c., be inoperative over the said ceded territory, except the twentieth section, which prohibits the introduction and sale of spirituous liquors to Indians."

Mr. ORR. There is a verbal amendment which ought to be made in the thirty-seventh line. I move to insert after the words "Chippewa territory" the words "in said Territory of Minnesota."

The question was then taken; and the amendment was agreed to.

Mr. WASHBURN, of Maine. I wish to propound to the gentleman from South Carolina [Mr. Orr] a question. It is this: I find that the fourth clause of the bill before us says that the act passed on the 30th of June, 1834, "to regulate trade and intercourse with the Indians," &c., shall become inoperative. I desire to know what is the effect of that act, and what are its contents?

Mr. ORR. The act of 30th of June, 1834, referred to, is the act known as the Indian intercourse act. There are some twenty sections which prescribe the manner in which trade and intercourse shall be carried on in all the Indian territory, which confine the right of trading to the Indians themselves, and the citizens of the United States within their territory. We propose now to repeal all the sections of that act except the twentieth section in regard to this territory.

The CHAIRMAN. If there are no further amendments to be proposed to the section just read, the bill will now be laid aside—

Mr. WALSH, (interrupting.) I propose an amendment to the first section of the bill.

The CHAIRMAN. Does the gentleman from New York send in his proposition as an additional section to the bill, or merely as an amendment to the first section of it?

Mr. WALSH. I propose it as an amendment to the first section.

Several MEMBERS. It is too late.

The CHAIRMAN. The Chair must remark to the gentleman from New York that this bill was being considered by sections. The first section has been considered and passed, and the second section has been read, before the gentleman from New York moved his amendment. It is, therefore, too late for him to propose it as an amendment to the first section. It may, perhaps, be introduced as an independent proposition. If the gentleman from New York proposes it as an additional section of the bill, the Chair will undertake to receive it.

Mr. WALSH. It cannot be offered as an additional amendment. It proposes to extend to the Indians the provisions of the homestead bill.

Mr. LETCHER. If the Chair will look at this bill, he will find that it contains but two sections; and we are not through the second section yet.

The CHAIRMAN. The second section was about being read, and the Chair was about to pronounce that, if no further amendments were offered, the bill would be laid aside, and reported to the House. Such order will now be made. If there are no further amendments offered to the bill, it will be laid aside, and reported to the House.

It was so ordered.

BILL FOR THE INCREASE OF SALARIES.

The CHAIRMAN. The bill next in order for the consideration of the committee is House bill No. 162, to increase the salaries of judicial and executive officers in the Territories of Oregon and New Mexico. This bill was reported from the Judiciary Committee, with amendments, proposing to insert after the word "New Mexico" the words "Washington and Utah," and proposing to strike out the words "two thousand five hundred" and to insert in lieu thereof "three thousand," thus making the salaries of judges in the Territories of Oregon, Washington, Utah, and New Mexico, \$3,000 per annum.

Mr. RICE. I have an amendment which I wish to offer to the amendment reported by the Judiciary Committee.

The amendment was read, as follows:

SEC. 2. *And be it further enacted*, That the annual salaries of the chief justice and associate justices of the Territory of Minnesota be increased to \$2,500.

The CHAIRMAN. The Chair would say to the gentleman from Minnesota that the amendment is not in order at this time. The amendment of the Committee on the Judiciary must first be disposed of.

Mr. LANE, of Oregon. I move to amend the amendment of the Judiciary Committee, by providing that the salary of the secretary of the Territory of Washington shall be \$2,000 per annum.

The CHAIRMAN. The Chair would suggest to the gentleman that he should defer offering his amendment until the pending amendment shall be acted upon.

Mr. LANE. I withdraw it, then, for the present.

The question was then taken upon the amendments proposed by the Committee of the Judiciary; and they were agreed to.

Mr. LANE. I now offer my amendment.

Mr. LETCHER. I would ask the gentleman from Oregon what salary that officer now receives?

Mr. LANE. Fifteen hundred dollars.

The question was then put; and the amendment was agreed to.

Mr. RICE. I now move my amendment as a separate section.

Mr. LETCHER. What salary do those officers now receive?

Mr. WASHBURN, of Illinois. I would remark that the salary of the judges of Minnesota is \$1,800. I am acquainted with the amount of duties which those gentlemen have to perform, the number of miles they have to travel, the courts they have to hold, and the expenses of living in that Territory, and I think that the sum which the amendment provides for is not any more than sufficient, and I hope it will be adopted.

The question was taken upon the amendment; and it was agreed to.

Mr. BERNHISEL. I move to amend the bill so as to provide that the salary of the secretary of the Territory of the Utah shall be increased to two thousand dollars.

Mr. COBB, (in his seat.) Provided he have only one wife. [Laughter.]

The CHAIRMAN. The question is upon the adoption of the amendment offered by the Delegate from Utah.

Mr. WALSH. I understand, Mr. Chairman, that the gentleman from Alabama [Mr. Cobb] has offered an amendment. [Laughter.]

Mr. JONES, of Tennessee. The ordinary salary of that officer has been fifteen hundred dollars, and I do not think it is in order to move to increase it here.

The CHAIRMAN. The Chair would remind the gentleman that the bill is to provide for the increase of salaries.

The question was then taken; and Mr. BERNHISEL's amendment was agreed to.

Mr. LILLY. I desire to offer an amendment as an additional section. I move the following:

SEC. —. *Be it further enacted*, That the salary of the district attorney of New Mexico shall be increased to \$1,000 per annum.

I move the amendment at the request of the gentleman from Pennsylvania, [Mr. BRIDGES,] who had the matter in charge. It is to increase the salary of the district attorney of New Mexico to \$1,000. I understood from the gentleman from Pennsylvania that this matter had been before the Judiciary Committee, and that they had concurred with him in recommending the increase. That gentleman is now absent, or he would have taken charge of the matter himself. I said the Judiciary Committee recommended the increase. They, however, subsequently reconsidered their action, I believe, upon the ground that it would be setting a bad precedent to other district attorneys, who would be likely to come forward and ask to have their compensation increased in consequence.

The present district attorney for New Mexico, is a friend of the gentleman from Pennsylvania to whom I have alluded. When he went there he was under the impression that there would be comparatively little travel to be done, and that the legal business he would secure would be sufficient to make up a reasonable compensation. On arriving there, however, he found that there was much traveling to be done through an inhospitable and hostile country, that there was very little legal business to be done, and his salary would not pay his traveling expenses. He therefore thought this a fair case for an increase of salary, and concurring in that opinion, I have offered this amendment.

Mr. HUGHES. I will say to the gentleman from New Jersey, that I understand there is a Senate bill before the House providing for increasing the salaries of the district attorneys in all the Territories, so that the amendment of the gentleman will hardly be necessary.

Mr. LILLY. I was not aware that such was the case. If it is, I will withdraw my amendment.

Mr. CUTTING. I beg leave to make an explanation in respect to the amendment of the gentleman from New Jersey.

The CHAIRMAN. The Chair understood the gentleman from New Jersey to have withdrawn his amendment.

Mr. LILLY. I should be glad to hear the explanation of the gentleman from New York, and will not withdraw my amendment until he has made it. I will say that I offered it under a promise to the gentleman from Pennsylvania, from whose district the district attorney to whom it applies came.

Mr. CUTTING. I beg leave to explain to the gentleman from New Jersey, in reference to the action of the Committee on the Judiciary, to which he alludes, that having had numerous applications from almost every portion of the western country, and particularly from the new Territories, for an increase of the fees of the district attorneys and of the marshals in those regions, that it has become necessary to examine and prepare, if we can agree upon it, a bill which shall settle the compensation, not only of the district attorneys in the Territory of New Mexico, but in the Territories of Washington, Oregon, and elsewhere. Now, if this committee adopt such a provision as is contained in the amendment of the gentleman from New Jersey, the salary of a district attorney in one of the Territories, it will in some degree embarrass the action of the Judiciary Committee. It will be considered as a precedent by which we are to be governed in regulating the compensation of the others in other Territories.

I said that there were applications for an increase

of the salaries of other officers besides those of district attorneys. We have had before us applications in respect to marshals and other officers engaged in the administration of justice. The whole subject is an extensive one, and, it seems to me, ought to be embraced in one measure. If anything is done in relation to the subject, the whole matter should be embraced in a bill such as that for the increase of the salaries of the district judges—which the Committee on the Judiciary have reported to the House—in which we have endeavored to place the salaries of the respective judges in some degree upon the ground of equality, having in view the amount of business and the expenses of living in the different parts of the Union. So, too, as regards district attorneys and marshals. Instead of acting here on a solitary case, it seems to me that it would be better to leave the whole subject to the Judiciary Committee, which will report a bill covering all these cases. Now, in so doing, I do not desire the gentleman from New Jersey to understand that we make any promise on this subject, or that he will regulate his action in reference to his present motion on anything that the Committee on the Judiciary are to do.

Mr. WASHBURN, of Illinois. I understand that the gentleman from New Jersey has withdrawn his proposition.

Mr. LILLY. No, sir; I desire to get some information before I withdraw it.

The CHAIRMAN. The amendment of the gentleman from New Jersey is still pending.

Mr. LILLY. I do not withdraw it until after I have heard the explanation of the gentleman from New York.

Mr. CUTTING. I can say to the gentleman from New Jersey that I can make no promise, even of an indirect character, in reference to the district attorney of this Territory. All I can say is, that the whole subject is under investigation; and the whole subject will, I hope, be reported on.

There has been some delay, arising from circumstances unnecessary to be alluded to; but we have taken up this whole subject. Last week we reported a bill on the subject of salaries; and I presume that we shall report a general bill, embracing all those officers in the various sections of the country. My own judgment is, that we had better not fix the action of the committee or the House to a particular compensation to a particular district attorney, which shall form a sort of rule of action hereafter for the Judiciary Committee. The question had better be left open.

Mr. LILLY. On the explanation of the gentleman from New York, and relying on the liberality of the committee in this case, I withdraw my amendment.

Mr. BERNHISEL. I move to amend the bill by increasing the salary of the Governor of the Territory of Utah from \$2,500 to \$3,000, so that it may be the same as that of the Governors of New Mexico and Oregon.

Mr. WALSH. Mr. Chairman, I trust that the amendment just offered will meet with the favor of this committee. We are now getting nearly at the rate of \$3,000 per year, and I find it fully as much as I can do to support one wife on that apportionment. I understand this gentleman has some three or four, and I think that the least he can have is \$3,000. [Great laughter.]

Mr. WASHBURN, of Illinois. I move, by way of amendment, that the salary of the Governor of Minnesota be increased to \$3,000 per year.

Mr. RICE. An amendment has just passed the Senate regulating the salary of each of the Governors of Minnesota and Washington, if the superintendence of the Indians be taken from their duties, at \$2,500 per year.

Mr. WASHBURN. At the suggestion of the Delegate from Minnesota, I withdraw my amendment.

The question recurred on Mr. BERNHISEL's amendment.

Mr. HENN. Does the amendment propose to increase the salary of the Governor, as Governor, to \$3,000?

Mr. HOUSTON. I would like to ask the Delegate from Utah if there is not already a provision in a bill before the Senate to increase the salary of the Governor of that Territory?

Mr. BERNHISEL. It only makes it \$2,500.

Mr. LETCHER. I should like to know what

pay these Governors receive as Indian agents or superintendents of Indian affairs. I understand they receive \$1,500 salary as Governors, \$1,000 as Indian superintendents, and, in addition to that, extra compensation for other services. I notice that there was a proposition made in the Senate the other day to pay eight dollars a day to Governor Gorman for investigating Governor Ramsay's misconduct. [Laughter.]

A MEMBER. Did that pass?

Mr. LETCHER. No; it was voted down. It seems to me that there should be some reason given to show the propriety of this increase of salary.

Mr. BERNHISEL. Living is very expensive out there.

Mr. LETCHER. Yes, I know it is very expensive living now all over the country, and I am exceedingly sorry that prices rose just as the Democrats came into power. [Laughter.] That is what disturbs me. I have long heard that Democratic services were worth a great deal more than Whig services, but I apprehend that when we go before the country, we shall find some Democrats even who will be disposed to raise the question, and think they are not exactly worth just as much as we are likely to pay for them.

Mr. CAMPBELL here interposed a remark, which was not audible to the reporter.

Mr. LETCHER. Experience proves it. It has become a fixed fact, and the country so decided at the last election, when the Whig candidate received the votes of only four States out of thirty-one.

Mr. CAMPBELL. How would it be now?

Mr. LETCHER. Well, I think it very probable the Whigs would not be much better off with the same candidate, under the same auspices.

But really, sir, all jesting aside, it does seem to me that we are going on in a very unmethodical manner about this matter. Here are amendments proposed one after another, that nobody ever heard of before; no time is given for reflection; not a single argument or reason is given in support of them; and, under these circumstances, the committee votes on them one after another, and we go on increasing the salaries throughout the Territories. I think that before we undertake to do this, we ought to have some evidence that this increase is necessary—some recommendation to guide us in our action from the proper officer, at the other end of the avenue, who has charge of these matters. As it is now, gentlemen get up here and offer their amendments without presenting one solitary fact to show that the increase proposed is at all necessary, and the House votes them all into the bill. Such legislation ought to cease.

Mr. BERNHISEL. I will merely state, as a reason why this amendment should be adopted, that the Governors of New Mexico and Oregon receive \$3,000 per annum. I may state, further, that California prices of living prevail in that region of country. Coffee and sugar are forty cents a pound, and the other necessities of life are dear in proportion.

The question was then taken on Mr. BERNHISEL's amendment; and it was rejected.

Mr. TAYLOR, of Ohio. I propose to add at the end of the bill, the following:

And that the same amount be paid to those who have heretofore served as Governors or secretaries of said Territories.

The CHAIRMAN. This bill does not relate to Governors, and therefore the amendment of the gentleman from Ohio would not be pertinent.

Mr. TAYLOR. I will substitute, then, the word "judges" in the place of "Governors."

I am not an advocate for very large salaries in this country. I see no particular reason why we should pay the chief justice and associate judges, and secretaries of these Territories named in this bill, more now than we did some three or four years ago. I think that justice requires we should pay to the gentlemen who then held office in this Territory at a time when the expenses of living were much higher than now, at least as much as is now asked for the present incumbents.

I do not agree with the gentleman from Virginia, [Mr. LETCHER,] in the statement he made in his very partisan like speech, that Democratic service is worth more than Whig service, as I have seen it exemplified. On the contrary, the disposition

seems to be to raise the salaries of all the officers of the country; and I wish, for one, to place the Whigs, who served in this Territory at a time when it cost far more to perform the duties of their offices there, upon the same footing with those of a later date. I see no propriety of paying officers \$3,000 a year, when we formerly paid them a much less sum; nor do I see the propriety of paying a salary of \$2,000 to officers to whom we formerly paid but \$1,500. But yet I am disposed to be much more liberal in this matter than some gentlemen who have spoken upon this subject. I believe these salaries are not too high; but I think it is no more than justice that gentlemen who have heretofore filled the same offices should be paid the same salaries. I appeal to the gentleman from Oregon, [Mr. LANE,] who is a liberal man, and commands the esteem of this House as a man of unquestionable veracity and integrity, to say if the sum of \$1,500 will go further in the Territory of Oregon than \$500 paid in the States?

Mr. LANE, of Oregon. As I am called upon so directly to answer the gentleman from Ohio, I feel compelled to make a few remarks, although I regret the necessity of doing so. I introduced this bill in good faith, in the hope and expectation that it would pass without any interference from any quarter. The judges in the Territory of Oregon have heretofore been allowed \$2,000 per annum for their services. That salary is too small to secure the services of such men as ought to fill so important and responsible a position. They cannot live upon it, as they have declared in a petition which they have sent to Congress, in which they say that, unless their salaries shall be increased, they will be compelled to retire from the bench, and resume the practice of law. We have now a good bench, and I am satisfied that the sum of \$3,000 is a small consideration for their services.

But to come to the point made by the gentleman from Ohio, [Mr. TAYLOR,] I am sorry that any gentleman has attempted to create any prejudice against this bill; for, as reported by the Judiciary Committee, I think the bill ought to pass. It is just and proper that it should pass. The gentleman from Ohio asks me, as I understand him, whether the salary of \$1,500, received by the secretary of the Territory of Oregon, would be more than \$500 in the States. I can say most truthfully that this salary is not sufficient. The law organizing the Territory of Oregon passed Congress in the year 1848, before gold was discovered in California; at a time when the means of living were very cheap in that country. No portion of the country afforded subsistence cheaper than the Territory of Oregon at that time. There was no money in that country, and \$1,500 would have been more there than \$2,500 here. Wheat commanded a price of fifty cents a bushel, and was made a lawful tender at that price, by agreement among the people, as they had no currency.

Soon after the passage of the law organizing the Territory of Oregon, and fixing the salaries of its officers, gold was discovered in California, and a large portion of the cultivators of the soil were attracted to the gold mines. Gold became plenty, and the products of the soil became scarce, so that \$1,500 would hardly support a man of family in Oregon. But it is too late now to talk about the propriety of going back; and I say to my friend from Ohio, [Mr. TAYLOR,] that I question the propriety of adopting provisions in this bill designed to have a retrospective effect.

I am afraid, Mr. Chairman, that if this rule should be adopted, your humble servant will have to come in for his share. I went out to the Territory of Oregon at a salary of \$3,000 a year, and with the double duty of Governor and superintendent of Indian affairs on my hands. I served in that capacity for eighteen months, and my accounts are now settled and filed in the Department. In the management of the Indian service, you will find that during the whole time I charged not one cent for traveling expenses; nor did I receive one cent over my salary. And I flatter myself that I performed the duties both of Governor and superintendent of Indian affairs pretty well. At any rate, we placed the Indian relations on a pretty good footing. We arrested the Wilatpu murderers, made treaties of peace, and did all at a very little expense.

But, let me remark here, Mr. Chairman, particularly to the gentleman from Virginia, [Mr. LETCHER,] whose attention I desire, that, imme-

diately after that, Whig service was worth a good deal more than Democratic service. For, about the time when I was dismissed from the service, Congress separated the duties of superintendent of Indian affairs from those of Governor, and left the salary of Governor at \$3,000—which it ought to be; it is not any too much—and provided for the appointment of a superintendent of Indian affairs, at a salary of \$2,500.

Now, if we go back and provide for the extra payment of a Whig secretary, I do not see why we should not also go back and give the Governor \$3,000 salary for discharging the duties of that office, and \$2,500 for the superintendency of Indian affairs. Now, this House may try to impose that on me, [laughter;] but I care so little for money, that I would not accept of it. I do not want any such thing. But I believe that the secretary who heretofore served in Oregon Territory ought to have some kind of relief. I believe the best way would be to authorize the Secretary of the Treasury to settle his accounts on liberal terms, and to make such allowance to him as ought to be made for services not provided for by law.

I am unwilling to see this bill loaded down with amendments. It is of too much importance to be killed in this way; and unless we increase the salaries of the judges, we cannot secure the services of men who are competent to discharge the duties. We only ask it for a few months. They have heretofore served for less than they can live upon; and in a year and a half from this time we mean to be placed upon an equal footing with the States, by being one of them; and then we will pay our own judges, and relieve the General Government from legislating for Oregon Territory. She will then look to her own interests.

I can only say to the gentleman from Ohio, that the late Secretary of that Territory should have relief in some way; but I want to leave it to the committee to say in what way it shall be done.

Mr. TAYLOR, of Ohio. I would say to the gentleman from Oregon that I have no desire to embarrass this bill, for I shall vote for it with pleasure. But I think that the committee, as well as myself, may well thank the gentleman from Oregon for the information which he has given to us in relation to this matter.

But my particular object in speaking was to say a few words in reference to the remarks of the gentleman from Virginia, [Mr. LETCHER,] that while he was unwilling to raise the salaries of his Democratic friends, yet maintains that the services of Democrats are worth more than those of Whigs. I cannot agree to that. Officers of the Federal Government, whether they be Democratic Federalists, or Whig Democrats, in my opinion, should stand upon the same platform as to pay. I claim myself to be a Democratic Whig, and a good many Democrats in office do not deserve any more than the Whigs of the country. If there is any objection to this bill, it is upon that very ground.

I do not object to this bill, but I only desire to manifest a wish to do justice to those who have preceded the present incumbents, and the gentleman from Oregon is one of them. I have been given to understand that \$1,500, paid to the secretary of Oregon, is not more than \$500 would be here. A vast amount of duty is imposed upon that officer. If I am correctly informed, he is a disbursing agent, and is required to give a bond in the penal sum of \$60,000. He discharges the various duties imposed upon him by the Territorial Legislature; and, in my judgment, \$1,500 is a small compensation.

I shall vote for this bill; and if I could do so, in connection with this bill, I would relieve the gentleman from Ohio, who has been referred to as a former officer in that Territory, who, in consequence of the small compensation paid to him, is somewhat embarrassed, though his integrity is not doubted. He was paid only \$1,500 as secretary of that Territory, and it was not enough. The Delegate from Oregon [Mr. LANE] has assured me that it was not enough; and he further assured me that, at the proper time, he would endeavor to relieve him, by making an effort to have him compensated for the duties performed by him, and for which he has not received a proper compensation.

I will not embarrass the bill by my amendment, and I will withdraw it.

Mr. KERR. I am a serious friend of this bill,

and am very unwilling to see it incumbered with amendments which will endanger its final passage. But there is one important amendment which I desire to see made to this bill, and I will send it to the Clerk's desk to be read. I offer it as an independent section to the bill.

The amendment was reported, as follows:

And be it further enacted, That each of the judges of the Territories of Oregon, Washington, Utah, and New Mexico, shall be supplied with a complete set of the Decisions of the Supreme Court of the United States, of the United States Statutes at Large, and of Alden's Index to the Decisions of the Supreme Court of the United States.

Mr. LETCHER. They are already supplied.

Mr. KERR. Now, sir, I believe that it has been the uniform practice of the Government to supply the judicial tribunals of the country with libraries for the purpose. I have been informed that the territorial tribunals were not furnished. The gentleman from Virginia, however, who is well informed in reference to all matters of this description, says they are supplied. But, sir, I have been informed by one of the territorial judges that they are not supplied.

I understand now that when the Territories were first organized, it was the practice of the Government to furnish them with reports of the decisions of the Supreme Court, and of the Statutes at Large, but that at that act has expired by its own limitation—that there has been no renewal of it for some years, during which time these judges have not been supplied. I am furthermore informed, that it is of very great importance that these judges should be supplied with these books. They reside in a region of country where it is impossible to procure a suitable library to enable them to discharge their duties properly, unless they are furnished by the Government. I think, upon a little consideration, the committee will see that there can be no reasonable objection to my amendment.

Mr. STEPHENS, of Georgia. I have no objection to the gentleman's amendment, provided he will so modify it as that these books shall not become the private property of the judges.

Mr. KERR. I have no objection to that modification, and will accept it.

Mr. LETCHER. I do not know how the fact may be about the territorial judges being supplied with those books. I know the district judges in the States are furnished with those reports annually, and that the United States Statutes at Large are also furnished to them, but they are retained by them as their own private property.

Mr. STEPHENS. But the gentleman from North Carolina accepts an amendment to the effect, that these shall not become private property.

Mr. LETCHER. Yes, sir; I understand that I am speaking of what has been done. If it be true, as the gentleman from North Carolina remarked, that these books were once furnished to the judges of the Territories, under the law, I do not think the act expired by its own limitation. If they were ever furnished, I have no doubt they are furnished now. If, however, they are not furnished now, I see no reasonable objection to affording the same facilities to the judges in the Territories that are furnished to those in the States. What I object to is, that we are called upon to act upon these matters in the absence of all reliable information in relation to them.

Mr. GREENWOOD. The Delegate from Minnesota [Mr. Rice] says that they were originally furnished to the judges of that Territory, but that when the judges were removed, they took them away as their own private property.

Mr. LETCHER. Now, Mr. Chairman, I want to say a word in regard to this bill.

Mr. RICE. I ask the gentleman from Virginia to give way a moment to enable me to ask the gentleman from North Carolina, who proposed this amendment, a question. I desire to ask, whether a provision for the Territory of Minnesota was included in his amendment?

Mr. KERR. It did not include Minnesota.

Mr. RICE. I move then to amend the amendment by including a like provision for Minnesota.

Mr. KERR. The Territory of Minnesota was unintentionally left out of my amendment, and I will cheerfully accept the amendment of the gentleman from Minnesota.

Mr. LETCHER. Well, sir, I believe they are all in now, and I suppose we have everything before us in the way of expenditure that is to go into the bill.

Mr. HENN. I ask the gentleman from Vir-

ginia to allow me to make a single suggestion. I desire to suggest to the gentleman who moved this amendment, that he modify it so as to provide that when the judge goes out of office the books shall go into the territorial library.

Mr. KERR. No, sir; I prefer that they should go into the judicial library.

Mr. JONES, of Tennessee. I will remark, if the gentleman from Virginia will allow me, that there have been appropriations made for libraries in all these Territories, and that this is a new item entirely, to undertake to furnish libraries for the judges of the Territories.

Mr. LETCHER. I do not know how that may be, but there is a manifest difference of opinion as to the true state of the case, and goes far to demonstrate what I have said, that we are going on with this matter in a sort of helter-skelter style, by no means commendable in legislation.

Mr. DUNHAM. If the gentleman will allow me: the gentleman from Tennessee is undoubtedly right. If you examine our legislation for the last three or four years, you will find liberal appropriations have been made for libraries in every one of these Territories.

Mr. LETCHER. It only shows then what I insisted upon when I was up before—the necessity of leaving it to the proper Department, which has charge of these expenditures to furnish its own recommendations of what is necessary for these Territories.

Sir, I imagine, if you will go back and take the cost of Indiana Territory for its legislative, judicial, executive, and other purposes, you will find that it was not the one tenth part of what the cost of one of our Territories is now. I doubt whether indeed, it is the one twentieth of the cost of one of the Territories at this time. This increase of all these salaries makes the cost greater even than under the late Whig Administration! [Laughter.] The cost of keeping up all these territorial governments has been largely increased. For the last few years profligacy and extravagance in the distribution of public money, has been the prevailing evil of the times. You find it in the local legislatures. You find it here in this legislature. You cannot go anywhere where public money is distributed by legislative vote, or in any other way, that you do not find every species of application for appropriations for the benefit of particular individuals, or particular classes of individuals.

Now, here we see that everything is running up in price, as they tell us. Grain is a great deal higher; bacon is a great deal higher; and everything that a man eats or wears is increasing in price every twenty-four hours. [Laughter.] And at the rate it is going on, it is utterly impossible to tell what will be the cost by the close of the present session of Congress. [Renewed laughter.]

I do not apprehend that this is by any manner of means the last effort we shall have to increase salaries. I think that we shall have a number more; and I am not, therefore, at all surprised to see the gentleman from Ohio [Mr. TAYLOR] introducing a proposition to go back and include all who have held office, without limitation as to time. But the gentleman says that he does it by way of justice to his Whig friends. He says my proposition that Democrats were worth more than Whigs is not right. Does not the gentleman show that my argument is right, when he admits that his Whig secretary in Oregon was a defaulter?

Mr. TAYLOR, of Ohio. No, I did not. His account remains unsettled.

Mr. LETCHER. I tell you that when the accounts remain unsettled, there is something wanting to foot up the balance. That is pretty generally the case, I think. [Great laughter.]

Mr. TAYLOR. The gentleman enlarges the idea I meant to convey. I did not mean to enlarge the salaries of every man who had gone before. I say that if you put up the salaries of gentlemen now doing service in the Territory, you ought to do full justice, and pay those who have acted in these same Territories for four or five years back, the same sum.

Mr. LETCHER. I do not want to put them up. So the gentleman's argument is lost as to me. I was against even this clerk's bill, which had much of the principle contained in the amendment of my friend from Ohio. That went back. It was retrospective in its operation, and increased salaries for a year back, almost. I was against that. I am against all these retrospective acts;

and I am against all appropriations of money here unless the Administration shoulder the responsibility, and tell us that it is needed for a proper purpose. It is their business to make these recommendations. It is their business to furnish the estimates, and then for us to decide whether they are right or wrong. Let them take their proper responsibility, and send their estimates here. If an increase of salaries is demanded, or if an increase of expenditures is demanded, why then let them show it. If they do, I am prepared to vote for it. I am not prepared to do it otherwise. I am not prepared to have it said that the officers of this Government did not ask an increase which the two Houses of Congress forced on them.

Mr. KERR. I desire simply to remark, in reply to the gentleman from Indiana, [Mr. DUNHAM,] that whatever appropriations may heretofore have been made by Congress, with a view to establish libraries in the Territories, I believe it is not pretended by anybody that any professional or law libraries have been established in the Territories.

Mr. DUNHAM. It is very true that they have not been established expressly as law libraries, but I understand that there are libraries expressly for the use of the officers of the Territory.

Mr. KERR. Undoubtedly.

Mr. DUNHAM. And I suppose that these very reports and statutes at large have been embraced in the purchases for those libraries. If they have not been, they undoubtedly should have been.

Mr. LANE, of Oregon. If the gentleman will allow me, I will tell him what I know about the custom of the Government in relation to the statutes at large. The judges of Oregon Territory have been furnished by the Government of the United States with sets of the statutes at large. They were sent to me, and I distributed them equally among the judges of the Territory. Now, if that is not the custom of the Government, we in Oregon got so much more than we were entitled to. But I incline to think that the judges of all the Territories have been furnished with the statutes at large.

Mr. CAMPBELL. We can amend the amendment by adding a proviso that these books shall only be furnished to those Territories which have not already received them.

Mr. DUNHAM. I should like to ask the gentleman from Oregon whether the reports and statutes are not included in the purchase, and do not also form a part of the territorial library?

Mr. LANE. They are in the territorial library of Oregon. Whether they have been procured for the other Territories I cannot say.

Mr. DUNHAM. Undoubtedly they have. The gentleman from North Carolina will find that I am entirely right. The gentleman from Oregon says that these books have been furnished for Oregon Territory. Now, liberal appropriations have been made for the purchase of libraries for all the other Territories also; and if these other Territories have not expended the money with equal providence and care, the fault is their own.

Mr. KERR. I will modify my amendment in the way suggested by the gentleman from Ohio, [Mr. CAMPBELL,] by inserting the words "to which they have not heretofore been furnished."

Now, let me say a word or two only. I am a little surprised at the objection which is urged to this bill by the gentleman from Virginia, [Mr. LETCHER.] Of all men upon this floor, he is the very last that I should have suspected of waiting for Executive dictation in the discharge of his duty as a Representative of the people. Now, I hold that here we are at liberty ourselves to inquire what is necessary to be done, and, being satisfied of what the public interest demands, we ought to do it, whether the Administration in power will take the responsibility of advising it or not. I care not who is in power; whether the party to which I belong, or the party to which I am opposed—

Mr. WADE, (interrupting.) I wish to ask the gentleman from North Carolina how this amendment affects the question of congressional non-intervention and popular sovereignty in the Territories? [A laugh.]

Mr. KERR. About as much as the gentleman's question affects this bill. It has nothing in the world to do with it. [Laughter.] I was about to observe that it matters not to me who is in favor. I care not whether it be a Whig or Dem-

ocratic Administration, or whether they are for or against a measure. I will cheerfully give it my support, if I am satisfied that it deserves it, no matter what the powers that be may do or say, and I am sure that my friend from Virginia would do the same. If there is any man upon this floor to whom I look for an independent lead, he is the man; and I would as soon have suspected any other man here to inquire what the Executive wished to be done before he acts here, as the gentleman from Virginia, [Mr. LETCHER.] I think he did not do himself justice in that respect, but will do so if an opportunity is afforded him.

Mr. LETCHER. I certainly am much obliged to the gentleman from North Carolina [Mr. KERR] for the compliment he has paid me. In regard to waiting for recommendations from the Executive Departments before acting upon bills here, I think I can say that I am no more likely to be influenced by them than any other man upon this floor. It strikes me, however, in this case, that we ought to know what is expected to be done, and that it would be advisable to wait until we get some suggestions informing us what we really need.

Mr. KERR. I was about to observe, when I was interrupted, if I had to inquire for information at all with regard to my duty, I would inquire of my equals, and not of any masters.

Mr. LETCHER. I move that the committee rise, so that we can ascertain from the President, or some other Executive officer, whether they have got a library in the Territory or not.

Mr. DUNHAM. I think that the section, even as amended by the gentleman from North Carolina, [Mr. KERR,] is certainly not a judicious one, as I think I can satisfy the committee in a very few minutes. We have, as I stated before, made most liberal provisions for libraries in the Territories. These governments are in themselves evanescent; they cannot remain long. In a short time the territorial governments must be changed for State governments. Why, then, should we go beyond what we have done heretofore in providing libraries for officers of Territories, who will not long, at furthest, continue to need them? Why should we provide libraries for officers holding their offices at the will of the Executive, and may not, and probably will not, be continued in office over four years, especially if there should be a change in the politics of the Executive of the General Government; and if not before changed, must soon pass away when the territorial organizations give place to State governments.

Mr. PHILLIPS. But they will have successors.

Mr. DUNHAM. Who will be their successors, when the offices cease with the territorial Government for which they were created? Your government ceases, the office ceases, and, I take it, the succession ceases also. There will be no successor; there can be none.

Mr. KERR made some remark in reference to libraries for the judges of the district courts of the United States, who would be the successors, which was imperfectly heard by the reporter.

Mr. DUNHAM. Your territorial court is composed of three judges; your district courts will be composed of one. You will have three sets of books, besides the set now in the territorial library, in the very place, by the way, where these officers need them, the capital of the Territory. You will have three sets of books there, while you have but one district judge to use them.

Now, there is one thing more that I desire to say in regard to this bill, while I am upon the floor. I think we are increasing all these salaries with a great deal of recklessness and prodigality. I speak particularly of the men—

Mr. CULLOM, (interrupting.) I move that the committee do now rise and report to the House. It is not possible for us to get through to-day.

The CHAIRMAN. Does the gentleman from Indiana yield the floor for that motion?

Mr. DUNHAM. No, sir, not yet. I will complete my remarks, and then, if the committee desire to rise, they can do so. I shall be brief.

In regard to these salaries, I was saying, I speak particularly to gentlemen who make such earnest professions of the doctrine of State rights. We are increasing the salaries of all the Federal officers to an extent much above the salaries of officers doing similar duties under the State governments. And the tendency of all this is to destroy all

disposition to take office under the State government, and induce an inordinate desire for office under the Federal Government. To withdraw the best talent of the country from the service of States, and absorb it in this great central power, must of course soon destroy the dignity and independence of the State sovereignties. This tendency is all wrong.

Mr. GREENWOOD. Will the gentleman from Indiana permit me to interrupt him with a question?

Mr. DUNHAM. Certainly.

Mr. GREENWOOD. I want to ask the gentleman from Indiana this question: Whether or not, if any person receive these books, they will not revert to the Government when the office becomes extinct?

Mr. DUNHAM. I will answer the question of the gentleman from Arkansas, by asking a question in return: Did he ever know anything belonging to the General Government to be returned? If he ever knew an instance of that kind, then I think there may be something appropriate in his question.

Mr. BERNHISEL. Will the gentleman from Indiana permit me to make a remark?

Mr. DUNHAM. Of course; I yield it entirely.

Mr. BERNHISEL. I merely desire to state that the judges of the supreme court of the United States for the Territory of Utah were supplied with the United States Statutes at Large, up to the end of the first session of the Thirty-Second Congress.

The question was then taken by division on the amendment offered by the gentleman from North Carolina, [Mr. KERR.] Only twenty-nine members voted in the affirmative.

[Cries of "Count the other side."]

Mr. ORR. Mr. Chairman, we will be evidently without a quorum if a further count is taken. I call for tellers, and then I move that the committee do now rise and report to the House.

The motion was put, and agreed to.

The committee accordingly rose, and Mr. JONES, of Tennessee, having taken the chair as Speaker *pro tempore*, the Chair reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and especially the order relative to the territorial business, and had instructed him to report to the House three bills, which were adopted with amendments.

Mr. KERR. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

The House accordingly, at half past three o'clock, p. m., adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, May 2, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. THOMPSON, of Kentucky, presented a resolution of the Legislature of Kentucky, in favor of a donation of land to that State for educational purposes; which was referred to the Committee on Public Lands.

Also, resolutions of the Legislature of Kentucky, in favor of so amending the act of Congress granting lands to certain officers and soldiers, or their widows and minor children, that in case there be no widow or minor children, the provisions of said act shall embrace the adult children; which were referred to the Committee on Pensions.

Mr. WADE, at the request of Mr. SMITH, of Connecticut, presented the memorial of Alvan Underwood and sixty-nine others, citizens of Woodstock, Connecticut, praying for the adoption of measures, by treaties with foreign countries, which shall in future prevent wars, and refer all national disputes and controversies to arbitration; which was referred to the Committee on Foreign Relations.

Also, a petition of inhabitants of the town of Farmington, Connecticut, praying the reduction of ocean postage to a uniform rate of two cents; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of William D. Sands and forty-nine others, citizens of Hadlyme, Connecticut, protesting against the passage of the Nebraska bill; which was ordered to lie on the table.

Mr. CHASE presented a memorial of the Society of Friends of Indiana, composed of twelve thousand members, praying the rejection of the Nebraska bill, or of any bill which will introduce slavery into the Territories; which was ordered to lie on the table.

Mr. DODGE, of Iowa, presented a petition of citizens of Iowa, praying the establishment of a post road from Dubuque, via New Wine, thence on the new State road, via Strawberry Point, Robertson's Ford, and West Union, to Decorah; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Fayette county, Iowa, remonstrating against the passage of the bill for organizing the Territories of Nebraska and Kansas; which was ordered to lie on the table.

Mr. THOMSON, of New Jersey, presented a petition of citizens of the State of New Jersey, and a petition of citizens of the State of Pennsylvania, remonstrating against the passage of the Nebraska and Kansas bill; which were ordered to lie on the table.

Also, a memorial of citizens of Burlington county, New Jersey, praying that all those soldiers who have served in any of the wars of the United States, may be granted one hundred and sixty acres of land; which was ordered to lie on the table.

Mr. GEYER presented a petition of citizens of the United States, of the Jewish religion, residing in Missouri, praying that measures may be taken to obtain for American citizens of every creed, residing or traveling in foreign countries, a just degree of civil and religious freedom; which was referred to the Committee on Foreign Relations.

Mr. SHIELDS presented the memorial of Franklin Chase, praying that his claim in relation to the confiscation of the schooner Oregon, adversely reported upon, may be recommitted to the Committee on Claims; which, with the papers on file in relation to the subject, was referred to the Committee on Claims.

Mr. MORTON presented the petition of F. A. Underwood and H. A. Crane, heirs of Jehu Underwood, praying the confirmation of their title to a certain tract of land; which was referred to the Committee on Private Land Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the petition of Margaret Chandler, mother of Walter S. Chandler, of the Army, who was drowned while in the discharge of his duty, praying a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. SEWARD, from the Committee on Pensions, to whom was referred the petition of S. T. Van Derze, an officer of the quartermaster's department in the war of 1812, praying an amendment of the bounty land and pension laws, asked to be discharged from its further consideration; which was agreed to.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the petition of Elizabeth Summers, widow of Cornelius Summers, who served in the last war with Great Britain, as a substitute for one Gray, praying to be allowed bounty land, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of John McVey, a soldier in the last war with Great Britain, praying a pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Benjamin Rowe, reported it back without amendment, accompanied by a report on the subject; which was ordered to be printed.

He also, from the same committee, to which was referred the bill from the House of Representatives for the relief of George W. Gibson,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, MAY 3, 1854.

NEW SERIES.....No. 66.

reported it back without amendment, accompanied by a report on the subject; which was ordered to be printed.

He also, from the same committee, to whom was referred additional documents in the case of Benjamin Burton, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of James Stewart, of Stamford, Delaware county, New York, praying a pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. EVANS, from the Committee on Revolutionary Claims, to whom was referred the memorial of Frederick Vincent, administrator of Le Caze and Mallet, praying the payment of money advanced during the revolutionary war, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom were referred the memorial of the Legislature of the Territory of New Mexico, respecting Indian depredations in that Territory, and the petition of John B. Chapman and Clarinda P. Chapman, praying that steps may be taken to civilize the Indians at Puget's Sound, in Washington Territory, asked to be discharged from their further consideration; which was agreed to.

Mr. MORTON, from the Committee on Agriculture, to whom was referred the petition of Denton Offutt, praying Congress to purchase his system for the improvement of the breeds of domestic animals, asked to be discharged from its further consideration; which was agreed to.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives, granting the right of way to the St. Louis and Iron Mountain railroad, through the arsenal magazine and Jefferson barracks tracts, reported it back with amendments.

SURVEY OF COAL FIELDS.

Mr. BADGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the President of the United States to cause an examination and survey to be made of the coal fields on and in the neighborhood of Deep river, in the State of North Carolina, with a view to the establishment of a national foundry and armory.

NEW MAIL ROUTE.

Mr. DODGE, of Wisconsin, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Monteville, to Galesville and Douglass's Mills, to Black River Falls, in Wisconsin.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bill and joint resolution:

A joint resolution authorizing the accounting officers of the Treasury to adjust the expenses of the Board of Commissioners appointed by the Territorial Assembly of Oregon to prepare a code of laws, also to adjust the expenses of collecting and printing certain laws and archives of the Territory of Oregon; and

A bill for the relief of Grafton Baker.

The message also announced that the House had passed a bill for the construction of certain military roads and wells in the Territory of New Mexico.

MILITARY ACADEMY.

Mr. SHIELDS submitted the following report:

The undersigned, managers of the Senate and House of Representatives, upon the disagreeing votes of the two Houses, on the amendments to House bill No. 47, being "An act making appropriations for the support of the Military Academy for the year ending the 30th June, 1855," have met, and after full and free conference, have agreed to recommend that the Senate recede from its first amendment to said bill; and, also, that the Senate recede from its non-

concurrence with the House amendment to the third amendment to that bill.

R. M. T. HUNTER,
JAMES SHIELDS,
JOHN BELL,
Managers on the part of the Senate.
GEO. W. JONES,
WILLIAM H. RISSELL,
JOHN G. DAVIS,
Managers on the part of the House.

The first amendment of the Senate from which the committee recommended that it should recede, was to insert:

"For repairs and additions to professors' quarters, \$5,000."

The third amendment of the Senate, was to add the following as an additional section:

"Be it further enacted, That the compensation of the professors of French and drawing be made equal to that of the professors of the other departments, and the compensation of the master of the sword be \$1,200 per annum."

The amendment of the House in which the Senate originally non-concurred, was to strike out the words:

"Professors of French and drawing be made equal to that of the professors of the other departments, and the compensation of the"—

So as to make the section read:

"SEC. 2. Be it further enacted, That the compensation of the master of the sword be \$1,200 per annum."

Mr. SHIELDS. I will state that, for fear of losing the whole bill, we had to recede from our position, but I really hope we shall persist hereafter until we do justice to these professors.

The report was concurred in.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriation for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855, the pending question being on the motion of Mr. WELLER to amend the following amendment, reported by Mr. SEBASTIAN from the Committee on Indian Affairs, by striking out \$125,000, and inserting \$200,000:

For defraying the expenses of continuing the removal and subsistence of the Indians in California to five military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$125,000: *Provided*, The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation nor five in all. Said reservations to contain not less than five, nor more than twenty-five thousand acres. And the said superintendent is authorized to apply out of the sum hereby appropriated, not exceeding \$25,000 in the extinguishment of conflicting titles and rights to said reserved lands at a price not exceeding \$1 25 per acre for a valid and indefeasible title to the lands so purchased: *And Provided*, The State of California shall cede the necessary jurisdiction in such cases.

For general incidental expenses of the Indian service in California, embracing the expenses of travel of the superintendent and agent, &c., \$35,000.

The amendment to the amendment was not agreed to.

Mr. WELLER. I moved an amendment to the amendment, to strike out "\$125,000" and insert "\$200,000." An amendment was also moved by my colleague to strike out all after the word "California," in the amendment reported from the committee; which is the question now to be taken?

THE PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The Senator who is now on the floor first moved to strike out "\$125,000," and insert "\$200,000." His colleague subsequently moved an amendment to the amendment of the committee. It will be read if the Senator desires it.

Mr. BADGER. What is it?

Mr. WELLER. I apprehend that there is some error in this.

THE PRESIDING OFFICER. The Chair will again put the question if desired.

Mr. WELLER. The motion which I made yesterday—

THE PRESIDING OFFICER. The Senator

from California will allow the amendment to be read, as the Senator from North Carolina desires it.

The amendment of the committee was read; and the amendment offered by Mr. GWIN was to strike out all after the word "California," and insert "for preserving peace with said Indians, \$200,000," so that the amendment would read:

"For defraying the expenses of continuing the removal and subsistence of the Indians in California, and for preserving peace with said Indians, \$200,000."

Mr. WELLER. The first question, I believe, is on my motion to strike out \$125,000, and insert \$200,000. I stated yesterday that the superintendent of Indian affairs in California called for an appropriation of \$500,000.

Upon a consultation with the Commissioner of Indian Affairs, I advised him that, in my judgment, \$200,000 would be amply sufficient to enable the Government to carry out the plan. It was, therefore, on my recommendation in part, that the Commissioner of Indian Affairs complied with the wish of the superintendent, but cut down the amount to \$200,000. The Committee on Indian Affairs, not being able, as I think, to assign any reason at all, cut it down still further to \$125,000. Now, I ask to restore the estimate of the Commissioner of Indian Affairs, \$200,000. That, in my judgment, will be amply sufficient for the Indians in that country, there being now, according to the reports, one fourth of all the Indians in the United States located in California.

Mr. SEBASTIAN. The pending question I now understand to be on the substitute offered yesterday by the Senator from California, for the amendment reported from the committee. I stated that I had not the slightest objection to increasing the amount, provided it was to be applied in the way the committee recommended. I yet have no objection, if the Senate think that \$200,000 is required by the service in that country, to appropriate that amount; but the committee were unable to arrive at the conclusion that more than \$125,000 could be profitably employed, because we had no information from the gentleman in charge of the administration of Indian affairs in California, of the disbursement of the quarter of a million which was appropriated last year. I think that, sir, is alone a sufficient reason for restricting and limiting the appropriation which the committee were disposed to give to the Department, below the sum recommended, which we now learn came from the Department on the suggestion of the Senator from California. That is a mere matter of detail, however.

But I understand that the amendment to the amendment goes further, and involves a departure from the plan adopted by Congress and the Executive heretofore, and to restore the old, and what I understood to be the exploded system of Indian administration in that State, which existed prior to the act of the last session of Congress. The amendment, as now proposed by the Senator from California, would be restoring the plan of appropriating general amounts for the general purpose of preserving peace with the Indians in California. By referring to the history of the administration of that plan, it will be seen that such had been the magnitude of the evils that had grown out of it; such had been the signal failure of that system heretofore, that, on the 3d of March last, the Senate, almost without a dissenting voice, adopted the system which is now in force there, and which, I think, affords the only efficient plan for the protection and civilization of the Indian population of that State against that inevitable and irresistible agency—the encroachment of the white man.

That system, so far as it has worked, has worked efficiently, expensively, it is true, as every system of administration in that State must necessarily work from the inflated state and condition of things there at this time. That is a difficulty which we must expect to meet, and which we must face. It is a difficulty which we are to overcome, and overcome now; for an experiment where, first tried must involve the expenditure of amounts startling to us, from which we must expect that

the development of the system will recover itself in the process of time.

But, sir, does the old system, for which the Senator now proposes to abandon this experiment, ever work with greater satisfaction than that which was adopted on the recommendation of the committee at the last session, and whose fruits are successful up to this time, although it costs an immense amount of money? I think not. We all remember the fruit of the old system, for which an appropriation was made. Commissioners were sent out there, and almost the first results of their labor was the enactment of some nineteen or twenty treaties, which were returned here, involving the Government in the expenditure of \$800,000 or \$1,000,000. It is very true that we have not paid it; but this shows the operation of the system. The very first step which was made in its progress broke it down, and it has not been able to be revived.

I appeal to the Senators from that State, if we abandon the only system which has worked with anything like results corresponding to our expectations, and go back to the system of general appropriation—to the abandoned and exploded system which never worked with efficacy—what are we to expect? Are we to expect results more flattering than those developed in the operation of this system? I think not. I am disposed, therefore, to adhere to that system tenaciously, until it shall be, by experiment, proved to have been a failure or a successful policy. It is the same which we adopt in reference to all the Indian tribes at this time. It has been ingrafted on our late treaties. It has been ingrafted on one or two appropriations in the Indian appropriation bill; and we intend to propose and insist upon it as a system of general Indian appropriation, believing, as I think, that it affords the only prospect of permanently civilizing and giving fixed agricultural habits to that people.

As I before stated, I make no point upon the amount of money. If \$200,000 is required instead of \$125,000, I am willing to acquiesce in the sense of the Senate on that; but I am opposed to that amendment which involves the abandonment of the system on which the past appropriations have been made, and proposes the restoration of one which never brought forth good fruit, and which has been heretofore abandoned. I think, sir, it is more wise in us to pursue some system with consistency, with something like a dignity of purpose; and not be changing and vacillating between one system and another, and going back to a policy which never has, under the most favorable circumstances, led to anything but signal failures.

Mr. BELL. I concur entirely in the views expressed by the Senator from Arkansas; but I should like to make an inquiry of him in reference to an objection which he states, that the United States have no power to make reservations in the State of California. Why is it that treaties have not been made with these Indian tribes? I know that there were treaties made in such a form and under such circumstances, that the Senate rejected them, or the Executive, perhaps, thought proper not to submit them to the Senate for rejection or ratification. But why is it that no subsequent attempt has been made to make treaties with these Indian tribes? I take it for granted that there is public domain there, in the various gorges of the mountains, where they would not interfere with the population now in California.

A treaty is the only method of which I am aware, by which, under the Constitution, we can secure reservations in order to make the experiment, and I have been surprised, under the circumstances, that no such treaties appear to have been attempted of late, as far as I am informed. Perhaps it may be that they are in progress now, or that instructions have been transmitted to make them, but if there be territories belonging to the United States in California, by treaty, we can certainly secure the Indians in the enjoyment of those reservations just as we have done in all other cases, and just as we are authorized directly by the Constitution to do, where the United States are the owners of the unappropriated domain, and where the Indians have not been incorporated as members of the State by law. In that case we have no power.

It was suggested in debate yesterday, that the people or the Legislature of California would not, perhaps, give their consent to this plan.

Rumors were stated as existing in California, that perhaps east of the Sierra Nevada some country did exist on which the Indians might be located. I suppose, if there be any territory unappropriated by law, it would be in the power of the Government to select portions of the public domain on which to make this experiment. But my object in rising was to get information from the Senator from Arkansas, to get him to inform me, if he knew, why it was that this preliminary step had not been taken?

Mr. HUNTER. I would ask the Senator from Tennessee—for I really wish the benefit of his information on this subject—whether he thinks we would have the right to take a cession of the exclusive jurisdiction from the State of California for Indian reservation? That seems to me to be a point of doubt. I merely wish to ask the question to get the information from the Senator.

Mr. BELL. I only refer the honorable Senator to the practice of the Government from Washington's administration down to this time. The Government has never undertaken to exercise the powers of sovereignty over the Indian tribes, it is true, so far as to give them the fee-simple in the domain. We do not do that by treaty, and it is not necessary for the experiment to be made that we should give them anything but the usufructory enjoyment; but that we can continue indefinitely.

In those States, for example, in Texas, where the Government owns no public domain, the United States have forborne, for they have not had the power, to make any such reservations. That would have to be done with the consent of the Legislature of the State. But my experience is, that the Government from its foundation, has felt at liberty, and has executed the power of making permanent reservations, not giving to the Indians the fee-simple of the soil in any State, but by treaty stipulations, protecting the Indians in the enjoyment of those reservations, and this under the express power of the Constitution authorizing the Government to make treaties with the Indian tribes within any States of the Union, those tribes not being members of such State, not being recognized as such.

Mr. RUSK. I do not apprehend that the United States can take the jurisdiction of any land in California for the use of the Indians, without the consent of California. The United States, though, have certainly the authority and power to set off for the use of the Indians, any amount of territory they choose, and prescribe rules and regulations for their government. The Constitution expressly gives the power to Congress to regulate trade and intercourse with the Indian tribes; and under that article of the Constitution it has been constantly the practice of the Government to set aside portions of the country for the use of the Indians, and establish certain rules to prevent encroachments on them, and thus carry out the power expressly granted by the Constitution.

Now, I should be very sorry to see this attempt in California abandoned. I should feel extreme reluctance to see it abandoned; and I should also feel extreme reluctance to make any rules or regulations in regard to the Indians which should be distasteful to the State of California. I know how these things are. At the time these reservations were selected and taken the country was not settled. There is a population going into California rapidly, and perhaps encroaching on the Indians; and this may lead to some inconveniences. I do not think, however, that we ought to abandon the plan. To abandon the policy I think would be wrong. The reason given for it is simply that the superintendent of Indian affairs there has not made a report of the fund which he last received.

This is rather an extraordinary time for the Indian appropriation bill to be in the Senate. I know nothing of the facts in relation to the report, except what is stated by the Commissioner of Indian Affairs. I have a great deal of confidence in the superintendent, in his intelligence and energy, and the character of the man, so far as my acquaintance extends with him. We have reports from him that he has collected a number of Indians; and that they have gone to work, and are learning to farm, and make provision for themselves, and so far are getting along admirably well.

I think the best plan would be to compromise

this measure somewhat. I am not disposed to stint California, or to stint the Indian Bureau in the appropriations necessary to carry out this plan. One of the Senators from California, and perhaps both, yesterday rather opposed the obtaining of any reservation on which to place the Indians. Now, I would not be willing to vote to abandon this measure, but would make the appropriation as proposed in the amendment offered by the committee. I am not disposed to confine myself to the sum recommended by the committee, of which I happen to be a member. I am willing to vote for any reasonable sum that may be necessary.

I would propose to the chairman of the Committee on Indian Affairs, and the Senator from California, that we increase the appropriation to a reasonable amount for this object. I think, myself, in the first law which was passed, authorizing the reservation, twenty-five thousand acres of land was too much, as was mentioned by one of the Senators yesterday. I think eight thousand acres in a place is amply sufficient. There is a less exposure to the collisions which will naturally take place between them and the white people; and I think that eight thousand acres is as much as ought to be selected in such a way by the head of the Indian Bureau or the proper officer—perhaps the superintendent of Indian affairs in California would be the best judge of that—so as not to throw the white population near the Indians.

I have no objection to increasing the appropriation; but as it seems to be distasteful to California—she may exterminate the Indians, it is true; but in doing that many valuable lives would be lost, and there would be uncertainty and difficulty on the frontier; it would be cruel to the Indians, and hurtful, I think, to the State of California, because valuable lives would be lost, and a formidable and troublesome enemy would be had upon the borders, assassinating the peaceful citizens—I am willing, so far as I am concerned, to increase the appropriation, and to make its expenditure, and the further progress of the affair, dependent upon some provision that it shall be expended in the manner proposed, with the assent of the State of California.

Mr. WALKER. In the report of the superintendent of Indian affairs for California, he asks that there shall be appropriated the further sum of \$500,000 to enable him to proceed with his scheme for the Indians in California. While that proposition is under consideration in the Indian bureau, it is deemed, in concurrence with the views, as we hear, of one of the Senators from California, that the sum asked for by the superintendent is too large; and the sum of \$200,000 is finally settled upon in the Indian bureau. The appropriation of that sum is recommended by the Commissioner of Indian Affairs. In their investigation and inquiry into this matter, the Committee on Indian Affairs find, that as yet, a large unexpended balance remains in the hands of the superintendent for that section of country. I believe that unaccounted for balance is about \$180,000.

Mr. SEBASTIAN. Nearer \$250,000.

Mr. WALKER. I am told that my recollection is not correct; that there is nearly \$250,000 unaccounted for, and yet in the hands of the superintendent of Indian affairs in that section of country. Well, sir, there are other circumstances connected with the expenditure of that money which it is unnecessary for me to mention. There are those who have looked into them more carefully than I have; and if it be important that they should be mentioned at all in this investigation, it will be done by others, and perhaps by the honorable Senator from Missouri, our Presiding Officer, [Mr. ARCHISON]; but I do not know that it will be necessary to advert to them at all.

This unexpended or unaccounted for balance remains in the hands of the superintendent. Then, while the Committee on Indian Affairs had the subject under consideration, they deemed that an additional \$125,000 would be amply sufficient for the ensuing fiscal year. I do not think there is any one who, upon looking at the subject, can come rationally to any other conclusion. I can see no necessity for adding to the \$250,000, of which no account has yet been given, the further sum of \$300,000, making \$450,000 to be expended by the superintendent of Indian affairs in California for the next fiscal year.

This session of Congress will last probably

until towards the first of September. Congress meets again on the first Monday in December, and if disaster should arise from the appropriation being too small, it will be an easy matter for Congress to remedy the evil. I think still, therefore, that the appropriation of \$125,000 in addition to that now in the hands of the superintendent of Indian affairs in California, will be amply sufficient.

But, sir, we were apprised, yesterday, that another difficulty has arisen; that in California serious objections are growing up to this policy of the Government. The State, or the people of the State, are objecting to the location of the Indians upon these military reservations. I confess that what reflection I have been able to bestow on the subject, has brought my mind to the conclusion that we have not power to do it without the consent of California. Some are disposed to start the further question, whether we can do it with the consent of California, under the provisions of the Constitution. I am inclined to think, for one, that we can do it.

We have, then, under the state of the case, two propositions from the Senators from California. One proposes to appropriate \$200,000 generally, which must be seen by the Senate is an abandonment of the scheme now attempted to be executed in California, of the scheme established, or entered upon at the last Congress, and going back again to the old system of general appropriations for the benefit of the Indian tribes. The other proposition is nothing more nor less than to increase the sum from \$125,000 to \$200,000, and to go on with the plan upon which we have entered. I think the Senate had better vote them both down, and take the recommendation of the Committee on Indian Affairs. I should regret exceedingly to see the Senate abandon the plan which has been commenced. It must be borne in mind by every Senator, that the condition of our country is such now, that we must necessarily resort to some plan by which we shall establish a permanent system for the Indian tribes. It is got so now, that we have no other place to send them; we find them in their condition surrounded by the whites. The last inch of territory is being organized. We have no place then to send them beyond the limits of these countries organized for civil government. Finding them, then, as we do, in different localities of the United States, it would seem that we must necessarily adopt some permanent system for their government, for their control, for the amelioration of their condition. It cannot be done, it would seem, in any other way than upon the plan of locating them permanently upon reservations, granting these reservations for their purpose, and sacredly maintaining the grant.

If it is proposed to locate them in this way, within the borders of States already established, as I before remarked, it is my opinion that we would have to obtain the consent of the State. In the State of Wisconsin, that consent has been given, as I remarked yesterday, to the location there of one of the Indian tribes, the Menomonees. Their reservation has been surveyed for them, and they are located upon it. There is there a good superintendent. He is suggesting, from time to time, plans by which the Government shall proceed in the matter, and bring the Indians to habits of industry, and teach them agriculture, and establish among them schools. So far as the matter has gone, we can see at all events, that the Indians have become contented. They have thus become, collectively and individually, interested in the policy of the Government. They are beginning to see, as well as the white population must see, that they have now to conform their habits and their lives to this permanent state of the case; that they can go nowhere else. Seeing this, as they rationally must do, they begin to manifest an interest which is really pleasing to those who look with an eye of regard on the condition of the Indian tribes. They are beginning to manifest that rational view of their condition, and I do sincerely believe, that under the quiet management of that Indian tribe, it will be soon seen that they will become agriculturists, that they will send their children to school, that they will imbibe education, and finally become, so far as such a race can become, good citizens.

This is but in miniature the plan which is proposed here, except that in Wisconsin they are not under military rule. It is but in miniature the plan,

with that exception, which is proposed in California. There the number of Indians is vastly greater; but I have no doubt in my own mind, that when they, by contact with the whites, under this system, which is one of protection, shall see that it is the last thing that can be done for them, they will then, themselves, lend their hand as helpers to the Government, and co-work with the Government in the amelioration of their own condition. But if we now abandon it, what are we to do? If we no longer pursue this plan, but indefinitely, vaguely, and generally make appropriations for their subsistence, and for the maintenance of peace with them, what can they see in the prospect, in the future, of hope to themselves, that they are to have anything like a permanent condition? They can see nothing which they will have to interest them now to fix their minds upon a future and a better condition. But if the plan shall be persevered in, I have no doubt, in my own mind, that an interest will grow up among them, and that very soon, not only in point of expense, but in point of trouble and of exertion on the part of the Government, the system will vastly ameliorate itself. I cannot, however, see the necessity, for the next fiscal year, of increasing the expenditure to the amount proposed. I do not believe that it will be a benefit to the Indians. I do not believe that it will be a benefit to the Government. The Government, in trying this scheme, ought to do it cautiously; it ought to move cautiously; it ought to see that it has a faithful superintendent; that he treats the Indians fairly; that he is honest towards the Government, and prompt in making his reports; and that he gives results so that Congress can, at all times, have under its supervision the working of the plan as it proceeds.

But, at present, I must say it is a subject of regret to me, as an individual taking a deep interest in this matter, that the superintendent has not been more prompt than he has in making his reports; that he has not been more prompt than he has in giving us information of the working of the system in detail; that he should at all be in default in giving us the fullest information, the fullest account of the expenditures, and the fullest statement that he possibly could, by which we might be guided. While he has not done so, he may not be amenable to censure; but it occurs to me, and it probably will occur to the entire Senate, that it is a matter which should render us cautious in making large appropriations, and handing them over to the same hands, which seems to be negligent, so far, in reporting the expenditure of the money that has been already appropriated.

Mr. SEWARD. Mr. President, I think a very short retrospect of the history of the policy of the country in regard to the Indians, will show us why it is that we have never been successful heretofore in civilizing them by bringing them into reservations, and why it is that henceforth we are to be successful in that policy. When we began to bring the Indians into reservations in the Atlantic States, we found a portion of them desirous, and ready, and well disposed to adopt the habits of civilized life; but we found another and perhaps a much larger proportion, always retaining their migratory dispositions, tastes, and habits; and the circumstances of the country were such that, while the white man crowded upon the reservations that were made for the Indians who desired to remain, there was a vast and illimitable wilderness beyond, to which the Indian might resort, and where, instead of being cramped in small reserves, he might enjoy his native liberty in new and fresher and better hunting grounds. And, therefore, the Indians were always divided, and, in the divisions, the colonies which were reserved at home were neglected, and the tribes we sent abroad were poor, helpless, and dependent upon the favor of the Government.

As the honorable Senator from Wisconsin has said, we have reached the end of that condition of circumstances. There are no longer new hunting grounds to be assigned to the Indians; and when we assign them a reservation, it must be the last, and they must conform to the habits of civilized life, and in proportion as they do so, contract their disposition and increase their ability to cultivate the earth, so that they can submit to a contraction even of the limits of those reservations themselves. When we shall have attained this condition of circumstances, I believe that there will be found to be no difficulty in bringing the

Indians into the habits and customs and pursuits of civilized man. Such is the condition at which we have already arrived in the State of New York, in regard to the remnants of the Six Nations. After division upon division, and after removing what were called the heathen or savage portion further west, from time to time, we have at last, reservations there in which the Indians are becoming agriculturists, and are becoming moral, upright, sober, intelligent, and virtuous citizens, maintaining schools, carrying on merchandise, and so conducting themselves, in both reserves which we have made for them, small indeed though they are, as to disarm all prejudice on the part of the white man, and win the favor of the Governor of the State, and of all classes of citizens by whom they are surrounded.

I think the people of California will find that they will not be crowded by these Indians, if they allow them reservations ample for the present purposes, and that the pacific disposition which they always manifest when necessity for a resort to the chase has passed away, will win the favor of the people of that State, as it does, I am sure, in all the other States where they are gathered together into reservations, from which they have no longer any disposition to escape.

To the question which was put by the honorable Senator from Virginia as to whether the Government has a right to take a cession from California, or to take the consent of California to set apart a reservation for the Indians in that State, I answer, that the General Government has exclusive power to negotiate by treaty with the Indians; and it has also the power to make arrangements, with the consent of the States. There can be no doubt that it would be unwise, on the part of the Government, to force Indian population into the territory of a State without its consent; but after the consent of the State has been obtained, the power is ample to place them upon their own native ground, or, if you have not that ground, to place them upon any other which you possess, by virtue of your right of eminent domain in the States, or even on that which you may obtain by treaty or purchase from other Governments.

Mr. GWIN. My great desire is to have a sufficient appropriation for the purpose of subsisting these Indians during the approaching fiscal year. In regard to these reservations, as I stated yesterday, it is a new policy. It may or may not be beneficial. The reservation which has been already selected is at Tejon Pass, and is certainly one of the most beautiful places in the world. I have been there, and certainly I never saw a more beautiful location. It is well adapted to the purpose, because it is a very rich piece of ground, and is almost surrounded by mountains. On the east, south, and west, is the coast range of mountains. That range and the Sierra Nevada come together near this point. Immediately north is the Tulare valley, which cannot be cultivated. I do not know of any other place in the world where those Indians could be so isolated from the white population as at that point, and it is one of the most beautiful places I have ever seen. That portion which is occupied by the Indians is very productive, and will no doubt yield enough to subsist a great number of Indians. I think ten thousand acres, proposed by my colleague as the limit of any one reservation, will cover all the land there which they need for cultivation.

I have not opposed this policy; but I am not in favor of forcing it on the people of California. I wish to have the amendment simply specify that the appropriation is for the removal, subsistence, and, I will add, settlement of the Indians. I wish to leave the matter with the Secretary of the Interior. Let him adopt that policy which he thinks wisest and best. Give him means to prevent collisions between the Indians and the whites. I have adopted the suggestion of the Senator from Virginia, [Mr. HUNTER,] and will add to the amendment which I wish to propose, the word "settlement," so as to have the appropriation for the "removal, subsistence, and settlement," of the Indians. I think the main point is to give a sufficient amount and authority to the Secretary of the Interior. He has asked for a certain amount, and I am willing to give what he has asked for, and I wish to give him full discretion in the expenditure of the money.

The Senator from Wisconsin says that there

are \$180,000, or probably \$200,000, in the hands of the superintendent of Indian affairs in California. I have no idea that he has anything like that amount. He has not yet made his returns. He has made large expenditures in farming operations, and for starting the Indians in them; and I think it will be ascertained that there is very little of the fund which he has not expended. I understand that he estimates the receipts from the produce which he expects to raise there this year at several thousand dollars. He must have spent a great deal of money in making the preliminary purchases, and obtaining plows and other agricultural implements, and everything necessary to start with. I think he has now two or three thousand acres in cultivation. The reservation is over a hundred miles from the sea-coast, and everything had to be transported there at a great expense. Now, the point which I make is, that we should appropriate the amount asked for by the Secretary of the Interior, and leave him discretion to continue the reservations, if the State of California shall yield her assent. It is more than probable that she will at the proper time.

Mr. HUNTER. It seems to me that, under the circumstances, the amendment suggested by the Senator from California [Mr. Gwin] is proper. I think we had better confide this question to the discretion of the Secretary of the Interior, and by the addition of the word "settlement" to the amendment first suggested by the Senator from California, we leave it open to him, to carry on the policy of reservations, if he finds that he can make such an arrangement with the State of California as will make it practicable. Under these circumstances, I am disposed to go for the amendment which the Senator has suggested; but, with regard to the amount, it seems to me that the Committee on Indian Affairs are right. The sum of \$125,000 will probably be enough, especially as the other sum might have been estimated for under the supposition that we were bound to continue the policy of reservations. If we are not bound to continue it, and we have to make a discretionary appropriation, it seems to me that \$125,000 will be enough under the circumstances. I suppose, however, the first vote will be as to fixing the amount, and after that, the question will come up on the amendment of the Senator from California, [Mr. Gwin.]

Mr. COOPER. Mr. President, the plan for the location and government of the Indians on reservations in California, seems to have worked well so far; but time enough has scarcely elapsed to allow the Committee on Indian Affairs, or the Commissioner of Indian Affairs, to say, with certainty, whether it is one that can be universally applicable to all the tribes in that State or not. A good deal of money was expended during the last year upon one reservation, on which something like two thousand Indians, I believe, have been collected. It is evidently going to be a very expensive plan of governing the Indians; but, notwithstanding that it is likely to be so, I am prepared to give it my assent, so far as a further trial may be necessary.

I think there is no doubt that there is a very considerable portion of the appropriation of last year still unexpended, and in the hands of the superintendent. With that sum, and with the additional sum of \$125,000 proposed by the committee to be appropriated, I think he will have an amount amply sufficient to give the system a fair trial. I think it would be unwise to appropriate a larger sum. I have no particular objection to the amendment suggested by the Senator from California, [Mr. Gwin.] So far as I am concerned, I should be willing to adopt it; but what I meant to say particularly, was, that I regard the appropriation of \$125,000 as abundantly sufficient, taken in connection with that which is in the hands of the superintendent unexpended.

Mr. STUART. I was not in my seat yesterday when this amendment was discussed; but on looking at the debate as reported, I see it stated that there are in the hands of this officer now \$350,000. The chairman of the committee to-day, however, stated that there were about \$250,000 unaccounted for.

Mr. SEBASTIAN. Will the Senator allow me an opportunity of setting myself right, and also of fortifying what I was saying? The Senator informs me that I am reported as having said the other day that about \$350,000 were un-

counted for. I said about \$250,000—the larger part of \$250,000 were unaccounted for. I did not mean by that to say that the money has not been expended. I only intend to say that that amount of money has been withdrawn by the superintendent from the depository indicated by law. I suppose, as one of the Senators from California supposes, that a great deal of it has been expended. In all probability it has been; but returns, stating how it has been expended, or whether it has been expended or not, for the last three quarters, have never been received from the superintendent; so that we are left to conjecture whether he has expended the money or not.

Mr. STUART. It was for the purpose of obtaining that information that I rose at this time. Having obtained it, I wish to inquire of the Senate whether, when the superintendent has \$250,000 in money unaccounted for in his possession, and three quarters, as I understand the chairman, have passed without any report of the condition of the funds in his hands, it is best to make any further appropriations at all? I confess that, with the lights which are before me at this time, I should not feel myself willing to appropriate another dollar, unless there be appended to the appropriation a proviso that it shall not be put into the hands of this superintendent until he has accounted for the money already in his hands. I do not know the fact, but from inquiry of one of the Senators, I understand that the bonds of this officer are probably \$30,000. The chairman of the Committee on Indian Affairs, states that he had not made any report for the last three quarters, and there is a balance of \$250,000 in his hands. Now, will the Senate go forward and appropriate \$200,000, or even \$125,000 more, under such circumstances?

Senators say they suppose this money has been expended. That is the reasonable supposition; at all events it is the charitable supposition. But an officer of this kind should make his reports. There is no reason assigned here why he has not made his quarterly returns, showing what money he has in his hands; and I confess, that unless something can be shown further than has at present been shown to the Senate, I shall feel entire reluctance to vote a single dollar. But if the Senate shall disagree with me upon that proposition, I shall, at the proper time, offer a proviso, that whatever sum is appropriated, shall not pass into the hands of this superintendent until he accounts for what he has already had.

Mr. RUSK. In regard to the superintendent, I believe it is generally agreed, so far as we have heard from him, that he has expended the money properly. It is true, as the chairman of the Committee on Indian Affairs has said, that he has not returned his accounts in full as yet. There was evidently very great confidence reposed in him by the Commissioner of Indian Affairs when that officer put the whole of the appropriation at his disposal. The report, so far as we have any, as to the operation of the system, is that it is working admirably. The superintendent got the Indians together, and they are at work, and are getting on very well. Now, I do not pretend to say, for I know nothing about it, what is the reason why the superintendent's accounts are not here; but as I said before, this is a very early day for the Indian appropriation bill to come before the Senate. It was very nearly the end of the last session when the original appropriation was made, and it is usually near the end of the session before any appropriations are made. The superintendent may have thought that the usual course would be pursued this year, and that, if his accounts were in towards the close of the session, it would be time enough. At all events we have nothing upon which to predicate any improper use of the money by him. We have only the fact that his accounts are not returned. This is only presumptive; and my own opinion is, that he will satisfactorily account for the delay. I may be in error about that; but such is my judgment on the matter. I saw this gentleman frequently when he was before the Committee on Indian Affairs prior to the original appropriation being made. He bears a very high reputation so far as I know, and is certainly a man of very great intelligence and high integrity of character.

Mr. GWIN. I have had no intercourse at all with the superintendent of Indian affairs in California since I came to this city; but I understand that

that gentleman was recently about to visit Washington, and a gentleman who traveled with him informed me that he had his accounts ready to bring on with him. He thought he had them in his possession until he arrived at Panama, when he ascertained that he had put the wrong bundle of papers into his trunk. It is more than probable that that is the cause of the returns not being here. I was very much surprised not to find his estimates here, such indeed as were necessary to be laid before the committees upon which to base the appropriation; and I ascertained, upon inquiry of a gentleman who has traveled with him, that he had taken the wrong bundle of papers when he left California, supposing them to contain his estimates and accounts, and probably that is the reason why his returns have not been made.

Mr. STUART. Perhaps the Senator from Texas, and the Senator from California, may have understood me as questioning the integrity of this gentleman. I made no such suggestion at all. I only stated the facts that appeared here, and that I thought the Senate ought to be cautious about putting into his hands further money until the delay was explained.

Mr. WELLER. I am very glad that the Senator from Michigan has made the declaration which he has just made—that he does not intend to impeach the integrity of the superintendent. It is unfortunate, perhaps, that his vouchers have not been sent to the Department; but I take it for granted that there has been an unavoidable delay. We all know the difficulty in getting papers from that part of the country to this; and I am a striking illustration, I presume, of that fact. When I was Boundary Commissioner, there was a great noise made in the Senate about my vouchers; and I believe that, because they did not arrive at the proper time, some were so uncharitable as to say that I was a defaulter. I lay under that imputation until it suited the convenience of the Government to settle my accounts, and pay me a balance of \$5,000 or \$6,000 which was owing to me. I say, therefore, it is fair to presume in this case, that this public officer has fairly expended the money intrusted to him. I know him to be a man of great intelligence, and of uncommon energy. I know that he was vigorously engaged when I left California, last fall, in carrying out the plan adopted by Congress at the last session. If there be any man in that State who, above all others, I would select to carry out this specific plan, it would be that very superintendent.

Now, Mr. President, I am unwilling to abandon this plan, if I can obtain the consent of the Legislature to these reservations. I desire that the plan shall be fairly tested; and if it does not, as I conceived in the beginning it would, turn out to be the only plan of saving the Indians from extermination, then, as a matter of course, you will have to make direct appropriations to feed them, upon the principle that it is cheaper to feed than to fight them.

I only desire, therefore, to increase the amount of the appropriations to a sum which I hold to be necessary, and which, in all probability, will be sufficient to put the reservations in such a situation as to enable the Indians to support themselves. A large number of Indians have already been congregated there. They have performed an incalculable amount of ditching and other hard labor, which one would have supposed could not have been extracted cheerfully from them. They will spend sometimes a week laboring day after day, and then procure some food, go to the mountain, wander about for three or four weeks, and return again to this farm as their home. It is their home, their abiding place. This is all we expect to accomplish by this plan. We do not intend to reduce them to a system of slavery. We do not desire that this Government shall make money by extracting labor from them; but we desire to teach them the important lesson of depending upon their own labor for their bread. We wish barely to extract labor enough from them to procure for them the necessities of life. By making an appropriation of \$200,000, I doubt not this plan can be carried into such successful operation, that the Government will not hereafter be called upon to make appropriations for the support of these Indians. I desire to preserve them from extermination. If, however, as I said yesterday, the Legislature of my State sees proper to refuse to cede the jurisdiction, or to confer on the Federal

Government the power to make these reservations, let the responsibility rest there. I do not desire that the blood of these murdered Indians shall be on my hands.

Mr. PRATT. Mr. President, there is from all quarters a notion started that I do not exactly comprehend. It seems to be conceded on all hands that it would be the true policy of the Government towards these Indians, and would be best for them that the system which has already been commenced in California, should be continued. But it has been suggested by both the Senators from California, and also by the Senator from Virginia and others, that it requires the assent of California to allow the continuance of this system. Now I confess my inability to understand that objection. These lands were reserved by the Government of the United States from sale. The public lands of California belong to this Government. The Government reserved, for military purposes, so many thousand acres of land in this, that, and the other portion of California. That the Government had a right to make such a reservation no one will doubt. Then, having a right to make this reservation, does it require the assent of the State of California to allow us to place these Indians upon that reservation? Senators concede that if the State of California would assent to this, it is not only the true policy of the Government, but it is true philanthropy towards the Indians. Now, for my life I cannot understand by what course of argument they make it out to be necessary for us to obtain the consent of California at all.

Mr. WELLER. I can put the Senator right. It is exceedingly desirable, as a matter of course, if you establish a military post on one of these reservations, that the Federal Government should exercise exclusive jurisdiction. Now, I said that that exclusive jurisdiction could not be obtained by the Federal Government without the assent of the Legislature of California. I do not doubt that, if the General Government owns land, it can go into that State and place the Indians upon it; but it cannot get exclusive jurisdiction without the consent of the State.

Mr. PRATT. I certainly understood that it would not have exclusive jurisdiction; but what, after all, is that? Why, if parties on these reservations should commit any offense against the laws of the State of California, they would be tried and punished under the local law of the State; that is all. Now, it is not material to us, it is not material to the system, which the Senators say is beneficial to both parties, that we should have this exclusive jurisdiction. It would be just as well for the Indians, that they should be tried by the local courts of California, as that they should be tried in the Federal courts. I do not, therefore, see that, for the beneficial purposes of the reservations, there is any necessity for our having exclusive jurisdiction over the territory.

The Senator concedes that if we have a right to the land we can place the Indians there, and can have them taught all the arts necessary to enable them to gain their own support. He concedes that we have a right to do this without consulting California about it. I am in favor of doing it. If \$200,000 be necessary for the purpose, let us vote that amount. Do not let us, in the language of the Senator from California, have the blood of these murdered Indians upon our hands. Do not let us permit it to be left to California to determine whether they are to be murdered or not. It is the duty of this Government to protect them. We have placed them upon land belonging to us, where, it is conceded, they are protected, and where, it is conceded, they are taught. Let us give the necessary money. If \$200,000 be needed for the purpose, let us vote it; but let us keep the Indians on our own land, and keep them beyond the control of those who desire to interfere with them.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) Several Senators have suggested that the vote last taken was not understood by the Senate. The Chair will restate the question, and again take the vote. The amendment, as offered by the Committee on Indian Affairs, provides for the payment of \$125,000. The Senator from California [Mr. WELLER] moves to strike out that sum, and insert \$200,000.

The question being taken on this amendment to the amendment, there were, on a division—ayes 16, noes 14; no quorum voting.

Mr. BELL. I hesitated to vote in the affirm-

ative on this question after the suggestions which have been thrown out, but I wish to ask honorable Senators if it would not be a very easy matter to place this amendment in such a form as to be perfectly safe for the public interests? I do not understand that it is necessary to place this whole sum of money at any one time at the disposal of the superintendent.

Mr. WELLER. Certainly, it is not necessary; and I take it for granted the Department will not pay over any portion of the money now appropriated to the present superintendent, until he shall have accounted for the money he has already received.

Mr. BELL. Would the Department place \$200,000 at any one time at his disposal?

Mr. WELLER. No, sir, of course not.

Mr. SEWARD called for the yeas and nays on the amendment to the amendment; and they were ordered.

Mr. WALKER. I wish to inquire precisely on what amendment we are called upon to vote?

The PRESIDING OFFICER. It is on the amendment of the Senator from California, [Mr. WELLER,] to the amendment of the committee to strike out "\$125,000" and insert "\$200,000."

Mr. WALKER. Then the Senate will understand that it is on the mere proposition to increase the amount reported by the committee.

Mr. WELLER. I have a remark to make in answer to the suggestion of the Senator from Tennessee. I understood from the Secretary of the Interior, that the whole amount of the preceding appropriation was placed in the hands of the assistant treasurer of the United States at San Francisco. Instructions were then given to the superintendent not to draw over \$20,000 at any one time.

Mr. BELL. I consider that the officer here is responsible, if he places the money in the hands of the superintendents imprudently; and as long as we have confidence in him, I do not see any great objection to increasing the sum as now proposed.

Mr. DAWSON. I should be glad if the chairman of the Committee on Indian Affairs would inform me how many Indians have been located on the reservation in California for the purpose of learning agriculture?

Mr. SEBASTIAN. According to the latest reports of the superintendent—and I may refer to a private letter which I have from him, which I received about the commencement of the session—there are about two thousand three hundred Indians on the reserve near the Tejon Pass. That is the only reserve which has been located under the authority of the law of last year, which allowed five to be located. The superintendent has succeeded in locating but one, in consequence of the difficulty of finding as large an amount of the public domain in any one body as would make up twenty-five thousand acres. On that one reserve he has congregated about two thousand three hundred Indians, and opened last year some seven or eight hundred acres to cultivation, and he expects to have between two thousand and two thousand five hundred acres in cultivation this year.

Mr. DAWSON. We appropriated \$250,000 at the last session of Congress to remove and subside these Indians, and start them in the arts of agriculture. Two hundred and fifty thousand dollars is a very large sum of money to appropriate to make a commencement of a system; and now, without any report, satisfactory to this body, for I have seen none, we are asked to make an additional appropriation of \$200,000, making altogether \$450,000.

Mr. BELL. Not for this one reservation.

Mr. DAWSON. But for another reservation.

Mr. BELL. For others.

Mr. DAWSON. We are now in the month of May, and of course there can be no arrangement save clearing, or something of that kind, during the remainder of this year; yet now we are called upon to make this appropriation when we have no data, no statement upon the part of the vigilant officer engaged in the disbursement of the money, showing us the necessity of making a further appropriation.

Sir, this is a great system which we are trying, and we are met, in the beginning, with what is called a constitutional question, a States' right question, as to whether we can take lands in the heart of a sovereign State and set them off for the

Indians in reservations of twenty-five thousand acres. There may be citizens who own the soil under the laws of Mexico when California belonged to that nation; and are we to surround those people with Indians? Are we to plant Indians directly in their midst without any consultation with them, and give to the Indians a title in the lands around these white people? Sir, this is a great movement which we are making.

The chairman of the Committee on Indian Affairs states a fact which is no doubt true, that it is difficult to find a body of land sufficient to place these people upon; and why? There is an abundance of land, but it is taken up by prior titles, hence the embarrassment arising out of the very mode and manner of appropriating the public lands. We are too precipitate in this matter. These Indians have been there through all time, so far as we have any knowledge. They came into this country with that portion of it which is known as California. They were subsisting there, and were maintaining themselves as occupants of the soil. Has the Government of the United States destroyed their occupant right? Has it driven them from the position which they occupied? Has this been done by the power of this Government? If not, has it been done by the power of the State government of California? Not at all.

But, sir, these Indians are said to be strays and waifs upon the land. Why, they are just as they were when we found them. The soil is just as it was when we took it, and they are entitled now to all the rights which they enjoyed then. We propose now to subside them by large appropriations annually from the Federal Treasury, when there are their lands and their hunting grounds, when there are the gold mines of the country, in which they can dig if they choose. If they can labor in the soil for agricultural purposes, they can certainly labor in the mines; but yet we are making an appropriation to convince these people that they need not labor, that they are the wards of the Government, and that they will be subsisted from the Treasury without the necessity of labor on their part. This is the education which we are giving them, an education well calculated to destroy them, and debar them from all progress whatever.

The Senator from New York has mentioned the course which his State has pursued towards the Indians that are there. They have been settled for the last seventy-five years immediately within the limits of that State; but instead of prospering, they are dwindling in numbers. It is true that some of them are intelligent and learned men now, but the tribes are dwindling away every day.

Now, sir, my idea on this question is, that we had better not make another appropriation, but wait until we can understand this matter well; and whenever we are about to determine this system, we should recollect that it will have to be applied to Nebraska and Kansas, and the other Territories of this country; we should fix it by a separate and independent bill, on which we can act understandingly. Let Congress know fully the effect of the measure. Let us not do all our important legislation connected with the Indian tribes, or any other portion of our people, by provisions in our appropriation bills.

I will go as far as any friend of California can desire to put these people in a condition where they shall be peaceful, but I do not want to do it by an act of legislation which will be oppressive to a portion of the people of California. If I were a citizen of that State, I would never submit to the Government crowding these people permanently around my home. It is a dangerous question to handle; and the rights of the State and of the people of that State ought to be considered. California is one of the finest States of this Union; and are not the California Indians as intelligent as the Chinese? The Chinese go there by thousands, delve in the mines, and make fortunes; and yet we are telling our California Indians, "Do not labor in the mines, but go and settle on a piece of land, and try to learn agriculture." Why take them from the grubbing hoe and the spade, and from the mines, where they might have made money? Why not encourage them to go to the diggings and make money by working for themselves, or hiring their services to others? Why tell them, "No, no; do not labor; we will gather you together and appropriate money to buy

clothing and food to support you?" That is the doctrine. Is it beneficent? Is it kind? Is it philanthropic?

Under a Government like ours, said to be far superior to that of Mexico, are we to announce to the Indians that they cannot live under our benign influence, though they were able to subsist under the Government of Mexico? What a compliment is this to our institutions! What a compliment to the progress of this country! We heard nothing of starvation among these Indians when California belonged to Mexico. We heard nothing then of Indian desolation there. These things have sprung up since the acquisition of that country, and they are incident to the character of the people who went there almost without government and without law, and went into the mines. These are difficulties which do exist, and are very embarrassing, no doubt, in California. For myself I would rather that California should manage these Indians than that the General Government should do so, for the State would know better how to get along with them. But what I want to say is, that I am prepared to vote just as much money as any other man to protect the people of California and benefit these Indians, but I want to do it on such a principle that when I act I can understand what I am doing. When I am going to establish a system that is to be permanent—a system that will not only work in California, but in all our Territories, and even in the States where there are Indians located, I wish to do it intelligently. I know that it is embarrassing to exercise the power of the General Government over Indians within the limits of a State. I have been raised in a State where that was the case, and it gave rise to a constant series of difficulties and perplexities, and led to many conflicts between the two governments. If we adopt this plan of making large reservations in California, there will be such conflicts. It is a dangerous experiment, and one in which I do not wish to be instrumental until it is well prepared, well organized, and well arranged.

I repeat, we had better drop this appropriation for the present, and let the Senators from California ask for a committee, and let them digest a plan to organize the Indians properly. Let that be brought up as a separate proposition, which we can discuss and properly understand. Then, if the money be necessary, let us make an appropriation for the purpose.

Mr. SEWARD. Mr. President, I cannot let this debate close without offering a correction to a remark made by the Senator from Georgia. He expressed what is, I think, the universal understanding, that there has been a decline—a decay of the Indian nations and races within the last seventy-five years—and he applied the statement especially to the Indians in the State of New York, once so independent, once so powerful, once the only republicans on this continent, and who have always been republicans. This has been the received opinion, which has gone into philosophy and gone into history. But, sir, some seven or eight years ago we caused a census to be taken of the Six Nations. We found them, to be sure, scattered by the hand of Providence, some of them remaining upon their ancient hunting grounds, others dispersed throughout Canada, others at Green Bay, others still further west, and others, again, further south. But the result of the whole was that when you came to correct the exaggerated estimates of the number of the Six Nations which were derived from tradition in the early settlement of the country, and to ascertain the whole number left, we found that they had not diminished, but, on the other hand, that they remained about the same. They have not increased as rapidly as the white man in a state of semi-civilization, or an initiatory stage of civilization, but at the same time they have not decayed by war and by famine as much as they did before. This is consolatory to those who believe that the experiment is humane, and certainly encouraging to those who felt impressed with the wisdom of the plan of drawing these Indians into reservations, and separating them from the corruptions, and from the violence of the whites.

Mr. PETTIT. Before I vote on this proposition, I wish to get a little more information, and I hope I shall be able to get it from the chairman of the Committee on Indian Affairs. If I understand it, this is a proposition from that committee to

appropriate \$125,000 to establish an Indian settlement in California, on the public lands of the country.

Mr. SEBASTIAN. Five of them.

Mr. PETTIT. Five settlements or localities. The Senator from California moves in substance to add \$75,000 to the amount proposed by the committee. His amendment is to strike out \$125,000 and make the amount \$200,000. Now, I wish to ask the chairman of the committee whether we are under any treaty or legal obligation to furnish this amount, or any other amount of money to the California Indians, or whether our relation towards them is not precisely what our relation is towards all the wild Indians with whom we have no treaties at all? In short, if we are under obligations to furnish means for the subsistence of these Indians, I wish to know whether we are not under like obligations to all other Indians with whom we have no treaties? Is this anything else than a moral obligation, if it is even that, and are we not under a like moral obligation to all the Indians within our jurisdiction? Can the Senator answer?

Mr. SEBASTIAN. In answer to the interrogatories of the Senator from Indiana, I can state, that our relations with the Indians of California are precisely such as they are towards all the Indian tribes with whom we have negotiated no treaties; and that we are under the same obligation, and no more, to provide for them as for other Indians with whom we have no stipulations to pay money. He may term the obligation moral or legal. It is, I believe, the common obligation of humanity. The Indians of California occupy towards this Government a position somewhat different from what our own Indians do; for, by the Spanish law, they were not regarded as having any interest in the country at all, but were always treated as mere tenants at sufferance; and the consequence was, that they were congregated together in the "Missions," by the different officers and subordinates of the Spanish and Mexican Governments, who were at different times sent among them. They were never regarded by those Governments as having any interest in the soil. We did, at one time, make treaties with these Indians; but the treaties were rejected by the Senate. This plan of collecting them together in five military reservations, to be carved out of the public domain of the United States, was adopted at the last session of Congress, and has been partially executed, to the extent of locating only one reserve.

Mr. WELLER. The Senator will allow me to say that it was never contemplated to make five reservations in California. The bill which was passed at the last session of Congress, authorized five reservations to be made in California, Utah, and New Mexico. It never designed that five reservations should be made in the State of California. I supposed there might probably be two or three there at the outside, and that the other two or three would be in Utah or New Mexico, or both.

Mr. SEBASTIAN. The Senator from California states rightly the terms of the law. The Territories of Utah and New Mexico were embraced. I know the fact, however, to be, that the superintendent contemplated this as a provision, to be carried into execution, with reference chiefly to the State of California.

Mr. PETTIT. I wish to ask the Senator from Arkansas another question, and that is, whether the California Indians do not claim, and whether we do not concede to them, as we do to all other Indians within our jurisdiction, the possessory title to their lands? Do they not, in that respect, hold the same relation to this Government that the Indians east of the Rocky Mountains do?

Mr. SEBASTIAN. We have acted towards them on the supposition that they occupied the same relation to us, and that they have the same title to their lands as the Indians in other parts of the United States.

Mr. PETTIT. Then, so far from this being an obligation resting upon us, I think it is quite the reverse. The Senator tells us that under the law of Mexico, from which nation we acquired this country and the jurisdiction over these Indians, they were not allowed even that possessory right which we have always yielded as appertaining to the Indians in all new countries. We, therefore, acknowledge their ownership of the unoccupied and ungranted territory of California over which

they roam, and from them we must acquire the right to it, as we do to all the lands of our own Indians, by purchase. They have a possessory right to the land, and they are to dispose of it. They may sell it to us for large amounts of money, undoubtedly, if they are tribes, as I understand they are, and we are prepared to make treaties with them, as we have done with other tribes east of the Rocky Mountains. I have seen no good reason why we should now adopt in California this new policy of collecting the wild Indians, and saying to them, "Notwithstanding you own all this new country, and have subsisted yourselves heretofore under a worse government than ours—one which denied to you even the right of occupancy which we yield—yet we feel ourselves under obligation not only to acknowledge your possessory right of ownership to the soil, and to say that we cannot take it from you without your consent, but to advance to you this enormous sum of money." Upon what principle it is done I cannot see. All our Indian tribes may certainly come with greater force and greater reason, and ask you for similar amounts of money, in proportion to their numbers, *per capita*.

I am not prepared to vote for any portion of this amendment, not even for the recommendation of the committee. I have always endeavored to make it square with my views of propriety to vote for the recommendations of the committees of this body, in instances where they have properly examined the questions appropriately coming before them. I cannot, however, do it in this case; much less can I vote for the amendment of the Senator from California, much as I desire to do everything that may advance the interests of that growing and promising State. I certainly would not withhold from her any just, reasonable, or liberal claim which she could set up. But this is not an appropriation for California. It is an appropriation for the Indians, to whom we are under no earthly obligation, either moral or legal. We have come under no obligation to them. We have advanced them greatly from the condition which they were in under the country from which we acquired jurisdiction to them. Why, then, should we make this appropriation?

Mr. WELLER. Mr. President, I am very sorry that my friend from Indiana cannot see that there is any moral obligation resting on the people of this country to make some provision for the support of the Indians in California. His argument is this: the American Government is much more beneficent than the Mexican Government; and if these Indians could subsist themselves under the Mexican Government, why can they not do it under the American Government? Sir, let that Senator recollect that there is this important difference. Under the Mexican Government there was a very sparse population of white people in California, and nature amply supplied all the wants of the Indians; the streams were full of fish; there were there plenty of nuts and acorns, and everything that was necessary to subsist the aborigines. Now, under your American Government, you have three hundred and fifty thousand white people scattered over the whole surface of that State, for, unlike the other new States of the Union, they have not advanced gradually from settlement to settlement, but your people have gone there, and are scattered in all the ravines and gulches, and upon all the streams in that State. They have taken from the Indians the supplies which nature provided. They have destroyed their game. They have taken possession of that forest where they once obtained their supplies. They have taken their fish. Yet, now, the Senator can see no moral obligation resting on this Government to afford them subsistence. Sir, can there be a higher obligation than that which humanity imposes upon you? If by our action, or if by the action of our people, these Indians have been reduced to a state of abject penury and want; if by our conduct we have deprived them of the supplies that God intended they should have, is there not an obligation resting upon us, not only as enlightened citizens, but as men, to make some provision for these unfortunate people?

Mr. PETTIT. Will the Senator allow me to ask him, whether these Indians have ever requested us to treat with them? Have they ever asked for an appropriation? Have they ever asked that we

should do what this amendment proposes, or are we voluntarily shoving it upon them?

Mr. WELLER. Mr. President, I happen to know the fact that there were hundreds of these unfortunate Indians, who were driven to the mountains during the last winter, and who suffered death for want of the necessary food to sustain life. There are thousands of them, who, during the coming year, if there be no provision made for them, must absolutely starve.

Mr. PETTIT. That does not answer my question.

Mr. WELLER. They have not asked me for my charity. They have not said to me, as an American Senator, that they wished me to see that they be saved from starvation. I had a heart that required no such appeal. Now, sir, if the Senator from Indiana can see no obligation; if he is content to sit down and say "Let them starve, I do not find it written in the bond that I am to support them," let him so decide by his vote.

Mr. PETTIT. I wished to know whether they had asked for this.

Mr. WELLER. The great body of the Indians to whom I now allude, are as wild and uncivilized as the grizzly bear of the mountains, and if they attempted to speak to me, they could speak only in a tongue that I could not comprehend. A large portion of those Indians who suffered during the last year for the want of food, have been driven high up into the mountains by the white man, and there they can obtain no food, no subsistence. Now, we propose by these locations to induce the Indians to come down from the mountains, engage in agriculture, and rely no longer upon nature alone for their food. That is all that is proposed. We have our "Mission" Indians there, and the Senator from Georgia seemed to think that we were inducing those Indians to abandon their labor in the mining region of the State, and come down, and loaf away their time upon agricultural pursuits. Let me tell the Senator that those Indians who are to be provided for by this system, never worked a day in the mines. They are unaccustomed to labor. They have never performed it. They have obtained their supplies directly from nature. The white man has robbed them of these; and there is, in my judgment, an obligation resting on us to supply the place. As to whether the appropriation shall be \$125,000 or \$200,000, that is a question which the Senate can determine. I feel no greater solicitude in this matter than every man should feel, who sees the Indians fading away day after day because of the inhumanity of the white man.

But I did not intend to trespass upon the Senate again, for I desire, above all things, to have this question settled. The argument of my friend from Georgia was fully answered at the last session of Congress, and it would be a work of supererogation to refute it again.

Mr. BELL. If the Senator from Georgia be right in his views of this new policy, I shall be opposed to it myself. The question was not much debated at the last session of Congress, when the policy was adopted; but, if I have any correct memory about it, it is directly the reverse of that which is stated by my friend from Georgia. I understood that these farms were to be reserved, and these grounds opened and prepared for cultivation, with a view to lure the Indians from their wandering, idle habits, and to induce them to become agricultural laborers. That is the very basis of the policy proposed to be established by this new system—not that they shall be maintained in idleness by the Government, but that they shall earn their subsistence by their own hands. So far as I have obtained any information on the subject, (and I wish the Senator from Arkansas to state whether it is the fact,) we have lured a great number of these Indians from their wandering habits, and they are laborers now upon these grounds.

Mr. COOPER. About two thousand three hundred of them are now on one reservation.

Mr. BELL. So I understand. The Government does not propose to employ laborers any further than it may be necessary to initiate the experiment; but it relies upon the Indians as the laborers upon these grounds.

Mr. WALKER. Certainly; that is it.

Mr. BELL. If I am mistaken in that, I am wholly mistaken as to the scheme which has been adopted.

Mr. DAWSON. But the Government is to sustain them until they get the lands cleared and ready for a crop.

Mr. BELL. I understood the Senator to say that it was a permanent system; that instead of allowing them to labor in the mines, or seek subsistence as they ought to do, and as every human being ought to be encouraged to do, this was a system to maintain them in idleness.

Mr. DAWSON. Undoubtedly; and it has not been denied. Of course all that cannot labor must be sustained; and if you have nothing to sustain them on this year, when you bring them in, how are you to sustain them?

Mr. BELL. Of course they are to be subsisted for a year, or until they can raise a crop.

Mr. DAWSON. And then, after subsisting them, they are to clear the land, and you are to teach them how to cultivate; but up to this time they have to be sustained.

Mr. BELL. And that is precisely what we did with the Indian tribes that we removed to the west of the Mississippi. We gave millions on millions for the purpose of paying the expense of their transportation west, and then of subsisting them for a year afterwards.

Mr. DAWSON. That was in pursuance of treaty stipulations.

Mr. BELL. That part of this policy is in conformity with the past practice of the Government; and what I wanted my honorable friend from Arkansas to state was, whether it was not the very basis of this experiment that the Indians should be lured from the mountains, and taught to seek their own subsistence, and to earn their bread by the sweat of their brows?

Mr. SEBASTIAN. The Senator from Tennessee has stated correctly the spirit of this new system, which was adopted at the last session of Congress. It is not contemplated that the Indians are to be brought together, and fed and supported absolutely at the expense of the Government, but they are to be taught to work, to work actively, like other persons engaged upon farms. According to the report of the superintendent, the Indians who have been collected upon the reserve near Tejon Pass, are actively engaged in labor, and profitable labor. It is an astonishing fact, stated by the superintendent, that the wild Indians from the mountains are with great facility brought down to the arduous and assiduous labors of the field. As a matter of detail, I would mention that during the operations of the last year, over forty Indian boys were engaged as plow boys; and a few days' training from the agent, a man of practical information in reference to that business, was sufficient to make them useful laborers on the farm; and out of two thousand three hundred Indians now engaged there, I understand that every one has a duty assigned him, and performs it strictly, and with a promptitude and facility which are quite astonishing, considering that the Indians there collected, are the root-diggers from the mountains, and not those who have been heretofore subsisted at the "Missions."

Mr. BELL. They are the wild Indians.

Mr. SEBASTIAN. Yes, sir; they are the wild Indians who have been brought from the mountains, and not the old "Mission" Indians, who were far advanced in a knowledge of agricultural pursuits.

The question being taken by yeas and nays on the amendment of Mr. WELLER to the amendment of the committee, to strike out \$125,000, and insert \$200,000, resulted—yeas 19, nays 18; as follows:

YEAS—Messrs. Bell, Benjamin, Bright, Chase, Clay, Dodge of Wisconsin, Gwin, James, Mallory, Morton, Pratt, Rusk, Seward, Sumner, Thompson of Kentucky, Thomson of New Jersey, Wade, Weller, and William—19.

NAYS—Messrs. Atchison, Brodhead, Butler, Cooper, Dawson, Dodge of Iowa, Evans, Fitzpatrick, Foot, Hunter, Jones of Iowa, Jones of Tennessee, Norris, Pettit, Sebastian, Stuart, Toombs, and Walker—18.

Mr. STUART. I move to amend the amendment as amended, by adding to it the following proviso:

Provided, That no portion of this amount shall be paid over to the superintendent of Indian affairs until he shall account satisfactorily for the amount already drawn by him out of the former appropriation; and that hereafter no more than \$20,000 shall be drawn by the said superintendent, or be in his hands unexpended at one and the same time.

Mr. PRATT. If the Senator will insert the

word "present" before "superintendent," I think there will be no objection to the amendment.

Mr. WALKER. That would make it objectionable.

Mr. PRATT. The Senator from Michigan himself, I think, will see the impropriety of this amendment as it now stands. I do not pretend to say, nor do I believe, that the present superintendent has done anything wrong. But suppose he has? This amendment is offered upon the hypothesis that something has been done which is wrong. Suppose that to be so; then the superintendent will not make his report at all; and the result is, that no appropriation is made for the support of the Indians. The Government will discharge this man, if he has done wrong, and put some one else in his place; and yet your appropriation is avoided by the amendment of the Senator from Michigan. That amendment, as I have said, is predicated upon the supposition that the present superintendent has not discharged his duty. If that be so, he will not make his report, but will be turned out by the President, and somebody else be put in; and yet, under the proposed amendment, the appropriation will not go into effect.

Mr. STUART. I see the difficulty which is apprehended by the Senator from Maryland, but I wish to suggest to him that it would hardly occur practically. I think there is a very serious objection to the alteration which he has suggested, because I think it might be regarded very properly as being invidious against this officer. That I wish to avoid very carefully. But suppose the worst state of things; suppose this money cannot be satisfactorily accounted for by the superintendent; it does not follow that if a new officer were appointed, this appropriation would therefore be suspended.

Mr. PRATT. Certainly it would, under the amendment.

Mr. STUART. In my opinion it would not; but if I am mistaken in that, it would be better to use some other terms than those indicated by the Senator from Maryland. I think, however, that I am not mistaken, and in that case I think within the substantial meaning of the law the amendment would be complied with. That is my view of it. I am not, however, tenacious about words. I only wish to avoid anything that will convey an imputation against this officer. It seems to me that if we were to put in the word "present," as suggested by the Senator, it would be a direct imputation against him.

Mr. COOPER. I think the Senator from Michigan had better put in the word "present." It will not hurt his amendment.

Mr. STUART. If there be no objection, I will consent to that amendment.

Mr. WELLER. I do not see any necessity for the amendment of the Senator from Michigan. I take it for granted that if the appropriation be made, the Department will put no more money into the hands of the superintendent until he has accounted for that which he has already received.

Now, in regard to the amount which has been paid over to the superintendent; I understand that the other appropriation was placed, as I said to-day, in the hands of the sub-treasurer, and the superintendent was requested, by his instructions, to draw for a sum not exceeding \$20,000, until he had already accounted for that which he had received. Wherefore, then, the necessity of this amendment? Cannot the whole object be attained by a faithful discharge of duty on the part of the Commissioner of Indian Affairs? If he gives instructions, and those instructions are disobeyed, I take it for granted that he will remove the recalcitrant officer. Wherefore, then, the necessity of inserting this amendment? Why proceed to do the very thing which the Department of the Interior has already done, and which, under the existing law, the head of the Department has full authority to do.

Mr. COOPER. The object of this amendment was suggested by myself, and it was suggested because the superintendent had, on one or two occasions, on one certainly, drawn perhaps to-day \$20,000, and to-morrow \$20,000, or \$30,000, or \$50,000 more, or perhaps \$120,000. Did he not draw \$120,000 at once? It is to meet that very thing that the amendment is offered.

Mr. WELLER. I should take it that that was a direct violation of his instructions, and if I were

at the head of the Department, I would not hesitate to remove a public officer who would disobey his instructions in that way. Nobody has attempted to shield the superintendent of Indian affairs. If he has acted improperly, if he has violated the instructions of the Department, let the Department remove him; I shall utter no complaint; but there is no necessity for the legislation proposed by the amendment.

Mr. COOPER. I think there is.

Mr. STUART. I hardly think the suggestion of the Senator from California will answer in place of legislation. If this officer, or any other, misappropriates money, you may remove the officer; but that, after all, will not save the money. The object of the legislation is to save the money. The addition suggested to me by the Senator from Pennsylvania was, that he shall not only not draw more than \$20,000 at a time, but that he shall not have exceeding that amount in his hands at any one time unexpended and unaccounted for. That I have put in my amendment, so as to make it perfectly clear. This officer, as has been suggested to me, is only required to give bonds to the amount of \$30,000; and it seems to me that the amount of money in his hands, unexpended, should be within the limit of his bonds; and I submit that that should be a matter of law. I have admitted the amendment proposed by the Senator from Maryland, to insert the word "present," inasmuch as the Senator from California has no objection. I submit that it does not answer the amendment to say that the Department may regulate this by instruction. Whatever it is proper to do, ought to be done by law, so far as it can be done, without hampering the operations of the Government.

Mr. WELLER. The Senator did not understand me as agreeing to the insertion of the word "present." I said nothing on that subject, and I do not know how he could draw the inference that I was in favor of it. I should be unwilling to put in that word, because it would look as though we intended to impeach the integrity of the present incumbent, and advise the Department to remove him. I am unwilling to act in that way.

Mr. STUART. I should not myself have accepted that alteration, if I had not understood the Senator as conceding that it ought to be made. My own opinion was, that it would be a reflection on the incumbent.

Mr. GWIN. I will mention one fact in connection with this question, which seems to me to make the amendment useless. An order has been issued from the Treasury Department recently, requiring the disbursing officers in California to keep the whole of the public money which they have to disburse under appropriations made by Congress, with the sub-treasurer at San Francisco, and they can draw it out only upon vouchers. They cannot, therefore, get any of the public money unless they furnish their vouchers to the sub-treasurer, and he pays their drafts. The system has been entirely changed since the occurrences which have been alluded to. The change has been made within the present year. The Secretary of the Treasury has issued those instructions to the assistant treasurer in California, and he has received a reply that that officer is prepared to carry out the system. In future, therefore, the public money will be disbursed in California precisely as the public funds are now disbursed in this city, at the Treasury of the United States. In this way the money will not go into the hands of a disbursing officer, as heretofore, but will be retained by the sub-treasurer, and paid out upon vouchers. Hence, in my opinion, there is no necessity for the amendment of the Senator from Michigan, because the money will not be paid over directly to the disbursing officer, but will be retained by the sub-treasurer, and paid out upon vouchers as they are presented.

The PRESIDING OFFICER. Does the Senator from Michigan accept the amendment suggested by the Senator from Maryland?

Mr. STUART. I do not accept it unless it be agreed to by the Senators from California.

Mr. GWIN. I have no objection to the amendment of the Senator from Maryland to the amendment of the Senator from Michigan, but I object to the whole of it. I think that, perhaps, as it stands it might tie up the officer's hands. I am afraid that until the accounts are settled, none of the money will be used; and in that way the provision, as it stands, might lead to embarrassment.

Mr. STUART. Then I accept the suggestion of the Senator from Maryland, and insert the word "present" before the word "superintendent."

The amendment of Mr. STUART to the amendment of the committee, as amended, was agreed to.

Mr. WALKER. I have another amendment to the amendment.

Mr. GWIN. No vote has yet been taken on the amendment which I proposed.

Mr. WALKER. I wish to perfect the committee's amendment before the question is taken on that of the Senator from California. My amendment is to insert after the word "Provided," where it first occurs, the words "that before any part of said sum shall be expended;" so that the clause shall read:

Provided, That before any part of said sum shall be expended, the State of California shall cede the necessary jurisdiction in such cases.

There is a provision in the amendment of the committee which was intended to be what it will be when my amendment is agreed to. But as it now stands, the Senate will perceive that it is too vague and indefinite to accomplish the object in view.

Mr. SEBASTIAN. I am willing to accept that.

Mr. GWIN. I am utterly opposed to it. It ties up the whole appropriation until the State of California acts; and the Legislature does not meet until next January. I do hope the appropriation will be permitted to pass in such a form that it can be made available. If it is tied up by these provisions, it will be as well to make no appropriation at all. We want this policy carried on under the control of the Secretary of the Interior. We wish to give him this fund, in order to keep the peace with the Indians there, and if necessary carry out this policy, and propose to the Legislature of California next winter that she shall give us jurisdiction over these reservations. I think there will be no difficulty in going on if we do not trammel the Department too much by these provisions.

Mr. WALKER. Mr. President, the amendment of the committee, as it now stands, is designed to go on with, and carry out, the system adopted at the last session of Congress. In order to perfect the amendment, it will be necessary to adopt the provision which I have proposed. When it is perfected, the question will be taken on the amendment of the Senator from California, which is to cut loose all restriction from the appropriation, and leave it a general appropriation, such as were made in former times, simply for the subsistence of the Indians. With that view, I think it is well the Senate should vote on it. If it is necessary to go on and perfect the plan of last session, we should certainly do it in such a way that we can have authority. The Senator from California himself is the first to start objection here to this plan. Yesterday, for the first time, he brought to our notice the fact that California was objecting to the location of the Indians on the reservations. Now, if we are going on with that plan, if it is deemed the best policy to continue it, is it not necessary, if his ground be correct, that we shall obtain in some way the consent of California? Shall we make the appropriation absolute? Shall we go on, and by the appropriation of this sum of money declare, that the Indians shall be located on these reservations; and when they are so located, is California to step forward and say we shall not do it? I hope not. If we are to congregate the Indians upon these military reservations, and that cannot be done without the consent of California, in the name of common sense, is there any harm in obtaining her consent; and if she will not give it, to say respectfully to her, "We will not expend our money in this enterprise?" That is all that is proposed by this proviso, and I do not see how you can get along without her consent. It is impossible to do so. Suppose the appropriation is made with a view to carry on the system that has been established there. If the provision shall be adopted, it will be with a view to carry on the system which has been initiated there; and yet, when you come to expend the money for the purpose, you find you cannot do it, because California objects. Then, is it not well to get the consent of California? You have to get it, or abandon the system. The abandonment of it is proposed by the Senator from California,

[Mr. GWIN,] in his amendment. Then, when we shall have abandoned it, by the adoption of his amendment, this will all have been stricken out, and there will be no harm in it; but, as long as we propose to carry out the system, let us do it by the consent of California; for without her consent, it is pretty generally conceded we cannot do it. That is all that is proposed by my amendment.

Mr. BADGER. Mr. President, I wish to appeal to my friend from Wisconsin to withdraw this amendment. I think there is great force in the suggestion made by the Senator from California. If you require, as a condition precedent to the expenditure of any of this money, that this cession of jurisdiction shall be given, as the Legislature of California does not meet until the January of next year, you will, in effect, suspend the application of the whole of the money. Now, I think, under the circumstances, when we consider the distance of California from the seat of Government; when we consider the necessity of some immediate application of this money towards the general purpose, we may safely trust to the proper Executive officer not to make any large and unwise expenditure until the consent of the State of California shall have been obtained. I think we had better leave it to his discretion, under the existing circumstances, on account of the importance of a power immediately to use some portion of the money, and on account of the distance of the place and the time before a cession of jurisdiction can be obtained. I agree with the Senator entirely in his views; but I think, under the particular circumstances of the case, we had better not impose a positive restriction, which will make it just as if the money had not been appropriated until some time, perhaps, in the succeeding month of February.

Mr. WALKER. If the argument of the honorable Senator from North Carolina be correct, we should not adopt the amendment of the committee at all, for if he will listen to the reading of that amendment, he will see that the whole of it proceeds upon the ground that we are to continue this reservation plan. If we are going upon that plan, my proposition is necessary to perfect the amendment of the committee. After you have perfected it, you may strike it all out, on the argument of the Senator, and adopt the proposition of the Senator from California. I shall make no strenuous opposition to that proposition; but if we are to adopt the amendment of the committee as our policy, it is absolutely necessary that my amendment should be made to it. Perfect it first, and then take the question on the proposition of the Senator from California, and adopt that, if the views of the Senator from North Carolina are to be carried out.

Mr. BADGER. I suggest to my friend from Wisconsin that I assumed, for the purpose of the suggestion which I threw out to him, that the cession from California is necessary; but he will observe that that is by no means a clear point. It is by no means sure that we are not entitled to proceed without the consent of California. But I want to raise no unnecessary question about it. That consent will no doubt be given, when the Legislature shall have an opportunity of yielding it. In the meantime, let the officers of the Government go on and carry out this beneficent scheme. Do not hamper them by a proviso, which in one aspect of it, may be a concession of what we ought not to concede; and, in the other, will produce a mischievous delay in the useful commencement of this system. Let us be content with practicable guards. Let us be satisfied to leave some discretion to the executive officers. Let us not, by an exceeding anxiety to tie up this matter against all possibility of contingency in a direction we may not approve, put upon it such restrictions as may render it, in a great measure, impracticable for a considerable period of time. Now, that strikes me to be reasonable; and I know that my friend is reasonable. I hope, therefore, that he will not embarrass this provision by his amendment.

Mr. WALKER. I will withdraw my amendment, and in doing so, I wish to make one observation. I see it is clearly the design of the Senate to abandon the policy that it agreed to at the last session; for, without obtaining the consent of California before the expenditure of the money is made there, you will not obtain it at all, and without obtaining it you cannot carry on the plan.

Mr. GWIN. Now my amendment is in order. The Senator from Wisconsin, and other Senators, have said that it proposes to abandon the system of reservation. I wish the Secretary to read it, to show that they are mistaken.

The Secretary read the amendment. It is to strike out of the amendment reported from the Committee on Indian Affairs all after the word "California," and insert after the word "subsistence," the words "and settlement;" and add after "California," the words "and preserving peace with said Indians;" so that the amendment shall read:

For defraying the expenses of continuing the removal, subsistence, and settlement of Indians in California, and for preserving peace with said Indians, \$200,000.

Mr. GWIN. Now, Mr. President, it is at the discretion of the Secretary of the Interior to continue these settlements after this plan. I want to give him the entire power. I want him to have the control of this fund, for the purpose, in his judgment, of benefiting the Indians and the people of California to the greatest possible extent. My whole object is to have the appropriation made as efficient as possible to do good, without trammeling it too much by legislation.

Mr. SEBASTIAN. I paid some attention to the reading of the amendment to the amendment, and I think the effect of it is obviously misconceived by the Senator from California; and I know that my friend from Virginia, [Mr. HUNTER,] who made some remarks rather in favor of it, misconceived its object. It involves, I think, unequivocally, a clear abandonment of the system adopted at the last Congress; and if it is adopted, all the provisions of the amendment of the committee conferring authority on the President to make reservations at all, are abandoned; all restriction as to the quantity of the reservations is abandoned; all the provisions authorizing the superintendent to buy out the conflicting titles of claimants on the reserves are abandoned, and you will have the system just as it was before—at sea, without compass or rudder, for the guidance of the superintendent. It may not be the object of the Senator from California to destroy the system; but I am certain that it is the inevitable effect of his amendment.

Mr. WELLER. I desire to move an amendment to the amendment of the committee, before the question is put on the proposition of my colleague. I move to strike out "twenty-five," and insert "ten," so that the amendment will read "said reservations not to contain less than five, nor more than ten thousand acres." I do not know how the reservations were originally fixed at twenty-five thousand acres. I am very sure it never received the sanction of my judgment. At the last session I endeavored to fix the maximum at ten thousand acres, and supposed that the provision in that form had passed the Senate; but afterwards, on an examination of the law, I discovered to my astonishment, that the Executive was authorized to make the reservations extend to twenty-five thousand acres.

The PRESIDING OFFICER. That amendment will not be now in order, unless the pending amendment, offered by the colleague of the Senator to the amendment of the committee, be withdrawn.

Mr. GWIN. I withdraw it for the present, for that purpose.

Mr. WELLER's amendment to the amendment was agreed to.

Mr. GWIN. I now renew my amendment to the amendment.

Mr. HUNTER. I either do not understand the amendment proposed by the Senator from California, or I think the chairman of the Committee on Indian Affairs does not. I do not understand it to be an abandonment of the policy of reservations, but as leaving it discretionary with the Secretary of the Interior whether he will expend the money upon the reservations, or in some other mode. It may be—and it was to meet that contingency that the amendment to the amendment was offered—that, owing to the action of California, or other circumstances, it may be found that we cannot carry out the policy of reservations. If so, something must be done with the Indians; some provision must be made for them; we cannot tell in what shape it ought to be made, and the best disposition of the matter seems to be to leave it at the disposal of the Secretary of

the Interior. There is a word inserted in the amendment to the amendment with an express view to enable him to carry on the plan, if it should turn out to be practicable and best to continue the reservation, viz: the word "settlement." It is true it does not force him to expend the money in carrying out the policy of reservations and in no other way; and it seems to me that it would be improper to do so, because it may turn out that he cannot carry out the policy. The State of California may interpose and object. It may be, too, that when he obtains more information, he may find that the system has not worked as well as some are inclined to think it has done. All these things are uncertain; and in view of this uncertainty, and in order to obtain a practicable provision, one which may be established in any state of the case, I have thought that it was best to concur with the Senator from California, and leave this discretionary.

Suppose, sir, the State of California should refuse to cede the jurisdiction; suppose she should interpose other objections; what can be done with the appropriation under the amendment of the committee? Nothing; no provision can be made for the Indians. Suppose, on the other hand, it should turn out that the Secretary of the Interior may be able to make some other provision with the State of California for taking care of them—something short of the cession of the absolute jurisdiction—some arrangement with her by which, with the concurrent action of the State and General Governments, some provision may be made for the Indians—would it not be better to leave him the power and authority to do so, and not confine him to one mode, and one mode only? I do not understand this as forcing the abandonment of the reservations.

Mr. SEBASTIAN. I believe it is the intention of the Senator from California, as I am sure it is that of the Senator from Virginia, to confer upon the Department a choice of systems, and not a compulsory abandonment of one without the adoption of anything in its stead; but by reading the amendment to the amendment, you will see that so much is stricken out that the bare insertion of the word "removal" does not save the old system at all. I will state to the Senate why it is a compulsory abandonment of the old system.

Superintendent Beale states in his report, that he has been unable to make the five reservations contemplated by law, because he could find no portion of the country in which there were not intervening so many preemption and Mexican claims, that he could not make the reservation out of the public domain of sufficient size at all; and we must, of necessity, abandon the system, unless we greatly reduce the size of the reservations, and authorize him to purchase up the conflicting claims. Therefore, if we make no provision giving him authority to buy up the conflicting claims, and requiring the cession of jurisdiction by the State of California over these, you will cut him off from the use of the reservations, except the one which he now has, because all that part of the amendment which makes provision for the removal of these obstacles is proposed to be stricken out by the amendment of the Senator from California. In that way it works as an abandonment of the system, because it confers no power for the removal of the obstacles which are in the way.

Mr. HUNTER. Will my friend allow me to ask him a question? Does not the amendment of the Senator from California give the Secretary of the Interior general authority to do all this? Does it not give it to him, not specifically, but generally? Under this amendment he would have the authority, as I understand it, to continue the reservations, if he found that policy to be the best and most practicable.

Mr. SEBASTIAN. If the term "settlement," by force of the words employed, gives the general authority to make reservations and buy up the lands of individuals, and obtain the cession of jurisdiction from the State of California, if it embraces all this complicated idea, then the Senator is right.

Mr. GWIN. There are acts on the statute-book in connection with this system, and the object is to give as enlarged a power to the Secretary of the Interior as possible, to continue the system, if that is best. But if he cannot get the consent of California, (for it will, of course, be optional with that State, and there is no evidence yet that

that consent will be refused; we have no such evidence, because there has been no legislation on the subject,) and cannot adopt the system, we ought to give him a discretion, so that he may go on and prevent the Indians there being destroyed.

Mr. RUSK. I hope the amendment of the honorable Senator from California will not be agreed to. The result of it will not only be an abandonment of what I regard as the only means of preserving the Indians, but it will be introducing another and new system in that section of the country, which will lead, in my judgment, to a much larger expenditure, and no good will be accomplished by it. With regard to the mooted question of jurisdiction, in my judgment it amounts to nothing. Gentlemen, I think, are alarmed without cause upon that subject. The Constitution of the United States gives Congress the right to regulate trade and intercourse with the Indian tribes. That is all the jurisdiction that is necessary. All the jurisdiction you want over one of these reservations, when you settle the Indians on them, is to keep out traders, persons who carry whisky, and injure and demoralize the Indians. That jurisdiction you have by the Constitution of the United States.

There are two different systems which have prevailed on this continent in regard to the Indians. The English Government recognized their right of occupancy, and treated with them, and purchased their lands. It was very good on principle; but what has the practice shown? The Spanish Government, on the contrary, did not recognize the right of the Indians to the soil. They took possession of it when they chose, and did not recognize any right in wild Indian tribes to the soil. When they became civilized, they settled them down in pueblos, and admitted them to a kind of semi-citizenship. What has been the result of the honest principle on which we started out to buy Indian territory? We have purchased Indian territory sometimes when it was not needed, even at exorbitant prices; and we have given annuities, and what has been the result? Why, sir, it has fastened a set of vampires on the Indians, a set of gentlemen who live off the Treasury of the United States. That is your policy. There are a few honorable exceptions to it, but, as a general rule, that is your policy. The traders get around the Indians, and they must have annuities paid to the Indians. The result is that they do not work. They have done nothing at all. The same system was commenced in California. Appropriations were made for Indian purposes soon after California was admitted; and what was the result? Fifteen or twenty treaties were made with José Maria, and every Indian chief they could find in the mountains, looking to the expenditure of millions of dollars in the way of annuities. Where would those annuities have gone, if the treaties had been agreed to? Would they have been a benefit to the country? Not at all. Would they have benefited the Indians? Not at all. They would have benefited a few traders, a few vampires on the Indians—men who are ready here, with every imaginable claim, to get appropriations which they can divide among themselves.

Then this other system was adopted, of making an appropriation, and furnishing the Indians with stock, furnishing them with farming implements, settling them down upon the land, and learning them to work for themselves. Now, it is a mistake to suppose that Indians cannot learn to work. The Choctaws, and various other nations, learn to work, and, as a general rule, they have almost as good farmers among them as we have. These Indians in California have gone and settled down upon one of these reservations, and now do work. I have good evidence for saying that they have now several thousand acres in cultivation. They have more land in cultivation now, and are raising more to live on at this moment, under this arrangement, than I expected they would up to this time. If you abandon this system, you will have twenty treaties at the next session, providing annuities to be paid out of the Treasury, and these annuities will give rise to great squabbles with the Indians and traders.

Mr. PRATT. Before the vote is taken on the amendment of the Senator from California, I desire to offer an amendment. I ask the Senate to agree to strike out this proviso:

"Provided, The State of California shall cede the necessary jurisdiction in such cases."

As I said before, when I had the honor to address the Senate, I do not conceive that it requires the assent of California to give to this Government the right to place upon the reservations the Indians whom we propose to place there. I therefore ask that that proviso be stricken out.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland.

Mr. PRATT. I ask for the yeas and nays upon it; and I desire to make a single observation. Unless the amendment which I propose be adopted, the whole appropriation will become entirely useless. In the first place, you are to require, before the provision goes into effect, the assent of California, that you may place upon your own land, reserved by this Government, these Indians. Of course, until the Legislature shall have met, (and it is not yet elected,) you cannot attempt to appropriate the money. Thus a delay of several months, I do not know how long, perhaps ten months, will elapse before, by possibility, even if the State should give its assent, this appropriation can go into effect. Then after the Legislature, which is to be elected, shall have met, it has to act upon it, and to give the exclusive jurisdiction for which you ask.

Now, as I have already said, we do not want the exclusive jurisdiction. The land is ours. It belongs to this Government, and we have a right to place the Indians there. If they should commit any offense under the laws of California, they would be tried by the tribunals of California; and that is the whole result of the absence of this exclusive jurisdiction. I shall vote against the whole appropriation, unless the words to which I refer be stricken out. If the provision which I seek to strike out remain as it is, it will render the whole appropriation entirely useless.

Mr. WALKER. It was to perfect this particular point that I offered the amendment which I withdrew a short time ago. The argument of the Senator from Maryland would be well enough if we had no information as to what has been the practice of the Government in such cases. I can inform him, however, that, practically, the Government has asked for the consent of the States—deeming itself disqualified to locate the Indians permanently within their limits without their consent; and I will instance the case which I before mentioned of the Menomonees of Wisconsin. They were turned over to the Legislature of Wisconsin before anything was done. The Legislature gave consent that they might be located on a certain reservation, and they were located accordingly. The Senator will find that this has been the practice of the Government.

Mr. PRATT. I suppose it was done in that case because of some such provision as is contained in this amendment.

Mr. BELL. I wish to ask the honorable Senator from Wisconsin a question. When those Indians were turned over to the mercy of the State of Wisconsin, in settling the question whether they should be driven out of the boundaries of that State altogether, or whether they should find a home there, had they not ceded every foot of land which they owned there?

Mr. WALKER. Certainly.

Mr. BELL. Then those Indians did not own one acre of land in that State, and had not even a possessory right. There was a clear case where the consent of the State was necessary. But that is not the case in California.

Mr. WALKER. Let me apprise the Senator from Tennessee of this fact: after the Indians ceded their land, it became the land of the Government.

Mr. BELL. I understand that; but the two cases are not parallel.

Mr. WALKER. That case is parallel to the present one, in my view. It is alleged by the Senator from Maryland that this land, being the land of the Government, the Government can do as it pleases with it, so far as the location of the Indians is concerned.

Mr. BELL. The title of the Indians in California has not been extinguished; and I agree with the Senator from Maryland, that we have the power to locate them on the public land if we think proper, because the Indians there have never

parted with their possessory rights according to our policy.

Mr. HUNTER. But will they not be subject to the laws of California? It is the opinion of the Senator from Maryland that if we locate them without the cession of jurisdiction from California they will be subject to the laws of that State.

Mr. BELL. But have these Indians no rights of possession, no usufructuary rights? Is that the law of California now? I do not understand it to be so, for the laws of the United States have been thrown over that territory, and we have attempted to treat with them. If they are members of the State of California, we cannot treat with them.

Mr. PRATT. I may be entirely wrong, but my notion is this: the Government of the United States has pursued the policy of Great Britain in reference to the Indians. We have conceded that the right to the soil was in the Indians, and that this Government could only acquire the right to the soil by treaty or acquisition from the Indians. Now, California was Spanish territory, and the Spanish Government differed entirely from the English Government on this point. The Spanish Government never recognized the right of soil in the Indians; consequently, I did not attempt to argue that the Indians possessed in California any right to the soil.

Mr. BELL. They have the same possessory right which the Indians west of Missouri had—the same right that the Indians had in Florida—the same right that they had in the old cession of Louisiana. So that, if the Senator's view be correct, we have been acting upon false principles all the time. The Government has carried out its policy in all these cessions, though the civil law applied in all the French and Spanish settlements. Whenever territory has been ceded to the United States we have carried our own policy there, and allowed the Indians to have this possessory right, and treated with them as having a claim to it. That is our public law adopted in relation to the Indians. Then I contend that we have a perfect right, in conformity with the principle of our quasi public law in relation to the Indians, to treat with them in California precisely on the same footing in regard to any rights of possession which they have in the district of country over which they roam, as we have treated with the Indians in other territories.

Mr. DODGE, of Iowa. Mr. President, I hope that the amendment offered by the Senator from Maryland will not prevail. It raises a very nice and delicate question, and involves, in my opinion, the germ of a second Georgia war. Just concede the right, upon the part of this Government, to reserve, in the State of California, and within a few miles of its seat of government, a given extent of country, and you involve, at once, a serious difficulty, because the settlements will soon press upon the Indians. It is right that we should make the attempt, and continue to make the attempt to the last, if possible, to civilize and Christianize the Indians; but, sir, these reservations will become eye-sores to the whole people. They will be productive of the greatest difficulty, and if you concede the right of this Government to reserve large bodies of land within the heart of that State, you at once plant there the germ of war and difficulty. As a State rights man, I cannot sanction the amendment. I believe it will result in the exercise of a high power which Georgia and other States have exercised to protect themselves from that sort of interference with their rights.

Mr. GWIN. I think the Senator from Maryland is mistaken as to the bearing of this amendment. The amendment of the committee is:

"For defraying the expenses of continuing the removal and subsistence of the Indians in California to five military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$200,000."

There is a proviso then in regard to sub-agents, that there shall be only five, and but one appointed to each reservation; that the reservations shall contain not exceeding ten thousand acres; and then the amendment of the committee goes on:

"And the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding \$25,000 in the extinguishment of conflicting titles and rights to said reserved lands, at a price not exceeding \$1 25 per acre, for a valid and indefeasible right to the lands so purchased:

And provided, The State of California shall cede the necessary jurisdiction in such cases."

Now, that applies to the case of purchases, if I read it properly. These purchases are to be made, and a perfect title to be given to the land, and an amount not exceeding \$25,000 is appropriated for that purpose. That is, in purchasing private property. The Government of the United States can reserve its own property; but the superintendent of Indian affairs says they cannot get Government land sufficient. Then it is proposed that they shall buy, at a price not exceeding \$1 25 per acre; and the State of California has certainly a right to assert her jurisdiction, when private property is purchased for Government purposes within her limits. Why, sir, you cannot build a custom-house; you cannot build a court-house on private property purchased by the United States; and you cannot get the jurisdiction to the United States for such purposes, except by a cession of the Legislature. If I read the amendment properly, according to my understanding, it is that this jurisdiction of the State of California which is to be given, is to that private property to be purchased by the United States, to an amount not exceeding twenty-five thousand acres.

Mr. PRATT. Then, to carry out the Senator's view, instead of striking out the proviso, as I proposed, I suggest the addition at the end of the proviso of the words, "in reference to lands so purchased," so as to require the assent of California only in reference to the lands so purchased for this purpose.

Mr. GWIN. I have no objection to that.

The PRESIDING OFFICER. By unanimous consent, that amendment will be made.

Mr. PRATT. I withdraw my call for the yeas and nays.

The PRESIDING OFFICER. The amendment of the Senator from Maryland is considered as unanimously adopted. The question now recurs on the amendment of the Senator from California, [Mr. GWIN.]

Mr. WELLER. I shall be compelled to move another amendment to the amendment. When this plan was originally adopted, as I said awhile ago, it was understood that the reservations were to be made, not only in California, but in Utah and New Mexico, not exceeding five in number. The amendment of the committee proposes to make all the five reservations in the State of California. In my judgment that is unnecessary; and it is too large a number in that State. I move, therefore, to strike out the word "five" and insert "three," so that there shall not be exceeding three reservations in the State of California.

The PRESIDING OFFICER. That amendment cannot be received now, unless the pending amendment to the amendment be withdrawn.

Mr. GWIN. I withdraw it for that purpose.

Mr. WELLER's amendment to the amendment was agreed to.

Mr. COOPER. I move a corresponding amendment, to strike out \$25,000 and insert \$15,000, so that \$5,000 shall apply to each reservation. The amendment of the committee provides that \$25,000 shall be appropriated for the purpose of extinguishing the outstanding titles, if any exist, to these reservations. It contemplated doing so for five. The number has now been reduced to three. I desire a corresponding reduction in the amount of money, and therefore move that \$15,000 be inserted in lieu of \$25,000.

Mr. WELLER. I see no propriety whatever in that amendment, for the reason that we have limited the quantity of acres and the price to be paid per acre. If, for instance, you make the appropriation \$25,000, the restriction you have on the expenditure of that money is in the quantity of the land, and the price fixed for payment, \$1 25 per acre. But it may possibly be that there will not be more than a single reservation in the State of California, where it will be necessary to purchase private claims in order to get a perfect title. At all events, I can see no necessity for reducing this amount, because you already have a limit on the expenditure in the price you are to pay, which is not to exceed \$1 25 per acre.

Mr. COOPER. The Senator does not, I think, comprehend my views, or else he does not comprehend the intention of the committee. It was intended that the \$25,000 should extinguish the title to the whole of the fifty thousand acres in the five reservations. Now, the reservations have

not been enlarged in quantity, but they have been reduced in number. I say, therefore, that a corresponding reduction in the amount of money is necessary, or you will appropriate a larger sum, namely, \$3,333, instead of \$5,000, for extinguishing the outstanding titles to each of the reservations.

Mr. GWIN. Only one has been selected.

Mr. COOPER. This is intended to apply to all. I have no objection, if you make it \$8,000. I only mean to make the amendment correspond with itself.

Mr. COOPER's amendment to the amendment was rejected.

The question recurring on Mr. Gwin's amendment to the amendment, it was rejected.

The first clause of the amendment of the committee, as amended, was agreed to; as follows:

For defraying the expenses of continuing the removal and subsistence of the Indians in California to three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$125,000: *Provided*, The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation, nor five in all. Said reservations to contain not less than five, nor more than ten thousand acres: And the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding \$25,000, in the extinguishment of conflicting titles and rights to said reserved lands, at a price not exceeding \$1 25-per acre for a valid and indefeasible title to the lands so purchased: *And provided*, The State of California shall cede the necessary jurisdiction in such cases, in reference to lands so purchased: *Provided, also*, That no portion of this amount shall be paid over to the present superintendent of Indian affairs, until he shall account satisfactorily for the amount already drawn by him, out of the former appropriations; and that hereafter no more than \$20,000 shall be drawn by the said superintendent, or be in his hands unexpended, at one and the same time.

THE PRESIDING OFFICER. The question is now on the second clause of the amendment, to insert:

"For general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agent, &c., \$25,000."

Mr. SEBASTIAN. This amendment is offered by the committee, upon the recommendation of the Indian Department. There is a similar fund to this, ranging from \$10,000 to \$15,000, for the Territories of Washington, Oregon, New Mexico, and Minnesota. There is a class of expenditures in every Territory paid out of this fund, and it is only made a little larger here than in some others. I think in New Mexico it is just the same.

The amendment was agreed to.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 2, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

MILITARY ACADEMY BILL.

Mr. JONES, of Tennessee. I rise to what I believe to be a privileged question. The committee of conference appointed upon the disagreeing votes between the two Houses, upon the bill making appropriations for the support of the Military Academy at West Point, for the year ending June 30, 1855, have met and agreed to a report. The report does not require any action upon the part of this House, as it merely recommends that the Senate recede from their disagreeing votes.

The SPEAKER. The report will be read, and laid upon the table.

The report was then read by the Clerk.

The SPEAKER. The Chair desires to call the attention of the gentleman to the condition of this report, if no action is taken upon it by the House. The Chair thinks it is usual to accept the report of the committee of conference by a vote of the House. It is true the committee have recommended that the Senate should recede from its disagreement to the amendment of the House, but the Chair thinks it should be either approved or disapproved.

Mr. JONES. Perhaps that course would be the proper one.

Mr. BANKS. I move that the report be adopted. If no action is taken upon it, it will go upon the Journal as unfinished business.

Mr. RICHARDSON. I have a single remark to make to the House.

Mr. BENNETT. I rise to a privileged question. I wish to know if the consideration of the

bill distributing lands to the several States does not come up as the regular business during the morning hour, or does the territorial business take precedence as a special order?

The SPEAKER. The special order will take precedence.

Mr. BENNETT. Then I ask that the bill to which I have referred may be postponed until three weeks from to-day.

Mr. DISNEY. I object.

Mr. CHANDLER. I desire to ask the unanimous consent to withdraw certain papers from the files of the House, for the purpose of having them referred at the Departments. They were sent here, I understand, by mistake.

There was no objection, and it was

Ordered, That leave be granted to withdraw from the files of the House the papers relating to the tonnage duty imposed upon the bark *Asa Packer*, on her trip home from Calcutta, December, 1851.

On motion by Mr. BANKS, it was

Ordered, That leave be granted to withdraw from the files of the House the papers and petition in the case of Burton Pickett, for the purpose of reference in the Senate.

THE LAND BILL.

Mr. BENNETT. I now desire to inquire of the Chair if I have not the right to make my motion to postpone the land bill?

The SPEAKER. That motion is not in order. So long as the bill is not regularly before the House for consideration, no motion to postpone, nor any motion of any description for the disposition of the bill, is in order.

Mr. BENNETT. Is not the bill before the House as the regular order of business during the morning hour.

The SPEAKER. It is not. If the House should dispose of all the business relating to the Territories upon the Speaker's table, and should then refuse to go into the Committee of the Whole on the state of the Union for the consideration of territorial business, the gentleman's bill would then be before the House for consideration. In that form, and in that alone, the motion to postpone would be in order.

Mr. WHEELER. I ask the unanimous consent of the House to offer a resolution?

Mr. RICHARDSON. Am I not entitled to the floor?

The SPEAKER. The gentleman from Illinois is entitled to the floor.

Mr. RICHARDSON. For these privileged motions of course I yield the floor, but not further. I desire to ask the Chair what bill is now before the House for consideration?

ROADS IN THE TERRITORY OF MINNESOTA.

The SPEAKER. It is the bill entitled "An act making appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department."

Mr. DISNEY. I ask the gentleman from Illinois to allow me the floor for a single minute.

NEBRASKA AND KANSAS BILL.

Mr. RICHARDSON. I cannot give way further. Mr. Speaker, I wish to make a statement in reference to this bill which will not take two minutes. It was the understanding expressed by me, and acquiesced in by the House, when this week was set apart for territorial business, that no business should come up except such as relates exclusively to the organized Territories. Such is my desire now. But in connection with this subject, I wish to say a word in reference to another thing. At an early day of the coming week I shall move to bring the bill to organize the Territories of Nebraska and Kansas to the consideration of the House. This statement is now made that gentlemen may be advised we are not trying to steal any march on them.

Mr. COBB. At what time next week does the gentleman propose to bring the subject to our attention?

Mr. RICHARDSON. On Monday of next week. The friends of the bill, I may say further, intend to resort to every fair and parliamentary means, for the purpose of bringing the question to the consideration of the House, and if we fail to bring the bill up for consideration, the Committee on Territories can report a bill for action.

Mr. COX. If the gentleman will allow me, I will submit a single suggestion.

Mr. RICHARDSON. Certainly, sir.

Mr. COX. I do not know that I ought to claim any participation with the peculiar friends of this measure. Certainly I have had no intimation of the intention to bring it to a vote at the time indicated.

Mr. RICHARDSON. The gentleman misunderstands me. The object is not to bring it to a vote, but only to bring it up for consideration.

Mr. COX. Before the Committee of the Whole on the state of the Union?

Mr. RICHARDSON. I shall move to go into Committee, and lay aside all other business, and take up the House bill to organize the Territories.

Mr. COX. I shall agree to that most heartily. I know several gentlemen who desire to express their opinions on the subject. I will say, while I am up, that I am most heartily a friend of the measure, and that I shall so express myself if I get an opportunity. I have no objection to its being brought up for consideration.

Mr. RICHARDSON. The gentleman seems to be laboring under a misapprehension. I desire a discussion, a full discussion, of the bill itself. If we fail in that, there are other means by which, at the proper time, we can bring it before the House, and have a vote on it.

Mr. COX. I have no objection to that.

Mr. RICHARDSON. That will not be done until a fair opportunity for full and reasonable discussion has been afforded to gentlemen on this floor.

Mr. WASHBURNE, of Illinois. In what way does the gentleman propose to bring the bill up for the consideration of the House?

Mr. RICHARDSON. I will advise the gentleman when I am ready to do so. I have now said all that I desired. My intention was only to give the notice which I have.

Mr. HAMILTON. I call for the regular order of business.

THE STEAMSHIP CITY OF GLASGOW.

Mr. WHEELER. I ask that the resolution which I submitted a few moments ago be read for the information of the House.

There was no objection, and the resolution was read by the Clerk, as follows:

Resolved by the Senate and House of Representatives, That the Secretary of the Navy be, and he is hereby, authorized to send out, immediately, one or more steam or sailing vessels, with three months' provisions on board of each, together with blankets and clothing for four hundred persons, to search for the missing steamship, *City of Glasgow*, which is supposed to have met with some accident, in either machinery or spars, and is now among the ice, which has lately been in such quantities in the north Atlantic ocean.

If the Secretary of the Navy has not Government vessels at his disposal, he is hereby authorized to freight or charter suitable vessels for the purpose, to be paid for out of any money not otherwise appropriated.

Mr. LETCHER. I object.

TERRITORIAL BUSINESS.

The following bill reported yesterday, with an amendment, from the Committee of the Whole on the state of the Union, then came up for consideration: House bill No. 164, "making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department."

Mr. RICHARDSON. I demand the previous question on that bill.

The previous question received a second, and the main question was ordered to be put.

The question was first on agreeing to the following amendment:

Strike out all after the enacting clause, and insert as follows:

That the following sums of money be, and they are hereby, appropriated for continuing the construction of roads in the Territory of Minnesota, to wit:

For the continuation of the road from Point Douglas, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, \$20,000.

For the continuation of the road from Point Douglas to Fort Gaines, now Fort Ripley, \$10,000.

For the continuation of the road from the mouth of Swan river to the Winnebago agency, \$3,000.

For the continuation of the road from Wabashaw to Mendota, \$15,000.

The continuation of the construction of said roads to be made under the direction of the Secretary of War, pursuant to contracts to be made by him, or under his direction: *Provided*, That so much of any former acts as require the first-mentioned road to terminate at the falls or rapids of said St. Louis river, are hereby repealed.

The question was put; and the amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was subsequently read the third time.

The question now being, "Shall the bill pass?" Mr. JONES, of Tennessee, demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. ORR called for tellers.

Tellers were ordered; and Messrs. CLINGMAN and HAMILTON were appointed.

The question was then taken; and the tellers reported—ayes 79, noes 43.

So the bill was passed.

The SPEAKER. The question now is upon the passage of the bill reported by the Committee of the Whole, on yesterday, without amendment, entitled "A bill authorizing the appointment of an additional number of Indian agents."

Mr. ORR. That is the bill which the committee agreed to report to the House, without recommending any action upon it. I move that the bill be laid upon the table, inasmuch as it has already been anticipated by the Senate.

The question was then taken upon Mr. Orr's motion; and it was decided in the affirmative.

So the bill was laid upon the table.

The SPEAKER. The question now is upon the passage of the bill reported by the committee on yesterday with an amendment, entitled "A bill to provide for the extinguishment of the title of the Chippewa Indians to the land owned and claimed by them in the Territory of Minnesota and the State of Wisconsin, and for their domestication and civilization."

Mr. ORR. I move the previous question upon it.

The previous question was not sustained.

The SPEAKER. The question now is upon the amendment to insert after the word "treaties," in the twenty-first line, the words "with the consent of the said Indians."

The question was then taken; and the amendment was agreed to.

The SPEAKER. The next amendment is to insert after the word "territory," in the thirty-seventh line, the words "in Minnesota."

The question was put; and the amendment was adopted.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was accordingly read a third time, and passed.

Mr. RICHARDSON. The Committee on Territories have directed me to report back a petition asking for an appropriation of land to aid in the construction of a railroad from Fort Wayne, Indiana, to Council Bluffs, in Iowa, and to ask to have the same referred to the Committee on Public Lands.

It was so ordered.

Mr. RICHARDSON. The Committee on Territories have directed me to report back a bill to enable the people of Oregon to form a constitution and State government, and to provide for the admission of such State into the Union. I move its reference to the Committee of the Whole on the state of the Union.

The SPEAKER. And that is he printed?

Mr. RICHARDSON. No, sir; it has already been printed.

The bill was so referred.

Mr. RICHARDSON. The Committee on Territories, to whom was referred a resolution offered by the Delegate from Utah, [Mr. BERNHISEL,] have directed me to report the following joint resolution:

The resolution was read by the Clerk. It authorizes the Secretary of the Treasury to appropriate the sum of \$500 for the purchase of territorial libraries for the Territories of Minnesota, Oregon, Utah, and New Mexico.

Mr. RICHARDSON. I move that that joint resolution be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

It was so ordered.

Mr. RICHARDSON. The Committee on Territories have directed me to report back a resolution directing the committee to inquire into the expediency of putting the clerks of the Legislative Assembly of Utah on the same footing as those of New Mexico and Minnesota. The committee, in making that report, say that it appears to them

that no necessity occurs for the increase of the number of clerks in Utah, as it did in relation to New Mexico. The House will remember that in New Mexico it was necessary to have a double set of clerks, because they had to have what was spoken in Spanish translated into English, and what was spoken in English translated into Spanish, so that the business might be properly transacted. That is the reason why they have two sets of clerks in New Mexico; but the committee do not think that that necessity exists in Utah; and therefore I move to lay the resolution on the table.

There being no objection, the resolution was laid on the table.

Mr. RICHARDSON. I move, as there are no other reports to be made, that the House do now resolve itself into the Committee of the Whole on the state of the Union, on the special order of the House.

The question was put; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of local territorial business.

The CHAIRMAN. The committee, at its last session, and when it rose, had under consideration House bill (No. 162) to increase the salaries of executive and judiciary officers in Oregon and New Mexico. An amendment, which was submitted by the gentleman from North Carolina, [Mr. KERR,] was then pending; and, upon a division upon that amendment, tellers were demanded. The amendment will be reported by the Clerk.

The amendment was read, as follows:

And be it further enacted, &c., That each of the judges of the Territories of Oregon, Minnesota, Washington, Utah, and New Mexico, who have not heretofore been furnished, shall be supplied with a complete set of the reports of the Decisions of the Supreme Court of the United States, the United States Statutes at Large; and Alden's Index to the Decisions of the Supreme Court of the United States, for the use of themselves and their successors in office.

Mr. KERR. I have been conversing with some of the friends of this measure since I offered the amendment which has just been read, and I am inclined to think that the effect of it will be to embarrass the passage of the bill; and, therefore, with the consent of the House, I will withdraw it.

No objection being made, the amendment was withdrawn.

No further amendment being offered, the bill was laid aside, to be reported to the House with a recommendation that it do pass.

The next bill which came up for consideration was House bill No. 232, entitled "A bill to amend an act entitled 'An act to settle and adjust the expenses of the people of Oregon from attacks and hostilities of Cayuse Indians in the years 1847 and 1848,' approved August 21, 1852."

The CHAIRMAN. This bill was reported back by the Committee on Territories with an amendment. The Clerk will read the original bill and the amendment proposed by the committee.

The bill having been read, the amendment was read, as follows:

That the further sum of \$30,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848; and that the Secretary of the Treasury pay out of said appropriation, or so much thereof as may be necessary to liquidate said claims, according to the reports of the Governors of Oregon, or the commissioners, or either of them, appointed under the authority of the Legislative Assembly of Oregon to audit and allow said claims now on file in the Treasury Department.

Sec. 2. And be it further enacted, That the Secretary of the Treasury is hereby empowered to allow reasonable compensation to the commissioners who have adjudicated the Cayuse war claims under the authority of the Legislature of Oregon, if the awards of said commissioners shall have been sanctioned by Congress, and also to the clerk employed by Governor Gaines to transcribe the records and proceedings of the commissioners for the Treasury Department, to be paid from this appropriation, on due proof.

Sec. 3. And be it further enacted, That the Secretary of the Treasury is hereby empowered to re-examine any award that has been made, and to reduce the amount, if, in his judgment, founded on proof, it should be too much.

Mr. LANE, of Oregon. This bill, as originally introduced, provided for the appropriation of an amount about equal to the expenses of that war, now unpaid. The Committee on the Territories have reported a substitute, which strikes out the original appropriation of \$75,000, and inserts another of \$30,000.

At the time they reported the amendment which is now pending before the committee, there were on file in the Department awards which had been allowed by the commissioner appointed for that purpose, which probably would not exceed that amount. In other words, the committee provided for the awards then on hand. But since that time awards have been received in addition, amounting to about \$14,000. Awards, however, have been allowed, amounting to \$75,000. Of that there can be no doubt. The commissioner appointed to examine and allow these claims certifies over his own signature that awards have been allowed to that amount. Now, if we are to provide for the unpaid expenses of that war, we must appropriate \$75,000.

An amendment of the Senate to the deficiency bill, now pending before the House, appropriates the whole amount, \$75,000, for the purpose of defraying the expenses of this Cayuse war. That amendment, after being referred to the Committee of Ways and Means, was approved of by them. They recommend the passage, therefore, of this whole appropriation.

Now, Mr. Chairman, I am unwilling to consume the time of the committee, and will detain them but a moment longer. If this passes, there will be no need of the adoption of the amendment to the deficiency bill, to which I have alluded; and again, if I could be sure that the deficiency bill would pass, and that the amendment making appropriations for paying the whole of the unpaid expenses of the war, there would be no necessity of the passage of this bill. But if the committee prefer to pass this bill, it will be necessary for them to reject the amendment of the Committee on the Territories, or to amend it, if they desire to cover the entire unpaid expenses of the war. Unless this is done, the matter will have again to come up for our consideration at some future time. The appropriation in the amendment of the committee is entirely insufficient; and, I repeat, that unless the whole \$75,000 be granted, further legislation will be necessary.

If I believed the deficiency bill would pass, either immediately or at any period of the session, I should recommend that the committee should pass this bill by for the present; but I will suggest to the committee, that if they pass this bill, the Senate will pass it without difficulty, and that it will be the quickest way of disposing of the matter. The people of Oregon have long tried to get what was due them.

I am inclined to think, Mr. Chairman, that it would be better to pass this bill, non-concurring in all the amendments of the committee from the first to the fourteenth line, and concurring in the balance. Then it would appropriate \$75,000, and submit all doubtful claims to the consideration of the Secretary of the Treasury. If, in his judgment, any are not just, he can refuse to satisfy them.

Mr. TAYLOR, of Ohio. I would suggest to the gentleman to make a motion to that effect; after the statement which he has made, such a motion, it appears to me, would be proper.

Mr. LANE. I make the motion to strike out what I have already indicated.

Mr. HAVEN. With the permission of the gentleman from Oregon, I will submit a substitute for his amendment, which, I believe, embodies as well the views of the Senate as those of the Committee of Ways and Means.

Mr. LANE. Let it be read.

The Clerk then read the substitute, as follows:

That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the further sum of \$75,000 to pay the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of the said Territory from the attacks and hostilities of the Cayuse Indians in the years 1847 and 1848; and for such allowances for the expenses of adjusting the claims on that account as the Secretary of the Treasury may deem proper; and that the Secretary of the Treasury pay out of said appropriation so much thereof as may be necessary to liquidate said claims according to the reports of the commissioners heretofore appointed for ascertaining said amounts, communicated to Congress; and no claims shall hereafter be allowed, on account of this war, which are not presented to the Treasury Department of the United States within the next fiscal year.

Sec. 2. And be it further enacted, That all of said claims and accounts not heretofore adjusted, shall be settled and adjusted at such place and in such manner as the Secretary of the Treasury may prescribe; and the Secretary of the Treasury is hereby empowered to re-examine any award that has been or may be made of said claims, and to reduce the amount, if, in his judgment, founded on proof, it should be too much.

Mr. HAVEN. I do not desire even to make an explanation. The substitute corresponds with the view taken by the other branch of the legislature, as well as that of the Committee of Ways and Means.

Mr. LETCHER. There is part of that amendment of which I do not approve; and that is, that authorizing the Secretary of the Treasury to decide how much is to be paid to the parties who are to be engaged in this business.

Mr. LANE. It is to be a reasonable compensation.

Mr. LETCHER. I do not care whether it is reasonable or unreasonable. It seems to me that the Congress of the United States ought to fix the compensation for those employed in the discharge of public duties imposed on them by its own act. Now I have not the greatest respect for the Secretary's judgment about these things. If he acts in regard to making an allowance that he may deem reasonable compensation for these services as he does in regard to the construction of custom-houses, there is no telling how much it will cost. I think it is our duty to fix the compensation here, and leave him no discretion about it. We can do it as well as he can.

Mr. HAVEN. I will simply say, in reply to my friend from Virginia, [Mr. LETCHER,] that no provision has been made on this subject, for the reason that the Secretary of the Treasury has sent up to us the certified and sworn accounts of the commissioners who have been engaged in this business; and the Committee of Ways and Means thought that they were reasonable. The accounts are at the rate of five dollars *per diem*; and I suppose that the Secretary of the Treasury, if he adjusts the accounts, will adjust them on the basis of those sworn and certified accounts sent up.

Mr. LETCHER. Well, if that is the estimate, I do not think the compensation is unreasonable. But do not let us leave discretion to this officer to fix the salaries of persons employed under the Government. Let the House fix the compensation. I hope, therefore, that the gentleman will amend his amendment so as to fix such compensation as the Committee of Ways and Means think a fair and just equivalent for the labors performed.

Mr. SMYTH, of Texas. I ask for the reading of the report accompanying the bill.

The Clerk read the report.

Mr. LETCHER. I move to amend the amendment by inserting after the word "proper," the words, "not exceeding five dollars per day to each commissioner."

The CHAIRMAN. The amendment of the gentleman is not in order at this time, as there is already pending an amendment to the amendment.

Mr. HAVEN. I accept the amendment of the gentleman from Virginia, [Mr. LETCHER,] and I propose my amendment as a substitute for the other amendment.

The CHAIRMAN. The amendment reported by the committee is in the nature of a substitute, and if the gentleman from New York will withdraw his amendment, the question can now be taken upon the adoption of the amendment reported by the committee.

Mr. HAVEN. I will withdraw my amendment for the present.

The CHAIRMAN. The question now recurs upon the adoption of the amendment reported by the Committee on Territories.

The question was then taken; and the amendment was rejected.

Mr. HAVEN. I now propose the amendment which was reported to the committee a few minutes since.

Mr. COBB. I desire to offer the following amendment: to strike out of the second section the words "such place," and insert in lieu thereof "the city of Washington."

I will explain, in a very few words, my object in offering this amendment. I am opposed to creating any more officers than we can possibly avoid, for carrying on the affairs of the Government. According to my construction of the language here used, it would be necessary for the Secretary to send some person to Oregon. I hold that these matters should be adjusted with the Treasury Department here; and I am opposed to creating any more new officers.

Mr. LANE, of Oregon. The gentleman from Alabama, in my opinion, misapprehends the mat-

ter entirely, and I will make an explanation which I think will satisfy him. The Territory of Oregon took measures to ascertain the expenses of the Cayuse war, and for that purpose appointed a board of commissioners, who entered upon their duties, and allowed to each individual who served in that war a fair compensation for his services.

The amounts thus certified to were then sent here to be paid by the Secretary of the Treasury. All that service has been performed, and awards to the amount of \$175,000 have been made. The sum of \$100,000 has been disbursed, leaving a balance of \$120. That is, that much of the original appropriation of \$100,000 is now on hand. But there are accounts already filed, which have been heretofore allowed by the commissioners, to the amount of \$35,000; and, in all probability, the balance will be up here before this bill becomes a law. So that there is no further action at all necessary to ascertain the expenses of that war. That has all been done.

The awards are sent here, and paid in Washington. In the appropriation required now, we ask that the persons holding awards in their favor, may be paid at home. But if the awards heretofore allowed, or that may be hereafter allowed, shall not amount to \$75,000, then, Mr. Chairman, the balance will be in the hands of the Treasury, and will not be disbursed. This act of Congress, on this measure, will be the last act of legislation necessary for the ascertainment of the expenses of the Cayuse war. I hope, therefore, that the gentlemen of the committee will let it pass.

Mr. COBB. I move so to amend the bill as to provide that payment be made in the city of Washington. By adopting this amendment, we will not run the risk of sending persons to Oregon to pay up these awards.

Mr. HAVEN. With respect to that matter, I think I would be satisfied with the amendment of my friend from Alabama, but for the fact that, if there are any further claims hereafter arising from this war, the commissioner that has been appointed by the Governor or Legislature of Oregon will be regarded as the agent of the Secretary of the Treasury in ascertaining claims; and hence it is in accordance exactly with my amendment. The Secretary of the Treasury has given us this information in a letter communicating the facts. I will read the following extract from his letter:

"The manner in which these claims have hitherto been audited and allowed, should, in my opinion, be changed, by providing that they should be transmitted to the Treasury for adjustment, together with the rolls and other vouchers in support of them."

"It would also be desirable to fix a time for the presentation of these claims, after which none should be allowed; and if the committee determine to propose the appropriation, I have respectfully to recommend that it may be made subject to these conditions. The appropriation will probably be sufficient to pay the balance of expenses of the war, as well as the compensation and expenses of the commissioner; but it will be proper to give authority to make these allowances, as none now exists."

Now, the committee thought it would be better to leave the Secretary of the Treasury to make that order, and have them so transmitted for adjustment, according to his suggestion.

The CHAIRMAN. The question is now on the adoption of the amendment offered by the gentleman from Alabama, to strike out the words "at such places," and insert in lieu thereof the words "in the City of Washington."

The question was taken; and the amendment was not agreed to.

The question then recurred on the adoption of the amendment proposed by the gentleman from New York, [Mr. HAVEN,] which was put; and the amendment was agreed to.

The bill was then laid aside to be reported to the House.

The CHAIRMAN. The next bill to be disposed of is House bill No. 274, which is a bill for the payment of the civil officers employed in the Territory of New Mexico while under military government. The Clerk will report the bill to the committee.

The first section was then read.

The CHAIRMAN. The bill is now open to amendment.

Mr. COX. I should like to have the gentleman who may have particular charge of this measure, inform the House whether or not these civil officers, whose payment is provided for in this bill, were military officers at the same time, and were receiving their salaries as such?

The CHAIRMAN. The Chair would say to the gentleman that the bill was reported from the Military Committee by the gentleman from Virginia, [Mr. FAULKNER,] who was in his seat a few moments since, but whom the Chair does not now see.

Mr. BISSELL. I would state to the gentleman from Kentucky, that the member of the committee who reported this bill is not present, and I am not as well prepared as he is to explain its provisions.

Mr. OLDS. I move to lay the bill aside informally.

Mr. BISSELL. I think there is no necessity for doing that. I ask that the bill may be read through.

The CHAIRMAN. The Chair would state that there is an executive report, setting forth the names of the persons who performed the duties, and showing that those persons were not in the military service of the country.

Mr. BISSELL. I ask that the bill may be read.

The CHAIRMAN. The bill has been read through, and also the first section; and the Chair was about to announce that the bill would be laid aside and reported to the House, if there were no amendments to be offered.

Mr. COX. Is the report, to which the Chair referred, at the Clerk's desk?

The CHAIRMAN. I suppose it is not. It was made during the last Congress.

Mr. BISSELL. I recollect that this fact appeared before the committee, that the appropriation which was set apart for the payment of certain officers there did not extend so far as to comprehend military officers.

Mr. PHELPS (who temporarily vacated the chair) said: If the gentleman from Illinois [Mr. BISSELL] will allow me a moment, I will remark that I recollect some things in relation to these civil officers in New Mexico. I am acquainted with several of those officers, as some of them have been here. General Kearny reached New Mexico in 1846, and promulgated a code of laws for the government of the people of that Territory. That code of laws was compiled by two gentlemen from Missouri, then engaged in the military service of the country. It provided for the appointment of a civil governor, a secretary, an auditor, and a treasurer. It also provided for the judges of a district or circuit court—I do not recollect which—for a prosecuting attorney; perhaps some other county officers were provided for in that code of laws which was promulgated by General Kearny.

The Territory of New Mexico was, from that time, governed under this code of laws, and by officers who were appointed to discharge the duties which, by law, were imposed upon them. There was also an attempt made to collect some money, and a small sum was collected from the traders, who resorted to that Territory from the western parts of the United States, and engaged in merchandise there; but the amount was far short of paying the expenses which were incurred.

Those officers, under the appointment thus made by Kearny, continued to discharge their duties, until the organization of the territorial government in 1850, and perhaps until 1851, until which period, according to my impression, the government did not go into full effect. With some of those officers I had an acquaintance, and my recollection is that none of them were employed in the military service of the country. They were, most of them, American citizens, residing in New Mexico at the time of their appointment by General Kearny. One of them, the Governor of the Territory, was massacred by the Indians during an insurrection in 1847. The circuit attorney was also massacred by the Indians during the same insurrection. But, sir, I do not desire to detain the committee, and with these explanations I will close.

Mr. HOUSTON. I desire to call the attention of the gentleman from Missouri, who has just addressed the committee, to the provisions of this bill, particularly to the second section. The first section of the bill provides that the difference between the amounts received by the civil officers in New Mexico, and the amount of salary allowed under the organic law of the Territory, shall be paid out of the Treasury of the United States.

It seems that some \$13,000 or \$14,000 were paid to these civil officers out of the treasury of

the Territory, from a fund that had to be collected there. But the second section of this bill, if I understand it, provides that we shall pay the entire amount which was paid as compensation to these civil officers during that time. I should be glad to have the gentleman from Missouri give some information upon that point, and at the same time point out, if we agree to that section, the distinction in principle, if there be one, between the provision made in that section and the payment of the civil fund of California.

Mr. COX. I do not understand the explanation of the gentleman from Missouri as going so far as to say that this bill provides for the whole amount designed to be paid to these civil officers. Now, a single statement, if the gentleman knows the fact, would meet the suggestion which I made. I desire to know whether any of these civil officers were also military officers in the service of the United States, and whether they were receiving their regular salaries at the time, as of course they did, as they were military officers of the United States?

Mr. PHELPS. My recollection does not serve me perfectly in reference to the fact suggested by the gentleman from Kentucky. I cannot, therefore, answer definitely his question. It may be that one or two of these civil officers had been in the military service of the United States, and perhaps were, at the time. I am not certain as to the fact, in reference to the other officers; but I know the Governor and secretary were not in the military service of the country.

In relation to the inquiry made by the gentleman from Alabama, [Mr. Houston,] I will say, that I did not allude to the second section of the bill when I was addressing the committee a few minutes ago. I spoke in reference to the first section merely. Of the second section, to which the gentleman from Alabama specially objects, I am not prepared to express a definite opinion. I certainly am not at all satisfied that it ought to be adopted. There was an erroneous estimate made in the report of the Secretary of War, in which he showed that a certain sum of money had been advanced by the Territory, money which had been made up of taxes levied upon the merchants of the Territory, and that certain other sums had been paid out of moneys, raised in some other manner—perhaps by taxation upon the inhabitants themselves. But, so far as the payment of the amount which may be due these persons who discharged the duties incumbent upon them, and the greater part, at least, of whom were taken from civil life is concerned, I think it is the duty of the Government to make allowance for it, and I am, therefore, in favor of the adoption of the first section of the bill.

Mr. TAYLOR, of Tennessee. I move, if it be in order, that this bill be passed over for the present to enable us to obtain more accurate information in relation to these matters.

Mr. HOUSTON. I think that the committee is in a condition to vote on the second section, at all events. That section involves a very important principle, a fact doubtless apparent to every member. We ought not, therefore, to pass it by now, after it has received so much consideration; for it may hereafter come up, when our attention shall not be so fully drawn to it.

Mr. BISSELL. Allow me to say a word. The gentleman from Virginia, [Mr. Faulkner,] who reported this bill from the Committee on Military Affairs, is not now present. He may have had very good cause for inserting that second section, which does not now appear to us. I confess that I have not a very distinct recollection of the features of the bill, nor the principles on which it was drawn; but as it is proposed to lay it aside informally until the gentleman from Virginia shall come in, I would suggest that no exception be made, and that the whole bill be laid aside until he has made his explanation.

Mr. HOUSTON. The difficulty is, that it may come up at a time when it cannot receive our attention so fully as it should.

Mr. BISSELL. Our attention has been sufficiently called to it now.

Mr. HOUSTON. If the gentleman from Tennessee will withdraw his motion, I will move to strike out the second section, so that, if postponed, it will be with that motion pending.

Mr. TAYLOR. I withdraw my motion for the purpose indicated.

Mr. HOUSTON. Then I move to strike out the second section. If the committee choose, it alone can now postpone the bill with that amendment pending.

Mr. BISSELL. Does the gentleman propose to take a vote on his amendment now?

Mr. HOUSTON. I would rather do so; but my proposition is only to have that motion pending if the bill be laid aside.

The CHAIRMAN. If there be no objection, the bill will be informally laid aside.

There was no objection.

The CHAIRMAN. The next bill on the Calendar for consideration is House bill No. 315, entitled "A bill to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes."

The Clerk read the bill through.

The Clerk then proceeded to read the bill by sections for amendment. The first section was reported, as follows:

"That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for New Mexico, whose power and authority, duties, compensation, and allowances for clerk hire, office rent, fuel, &c., shall be the same as now provided by law for the surveyor general of California; and he shall locate his office from time to time at such places as may be directed by the President of the United States."

Mr. HAVEN. I have not examined this bill very closely, but I object to the mode of measuring the compensation of the surveyor general as provided in it. I move to strike out that portion of the section that relates to his compensation, and to insert the specific sum merely that the surveyor general of California receives.

The CHAIRMAN. Will the gentleman from New York name the sum?

Mr. HAVEN. I know not what the sum is. If the gentleman who reported the bill is in the House, he can inform us what it is.

The CHAIRMAN. The bill was reported by the gentleman from California, [Mr. Latham.]

Mr. HAVEN. I would, then, inquire of the gentleman from California what the compensation of the surveyor general of California is?

Mr. DISNEY. The gentleman from California is not now in his seat; but I have sent to the library for the statutes, which will give us the desired information.

The CHAIRMAN. The Chair is informed that the salary of the surveyor general of California is \$4,500.

Mr. HAVEN. I move to strike out the words indicated by me, and to insert that sum, although I do not profess to know whether it is a proper sum or not.

Mr. DISNEY. I would remind the gentleman from New York [Mr. Haven] that this section provides for clerk hire, office rent, fuel, &c., the same as are now provided by law for the surveyor general of California.

Mr. HAVEN. In answer to the gentleman from Ohio, I beg to remind him that I am not finding fault with the amount, but with the mode of measuring the compensation of this officer, so that we can never know what it is without referring from one statute to another.

Mr. ORR. I understand from the Chairman that the salary of the surveyor general of California is \$4,500. The salary of the surveyor general of Oregon is but \$3,500. I suppose that it is not more expensive living in New Mexico than Oregon. I think the California standard is not the true standard to be adopted by the committee; and I suggest, therefore, that we fix the salary of this officer at \$3,500.

Mr. HAVEN. Will the gentleman allow me to state another fact, that the salary of the surveyor general of Iowa is but \$2,500? With that suggestion, I will accept any reasonable sum which the gentleman from South Carolina [Mr. Orr] will name.

Mr. ORR. I will suggest \$3,500.

The CHAIRMAN. Will the gentleman from New York prepare his amendment in writing? The manner in which this section is drawn will require something more than a mere insertion of the amendment indicated by him.

Mr. HAVEN. I propose to strike out the words indicated by me, and insert "\$3,000," or "\$3,500." I do not care which.

The CHAIRMAN. The gentleman from New York will see the necessity of submitting an amend-

ment in a different form from that indicated by him, if he will examine the following language:

"That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for New Mexico, whose power and authority, duties, compensation, and allowances for clerk hire, office rent, fuel, &c., shall be the same as now provided by law for the surveyor general of California."

Mr. HAVEN. I will prepare an amendment which I think will meet the case.

Mr. ORR. Before the amendment is announced, I would suggest to the gentleman from New York to say \$3,000 as the salary of the surveyor general. I understand the Governor's salary is only \$3,000.

Mr. HAVEN. I have no objection to that. The Clerk will so modify my amendment.

The amendment was reported by the Clerk, as follows:

"That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for New Mexico, whose salary shall be \$3,000 per annum, and whose power, authority, and duties, and allowances for clerk hire, office rent, fuel, &c., shall be the same as that now provided for by law for the surveyor general of California."

Mr. DISNEY took the floor.

Mr. ORR. Before the gentleman from Ohio commences his remarks, I would suggest another amendment to that of the gentleman from New York, [Mr. Haven.] I propose to amend his amendment by striking out the word "California," and substituting "Oregon."

Mr. HAVEN. I accept that amendment.

Mr. DISNEY. Mr. Chairman, before the committee reported this bill, we had full consultations with the Commissioner of the General Land Office, and with the Delegate from New Mexico, and from all the information we obtained, and all the light that could be thrown on the subject, we came unanimously to the conclusion that the expense of living was about the same in New Mexico as in California—that it is quite as expensive to live in one place as in the other. I would here remark to the committee, that I had no idea the bill under discussion would be reached to-day, and therefore did not come prepared to discuss it.

Mr. Chairman, it will be observed, by reference to the accounts, that the compensation of the surveyor general of California is \$4,500 per annum, as salary. Then there is allowed to him for clerk hire \$11,000 per annum. It is provided that the salary of a clerk shall not exceed \$2,500 per annum, and that for office rent, fuel, and other incidental expenses, such sum as may be necessary shall be allowed by the Secretary of the Interior; such sum, however, not to exceed \$10,000. These, Mr. Chairman, are the sums provided for, and allowed by the statute in reference to the office of surveyor general of the State of California. I mean the sums allowed by the existing law. I repeat, that after a full and free consultation in regard to the matter, and after full discussion, both the head of the Land Office and myself came to the conclusion that it was right and proper to allow the same amount to the officers in New Mexico. The conclusion was based upon a statement of facts presented to us, to the effect that the expenses incident to an office in, and incident to living in New Mexico, would be as high as in the State of California. If this were so, we could not perceive why a mode of payment should be adopted in one case different from that which prevailed in the other. Nor can I perceive any reason yet. It is manifest, then, that if we were right in regard to the facts, we were right in the conclusions we arrived at. The committee would do injustice, then, by making the salaries so low as not to command abilities adequate to the performance of the duties of the office.

Mr. TAYLOR, of Tennessee. I desire to make only one remark. I should like to have the gentleman from New York [Mr. Haven] so modify his amendment as to provide that the salary shall be \$2,500, and not \$3,000.

It is contended by the gentleman from Ohio, [Mr. Disney,] if I understand him, that the allowance to the surveyor general of New Mexico should be equal to the pay of the corresponding officer in California, because the expenses of living in the former place are as great as they are in the latter. Well, sir, if you will look at the provisions of this bill, you will find that the surveyor general of New Mexico is to have an allowance

for clerk hire, office rent, fuel, &c., to the same extent as are provided for similar officers in California. And after all these things are supplied, there is a compensation, as the gentleman says, of \$4,500. Now, sir, I submit to the committee, that with all these incidental expenses allowed, \$4,500 is too large a salary for California; and if too much for California, it is too much for New Mexico. The gentleman from New York proposes to give \$3,000 and all these allowances. I suggest that he should reduce it to \$2,500.

The CHAIRMAN. Does the gentleman make that motion as an amendment?

Mr. TAYLOR. I offer it as a substitute for the amendment of the gentleman from New York.

Mr. DISNEY. I simply desire to remind the House, by way of answer to the remarks which have just fallen from the gentleman from Tennessee, that these items of allowance do not go into the pocket of the surveyor general. They are matters of expenditure appertaining to his office; and no matter what the amount may be, whether more or less, they do not, in any part, inure to his individual advantage, as I remarked when I spoke before. The allowance for clerk hire is some \$11,000 per annum. The allowance for fuel and other incidental expenses is set down at \$10,000 more; but when the gentleman speaks of these incidental expenses as if they inured to the personal benefit of the surveyor general, and increased his compensation, I think he takes an entirely erroneous view of the matter.

The CHAIRMAN. If the gentleman will allow the Chair to interrupt him, he will state that the question now pending before the committee is upon the amendment of the gentleman from Tennessee to strike out \$3,000 and to insert \$2,500.

Mr. DISNEY. I was aware of that.

The CHAIRMAN. The Chair thought the gentleman's remarks were to another point.

Mr. DISNEY. No, sir; I was aware of the amendment pending, and I desire to speak to that amendment.

Mr. HOUSTON. At this precise point I desire to say a single word to the gentleman from Ohio. The allowances which the gentleman has read were under the law as it originally passed. Since that time, however, by the law, that amount has been changed. The law of March, 1853, appropriating \$11,000; the estimates for the next fiscal year is \$14,000; and this is the amount upon which the gentleman should base his estimates. I doubt, however, exceedingly whether he has furnished the proper construction of that branch of the law.

Mr. DISNEY. I do not know to what the gentleman alludes.

Mr. HOUSTON. I will explain. This bill proposes, if I understand it, that the surveyor general of New Mexico shall have the same power and authority, and the same compensation, as the surveyor general of California. It also proposes that he shall receive the same allowance for clerk hire. Now, I suppose the intention of the bill is to give to each clerk employed the same amount of compensation. The law, however, adds a provision that the salary of no clerk shall be more than \$2,500. Now, it strikes me that this bill does not make any direct appropriation for that purpose; if it does, it is exceedingly objectionable in that respect.

If we are to construe this bill as the gentleman from Ohio seems to think it should be construed, it will make a continuing permanent appropriation. If this construction be placed upon it, and the provision be adopted, and hereafter you should find good reasons for increasing the allowance for these expenses to \$20,000 or \$30,000 for California, the very fact of making this increase would, without any further legislation, carry a like increase for the surveyor general of New Mexico.

I say, then, that if this be the proper construction, the bill is liable to the objection of making a permanent and indefinite appropriation, and will become an expenditure which will not be estimated for by the Departments, and of which Congress will never know anything, unless it be by computing the amount by that allowed to the surveyor general in California. I shall propose, at the proper time, to strike out that clause which makes provision for clerk hire, office rent, fuel, &c., so as to obviate this difficulty, and to have the proper allowance made as such allowances are made to any other Territory.

Now, sir, one word more. If the arguments of

the gentleman from New York, [Mr. HAVEN,] of the gentleman from Tennessee, [Mr. TAYLOR,] and of the gentleman from South Carolina, [Mr. ORR,] be conclusive upon the points to which they were directed, they will also apply with equal force to allowances for clerk hire, office rent, fuel, &c.; and if these arguments are correct, then the surveyor general of New Mexico is not entitled to a compensation of \$4,500, nor should clerk hire and other incidental expenses be so high.

I agree with the gentleman from New York, that it is not true that office rent and clerk hire need be as high in New Mexico as they are in California; but if they are, then both should receive the same consideration, and should receive the same appropriation.

Mr. DISNEY. I cannot agree with the gentleman from Alabama. He talks about the construction which I seem to give the bill.

Mr. HOUSTON. I will ask the gentleman a question that will settle the point between us. Does the gentleman construe this to make a permanent appropriation for the expenditures under the head of clerk hire?

Mr. DISNEY. Why, a law making allowances is not an appropriation. The chairman of the Committee of Ways and Means gets up here, and asks me whether a bill making allowances for a definite sum is not an appropriation? Why, sir, an appropriation is an entirely different thing. It is consecrating and setting apart of a particular amount in the Treasury to be applied to a particular purpose. A thousand statutes making allowances do not make one appropriation. Pass one hundred such bills as the one now pending before the committee, and yet no appropriation would be made. What, then, does the gentleman from Alabama mean by talking about what will be required by this appropriation? Does not the law in reference to the surveyor general of California make the same allowance? Is not the same officer allowed a particular sum? Does that obviate the necessity of making appropriations subsequently, during each and every succeeding year? Unquestionably not. I again ask, then, what does the gentleman mean? None can differ about the matter; and if the gentleman had read the law a little more carefully, he would have perceived that, while the allowance is made of \$1,000 for the purpose of defraying the expenses of clerk hire, it goes on to say, "or so much thereof as may be necessary." It recites the sum to be fixed in each and every year by appropriation.

Well, sir, look for one moment at the enormous amount of labor to be imposed on this officer in the Territory of New Mexico, in addition to that imposed on the surveyor general of California. He is required by the bill to be an active commissioner in regard to the land titles in New Mexico. He is required to take depositions, to take testimony, and to set in judgment on these cases—not finally, to be sure; but he is to be charged with all the duties of a land commissioner in addition to the general duties which will devolve on him as surveyor general of that land district.

I come again and say that I am perfectly satisfied, from all the information which I could get in relation to it, that the expenses of every sort in the Territory of New Mexico are quite as high as they are in the State of California. Why, sir, look at the condition of that country, removed a thousand miles in the interior beyond all your settlements, with no means of communication with the Atlantic settlements and possessions. Every article carried there is attended with enormous cost for transportation. Let the gentleman from Alabama look at the charges to which the Government is now subject for supplies there. Let him look at what we have to pay for the support of our Army in New Mexico, and he will be enabled to form some accurate idea of the actual expenditures necessary in order to support the officers of Government.

The whole point turns on the fact whether the expenses necessary to support the individual in the Territory of New Mexico are as great as they are in the State of California. And, in regard to that point, all I have to say is to repeat what I have already said. I have looked into the matter, and am satisfied that the cost is as great. Now, gentlemen may state here otherwise, without having looked into it. They may vaguely entertain an idea that the case is different; but I under-

take to say that, if you reduce the salary down to \$2,000, or \$2,500, per year, no man can be had to hold the office. You may as well strike it out altogether. I say again, that the whole point of this case turns on the expenses of living in that Territory; and that fact alone should determine the amount to be allowed. I have been satisfied that the expenses necessarily existing there require the amounts provided for by this bill; and hence, the bill declares, in general terms, that the allowance for clerk hire, office rent, fuel, and the compensation of the officer himself, shall be the same as that allowed in California.

But the gentleman from Alabama speaks of this as a permanent appropriation. It is no such thing. It is an allowance fixed by law, or so much thereof as may be found necessary, in each and every year, to be appropriated for by a specific act at the time.

Mr. HOUSTON. I desire to say a word or two in reply to the gentleman from Ohio, [Mr. DISNEY.] I did not propose to take part in this debate. I only intended to furnish some facts for the gentleman from Ohio, who, although he framed the bill, and fixed the compensation of this officer the same as that of the surveyor general of California, seemed not to be able to answer the question when it was put to him, what the surveyor in California gets. And yet he seems astonished that everybody else does not know everything about the matter.

Mr. DISNEY (interrupting) here made a remark which the reporter could not hear.

Mr. HOUSTON. The gentleman, I think, is mistaken again. He says the language of his bill is similar to the language of the law in relation to California. I do not understand it so, and the committee cannot understand it so. The law in relation to California gives the surveyor general a salary of \$4,500, and then it provides that there shall be allowed for clerk hire in the office of the surveyor general the sum of \$11,000 or so much thereof as may be necessary; provided, that the salary of no clerk shall exceed the sum of \$2,500 per annum; and for office rent, fuel, and other incidental expenses of his office, such sum as shall be found necessary by the Secretary of the Interior, not exceeding the sum of \$11,000. Now that language of the law specifies the salaries of the surveyor and his clerks, and then it makes it the duty of the Secretary of the Interior—to do what? Why, to report the amounts that may be necessary for rent, fuel, and other incidental expenses of the surveyor's office. But such is not the language here. The effect of the language used here is to provide that whatever is allowed in California shall be allowed in New Mexico.

Mr. DISNEY. Exactly.

Mr. HOUSTON. The gentleman assents. Now, suppose it should turn out that the expenses in California, in the possibility of events, should become double what they are in New Mexico; under this law, we must still continue to pay the same in New Mexico as we pay in California.

A friend near me suggests that this bill is loosely drawn. It occurs to me that it is very strangely drawn. Look at this phraseology: "He shall have the same power and authority," &c. Now, what power and authority is meant there? Why, the same power and authority that the surveyor general in California has. And when you look to the law in relation to California, what does it say? Why, that the surveyor general of California shall have the same power and authority as the surveyor general of some other Territory has. These continued references from one law to another make it almost impossible for any gentleman to trace out what the power and authority are. Well, sir, the gentleman asks me if I want a specific enumeration of the powers of the surveyor general. It seems to me that it is the duty of a committee of this House to give us in the bill the specific powers and duties, or to be able to tell us what the general reference means and includes. A committee of this House that has examined this matter, as I am sure the Committee on Public Lands has done, should never be at a loss to tell us what the bill means, and what it does cover.

Now, I differ with the gentleman again about another thing. He says that this is not an appropriation of money, but that an appropriation of money is where you set apart a certain sum for a specific purpose. The gentleman nods assent to

the definition. I should like to know what a permanent appropriation is? He understand by an indefinite appropriation? He says that it is no appropriation at all. What, then, does he understand by a permanent appropriation?

Mr. DISNEY. It is a standing order, directing that the Secretary of the Treasury shall pay so much of the public money as is necessary to meet certain contingencies provided for in acts passed by Congress.

Mr. HOUSTON. The gentleman says that a permanent appropriation is a standing order, directing that so much of the public money shall be paid as is necessary to meet certain contingencies. But you direct here, in this bill, that just the same amount shall be allowed this officer in New Mexico as is allowed the same officer in California. Is that not a standing order? Is it not continuing an appropriation just as much as if it was a permanent appropriation? An indefinite appropriation is to cover an expenditure, the amount of which is not known. But the gentleman says that an indefinite appropriation is no appropriation at all. In that he is mistaken; because we often make appropriations of money to meet expenditures, the amount of which is not known.

Mr. DISNEY. The gentleman from Alabama seems to be laboring under the idea that this allowance is an appropriation. No money can be drawn from the Treasury except by law. An individual may have a claim against the Government of the United States which is legitimate, and recognized as such, but unless a specific appropriation of money be made to discharge that debt, the Secretary of the Treasury cannot pay it.

Mr. HOUSTON. I take the gentleman's correction to be—

Mr. DISNEY. I only desire to ask the gentleman one question, and that is, if this bill become a law, whether the salary, or this allowance, can be paid to the parties indicated, without a specific appropriation by law, authorizing the Secretary of the Treasury to pay it?

Mr. HOUSTON. The gentleman will recollect that I commenced my remarks by differing with him in the construction of this provision. I understood him as indicating that this was an appropriation of a gross amount, and I questioned the correctness of that construction. But he says that I will not recognize the difference between an appropriation and the language of this section. Suppose there is no appropriation made in this bill; what is the bill then? Why there is an obligation to appropriate money, and you are bound to make it. The gentleman himself acknowledges that it creates an obligation to the amount of the sums specified for this officer in California. It could not be in any other way. That is the express language; and we simply give the power, and authority, and compensation to the surveyor general of New Mexico, such as the existing law confers on the surveyor general of California; and, in addition, we say he shall have the same allowances for clerk hire as the surveyor general of California. Now, you cannot draw any distinction between them; and if, at this session of Congress, you appropriate \$50,000 for the surveyor generalship of California, I would like gentlemen to tell me whether, under the terms of this amendment, the like officer in New Mexico would not be entitled to the same sum?

Mr. DISNEY. I ask the gentleman from Alabama how he can make that appear? So far as the salary of the surveyor general is concerned, that is fixed by the terms of the act. So far as the salaries of the employees of the surveyor general are concerned, that is a matter of contract between him and the employees. And no matter what further allowances the House may pass for the office of the surveyor general of the State of California, does that give any right to one of the employees of the surveyor general of New Mexico on which to base a demand for additional salary or allowances?

Mr. HOUSTON. To elucidate more clearly my objection, I will make this point. The surveyor general of California employs twenty clerks. Now, I would like to know if the surveyor general in New Mexico can also employ twenty clerks? And could we control him by an appropriation, whether he might need such a number of clerks or not? The estimate is not made with respect to the wants of New Mexico, but it is simply a proposition that that Territory

shall have what California has in reference to the office of surveyor general. Whether the clerks are necessary or not, whether these incidental expenses are necessary or not, the surveyor general of New Mexico would have a right to charge the same sum for rent, fuel, and incidental expenses, as that allowed to the same officer in California. In my opinion, that sort of legislation is exceedingly objectionable.

Mr. HAVEN. Mr. Chairman, I have put my amendment into a form a little more grammatical than that reported. I have sent it up to the Clerk's desk, and ask to have it read.

The amendment was accordingly reported, as follows:

That the President, by and with the advice of the Senate, shall be, and is hereby, authorized to appoint a surveyor general for New Mexico, whose annual salary shall be \$3,000, and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon. He shall have the proper allowances for clerk hire, office rent, and fuel, &c., not exceeding what now is, or what hereafter may be allowed by law to the surveyor general of Oregon; and shall locate his office, from time to time, at such place as may be directed by the President of the United States.

The CHAIRMAN. The gentleman from Tennessee [Mr. TAYLOR] proposes to strike out "\$3,000," and insert in lieu thereof "\$2,500."

Mr. LETCHER. If I am correct in my recollection, the Governor of New Mexico receives \$3,000 a year, \$1,500 as Governor, and \$1,500 as superintendent of Indian affairs. My impression is that it is \$3,000, but a gentleman behind me thinks it is \$2,500. If the Governor of that Territory, who is the chief executive officer in it, who is bound, to some extent, to keep open house for the accommodation of all who choose to call upon him, can live upon a salary of \$3,000, why cannot the surveyor general live upon a like salary? The only reason which the gentleman from Ohio [Mr. DISNEY] assigns why the surveyor general cannot live upon \$3,000 is, that the expenses of living there are exceedingly high, and, as far as he has been able to collect information, as high as they are in California. I apprehend that in this the gentleman is entirely mistaken. What ran up prices in California? Did not the prices run up there from the fact alone of the discovery of gold? No such consideration applies to New Mexico. If I am correctly informed, corn and wheat can be raised in New Mexico, and the inhabitants thus supply themselves with their own bread. To a great extent, too, they can supply their own meat; and I cannot understand what it is that multiplies the cost of living there, so that the surveyor general cannot live upon a salary equal to that which is given to the Governor of the Territory.

Mr. HOUSTON. The Governor does not receive \$2,500 for his services as Governor, as the gentleman seems to suppose. He receives \$1,500 per annum as Governor, and \$1,000 as superintendent of Indian affairs.

Mr. LETCHER. The gentleman from Alabama corrects me. The gentleman says he receives \$1,500 as Governor, and \$1,000 as superintendent of Indian affairs, and it is proposed to increase it to \$3,000 for the performance of both duties. I cannot imagine how this House can come to the conclusion that a subordinate officer needs a larger salary for his support than the chief Executive officer. He does not have to entertain one third the number of visitors which the Executive does, and he cannot have near as many charges upon him as the Governor of the Territory must have.

Mr. WASHBURNE, of Illinois, (in his seat.) It demands a higher order of talent to be surveyor.

Mr. LETCHER. I do not know about that. The gentleman says it requires a higher order of talent to perform the duties of surveyor general than it does to perform those of the Governor.

Mr. DISNEY. Does the gentleman suppose there is any sort of comparison between the labors of the Governor and those of the surveyor general, who has to superintend the surveys of all that vast country, look to the discharge of the complicated duties connected with it, provide the returns, &c., &c.? Does the gentleman imagine there is any comparison?

Mr. LETCHER. The gentleman displays his accustomed ingenuity in dodging out of a hard place, and trying to secure a better one. In his

former remarks, this salary was to be increased because the expenses of living required it; but now that the gentleman is pressed upon that point, he abandons that ground, and says it is to be done because of the great amount of labor which he has to perform.

Mr. DISNEY. I abandon no ground which I have taken.

Mr. LETCHER. Then the gentlemen is not to be understood by the expressions which he uses upon this floor. I take the gentleman's views from what he says; but that is not the rule by which he wishes his position interpreted. He abandons the only point which he has presented throughout his whole argument, and presents a new point, and yet says he has not abandoned the ground he previously occupied. I do not think that many of us will agree in that conclusion.

But so far as this question of labor is concerned, I would ask what is the labor of all these officers? Is not a day's labor of each officer of the Government the same, whatever may be its character? In the case of the surveyor general, of whom we are speaking, he has his assistants who perform his duties, and relieve him from a vast amount of labor. But is there no labor to be performed upon the part of the Governor, who has to travel over the Territory, visit the Indians, and negotiate and arrange treaties with them? All these things are required to be performed by him, and it strikes me that these labors imposed upon him, as superintendent of Indian affairs, are as great as those of the surveyor general.

But here, again, the gentleman says that if you fix the salary at \$3,000 you will get nobody to take the office. I wish I could see the time come when somebody would refuse to take an office because the salary was only \$3,000!

Mr. TAYLOR, of Tennessee. So do I.

Mr. LETCHER. I have heard that here in Washington the salaries are exceedingly low, and yet we have not only all the offices filled, but we have those who endeavor to get others turned out that they may take their places.

Now, sir, I say that \$3,000 is a compensation too large for the services of this officer. I hope the House will not go on increasing indefinitely the salary of every man who comes up here and makes application, to such an extent that you draw off his affections and his allegiance from his State. I see no reason why you should pay your Federal officers higher salaries than the States where they are located can afford to pay for services of like character and dignity. Sir, I repeat, the effect is to draw off the affections and allegiance of men from the States, and center their affections upon the Federal Government and the Federal Treasury. You draw their attention to the central Government, and make them careless and indifferent as to what is going on in their own States. Sir, by this increase of compensation you withdraw them from their proper and legitimate callings at home, bring them here, and make them pensioners upon the bounty of the Federal Government. It tends to centralize and consolidate the power of the Federal Government, to weaken that of the States, and to break down their rights. Why should the officers of the Federal Government in the States be paid higher salaries than are paid to State officers having duties of an equal grade, and of as difficult a nature to perform? I see no reason, and I hope we shall conform our action in regulating these salaries to this standard, and not furnish inducements for men to leave home to come into Federal employ.

The question now being upon the adoption of Mr. TAYLOR's amendment,

Mr. ORR. I call for tellers, in order that we may have a quorum.

Tellers were ordered; and Messrs. WHEELER and PARKER were appointed.

The question was then put on the amendment; and, on a division, there were—ayes 48, noes 54; no quorum voting.

The CHAIRMAN. There is no quorum voting, and the Clerk will call the roll.

The roll was then called, and the names of the absentees noted.

The committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the special order—bills relating to the organized Territories—and

THE CONGRESSIONAL GLOBE.

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finding itself without a quorum, had directed the roll to be called, and the names of the absentees to be noted; and had further directed him to report a list of the absentees, as follows, to the House, to be entered on the Journal:

Messrs. Abercrombie, James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Banks, Barry, Bell, Bennett, Benton, Bliss, Bocock, Breckinridge, Bridges, Hugg, Caruthers, Chamberlain, Chase, Chastain, Churchwell, Cook, Craige, Crocker, Cultom, Cumming, Curtis, Dawson, Dean, Dent, DeWitt, Dick, Dickinson, Dunham, John M. Elliott, English, Etheridge, Ewing, Faulkner, Flagler, Franklin, Fuller, Gamble, Giddings, Grey, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendrix, Hastings, Hibbard, Hiester, Hill, Hiltner, J. Glancy Jones, Kidwell, Kutz, Lamb, Lane, Lindley, McMullin, McNair, McQueen, Maurice, Maxwell, May, Morgan, Morrison, Nichols, Norton, Mordecai Oliver, Packard, Peck, Peckham, Bishop Perkins, John Perkins, Powell, Preston, Pringle, Reese, Thomas Ritchey, Rowe, Russell, Sage, Shannon, Gerrit Smith, Samuel A. Smith, Solters, Frederick P. Stanton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Trout, Tweed, Vansant, Wade, Walker, Walley, Warren, Wells, John Wentworth, Westbrook, Witte, and Yates.

The SPEAKER. One hundred and twenty-six gentlemen have answered to their names. A quorum now being present, the Chairman will resume his place.

The CHAIRMAN then resumed the Chair.

The CHAIRMAN. When the Committee found itself without a quorum it was in the act of dividing on the amendment submitted by the gentleman from Tennessee, [Mr. TAYLOR,] to the amendment of the gentleman from New York—to strike out \$3,000 and insert in lieu thereof \$2,500. The question was being taken by tellers.

Messrs. PARKER, of Indiana, and WHEELER, again took their places.

The question was then taken; and the amendment was disagreed to, the tellers reporting only 51 in the affirmative.

The question then recurred on Mr. HAVEN'S amendment; and it was adopted.

There being no further proposition to amend the first section of the bill, the Clerk reported the second section, as follows:

SEC. 2. *And be it further enacted*, That to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who removed to and was residing in said Territory prior to the 1st day of January, 1853, there shall be, and hereby is, donated one half section, or three hundred and twenty acres of land, if single; but if married, one section, or six hundred and forty acres. And to each white male American citizen who shall have removed or shall remove to and settle in said Territory between the 1st day of January, 1853, and the 1st day of January, 1858, there shall, in like manner, be donated one quarter section, or one hundred and sixty acres, if a single man, or, if married, one half section, or three hundred and twenty acres, on condition of actual settlement and cultivation for not less than four years: *Provided, however*, That each of said donations shall include the actual settlement and improvement of the donee, and shall be selected by legal subdivisions, within three months after the survey of the land where the settlement was made before the survey; and where the settlement was made after the survey, then within three months after the settlement has been made; and all persons failing to designate the boundaries of their claims within that time, shall forfeit all right to the same.

Mr. EASTMAN. I move to amend that section by striking out the word "said," and inserting in lieu thereof "any organized," so that the section will read:

"That to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who removed to and was residing in any organized Territory, prior to the 1st day of January, 1853, there shall be given," &c.

The object of the amendment is to make the provisions of the bill apply to all the organized Territories of the United States—Minnesota, Washington, Utah, New Mexico, and Oregon.

Mr. ORR. I would inquire of the Chair if that amendment is in order? My impression is that it is not in order.

The CHAIRMAN. The bill is for the purpose of establishing the office of surveyor general in New Mexico, and to grant donations to actual settlers therein. The amendment of the gentleman from Wisconsin, if the Chair understands it, is to make donations to actual settlers in all the other organized Territories.

Mr. EASTMAN. The object of my amend-

ment is to extend the provisions of this bill over all the organized Territories.

The CHAIRMAN. The amendment, in the opinion of the Chair, is not in order.

Mr. EASTMAN. Will the Chair state why it is not in order?

The CHAIRMAN. Because it is not germane to the bill under consideration.

Mr. EASTMAN. I appeal from the decision of the Chair.

Mr. WASHBURN, of Illinois. I ask for tellers on the appeal.

Tellers were not ordered.

The question was then taken; and the decision of the Chair was sustained.

Mr. COBB. I now rise to perform a duty which I suppose to be imperative upon me, and that is, to move to amend this bill in a very essential feature.

I propose so to amend the bill that it may read as follows:

"*And be it further enacted*, That to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who removed to and was residing in said Territory prior to the 1st day of January, 1853, there shall be, and hereby is, donated one hundred and sixty acres of land. And to each white male American citizen who shall have removed, or shall remove to and settle in said Territory, between the 1st day of January, 1853, and the 1st day of January, 1858, there shall, in like manner, be donated one quarter section, or one hundred and sixty acres, on condition of actual settlement and cultivation for not less than four years," &c.

The object I have in view in offering this amendment is to make the grant of land one hundred and sixty acres in every case where provision is made in this bill for grants of lands to actual settlers. When we had the homestead bill under consideration in the Committee on the Public Lands, the question came up whether we should grant more land to citizens of the Territories than those of the States. We determined then to put them both upon the same footing.

This bill proposes to grant one half section, or three hundred and twenty acres of land, to every single man, and one section, or six hundred and forty acres, to every married man, who shall have removed to, and was residing in, the Territory prior to the 1st of January, 1853. I think we should confine the grant to one hundred and sixty acres, and make it conform to the provisions of the homestead bill. I see no good reason why we should make a grant of three hundred and twenty acres to single persons, and six hundred and forty acres to heads of families in New Mexico, when, perhaps, we have but few American citizens there. This provision is, no doubt, incorporated into the bill upon the precedent set in the case of Oregon Territory, where a quantity of land, equal in amount to that proposed in this bill, was donated to the settlers of that Territory. It is evident to every one who has been in Congress for any length of time, that a greater necessity existed for making such a grant at that time than could possibly exist in the case of any Territory at the present time. The great object then was to settle a distant country entirely isolated from American settlements, and we held out great inducements to secure it. Shall we continue to make these large grants in the case of new Territories, or shall we make the grants to actual settlers in the Territories the same as is provided for in the homestead bill? If one hundred and sixty acres do not prove a sufficient inducement to encourage emigration to New Mexico, I trust no inducement will be offered exceeding that amount.

We shall soon have before us another bill relating to the Territory of Utah; and I shall then feel it my duty to speak of the merits of the bill, and especially of the grant of land to heads of families, in a manner that may not be entirely satisfactory to some who may hereafter read what I may say in relation to the matter. The question which I now propound to the committee is, whether you will make the grants in this bill in every case one hundred and sixty acres, or will you make them three hundred and twenty and six hundred and forty acres?

That proposition now is brought into a nutshell. Will you provide for them as the bill provides? The matter is now for the committee to determine. If they think it best to increase the quantity from one hundred and sixty to three hundred and twenty acres, of course the committee can do so. But it will not be to my satisfaction. I shall propose to amend the section still further.

[The Speaker having resumed the chair, a message in writing was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary; which was laid on the Speaker's table.]

Mr. HOWE. I rise to inquire of the member of the Committee on Public Lands who reported this bill, what object the committee had in using the peculiar phraseology that appears in the second line—"white male American citizens of the United States?" [Laughter.]

Mr. DISNEY. Well, what of it?

Mr. HOWE. I should like to know why the word "American" is used here? And it goes on: "or who have declared their intention to become such." Now, it strikes me that this language is somewhat unusual. I propose to strike out the words "white," in the first line, and "American," in the second line, so as to leave the sentence to read, "male citizens of the United States, or any persons who have declared their intention to become such."

The CHAIRMAN. Will the gentleman from Pennsylvania again indicate the words which he proposes to strike out?

Mr. Howe repeated as above.

The CHAIRMAN. The amendment proposed by the gentleman from Alabama [Mr. Houston] is, that the latter part of the section be stricken out. The amendment proposed by the gentleman from Pennsylvania [Mr. Howe] will take precedence of that proposed by the gentleman from Alabama.

The question was then put on the adoption of the latter amendment; and a division was called for.

Mr. DISNEY. Will the Chair be good enough to state the amendment precisely to the committee? I think it is not understood.

The CHAIRMAN. The amendment submitted by the gentleman from Pennsylvania will now be reported to the committee.

Mr. HOWE. I propose to modify my amendment, so that it shall read:

"That to every male citizen of the United States, or to such person as shall declare his intention to become a citizen of the United States," &c.

Mr. DISNEY. I need hardly call the attention of the committee to the point really involved in this amendment, because it is discoverable at a glance. The point of the amendment offered by the gentleman is simply that of the introduction of negroes. The question is agitated in the House whether negroes are not recognized in some of the States as citizens.

Mr. HUGHES, (interrupting.) I understand this section, as it now reads, requires that there shall be given "to every white male American citizen of the United States, or who has declared his intention to become such," &c., [laughter:] that is, his intention to become a male citizen, &c. [Laughter.] So it reads now. It is wrong; and yet to correct it may appear hypercritical. I do not understand the gentleman from Pennsylvania [Mr. Howe] as intending to give the rights secured in this bill to negroes. I suppose his amendment was designed simply as a correction of language which is evidently wrong. It should read, "to every citizen of the United States, or to every person who shall declare his intention to become such," &c. That I understand to be the design of the amendment of the gentleman from Pennsylvania. If I am wrong in my supposition he will correct me.

Mr. HOWE. That is it.

Mr. HUGHES. As the language now is, all that the party has to do is to declare his intention of becoming a "white male citizen of the United States," and he will be embraced within the

purview of this act, however impossible it may be to become such, notwithstanding his declaration of intention. The gentleman from Pennsylvania gives his assent to the view I have taken of his intention in this matter, that it was not to revive the question whether these lands should be given to negroes.

Mr. ORR. Why not leave the word "white" in, then?

Mr. HUGHES. I trust this amendment will prevail, and particularly as I understand the gentleman from Pennsylvania intended by the amendment what I supposed he did.

Mr. DAVIS, of Rhode Island. I am opposed, Mr. Chairman, to the word "white" being there at all. In this far-off Territory, where the color of the inhabitants is more or less mixed up, why should we make this odious discrimination against this particular color? This region is not strictly an American territory. The people are made up of those from almost every nation; and it does appear to me that this House should occasionally legislate in a manner that the colored man will have some spot upon the face of God's earth where he can stand.

Mr. ORR, (*sotto voce*.) Let him go to Rhode Island.

Mr. DAVIS. Mr. Chairman, in this Territory of New Mexico, where there are comparatively few inhabitants coming from any of the States—where there are all sorts and conditions of people—is there any reason why the colored man should be shut out? Is there any reason why he should not be permitted to go there, and enjoy the same rights and privileges as the white man? No, sir; whether a man is from the North or the South, I cannot see what difference it makes to him. I cannot see why you should not be willing that these people should have an opportunity to live somewhere. Are they not already reduced to a sufficient depth of degradation? Is not every condition that can be imposed upon them, both in the free and in the slave States, calculated to reduce them still lower, enough to satisfy gentlemen?

Sir, for one, as a member of this House, I solemnly and earnestly protest against this House identifying itself or this Government, with a movement to shut out this unfortunate race of men from participating in the same rights and privileges as other inhabitants of that Territory. As a member of this House, as an American citizen representing a free constituency, I protest, in the name of that constituency, against the citizens of any State being proscribed from going to this Territory of the United States, and from becoming citizens of that Territory. It is an infringement upon the spirit, if not an infringement upon the letter, of the Constitution of the United States.

Mr. Chairman, I say it is a cruel injustice to that race to mark them wherever you find them; that you should seek to degrade them by placing every odious restriction upon them that you can invent. I trust that the members of this House, or at least a majority of them, will be willing to have this clause of the bill stricken out. I trust that we shall strike out this word "white," and make one small beginning towards doing justice to this class of men.

There is already a mixture of this blood in the people of that Territory—men born upon the soil—I will venture to say. And will you, by your legislation, permit men coming from any quarter of the globe, to come upon the land which these men have cultivated, and dispossess the occupants born upon the soil? If you do, you commit an act of the grossest injustice. These men have better rights to the ownership of the land than the mere stranger or foreigner who may emigrate to the Territory. Once more I say, that to exclude these men from the rights which you extend to others, is to do the cruellest injustice to them. I hope the word "white" will be stricken out, and that we shall permit all to go there upon a standing of equality.

Mr. KEITT. What is the question before the committee?

The CHAIRMAN. It is upon the amendment of the gentleman from Pennsylvania.

Mr. DISNEY. I desire to give notice that whenever an opportunity occurs, I have an amendment to offer.

The CHAIRMAN. The Chair will state to the gentleman from Ohio, that only one amendment

is now pending, and that an amendment to the amendment is in order.

Mr. DISNEY. I move to strike out the words "or who has declared his intention to become such," and to insert after the word "years," the words "who has declared his intention to become a citizen;" so that if the amendments prevail, the section will read:

"That to every white male American citizen of the United States, or to every white male over the age of twenty-one years, who has declared his intention to become a citizen," &c.

That corrects the English, and retains the principle.

Mr. MILLSON. Is the question divisible?

The CHAIRMAN. The motion to strike out and insert, is not divisible.

Mr. KEITT made some remarks in favor of the amendment of the gentleman from Ohio.

Mr. SEWARD. I move that the committee do now rise.

The question was put; and, on a division, there were fifty-three in the affirmative.

Mr. WASHBURN, of Maine. I call for tellers.

Tellers were ordered; and Messrs. CAMPBELL, and JONES, of Louisiana, were appointed.

The question was then put; and the tellers reported—ayes 65, noes 47.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bills relating to the organized Territories, and had directed him to report bills No. 162 and 232 to the House, with sundry amendments.

Mr. WALBRIDGE. I understand that there is a message from the President of the United States, and I call for its reading.

The SPEAKER. Is it the pleasure of the House to receive the message?

[Cries of "Agreed!" "Agreed!"]

The SPEAKER then laid before the House a message from the President, transmitting the correspondence between the United States chargé d'affaires at Vienna, Austria, and the State Department, in regard to the case of the Rev. James Cook Richmond; also the correspondence which has passed between the same, in regard to the rejection of the *exequatur* upon the commission of the United States consul, appointed for Trieste.

On motion by Mr. HOUSTON, the communication was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. LETCHER. I move that the House adjourn.

The question was then taken; and it was decided in the affirmative.

The House accordingly adjourned, at twenty minutes past three o'clock, till to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, May 3, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. BROWN presented documents in relation to the claim of Morgan McAfee, to remuneration for a certain tract of land purchased by him from the United States, and which he subsequently lost by the decision of the Supreme Court in favor of an adverse claimant; which were referred to the Committee on Public Lands.

Also, a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to secure to American citizens abroad a just degree of civil and religious freedom; which was referred to the Committee on Foreign Relations.

Mr. BRIGHT presented the memorial of the Brotherton Indians, praying for a final settlement of their claims; which was referred to the Committee on Indian Affairs.

Mr. TOUCHEY presented a petition of ship-owners and others, residing in Clinton and Westbrook, Connecticut, praying that those towns may be attached to the collection district of New Haven;

which was referred to the Committee on Commerce.

Mr. JONES, of Iowa, presented a memorial of the Governor and Secretary of the State of Iowa, and the Mayor and Aldermen of Dubuque, praying for a grant of land to aid in the construction of a railroad from Dubuque to the northern boundary of said State; which was referred to the Committee on Public Lands.

Mr. JOHNSON presented the memorial of Alexander Mitchell, praying an extension of his patent for screw-pile iron light-houses; which was referred to the Committee on Patents and the Patent Office.

REPORTS FROM STANDING COMMITTEES.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Patience Hurd, praying a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Lewis Humbert, praying an increase of pension, submitted an adverse report thereon; which was ordered to be printed.

He also, by direction of the same committee, asked to have recommended to the Committee on Pensions, the memorial and report in the case of Mary Baury, widow of Louis Baury, an officer during the war of the Revolution; which was agreed to.

Mr. PETTIT, from the Committee on the Judiciary, to whom was referred a resolution of the Senate, directing that committee to consider the expediency of providing by law for the appointment of a commission to revise the public statutes of the United States, to simplify their language, to correct their incongruities, to supply their deficiencies, to arrange them in order, and to reduce them to one corrected text, asked to be discharged from its further consideration; which was agreed to.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives, to repeal part of an act entitled "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes," reported it back without amendment.

He also, from the same committee, to whom was referred a bill to provide for the construction of a suitable building for the accommodation of the district court of the United States, at Key West, in the State of Florida, reported it back without amendment.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the petition of Asa Andrews, praying payment of the amount found due him from the United States by the verdict of a jury, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

AMENDMENT OF RULE.

Mr. BRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the 30th rule of the Senate be amended by striking out the words, "although the same may have been previously sanctioned by the Senate," and inserting, "unless it be to carry out the provisions of an existing law, or a treaty stipulation."

The rule now stands as follows, the words within brackets being those stricken out:

30. No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution, previously passed by the Senate, during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, [although the same may have been previously sanctioned by the Senate,] unless it be to carry out the provisions of an existing law, or a treaty stipulation.

BOOKS TO NEW MEMBERS.

Mr. JONES, of Iowa, from the Committee on Pensions, submitted the following resolution for consideration:

Resolved, That the joint resolution of the 24th of February, 1854, for supplying new members of the present Congress with all "such books of a public character, and in the same proportion as were furnished to members of either House during the last Congress," embracing "Mayo and Moulton's edition of the Pension and Bounty Land Laws," &c., in the proportion of eight copies to each of said new

members; and that the Secretary of the Senate shall so understand and execute the said resolution.

NOTICE OF A BILL.

Mr. BROWN gave notice of his intention to ask leave to introduce a bill to provide for carrying the mail according to time.

BILL INTRODUCED.

Mr. BRODHEAD, by unanimous consent, asked and obtained leave to introduce a bill for the relief of Jonas P. Levy and José Maria Jarrero; which was read, and passed to a second reading.

Mr. BRODHEAD. As this bill has been recommended by the Select Committee on Mexican Claims, which recently made its report to the Senate, I ask that it may go on the Calendar without a reference.

It was so ordered.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed bills of the following titles:

A bill making further appropriations for continuing the construction of the roads in the Territory of Minnesota, in accordance with the estimates made by the War Department; and

A bill to provide for the extinguishment of the title of the Chippewa Indians to the land owned and claimed by them in the Territory of Minnesota and the State of Wisconsin, and for their domestication and civilization.

ENROLLED BILL SIGNED.

The message also announced that the Speaker had signed the following enrolled joint resolution:

A joint resolution for extending an existing contract for carrying the mail in Alabama.

The PRESIDENT *pro tem.* signed the same.

HOUSE BILLS REFERRED.

The bill from the House of Representatives, making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department, was read a first and second time by its title, and referred to the Committee on Territories.

The bill to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization, was read a first and second time by its title, and referred to the Committee on Indian Affairs.

The bill for the construction of certain military roads and wells in the Territory of New Mexico, was read a first and second time, and referred to the Committee on Territories.

MAISON ROUGE GRANT.

The Senate proceeded to consider the motion submitted by Mr. JOHNSON, on Thursday, April 27, to reconsider the vote by which the bill to amend an act entitled "An act to grant the right of preemption to certain purchasers and settlers on the Maison Rouge grant, in the event of the final adjudication of the title in favor of the United States," approved January 27, 1851, was passed.

Mr. JOHNSON. I will explain the object of my motion to reconsider. There was a mistake in the bill as passed, which it is very necessary to correct. In consequence of that mistake, the wrong act was extended. I will read to the Senate so much of the act which should be extended as applies to the case. The title of the act which I wish to have extended is, "An act to extend preemption rights to certain lands therein mentioned;" and the portion of it which is material to this case, is in these words:

"And provided further, That any settler who has settled, or may hereafter settle, on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been, or shall be hereafter, declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of preemption granted by this act, and the act of 4th of September, 1841, entitled 'An act to appropriate the proceeds of the public lands, and to grant preemption rights,' after the lands shall have been released from reservation, in the same manner as if no reservation existed."

Thus that act which was passed on the 3d of March last, gave a right of preemption to all settlers on French or Spanish grants, the title to which had been, or might thereafter become invalid by the decision of the Supreme Court of the United States. The object which I have in

view is simply to extend the preemption right which was granted under that act of the last Congress, so as to embrace the actual improvements of the settlers. It may, perhaps, be as well to state now, though it was explained before, that under the terms of that act, any man who had any description of improvement on one of these grants, though it were but an acre, would, upon proving that fact, and complying with the terms of the act, be entitled to a preemption to one hundred and sixty acres. Still, at the same time, a man might have expended his whole fortune upon a tract of land, and might have made improvements to the extent of three hundred, or four hundred, or five hundred acres, and yet, under the provisions of the act, he would only be entitled to preemption for one hundred and sixty acres.

The object is to remedy this evil, and to give the United States exactly the amount at which they value their lands, \$1 25 an acre for all which one of these settlers may have improved, though it may be more than one hundred and sixty acres. That will be effected by the amendment which I shall propose to the Senate. This was the object of the bill as proposed the other day, but, as I stated before, there was a mistake in that bill in regard to the act proposed to be extended, and therefore it is that I have moved the reconsideration.

The motion to reconsider was agreed to; and the Senate again proceeded to consider the bill.

Mr. JOHNSON. I move to amend the bill by striking out all after the enacting clause, and inserting the following:

That the right of preemption, granted by the act of the 3d of March, 1853, entitled "An act to extend preemption rights to certain lands therein mentioned," shall be, and the same is hereby, extended, so that the settler or occupant on the Maison Rouge grant, entitled to the benefits of said act, shall be entitled to enter at the minimum price every quarter subdivision on which he has made improvements: *Provided further,* That whenever any part of the improvements of two or more settlers or occupants is on the same quarter section, the same shall be entered in their joint name, and their rights shall be proportioned to the value of their improvements thereon.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed for a third reading, and was read a third time, and passed.

On motion by Mr. JOHNSON, the title of the bill was amended so as to read: "An act extending in certain cases the provisions of the act entitled, 'An act to extend preemption rights to certain lands therein mentioned,' approved March 3, 1853."

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855.

Mr. STUART. I wish to make an inquiry of the Chair as to the place in which the amendment, which I offered yesterday to the amendment proposed by the Committee on Indian Affairs, in regard to the reservations in California, stands. My suggestion was that it should follow the figures \$125,000.

The PRESIDENT. As the amendment stands it will be read, if desired.

Mr. STUART. As reported, my amendment does not stand as I mentioned.

The PRESIDENT. The Chair will inform the Senator that it stands in the place which he suggested.

Mr. WALKER. I am directed by the Committee on Indian Affairs to offer the following amendment:

To the Creek nation of Indians, in full for all demands against the United States, the sum of \$500,000, in payment for eight million acres of land at six and a quarter cents per acre, taken from the friendly Creeks without compensation, by the treaty or capitulation of Fort Jackson, of August 8, 1814.

Mr. WALKER. The proposition now before the Senate is one of considerable importance, so far as regards the amount involved, and evidently of a great deal of importance to the nation of Indians interested in it. This matter was brought to the attention of the Senate, and referred to the Committee on Indian Affairs upon the memorial of, what is termed in the memorial, the Muscogee or Creek nation of Indians. That memorial has

been printed in very considerable numbers, and I presume each Senator has received a copy of it. It has been my individual duty to investigate this case. I have done so to the utmost of my ability, and I must say in its investigation—being unfavorably impressed with it in the commencement—I have bestowed upon it more time than I ever have in the investigation of any other case, and believe I have had about as much trouble with it as with all the other cases which I have had to investigate.

The subject was before the Committee on Indian Affairs at the last session of Congress. There was then, in my estimation, and in that of the committee, and finally in that of the Senate, not time sufficient to investigate the matter to its foundation, and trace the claim to its source and to its merits, if it had a source or merits.

The memorial then presented was a very long, and, I must say, a very abstruse document. I took it home with me, and I there gave it all the examination I could; but I found myself without the documents referred to, so that I could not make the examination at all satisfactory. When I returned to the present Congress, the case was again committed to me by the committee, and I have now a lengthy report upon it. That report, however, having been very recently completed, has not been printed.

This claim of the Creek Indians has its inception as far back as 1813. It will be borne in mind that, during what was called the Creek war of that year, the nation divided itself into two parties. The one, or the lower Creeks, as they were called, took the part of the United States. They were friendly, and fought with the troops of the United States, not only against the other party, which assumed a hostile attitude, but also against the enemies of the country—the soldiers of Great Britain. All the evidence, sir, referred to in the memorial of the Indians, I have found to be strictly correct; and, if gentlemen have read the memorial, I can only add to it my personal assurance that, after a careful examination of all the documentary evidence referred to, I have been unable to find an error, except in the paging; and I regret that it will be found in the memorial that the figures referred to as the paging of the documents are, in several instances, incorrect. However, upon ascertaining these inaccuracies, and tracing the matter up, I have found that the documents referred to, are, in every instance, correctly referred to, and contain the subject of the evidence alleged in the memorial in favor of the rights of the Indians.

As I remarked, the friendly or lower Indians took the part of the United States. The upper, or hostile Indians, which were not properly a part of the Creek nation by their nativity, but were branches of other tribes, ingrafted into the Creek nation by adoption, and permitted to settle the Creek lands, assumed a hostile attitude. They were seduced by the great warrior Tecumseh and his prophets, to take up arms not only against the United States, but against the friendly Creeks who had treated them with so much hospitality, and permitted them to ingraft themselves upon the nation, and settle upon their lands. The lower, or friendly Creeks, were depredated upon to a very great extent. It is in the recollection of the Senate that a portion of the depredations—those upon their property, their houses, their towns, their cattle and stock—has been compensated for by appropriations by Congress.

When peace came to be made, a strange occurrence took place; and I can but glance at its general features. While the lower Creeks, or those friendly to the country, had fought, and fought bravely, had borne the hardships of the war, and had had to stand the attacks of their own people, to defend, as it were, the frontier of the State of Georgia, when peace came to be made, they were made to assume the attitude of opposition, of enemies; but that was only when peace came to be made. They were not permitted to stand side by side with the people for whom they had fought. They were not permitted to stand in the attitude of friends of the country, and defenders of the country; but for the purposes of a treaty they were made to assume a hostile attitude to the country, and were placed in the singular predicament of a people capitulating to the Government. That this may be understood, I will refer to the history of the matter, as given in the commence-

ment of the memorial presented, showing the foundation of the claim:

"Before any white men settled in Georgia, nearly the whole country afterwards erected into the great States of Georgia and Alabama, belonged to the Muscogee confederation, more commonly called the Creek nation."

"This nation was always composed of two parts, called at a later day the upper and lower Creeks."

"The lower Creeks inhabited the country on the Chattahoochee river, and were the original Muscogees, always friendly with the whites. Their principal towns were Coweta and Cussetah. They alone owned the national lands, and had a right to dispose of them."

Then, there is a reference to the documentary evidence to show this fact:

"The upper Creeks were composed of several tribes—conquered or amicably received by the Muscogees. They lived on the Coosa, Tallapoosa, and Alabama rivers, where the Muscogees had assigned them land. At an early day they were under French influence, and then under Spanish protection, and many of them were always hostile to the United States."

"The lower Creeks made several treaties with Georgia, ceding lands; among others, those of Galphintion, in October, 1785, and of Shouderbone, in November, 1785. Others were made with the United States, at New York, in August, 1790, at Coleraine, in June, 1796, and others in 1802 and 1805."

Now comes an important point, which I ask the Senate to bear in mind:

"The treaty of 1790 solemnly guaranteed to the Creek nation all their lands not then ceded."

Here, then, were laid down their rights. Their country was defined, and the Government of the United States, at that period, solemnly guaranteed their rights to this original country. Then, in the investigation, it has been found by the committee, that from 1790 they stood in the position of owners and occupants of the country which was afterwards taken from them by the capitulation of 1813, or Fort Jackson. There never was any dispute in regard to the ownership of it.

"The treaty of 1790 solemnly guaranteed to the Creek nation all their land not then ceded. This was done by express direction of General Washington, after taking the advice of the Senate."

"Up to the Creek war of 1813, the nation owned all the country between the rivers Ocmulgee and Altamaha, on the east, and the Tombigbee river and the Choctaw and Chickasaw possessions on the west; and between the thirty-first degree of north latitude, or the Spanish line, on the south, and the Cherokee country and Tennessee river on the north."

This, then, was the country solemnly guaranteed to them by the treaty of 1790.

"In the year 1813, a large number of Creek chiefs and warriors, principally of the upper towns, led away by the persuasions and arts of Tecumseh, and by the lying predictions and fanatical teachings of their prophets, commenced a vindictive and sanguinary war against the United States, and the friendly portion of their own nation. The war was waged by them equally against both. While they attacked the white settlements, and there burned, devastated, and murdered, they also destroyed the property of the friendly Creeks at the Hillabee towns, burned Kialagee, and shot its inhabitants, slew friendly chiefs at the old Coosa town, burned Hatcheehubba to ashes, and threatened Coweta, and took Tookabatcha and Kussetah."

"But the lower towns remained friendly, as did the principal chiefs of the upper towns. The hostiles came wholly from the upper towns. Of this, the volume of the American State Papers on Indian affairs contained the most ample evidence."

"The lower Creeks were a settled people, desirous of living peacefully with the whites, and wholly opposed to war. So it was solemnly declared by their council. The chiefs pursued and punished those who robbed and murdered the whites, putting many of them to death."

"Though their annuities were unpaid for 1812, 1813, and 1814, the lower Creeks remained friendly, applied to their agent, Colonel Hawkins, for assistance, collected for the purpose of self-defense, offered to join the whites with two hundred men and attack the hostiles, send a strong force to Tookabatcha, to aid the friendly upper chiefs, and remove them to Coweta, called for assistance in men and ammunition, concentrated at Coweta, extended strong patrols up the Chattahoochee, foraged as far as Tallapoosa, and sent out war parties, keeping the hostiles from attacking the Georgia frontier."

I advert to this for the purpose of showing, next, while this was their position, this was their attitude, how it is the Committee on Indian Affairs have deemed them to have been most unjustly dealt by, and now possessing most unequivocal grounds, in equity and justice, for the claim they set up.

"In response to their repeated and urgent solicitation for arms and ammunition, they succeeded in receiving at one time eleven rifles, ninety pounds of powder, and some lead and flints; and these were charged against their annuities; and at another, eight muskets, one hundred pounds of powder, and one hundred and sixty pounds of lead."

As I read this, I do not read the references to the documentary evidence which support the points made in the memorial; but, as I before stated, having examined them, I am prepared to

say that, in every particular, the history and evidence in the matter fully sustain the allegations:

"In October, 1813, they were one thousand strong at Coweta, and refused to make peace with the hostiles on any terms. They aided in fighting the battles of Tallassee, Hatchie and Talladeja; four hundred of them fought under General Floyd at Autossee, and many were killed and wounded. They fought under General Jackson at Emuckfau; four hundred of them took part in the battle of Calabee, and a large body fought in the decisive battle of the Horseshoe, forded the Tallapoosa with Coffee, set the town on fire, and attacked the Red Sticks from behind, while General Jackson stormed the breastwork in front."

This, then, as the documentary history of the affair proves, was the attitude assumed and maintained by these Indians. And now we come to that portion of the case which shows the ground and foundation of their claim as now presented.

"On the 20th of April, 1814, General Thomas Pinckney arrived at Fort Jackson; and, being the senior officer of the southern Army, he assumed the command."

"On the 23d of April, 1814, he directed Colonel Hawkins to communicate to the hostile Creeks the terms on which peace would be granted to them."

I hope the Senate will bear in mind that when General Pinckney reached the country, and took the command, as it will be seen, he had authority to conduct this matter of capitulation. He directed Colonel Hawkins to apprise—who? Why, the hostile Creeks—the chief of the hostile Creeks—of what his designs were; and, also, to inform them of the terms upon which peace would be made:

"He said, as one of those terms, 'the United States will retain so much of the conquered territory as may appear to the Government thereof to be a just indemnity for the expenses of the war, and as a restoration for injuries sustained by its citizens and the friendly Creek Indians.'"

Now, bear in mind, that the country which was to be taken, according to the instructions of General Pinckney, was so much of the conquered country as would constitute an indemnity to the United States and the friendly Creeks, for the expenses of the war, and the spoiliations and devastations which had been committed by the hostiles.

"And he directed the terms to be communicated to the friendly Indians, and said: 'You may likewise inform them that the UNITED STATES WILL NOT FORGET THEIR FIDELITY, but in the arrangement which may be made of the lands to be retained as indemnity, THEIR CLAIMS WILL BE RESPECTED; and such of their chiefs as have distinguished themselves by their exertion and valor in the common cause WILL ALSO RECEIVE A REMUNERATION IN THE CEDED LANDS, and in such manner as the Government may direct.'"

Up to this time, so far as we could get at the history of the matter, the friendly Creek Indians never dreamed that by the term "conquered country" any portion of their acknowledged country—that guaranteed by the treaty of 1790—was meant at all. They had no idea of it; and it seems, really, at that time, neither General Pinckney nor the Creek agent, Colonel Hawkins, had any idea of that either. They supposed that the country lying north, inhabited by the hostiles, was that which was to be confiscated; and that the friendly Creeks were not only to be left alone and left in the possession of their country, but besides this, that they were to have indemnity made to them out of this country of the hostile Creeks, which might be confiscated, as indemnity for the expenses of the war and for depredations. But, in the further progress of this matter, we perceive that General Pinckney was superseded in command by General Jackson. Before coming to that, however, I will notice another point:

"The Secretary of War had instructed General Pinckney that one of the terms of peace with the hostiles, must be an indemnification for the expenses of the war by the cession of so much land as should be deemed an equivalent; and directed that the treaty should be in a form altogether military, and in the nature of a capitulation."

These, then, were the instructions of the Secretary of War to General Pinckney. General Pinckney caused them to be communicated to the hostile chiefs, and the further information communicated to the friendly chiefs, that such was to be the fate of the hostile chiefs; and at the same time, while the land of the hostiles should be confiscated, that out of it the friendly Creeks should be indemnified for the injuries and expenses that they had incurred.

"So that both the hostile and friendly Indians were distinctly informed that the hostiles were to capitulate and cede enough of their lands to pay the expenses of the war. Those lands were to be retained out of the conquered lands; the claims of the friendly Indians to any part even of the conquered lands were to be respected, their losses reimbursed, and their fidelity not forgotten. Out of the con-

quered lands so retained they were to be paid for injuries sustained by them, and such of the chiefs who had distinguished themselves were to receive a remuneration."

This, then, was in the contemplation of the Government; this was the character of the promise which was made to the friendly Creek Indians. It was according to these assurances that the friendly Creeks were met at the time, and negotiations were proposed. They were to be negotiators in the transaction—not so much as parties, parties to the negotiation in opposition, parties in fault—but they were to be witnesses, as it were, standing by to see the final consummation of peace, not only with the enemies of the country, but with the friendly Creek Indians; they were to stand by as interested parties; they were to see those who had shed their blood and devastated their country punished now at last for their improprieties and misconduct, and when they saw them thus punished, they had the gratifying intelligence communicated to them by their agent, under the authority of the Secretary of War, that they were to be indemnified for the sacrifices that they had made. It presents one of the most singular pictures in all our transactions with our Indian tribes, when we come to view the transaction constituted in the final settlement of these Indians.

We now come nearer the consummation, as it took place:

"On the 10th of July, 1814, General Jackson took the command. He fixed the 1st of August for a general meeting of the hostile Indians at Fort Jackson. When the time came, only one hostile chief was present. Thirty-six chiefs signed the articles or treaty at Fort Jackson, of whom thirty-five were friendly."

This evidence is found in the second volume of Indian affairs, pages 837, 838, and 493.

"When these chiefs met, General Jackson demanded the cession of seven eighths of the present State of Alabama, and of seven million eighty-four thousand and eight hundred acres in the southern part of Georgia. He admitted of no discussion, but ordered the chiefs to sign the treaty. These seven millions of acres in Georgia, and as much more in the southern part of Alabama, never belonged to the hostiles, nor were they conquered country. Neither General Jackson nor any white troops had ever been there. No hostile foot had trodden them. The friendly Creeks had demanded and maintained possession, without aid from any quarter, of their own country, and carried the war into the hostile country."

This, then, was the position and attitude of affairs when General Jackson went there. When there was none of the hostile chiefs assembled to treat with them, he demanded a capitulation from somebody, and strange as it appears—and it rests not merely on the word of any one, but it appears from the documentary history of the country—he demanded that those who had fought in amity with our country, and not only in amity with the country, but under his personal command, side by side with him at the battles where he fought, should become a capitulating party, sign the capitulation, and cede the country, which was never in contemplation in the instructions of the Secretary of War, but was land about which there had been no question of title, land that had ever been in the possession, occupancy, or ownership of the friends of the country, and that too solemnly guaranteed by the country as far back as 1790.

Here the honorable Senator yielded the floor that a message might be received from the President of the United States.

INDIGENT INSANE BILL VETO.

A message was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary:

MR. PRESIDENT: I am directed by the President of the United States to return to the Senate the act making a grant of land to the several States of the Union, for the benefit of indigent insane persons, with his objections thereto in writing.

MR. FOOT. If the Senator from Wisconsin will yield the floor, I would like to have the Indian appropriation bill laid aside, for the purpose of considering the message of the President.

MR. PETTIT. For the purpose of hearing the message read?

MR. FOOT. For the reading of it.

MR. HUNTER. It can be laid aside by unanimous consent.

THE PRESIDING OFFICER, (Mr. BRIGHT in the chair.) If no objection be made, the consideration of the Indian appropriation bill will be suspended for the purpose of reading the message.

There was no objection; and the Secretary read the message, as follows:

To the Senate of the United States:

The bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," which was presented to me on the 27th ultimo, has been maturely considered, and is returned to the Senate, the House in which it originated, with a statement of the objections which have required me to withhold from it my approval.

In the performance of this duty prescribed by the Constitution, I have been compelled to resist the deep sympathies of my own heart in favor of the humane purpose sought to be accomplished, and to overcome the reluctance with which I dissent from the conclusions of the two Houses of Congress, and present my own opinions in opposition to the action of a coördinate branch of the Government, which possesses so fully my confidence and respect.

If, in presenting my objections to this bill, I should say more than strictly belongs to the measure, or is required for the discharge of my official obligation, let it be attributed to a sincere desire to justify my act before those whose good opinion I so highly value, and to that earnestness which springs from my deliberate conviction, that a strict adherence to the terms and purposes of the Federal compact, offers the best, if not the only, security for the preservation of our blessed inheritance of representative liberty.

The bill provides, in substance:

First. That ten millions of acres of land be granted to the several States, to be apportioned among them in the compound ratio of the geographical area, and representation of said States in the House of Representatives.

Second. That wherever there are public lands in a State subject to sale at the regular price of private entry, the proportion of said ten millions of acres falling to such State, shall be selected from such lands within it; and that to the States in which there are no such public lands, land scrip shall be issued to the amount of their distributive shares, respectively; said scrip not to be entered by said States, but to be sold by them, and subject to entry by their assignees, provided that none of it shall be sold at less than one dollar per acre, under penalty of forfeiture of the same to the United States.

Third. That the expenses of the management and superintendence of said lands, and of the moneys received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States.

Fourth. That the gross proceeds of the sales of such lands, or land-scrip so granted, shall be invested by the several States in safe stocks, to constitute a perpetual fund, the principal of which shall remain forever undiminished, and the interest to be appropriated to the maintenance of the indigent insane within the several States.

Fifth. That annual returns of lands or scrip sold shall be made by the States to the Secretary of the Interior, and the whole grant be subject to certain conditions and limitations prescribed in the bill, to be assented to by legislative acts of said States.

This bill, therefore, proposes that the Federal Government shall make provision to the amount of the value of ten millions of acres of land, for an eleemosynary object within the several States, to be administered by the political authority of the same; and it presents, at the threshold, the question, whether any such act, on the part of the Federal Government, is warranted and sanctioned by the Constitution, the provisions and principles of which are to be protected and sustained as a first and paramount duty.

It cannot be questioned that if Congress have power to make provision for the indigent insane without the limits of this District, it has the same power to provide for the indigent who are not insane; and thus to transfer to the Federal Government the charge of all the poor in all the States. It has the same power to provide hospitals and other local establishments for the care and cure of every species of human infirmity, and thus to assume all that duty of either public philanthropy, or public necessity to the dependent, the orphan, the sick, or the needy, which is now discharged by the States themselves, or by corporate institutions, or private endowments existing under the legislation of the States. The whole field of public beneficence is thrown open to the care and culture

of the Federal Government. Generous impulses no longer encounter the limitations and control of our imperious fundamental law. For, however worthy may be the present object in itself, it is only one of a class. It is not exclusively worthy of benevolent regard. Whatever considerations dictate sympathy for this particular object, apply, in like manner, if not in the same degree, to idiocy, to physical disease, to extreme destitution. If Congress may and ought to provide for any one of these objects, it may and ought to provide for them all. And if it be done in this case, what answer shall be given, when Congress shall be called upon, as it doubtless will be, to pursue a similar course of legislation in the others? It will, obviously, be vain to reply that the object is worthy, but that the application has taken a wrong direction. The power will have been deliberately assumed, the general obligation will, by this act, have been acknowledged, and the question of means and expediency will alone be left for consideration. The decision upon the principle, in any one case, determines it for the whole class. The question presented, therefore, clearly is upon the constitutionality and propriety of the Federal Government assuming to enter into a novel and vast field of legislation, namely, that of providing for the care and support of all those, among the people of the United States, who, by any form of calamity, become fit objects of public philanthropy.

I readily, and I trust feelingly, acknowledge the duty incumbent on us all, as men and citizens, and as among the highest and holiest of our duties, to provide for those who, in the mysterious order of Providence, are subject to want and to disease of body or mind, but I cannot find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States. To do so would, in my judgment, be contrary to the letter and spirit of the Constitution, and subversive of the whole theory upon which the Union of these States is founded. And if it were admissible to contemplate the exercise of this power, for any object whatever, I cannot avoid the belief that it would, in the end, be prejudicial rather than beneficial to the noble offices of charity, to have the charge of them transferred from the States to the Federal Government. Are we not too prone to forget that the Federal Union is the creature of the States, not they of the Federal Union? We were the inhabitants of Colonies distinct in local government one from the other, before the Revolution. By that Revolution the Colonies each became an independent State. They achieved that independence, and secured its recognition by the agency of a consulting body, which, from being an assembly of the ministers of distinct sovereignties, instructed to agree to no form of government which did not leave the domestic concerns of each State to itself, was appropriately denominated a Congress. When, having tried the experiment of the Confederation, they resolved to change that for the present Federal Union, and thus to confer on the Federal Government more ample authority, they scrupulously measured such of the functions of their cherished sovereignty as they chose to delegate to the General Government. With this aim, and to this end, the fathers of the Republic framed the Constitution, in and by which the independent and sovereign States united themselves, for certain specified objects and purposes, and for those only, leaving all powers not therein set forth as conferred on one or another of the three great departments, the legislative, the executive, and the judicial, indubitably with the States. And when the people of the several States had, in their State conventions, and thus alone, given effect and force to the Constitution, not content that any doubt should, in future, arise as to the scope and character of this act, they ingrafted thereon the explicit declaration that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Can it be controverted that the great mass of the business of Government that involved, in the social relations, the internal arrangements of the body-politic; the mental and moral culture of men; the development of local resources of wealth; the punishment of crimes in general; the preservation of order; the relief of the needy, or otherwise unfortunate members of society, did, in prac-

tice, remain with the States; that none of these objects of local concern are, by the Constitution, expressly or impliedly prohibited to the States, and that none of them are, by any express language of the Constitution, transferred to the United States? Can it be claimed that any of these functions of local administration and legislation are vested in the Federal Government by any implication? I have never found anything in the Constitution which is susceptible of such a construction. No one of the enumerated powers touches the subject, or has even a remote analogy to it. The powers conferred upon the United States have reference to Federal relations, or to the means of accomplishing or executing things of Federal relation. So, also, of the same character are the powers taken away from the States by enumeration. In either case, the powers granted and the powers restricted were so granted or so restricted only where it was requisite for the maintenance of peace and harmony between the States, or for the purpose of protecting their common interests, and defending their common sovereignty, against aggression from abroad or insurrection at home.

I shall not discuss the question of power sometimes claimed for the General Government, under the clause of the eighth section of the Constitution, which gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay debts, and provide for the common defense and general welfare of the United States," because if it has not already been settled upon sound reason and authority, it never will be. I take the received and just construction of that article, as if written to lay and collect taxes, duties, imposts, and excises, in order to pay the debts, and in order to provide for the common defense and general welfare. It is not a substantive general power to provide for the welfare of the United States, but is a limitation on the grant of power to raise money by taxes, duties, and imposts. If it were otherwise, all the rest of the Constitution, consisting of carefully enumerated, and cautiously guarded grants of specific powers, would have been useless, if not delusive. It would be impossible, in that view, to escape from the conclusion, that these were inserted only to mislead for the present, and instead of enlightening and defining the pathway of the future, to involve its action in the mazes of doubtful construction. Such a conclusion the character of the men who framed that sacred instrument will never permit us to form. Indeed, to suppose it susceptible of any other construction would be to consign all the rights of the States, and of the people of the States, to the mere discretion of Congress, and thus to clothe the Federal Government with authority to control the sovereign States, by which the States would have been dwarfed into provinces or departments, and all sovereignty vested in an absolute consolidated central power, against which the spirit of liberty has so often, and in so many countries, struggled in vain. In my judgment you cannot, by tributes to humanity, make any adequate compensation for the wrong you would inflict by removing the sources of power and political action from those who are to be thereby affected. If the time shall ever arrive when, for an object appealing however strongly to our sympathies, the dignity of the States shall bow to the dictation of Congress, by conforming their legislation thereto, when the power, and majesty, and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when I express my firm conviction that we shall see "the beginning of the end."

Fortunately, we are not left in doubt as to the purpose of the Constitution, any more than as to its express language, for, although the history of its formation, as recorded in the Madison papers, shows that the Federal Government, in its present form, emerged from the conflict of opposing influences, which have continued to divide statesmen from that day to this, yet the rule of clearly defined powers, and of strict construction, presided over the actual conclusion and subsequent adoption of the Constitution.

President Madison, in the *Federalist*, says: "The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments, are numerous and indefinite."

"Its" (the General Government's) "jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

In the same spirit, President Jefferson invokes "the support of the State governments in all their rights as the most competent administrations for our domestic concerns, and the surest bulwark against anti-republican tendencies;" and President Jackson said that our true strength and wisdom are not promoted by invasions of the rights and powers of the several States, but that, on the contrary, they consist "not in binding the States more closely to the center, but in leaving each more unobstructed in its proper orbit."

The framers of the Constitution, in refusing to confer on the Federal Government any jurisdiction over these purely local objects, in my judgment, manifested a wise forecast and broad comprehension of the true interests of these objects themselves. It is clear that public charities within the States can be efficiently administered only by their authority. The bill before me concedes this, for it does not commit the funds it provides to the administration of any other authority.

I cannot but repeat what I have before expressed, that if the several States, many of which have already laid the foundation of munificent establishments of local beneficence, and nearly all of which are proceeding to establish them, shall be led to suppose, as they will be, should this bill become a law, that Congress is to make provision for such objects, the fountains of charity will be dried up at home, and the several States, instead of bestowing their own means on the social wants of their own people, may themselves, through the strong temptation, which appeals to States as to individuals, become humble suppliants for the bounty of the Federal Government, reversing their true relation to this Union.

Having stated my views of the limitation of the powers conferred by the eighth section of the first article of the Constitution, I deem it proper to call attention to the third section of the fourth article, and to the provisions of the sixth article, bearing directly upon the question under consideration; which, instead of aiding the claim to power exercised in this case, tend, it is believed, strongly to illustrate and explain positions which, even without such support, I cannot regard as questionable.

The third section of the fourth article of the Constitution, is in the following terms: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State." The sixth article is as follows, to wit: that "All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation."

For a correct understanding of the terms used in the third section of the fourth article, above quoted, reference should be had to the history of the times in which the Constitution was formed and adopted. It was decided upon in convention on the 17th September, 1787, and by it Congress was empowered to "dispose of," &c., "the territory or other property belonging to the United States." The only territory then belonging to the United States, was that then recently ceded by the several States, to wit: by New York in 1781, by Virginia in 1784, by Massachusetts in 1785, and by South Carolina in August, 1787, only the month before the formation of the Constitution. The cession from Virginia contained the following provision:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Federal Alliance of the said States, Virginia included, according to their usual respective proportions, in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

Here the object for which these lands are to be

disposed of, is clearly set forth; and the power to dispose of them granted by the third section of the fourth article of the Constitution, clearly contemplates such disposition only. If such be the fact, and in my mind there can be no doubt of it, then you have again, not only no implication in favor of the contemplated grant, but the strongest authority against it.

Furthermore, this bill is in violation of the faith of the Government, pledged in the act of January 28, 1847. The nineteenth section of that act declares, "That, for the payment of the stock which may be created under the provisions of this act, the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury for the sales of the public lands after the first day of January, 1848, first to pay the interest on all stocks issued by virtue of this act; and secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value," &c. The debts then contracted have not been liquidated, and the language of this section, and the obligations of the United States under it, are too plain to need comment.

I have been unable to discover any distinction, on constitutional grounds, or grounds of expediency, between an appropriation of ten millions of dollars, directly from the money in the Treasury, for the object contemplated, and the appropriation of lands presented for my sanction. And yet, I cannot doubt, that if the bill proposed ten millions of dollars from the Treasury of the United States, for the support of indigent insane in the several States, that the constitutional question involved in the act would have attracted forcibly the attention of Congress.

I respectfully submit, that, in a constitutional point of view, it is wholly immaterial whether the appropriation be in money or in land.

The public domain is the common property of the Union, just as much as the surplus proceeds of that, and of duties on imports remaining unexpended in the Treasury. As such, it has been pledged, is now pledged, and may need to be so pledged again for public indebtedness.

As property, it is distinguished from actual money chiefly in this respect: that its profitable management sometimes requires that portions of it be appropriated to local objects, in the States wherein it may happen to lie, as would be done by any prudent proprietor to enhance the sale-value of his private domain. All such grants of land are, in fact, a disposal of it for value received; but they afford no precedent, or constitutional reason, for giving away the public lands. Still less do they give sanction to appropriations for objects which have not been intrusted to the Federal Government, and therefore belong exclusively to the States.

To assume that the public lands are applicable to ordinary State objects, whether of public structures, police, charity, or expenses of State administration, would be to disregard, to the amount of the value of the public lands, all the limitations of the Constitution, and confound, to that extent, all distinctions between the rights and powers of the States, and those of the United States. For if the public lands may be applied to the support of the poor, whether sane or insane, if the disposal of them and their proceeds be not subject to the ordinary limitations of the Constitution, then Congress possesses unqualified power to provide for expenditures in the States by means of the public lands, even to the degree of defraying the salaries of Governors, judges, and all other expenses of the Government, and internal administration within the several States. The conclusion from the general survey of the whole subject is, to my mind, irresistible, and closes the question, both of right and of expediency, so far as regards the principle of the appropriation proposed in this bill. Would not the admission of such a power in Congress to dispose of the public domain, work the practical abrogation of some of the most important provisions of the Constitution? If the systematic reservation of a definite portion of the public lands (the sixteenth section) in the States, for the purpose of education, and occasional grants for similar purposes be cited as contradicting these conclusions, the answer, as it appears to me, is obvious and satisfactory. Such

reservations and grants, besides being a part of the conditions on which the proprietary right of the United States is maintained, along with the eminent domain of a particular State, and by which the public land remains free from taxation in the State in which it lies, as long as it remains the property of the United States, are the acts of a mere land-owner, disposing of a small share of his property in a way to augment the value of the residue, and in this mode to encourage the early occupation of it by the industrious and intelligent pioneer.

The great example of apparent donation of lands to the States, likely to be relied upon as sustaining the principles of this bill, is the relinquishment of swamp lands to the States in which they are situated; but this, also, like other grants already referred to, was based expressly upon grounds clearly distinguishable in principle from any which can be assumed for the bill herewith returned, viz: upon the interest and duty of the proprietor. They were charged, and not without reason, to be a nuisance to the inhabitants of the surrounding country. The measure was predicated, not only upon the ground of the disease inflicted upon the people of the States which the United States could not justify, as a just and honest proprietor, but also upon an express limitation of the application of the proceeds, in the first instance, to purposes of levees and drains, thus protecting the health of the inhabitants, and, at the same time, enhancing the value of the remaining lands belonging to the General Government. It is not to be denied that Congress, while administering the public lands as a proprietor, within the principle distinctly announced in my annual message, may sometimes have failed to distinguish accurately between objects which are and which are not within its constitutional powers.

After the most careful examination, I find but two examples in the acts of Congress which furnish any precedent for the present bill, and those examples will, in my opinion, serve rather as a warning than as an inducement to tread in the same path.

The first is the act of March 3d, 1819, granting a township of land to the Connecticut asylum for the education of the deaf and dumb.

The second that of April 5th, 1826, making a similar grant of land to the Kentucky asylum for teaching the deaf and dumb.

The first more than thirty years after the adoption of the Constitution, and the second more than a quarter of a century ago.

These acts were unimportant as to the amount appropriated, and, so far as I can ascertain, were passed on two grounds: first, that the object was a charitable one, and secondly, that it was national. To say that it was a charitable object, is only to say that it was an object of expenditure proper for the competent authority; but it no more tended to show that it was a proper object of expenditure by the United States than is any other purely local object appealing to the best sympathies of the human heart in any of the States. And the suggestion that a school for the mental culture of the deaf and dumb in Connecticut, or Kentucky, is a national object, only shows how loosely this expression has been used when the purpose was to procure appropriations by Congress. It is not perceived how a school of this character is otherwise national than is any establishment of religious or moral instruction. All the pursuits of industry, everything which promotes the material or intellectual well-being of the race, every ear of corn or boll of cotton which grows, is national in the same sense; for each one of these things goes to swell the aggregate of national prosperity and happiness of the United States; but it confounds all meaning of language to say that these things are "national," as equivalent to "Federal," so as to come within any of the classes of appropriation for which Congress is authorized by the Constitution to legislate.

It is a marked point in the history of the Constitution, that when it was proposed to empower Congress to establish a university, the proposition was confined to the District intended for the future seat of Government of the United States, and that even that proposed clause was omitted in consideration of the exclusive powers conferred on Congress to legislate for that District. Could a more decisive indication of the true construction and the spirit of the Constitution in regard to all

matters of this nature have been given? It proves that such objects were considered by the convention as appertaining to local legislation only, that they were not comprehended, either expressly or by implication, in the grant of general power to Congress, and that, consequently, they remained with the several States.

The general result at which I have arrived is the necessary consequence of those views of the relative rights, powers, and duties of the States and of the Federal Government which I have long entertained, and often expressed, and in reference to which my convictions do but increase in force with time and experience.

I have thus discharged the unwelcome duty of respectfully stating my objections to this bill, with which I cheerfully submit the whole subject to the wisdom of Congress.

FRANKLIN PIERCE.

WASHINGTON, May 3, 1854.

Mr. FOOT. I rise to submit two motions to the Senate. The first is, that the communication which has just been read lie on the table, and be printed. It is usual also, I believe, to enter such communications on the Journal.

Mr. CLAYTON. That is the first thing to be done.

Mr. HUNTER. The Senator from Vermont has made no motion for the printing of extra numbers. I wish to submit that along with his motion. We ought to have an extra number printed. That has always been usual in such cases.

Mr. FOOT. Will the Senator from Virginia designate the number?

Mr. HUNTER. I move that ten thousand additional copies be printed.

Mr. FOOT. The Senator can make that as an independent motion. If his proposition were to print a smaller number, say two thousand, I would accept it as a modification of my motion to print the message for the use of the Senate.

Mr. TOOMBS. I hope the Senator from Virginia will adhere to the motion to print the number which he has designated. This is a very important document, and should be generally diffused among the people. I look upon it as a matter of more consequence than any which we have had before us at this session. I trust the proposition to print ten thousand copies will be adhered to.

Mr. FOOT. That can be done, but I do not wish to accept that as a modification of my motion to print.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The message will be entered on the Journal, as a matter of course. The first question is on the motion that the message be ordered to lie on the table, and be printed.

Mr. BROWN. Mr. President,—

Several SENATORS. The question is not debatable.

Mr. BROWN. The motion to print is debatable.

Mr. HUNTER. The suggestion of the Senator from Vermont is, that I shall submit my proposition as a separate motion after his shall have been disposed of. I will do so.

The motion of Mr. Foot was agreed to.

Mr. HUNTER. I now move that ten thousand additional copies of the message be printed.

Mr. BROWN. That is a debatable question, I presume.

The PRESIDING OFFICER. It is.

Mr. BROWN. Mr. President, of course I do not wish to say a word as to the number of copies of this message which should be printed. I would as soon vote for the printing of twenty thousand as for printing ten thousand copies. I have no doubt that every reading man in the country will examine the message, and examine it with great care. But I think it is due to those who voted for this bill that something shall go out with the message to arrest public attention, and induce the public mind to pause, before it comes to too hasty a conclusion, as to the correctness of the doctrines set forth in that paper. I certainly do not intend to undertake an answer to a carefully prepared State paper, upon merely hearing it read at the Secretary's desk. This, however, is not the first time that the subject of giving lands for the benefit of the insane has been before the Senate. It was here, according to the record which lies before me, in 1851, and, after an elaborate discussion, the bill

then passed the Senate by a majority of more than two to one. I have the yeas and nays before me. On that occasion the yeas were 36, and the nays 16. That the Senate may understand who it was that voted in favor of the bill at that time, I ask leave to read the list of yeas and nays. The yeas were:

"Messrs. Badger, Baldwin, Bell, Benton, Berrien, Borland, Bradbury, Chase, Clark, Clay, Cooper, Davis of Massachusetts, Dawson, Dayton, Downs, Ewing, Greene, Hale, Hamlin, Miller, Morton, Norris, Pearce, Phelps, Pratt, Rusk, Seward, Shields, Smith, Soule, Spruance, Sturgeon, Underwood, Upham, and Wales—36."

The nays were:

"Messrs. Atchison, Cass, Davis of Mississippi, Dodge of Wisconsin, Dodge of Iowa, Felch, Gwin, Houston, Hunter, Jones, King, Mason, Rheut, Turney, Walker, and Yulice—16."

It will be seen by an analysis of the vote that some of the most rigidly strict constructionists of the Constitution are recorded in favor of the bill; among them are two gentlemen who have received the highest mark of the President's consideration—Mr. Borland and Mr. Soule. They are strict constructionists of the southern school; and they have both been sent abroad on missions of the first class. I mention this fact simply that the country may be induced to pause before it comes to too hasty a conclusion in reference to this subject.

During the present session of Congress the bill has been under consideration in the House of Representatives. On its passage the yeas were 81, nays 53. It was discussed there. It was certainly not hastily passed. After having been before Congress for several years, and after being pretty elaborately discussed at this session, and at former sessions, it has passed the House, if not by a majority of two to one, certainly by a very heavy majority. My experience is, that in the House they divide pretty closely upon almost every question of general interest. I find among the yeas many gentlemen of acknowledged ability, strict constructionists of the Constitution, good Democrats, men who have never been suspected of faltering in the support of the Constitution, or of Democratic principles. The same bill was under consideration in the Senate during this session, and though the Senate then was not so full as it was in 1851, when the former vote was taken, the bill passed this body a second time by a majority of over two to one. The vote was 25 to 12. The yeas upon the occasion of its passage were:

"Messrs. Badger, Bell, Brown, Chase, Clayton, Dawson, Dodge of Wisconsin, Everett, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Houston, Jones of Tennessee, Morton, Rusk, Seward, Shields, Stuart, Sumner, Thompson of Kentucky, Wade, and Walker—25."

The nays were:

"Messrs. Adams, Atchison, Butler, Cass, Clay, Dodge of Iowa, Douglas, Fitzpatrick, Mason, Pettit, Weller, and Williams—12."

I do not say, sir, that after these votes the President was bound to approve the bill against his views of constitutional propriety. I am very far from finding any fault with him for having sent in this veto. But again I say, that, looking to votes like these, the country ought to pause before it comes to a hasty conclusion in reference to the soundness of the views which the President has put forth. It is no light thing, for a measure after passing the Senate twice by a majority of more than two to one, and after passing the House of Representatives by a majority of nearly two to one, to encounter an Executive veto. If it had passed hastily, or without due consideration, it would not surprise any one if the President should arrest it. But the bill before us, as we all know, was discussed in both Houses of Congress, at this and at former sessions.

I said before that I did not mean to attempt an answer to the arguments of the President, after having merely heard his message read. Some of the arguments, I confess, struck me as having force in them. Some others seemed to me to have but little force. This, perhaps, arose from the fact that I had heard them on many occasions before, and having become accustomed to them, I did not regard them with the same consideration that I would something new.

The President, in the outset of the message, admits that this is a measure of great humanity, and one which commends itself to the warmest sympathies of his heart. I am glad he said so, because I apprehend that the sentiment will find a response in the heart of every American citizen,

of every friend of humanity, whether he resides north or south, east or west. The President says that eleemosynary objects or purposes are not among those which are provided for in the Constitution. So they are not in express terms; but does Congress never legislate upon any subject in regard to which it has not been expressly authorized to legislate? If not, I want to know where we get our authority to legislate for school purposes? The President makes an argument to show by implication that we have the power to do that. All the grants that have been made from time to time for school purposes are sanctioned by the Constitution, according to his construction of it; and yet, sir, you may read the instrument from one end to the other, and find no specific power to make grants for school purposes. If the President will point to the clause which authorizes grants of land to colleges, I will show him the clause which authorizes the grant proposed in this bill.

But, says the President, if we legislate for the benefit of the insane, where are we to stop? Are we to carry our benevolence so far as to legislate for the protection of all other indigent or unfortunate classes? This, you will see at once, is not an argument which can touch the question of power, but it is simply an argument which reaches the question of the exercise of power. If you have authority to do this, it may follow that you have the power to do something else; but it does not follow that because you do this, you ought therefore to do something else. If you have the power to make an appropriation of land for the protection and benefit of the indigent insane, it may follow that you have the power to make an appropriation of land for the protection and benefit of the indigent who are not insane. But if you exercise the power in the one case, it does not necessarily follow that you must exercise it in the other.

The President seems to think that in this matter the States will be brought to bow to the authority of Congress. I do not think so. When my State and yours, Mr. President, (Mr. BRIGHT occupying the chair,) accepted donations of land for school purposes, for common schools, and for schools of a higher grade, did it ever enter into your head or mine that our States were thereby humiliated, and were bowing as paupers, and beggars, and mendicants, to the authority of Congress? No, sir; we felt that we were receiving a part of that which belonged to us, that we were not beggars, but that Congress was giving its assent to our exercising exclusive jurisdiction over a part of that which belonged to us in common with our fellow-citizens of all the States.

The President seems also to be apprehensive that if we go on legislating in this way, we shall dry up all the sources of benevolence in the States, and that the people of the States, instead of taking care of their indigent insane, their poor, their blind, and their lame, will habitually look to Congress for the protection of those classes. I think not. With as much justice might you say that, if you receive land from the Government for the education, in part, of your children, this will induce the States to look to Congress for the means of educating all the children. Did it ever enter into your mind, sir, when Congress granted your State the sixteenth section of land in each township for school purposes, that, by the State accepting it, you were in danger of becoming mendicants, begging Congress to make appropriations for the education of all the children in your State? I apprehend there is no more danger of our becoming beggars at the footstool of Congress for the support of our indigent insane, our indigent blind, and our poor of every class, if we accept a grant like this, than there has been that we should become beggars of Congress to educate all our children, because, in days gone by, we accepted aid from Congress to educate a part of them.

But, sir, the President further tells us that this bill is in violation of the public faith. And why? Because the land stands mortgaged for the redemption of our public debt. With all due respect for the President, I must say that this argument does not strike my mind with great force. You have more money in the Treasury now than will satisfy all the demands against it. Your Secretary of the Treasury is out in the market, constantly buying up, at a large premium, the bonds

of the Government. Instead of being without money, and being compelled, in good faith, to keep the mortgaged property until you discharge the obligations which are resting upon it, you have more money than will satisfy all the demands against you.

I cannot conceive that the bill is in violation of the public faith, because in disposing of the lands as the bill proposes, you are not putting yourselves in a condition to avoid, or even to render dubious, the payment of your public debt. But, sir, when Congress passed a bill granting millions upon millions of acres of the public lands to your soldiers, the public domain was then under mortgage. The same sort of obligation rested upon it then as now. The same thing occurred when you passed the swamp land act. When you granted millions upon millions of acres of land for railroad purposes, you granted land which was under this same mortgage. It is true, an argument is made to prove that if you grant one section for a railroad, the next is doubled in value, and so nothing is given; but suppose the mortgagee does not think so; and suppose it does not turn out so; is the public faith violated? The President introduces the prudent proprietorship argument, to justify grants to railroads. It is one which we have frequently heard, and it always strikes me with great force.

But if Congress, as a prudent proprietor, may grant land for one purpose, saying "this is as I would dispose of it," where does the President get authority to say to that proprietor, "you shall not grant it for another purpose, because that purpose does not strike me as being proper." If a prudent proprietor may give land for school purposes, for railroad purposes, for internal improvement purposes, and for various other purposes, as you have done time and time again; and if the same proprietor concludes that he may give a little for the protection and benefit of the indigent insane, who shall dispute his right to do so, or restrain him in the exercise of his judgment? The people are the owners of the soil, and, I think, if their Representatives say, in their name, that this is a just and proper disposal of the land, they ought to be allowed to appropriate it in this way. That is my judgment.

One of the grounds on which the President justifies our giving away the swamp lands is, that, by so doing, we protected the public health. He intimates that the lands were subject to overflow, and produced miasma and malaria, and were exceedingly detrimental to the public health. To get clear of this nuisance, it was a prudent disposition to give the lands to the States, that the States might drain them, and thus secure the public health. This is the argument as I understand it. Where, sir, do we get power to protect the public health? Is that in the Constitution? If we protect the public health in a State, and do it constitutionally, I pray you, have we not the right to protect the indigent insane in a State, under the same clause in the Constitution? If Congress may do anything towards protecting the public health in the State of Arkansas, or Mississippi, why, by the same authority, may it not protect the indigent insane in Delaware, or Pennsylvania? I confess myself wholly unable to see how it can exercise the one power, and yet be constitutionally denied the right to exercise the other. I should never have thought, myself, of such an argument; but the President seems to rely upon it; and, therefore, I take it for granted there must be something in it more than I have seen.

I should not have said a word on the message at this time, but that I wanted the country to understand when they enter upon the investigation of this subject, that after mature discussion in this body, the bill has twice passed on the yeas and nays by a majority of more than two to one. I want that this point may be understood; that calm, dispassionate men shall, when they come to investigate the subject, take into account the fact that while the President has felt constrained to veto this bill on constitutional grounds, other gentlemen of high legal fame have taken different grounds; that there are arguments, in fact, on the other side of the question. A right minded man, a man of proper thought, ought, in justice to the Senate and House, before he makes up his mind, to examine and see what the arguments are that justified the vote, and then having taken the *pros* and *cons* into the account, having investigated both

sides of the question, give such judgment as he feels he ought to render.

I voted for this bill when it was before the body; and upon hearing the message read my convictions of its constitutionality have not been at all shaken. I will read the message, and read it again. I have none of that sort of pride of opinion, that love of consistency, which will induce me still to stand by the bill, if, upon a careful investigation of the President's arguments, I shall be convinced that he is right and I am wrong. But I say that upon hearing the message read from the Secretary's desk, I have not been so convinced. The inclination of my mind now is, and it is strongly so, that I shall record my vote as I did before.

I trust, sir, that no one will suppose that in submitting these remarks, and in taking this position, I am becoming in any degree the antagonist of the President. He has his constitutional opinions about this question; I have mine. He acts upon his convictions; and I shall act on mine. I will make no attack upon him; far, very far from it. I have great personal respect for the President; great respect for him as a politician and as the head of the great party to which I belong; and I am sure he will not take it amiss if I say that I have yet a much higher respect for the distinguished office to which he has been elevated by the American people. These considerations, if nothing else, would restrain me from saying anything in the slightest possible degree unkind in regard to him, or of the paper which he has sent to us. But, sir, if all these considerations were out of the way, my own self respect would always induce me to speak of the President of the United States, and of any paper which he may send to either House of Congress with becoming respect and consideration.

Mr. FOOT made some remarks in reply to the arguments of the message. They are reserved for revision, and will appear in the Appendix.

Mr. HUNTER. Mr. President, I understand that the Senator from Vermont proposes to postpone the consideration of this subject until Monday next.

Mr. FOOT. Immediately after the question on the motion of the Senator from Virginia to print ten thousand extra copies shall be disposed of, I will submit that motion; his, I believe, is a precedent motion.

Mr. HUNTER. Of course; therefore the present is not an occasion to enter upon the merits of the bill. When the day comes for the consideration of the question, the friends of the Administration, I think, sir, will be able, and they will, at least, be willing, to meet the gentleman upon issue which he tenders them, and if they shall not be able to vindicate the message, the fault will not be that of the President, or of the message, but of themselves.

Mr. President, I cannot permit the present occasion to pass away, without expressing my profound gratification at the course which the President of the United States has pursued in regard to this bill. In my opinion, the thanks of the people are due to him for arresting a measure which, as I am happy to believe, has few parallels in the past history of our legislation, and for interposing himself between the Constitution of the country and a blow, the mischievous effects of which it would have been difficult to over-estimate, or even to measure. Sir, the man who saves and preserves the barrier which the Constitution has imposed between the jurisdiction of the General and the State Governments, renders a service which entitles him to the grateful appreciation of the American people, for he makes good the only conditions upon which the experiment of free government, which we are now trying, can result happily and successfully. Sir, it may be that it is an ideal barrier, an abstraction, if you will; but I venture to say, that behind its boundaries lie, covered and protected, more of human happiness and human prosperity than ever were defended by ramparts of brick and stone. And, sir, he who succeeds in successfully defending and protecting these, the moral defenses of a country, is entitled more to the thanks of the people than the mere man of war who holds and maintains its military lines.

It is, in my opinion, the danger of the times, that in our eager pursuit after wealth and all those material objects in which we take so keen an in-

terest, we are prone to forget the moral bases upon which rest our happiness and our security. I must be permitted to say, that in the whole course of my experience in legislative life, I think I have never known a period in which less regard was paid to the limitations imposed by the Constitution upon the powers of this Government. Nor need I go further for an illustration of that proposition than to the very bill which is now under consideration—a bill which proposes to make the States the agents of the General Government; which assumes to say upon what conditions they shall execute their own local and municipal powers, and those conditions to be prescribed by this Federal Government—a bill which is founded, if upon any principle at all, upon the assumption that the right to dispose of the public lands is an unlimited power vested in this Government, or that it is limited only by the positive prohibitions of the Constitution. So far as the public lands are concerned, this Government is supreme, and so far as they can afford the means, it may assume and exercise any power which is not positively prohibited by the Constitution.

But, as I said before, it is not my purpose at present to enter at large upon the consideration of the merits of this measure. I may do so at another time, when the whole question is fairly before us. I have felt, however, that it was due to the President to make my public acknowledgment to him for the manful discharge of his duty upon this occasion. I rejoice that we have an issue made upon principle, and that something has been done to awaken the American people to the consideration of the nature of the title and tenure by which they may expect to secure and perpetuate the happiness and the prosperity which they are now enjoying. I am glad that it is an issue of principle, a great moral and political issue, upon which the President and most, if not all, of his friends may be willing and ready to stake themselves before the country.

Mr. TOOMBS. Mr. President, I do not purpose to enter into a discussion of this question, until the Senate has at least signified its wish to take it up for consideration; but I desire to express my full and hearty concurrence in the message upon your table. It offers a prospect of hereafter administering this great national fund upon some sound constitutional principle. There seem to be two leading ideas in the message. The first is, that the public lands and their proceeds are subject to the same constitutional restraints in their appropriation by Congress as is any other fund or money in the Treasury of the United States. That I believe to be a sound principle. The second idea is, that in the administration of the land itself, we should be governed by the same rules by which a liberal and enlightened proprietor would be governed in the management of his estate for his own interest.

By observing these two sound principles which are enforced by the President, we shall settle this question upon a solid and proper foundation. I apprehend that many of the cases which the Senator from Vermont [Mr. Foot] has cited as authorities, in contravention of the principles of the message, will be found to be in conformity to the one or the other of these two sound principles; and if not, if they fall without them, the burden will be upon the Senator himself—and a weighty and a heavy one it is—to show that they come within the Constitution of the United States. It is true there may be much excuse found in the loose,—the squandering I may term it in no offensive sense,—use of this branch of the public property of the United States. There may be even some excuse found for this bill, and for its being passed with full consideration, when it is remembered that we have departed, especially within the last six or eight years, from all sound principles in the administration of this fund. Very many of the cases which the Senator from Vermont has cited were violations and departures from principle which ought to be equally subject to condemnation with the bill, which has brought upon itself the condemnation of the President of the United States.

I am surprised at the Senator's apparent censure of the President of the United States, for sending in his veto under the circumstances. Whether the gentleman may consider that power to be wisely reposed in the President or not, it is given by the Constitution in as full, ample, and

complete language as is the Senator's power to vote for or against the bill when it is before him. The Constitution provides that "every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be submitted to the President of the United States; if he approve it, he shall sign it; but if not, he shall return it, with his objections." That is what he has done. I say, this power in the President is as full, ample, complete, and unrestrained (and was intended to be) as that of the Senator from Vermont, or any other member of either branch of the Legislature, to vote for or against the bill, according to his judgment of its constitutionality and expediency. The language of the Constitution is broad. It gives the President the veto power in as clear terms as it grants the legislative power to the two Houses of Congress.

I say, sir, that this message promises to put the administration of this great national fund, the public domain, upon the sound basis to which I have alluded. I trust the Senate will give it that deliberation which the Constitution intended that it should have. The effect of the veto is only to submit the bill to a more severe scrutiny, and a calmer consideration and deliberation of this body. The gentleman says it has passed the Senate twice; but this is the first time that it has been submitted to the President. This branch of Congress and the other may have passed it once before. I think it has passed, as a great many other measures have, which have not met my approbation, and that of a great many other gentlemen. Oftentimes, business is conducted in such a way that some of us cannot raise these great questions. The grave and important considerations which are urged by the President of the United States, have not been brought before even many gentlemen of this body. I doubt not that many of them, on a calm review, when the prospect is held out of putting the administration of the public lands on some sound, constitutional basis, will abandon their own previous course, and concur in placing it upon a basis more conformable to the Constitution of the United States. When the Senate think proper to take up this question, I shall desire to be heard fully in vindication of the principles set forth in the message.

Mr. BUTLER. I do not intend to discuss this subject, but I wish simply to say, what I believe is the fact, that the measure which has been brought to the attention of the Senate by the President of the United States, has never received the deliberate consideration of this body. I think that, considering its magnitude and the importance of the doctrines involved in the question, it has been less discussed than almost any measure of consequence. I doubt very much whether, at the time it was brought before the Senate, public attention could have been so far arrested as to have resulted in such a discussion as would produce much good. I say this much, in justification of the Senate, or rather of those Senators who may think proper to review their vote or decision, for judgment I will not call it. The President of the United States, as the trustee of all the people of the United States, has thought proper to exercise his acknowledged constitutional power, and it has brought a very grave issue before the Senate—one upon which, I think, it ought to pronounce its deliberate judgment, after a full discussion—what, in fact, I believe will be, for the first time, a full discussion upon this subject. I say this much in justification of the President: I do not think the subject has ever been discussed, either in this or in the other branch of Congress as fully as it should be. There have been so many tributary streams swelling the tide of Federal power in relation to the distribution of the public lands, that it is time, I think, some interposition should be made by some Department of the Government to arrest it. I do not know whether it will be arrested or not, but I hope it will. I do not believe the subject ever has been discussed as it should be in this body or in the other House; and when it shall receive a full discussion from those who honestly differ in regard to the doctrine involved in the message, I shall abide by the decision; but I have never been satisfied with the apparent judgment which has been pronounced by either branch of Congress on this measure.

Mr. DIXON. Mr. President, it is not my purpose to enter into any discussion of the principles embraced in the message which has just been read

to the Senate, but I rise to move that its further consideration be postponed until Monday next.

The PRESIDING OFFICER. There is a motion to print ten thousand copies, and that must be first disposed of.

Mr. DIXON. As I am up, I will remark that I do not concur in the views expressed by the President, or the reasons given by him for withholding his signature to the bill; and I shall take occasion, before the question is disposed of, to give to the Senate and to the country the reasons why I do not. The President has taken the ground that Congress has no constitutional power to give the public lands to the States for benevolent purposes, and contends that if Congress has the power to do it for one purpose it may for another, and that all such donations are usurpations of the Federal Government of the rights of the States. The power of Congress to dispose of the public lands is expressly given by the Constitution. It "may dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." How the territories or other property belonging to the United States is to be disposed of, and for what purposes, the Constitution does not say. The territories or lands of the United States are held by the Federal Government in trust for the benefit of the States and for all the people of the United States; and any donation of them, which is for the general benefit, is not only strictly in conformity with the purposes of the trust, but unquestionably within the powers granted to Congress under the Constitution. I cannot perceive how it is that the donating the public lands to the States for purposes wise and benevolent can be considered by the President a usurpation of the rights of the States. To usurp is to seize upon something wrongfully which belongs to another; but when the bill proposes to give to the States, and not to take from them, I am wholly at a loss to understand how and upon what principle the President reconciles it to the idea of the Federal Government usurping the rights of the sovereign States—I have yet to learn that Congress has no power to legislate for the benefit of the people, or that all donations of lands or money for their benefit were in violation of State rights and of the Federal Constitution. There is no Senator on this floor who will go further to maintain the rights of the States, as reserved to them by the Federal Constitution, than I will; but to maintain that the Congress has no power to make, and the State governments no power to receive, such donations as are contemplated in the bill which the President has returned, with his objections, to the Senate, is, in my judgment, upholding the rights of the States with a vengeance. I am no latitudinarian in the construction of the Federal Constitution, and perhaps would go as far as any Senator on this floor in maintaining the constitutional rights of the States, and of keeping separate and apart the powers which properly belong to the Federal Government and those justly appertaining to the States. But I cannot understand how it is that, if the Federal Government can exercise the constitutional power of making a grant of lands for one benevolent object, it may not do it for another. It has appropriated lands for roads and canals; it has donated, in effect, a large amount of the public lands to assist a State in paying off her public debt; it has appropriated lands to educational purposes in the States in which the lands lie; it has given them to States within which they do not lie for similar purposes; it has appropriated large sums of money to the building of marine hospitals in different States, to minister to the wants and comforts of the unfortunate and wretched class of citizens described in the different acts making the appropriations. It has given, time and again, large sums of money, and large portions of the public lands, for other purposes—some benevolent and some speculative, and all without any express grant of power under the Federal Constitution; and now, when we are about to vote away thousands and thousands of acres of the public domain to all such as may settle on them, whether they be citizens or foreigners, we are gravely told by the President that a grant, by Congress, of a portion of this same public domain, for an object the most humane and the most benevolent, and which appeals most strongly to the sympathies of every heart capable of feeling for the misfortunes of the

most unhappy of mankind, is interdicted by the spirit of the Constitution, and a violation of the rights and an encroachment on the sovereignty of the States.

I will, at a proper time, take occasion to present to the Senate the reasons why, in my opinion, the bill which has not received the sanction of the President is strictly in conformity with the Constitution of the country, and strictly in harmony with the uniform legislation of Congress. I think I shall be able to demonstrate this, at least I hope to be able to do so, and to show that this bill, benevolent in its purposes, is strictly in conformity with the principles on which this Government has heretofore acted, and strictly in conformity with the great principles upon which it should act under the Constitution of the United States. But, as I before remarked, it is not my purpose now to discuss the question. I merely wished to define my position in relation to it, as it is now presented to the Senate.

Mr. BELL. Mr. President, very great gratification has been expressed by two or three honorable Senators upon this occasion, and it has been said that now we may have some hope of bringing this Government within the pale and limits of the Constitution in disposing of this great common fund, the public domain of the country. One honorable Senator, I believe, alluded to what we have often heard stated upon this floor by several Senators, that our appropriation of the public lands heretofore has been wasteful. Either the same, or another Senator, has said to-day, that it had been upon no principle. The Senator from Virginia, now congratulates the Senate and the country that we are to have this question made upon some great moral principle, to bring back the exercise of the powers of this Government in relation to this great national fund within the limits of the Constitution, and in conformity with its principles. Now, I wish some of those honorable Senators to tell me in what has consisted this great, irregular, unconstitutional waste of the public lands; and upon what do they found this extraordinary gratification on this occasion at the prospect of having a change, for I suppose, from what has been said, that they propose a change in the practice of the Government in relation to the appropriation of the public lands.

I do not mean to cite the occasional appropriations which have been heretofore made of the public lands with a view to rely upon them; such, for example, as the township of land to Connecticut to found an institution for the instruction of the deaf and dumb in 1819, and a similar appropriation to Kentucky, at a subsequent period in 1826. Take out all these occasional appropriations, exclude them entirely from the argument, throw them aside as being irregular, and what do we find? I may say here, in passing, that such appropriations as these constitute a very small, and almost invisible fraction of the enormous amount of the public land which has been appropriated. I have not examined the reports of public document from the Departments in relation to the subject, but I know it is said that a hundred millions of acres of the public lands have heretofore been appropriated—not sold, and the money paid into the Treasury; but this large quantity of land has been given to the States in which the lands lie for the purposes of education, and for the purpose of aiding them in the construction of works of internal improvement. It was only a few years ago, as you know, sir, that we appropriated seven hundred and fifty thousand acres of land, with scarcely any debate or controversy in the Senate, for the construction of a canal around the falls at the Sault St. Mary—to overcome obstructions in the straits, between Lake Huron and Lake Superior.

The great mass of these appropriations has been for the support of internal improvements, and for laying the foundations of a system of schools and education in the new States. Then again they have received large grants of swamp lands; but take them out of view, regard them as not constituting one of the items about which the old States should complain; suppose they should amount to twenty or thirty millions of acres, still there would remain sixty or seventy-five millions of acres which have been voted away for the general purposes which I have enumerated—for internal improvements and educational purposes in the new States.

I say, that taking out of the calculation alto-

gether the swamp lands, and the Connecticut appropriation in 1819, and the Kentucky appropriation in 1826, and similar appropriations, there still remain sixty or seventy millions of acres which it is contended have been improperly appropriated. This is the great national fund, as I understand, which gentlemen say has been wasted. The Senator from Georgia said this message is an attempt to ingraft a new principle upon which these public lands are hereafter to be appropriated, and it is therefore that he urges and others urge that a pause in the legislation of the country is to be made, and that we are at liberty now to consider whether we will not reform the practice of the Government, and its former course in relation to the public lands.

Mr. BROWN. Will my friend from Tennessee allow me, at this point, and in this connection, to state one historical fact?

Mr. BELL. With great pleasure.

Mr. BROWN. In the year 1803, I think, a law passed Congress, endowing a college in Mississippi with the grant of a township of land. That college was located in the southern part of the State. There were no public lands anywhere in the vicinity; but some twenty years afterwards the land was located, much of it two hundred miles away from the college, so that the existence of the college there could have had no influence whatever upon the price of the land, and that could not have been any part of the consideration in making the grant.

Mr. WELLER. That was in the Territory, and not in the State, of Mississippi.

Mr. BROWN. I suppose the power of Congress over public lands is the same in the States as in the Territories, if it be the proprietor. Mr. Jefferson was President at the time, and he approved that bill. It was among the earliest grants of public lands which were made. If he was not among the strictest constructionists of the Constitution, I confess I have never known or read of anybody who was.

Mr. BELL. There are, no doubt, numerous cases of that kind; but I was taking a brief and general view of the question, in order to extract, if I could, an answer, especially from the Senator of Virginia, to the inquiry which I was proposing. I remember that five hundred thousand acres were at one time appropriated for the benefit of the Cleveland canal in Ohio. I have not heard anything of that improvement for a long while. Another appropriation of five hundred thousand acres was made for Alabama, at about the same period of time. The inquiry which I was about proposing was this: what is it that it is proposed to check? What practice of the Government is it, what past course is it, that is so much deprecated? And why is this degree of gratification expressed at the veto of this bill, appropriating ten millions of acres for the benefit of the insane in every State of the Union, in as equitable a proportion to each as it is possible and practicable for legislation to accomplish? The complaint has been heretofore that the sixty or seventy millions of acres to which I have alluded, or, including the swamp lands, one hundred millions of acres, have been appropriated to objects exclusively within the new States. The old States have felt it to be a grievance, an injustice, a wrong in the practice of the Government, thus partially and unequally to distribute this great national property, which belongs to all the States, which was purchased by the common treasure of the country, for the equal benefit of all the States.

Does the honorable Senator from Virginia understand that the principles of this message will equalize the appropriation of the public domain hereafter as among all the States, and that this inequality which has been felt to be so great, and of which so many complaints have been made, is to be corrected? Is that the meaning of the honorable Senator from Virginia, in the very earnest and eloquent appeal which he has made on behalf of the principles of this message?

Are we to have another fifty millions, or one hundred millions of acres of public lands appropriated in the same way hereafter? Or, does he understand that the principles of the message put an end for the future to all such appropriations or donations to the new States?

I do not mean, now, to go into the argument of the question, whether that inequality is justified upon the principle alluded to by the honorable

Senator from Georgia, which seems to be satisfactory to himself; that is, that these grants to the new States are nothing more than what a prudent proprietor would do in making an expenditure for the improvement of his estate. I do not propose, now, to go into that inquiry, and see whether that be a solid ground for any distinction at all. I have myself, as it is well known, voted generally for those appropriations on great public and general considerations, regarding them as redounding to the benefit of the whole country, as well as to the advantage of the individual States, to whom these appropriations were made; for I hold that no railroad can be constructed throughout the extent of Illinois, or Missouri, or Iowa, or of Arkansas, which does not contribute to the general welfare, and the increase of the general prosperity of the whole country. But, nevertheless, when you come to the question of the power of Congress thus to discriminate, and when the President himself assumes the principle that when we appropriate land it is the same as though we appropriate money, the question becomes a much more important one. We all know that the accumulated volume of wealth that flows into every part of this Union, is added to by a public improvement made in any part of it; and yet we know, that the most considerable benefit is derived to the immediate neighborhood, locality, or State, or Territory in which these improvements are made. Does the honorable Senator from Virginia understand the principles of this message as being such as will, for the future, remove that objection to the mode in which the public lands have heretofore been so unequally disposed of?

I am not able to state the fact from any careful examination of my own, but I am told that all the moneys received into the Treasury of the United States from the public lands, taking them altogether, have not remunerated the common treasury of the country, or, at least, not more than remunerated it, for the expense of the purchase and acquisition of the public lands, and for the cost of surveying and selling them, without including the lands given to the several new States. This is a fact which should have some influence on us.

Now, sir, this question is becoming one of more importance, and one requiring much graver consideration than I had supposed, and I wish to ascertain, if I can, what is the understanding of honorable Senators, who, perhaps, have comprehended the principles upon which the President has proceeded, more correctly than I have in regard to it. I presume that, standing in the relation that the honorable Senator from Virginia does to the public administration of the country, he has ascertained what the principles of the message are, and has not been dependent upon a casual reading of the document to-day from the Secretary's desk, for a knowledge of its contents; but that its principles have been well considered and matured, and that he is aware of them. What I wish, if I can get at it now, is to know whether it is the understanding of that honorable Senator that no more land appropriations are to be made in the manner that has given rise to so much complaint in the old States. I should be pleased also, to hear from the honorable Senator from South Carolina on this subject. I make this request with great confidence, that I am not trespassing on any rule of propriety in propounding the question.

There has been great complaint on the part of the old States, on account of the enormous magnitude and quantity of the public domain given for purposes of local improvement in the States in which the public land happens to lie, while not an acre has been given to the other States, who are destitute of public lands, to aid in making their public improvements. The consequence is, that the new States, though the junior sisters of the Union, are far in advance of some of their older sisters in works of internal improvement, because the old States have not had this liberality extended to them by the General Government. I have no strict right, perhaps, to call on the honorable Senator from Virginia for an answer to my question, but after what has been said, I think it is due to the country that we should know what that honorable Senator understands to be the extent of the principle, or the limitation of the principle laid down by the President.

Mr. DOUGLAS. I did not intend, Mr. President, to engage in the general discussion of this

question now, as there seemed to be an understanding on the part of the Senate that it should be postponed till next Monday. I hoped that when that understanding was arrived at, the discussion would have been entirely dropped until that time, so that we could have an opportunity of reading the message, and could go into the discussion after full preparation, and with a thorough understanding of its principles. But certain things have been said by some Senators here which I deem it proper to notice at this time. Much has been said about the extravagant, the wasteful disposition which has been made of the public lands in the grants to the new States. The Senator from Tennessee thinks that perhaps one hundred millions of acres have been appropriated for them, and that the rapid growth and advancement of those new States are attributable to the bounty of the Federal Government.

Mr. BELL. I said nothing on that subject. I said that in consequence of those appropriations of land they were far in advance in their systems of internal improvement.

Mr. DOUGLAS. The Senator from Vermont talked about "unclean" legislation, and railroad grants, and land monopolists, and land speculators, as if there were something dishonorable and corrupt in that legislation for the benefit of the new States. Now, sir, I am not aware that the representatives of the new States here have ever advocated grants of land to them upon any other principle than that recognized in the President's veto message now upon your table; that is, upon the principle of what a landholder would do for the improvement and management of his own estate. My own State has received a very large grant of land for railroad purposes, it is true. Every Senator will bear me witness that I based its advocacy on that ground, and upon none other. I placed it upon the ground that you had lands here which you had offered for sale for from twenty to forty years at \$1 25 per acre, and could not sell; but we said, if you would give us half the land on condition that we should construct a railroad, we would enable you to sell them at \$2 50 an acre. Sir, the facts prove that the prediction has been realized. The lands have readily and rapidly sold at \$2 50, where you could not get \$1 25 for them before the grant.

Mr. BROWN. Will my friend from Illinois allow me a word?

Mr. DOUGLAS. Certainly.

Mr. BROWN. Does not the Senator know that within the last few weeks we have passed a bill authorizing a very considerable quantity of this same land to be taken at \$1 25 per acre, and the President has approved it?

Mr. DOUGLAS. I am not aware of the fact.

Mr. BROWN. I know it.

Mr. DOUGLAS. In Illinois?

Mr. BROWN. In all the States where we have made such railroad grants.

Mr. DOUGLAS. What is the bill?

Mr. BROWN. I forget the title of it, but its provision is that all who occupied the land, and who were on it at the time the President took it out of the market, whether before or after the grant, shall have their land for \$1 25 per acre.

Mr. PETTIT. It is to secure preëmption rights.

Mr. DOUGLAS. That is to say, it allows the settlers to do this if they had secured preëmption rights before the passage of the grant.

Mr. BROWN. I beg the Senator's pardon; the preëmption right was not secured. If the preëmption right was secured, there was no necessity for additional legislation. It was precisely because the settler had not secured his preëmption that you were compelled to come in and secure it to him.

Mr. TOOMBS. It was an inchoate preëmption.

Mr. DOUGLAS. I can only say, that if a law has passed reducing the price of any of these lands from \$2 50 to \$1 25 per acre in my State, it was unnecessary, and I should not have advised it to be done.

Mr. BROWN. I can assure the Senator that it has been done; and the President has approved the bill.

Mr. STUART. If the Senator from Illinois will allow me, I can explain what that is; and I think it will be seen that the honorable Senator from Mississippi is slightly mistaken.

Mr. BROWN. I should be glad to be corrected, if I am.

Mr. STUART. The law was intended, in the first instance, to apply simply to the State of Arkansas, for it was not known that any difficulty of the kind existed elsewhere in the United States; but upon a suggestion the bill was made general, and its effect is simply this: Where settlers were upon the public lands, occupying and cultivating them for purposes of preemption, prior to any grant at all having been made, and had not complied with the law in proving their preemptions, this law was made to remedy that evil, and the effect of it, as the Senator will see in a moment, is simply to be precisely what it would be if the land had been sold. It does not affect the terms on which grants are made at all. The principle remains unaffected.

Mr. BROWN. I understand it differently.

Mr. DOUGLAS. I do not think it is material to this argument.

Mr. BROWN. But I think it is—

The PRESIDING OFFICER. The Senator from Illinois is entitled to the floor.

Mr. DOUGLAS. I will yield it.

Mr. BROWN. Unless the Senator is willing, I do not wish to say a word; but I understand the principle involved in the bill to be this, that if there was a settler upon the land before it was withdrawn from sale by the President's proclamation, either in anticipation of a grant or after a grant had been made, then, notwithstanding the grant has been made and his rights have been cut off, the act steps in and allows him to take the land at \$1 25 an acre. If he had been entitled to the preemption, as I have said before, there would have been no necessity for the additional legislation. It was precisely because he was not entitled to the preemption that Congress stepped in and gave it to him. Therefore, if you have the right to take one quarter section of land which you had raised to \$2 50 an acre, because you had given the adjoining quarter section for a railroad, and hence made it worth \$2 50 an acre, and reduce it to \$1 25, the original price of the land, the principle is established that you may reduce the whole of it, if you think proper, to the same standard; because if you can reduce one eighth, you may reduce the whole; your jurisdiction and power over the one eighth is your jurisdiction and power over the whole. Now I wish to say, lest there should be any misconception as to my position on the subject, that I approved that act. I voted for it most cordially; and if it should come here a thousand times, I would vote for it a thousand times over, justifying myself every time under that clause of the Constitution which gives Congress the power "to dispose of" the public lands, which I apprehend is a power unlimited, unless you undertake to dispose of them for some purpose inhibited by the Constitution.

Mr. DOUGLAS. Mr. President, I do not deem it necessary to make any reply to what the Senator from Mississippi has said, because it has no bearing at all on what I was proceeding to say, that the grants to Illinois for railroads were advocated upon the ground, and only upon the ground, that they would enhance the value of the public domain, so as to put as much, or more, money into the Treasury than you otherwise could have got if the grant were not made. The bill was passed upon that ground, and its practical operation thus far fully justifies the expectations of those who advocated its passage. The grant of land to which the Senator from Tennessee [Mr. BELL] has referred, for the Sault St. Mary canal, was advocated upon the ground that there were fifty, or perhaps nearly a hundred, millions of acres of land above those falls, which were inaccessible in consequence of the obstruction, and it was said that the granting of seven hundred and fifty thousand acres, by making the fifty millions accessible, would enhance the value of those fifty millions to a greater extent than the value of the grant.

Mr. BUTLER. I wish only to say a word as to that grant, if the Senator will allow me. I do not say that the Senator from Illinois has not given the reasons, but I say, in reference to the Senator from Michigan, [Mr. Cass,] that the avowed ground upon which he asked for that appropriation of land was, that it was a war measure.

Mr. DOUGLAS. The Senator from South Carolina will discover soon, that he is slightly

mistaken in the correction he makes. — The Senator from Michigan [Mr. Cass] brought forward the proposition for a grant of money upon the ground that it was a war measure. I made a speech against the money grant, on the ground that it was not a necessary war measure, but that it was expedient for commerce, and for the enhancement of the value of the lands, and stated, if he would agree to strike out the money appropriation and make it a grant of land, I would advocate it. The money clause was stricken out, and the land grant was inserted upon that argument, and the bill was passed upon that ground—the war argument and the money appropriation being abandoned.

The position that I take is this—that the grants of lands to the new States, have been advocated upon the ground that they enhance the value of the residue of the public domain. Congress has passed them upon that ground. Whether the facts always turn out that the principle on which the grant was made is fully sustained by the result, is a different question. But, sir, we ask the grant on no other ground, and I supposed that when the Senator from Vermont [Mr. Foot] voted for these bills, he was voting for them upon that legitimate patriotic ground upon which their friends have acted. I did not suppose that he thought it was "unclean legislation" when he advocated it. When he brought forward a bill at this session, and advocated it strenuously for a railroad through Florida, I did not suppose that he thought it was "unclean legislation" or that he was the agent of land jobbers and land robbers, who were trying to fleece the public treasury for their benefit. I had no idea that when he advocated these measures, he confessed to any such principle of action. Sir, I deny that those of us from the new States, who have advocated these grants, have advocated them upon any such reason or grounds, as have been assigned or intimated by the Senator from Vermont.

Whenever the land grants which we propose for the West cannot be justified upon the principle that we are doing what a wise, honest, and judicious land owner would do in the disposition and management of his own estate, I do not wish the Senate to give their sanction and support to our measures. Hence it is unnecessary to cite these "vast" appropriations to the new State as an argument upon this bill. The President has drawn the distinction to which I have alluded. If these appropriations were a violation of that principle, then you may say that they do not sustain the assumption of fact made by the President. But the friends of these appropriations, so far as I know, place them upon that principle; and, as a general thing, I think the result has sustained practically the truth of that assumption.

Mr. BELL. Will the Senator allow me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. BELL. The Illinois bill, was, I believe, the model for the other bills; and it gave every alternate section six miles each side of the road, but if a sufficient number could not be found there on account of having been taken by settlers, by purchasers or preemption claimants, the company had the right to go fifteen miles in each direction, right and left of the road, and select the remainder of the lands. Now, upon any consideration of equivalents, of reciprocal benefits to the Treasury and the road, I would like the honorable Senator to state, as a specimen, to show the working of the principle upon which these donations are made—if it is upon that ground alone, the exercise of the privilege of a prudent proprietor—what proportion of the lands on either side of that road, or both sides, for six miles, remains to be sold at \$2 50 an acre? Is it not very small?

Mr. DOUGLAS. I cannot answer specifically. Let the honorable Senator finish the question, and I will answer as I can.

Mr. BELL. I desire to know whether the amount is considerable? It is only within the zone of land of six miles in extent on both sides, that the alternate sections are doubled in price. What I mean to illustrate—the honorable Senator can illustrate it—is that it is only a principle assumed in name to get clear of the difficulty. I do not mean that it is altogether in name. But I desire to know whether practically and substantially the results are such that principle would seem to demand in the eye of a prudent proprietor, whether he is remunerated for the donation

he has made, by any equivalent in the sale of the small quantity of lands that are sold at the increased value.

Mr. DOUGLAS. Mr. President, I cannot answer precisely what proportion of these lands were within six miles, and what were outside the six miles and within fifteen; but I can state the general course of that road was through prairie lands, distant from market and from timber, where, without the road, the lands would not have brought twenty-five cents an acre. You had had some of them in the market for forty years at \$1 25 per acre, and could not sell them. If you could have sold them for \$1 25 per acre when they were first brought into the market, the interest on the money would have been more than they are worth at \$1 25 an acre now. Since you passed the bill, and the road has been put under contract, a large proportion of them have been sold, and every acre will be sold, I have no doubt, at the advanced price of \$2 50 an acre.

But my object is not to defend railroad bills today. It is merely to repel the impression that is attempted to be put upon the public mind, that the new States of the Union have been getting more than their share of the public lands.

Sir, wherever you have granted them to us we have rendered you more than an equivalent. Take the grants of the sixteenth sections, if you please. You made a grant of the sixteenth section in every township in the State of Illinois, on condition that the State of Illinois would never, as a sovereign State of the Union, tax the remainder of your lands. Why, sir, the taxes in ten years on your lands would have been worth twice as much as the whole sixteenth sections you gave. We pay you, by that exemption from taxation, for the sixteenth sections, twice, three times, and in the whole period, before your title is extinguished, perhaps ten times as much as the lands would have been worth. Sir, do not tell me that they would not have been subject to taxation, but for that consideration; for I believe your courts have held that the property of the United States within the States is subject to taxation, unless it is exempted by special arrangement. Hence we find it necessary, when we make an appropriation for a custom-house in one of the cities, or for a court-house, to put in a clause by which the State shall consent to exempt it from taxation for all time to come, as a condition of its construction.

Then, sir, when you charge to our account the sixteenth section in each township of the new States, we ask you to credit the account by the amount of taxes that you would otherwise have had to pay us, and ought to have paid us for the land you owned in the State. We made a bargain with you. We agreed to exempt the lands from taxation in consideration of those granted lands. We have fulfilled our part of the agreement, and now you wish to taunt us as if it were a gift. You made the bargain with us when you had the power to coerce us into submission. We were a Territory applying for admission into the Union; and you would not let us come in until we agreed to that hard bargain which you imposed on us. We did agree to it. We kept it in good faith. We never taxed your property. We have been content with the terms of it; and now we are to be taunted, as if we had been grabbing and stealing all the public lands within our reach. It is only to repel these charges that I rose.

But, sir, without going into that, I say, as a western man, representing a new State, in which there are many millions of acres of public lands, that I am willing to abide by the principle that Congress shall dispose of those lands in such a manner as a prudent land proprietor would in the disposition of his own estate; and if we cannot bring any of our claims clearly within that principle, in the judgment of the Senate, we do not ask you to pass them.

But, this is a departure from the real point involved in this measure. It is not pretended that the disposition that is to be made in the bill of ten million of acres for the insane is designed or expected to enhance the value of the public domain. It is not put upon the principle of a land owner enhancing the value of his estate. It is put upon the principle of an appropriation for a charitable purpose; that the condition of the insane appeals strongly to our sympathies; that we have funds enough in the Treasury, and lands enough belonging to the United States; and that, therefore,

we should either take those funds out of the Treasury, or vote the public property for this charitable purpose. Now, sir, I think when that proposition is made, we ought to stop and reflect as to its tendency and its consequences. I can see no reason, why, if you make an appropriation for the insane, as the message has well said, you should not make it for the deaf, for the dumb, for the blind, for the poor, for the destitute and needy, whatever their condition may be. The same humane impulses that would prompt us to do the one, would prompt us to do the other; and is it not a proposition, therefore, that all of these objects of charity, that all these matters which commend themselves to our humanity, shall be withdrawn from the jurisdiction of the States, and brought within the power, and the influence, and the protection of the Federal Government. I think, sir, it is a proposition to usurp, if you please, or, if you do not like that term, to draw by your power and your wealth within the circle of this Government, that which properly belongs to the local authorities of the States, and which can be better managed by them. I think that is the great principle involved; and it is one that we must look distinctly in the face. But, I see no reason why, if this principle is to be carried out, we should confine it to the insane. Why not go further, and include every man who is destitute, or every man who is incapable of taking care of himself—the unfortunate and the infirm of every description?

Mr. JONES, of Tennessee. Will the Senator allow me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. JONES, of Tennessee. Does he not believe in our constitutional power to give land to the homeless? Is he not in favor of the homestead bill?

Mr. DOUGLAS. I do not choose to bring the discussion of those other questions into this measure. The Senator will find out, when that bill comes up, whether I am for it or not; and I will be ready to meet him, if I do advocate it, upon the principle that I now advance; and I can tell him that, if I do not bring it within the principle I now lay down, I shall not be for it; if I can bring it within that principle, I shall be for it. But I do not choose to have my mind diverted from the present argument, by a reference to other measures which are hereafter to be acted upon.

Mr. JONES, of Tennessee. I hope my friend will not get in a passion about it.

Mr. DOUGLAS. Not at all. I was never in better humor in my life. [Laughter.]

Mr. JONES, of Tennessee. I know you are always in a good humor; and so am I. [Laughter.] But when the Senator asserted the principle laid down by him to-day, when I had supposed he was my friend and ally upon the homestead bill, I was afraid I was about to lose him; and I really wanted to inquire whether I was in danger of losing so valuable an ally. I am with him upon the homestead bill. I am for this bill; but, if Congress has no power over the public lands—

Mr. DOUGLAS. Will the Senator allow me to ask which side of the homestead bill he is on?

Mr. JONES, of Tennessee. I am in favor of its passage. Which side are you on?

Mr. DOUGLAS. It is unnecessary for the Senator to ask on which side I am, because he has told the Senate twice that he is with me.

Mr. JONES, of Tennessee. I thought I was; but I wanted to find out.

Mr. DOUGLAS. And now I can tell him that, he being with me on the homestead bill, when that question comes up, I will give him reasons for his vote which he can stand upon and fear no danger.

Mr. JONES, of Tennessee. Will my friend allow me to ask him the question again? I am really at a loss to know whether he is for or against the mill-dam.

Mr. DOUGLAS. I can state to him at once. It is unnecessary to attempt to divert me from my argument.

Mr. JONES, of Tennessee. I have no such desire, I assure the Senator.

Mr. DOUGLAS. I think I was treading on his corns, and therefore he wanted to draw me off.

Mr. JONES, of Tennessee. I beg the Senator's pardon, I have no corns to be trod upon, [laughter;] but still I would like to know whether he is with me or not on the homestead bill, for I am for it.

Mr. DOUGLAS. I am not so sure whether I am with him or not, because I am not so sure of his position; but as he has pledged himself to be with me, he has no right to ask further questions. I hold him to his terms, and will let him know his duty on the homestead bill time enough for him to vote accordingly.

I was saying, Mr. President, that this bill involves a principle which we must meet fairly in the face. The consequences to grow out of it are of vast importance. I do not believe that the condition of the insane, or of the deaf, or the dumb, or the blind, or the poor, will be benefited by withdrawing them from the jurisdiction of the States, and placing them under the Federal Government. Then, again, if we are to furnish the means for the purpose of building asylums, and hospitals, and poorhouses, and public buildings for these indigent persons, is it not proper that those means should be under our own jurisdiction? Whenever you establish the principle that one government is to furnish the means, and another is to expend the money, you will found a system of extravagance, the like of which you have not witnessed in any branch of this Government.

I hold that, if the means are to be furnished by this Government, the jurisdiction must be under it, and its officers must be responsible to it, in order that you may hold them to a strict accountability. But, sir, I am not willing to invade the States, and withdraw this class of people from their jurisdiction. I believe that their interests, their safety, their comfort, require that we should keep them where they are, under the protection of the State and local authorities. The States will do more for purposes of philanthropy, and humanity, and charity, if left to themselves, than this Government will, if we assume jurisdiction over the subject. Nearly all the States in the Union are now erecting hospitals and other charitable institutions. My own State has made large expenditures, and is establishing a good system of institutions for almost all these classes of people; and I believe nearly every other State in the Union is doing so. Wealthy persons also are establishing asylums for objects of charity. They are under the direction of the local authorities; they are managed by the local authorities; and those authorities will manage them more prudently and economically than this Government possibly can.

Why, sir, if this Government is to establish institutions for these purposes, how many are you to have? If only one or two, it would be more expensive to take the invalid to the institution, perhaps, than it would be to support him; and yet, if you are going to establish one at every neighborhood, or every county, where is your revenue to come from by which those institutions are to be erected and sustained? It opens a door to the extension of the power of this Government and its jurisdiction, in derogation of the rights of the States to a wider and more fearful extent than any bill or proposition which I have ever known to be presented. But, sir, that is the great principle, so far as I could judge from the hasty reading of that message, which the message involves. The remainder of it, in reference to the public lands, contains only observations, for the purpose of showing that the principle laid down in the message does not conflict with those grants which have heretofore usually been made to the new States of the Union. That great principle I wish to see discussed. I shall be glad to see a thorough and full discussion. I am prepared to maintain what I understand to be the principle of that message, by argument; and if the measures which I advocate cannot square by that principle, cannot stand upon it, then let them fall; for a sound and correct principle of this Government is more important to me than any mere matter of expediency, that lasts only for a day or for a year. But, sir, I will not go into this discussion now. I felt this much to be due to the State which I represent, and to my own section, in repelling the idea that we wish any other disposition of the public lands than that which a prudent land proprietor would make in the disposition of his own property.

Mr. WELLER obtained the floor.

Mr. COOPER. If the Senator will give way, I will move an adjournment.

Mr. WELLER. If the question is to be further discussed to-night, I prefer to be heard upon it now.

Mr. COOPER. If the Senator gives way, I will move an adjournment, so that he will have the floor.

Several SENATORS. Let us fix a day for its consideration.

Mr. DOUGLAS. Next Monday was the day agreed upon.

Mr. WELLER. If the Senate will agree to postpone the consideration of the question until Monday next, that course will receive the sanction of my judgment, because I think the whole of this discussion to-day has been an improper one. It is better far to discuss the questions involved in the message when we come to vote upon the question of reconsideration on the day that may be fixed. Every Senator who has spoken to-day has complained that he had but indistinctly heard the message read at the Secretary's table. We all want to investigate it, for all other things being equal, I apprehend a Senator can speak better on a subject about which he knows something. If the message be printed, it will be our duty to investigate it closely, and examine the principles involved in it, and then we shall be able to vote understandingly on the question of reconsideration. But here we have had a discussion to-day, a very general and comprehensive one, covering the whole message, upon a mere question of printing. And what is the object of printing? One object is, to enable every Senator to examine the question calmly and deliberately, in order that he may be able to vote understandingly.

Mr. THOMPSON, of Kentucky. Will the Senator from California allow me to ask him to what day he proposes to postpone the consideration of the subject?

Several SENATORS. Say Monday.

Mr. THOMPSON, of Kentucky. I should prefer Monday week.

Mr. WELLER. My object is to get a day now assigned for the reconsideration of this question. If the Senate will agree to take the vote on the motion submitted by the Senator from Virginia, I will yield the floor at once; and on Monday next we can enter into a full discussion of the subject. We can then have a fair field and an open fight on the old issue between strict constructionists and latitudinarians; and upon this question everybody knows where I stand, and everybody will know where my friend from Tennessee has always stood.

Mr. BELL. Will the Senator allow me? Will he wait until I can get an answer to my question from the Senator from Virginia?

Mr. WELLER. I do not think the honorable Senator from Virginia is prepared to answer the question of the Senator from Tennessee until he has read the message; for to my knowledge, he was engaged in discussion with me at the very time the Clerk was reading it; and I take it for granted that he never saw it until it was read at the Clerk's desk. Now I want to give the Senator from Virginia an opportunity to examine the question. I have great confidence in his judgment, and I doubt not that, after examination, he will be able to give a satisfactory answer to my friend from Tennessee. He has also interrogated my friend from South Carolina on this subject. I have the utmost confidence in his judgment, and I would rather have his judgment on the question after he had investigated it than now, when, perhaps, he does not fully comprehend it. Now, having said this much, I have a little motion to submit, which ordinarily terminates discussion here, and that is that the Senate do now adjourn.

Several SENATORS. Let us take the vote on printing.

Mr. WELLER. I withdraw the motion, as there seems to be a disposition upon the part of the Senate now to fix some day for taking the question on reconsideration.

Mr. GWIN. What day shall be fixed depends very much with me, upon what disposition is made of another and a much greater question than this, which I propose soon to bring before the Senate. I should, therefore, prefer not to say Monday next.

Several MEMBERS. Monday week.

Mr. GWIN. Monday week would suit exactly.

Mr. WELLER. I do not know that the question to which my colleague alludes is more important than this, because the construction which

is given to the veto message by some Senators will affect very much the important measure to which he alludes, and, therefore, it may be involved in this question.

THE PRESIDING OFFICER. The question of printing is yet undisposed of; perhaps there would be no objection to taking the vote upon that.

Mr. BROWN. Before that vote is taken, I desire to say that I had intended to ask the Senator from Illinois the same question which was propounded by the Senator from Tennessee, [Mr. Jones,] that is, as to whether he is an advocate of the homestead bill? I have always understood that Senator to be in favor of that measure; and when he had answered it, I intended to have followed it up by another inquiry, how he drew the distinction upon constitutional principles, between making grants of land for the benefit of sane people, and making grants of land for the benefit of those who are insane? I would have asked the question, but I did not conceive that I had got quite a courteous answer from the honorable Senator to my first inquiry; and when I do not get courteous answers, I am not apt to propound second inquiries; and inasmuch as the Senator from Illinois has declined to answer the question, I now propound it to the country in this form: If the country approves of the homestead bill, approves of the policy of giving land to the landless who are sane, how shall the country repudiate the doctrine of giving land to the homeless who are insane?

Mr. DOUGLAS. If there was anything in my answer to the honorable Senator from Mississippi that was uncourteous, it certainly was not so intended. I did decline going off into these remote questions which were put just at the time when I was making an argument upon the present question that was pinching gentlemen rather close. It looked to me as if these questions were put for the purpose of withdrawing my attention.

Mr. BROWN. It was not so with me.

Mr. DOUGLAS. Each time when I got to that point again, another question was asked, to withdraw my attention, and I saw there was a sensitiveness when I endeavored to approach the real question. Therefore I said, when the homestead bill came up, they would know my opinions; but there is no use in any disguise, as the Senator from Tennessee and the Senator from Mississippi say. They know, and all here know, that I am an advocate of the homestead bill; but I do not choose to go into a discussion of that question now, when I conceive that it is brought in merely to mystify this question, instead of discussing each one by itself, and each upon its own merits. If the homestead bill does not come within the principle which I advocate, I shall be against it. If it does, I shall be for it. I do not choose, therefore, to be drawn off; and I do not concede that it is the right of any Senator to try to destroy another man's argument by interruptions to withdraw him from the point he is discussing.

Mr. BROWN. The Senator is very much mistaken if he supposes I was trying to destroy his argument. I wait in painful anxiety, as the whole country will wait, for the distinction between granting land to sane people and granting land to the insane. Sir, if you have no constitutional power to give land to the Senator from Illinois because he is a man of sense, you have no power to give it to some other man because he is not a man of sense; but if you have the power to give it to my friend from Illinois because he is a sane man, then, by the same rule of constitutional construction, you can give it to another man because he is insane. I do not understand these refined distinctions. I would not for the world charge the Senator from Illinois with being for sane men because they are voting men. I know he can be moved by no such consideration. But what construction will the country put upon this conduct, unless the Senator will deign to put some construction on it himself. I appeal to the Senator on his own account to define his position, and to tell us why it is he is ready to give land to sane people, and refuses to give it to those that are insane. Unless there shall be some distinction drawn why the thing can be done in the one case, and cannot be done in the other, unfavorable conclusions may be drawn; conclusions which, I state to you, sir, I think, will be exceedingly against the Senator. While I am no guardian of

his reputation, I think, as his friend, I am quite justified in making such suggestions as will call him up in explanation on a point like this.

Mr. DOUGLAS. I am amazed at the Senator from Mississippi. After drawing a parallel between the sane and the insane, and after I have expressly declined to go into the discussion of the homestead bill upon this question, because it was irrelevant, he goes on to make a suggestion, that it cannot possibly be that the Senator from Illinois would vote for the homestead bill because sane men can vote; and not for the insane, because they cannot vote; and then he says he does not impute any such idea, but the country will draw erroneous impressions. Sir, I have no fear that any honest man will draw any such construction. No man in America would ever have dreamed of it, if the Senator had not suggested it. Now, why suggest an unworthy imputation, disgraceful to me, which no honest man would ever have suspected, and, after that suggestion, disavow the application of it to myself? I am astonished. I cannot believe that the Senator meant to insinuate a charge of that kind against me, at the same time that he disavowed it. But, why the necessity of pursuing this thing personally, after I had expressly declined to be drawn from the main point of my argument to another? I feel bound to repel any apprehension that any man on earth will draw an unfavorable impression of my integrity or my motives from my action here. Though I regret to be compelled to reply in this way, I feel it is a duty to myself to do so.

Mr. BROWN. Mr. President, when I say anything, I mean what I say. I never deal in innuendoes, nor mean two things by what I say. I did believe, and I do yet believe, that improper constructions will be placed upon the conduct of the Senator in refusing to answer a plain question. He does not think so.

Mr. DOUGLAS. What question have I refused to answer?

Mr. BROWN. You refused to answer the question as to whether you were in favor of the homestead bill.

Mr. DOUGLAS. The Senator declined to put the question because I had not given a courteous answer to another question, as he said.

Mr. BROWN. I did not hear the gentleman refuse to answer. My attention was called off for a moment. He refused to answer the Senator from Tennessee. Ought I to have propounded the same question a second time, if there were no other reason?

Mr. DOUGLAS. That Senator knew, every man in the Senate knew, that not one week ago I had, in a speech here, declared my great anxiety for the passage of the homestead bill.

Mr. DODGE, of Iowa. Certainly.

Mr. DOUGLAS. The Senator from Mississippi, since he got up to ask me the question, said he knew that I was for that bill.

Mr. BROWN. I said I understood so.

Mr. DOUGLAS. The Senator from Tennessee says he knew it. There is not a man here who did not know it.

Mr. DODGE, of Iowa. Not a man in the Senate.

Mr. BROWN. I stated that I had so understood it, but I wanted a distinct avowal from the Senator from Illinois that he was in favor of that measure, and then I was about to proceed to say what I honestly believe to be true; and I say it certainly without any sort of apology, notwithstanding the vehement manner of the honorable Senator, that I believed a refusal to give an answer which justified him in voting for a donation of land to sane people, and at the same time justified him in refusing to give it for the insane, might lead to improper construction. I qualified it at the same time by saying to the Senator that I was no guardian of his reputation. I know that he is quite competent to take care of himself; but if I am not greatly mistaken, notwithstanding the boisterous manner of the Senator on this occasion, he will hear of this thing again. I do not make the suggestion, as the Senator seems to think I did, that he shall hear from it again; but when the question is asked, and when the Senator now distinctly avows that he is in favor of the homestead bill, and that he is opposed to this bill—one making a grant of land for the benefit of the insane, and the other making a grant of land for the benefit of those who are sane—

saying that one is constitutional and the other unconstitutional—I repeat again, that the country will wait in painful anxiety to know how it is that the Senator draws the distinction between the two bills. When he refused to give his reasons, the reasons which justify him in drawing this distinction, I ventured to suggest, in no spirit of unkindness, that improper conclusions, not very flattering to the Senator, might by possibility be drawn; and if the Senator thinks proper to lecture me for making a suggestion of this sort, in the kindest spirit, let him do so. I certainly did not mean to be unkind towards the Senator from Illinois; and I regret exceedingly that he should put such a construction upon my declaration. I say, too, that I think now, when the question is up, and when there is a proposition to postpone it for ten days, that the distinction had better be drawn now between the constitutional power to vote against a grant of land for the insane, as an unconstitutional proposition, and the power to vote in favor of the sane as a constitutional proposition. If the Senator does not think so, if he does not concur with me in this opinion, he certainly, as I said before, is the guardian of his own reputation, of his own fame, and may decline to answer if he thinks proper.

Mr. BAYARD obtained the floor.

Mr. DOUGLAS. I wish to say only one word in reply to the Senator from Mississippi.

THE PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BAYARD. I do not yield the floor to the honorable Senator from Illinois. I have it; and I wish to make some remarks in reference to this question. I am sorry to do anything which he may consider discourteous. I do not consider these personal alterations in reference to public measures desirable either for the benefit of the Senate or of the country. The Senator from Illinois can resume the discussion as he pleases when I am through, but I wish to call the attention of the Senate to the fact that we are not discussing the question before us at all. We are going into the consideration, every gentleman professing that he does not himself mean to discuss it, of the merits of the President's message vetoing the bill for the relief of the insane poor. The motion pending is to print the message, and the question recurs, is it not a matter of common courtesy to the President of the United States, when he has sent you a message, vetoing, or dissenting in opinion from your action on a great legislative measure, to print that message?

It is certainly improper to prolong this debate without determining to print the message, so that it may come before the Senate and before the people of the country properly. Are gentlemen afraid to let it go before the country, or do they mean to treat the President with discourtesy, and say that they will keep lying on their table, unprinted, his message, until they have fully, in their own opinions, answered the positions contained in it, before it can go before the country at all? That is something like the aspect of things as the debate has progressed in this case.

But there is another view of this question. On this motion to print, it seems to me, the proposition should be a plain one, to order on the part of the Senate that the message should be printed, in order that it may go before the country. The consideration of the message then becomes a subject of debate in the Senate. Gentlemen need not be afraid, unless they underrate the intelligence of the people of the country, that they are going in a hasty debate to make such an impression on the public mind that it cannot be answered hereafter. This question is not going to sleep with a mere debate to-day. It is a great question. We are coming back to something like a division upon principles, and gentlemen, I think, will find that the people of this country understand principles, though the idea seems to be entertained that if you can only, here in the Senate Chamber, in the first instance, enunciate a particular idea, afterwards it is a forgone conclusion and subsequent discussion can have no ultimate influence upon it.

If they have confidence in the principles which are to sustain this bill, they must be met hereafter before the people of the country, for the question is not going to stop here; and it is not going to stop here, as I mentioned to you, because, though when such bills as these are under consideration, and are objected to by individual Senators, ques-

tions which may be incidentally raised here are passed over, yet, when a veto comes from the President of the United States, the principles involved in that veto go home to the people of the country. They are met by calm consideration. After constant and repeated argument among the people of the country, as well as here in the Senate Chamber, I think you will find the same result will be experienced here as has been hitherto when the Congress of the United States has been disposed to trifle with the Constitution, when the people have, after consideration, and after strong majorities in favor of measures, been brought back to principles which are necessary for the maintenance of the Constitution.

Sir, I do not mean to enter into the principles connected with the measure; but I do say that we ought, in common justice and common courtesy to the President, direct the printing of the message, and then proceed to its consideration. I care not what day is fixed for the consideration of the bill which he has sent back to us, with his reasons for differing from us in opinion.

Mr. DOUGLAS obtained the floor.

Mr. JONES, of Tennessee. Will the Senator allow me to say one word?

Mr. DOUGLAS. Certainly.

Mr. JONES, of Tennessee. As the interrogatory which I propounded to the Senator from Illinois seems to have given rise to some debate and feeling, and as I desire neither to be misunderstood, nor to make any false impression on the mind of the Senator, or to evade any responsibility, I wish to state to him distinctly the ground upon which I propounded the question. I asked him whether he was in favor of the homestead bill or not. He says, I knew it, and everybody knew it. So I did, and I stated to him so distinctly. Now, the reason why I propounded the question was this: I am in favor of the homestead bill, and I am in favor of this bill, and I meant to kill off the argument of the Senator from Illinois upon this bill by rebutting testimony on the other side. That is exactly what I meant to do. I have no disguises about it, and I do not think that the Senator ought to have given himself any feeling about it, because he is, of all the men in the American Senate, just the very man to play that game on his adversaries. Have you not seen it here forty times? I can tell him, whenever I can get a chance to strike him that way, I shall be sure to strike him, as certain as I am a living man. [Laughter.] He need not attempt to escape.

Mr. DOUGLAS. I knew just as well before as I do now that that was the Senator's object.

Mr. JONES, of Tennessee. Certainly; I am a straight-out man.

Mr. DOUGLAS. And because he was playing that game on me, instead of meeting the argument I was then making, I was determined that he should not play it successfully. Hence I did not answer him, knowing that he knew how I stood. He then went on to say that he was with me on the homestead bill.

Mr. JONES, of Tennessee. So I am.

Mr. DOUGLAS. Then if he knew that, there was no necessity for me to answer the question; for if he knew that I was for it, it was unnecessary, and if he did not know it, he showed that he was going with me on faith in my general accuracy and public course; and I had no idea he could give a better reason for his action than that faith. [Laughter.] Besides, as he was going with me on faith, and was sure to be right if he did, I did not choose to tell him on which side I was, for fear some fellow would get him wrong between now and the voting time. [Laughter.]

Mr. JONES, of Tennessee. I am the happiest man in the world to go by faith, if you allow me, sir, but God save the mark when any man follows the Senator from Illinois by "faith." It takes "works" to follow him. I thought I had a right to call on that leader. I have followed him through some dark places, and I am afraid we shall have some darker ones before we get out. [Laughter.] But, sir, when I called upon that honorable Senator to know how he stood upon that question, he said I knew. So I did know; but at the same time I knew he was off upon a false scent, a false track, and I wanted to make Mr. DOUGLAS, of Illinois, a witness against the Senator from Illinois.

Mr. DOUGLAS. Knowing that that was the object, I declined to allow him to play the game on me for this reason. I was making a point in

the argument that I believed he could not answer; and now I infer he thought he could not, or otherwise he would not, have wanted to answer it in this way. I wished to discuss the veto message upon its own merits, to decide it upon its principles, and to bring into the discussion, to elucidate those principles, whatever is pertinent to it. Then, sir, when the homestead bill comes up, I am ready to meet that question upon the principle that lies at the bottom of it. I do not think that *ad captandum* arguments, or quoting a man on one question against him on another, is a right mode of settling a great constitutional principle. I think if the honorable Senator from Tennessee had as much confidence in the correctness of his opinion as I have in mine, he would be willing to meet me on the principle, in a fair argument in each case, without playing this game of quotations against one another. I had that confidence in the correctness of my opinion. I did not take the slightest exception to the Senator saying that he was playing a little game of brag. We both know how that game is played. I thought I would bluff back on him. The same was the reason in regard to the Senator from Mississippi, who put a question to me which I declined to answer, for the simple reason that I wished to discuss this question on its merits, and I was not willing to be drawn off so far from the line of debate as to answer questions intended, perhaps, to break the whole force of the remarks which I was making. I thought those gentlemen ought not to have pushed that question at me when I treated them kindly, and gave notice to them that I could not be drawn off on such a line of departure from the course of debate.

Mr. BADGER. Mr. President, I sincerely do not mean to enter into this discussion; but my friends from Mississippi and Illinois have both assumed, as an undoubted fact, that insane people in the United States are not entitled to vote. Now, sir, I wish to say that I do not think that, by any means, a clear and certain matter; and I would put to my friends from Illinois and Mississippi particularly, and to the Democratic members of this body in general, this inquiry: If insane people are not entitled to vote, how did they succeed in getting here, or how do they expect to maintain their places? [Laughter.] That being a very important interrogatory, and extremely necessary to be answered in order to determine upon this question of printing an extra number of the message of the President of the United States, and requiring, as I think, a night's calm reflection, and an opportunity for this excitement to subside, I think it extremely proper now to move, having thrown out this suggestion for consideration before our meeting to-morrow, that the Senate do now adjourn.

The motion was agreed to, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 3, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER presented resolutions from the Legislature of the State of Kentucky, in relation to grants of lands to the children of soldiers who are adults; which were referred to the Committee on Military Affairs. Also, presented resolutions in relation to "the appropriation of a part of the public domain to the State for educational purposes," which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled "a resolution for extending the existing contract for carrying the mail in Alabama," which thereupon received the signature of the Speaker.

Mr. LANE, of Oregon. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. WALLEY. Will the gentleman from Oregon allow me to introduce a petition to which there can be no objection?

The SPEAKER. The motion of the gentleman from Oregon [Mr. LANE] is strictly in order, and must be put, unless unanimous consent be given to the gentleman from Massachusetts, [Mr. WALLEY.]

Mr. HAMILTON. What is the character of the petition which the gentleman from Massachusetts desires to present?

Mr. WALLEY. It is a petition analogous in character to the resolutions presented by the Speaker. It is a petition of his Excellency Emory Washburn, Governor of Massachusetts, and three hundred and seventy others, members of the Legislature of that State, and merchants, and other of her citizens, praying Congress, in view of the great scarcity of seamen at the present time, and of the fact that our Navy must be manned from our mercantile marine, to patronize the enterprise of encouraging and educating seamen by establishing floating schools in the principal harbors of the United States.

Mr. LANE. I am very willing to yield to the gentleman from Massachusetts, that the petition may be received and referred without reading.

The SPEAKER. If not objected to, the memorial will be received and referred to the Committee on Commerce.

Mr. WALLEY. I also, Mr. Speaker, ask leave to present a memorial from the Mayor of Boston and two hundred and three other citizens, with reference to a matter now under consideration in this House, praying that officers of the Army may be confined to their military duties, and that civil works may be placed under the control and superintendence of civilians.

Mr. PHELPS. I object. Let it be presented under the rule.

Mr. FLORENCE. In relation, Mr. Speaker, to the reference of the petition as to the floating schools, I would suggest that it would be better it should go to the Committee on Naval Affairs. There is a bill now before that committee affecting the subject of the apprenticeship; and it appears to me that that committee would be the proper reference for this memorial; or else let the bill to which I allude be withdrawn from the Committee on Naval Affairs and referred to the Committee on Commerce.

The SPEAKER. Does the gentleman from Pennsylvania submit a motion to reconsider the vote by which the memorial presented by the gentleman from Massachusetts was referred to the Committee on Commerce?

Mr. FLORENCE. Yes, sir, I do.

Mr. HAMILTON. Then I move to lay the motion to reconsider on the table.

Mr. FLORENCE. Well, I do not desire to consume the time of the House; and since the gentleman from Maryland is disposed to be factious, I withdraw my motion. I only made it because it struck me that the reference I have suggested was the appropriate reference; and I deemed it my duty to submit it to the House.

Mr. DUNBAR. I ask the unanimous consent of the House to report a bill, Senate bill No. 316, and I ask that favor under peculiar circumstances. It is merely a bill to change the name of the vessel *Abeona*—which was partly burned at the mouth of the Mississippi river, and since rebuilt, and which is now owned by an American citizen—to that of Mount Vernon. I beg leave to state the circumstances under which—

Mr. LANE, of Oregon, (interrupting.) What disposition does the gentleman from Louisiana propose to make of the bill?

Mr. DUNBAR. I desire to have it passed.

Mr. LANE. Then I object.

Mr. ORR. I hope the gentleman from Oregon will withdraw his objection. It will not take five minutes to pass the bill.

Mr. DUNBAR. I trust the gentleman from Oregon will do so.

Mr. LANE. Very well, I yield, and withdraw my objection.

The bill entitled "An act to change the name of the bark *Abeona* to Mount Vernon," was read a first and second time by its title.

Mr. DUNBAR. I ask to have the bill put upon its passage.

There being no objection, the bill was read a third time, and passed.

The SPEAKER. The question is now on the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

TERRITORIAL BUSINESS.

Mr. LANE, of Oregon, moved the usual resolution to close debate in the Committee of the Whole on the state of the Union on the bill, No. 315,

to establish the office of surveyor general of New Mexico, to grant donations of land to actual settlers therein, and for other purposes, in thirty minutes after the committee shall have again resumed its consideration.

Mr. LETCHER. I would suggest to the gentleman from Oregon that it is hardly necessary to make that motion. It seems to me there is no use in so limiting the debate. We had no long speeches yesterday—

Mr. ORR, (interrupting.) Yes, but there may be some this morning.

Mr. LANE. I have never been inclined in my congressional life to shut out fair debate and discussion on any subject. But I would say this to my friend Virginia, [Mr. LETCHER,] that the business relating to my Territory has not yet been touched. It is at the foot of the Calendar; and if to-day is entirely occupied in the discussion of this bill, I would have no hope of reaching it this session. If the motion that I have made be agreed to, gentlemen can say all that is necessary under the five-minute rule.

The SPEAKER. The subject, gentlemen will recollect, is not debatable.

The question being upon the motion of Mr. LANE,

Mr. HAMILTON asked for tellers; which were ordered; and Messrs. VAIL and CAMPBELL were appointed.

The question was then taken; and the tellers reported—ayes 82, noes 40.

So the motion was agreed to.

[Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled a bill of the following title; which thereupon received the signature of the Speaker:

An act making appropriations for the support of the Military Academy for the year ending 30th June, 1855.

The question was then put; and the motion to go into the Committee of the Whole on the state of the Union agreed to.]

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of local Territorial business.

The CHAIRMAN. The committee at its last session, and when it rose, had under consideration House bill No. 315, entitled "A bill to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes," to which an amendment offered by the gentleman from Pennsylvania [Mr. HOWE] was pending to strike out the second section, the words "white" and "American," and so modify the clause as to make it read:

"That to every male citizen of the United States, or to such person as shall declare his intention to become a citizen of the United States," &c.

The gentleman from Ohio [Mr. DISNEY] moved to amend the amendment by striking out the words "or who has declared his intention to become such," and to insert after the word "years" the words "who has declared his intention to become a citizen;" so that, if the amendments prevail, the section will read:

"That to every white male citizen of the United States, or every white male over the age of twenty-one years, who has declared his intention to become a citizen," &c.

The question pending is upon the adoption of the latter amendment.

Mr. SMITH, of New York. I have not risen to make a speech. There are several subjects coming before us on which I wish to speak at considerable length. Among them are the Post Office and the Pacific railroad. Hence I do not feel at liberty to consume more than a few minutes on this occasion.

I have risen, sir, to say that I must vote against the bill in its present shape; and I wish my constituents to have my explanation for my vote. I cannot vote for the bill if the word "white" is retained in it.

I believe that every person is bound to esteem his religion above everything else. By his religion, true or superstitious, rational or spurious, he must give it this preference. My own religion is very simple. It consists in the aim to deal impartially and justly with all men. On the authority of the Saviour, the commandment to do unto others as we would have others do unto us comprises the whole sum and substance of Christianity.

I hold, sir, that we should regard the whole

world as before every man, and every man entitled to seek his home in any part of it. If I wish to make my home in Africa, I am to be allowed to do so; and if I am there shut out from benefits and blessings made common to others, I am wronged, deeply wronged. So if a black man goes to New Mexico, and is there shut out from such common benefits and blessings, he is deeply wronged. Under the Jewish ceremony, even the fugitive servant (fugitive slave, as many render it) was to be allowed his choice of a home anywhere within the gates of Israel.

There is but one true standard of conduct, and that is the Divine conduct. We are to make our own moral character resemble that of our Maker as nearly as we can. But, surely, no one believes that our Maker can approve of the odious and guilty distinction under consideration. No one believes that the incarnate Son of God, were he among us, would vote for this distinction. Says the Apostle Peter—and I am sure that my learned and Catholic friend from Pennsylvania [Mr. CHANDLER] will not disparage the authority of that Apostle, on whom his church is built—"God is no respecter of persons; but in every nation, he that feareth God and worketh righteousness, is accepted with him." "In every nation"—in nations of red and black men as well as white men.

I often meet with gentlemen who appear to believe that black men have not the same nature, the same wants, the same sensibilities as white men. On such occasions, I am wont to recall the words of Shylock, the Jew: "Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same summer and winter as a Christian is. If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? If you wrong us, shall we not revenge?" How careful, sir, should we be, not to commit wrongs; seeing that revenge so naturally follows wrongs! And if we have committed them, how careful should we be to prevent revenge by repentance! Let it not be said, sir, that Shylock is poor authority, because he loved money. His having loved money is one proof that he belonged to the human brotherhood, and had experience of our common nature.

I would, sir, that some black Shylock might be allowed to enter this Hall, and to plead for the striking out of this word "white." He might be more successful in his plea than our white Shylocks. I would, sir, that that noble man, Frederick Douglass, could be allowed to stand up here, and pour out the feelings of his great heart in his rich, and mellow, and deep voice. I refer to him, sir, because I regard him as the man of America. He was held in cruel bondage until he was twenty-one years old. Then he escaped from his tormentors. He was never at school a day in his life; and now he is confessedly one of the ablest public speakers and writers in this country. I feel sure, sir, that, could he be heard, he would be able to bring the committee to repent of its purpose (if such is its purpose) to retain the word "white."

Shall we never cease from this prejudice. Born and bred, as I was, among negroes and Indians as well as whites, and respecting and loving all equally well, this insane prejudice is well nigh incomprehensible to me. I am happy to recognize in every man my brother—ay, another self; and I would that I could infuse my education at this point into every one who is without it.

But, sir, I promised not to make a speech. When on this prolific theme of our wrongs against the colored man, I hardly know when to stop.

Mr. HOWE. Mr. Chairman, the inquiry which I propounded yesterday to the chairman of the Committee on Public Lands, from which this bill was reported, in regard to the peculiar and unusual phraseology employed, of "white male American citizens of the United States" was not made, as seems to have been apprehended in some quarters, in a hypercritical spirit. I supposed that the word "American," in that connection, was intended to have a meaning; and that it had been well considered by the chairman of the committee, who has the reputation of being a lawyer of ability. I therefore propounded the inquiry in good faith; for I was led to suppose it might have

been inserted with the view of excluding from the benefits of the act certain persons, formerly citizens of Mexico, who were entitled, under the ninth article of the treaty of Guadalupe Hidalgo, "to the enjoyment of all the rights of citizens of the United States." I did not suppose the word was inadvertently introduced, but that it was intended to carry with it a meaning full of significance at least to a class of persons introduced into the United States under the provisions of that treaty; and until this interpretation is disclaimed, I think it may well bear that construction. It would be unjust to discriminate against the class of persons to which I have alluded, whether they were of the pure Castilian blood, or whether they were of the mixed races, provided they were citizens of the Mexican Republic at the date of the treaty. And, Mr. Chairman, whether they were or were not citizens under the Mexican law at the time of admission, I, for one, should not be disposed to discriminate against them in our legislation upon this subject.

My amendment, Mr. Chairman, to strike from the section the word "American," was designed, therefore, to obviate the objection to which I have referred. But, sir, I proposed also to strike from the section the word "white," so that the benefits of the law might inure to all "citizens of the United States, and to such persons as have declared, or shall declare, their intention to become citizens." My object in this was to place all citizens of the United States, and all persons entitled under our laws to the privilege of becoming such, upon an equality as to the right of acquiring and holding property, and this without any discrimination as to caste or color.

In several of the States of the Union colored persons enjoy the privilege of citizenship, in others they do not; and my own State is of the latter class. But, Mr. Chairman, it does not follow that because we are unwilling to raise them to a social and political equality with the whites, that we are bound to withhold from them the right to live, and the means of procuring sustenance wherewith to support life. I am opposed to all such unjust discrimination; it is unworthy of the Government and the age in which we live.

I understand that colored persons are citizens in the State of Vermont, and so of Massachusetts, and other New England States; and, with certain qualifications, so also in the State of New York. Under the bill as I propose to amend it, these persons, I suppose, would be entitled to the benefits of the act. And why should they not be? While gentlemen are contending here for the enlargement of the area of slave territory, upon the plea that, while slavery itself would not thereby be increased, the condition of the slave would be ameliorated and his happiness promoted, is it right to say that the free colored man and his posterity shall be forever confined to the spot which he now inhabits?

It is repugnant to the spirit of the Constitution, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

If it were in my power, Mr. Chairman, I would extend the provisions of our legislation upon this subject, so as to reach our whole population. I would deny to no man, whatever might be his color, the right to acquire a home for himself and his family.

Mr. DISNEY. All this discussion about the mere verbal phraseology of the bill is a very small affair. There were some inaccuracies of phraseology occurring in the bill when it was first drawn up. My health at that time was wretched; and when we had various discussions in the committee in regard to it, I requested a clerk in the Land Office to write and draw up a bill in conformity with the principles I suggested. The bill was so drawn up, but I found inaccuracies, and I sent it back, and it was again rewritten, at my suggestion.

But here is one solitary instance of a verbal inaccuracy, which gentlemen have pointed out, and that is easily remedied. It is not worth talking about. The gentleman from Pennsylvania, [Mr. HOWE,] who has just taken his seat, has supposed that there was some covert, latent meaning in the use of the word "American," and that it might be intended to affect the rights of those emigrants who became citizens of the United States by virtue of the treaty of Guadalupe Hidalgo. The gentleman ought to know that it is not competent for

Congress, by any act, to deprive men of the right guaranteed to them by a treaty, because our organic law expressly declares that a treaty shall be the supreme law of the land.

Mr. HOWE. I am well aware that no legislation of ours here can contravene a treaty stipulation. But when we are legislating to give grants of land to certain persons, it does not follow that we shall necessarily, by implication, under that treaty, extend them to all persons.

Mr. DISNEY. The real point of difference in the present discussion involves a mere matter of phraseology, which can be easily corrected. Something has been said about negroes being citizens of some of the States of this Union.

This is not the occasion for me to go into an argument upon this subject, but I shall content myself with the general declaration, that, in my judgment, it is not competent for any State of this Union to declare negroes citizens within the meaning of the term as used in the Constitution of the United States. Any of the States may extend to them the privileges of citizenship within the limits of their respective States, but those privileges can have no existence beyond the jurisdiction of these States. They cannot confer upon them those franchises and capabilities which will bring them within the meaning of the Constitution, and which will extend to them the right of citizenship within the other States of the Union.

I will say to the committee that I do not propose to discuss this point. It is sufficient for my purpose to call the attention of the committee to the facts. The only point involved now is, whether the provisions of this bill shall be extended to negroes or limited to white men? Now I, for one, believe, as the gentleman from South Carolina [Mr. KERR] stated yesterday, that this is a Government of white men—carried on by white people, and for white people.

I have no disposition to enlarge the original objects of the framers of the Government. It is not law, nor policy to do so. And notwithstanding the fine moral essay which the gentleman from New York [Mr. SMITH] delivered here this morning—all of which is very fine in story, but very little of which has anything to do with the practical affairs of this life—I, for one, shall insist on the limitation of the original bill to American citizens. The amendment now pending before the committee proposes to exclude the word "American," and limit the advantages of the bill to white male citizens, and to those over twenty-one years of age, who have declared their intentions to become citizens, and who are in the Territory.

The CHAIRMAN. The question is now on the adoption of that amendment.

Mr. HOWE. Will the gentleman from Ohio [Mr. DISNEY] be kind enough to answer me an inquiry?

Mr. DISNEY. Yes.

Mr. HOWE. I want to know whether, in the view of the gentleman from Ohio, all persons residing in the province of New Mexico are to be entitled, under the terms of this act, to the lands donated by the provisions of the bill? Or, in other words, will the bill operate practically to exclude all persons who were formerly Mexican citizens from the advantages of the act?

Mr. DISNEY. The bill, in express terms, extends to every white male citizen of the United States. It is for the Supreme Court to decide whether, under the treaty of Guadalupe Hidalgo, these Mexican citizens are now citizens of the United States.

Mr. HOWE. I would observe to the gentleman that the amendment offered by him to my amendment, still retains the word "American."

The CHAIRMAN. The Chair would suggest to the gentleman from Pennsylvania [Mr. HOWE] that the gentleman from Ohio [Mr. DISNEY] has modified his amendment by striking out the word "American."

Mr. HOWE. Oh, very well; I got the impression that I had from reading the report of yesterday's proceedings in the Globe.

Mr. DISNEY. Well, then, the report in the Globe must be wrong.

Mr. WADE. At the time the question was before the House and committee on the home-stand bill, I forbore to make any remarks justifying my vote, or what would have been my vote, if I had been in the House when the bill was finally passed, in opposition to that word "white." And

I take this opportunity now to express my views on that subject, which, I believe, correspond with those of nineteen twentieths of my constituents, of whatever party they may have been, or are still, members. It has been said here by gentlemen that they understood that this was a white Government. Well, I did not suppose that the Government had any particular color.

Mr. DISNEY. Oh, yes, it has.

Mr. WADE. I had myself supposed that it was rather a human Government; and, in my judgment, if it be a human Government, it must extend to all human beings. It was said by the gentleman from South Carolina [Mr. KERR] yesterday, and he opened his speech on this matter by saying, that this is a white man's Government, or words equivalent to that, and that he supposed it was made for the white people. Now I find, by examining the gentleman's district, that he represents thirty-three thousand and odd white people, and ninety-four thousand and odd colored people.

Well, sir, I do not understand what this Government, as a Government, has to do with the color of any man, because I do not know that I should be orthodox as to color, if the question were brought down to a question of strict church discipline, according to the opinions of the Democratic and Whig deacons here. I cannot tell how I should come out under such an ordeal.

But this one thing is certain, and that is, that the intent of this Government is to be gathered from the Constitution of the United States itself. Now, I deny that the most ardent strict constructionist can find anything therein which gives color to this notion that it is a colored government; that is, a white, or no-colored, Government, or a black colored Government. The Constitution says nothing about any tribe or race of men; it speaks of persons, and whoever bears that character is a member of the Government, if born within its territory.

Now, if gentlemen will convince me that a black man is not a person, then I will admit that he is not entitled to any of the privileges, or any of the benevolence of this Government. But if he is a person, then he comes within the purview of the Constitution of the United States; and if the Constitution has spoken of slaves, it has not spoken of them as colored persons. The Constitution throws its protection around the slaveholder as much when he gets a white man within his grasp as it does when he gets the black man—and that is no protection at all. It gives no countenance to slavery. There is nothing in the Constitution that has aught to do with the color of a free man, or with the color of a slave.

Well now, sir, what ought we to do in view of the fact that there are some five hundred thousand free people of color among us? What ought the slaveholder to do? To throw open these Territories, and permit the colored man to depart from the States which oppress him, and locate himself where he can have the opportunity to prove his equality with the whites, or make his inequality manifest beyond controversy.

Now, it is a strange thing to me that men of intellect, and men of benevolence—for I take it that we are such all of us—should be legislating to protect the strong and to oppress the weak. The strong man can take care of himself. If any one needs protection, it is the weak, not the strong. But how do you prove your superiority? Are not idiots your inferiors? Are not minor children your inferiors? Your legislation in respect to those unfortunates is humane, gentle, merciful—why then not treat the black at least with equal kindness.

But the colored man does not ask your benevolence until you have done him justice; nor for your mercy until he has subjected himself to some righteous penalty; and this bill is blacker with injustice than the negro's skin. It donates large tracts of land to the rich. The white man with millions, is the object of your bounty, while the poor black man is insultingly denied this simple gratuity. Sir, I cannot, I will not support a measure which thus outrages every sense of right.

There is another feature of this bill to which I object. It is to its exclusion of all foreigners from its bounty who are not now in the territory, and hence is but partial in its provision, and inadequate to the exigencies of the country.

The CHAIRMAN. The time at which de-

bate was to be closed upon this bill, by an order of the House, has arrived, and no further discussion is in order.

Mr. WADE. In order to allow me to finish my remarks, I move an amendment, and that is, to strike out the word "white."

The CHAIRMAN. An amendment is not in order. There are already two amendments pending—an amendment to an amendment. The question recurs upon the adoption of the amendment of the gentleman from Ohio [Mr. DISNEY] to the amendment of the gentleman from Pennsylvania, [Mr. HOWE.] The amendment of the gentleman from Ohio is to strike out the amendment of the gentleman from Pennsylvania, and insert in lieu thereof the words "white male citizens of the United States, or every white male above the age of twenty-one years who has declared his intention to become a citizen, and removed to," &c.

Mr. ORR. I ask for tellers upon the question, as it seems to be a test question.

Tellers were ordered; and Messrs. MILLSON and CAMPBELL appointed.

The question was taken; and the tellers reported—ayes 76; a further count not being demanded.

So the amendment to the amendment was adopted.

The question then recurred upon the adoption of the amendment, as amended.

Mr. COBB. I ask the Chair to explain the state of the question. Must not the question be taken upon the amendment offered by the gentleman from Pennsylvania, [Mr. HOWE?]

The CHAIRMAN. The gentleman from Ohio moved to strike out the amendment of the gentleman from Pennsylvania and to insert his own amendment. The amendment of the gentleman from Ohio, therefore, having been adopted, that of the gentleman from Pennsylvania is stricken out.

Mr. COBB. I do not see how that can be stricken out which has never been inserted.

Mr. WASHBURN, of Maine. Is the amendment now amendable?

The CHAIRMAN. It is open to amendment.

Mr. WASHBURN. I move to strike out the word "white."

Mr. HENDRICKS. I rise to a question of order. I ask the Chair whether the word "white," having been inserted by the committee, it is in order to strike it out.

The CHAIRMAN. The Chair is of the opinion that it is not in order. It will be in order to move to add to the amendment, but not to strike out.

Mr. WASHBURN. I would ask the Chair respectfully, whether this amendment, having been inserted as a whole, it is not in order to move to amend by striking out some part of it? The committee have decided that they prefer the amendment of the gentleman from Ohio, as a whole, to that of the gentleman from Pennsylvania, but they have not, as I understand it, decided that they prefer the amendment of the gentleman from Ohio, as offered by him to that amendment, amended.

The CHAIRMAN. The committee has not yet decided that it prefers the amendment of the gentleman from Ohio to the language of the original bill. That is the question which is now pending before the committee. When a motion is made and carried to strike out and insert, it is not in order to move to strike out any portion of that which has been inserted. It would be in order for the gentleman to move to add to that which has been inserted.

Mr. WASHBURN. Then I move to add after the word "white," the words "or colored." I hope, Mr. Chairman, very much for the sake of right and justice, and something for the credit of Congress and the country, that the amendment will prevail.

Mr. SEWARD. Has not the general debate closed on this bill? If it has, is the gentleman in order?

The CHAIRMAN. The general debate has closed, and the five minutes debate has just commenced.

Mr. WASHBURN. The effect of the bill, if passed as amended by the gentleman from Ohio, will be to exclude, as I understand, many people who were born on the soil, and born free, from the rights of citizenship and from the rights which are granted to others, to strangers, natives of other States, and other lands.

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And besides, sir, in many of the northern States, in, I believe, all the New England States, black men are freemen and citizens, entitled by the constitution and laws of such States to all the rights, privileges, immunities, and franchises of white men. The Constitution of the United States, as the gentleman from Pennsylvania [Mr. Howe] said, guarantees to the citizens of one State equality of rights with the citizens of any other State. I maintain that the bill, if passed in its present form, would be in derogation of the Constitution of the United States. Maine, Massachusetts, and Vermont, and other northern States have, by their laws, passed, in the exercise of their own sovereignty—as many of the gentlemen from the South like to call it—declared that black men may be citizens of those States.

We have heard, in the discussion which has taken place on the Nebraska and Kansas question, a great deal from southern gentlemen in reference to the doctrine of the equality of rights. We have been told often and again that the southern slaveholders have a right to go with what the Legislatures of their sovereign States have declared to be property, chattels, into the Territories of the United States. And they tell us that there is no power—no power in this Congress, in this Government in, the Territories—no power under the sun, which can exclude them from going with their property into the Territories of the United States, that which their local laws have made property. They say that if Congress pass laws for such exclusion, it invades their rights and insults their people; and yet they tell us that Congress shall, by law, exclude the citizens of our States, citizens by our laws, from going into these Territories—thus placing the man below the thing. This is equality of rights with a witness; and what a miserable humbug doctrine it is, as practically interpreted by those who invented it.

Mr. BOYCE. Are not free negroes excluded by the constitutions of several of the northern States from coming within their limits?

Mr. WASHBURN. That may be true; and if they are to be excluded from going within the confines of these Territories, what are you going to do with them? Are you going to drive them from God's earth? Where shall they live? Will you break those you have bent before?

Mr. KEITT. The gentleman from Maine asks, if you exclude these free blacks from the Territories of the United States, what are you to do with them? What does this demonstrate? That our rights have been violated, our slaves seduced from us under the pretense of freedom by certain persons in the free States; and then, after our slaves have been taken, we are asked by some members from these free States, to let them take the public land on which to settle them.

Now, sir, as to the question of property, made by the gentleman, the gentleman says we claim the right to carry our slaves to these Territories, and he asks upon what ground we can prevent these persons from going there as citizens. Why, sir, has the gentleman not sufficient subtlety of perception to perceive the difference between persons and property? Does he not perceive that we may have the right to take our slaves into the Territories as property, and yet deny the right of citizenship to the blacks as persons? Sir, if it is not plain enough without argument, argument cannot make it plainer.

Mr. WASHBURN. If the citizen of South Carolina has a right to go into the Territories of the United States with his negroes as chattels, by virtue of his local laws, I ask the gentleman by what right Congress, under the Constitution, can exclude citizens—made citizens by the laws of sovereign States of the North—from going there as citizens?

Mr. KEITT. I said, Mr. Chairman, yesterday, that this was a Government of white men. I believe in the sovereignty of the States, and I have no objection to any State making any one a citizen whom it pleases. But these Territories belong to the whole of the States. Here is an institution vital to us and our Government, based

upon races. If then, you carry these colored persons into the Territories, giving them there the status of citizenship, you indirectly assail our institutions by affirming, through legislation, the equality of the races, which we deny in the very beginning. Any State may determine the status of citizenship within her limits, but the Federal Government can recognise none but whites as people. This property is common. If Maine chooses to establish black citizenship, I have no objection, and if Maine had any territory belonging to her exclusively, I should have no objection to her establishing that status there. But this territory being common to us all, and there being a fundamental difference in the South between white and black, socially and politically, to go no further, I do maintain that if these northern States insist upon black citizenship there, they violate the Constitution, and attempt to circumvent and indirectly destroy that institution which is vital to us.

And now let me ask a question of the member from Ohio, [Mr. WADE,] who indulged in a homily just now. I want to know whether in the State of Ohio black men vote? I want to know, also, whether in the State of Ohio blacks and whites intermarry?

Mr. WADE. Why, it is just as they please about that.

Mr. KEITT. Well, the white man who marries a black woman must be so degraded that even such a connection will elevate him.

The CHAIRMAN. The Chair must call the gentleman from South Carolina to order. The condition of affairs in Ohio is not under consideration.

The question was then taken on Mr. WASHBURN's amendment to the amendment; and it was rejected.

Mr. GIDDINGS. I move to amend the amendment by inserting after the word "white" the words "or more than half white." [Laughter.]

I offer that amendment in behalf of a large class of individuals, who inhabit many of the States of the Union, and who have less than half colored blood in their veins. Among them are some of the most worthy Democrats in the country. [Laughter.] They are the direct descendants of Thomas Jefferson, the great apostle of American Democracy. Men and women, who are the direct descendants of that great statesman, are not permitted to go into this territory and take their land like other persons, or like common people. [A laugh.] Sir, let it be known that our Northern Democrats—the lovers of liberty, the admirers of this founder of their party—will now vote to shut out from this Territory his descendants.

In this city there are said to be several descendants of one as illustrious as a woman as Jefferson was for a statesman—grand-children of Martha Washington—who are as white as I am. Are we prepared to say they shall be excluded from participating in the benefits of this act? I beg gentlemen of the committee to consider, reflect, and pause before they attempt to make such an unjust exclusion as this. Why, it would almost depopulate some of your southern States, were they to exclude this class of people. They could not be represented here by as numerous a delegation as they now are—States that have a larger proportion of colored than of white people.

The gentleman over the way [Mr. KEITT] says that this Government is a Government of white people. Am I to tell that gentleman that the framers of the Constitution were elected by colored men in part; that one of the southern States of this Union sent Delegates here by the vote of colored, as well as white men. I deny the position assumed by the gentleman from South Carolina that this is a Government of white people. Those men, elected in part by votes given by colored men, declared that they framed the Constitution, which is now the great charter of our liberties, for themselves and their offspring—that is, the offspring of those who elected them, black as well as white men.

Mr. KEITT. No.

Mr. GIDDINGS. The gentleman is more than two thirds colored himself, if you take the color of the people of his district as the criterion of his complexion. [Laughter.] Why, sir, the delegation from South Carolina represent a greater number of colored than of white people. Now, will the gentleman be so ungrateful to the people, by virtue of whose existence he holds his seat here, as to exclude them from all participation in the lands of this Territory? I trust not; it strikes me as being cruel, inhuman, and unjust. The day has come when men are looking to humanity, and not to color; to the principles of justice and righteousness, rather than to low and unworthy prejudices; to the discharge of duties, rather than to the gratification of feelings of oppression, unworthy of a civilized people.

Mr. GIDDINGS. I desire to withdraw the amendment.

The CHAIRMAN. The gentleman from Ohio asks leave of the committee to withdraw his amendment.

Mr. CAMPBELL. I object, as I wish to say a very few words myself about this matter. I do not wish to participate in a discussion of this sort at all, but merely to say a word in reply to the jeer thrown out by the gentleman from South Carolina, [Mr. KEITT,] who I understood as saying that the white race in Ohio would be improved by intermarrying with negroes. I desire to say, in behalf of the white citizens of the State of Ohio, that they are not in the habit of intermarrying with blacks, though it is there as it is in other States—a mere matter of taste. The gentleman from South Carolina, I suppose, thinks, as I confess I do, that it is a very high offense against correct taste to intermarry with blacks; and I merely rise—and I shall not consume much of the time of the committee in so doing—to put this inquiry to the honorable member: If the whites do not intermarry with the blacks in his district, in what way can he explain the fact consistently, with a correct state of morals, that there are so many mulatto people there? [Laughter.]

The CHAIRMAN. The gentleman from Ohio [Mr. CAMPBELL] is out of order.

Mr. KEITT. I answer the gentleman—

The CHAIRMAN. The gentleman from South Carolina [Mr. KEITT] is out of order, as the debate has closed upon the amendment.

The question was then taken upon Mr. GIDDINGS's amendment; and it was rejected.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from Alabama [Mr. COBB] yesterday.

Mr. COBB. The amendment applies to the fourteenth, fifteenth, and sixteenth lines of the second section. It is simply to amend the bill so as to extend its provisions to citizens by granting only one hundred and sixty, instead of three hundred and twenty acres.

Mr. HOWE. Mr. Chairman, there is a fourth amendment which I wish to propose to the second section, and which takes precedence of the amendment offered by the gentleman from Alabama. It is to strike out of the fourth line the words "removed to, and," so as to make it read:

"Every white citizen of the United States, or who has declared his intention to become a citizen, over the age of twenty-one years, who was residing in said Territory," &c.

The question was taken; and the amendment was adopted.

Mr. HOWE. Now, Mr. Chairman, the word "American" occurs again in the ninth line. I propose to amend—

Mr. PARKER, (interrupting.) I have an amendment to propose in the sixth line, which takes precedence of that which the gentleman from Pennsylvania proposes to offer. I propose to insert after the word "fifty-three" the words "and who may be still resident there." I do not know what was the object of framing the bill in this way; but I suppose it was to encourage the settlement of the Territory. I imagine that if an estimate had been made on the 1st day of January, 1853, it would be found that there was a large number of persons residing in the Territory of

New Mexico at that time who have since removed away. And it would certainly be wrong to allow to come now and obtain the privileges and benefits of this bill, individuals who thus left, and never expect to return. Under the provisions of this bill, these persons would have a right to come forward and receive these lands—a section in one instance, and a half section in another. If that was the object of the committee in framing this bill, it will not work well; but I suppose that it was not the intention of the framers to give any such privilege to the persons to whom I refer.

Mr. DISNEY. I desire to suggest to the gentleman from Indiana that the bill proposes only to donate to the parties who occupy and cultivate the land for not less than four years.

Mr. PARKER. Yes; but that, Mr. Chairman, cannot alter the state of the case. There is, I know, a phrase in the next paragraph in relation to the actual settlement and cultivation of the land for no less than four years. But this clause does not apply to the point. And the gentleman from Ohio will observe, on reading the bill, that this does not apply to the clause in which I propose to insert the amendment that I have sent to the Clerk's desk. The next paragraph applies exclusively to those who come there until the year 1858.

The CHAIRMAN. The question recurs on the adoption of the amendment proposed by the gentleman from Indiana. [Mr. PARKER.]

Mr. ZOLLICOFFER. Is it in order, Mr. Chairman, to move an amendment to the amendment proposed by the gentleman from Indiana?

The CHAIRMAN. It is in order.

Mr. ZOLLICOFFER. Then I propose to amend by striking out all the words between the word "what," in the fourth line, and the word "shall," in the tenth line.

Mr. HENDRICKS. That is not an amendment to the amendment of the gentleman from Indiana.

The CHAIRMAN. The motion cannot be entertained. It is not an amendment to the amendment.

The question was then taken on the amendment of Mr. PARKER; and it was adopted.

The CHAIRMAN. The question recurs now upon the amendment offered by the gentleman from Alabama. [Mr. COBB.]

Mr. COBB. I wish to explain what my amendment is, that it may be fully understood. It relates entirely to the quantity of acres, and is to strike out "three hundred and twenty acres," and insert in lieu thereof "one hundred and sixty acres," throughout. That is the object of the amendment.

I would remark, further, that as we have in the homestead bill fixed the time of actual occupancy and cultivation to five years, I think we had better make the provisions of this bill conform to that; and, therefore, that the word "four," in the sixteenth line of this second section, should be changed to "five."

Mr. DISNEY. The provision of the bill in relation to the quantity of land is one in the formation of which I had but little share. I assented to it because it brings this bill, in this respect, in conformity to like provisions in reference to other Territories of the Union. The same reasons which have heretofore induced Congress to make grants of this sort to other Territories apply with equal force to the Territory of New Mexico, nay, with more force than they did to those other Territories. The reason is this, that there are less inducements in that Territory to invite emigration within its bounds than there is in the Territory of Oregon. Less inducements, I say. On the other hand, again, the obvious policy of the Government is much more urgent to induce emigration to the Territory of New Mexico than to the other Territories. Whatever of population is there is mostly foreign born; and it is important to the Government to Americanize that Territory, and to infuse into it rapidly, and at an early period as possible, as large a portion of American feeling, American tendencies, and American instincts and disposition as possible.

In several points of view, then, it is the policy of the Government to hold out inducements to American emigration within the limits of this Territory. Hence the provisions of this bill granting donations to actual settlers only. I again repeat, that the natural inducements to emigra-

tion to New Mexico are infinitely inferior to those which exist in regard to Oregon. Look at the facts. What emigration has gone to New Mexico, or what emigration is now going there, in comparison to that which has gone to Oregon? The facts speak for themselves. They speak more eloquently and forcibly than anything which I can present to this House.

The military policy of the Government also demands an early Americanization of the population of New Mexico. And in the absence of the ordinary natural inducements, which operate to encourage emigration, there is an increased necessity of making these donations more liberal than those which have been made in regard to the other Territories.

One word more in regard to the question of time during which actual settlement and cultivation is required. Four years was the time fixed in reference to the Territory of Oregon, and the provision of this bill is precisely the same in that respect.

Mr. KEITT. A few moments ago the gentleman from Ohio [Mr. CAMPBELL]—

The CHAIRMAN. The Chair must remind the gentleman that further debate is not in order upon this amendment.

The Chair would ask the gentleman from Alabama [Mr. COBB] if his amendment is to strike out "three hundred and twenty acres" wherever it occurs, and to substitute "one hundred and sixty acres" in lieu thereof?

Mr. COBB. That is my amendment.

Mr. KEITT. Is debate in order now?

The CHAIRMAN. It is not. The question must first be taken upon the amendment of the gentleman from Alabama.

Mr. KEITT. I desire to offer an amendment. I move to strike out "one hundred and sixty" and insert "one hundred and forty."

The member from Ohio, Mr. Chairman—

The CHAIRMAN. The Chair must inform the gentleman from South Carolina in the outset that he must confine his remarks to showing why "one hundred and sixty" should be stricken out, and "one hundred and forty" inserted.

Mr. KEITT. Yes, sir. Mr. Chairman, in my intercourse here and elsewhere, I am in the habit of being courteous to every man who understands the ordinary civilities of intercourse; but when an indecent inquiry is made of me, I treat it as such, and never do it in a manner to be mistaken. The member from Ohio [Mr. CAMPBELL] asked me a question in relation to morals. My answer is this: If they are there, I might say that—

The CHAIRMAN. The Chair calls the gentleman from South Carolina to order.

Mr. KEITT. If they are there, I might say that Free-Soil schoolmasters and clock venders had much to do with the condition of things of which the member speaks.

The CHAIRMAN. The Chair again calls the gentleman from South Carolina to order. The gentleman must confine himself to an explanation of the amendment.

Mr. KEITT. Well, sir, if I cannot reply to the gentleman from Ohio, I have nothing more to say.

Mr. CAMPBELL. Oh! I hope the gentleman from South Carolina will be allowed full latitude in his remarks, and that I may be permitted to reply.

The CHAIRMAN. The Chair is bound to enforce the rules.

Mr. KEITT. I withdraw my amendment.

Mr. CAMPBELL. I was about to object to the withdrawing of that amendment. I should like to hear all the gentleman may have to say.

The CHAIRMAN. The Chair calls the gentleman from Ohio to order. The amendment of the gentleman from South Carolina has been withdrawn, and no discussion is in order.

The question was taken; and Mr. COBB's amendment was adopted.

Mr. GIDDINGS. I desire to add a proviso at the end of the amendment of the gentleman from Alabama which has just been adopted.

Mr. COBB. I desire to inquire, at this point, whether my amendment applies to more than one clause of the bill?

The CHAIRMAN. It does not.

Mr. COBB. I suppose the fourteenth line will have to be amended to conform with the amendment the committee has just adopted.

The CHAIRMAN. If there be no objection, such alterations will be made as are necessary to make the remainder of the section conform to the amendment which has been adopted.

There was no objection; and the order was made.

Mr. GIDDINGS. I now desire to add a proviso at the end of the section.

The CHAIRMAN. That amendment will be in order, unless there be other amendments to be offered to preceding portions of the section.

Mr. ZOLLICOFFER. I have an amendment to offer to a preceding portion of the section. I move to strike out from the word "who," in the fourth line, to the word "shall," in the twenty-fourth line, as follows:

"Removed to and was residing in said Territory prior to the 1st day of January, 1853, there shall be, and hereby is, donated one-half section, or three hundred and twenty acres of land, if single; but if married, one section, or six hundred and forty acres. And to each white male American citizen who shall"—

So that the clause of the section would read:

"That to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who shall remove to and settle in said Territory between the 1st day of January, 1853, and the 1st day of January, 1858, there shall in like manner be donated one-quarter section, or one hundred and sixty acres, if a single man, or, if married, one-half section, or three hundred and twenty acres, on condition of actual settlement and cultivation for not less than four years."

The CHAIRMAN. That motion is in order.

Mr. ZOLLICOFFER. Mr. Chairman, if I understand the policy of the bill, or the reasons upon which the bill is based, which are likely to press themselves for the approbation of this committee, they are that the bill is intended to promote emigration to the Territory of New Mexico. If that is the object, I am not able to discover the propriety of making donations of lands to those who had emigrated to the Territory prior to the year 1853, or prior to the present time. If the amendment be adopted, the bill will provide for giving lands to those who may hereafter emigrate to the Territory of New Mexico. If the bill be so amended, I shall be willing to vote for it. It does seem to me that there is no propriety in giving large amounts of public land to those who have heretofore emigrated to the Territory.

Mr. DISNEY obtained the floor.

Mr. WASHBURN, of Illinois. With the permission of the gentleman from Ohio, I will suggest an amendment in the ninth line, so that the bill will read, if it be adopted, as follows: "Every citizen of the United States, or every person who shall have declared his intention to become a citizen of the States."

Mr. DISNEY. That is right. There is no objection to the gentleman's amendment.

Mr. LANE. If the amendment be adopted, will it be in order to move to amend the bill wherever it provides for a discrimination between married and unmarried men?

The CHAIRMAN. The Chair will inform the gentleman from Oregon that the amendment adopted on the motion of the gentleman from Alabama does away with the discrimination to which he refers. The quantity of land to be granted has been reduced from six hundred and forty to three hundred and twenty acres.

Mr. LANE. I do not want to see any discrimination made between married and unmarried men. I am glad that it has been done away with as the Chair indicates.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois, [Mr. WASHBURN,] to make the section, in the ninth line, correspond with the first, second, and third lines, as they have been amended.

Mr. WASHBURN. Let that be my amendment, though the Chair does not exactly state it as I introduced it at first.

Mr. DISNEY. As the Chair stated it I think it is best.

The question was then taken; and Mr. WASHBURN's amendment was adopted.

Mr. DISNEY. I desire to say but a word. I have spoken of the necessity of making donations to induce emigration to this Territory. The gentleman from Alabama [Mr. COBB] has already reduced the amount of the donation made to those who emigrated to the Territory prior to 1853. The pending motion is to strike out that donation altogether. It seems to be natural that those who

first encountered the perils, privations, and hazards, incident to an emigration to this Territory, should receive a larger donation than those who go there subsequently. But independent of all that class of considerations, there is another. I have already spoken of the absence of inducements to emigration to this Territory. I have already spoken of the obvious policy of inducing an emigration there; and certainly, if this be so, it is important to retain those immigrants who have already gone there.

Now, if the pending amendment be agreed to, and you refuse to make donations to those who are already there, so far as it will have effect at all, it will be to destroy the equality of inducement that is held out to the coming emigrant hereafter; the effect of it will be to lose what little emigration you have already got there. That is all I desire to say.

The question was then taken on Mr. ZOLLICOFFER'S amendment, and it was rejected; there being, on a division—ayes 10, noes not counted.

Mr. COBB. I desire now to test the sense of the committee in relation to the time which the settler shall occupy the land before he obtains a patent. As the bill now stands, the time is four years. I move to strike out "four" and insert "five" in lieu thereof, so as to make this bill conform to the homestead bill.

Mr. DISNEY. I would suggest to the committee that four years is the time provided for by the law in relation to Oregon; and why make a difference between the Territories? I say again, for the sixth time, that there are more inducements for emigration to Oregon than there are to New Mexico; and if you impose more stringent regulations and conditions on emigrants to New Mexico, you diminish still further the inducements to emigrate to that Territory. The whole tendency of this policy is hostile to the interests of New Mexico.

Mr. COBB. I believe the gentleman has been occupying my five minutes; but I do not want to make a speech.

Mr. BISSELL. I desire to say a few words upon this amendment.

The CHAIRMAN. Debate is exhausted upon it.

Mr. BISSELL. The time of the gentleman from Ohio has not expired; and, with his permission, I will occupy the remainder of it.

I desire to say that a distinction is to be drawn between this case and that of the homestead bill. In the case of the homestead bill, you were making a voluntary donation to men, for no other purpose but their own benefit. But in this case, we should hold out inducements to men to emigrate to the frontier. We want them for our purposes, and, therefore, I do not think that we ought to impose such severe terms as we do upon those who receive land as a gratuity, from whom we receive no gain except the general wealth and prosperity of the country, which is promoted in consequence thereof.

The question was then taken on Mr. COBB'S amendment; and it was rejected.

The question then recurred upon the amendment offered by the gentleman from Ohio, [Mr. GIDDINGS.]

Mr. GIDDINGS. It is probably known to every member of the committee, that there is a class of Indians partially civilized in this Territory living in fixed habitations, and following the peaceful occupation of agriculture. While they were under Mexican authority, they were recognized as a part of the population of Mexico. Under these circumstances, it would be unjust and cruel to give to white people the lands which these Indians have resided upon and cultivated for years. I say nothing about their being citizens, but I say that they should be entitled to the benefits of this act, as I have provided in the amendment which I have submitted, which seems to me to be most just and proper in every sense of the word. While we are sitting here as legislators we ought not to allow white men to go on there and drive off the present occupants of the soil. We ought to give to them the privilege of holding the lands which they now occupy, inasmuch as they are engaged in the peaceful and permanent occupation of agriculture. We should do everything in our power to civilize and enlighten them. I hope that the amendment which I have offered will receive the support of the chairman of the

Committee on Indian Affairs, as well as the unanimous concurrence of the committee.

Mr. ORR. I cannot see the necessity for adopting the amendment of the gentleman from Ohio, [Mr. GIDDINGS.] The class of Indians to whom the gentleman refers are the Pueblo Indians, who already have in their possession a large tract of land, more than they can cultivate. They hold it, at the present time, by grant from the Mexican Government, and originally from the Spanish Government. Their title to this land is good and indefeasible; but there is more of it than their uses for agricultural purposes demand. I see, therefore, no possible necessity for the adoption of the amendment offered by the gentleman from Ohio, [Mr. GIDDINGS.]

The question was then taken upon Mr. GIDDINGS'S amendment; and it was rejected.

The third section was then read.

Mr. DISNEY. I propose to amend the third section, just read, by inserting, between the words "of" and "settlement," in the first and second lines, the word "the," and striking out the word "as," in the second line, so as to make it read, "That a proof of the settlement and cultivation required by the act," &c.

The question was put; and the amendment was adopted.

The fourth, fifth, and sixth sections of the bill were then reported by the Clerk.

The sixth section was read, as follows:

Sec. 6. *And be it further enacted*, That when the lands in said Territory shall be surveyed as aforesaid, a quantity of land equal to two townships shall be, and the same is hereby, reserved for the establishment of a university in said Territory, and in the State hereafter to be created out of the same, to be selected, under the direction of the Legislature, in legal subdivisions of not less than one half section, and to be disposed of as said Legislature shall direct.

Mr. HENN. I move to amend the sixth section by striking out the words "and to be disposed of as said Legislature shall direct."

In this section, Mr. Chairman, a quantity of land equal to two townships is reserved for the use of a university, and the latter portion of the section provides that the Territorial Legislature shall dispose of it. I think that that line ought to be stricken out. I am sure it was not intended to give such power to the Territorial Legislature.

The CHAIRMAN. The gentleman from Iowa proposes to amend the sixth section, which has been passed over. If there is no objection, the Chair will entertain the motion.

Mr. DISNEY. There is no objection to that. The question was then taken; and the amendment was adopted.

The Clerk then read the remaining sections of the bill.

The CHAIRMAN. There being no further amendments, the bill will be laid aside to be reported to the House.

The CHAIRMAN. Bill No. 294, for the payment of the civil officers employed in the Territory of New Mexico, while under military government, was yesterday informally laid aside.

Mr. LANE, of Oregon. Will it be in order to move that the bill be further informally laid aside?

The CHAIRMAN. It will.

Mr. LANE. Then I make that motion.

The question was put; and the motion was agreed to.

The next bill which came up for consideration was House bill No. 316, entitled "A bill to amend the act approved September 27, 1852, to create the office of surveyor general of the public lands in Oregon, &c., and also the act amendatory thereof, approved February 19, 1853."

The CHAIRMAN. There being no objection, the first reading of the bill will be dispensed with, and the bill will be read, and considered by sections.

The first and second sections of the bill were then read.

The second section is as follows:

Sec. 2. *And be it further enacted*, That the proviso to the fourth section of the act of twenty-seventh September, eighteen hundred and fifty, above mentioned, by which all contracts for the sale of lands claimed under that law, before the issue of the patents therefor, are declared void, shall be, and the same is hereby, repealed.

Mr. COBB. I am going to offer an amendment to this section; and in doing so, I shall run against a "sawyer," I suppose.

In the first place, I will call the attention of the

committee to the original act which this section proposes to repeal.

The original act is, in part, as follows:

"Provided further, That all future contracts by any person or persons entitled to the benefits of this act, for the sale of the land to which he or they may be entitled under this act, before he or they shall receive a patent therefor, shall be void."

This section of the bill proposes to annul that proviso. We first gave them six hundred and forty acres, which they have sold in whole or in part, made speculations thereby, and now ask that their contracts may be confirmed.

I move to strike out that section entirely; and if the gentleman from Oregon can satisfy the House of the necessity of the change in the existing law, they will, of course, sustain him, and refuse to strike the section out. I think, however, that it is at least susceptible of proof, according to the construction which I put upon it, that this change will open the doors for some magnificent speculations in these lands.

If I understand it, you have by a previous law provided for donating six hundred and forty acres to every actual settler who is a married man, provided he shall live upon it and cultivate it for a certain number of years. Now, many of these settlers have disposed of their lands without complying with the condition imposed upon them, in order to secure their patent for them; and now they come forward and ask us, and it is proposed by this second section, to repeal these conditions altogether, and make these sales, which have been made in violation of law, valid. But I do not desire to detain the committee upon the subject. If the gentleman from Oregon can satisfy them that this should be done, of course they will refuse to strike out this section; but if they agree with me that it is better to insist upon fulfilling the conditions of the law, and shutting out these speculations, they will strike out the section and allow the law in this respect to remain as it is. I ask that the section may be read.

It was read as inserted above.

Mr. LANE. Mr. Chairman, the gentleman from Alabama, it seems to me, has made out a case to suit his own convenience.

Mr. COBB. Pretty near.

Mr. LANE. And has come to his own conclusions. He states that in Oregon men have received, under the law, donations of six hundred and forty acres of land, and have sold out portions of their claims without perfecting their titles.

Mr. COBB. I took it for granted that it was so.

Mr. LANE. And now ask Congress to confirm their claims. Now, I will say to this committee that there is no single case in the Territory, where a man claiming land, under the donation law, has sold out his claim, or any portion of it, unless it may be town sites; and the Commissioner of the General Land Office has recently decided that all town sites are included under the provisions of the law of 1844, and do not come under the provisions of the donation law. But, aside from these town sites, I will undertake to say that there has not been a single claim, taken under the donation law, sold.

Mr. COBB. Then where is the necessity of making the change?

Mr. LANE. I will tell the gentleman what is the necessity: The act of Congress donating lands to actual settlers provides that all American citizens residing in Oregon, and such foreigners as should declare their intentions to become citizens, who had taken a claim, occupied and cultivated it for four consecutive years, should, if a married man, be entitled to six hundred and forty acres of land; if a single man, to three hundred and twenty acres; and such others as should take a claim previous to December, 1851, should be entitled to the same quantity upon the same terms, of occupation and cultivation for four years.

Now, Mr. Chairman, many persons were entitled to their patents as soon as the time this law passed, by virtue of four years' occupation and cultivation; and many others, who had taken claims one, two, and three years previous to the passage of the law, have complied with its requirements, and are entitled to their patents. But no patents have issued; consequently, they have not enjoyed the right to sell their claims, or any portion thereof. The repeal of this proviso would enable them to sell—a right they ought to have.

Now, sir, on account of the difficulty of obtaining accurate surveys, and from other causes, there are many, who have been in possession and occupancy of their claims ever since, and long before, the passage of this law, who have not yet received their patents.

Mr. COBB. Then they are entitled to their patents, and can recover them.

Mr. LANE. No, sir, they cannot. But I was proceeding to say, that these patents have not been issued, and these people have not come into legal possession of their lands; and would you have them compelled to wait for twenty years before they shall have the right to dispose of any portion of their claims?

Sir, the object of these donations was to induce people to settle upon these lands, to increase the population, and develop the resources of the Territory. Under the provisions of this law the country has been taken up in six hundred and forty acre claims; the law has been complied with, and on account of this odious provision, the settlers are deprived of the privilege of selling, greatly to the detriment of the good citizens, and inconvenience of schools, owing to the consequent sparseness of the settlements, which sparseness necessarily destroys facilities for sending their children to school. As it is, the schooling of children in Oregon is very expensive.

Mr. SMITH, of Virginia. I want to know whether the gentleman's complaint is that we have granted too much land? Cannot we diminish the amount?

Mr. LANE. Too much land has been granted; but no power can now change the grant. We desire that the privilege shall be extended to sell a portion of it. Strike out that section of the bill, and you destroy the bill itself. The people of Oregon ask it, and they, it will be admitted on all hands, are an intelligent people.

Mr. COBB. There is no doubt about that.

Mr. LANE. They know their interest.

Mr. COBB. Indeed they do very well. [Laughter.]

Mr. LANE. Repeat the proviso, and let them sell a portion of their claim. They have perfected their rights. They have lived there for the time required by the law. Why shall they not have the right to sell a portion of their claims?

Mr. COBB. The answer to a single question will satisfy me. Will not the provision contended for, apply to an individual who lived there only two years?

Mr. LANE. It will apply to all.

Mr. COBB. I have no objection to an amendment of the section so that the application shall be alone to those who have lived there until the patent issues. But, as at present, it will apply to those who have lived there one year and sold their land; it will apply to those who have been there only six months, three months, even for one day.

Mr. LANE. Any man who takes a claim under the donation law of Oregon is debarred from taking another. If he cannot occupy it, in God's name let somebody else. There is no sensible man who has lived in Oregon for twelve months, who will live in any other part of the Republic. [Laughter.] We particularly desire this section, not for the purpose of speculation. It grants three hundred and twenty acres of land to every married man—one half to himself, and the other half to his wife. He cannot, thank God, under this provision, sell his wife's half of his claim. If he wants to sell, he can sell his own one hundred and sixty acres to any individual, and he will, perhaps, sell his land to an individual who will cultivate it better than he would. The provision was a wise one; and but for the amendments succeeding in the New Mexican bill, I should have moved to amend that bill so as to make it conform to our law, viz: to grant half of the claim to the wife. In that way I expect to have a home. My wife is the better half. [Laughter.] She will not sell her claim, and I would be likely to give mine to any good man who will come and be my neighbor. Such a man will always be welcome to it. She would be, probably, more tenacious of hers.

There is nothing in this section which is wrong. It is right; and I hope that the committee will not allow the gentleman from Alabama [Mr. Cobb] to regulate our interests in Oregon. I have great respect for him; and it is painful for me to oppose anything he wishes. When his views conflict

with our interests, I must be excused from acting with him.

Mr. COBB. It is exceedingly painful for me to oppose anything the gentleman asks. I voted for the extra mileage.

Mr. LETCHER. Is it in order to offer an amendment to the section?

The CHAIRMAN. It is. The question now pending is the motion to strike out the second section.

Mr. LETCHER. I move to insert the words "for town sites," after the word land, in the fourth line, so that the section will read as follows:

SEC. 2. And be it further enacted, That the proviso to the fourth section of the act of 27th September, 1850, above mentioned, by which all contracts for the sale of lands for town sites, claimed under that law, before the issue of the patents therefor, are declared void, shall be, and the same is hereby, repealed.

Mr. LANE made a few remarks, but in so low a tone of voice as to be wholly inaudible to the reporter.

Mr. LETCHER. Suppose they took a portion of it before there was a town site there, and were in possession of it?

Mr. SMITH, of Virginia. I would suggest to my colleague, that it is possible that every township, or every mile square of land, would be a town site.

Mr. LETCHER. Well, sir, the whole difficulty in this case seems to grow out of the excessive liberality of Congress in the first instance. Why, they gave so much land to the settlers in Oregon that they are scattered miles apart; they cannot, therefore, have the benefit of schools and all the other conveniences that more compact settlements enjoy. Under these circumstances, after all this liberality has been extended to them, it is proposed to allow them, not to conform to the language of the law as it originally stood, and under which they received those grants, but to sell it at speculative prices which they may put upon the land. Now, I think as they made a bargain with the Government, as they took the land upon certain stipulations and conditions, they ought to be required to fulfill the terms of the bond. If they have come here and asked too much, more than it is convenient for them to use, instead of being authorized to sell it, I think it would be more liberal and just for them to give it back to the Government. That is my idea about it. If they have got more land than they can use; if the Government has been prodigal in giving it away to them, and they cannot now use what they have got and are required to dispose of it, let them return it to the hands of the generous donor rather than put it in the market, and pocket the money derived from the sale.

And not only that, sir, but there may be a system of underselling resorted to by these individuals for the purpose of forcing settlement. The land has cost them nothing; and they can, therefore, well afford to sell it for fifty, or seventy-five cents, or for a dollar an acre; and, by this competition with the Government, they may stop the sales of the public lands altogether. By repealing this proviso, you would enable them to do this, and to reap the profits of the sale, after the Government has generously given them more than they ought to have had.

Mr. BISSELL. I am opposed to the amendment of the gentleman from Virginia, and I am in favor of the second section of the bill, as it stands, and, I think, not without good reason. I believe this Oregon land law was passed in 1844, was it not?

Mr. LANE, of Oregon. No, sir; the law was passed in 1850.

Mr. BISSELL. The object was to induce emigrants to go to Oregon. It was thought that a less inducement than six hundred and forty acres would not be likely to tempt men to go out there with their families. But, sir, the simple promise that, on getting out there, they should be entitled to six hundred and forty acres of land did induce a great many men, and a great many families, to go out to Oregon. Well, they got there. That was all you wanted. You wanted that remote Territory to be settled up, as fast as it could be done with propriety and convenience to the Government and to the citizens. You have secured that object, so far as it has gone. Those emigrants who went out under the inducement thus held up to them are not going to return. They say, "We have got out here, and here we are,

ready to defend the Territory, and to perform all our duties as citizens. But some of us have received more land, under the law under which we settled here, than we can conveniently or profitably make use of. We ask permission, therefore, to sell that surplus land to our old neighbors and friends who have come out, and who would prefer to pay us something for it rather than go into some remote settlement and take your land for nothing."

Now, I should like to know what the Government will lose by complying with that request. I should like to know whether there is any mode by which the Government would be a loser in complying with this request. You grant six hundred and forty acres of land, but with a stipulation that the man shall occupy it for a certain length of time. What is the reason for making this restriction? Who gains anything by it? The settler does not, of course. He is presumed to know his own business best. The Territory will not gain anything in any conceivable way, for it is no advantage to the Territory of Oregon any more than to the General Government, for a man with no hand but his own to work his land, to be compelled to keep the six hundred and forty acres, merely because the law of 1850 declares that the settler must occupy the land himself for four years, without the privilege of selling or mortgaging any portion of it to any one else.

The gentleman from Virginia [Mr. LETCHER] says, if these settlers have more land than they want, let them give it back to the General Government. Not at all. They have no more land than they want. But they say that they have more than they can cultivate with profit, because their grown up sons, perhaps, have left them, and they are compelled to hire hands to work their lands. If they were permitted to sell a part of their lands, settlements would in consequence extend rapidly, schools would multiply, and they would be enabled to devote their surplus means to improving their condition in every respect. Thus all parties would be greatly benefited. But because it was nominated in the bond that they should not be permitted to sell any portion of their lands, it is argued, therefore, that we should hold them to it, although benefit inures to nobody by it.

You say they agreed to occupy the lands for a certain length of time. Virtually, I grant you they did. You desired to have your remote Territory filled up with hardy settlers. You passed a law providing that those who should go to that remote Territory, and remain upon the land four years, should be entitled to six hundred and forty acres. Those emigrants have gone there with their families and settled, but tell you that they can make no profitable use of their lands. They have no more land than they want, but they desire to have the privilege of disposing of a portion of it to improve the other portion, and to enable them to build mills, school houses, and churches, and in other respects to improve their condition. They desire to possess the means of educating their children.

Mr. LETCHER. If they can sell their lands for the purpose of buying horses, wagons, furniture, and various other things, I would ask the gentleman from Illinois [Mr. BISSELL] if he will maintain that Congress can make a direct appropriation to supply them with these things?

Mr. BISSELL. Certainly not; but the Government has dispossessed itself of the lands, and cannot get them back again. I should like to know by what process the gentleman would have the Government reclaim the lands again. The Government, to be sure, can refuse to sanction the policy of their selling any portion of this land. What then? The land does not return to the Government, but the ownership remains still in the hands of those to whom the lands were originally granted.

Mr. LETCHER. Suppose these persons sell out and return to the United States.

Mr. BISSELL. Well, sir, they can do it, I grant; but it is so improbable a thing, and the instances of it are so rare, that the matter does not deserve to be taken into account, I hold, in legislating on this great subject. I cannot believe that men will be found to go out to Oregon with their families for the sake of six hundred and forty acres of land, and then on their being permitted to sell out—after having lived there two or three years—to turn right about, dispose of their land at the price which land is worth there, and come back

again. But even though there might be an instance of the kind, still the purchaser would occupy the place of the original owner.

Mr. LANE. In addition to the excellent remarks made by the gentleman from Illinois, [Mr. BISSELL,] I will say to my friend from Virginia, [Mr. LETCHER,] that it is the best thing for the Government and Treasury of the United States—if they want to make money out of the land lying in Oregon—to allow the claimant to sell a portion of his claim. At this time, Mr. Chairman, a married man is entitled to three hundred and twenty acres of land. All who have emigrated to the Territory since 1851 are entitled to this privilege. If the claimant has taken a claim, and sells the half of it to an emigrant, he thereby prevents that man from going and taking three hundred and twenty acres for himself. If the claimant divides with the emigrant who comes in, the emigrant remains there, and the Government is saved from losing three hundred and twenty acres of land, worth perhaps, if brought into market, from five to ten dollars an acre. Now, if this bill prohibits selling a portion of these claims, the emigrant goes and takes a claim for himself, and the Government loses that quantity of land by it. This would not, as has been stated, be encouraging speculation. Do gentlemen imagine that, because land is granted by the Government, it shall always remain in the hands of the person to whom it is granted? Certainly no such thing can be claimed. And if you do not let the claimant sell forty, or fifty, or a hundred acres of his land, the emigrant will go and take his three hundred and twenty acres, and the Government will have lost that much by this unwise restriction.

And again, let me say to the gentleman from Virginia, [Mr. LETCHER,] that no man will return from Oregon Territory who has taken a claim in this way. He will not find one out of ten thousand to do it. In the first place it breaks up a man to get there—I do not care much what he may have been worth. If he were worth five or ten thousand dollars at the time he starts from Missouri, after purchasing his teams and wagons, and everything necessary to make his family comfortable, he has, by the time he arrives at Oregon Territory, expended the whole of it. Perhaps he has not a dollar left. And thus he has paid more than ten dollars an acre for the land you give him. And because your law has given him more than he wants, or more than is necessary for his agricultural purposes, do you say that he shall not sell a part of it to the emigrant who follows him, and that the latter shall have to go and take twice as much land as he wants, or as he otherwise would? Is there any common sense in that proposition? Is there any good policy in it? Is there anything in it that is worth the consideration of my excellent friend from Virginia, [Mr. LETCHER,] I know his good sense. I like his principles. I appreciate his opinions; for, in most instances, they are right; but I think he has taken a wrong view of this matter.

Let me remind the gentleman again that the man who has taken three hundred and twenty acres of land will reconcile his neighbor who comes to it to settle on the half of that claim. He will do it that he may make sale of this moiety of his land, and by so doing he will save to the Government three hundred and twenty acres of land.

Now, it seems to me that it would be in every respect wise and politic to allow the settler so to dispose of his land. And I appeal to my friend from Virginia to let that principle in the bill stand unimpaired, and so allow the Government to hold as much unoccupied land, when it comes into the market, as possible.

If you allow the emigrants who go there to settle upon smaller portions of the territory—as you can do by removing this restriction, and permitting them to purchase lands of those who have gone before them and availed themselves of the benefits of the act donating the land—the Territory will become more densely settled. But if you refuse them this, and compel them to take up claims of three hundred and twenty acres, the population will be scattered all over the country. Thus, with the same population merely, the Government of the United States will lose a large amount of money, as has been the effect already.

I do not think it necessary that I should say anything more upon this subject. I think my

friend from Virginia [Mr. LETCHER] must be satisfied that it would be wrong to strike out this second section, and thereby leave the original restriction upon the settlers upon these lands in full force.

I wish to say one word further to my friend from Virginia in reference to these town sites, and then I will yield the floor.

The Commissioner of the General Land Office decided that all town sites in the Territory of Oregon are subject to the provisions of the law of 1844; that they were not the subject of donation under the act of Congress, and that a claim can only be taken up, under the provisions of the law, for agricultural purposes, and not for purposes of trade and speculation in them, as town sites. I was not satisfied with that decision, for we had many town and village sites all over the Territory of Oregon, and I took an appeal from the decision to the Secretary of the Interior, and he has confirmed it. Why now pass any law to conflict with that decision? I hope the gentleman will not insist upon his amendment.

Mr. DISNEY. I desire to say a word in reference to this matter of town sites by way of explanation, suggested by the question which was put by the gentleman from Virginia a few moments ago. It seems to be supposed, by gentlemen who have not made an examination of this matter, that the term "town sites" applies to those particular tracts of land upon which towns may be built—that is which are favorable for that purpose. "Town sites" means lands upon which towns are actually standing.

Mr. LETCHER. That is what I understand by it.

Mr. DISNEY. So I presumed; but I referred to another gentleman from Virginia, who, with his friends, suppose that it means tracts favorable for the location of towns. This is not so. By the act of 1844, it is provided that when towns, as such, are located in whole or in part upon the public lands, the corporate authorities of such towns have a right to enter the lands, by the payment of \$1 50 per acre, in trust for the respective occupants of it. In other words, the practical effect and operation of the law of 1844, is to allow pre-emption right to particular owners of town sites where they are located upon the public lands—that is, to each respective owner. Hence the provisions of this bill, and the provisions of the act of 1850. And the decision, which has been referred to by the gentleman from Oregon, [Mr. LANE,] recently made by the Commissioner of the General Land Office, and confirmed by the Secretary of the Interior, is the law which applies to the case.

We have properly provided that the donation privilege provided for in the act of 1850 shall not extend to those town sites. By that decision a claim is defeated which might be set up by an individual, and which might embrace a whole village. All claims of that sort are defeated, and each individual occupying such lands has a pre-emptive right to the particular land which he may hold. Now, sir, with regard to the provisions of this section, the whole subject lies in a nut-shell. The whole object of the Government in making these provisions originally was to induce emigration to the Territory of Oregon, for the promotion of which emigration six hundred and forty acres of land were to be granted to him upon his arrival there. Relying upon the promise of the Government, the emigrant went there, settled upon the lands, cultivated them for the time required, and performed the conditions prescribed by the Government as necessary to the issuance of a patent giving him full possession.

Now, sir, in the case of this individual, the object of the Government has been accomplished. The purpose of the Government was to induce the individual to increase the population of the Territory of Oregon to the extent of one person. The condition imposed was for the purpose of more effectually accomplishing that object; and now that he has settled there, and cultivated the land for the time specified in the grant, as these settlers have in perhaps a majority of cases, I say the purpose of the Government is accomplished; but owing to the incompleteness of the surveys, and other circumstances, the patent has not issued, and the occupant has not legal title to the lands.

Mr. Chairman, under these circumstances, these settlers come here and ask that if they cannot have

their patents issued to them, by which they might come into full possession of the land that you will at least give them the right to sell or dispose of their claim to it, and not deprive them of the rights which they would otherwise enjoy under the general laws of the country. This restriction denies to them the power of exercising that right, and they ask that you will remove it. That is all this section proposes to accomplish. There are, without doubt, other cases where the parties have not fulfilled the conditions of the donation; where they have not cultivated the land for four years; but in these cases, as in the others, I maintain that the purpose of the Government has been accomplished. They have increased the population of the Territory by going there and becoming citizens. The Government, by promising them six hundred and forty acres of land, has induced them to emigrate there; and so long as they remain, the Government loses nothing by removing the restriction. Suppose the party does sell a portion of his grant, and it inures to his advantage, what does the Government lose by it? A question which was properly and forcibly put by the gentleman from Illinois, [Mr. BISSELL,] Does the grant suffer any injury by it? Does any one suffer by it? Will it not contribute to settle the country more rapidly and more densely? Has not the Government received a full compensation for the land by the settler becoming a citizen of the Territory?

But suppose the extraordinary case put by the gentleman from Alabama should occur, and the settler should sell out his entire claim for the purpose of speculation. If he does not leave the Territory, the Government loses nothing; and if the individual is benefited by the operation, what injury is it to the Government? Why, then, should this barrier be interposed to prevent the settler from coming into the possession of his land? I can see none. No gentleman has, and I do not believe any one can, point out any advantage that the Government will derive from continuing this restriction.

It may be said, as it has been said, that the parties interested will reap advantage from its removal; but it seems to me this is a strange argument against it, so long as no other party suffers from it. Suppose a man does dispose of his claim to his friends and neighbors! If no objection more reasonable in its character can be brought to show why this restriction should be removed, I trust the section of the bill will not be stricken out. It may be an objection, if it can be shown that the Government will be injured by it; but in this case it cannot be shown that any injury inures to the Government, while advantage inures to the parties who are in possession.

I said, when I got up, that this affair lies in a nut-shell, and so it does. The Government agreed to give six hundred and forty acres to each man who increased the population of Oregon by his presence. The parties who have gone there have complied with the conditions. The Government has attained its object. The good which it desired to accomplish has been secured; and whatever disposition the people of Oregon may make of their possessions, the good desired by the Government remains. Certainly, it can be of no sort of interest to the Government whether the party who originally located the land should retain it, or a party purchasing from him should become the occupant.

But, said the gentleman from Alabama, this land will fall into the hands of speculators. What injury results if it does? Why, by the provisions of the law, the original donee, if he sell or dispose of his land, is not competent to take another donation. He cannot get another. He has had a contract with the Government. He has executed it. He has received his compensation, and rendered the service which the Government desired. There is an end of the affair; and even if he disposes of the land to speculators who shall not occupy it—putting the most extreme possible case—still the party remains there, and he is debarred the right of having any other land except by sale and purchase. The gentleman wished to ask me a question. What is it?

Mr. COBB. What was the object of the Government when it made the grant, in requiring that the land should be settled on and cultivated for four years? When the gentleman answers that question, I will ask him others.

Mr. DISNEY. Those words were merely a repetition of the idea conveyed by the words that the grant was for the general improvement. What is the other question the gentleman desires to ask me?

Mr. COBB. I may be so fortunate as to get the floor presently, and then I shall embody the questions I have to propound in my five-minute speech.

Mr. DISNEY. I now yield the floor, then.

Mr. LANCASTER. Mr. Chairman, I am from the coast which has been referred to in this debate. I was an inhabitant on it long before the land law was passed. I have seen, and well know the operations of that law. And here let me say, in the beginning, that I am opposed to all restrictions against the sale of land in that Territory. Many persons were on that coast previous to the passage of the land law; and when it was passed they felt that they had been wronged by this unwholesome restriction. Its operations can of course be better seen in the Territory than here. Before any of us had gone there, a bill had been introduced into the Senate of the United States by the lamented Dr. Linn, of Missouri. It passed that branch of Congress. Another bill was introduced here, and defeated in the other House. So the measure was alternately introduced and lost; and during this time persons emigrated to that coast in expectation of receiving six hundred and forty acres of the public land each. They expected that amount in consideration of settling on it, with their families, after having endured all the perils and hardships of an overland route across a barren wilderness. I was among them. I was there before the land law passed; and when the law was passed, it gave us this amount of land with the unwholesome restriction that the land should be tied up, and should not be sold until we obtained a patent for it. The lands were not then surveyed; the boundary question was not even settled, when the earliest of us got out there. Well, when this land was given to us, as it was said, to pay us for going over there, it was so restricted and tied down that we could not sell or mortgage it, or raise funds upon our possessions. It has remained so tied down ever since. No man can sell his land, or incumber it any way. He is there, and has been there with this possession, the gift of the Government, so tied up, that he is without the power of using it. He may raise turnips and potatoes from it, but the Government has required him to make the improvements upon it with his own hands. I have fulfilled the condition strictly and legally, and not constructively. I have lived for four years on a portion of six hundred and forty acres of land, and improved it by these hands. I have thus fulfilled the condition of the grant. The Government of the United States required the labor to be performed by my own hands, whereas, with my profession, if I could have put another person on the land, he could have performed twice the labor that I could. But that was the condition emanating from the wisdom of Congress, and it has borne heavily on me, and upon every other person on that coast. If the land was a gift to them for going there and improving the country, and bringing it into notice, for aiding to settle the boundary, and for raising the American flag there, let them have it without trammels and conditions imposed upon them by the Government.

I may say further, that before the land law passed, a provisional government was established on that coast, American in its character. And the inhabitants who assisted in the organization of that provisional government, and who resided under it, and helped to maintain it until the territorial government was formed, were paid by the Government of the United States in so much wild land, if they would cultivate it with their own hands, without being able to sell any of it, or to incumber it, until they got a patent for it. And who can tell when they will obtain those titles—when the Government of the United States will enable them to incumber their land, to raise funds on it to educate their children, and to improve it.

Then, sir, there are town lands where it is necessary that ships shall load and unload, and warehouse their cargoes. The farmers, too, must have some place in which to store the produce of their land; that there shall exchanges take place, and that, too, on shore, and not on ship-board.

The man who, in good faith, has built a warehouse on his lot, and engaged in that business, is prevented by the unwholesome provisions of that law from obtaining a title to his lot.

Now, I say, as the Representative of Washington Territory, that I desire that the land which the Government of the United States has seen fit to bestow upon those who have crossed the plains and taken their families into that country, shall be really given to them, that they shall receive their titles, and be allowed to mortgage the land and raise money upon it. I desire that the young man may be able to sell half his land and raise money to come to the States and obtain a wife, and then return there and become attached to the soil by cultivating it and being a citizen and the head of a family. There are more than five hundred young men in the Territory of Washington, who, if they had the power, would mortgage the land or sell a portion of it, and come here to the country where women are to be had, and take them to that country to settle on those lands. I know that to be the case. But at present their hands are tied and they are crippled. Every man throughout the Territory is crippled. I hope that you will not continue this restriction upon the interests of that Territory. The coal fields, the lumbering interests, the fishing interests, and a thousand other interests there, ought to be protected and fully developed; and you should not require or expect a man to remain upon his land four years, keeping a wretched bachelor's hall, without a place to call his home.

Mr. COBB. Before the gentleman from Washington concludes, I desire to offer the following proviso by way of a compromise:

Provided, The recipients of said act shall have lived four years upon said lands thereby granted.

Mr. LANCASTER. I object to the gentleman's proviso, and I am honest and candid in what I say.

Mr. COBB. Then I cannot compromise.

Mr. LANCASTER. I wish to say in conclusion, as I stated before, that I believe Delegates from Territories ought not to occupy the floor with speeches upon matters in which their constituents are not directly interested. The reason why the restrictive clause, to which I have already referred, was made, was this: that Mr. Thurston, a Delegate from the Territory of Oregon upon this floor, was fearful that the officers of the Hudson's Bay Company, and the servants of the Puget's Sound agricultural company might make claims of large tracts of the country, and hold them in trust for the benefit of such companies. He was fearful also, that Dr. John McLaughlin, of Oregon City, would reap some benefit for the labor and money he bestowed in promoting the interests of American citizens; for in the time of their greatest need, he gave them liberally seeds, provisions, teams, and clothing, and did everything in his power, which his charitable heart could suggest, to promote their comfort and welfare. But it was feared by Mr. Thurston that he would receive some benefit from holding these lands, and this was one of the reasons why this restriction was placed in the act. No man can be hired to go into that country—especially a single man—and live four years upon his land, keep bachelor's hall, and carry out the spirit of the law, unless he is an honest man, intending to make that place his home. The law, as it now stands, requires four years of consecutive residence upon the land; but how would my friend from Alabama [Mr. Cobb] like to live in the wilderness, in a state of solitude, with a prospect of keeping bachelor's hall, having even to wash his shirt, without the power to part with or dispose of his lands. It is too hard to require that our young men shall be subjected to these conditions. It ought not to be insisted that they should live in such a state of wretchedness any longer. I hope that these onerous and unnecessary trammels will be removed; and that I may have the pleasure of sending this gratifying information to the people there. Should it be placed in my power to send them the information, such rejoicing will take place there as was never before witnessed there or anywhere else. But I will detain the committee no longer.

Mr. WALSH. I have heard with a great deal of attention the reply of my friend from Washington, [Mr. LANCASTER,] in regard to all the privations which he and his associates have endured in that Territory. I can well appreciate how great a calamity it may be for a number of

full-blooded young men to be washing their own shirts, and going without wives and the society of ladies. [Laughter.]

But, Mr. Chairman, I believe there is another Territory where there is an abundance of ladies, and where they are not compelled to come into the Atlantic States to obtain wives. [Laughter.] There must be injustice done to the women, if there are a superabundance of them, as every woman, I believe, is entitled to one husband.

But, sir, in relation to the second provision. We are told that the Government gives these six hundred and forty acres as an inducement to emigrants to go there and settle the lands. The Government has fulfilled its part of the contract, and if these gentlemen who have reclaimed the land which they have received, in God's name, if they find that they have too much to hold profitably, let them give away the surplus to the men who come after them, and who are there, ready and willing to endure the same privations that they have encountered. I repeat, sir, the Government has fulfilled its part of the contract; and if six hundred and forty acres is entirely too much land for one man to cultivate, let him, instead of driving his fellow-man, who comes after him, to an unknown wilderness, exhibit his gratitude for the gift which he originally received from the Government, by dividing with those who come after him. There is no law to prevent him giving away his land in this way, and I see no reason to prohibit him from doing so.

Mr. LANCASTER. I would say, for the information of the committee, that the persons making application for a patent of land shall swear that they hold their lands in their own right, and not for others, and that they have not disposed of, or put away any part or parcel of it.

Mr. WALSH. Yes, that they have not parted with it for a consideration; but I suppose a man has a right to give away a portion of his land.

Mr. LETCHER took the floor.

Mr. LANE, of Oregon. If the gentleman from Virginia will allow me, I will move that the committee do now rise.

Mr. LETCHER. No; I want to say a word or two first.

Mr. LANE. If my proposition suits the gentleman from Virginia, I will make the motion—but not otherwise—that the committee rise, with a view of closing the debate on this bill.

[Cries of "No!" "No!"]

Mr. LETCHER. The proposition will not suit. I desire to say a word or two first.

Mr. LANE. Well; will five-minute speeches do?

Mr. LETCHER. Not unless a man could have an opportunity to weld three or four together.

Mr. LANE. Well, let us hear the gentleman.

Mr. LETCHER. Mr. Chairman, things are now tending very rapidly to the point to which I supposed, some time ago, they would ultimately get. I expected, before I had finished my term in Congress, to find men, who, if not making a direct proposition to the House, would at least present the idea as fair and proper, that Congress should not only give to settlers farms out of the public domain, but should supply them also with the means of working these farms and making them valuable.

But the gentleman from Washington Territory [Mr. LANCASTER] has gone even beyond my expectation, and has reached a point which I never expected to hear broached. He now insists upon it, that it is the duty of Congress to so legislate as that wives can be furnished to them in addition to the grants of lands. [Laughter.] Now, Mr. Chairman, I take it that every man, in any part of the country, who wants a wife, and who is worthy of a wife, will get one. [Renewed laughter.] And I think that the Government need not interfere in respect to this little domestic matter, which should very properly be left to the parties themselves.

Mr. RICHARDSON. You are for non-intervention.

Mr. LETCHER. Yes, sir. I am for non-intervention in all matters of that sort. I want neither the Government nor individuals to interfere in a matter of that kind.

Mr. RICHARDSON. I understand you.

Mr. LETCHER. Yes, sir, neither North nor South should interfere. It seems to me that

the Government has been liberal to those persons who have gone to Oregon, as well as to those who have gone to all the other Territories which have been organized. It has given them an immense quantity of land; and so large and valuable has been the gift, that even now, upon this floor, we hear it said, and complained of, that they have more than they know what to do with. The Government established the terms and conditions upon which the land was granted to them, and that, too, very shortly after the Territory was organized. What are those terms and conditions, and to whom were the grants to be made? Here is a part of the fourth, and the entire fifth section of the act of 1850:

"Sec. 4. And be it further enacted, That there shall be, and hereby is, granted to every white settler or occupant of the public lands, American half breed Indians included, above the age of eighteen years, being a citizen of the United States, or having made a declaration according to law, of his intention to become a citizen, or who shall make such declaration on or before the 1st day of December, 1851, now residing in said Territory, or who shall become a resident thereof on or before the 1st day of December, 1850, and who shall have resided upon and cultivated the same for four consecutive years, and shall otherwise conform to the provisions of this act, the quantity of one half section, or three hundred and twenty acres of land, if a single man, and if a married man, or if he shall become married within one year from the 1st day of December, 1850, the quantity of one section, or six hundred and forty acres, one half to himself and the other half to his wife, to be held by her in her own right; and the surveyor general shall designate the part inuring to the husband and that to the wife, and enter the same on the records of his office; and in all cases where such married persons have complied with the provisions of this act, so as to entitle them to the grant as above provided, whether under the late provisional government of Oregon, or since, and either shall have died before patent issues, the survivor and children or heirs of the deceased shall be entitled to the share or interest of the deceased in equal proportions, except where the deceased shall otherwise dispose of it by testament duly and properly executed according to the laws of Oregon.

"Sec. 5. And be it further enacted, That to all white male citizens of the United States, or persons who shall have made a declaration of intention to become such, above the age of twenty-one years, emigrating to and settling in said Territory between the 1st day of December, 1850, and the 1st day of December, 1853; and to all white male American citizens, not hereinbefore provided for, becoming one and twenty years of age, in said Territory, and settling there between the times last aforesaid, who shall in other respects comply with the foregoing section and the provisions of this law, there shall be, and hereby is, granted the quantity of one quarter section, or one hundred and sixty acres of land, if a single man; or if married, or if he shall become married within one year from the time of arriving in said Territory, or within one year after becoming twenty-one years of age as aforesaid, then the quantity of one half section, or three hundred and twenty acres, one half to the husband and the other half to the wife, in her own right, to be designated by the surveyor general as aforesaid: *Provided always*, That no person shall ever receive a patent for more than one donation of land in said Territory in his or her own right: *Provided*, That no mineral lands shall be located or granted under the provisions of this act."

Now, sir, it seems to me that the provisions made by the Government for granting lands to those who are within the limits of the Territory of Oregon are exceedingly liberal and generous. It not only gives land to every American citizen who is there, but to every half-breed Indian; and not only to those who are there, but to those who shall go there before a certain day, which is designated by the act—three hundred and twenty acres of land, if a single man, and if married, six hundred and forty acres.

This provision was not confined to those who were there at the time of the passage of the act. It went beyond that, and applied to those who came within twelve months afterwards. And it gave the same indulgence not only to married men, but to those who might hereafter marry within twelve months after a certain date therein specified.

Now, sir, there are some provisions attached to this law. They are as follows:

"*Provided*, That no alien shall be entitled to a patent to land, granted by this act, until he shall produce to the surveyor general of Oregon record evidence that his naturalization as a citizen of the United States has been completed; but if any alien, having made his declaration of intention to become a citizen of the United States, before the passage of this act, shall die before his naturalization shall be completed, the possessory right acquired by him under the provisions of this act shall descend to his heirs at law, or pass to his devisees, to whom, as the case may be, the patent shall issue: *Provided further*, That in all cases provided for in this section, the donation shall embrace the land actually occupied and cultivated by the settler thereon: *Provided further*, That all future contracts by any person or persons entitled to the benefit of this act, for the sale of the land to which he or they may be entitled under this act before he or they have received a patent therefor, shall be void."

Now this last proviso is to be stricken out, and

the result will be, that if the occupant has not been upon the land for three months, he is to be relieved from the restriction which requires him to settle and cultivate the same, and he is to be allowed to go into market and make a sale of his land.

The gentleman from Ohio [Mr. DISNEY] says, what does the Government suffer by this? What is lost to the United States? They have already given the land, and by striking out this proviso, you authorize them to sell a portion of it, in order that they may acquire the means of carrying on their farming operations upon the rest of it, as the gentleman says.

Well now, sir, it strikes me that, under this state of things, this may occur, that the Government of the United States may, at least, give lands to others which will go into the hands of those who have already received them. For example: suppose one man has three hundred and twenty acres of land there now, and if a new comer arrives there, under the provisions of this section he can sell to him one half of his claim, and the new comer himself can enter a claim for three hundred and twenty acres more, and in his turn may sell one half of his claim to the first, or they may agree to make an exchange of portions of the land which each holds.

Mr. LANE. Will the gentleman from Virginia allow me to say that, as we have many bills relating to territorial business yet to dispose of, and as this provision is likely to consume the time of the committee, to avoid detaining the committee any longer upon the matter, I am willing, so far as Oregon is concerned, that the privilege of selling portions of claims shall be restricted, as the gentleman from Indiana [Mr. PARKER] proposes, to persons who have perfected their right to the lands; that is, to those who have lived upon their claims for four years. Does the gentleman from Virginia desire more than that?

Mr. LETCHER. If they have complied with the conditions of the law, they have the right to dispose of their lands as they please, and there is no need for us to adopt such a provision.

Mr. COBB. But they cannot get their patents.

Mr. LETCHER. If they have lived upon their lands four years, they have a right to a patent for it, and they can enforce their right.

Mr. LANE. No, sir; they cannot enforce their right. But, if the gentleman will allow me, what I desire now is, to indicate my willingness, in accordance with the suggestion of the gentleman from Indiana, to confine the privilege of selling portions of claims to those who have perfected their titles by living upon the land four years.

Mr. PARKER. That is the amendment I proposed to offer.

Mr. LANE. Now I ask the gentleman if he will yield me the floor for five minutes?

Mr. LETCHER. I will for that length of time.

Mr. DISNEY. I ask the permission of the gentleman from Virginia to say a word at this point? The gentleman has put a hypothetical case, in which he thinks the Government might possibly get a portion of the claim of another person. If I mistake not, he puts it thus: Suppose an individual who had, under the act of 1850, entered and taken possession of three hundred and twenty acres of land, should, under the provisions of this section, avail himself of the opportunity to sell one half of his claim to a new comer, who, in his turn, should locate another three hundred and twenty acres, and should dispose of half of his tract to the first, what would be the consequence? Each one would have three hundred and twenty acres still, and what would be the difference? By the existing laws each resident is entitled to three hundred and twenty acres, and, of course, each new comer is entitled to three hundred and twenty acres more; and whether they take it by collusion, or without collusion, makes no practical difference. The operation of the law is precisely the same, and nothing is either gained or lost, either by the individuals themselves, or by the Government.

But, sir, suppose you take the case which has been put by the gentleman, and in reference to which the gentleman from Oregon seems disposed to yield the point, so far as this section of the bill is concerned. Suppose a party has been in possession of his claim only three months and feels disposed to sell out. (I wish the gentleman to remember

the fact that the condition on which the right was acquired under the act of 1850 was that of four years' occupancy.) And if an individual occupies the land for three months, and the party who purchases from him does not continue the occupancy, the condition precedent on which the grant was made is not carried out, and no right accrues to either party. Hence there is nothing in the case that the party who occupies might sell out. There must be a continued occupancy either of the party originally making the location, or of his assignees, or the condition precedent fails, and neither party is entitled under the act of 1850. Such is the law; and the gentleman from Oregon is yielding to that in which there is no point.

Mr. LANE. I am willing that the amendment of the gentleman from Virginia shall be embodied in the bill. Let the proviso be repealed, so far as claims of the description indicated are concerned. Now, I believe that the gentleman has no other objection to the bill.

Mr. LETCHER. Yes, I have something else.

Mr. LANE. I want about five minutes' time.

Mr. LETCHER. Wait a moment, and you shall have it; my remarks will not be long.

My friend from Ohio [Mr. DISNEY] has one of the happiest faculties of any gentleman within the limits of my acquaintance. I have never yet seen him opposed to anybody that he was not perfectly satisfied that he was in the right, and that nobody else was, or could be, right. [Laughter.] I have observed his course on various occasions, not only in the discussion of land questions, but in other matters in this House, and I have yet to see the very first man who ever differed from him in opinion, no matter how wide or how slight the difference, that he did not come to the conclusion, and with a great deal of self-complacency, that he was right, and that it was utterly impossible it could be otherwise.

Now, the gentleman says that my objection to this section has no sort of point to it. What is the objection? I object to the surrender of the whole of the public lands of the country in these Territories. The gentleman admits that these parties may go in there, and that they may, after taking up these lands, divide them to suit their own convenience. With this authority, it will be hard to tell how much land will be occupied by these parties. Under the doctrine of the veto which went into the Senate to-day, I think that we may possibly hope, ere long, to arrest some of this squandering of the public lands. The President says that they ought not to be given up unless there is a full equivalent in value given for them; that the Government ought not to lose the price of them; and under this principle I hope that we may be able to check this principle of giving away. And I hope that it will check it for another reason. Look at the state of things now in this country in the organization of Territories. Here are five Territories organized in the North at this time, one organized in 1848, one which is now the subject of consideration; and, in the space of six years, it has grown so rapidly that at this very time there is a bill on the table to organize it as a State. Well, here are other of these Territories growing up under this spirit of liberality on the part of the Federal Government, which gives away lands to settlers, and withdraws them from the old States. We are building up northern power to create a disparity far greater than at present exists between the North and the South.

I have no objection to the organization of these Territories when they are needed, but I have an objection to using the power of this Government for the purpose of stimulating a hot-house system, that shall encourage these Territories, and bring them upon us of the South as States when we are weak enough already in this Government. Under the old policy, our custom was to admit into this Union a free State and a slave State at the same time, and that policy was adhered to for a long series of years, until squatter sovereignty and military authority controlled California, and brought her into the Union as a free State, thus destroying the equality.

If men choose to go into these Territories voluntarily and settle there for the purpose of bettering their fortunes, let them go. But do not let this Government undertake to destroy us of the South by holding out stimulants to the encouragement of northern Territories, the propagation of northern sentiment, and the multiplication of northern

representatives here and in the Senate. We are the weaker party now in both bodies, and I hope we shall not so legislate as to place us at a greater disadvantage.

Mr. STEPHENS, of Georgia. Most of the arguments presented by the gentleman from Virginia, might have been very appropriate when the bill proposing to give six hundred and forty acres to the emigrants was before the House for consideration. That, however, is now a law. The question whether it was a proper law or not, is not now before us. I think I voted for that law, and that it was a proper one. We wanted to have Oregon settled up, and it was necessary to offer inducements to the people of all parts of the country to go there. It was in the nature of a military occupation. It was consistent with the policy of the Government in various other instances. It was in perfect consistency with the policy of my own State. In the early settlement of Georgia large grants of land were given to any individuals who would come and settle the country. I think the policy a wise one, and I am prepared to defend it.

But the only question before us at this time, is whether the individuals who have gone out to Oregon and settled there, shall be hampered and restricted by the provisions of that law. Sir, the policy of the Government, whether right or wrong, was for the benefit of those who hazarded everything to go out to that country. Now, if that was the policy, I appeal to the gentleman from Virginia—is it wise, is it just, that we should still trammel and restrict them? The object, when that law was passed, was to benefit the pioneer. Why should we not go on and still benefit him? Let us carry out the same policy. I do not see why we should continue the restriction; and I am, therefore, for repealing this proviso. The Government cannot be injured by it. It is not proposed by this bill to give away another acre of the public lands.

The gentleman argues as if we were disposing of the public lands. He says he is against giving away the public lands in the Territories. This bill does not propose to give away an inch of the public lands. The propriety of such grants is not now the subject-matter of discussion. The simple question is, will you do this act of justice to the western pioneer? For one, I am disposed to do it.

Mr. LETCHER. Will the gentleman from Georgia allow me to ask him a question?

Mr. STEPHENS. Certainly.

Mr. LETCHER. When the gentleman voted for the Oregon land bill, what did he mean by putting in the proviso?

Mr. STEPHENS. The proviso was put in, I suppose, as was stated by the gentleman from Washington Territory [Mr. LANCASTER] just now, to satisfy the scruples of some gentlemen who thought that the Hudson's Bay Company would be benefited by the bill.

Mr. LETCHER. That is another thing altogether.

Mr. COBB. There was no objection made in the House to the proviso, for I was here at the time.

Mr. STEPHENS. I do not undertake to say why the proviso was put in the bill. I only say that it may have been put in for the reason assigned by the gentleman from Washington Territory. I have no distinct recollection of the history of that bill, or why the proviso was put in at all. It may have been thought proper at that time to prevent the claims from being sold. I do not know what the reason was. But when the case comes up now, and the pioneers come here, and through their Representatives here, state to us clear and just reasons why the restriction should be removed, why should we insist on retaining it? There is no reason for it that I can see.

The question was then taken upon Mr. LETCHER's amendment, and it was rejected.

Mr. COBB. I modify my amendment by adding a proviso:

Provided, The recipients of said act shall have lived four years upon said lands thereby granted.

But, as the gentleman from Indiana [Mr. PARKER] thinks he has an amendment that will answer the purpose better, I will adopt his suggestion.

Mr. PARKER. I offer the following amendment, which the gentleman from Alabama accepts as a modification of his own.

Provided, That no sale shall be deemed valid until the vendor is entitled to a patent for the land.

Mr. COBB. The remark of the gentleman from Oregon, [Mr. LANE,] that he is willing to accept the amendment of the gentleman from Indiana, [Mr. PARKER,] supersedes the necessity of replying to some of his remarks, as well as those that have fallen from other gentlemen.

Mr. LANE. If the gentleman from Indiana [Mr. PARKER] will change the phraseology a little, so as to provide that "no person shall be entitled or allowed the privilege of selling his claim until he shall have resided upon it four years," I will accept his amendment.

Mr. COBB. The gentleman from Oregon, I trust, will be satisfied that the objection I made to the section is a correct one.

Mr. LANE. To what section does the gentleman refer?

Mr. COBB. I am not going back to the original section. One word of reply here to the remark that has fallen from the honorable gentleman from Oregon, [Mr. LANE,] that the citizens of Oregon were capable of taking care of themselves. I know that there was a time, perhaps, when the proposition came up in regard to the people of his Territory, that he would not have suggested this second section in the bill. It clearly shows that he was not only capable in his individual capacity, but as their Representative, of well representing them. But let me tell the gentleman from Oregon that while I have been a friend to Oregon, and have endeavored to promote the interests of the people of that Territory, since I have been a member of this House, I once had occasion to answer to my constituents for a vote I gave in relation to a matter before Congress, which was to put the gentleman from Oregon upon an equality with every other American Representative, so far as his mileage was concerned. My vote upon that occasion was thoroughly scrutinized, and I was compelled to take the stump to defend it. The gentleman himself was not then capable of managing his own affairs to his entire satisfaction. I came to his rescue then, as I have come to the rescue of his citizens whenever I could possibly do it in this House. I was obliged to take the stump in defense of my vote upon that occasion; but, thank God, my constituents vindicated my course, and declared that the old war-worn soldier should be put upon the same footing with every other American Representative, and that he should be paid for the distance that he traveled. I want to announce to him that I gave that vote, and my people have indorsed me in doing so.

Mr. LANE. Mr. Chairman, I am very much obliged to the gentleman from Alabama [Mr. COBB] for his kindness now and on former occasions. And I will say to him that he represents a very sensible constituency, [laughter;] and that he is a very good Representative of that constituency. And to both those facts I shall always be happy to testify on this floor, twenty years hence as well as now. There are one or two words which I feel it to be my duty to say. I desire to call the attention of the committee, not to the amendment—for I am willing to agree to the amendment—but to a few words which came from my friend from Washington Territory, [Mr. LANCASTER,] in relation to the late Delegate from Oregon Territory. My friend from Washington Territory took occasion to say for that gentleman—my predecessor—that while here he secured the passage of this proviso, for the purpose of preventing the servants of the Hudson's Bay Company from taking and occupying claims; and particularly to deprive Dr. McLaughlin of his property, known as the Oregon City claim. He went on to say that it was this which prevented Dr. McLaughlin—who is the most generous man on the face of God's earth, according to him—from possessing property which he was entitled to. He, who had lavishly expended his money for the benefit of American citizens arriving in Oregon in a destitute condition, was thus prevented from enjoying the property to which he was justly entitled!

Now, Mr. Chairman, I cannot sit here and listen to assaults on the memory of my predecessor, without at least attempting his vindication. Mr. Thurston was among the pioneers of Oregon—the men who, years ago, braved the perils, and endured the hardships and privations of the plains and mountains, in migrating to that remote and then comparatively unknown region. He was a man of noble impulses—a spirit adventurous and enterprising, undaunted by dangers, unconquered

by difficulties. He was, if not the discoverer, the man who pointed out to others the way to the beautiful and fertile regions that lie beyond the Rocky Mountains.

Possessed of fine literary attainments, of pleasing address, affable and kind, he early gained the affections, and secured the confidence of the people of Oregon; and when a territorial government was organized, he was selected as their first Delegate to Congress. No Territory ever had a better Delegate, no people a more vigilant and faithful representative. Among the measures whose passage through Congress was secured by this indefatigable servant of the people was the donation law of 1850, under which law the gentleman from Washington now enjoys a domain of six hundred and forty acres on the banks of the Columbia, worth, perhaps, \$30,000, for all which he is indebted to the labors of the lamented Thurston. And yet, he rises in his place, in this Hall, and charges his benefactor with an unwarrantable exertion of his influence to secure the passage of a law aimed at, and designed to gratify his malice against a particular individual. Such a charge he brings, Mr. Chairman, not merely against a benefactor, but a benefactor who fell a victim to his untiring labors in the service of his constituents. Having finished his term in Congress, Mr. Thurston set out on his return, with his health impaired by the many cares that pressed on his mind in the discharge of his official duties. He died on his passage from Panama, and was buried at Acapulco. But the gratitude of the people of Oregon would not permit his body to rest in foreign soil. His remains were brought by them to Oregon, and now repose at Salem, the capital, in a tomb moistened with the tears, and hallowed by the affections of a grateful people.

Such a charge does injustice, gross injustice, to that man; it does injustice to his memory; it does injustice to his wife, to his orphan children, to say that he procured legislation for the purpose of injuring any individual, or used his position and influence with such unworthy motives.

The Oregon City claim, I would here add, belonged to the General Government, and Congress saw fit to grant it to the Territory for educational purposes. Of their action none have a right to complain.

I have nothing to say, Mr. Chairman, about the individual who has been eulogized so highly by the Delegate from Washington Territory. I know him well. I know that he has some high qualities. And I know another thing, that although he may have expended \$60,000, as the gentleman says, for the benefit of destitute emigrants arriving at Oregon, I have not always found him so liberal, and no man knows him more intimately, I think, than I do. I only say this much to vindicate the character of one who represented Oregon Territory, and who did, I think, as much as any man on the Pacific coast could have done for the good of his constituency. There are many men here who knew him, who served with him, and who, I believe, will bear me out in saying that I have not spoken too highly in vindication of his memory.

Mr. LANCASTER. It is proper that I should make an explanation. I spoke hastily what I have spoken, but nevertheless I spoke the truth. I was a resident in that country before my learned friend [Mr. LANE.] [Laughter.] I call him "learned" on the authority of his friend here, [Mr. COBB.] [Renewed laughter.] Being a stranger here, I take things as I find them upon this floor. I state here what I know to be the truth. I have no interest which would lead me to promulgate what might be deemed untrue, to this House.

I was in that country before General LANE, the Delegate from Oregon was there, and before that Territory was organized. I make these remarks because I wish to show how it is that I have some knowledge upon this subject. Dr. McLaughlin has done more for the American settlements upon the Pacific coast than all other persons put together. I know it to be so.

And I state further, that there is not a single scientific work which has any relation to that country, there is not a report of a naval or of a military officer, there is not a report of a learned gentleman of any profession, who has ever visited that country, in which the hospitality of Dr. McLaughlin is not spoken of. Look at Lieutenant Wilkes's and Colonel Fremont's reports, and at

the reports of every other person who has visited that country, and you will see that my statement is correct in every word; and then you can add to that the testimony of hundreds of persons who have gone into that Territory.

Now, what was done in the case of Dr. McLaughlin? He alone, of all the persons upon that coast, was singled out and deprived, by an act of legislation, of his possessions. This old man, gray-headed, and about to tumble into the grave, with all the good qualities which he possesses, was singled out, and his claims taken from him. Who has those possessions which formerly belonged to Dr. McLaughlin? My friend [Mr. LANE] has part of that which was claimed by him. He knows that perfectly well. Who has the balance of it? A part was appropriated to the endowment of a university. What sales of his were confirmed in Oregon Territory? and what lands in Oregon are held by title under that law? The lands which Dr. McLaughlin had given away, and which cost them only the expense of survey and titles. What was his claim? Oregon City. Who hold the lands now? Real settlers. Up to a certain day the gifts which he made were confirmed to the persons to whom they were made. What else was confirmed? Every particle of the balance was taken from him, and he does not hold a foot by virtue of that donation. He is the only man who could not receive the benefit of that donation act. That was brought about by Mr. Thurston, the Delegate, at that time, from Oregon Territory. I state the facts as I know them. Had I his speeches here, I could prove to you the correctness of my assertions. He stated that the reason why he was deprived of the benefits of the act was because he would not grind custom-work at the mill, which he owned, for the toll. At the island mill there, they would grind for custom. For his refusal, Mr. Thurston said the mill and his property should be taken from him. Now, what are the facts of the case? On a certain day, Mr. Thurston and myself, while I was proceeding in the discharge of my duties as supreme judge of the Territory, were together, and we crossed over the Willamette river. The Doctor's mill was standing still. We then remarked that the time would come when that water-power would be used—speaking in reference to the water-power of the river. On another day we stood at the same place. The mill was then running, and the mill was surrounded by wagons drawn by oxen and mules, with the teamsters and people who were waiting for their grists. We both saw it. Mr. Thurston knew that Dr. McLaughlin was grinding for customers, and yet not long after, in a speech upon this floor of Congress, he made a statement that the Doctor would not grind grain for customers. I do not say these things to detract from his memory, but I do say that the statement which he made here he knew not to be founded in truth.

Mr. COBB. I can tell the gentleman from Washington what Mr. Thurston said.

Mr. LANCASTER. I know what he said. I read his speeches as they were then published.

Mr. COBB. He said Dr. McLaughlin was British.

Mr. LANCASTER. He said he was British; he called him an old Jesuit.

Mr. COBB. I do not recollect that expression.

Mr. LANCASTER. He said it, and he made the charges which I have suggested also.

Mr. DISNEY. I rise to a question of order. This discussion is certainly wide of the subject under consideration.

Several MEMBERS. Oh, no, let him go on.

Mr. LANCASTER. Well, sir, I thought it proper to state the causes which led to the insertion of this restrictive clause. It has been said that it was to prevent the Hudson's Bay Company from coming into possession of large tracts of land.

Mr. COBB. There is no difficulty about that.

Mr. LANCASTER. There may be no difficulty. It may be that I have traveled out of the legitimate line of debate in stating these facts. I have had but little experience in the proceedings of this body, and it may be that I have not kept within the rules of order. I thought it proper, however, to state the reasons which led to placing this restriction in the donation act; and I think so still. I stated that I believed it was to prevent the Hudson's Bay Company from holding the land

taken by their servants within the limits of the Territory, and I stated that the object of Mr. Thurston in procuring its insertion was to prevent Dr. McLaughlin from enjoying his possessions, and to prevent the sales which he had made from being confirmed.

A MEMBER. Did Dr. McLaughlin ever receive anything from these sales?

Mr. LANCASTER. I believe, in some instances, he received a nominal sum; perhaps five dollars. But, Mr. Chairman, I will not detain the committee. I have stated what were the reasons which induced Mr. Thurston to procure this restriction; and I hope it may be the pleasure of the committee to repeal it.

Mr. LANE, of Oregon. Mr. Chairman, I hope the committee will bear with me patiently for a few minutes.

[Cries of "No!" "No!" and "Go on!"]

Mr. LANE. The gentleman from Washington has stated that Mr. Thurston had procured the passage of a law for the purpose of depriving Dr. McLaughlin of certain property which was now in his hands.

Mr. LANCASTER. I said you owned it.

Mr. LANE. Well, that is about the same. The gentleman is intentionally honest in his statement; but he misses the mark widely sometimes, as I will show. I hope the committee will bear with me, and I will make my explanation as brief as possible. It will be necessary to trace this matter as far back as 1841, in order to understand it perfectly. About that time some American missionaries erected a mill upon an island in the Willamette river. The building was commenced in 1841, and the mill was set running, I think, in 1843.

About that time Dr. McLaughlin took a claim upon the main land adjoining, and not upon the island, as the gentleman from Washington has erroneously stated. His claim extended only to the banks of the river. He laid no claim to the island, as the records of the surveys in the land office will show. I am certain of the fact, for I have looked at them several times. It can be proved by persons now living in Oregon that he never did a lick of work upon it, or made any improvement on it at all; and he has never been deprived of any property in consequence of this act to which he was properly entitled, except the Oregon City claim.

The records do not make the island Dr. McLaughlin's. The surveys do not make it Dr. McLaughlin's. The proof does not make it his. It never was his. He was at the head of the Hudson's Bay Company, and had been at the head of it many years before the Constitution and laws of the United States were extended over the country—before my venerable friend [Mr. BENTON] agitated the importance of taking hold of that country. The Doctor was there, a British subject, at the head of the richest company on the face of the earth, the East India Company excepted. High Heaven never made a more thorough, truer Briton than is the Doctor. He is a perfect aristocratic British gentleman. [Laughter.] He is British in all his feelings, in all his sentiments.

With regard to the gentleman from Washington, [Mr. LANCASTER,] I am not prepared to say what part he took in the Cayuse war, how many battles he fought, or how much blood he shed on that occasion. Dr. McLaughlin, although worth nearly \$500,000, refused to give one single cent for the prosecution of the war. He refused to furnish a single load of powder and ball to fight the enemy. He said that the Americans were to blame; that Dr. Whitman was in the fault, and had no business to go into an Indian country; that his going there would bring on war. This he said, although it was well known to every person that Dr. Whitman was actuated by the benevolent design of elevating and improving the Indians. That kind of argument he brought forward as his excuse for not helping American citizens to fight the battles of the country. That is a portion of his history.

It is true, that he treated my friend, Colonel Fremont—a gallant man, whom I love much—and the gentlemen of science who visited that coast, well, handsomely. They all, with the honest impulses of the American heart, on their return from the Pacific, gave him credit for his good treatment of them. But when he got an oppor-

tunity to bear down on the poor man, he did it. He did not encourage the settlement of the country. He saw, in my friend from Washington, superior talent. A great lawyer had arrived on the Pacific coast, and it was his interest and advantage to use him, and he has done it. [Great laughter.] And he has a eulogist in that gentleman, as he has in all others whom he thought could promote his interests in this country. I know him well.

On my way to this city, after having a little row with the Rogue River Indians, I stopped in Oregon City to see my mills. And here I may say, that those mills nearly ruined me, pecuniarily. Their purchase was the worst thing I ever did. I agreed to give near \$100,000 for them. I gave the earnings of twenty years of my life, and have now sold out for one third what they cost me. I am not now the owner of a single mill. When I stopped there I found American citizens coming into the Territory. Dr. McLaughlin lives in Oregon City. He is not the feeble, old, decrepit man that my friend speaks of. He is about seventy-five years of age. His hair is all white; but he is the finest looking gentleman that you ever saw. He is stout, stately, and weighs over two hundred pounds. He is stouter than I am, and I think that I am stouter than the gentleman from Washington. He bids fair to live for forty years yet, and I think that he will. He is the picture of health. If he does not die with the gout, I question whether he ever will die. [Great laughter.]

On my trip down I found the poor emigrants in great need of subsistence, worn down with the fatigue of a long journey, and, for the most part, without money to buy the articles so necessary in their then destitute condition. Dr. McLaughlin has mills, thousands of pounds of flour, and large amounts of money, but he would not let them have one pound of flour unless they paid for it. This occurred last fall. If they could get good security, he told them that he would give them credit. A note with good security was presented to him, and then he would not let them have it. They could not get even a pound of flour with security, although so very benevolent a gentleman.

I mention these facts as history—they are history. I am not here to represent British subjects or British interests, nor have I any feelings in common with British subjects and British interests. I am willing to do justice to Dr. McLaughlin. I should be sorry to see Congress deprive him of one particle of his property, but it is absurd to say that the Government of the United States shall not make what disposition they please of their own property because it is occupied by British subjects. The rights of British subjects were only to be respected by the treaty stipulations. They were placed on an equal footing with American citizens; and had not Congress a right to set aside that land for educational purposes, whether it was my claim or anybody else's claim? I should like some acute lawyer to say if they would. I should like to ask the chairman of the Committee on Public Lands, [Mr. DISNEY,] [Laughter.] I am not joking. I want some gentleman to say whether Congress had not a right to appropriate the Government lands as they chose, to educational purposes, or any other purposes they thought proper?

A MEMBER. That would be a difficult question to answer after the veto.

Mr. LANE. Well, they did reserve that land; but they did not leave Dr. McLaughlin a poor man. I would not undertake to say what he is worth to-day, but he must be worth a quarter or half a million at least; and I should not wonder if he had more than \$500,000 in cash besides his property. I regard him as an honest man; he pays all his debts. But he is not, in my opinion, entitled to receive any exclusive privileges at the hands of this Congress. I now ask for a vote on the amendment.

Mr. LANCASTER. I merely desire to make a single statement. My belief is, that at the passage of this act, Dr. McLaughlin had declared his intention to become an American citizen; and I here state, before you, sir, and this committee, that he is, as far as a foreigner can be, an American citizen; that he has taken the oath of allegiance, and is, to all intents and purposes, an American citizen. How far he can be pronounced a British subject, under these circumstances, I do not know.

Mr. LANE. Allow me to state, for the benefit of the gentleman from Washington, that Dr. McLaughlin did take the oath in my presence when I was Governor of the Territory; but I am not certain that he has completed his naturalization.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had passed Senate bill No. 352, entitled "An act extending, in certain cases, the provisions of the act entitled 'An act to extend preemption rights to certain land therein mentioned,' approved March 3, 1853," and requesting its concurrence therein.]

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Indiana, [Mr. PARKER,] providing that no sale shall be deemed valid until the vender is entitled to the patent for the land. The gentleman from Oregon [Mr. LANE] moves to strike out the words "the vender is entitled to the patent for the same," and insert in lieu thereof the words "unless the vender shall have resided four years upon the land."

Mr. PARKER. I accept the modification. The question was then taken on Mr. PARKER's amendment as modified; and it was agreed to.

Mr. COBB. I now withdraw my amendment. The fourth section of the bill was read, as follows:

SEC. 4. And be it further enacted, That, in lieu of the two townships of land granted to the Territory of Oregon by the tenth section of the act of 1850, for universities, there shall be granted to each of the Territories of Washington and Oregon, two townships of land of thirty-six sections each, to be selected in legal subdivisions, and applied to university purposes, under the direction of the Legislatures of said Territories, respectively.

Mr. HENN. I move to amend that section in the fourth line, by striking out the word "granted," and inserting in lieu thereof the word "reserved."

Mr. KNOX. I move that the committee rise. The question was then taken; and it was decided in the affirmative.

The committee accordingly rose, and the Speaker *pro tempore*, (Mr. JONES, of Tennessee,) having taken the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order relating to the territorial business of the organized Territories, and had directed him to report bill No. 315, "to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes," with sundry amendments, but had come to no conclusion upon the other bills.

On motion by Mr. LILLY, the House then adjourned, at three o'clock and forty-five minutes, ill to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, May 4, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that the House had passed a bill from the Senate to change the name of the bark *Albeona* to *Mount Vernon*.

Also, that the Speaker of the House had signed the enrolled bill making appropriations for the support of the Military Academy for the year ending the 30th of June, 1855.

The PRESIDENT *pro tempore* signed the bill.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, relative to the expediency of adopting further measures for the safety, health, and comfort of immigrants to the United States by sea; which was referred to the Select Committee appointed to inquire into the subject, and ordered to be printed.

PETITIONS, ETC.

Mr. SEWARD presented a petition of citizens of Otsego county, New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition of citizens of New York, remon-

strating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. CHASE presented a petition of one hundred and sixty-four citizens of New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. GWIN presented documents in relation to the claim of J. C. Edwards, for the payment of a draft drawn by G. W. Barbour, Indian agent in California; which was referred to the Committee on Indian Affairs.

Mr. BENJAMIN presented a resolution of the Legislature of Louisiana, in favor of the establishment of a weekly mail from New Orleans to the Buras settlements, in the parish of Plaquemines; which was referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented the petition of William Moran, praying remuneration for a horse belonging to him, which was accidentally killed on the work of the extension of the Capitol; which was referred to the Committee on Claims.

SPIRITUAL MANIFESTATIONS.

Mr. SUMNER. Mr. President, I have a memorial from citizens of Missouri and Wisconsin in reference to what are known as "spiritual manifestations." I believe the memorial is similar in character to that presented recently by my honorable friend from Illinois, [Mr. SHIELDS.] It concludes by asking for the appointment of a scientific commission to which this subject shall be referred; and for such an appropriation as will enable the commissioners to prosecute their inquiries to a successful termination. I have such a respect, sir, for the right of petition that I do not hesitate to present this memorial; but, I desire to be understood as expressing no opinion upon its prayer. As the other memorial went upon the table, I ask that this lie there also.

Mr. SHIELDS. I was very much censured for not having the former memorial referred to a select committee; and I was in hopes that my honorable friend from Massachusetts would make up for my delinquency, and that he would ask for a select committee to which both memorials should be referred. I should be very willing to serve on a committee, with him as chairman, to investigate the matter in that way. I want to put myself right on this very nice point, for it has been charged that I have smothered a petition which was intrusted to me, and I am sorry now to see that my friend from Massachusetts makes himself liable to a similar charge.

Mr. SUMNER. My friend from Illinois will understand that I have but followed his lead in the course I have taken. Besides, I may add, that the petitioners, in forwarding to me their memorial, made no such request to me as I understand was made to my honorable friend. They did not ask that I should move its reference to a select committee.

Mr. SHIELDS. That may be so. I was asked to have it referred, and the only trouble was, that I said at the time I did not know that it was possible for a select committee to consider such matters, but I did not promise that I would have it referred. I was in hopes, however, that when a proper occasion arose in the Senate, I should be accorded an opportunity to show the interest I take in this investigation; and to show that I wish to have the subject thoroughly examined. I understand the excitement in regard to it is increasing very largely throughout the country, and I was in hopes that my friend from Massachusetts, who I think is really a very scientific gentleman, would do this subject, as he does every other, ample justice.

The memorial was ordered to lie on the table.

WITHDRAWAL OF PAPERS.

Mr. SEWARD. I beg leave to withdraw from the files of the Senate, the papers of Brinton Paine, which were referred to the Committee on Revolutionary Claims heretofore, and upon which an adverse report was made. The object is that they may be sent to the Commissioner of Pensions, who has been furnished with other papers, in order that the application may be renewed there upon new grounds.

The motion was agreed to.

Mr. FOOT. Some two weeks since, as a member of the Committee on Pensions, by their direction, I asked, and they were discharged from the further consideration of the case of Leonard Proc-

ter. Since that action additional testimony has been sent in which strengthens, in my judgment, the evidence of the case. I therefore move to recommit the petition and papers in the case of Leonard Procter, to the Committee on Pensions.

The motion was agreed to.

On motion by Mr. MORTON, it was

Ordered, That William G. Morehead have leave to withdraw his petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. WILLIAMS, from the Committee on Pensions, to whom was referred the bill from the House of Representatives, for the relief of Cornelius H. Latham, reported it back without amendment, together with a report on the subject; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William Field, clerk of the United States district court for the district of Arkansas, praying to be allowed additional compensation for preparing an abstract of the bankrupt cases in the above named court, submitted an adverse report thereon; which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the memorial of Hardy H. Holstead and others, praying a modification of the bounty land law, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. BENJAMIN, from the Committee on Commerce, to whom was referred the memorial of Samuel J. Peters, praying to be allowed an amount of spurious coin received by him while collector of the customs at New Orleans, that item having been rejected on the settlement of his accounts, reported adversely thereon.

TRANSPORTATION OF TROOPS, ETC.

On motion by Mr. RUSK, it was

Ordered, That the report of the Secretary of the Treasury, in answer to a resolution of the Senate, calling for the amount expended for the transportation of troops, supplies, and munitions for the land and naval forces in the Pacific; also, for the transportation of the mails for the last three years, be printed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the Speaker had signed a bill to change the name of the bark *Aebeona* to *Mount Vernon*.

The PRESIDENT *pro tempore* signed the above named bill.

BILL INTRODUCED.

Mr. BROWN, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for carrying the mail according to time; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

REPORT OF LIEUTENANT LEE.

Mr. JOHNSON. I offer the following resolution:

Resolved, That the Secretary of the Navy be requested to forward to the Senate the report and chart of Lieutenant S. P. Lee, late commanding the United States surveying brig *Dolphin*.

I ask the Senate to consider the resolution at this time. It is for the purpose of bringing before the Senate, that it may be properly referred, this report, which is a matter of very high commercial interest to the country, as it is in reference to an exploration of the north and south Atlantic. The exploration was made in obedience to the law of March 3, 1849. The report is in the Navy Department, and the Department is willing and ready to send it to the Senate. I offer the resolution, therefore, in order that we may have an opportunity to have it before us.

The resolution was considered by unanimous consent, and agreed to.

PRINTING OF REPORTS.

Mr. BROPHEAD. I move that there be printed one thousand additional copies of the report of the Secretary of the Treasury, in regard to the current operations of the Mint, and one thousand additional copies of the report of the Director of the Mint, in regard to the fineness and value of certain foreign gold and silver coins.

The PRESIDENT. That motion will go to the Committee on Printing.

Mr. BRODHEAD. I would like to have the two printed together, and to have five hundred for the use of the Director of the Mint to exchange with foreign Mints, and five hundred for the use of the Senate. I presume, if there be no objection, the order can be made now.

The motion was considered by unanimous consent, and agreed to.

RAMSAY INVESTIGATION.

Mr. SEBASTIAN. I ask leave to withdraw from the papers accompanying the report made by the Committee on Indian Affairs, in reference to the investigation into the official conduct of Governor Ramsay, of Minnesota, certain papers which I hold in my hand, for the purpose of having them referred to the accounting officers of the Treasury, to enable one of the commissioners to settle his accounts. The papers which I desire to have withdrawn, I hold in my hand, and I will send them to the Secretary's desk.

Mr. STUART. I should like to see what the papers are, or to hear some statement of them.

Mr. SEBASTIAN. They are certain vouchers for expenditures of money made by Judge Young, one of the commissioners in that investigation. It is necessary that they should go through the hands of the accounting officers of the Treasury Department, for the purpose of having the accounts finally settled. That is the explanation which is given to me of the case, and I have no doubt it is true.

Mr. STUART. I should like to hear some pretty full statement of this matter. As I understand it, the Senate, by resolution, has paid Judge Young out of its contingent fund. Now, I do not know what the accounting officers of the Treasury Department have to do with that. I do not wish to object to anything that ought to be done, but I think there is a great deal in reference to the Ramsay transaction which ought to come to light in some shape or other. Unless there is some exposition more than the Senator has now given us, I shall be compelled to object to his motion. I should like to have him look into the papers, and see whether they meet his sanction.

Mr. SEBASTIAN. I have not examined the papers myself, but I am told that they are vouchers of Judge Young's, which, having been connected with that transaction, have to go to the Treasury Department, in order that the Department may settle claims arising under the investigation. We paid Judge Young simply one item—his per diem. But an appropriation has been inserted in the Indian appropriation bill, by the Senate, for the purpose of defraying the expenses of the investigation, and I take it for granted that the papers which are to be withdrawn are with reference to that matter. The papers are now on the table, and without making any motion in regard to them, I will allow them to lie there for the present informally, that the Senator from Michigan may look into them. I have no idea that there is anything wrong in the matter. The papers are there for the Senator's inspection.

REDEMPTION OF STOCKS.

Mr. BELL. I offer the following resolution; and I hope there will be no objection to its consideration at this time:

Resolved, That the Secretary of the Treasury be requested to furnish, for the information of the Senate, a statement of the amount of the bonds, or other securities of the United States, redeemed since the 3d of March, 1853, specifying in such statement the date of issue of such bonds or securities, the rate of interest, when payable, and the amount of premium paid on each class of the same.

The resolution was considered by unanimous consent, and agreed to.

COAL FIELDS IN NORTH CAROLINA.

Mr. BADGER. On the day before yesterday I submitted a resolution, which was agreed to, instructing the Committee on Military Affairs to inquire into the expediency of authorizing the President of the United States to cause an examination and survey to be made of the coal fields in the neighborhood of Deep river, North Carolina, with a view to the establishment of a national foundry and armory. I desire now to present some papers in relation to the subject-matter of the resolution, and to ask their reference to the same committee.

In connection with the subject, I desire to state that within a few years past various explorations have been had of that region, which have led to a

strong conviction that there are inexhaustible supplies of the best coal of several varieties, and of iron, and the probability that there is a large supply of copper ore also, immediately adjacent.

I thought it proper to bring this subject to the attention of the Senate, and ask its reference to the Committee on Military Affairs, with a view that they should consider the propriety of taking the necessary steps by legislation for an examination and survey. I think there is abundant reason for thinking that no more eligible site is to be found in the United States for a public foundry than that.

I would add, in connection with this, that the Senate has passed a bill at this session, which has been sent to the other House, making an appropriation for the removal of obstructions in the Cape Fear river, so as to have free communication with the ocean; and that that bill will receive the sanction of the House of Representatives. I do not permit myself to doubt, so soon, as in the course of their proceedings, they can reach it. The necessity for the measure is so pressing, its propriety so plain, and the duty upon the Government is so obviously imperative, that whenever it comes up it must meet with their approbation. Therefore, I consider that there is an ocean communication near at hand. There is, indeed, one now; but I mean a better and more permanent one. It will be the means of establishing communication between these coal fields and the ocean, and the markets of the world. Besides which, a short line of railroad will soon, probably, connect them with the Atlantic ocean at the harbor of Beaufort, which, in my opinion, is the best and most valuable harbor for the purpose of navigation, and as a harbor of refuge, in the southern country. With these remarks, I beg to submit printed copies of two reports: one made by an eminent professor, Professor Jackson; and the other by the State geologist, Professor Emmons; and ask that they be referred to the Committee on Military Affairs.

They were so referred.

ST. LOUIS AND IRON MOUNTAIN RAILROAD.

On motion by Mr. SHIELDS, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, granting the right of way to the St. Louis and Iron Mountain railroad through the arsenal, magazine, and Jefferson barracks tracts, which was reported from the Committee on Military Affairs with an amendment.

The amendment of the committee was to strike out the following proviso:

"That a good wire or other substantial fence be placed by the said company between the road and public grounds, with suitable iron gates and crossing places, at such points as may be designated by the commanding officer at Jefferson barracks, the number of gates not to exceed four at the Jefferson barracks, one at the magazine, and one at the arsenal."

and insert:

"That a strong substantial plank fence be erected by said company between the road and the public grounds, at such place and of such character as the commanding officer at Jefferson barracks shall direct, with suitable iron gates, not exceeding four, at such points as shall be selected by such commanding officer; and the said company shall also cause to be constructed two covered ways, at suitable places in part of said public grounds, and in such manner as shall be approved by said commanding officer; and if, after the fence herein provided for shall have been erected, and the said road put in operation, it shall be found, in the opinion of the President, to be insufficient for the protection of lives and property, he may require a fence of brick, stone, or iron to be constructed, and the said company shall cause the same to be erected accordingly, at their proper cost and charge."

Mr. STUART. I desire to suggest an amendment to the amendment, to which I understand the Senator from Illinois has no objection. It is to insert, after the words "insufficient for the protection of lives and property," the words, "or for any other reason," so that it will read:

"If, after the fence herein provided for shall have been erected, and the said road put in operation, it shall be found, in the opinion of the President, to be insufficient for the protection of lives and property, or for any other reason, he may require a fence of brick, stone, or iron, to be constructed," &c.

Mr. SHIELDS. "Any other sufficient reason."

Mr. STUART. I am willing to so modify it. The PRESIDENT. If there be no objection, that amendment will be made to the amendment of the committee.

There was no objection.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be read a third time; and was read a third time, and passed.

INDIGENT INSANE BILL.

On motion by Mr. GWIN, the Senate resumed the consideration of the message from the President of the United States, returning the bill making a grant of land to the several States of the Union, for the benefit of indigent insane persons, the pending question being upon the motion to print ten thousand additional copies of it.

The motion was agreed to.

Mr. GWIN. I now move that the further consideration of the message be postponed until Monday week. I am very anxious, Mr. President, to get up another question, in which I feel a great interest—the Pacific railroad bill. It is known to many members of the body that I am very anxious to be able to have it disposed of, that I may leave here. It has been up at various periods, but has gone over to let other bills be considered. I hope, therefore, that I shall have an opportunity of getting the sense of the Senate upon it next week. I therefore move to postpone the consideration of this subject until Monday week.

Mr. SEWARD. I hope the motion will prevail. It seems to me that we shall not be able to have a full Senate before that time, and I should not desire to see the question disposed of before all those who feel interested in the question are here.

Mr. SHIELDS. My only fear is that it ought to be postponed a little longer. For one, I shall not consent to have this acted upon until we have final action on the homestead bill. I am clear, sir, in my opinion, that it is the duty of the Senate to dispose of the homestead bill before action upon this measure. It has been smothered in this body once before; it has been pushed out of its place by a variety of other measures, and for one, I shall now insist, and do all that man can do, to have that finally determined before a debate arises upon this, because, in my humble judgment, the same kind of speeches—and I expect there will be many of them—that will apply to the veto message, will be applicable to the other case; and I think we may save time by having the two measures brought forward, and acted upon pretty much at the same time. The homestead bill has laid in this body, and has not been touched, I believe, since almost the middle of the session. My honorable friend from Wisconsin, [Mr. WALKER], who deserves a great deal of credit for the manner in which he pressed that matter upon the consideration of the Senate, has, as I have with some other measures, upon all occasions when they were brought forward, found that there was something else, in the opinion of the Senate, much more important than that, and it could not be attended to. I think the time has now come to act upon it; and for one, I am glad that we have this message before us; and I will tell you why. We can now, in my opinion, establish some general system in relation to the management and disposition of the public domain. It is all in chaos now; it is all in confusion; and my opinion is that this is a very favorable time for us to settle general principles connected with that subject. Therefore, if the Senator from Wisconsin thinks there is ample time to have final action upon the homestead bill before the discussion is entered upon in regard to this measure, I am in favor of postponing this measure until Monday week; if not, I am in favor of postponing it longer.

Mr. PRATT. If the Senator from Illinois is prepared to inform the Senate that the President of the United States will veto the homestead bill, if it passes here, there would be some reason for his argument; but unless this is so, I can see no reason for it.

Mr. SHIELDS. I have no information upon that point. I have too much respect for the President of the United States to ask his opinion beforehand upon such a point, and my opinion of the character of the President is, that he would regard it as an insult to him to be questioned upon such a point before the final action of this body.

Now, sir, I have no such information. I do not know whether the bill will be vetoed or not; but what I do say is this, that it is an important question touching the management and disposition of

the public lands, and that in the final determination of that question by this body, we are considering many of the principles laid down in the message of the President, which I have read with a great deal of interest, and for which I have very great respect. Therefore, I repeat, that I do not know whether the President will veto that bill or not. I will not pretend to prejudge his action upon it. I hope he will not; because I am in favor of the bill, and I should be very sorry to see him veto it; but whether he does or not, I want the opinion of this body upon it.

Mr. HUNTER. I believe, in the history of the action of the two Houses upon vetoes, it will not be found that either House has ever postponed for so long a period as is now proposed, a reconsideration of a bill vetoed. It seems to me that justice and courtesy to the President require that we should pursue the course which has been usual in regard to such matters. I am unwilling to postpone it longer than next Monday. It is due to the President that the question should be decided—that we should proceed to its consideration at once. I shall, therefore, vote against any proposition to postpone it to a later period than Monday next. So far as the homestead bill is concerned, the honorable Senator from Illinois is right; the same class of arguments will be used on the one as on the other; and I trust, therefore, that the Senate will not postpone this bill beyond Monday next. I believe it will be found that, in every case in which a veto has been sent to the Senate, they have not postponed it beyond the day after it has been sent in.

Mr. CHASE. The Senator from Virginia has anticipated what I was about to say. There has been no instance, I believe, in the history of the Government, in which the consideration of a bill returned by the President with his objections, has been postponed for any considerable period. In the instances which have fallen under my notice, the Senate, or the House to which the bill has been returned, has proceeded immediately to the consideration of the bill returned with the objections of the President. The Constitution seems to prescribe that course. It directs that the House to which the bill is returned shall proceed to the consideration of the bill, after the message has been received, and entered on the Journal. The message is considered by the usage of both Houses as spread upon the Journal whenever it is received; and hence, without delay, in a majority of instances, I believe, the House to which the bill has been returned, has proceeded at once to its consideration.

There have been, I believe, however, instances in which it has been proposed to assign a certain day for the consideration of the bill. It is not the message which is usually assigned for consideration, but the bill returned with the objections of the President. With the consent, therefore, of the Senator from California, I propose to submit a resolution that—next be assigned for the consideration of the bill (giving its title) returned by the President with his objections. In submitting this resolution, I do not propose to indicate any opinion upon the merits of the bill. I voted for it. It has been returned by the President with his objections, and in my opinion it is the duty of the Senate, and of each Senator, to give a careful and thorough consideration to those objections, and afterwards to act as his own judgment dictates.

Mr. BAYARD. I had intended to submit a resolution similar to that indicated by the honorable Senator from Ohio, and which, I think, is justified by both the practice of the Government and the inference which may be drawn from the language of the Constitution. Yesterday, when this question came before the Senate, after the reading of the message, the first motion made was, that it be ordered to lie on the table, and be printed. That was agreed to. The motion was then made by the honorable Senator from Virginia [Mr. HUNTER] to print ten thousand extra copies. On that motion a debate arose that went into the merits of the message, and had scarcely the slightest connection with the consideration of the propriety of making the order to print an extra number of copies of a public document of high importance, emanating from the Executive of the United States, and intended for the information of the people of the country, as well as of the Senate of the United States.

I had intended, under the practice of the Government, and it seems to me in accordance with the direction of the Constitution, to submit a motion similar to that of the honorable Senator from Ohio, assigning Monday next for the reconsideration of this bill, giving its title in the resolution, to which the President has returned to the Senate his objections. The language of the Constitution requires, that when the President does object to a bill, he shall specify his objections, and return it to the body in which it originated, which shall proceed to consider the same; and, in regard to the practice of Congress under that provision, I will give two instances, taken at different periods, to show what the course has been.

The first veto message was that of General Washington in 1792, and on that occasion, immediately after the reading of the message, the order was entered:

Resolved, That to-morrow be assigned for the consideration of the bill to which the objections apply."

In 1832, when the veto message of General Jackson came in, as to the bank bill, on the motion of Mr. Webster, the following day—"to-morrow"—was assigned for the consideration of the bill which the President had sent in, with his objections. That has been the usual course, I believe, with, perhaps, a single exception. I believe there is one solitary exception, in which the consideration of the objections made by the President of the United States to the bill, was postponed further than the following day.

It seems to me, as to-morrow is private-bill day, that there will be no impropriety in assigning Monday next for the consideration of this bill; but that there ought to be an early day fixed, appears from the very character of the business. The act has been passed by both Houses of Congress. It stands in such a condition that it cannot become a law unless two thirds of both Houses, after hearing the President's objections, agree to its passage. The language of the Constitution seems to require that the message should be considered, and disposed of before going into other legislation, and at as early a day as practicable. I therefore hope, in accordance with the previous practice of Congress, in times quite as exciting as regards political questions as the present, when, no matter how the majority stood, they always proceeded on the succeeding day to the consideration of the subject-matter on which the President presented himself as differing from the two Houses of Congress on cardinal questions connected with the construction of the Federal Constitution, that we will pursue that course now, because the questions involved in this message are questions of principle.

Gentlemen may draw different inferences from the language of the message; they may suppose that the President would veto one bill, and not another. All that may be so; but a full discussion of the doctrines of the Constitution, of the provisions of the Constitution, must necessarily come up in the discussion of this message. They must come up in such a shape now. Fortunately, they must go before the people of the United States. They must be made an issue before the people of the United States, on all particular projects which gentlemen have, no matter how important they may be, whether homestead bills, or Pacific railroad bills, or other railroad bills. They all sink into insignificance when looked upon in comparison with the general principle which covers the whole. Under the uniform practice of the Government, and the language of the Constitution, it would seem to require that there should be an immediate consideration of the bill returned, with the objections of the President; so that I hope a later day than Monday next will not be fixed by the Senate for the purpose of its consideration.

I do not mean, for one moment, to go into a discussion now of the principles involved in this measure. The time to do so will be when the day assigned for the consideration of the bill arrives; and surely the practice of the Government requires that an early day should be assigned. I prefer the form of my own resolution to that of the honorable Senator from Ohio; but it is very immaterial. Both, I believe, assign Monday next as the day for proceeding to the consideration of the objections of the President to the bill which has been passed by Congress. In doing that, I have followed the precedents as I have found them existing in the history of congressional proceed-

ings. I have followed that, in the first instance, of a veto by the President, and also the case which happened after the lapse of some forty years. These proceedings cover the case now before us, and should govern the action of the Senate upon it.

Mr. CHASE. I ask that my resolution as it now stands be read.

Mr. BADGER. What is the motion before the Senate?

The PRESIDENT. The pending question is on the motion made by the Senator from California, to postpone the consideration of the subject until Monday week.

Mr. CHASE. I ask the Senator from California to accept the resolution which I send to the chair, and I ask that it may be read. The resolution is as follows:

Resolved, That Monday next be assigned for the consideration of the bill entitled "An act making a grant of public lands to the several States of the Union for the benefit of indigent insane persons," returned by the President, with his objections.

Mr. BRODHEAD. I desire to suggest to the Senate that we either take a vote now on this bill, and let the discussion come up upon the homestead bill, or postpone it for two weeks. Why, sir, there is very little discussion to be had upon this bill. We considered it before we sent it to the President. We considered it yesterday. Several gentlemen discussed it at considerable length. Many of the reasons given in the message operate against the homestead bill. I know that there are several Senators who desire to discuss our land policy; but their remarks can as well be made on the homestead bill. I therefore suggest that, by common consent, we take the vote now, or postpone it to the time indicated by the Senator from California.

Mr. WALKER. I was much gratified by the suggestions and remarks of the Senator from Illinois, [Mr. SHIELDS.] He seemed to propound the question to me, whether I believe the time between now and next Monday week sufficient for the disposition of the homestead bill. My impression is that it is not a sufficient time. I agree with him that we should postpone the consideration of the bill returned by the President until after we shall have considered the homestead bill; and, assuming the time up to next Monday week to be insufficient for the consideration of the homestead bill, I should be pleased, for one, to see this bill postponed until the Monday following that, so as to be two weeks from Monday next.

I cannot appreciate the argument that is used, that we are showing a greater amount of respect to the President, by hastily proceeding to the consideration of his message, than by postponing it to a future day, and giving gentlemen time to reflect on it, and to make up their minds and arguments for or against the message. I do not think that the early consideration of this matter involves any very grave consideration; any great importance. Why, will not the matter be as well considered two weeks from next Monday as to-morrow? If gentlemen take time to reflect, and to consider for themselves—to make up their minds and their arguments—the probability is, that it would be considered better at a future day than to-morrow. In the mean time, we can take up this kindred subject—the homestead bill—mentioned by the Senator from Illinois. There are many Senators here who, for quite a number of sessions, have been very anxious to get that matter to something like a final vote in the Senate; and they have been, as often as they manifested that desire, put off, and the bill postponed, in consequence of something else before the Senate which was deemed of greater importance by the body; and it does seem that this subject is the most unfortunate one that can possibly be mentioned in the Senate. I have known gentlemen who, at the present session of Congress, have manifested the greatest anxiety for the consideration of the homestead bill, and the greatest anxiety for its passage, who were the most marked, apparently, in their determination, on all previous occasions, to postpone it to whatever came up. Some have always preferred propositions to grant land warrants to soldiers; others prefer railroad bills; others this thing, and others that; and everlastingly it seems that the consideration of the homestead bill must be postponed. Now, we have this message. It is conceded that the discussion upon it can about as well come upon the homestead bill. Then, I in-

quire, why not postpone it for at least two weeks, and in the mean time take up the homestead bill, which is the special order? If I am correct, the Senator from Ohio [Mr. CHASE] introduced his resolution, leaving the day blank. I intended to move to insert, "two weeks from Monday next;" but, from the reading of the resolution, it would seem that the blank has been filled with "Monday next." I therefore, before taking my seat, move to strike out "Monday next," and insert "two weeks from Monday next."

Mr. BADGER. I believe the actual question before the Senate, is on the motion made by the Senator from California, to postpone the further consideration of this bill until Monday week.

The PRESIDENT. That is the question.

Mr. BADGER. If I understand the rules of the Senate, the resolution submitted by the Senator from Ohio, is not now before the body. It is but an intimation of what he will propose, if the motion of the Senator from California shall be voted down. That is the state of the question before the Senate.

Now, Mr. President, I do not understand that there is anything in the clause of the Constitution directing the body to whom the President may return a bill, with his objections, as to the time when the reconsideration of the bill is to be made. The provision of the Constitution is simply designed to direct what is to be done upon the disapproval by the President of a bill which passes the two Houses, and under what circumstances it may become a law, notwithstanding his objections. The language is—after stating that the President shall return the bill with his objections, to the House in which it shall have originated—

"Who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two thirds of that House, it shall become a law."

There is nothing that intimates that it was the will of the framers of the Constitution that the Senate or the House of Representatives, receiving the objections, should then proceed to reconsider; but that, if the President disapproved the bill, it should be reconsidered by both Houses, and, if passed by two thirds, become a law; and the Constitution directs that, in all such cases, the votes shall be taken by yeas and nays, and the names of the persons voting for and against the bill recorded on the Journal. It is nothing in the world but a reconsideration of this bill—a reconsideration directed by the Constitution. The time when we are to reconsider it is just as much at our control as the time was when we should consider the bill heretofore. We are to consider all the circumstances which are involved in the inquiry, when shall this reconsideration take place? We are neither unreasonably to delay, nor improperly to precipitate it. We must consider the question with a view to the state of our business, the period of the session, and the necessity for a full and thorough examination of the grounds taken by the President in his message, and the grounds on which the bill may be entitled to support.

I find that, although it has been usual, and although there is more propriety in proceeding at once to the consideration of such a message, in 1841, when Mr. Tyler sent to this body a veto message on the bank bill, which was passed by the Congress of that year, the message was received on Monday, August 16. It was ordered to be printed, and its consideration appointed for Tuesday, the next day, at twelve o'clock. On that day the Senate proceeded to consider the bill for distribution and preemption. It was considered and debated until twelve o'clock, when the bank bill, which had been vetoed, was taken up, and, on motion, its further consideration was postponed until Wednesday—the next day. The land bill was then resumed, debated, considered, and amended. On Wednesday, the bank bill was further postponed to Thursday, and the land bill was taken up, further considered, debated, and ordered to lie on the table; and on Thursday, after other business had been disposed of by the Senate, they resumed the consideration of the bill and message accompanying it, and finally disposed of it. It was agreed, on all hands then, that there should be no unreasonable delay; the subject was

considered; but it was agreed, also, that there was no necessity for immediate consideration. That being so, the Senate has the same reasonable discretion on this subject as over the propriety of considering any bill originally. Why should they not? It is merely sent back, and the Senate must reconsider it, and pass upon it in the constitutional method. But what restrains them from selecting what they think the best and most expedient time? I see nothing in the Constitution; and with regard to the past practice of the Government, you must recollect, Mr. President, that this message of President Tyler was received on the 16th of August. The session was then nearly drawing to a close. There was a propriety, and I may say a sort of necessity, in disposing of that message under the circumstances, in less time than is required, or would be necessary or proper, in regard to this message. We are now in the early part of May. We have the whole session before us. Having said this, I wish to add that it makes no difference to me whether this message is postponed to next Monday or Monday week. Whatever may suit the convenience of other gentlemen on that subject, will suit mine too. I rose to make these remarks simply because I do not conceive there is anything stringent, directly or indirectly, expressly or impliedly, in the Constitution as to the time when the reconsideration should take place.

I will add another remark, and not trouble the Senate further. It was said by the honorable Senator from South Carolina [Mr. BUTLER] yesterday, and, I think, properly, that this is a large subject, and the important principles involved in the bill and the message of the President, make it highly proper that the subject should receive a full and thorough examination; and if, as has been said by gentlemen on this floor, that bill was passed through the Senate without adequate consideration and full discussion, it is the more important, I think, that we should take time to look with care into the subject before we discuss and dispose of the bill upon the President's objections.

Mr. DAWSON. Mr. President, if I understood the precise object which the different friends of the postponement to Monday and Monday two weeks have in view, I should know better how to act. The Senator from Wisconsin [Mr. WALKER] is anxious to take up the homestead bill, and therefore asks for a longer postponement of this question. Some of the friends of the homestead bill, I believe, think that the message upon your table does not affect or touch that bill.

Several SENATORS. We do not know about that.

Mr. DAWSON. Gentlemen who understand the character of the veto have been saying that it does touch the homestead bill; but, as I understand, there is not a gentleman on this floor who will undertake to say that the homestead bill falls within the principle of that message.

Mr. BAYARD. As one, I consider that it would certainly require the veto of the homestead bill.

Mr. DAWSON. Then, one considers that it does require the veto of that bill; and if that be the opinion of the friends of the Administration generally, wherefore should we occupy the time of this body by making long and tedious speeches upon the homestead bill, when we know it will be met by a veto?

Mr. BADGER. Long—not tedious. [Laughter.]

Mr. DAWSON. Yes. I strike out the word "tedious." Now, for one, I am disposed to believe that the author of the message does not believe that the homestead came within the principles of the message; and the friends of the homestead and the friends of the Administration, being willing to have it taken up and acted on immediately, is an evidence of that fact. The Senator from California, who wishes to postpone this to the most distant day, is governed, not by a desire to take up the homestead bill, but the Pacific railroad bill.

Mr. GWIN. Yes, sir.

Mr. DAWSON. If that be the object, I shall vote for the earliest day; but if it be for the purpose of taking up the homestead bill and having the whole batch of land bills before the President at once in order to receive his veto, and then to have all the measures acted on at once, I will agree to any postponement you desire. That is perfectly fair.

Mr. BELL. But if you pass the homestead bill, you do not then know, on the principles of the message, whether he will veto it or not.

Mr. DAWSON. Then we shall have to wait, of course, for the President to send another message; but I rely very much upon the information which gentlemen will receive, that I may be informed what is the position of the land bills. I am one who opposed originally the distribution of the proceeds of the public lands. I changed my opinion, because Congress, by a continuous number of decisions, declared that we had the right to dispose of the public lands in the way we have been going on to do for years, and I saw the public lands all going to private companies and into the hands of individuals. I determined then to adopt the principle of the distribution of the proceeds of the public lands. That was right; and the first effort we could make was to touch the insane and the lunatics. Why? Because they could not go and occupy the lands under the homestead bill, having no volition, being controlled by guardians. They could not occupy it and settle it. Recognizing the principle of the President, that the General Government is the trustee for the whole of the people, and that we ought to regulate our trust funds, or the land in the States, on principles that a discreet landed proprietor would do, I considered that a discreet landed proprietor, if he had a number of children for whom he was trustee, and they were insane or lunatics, would make some provision for them, and that it would be for the general benefit of all; and, as I knew that the lunatic or insane had never received a dollar's advantage out of the public treasury of the country, or out of the lands which belong to them as well as to anybody else, I thought it was a fair ground at once to commence the distribution, and act as a sensible landed proprietor or trustee would do, by dividing the estate among the *cestui que trust*, and I went for that bill. But if the President is determined to arrest these railroad bills, and the homestead bill, and this bill also, and we shall adopt some new rule by which the public lands shall be disposed of, I am prepared to listen to it, and hear it, and if a better plan can be adopted, I will go for it. But for one, representing an old State, I am not going to suffer the public lands to go into the hands of private companies, or the States in which the lands lie; and be still, and not ask for any proportionate share to the old States, and show our modesty and diffidence in attempting to get justice. The bill which the President has returned to us was for the benefit of the people who are entitled to the highest claim, and to the kindest generosity and philanthropy of Congress. It was for the insane portion of the *cestui que trust*, residing in every State of the Union, and it divided the lands so as to make it equal throughout the country. Still, I say that if the President vetoes all these measures, and establishes the old principle that the public lands belong to the people generally, and ought to be disposed of for the payment of the debt due by the Government, and for a diminution of taxes, it will all be right; but if that rule is not adopted, and favoritism and partiality shall prevail, I go for the distribution of the proceeds of the public lands, or the lands themselves, to all the States who are entitled to them. There is nothing wrong in that. But I come back to the point. The friends of the measure are most anxious to have it acted upon; but if the homestead is not to be discussed and decided before we decide on the veto, let us act upon the veto at once. There is no necessity for any delay. If it comes not within the principle of that veto, let us act upon this at once; but if the friends of the Administration think that it does, I am for postponing it.

Mr. SHIELDS. I hope the honorable Senator from California will modify his motion so as to postpone the consideration of the subject until two weeks from Monday. That may give us time to arrange both this measure and the other to which reference has been made. At all events, that allows little enough time.

Mr. GWIN. The resolution offered by the Senator from Ohio is, I believe, the most appropriate form in which a motion on this subject can be made; and I am, therefore, willing to accept it as a substitute for mine, leaving the day blank, so that the Senate can determine on what day they will consider the subject. Monday week suits me

very well, because I want to vote on this bill, and I intend to be here, but I may not be here two weeks hence. Or, I am willing to take up the subject now, and proceed to act upon it at once.

Several Senators. Say Monday.

Mr. GWIN. I am opposed to taking up the message on next Monday, because I wished to have the coming week devoted to another subject, which I think is of more importance than this. My object is to have action upon the Pacific railroad bill during the ensuing week. I am willing, however, to take up this veto message now, and act upon it immediately, or I am willing to agree that it shall be postponed to Monday week, or even to two weeks from to-day, though I prefer Monday week for the reason that I shall be here then, while I may not be here two weeks hence. I am anxious that the other question to which I have alluded shall be disposed of. That, certainly, is not affected by this veto, because the message approves the principle of donating lands for railroad purposes. I refer to the Pacific railroad bill which is under my charge. That bill has been before the Senate for a long time, and it is absolutely important to me that I should have early action on it.

I am ready to vote on the veto message now; I am prepared to act on it now, as much so as I shall be on Monday next. I presume that no discussion can take place upon it which will change a single vote here. We all know how we are going to vote now as well as we shall know hereafter. The very speeches that will be made on it can as well be made on the homestead bill when that comes up. I am anxious to progress with business; but I fear that if this subject be postponed until next Monday, it will become the political question of this session, and there is no telling when it will be decided. It will be mixed up with other questions, and thus business will be delayed. I am anxious to have it acted upon now, or to have it postponed, so as to give us longer time, in order to dispose of other important business.

Mr. SHIELDS. The Senator from California, I understand, has accepted the resolution of the Senator from Ohio, leaving the day blank.

Mr. CHASE. I have no objection to modify it, so as to leave the day blank. That is accepted by the Senator from California.

Mr. SHIELDS. Then, I move to fill the blank by inserting Monday, the 22d instant—two weeks from next Monday.

Mr. BELL. I should like to know from the Senator from Illinois, what is his specific object in moving this long postponement? Is it merely to take up and discuss the homestead bill, and pass it, if the Senate shall think proper to pass it? Is it proposed to postpone the consideration of the bill granting lands for the indigent insane, which the President has returned with his objections, for the purpose of ascertaining from the President himself, by his approval or veto of the homestead bill, what are his views of it? Is this postponement asked, in order that we may know what the opinion of the President is upon the homestead bill, before we proceed to reconsider the bill granting lands for the indigent insane? If that be the object, I have to suggest, that when the homestead bill comes up for consideration, it will most probably be pretty fully discussed in this body, and other business will be intervening occasionally, so that we cannot look for a final vote of the Senate on that bill in less than ten or twelve days after it is taken up. Then, suppose it should pass this body without amendment, and be sent to the President in the shape in which it came from the House; he then would have ten days within which to approve it, or return it with his objections, if he should think proper to pursue that course. That would carry us beyond the period now proposed to be fixed for the consideration of the bill immediately before us.

Again, if the Senate should think it expedient, as it is very likely they will, to make amendments to the homestead bill, those amendments will have to be transmitted to the other House for concurrence or rejection. This will probably delay the bill some days longer; how long I do not know. I consider, therefore, a postponement of the whole subject for two weeks not likely to answer the purpose of ascertaining the sentiments of the Executive in relation to the homestead bill. In other words, we shall be just as much in the

dark two weeks hence in regard to what are intended to be the principles asserted by the message, or what limitations are intended to be extended in practice to the general principles laid down, as we are now. I am willing to agree to any postponement which gentlemen may consider necessary for the purpose of ascertaining the sentiments of the Executive, let it be for three or four weeks if necessary.

These are considerations which I think are entitled to great weight now, before we proceed to fix a day when it is probable that we shall not attain the object intended in the mean time. If the intention is to ascertain whether the principles announced in the message are meant to be applied to the homestead bill, by a response from the President to our action on that bill, I am willing to postpone the consideration of this subject until that time shall arrive.

Mr. CLAYTON. Mr. President, I am under a strong impression that the ancient practice of the Senate was, when a veto message came in upon a bill originating here, to proceed at once to the consideration of the subject, and to continue that consideration from day to day until the question should be settled. I do not mean to say by this that no sort of business whatever possibly could intervene. Something indispensably necessary might be occasionally taken up. But the impression which I have is, that the course which I have stated, has been the usual habit of the Senate. Certainly, if it has been, it must have originated from the impression derived from the words of the Constitution, that you shall enter the message on the Senate's Journal, and then proceed to the consideration of it as a matter entitled, in consequence of its importance, to priority over other measures. I know very well the language of the Constitution will admit of a different construction; but still, I think that a plain man, reading the Constitution as it stands, would be inclined to the impression that it is the duty of the House to which a veto message may be transmitted, after entering it on its Journal, to proceed at once to its consideration, and certainly to do so within a reasonable time. I think this has been the uniform practice. Now, sir, in the case referred to by the honorable Senator from North Carolina, I take it for granted, from what he read from the Journal, that there was a debate on that veto message, as there has been on all veto messages that I ever heard of here, and of course it was postponed from day to day.

Mr. BADGER. The Senator will allow me to say, that there never was one word of debate upon it, until the day when it was disposed of. It was taken up, and postponed from day to day without debate.

Mr. CLAYTON. Has the honorable Senator looked at the record of debate?

Mr. BADGER. I have looked at the record of the debates. The first day was fixed, and then it was postponed until the next day, and so on; but there was no discussion until the Thursday after the Monday on which the veto came in.

Mr. CLAYTON. Well, sir, I do not know anything in regard to that particular precedent to which the Senator has referred; but I have learned from another gentleman, that complaint was made at the time, in the other House, that the Constitution was disregarded in this very particular, in the Senate not proceeding to the consideration of the message immediately. However, sir, be this as it may, would it not be more respectful to the President, and is it not due to ourselves, that we should go on within this measure, until we know the sense of Congress in regard to it? I do not mean to press the measure in hot haste, so as to prevent the Senate giving it a full and thorough consideration. It is entitled to that; but I think it is fairly entitled to precedence over other subjects; and whenever its consideration is called for by any member of the Senate, it ought, in pursuance of the spirit of the Constitution, to be taken up and considered.

I do not suffer myself, in giving the opinion which I do in regard to this measure, to be influenced at all by other matters. I have nothing now to do with the homestead bill, or the Pacific railroad bill, or anything else. If this subject is to be taken up, I shall desire on some suitable occasion, when no other gentleman wishes the floor, to give my views briefly in relation to this veto message; but I am quite ready to go on with

the consideration of it now, and it is my impression that it is our duty to do so. I am ready to vote upon it to-day.

Mr. CLAY. So am I.

Mr. DODGE, of Iowa. I concur entirely, Mr. President, with the view taken by the Senator from Delaware in reference to this question. I think the Senate owes it to itself, and to the dignity of the occasion, to pursue the course which he has indicated. I am decidedly averse to the proposition of my friend from Illinois, to postpone action on this question until another legislative measure to which he has alluded shall be passed upon by this body. Sir, no Senator, no created man, is more devotedly or ardently the friend of that measure to which he has alluded—the homestead bill—than I am. I am its friend, whether the President be so or not. I never connect one measure with another; nor do I wait for, or look to, Executive vetoes. I vote as becomes my position and my constituents, and the duty that I owe to them.

I believe, then, that it is our duty now to proceed to the consideration of the President's message, and to reply, by affirmative or negative action, to the positions which he has taken in that message. For one, sir, I return him my thanks for the veto which he has sent here. I believe it is right in every word, phrase, and sentence. I furthermore believe that if he had not vetoed this bill, he would have been false to that party whose representative he was in the last presidential election—false to the resolutions of that convention which nominated him, and which unanimously resolved and re-resolved that the Democratic party was opposed to a distribution of the proceeds of the sales of the public lands.

These are my views. I regard this bill, as I stated in some remarks which I submitted when it was passed by this body, as distribution in the worst phase that has come up here—worse than ever the genius of Henry Clay conceived—far more odious than that which John C. Calhoun, Silas Wright, and Thomas H. Benton, deprecated in the memorable session of 1841:—ay, sir, a distribution, not of money from our Treasury, but of lampblack and rags, French assignats, from the Treasury of the United States, to the value of ten millions of acres of land to the sovereign States of the Union.

Sir, the Senator from Vermont spoke yesterday of unclean, dishonorable, or corrupt legislation touching the public lands. My position as a representative from one of the new States, and my position upon the Committee on Public Lands, of which he is a member, requires that I should demand from him, in this presence, whether he meant to insinuate that any corrupt or dishonest bill had emanated from that committee, or from any one of the new States, so far as he is cognizant of those transactions? And if so, I demand of him that he now disclose, in its full length, and breadth, and extent, every particle of that corruption or unclean legislation. Sir, I make the demand with perfect respect to the gentleman. I do, sir, because of our kindly personal relations; but this is a great question, and his insinuation, if I may call it such, may affect individuals. I make the demand with perfect respect. I pause for a reply.

Mr. FOOT. Mr. President, I have only to say that I have made no imputation of the sort which is now attributed to me; and the publication of my remarks, as taken down by the reporter, will show that an entire misconception has been placed upon them. I have cast no imputation upon the action of the committee of which I am a member; no imputation upon the action of this or of the other House; no imputation upon the new States of this Union. No man here, as I took occasion to state yesterday, has voted more liberally in favor of the application for appropriations for various purposes by the new States than myself. I had no reference to any past legislation upon the subject of the public lands. This, I think, is a sufficient disclaimer.

Mr. DODGE, of Iowa. Perfectly so.

Mr. FOOT. An entire misapprehension has been placed upon the remarks which I submitted.

Mr. DODGE, of Iowa. In that misapprehension I am not alone, as the Senator knows, from the construction immediately placed on his language by the Senator from Illinois, [Mr. Doga-

LAS;) and neither of us, as he knows, has any disposition to do him injustice, because of our personal respect for him.

Mr. FOOT. Certainly not.

Mr. DODGE, of Iowa. Mr. President, I said that I regarded this as one of the most fatal bills, one of the most ill-advised, looking at our complex but admirable system of Government, that has been passed by this or any other Congress. The Senator from South Carolina [Mr. BUTLER] was clearly right, when, on yesterday, he remarked that this bill had not been thoroughly discussed, or considered by the Senate. How long has it been since the Senator from Ohio, [Mr. CHASE,] who, notwithstanding his notions upon certain slavery questions, has some good views respecting State rights, defeated a kindred bill? Not more than two years since. What, then, were the provisions of this "Miss Dix bill," as it is called? Nothing more nor less than that New York should hold in the very heart of Iowa or California more than ten counties, in superficial area; to hold that land up at any price which she might choose to fix upon it; hold it there as Indian reservations or other reservations have been held in the center of some of the new States, to be increased sufficiently in amount to control the entire politics of the States where the lands lie. How long has it been since the respectable Senator from Kentucky [Mr. Underwood] moved his amendment to the Iowa railroad bill; that the States in which there were no public lands should, as States, be allowed to hold land within the borders of other sovereign States of this Union? How long is it since the provision originated for issuing this bank rag currency, stamped all over with pictures, to be issued at the Treasury? Only since it was shown in the discussion on Mr. Underwood's amendment to the Iowa land bill, but about two years since, that the proposition, if carried, would lead to domestic insurrection and bloodshed. Then originated, for the sake of getting rid of the difficulty of allowing one sovereignty to hold lands within another, this paper money invention. It is due to a respectable member of the other House, [Mr. Bennett, of New York,] to say, that his genius conceived this mode of getting rid of the difficulties of allowing one sovereign State to hold land within the heart of another, controlling its politics and disturbing its peace and harmony.

Sir, without intending to make any imputation upon any human being, and least of all, upon the dignified Senator from Vermont, let me tell him that, without intending it—and I know he does not intend it—his bill would have produced scenes of speculation, scenes of disgrace, and of plunder, and pillage, such as this country has never witnessed but for the wise interposition of President Pierce's veto. It was, in my opinion, the commencement of a system which, if it had been prolonged, as it certainly would but for the death blow which the President has struck it, would have swallowed up the whole of the public lands, and have established a system of trading and peddling at Albany, Montpelier, and other seats of government, under the control of the dominant majority which has heretofore proved so fatal. These cords of French *assignats* would have been taken there to be squandered and bargained off by corrupt legislative majorities, to control and influence the politics of our distant States. The lands would be disposed of at those seats of government for political purposes. Cords of these bank bills would be carried off from the Treasury of the United States, and bought up at low prices by favorites, who would go and locate them on the public lands (rich as the Delta of Egypt) in Iowa, Wisconsin, Louisiana, and other new States.

These were the provisions of the bill. It is a revival of that old system of selling lands at the court-houses and seats of government, which led to so much confusion. What then would become of the provision that the land should be applied to the support of the insane? Why, it would be disregarded, just as the sovereign States once disregarded your mandate, put in the shape of law, that they should send their members of Congress here by districts, instead of by States. The State of Mississippi was one of the States which refused to comply, and my friend from California reminds me that his State now elects her Representatives by general ticket, in the face of your law. So it would be in the disposition of this bank paper. The States would do as they please with it, and

where is your power to coerce, or compel, or to alter their legislation? You have none.

But, sir, so far as I am concerned, I never stop to inquire what the President will do with the homestead or any other bill. He has sent us here his veto of this bill. I am ready to record my vote on that veto. I am ready to proceed to that reconsideration of the bill which the Constitution requires. I hope we shall do so, according to the former usages of the Senate. I am unwilling to postpone its consideration for any longer time than is necessary for deliberation. Let us pursue the usual course on such occasions. I am anxious and desirous to accommodate my friend from California in anything, but I cannot agree to postpone the consideration of the question, with a view to action on other kindred subjects.

Mr. SHIELDS. I do not wish to procrastinate this debate, but I have a word to say to my friend from Iowa. He seems, I think, to misunderstand the object of my proposed postponement of this measure. The object which I have in view is this: I look upon this as a very favorable occasion afforded to the Senate, to settle and establish some principle in relation to the disposition of the public domain. I regard this as the best chance, the fairest opportunity that has ever been offered to the Senate, since I became a member of the body, to fix some general principles in relation to the future disposition of the public domain. I am as anxious for that as any member of this body. That is my object; that is the reason I wish to postpone this measure. Now, when the honorable Senator from Delaware rises up in his place, and says he thinks it is respectful to the President, that we should not act on the measure at the present time, I should like to know if that honorable Senator entertains a higher respect for the Chief Magistrate, either personally or politically, than I do. I doubt whether any member of this body can say he does. I am not in the habit of making professions; but if any gentleman supposes or believes the object of the proposed postponement is disrespectful to the President, he does me as much injustice as he does the Chief Magistrate. I would be the last man in this body to do an act disrespectful to the President.

Mr. DODGE, of Iowa. My friend wholly misunderstood me if he supposes that I attributed any such thing to him at all. I only spoke of the necessity of our pursuing the usual course.

Mr. SHIELDS. I do not mean to say that the honorable Senator from Iowa intimated anything of the kind; but the honorable Senator from Delaware seemed to intimate, and actually did declare, that he thought it would be respectful to the President that we should act promptly on the message, even to-day. Now, even on that ground, considering that this is a great subject, and that the message embraces, if looked at properly, the future management and disposition of the public domain, I think it is more respectful to the President that we should take sometime to dwell upon this message, and meet it with that deliberation which is due to it. I think we should consider it in all its bearings, in reference to all its principles, not only upon the measure immediately before us, but upon the homestead bill, the Pacific railroad bill, and the grants of land to the new States for railroad purposes, in which the honorable Senator from Iowa takes so deep an interest.

Now, sir, that is the reason why I have made this motion. It is my opinion, honestly entertained, that if we enter upon the discussion of this bill now, which will open the door to constitutional arguments, there is a farewell to the homestead bill, or to any other practical measure in relation to the public lands for this session. The Senator may be a friend of the measure, he may desire its passage; but I assure him that if he goes into this discussion now, he will defeat that measure as effectually as if he votes against it. That is my opinion now. Time will either verify it, or show that he is right. I say it is our duty to take up the homestead bill and consider it, and at the same time we shall be considering the bearing, and import, and future effect of the great measure now upon your table.

Now, sir, with regard to the veto power, allow me to say that I regard it as a fortunate power; and I think the exercise of it, even in this case, may be a fortunate matter. And why? Because it will bring us to review our action upon these subjects, and what is still better, it will bring us

to establish some principles that will govern us in our future conduct in relation to this important matter—the disposition of the public domain. My opinion, however, is, that if we take up this message, and enter into a discussion of it now, we shall never see the homestead bill, nor any other practical bill relative to the public lands carried through Congress at this session.

Mr. PETTIT. Mr. President, there seems to be a great anxiety, on the part of certain gentlemen here, to postpone the consideration of this bill, after they have each made some half dozen speeches upon it. I rise now, however, to give notice, that if the blank in the resolution is not filled as the Senator from Illinois proposes to fill it—for I understand the question is now upon the motion of that Senator to fill it with next Monday two weeks—I shall move to fill that blank with next Monday, believing that propriety dictates that we should at an early day proceed to the consideration of this measure. While I am up, I wish to say that I intend to be heard at some length upon this veto message, and upon this bill.

Mr. SHIELDS. The Senator has a speech, I suppose, and he wants to make it.

Mr. PETTIT. The Senator from Illinois says that I have a speech, and I want to make it. Let me say to that Senator, that if he had been as industrious as I was last night, sitting up to one o'clock examining these questions, he would be as well, in fact better, prepared than I am for their discussion; for he has powers for mastering a subject with greater facility than I have.

Mr. SHIELDS. Do not have that reported. [Laughter.]

Mr. PETTIT. Well, sir, I have nothing to conceal from reporters. [Laughter.] I propose to discuss this question, as I have said, at some length. I propose to show that the power of this Government (even at the time of the acceptance of these grants while we were under the Confederacy) to dispose of the territory, of the soil, of the public land was unlimited; that it ever has been and now is unlimited; and that the unconstitutionality of this bill—for that it is unconstitutional I have no doubt—consists not in the granting, or giving away, or disposition of the soil, but it consists in two other things. Its unconstitutionality consists first in usurping the power and authority here to tell States how they shall dispose of the proceeds of the lands granted; and secondly, in directing them to account to us as their masters—a thing that I entirely deny your power to do.

The bill, for these two reasons, in my judgment, is unconstitutional; but not because it disposes of land generally, in any form or in any manner whatever. I take the broadest ground on that subject, and wish not to be misunderstood. The bill is objected to for another reason, not reaching the point of unconstitutionality, but as to its inexpediency and impropriety. That objection, in the language of the President, is that it makes us almoners, to take care of all the indigent, all the needy, and all the suffering; to usurp the offices of charity, the offices of humanity, that properly belong to the States. For that reason, if for no other, it ought, in my judgment, to have been vetoed. I fully and cordially approve of the result.

I believe that a fair construction and fair reading of the veto message will not put this veto upon the basis that we have not power to dispose of the lands, but upon the other ground which I have named, that we have not the power to direct how their proceeds shall be applied, and how, at what time, and under what circumstances, they shall be accounted for by the States to us. I shall endeavor, and I think I shall be able to show, when the proper time arrives, that the veto does not involve the principles of the homestead bill, and will not necessarily bring a veto from the President upon that bill.

But, sir, I did not rise now to discuss the subject, nor to bring these questions to the consideration of the Senate, but to ask that some definite action be taken. It is due, as the Senator from Delaware has properly said, that we should at a reasonable and an early day, proceed to the consideration of this question. Nor do I think, its discussion will, by any means, occupy the whole residue of this session, and deprive us of the opportunity of considering other important measures. The very fact that important measures are behind

this, and are to be considered after it, will shorten the deliberation and consideration on this bill, and for that very reason, if for no other, I should ask that an early day be assigned for its discussion. Then, if the blank be not filled, as proposed with Monday two weeks, I shall move to fill it with next Monday.

Mr. WELLER. Mr. President, I think the experience of to-day has demonstrated that the best policy is to proceed at once to the consideration of the message from the President. I believe, with the Senator from Delaware, that such was the intention of the framers of the Constitution, when they used the phraseology which they employed in that provision of the Constitution which has reference to this subject. I know of no public considerations why we should not immediately proceed to entertain and dispose of this question. The fair, legitimate presumption, is that every Senator examined it before he originally gave his vote. I know it was said yesterday by my friend from South Carolina, [Mr. BUTLER,] that this matter had not been considered—that it had not been discussed. It is true there was but a limited discussion in the Senate upon it at this session; but the presumption is, that every Senator investigated the question before he proceeded to decide upon it. For myself, I may say that there never has been a bill introduced in this body for which I was so anxious to give my vote as this bill, which has been vetoed by the Executive. It was a bill which appealed to all the sympathies of my heart. It was one which appealed to all the warm and generous impulses of my nature; but, upon calm and patient investigation of the important principles involved, I dared not, as an American Senator, with the obligations of an oath to support the Constitution resting upon me, give my vote for it. I was therefore reluctantly compelled to vote against its passage.

The principles announced by the Executive in this message, are those by which I have been governed since my entrance into public life. I am a strict constructionist. I do not believe in that latitudinous construction of the Constitution which invests Congress with power and authority to do whatever the "common defense and general welfare," in their judgment, may demand. That class of politicians has usually been styled expediency politicians. I have been compelled to apply the constitutional test to all questions upon which I am compelled to vote; and the application of that test to this bill compelled me to vote against it.

Now, sir, I say that we have been discussing this question to-day, and we may as well proceed with that discussion. There are some important bills that are yet to be disposed of. There is the one which has been alluded to by my colleague, and, for personal reasons, connected with himself, I am exceedingly desirous that it shall be acted upon within the next two weeks. Then, again, there is the homestead bill. Some Senators think the general principles enunciated in this message cover that bill. That is my opinion. If all the principles announced in the communication made to us yesterday be correct, the homestead bill is a violation of the Constitution. But, so far as that point is concerned, I desire to remain uncommitted until I can hear the discussion, until I can hear, particularly, my friend from South Carolina, who is almost the father of strict construction.

Mr. President, why can we not proceed to discuss this question now? We are in the habit of adjourning over, oftentimes, from Thursday to Monday. This is a very bad practice. It has been introduced by my friend from North Carolina; and such has been the unbounded confidence I have usually reposed in him, that I have very generally followed his example, and voted for all motions to adjourn over. Now, I propose to reform, and to devote Friday and Saturday to business, instead of visiting the Departments; and I must say that the Senators who make that excuse have no business at the Departments at all. [Laughter.] Nobody has any business there except the representatives of the new States, and they have more than they can attend to. I know that it is so in regard to myself. I am sure that I have more business there than I can attend to. My friend from North Carolina has usually urged that as a pretext; and I venture the prediction that he does not have business at the Departments once a month. [Laughter.]

Mr. BADGER. Will my friend allow me to state that I have made the motion for that very reason. I have no business there; and I thought, therefore, the motion had better come from me, rather than put any of my friends from the new States to the necessity of making an application for their personal convenience. [Laughter.]

Mr. WELLER. I knew the motion was dictated by some benevolent motive on the part of the Senator, but I did not know that it was out of personal consideration to me. [Renewed laughter.] Now, why can we not proceed at once to the consideration of this question?

Mr. BRODHEAD. We are considering it.

Mr. WELLER. The Senator from Pennsylvania says we are considering it. I do not know that we are considering it. We are undoubtedly discussing it, but discussion does not always lead to consideration. Some speak without any consideration.

Mr. BADGER. We are talking about it.

Mr. WELLER. I shall vote against the postponement to next Monday week. I think it is due to the President, it is due to ourselves, it is due to the country, that we should proceed at once to dispose of this question. I believe it was the design of the Constitution that we should proceed at once to reconsider a bill which is vetoed by the President. The effect of the veto is simply this: It is, in effect, a motion to reconsider, and that motion to reconsider puts the bill in a position where it requires a vote of two thirds to pass it. Does any body believe that two thirds of the Senate will ever vote to pass this bill? There is not a Senator here who believes it. Then why continue a long discussion on the question when no practical good can result from it, and when it is known in advance, that a majority of two thirds cannot be obtained in a full Senate for its passage? I undertake to say, upon a nice calculation which has been made by a friend of mine, who is "strong" in figures, that there cannot be even a majority of this Senate in favor of this bill, and that upon a full vote there will be thirty-one Senators found recording themselves against it. Then, wherefore postpone it for two weeks, when you know in advance that the bill can never become a law? It is one which, in my judgment, ought never to become a law. I know, sir, that it is one upon which strong appeals have been made to the sympathies of Senators; but that is a very unsafe guide of action. A Senator had better always keep his eye upon the power of attorney under which he acts—that is, the Constitution. The people never intended that we should travel beyond the Constitution; but whenever we are in a charitable mood, let us feel in our own pockets, and not in Uncle Sam's. That is the way to show our charity and benevolence; not by a violation of the Constitution, not by transcending the authority vested in us by that written instrument which constitutes our power of attorney, but let us show it by applying our hands to our own purses to relieve the distressed and the indigent.

Mr. President, I do not know whether, if the discussion is to be continued, I shall debate this question further. I have not much to say about it. I have not spoken now because I desired to hear myself speak, but because there were other Senators who had plunged into this debate, and I endeavored to show that we had better go on with it now. If we do go on with it now, and if my friend from North Carolina shall have the temerity to move an adjournment over, I give him notice now that I shall abandon him, and vote against the motion.

Mr. GWIN. I will withdraw the resolution, so that we may now take up the message.

Mr. PETTIT. Then I move to postpone the further consideration of the subject until Monday week.

The PRESIDENT. The Senator from Ohio has a proposition before the Senate.

Mr. GWIN. I accepted the proposition of the Senator from Ohio, leaving the day blank, and therefore I can withdraw it. I withdraw it, because I wish the discussion to go on now, in order that we may devote next week to another subject.

Mr. MALLORY. As I understand, the motion now before the Senate is to postpone the further consideration of the subject until Monday week.

The PRESIDENT. There is no motion before the Senate, as the proposition of the Senator from California has been withdrawn.

Mr. MALLORY. Then I move to postpone the further consideration of the subject until Monday next.

The PRESIDENT. The question is upon that motion.

Mr. MALLORY. Mr. President, yesterday upon a simple motion to print, which seemed to me to be a matter of course, a debate sprang up which involved the entire policy of the country upon the subject of the public lands. It involved a great many other things, and occupied the body throughout the remainder of the day. Now, upon a proposition to postpone, we are again discussing not only the principles upon which the public lands are and ought to be administered, but we are discussing the principles of bills which have already been passed and determined. I am in favor of going on with the discussion of this bill now, because we are discussing it, and will continue to discuss it. Every gentleman who rises upon the floor proclaims that he is not discussing it, but that the time for debate will come, and that he will be prepared, at that time, to debate the question fully. I think, therefore, we had better take it up now, and commence the regular discussion immediately. Though I have made a motion to postpone until Monday, I am in favor of going on with the discussion now, if we can; but I am for a postponement to Monday next, in preference to any other postponement which can be made.

But, sir, one reason given for the postponement by the honorable Senator from Illinois, was that since the period when he first became a member of this body, there never has been so favorable an opportunity for taking up and establishing a general system for the administration of the public lands, as the present. It is admitted upon all sides that no more important subject can come before this body than the establishment of some just and equal policy, satisfactory to all, in reference to the administration of the public lands. The honorable Senator from Kentucky [Mr. THOMPSON] depicted to us the other day, humorously, how this subject enters into almost every presidential canvass; and, as was said by him, every man who comes to these Halls comes with some predisposed policy in reference to these lands, and yet he finds himself in opposition to a large number of his brother Senators and Representatives.

Well, sir, if this be so important a measure as the Senator from Illinois supposes, why should we discuss it indirectly? He recommends us to take up the homestead bill first, and he thinks that by discussing that bill, we shall obtain a knowledge of the subject now before us; or, in other words, that we should discuss the merits of this subject indirectly through the merits of another. Why, sir, the merits of this measure involve the merits of the homestead bill. It comes necessarily before us; and if we determine, by a large majority, against the principles involved here, it will influence many, as a matter of course, to go against the homestead bill. If you were to put both in a fair position, and ask which was entitled to priority, from the argument of the Senator from Illinois, I would say, as a matter of course, that we should take up and dispose of this subject first.

Mr. President, it is apparent to me from a little inquiry and comparison around the Chamber, that this veto is perfectly safe. Two thirds of this body will not vote against it. I hardly think any discerning member of the Senate can come to any other conclusion. Then why not take it up now? Why postpone it? As to the matter of disrespect to the Executive, I think it will be no disrespect to him whether we postpone it or not. Many of the friends of the Administration, I see, are for the postponement, and it would be exceedingly unkind to suppose, for an instant, that they mean the slightest shadow of disrespect to the President. But, sir, a respect for the important measure itself, the necessity which the Senator from Illinois has pointed out, for the establishment of a great policy for the whole country, should induce us to discuss and consider the subject now.

Mr. SEWARD. Mr. President, I shall not make an apology for not discussing this question upon the motion to postpone. I have waited all the morning, in hopes that there might be a question taken; and I seconded the motion of the honorable Senator from Florida for a postponement to Monday; but, to my great surprise, he has

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come out in an elaborate speech against the motion itself.

Mr. MALLORY. I shall vote for the motion. I was giving my preconceived opinions; but I made the motion to postpone until Monday, and I intend to vote for it.

Mr. SEWARD. Then, all I have to say is, that I prefer to have the subject postponed until Monday, in order that we may have a discussion of the merits of the question itself—a deliberate and considerate one—a discussion which will enlighten us. It is very apparent that this sporadic, irregular discussion, bringing in everything foreign to the subject-matter, is not calculated to fit us for a deliberate review of the question before us; and, as there are but two legislative days between this and Monday, I hope it may be agreed on all hands that we drop this question for to-day, take up what other business we have before us—and there is enough of it—and come here prepared, on next Monday, to give this subject a considerate, deliberate, regular, ordinary, and orderly disposition; so that, while we are discussing it, we may avow that we are doing so, and that the responsibility may rest on each member to do it with such deliberation, candor, and ability as he can bring to bear upon it.

Mr. GWIN. I withdrew my motion to postpone, for the purpose of bringing up the discussion now. I believe we can discuss and dispose of the question now as well as hereafter. It is well known to the Senate that I wish to get another bill, which I deem of great interest, before the body for action. My object is to get this subject disposed of until that can be acted upon. Therefore, as a test question, to see whether we are to have any more talking on this subject now or not, I move to lay on the table the motion of the Senator from Florida, to postpone the consideration of this bill until next Monday.

Mr. BADGER. That motion carries the bill with it.

Mr. GWIN. No, sir; I think not. That is a separate question. My motion is, that the motion of the Senator from Florida lie on the table.

Mr. HUNTER. I rise to a point of order. Does not that carry the bill with it?

The PRESIDENT. Certainly it does.

Mr. GWIN. Then I withdraw my motion.

Mr. SHIELDS. I hope we shall go on with the debate now.

The PRESIDENT. The question is on the motion of the Senator from Florida, to postpone the further consideration of this subject until Monday next.

Mr. GWIN. Is it in order to move to strike out "next Monday," and insert "Monday week?"

The PRESIDENT. It is not in order.

Mr. GWIN. I call for the yeas and nays upon the motion of the Senator from Florida.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 20; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Benjamin, Bright, Brown, Butler, Clay, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Foot, Hunter, Johnson, Jones of Iowa, Mallory, Morton, Norris, Pettit, Seward, Slidell, Toombs, Toucey, Wade, and Williams—29.

NAYS—Messrs. Allen, Brodhead, Chase, Clayton, Cooper, Dawson, Fish, Geyer, Gwin, James, Jones of Tennessee, Pratt, Rusk, Sebastian, Shields, Stuart, Sumner, Thompson of Kentucky, Walker, and Weller—20.

So the motion was agreed to.

PACIFIC RAILROAD.

Mr. GWIN. I move that the Senate now proceed to the consideration of the bill, reported from the select committee, to provide for the construction of a railroad from the valley of the Mississippi to the Pacific ocean, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUNTER. I hope we shall not take up that bill. I trust we shall go on to-day with the Indian appropriation bill.

Mr. GWIN. The Indian appropriation bill is not suffering for time. The fiscal year is not yet out, and we can act upon that bill at any time.

The question being taken by yeas and nays upon the motion of Mr. GWIN to take up the Pacific railroad bill, resulted—yeas 20, nays 23; as follows:

YEAS—Messrs. Bell, Bright, Chase, Dawson, Dixon, Dodge of Iowa, Douglas, Foot, Geyer, Gwin, James, Jones of Tennessee, Pratt, Rusk, Seward, Shields, Slidell, Sumner, Walker, and Weller—20.

NAYS—Messrs. Allen, Atchison, Byard, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Cooper, Evans, Fitzpatrick, Hunter, Johnson, Mallory, Norris, Pettit, Sebastian, Thompson of Kentucky, Toombs, Toucey, Wade, and Williams—23.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855, the pending question being on the amendment reported by Mr. WALKER, from the Committee on Indian Affairs, to insert the following:

To the Creek nation of Indians, in full for all demands against the United States, the sum of \$500,000, in payment for eight million acres of land at six and a quarter cents per acre, taken from the friendly Creeks without compensation, by the treaty or capitulation of Fort Jackson, of August 8, 1814.

Mr. WALKER. Mr. President, when I was interrupted yesterday by the message which was received from the President, I had reached that point in the explanation of this case which brought me to the statement of the manner in which the friendly Creeks had been treated by the capitulation of Fort Jackson. It had been shown, I think, that, although they had been faithful allies of the United States; had fought against the hostile members of their own tribe, and against the British, and in favor of the United States, under the American flag, and under the command of the American military officers, yet, when peace came to be made, they were compelled to pay the expenses of the war; and that, so far from the treaty or the capitulation taking the form of compelling the hostiles to pay the damages, it assumed the form of compelling the friendly allies of the United States to assume the position of hostiles for the purpose, enter into a capitulation, and give up their country. I am sustained in this history of the matter, not only by the more ancient documents connected with the subject, but by the information, the admissions, the statements, and, I may say, the reports, which have been made by the Indian Bureau and the Department of the Interior recently. I have them before me, but they are too lengthy to refer to in this explanation. I will simply advert to them, and say that the history of this matter which I have given, is not only correctly stated in the memorial and in the documentary history, but expressly admitted to be true by facts which we have, not only from the proper Department of the present, but of the late Administration.

This capitulation was made with these Indians by General Jackson. Agent Hawkins, at the time, in communicating with the Department, expressed his astonishment at the manner in which the conclusion of peace was conducted. I do not mean by what I have said to censure General Jackson's conduct; or, if it were in my power, to throw a shade upon his memory. In his report to the Department of War, or to the President, he gives what seem to be very strong State reasons for his conduct upon that occasion. In that report, he lays the condition of the country before the administration; he states that he felt himself bound by considerations of public policy to take possession for the United States of the country which then bordered upon the Spanish dominions. We know, sir, that at that time we were involved in difficulty in reference to the Spanish dominions. We know they were made, as it were, a harbor of refuge for the enemies of the country; a kind of recruiting ground for rebels; and that General Jackson had been forced to enter, what it was claimed then he had not the right to do, a friendly country, seize upon munitions there collected, and not only that, but we know he there seized upon

Arbuthnot and Armbrister; that he had them shot for insurrection, and for stirring up difficulties in the country.

Seeing this state of facts existing in regard to that region, he felt himself under the necessity of depriving the Indians of that country, and, if possible, placing our southern border in such a condition that it might be more easily defended; or, at all events, that it might not be in a condition to be made so easily a point of annoyance to the Government. These were the reasons which he assigned. These are not his words, but I have given the general idea which he gave for treating the friendly Creeks as he did. He was unable to assemble the hostiles. They were not there to treat with him. What became of them? Why, when they found that they were conquered, that they would be looked upon as enemies, and would probably be severely punished if they could be caught, they made good their escape into Florida, joined the Seminoles, and have remained a portion of the Seminoles, I believe, ever since. Then he had no one to treat with but the friendly Creeks. The direction was, that the treaty should assume the form of a capitulation; and in order that he might get a capitulation of that country, he forced the chiefs of the friendly Creeks into the position which has been named. They then executed this treaty, or these articles of capitulation, but let it be borne in mind that when they did so they protested against it most solemnly. They not only protested in fact, but they required, before signing it, than an instrument should be drawn up declaratory and explanatory of their views. An instrument was drawn up, in which it was alleged and conceded that they were the owners of the country; that they alone had the right to dispose of it; and that they had received no equivalent for the cession which they made by the capitulation. That instrument was drawn up at their request, contemporaneously with the articles of capitulation, and sent on, as their part of the treaty, to the War Department. That will be found set out at length in the State Papers on Indian Affairs, abstracts of which are incorporated in the report from the Department of the Interior, to which I have referred. In that report, it is stated that this was their understanding of the treaty by which they had been forced, as it were, to capitulate, to cede their country, though they had received nothing for it; and that whatever may be due to any person, to any portion of the tribes for this land, is due to them.

Well, sir, what was the extent of the country taken from them? I have here the report of the Department of the Interior, by which it appears that over twenty-four millions of acres of land were taken by the capitulation. Deducting from it what was left really within the hostile country, and with which the friendly Creeks did not deem that they had anything to do, deducting what was left between the Coosa and the Tallapoosa, we still have an amount of ten millions of acres which have been taken from them; but, sir, the committee do not report in favor of paying them for ten millions, but only in favor of paying them for eight millions of acres.

Mr. HUNTER. How do you make out the ten millions?

Mr. WALKER. That is according to the report of the Secretary of the Interior, received from him yesterday. It appears from that report, that the amount of land taken from the friendly Creeks was upwards of twenty-four millions of acres; but, deducting from it what was left in the really hostile country, we find that over ten millions were taken from them. The committee have reported in favor of paying them for eight millions of acres of land; and the rate we have now fixed is different from that which was fixed by the Commissioner of Indian Affairs. He, after consultation with the Commissioner of the General Land Office, addressed this letter to the Secretary of the Interior:

"DEPARTMENT OF THE INTERIOR,

"OFFICE INDIAN AFFAIRS, January 21, 1853.

"SIR: I have the honor to acknowledge the receipt of the letter addressed to you on the 18th instant, by the Hon. R.

W. JOHNSON, chairman of the Committee on Indian Affairs, inclosing a copy of my report of the 17th instant, on the claim of the Creek Indians for lands relinquished to the Government by the treaty of Fort Jackson, in 1814, requesting an estimate of the amount, which, in your judgment, should be appropriated on that account.

"Referring to my report for my views in regard to the merits of this claim, and considering the great length of time that it has remained unsatisfied, I am of opinion that twenty cents per acre would be a moderate compensation for the lands belonging to the friendly Creeks, and relinquished to the Government by said treaty."

That was the opinion of the late Commissioner of Indian Affairs, (Mr. Lea.) The Committee on Indian Affairs have taken no such estimate of the value, as their criterion; but, after reducing the amount acknowledged to have been ceded by the friendly Creeks, without any consideration whatever, from ten to eight millions of acres, they have, in place of reporting twenty cents per acre, provided merely for the payment at the rate of six and a quarter cents per acre. Thus they have not only brought down the amount of land, but brought down the compensation to be paid for it, from the amount mentioned by the Commissioner of Indian Affairs, twenty cents to six and a quarter cents per acre. Eight million acres, at six and a quarter cents, make up the amount proposed to be appropriated by the amendment.

Mr. BELL. What does the present Commissioner of Indian Affairs recommend?

Mr. WALKER. The present Commissioner has sent us a report, in which he estimates the quantity of land at even more than was estimated by the previous Commissioner, but I do not think he gives an opinion in regard to its value. I do not know that he has been addressed on that subject. We addressed him an inquiry as to the amount of this land which had been sold, and the amount of proceeds which had been received by the Government from those sales. That matter he referred to the Commissioner of the General Land Office; and the Land Commissioner said he thought it would take about six months to ascertain the facts. There is, however, an estimate somewhere among the documents which, perhaps, approximates somewhere to the truth; and from that it appears that the Government of the United States has sold seven million five hundred and seventy-one thousand three hundred and fifty-four acres of those lands, leaving yet unsold six million seven hundred and thirteen thousand four hundred and forty-six acres, which, at the usual minimum price of public lands, would amount to \$8,391,807 50. The Government has received from the lands sold, \$11,359,947 98. This makes about \$19,000,000 which the Government will have received, if it shall sell all the lands for the minimum price. These lands were obtained from friendly allies, without ever paying them one farthing, but by forcing them into the position of enemies. Now, sir, at this late day, the committee propose to pay them, as a consideration for the subject-matter of this great speculation on the part of the Government, the sum to which eight millions of acres amount at six and a quarter cents per acre—that is, \$500,000.

Mr. BENJAMIN. Will the Senator allow me to propose a question to him?

Mr. WALKER. Certainly.

Mr. BENJAMIN. It is in reference to the previous history of this application. Why is it before us at this late day?

Mr. WALKER. I will give the answer which is given in the memorial itself. It will be borne in mind that, at the time of this capitulation, the Indians were promised indemnity for spoiliations committed on their personal property, their villages, and houses; and \$195,000, I believe, were appropriated for those personal losses. About half that amount was paid at an early period, but the balance was withheld. The reason why they have not ventured to present their claim for these lands is, that they have not been able to obtain satisfaction for their other injuries. We know the fact to be that, up to 1850—the time when this claim was brought before the Senate—they were continually urging payment for injuries to their personal property, and they did not get that until that late day, when a balance of \$87,000 was paid to them.

Mr. BENJAMIN. They did not get that remainder until 1851?

Mr. WALKER. I think not. But the chairman of the committee is, perhaps, better posted on that subject than I am.

Mr. TOOMBS. They are getting some of it in this very bill. The chairman of the Committee on Finance reported a provision for them as an amendment to this bill.

Mr. WALKER. I was going on to remark that I believe they have not all been paid yet. They have been prosecuting another claim; they have been prosecuting a demand which they had for injuries to their personal property, their villages, houses, &c., until the time when this claim originated; and, I believe, I may safely say that the whole of the claim for personal injuries has not yet been paid.

Mr. HUNTER. I believe all have been paid, with the exception of two who were left out in the census. That is what the Senator from Georgia referred to, I suppose.

Mr. TOOMBS. Yes, sir. I say a portion of the claims for injuries committed by the hostiles during the last war, has not yet been paid, and that the Committee on Finance have reported for the payment of some of them in this bill.

Mr. WALKER. That is the only reason that I can give in answer to the Senator from Louisiana. Whether it be a good one or not, I do not pretend to argue; but I can say that these Indians have been most singularly ill-treated, if my judgment does not fail me entirely. When they have been treated as they were, it seems to me not at all surprising that they should have long since despaired of getting anything like fair play from the Government. The Government made a promise to indemnify them for personal injuries, and yet it has delayed the fulfillment of the promise till now. Is it surprising that this should have operated on the Indians, particularly when the Government was so prompt to make provision for the payment of the citizens of Georgia, and, I believe, of Alabama, who had sustained injury during this war, and when it so promptly set aside funds to pay for those damages, and when, after everything had been proved up against that fund which could possibly be, there were yet \$100,000 of it left, which were paid over to Georgia. These Indians saw that this sum of \$100,000, which could not be claimed by anybody, was, for some cause or other, without reason, rhyme, or justice, absolutely ordered to be paid over, in gross, to the Governor of Georgia, and it was done. The residuum of the fund which was set apart to pay indemnity to the citizens of Georgia could not be exhausted by the sums proved, and a balance of \$100,000 was left; and General Jackson ordered it to be paid over to the Governor of Georgia. Since I have been in the Senate of the United States, the injustice of that provision was seen to be so clear that Congress appropriated the money to the Indians again. When these facts are considered, I do not think it at all wonderful that these people should have slumbered on their rights.

Mr. TOOMBS. Will the Senator allow me to correct him in reference to General Jackson? I will do that old General, though I have never had a very strong regard for him, the justice to say that that was not done by him, but by an act of Congress, which was passed in 1834. The original appropriation, I believe, was for \$340,000 to pay for certain damages; and in Mr. Monroe's time a number of claims were ruled out, but during General Jackson's administration, the balance referred to was paid over by legislation to Georgia.

Mr. WALKER. Then I take back that remark; but I thought I recollected enough of the history of the matter to know that Congress had not interposed.

Mr. TOOMBS. Congress did it; but being satisfied subsequently of the wrong, which I have no doubt they committed, they passed, within the last six or seven years, an act paying to the Indians, the money which had been improperly applied to Georgia. It was paid to Georgia in 1834, during the administration of General Jackson. I helped, myself, in getting the act passed for paying the money over to the Indians.

Mr. WALKER. Then I will ask that the portion of my speech in relation to General Jackson be stricken out; for certainly there are few greater admirers of him and of his memory than I am; but I was of the opinion that the history of the transaction which I have given was correct. Be that point as it may, these Indians did not get justice in that particular until within the last few years; since I have been here, I think it was in the

year 1849 or 1850, that they got justice done them in this respect.

Now, sir, it is a question for the Senate to say whether they will make this appropriation to these friendly Indians for what they have certainly been deprived of. They ceded their country to us under peculiar circumstances, and they were deprived of the benefit of it. The benefit of the cession has gone to the United States. That this Government long since derived millions of dollars from that for which it is now proposed to give these Indians a small pittance, cannot be disputed. If, however, the Senate shall deem it now not just to them, or unjust to the Government of the United States to pay them this money, be it so. But I think that, when we are entering upon something like a permanent policy for the Indians, we may, with great propriety, look about us, and see whether we cannot grant them their due. I think we ought, as far as possible, to throw aside the assumption of anything like a position which will place us in the attitude of bestowing charities on them. If they have anything due to them, by which can be created a fund for their support and civilization, it is well that Congress should appropriate it to them. It is better, I believe, to make an appropriation in that light, than to make general appropriations, such as were asked for the other day for the California Indians—as a matter of gratuity. I think the policy is a better one for the country, to pay them what is found to be justly their due, than make independent appropriations for their support, or for the preservation of peace with them. I shall say nothing more on the subject of this claim at present.

Mr. SEBASTIAN. I move to postpone the further consideration of the bill until to-morrow, for the purpose of proceeding to the consideration of Executive business.

Mr. HUNTER. As the Senator from Arkansas stated yesterday that there was pressing necessity for an Executive session, I will not interpose any objection to the motion, but I wish merely to express the hope that we may be able to take up, and dispose of this bill to-morrow.

Mr. BRIGHT. To-morrow is private bill objection day.

Mr. STUART. I suggest to the Senator from Virginia, that if he desires to do anything of the kind, it will be necessary to move to suspend the rule, and he must give notice of it to-day or he cannot do it.

Mr. HUNTER. I give notice, then, that I will to-morrow move to suspend the rule.

Mr. SUMNER. I would ask if to-morrow is not objection day?

The PRESIDING OFFICER, (Mr. Rusk.) It is.

Mr. CHASE. The rule ought not to be suspended to-morrow.

Mr. SUMNER. There is a strong reason for not suspending it then.

Mr. DAWSON. I wish to make one request of the Senator from Wisconsin, as he seems to have investigated this subject. It is, that he will turn his mind, first, to the treaty of 1818 with the Creeks, the arrangement made by the party headed by McIntosh, by whom the original claim is stated to have been made; then to the treaty of 1826 with the same Indians, made by Mr. Barbour, the Secretary of War of the late President, Mr. Adams; then to the treaty of 1832 made with these Creeks; and ascertain whether they ever presented such a claim in the first, middle, or final adjustment of all their demands against the Government of the United States; and whether this claim was referred to in any one of those negotiations. I merely want him to turn his mind to it, and see if he can find such a reference.

Mr. WALKER. I will remind the Senator from Georgia that he will find that those treaties related to a different subject-matter. They could not treat in relation to this matter, for the capitulation of Fort Jackson of 1814 had divested them of all interest here. But I will say to him, and furthermore, in reply to the query put to me by the Senator from Louisiana, that it will be found that with the inception of this matter they put their protest in form against the treaty or capitulation of Fort Jackson; and it will be found among the archives of the Government.

Mr. DAWSON. But did they, in any subsequent treaty, claim the payment of damages?

Mr. HUNTER. That will all come up tomorrow, when the question comes up again.

Mr. DAWSON. I merely wished to turn the Senator's attention to it, that he may be able to satisfy me on that point.

Mr. HUNTER. I hope my motion to suspend the rule will be entered on the Journal.

The PRESIDING OFFICER. It will be entered.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

On motion by Mr. SEBASTIAN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 4, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

THE AMERICAN BOOK OF ORATORY.

The SPEAKER. Mr. John Egan addresses me a letter and sends a book, copies of which he desires Congress to purchase. If not objected to, the letter and book, without reading, will be referred to the Committee on the Library.

Mr. HAVEN. Where is the letter from?

The SPEAKER. The Clerk will read the letter.

Mr. HAVEN. From what source has it come?

The SPEAKER. From New York.

The Clerk proceeded to read the letter in question, asking the favorable consideration of the Speaker to an accompanying book, and that he might present the same to the House of Representatives, and ask Congress to aid him in its circulation.

Before the letter had been read through, Mr. COBB. Oh, that is enough! What is the title-page of the book?

The SPEAKER. The title-page of the book is "The American Book of Oratory; or Guardian of Liberty." [Laughter.]

Mr. COBB. Oh, we have oratory enough, and too much, in the House at present! I object.

THE TERRITORY OF OREGON.

Mr. LANE, of Oregon, submitted the usual resolution to close debate in the Committee of the Whole on the state of the Union on bill No. 316, to amend the act approved September 27, 1852, "to create the office of surveyor general of Oregon; and also, an act amendatory thereof, approved February 19, 1853," in five minutes after its consideration shall have been resumed by the committee.

The question being upon the adoption of the resolution—

Mr. HENDRICKS demanded tellers.

Mr. PHELPS. I move to amend the motion of the Delegate from Oregon by striking out "five" and inserting in lieu thereof "fifteen," so that debate shall close in fifteen minutes after the committee shall resume the consideration of the bill.

Mr. LETCHER. I move to amend, by making the time one hour.

Mr. COBB. That is right.

Mr. LANE. I accept the amendment proposed by the gentleman from Missouri.

The question then being upon the amendment offered by Mr. LETCHER, it was put; and the amendment was not agreed to.

The question was then taken upon the original motion, as modified; and it was agreed to.

ENROLLED BILL.

Mr. HENN, from the Committee on Enrolled Bills, here reported as correctly enrolled the bill entitled "An act to change the name of the bark Albion to Mount Vernon;" which thereupon received the signature of the Speaker.

BOARD OF COMMISSIONERS IN UTAH.

Mr. RICHARDSON. The Committee on Territories have directed me to report a joint resolution in reference to the settlement of the expenses of a board of commissioners in Utah. I send it to the Clerk that it may be read.

The joint resolution was then read a first and second time by its title, as follows:

A joint resolution authorizing the accounting officers of the Treasury to adjust the expenses of a board of commissioners appointed by the Territorial Assembly of Utah to prepare a code of laws.

Mr. RICHARDSON. I move that the resolution be referred to the Committee of the Whole on the state of the Union, and be printed.

The motion was agreed to.

Mr. LANE, of Oregon. I now move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the motion was agreed to.

SURVEYOR GENERAL OF OREGON, ETC.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair.)

The CHAIRMAN. When the committee was last in session it had under consideration the bill of the House (No. 316) "to amend the act approved September 27, 1850, to create the office of surveyor general of the public lands in Oregon," &c., and also the act amendatory thereof, approved February 19, 1853.

The question pending is upon the adoption of the amendment submitted by the gentleman from Iowa, [Mr. HENN,] to strike out in line four, section four, the word "granted," and insert the word "reserved."

Mr. HENN. It has been customary, in the organization of Territories, to reserve lands for the benefit of universities, and thus secure them from sale, until the Territory came into the Union as a State. When they are granted, I wish to conform to the usual custom in such cases, and I have, therefore, moved to strike out the word "granted" and insert "reserved." If this amendment shall be adopted, I will then move to amend the fourth line of the same section, by striking out the words "and applied to," and to insert in lieu thereof the word "for." The section will then read:

SEC. 4. And be it further enacted, That, in lieu of the two townships of land granted to the Territory of Oregon by the tenth section of the act of 1850, for universities, there shall be reserved to each of the Territories of Washington and Oregon two townships of land of thirty-six sections each, to be selected in legal subdivisions, for university purposes, under the direction of the Legislatures of said Territories, respectively.

The question was severally taken on the proposed amendments, and they were agreed to.

The sixth section was read, as follows:

SEC. 6. And be it further enacted, That all the provisions of this act, and the acts of which it is amendatory, shall be extended to all the lands in Oregon and Washington Territories; and, for the purpose of carrying said acts into effect in said Territories, the President shall be, and he is hereby, authorized to appoint a register and receiver for each of said Territories, whose powers, duties, obligations, and responsibilities shall be the same as are now prescribed by law for other land officers and for the surveyor general of Oregon, so far as they apply to such officers. They shall keep their offices at such place as the President shall, from time to time, direct; and their compensation shall be \$2,500 each per annum, and office rent; but they shall be entitled to no fees or other emoluments of any kind whatsoever, except the receiver's actual and necessary expenses in depositing; and, on satisfactory proof that either of said officers, or any other officer, has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

Mr. LETCHER. This section, as I understand it, proposes to give to locators upon the public lands in the Territory of Washington, which has just been organized, the right to sell out their claims, as was provided for Oregon in the second section. Now, is that the design of it?

The CHAIRMAN. I do not know that it is the duty of the Chair to explain what will be the legal effect of the bill; and that seems to be the inquiry of the gentleman from Virginia.

Mr. LETCHER. Then I should like to know from the gentleman from Oregon what he proposes to accomplish by it?

The CHAIRMAN. The Territory of Washington having been taken from Oregon Territory, and the law having granted land to settlers in the latter Territory, consequently those who lived in the Territory of Oregon prior to its organization were entitled, under its provisions, to the donations made; and I presume the object of this bill is to place the settlers in the Territory of Washington on the same footing as the settlers in the Territory of Oregon have been placed.

Mr. LETCHER. Well, then, it is giving up the lands altogether.

The CHAIRMAN. Unless there be objection,

the bill will be laid aside, to be reported to the House, with the recommendation that it do pass.

There was no objection, and the bill was laid aside to be reported to the House as indicated.

SURVEYOR GENERAL OF UTAH.

The CHAIRMAN. The next bill on the Calendar for consideration is House bill No. 317, entitled "A bill to establish the office of surveyor general of Utah, to grant donations to actual settlers therein, and for other purposes."

Mr. HENN. I move that the committee do now rise, that general debate may be closed in committee on this bill.

[Cries of "No!"]

Mr. KERR. Is the motion debatable?

The CHAIRMAN. It is not.

Mr. JONES, of Tennessee. Has the bill been yet under consideration?

The CHAIRMAN. The bill has not yet been read through.

Mr. JONES. The rule says that the bill shall have its first consideration in committee; and, unless it be considered, it will not be in order to close debate upon it.

The CHAIRMAN. The bill has been read by its title. Unless objected to, the bill will be considered as having been read through the first time for information.

Mr. DISNEY. That was the motion which I was about to submit.

There was no objection.

The question was then taken on the motion that the committee do now rise; and it was disagreed to.

The first section of the bill was read for amendment by the Clerk, as follows:

Be it enacted, &c., That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for Utah, whose power and authority, duties, compensation, and allowances for clerk hire, office rent, fuel, &c., shall be the same as now provided by law for the surveyor general of California; and he shall locate his office, from time to time, at such places as may be directed by the President of the United States.

Mr. DISNEY. To make the bill correspond with the one passed on the same subject for New Mexico, I move to strike out all of the section after the word "Utah," and in lieu thereof to insert the following:

Whose annual salary shall be \$3,000, and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon; and he shall have proper allowances for clerk hire, office rent, and fuel, not exceeding what now is or hereafter may be allowed by law to the said surveyor general of Oregon; and he shall locate his office, from time to time, at such places as may be directed by the President of the United States.

Mr. HAVEN. I would inquire of the gentleman from Ohio whether this provision is precisely like that in the New Mexico bill?

Mr. DISNEY. Verbatim.

The question was then taken on Mr. DISNEY's amendment; and it was agreed to.

The Clerk then reported the second section.

Mr. DISNEY. In order to make this section correspond with the amendments made to the New Mexico bill, I move to strike out from the first to the seventeenth lines, as follows:

"That to every white male American citizen of the United States, or to every white male inhabitant who has declared his intention to become such, over the age of twenty-one years, who removed to and was residing in said Territory prior to the 1st day of January, 1853, there shall be, and hereby is, donated one half section, or three hundred and twenty acres of land, if single, but if married, one section, or six hundred and forty acres; and to each white male American citizen, who shall have removed, or shall remove to, and settle in said Territory, between the 1st day of January, 1853, and the 1st day of January, 1858, there shall, in like manner, be donated one quarter section, or one hundred and sixty acres, if a single man, or if married, one half section, or three hundred and twenty acres, on condition of actual settlement and cultivation for not less than four years."

and to insert in lieu thereof the following:

"That to every white male citizen of the United States, or to every white male, over twenty-one years of age, who has declared his intention to become a citizen, and who is now a resident of said Territory, or who prior to the first day of January, 1855, shall remove to and settle in said Territory, and shall continue to reside therein, be donated a quarter section or a hundred and sixty acres, on condition of actual settlement and cultivation for not less than four years."

Mr. DISNEY. I desire to state, for the information of the committee, that it is the identical amendment adopted in the New Mexico bill reported by the committee to the House on yesterday.

The question was then taken on the amendment; and it was agreed to.

The third section was then read, as follows:

SEC. 3. *And be it further enacted*, That on proof of settlement and cultivation, as required by this act, to the satisfaction of the surveyor general, or other officer designated by law for that purpose, subject to the supervision of the Secretary of the Interior, a certificate shall be issued to the party entitled, on presentation of which, if approved by the Secretary of the Interior, a patent shall issue thereon: *Provided, however*, That on the death of any such settler, before the completion of the four years' occupancy and cultivation required by this act, the right shall descend to his heirs-at-law, who shall be entitled to a certificate and patent as aforesaid on proof, as before provided, of continued occupancy and cultivation by such settler to the time of his death: *Provided, however*, That when lands are claimed under any of the provisions of this act by persons who are not citizens of the United States, patents shall not issue therefor until they become citizens: *And provided further*, That the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife.

Mr. BERNHISEL. I move to amend the third section by striking out all after the word "citizen," in the eighteenth line, being the last proviso.

Mr. HAVEN. I hope the committee will adopt the amendment of the Delegate from Utah, [Mr. BERNHISEL.] One reason is, that I do not desire, by any legislation which we may enact here, to recognize any such institution as that in Utah.

Mr. LETCHER. I think it would be as well to leave this matter alone; but the only objection I have to it is, that the committee did not apply the same sort of provision to gentlemen who are to get \$3,000 a year out there in the way of salaries. I cannot understand why a section of the bill was reported authorizing a salary of \$3,000 to be paid to men who had half a dozen wives without any restriction whatever, and why this third section should be reported with a restriction confined to settlers alone. My object in rising was to ascertain from the chairman of the Committee on Public Lands the reason for this discrimination, why the settler should be punished for having more wives than one, while officeholders, who are in the receipt of large salaries, not only have the benefit of money, but of the women to boot. [Laughter.]

Mr. DAVIS, of Rhode Island. I do not see that this discrimination is any worse than that of inserting the word "white" in these territorial bills. I do not see that it is legislating in favor of any worse institution than we have already prepared to establish by making this other discrimination in favor of white citizens alone. I do not know that it is any worse than legislating in favor of an institution which knows nothing of marriage between a large class of people, which does not even regulate the institution of marriage in any form whatever. And yet, with all the defects of Utah, they have some regulation as to the relation of man and woman. And it seems to me, as far as I can discover, that the institution of the South is calculated to denationalize our Territories, and to prepare them to introduce a system of promiscuous concubinage, so far as one portion of the community is concerned, and to give one portion of the community full power and control over another portion of the community.

I do not particularly object to this amendment, unless the other amendment is also carried; and I see no good policy in making such a distinction as this. I would as lief have Utah come into this Union with their defective institutions as to have a slave State come into it. I do not think that there is more evil in the one than there is in the other; but I am opposed to the admission of either without conformity to the general and well settled principles of the moral laws, as they are known and understood by every reasonable man.

Mr. SMITH, of Virginia. Mr. Chairman, I only take occasion to remark, that nothing surprises me more than to hear gentlemen who never were in a slave State, perhaps, in their lives, discourse *ex cathedra* on the character of our institutions. Now, the gentleman from Rhode Island [Mr. Davis] speaks upon this subject as though a common indiscriminate intercourse of the sexes existed among a portion of the population of the southern States. But I would have that member to understand that the tie of marriage is, in many respects, to a very large extent, as sacredly observed among the negroes of the South as it is among the people from whom he comes. And I do not hesitate to say that the crime of inconti-

nence is as rare in the southern States as it is in the great State of Rhode Island. If, however, the gentleman from that State is prepared, in connection with this subject, to get up and justify the institution of Mormonism—an institution which authorizes a man to have as many wives as he can maintain—if, I say, he is prepared to maintain such an institution as that, on so poor a pretext, let him go home and justify himself to his constituency. I hope, sir, the provision will not be stricken out. I now yield to the gentleman from Alabama, [Mr. COBB.]

Mr. COBB. The honorable gentleman from Virginia [Mr. LETCHER] propounded a question to the chairman of the Committee on Public Lands. As he has not answered that interrogatory, I will do it for him. The honorable gentleman, the chairman of the Committee on Public Lands, did not, perhaps, have the opportunity of knowing the circumstances attending the introduction of this provision into the bill. He was not present at the meeting of the committee when that provision was discussed and resolved on. But I can give an answer for myself to the question proposed by the gentleman from Virginia.

Sir, I advocated that provision before the committee, and I shall advocate it here, believing that it is right. I believe that this Government, when they propose to grant donations without any particular consideration, should—and it is their province to—discriminate and encourage that class for whose peculiar advantage these donations are intended.

Mr. LETCHER. That is not the point of my question.

Mr. COBB. I am coming to the other point in a moment. The gentleman from Virginia speaks of giving large salaries to persons occupying the position which I understand the Governor of Utah does. Now, without intending any disrespect even to the Delegate from that Territory, I will say that I am myself opposed to the principle of encouraging these individuals by giving them large salaries. And so far as my own action is concerned, I am opposed to increasing their salaries. And when the time comes, the gentleman from Virginia will find that my opposition is real and sincere.

As I have been the zealous advocate from the first of ingrafting on the bill the provision now proposed to be stricken out, I desire to propound a few questions to the Delegate from Utah, which, if he answers to my satisfaction, I may, perhaps, and in all probability will, vote for striking out the provision to which he objects.

Mr. LETCHER. The gentleman will allow me to interrupt him a moment.

Mr. COBB. But I want to propound a question to the gentleman from Utah.

Mr. LETCHER. Exactly; but as my friend from Alabama has not got exactly to the right point, I want to bring him to it before he undertakes to catechise the gentleman from Utah.

Mr. COBB. I do not want to catechise the gentleman. I wish only to propound a question or two.

Mr. LETCHER. I wish to know, while you will vote for this restriction to the third section of this bill, why you did not put the like restriction upon the first section, which relates to the salaries of officers, &c.?

Mr. COBB. Permit me to say to the gentleman that my vote, when I come to vote upon the bill, will answer his question.

But I wish to put a few questions now to the Delegate from Utah, [Mr. BERNHISEL.] I may have been too rigid in the principles which I have been accustomed to entertain, and I desire to propound a few questions to the Delegate from that Territory, with a view to correct my own judgment, if it should appear to be wrong.

As I have been upon former occasions, so I am now, disposed to do what I believe to be right; and if I have formed an incorrect idea of the practices which exist in Utah, and of the actions of individuals there, I may be doing great injustice to them by advocating the retention of this proviso in the bill. I will accordingly ask the gentleman from Utah whether this proviso, which limits the benefits of this act to persons who have now, or hereafter have, only one wife, will, in his opinion, work any very considerable injustice or hardship to any considerable number of the inhabitants of the Territory of Utah?

I do not desire to do any great injustice to any set of people, or to any individuals; and if the gentleman, the Delegate from Utah, will tell me that the proviso will work any great hardship to a considerable number of individuals in the Territory which he represents, I may perhaps change my mind and views upon this question. Until I am satisfied upon that point, I must insist, so far as my vote is concerned, upon the retention of the proviso in this bill.

It is a most wholesome proviso, and one which the Government ought to see carried out. The principle that an individual should have only one wife is a good one, and should be supported. I hope the proviso will not be stricken out.

Mr. BERNHISEL. In answer to the question of the gentleman from Alabama, I will state that the proviso will work injury to a very considerable number of the inhabitants of the Territory of Utah. The more wives a man has, the more farms he needs to support them. [Laughter.]

Mr. COBB. That is all I wanted to know, and I am glad to hear the response of the gentleman.

Mr. GIDDINGS. If there is any one feature of legislation which should be adhered to by statesmen, it is that of dealing out the same measure of justice to all who are affected by their legislation. Now, sir, for weeks and months, I have sat here and heard gentlemen denounce all attempts to interfere with the domestic institutions of our Territories. From the commencement of the discussion upon the Nebraska question to this day, scarcely a southern man has spoken who has not sneered at, condemned, and repudiated all attempts "to interfere with the domestic institutions of our Territories." They are now in favor of interfering with the domestic institution of marriage in Utah, among the Mormons.

Now, sir, I do not understand this practice of facing to the "right and left," and to the "right about" and "left about" at the bidding of some drill sergeant. How long are we to sit here and see gentlemen assume one position to-day and another to-morrow? When will gentlemen upon this floor learn that the people of this great nation expect something like consistency of action on the part of their statesmen?

I am earnest upon this subject. I am myself in favor of this proviso, taken as an independent proposition. It is in favor of morality, of propriety, of decency, and good order. But I never will go for it while we legislate for slavery in our Territories, and the admission of slave States, and permit the inhabitants of Nebraska to make such regulations in regard to their domestic institutions, including slavery and unlimited concubinage. I would deal out to the Mormon the same measure of justice and freedom that I would give to the citizens of Nebraska, with their hundreds of concubines. I will permit the Mormon to enjoy his dozen wives, and I believe I could do it with a great deal better conscience than I could give the slaveholder the privilege of an unlimited number of concubines.

Now, sir, when the Mormon marries, he does it openly before the public. The act is lawfully registered; and, when it has taken place, the woman assumes and takes the same standing in society and in the community as her husband. He recognizes her as his lawful partner. His children are legitimate. They are educated; they are taught to understand the laws of the country, and its Constitution. They become enlightened and intelligent, and may become useful members of the community.

Sir, the Mormon does not sell his wife, nor does he sell his children. No, sir. God forbid. The Mormon recognizes his child as entitled to his care, to his attention, to his protection, to the privileges of education. He does not sell his own offspring to a slave dealer. No, sir; no, sir. The gentleman over the way, from Virginia, [Mr. SMITH] says that negroes in the South are entitled to marriage. Why, sir, am I to stand here at this day and proclaim that there is no such institution as legal marriage among three millions of slaves in the United States? A fact of which we all are conscious. Is it not true that the gentleman who has made the declaration, would sell the wife of his slave to-morrow, if he could get his price for her? Or, that he would do worse, perhaps? That there is no law in Virginia to protect that female from the outrages of a brutal owner. Are we to sit here, month after month, and hear discussions in

favor of promiscuous, unlimited concubinage in the South, and then turn round and pass laws limiting the Mormons in Utah in respect to marriage? Mr. Chairman, if you will adopt a rule I will follow it. I would deal out the same measure of justice to the Mormons that I would give to those of Nebraska. I would exclude slavery and polygamy from both, and from all Territories.

Mr. PHILLIPS. I do not rise to reply to anything which has fallen from the gentleman from Ohio [Mr. Giddings] who has just taken his seat, for I could not, nor could any man who knew what was due to himself, or what was due to the respectability of the House of which he is a member, trust himself to reply to such language as has fallen from that gentleman. I leave him to his own conscience, and to the reprobation of his constituents; and if neither of them can serve as a monitor, I shall not undertake to correct or counsel him. I have no further reply to make to him.

I rose, sir, when the gentleman from Ohio obtained the floor, for the purpose of expressing my entire concurrence in the motion to strike out this provision. I say that it is a provision which has no parallel in the legislation of this country. It is another step onward in the progress of centralization on the part of this Government, of which this Congress has already given some strong evidences. We are not only now undertaking to regulate the industry of the country, to regulate the education of the country, to become the general almoner for all its charities; but we are now undertaking to regulate its morality. Sir, where, in the legislation of Congress, will any gentleman point me to a precedent where such a provision as this has ever been annexed to any legislation of Congress? Why, sir, in the homestead bill which this House has passed, was there any provision that no man shall become a settler who had been an adulterer; that no man should be entitled to the benefit of a homestead who had taken the life of his brother, or who had committed a larceny, or any crime whatever? Is there to be found such a provision in any of our laws making donations of land to settlers? Why is it that in this bill, in reference to the only Territory where this is regarded as a legal institution, this provision is inserted. Why, sir, if in Utah, which is an organized Territory governing itself, the marriage of more than one wife is illegal, it is punishable there as a crime; and if legal, it is a most extraordinary thing, that having permitted the organization of a Territory where this is a known legal institution, that when we pass bills for that Territory we exclude from its benefits all the persons who are living in said Territory.

Why, sir, I say that there is no principle whatever on which this is founded; and the remark of the gentleman from Virginia [Mr. LETCHER] to the inquiry was perfectly legitimate. For if we exclude these men from the benefit of settlements on the land, on the ground that they are in the commission of a crime, why, I ask, do you not annex the same condition to the salaries of the important officers in the same country? You have given salaries to the Governor and judicial officers of that Territory. Why, then, has not this condition been annexed to those salaries?

I say that Congress has nothing to do whatever with this transaction. We are disposing of the public land. It is not necessary or proper for this Government to make this condition. How is it to be worked out? Who is to investigate the fact? If you are making a provision, it ought to be a provision with some sanction; there should be some mode of enforcing it. What provision is there here for ascertaining the fact whether the party is entitled to make the entry?

To what tribunal have you delegated the inquiry to know whether the person applying for this benefit is subject to the condition? Sir, there is nothing of all this; and it looks to me to be most out of place, and most inopportune. It is certainly without the slightest precedent in the past history of the country; and I trust, therefore, that this motion to strike out will prevail.

Mr. CAMPBELL. For the present, I am not very particular whether this provision is retained in the bill or not. I believe that Congress has the right to intervene in the regulation of all matters that appertain to the welfare and morals of the people who may settle in this Territory. I subscribe fully to the doctrine of intervention, so far as the people of the Territories are concerned

during their territorial existence. I believe that in every State of this Union it is made a high offense to have more than one wife, legal and moral. It is regarded by public sentiment as a moral offense, and it is made by law a penal offense; and I believe that Congress has a right to interpose a provision of this kind, providing that the recipient of its bounties shall not perpetrate a great moral wrong.

But I rose more for the purpose of replying to the suggestion that was made by the honorable member from Alabama, who says that our legislation is tending strongly to centralization and consolidation. I, like my colleague, [Mr. Giddings,] desire to see something like consistency here. I have always, during my whole career, opposed this doctrine of centralization. The gentleman professes to be in favor of State rights, and in favor of having public sentiment reflected in the halls of legislation; and yet, I apprehend, that no member in this House more readily yields an acquiescence in the suggestions which come from the other end of the avenue than the honorable gentleman from Alabama. Consolidation and centralization! Who is more ardently in favor of the bill which is now before this House, and which we are notified will be pressed forward next week—I allude to the Nebraska bill—than the gentleman from Alabama? What voice came here calling for that bill to repeal the Missouri compromise, from any sovereign State of this Union, by resolves of its Legislature, or by the declaration of the popular masses assembled in districts, in counties, in townships, or in town meetings? None, sir; it is an edict from the White House. I am in favor of State rights and of popular rights, and am for resisting all attempts that may be made to overwhelm in the halls of legislation that which is known to be the sentiment of the people of this land. Sir, it sounds strangely to me to hear a gentleman condemning that which may seem to be, in this instance, centralization and consolidation, who is in favor of hurrying through in hot haste a measure that is to affect a vast empire in the future, when no voice has been raised from any State or from any portion of the people of this land in favor of it.

The CHAIRMAN. The Chair must remind the gentleman from Ohio [Mr. CAMPBELL] that he must confine his remarks to the subject immediately under discussion.

Mr. CAMPBELL. I am considering this doctrine of centralization and consolidation.

The CHAIRMAN. The Chair must again remind the gentleman from Ohio that the discussion must be confined to the bill.

Mr. CAMPBELL. I am in favor of State sovereignty and popular rights, and I would to-day, if I could, before the sun sets, give the public domain, were it necessary to do so, to construct between this Capitol and the other end of the avenue a gulf so wide and deep that it would be impassable. I would fill it, if I could do so, with burning lava from the hottest crater of Vesuvius, so that no member from Alabama, or Ohio, or any other State of this Union, could ascertain what was the Executive will in regard to pending bills. I would have a sort of subterranean telegraph, so that we might understand that the laws of the land were executed; but I would never permit a member of the House of Representatives to know what was the presidential will in reference to measures before this body. Resistance to centralization and consolidation was the doctrine to which I subscribed in early youth, in the contest of 1832, when I first became a voter, when I looked upon the record of public doings and saw in what manner the Executive power of this country controlled popular will. There was a veto sent down, yesterday, to the other Chamber—

The CHAIRMAN. The Chair would remind the gentleman from Ohio that he is not in order in referring to what took place in the Senate.

Mr. CAMPBELL. I beg pardon—

Mr. DISNEY. Are we not acting under a special order?

Mr. CAMPBELL. I suppose we shall be considering this veto some of these days, and I hope we shall hear then from the honorable gentleman from Alabama [Mr. PHILLIPS] something more about this doctrine of centralization and consolidation of power.

Mr. PHILLIPS. If the gentleman desires to

know what I would do in reference to the veto, I will inform the gentleman from Ohio that he will find me one of its warmest advocates, because of the principle of State rights which I have advocated.

The CHAIRMAN. The Chair will remind gentlemen that the veto is not under discussion here.

Mr. CAMPBELL. I hope when the veto message does come here that we shall meet this matter of consolidation, compare notes, and go back and trace the whole history of the country, and see who has sustained Executive usurpations when in conflict with the public will.

Mr. ORR. I call the gentleman to order.

Mr. CAMPBELL. It has been intimated to me that I am perhaps taking too large a latitude. Perhaps I am making an old-fashioned Whig speech; and it may be proper that I should draw my remarks to a close. I wish it distinctly understood that I am a friend of these Territories. I have assisted the honorable gentleman, the chairman of the Committee on Territories, as far as I could, to facilitate territorial business, and I think the Delegates of the Territories will bear me witness that I am friendly to these Territories, and anxious to have the business relating to them disposed of.

Although this is a fruitful theme, and one on which I am not only ready now, but shall be ready in the future, to meet the honorable gentleman from Alabama, yet I do not wish to consume the time of the committee under such circumstances; and therefore I resume my seat until a more appropriate occasion.

Mr. STEPHENS, of Georgia. Mr. Chairman, I do not intend to discuss the question of consolidation or centralization, nor will I discuss the other question broached by the gentleman from Ohio, [Mr. CAMPBELL,] as to Executive dictation. There is one point, however, on which I will say that I totally disagree with that gentleman, and that is the wish expressed by him of placing a gulf between the two Houses of Congress and the Presidential Mansion.

Mr. CAMPBELL. Such as would be sufficient to prevent members going there to know how they are to vote on questions before Congress.

Mr. STEPHENS. I do not know that any members are in the habit of visiting the President for that purpose—

Mr. CAMPBELL, (interrupting.) I spoke rather hastily on that point, and therefore hope that the gentleman from Georgia will allow me to correct myself. It was a figurative expression that I used; and what I meant by it was, that I would have such a gulf between the Presidential Mansion and both Houses of Congress as would prevent members from going there to inquire and be instructed what way they should vote, which would relieve the legislative branch of Government from presidential pressure. That is all that I meant.

Mr. STEPHENS. I do not know, I say, Mr. Chairman, how the fact may be as to members going to the White House for instructions. I know that it is the business of the President, under certain circumstances, to communicate his opinions on particular subjects to Congress. But I do not know that individual members go there for such a purpose. However, I am not going to discuss this matter.

The gentleman from Ohio speaks of the Nebraska bill; and he speaks of an effort being made to push it through this House in hot haste. He said that no State of the Union has yet spoken on this subject. How does this matter stand? Why, Mr. Chairman, we have been here for three or four months discussing this bill. Is that hot haste? As to there having been no voice from any State of the Union in favor of it, now how does this also stand? Sir, the State of Georgia, I know, has spoken; her resolves in favor of that bill are upon your table. The State of Louisiana, too, has spoken. Other States have spoken. And, sir, I see that the other day there was a meeting in the gentleman's own State, (Ohio,) a town meeting—a primary meeting—on the subject of the Nebraska bill. Sir, States have spoken, and the masses are rising in various quarters, demanding action on the bill. Can the friends of that measure then be charged with acting in "hot haste" on the subject—

The CHAIRMAN, (interrupting.) The gen-

tleman from Georgia [Mr. STEPHENS] is traveling a little out of the record.

Mr. STEPHENS. Well, Mr. Chairman, perhaps I am. But I am now through on that point—

Mr. CAMPBELL, (interrupting.) What I intended to say was, that prior to the introduction of this element of commotion, none of the States, none of the people had expressed any desire for it.

Mr. DISNEY. Mr. Chairman, I rise to a question of order.

Mr. CAMPBELL. I only want to set myself right.

Mr. DISNEY. I am extremely sorry, Mr. Chairman, to have to interrupt the gentleman; but all this is out of order.

Mr. STEPHENS. Well, I shall try to keep in order.

The CHAIRMAN. The gentleman from Georgia will proceed in order.

Mr. STEPHENS. Well, Mr. Chairman—

Mr. CAMPBELL, (interrupting.) The gentleman from Georgia, I think, misunderstood my remarks. I wish to set him right: that I may be understood as I intended I should.

The CHAIRMAN. The whole of this discussion and explanations are out of order. The Chair has indulged the gentlemen in a very great latitude; but I trust that members will now confine themselves to the matter under consideration.

Mr. DRUM. I rise to a question of order. If I understand it correctly, the Chair decides that under the special order, members of the committee have no right to discuss anything except connected with the bill under discussion.

The CHAIRMAN. That was the decision of the Chair; and the gentleman from Georgia, I believe, is about conforming to that decision. The Chair permitted an ample latitude to the discussion which has taken place between the gentlemen from Ohio and Georgia; and perhaps they encroached a little upon the rule. But they were desirous to set themselves right.

Mr. DUNHAM. Is it too late to take an appeal?

The CHAIRMAN. The debate has slightly encroached upon the rule, and the gentleman will proceed in order.

Mr. DUNHAM. I desire to take an appeal.

Mr. HUNT. I rise to a question of order. Is the gentleman from Indiana in order in interrupting the gentleman from Georgia while he was proceeding strictly in order?

The CHAIRMAN. But one question of order can be entertained at the same time.

Mr. HUNT. I did not hear the gentleman from Indiana.

Mr. DUNHAM. I hope I am not out of order because the gentleman from Louisiana did not hear me.

Mr. HUNT. The gentleman was interrupting the gentleman from Georgia while speaking in order.

Mr. DUNHAM. I understand that the Chair decides that the gentleman may discuss questions not connected with the bill.

Mr. ORR. The Chair has decided nothing of the kind, except that gentlemen must proceed in the discussion in order.

Mr. DUNHAM. What is the decision?

The CHAIRMAN. There is no question of order, except that which has been raised by the gentleman from Indiana himself, and that is, that the gentleman from Georgia is not speaking in order. The gentleman from Georgia has the floor, and will proceed in order.

Mr. STEPHENS, of Georgia. I should have finished my remarks in the time which has been consumed with the discussion of the question of order. My main object in rising was to declare my opposition to the principles and views of the gentleman from Ohio [Mr. CAMPBELL] on the merits of the proviso under consideration *in toto*. I allude to the position assumed by him, that the General Government has not only the right, but that it is its duty to interfere in cases of morals, and to erect such a standard of morals in the Territories as Congress may think proper. I put it to the good sense and mature consideration of that gentleman, if this bill were to grant lands to every body who should be a Presbyterian, a Methodist, a Catholic, or of any other particular denomination of religion, whether he would hold it to be

the duty of this Congress, according as a majority of their views might be, to pass such a law?

Sir, the Constitution of the United States has guarded this point. Congress has no power to establish any religion—none at all. Congress has no power to touch the question of morals, which lie at the foundation of all systems of religion. Congress can rightfully exercise no power which looks to the establishment of any particular tenets of any religion or any religious sect, or to the putting down of any such religion or sect, either in the States, Territories, or anywhere else. Congress can only interfere with such actions in a criminal point of view as come within the class of "*mala prohibita*." Congress has no right to look to those actions designated by ethical writers as "*mala in se*." None whatever.

The gentleman says that this practice of polygamy is regarded as a great moral crime in every one of the States of the Union. I am not going to discuss before this House the question whether that practice is moral or not. Congress has no right to set up a standard of morals for the people of any portion of this country. I meet this question at the threshold—I stand upon principle. I stand upon the Constitution of the United States. I will do the same justice to the people of Utah that I will to people of other Territories, without inquiring into their ecclesiastical polity.

I am in favor of granting lands to the people of the Territory of Utah in the same manner, and upon the same terms, as we do to the people of the other Territories of the Union. I would make no discrimination. If we discriminate to-day against *Mormons*, to-morrow, perhaps, we shall be asked to discriminate against Baptists, Methodists, Presbyterians, or Catholics. The evils of such discriminations, or even the attempt to make them, have been wisely provided against in the Constitution. Let us stand by the Constitution. Let us strike out this proviso, and let the people of Utah, amenable to their own laws, civil as well as ecclesiastical, have the rights and privileges of this bill, just as the people of all the other Territories within our jurisdiction. The power which will be exercised in this proviso will, if ever brought in full operation, break down the only safeguard we have for religious freedom.

Mr. SMITH, of New York. Sir, I believe that no subject has come before us involving more important principles than this subject. I wish it might be discussed temperately and patiently, and passed upon deliberately and wisely.

I am in favor of retaining the proviso under consideration, and I have risen to say a few words in reply to the gentlemen from Alabama and Georgia, [Mr. PHILLIPS and Mr. STEPHENS.] Before doing so, however, I will notice what was said by the gentleman from Virginia, [Mr. SMITH.] That gentleman says that the marriage tie among the southern slaves is held sacred. I believe that it is held sacred to a considerable extent; and therefore I am willing to say so. But, sir, no thanks to the laws for this. Thanks for it to the faithful affections of the parties to the marriage, and to the kindness of masters and mistresses who permit the indulgence of these affections. But, sir, we are legislators, and we are to look at the legal character of things. We are not to accept concessions and privileges in the place of legal rights. We are to inquire whether marriage among the slaves is legal. Now, sir, there is no legal marriage among them. I go so far as to say that I am ready to stipulate in advance, that if the gentleman from Virginia can show that there is a legally married slave in all the South, I will give up all my opposition to slavery. The slave is incapable of any contract—even that of matrimony. The slaves, after they have passed under the ceremony called marriage, can as well as before it, be sold from each other, and separated forever.

Mr. JONES, of Tennessee. If the gentleman will yield to me for a moment, I will tell him of one case.

Mr. SMITH. I will yield, certainly, for that purpose.

Mr. JONES. Some two years ago, in this city, I was speaking to a gentleman from Maryland about buying some slaves. He said his negroes had been married by a Catholic priest, that he himself was of the same religion, and that he would not sell them unless the priest was to go along with them. They were married by a Cath-

olic priest, which I presume the gentleman would call legal. I have seen them legally married.

Mr. SMITH. I have no doubt of what the gentleman states.

The CHAIRMAN. The gentleman from New York will permit the Chair to interrupt him. The Chair ruled some time ago, that during the discussion in committee upon territorial business, he should confine gentlemen in their remarks to the discussion of the subject under consideration. The gentleman from New York will, therefore, confine himself to the amendment now pending before the committee.

Mr. SMITH, of New York. Never mind what the Catholic said to the gentleman of Tennessee. I ask that gentleman whether he, himself, believes that there is legal marriage among the slaves? Sir, the gentleman has carried us into Maryland. I will follow him there, and I will say to him, that the Maryland books (1 Maryland Reports, 561, 563) show that a slave cannot be prosecuted for bigamy. He cannot be guilty of bigamy, for he never was a legal husband. He never had ability to contract legal marriage.

But, sir, to the subject before us. I agree with the gentlemen from Alabama and Georgia, that we are not to concern ourselves with the morals of the Territories. I make the province of civil government quite as narrow as those gentlemen do. I do not include in that narrow province the duty of promoting morals, nor even of protecting morals. All I would receive at the hands of Government is protection of persons and property. The office of Government is to hold a shield over the great essential natural rights of its subjects. Now, sir, I hold that polygamy invades a great natural right, and that it is, therefore, the duty of civil Government to suppress it.

I suppose it will not be denied that polygamy prevails in Utah. But it is said that polygamy is a part of the religion of the *Mormons*; and that, as we would keep ourselves clear of the offense of invading the religion of our subjects, we must not strike at polygamy. I admit, sir, that the reformation of religion cannot be a legitimate object of legislation. But, sir, that legislation may be sound and justifiable which incidentally affects religious systems. If a religious system tramples on any of those great rights which it is the office of Government to protect, then, at just those points where such system offends, Government is to meet it and overcome it.

I argue the duty of Government to suppress polygamy on just the principles that I argue the duty of Government to suppress land monopoly. I believe that all persons have an equal right to the soil. The Maker of the earth has provided one home, not two homes, for each person: not two farms, but one farm, for each farmer. The right to the soil is natural and equal. So, sir, the right of each man to one wife, and each woman to one husband, is a natural right; and for one man to get more than one wife, or for one woman to get more than one husband, is to violate this natural right, which it is the duty of Government to protect.

The word of God shows that nature provides but one wife for one man, and one husband for one woman. That word teaches us that He "made them male and female"—not male and females, nor female and males. And if there are any present who do not bow to the authority of that word, I would point such to the census. The census, in every country, and in every age, shows that the sexes are numerically equal, and that the arrangements of Providence forbid polygamy.

I have proceeded in my argument for sustaining this proviso on the ground that this Government has as full power and authority over the people and institutions of its Territories as a State government has over the people and institutions within its jurisdiction. Now, I ask the gentleman from Georgia [Mr. STEPHENS] whether the government of his State should or would permit the dark-haired men of his State to press and practice upon their claim to a hundred wives each, and thus to shut out the light-haired men from marriage? But I will consume no more of the time, as so many are eager to speak.

Mr. DISNEY. It may be proper, Mr. Chairman, in regard to the position which I occupy on this bill, to make a brief explanation. It was not my purpose, when I came here, to engage in the discussion. I will state that the bill, as I origin-

ally submitted it to the Committee on the Public Lands, did not embrace the existing proviso. When the committee had the bill under consideration, I was taken sick, and, during my absence, as stated by the gentleman from Alabama, [Mr. Cobb,] I believe on his own motion, this proviso was inserted.

Various arguments passed through my mind with regard to this matter concerning the Mormons and this proviso, both *pro* and *con*. I shall not weary the House by repeating them. They bore upon the point which the gentleman from Georgia has touched, as to how far the Congress of the United States might legally interfere with the religious faith and religious action of the people of the Territories. Again, on the other hand, it suggested itself to my mind as a question of policy. The committee will observe that this bill, as it now stands, so far as it relates to the granting of lands does not interfere with the religious belief or existing institutions of the people of the Territory. There is no interference at all. The proviso simply provides that in making these grants of lands, a particular class of persons shall not be entitled to the benefits of them.

One word here by way of reply to the gentleman from Virginia, [Mr. Letcher,] who asked me a question this morning. That question, as I understand it, was, why a limitation of this sort had been imposed with regard to donations of land to settlers, when a similar provision was not introduced with regard to the salary of the surveyor general? Now, Mr. am I really expected to answer a question of that sort? The first section of the bill provides that where an individual shall discharge certain specified and well defined duties, he shall be paid for the services so rendered at a specific and defined rate. That is natural. The reason is obvious. The propriety of it will be admitted by everybody. The first section, then, is simply to provide compensation for a particular officer, who is to render certain services; and there can certainly be no necessity for me to explain why a limitation is not put upon the salary of that officer. The latter portion of the bill provides for donations of land to settlers. Now, the Government might pay one who practices polygamy for discharging the duties of surveyor general for services rendered, and yet might esteem it impolitic to make donations of land—gifts to parties on condition of settlement, and thus settle that country with persons practicing polygamy. The distinction, I apprehend, is sufficiently obvious without any further remarks from me.

One word more. I have risen merely for the purpose of explanation, and not to express opinions. As I have already stated, when I submitted this bill to the Committee on Public Lands it was without this proviso.

Now, with regard to the Mormons themselves, I have to state the fact, that polygamy is a legal institution in the Territory of Utah. I have a volume of the statutes of Utah before me, and I have examined it carefully.

Mr. MILLSON. Really, I am somewhat astonished at that declaration of the gentleman from Ohio. Do I understand the gentleman to say that polygamy is a legal institution in the Territory of Utah?

Mr. DISNEY. Yes.

Mr. MILLSON. Has the law legalizing it ever been revised by Congress? I should like to know if the gentleman has any information upon that subject?

Mr. DISNEY. I have just stated that I have examined the laws of the Territory of Utah.

Mr. MILLSON. What I wish to ask the gentleman is, whether that law has ever been revised by the Committee on Territories? And if so, whether the Committee on Territories are prepared to—what I take it for granted they will promptly do—report a bill annulling such a law?

Mr. DISNEY. I will answer the gentleman. There is no statute in the Territory of Utah expressly allowing polygamy as such, although it recognizes its existence. The statutes recognize the issue of marriages under such a system there as heirs-at-law, and make provisions in regard to estates, and in every way and form recognize the existence of polygamy as a legal institution. I hold in my hand a statute of that character. I desire merely to make one more remark in addition to what I have already said. It is proper

for me, in justice to the Mormons, to state that their statute-books are filled with provisions against incontinence of a most severe character.

Mr. ORR. With a view of offering a resolution in the House, to close debate, I move that the committee rise.

[Cries of "No!" "No!"]

Mr. ORR. I give notice that if the committee will rise, I will move to close the debate upon this bill in fifteen minutes after the committee shall have resumed its sittings.

Mr. SIMMONS. I hope the motion of the gentleman from South Carolina will not be agreed to, as this is a subject which ought to be fully discussed.

Mr. ORR. If a majority of the committee concur with the gentleman from New York, [Mr. Simmons,] he can extend the time to an hour, or two hours, or longer.

The question was then taken upon Mr. Orr's motion; and it was decided in the negative.

So the committee refused to rise.

Mr. SIMMONS. Mr. Chairman, I had been a silent reader of the proceedings of Congress for many years before I came here as a member of this House and had an opportunity of being an eye witness. I have now seen the manner in which so much loose and hasty legislation gets through Congress. It is done under great excitement, with much declamation upon every thing but the question under debate, and then voting on the question without discussing it. I am in favor of retaining the clause in the section "that the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife." It is jokingly suggested to me that I stand in a dubious position in relation to this question; but it is a disinterested position. Sir, I am opposed to striking out the clause for two reasons.

My first reason is, that it would be repudiating the whole antecedent policy of this Government upon the subject of legislating for Territories, and fitting them to become republican States of this Union. The ordinance of 1787, providing for the government of the Northwest Territory, from which the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin were formed, and which received the sanction of the old Congress under the Confederation, and the confirmation of the new, laid down six articles as *fundamental rights*, to be forever secured by the Government to the people, "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws, and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said Territory, and for the establishment of States and permanent government therein," &c. And among these articles, the third one reads in this manner:

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Here, sir, religion and morality are recognized as being necessary to good republican institutions. Certainly, sir, they do not mean by religion and morality *Mormonism* and *polygamy*.

But again, sir, this very ordinance of 1787 was adopted, word for word avowedly on its face, by Congress, as an ordinance for the government of the Mississippi Territory, then containing the embryo State now in part represented by the gentleman from Alabama, [Mr. Phillips,] and made it the law there too, "excepting the last article forbidding slavery," which exception was made in consequence of the contiguity of that great Territory to slave States, and of its being deemed a necessary outlet for their emigration. But the whole of the six articles, excepting the last, was adopted and applied in so many words to that Territory, together with its declaration that religion and morality are the basis of free republican institutions; and with its provisions for the support of schools and education.

It seems, sir, that this Government once had something to do with these subjects. Congress once thought that Territories could not be properly fitted to become republican States without *morality*. If the learned gentleman from Georgia [Mr. Stephens] will take the trouble to look into Heeren's introduction to his Political History, he will be satisfied the author is right, when he says,

the reason why the civilization of Asia is so much behind that of Europe is owing to the institution and prevalence of polygamy, which spoiled the domestic relations, and occasioned more evil than slavery itself, because one was the parent of the other.

Sir, polygamy, everywhere, spoils the domestic relations, breaks up the family circle, which is the school of morality, of social order, and of republican liberty. But, sir, as with individuals, so it is with a people, always going from one extreme to another. A few years ago the Mormons were driven out of the State of Illinois by violence, and the two Smiths were shot in a base and cowardly manner in prison, from general disgust with their institutions. The whole society was soon afterwards expelled from the State. Now that they are gone away into the western woods, and got homes in another place, at a great distance from ourselves, we do right not to persecute; but by no means, with our Government patronage, let us encourage and strengthen such institutions; for, when in the course of the increase and settlements of our people in the western domains, they come to be neighbors, or fall in contact with Mormons, they will certainly have more trouble. All their institutions are at variance with ours. I would therefore pass no law to build up or strengthen them. I shall vote in favor of retaining the provision in the bill for these reasons. It seems to me very unwise in the House of Representatives to allow the idea to go abroad to the world that we are recognizing and patronizing such institutions by bounty laws, institutions at war with all true liberty and the moral sentiment of Christendom.

Mr. MILLSON. I desire to say but a very few words, for the purpose of explaining the reasons why I shall vote to strike out the proviso; and it seems to me that the very reasons urged by gentlemen who are in favor of retaining it, should have brought them to an opposite conclusion.

The proviso declares "that the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife."

Now, sir, I am unwilling that the statute-books of this Confederacy shall contain the admission that anywhere, within the reach of our laws, an institution exists under which a man is allowed to be at one time the husband of more than one wife. Sir, this proviso would be a confession of the weakness and powerlessness of Congress. Have we no further control over those who would establish this profligate institution in a Territory belonging to the United States than by withholding from them largesses and benefits? Have we not the right to apply to them our criminal legislation? I trust, sir, we shall never make such an acknowledgment of our feebleness; never confess our want of authority to strike at the root of the evil, and punish, if necessary, the perpetrators of these offenses against decency and law.

But how can a man be truly said to be the husband of more than one wife? Our laws acknowledge the right to have but one; and every second and further matrimonial contract, the wife being still alive, is simply null, and does not raise the female to the dignity of a wife. No man, then, in any Territory subject to our laws, can have more than one wife; and if, in the Territory of Utah, a man may, as this proviso seems to suppose, have more than one wife, it is only because Congress establishes or consents to such a law. We have reserved to ourselves the right to revise the statutes of the Territorial Assembly of Utah, and have declared that all acts disapproved by us shall be null and void. There can be no statute in Utah allowing a plurality of wives, except by the consent of Congress; and until Congress gives that assent—and it has not done it yet—there can be only one wife who can legally hold that relation.

Now, Mr. Chairman, I was surprised to hear just now, what I learned then for the first time, from the gentleman from Ohio, [Mr. Disney,] that the Legislative Assembly of Utah has already provided, or attempted to provide, for the legalization of polygamy. I beg leave to call the attention of the Committee on Territories to this act of the Legislature of Utah. I take it for granted that the legislative acts of that Territory have been sent to Congress, for the purpose of being revised,

as provided for in the law organizing that Territory. If so, sir, it devolves upon the Committee on Territories, to whom the duty belongs, to lose no time in bringing this subject to the notice of the House. I trust they will act promptly and decidedly.

Allow me, Mr. Chairman, to suggest that a grave responsibility rests upon us, as a moral people, as a people partaking of the civilization of the nineteenth century, to do all that may be incumbent upon us to repress the shocking licentiousness which is prevailing in a Territory of the United States subject to our control, and whose laws must undergo the supervision of Congress.

I, for one, have never surrendered, and I will not agree to surrender, the control of Congress over the legislation of the Territories. And the gentleman from Ohio [Mr. GIDDINGS] made an incorrect statement this morning, when he said that no southern gentleman in this House had yet spoken who had not ridiculed the right of Congress to interfere with the domestic institutions of a Territory.

Mr. GIDDINGS. I stand corrected.

Mr. MILLSON. I know many southern gentlemen who, in the recent debate, have, as I myself have done, protested against this doctrine—a doctrine which was, only a very little while ago, known as “squatter sovereignty,” but which, in the more euphonious and refined vocabulary of the present day, is designated as “popular sovereignty.” I believe that this Government has full control over the legislation of the Territorial Assembly, and full authority to annul any law which the people of the Territory, in their legislative capacity, may undertake to enact. I do not pretend to say that we can deprive them of any of their natural or personal rights; but such powers as they derive from us are always subject to our supervision and control. All their political power—all their legislative authority—is derived from Congress, and it can be derived from no other source. And I, for one, will never abandon these principles.

Sir, if it be true, as I was grieved to hear the gentleman from Ohio [Mr. DISNEY] say it is, that it has been attempted to legalize this licentiousness in the Territory of Utah, then we shall be partakers of the shame and of the disgrace, if we fail to discountenance and repress it. If we, either directly or indirectly, give it our sanction, we shall be held responsible for it. May not the very language of the proviso be construed as an indirect sanction of it? I ask gentlemen who have spoken upon this subject, and who, as I infer from their remarks, agree with me in sentiment, I ask them if there is not some reason for apprehending that if this proviso be adopted, declaring that land shall not be given to those having more than one wife, some judicial authority, I know not where, may torture it into a sanction by Congress of the crime of polygamy in the Territory of Utah, by recognizing the possession, in one man, of more wives than one? For these reasons I shall vote to strike out this proviso.

Mr. PARKER. I approve entirely of the remarks expressed by my friend from Virginia who has just taken his seat, in reference to the vile character and consequences of polygamy; but I do not agree with him that this proviso should be stricken out of the bill. I think it should be retained for precisely the reason which the gentleman has given for striking it out. The gentleman says that it is impossible for a man to have more than one wife.

Mr. MILLSON. I said legally.

Mr. PARKER. Very well; that it is impossible for any man to have legally more than one wife. Does the gentleman mean to say that Virginia could not make polygamy legal within the limits of that State?

Mr. MILLSON. I do not.

Mr. PARKER. Then the gentleman would confine his action exclusively to the Territories. Now, sir, how can we go to the Territory of Utah to prevent polygamy? How can we prevent it by any direct legislation? Who will enforce the law if you make one? Here, then, is a great, if not an insurmountable, difficulty. I am, therefore, in favor of retaining this proviso in the bill, for the purpose of discouraging the evil there. I am in favor of refusing to grant to men who practice polygamy any portion of the public domain. It is perfectly legitimate and proper, in

my view of the case, that it should be retained. I desire its retention expressly for the purpose named.

My friend from Georgia [Mr. STEPHENS] thinks that, by retaining this provision, we infringe upon the Constitution; for we have no right to adopt any legislation which may look to a religious test. Sir, what religious test is there here? If there be a religious test here, there are other religious tests in the bill. Go back to the preceding section of the bill, and you will find that we make a discrimination between married and unmarried men. What is there here? We make a discrimination here in regard to men who have each more than one wife. That is all. Why that discrimination between the married man and the man who has no wife? It is simply because we wish to invite to those Territories men with their families. If that be the case, and it be a legitimate object, cannot we discourage the population of these Territories by those who have two, or a dozen, or twenty wives, and rebuke the practice of the crime of polygamy? It seems to me to be perfectly legitimate. No provision of the Constitution is infringed.

There is a large class of the community residing in most of the States of this Union who look on all marriage, if not as illegitimate, at least as impolitic. I have reference to the Shakers. Now, would it not be legitimate for us to make provision in a bill of this character, with a view to the population of the Territory, if we thought they were a class of people which ought to be invited to the Territories, giving them a bonus for going there, as you give a bonus to married men in preference to unmarried men? But I need not enlarge; I am for retaining this provision, and I do not understand this matter in the light which the gentleman from Virginia does. All our laws recognize the existence of such a thing as bigamy—the having of two wives—or being twice married.

Mr. MILLSON. The gentleman is too good a lawyer not to know that the first marriage is the only legal one, and that there can be but one wife.

Mr. PARKER. That is all true. I mean not to cavil about terms. We are talking about facts, about the man who, in the contemplation of the law of Indiana and the law of Virginia, has, as we say, two wives, who is guilty of bigamy. We know that he can have but one legal wife. Why, the gentleman might as well tell you that there was no such thing under the old patriarchal law as polygamy.

This thing can exist in fact, and the question is, shall we countenance it in this law, or not? I am against it tooth and nail; and I will go with the gentleman, when the laws of Utah are submitted to us, to put a quietus on this feature of them to the full extent of our power. It is our duty as a moral and Christian people to do so. I am for retaining the provision. I look on it as a wholesome thing. It will work well. I do not wish to invite to that Territory, or any other Territory of the Union, any man who goes there with a multitude of wives in his train. All our elementary law writers on the question of bigamy have placed this matter, with all its pernicious consequences, in bold relief; in a relief, too, which has met with the sanction of all the civilized and christianized world. We ought not now attempt by our legislation to retrace the steps not only of all these States but all the moral world. I know that this practice is tolerated in Utah, but it is an anomaly among civilized and Christian people.

I am for retaining this provision, then, for the purpose of discountenancing bigamy. As I said before, there is no constitutional difficulty in my way any more than there is in making the discrimination between the married and unmarried man, the former having one half section of land and the latter only one quarter. I would go further, and say that the man who has more than one wife should have no land at all.

Mr. BENSON. I wish to call the attention of the committee to the law organizing the Territory of Utah. If I understand the subject before the committee, we are acting upon a bill relating entirely to the Territory of Utah. We are not talking about a Territory where the laws are different from what they are in Utah. We have been told here repeatedly to-day—we have been told by the gentleman from Ohio, [Mr. DISNEY], who says he has examined the laws of Utah—that those laws

do recognize the right to have more than one wife. Now, I want the committee to look, for a single moment, at the act organizing the Territory of Utah, and see how the law stands on this subject. Gentlemen who will look at the sixth section of that act, will find how and where the legislative power is to be exercised. I will read it:

“That the legislative power of said Territory shall extend to the rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.”

And now comes the clause to which I ask particular attention:

“All the laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect.”

Now, I ask the lawyers of this House whether, when a law has gone through the regular course of enactment in the Territory of Utah, it is not the law of the land in Utah until it is disapproved by Congress?

Several MEMBERS. Certainly.

Mr. BENSON. Then if such is the fact, I ask if it is not legal in the Territory of Utah for a man to have more than one wife? I agree entirely with what the gentleman from Virginia [Mr. MILLSON] has said. But I ask if you are going to shut your eyes to the fact that there are such laws existing in the Territory of Utah, and strike out this proviso because you are not willing to acknowledge, by implication, that there are any such laws in existence? Sir, we know the fact; the world knows it; the Congress of the United States knows it, for it has been proclaimed upon this floor again and again, that there are such laws in Utah. And with your eyes wide open to this fact, are you going to strike out this proviso, and say to the people of Utah, of every other Territory, and to the world, especially with this new doctrine of squatter sovereignty which seems to be prevailing in some quarters, though, I desire to be thankful, not in others, that you regard such laws and such a practice, in this Republic, of no sort of consequence?

Mr. MILLSON, (interrupting.) The gentleman from Maine and myself evidently aim at the same end. We have the same views. We merely differ as to the proper mode of accomplishing a common object.

Mr. BENSON. Yes, sir.

Mr. MILLSON. I merely wish to make a suggestion to him. I am aware, and it was for that reason that I said what I did, that the act organizing the Territorial government of Utah provides that the acts passed by the Territorial Legislature shall be transmitted to Congress, and if disapproved, shall be null and void. If disapproved, then they are null and void, not only from the moment when they are disapproved, but the disapproval dates back and declares those laws to have been null and void.

Mr. BENSON. Oh, no, that would be a kind of *ex post facto* legislation. They are laws until disapproved by Congress.

Mr. MILLSON. I think not.

Mr. BENSON. The statute says so. That is all I can say about it.

Mr. LANE, of Oregon. It has been so decided with reference to our Territory.

Mr. BENSON. Let me ask the gentleman from Virginia one question. Suppose Congress should declare that polygamy, or a plurality of wives should not be allowed, by disapproving of the laws of Utah which now allow it, could you go back and punish for bigamy, or polygamy, those persons who have had more than one wife under the laws existing in Utah?

Mr. LANE. Will the gentleman from Maine yield me the floor for a single moment?

Mr. BENSON. I will be done in a single moment, and then I will yield the floor altogether. I wish simply to say to the committee that I hold it to be the duty of Congress to put their hands upon crime of this kind wherever they can find it. But we have been told by certain gentlemen upon the floor, that we are not to punish crime, and that we are to close our eyes to its commission. I do not believe in any such thing. We punish, most assuredly, piracy, and there has been, if I am informed aright, in the other branch of Congress, a proposition to confer upon the Pres-

ident power to suspend certain laws for the punishment of crime.

Mr. STEPHENS, of Georgia. I certainly advocated no such doctrine.

Mr. BENSON. I do not refer to the gentleman from Georgia, but to the gentleman from Alabama, [Mr. PHILLIPS.] I took notes of his remarks at the time, and I understood him to say that we had no right to regulate the morality of the country.

Mr. STEPHENS. I desire to put the gentleman from Maine right, so far as I am concerned.

Mr. BENSON. I am happy to be put right at all times.

Mr. STEPHENS. Power is conferred upon Congress by the Constitution of the United States to punish crimes for violation of law. Congress has got no right to go beyond that. Congress can punish individuals for violating the post office laws. Power is given to them for that purpose. Congress can punish individuals for trespasses upon the public domain. Power is given to them for that purpose. Congress may define any line of duty upon subjects within its constitutional limits, and point out what shall be the penalty for a violation of it; and such a violation would be an offense coming within the class of which I spoke. I deny that Congress can go beyond that.

Mr. BENSON. One line of duty in which Congress may punish crime—and I call that crime which is held so in the thirty-one States of this Union—is by withholding its donations. This bill says "donate."

Mr. STEPHENS. Can there be any crime where there is no law? If there be no law in Maine against bigamy, would it be just to punish for a violation of the principle? And if there be no law in Utah against polygamy, is it not manifestly unjust to make such an unjust discrimination as is proposed? There is no law there against polygamy, and hence there is no legal crime of which your courts can take jurisdiction.

Mr. BENSON. I was remarking when I was last interrupted, that the Congress of the United States are about to confer a donation upon these people; and can they not withhold this donation if sound morality requires it? They should administer this Government according to those principles which shall promote the morals of the country. Now, I ask where there are thirty-one States of this Union that punish this multiplicity of wives as a crime, will you treat those who practice this in Utah so tenderly, and donate to them your public lands? I will agree with the gentleman from Georgia [Mr. STEPHENS] if there is no law in Utah against a multiplicity of wives, that it is not a crime by law there—that is a self-evident proposition. At the same time the practice is to be discountenanced in all proper ways—and I hold this to be one—do not give them your public lands according to the provisions of this bill. Let them first conform to the laws upon this subject, so important to the common welfare, which prevail in every State in the Union, and then it will be time to confer upon them the gift of your public domain.

We have not been officially informed of it, but it is universally conceded that polygamy exists among the citizens of Utah. Now, then, I ask again, are we to shut our eyes to this fact, and make a donation to those who live in violation, not of the law of Utah, but of the law of every State in the Union, and I may add, of the law of God? I would make no such donation as that—nor am I willing to close my eyes to the fact which exists, while I know that it does exist—and I therefore am opposed to the striking out of this proposition.

Mr. WALSH. There have been some very singular things done and said here, Mr. Chairman, during this debate. The best, and, in my estimate, the most effectual method of preventing polygamy, is for every young man, at the earliest opportunity after he finds that he can support a wife, to procure one. [Laughter.] Now, sir, if my friend and colleague on the opposite side of the House, [Mr. SIMMONS,] had adopted this plan, and if others had adopted it—for I believe he still remains a bachelor, and, therefore, he ought to be the last man in the world to grumble about other men taking two or more wives, as he has not yet taken one himself—if, I say, my colleague and others, had pursued that course, there would have been no such thing as an opportunity afforded to any man to monopolize wives. [Laughter.]

There is another thing connected with this

debate, Mr. Chairman, which has struck me as remarkable, and it is this: that there have been several gentlemen on this floor speaking upon this subject, who remind me of a hurdy-gurdy, set to a single tune. Not a solitary question can be brought up in this House that we do not hear a driveling sermon on abolitionism, and that we do not witness an attempt to goad a large portion of the members of the House into a state of ill-feeling, which can be productive of no good to us and no good to the country.

Mr. Chairman, in reference to the provision under consideration, I am in favor, most emphatically, of striking it out of the bill. I think the gentleman from Georgia [Mr. STEPHENS] has given incontrovertible reasons why it should be stricken out. And I see no propriety in us at this time, when this flourishing Territory is progressing towards the condition of a populous State; I see no propriety, I say, in our creating a state of feeling there which may tend to produce irritation and injury. The history of this people, from the earliest period of their settlement, has been one of outrage, wrong, bloodshed, and oppression; and now that they have removed far beyond reach of the narrow prejudices and bigotry of those surrounding them, the system of oppression and wrong under which they suffered should not be revived. I believe that, with the single exception of this conventional idea of theirs, of their right to have more wives than one—and that is only a simple difference of opinion between them and us—the Mormons are as good citizens, and as faithful to the Constitution and the Republic, as the citizens of any other State or Territory in this Republic.

Sir, time, example, good precepts, and persuasion, will do more to remove polygamy from that Territory than all the laws you can pass here. Do nothing. I would impress upon the members of this House the propriety of doing nothing to insult the prejudices of a people already goaded into madness by the wrongs and oppressions which they suffered before they reached their present location. They are rapidly gaining in strength and numbers. They will soon become one of the most powerful sects—you must not shut your eyes to the fact—in this country; and I trust that the liberality of this House will not disgrace itself by indorsing so narrow and contemptible a species of legislation.

Mr. LANE, of Oregon. I desire to have the debate upon this bill closed. Every gentleman must see that unless debate is closed very soon upon this bill, we shall not be able to act upon the territorial business which is before the House this week; and this week is the extent of time set apart, by the order, for that purpose. I therefore move that the committee rise, with a view to offer the usual motion to close debate.

[Cries of "Right!" "Right!" "No!" "No!"]

Mr. LANE. I appeal to gentlemen to allow this motion to pass. We have other important bills relating to the Territories which have not yet been touched. We have no certainty of time for this purpose beyond the present week; and that we may not be deprived of the benefits of that legislation, so important to the Territories, I hope the committee will rise, and close the debate upon this bill now.

The question being upon the motion of Mr. LANE,

Mr. CAMPBELL demanded tellers; which were ordered; and Messrs. TAYLOR, of Tennessee, and BAILEY, of Georgia, appointed.

The question was then taken; and the tellers reported—ayes 79, noes not counted.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. PHELPS] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the special order, being bills relating to the organized Territories, and more especially House bills Nos. 316 and 317, and had directed him to report bill No. 316, with sundry amendments thereto, to the House, with a recommendation that it do pass; and that upon bill No. 317 they have come to no conclusion.

Mr. LANE, of Oregon. I move the usual resolution to close debate upon the (No. 317) bill last

under consideration in the Committee of the Whole on the state of the Union in five minutes after its consideration shall be next resumed in committee. The question was taken; and the motion agreed to.

Mr. LANE. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the motion agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of the bill to establish the office of surveyor general in Utah, to grant donations to actual settlers therein, and for other purposes.

The CHAIRMAN. The question pending is upon the motion of the gentleman from Utah to strike out the last proviso in the third section of the bill under consideration.

Mr. PHILLIPS. Upon that motion I demand tellers.

Mr. KERR. Before the question is taken upon the motion to strike out, I will take the liberty of expressing the reasons by which I shall be governed in the vote I shall give upon this motion. I do not propose to detain the committee long. I regard the crime of bigamy—

A MEMBER. Polygamy.

Mr. KERR. No, sir, bigamy. That is bad enough. I say I regard the crime of bigamy as a very heinous one. I am not disposed to give it any countenance upon the part of this Government. But, sir, its practice has been acknowledged in the Territory of Utah, ever since the organization of the Territory. It was known at the time of its organization that it did exist, and then was the time for Congress to meet the question directly, and take the necessary measures for its prevention. But, sir, Congress did not meet the question in that form, at that time. And I say it is our manifest duty to meet it directly—now. Congress possesses the power of supervising all laws made by a Territorial Legislature; and I say it is clearly the duty of Congress to exercise that power by annulling any law which may exist in that Territory that countenances or sanctions such a crime.

But I am in favor of striking out this provision for another reason. This is a homestead bill; and while we are giving away the public lands to all who come from Europe and elsewhere, to fugitives from justice, and to everybody who will go there and take it, I say it will be doing injustice to these people to refuse to give it to them. Congress knew of the existence of polygamy among these people, when they organized the Territory, and used no means for its suppression. These people, when they took possession of a portion of the territory of this Republic, practiced polygamy openly as no crime; and I say that, under these circumstances, it is unjust to exclude them from the benefits of this provision when they are extended so freely to outcasts from Europe, and fugitives from justice.

Another reason by which I shall be governed in the vote I shall give upon this provision, is that mentioned by the gentleman from Virginia, [Mr. MILLSON,] and, I believe, by the gentleman from New York, [Mr. WALSH,] that, by the adoption of any such proposition, we are recognizing, in the form of law, that in this country the crime of polygamy does actually exist. I am opposed to the provision for this reason. When we are taking hold of this crime, I propose to take hold of it directly, as we should of any other crime. By the laws, I believe, of some of the States of this Union, polygamy is a crime punishable with death. I believe that punishment suited to the crime, and I believe it the duty of this Government to prescribe that penalty for its commitment, wherever it exists in the Territories over which the Federal Government has jurisdiction.

Mr. CAMPBELL, of Ohio. I wish to oppose the amendment. What time have I to do it in?

The CHAIRMAN. The general debate has not yet closed on the bill, but it will in two minutes.

Mr. CAMPBELL. I will take the two minutes, and then five minutes afterwards, if I can. I think the proper distinction is not made by gentlemen who argue in favor of striking out the proviso. This land proposed to be donated is the

public domain, and belongs to the people of the States in common. If, then, we give them to actual settlers who will cultivate, we have a right to impose the terms; and we have the power, I hold, to say that "you shall not have this public domain as a gift, if you intend to use it to perpetuate that system which is recognized throughout all the States as a high offense against public morals."

The CHAIRMAN. The time fixed for the closing of the general debate has now arrived. The amendment pending is to strike out the last proviso of the third section.

Mr. CAMPBELL. Then I move that after the words "one wife" there be inserted the word "living."

I am opposed to the striking out of the provision referred to for the reason which I have given. The gentleman from Georgia [Mr. STEPHENS] assumes the ground that Congress is undertaking to define such acts as shall be regarded as crimes, and to punish them as such in the Territory of Utah. Such is not the fact. I do not know that I should disagree with him very much as to the power of Congress to enact a criminal code for Territories, but I do contend that the people of that Territory, or those who would settle on our lands, have no right to ask of us a bonus in favor of extending a system of wrong doing or revolting crimes, in the shape of donation of public lands. If we donate the lands we have the right, and it is our duty to impose such terms and restraints, as will lay deep and strong in that far distant land the foundation of sound morals. In what relation do we stand to the Territory of Utah? Why, sir, a very high State paper, which has recently come before the other branch of this Congress and the public, (the President's veto of the bill granting lands to establish hospitals for the indigent insane)——

The CHAIRMAN. The gentleman from Ohio is not in order. He must confine his remarks to the amendment under consideration.

Mr. CAMPBELL. I can refer to a State paper which has appeared before the public without saying anything of what has occurred in the other branch of Congress.

The CHAIRMAN. The gentleman misunderstands the point of order made by the Chair. We are now under the five-minute debate, and the gentleman must confine his remarks to the amendment; they must be relevant to it.

Mr. CAMPBELL. My amendment is to insert after "one wife" the word "living," so that the section will read "one wife living." If his wife dies, then he is at liberty to take another, and still have the benefits of the act; but I am opposed to the settler having more than one wife living. I propose to insert two provisions in order that he may be confined to one for the reasons which I have given.

As I said before, it is regarded as a high moral offense in every State of this Union, and we stand to these Territories, if there be any force in the authority of a high State paper which has appeared before the country this morning, (the veto message,) in the relation of guardian, or parent, or proprietor of the public domain, and we have a right to impose the terms on which that public domain shall be given either to corporations, associations, or individuals. I will never agree, as one of the Representatives of the people who own the soil, to give it as a bonus for settlement to those who disregard all the moral restraints which they themselves enforce in their own State governments, through the instrumentality of strong penal enactments.

Mr. GOODRICH. I am opposed to the amendment of the gentleman from Ohio, [Mr. CAMPBELL,] and let me say that I am not so much troubled about invidious distinctions as the gentleman from North Carolina [Mr. KERR] seems to be—while I say that I am, at the same time, ready to cooperate with him in any direct mode of striking at this crime, as he calls it. But strike at this crime as directly as you may, you will not reach it so effectually as you will by retaining this proviso in the bill. Annul by law the act authorizing polygamy, and how will you secure the practical enforcement of your law? Annulled as that act may be by the law of Congress, the people of Utah will still practice polygamy. I therefore want this proviso retained for the purpose of reaching that people, if they are not

already beyond the reach of moral considerations, by carrying the moral power of this Government there, so far as we have the power of legislating on the subject. We derive that power just as we derive the power in the States to reach any evil. Polygamy, as all agree, is a great moral, social, and political evil. I am ready to strike it down in any way, directly or indirectly. I would reach it by carrying the moral power of this nation out to Utah Territory, and saying to the people of that Territory, that any man who practices this crime of polygamy shall not receive the Government bounty—shall not have the land which we give to other people. I would touch them through their interests in that way. I would reach this evil just as we reach the great evil of intemperance in the States. We legislate in the States upon the subject of intemperance, some by the application of the Maine law, and others by other means. I am for the Maine law; others are in favor of other measures. But we strike down intemperance as an evil, and so would I strike down this evil, if these people are not beyond the power and influence of moral considerations. I wish to put into this bill a moral power against polygamy. I want to say to the people of Utah that they shall not receive grants of the public lands as other people receive them, if they continue in the practice of this crime.

The question was then taken on Mr. CAMPBELL's amendment; and it was rejected.

Mr. TAYLOR, of Tennessee. Mr. Chairman, it is proposed to strike out the following proviso:

Provided, That the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife.

Now, the proposition before the House——

The CHAIRMAN. The Chair must remind the gentleman from Tennessee that debate is exhausted upon that amendment. The gentleman from Tennessee, if he desires to submit any remarks, must offer some amendment, and his remarks must be confined strictly to an explanation of such amendment.

Mr. TAYLOR. I propose to strike out the word "one," and insert in its place the word "two," so that it will provide that the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than two wives.

I am opposed to striking out this proviso; and as I expect soon to be called to vote upon it, I desire to give my reasons for offering the amendment I have. I regard the proposition to strike out the whole proviso as offering a premium to the polygamists of the whole world to settle in that Territory. I desire to know if the American Congress intends, by its action, to offer a premium to bigamists and polygamists of the whole world, to come and take possession of a great, widespread, and fertile Territory of this Government——

The CHAIRMAN. The gentleman from Tennessee, under the rules, is required to show why one wife should be stricken out and two wives inserted. [Laughter.]

Mr. TAYLOR. I will speak to that point directly. While the position of the gentleman from Georgia [Mr. STEPHENS] may be correct, I will not stop to discuss the distinction he makes between *mala prohibita* and *mala in se*. Yet I submit to this committee whether the Government, through this Congress, is to offer a bonus for the establishment and perpetuation of evil in that Territory? This is the point involved in controversy.

In a very few years, under the operation of the proposition to strike out this proviso, you will have that Territory peopled by polygamists, who will inevitably outnumber those who may settle there opposed to polygamy. What then? The first step will be to apply for admission into the Union. If you admit them, what then? By your action, your initiatory action, in encouraging settlements in that country, you, the American Congress, have virtually established these polygamists—this crime and vice of the dark ages. Is the American Congress prepared, for the sake of technicalities, to establish this principle? I cannot vote for the proposition to strike out this proviso. These are briefly my reasons, among others, why I cannot vote to strike it out.

With the permission of the committee, I ask leave to withdraw the amendment I offered.

Mr. WALSH. I object.

Mr. BALL. I desire to offer an amendment.

Mr. HAVEN. Is the amendment last offered disposed of?

The CHAIRMAN. It is not yet disposed of, and is still pending.

Mr. HAVEN. I do not wish to speak in opposition to the amendment, but I simply desire to perfect the section.

The CHAIRMAN. The Chair assigned the floor to the gentleman from Virginia, [Mr. MILLSON,] understanding that the gentleman from Ohio [Mr. BALL] did not wish to speak in opposition to the amendment.

Mr. MILLSON. I oppose the amendment for the reason I have opposed the whole proviso. My idea is that we ought to treat the subject in a more solemn manner than we are disposed to treat it by the amendment under consideration.

I had prepared, Mr. Chairman, a further amendment to the proviso, declaring that every law, and every part of any law, that may have been heretofore passed by the Territorial Legislature of the Territory of Utah establishing or allowing bigamy or polygamy, is hereby disapproved, and declared null and void. But upon consideration, and a few moments' reflection, it occurred to me that it would be better to proceed in this matter with more solemnity. The question is one which demands the solemn consideration of Congress; and the best way to effect this would be the introduction of a joint resolution or bill, having one single object only in view; and that, the annulling of any such laws or regulations in the Territory of Utah. A bill to this end, and not connected with any other measure of legislation, will therefore command the almost unanimous assent of every member, perhaps, in both Houses of Congress. It was for these reasons, sir, and with the view to effect this purpose, that I conceived the idea of introducing such a proviso. I first supposed that it was the appropriate duty of the Committee on Territories to introduce such a joint resolution; but as they have failed to do so, and as no other gentleman has made a move in that direction, I determined to take the first opportunity of annulling this legislation, which has been hitherto allowed to take place in the Territory of Utah.

The CHAIRMAN. No further amendments in order, and the question is on the adoption of the amendment offered by the gentleman from Tennessee, [Mr. TAYLOR.]

Mr. TAYLOR. If there be no objection, I will withdraw that amendment.

There being no objection, the amendment was accordingly withdrawn.

A MEMBER. What is the state of the question?

The CHAIRMAN. The gentleman from Ohio [Mr. BALL] has moved to strike out the section——

Mr. HAVEN. I desire to insert at the end of the section proposed to be stricken out the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

And Congress hereby disapproves of all laws, if any, in the Territory of Utah, that in any way recognize, allow, or enact, that any man may have at one time more than one wife, or that any woman may at one time have more than one husband.

Mr. ORR. I rise to a question of order.

The CHAIRMAN. The gentleman from South Carolina will state his question of order.

Mr. ORR. My point of order is, that the amendment is not germane to the bill, or to the section under consideration.

Mr. HAVEN. Allow me to submit that this very proviso is legislating in respect to these relations between husband and wife. That is the gist of the proviso itself, and therefore I submit that the amendment is not out of order.

The CHAIRMAN. In the opinion of the Chair the amendment is not in order under the 55th rule of the House, which provides that no motion or proposition on a subject different from that under consideration will be admitted under color of amendment. The amendment, as submitted by the gentleman from New York, [Mr. HAVEN,] proposes to annul or repeal laws enacted by the Legislature of the Territory of Utah. The section under consideration proposes a donation under certain restrictions. That is the difference, and the amendment is not in order.

Mr. HAVEN. I humbly and respectfully de-

sire to make an appeal from the decision of the Chair.

The CHAIRMAN. The question then is: "Shall the decision of the Chair, pronouncing the amendment offered by the gentleman from New York out of order, stand as the judgment of the committee?"

Mr. CAMPBELL, of Ohio. On that I demand tellers.

Tellers were ordered; and Messrs. CAMPBELL and SEYMOUR appointed.

Mr. HOUSTON. Will the Chair state the point?

The CHAIRMAN. The proposition under consideration is the proviso to the third section, which declares that "the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife." The preceding portion of this bill relates to the donation of lands to the settlers in the Territory of Utah. The gentleman from New York proposes to add to this section the amendment which has just been read by the Clerk. The Chair rules that the proposed amendment is not in order, for the reason that it is not germane to the bill; and rules it out of order under the 55th rule, which says:

"No motion or proposition, on a subject different from that under consideration, shall be admitted under color of amendment."

"No motion or proposition, differing from that under consideration, can be admitted under color of an amendment." The proposition under consideration is the donation of lands to actual settlers, and proposes to restrict that donation. The proposition of the gentleman from New York proposes to repeal certain laws now in force in the Territory of Utah.

Mr. HAVEN. I wish to make one suggestion at this point. The proviso itself declares that these lands shall not be given to a man who has more than one wife. My amendment proposes to restrain them from having more than one wife.

The CHAIRMAN. Further debate is not in order. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. JONES, of Tennessee. Will it be in order to ask the gentleman from New York [Mr. HAVEN] whether the law which he proposes to repeal has ever been before this House?

The CHAIRMAN. It is not in order. The pending question is simply one of parliamentary law.

[Cries of "Question!" "Question!"]

The tellers then took their places; and the question being taken, the tellers reported—ayes 76, noes 50.

So the decision of the Chair was sustained by the committee.

Mr. PARKER. I propose to amend by adding at the end of the proviso the following:

But nothing herein contained shall be taken as implying that bigamy or polygamy can in any manner be sanctioned.

Mr. ORR. I rise to a question of order. The same point of order made on the amendment offered by the gentleman from New York, which the committee has just decided out of order, applies to this.

The CHAIRMAN. The Chair sustains the point of order, and decides the amendment to be out of order.

Mr. READY obtained the floor.

Mr. KERR. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman's appeal comes too late. The gentleman from Tennessee [Mr. READY] had been recognized by the Chair, and is entitled to the floor.

Mr. READY. I have an amendment which I desire to offer. If, however, the gentleman from North Carolina desires to appeal from the decision of the Chair, I will yield him the floor for that purpose.

Mr. ORR. There is no difference between the application of this amendment and that the committee have just ruled out of order.

Mr. PARKER. There is a marked difference.

The CHAIRMAN. The Chair decides the amendment to be out of order. Does the gentleman appeal from his decision?

Mr. KERR. I think the amendment is in order; but I will not appeal.

Mr. READY. I move to amend by adding at the end of the proviso the following:

And that any person who shall at any time have more than one living wife shall forfeit all right to any lands acquired under this act.

My object in presenting that amendment, sir, is to eradicate the evil of polygamy by the roots. [Great laughter.] I regard it as an excrescence on the body-politic. [Renewed laughter.] The proviso to this bill does not reach the evil. You may pass the bill with the proviso, and still the polygamist may indulge in this practice with impunity, afterwards as well as before. What is he to do? You say that if he has more than one wife he shall not be entitled to the benefit of this act. You permit him to avail himself of the benefits of this act, having but one wife, and when he has obtained his three hundred and twenty acres of land from the Government—when he has perfected his title, then you allow him to go and marry fifty wives, if he can find so many to have him. Therefore, I propose this amendment with a view of making a forfeiture of his right to the land which he may have acquired by his grant from the Government, if he shall afterwards indulge in this unlawful practice.

Mr. Chairman, I differ with the gentlemen who seem to be of the opinion that Congress has no right or power to interfere with this subject. Certainly, so far as the constitutional right of this body is concerned, there can be no question. The Constitution declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." What are we doing here? Are we not proposing, by legislation, to make certain needful rules and regulations respecting the territory of the United States? We are proposing to dispose of a large portion of this territory. We are making discriminations in disposing of that territory. We are saying that a married man shall be entitled to three hundred and twenty acres, while a single man shall be only entitled to one hundred and sixty acres. And have we not the same right to provide that a man who has committed a crime shall not be entitled to the benefits of this law? Suppose that a man had forfeited the right to the protection of his Government by the commission of crimes; suppose that he had been convicted of infamous crimes, crimes which, in the language of law, rendered him infamous, deprived him of certain great rights, the right of citizenship, the right of suffrage, the right of testifying as a witness, the right of holding offices of honor and trust, would it not be as competent, under the Constitution, for Congress, in passing laws to dispose of this territory, to say that such a man should not be entitled to the benefits of this law? Certainly, sir.

[Here the hammer fell.]

Mr. STUART, of Michigan. I move to strike out the word "act," and in lieu thereof to insert the word "section." It seems to be the intention of the committee to exclude from the benefits of this act all persons who may be in the category of a polygamist. The sixth and seventh sections of the act provide for the operation of the preemption law. The language employed in this proviso would exclude all persons in the Territory with more than one wife from the enjoyment of the preemption privilege, from the right of entering or purchasing land, which I suppose is a larger exclusion than is designed by those who favor the retention of the proviso.

The proviso is:

"That the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife."

That language, of course, includes the whole act, subsequent sections of which provide for the extension of the preemption privilege, and the power of purchasing public lands. I suppose the object of the chairman of the Committee on Public Lands, in introducing that proviso, was to exclude the polygamists from these donations, and not to exclude them from the purchase of public land, if they think fit to pay for it. It seems to me, therefore, that the word "section" should be substituted for "bill," in case the proviso is allowed to stand.

The CHAIRMAN. The amendment indicated by the gentleman from Michigan cannot be entertained at this moment, as there is an amendment to the amendment already pending. The Chair

considered the gentleman from Michigan as speaking in opposition to the amendment of the gentleman from Tennessee, [Mr. READY.]

Mr. KERR. I was about to raise that point. The gentleman from Michigan has not spoken in opposition to the amendment, and I want to oppose it.

The CHAIRMAN. The Chair felt disposed to indulge the gentleman from Michigan.

Mr. KERR. What is the amendment of the gentleman from Tennessee?

The Clerk again read Mr. READY's amendment.

Mr. STUART. My amendment will apply as well to that amendment as to the original proviso.

Mr. KERR. Is the amendment of the gentleman from Tennessee an amendment to an amendment?

The CHAIRMAN. There is an amendment pending to strike out the proviso, and the gentleman from Tennessee proposes to amend the proviso.

The question was then taken on Mr. READY's amendment; and it was adopted.

Mr. KEITT. I move to amend the proviso by striking out the word "act," and inserting "section" in lieu thereof.

Mr. Chairman, a question has arisen in this debate as to the power of Congress to interfere in the domestic relations of the Territories. I desire to submit a suggestion or two to the committee on that point. If it were an interference with such relations within a sovereign State, there could be no question as to the incompetency of Congress.

The CHAIRMAN. In the opinion of the Chair, the gentleman from South Carolina is not confining himself within the rule.

Mr. KEITT. I merely desire to throw out some suggestions for the consideration of the committee. You propose now to interfere in the domestic relations of these Territories. You say that no man shall have two wives. Where do you get the power to do that? In fact, where do you get the power to legislate at all for the Territories? The right to acquire carries with it the right to govern, you say. But to what limitations is the right to govern subjected? To all the restrictions and limitations contained in the Federal Constitution. The power to legislate is, at best, an implied power; and all such powers should be used with great caution. Now, if Congress has a right to say that no man in the Territories shall have more than one wife, may it not say that no man shall have a wife at all? If it can prescribe the number of wives, may it not altogether abrogate the marital relation?

I ask the question for information. If Congress can determine that there shall be no polygamy, may not Congress also determine that there shall be no marriage union whatever? Cannot Congress go a step further, and say that there shall be no parental relation? What power is involved in the decision of this question? Is not sovereignty involved? Is not sovereignty necessarily implicated in the right to arrange and manipulate the vital relations of a community? If so, where is sovereignty lodged? In the inhabitants of the Territory? Sir, I have scarcely even contempt for the piebald doctrine of "squatter sovereignty." Is it in the Federal Government? This assumption of power would aggrandize this Government with a ruthless, overshadowing, and aweing central despotism. Where is it, then? In the people of the several sovereign States.

If, then, this exercise of power appertains to sovereignty, how will you reach the evil alluded to? The declamation of gentlemen may bubble up, but it will never moisten the roots of any constitutional right. In truth, sir, an exigency has arisen which was never contemplated by the framers of the Constitution. To meet this, you propose to swell the powers of Congress by construction. Do this, and you will soon burst the bands of a Federative Union, and weld the fragments of the Constitution into a consolidated despotism. The first step in this always is an amplification of power by construction. Sir, I think polygamy a burning shame upon any community. I abhor all trifling with the marital tie; all conjugal licentiousness; and I will extirpate this disgraceful evil as quickly and as sharply as any man, if I

can but see the power in Congress to do it. All I ask is for gentlemen to show me this power.

Again, how do gentlemen propose to accomplish this purpose? By the enactment of laws? How will they be executed? By a jury of the vicinage? Why, every inhabitant is a Mormon. He will screen the accused, instead of aiding in the execution of your laws. Government can only scourge out this evil by military tyranny. Sir, "to this complexion" your acts must come at last. Now, sir, will this justify an assumption of power? I again ask for the power of Congress in this matter; and if it is shown to me, I will cheerfully act. I cannot legislate in blindness, both as to power and the mode of reaching an end. I advise gentlemen to look to these, and not to moral and social enormities, in the character of which we all agree.

Mr. DAVIS, of Rhode Island. I would ask the gentleman where Congress gets the power to insert the word "white" in this bill? I should like to have the gentleman answer that question.

Mr. KEITT. I have an immitigable scorn, sir, for abolitionism and all its offshoots; but I will answer the question—

[Here the hammer fell.]

The question was then taken on Mr. KEITT's amendment; and it was rejected.

Mr. SEWARD. I move to amend by inserting at the end of the proviso the following words: "unless the marriage shall be legal."

I insist that there is a necessity for the adoption of the amendment I have offered, for this reason: Congress has no power to disturb existing rights. If the people of the Territory of Utah were clothed with authority to pass a statute which recognizes the validity of these marriages, then polygamy is not a crime, and Congress has no power to declare that a crime which has been legalized in the Territory. We might as well attempt, by legislation, to bastardize the issue of these marriages; and we might as well go still further, and change their law of inheritance, and say that the issue resulting from these marriages should not be entitled to inherit the property which belongs to their parents.

It is too late now, after the Government of the United States has sanctioned the existence of this law of polygamy, and given to these people a territorial organization, to fix upon them as a crime that which has been sanctioned by your Government. I hold that the only way to treat this matter, is to bring up the question directly, and assert the power, if we possess it, of repealing the organic law under which polygamy is sanctioned in this Territory. What right have we to fix upon these people as a crime that which has been sanctioned by law? The very highest authority we have declares that there can be no offense where there is no law. Such is the language of the Bible; and it is useless to talk about the existence of crime, when it receives the sanction of your laws. The marriages which have taken place under territorial law are valid; and the rights of these parties cannot be disturbed by the action of Congress. All that we can do is to look to the future, and prevent these marriages, if we consider them immoral.

Mr. KERR. I am opposed to the amendment, of the gentleman from Georgia, [Mr. SEWARD,] for the reason, as I believe, that it will render the proviso a little more acceptable. I do not see that anything in the world is to be accomplished by the fling that is now being made at the Mormons. Supposing polygamy to be a crime, as all of us pronounce it to be, what will be the effect of an attempt, at the present time, to strike at it? It will drive off the Mormons from Utah to some other portions of the Union, where the homestead bill that we have passed during the present session of Congress will enable them to settle down again comfortably and securely. Congress will thus aid and abet in establishing them elsewhere by the authority given them to go there, and thus indirectly sanction this very institution of polygamy, and do injustice to other communities.

Mr. COX. I would like to understand the provisions of the law of the Territory of Utah in relation to matrimony. Does the law of the Territory on that subject justify a plurality of wives?

Mr. KERR. I hope my friend will pardon me. My time is too limited to allow it to be encroached on. I understood the gentleman from Ohio, [Mr. DISNEY,] the chairman of the Committee on Public

Lands, to state this morning, that he had in his possession a copy of the laws of that Territory, in which polygamy was recognized by law there; and I understood the Delegate from that Territory this morning, in reply to a question, substantially to admit that fact.

Well, Mr. Chairman, I was going on to observe that polygamy, whatever it may be, has not been legalized by Congress. It is confined to Utah; it is confined there almost exclusively. The effect of the present proposition, if adopted, will be to diffuse it through the vast extent of the public domain. For, if you virtually prohibit it in Utah by the provisions of this bill—which is a homestead bill on a very restricted scale—the effect will be to drive the Mormons from their present locality, and scatter them broadcast through all the rest of the public domain of this country.

Now, Mr. Chairman, as one who is sincerely and decidedly opposed to the prevalence of crime of every sort, and especially to the existence and prevalence of this particular crime, I am opposed to this amendment. If Congress has not got the fearless independence and determination to make a bold and direct onslaught on the institution of polygamy, by providing penalties for the punishment of those guilty of that crime—so long as Congress does not aim at its total suppression—then I say let it stay where it is. Let it be confined to Utah; and do not interpose any enactment of legislation here, the direct tendency of which will be to unsettle again that migratory horde of people—for they are a migratory people, start at a very short notice, and go a very great distance, in order to secure a place where they can enjoy the exercise of their religious rights. I am in favor of giving these Mormons a title in the land, instead of having them cut off as they are by the restriction of this territorial bill.

Mr. SEWARD. If there be no objection, I desire to withdraw my amendment.

There was no objection, and the amendment was withdrawn.

Mr. WALBRIDGE. I desire to make an inquiry. If I understood aright the gentleman from Maine, [Mr. BENSON,] who read the law organizing the Territory of Utah—

The CHAIRMAN, (interrupting.) The gentleman from New York must propose an amendment if he wishes to speak, debate having been exhausted on the original amendment.

Mr. WALBRIDGE. Then I move to amend the section by inserting the words "or who shall not have a wife."

The CHAIRMAN. If I understood the gentleman from Maine, who read the law organizing the Territory of Utah, all laws there passed must ultimately come before the House for approval. Am I right, sir?

Mr. KERR. No, sir; you are not. The gentleman from New York will allow me to explain. I was present when the law was read this morning. Legislation in Utah is the law of the Territory until reversed by Congress.

Mr. WALBRIDGE. Well, Mr. Chairman, I understand that such laws as are passed in the Territorial Legislature are sent to the Speaker of the House, and require the action of this House. Am I right, sir?

The CHAIRMAN. They do not require the action of this House.

Mr. WALBRIDGE. Well, sir, if it is so that the law organizing the Territory of Utah, and the laws which are made in that Territory, are in force until they are superseded by the action of this House, then I am in favor of striking out this proviso, and acting directly on this question when it comes here before us for our sanction or for our reversal.

For that reason I shall vote to strike out this proviso; stating at the same time, that if I can have an opportunity of passing directly upon the question, and entertaining the conviction that I do, that polygamy is hostile to our institutions, and not in accordance with the spirit of the age, I shall vote against it. I shall now vote for striking out the provision in this bill, with the hope, and under the impression that that other question will soon come before us for our direct action.

Mr. BERNHISEL. I desire simply to remark that there is no statute in the Territory of Utah on the subject of polygamy. It is a matter of ecclesiastical law.

Mr. WALBRIDGE. If there is no statute

law in Utah upon that subject, and if we shall not, therefore, be enabled to reach this enormity by a direct vote, I shall change my position, and stand by this proviso. If we have the power of donating these lands, we may connect with such donations the conditions upon which they shall be made, since we stand in the position of donors, with power to impose the terms of the grant.

If this practice rests upon ecclesiastical law, and this House has not the power to strike it down, I shall then sustain this proviso, that being the only manner of reaching the evil. I am therefore decidedly in favor of standing by the proviso.

Mr. LYON. Mr. Chairman, this Territorial bill proposes to give, upon certain conditions, one hundred and sixty acres of land to every single man, and three hundred and twenty to every married man, "provided further, that the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife." Against the striking out of this proviso I most earnestly protest. This subject is too lightly considered, I fear, by this enlightened committee. Its great consequence as a precedent makes it needful that our investigations should be thorough, worthy of Christian statesmen and Christian lawgivers. I would appeal to the hearty patriotism of every member present, educated, as they have been, in the principles of the Pilgrim fathers, Cavaliers, and the Huguenots—the descendants of men who fled from profligate, libidinous, and licentious courts to enjoy a virtuous quiet in the unbroken wilderness of the West—if they are willing to see this Government disgrace itself by express or implied legislation, in any way sanctioning the practice of polygamy in this country. Its enormity as a crime has been made the subject of stringent statutes in every State in the Confederacy. Is a premium to be paid, in fertile lands, for the debauching of our daughters and the deluding of our wives? Is this Congress so weak as basely to stoop to such a purpose, reversing all the cherished associations and instructions of our childhood? Is this black cancer sore, this creeping leprosy, to be encouraged?

When the people of Utah are placed on the same basis as the people of other Territories, is not that sufficient, is not that enough? Strike out the clause, and what will be its actual consequences? Individuals will go there whose senses are stronger than their sentiments, whose passions override their principles, and avail themselves of Government bounty, and, like Persians, Hindoos, and Musselmans, fill their houses with the blooming beauties of the North, and the witching women of the South, provided they have wealth or personal attractions to induce such a painful and horrid sacrifice. It has been demonstrated clearly by all political economists, Dr. Franklin, Malthus, and Miss Martineau, that one man is just enough for one woman, the very state the Lord originally intended when he created Adam and Eve. That there should be no monopoly of the fair sex. Yet, when polygamy is tacitly respectabilized by an American Congress, it may not be so difficult to fill with sisters and daughters—those whom God destined for a nobler domestic sphere—an American Harem, a Mormon Seraglio. Sir, there is but one way to kill the cockatrice. It is to break the egg. *It is to break the egg.*

Let us look for a moment to those countries where polygamy exists—to the feeble and dismembered empire of the Sultan, at present under the protectorate of England and France. Women, according to the Koran, have no immortal souls; women are sold as slaves; women are protected by high walls, guarded by eunuchs, the creatures of appetite, ministering to the most inflammable passions of our nature. The bitter unhappiness of Harem life is little understood—its degradation of woman, its brutalization of man. The innocent young creatures who seek Constantinople, and other cities of the Orient, look upon it as destiny; and bear their lot, prisoned by marble walls, amid the splendid misery of hanging gardens, sparkling fountains, radiant flowers, breathing perfumes, with sad and breaking hearts. And, sir, do you think things are different among the "Latter-Day Saints" in the Mormondom of Utah? No, sir; just as bad. Amid the jealousies of a plurality of wives the respect of parental authority is lost, the gentleness of fireside instruction and hearthstone memories is destroyed. Crime of the most revolting character ensues; infanticide

follows as a matter of course as soon as the husband finds he is getting more children than he can support. Sir, human nature is just the same in every land. Do you think Abdul Medjid, with three hundred and seventy wives, has been the father of only five children? It is impossible. [Applause and laughter.] The bodies of dead infants float on the sapphire tide of the Bosphorus, and the Light of many a harem, from the destruction of her offspring, has been lost among the dark shadows of the cypress of Scutari. There is not a drug shop in an Oriental city but sell the means of destroying the new-born. And, being warned of these things, let us not fix this plague-spot upon the route to the golden gate of the Pacific, the western pathway of empire. Posterity, sir, will anathematize this kind of legislation to the latest years of the Republic. We all shall die, crumble to dust, our names be lost in oblivion, but the principle we establish by implication, as the ghost of Hamlet's father, will evidence against us when we have passed away. Let us meet this subject, discourage it, condemn it, reject it. And, sir, it will be an honorable precedent, not for a day, but for all time.

The Mormons have been spoken of as a persecuted people—a martyred people, driven from State to State. With their sorrows I sympathize, for their griefs I grieve; but it seems a curious way to console them for the past by asking Congress to sanction polygamy in the future. It is said that this practice existed in the days of Solomon. True. The running after the strange women of Egypt, the falling from grace in the service of God, was the great reason of Solomon's reign, after a glorious day, ending with a lurid sunset. And from his loins issued that undutiful heir, whose unjust acts was the scourge of Israel; for plurality of wives destroys young men, and debases old. The light of the Prophets went out the night Jesus was crucified. The Old Dispensation was fulfilled, and a day of progress was brought in under the rays of a New Testament, from whose teachings our nationality sprang into existence. Lamartine beautifully said: "Jerusalem was the sepulcher of the Old World, and the cradle of the New." Let us, as Christians, follow and legislate in the doctrines of Christ, not of Joe Smith; let us take the holy Gospel, not the Book of Mormon.

One idea further, in continuation. Point me to a nation where polygamy is practiced, and I will point you to heathens and barbarians. It seriously affects the prosperity of States, it retards civilization, it uproots Christianity. The Ottomans or Turks are the best specimens of this system; and although they import, and have for centuries, the most beautiful women from the mountains of Georgia and of the valleys of Circassia, those free and brainful countries, Tartar maidens from beyond the Caspian, and the Arabian girls from Yemen, yet, effeminacy and weakness, lack of intellectual strength, bodily energy, national decay, is its sad, unfulfilling result, while the Greeks, the Jews, and the Armenians have increased in numbers and enterprise under the iron heel of their merciless oppressors. Who fought the battles of the Turks since the day of Mahomet II.? Under Achmet, Amurath, Selim, and Mahmoud? Under whose leadership did they become a terror to Europe? It was the renegade and apostate Croates, Walcharens, Greeks, Poles, and Hungarians. Under their commands they victoriously floated the Crescent over the battlements of Belgrade, over the towers of Pesth, and by the walls of Vienna. But for the god-like gallantry of Stahrenberg, they might have swept on to the Elbe and the Rhine.

The Moors, after seven hundred years in Spain, were driven hence—though best and bravest of all the Moslems—a nation of polygamists and voluptuaries. Their last stronghold, Granada, fell before the pious sovereigns of Castile and Arragon. I will quote the rebuke given Boabdil el Chico by his heroic mother on his weakness at the surrender of his kingdom. "You do well," said she, "to weep like a woman for what you failed to defend like a man."

It has been doubted by gentlemen whether this clause is constitutional; yet, with the following words in relation to the powers of Congress, tender must be their scruples if they doubt it. Section third of the Constitution of the United States reads as follows:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the Territories."

This is one of the necessary regulations—one of the wholesome rules. We are told by the Delegate from Utah [Mr. BERNHISEL] that it is an "ecclesiastical establishment," a religious law, and over such many strict constitutional constructionists believe we have no control. The Thugs or stranglers of men, the Phansears, the Buddhists, who worship Juggernaut, the Seftis, who perform every year human sacrifices, all have a right to practice their abominations under the territorial government of the United States, if once settled here. They all have an equal claim to their "religious establishment," no matter how demoralizing or inhuman, over which it is said Congress has no right to interfere or to control; but that we have power to prevent giving a bounty for its encouragement, I think I have fairly shown. If the many-wifed demoralizers get outnumbered by the virtuous single-wifed, a wise State government may yet be formed that will do honor and credit to the Union. Let us nip this evil in the bud, for the sake of morality, religion, and Christianity. Marc Antony was the first polygamist of all the Romans. Mark his fate. The conqueror of Phillippi, like the builder of the temple of the Lord, fell before the Circean spells of the Syrens of Egypt. The fugitive of Actium died ingloriously in the arms of Cleopatra. This foul system was encouraged by the Emperors Theodosius, Honorius, Arcadius, and by Valentinian, by an express law, in the year 393. When the name of the Roman empire was *Ichabod*—its glory had departed.

Sir, this is a

"Monster of so frightful mien
As, to be hated, needs but to be seen;
Yet, seen too oft, familiar with her face,
We first endure, then pity, then embrace."

By the blessed memory of those virtuous spirits who battled for LIBERTY not LICENTIOUSNESS it should be blotted out, as a stigma, a dishonor, a disgrace, from existence on the soil of NORTH AMERICA. [Sensation, and cries of "Good!" "Good!" "Well done!"]

Mr. WALBRIDGE. I will remark that I agree with my colleague, that in killing the cockatrice you hurt the egg, but which end of the egg? [A laugh.]

Mr. PARKER. Is there an amendment pending?

The CHAIRMAN. The only amendment pending is that offered originally by the gentleman from Utah, to strike out the proviso.

Mr. PARKER. I move to amend the section in the nineteenth line, by inserting after the word "husband" the words "guilty of being," so that the proviso will then read:

And provided further, That the benefits of this act shall not extend to any person who shall now, or at any time hereafter, be guilty of being the husband of more than one wife.

Mr. Chairman, I am gratified to observe that there is, so far as I can learn, but one sentiment in this committee in reference to the crime of bigamy or polygamy. The faces of all of us are against it. I rather incline to the belief that there is not one exception to the rule. I believe even the gentleman from Utah himself is not an exception, for since he has occupied a seat upon this floor, he has not, to my knowledge, said one word in favor of it; and during this discussion he has not opened his mouth in its defense. The question then simply is, in what shape shall we meet this crime. My friend from North Carolina [Mr. KERR] objects to the adoption of this proviso, because it is meeting the question indirectly. He prefers marching directly up to it, and in the common parlance of the day, taking the bull by the horns. He is for declaring at once that polygamy shall be deemed a crime. Well, sir, suppose you do make that declaration, what will be the effect? It has been tolerated in that Territory ever since the Territory was organized; and they do not deem it to be a crime there. It cannot be found in their statutes, and you cannot, by annulling any of their laws, reach it. You cannot reach it in any other way than through the organic law of the Territory; and if in that way you declare it a crime, and the crime is still committed there, how can you execute the law? How are you to execute it?

I say, then, that it is impossible to reach it directly by any law upon your statute book, and

that it cannot be more effectually reached than in the form proposed in this section. It can be reached in this manner, and in this form it is perfectly legitimate.

I have introduced this amendment for the purpose of satisfying what seemed to be an objection with the gentleman from New York, and others, who think, as the phraseology of the matter stands, that there is an implication that we can recognize this thing. With the amendment, that implication is destroyed. We declare, in fact, that we regard it as a crime, and thus save the objection on that score. It seems to me that, with such an amendment, we can let this matter stand, and stand with propriety, to discountenance this heinous crime, in the estimation of every member of the committee.

Mr. COBB. I move a *pro forma* amendment for the purpose of answering some of the remarks made by my colleague in the early part of this day's session. I am glad to find, though an humble member as I know I am, on this floor, that in opposing the striking out of this proviso, strong minds and strong nerves have come to my rescue, notwithstanding the strict scrutiny, and, I might say, the instigation from my distinguished colleague; notwithstanding his attempt to throw the opposition into ridicule, I have been sustained.

The gentleman proposes to discriminate. I would ask him whether we do not discriminate in this very section? Do you hear any complaint from my worthy colleague on that subject? We exclude adult females from the provision of this bill. Why should he parade himself, then, in reference to the exclusion of the Mormons with more wives than one? I say that it is the duty of Congress to prescribe to whom it will give this land, when it makes a clear donation without equivalent. I hope that, after the gigantic appeals we have heard, his conscience, if not his judgment, will lead him to favor the retention of the proviso.

Mr. PARKER. I will withdraw my amendment, if there be no objection, so that the gentleman may offer one which he has, and which I prefer.

There was no objection, and the amendment was withdrawn.

Mr. HUGHES. I move to strike out of the proviso all after the word "hereafter," and to insert in lieu thereof the words "live with or have more than one woman as his wife, under color of law;" so that the proviso will read, if the amendment be adopted, as follows:

And provided further, That the benefits of this act shall not extend to any person who shall now, or at any time hereafter, live with or have more than one woman as his wife, under color of law."

The CHAIRMAN. The amendment submitted by the gentleman from Tennessee has been adopted, and incorporated in the proviso. Does the gentleman propose to strike any portion of it out?

Mr. HUGHES. I do not propose to interfere with the amendment adopted, but to insert mine as it has been read by the Clerk. I offer the amendment for the purpose of obviating the difficulty of the criticism on this section which has been indulged in by the gentleman from Virginia, [Mr. MILLSON.] He and some other gentlemen have raised objections to this section, from the fact that it seems to infer that polygamy legally exists in some portions of the Territory. The provision, as I propose to amend it, would do away altogether with the idea of legality. It merely involves the idea that there is a custom prevailing in the Territory—a claim that, under the color of law, a man may have more than one woman as a wife. But the idea of the legal relation of husband and wife under such circumstances, is entirely done away with in my amendment.

My amendment also substitutes the word "provisions" for the word "benefits," contained in the proviso. I have made that alteration for the reason that it might be inferred from the proviso, unless so amended, that the benefits of the bill are not conferred upon these parties, because it is a sufficient benefit to have more than one wife. I think the word "provisions" is better than "benefits," as I suppose women in Utah are like women all the world over; and there might be some cavil as to whether it was a real benefit for a man to have more than one wife. If Mrs. Caudle's curtain lectures have penetrated into that distant region, and if the curtain lectures there are of the

usual duration, it might be a matter of considerable doubt whether it could be called a benefit for a man to have half a dozen wives. [A laugh.] I think my amendment obviates the objections which have been raised by different members of the committee, and I hope it will prevail.

Mr. WASHBURN, of Maine. I shall trespass upon the attention of the committee for but a single moment. I do not intend to occupy my five minutes. It seems to me that a great portion of this debate has been altogether outside of the real question before the committee. In the homestead bill, which was before the House some time ago, and which passed the House, certain conditions were imposed. One condition was that the beneficiaries should be white; another condition was that they should reside on the land for the space of five years. Now, I do not understand that either of those conditions implied that we thereby declared that all those who were not white, or who did not live upon the land for five years, were criminals.

The CHAIRMAN. The gentleman from Maine must confine his remarks to the pending amendment submitted by the gentleman from New York.

Mr. WASHBURN. I will endeavor to do so. And so I do not understand that, in voting down the amendment of the gentleman from New York, and voting for the bill as it now stands, we declare, directly or indirectly, expressly or by implication, that polygamy is or is not a crime. We only say that, in making these donations, we will impose such conditions as we did in the case of the homestead bill, as we shall judge to be of sound policy. In the homestead bill we imposed such conditions as we thought would be beneficial to the country; but we did not thereby declare that everybody who did not come within those conditions was a criminal. And so in this case; we believe that sound policy and the good of the country, requires that, in making these donations, we should limit them to certain persons, and we may do it. I hope that the amendment of the gentleman from New York [Mr. HUGHES] will not prevail, and that the bill will be passed as it was originally reported.

Mr. PARKER. I wish to make a suggestion to my friend from New York, [Mr. HUGHES.] Inasmuch as the Delegate from Utah [Mr. BERNHART], told us that there was no law regulating this matter in the Territory, I ask the gentleman from New York to accept the following modification: to insert at the close of his amendment the words "under color of law or otherwise."

Mr. HUGHES. I accept the modification. The question was then taken on Mr. HUGHES's amendment, as modified; and it was agreed to.

Mr. LETCHER. I propose to amend the amendment by striking out all after the word "person," in the eighteenth line, so that it will read, "And provided further, That the benefits of this act shall not extend to any person." [Laughter.]

If the amendment I have offered is adopted, this bill will receive my support. If it is not adopted, I shall most certainly vote against it.

Mr. COX. Is the amendment of the gentleman from Virginia in order?

Mr. LETCHER. I do not mean to occupy much of the time of the committee in discussing it. It does seem to me, from all we have heard here—if I can get this provision adopted—that the bill will pass without any opposition at all; and I do not think that there will be half a dozen votes against it. It seems to me, as the time for the discussion of territorial bills is so limited—there being only two days more under the special order—and as the Committee on Territories seem to be hatching bills regularly every night, [laughter,] that the sooner we get through this bill the better, if we mean to have the other bills considered at all.

Mr. PHILLIPS. Is it in order to move an amendment now?

The CHAIRMAN. An amendment would not be in order now, as there are two amendments already pending.

Mr. PHILLIPS. I desire to offer, at the suitable time, an amendment to the proviso.

The CHAIRMAN. The question will first be taken on the adoption of the amendment offered by the gentleman from Virginia, [Mr. LETCHER.]

Mr. LETCHER. I ask for a division.

Mr. DISNEY. I desire to say a single word. I wish to call the attention of the committee to the fact that this is a bill creating the office of surveyor general for the Territory of Utah.

The CHAIRMAN. The gentleman from Ohio is not confining his remarks to the amendment of the gentleman from Virginia.

Mr. DISNEY. I think I am clearly in order. I repeat, that this is a bill creating the office of surveyor general—

Mr. LETCHER. I would ask the Chair if the gentleman from Ohio is in order to debate this question after division is called for?

The CHAIRMAN. A division had been called for by the gentleman from Virginia, [Mr. LETCHER;] but the gentleman from Ohio [Mr. DISNEY] rose and addressed the Chair before the division had taken place; and therefore, in the opinion of the Chair, he is in order. It is an every-day practice for gentlemen to rise and address the Chair in this way.

Mr. DISNEY. As I said before, when I was interrupted, I desire to call the attention of the committee to the fact that the bill now under consideration is a bill creating the office of surveyor general for the Territory of Utah. The language of the bill itself is imperfect. The phrase "for the benefit of settlers on the public lands" is incorrect. It should be "for making donations of the public lands." But the phraseology of the amendment offered by the gentleman from Virginia [Mr. LETCHER] would prevent the extension of the benefits of the bill to any person, and would practically defeat the objects of the whole bill.

Mr. LETCHER. That is precisely what I want.

Mr. DISNEY. The gentleman from Virginia says that the defeat of the bill is precisely what he wants by his amendment. This bill provides for the extension of the land system of the United States to the Territory of Utah.

Mr. LETCHER. Very well. Then make a bill for that purpose.

Mr. DISNEY. The bill under consideration is a bill for that purpose.

Mr. LETCHER. No, it is not; it is a bill for a great many other purposes.

Mr. DISNEY. Yes; but the main object of the bill is to extend the land system over the Territory of Utah; to provide for its survey; to create the office of surveyor general. Among the provisions of the bill, it is true that there is one making donations of lands to actual settlers. But yet the gentleman from Virginia limits the bill to the one idea, seeing nothing beyond it, knowing nothing else, but limiting its operation, in his mind, to a single solitary point. And therefore he moves the amendment which, if adopted by the House, will effectually defeat the bill.

Mr. LETCHER. The bill is not, in my mind, limited to a single point. But I told the gentleman from Ohio, in my remarks proposing the amendment, and I have told him since, that I wanted to destroy this bill.

Mr. DISNEY. Very well. I stated so.

Mr. LETCHER. Very well; when you undertake to make a statement in what I am concerned, state the fact as it occurs.

Mr. DISNEY. I shall, sir; and I have done so in this instance.

The gentleman from Virginia says that he desires to defeat this bill. If the House is of the same disposition, then, in the name of God, let it be done rapidly. It is a bill to provide for the extension of the land system of the United States over the Territory of Utah, to cause the Territory to be surveyed, to bring it under the control of the land administration, to create the proper officers to execute this work. The gentleman from Virginia is opposed to all this. I do not know what reason he has for his opposition, but I presume it is about the same as he usually has in opposing measures of every kind.

Mr. PHILLIPS. Mr. Chairman, is there anything before the committee?

The CHAIRMAN. There are two amendments pending; and no further amendment is in order. The question is now on the adoption of the amendment offered by the gentleman from Virginia, [Mr. LETCHER.]

A division was called for.

The question was then taken by division. The Chairman announced that there were but forty-

four votes in the affirmative; not a sufficient number.

Mr. LETCHER demanded tellers.

Tellers were ordered; and Messrs. KEITT and CAMPBELL were appointed.

Mr. MEACHAM. I move that the committee do now rise.

The question was put; and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the special order, being business relating to the organized Territories; and more especially House bill No. 317, and had come to no conclusion thereon.

Mr. BOYCE. I move that the House do now adjourn.

The question was put; and the motion was agreed to.

The House accordingly, at three o'clock and forty minutes, adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

FRIDAY, May 5, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read.

Mr. BADGER. I wish to suggest a slight amendment to the Journal. It is stated there that I presented a report from Professor Jackson, in relation to the coal fields in North Carolina. There was another report laid in it which I suppose escaped the attention of the proper officer. I wish to add, "and also a report of Professor Emmons, State geologist of North Carolina."

The amendment was ordered to be made.

ORDER OF BUSINESS—PRIVATE BILLS.

Mr. COOPER. Mr. President—

The PRESIDENT. The Chair will suggest to the Senator from Pennsylvania, that this is private bill day.

Mr. HUNTER. I gave notice yesterday that I should, to-day, make a motion to change the rule, so as to allow the consideration of the Indian appropriation bill. I ask that my motion be taken up.

Mr. SLIDELL. I object.

Mr. CHASE. I wish to ask the Chair if a single objection is sufficient?

The PRESIDENT. A single objection, in the opinion of the Chair, is sufficient to prevent the consideration of that resolution to-day.

Mr. CHASE. Then I object to it.

Mr. HUNTER. Does the Chair decide that, after having given notice, I cannot make the motion to-day?

The PRESIDENT. A resolution was filed yesterday by the Senator from Virginia, to change, for to-day, the resolution setting apart Friday for private bills; but this being private bill day, that resolution cannot be considered without unanimous consent.

Mr. HUNTER. Does the Chair decide that my resolution cannot be called up and considered, unless by unanimous consent?

The PRESIDENT. That is the opinion of the Chair.

Mr. BADGER. I hope, although this is objection day, that there will not be any objection to my being permitted to do this: I some time ago presented a petition, and had it referred to a committee, but somehow or other, it has got mislaid, and I ask permission to file a duplicate of the petition, for the purpose of having it referred. There being no objection, it was received.

The PRESIDENT. The Chair will suggest to the Senator, that an order was made by the Senate, setting apart last Friday for the consideration of adverse reports.

Mr. PETTIT. But the Senate adjourned from Thursday to Monday.

The PRESIDENT. The Senate adjourned over, and no business was transacted on that Friday.

Mr. PETTIT. Is that the order of business now?

The PRESIDENT. No, sir; the Chair is of opinion that the consideration of private bills must be proceeded with.

Mr. CHASE. I wish to inquire whether, inasmuch as the Senate adjourned over on last Friday, and, of course, did not sit on that day, that order, which would have been regularly executed on last Friday if the Senate had sat, is not the order for to-day?

The PRESIDENT. The Chair is of opinion that it is not; but that that order was confined in its effect to last Friday.

Mr. BADGER. I wish merely to suggest this to the President, if his opinion be not clear and decided upon the other point. While the Nebraska bill was under consideration this thing was done; I did it myself. I laid a resolution on the table on one Thursday, to suspend the rule for the next day—Friday. It was taken up, and considered on Friday. It was considered on all hands that it could not be objected to, and for the reason that it had been brought in the day before.

Mr. PETTIT. But there is no such case now. No resolution to suspend the rule was introduced yesterday.

Mr. BADGER. I beg the Senator's pardon; there was. It was read from the Journal just now. A resolution was introduced yesterday.

Mr. PETTIT. I understand that there was a mere notice on the part of the Senator from Virginia, that he would move this morning to suspend the execution of the order setting apart Friday for private bills. He did not submit a resolution to change the form of the previous resolution, or to rescind the rule.

Mr. HUNTER. I first gave notice that I should move to suspend the rule to-day; but it was suggested to me that that notice would not do, and afterwards I changed it to the form of a resolution.

The PRESIDENT. The resolution appears on the Journal of yesterday as having been presented, and, but for the resolution adopted by the Senate, setting apart Fridays for the consideration of private bills, it could be considered to-day.

Mr. CHASE. Precisely; that is it.

Mr. HUNTER. I do not agree with the Chair, but I am not disposed to appeal from his decision. I am willing to submit to any rule, whatever it may be, which is enforced regularly.

Mr. BRIGHT. I am unwilling that the Chair should remain unsupported in his position. It is clearly right. The object of the rule was to set apart Friday for private bills, to the exclusion of all other business. We might waste the entire day now in discussing this point of order. I think the Chair is right in not entertaining the proposition, as the consideration of private bills is the business of this day under the rules.

Mr. BADGER. We all submit.

Mr. WALKER. I was going to submit similar remarks to those made by the Senator from Indiana. But, on the other point on which the Chair has intimated his decision, I wish to make this remark. If I understood the order which was made at a former day, it was, that on the ensuing Friday, the consideration of adverse reports should be the special order. Well, if we adjourned over on that day, it seems to me that there is a continuance of that order on the next private bill day, and that, of course, the special order now comes up. That special order is the consideration of adverse reports. I think, myself, it is very important that we should dispose of them; and that we should now, if it be in the power of the Senate, go into their consideration at this time.

Mr. FISH. I wish to suggest a compromise between these conflicting opinions. This being objection day, I suppose there will be but a very short time occupied with the private Calendar; I hope, therefore, we will go through with the private Calendar, and then I shall ask the Senate to take up the adverse reports to which there shall be no objection. That will probably give some time to the chairman of the Committee on Finance to have the Indian appropriation bill considered.

The PRESIDENT. The Chair is of the opinion that the day which was set apart for the consideration of the adverse reports having passed, the order is passed over.

Mr. FISH. I hope the unanimous consent of the Senate will be given to take up adverse reports, after we have gone through the Calendar.

Mr. SLIDELL. Does the Senator desire us to take up adverse reports?

Mr. FISH. This being the first Friday in the month, and objection day, I shall ask the Senate

to take them up after we have gone through with the Calendar.

Mr. BADGER. That I suppose cannot be done, unless by unanimous consent.

JOHN G. MACKALL.

The PRESIDENT. The first bill on the Calendar is one for the relief of the legal representatives of John G. Mackall, deceased, which has been reported from the Committee on Claims. It is now before the Senate as in Committee of the Whole.

The bill proposes to direct the Secretary of the Treasury to cause to be paid to the legal representatives of John G. Mackall, deceased, \$4,450, as indemnity in full for the loss of his buildings, which were destroyed by the enemy during the late war with Great Britain.

Mr. HUNTER. I think this is one of the bills to which the Senator from Delaware [Mr. BAYARD] objects.

The PRESIDENT. The bill will be passed over.

Mr. PRATT. The Senator from Delaware is not here. He cannot, therefore, object. I suppose no objection can be made by proxy. If the Senator from Virginia has any objection to the bill, and objects to its consideration, of course it must go over; if not, I hope it will be passed.

Mr. HUNTER. I would like to hear the report read.

The report was read.

It appears that, during the late war with Great Britain, a party of militia was, on the 15th of June, 1814, the day on which the destruction took place, posted, by order of a superior officer, close to the dwelling house of the claimant in Calvert county, for the purpose of preventing the enemy landing on the shore of the river Patuxent, and of defending the premises.

It also appears from the testimony of several witnesses, that the person in immediate command and another officer, were seen by the enemy to enter into and come out of the house; that they were dissuaded by the party left in charge in the absence of the proprietor, who was at a distance, in the command of a company of militia, from making resistance, under the supposition that it would be useless, owing to the superior number of the enemy.

The reason given by the enemy for having destroyed the property was, that they had seen the militia in and about the premises, and that one of their marines had been wounded by them. It is true that it does not appear that the house had been occupied any considerable length of time either as a barrack or depository for military stores; but it is clearly shown that the occupation was by order of the officer who was authorized to make it, and the destruction was occasioned by the occupation of the premises in the immediate vicinity, by the American forces which were drawn up to resist the landing of the enemy, while the officers in command were seen entering into and coming from the house by the British officers as they advanced upon it.

Although the facts stated do not bring the claim within the letter of the law of 1816, and the amendment to it of March 3, 1817, as there does not appear to have been a continuous occupation for military purposes, the committee think that it comes fairly within the equitable construction of these acts.

The bill was reported to the Senate without amendment.

On the question of ordering the bill to be engrossed for a third reading, on a division, no quorum voted.

Mr. STUART. I move that the Senate adjourn.

Mr. DODGE, of Iowa, and Mr. PETTIT called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 13, nays 26; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Benjamin, Clayton, Cooper, Dawson, Foot, Gwin, Norris, Stuart, and Walker—13.

NAYS—Messrs. Bright, Brodhead, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fish, Fitzpatrick, Hunter, Jones of Tennessee, Mallory, Morton, Pearce, Pettit, Pratt, Rusk, Slidell, Sumner, Thompson of Kentucky, Toombs, Toucey, Wade, Weller, and Williams—26.

So the motion was lost.

The PRESIDENT. The question is, "Shall the bill be engrossed, and read a third time?"

On a division, the PRESIDENT declared that the yeas appeared to have it.

Mr. PRATT called for the yeas and nays; and they were ordered.

Mr. PRATT. I desire to say only a single word in reference to this claim. It will be recollected that the claim which was passed some Fridays since, was on the ground that it was personal property destroyed, which did not come, because of its being personalty, within the acts of 1816 and 1817. This is the case of a house destroyed.

Mr. HUNTER. This is not in order.

The PRESIDENT. Not at all.

Mr. HUNTER. If the Senator from Maryland is permitted to discuss the question, other gentlemen ought also to be allowed the same privilege.

Mr. WALKER. I should like to hear one of the adverse reports read, as debate is not in order. I should like to know the reasons of some of the former committees who reported adversely.

The PRESIDENT. If there be objection to the consideration of the bill, it will be passed over.

Mr. WALKER. I do not object further than to hear one of the adverse reports.

The PRESIDENT. There is no adverse report among the papers.

The yeas and nays were taken on ordering the bill to be engrossed for a third reading, and resulted—yeas 22, nays 16; as follows:

YEAS—Messrs. Badger, Bell, Benjamin, Bright, Chase, Clay, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Foot, James, Morton, Pearce, Pratt, Rusk, Slidell, Toombs, Wade, Weller, and Williams—22.

NAYS—Messrs. Allen, Atchison, Clayton, Evans, Fish, Fitzpatrick, Hunter, Jones of Tennessee, Mallory, Norris, Pettit, Stuart, Sumner, Thompson of Kentucky, Toucey, and Walker—16.

It was read the third time, and passed.

WILLIAM G. RIDGELY.

The next was the bill, also reported from the Committee on Claims, for the relief of William G. Ridgely.

It authorizes the proper accounting officers of the Treasury to audit the claim of William G. Ridgely, for tobacco destroyed by the British in 1814, at the warehouses at Nottingham and Magruder's ferry, in Prince George's county, and at Benedict's in Charles county, Maryland, and from such proof as may be exhibited to them, within six months after the passage of this bill, to ascertain the quantity and value of the tobacco destroyed, the amount so ascertained to be paid out of the Treasury.

Mr. NORRIS. This is a class of claims to which I understand the Senator from Delaware objects, and desires to debate. I therefore object to the consideration of the bill.

The bill was accordingly passed over.

DAVID MYERLE.

The next was the bill, reported from the Committee on Naval Affairs, for the relief of David Myerle.

The bill directs the Secretary of the Treasury to pay to David Myerle the sum of \$30,000, with interest thereon, from the 1st of January, 1850, for losses, sacrifices, and expenses incurred by him in testing and establishing the practicability and safety of the process of water-rotting hemp, under the direction of the Navy Department.

The consideration of the bill was objected to by Mr. EVANS, and it was passed over.

MOORE AND HASCALL'S PATENT.

The next was the bill, reported from the Committee on Patents and the Patent Office, for the relief of Hiram Moore and John Hascall.

Mr. WALKER. That will lead to debate. Let it go over.

The bill was passed over.

JOHN BRONSON.

The next was the bill, reported from the Committee on Claims, for the relief of John Bronson.

Mr. BADGER objected to its consideration, and it was passed over.

ABIGAIL STAFFORD.

The next was the joint resolution, reported from the Committee on Revolutionary Claims, explanatory of an act entitled "An act for the relief of Abigail Stafford."

It proposes to direct the Secretary of the Treasury, in making payment under the act specified in the title of the bill, to allow interest upon the sum appropriated by that act, according to the

principles of equity and justice; that is, at the rate which would have been allowed had the amount been subscribed under the funding system.

Mr. STUART. I should like to hear the report read.

The PRESIDENT. There is no report accompanying the bill.

Mr. STUART. Then I object to its consideration.

BENEDICT J. HEARD.

The next was the bill, reported from the Committee on Claims, for the relief of Benedict J. Heard; which was considered as in Committee of the Whole.

Mr. BADGER objected, and the bill was passed over.

UTICA STEAM WOOLEN COMPANY.

The next was the bill from the House of Representatives, reported from the Committee on Claims, for the relief of the Utica Steam Woollen Company.

Mr. BADGER. Let that go over.

Mr. CHASE. I hope the Senator from North Carolina will reconsider his objection. I do not understand that he desires to debate the bill, but that he objects as a sort of punishment for some other objection.

Mr. BADGER. Let it go over.

The bill was passed over.

CAPTAIN VOORHEES.

The next was the bill, reported from the Committee on Naval Affairs, for the relief of Captain Philip F. Voorhees, United States Navy; which was considered as in Committee of the Whole.

Mr. SLIDELL objected, and the bill was passed over.

OTWAY H. BERRYMAN.

The next was the bill, reported from the Committee on Naval Affairs, for the relief of Otway H. Berryman; which was considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to allow and pay Purser Berryman \$2,160 02, being the amount of losses sustained by him while commanding and acting as purser of the United States schooner On-ka-hy-e.

The grounds relied upon by Lieutenant Berryman are substantially those which induced Congress to grant relief to Lieutenant Charles G. Hunter. Lieutenant Berryman assumed the command of the United States schooner On-ka-hy-e in October, 1846, under an order from the Navy Department, dated the 20th October, 1846, and he immediately entered upon special duty, and performed active and arduous service in the Gulf of Mexico, to Brazil and Chagres, during twenty-two months, which was terminated by the total shipwreck of the vessel on a sunken reef, in July, 1848. With his command he was ordered to perform the duties of purser to the vessel, and these duties he performed throughout the whole period of his command.

No adjustment of his accounts took place until his return to the United States, when it was found that he had actually expended as purser more money by \$2,325 than he could produce the requisite vouchers for. This sum he paid to the Government, and his accounts were balanced accordingly.

He alleges that he has diligently and faithfully kept and disbursed the means entrusted to him as purser, to pay the lawful liabilities of the Government, and that the omission to take and return the proper vouchers for all his expenditures was alone the result of his ignorance of, and his want of practice in, the duties of purser.

The bill was objected to, and was passed over.

SURVEYING BRIG DOLPHIN.

The PRESIDENT. The Chair will ask the unanimous consent of the Senate to present a communication from the Navy Department.

Mr. GWIN. That is a very important document, and I move the printing of two thousand extra copies.

The PRESIDENT. The Chair cannot entertain the motion unless by unanimous consent.

Mr. BROWN. What is the paper?

The PRESIDENT. It is a communication from the Navy Department, in compliance with a call of the Senate of the 5th instant, transmitting the report and charts of the cruise of the United

States surveying brig Dolphin, Lieutenant S. P. Lee, commanding.

Mr. GWIN. I move that the communication be printed for the use of the Senate. I move also, that two thousand extra copies be printed.

The PRESIDENT. If there be no objection, the motion to print will be entertained.

The motion was agreed to; and the motion to print two thousand extra copies was referred to the Committee on Printing.

RICHARD W. MEADE.

The PRESIDENT. The next bill on the Calendar, is "for settling the claim of the legal representatives of Richard W. Meade, deceased," which will be read.

Mr. CHASE. It is unnecessary to take up the time with reading the bill; it is objected to.

The PRESIDENT. It will be passed over.

JOHN S. WILSON.

The bill reported from the Committee on Private Land Claims, for the relief of John S. Wilson, was considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to pay to John S. Wilson, \$800, with interest, at the rate of six per centum per annum, from the 17th of May, 1822, in full compensation to him for damages sustained by being evicted of his title, derived by patent from the United States, to certain lands mentioned, in the State of Missouri, by the decree of the Supreme Court of the United States, in favor of the devisees of Auguste Choteau, at the January term, 1835.

Noel Burke, *alias* Pierre Cadier, was in July, 1815, possessed of six hundred and forty acres of land, lying on the waters of the St. Francis river, in the county of New Madrid, and Territory of Missouri, which had been injured by earthquakes. Under the "Act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered from earthquakes," approved February 17, 1815, a certificate of location No. 69 was issued by the recorder of land titles to Burke, authorizing him or his legal representatives to locate six hundred and forty acres on any of the public lands in the Territory, the sale of which was authorized by law. Burke transferred the certificate to Francois Lesieur, and Lesieur transferred it to M. P. Leduc, and Leduc conveyed all his right, title, and interest, to John S. Wilson, who located the certificate as the legal representative of Burke, on the 17th day of May, 1822, on the east half of section twenty-two, and west half of section twenty-three, in township fifty-two north, of range one east, of the fifth principal meridian, in the State of Missouri; and on the 5th day of November, 1824, a patent was issued in favor of Burke, or his legal representatives.

In January, 1835, the Supreme Court confirmed, by their decree, one league square of land to the devisees of Auguste Choteau, which league square of land covered all but about seven acres of the lands so located by Wilson. The claim of Choteau rested upon the acts of Congress of the 3d March, 1811, and 17th February, 1818, which reserved those lands from sale, and also on the eleventh section of the act of 26th May, 1824, which authorized the claim to be presented to the district court of Missouri for adjudication, whilst the claim by Wilson rested upon the act of 17th February, 1815.

It appears, therefore, that the location of Wilson was made upon lands reserved from sale by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ISAAC COOK AND OTHERS.

The bill for the relief of Isaac Cook and others, was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Isaac Cook, B. A. Napier, and Pelatiah Shepherd, or the legal representatives of such of them as may be deceased, the sum of \$200, in full, for the use of the schooner Tempest, belonging to them, and impressed by Major J. G. Camp, in September, 1814.

The petitioners were the owners of the schooner Tempest, on Lake Erie, in 1814. She was pressed into the service of the United States by Major Camp, acting under the orders of General Brown,

to aid in transporting the army and military stores from Buffalo to the Canada shore, and was detained in the service for ten days, for which no compensation has been paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JOHN METCALF.

The Senate proceeded, as in Committee of the Whole, to the consideration of the bill for the relief of John Metcalf.

It proposes to pay to John Metcalf \$1,250, in full compensation for a quantity of goods belonging to him, which were lost or destroyed in consequence of the impressment into the service of the United States, by order of General Brown, of the schooner Tempest, at Buffalo, in the summer of 1814.

During the campaign in the year 1814, the schooner Tempest, at Buffalo, was impressed into the service of the United States, to convey troops from Buffalo to the Canada shore, and was retained in the service ten or twelve days. At the time of the impressment she had on board a quantity of goods belonging to the petitioner, consisting of gin, brandy, shoes, &c., which were unloaded and left upon the beach, in an unprotected condition, during the time the schooner was in the service of the United States; and while so left, the liquors and a considerable portion of the other goods were stolen or otherwise lost.

Mr. WADE. I understand that Mr. Metcalf is dead. I therefore move to amend the bill by inserting "the legal representatives of."

The bill was reported to the Senate as amended, the amendment was concurred in, the bill was ordered to be engrossed for a third reading, was read a third time, and passed. Its title was amended, so as to read: "A bill for the relief of the legal representatives of John Metcalf."

JOHN HAMILTON.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The next bill on the Calendar is House bill for the relief of John Hamilton.

Mr. STUART. There is an adverse report on that bill from the Senate Committee on Pensions.

Mr. CHASE. I move that the adverse report be concurred in.

The motion was agreed to.

So the bill was rejected.

PARMELIA SLAVIN.

The PRESIDING OFFICER. The next bill on the Calendar is the bill from the House of Representatives for the relief of Parmelia Slavin, late the wife of John Blue, deceased, on which the Committee on Pensions of the Senate have made an adverse report.

Mr. CHASE. I move that the report be concurred in.

The motion was agreed to.

So the bill was rejected.

SUSAN COODY AND OTHERS.

The PRESIDING OFFICER announced that the next bill on the Calendar was one for the relief of Susan Coody and others, which had been reported from the Committee on Indian Affairs.

Mr. CHASE objected to the consideration of the bill, and it was passed over.

SYLVESTER PETTIBONE.

The bill for the relief of Sylvester Pettibone was considered as in Committee of the Whole. It proposes to release Mr. Pettibone from a judgment in favor of the United States, obtained against him in the district court of the United States for the district of Wisconsin, and from all liens and encumbrances created by the judgment, but the costs of the suit are first to be paid by Pettibone, together with the further sum of \$500 for the benefit of the United States.

Mr. COOPER. What committee reported the bill?

Mr. WALKER. I will state the case.

Mr. BADGER. Will my friend allow me to say that when the bill was last before the Senate, I made a motion to amend it by striking out "and the further sum of \$500 for the benefit of the United States."

Mr. WALKER. This is a case of which I made a statement before.

Several SENATORS. There is no objection to the bill.

Mr. BADGER. This man has paid what he

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could raise by selling his property, and now you ask him to pay \$500 more. He became surety for a fellow, who ran away; and he has done what he could to pay the judgment. This is complete blood money. Let him be discharged on paying the costs. He has already paid what he can raise.

The amendment was agreed to; and the bill as amended was reported to the Senate, and the amendment was concurred in.

Mr. WALKER. There is another peculiarity in this matter, which renders it necessary to make another slight amendment. I move to strike out the words "a judgment," and insert "two judgments;" for, not satisfied with imposing an enormous penalty on one bond, the United States sued him on two, and obtained two judgments.

The amendment was agreed to; and the bill was ordered to be engrossed for a third reading, read a third time, and passed.

JAMES EDWARDS AND OTHERS.

The bill for the relief of James Edwards and others, reported from the Committee on Military Affairs, was considered as in Committee of the Whole.

It proposes to direct the Secretary of War to ascertain, by the best evidence of which the nature of the case will admit, the value of the houses and other property of James Edwards, of the late Edward M. Wanton, and of Nehemiah Brush, destroyed at Micanopy, Florida, in the year 1836, by order of Lieutenant Colonel B. K. Pierce, to prevent them from falling into the hands of the enemy, and that the amount so ascertained be paid, but with the provision that the amounts so to be paid shall not exceed \$2,482 32 in the case of Edwards; \$1,812 50 in the case of Wanton, or \$800 in the case of Brush.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

DAVID MYERLE'S CLAIM.

Mr. EVANS. The bill for the relief of David Myerle was passed over at my instance. I am disposed, however, to withdraw the objection provided the bill be put on the footing which it formerly occupied, when it passed the Senate at previous sessions. I learn that Mr. King and many others, who understood the transaction, agreed to give Mr. Myerle \$10,000 instead of the sum claimed. If his friends are willing to take that amount, I am ready to withdraw my objection. I read this man's communications, and they did not satisfy me at all that he was entitled to anything; but still I am willing to waive the objection in order to allow the bill to pass, as it formerly passed the Senate, giving him \$10,000.

The PRESIDING OFFICER. Does the Senator move to take up the bill?

Mr. EVANS. Yes, sir.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the amendment to strike out "\$30,000," and insert "\$10,000."

Mr. BADGER. If that motion is to be persevered in, as it cannot be discussed—

Mr. GWIN. We can vote down the motion.

Mr. BADGER. The motion proceeds on a great mistake. If he is entitled to anything, he is entitled to \$30,000.

Mr. EVANS. I did not withdraw my objection, except on that condition.

Mr. BADGER. What condition?

Mr. EVANS. The condition that the amount should be reduced to what was formerly proposed to be granted.

The PRESIDING OFFICER. The Senator objects to the consideration of the bill.

Mr. WELLER. I do not so understand the Senator from South Carolina. He desires action on the bill. This is a claim which has been pending for a long time before Congress, and, in my judgment, it is as just and equitable a one as we were ever called upon to pass. I hope the Senate will dispose of the bill now.

The PRESIDING OFFICER. Discussion is

not in order. If objection be made, as a matter of course, the bill must be passed over.

Mr. EVANS. I object.

WILLIAM HARRIS.

The bill for the relief of William Harris, of Georgia, reported from the Committee on Military Affairs, was considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to settle the claim of William Harris, and pay him for his services in the United States Army in the same manner as if he had not deserted therefrom; but with the provision that the amount shall not exceed the pay and emoluments of a sergeant of infantry, from the 8th of April, 1814, to the 25th of November, 1816.

Mr. STUART. I move to amend the bill by striking out the words:

"In the same manner as if he had not deserted therefrom."

Mr. TOOMBS. I object to that bill. I wish to obtain information in regard to it, after the suggestion of the Senator from Michigan.

Mr. STUART. The claimant is represented as a boy who enlisted improperly.

Mr. DAWSON. I hope the objection will be withdrawn.

Mr. STUART. I do not object, but I desire that it shall not appear that we are paying deserters; that is all.

Mr. TOOMBS. My colleague has explained to me the bill, and I withdraw my objection.

Mr. STUART's amendment was agreed to, and the bill was reported to the Senate as amended.

From the report of the Committee on Military Affairs, it appears that in the spring of 1814, in the eighteenth year of his age, Harris enlisted under Lieutenant Martin, in the eighth regiment of United States infantry, then commanded by Colonel Jack; whereupon he was appointed sergeant, and served in that regiment as recruiting officer until the declaration of peace in 1815, when he demanded his discharge, which was refused him on the ground "that he was too useful a man to be spared." In 1815 he was transferred to the seventh regiment United States infantry, to Captain E. Montgomery's company, under the command of Colonel James McDonald. He then applied to Colonel McDonald for his discharge, asserting his title thereto because he was a minor, but Colonel McDonald refused to discharge him because he "could not be spared." Subsequently, the company being ordered to Fort Montgomery, he accompanied it, and served there as sergeant for nearly two years. At Fort Montgomery he again petitioned for his discharge, his anxiety to leave the army becoming greater the longer he remained in it, and his applications for discharge, to which he was justly entitled, being all disregarded, he deserted, he thinks in 1817, and now asks pay for his services while he was in the army.

On the 18th September, 1819, he was arrested in Franklin county, Georgia, and being brought before the court under a writ of *habeas corpus*, he was discharged from his confinement and from enlistment on account of non-age.

The petitioner declares that he did not desert his country in the hour of danger, while her peace, safety, or honor were threatened, but at a period of profound peace, and that he would not have deserted at all, but he was anxious to return to his home to aid in supporting a poor widowed mother, who at the time resided in Elbert county, Georgia.

The amendment was concurred in, and the bill was ordered to be engrossed for a third reading, read a third time, and passed.

WILLIAM A. SLACUM.

The Senate, as in Committee of the Whole, considered the bill for the relief of the personal representative of William A. Slacum.

Its object is to authorize the accounting officers to settle and adjust the account of the late W. A. Slacum, and to pay to his personal representative, in addition to what Mr. Slacum received in his lifetime, his charges for expenses incurred in vis-

iting the Columbia river, in pursuance of the directions of the Secretary of State, in 1836 and 1837. The amount allowed is not to exceed \$712 90. There is also to be paid to his representative, as compensation for the services rendered to the United States by Mr. Slacum on that mission, at the rate of six dollars per diem, commencing June 1, 1836, and continuing to March 15, 1837; but the amount of pay received by Mr. Slacum as a purser in the Navy during the period of time mentioned, is to be deducted from the per diem allowance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

FRANCISCO LOPE URRIZA.

The next bill on the Calendar was the bill for the relief of Francisco Lope Urriza.

Mr. TOOMBS. I think this bill ought to be discussed. Its principles are very important. If I understand it, it proposes to set aside the decision of a court of admiralty—

The PRESIDING OFFICER. The bill will be passed over.

Mr. WELLER. I hope not. It has been laid aside once at the request of a Senator who knew nothing about it, and I hope it will be considered now. I do not think it presents any complicated questions at all. I had the honor of submitting the report, accompanying the bill, from the Committee on Foreign Relations.

The PRESIDING OFFICER. Any discussion, as a matter of course, is out of order. The bill being objected to, must go over.

CAPTAIN L. C. EASTON.

The bill reported from the Committee on Military Affairs, for the relief of Captain Langdon C. Easton, assistant quartermaster of the United States Army, was read a second time, and considered as in Committee of the Whole.

It authorizes the proper accounting officers of the War Department to credit Captain Langdon C. Easton, assistant quartermaster United States Army, on settlement of his accounts, with the sum of \$17,650, being the amount of which he was defrauded by his late clerk, Gustavus McCourt, while stationed at Santa Fe, New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PAYMASTERS' CLERKS.

The PRESIDING OFFICER. The next bill on the Calendar is one for the relief of paymasters' clerks who served in Mexico, which was introduced by the Senator from Iowa, [Mr. Jones,] and has been reported by the Committee on Military Affairs adversely.

The question is on indefinitely postponing the further consideration of the bill.

The motion was agreed to.

THE GENERAL ARMSTRONG.

The PRESIDING OFFICER announced that the next bill on the Calendar was one for the relief of the claimants of the private armed brig General Armstrong.

Mr. PEARCE objected to the consideration of the bill, and it was passed over.

THOMAS FRAZER.

The PRESIDING OFFICER. The bill from the House of Representatives, for the relief of Thomas Frazer, is the next upon the Calendar.

Mr. STUART. That is reported upon adversely by the Committee on Pensions of the Senate.

The PRESIDING OFFICER. The question is on indefinitely postponing the consideration of the bill.

The motion was agreed to.

ANN W. ANGUS.

The bill for the relief of Mrs. Ann W. Angus was announced as the next upon the Calendar.

It proposes to continue to Mrs. Angus, for five years, from March 4, 1854, the pension heretofore granted to her, which expired on the 4th of

March last, and also to extend to her the benefits of all laws which may hereafter be passed, making general provision for widows or further continuing their half pay, and to give her all the benefits to which she would have been entitled if her husband, Samuel Angus, had died in the service of the United States.

Mr. MALLORY objected to the consideration of the bill, but he subsequently said: I ask leave to withdraw the objection which I made a short time ago to the consideration of the bill for the relief of Mrs. Ann W. Angus, and I ask that that bill may be taken up.

Mr. TOOMBS. I object to the gentleman's withdrawing his objection.

Mr. BADGER. The Senator cannot do that. Mr. TOOMBS. I am not satisfied myself as to some of the principles involved in this bill.

The PRESIDING OFFICER. The Senator from Georgia may object himself to the consideration of the bill, but he cannot object to the Senator from Florida withdrawing his objection.

Mr. TOOMBS. Can a gentleman withdraw his objection to a bill at any time during the sitting?

The PRESIDING OFFICER. Such has been the practice of the Senate.

Mr. TOOMBS. After another bill has been called?

The PRESIDING OFFICER. Yes, sir.

Mr. TOOMBS. Then I renew the objection.

The PRESIDING OFFICER. The bill will be passed over.

PACIFIC RAILROAD BILL.

Mr. GWIN. I hope the Senate will indulge me for a moment in order to allow me to present a map, which has been prepared with a great deal of care and attention, under the direction of the select committee on the subject of the construction of a national railroad from the valley of the Mississippi to the Pacific ocean. I move its reference to the Committee on Printing, and I ask that two thousand extra copies be printed for the use of the Senate.

The PRESIDING OFFICER. The motion to print will be referred to the Committee on Printing, if there be no objection.

There was no objection.

AMOS AND J. E. KENDALL.

The bill, reported from the Committee on Indian Affairs, for the relief of Amos and John E. Kendall, was announced as the next in order.

Mr. BADGER. That bill will certainly be discussed.

The PRESIDING OFFICER. It will be passed over.

GEORGE S. CLAFLIN.

The House bill for the relief of George S. Claflin was next taken up.

It proposed to enact that the name of George S. Claflin be placed upon the pension rolls of the United States at the rate of eight dollars per month, to continue during his natural life, commencing on the 1st of December, 1851.

It is alleged in the petition that Claflin served in the late war with Great Britain, as a sergeant of militia; that he was taken prisoner in 1814, and continued in captivity, at Quebec, Montreal, and Halifax, until 1815, or about eight months, when he was discharged; that in consequence of his intolerable treatment, insufficient and unwholesome food, his constitution was destroyed; that both his feet were frozen through exposure, and that since his release he has been constantly in such feeble health as to be unable to earn a support. On this statement, a bill passed the House of Representatives for his relief, on the 3d of January, 1851, but was lost in the Senate. Now, again, a bill has passed the House for his relief; but the evidence is deemed wholly insufficient to justify the special interference of Congress in the case. Except the affidavit of the petitioner himself, there is no evidence of the exposure in the public service, or that he contracted any disease while serving in the Army of the United States. Indeed, the only evidence, besides his own affidavit, that he ever was in the service of the United States at all, is the testimony of Amos Dawley, who merely says he knew him before the war, and "after his return from service in the United States Army, at the close of the war."

The Senate Committee on Pensions reported adversely on the case.

Mr. CLAY. I move that the adverse report be concurred in.

The PRESIDING OFFICER. The question is on the indefinite postponement of the bill.

The question being taken; the motion was agreed to.

RULIF VAN BRUNT.

The bill for the relief of Rulif Van Brunt, reported from the Committee on Claims, was read a second time, and considered as in Committee of the Whole.

The bill proposes to direct the proper accounting officers of the Treasury to audit and adjust, upon the principles of justice and equity, the claim of Rulif Van Brunt, for the occupancy, by a military force of the United States, of certain lands and buildings, leased by him in Brooklyn, New York, and for property belonging to him, and taken and used or destroyed by those troops during their occupancy, in 1814, and to pay the amount so found due, not exceeding \$750.

Van Brunt leased the premises, for the occupation of which he claims compensation of Mr. Jackson, from 1st April, 1814, to 1st April, 1815, and had it in a state of cultivation, with valuable crops growing thereon, when it was taken possession of by the twenty-second brigade of New York infantry, then in the service of the United States, and ordered for the defense of New York. General Johnson, then in command, certifies that on the 2d September, 1814, his brigade was encamped at Fort Green, King's county, New York, on land owned by John Jackson, which, with a house and barn, was rented to Rulif Van Brunt; that all the fence was removed, and produce of the labor of Van Brunt, before the 2d September, was destroyed; that the dwelling house was in possession of Turney, and the barn was occupied as a guard-house, by his order, with the consent of Jackson. Samuel Dorsey deposes that he was a resident of Brooklyn at the time, and was conversant with the circumstances of Van Brunt being the lessee of the place, of its occupancy by the troops, and that Van Brunt was compelled wholly to abandon the farm, and procure a house for his family, &c., elsewhere.

The damages and loss incurred by Van Brunt in consequence of this occupation, are estimated, under oath and from personal knowledge, at from \$990 to \$1,010.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

HORACE SOUTHMAYD AND SON.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Horace Southmayd & Son.

It proposes to require the Secretary of the Treasury to refund to Horace Southmayd & Son, upon the shipment of foreign dutiable goods, shipped by them from New York to Tampico, in the schooner Mary Catharine, which cleared at New York on the 7th of April, 1847, the amount of drawback to which they would have been entitled if those goods had been shipped to some foreign port or place in any country with which the United States were in amity.

The memorialists, in April, 1847, shipped from New York to Tampico, then in possession of the American forces, by the schooner Mary Catharine, a cargo of goods, among which were wines and silks. The vessel cleared at New York on the 7th of April, 1847, when the circular instructions of the Treasury Department of the 30th June and 8th December, 1846, were in force. By these instructions American vessels carrying only articles the growth, produce, or manufacture of the United States, or imports from foreign countries to our own, upon which duties had been fully paid, were authorized to enter the port of Tampico without the charge of any duties; and drawback on foreign imports into the United States exported to Tampico, in our vessels, was forbidden to be allowed. Under these regulations the schooner cleared. On the 9th April, 1847, another Treasury circular was received by the collector of New York, bearing date the 7th April, by which goods imported into the ports of Mexico, in possession of the American forces, were chargeable with duties as military contributions. The vessel reached Tampico two days after the receipt of these last instructions, and the memorialists were compelled to pay duties, which they did under

protest. The amount of the duties thus paid was \$2,190 47, and the return of this amount is claimed upon the ground that there was a want of notice at the time of the shipment of the goods at New York that they would be subject to duty on entry at Tampico.

The Treasury Department, very properly, replied to this, that it was a privilege allowed our citizens to carry on trade of any kind with ports or places in Mexico during the war, and not a right; and that it was to be enjoyed subject to all the contingencies likely to arise in the course of the war, restricting or varying such privilege. They could not, therefore, complain of the operation of the new Treasury instructions, which, in the judgment of the President, were rendered necessary for the more effectual prosecution of the war.

Inasmuch, however, as duties have been twice paid, in this case, upon those portions of the shipment which consisted of foreign dutiable goods originally imported into New York, which paid duties both there and at Tampico, and on which no drawback was repaid on their exportation from New York, it seems to be equitable and proper that the import duties on such foreign articles paid at New York should be refunded in the nature of drawback.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

THOMAS D. ANDERSON.

The bill for the relief of the representatives of Thomas D. Anderson, deceased, late consul of the United States at Tripoli, reported from the Committee on Foreign Relations, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to settle an account with the proper personal representatives of Thomas D. Anderson, for contingent expenditures of the consulate at Tripoli, from December 31, 1821, up to the period when he ceased acting as consul; and in full for all claims for such expenditures and other demands arising out of the consulate after the 31st of December, 1821, to allow them at the rate of \$750 per annum during that period.

T. D. Anderson, whilst in the discharge of his duties as consul, contracted a disease in the eyes, by which he was deprived of vision, and in consequence thereof was unable to procure and preserve the vouchers for the contingent expenditures of his consulate, during the last five or six years that he remained in office; and from the want of the usual and proper vouchers, no credit was given him for such expenditures by the proper accounting officers of the Treasury, from the 31st December, in the year 1821, to the 27th August, 1827.

A claim was preferred at the Treasury, by the representatives of Mr. Anderson, for an average allowance, on account of such expenditures during the period referred to; but they were advised that they must have recourse to Congress for the allowance of that part of the contingent account unsupported by vouchers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CAPTAIN WILLIAM DAVIS.

House bill "for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufala," was considered as in Committee of the Whole.

It proposes to direct \$360 to be paid to Captain Davis in full compensation for all claims against the United States for his services as commander of the Eufala.

Captain Davis was employed during the late war as captain of the United States transport schooner Eufala, at a compensation of \$360 per month; in that capacity he sailed from New Orleans for Philadelphia, on the 25th September, 1848, and has not since been heard from. It is presumed that the vessel, and all on board, were lost during the severe October gales of that year. Payment for his services was made up to the time of sailing from New Orleans, and it is asked that the compensation should be continued for the length of time usually required for the voyage, on the ground that the expense of the voyage, in stores, &c., had been incurred.

The bill was reported to the Senate without

amendment, ordered to be engrossed for a third reading, read a third time, and passed.

THOMAS C. NYE.

The bill for the relief of Thomas C. Nye, reported from the Committee on the Post Office and Post Roads, was next announced.

Mr. RUSK. The Senator from Maine, [Mr. Hamlin,] who reported the bill, is not present. I ask that it be passed over.

The PRESIDING OFFICER. That course will be pursued.

URI EMMONS'S PATENT.

The next bill on the Calendar was one for the relief of the heirs of the late Uri Emmons.

Mr. FISH. That will be objected to. Let it pass over.

The PRESIDING OFFICER. The bill will go over.

SAMUEL BRAY.

The bill for the relief of Samuel Bray was read a second time, and considered as in Committee of the Whole.

It authorizes the Secretary of the Treasury to pay to Samuel Bray, late keeper of the Dog Island light-house, such amount, not exceeding \$500, as he may, upon satisfactory proof, find to be the loss sustained by him during the gales of the 23d and 24th of August, 1851.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

TAMPICO VOLUNTEERS.

The PRESIDING OFFICER. The next bill on the Calendar, is one for the relief of the Tampico Volunteers, reported from the Committee on Military Affairs, which will now have its second reading.

It proposes to recognize the several companies of volunteers called into service by Colonel William Gates, by his order dated Tampico, February 25, 1847, and known as Tampico Volunteers, as having been in the military service of the United States, in the years 1847 and 1848, and to direct the proper accounting officers of the Treasury Department to audit and pay the accounts of the officers and men constituting the companies, in accordance with the established regulations of the Department.

During the Mexican war, on the 29th February, 1847, Colonel William Gates, by his special order, No. 7, directed Major Morris to enroll and organize all the citizens of Tampico, Mexico, into companies of fifty men each, selecting the officers to be approved of by the commanding officer. In obedience to this order, Major Morris did organize four companies, called the Tampico Volunteers, who served as such about twelve months for which service they have never been paid.

In the similar cases of the Louisiana troops called out by General Gaines, and of the Texas mounted men called out by Colonel Curtiss, at Camargo, Congress made special appropriations for their payment. The committee consider the Tampico Volunteers equally entitled to compensation for their services.

The bill was objected to, and was passed over.

SENECA G. SIMMONS.

The bill for the relief of Seneca G. Simmons, reported from the Committee on Military Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to instruct the proper accounting officers of the Treasury Department, in settling the accounts of Seneca G. Simmons, as assistant commissary of subsistence, to allow him credit for whatever sum of money belonging to the United States he may prove, to the satisfaction of the Secretary of War, to have been stolen from his possession at Matamoros, Mexico, on the night of the 11th of April, 1847. But the amount to be allowed is not to exceed \$1,500.

The petitioner prays to be released from his liability to account for \$1,500, Government money, stolen from his possession in Mexico, while he was assistant commissary of subsistence, and stationed at Matamoros.

From the report of testimony taken before a military commission, ordered by Colonel Cushing, at Matamoros, on the 13th of April, 1847, it appears that Simmons, as assistant commissary of subsistence, had in his possession large sums of

money for the use of the United States troops in that vicinity; for want of an iron chest (for which he had made requisition) he was compelled to keep the public money in a strong wooden box; and on the night of the 11th April, 1847, the room in which that and other boxes containing money were kept, was entered by robbers, the lock of the box was broken, and the sum of \$1,500 abstracted therefrom. The evidence shows conclusively that the robbery did not result from any negligence or carelessness on the part of the petitioner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SAMUEL W. BRADY.

The PRESIDING OFFICER. The next bill on the Calendar, is one from the House of Representatives, for the relief of Samuel W. Brady, which has been reported from the Committee on Pensions.

The bill proposes to direct the Secretary of the Interior to place the name of Samuel W. Brady, of Virginia, on the roll of invalid pensions, and pay to him four dollars per month during his natural life, to commence January 1, 1850.

Brady claims to have received an injury by a fall from the walls of Chapultepec, in the battle of 13th of September, 1847, which entitles him to a pension. He was discharged from the regiment of voltigeurs in March, 1848, for the reasons given by the surgeon, that he labored under chronic rheumatism and chronic catarrh, both of an intractable character, and general debility.

The papers appear to have been regular before the Commissioner of Pensions, with the exception that the claim was based on injuries received while scaling the walls of Chapultepec, which fact did not appear from the surgeon's certificate, or from that of Lieutenant Peritt; but the latter certifies that he was in the battle of Chapultepec, and that after the battle he was on the sick list, in the city of Mexico, and was discharged some months after that battle on the surgeon's certificate of disability, not having performed any duty from the time of the battle.

Mr. CLAYTON objected to the consideration of the bill, and it was passed over.

MAUZY AND WARD.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill for the relief of Fayette Mauzy and Robert G. Ward, reported from the Committee on the Judiciary.

It proposes to direct the proper accounting officers of the Treasury to credit the judgment obtained by the United States against Mauzy and Ward, in the district court of the United States for the eastern district of Virginia, amounting to \$615 62½, with interest, from the 2d of April, 1841, with the amount certified by that court to have been improperly paid by Ward in a suit in chancery, wherein the United States were complainants, and John Morrison and others, defendants, the amount being \$491 97, with interest on \$366 77 from the 18th of September, 1840, which was certified by the court, as justly due by the United States to Ward.

The United States recovered, in the district court of the United States for the eastern district of Virginia, a judgment against the petitioners for the sum of \$615 62½, with interest thereon from the 2d day of April, 1841—the same being the amount due the Post Office Department by William Ward, late postmaster at Culpeper Court-House, Virginia. The United States recovered, in another suit in the same court, but at a different term, a decree in chancery against John Morrison and others; and from the proceedings had therein, it appears that Robert G. Ward, one of the defendants, had erroneously paid to the United States a sum equal to \$499 97, with interest thereon at the rate of six per cent. per annum, from the 18th day of September, 1840; and the court certified as follows: "And the court doth further certify its opinion that, in equity and justice, the said sum of \$499 97, with interest as aforesaid on \$366 77, part thereof, from the 18th day of September, 1840, ought to be refunded by the United States to the said defendant, Robert G. Ward."

The petitioners ask that the first judgment may have applied towards its discharge the amount certified by the court, in the suit in chancery, as due to one of them, (Robert G. Ward,) and which ought to be refunded by the United States.

The bill was reported to the Senate without amendment, ordered to be read a third time, read a third time, and passed.

THOMAS CROWN.

The next bill on the Calendar, was one for the relief of Thomas Crown, reported from the Committee on Claims, which was read a second time.

It proposes to direct the Third Auditor of the Treasury to ascertain the damages sustained by Thomas Crown, by reason of the refusal of the War Department to execute a contract entered into by him with Captain George Blaney, on the part of the Government, on the 16th of March, 1826, and to direct the Secretary of the Treasury to pay the damages thus ascertained, to an amount not exceeding \$6,000.

In 1826 Mr. Crown entered into a contract with Captain Blaney, acting for the Government of the United States, for the delivery of three millions of bricks at Oak Island, on Cape Fear river, in North Carolina, at \$7 75 per thousand, to be used in the construction of a fortification. He immediately made the necessary preparations, at large expense and outlays, and commenced making the bricks, according to his contract. In July he was prepared to deliver eight hundred thousand bricks, and did actually deliver five thousand; but Captain Blaney refused to receive the remainder, and insisted (as is alleged) that the memorialist should transfer the contract to one Potter. This he resisted for considerable time, and urged upon Captain Blaney his obligation to receive and pay for the bricks, according to the contract. At last, his funds becoming exhausted, and Captain Blaney persisting in his refusal to receive the bricks, the memorialist was forced to yield, and sold to Potter the bricks on hand and the contract with Captain Blaney, who subsequently received from Potter, as satisfactory, the identical bricks that he had refused to receive from Crown.

The committee concur in the opinion that the memorialist would have been able to fulfill his contract, and would have done so, but for the interference of Captain Blaney; that he was coerced by Blaney to sell out to Potter; and that the violation of the contract was on the part of the Government. The question of damage alone remains. Crown states his damage at \$6,000, but offers no proof to sustain this amount. The difference between the price received from Potter and the contract price should be the measure of damages upon this point. The committee are satisfied that the bricks made by Crown were as good as any that were obtained, and should have been received, and that he should be saved from loss incurred entirely through the fault of the authorized agent of the Government.

Mr. TOOMBS objected to the consideration of the bill. He subsequently withdrew his objection, but it was renewed by Mr. HUNTER; and the bill was passed over.

ANTHONY G. WILLIS.

The bill from the House of Representatives, for the relief of the heirs of Anthony G. Willis, deceased, reported from the Committee on Claims, was considered as in Committee of the Whole.

It proposes to pay \$251 to the executors and administrators of Anthony G. Willis, deceased, as compensation for the use, by the United States, of a wagon and team, during the last war with Great Britain.

In the year 1814 Willis was the owner of a wagon and team in Kentucky, where he lived; he had one Benjamin T. Rowe employed in driving the team; at Lexington, Kentucky, whither it had been driven with a load of hemp, Captain George Stockton, an officer of the United States Army, being in great need of the means of transportation for his troops, pressed the wagon and team and driver into service; and they were carried beyond Dayton, in Ohio, towards the Canada line, and subsequently back to Nashville, Tennessee, laden with wounded soldiers of the regular Army. They were kept in the active and constant employ of the Government till the services amounted, according to the rates of pay then established and allowed, to \$251, and Captain Stockton gave a certificate for that sum; the certificate was sent on to Washington for payment, by Mr. Zane, the Representative in Congress from the district in which Willis lived, and the accounting officer rejected it because it contained an interlineation.

The bill was reported to the Senate without

amendment, ordered to a third reading, read a third time, and passed.

THOMAS SNODGRASS.

The bill for the relief of Thomas Snodgrass, reported from the Committee on Claims, was considered as in Committee of the Whole.

It proposes to appropriate \$230 to reimburse to Captain Thomas Snodgrass the expenses incurred by him for a team, and balance for forage and subsistence furnished to his company of volunteers, while employed as a guard or escort for a party of emigrating Cherokees in 1838. But the bill is not to be construed to sanction any claim of the representatives of Washington Smith upon the United States for the amount, or any other sum advanced to Snodgrass.

In June, 1838, Gen. Nat. Smith, then in charge of a party of emigrating Cherokees as emigrating agent, under the escort of Captain Drain, United States Army, found that the Indians had become restless, dissatisfied, and disposed to desert, and otherwise manifested a spirit of mutiny and insubordination, and a disposition to commit depredations upon the country through which they were passing. Finding the escort of Captain Drain insufficient to restrain them, General Smith engaged the memorialist to raise a company of mounted volunteers of thirty men, and promised that, on condition that Captain Snodgrass would look to the United States for the pay of the men, he, General Smith, would defray the other expenses, and risk the chance of their reimbursement. With this understanding the company was raised, and mustered into service for thirty days, to assist Captain Drain, as guard from Bellefonte to Waterloo, in the State of Alabama. In default of Smith, who failed to provide funds, Captain Snodgrass, as he alleges, incurred expenses to the amount of \$741 25.

To defray these expenses Captain Snodgrass was compelled to obtain the amount of \$625 from W. Smith, a brother of the agent, who took the obligation of Captain Snodgrass for this sum, payable when an appropriation should be made by Congress. He has since been sued upon this obligation, and judgment obtained, 28th November, 1848, for the amount of \$1,143 66 and costs, in the district court of the United States for northern Alabama.

He claims other sums arising out of the same transaction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

OBED HUSSEY.

The next bill was one reported from the Committee on Patents and the Patent Office, for the relief of Obed Hussey.

Mr. TOOMBS objected to its consideration, and it was passed over.

THOMAS D. JENNINGS.

The bill, reported from the Committee on Private Land Claims, for the relief of Thomas D. Jennings, was read a second time, and considered as in Committee of the Whole.

It proposes to authorize Thomas D. Jennings, of Florida, to enter, at the minimum price of the public lands, a quantity of land not exceeding one hundred and sixty acres, comprising the improvement on which his late father, Lawrence D. Jennings, resided before his death, on due proof being presented to the register of the proper land office that he would have been entitled to a preemption but for the removal of the family after the death of the father.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JUAN M. AND JOSE L. LUCO.

The bill, reported from the Committee on Private Land Claims, for the relief of Juan M. Luco and José L. Luco, was read a second time, and considered as in Committee of the Whole.

It proposes to permit them to file their claim and title to a certain tract of land in California, known as the Ulpines Rancho, before the United States land commissioners to ascertain and settle the private land claims in the State of California, appointed under the act approved March 3, 1851; and to direct those commissioners to take cognizance of and pass upon the claim, in the same manner as if it had been filed prior to the expira-

tion of the time fixed for filing such claims by the act.

The petitioners are owners of a certain tract of land in the State of California, known as "Ulpines Rancho;" they derived their title thereto from one José de la Rosa, who derived his title from the Government of Mexico. De Rosa lived upon and occupied the lands both before and after the grant from the Mexican Government. In 1850 the wife of De Rosa abandoned him and went to Mexico, carrying with her the title papers to the tract of land, and they were not recovered until after the expiration of the time fixed for filing such claims, under the act of 3d of March, 1851.

The petitioners now ask permission to file their claim and title papers before the said commissioners.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ISAAC L. BATTLE.

The next bill on the Calendar, was one for the relief of the estate of Isaac L. Battle.

It proposes to release the estate of Isaac L. Battle, deceased, late of the county of Jackson, in the State of Florida, from any liability under a judgment heretofore obtained by the Post Office Department against him as guarantor on behalf of Charles Matthews and William King, late of that county and State, as bidders for a contract to carry the United States mail, three times a week each way between Bainbridge, in the State of Georgia, and Pensacola, in the State (then Territory) of Florida, in the year 1842.

In the year 1842, Charles Matthews and William King were the successful bidders for a contract with the Post Office Department to carry the mail three times a week, backward and forward, between Bainbridge, in the State of Georgia, and Pensacola, in Florida, and Isaac L. Battle, the petitioner's intestate, became guarantor in their behalf. Matthews and King failed to execute their contract or to perform any portion thereof, in consequence of which the mail was carried by W. T. Stockton & Co., who had been the contractors previously, from "the 1st of July, 1843, to the 8th of October, 1843," at which time the route was relet at the price stated in their bid. During the time for which Stockton & Co. carried the mail, it was carried at the rate previously paid to them, say \$21,000 per annum, and on the 21st of August, 1846, suit was ordered to be brought against King and Matthews, and Isaac L. Battle, their guarantor, to recover \$3,125 as the difference between their bid, \$3,500 per annum, and the rate paid to Stockton & Co., \$21,000. On the 5th of January, 1848, judgment was obtained against Felix G. Long, executor of Charles Matthews, for \$3,924 62, and an execution issued to satisfy the judgment, upon which \$107 14 was paid over to the Department on the 9th of April, 1849, after deducting for costs \$164 86. Process was at the same time issued, but was not served, on King or Battle. The claim from which the petitioner asks to be released is the balance under the above judgment, on the ground that he, as administrator of Isaac L. Battle, had no information that there was such a claim in existence, until he had paid out as administrator all the assets in hand, with the exception of \$1,500, which he had reserved for the payment of a debt due from the estate to a widow woman named Lewis, who is poor and must lose the whole of her claim if the debt to Government be paid. A further ground on which the petitioner asks to be released, is the laches on the part of the Government in not prosecuting its claim at the time of the failure on the part of King and Matthews, and when they were able to pay the damage sustained, instead of waiting four years, at the end of which time one of the principals had left the State and the other had died, leaving an estate almost totally inadequate to meet the liability.

Mr. SHIELDS objected, and the bill was passed over.

SOPHIA KIRBY.

The PRESIDING OFFICER. The next bill on the Calendar, is one for the relief of Sophia Kirby, reported from the Committee on Pensions.

It proposes to require the Secretary of the Interior to place the name of Sophia Kirby, of Warren county, Kentucky, widow of Joseph Kirby, deceased, upon the pension roll, and to pay her

a pension of \$100 per annum, to commence on the 17th December, 1852.

The bill was referred to the Commissioner of Pensions, with a view to elicit any information in relation to the case which might be on file in his office. In a letter of date March 3, 1854, he says: "As the bill is unaccompanied by papers of any description, I am at a loss to understand upon what ground the relief proposed is based. It is probable, however, that a mistake has been made in the name of Mrs. Kirby's husband; for I find, on referring to the Kentucky roll of pensioners, that Jesse Kirby, of Warren county, of that State, was pensioned on the 22d of October, 1832, under the act of June 7, 1832, at the rate of \$32 22 per annum, which covered all the service claimed to have been rendered by him, viz: nine months and twenty days in the militia of Virginia. It appears that he died on the 17th of December, 1852, from which date his widow, Sophia Kirby, (the name in the bill,) was pensioned under the act of February 2, 1848, at the same rate, and is still inscribed on the roll."

Assuming that the person referred to by the Commissioner is the same for whose relief the bill is intended to provide, and who is now receiving the full amount of pension to which her husband was entitled, the committee do not feel warranted, especially in the absence of all information respecting the case, except that furnished by the Commissioner's letter, in increasing the amount she now receives by an act of special legislation.

Mr. CLAY. The report of the committee is adverse in that case.

The PRESIDING OFFICER. The question then will be on the indefinite postponement of the bill.

Mr. BROWN. Oh, no.

The PRESIDING OFFICER. The bill being objected to, it will be passed over.

ELIZA M. EVANS.

The bill reported from the Committee on Revolutionary Claims, for the relief of Eliza M. Evans, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to Eliza M. Evans, the only child and heir-at-law of Colonel Anthony Walton White, deceased, late a colonel in the revolutionary army, the interest on \$3,750 advanced by White to the Continental Congress, for the support of a regiment of light-horse, commanded by him; the interest to be computed from July 4, 1780, to July 7, 1838.

Anthony W. White served in the revolutionary army, with the rank of colonel; prior to the year 1783 he advanced to the United States, for the support of his regiment, the sum of \$3,750; from 1788 down to the year 1838, either he or his legal representatives, made continual efforts to obtain a settlement of his accounts and a repayment of the loan; and during this time, both the Secretary of War and the committees of Congress uniformly reported in favor of the justice of the claim; finally, on the 7th July, 1838, an act was approved to refund to his legal representatives the sum.

The claim now made is for the interest upon this sum of \$3,750, from the 4th of July, 1780, to the 7th of July, 1838.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SARAH CRANDALL.

The bill reported from the Committee on Pensions, for the relief of Sarah Crandall, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of Sarah Crandall, widow of James Coon, on the list of revolutionary pensioners, and pay her, during her natural life, at the rate of eight dollars per month, to commence on the 1st of January, 1848.

The petitioner was married to James Coon as early as the year 1790; Coon died in 1799; his widow afterwards married Jasper Crandall, who died a few years since, leaving the petitioner again a widow.

It is claimed by the petitioner that James Coon, her first husband, was a soldier in the revolutionary war, and served in Colonel Warner's regiment, which was raised principally in Connecticut, and

that he enlisted for three years, and continued on duty during that time.

The certificate of the comptroller of the State of Connecticut shows that, according to the records in that office, Coon served in the revolutionary war, and in Warner's regiment, twenty-three months and ten days.

The Commissioner of Pensions rejected the petitioner's application for a pension under the general laws, on the ground that the proof was insufficient to identify her husband with the James Coon above mentioned, who was shown by the record to have served nearly two years.

It appears from the records in the comptroller's office that there were two individuals bearing the name of James Coon on the roll of Warner's regiment—one was a lieutenant, and the other was denominated "fifer." The first application of the petitioner to the Pension Office stated that her husband enlisted as a private soldier at Hopkinton, Rhode Island. Her papers were found defective, and it became necessary for her to seek record evidence of the services of her husband. She applied at the office of the comptroller of Connecticut, and received a certificate of the services of James Coon, the lieutenant, which she presented to the Pension Office as proof of the services of her husband. It was subsequently ascertained that the lieutenant was a resident of Salisbury, Connecticut, and not of Hopkinton, Rhode Island, where petitioner's husband resided at the time of his enlistment. She was then notified that there was another James Coon attached to Warner's regiment, who appeared by the rolls to have been a musician. The Commissioner of Pensions required her, in order to prove the identity of her husband with the James Coon last mentioned, to produce the testimony of "two or more witnesses who were themselves in service with him, and whose names were found on the same rolls." This testimony could not be procured. It will be observed that the petitioner was not married to Coon until after the close of his services in the army; that she resided, both before and after the marriage, in the State of New York, at a distance from the place of his enlistment and services; and that he died nearly fifty years ago. It is not surprising, therefore, that she should have supposed that the first certificate of the comptroller related to the services of her husband.

The committee are satisfied of the services of the petitioner's husband in the revolutionary war, and of his identity with the James Coon last mentioned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JOHN BRONSON.

Mr. BADGER. I objected, a short time since, to the consideration of the bill for the relief of John Bronson. I am satisfied that it is a very meritorious bill. I therefore withdraw my objection.

The PRESIDING OFFICER. The objection being withdrawn, the bill will be considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

WILLIAM DARBY.

The next bill on the Calendar, was one, reported from the Committee on Claims, for the relief of William Darby, which was read a second time.

It proposes to pay to William Darby \$1,500 in full compensation for his labor and materials furnished in surveying and making a map of the Territory of Louisiana, in the years 1812 and 1813.

Mr. HUNTER. I should like to hear the report read.

On motion, the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 5, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. EDGERTON. I would inquire of the Chair whether the special order takes precedence, this being Friday, over the Private Calendar?

The SPEAKER. The special order covers the

entire week. The business first in order before the House is upon the agreement to certain amendments reported to the House from the Committee of the Whole on the state of the Union to certain bills relating to the organized Territories.

Mr. LETCHER. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of resuming territorial business.

Mr. BENSON. I ask the gentleman to waive his motion for a moment, in order to afford me the opportunity to present to the House some resolutions passed by the Legislature of the State of Maine.

Mr. LETCHER. I have no objection to do so.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. BENSON then asked and obtained the unanimous consent of the House, and presented joint resolutions of the Legislature of the State of Maine, as follows:

1st. In favor of cheap ocean postage.

2d. In relation to certain proposed modifications of the navigation laws of the United States, allowances of bounties to fishing vessels, and reciprocal trade with the North American Colonies.

3d. In relation to the revenue laws of the United States.

4th. In favor of the abolition of spirit rations in the United States Navy.

Which were severally laid upon the table, and ordered to be printed.

Mr. WALLEY. Also, by unanimous consent, presented to the House resolutions passed by the Legislature of Massachusetts, in relation to, and in favor of, establishing floating schools for the education of seamen; which were referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CROCKER asked the unanimous consent of the House to introduce the following resolution; which was read for information:

Resolved, That on Tuesday next the committees shall be called and have leave to report bills of a private character only, which, on being read a first and second time, shall be referred to the Committee of the Whole House without debate.

Objection being made, the resolution was not introduced.

Mr. LETCHER. I now submit my motion that the House resolve itself into the Committee of the Whole on the state of the Union, with a view to resume the consideration of territorial business.

ADJOURNMENT OVER.

Mr. LILLY. I rise to a question of privilege. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. Upon that motion I demand the yeas and nays.

Mr. STEPHENS, of Georgia. I would inquire of the Chair what number of territorial bills yet remain to be acted upon?

The SPEAKER. Some twelve or thirteen.

Mr. CAMPBELL. There is plenty of time to consider them next week.

Mr. STEPHENS. I think we may as well attend to this business this week.

Mr. JONES, of Tennessee. It is the special order, and let us consider it now.

The yeas and nays were then ordered.

Mr. LANE, of Oregon. I hope the gentleman will withdraw that motion.

Mr. LILLY. I cannot.

The question was then taken upon Mr. LILLY's motion, and decided in the negative—yeas 57, nays 73; as follows:

YEAS—Messrs. Abercrombie, Aiken, Ball, Benson, Bugg, Campbell, Chrisman, Cook, Corwin, Cox, Crocker, Culom, Cutting, Dick, Dickinson, Disney, Thomas D. Eliot, Flagler, Franklin, Green, Harrison, Howe, Hunt, Daniel T. Jones, Kittredge, Knox, Letcher, Lilly, McCulloch, Mace, Matteson, Murray, Norton, Parker, Peckham, Pennington, Bishop Perkins, Riddle, David Ritchie, Sapp, Seward, Simmons, Gerrit Smith, Snodgrass, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Tracy, Upham, Wade, Walbridge, Walker, Walley, Walsh, Israel Washburn, Tappan Wentworth, and Wheeler—57.

NAYS—Messrs. James C. Allen, David J. Bailey, Barksdale, Boyce, Breckinridge, Carpenter, Caskey, Clark, Clingman, Cobb, Curtis, John G. Davis, Drum, Dunbar, Eddy, Edgerton, Edmundson, John M. Elliott, Ellison, Fenton, Gamble, Greenwood, Hamilton, Sampson W. Harris, Henn, Houston, Hughes, Ingersoll, George W. Jones, Kerr, Kurtz, Lane, Lindsay, Macdonald, McDougall, McNaughton, Meacham, Middlewarth, Smith Miller, Milson, Noble, Olds, Mordecai Oliver, Orr, John Perkins, Phelps, Phillips, Pow-

ell, Pratt, Furey, Ready, Reese, Richardson, Ruffin, Russell, Seymour, Shower, Samuel A. Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Stratton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Trout, Vail, Ellihu B. Washburne, Wells, John Wentworth, Hendrick B. Wright, and Zollcoffer—73.

So the House refused to adjourn over till Monday.

The question was then taken upon Mr. LETCHER's motion; and decided in the affirmative.

So the rules were suspended.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair.)

TERRITORIAL BUSINESS.

The CHAIRMAN. When the committee was last in session it had under consideration the bill of the House No. 317, entitled "A bill to establish the office of surveyor general of Utah, to grant donations of lands to actual settlers therein, and for other purposes." The amendments pending were to strike out the last proviso of the third section, and to strike out all after the word "person;" the latter submitted by the gentleman from Virginia, [Mr. LETCHER.]

Mr. LETCHER. I will modify my amendment so that, if adopted, the section will read thus:

That the benefits of the second and third sections of this act shall not extend to any person.

The CHAIRMAN. The question now is on the adoption of the amendment of the gentleman from Virginia, as amended.

Mr. DISNEY. I wish to say a word—

The CHAIRMAN. Further debate is not in order. Debate on the amendment was exhausted on the amendment before the committee rose last evening.

Mr. TAYLOR, of Ohio. Has the gentleman the right to modify his amendment after debate on it has been exhausted?

The CHAIRMAN. He has the right.

Mr. DISNEY. In order to say a word, I shall move an amendment merely as matter of form.

The CHAIRMAN. The amendment of the gentleman from Virginia is one in the second degree.

Mr. DISNEY. Will the Chair allow me to suggest that it is only an amendment in the first degree, because, on a motion to strike out, it is in order to move to amend the part proposed to be stricken out. Now, the original motion here was to strike out the proviso. The motion of the gentleman from Virginia is not an amendment in the second degree, not an amendment to the motion to strike out, but an amendment touching the subject-matter proposed to be stricken out.

The CHAIRMAN. The gentleman from Ohio will proceed. The Chair was too hasty in his decision.

Mr. DISNEY. I move a *pro forma* amendment. Yesterday I explained, Mr. Chairman, as far as this question was concerned, that I felt little or no interest in it. I stated, that in the bill which I originally submitted to the Committee on Public Lands, there was nothing said in relation to Mormons. I felt it to be my duty to explain yesterday, as did the Delegate from Utah, that, by custom and statutory law of that Territory, polygamy was recognized there.

Mr. LETCHER. Read the law, and let us hear what it is. Members would like to know it.

Mr. DISNEY. It can be read when I have concluded.

Mr. HUNT. Mr. Chairman, I call for the reading of the law, in order that the gentleman's time may not be consumed.

The CHAIRMAN. When the gentleman from Ohio has concluded his remarks, the law will be read at the Clerk's desk.

Mr. HUNT. We can understand his remarks better if the law be read first.

Mr. LETCHER. The gentleman had better have it read now. We shall be able to understand his remarks better after we have heard the law.

Mr. DISNEY. Well, I will send it to the Clerk's desk to be read.

The Clerk read the law; which is as follows:

"The homestead, occupied by the wife, or any portion of the family of the deceased at the time of his death, shall in all cases be held free to the use of the wife and family of the deceased, and shall not be liable to any claim or claims against said estate; and if there be other property remaining after the liabilities of the estate are liquidated, then it shall, in the absence of other arrangements by will, descend in equal shares to his children, or their heirs; one share to such heirs through the mother of such children, if she shall

survive him, during her natural life, or during her widowhood; or, if he has had more than one wife, who either died, or survived in lawful wedlock, it shall be equally divided between the living and the heirs of those who are dead, such heirs taken by right of representation."

Mr. DISNEY (who was very imperfectly heard, owing to the noise prevailing around the reporters' desks) then said: The committee will observe the peculiar phraseology: "a party who has had more than one wife, who survives him in lawful wedlock."

My object, however, in rising this morning, was to call the attention of the committee to the point involved in the pending question. This bill contains the same provision in relation to the Territory of Utah that has been made in relation to all other Territories. By it Congress practically says to the emigrant: If you remove to this Territory and settle there, we shall esteem it a service, and such a service that we will give you one hundred and sixty acres of land as a consideration for it. As I have already stated, polygamy is recognized by statutory law in this Territory. How far it may be competent for Congress to interfere with regard to the existence of that institution, is not the question now before us. We certainly cannot reach it in this way. It is simply a question of policy, whether we will encourage the emigration of Mormons to this particular Territory. The refusal to make this donation cannot affect the existence of the institution itself.

With regard to the question of the power of Congress, every gentleman can see and examine the arguments on both sides. The only point really involved in this question is, whether Congress will esteem it politic to offer donations of land to induce Mormons to emigrate to this particular Territory, or whether, by a refusal to grant them the same inducement that you hold out to other people, you will interpose a barrier, and, to that extent, discourage the emigration of Mormons into this Territory.

Mr. PERKINS, of New York. I am opposed to the amendment of the gentleman from Ohio, [Mr. DISNEY.] I think that this clause ought to remain as it is, or except from it the provision that excludes the poor man, if he happens to have but two wives, from having any land. If we are to give Governors, judges, and other Federal officers in that Territory, large salaries, to enable them to support thirty or forty wives, and allow the lords and the high spiritual dignitaries of the Mormon establishment, not only this large number of wives, but salaries of \$3,000 or \$4,000, I can see no reason for excluding the poor fellow who has been enticed there from enjoying any land, if he happens to have two wives instead of thirty or forty.

I have seen recently in the newspapers a statement declaring that no law shall be cited, except the statutes of the United States, in any court whatever in the Territory of Utah. Then the common law is not recognized there, and the spiritual law is recognized, if this statement in the newspapers is true, which gives the privilege and right to a person there to have as many wives as he can get. It seems to me utterly preposterous, and will be disgraceful to this Congress, to allow the Governors, judges, and other officers appointed by the Government of the United States, to hold their offices, at large salaries, and have just as many wives as they please, as their salaries will enable them to support, and yet prohibit the poor men from enjoying the benefit of land there, if they happen to have only two wives. [Laughter.]

Mr. DISNEY. With the leave of the committee, I withdraw my amendment.

The CHAIRMAN. If there be no objection, the gentleman from Ohio [Mr. DISNEY] will be permitted to withdraw his amendment.

Mr. BOYCE. I move to amend by striking out the third section.

The CHAIRMAN. The amendment proposed by the gentleman from South Carolina [Mr. BOYCE] would not be in order at this time. An amendment is now pending which must first be entertained and disposed of, before any amendment can be entertained to strike out the section.

Mr. BOYCE. I move, then, to add the following words: "more than one wife; or to be guilty of any irreligious practice."

No one can be more opposed to polygamy than I am. I have no idea of proceeding in any matter blindly. What right has this Government to

interfere with the religious relations of the people in this Territory? The whole power which this Government exercises over the Territory is simply that of a constructive character. Where is it derived from? There is no express clause in the Constitution in relation to this matter. The authority which is derived from that clause which prescribes the right of making all needful rules and regulations for the Territories, clearly does not authorize a governmental power. It is said by the best writers on constitutional law, to be derived as an incident to the treaty-making power; they lay down the principle thus: because you have the right to acquire territory, you have also the right to govern it.

Well, Mr. Chairman, the right to govern the Territory is not an unlimited power of Government. It is subject to all the express limitations of the Constitution that may be applicable to the subject; and the subject is liable to all the implied limitations derivable from the nature of this Government. Sir, what is the object of the government of the Territory? The governments of Territories are organized merely for the purpose of protecting the Territories in their infant state, until they are able to become States. The whole power of the Government over the Territories should be confined to that narrow sphere of protecting the rights of persons and things until they are able to become States. It by no means implies that Congress has a right to interfere with the domestic, the social, or the religious relations of the people. Their religious relations, I say, are not to be interfered with. This is a religious subject; and because it is a religious subject, it is one of great magnitude.

But, Mr. Chairman, if there is one thing clear in reference to the power of Congress, it is that it has no right to interfere with the subject of religion. That is the very first of the amendments to the Constitution; it stands at the head of all the amendments. Congress shall pass no law upon this subject. But it may be said that this religion of the Mormons is not a true religion—that it is a false religion. But I do not think that Congress has any right to say that this or that religion is true or false. Who made us judges over this matter? Who appointed us apostles, or bishops, or priests? Why, Mr. Chairman, if there is any one subject which this Congress does not understand practically, I expect it is this very subject of religion.

I ask you, sir, who set us up to be judges of other people's religion? Who gave us authority to legislate for them on the subject of religion? But it may be supposed that it is no great violation of the principles of the Constitution to interfere with the religion of the Mormons; but once you break in upon that principle, once you violate it in any regard, where will you stop? I am opposed to any infraction at all of the Constitution on this point. Let all religions be free. Let every man worship God according to his own heart and conscience.

Well, again, Mr. Chairman, the spirit of this bill is at war with another clause of the Constitution, which says that Congress shall pass no bill of attainder. I know that, legally and technically, the clause applies to the passage of acts of Parliament depriving a man of his life. But the Supreme Court have determined that the term contained in this clause of the Constitution applies to all kinds of legislation by which any pains or penalties are inflicted upon persons. It is to prohibit any kind of legislation by which Congress places itself in the condition of the judiciary to judge, and hear, and determine the cause itself. Now, I ask, what is the bill before us but a bill of pains and penalties against this people, against a whole nation? Why, sir, we have no parallel in our history—

[Here the hammer fell.]

Mr. CAMPBELL, of Ohio. I understood the gentleman from South Carolina [Mr. Boyce] to admit the constitutional power in Congress to donate these lands absolutely to actual settlers. Now, sir, I want to know from him, and I inquire for the sake of obtaining information, whether, if Congress has the power to make an absolute grant, it has not also the power to affix conditions to the grant?

A MEMBER, (in his seat.) Not if the provisions of the bill are unconstitutional.

Mr. CAMPBELL. I was not inquiring of the honorable gentleman on my left; it was to his

colleague [Mr. Boyce] that I propounded the question: "Not if the provisions are unconstitutional?" The honorable gentleman from South Carolina says that we would be interfering with the religious rights of the people of Utah by retaining this provision. Now, Mr. Chairman, I assume the position that if you can give away the land at all, you may affix such conditions to the grant as Congress may regard as wholesome and necessary for the protection of sound morals and the public good. To illustrate my views, Mr. Chairman—

Mr. BOYCE, (interrupting.) Will the gentleman from Ohio allow me to make a remark?

Mr. CAMPBELL. In a moment. I wish to put a case to the honorable member from South Carolina.

Suppose that, in the wildness of religious fanaticism in Utah, the Mormons should imagine that they had received a revelation from the prophet Joe Smith which required them to enact an ecclesiastical law to the effect that the eldest born of every woman in that Territory should, when it was one month old, be sacrificed and slaughtered; and suppose, further, that, under such circumstances, that people should come here and ask Congress to make a grant of lands to encourage settlement under a system of that kind; would not the honorable gentleman, acting in the capacity of a guardian, and representing a people having a joint interest with all the rest of the people of this land in that domain, deem it proper and advisable to provide that no person who subscribed to, and practiced upon, the principles of such a religion, or rather fanaticism, should have a grant of land? Now I will yield to the gentleman from South Carolina [Mr. Boyce] to answer my question.

Mr. BOYCE. I propose to ask the gentleman from Ohio—

Mr. CAMPBELL. I propose that you answer the question, which I have already propounded, first.

Mr. BOYCE. You put an extreme case, and I believe it is customary to answer one question by asking another.

Mr. CAMPBELL. Answer the question first, and then propound yours.

Mr. BOYCE. Then I will say that I would do nothing to recognize such a state of things.

Now, I will ask the gentleman whether Congress has the right to declare, in this bill, that no Presbyterian should have the privilege of taking a portion of this land?

Mr. CAMPBELL. If a Presbyterian church in Utah, actuated by a wild fanaticism, should declare, by an ecclesiastical provision, the allowance of polygamy, or any other crime, as a tenet of its faith, I should say that no person subscribing to such a provision, or practicing under it, should have any portion of the public domain, and that it would clearly be the duty of Congress so to declare.

Mr. BOYCE. If there is no objection, I will withdraw my amendment.

No objection being made, the amendment was withdrawn.

Mr. WALBRIDGE. I move to amend the proviso under consideration, so that it shall read:

And provided further, That neither the benefits of this or of any other act donating public lands, shall extend to any person who shall now, or at any time hereafter, be the husband of more than one wife.

When I rose to address the Chair, I stated that the views expressed by the gentleman from North Carolina were, that if we pass this restriction, the Mormons will pass out of Utah, and spread all over the vast valley of the interior of this continent. The amendment which I now propose reaches that objection. I do not propose here to discuss the constitutional question. I touch the moral question only. If this Congress, acting as the donors of this land, has the right to prescribe the terms and conditions upon which they shall be given, it has the right to prescribe the condition that no individual who indulges in polygamy shall be entitled to the benefits of this act. If he prefers polygamy, he can leave the Union.

Mr. PECKHAM. If he prefers more than one woman.

Mr. WALBRIDGE. As my friend from New York says, if he prefers more than one woman he may leave the land. If we prescribe conditions, we must make them consistent with the laws of the land. If a single member of this House should

take to himself more than one wife, he not only subjects himself to the frowns of the community, but to the penalties prescribed by the law; and he suffers for his crime in the penitentiary. Do you ask, then, that these people shall have the benefits of this law? That your lands shall not be withheld from people guilty of this crime?

Mr. KEITT. Will the gentleman from New York allow me to ask him a single question? If it be unconstitutional to legislate upon the subject of polygamy itself, is it not unconstitutional, in donating the public lands, to impose a restriction which indirectly effects the same thing?

Mr. WALBRIDGE. I stated, at the outset of my remarks, that in what I should now say upon this subject I should waive the constitutional question entirely. I do not propose to say whether it is constitutional or not. I am viewing this as a great moral question; and I say that it is the right and duty of Congress, in making donations of the public lands, to impose such limitations and restrictions as they may think proper, such as would be made in the States.

Such a restriction would not be necessary in the State of South Carolina, because the State itself has made the restriction, by forbidding polygamy. But wherever polygamy exists, the line is distinctly drawn; and I submit that Congress have the right, and that it is their duty, in making donations, to impose restrictions in reference to it. I therefore insist, as I said yesterday, upon retaining this proviso as a moral question, and leave the constitutional question for others to discuss.

Mr. PHILLIPS. Mr. Chairman, when in order, I propose to offer, as an amendment, that the benefits of the bill shall not be extended to any one guilty of murder, arson, piracy, or robbery.

The objection which I originally urged against the proviso of the bill, it seems to me, has not been answered. It is true, sir, that I have not thought it necessary frequently to obtrude myself upon the House in answer to the several gentlemen who have taken the other side; but my colleague [Mr. COBB] has no right to conclude from my silence, under these circumstances, that I have "backed out"—I believe that was his expression. Sir, when I have nothing to say which can throw additional light upon the subject under consideration, silence appears to me most becoming; and in the most friendly spirit, I suggest the propriety of this course to the grave consideration of my colleague.

The proviso excludes from the benefit of the bill all persons who have more than one wife. Why? Because it is said polygamy is a crime. Then the exclusion operates by way of penalty, and is intended to operate by way of discouraging crime. This, then, as I understand it, is the assertion of a collateral or incidental jurisdiction over the morals of the people of the country, which is inconsistent with the theory of our limited Federal Constitution.

Our only jurisdiction over crimes is to be found in those clauses of the Constitution which authorize Congress to "provide for the punishment of counterfeiting the securities and current coin of the United States." To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations, "and to declare the punishment of treason."

In addition to this, then, there is a criminal jurisdiction arising out of that clause authorizing Congress to make all laws which may be necessary and proper for carrying into execution the powers conferred by the Constitution. And, sir, even as to these crimes, the mode of punishment is prescribed by the Constitution. The common law rules being preserved in all cases of accusation.

Has Congress the right to say that no man who is a polygamist shall be permitted to purchase the public lands, or be entitled to a preëmtor's right of settlement, or what is the same thing, to share in those grants made in the exercise of the power contained in the Constitution, authorizing "rules and regulations" for the disposal of the public lands?

If, through the exercise of the power "to dispose of" the public lands, Congress is to take this incidental control over this particular crime, why not over every other? And if in this mode, why not in every other mode of disposing of the territory? Why not extend the proviso so as to exclude from the benefit of the act all persons who are guilty of murder, arson, piracy, forgery,

and, I might add, theft of slaves, if I were not afraid of shocking the sensibilities of some gentlemen, and thus bring the influence of the Government to bear upon the whole dark catalogue of crime?

Sir, these considerations are not answered by sophomoric declamation as to the heinousness of the offense. That, sir, is not the question, but whether we shall, for the first time in the history of our legislation, link into our acts the discouragement or punishment of crimes which are appropriately referred to the local Legislatures.

If Congress possesses any power, acting as the Legislature of this Territory, then let them exert it in a direct manner, by virtue of that power, and we could then meet the question fairly when it is presented; but let us not smuggle into this bill a jurisdiction not warranted by the clause of the Constitution under which it is framed.

The question was taken on the amendment to the amendment; and it was rejected.

Mr. TAYLOR, of Ohio. I move to substitute for the words "provisions of this act," in the amendment of the gentleman from Virginia, the words "donations of land made by this act."

Mr. Chairman, I had no desire to participate in this discussion, but simply to vote for the proviso as it has been amended; but I cannot pass with silence some of the remarks thrown out in the debate by gentlemen who are in favor of striking out this proviso. It seems to me they go aside from the fact, that by the bill to organize the Territory of Utah, which passed September, 1850, all the laws of that Territory passed by the Legislative Assembly and Governor are to be submitted to the Congress of the United States; and that, if disapproved, they are to be null and of no effect. I have the law before me.

Now, is it a fact that there are laws in Utah which establish the crime of polygamy, as asserted by gentlemen? My friend and colleague over the way, [Mr. DIXON], referred this morning to a law which he said countenanced, or established polygamy in that Territory. I had no opportunity to examine it. My friend from Alabama [Mr. PHILLIPS] said that we might as well insert a provision here to exclude any man guilty of murder, perjury, or any other crime. I understand that the Territorial Legislature of Utah denounce those crimes, and hold them to be crimes as they do in the States of this Union, whereas they tolerate the other crime, that of polygamy.

And here we have a beautiful specimen of this squatter sovereignty, so ably advocated by gentlemen in Congress; the leaving of the Territories to do as they please; the Territorial Legislatures to do what they please; establish any crime they choose. Whether we approve or not, we are to pass the laws unnoticed.

If I had the time, I would read from the law organizing the Territory of Utah, a law for which I take this occasion to say I did not vote. I felt indisposed to give the people of Utah, whom I conceived at that time to be a set of strolling squatters, who had seized the public land, and defied the authority of the United States. I was indisposed to give the people of that Territory, a territory twelve times as large, I am told, as that of New York, the power to set up and justify a crime in defiance of the Congress of the United States.

Mr. BOYCE. I am opposed to this wholesale legislation against a whole community. It reminds me of our revolutionary struggle. Sir, I well recollect what Burke said, when Lord North and his servile majority attempted to proscribe a whole province. He said, "I do not know how to draw up an indictment against a whole nation." And so with me. I do not know how to draw up an indictment against this whole people. I am for letting them alone.

It seems to me that this proviso is at war with that provision of the Constitution which says that no man shall be bound to answer for any criminal offense unless upon the presentment of a grand jury. Here you require this whole people to answer for a criminal offense, and on what presentment? The presentment of the Congress of the United States. Is that in consonance with the Constitution? Again: Every man has a right to a trial by jury when he is charged with crime. Do you give the people of Utah this right? No, you do not. To whom do you give the power to decide this question? You give it to this surveyor general

When a Mormon applies for a tract of land under the provisions of this bill, the surveyor general will say to him, "You shall not have it." "Why?" "Because you have more wives than one." Who is to decide that question? This surveyor general. He is to decide whether the man has been guilty of this crime or not. Is that consistent with the Constitution? However good our motives may be, let us not trample the Constitution and this great provision of liberty under foot. Sir, these people are entitled to our sympathy and pity. Look at their history. It is a history of misfortune and persecution, of disaster and suffering. They have never been permitted to live in peace and security in any community. They were driven from Missouri and from Illinois. Their beautiful city of Nauvoo was devastated, and they were compelled, with bleeding hearts, to bid adieu to the graves of their people and to their beautiful temple. Their prophet was taken and placed in jail in Carthage, and while there, was brutally murdered by assassins. They were then driven into the wilderness. They went up on the western side of Iowa, and there at mid-winter, whilst they were in the midst of suffering, the United States called upon them to go and fight the battles of the country. And how did they respond to that call? They responded to it better than the people of many parts of the United States. They sent almost their whole military force; and that people rallied around the star-spangled banner, and went out to fight the battles of our country. And yet you will not now permit those men to enjoy a home in that wilderness which they have rescued from barbarism and from the Indians.

The question was then taken on Mr. TAYLOR's amendment; and it was rejected.

Mr. RICHARDSON obtained the floor.

The CHAIRMAN. The Chair being unwilling to call gentlemen to order in debate, has, perhaps, permitted the rule to be violated to some extent; but in the further debate upon this bill he will attempt rigidly to enforce the rule.

Mr. COBB. I am very sorry the Chair is only going to adopt that course now. My colleague [Mr. PHILLIPS] has been heard, and I want an opportunity to reply.

The CHAIRMAN. The gentleman from Alabama is out of order.

I will read so much of the 34th rule as is necessary to show its application:

"Where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer; after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment."

Mr. SEWARD. I move that the committee rise.

Mr. RICHARDSON. I desire to propound a question to the Chair, with a view of facilitating the business. I wish to know if it will be in order to lay aside this bill, and take up and dispose of other territorial bills that are before the committee, to which there may be no objection? We can then return to a consideration of this bill, and spend upon it whatever may be left of the time of the special order.

The CHAIRMAN. In the opinion of the Chair, the committee can lay aside this bill, and proceed to the consideration of other bills.

Mr. SEWARD. I rise to a point of order. I insist that the motion submitted by me was in order. The gentleman from Illinois [Mr. RICHARDSON] had the floor, but simply for the purpose of making a suggestion, as I understood.

Mr. RICHARDSON. I desire to make a motion.

The CHAIRMAN. The floor was assigned by the Chair to the gentleman from Illinois. While he was occupying it, the gentleman from Georgia, nor any other gentleman, had no right to make any motion whatever.

Mr. SEWARD. Then I call the gentleman from Illinois to order, on the ground that he is not discussing the question before the committee.

The CHAIRMAN. According to the understanding of the Chair, the gentleman from Illinois rose to a point of order. If the Chair was misinformed, he would like to be corrected.

Mr. RICHARDSON. I rose to make an inquiry, upon which I desired to base a motion. I submit my motion now, and the Chair can decide whether I am in order or not.

Mr. SEWARD. If the gentleman submits a motion, he is in order; but if he make an inquiry merely, he is not in order.

Mr. RICHARDSON. I move to lay aside this bill. The object I have in view, if the motion be agreed to, is to enable the committee to proceed to the consideration, and dispose of the other territorial bills.

Mr. CAMPBELL. Is that motion debatable?

Mr. KEITT. I make this point of order. The committee rose, went into the House, and then a resolution was passed directing that the debate should be closed—

The CHAIRMAN. The gentleman from South Carolina is not entitled to the floor. The gentleman from Georgia submits the motion that the committee rise.

The question was then taken upon Mr. SEWARD's motion; and it was decided in the negative. So the committee refused to rise.

The CHAIRMAN. The gentleman from Illinois submits the motion that this bill be laid aside.

Mr. CAMPBELL. I desire to know if that motion is debatable?

Mr. KEITT. I rise to a point of order. The House passed a resolution to close debate, to vote upon the amendments, and report the bill to the House. Having done that, I now ask whether that order can be set aside or disregarded by the committee?

The CHAIRMAN. A resolution was introduced, and passed by the House, in the usual form, closing debate on this bill, and directing the committee to proceed with its consideration, and report the bill and amendments to the House. Therefore the motion of the gentleman from Illinois cannot be entertained.

Mr. CAMPBELL. I desire to inquire of the Chair under what rule it has decided that the proposition to lay aside this bill is not debatable?

The CHAIRMAN. The gentleman from Ohio is not in order.

Mr. ORR. There is an express rule, Mr. Chairman, that a motion for priority of business is not debatable.

Mr. CAMPBELL. I hope the chairman of the Committee on Territories [Mr. RICHARDSON] will withdraw his motion to set aside the bill.

The CHAIRMAN. That motion has been ruled out of order. There is no motion pending, except the amendments offered to the bill.

Mr. CAMPBELL. Oh, very well. That will do. I am perfectly satisfied with that.

Mr. LETCHER. I desire to offer an amendment to the amendment, by inserting after the word "persons" the additional words "male or female."

The CHAIRMAN. The Chair rules that the gentleman from Virginia cannot amend his own amendment.

Mr. LETCHER. But can I not modify it?

The CHAIRMAN. The gentleman can modify it, but cannot speak upon that modification.

Mr. KERR. Then, Mr. Chairman, I make the motion to amend the amendment of the gentleman from Virginia, [Mr. LETCHER,] by inserting the words indicated by him, "male or female."

Mr. LETCHER. Mr. Chairman, which side of the proposition am I to take? Am I to speak for or against it?

The CHAIRMAN. The gentleman from Virginia will have to speak against it.

Mr. LETCHER. Very well, it does not matter much. I can say as much on the one side as on the other. [Laughter.]

All that I desire to say, Mr. Chairman, is in reference to a point which has been made in the progress of this debate, and that by the gentleman from Alabama. He desired to know whether any member of this committee would undertake to discriminate—in the donation of land—against murderers, or against pirates, or against any other characters who were the subjects of crime. Now, sir, there is a very distinct answer to this question. I think there is a very conclusive answer to this view of the case. Neither the State of Virginia, nor the State of Alabama, nor the State of Georgia, nor any other civilized or well established community that I know of, in the United States, recognizes these crimes as part of their social system. But in the Territory of Utah polygamy is a system, a regularly recognized system—neither more nor less—adopted under the ecclesiastical law, recognized under the legislative law, and, in

every way, and with every sanction that can be given to it, either by the clergy or by the legislative authority, recognized as an immutable, an unchangeable institution.

Mr. PHILLIPS. Will the gentleman from Virginia allow me to make a remark?

Mr. LETCHER. Not just now; wait a moment. If the government of the Territory of Utah had recognized murder, or had recognized piracy, or had recognized any other species of crime as a legal system, then, sir, I say, we could here, in making donations of this sort, express on the part of Congress an unqualified hostility to any system of the kind.

Sir, what are we doing here? These people come and ask for special privileges under the law, and it is for us to say whether, while they have such a system among them, we will tolerate that institution, and encourage these people, by giving to them the very benefits and privileges that they ask. Now, Mr. Chairman, if we can do this, it seems to me that we are perfectly powerless, that we have no authority of any sort. It seems that, no matter what crime springs up in the country, when the professors of it get into a Territory, and ask for land, we must make donations to them, because we have made donations to others, and have no right to make a discrimination.

Now, sir, as to the view of my friend from South Carolina, [Mr. BOYCE.] He says that this is a matter of religion. Why, sir, it is exactly the reverse. If these people had a decent religion, they would not have polygamy there. It is not a matter of religion. It is a matter of vice; and whenever this House undertakes to make these donations, it is paying a tribute to, and encouraging vice, infamy, and iniquity.

The CHAIRMAN. There is no further amendment in order; and no further debate can be had on the amendment pending.

Mr. RICHARDSON. I rise to a privileged question. I move that the committee rise. I will state, if the committee will permit me, the object I have in submitting the motion. It is to get rid of this bill, in order to proceed to other business.

Mr. BOYCE. I object to it.

The question was then put; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. PHELPS] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly bills relating to territorial business, and more particularly House bill No. 317, and had come to no conclusion thereon.

Mr. RICHARDSON. I now move to reconsider the vote by which debate was terminated upon House bill No. 317. I will state the object which I have in view in making this motion.

The SPEAKER. The motion is not debatable, the gentleman will recollect.

Mr. CAMPBELL. I hope, by common consent, the gentleman will be permitted to proceed, and make his explanation.

The SPEAKER. If there is no objection, the gentleman will proceed.

No objection was made.

Mr. RICHARDSON. My object is to remove the order terminating debate, and then to go into Committee of the Whole, move to lay aside this bill, and take up and endeavor to pass other territorial bills, and thereby get through this special order.

Mr. CAMPBELL. Then I hope the motion will not prevail.

Mr. HAMILTON. I call for tellers upon the motion.

Tellers were ordered; and Messrs. HARRIS and VAIL were appointed.

The question was then taken; and the tellers reported—ayes 66, noes 61.

So the motion to reconsider prevailed.

Mr. RICHARDSON. I move that the resolution be laid upon the table.

The question was taken; and the resolution was laid upon the table.

Mr. RICHARDSON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the motion agreed to. The House accordingly resolved itself into the

Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of House bill (No. 317) to establish the office of surveyor general in Utah, to grant donations to actual settlers therein, and for other purposes.

Mr. RICHARDSON. I move to lay aside this bill, not for the purpose of reporting it to the House, but merely to pass it over and take up the next bill.

Mr. DISNEY. I wish merely to state a fact to the committee for its information. I have some days hesitated whether it was my duty to announce the fact to the House; but, upon consideration, I think it due to the House to be advised of it. What I desire to state is, that, among other matters, African slavery is recognized and established by law in the Territory of Utah.

The CHAIRMAN. The question is upon the motion of the gentleman from Illinois to pass this bill by, which motion is not debatable.

Mr. CAMPBELL. I know of no reason for not disposing of this bill now, after it has been discussed for two days.

Mr. LETCHER. I propose to amend the motion of the gentleman from Illinois. I move that the bill be laid aside, to be reported to the House, with a recommendation that it be rejected.

Mr. ORR. Is that in order?

The CHAIRMAN. The motion of the gentleman from Illinois is merely to pass the bill by, and the motion of the gentleman from Virginia is not, in the opinion of the Chair, in order as an amendment to that motion.

Mr. RICHARDSON. I will withdraw my motion, if the gentleman from Virginia desires to submit his. My object is to have the bill disposed of in some way.

Mr. LETCHER. Then I submit my motion, that the bill be laid aside, to be reported to the House, with a recommendation that it do not pass.

Mr. JONES, of Tennessee. I rise to a question of order.

The CHAIRMAN. The Chair would suggest to the gentleman from Tennessee that the motion of the gentleman from Illinois has been withdrawn.

Mr. JONES. My point of order is still applicable. I submit that there is nothing before the committee. The territorial business was made the special order; and I hold that no one case has precedence of any other, but that it is in order to move to take up any bill. The bill which you had before you at the last sitting does not come up as a matter of course at the next session of the committee.

Mr. RICHARDSON. I wish to say a single word of reply to the gentleman from Tennessee. What he has said may be true. If true, I would deem it right and proper to determine what bills the committee ought to take up. They must determine that question for themselves. It is right and proper that they should do so.

The CHAIRMAN. The question recurs on the motion of the gentleman from Virginia.

Mr. RICHARDSON. I have not withdrawn my motion, and I do not withdraw it.

Mr. LETCHER. Then the Chair decides my motion to be out of order.

The CHAIRMAN. The Chair understood the gentleman from Illinois to withdraw his motion. As he has not done so, the motion of the gentleman from Virginia is not in order.

Mr. CAMPBELL. Is there any question pending?

Mr. RICHARDSON. Yes, sir; one of priority of business; a motion to lay the bill aside.

Mr. TAYLOR, of Ohio. I demand tellers on the motion to lay the bill aside.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and WHEELER, were appointed.

The question was taken; and the tellers reported—ayes 57, noes 65.

So the committee refused to lay the bill aside.

Mr. HAMILTON. I move that the committee rise for the purpose of closing the debate upon this bill, and on that motion I ask for tellers.

Tellers were ordered; and Messrs. CAMPBELL and PARKER were appointed.

The question was then taken; and the tellers reported—ayes 41; noes not counted.

So the committee refused to rise.

Mr. LANE, of Oregon. I regret deeply that this bill has consumed so much of the time of the House. I regret that it has ever been introduced.

Mr. TAYLOR, of Ohio. What question is before the House?

The CHAIRMAN. The bill and the various amendments. The House has reconsidered the vote by which the debate was closed.

Mr. TAYLOR. I should like to ask the Chair, what is the present position of the bill, for I really do not understand it?

The CHAIRMAN. The Chair will state the proposition now pending in committee. It is bill No. 317, which has been under discussion yesterday and to-day. On yesterday, the House adopted a resolution closing debate in five minutes after the House should resume the consideration of the bill. A few minutes since, in the House, the vote by which that resolution was adopted, was reconsidered, and the resolution closing debate was laid upon the table. General debate upon the bill has, therefore, been reopened by the action of the House. The amendments pending are to the third section of the bill, and with reference to the last proviso. The pending propositions are the amendment offered by the gentleman from Virginia, [Mr. LETCHER,] and an amendment to that amendment, offered by the gentleman from North Carolina, [Mr. KERR.]

Mr. LETCHER. Is it in order now to submit a motion that the committee rise and report the bill to the House, with a recommendation that it do not pass?

The CHAIRMAN. It is not in order. The gentleman from Oregon is upon the floor, and no motion can be submitted while he is upon the floor.

Mr. LANE. If that motion could be made and adopted, I would yield the floor most cheerfully. My object is to ask the committee to make some disposition of this bill. We have before us many important territorial bills that deeply interest the people. This bill has been discussed for two days, when there is no prospect of its ever receiving the favorable consideration of the committee. One week has been set apart for the consideration of territorial business, and we have now only one day of that week left, and there is some doubt whether the House will sit to-morrow, although I hope it will. If further time is spent on this bill, it must be apparent to everybody, that all the other territorial business must lie over perhaps to the next Congress. Is there any prospect that the House will give us another week? If not, measures which are dearer to me than life itself must be postponed, and cannot be acted on during this Congress.

The CHAIRMAN. The Chair will report the titles of the bills which are still undisposed of, and which have not yet been acted upon.

Mr. TAYLOR. This is a very important bill, quite as much so as any bill touching the Territories of the United States. It proposes to extend the land system over that Territory.

Mr. LANE. Two days have been already spent upon it, and I would like to know by what mode of reasoning the gentleman from Ohio can undertake to say that this bill can be passed in five, ten, or fifteen minutes, as I know gentlemen who are prepared to speak upon it for two or three hours. If we continue to discuss it, this day will be consumed, and the bill will still be undisposed of.

Mr. CAMPBELL. I agree with the gentleman from Georgia [Mr. STEPHENS] that the principles of this bill are very important, but we all know that there is a general disposition in the House always to provide for the Territories, and give them sufficient time here in which to have their business transacted. I always vote to allow territorial matters sufficient time; and if this day and the next are not enough to legislate intelligently upon all the bills which are necessary for the welfare of the Territories, I pledge the honorable gentleman that I shall be one of the most active in efforts to give them another week if necessary. I prefer to do that than to have bills driven through in hot haste, involving as important principles as are contained in some of these bills.

I agree with the gentleman from Georgia, [Mr. STEPHENS,] that there are principles involved in this bill, upon which a great deal might be said upon either side; and we ought to understand what we are doing, before we are called upon to vote. I desire to state to the honorable gentleman from Oregon, that there can be no difficulty about this

matter whatever; and that I am ready to do all in my power towards attending to the business of the Territories.

Mr. LANE. I am under many obligations to the gentleman from Ohio, and every gentleman who has been willing to grant sufficient time for the consideration of territorial business. The Territories are entirely dependent upon Congress. They have, it is true, the privilege of sending representatives here, but these representatives have not the privilege of voting. It has always been painful to me to consume one minute of the time of the House, and I would be glad if the business relating to the Territory of Oregon could be presented upon its merits, and a vote taken directly upon it without the necessity of any explanation upon my part. But I should be very unwilling, and should feel very much grieved, if the necessary legislation was defeated for want of time in which to consider it. If the House will say that other days shall be set apart for the consideration of territorial business, then I have not a word to say against whatever course the committee may pursue in regard to the continuance of the discussion.

Mr. TAYLOR, of Ohio. I understand that we are to continue with this territorial business until it is entirely disposed of.

The CHAIRMAN. The gentleman from Ohio is mistaken in regard to the order of the House. The order of the House appropriates the first week of the month of May, commencing with the first Monday of the month, to the consideration of territorial business. This is the special order on the Journal of the House.

Mr. KERR. There can be more time assigned for the conclusion of this business.

Mr. LANE. But is there any certainty that we can get any other time for that purpose? If this bill be laid aside, and if at any other time leave be given for the consideration of territorial business, it can be taken up first, and the committee can now act upon bills which may meet their approval, consider and pass them; and postpone the consideration of such other bills as may not meet their approval. I hope the committee will do so.

Mr. KERR. Will the gentleman from Oregon yield me the floor for a moment?

Mr. LANE. Certainly.

Mr. KERR. I would be very sorry, Mr. Chairman, to present here even the appearance of desiring to obstruct needful legislation in regard to the Territories. I, however, am in favor of a full and free discussion of the important questions presented by the bill now before the committee. I think these questions very grave in their character. I think they ought to be discussed and well considered before they are acted upon. But then I will deal frankly in what I have to say in reference to my course upon these questions. Gentlemen insist here upon having time set apart with a view of transacting mere territorial business. Now if they will offer territorial business of a purely local character, I will aid them; but if it be any part of the understanding to bring up these territorial railroad bills, then I am for taking any legitimate course, according to the usages of Parliament, in order to prevent their consideration.

Mr. LANE. I desire to say to my friend from North Carolina, and to every other member of the committee, that we ask no railroad bill for the Territory of Oregon.

Mr. KERR. I know that; but there is one for the Territory of Minnesota.

Mr. LANE. We ask for nothing but that which is strictly local, and which relates solely to the interests of the people there. Nor will I favor any railroad bill for any Territory, to interfere with the legitimate territorial legislation.

Mr. KERR. Then I will just ask my friend from Oregon to apply to the chairman of the Committee on Territories, and ascertain whether it is the purpose of that committee to give us a Minnesota railroad bill.

Mr. RICHARDSON. I state to the gentleman from North Carolina that the Committee on Territories have no such bill to present.

Mr. KERR. I beg pardon. I spoke inadvertently; I meant to say the Committee on Public Lands.

Mr. LANE. Mr. Chairman, I am very willing to give the chairman of the Committee on Public Lands the opportunity of answering the inquiry

of the gentleman from North Carolina; and I yield the floor for that purpose.

No reply was made.

Mr. LANE. I will only say to the committee now, that if they will lay aside this bill that has been under discussion, and take up bills relative to Oregon and other Territories, which are strictly local; and if the committee do not decide that they are so strictly local in their objects, I, so far as I am concerned, will ask them to be laid aside and not acted favorably upon. But, with a view of obtaining legislation upon matters of deep interest to the Territories, I will ask the committee now—I will appeal to members on behalf of the people whom I represent—to lay aside this bill and take up the Oregon bills, that they may be considered and acted upon.

Mr. LETCHER. Mr. Chairman, will you have the Calendar read, and let us see what bills are on it for our action?

The CHAIRMAN. The Chair will, by general consent, read the Calendar.

The list of bills remaining on the Calendar—numbering some nine or ten—was read.

The CHAIRMAN. The Chair would state, in reference to Senate bill (No. 220) to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, that the committee have already acted upon a House bill providing for the same object. There is also another bill, which was informally laid aside yesterday. That was a bill in relation to the payment of the civil officers employed in the Territory of New Mexico while under military government.

Mr. KERR. These are all the bills upon the Calendar; but, as I understand it, the Committee on Public Lands can report any bill they please, at any time, in reference to territorial business.

Mr. HOUSTON. I wish to ask of the Chair a question, in order to bring a fact to the attention of the committee. The question is, whether, if we lay aside this bill, it is not in the power of any member of this committee to have a contest whenever any other bill comes up? For instance, if we lay aside this bill and take up the next one to it, and dispose of it, the committee can, if they desire, resume the consideration of this same bill; and hence it will be impossible for those gentlemen who want to get in railroad bills, to get them in ahead of the bills which are upon the Calendar. I desire to know of the Chair if that is not so?

The CHAIRMAN. Although debate is not strictly in order, the Chair will state, in reply to the interrogatories of the gentleman, with the permission of the committee, that if this bill is laid aside, the Chair will proceed to call the bills upon the Calendar in the order in which they stand. If, in doing so, objection is made to the consideration of any particular bill, it will be for the committee to decide the question.

Mr. STEPHENS, of Georgia. A short time since I was in favor of postponing this bill, and of laying it aside. But seeing that the House is not proceeding any faster under that motion than before, I change my opinion, and I suppose we may as well act upon this bill now as at any other time. And if we desire to get through with the territorial business, let us set all night, and to-morrow night. That is the way to accomplish the thing.

Gentleman say there are important principles involved in this bill. I suppose there is not a principle in it upon which the mind of every member is not already made up. If gentlemen want to speak, let them speak, and let us set them out.

Mr. WALLEY. The matter which we are now engaged upon is highly important. There are other matters and bills which are no less so. This bill is as important to the gentleman from Utah, as the others are to those who represent the other Territories. Why, then, lay this bill aside, and take up others, for no other reason than because other gentlemen wish to press their immediate consideration? My suggestion to the committee is this: that if we are not prepared to act upon this bill now, we should continue the discussion; but if we are, we should vote upon it without further delay. But it is worse than useless to lay aside one bill which has reference to local business, without definite action, for the purpose of taking up others which have no prior or superior claim to our present consideration.

The time already occupied in discussing the question of laying aside this bill without any decision of the committee—

Here Mr. WALLEY gave way to the gentleman from Oregon.

Mr. LANE, who said: I will say to the gentleman over the way, [Mr. WALLEY,] that for the purpose of ending the debate upon this bill, I will withdraw my motion, and submit the motion that the committee rise, for the purpose of terminating the debate upon it.

Mr. STEPHENS, of Georgia. I will suggest to the gentleman from Oregon that that will protract the debate longer. If anybody wants to discuss the bill let them; and I assure the gentleman that one or two hour speeches will do away with these five-minute speeches.

Mr. LANE. Very well, I will withdraw my motion.

Mr. PERKINS, of New York. Is it in order to move that the committee rise and report the bill to the House, with an commendation that it be rejected?

The CHAIRMAN. That motion is in order.

Mr. PERKINS. I will move that it be laid aside, and be reported to the House with that recommendation.

Mr. WHEELER. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. CAMPBELL and KEITT appointed.

The question was taken; and the tellers reported—ayes eighty-four; a further count not being required.

So the bill was laid aside, to be reported to the House.

The bill of the House No. 335, entitled "A bill to extend the right of preemption over unsurveyed lands in Minnesota, and for other purposes," was next taken up for consideration, and read by the Clerk, as follows:

Be it enacted, &c., That the provisions of the preemption act of 4th September, 1841, and the acts amendatory thereof, shall be extended to the lands in Minnesota Territory, whether surveyed or not; but in all cases where preemption is claimed on unsurveyed lands, the settler shall file his declaratory statement within three months after the survey has been made and returned, and make proof and payment before the day appointed by the President's proclamation for the commencement of the sale of the lands, including the tract claimed: *Provided, however,* That if, when said lands are surveyed, it is found that two or more persons have settled upon the same quarter-section, each shall be permitted to enter his improvement, as near as may be, by legal subdivisions.

Mr. LETCHER. I should like to inquire why it is proposed to extend the rights of preemption to the unsurveyed as well as the surveyed lands?

Mr. RICE. I will answer the gentleman from Virginia. A tract of twenty-eight millions of acres was purchased by the Government; a survey was authorized, and a portion of the lands surveyed. The preemption laws extend to the surveyed lands, but settlements have been made upon those unsurveyed; and the object is to prevent speculators from coming in and depriving the honest settler of his improvements. They pay their \$1 25 per acre as soon as the land is offered for sale.

A portion of the lands on the west side of the Mississippi was ordered to be surveyed. A portion was surveyed. Citizens went there and settled on the land; but some of the surveys proved to be incorrect, and they were recalled. Now, under the preemption laws, those who settled there prior to the surveys are not entitled to the right of preemption. The object is merely to extend the preemption right to the first settlers.

Mr. LETCHER. Is the bill intended to be confined to the erroneous surveys, or unlimited?

Mr. RICE. It is applicable to all lands not reserved for other purposes.

Mr. LETCHER. The whole territory is to be opened to preemption?

Mr. RICE. Yes, sir.

Mr. LETCHER. You do not propose to apply the bill to the erroneous surveys?

Mr. RICE. It applies to all. Settlers in Minnesota think that it is very hard that they shall not be afforded the privilege of paying \$1 25 per acre for the public land, without unnecessary restrictions, when settlers in the other Territories have granted them one hundred and sixty acres each. Minnesota has not had granted her one foot of land for any purpose whatever—for internal improvements, schools, or for any other purpose. She is paying thousands of dollars daily into your Treasury. All we want is, that the settlers who have gone there, and made their im-

provements, shall be protected against speculators. Such is the object of the bill. The right asked has been extended to California, and to Oregon, and the other Territories.

The bill was then laid aside to be reported to the House, with the recommendation that it do pass.

The CHAIRMAN. The next bill on the Calendar for consideration is a bill to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds, or mixed bloods of the Dacotah, or Sioux nation of Indians, and for other purposes.

The bill was read through.

The first section was then read for amendment.

Mr. WRIGHT, of Mississippi. Mr. Chairman, I desire to briefly state the object of the bill. It will be observed by the committee, that under the treaty of Prairie du Chien, of the 15th July, 1830, on the application of the Sioux tribes or bands of Indians to the Government, a certain tract of country, designated as lying at the head of navigation on the west side of the Mississippi river, on Lake Pepin, within the limits of Minnesota Territory, embracing in length about thirty-two miles, and in width about fifteen miles, should be set apart for the half-breeds of their tribe. There was a further provision, that they should hold said lands or reservation under the same title that all other Indian lands were held. There was still another condition in the tenth article of the treaty, which authorized the President of the United States, at any future time, to set apart to any of the said half-breeds, to be held in fee-simple, a section of land, but no more. Under the provisions of that treaty, the half-breeds, many of whom are enlightened, some engaged in mercantile pursuits, and some in farming, have applied repeatedly to the Government to have the provisions of that treaty carried into effect. Hitherto nothing has been done in reference to it. This bill contemplates carrying into effect the provisions of the treaty, so as to secure to the half-breeds the interests that were intended to be secured to them under the treaty.

The first provision of the bill, it will be observed, authorizes scrip to be issued to the half-breeds who were entitled to it under the treaty of Prairie du Chien, of July 15th, 1830, upon condition that they make a relinquishment to the Government of the United States, under such form as may be prescribed, of all the interest they possess in that reservation. It will also be observed by the committee, that there is no power under the bill to dispose of that scrip. The object of the Committee on Indian Affairs in reference to that, was to prevent the half-breeds from being imposed upon in the disposition of their land. The committee was fully aware, that the moment the patent issues, the power of disposal attaches. The bill also secures to the half-breeds the right of preemption. This we thought proper, in order to secure the interests that were intended to be conferred on the half-breeds of the Sioux tribe of Indians.

The other two provisions of the bill are short and simple, providing for the survey of the land within the limits of the reservation, and the taking of the census.

I have thought it proper to say this much in reference to the bill. Let me say further, that this reservation embraces within its limits some of the most fertile lands in the Territory of Minnesota, stretching to the head waters of navigation upon the Mississippi river, so as utterly to preclude any communication by the inhabitants of Minnesota with the Mississippi river; for every member of the committee well understands the fact that under our laws and regulations concerning the Indian tribes, that no citizens of the United States are authorized to pass within the limits of their territory without authority from the Government. Not only so, but they have no authority even to clear a road. They have no authority within the limits of that Territory to build a school house or erect a church. Hence this bill is not only important to the interests of the half-breeds of the Sioux tribe of Indians, but it is of tenfold greater interest to every citizen of the Territory of Minnesota. I believe that the bill, as framed, will meet the objects contemplated. Some gentlemen might be disposed to think that the objects of the treaty could be carried into effect without legisla-

tion; but this, in my opinion, cannot be done. As late as 1852, a treaty was sent to the Senate of the United States, proposing to dispose of this tract or reservation of land for the sum of \$150,000; but that body refused to ratify the treaty, and upon proper principles.

The half-breeds are not a tribe of Indians in the sense in which we use the term "Indian tribes," and hence there was no power in this Government to enter into a treaty with them. Nor can we reach the object desired by treating with the Sioux band of Indians, for the very reason that they have parted with the interest they possessed within that reservation. It is then perfectly apparent that the objects we have in view can only be attained by the legislation of Congress; and I think that such objects can be attained by the passage of the bill now under consideration. I hope that it may receive the favorable consideration of the committee, and that they will report it to the House, with the recommendation that it pass. A friend near me has suggested that perhaps I ought to state the quantum of land for which provision is made in this bill. It is about three hundred and eighty thousand acres. I will state that the bill makes provision for such half-breeds as do not reside in said reservation, but have moved beyond its limits, and who under the treaty were entitled to participate in its benefits, and that a census shall be taken so as to enable the Government to ascertain who are and who are not entitled to its benefits. Let me say here, in addition to what I have already stated, according to the best information I have been enabled to obtain in reference to this matter, that there are about two hundred half-breeds who are entitled to receive the benefits of this bill.

Mr. HAVEN. I would like to make an inquiry of the gentleman from Mississippi who has just taken his seat. Very likely he may have explained the matter sufficiently, but I was endeavoring to learn from the bill what I desired to know, and did not hear all his remarks. The bill seems to be, from a hasty reading of it, imperfect. It authorizes the President to exchange certain things; and I wish the gentleman from Mississippi would inform us, as the bill, I think, does not, what it is to be exchanged, and for what the exchange is to be made. It seems to me that the language of the bill is not very clear and explicit upon this point.

Mr. WRIGHT. I regret very much that my friend from New York [Mr. HAVEN] has not been enabled to discover what the exchange is to be. Most assuredly he has not read the bill, or else his optics would have been keen enough to discover that it was an exchange of the half-breed reservation for scrip. But let me explain the matter, in reply to the inquiry of the gentleman from New York. Why is an exchange of land made for scrip? For the reason that you can only obtain the objects contemplated in the treaty by such a provision. They are those who have moved beyond the limits of Minnesota, who occupy their farms, who are cultivating them, and are not residents within the limits of Minnesota Territory. The object of this bill is to give these half-breeds scrip, so that they can avail themselves of the benefits of their own labor by securing the lands upon which they have settled. Nor does this ultimate in injury to the United States, for the reason that, under the provisions of this treaty, as will be observed, none will receive scrip who are not entitled.

In addition to this, I would say, that this will open up the reservation for settlement by white citizens within its limits. And, for the information of the committee, I will say, that it is only the most civilized of the half-breeds who have remained there. Those who have preferred uncivilized life and Indian habits have gone beyond the limits of the reservation. They are, however, entitled to the benefits secured, or intended to be. Hence the provision in the bill authorizing them secured to them under the treaty of *Prairie du Chien*, to receive scrip. But in order to induce them to take care of their rights, the bill provides that they cannot dispose of their scrip until they have located it; and, as I stated before, when the patent is issued to them, then they shall have the power of disposing of their land, and of receiving the benefits to which they are entitled.

Mr. WASHBURN, of Maine. As I understand it, this is a block of land on the Mississippi

river, containing some three hundred and eighty thousand acres. That land cannot be approached, or, at any rate, it cannot be crossed by any of the inhabitants of the United States. It is important that it should be brought into market. It is important that it should be opened for transit, opened for ways, or highways, or railroads. It is important that it should be opened for the purposes of communication between the country beyond and the Mississippi river. It seems to me this is an object which it is desirable should be attained. The Indians, or the half-breeds, hold this land in community; it is in the one block; and this bill, as I understand it, provides that they shall give up their interest in this land for scrip—the scrip corresponding with the number of acres to which they may be respectively entitled. If they have their scrip, they may locate their lands where they choose. They may locate it in this territory, or anywhere else upon the surveyed or unsurveyed lands of the United States. It thus exchanges land for land—this land for other. It seems to me that this will be to the advantage of the Indians. The effect of the bill will be to open up this territory, which lies in the way of all improvement, to the people of the United States. And this will be a great advantage to the people of the Territories, and to the general interests of the country. I see no objection that there can be against this bill.

There being no proposition to amend,

Mr. WASHBURNE, of Illinois, moved that the bill be laid aside and reported to the House.

The CHAIRMAN. The bill will be laid aside to be reported, unless amendments be proposed to it.

Mr. HENN. Before the bill be laid aside, I wish to call the attention of the gentleman from Mississippi [Mr. WRIGHT] to that portion of the bill embraced within the twentieth to the twenty-eighth lines, to see if there is not a contradiction or inconsistency of terms there.

Mr. WASHBURNE. That section has been perfected, and no amendment is in order.

Mr. HENN. I do not propose any amendment. I merely wish to ask the member from Mississippi if there is not a contradiction in terms from the twentieth to the twenty-eighth line.

Mr. WASHBURNE. I do not know whether even that is in order or not.

The CHAIRMAN. An amendment is not in order.

Mr. HENN. I have made the suggestion because I dislike to see a bill which has no sense in it pass through this committee.

The CHAIRMAN. The Clerk will read that portion of the bill which the gentleman from Iowa has referred to.

The Clerk read as follows:

—“which said certificates or scrip may be located upon any of the lands within said reservation not now occupied by actual and bona fide settlers of the half breeds or mixed bloods, or such other persons as have gone into said Territory by authority of law, or upon any other unoccupied lands subject to preemption or private sale, or upon any other unsurveyed lands, not reserved by Government, upon which they have respectively made improvements.”

Mr. HENN. I understand that the provision was intended for the benefit of those half-breed Indians who have gone out of this reserve. In my opinion, the last line which was read cuts them off from locating upon their own improvements.

Mr. WRIGHT, of Mississippi. I suggest to the gentleman from Iowa that, under the common preemption law, the right attaches.

The bill was then laid aside, to be reported to the House.

The next bill in order upon the Calendar which came up for consideration was House bill (No. 119) to provide for the continuation of the military road from Myrtle creek to Scottsburg, in Oregon.

The bill was read *in extenso*, and no amendment being offered thereto, it was laid aside, to be reported to the House.

The next bill upon the Calendar which came up for consideration in order, was House bill (No. 339) to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war.

The bill was read *in extenso*.

The Clerk then read the first section.

Mr. LANE, of Oregon. Mr. Chairman, the duty devolves upon me, I imagine, to give an explanation of the object of this bill, and of the cir-

cumstances which make its passage necessary. If I knew that it would pass without anything being said by me, I would say nothing; and it would gratify me very much. But, for fear that it might not be so, I avail myself of the opportunity to make a brief statement.

In the Rogue river valley there are two great tribes of Indians, the Umpquas and Shastas, all known as the Rogue River Indians. These Indians, for the last twelve months, have been preparing for war. They were enabled to provide themselves with the implements of war, and with everything necessary to commence a deadly hostility, and to make every arrangement necessary for carrying out their purpose, by means of appearing friendly to the whites, in hunting for them, and selling the proceeds of the chase for guns, powder, balls, &c.

In that vicinity there are rich mines, and many American citizens had rushed in there for the purpose of digging for gold. Many persons from the States who had no intention of becoming citizens of that Territory, and who did not become citizens, went there in search of gold. It is the habit of miners, and it is the habit of American citizens who are in search of gold, to take with them a rifle and other weapons which they regard as necessary for their personal safety and protection.

The Indians in that valley, who are a superior race, remarkable for their intelligence, availed themselves of the great number of miners, who purchased of them the game that they could kill, and which was very plenty in that portion of Oregon, to realize a considerable sum of money, which they took care to invest in rifles, pistols, powder, lead, and percussion caps, and everything else necessary to commence a war of extermination; in this way all they had received in twelve months past had been invested. At that time the white people in the vicinity, among whom were many families, believed they were as safe as the people of the city of Washington now consider themselves. The massacre commenced the first day by a scattering band of Indians; and Edwards, Wills, and Nolen, all of them American citizens, were massacred. Only these three were murdered the first day. This was, however, only a beginning of the execution of a scheme which had been matured for sweeping off every white man, woman, and child in that country. This tribe had formed an alliance with other tribes. The Klamath Indians, numbering some five hundred warriors, within seventy-five miles, and Tiasoe Tyee's band, within twenty-five miles, had agreed to join them in the massacre; and, as soon as the war commenced, they were all to rush in, and sweep from the face of the earth every man, woman, and child. And, Mr. Chairman, their designs would have been accomplished, but for the prompt and efficient aid of Captain Alden, who is now in this city, crippled for life, in consequence of a wound he received in that war. I say that but for his aid they would have been swept from the country, every man, woman, and child. The Indians were well armed; and it is a fact, strange as it may seem, that the white people were mostly without arms. They had no apprehensions from these Indians. They had lived with them for many months in peace. They had sold their arms to the Indians, and believed them to be perfectly harmless in their intentions.

When the massacre commenced Captain Alden was one hundred miles off. The intelligence was received, and he, with a company of ten men, his whole available force, immediately started in the night, and rushed to the rescue. They succeeded in checking the Indians for the time being. In the mean time two companies of Californians, under Captains Goodall and Rhodes, turned out and joined Captain Alden. All the people, or nearly all in Rogue river valley, capable of bearing arms, were organized into companies, two under Captains Miller and Lamerick for active service, and one under Captain Fowler, for the protection of the town of Jacksonville. The two companies under Captains Miller and Lamerick, were organized into a battalion, and placed under the command of Colonel Ross. I take occasion here to say that too much praise cannot be given to Captain Alden for his prompt organization of these troops, or to the troops themselves for their gallantry and good conduct.

Soon after the battle with the Indians, Captain Nesmith, who had been ordered out by the Governor, joined me with a large company of volun-

teers; also, Captain Smith, with a company of United States dragoons; Captains Martin, Applegate, and Terry, each with a small company, promptly repaired to the theater of hostilities. To all these officers, and the men under their command, I take pleasure in saying that great praise is due for their gallant and soldier-like bearing. I also take pleasure in saying that I am indebted to Major Alvord, of the United States Army, for much valuable assistance in negotiating a treaty with the Indians, as well as Superintendent Palmer. Mr. Culver, Indian agent, threw down the shovel, the pick, and other mining implements, and rushed to the rescue. By this timely movement the progress of the massacre was checked, and but for it every white inhabitant of that country must have been stricken down. He divided his forces at night, so as to prevent the Indians from coming upon the settlements, and in that way managed to hold them in check. Many skirmishes, however, ensued, and John R. Hardin, Dr. Rose, and others, were killed. On the morning of the 16th of August, I received notice at my residence, which is one hundred miles north of that point, that the Indians had commenced a general slaughter of the white people of that country. This intelligence was brought to me by Mr. Ellinger and Mr. Nichol, who had ridden the whole distance in a day and night. In a few minutes after its arrival, I was on the road to the Rogue River valley.

I mention these facts to show the committee my knowledge of the transactions there. It is necessary that I should allude to them.

On the 15th day of August, Captain Armstrong, a valued and respected citizen of Oregon, passed my house on his way to California, through the Rogue River valley. Then the rumor was indefinite—that there was trouble in that quarter—but we did not know to what extent. It had been my lot to have been thrown into the company of Captain Armstrong in 1851, during a war with the same Indians. I found him a gallant and valuable gentleman. I mentioned that I was unwilling to see him go in the direction in which he was going without a rifle. He had none with him. “What,” he replied, “was the matter?” I told him the rumor had reached us that there was trouble of some kind in the valley; that his life was too valuable to be incautiously trusted there; and that he had better take my rifle. He did so. In the course of that night he met the express going for me, and waited until I overtook him, when we traveled together. We arrived in Rogue River valley 19th of August. We found Captain Alden, with his usual gallantry and efficiency, in command, and affording protection to our citizens. His force, in my judgment, was sufficient to make a movement against the enemy, which he had already contemplated. A few days before, a portion of his command under Lieutenant Ely had been sent to make a reconnaissance. He fell into an ambuscade, and nearly half his command were killed. The other half would have shared the same fate but for the timely arrival of a reinforcement. Although I came as a volunteer, Captain Alden insisted that I should take the command of the troops. At his urgent request I did so. Sunday afternoon order was given to be ready to move on Monday morning at four o'clock. At the appointed time every foot was in the stirrup. Wednesday morning we overtook the Indians, and brought them to battle. Captain Alden was shot down. Captain Armstrong received a shot at about the same moment, and just had time to say that they had given him a dead center shot. The conflict led to a peace. Notwithstanding the screams, yells, and war-whoops of the Indians for four hours, and notwithstanding we had failed to dislodge them, they agreed to make peace. They asked for peace. They wanted to know who commanded the troops. I heard them. I know their language well, having had a good deal to do with them, and knew most of them personally. They called out for me to come in, as they wanted a talk. They were tired of fighting, and desired peace. Well, I had been a little hurt myself, and I said to them and to the command that I would rather fight forty battles than talk about one peace. But after a good deal of time had been lost, and after a great deal of persuasion, I went among them. The preliminaries of a peace were made on the battle-ground. We camped on the battle-ground for two nights. The Indians were so well satisfied that there would be a peace that they assisted in removing our wounded

men on litters across the country, which, by the by, is the worst country I ever traveled over. Well, a peace was made, and it has been maintained until this time, and I think it always will be maintained, for the Government has purchased their lands. A treaty was made with them directly after the war for their territory, and that treaty has been ratified.

I have given this history of the war from its commencement to its termination, for the purpose of satisfying the committee that the volunteers who turned out on that occasion ought to be paid for their services. I ask that the Secretary of War may be authorized to pay them. Many lost their lives. The Indians killed nearly as many of us as we killed of them. We only ask that those volunteers who turned out and assisted in putting down an Indian war that would otherwise have lasted for years, and cost the Government millions of dollars, and hundreds of lives—and, as it was, did cost us the lives of many valuable citizens—may be paid for their services. The troops were disbanded as soon as it was thought safe to do so. I kept them with me but a few days after the peace was made, and remained near the Indians for several weeks myself for two reasons; one was, that I was not very well able to get away from them, and the other was, that I knew that by remaining there until the hot blood had somewhat cooled, I could prevent a renewal of hostilities between the Indians and the whites. We only ask that the volunteers shall be paid for the time which they actually served, and the necessary expenses of subsistence, ammunition, forage, and so forth. The accounts were all carefully kept. Captain Alden had appointed quartermasters and commissaries, and the accounts were as accurate and correct as I have ever seen them in the Army. I hope this explanation will satisfy the committee that the bill ought to pass.

Mr. WASHBURN, of Maine. I should like to ask the gentleman from Oregon a question. Will the gentleman state about how much the expenditures will amount to?

Mr. LANE. My opinion is that they will amount to about \$150,000; perhaps a little over or a little under. I cannot, however, say exactly.

Mr. WASHBURN. The language of the bill is rather wide. It provides for appropriating money for the expenditures for all necessary and proper supplies. Now, would it not be well enough to have some limitation as to the full amount?

Mr. LANE. I am very willing to say that it shall not exceed \$175,000, if the committee desire that there shall be a restriction. But I have confidence in the Secretary of War. I have confidence in his ability, integrity, and honesty, and in his capacity to judge from the papers what allowances are reasonable. He will allow nothing wrong, and we ask nothing but what is right. Let me say here that, so far as I was concerned, I settled my accounts on the spot. I went out as a volunteer, but I received while there a commission as brigadier general from the acting Governor of the Territory. As soon as I could ride down from the portion of the country where the war took place, I returned the commission with a note on it that I charged nothing for my services; that I would not receive anything for them then, or at any future time, nor will I.

But that was not the case with others. Many persons left their business and hurried to the rescue of the people there, when the Indians were about to tomahawk men, women, and children; and this would have been done, had it not been for the noble conduct of Captain Alden and those brave men who volunteered in their defense. All I ask is that these men shall be paid, and that the actual and necessary expenses of the war shall also be paid. I hope no further explanations will be necessary.

Mr. COBB. It might be well for me to take the advice of my sage colleague from the Mobile district, [Mr. PHILLIPS,] and preserve silence.

The CHAIRMAN. The gentleman is out of order. He can only proceed in the discussion of the bill.

Mr. COBB. I am afraid the Chair is about to interrupt me. [Laughter.] I hope the committee will give me three minutes to reply to my colleague.

[Cries of "Go on!" "Go on!"]

My reply, as the committee has given me the

privilege, shall be directly to the remark that fell from my honorable colleague—

The CHAIRMAN. The Chair is under the necessity of calling the gentleman from Alabama to order.

Mr. COBB. Will not the committee give me a few minutes for an explanation?

[Cries of "Go on!" "Go on!"]

I will occupy but five minutes' time. My worthy colleague intimated to me this morning—in fact, advised me sagely—that silence might become me, his worthy colleague. [Laughter.]

The CHAIRMAN. The gentleman is not in order in referring to his colleague.

Mr. PHILLIPS. I desire to say a word by way of explanation.

Mr. COBB. Perhaps the explanation may prove satisfactory, and then there will be no occasion for my making any remarks.

Mr. PHILLIPS. I understood the gentleman in his printed remarks on yesterday to say that I had backed out from the position I set out with in the discussion of this bill. I said, this morning, in reply to that remark, that I had not thought it necessary to obtrude myself frequently during the debate to answer every one who chose to make a remark upon the other side of this question, and that I did not feel it necessary to occupy the time of this House for the mere purpose of speaking, when I had nothing really to say which could throw additional light upon the subject; and that, under those circumstances, silence appeared to me the most becoming, which was the course I would recommend my colleague to take.

Mr. COBB. The explanation is worse than the original remark. I desire to make only a brief explanation, and then I shall be done. I should not reply to the remark of my colleague, were it not made a matter of record, which will go to the country, and from which they will infer that, in all probability, I obtruded myself upon the time of this House unnecessarily, and made speeches such as ought not to be made here. I appeal to gentlemen if they have ever known me to occupy the floor unless I had been discussing questions directly connected with the duties assigned me as a member of an important committee, or such as are directly connected with the interests of the people I represent. I ask members of this House to respond. If there be a gentleman here who thinks I have occupied the floor unnecessarily, let him now rise and say so.

No one rises. [Laughter.] There is one thing, sir, which I desire to say, and it is this, that while the gentleman—my honorable colleague—can, in all probability, present to the country forty-two pages of speeches, delivered by him during this Congress, the humble person that addresses you, if he could pile up every word that he has uttered, it would not fill more than four pages. How often, I ask, have I been on the floor speaking on questions that were not absolutely before the House? And if I have at any time advocated a measure here, I had confidence in it; and I know that a majority of the House, in almost every instance, have sustained the position that I assumed.

That is a consolation to me. And let my constituency know it by the same record through which they will read the advice which my colleague chose to give me to keep silence. Let them know that I have not spoken at any time unnecessarily on this floor. Let them take the record. Let them take what I have said, and pile it all together. And then let them take the forty-two pages of speeches which my colleague has made to this House, and let them see whether or not his speeches have been upon questions before this House, and whether or not I have spoken on questions directly before this House or not. I will say, moreover, sir, that I was inseparably connected with the matters in the discussion of which I participated. The bills or reports on which I spoke had originated in the committee of which I have the honor to be an humble member. [Here the hammer fell.]

Mr. COBB. One minute yet, Mr. Chairman. When you take the laughing matter out I will have still some of my five minutes left.

The CHAIRMAN. The gentleman's time has expired.

The CHAIRMAN. This bill will be laid aside to be reported to the House, unless objection be made.

There being no objection, the bill was accordingly laid aside to be reported.

The CHAIRMAN. The next bill on the Calendar is bill No. 340, being a bill to provide for the construction of a military road in the Territory of Utah.

The bill was reported *in extenso* by the Clerk.

The CHAIRMAN. This bill is subject to amendments. If no amendment be proposed, the bill will be laid aside to be reported to the House.

The bill was so laid aside to be reported.

The CHAIRMAN. The next bill on the Calendar is bill No. 341, being a bill to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities. The Clerk will report the bill.

The bill was read *in extenso* by the Clerk; and, there being no amendment proposed to it, it was laid aside to be reported to the House.

Mr. HENN. Mr. Chairman, the next bill on the Calendar is Senate bill—

The CHAIRMAN, (interrupting.) The Chair was about to announce, what I presume the gentleman from Iowa was about to state, that the committee have already reported a bill embracing the subject-matter of this bill.

Mr. HENN. I propose that we shall report the House bill as a substitute for the Senate bill. The Senate bill is exactly as the House bill was before it was amended.

The CHAIRMAN. The Senate bill is an act to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes. The gentleman from Iowa, if I understand him, submits a motion to amend the Senate bill by striking out all after the enacting clause, and substituting in lieu thereof that which the committee have recommended to the House when it had under consideration a bill of a similar kind.

Mr. HAVEN. There is a bill reported from the committee with an amendment. I suppose the one to be substituted is the one which we have acted upon.

The CHAIRMAN. The gentleman from Iowa proposes an amendment similar to that which the committee have adopted. The Committee of the Whole had under consideration a bill to establish the office of surveyor general of New Mexico, granting donations to actual settlers, and for other purposes. The committee, in considering that bill, adopted amendments to it, and recommended that the bill be adopted by the House. The gentleman proposes to amend the Senate bill by striking out all after the enacting clause, and inserting that which the Committee of the Whole have adopted.

Mr. HAVEN. With the amendment?

The CHAIRMAN. With the amendment.

The question was then taken upon the motion; and it was agreed to.

No further amendment being offered to the bill, it was laid aside to be reported to the House.

The next bill which came up for consideration in order upon the Calendar was House bill (No. 332) to enable the people of Oregon Territory to form a constitution and State government, and for the admission of such State into the Union.

The bill was read *in extenso* by the Clerk.

The first and second sections were reported and passed by without amendment.

The third section was then reported.

Mr. SEWARD. I move to amend that section in the fifth line, by inserting after the words "United States" the following:

—except the eighth section of the act known as the Missouri compromise.

The clause would then read:

SEC. 3. And be it further enacted, That from and after the admission of the State of Oregon into the Union in pursuance of this act, the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the State of Oregon as elsewhere within the United States, except the eighth section of the act known as the Missouri compromise.

Mr. KERR. What is the gentleman's object?

Mr. SEWARD. My object is to repeal the restriction on that Territory.

Mr. KERR. Congress expressly refused to apply the Missouri compromise to that Territory.

Mr. SEWARD. It is embraced in the act.

Mr. KERR. The Wilmot proviso was embraced.

Mr. SEWARD. I withdraw the amendment, as it may give rise to some trouble.

There was no objection, and the amendment was withdrawn.

The fifth section was read, as follows:

Sec. 5. *And be it further enacted*, That the district judge, attorney, clerk, and marshal, contemplated by this act, shall each be allowed the same compensation and fees that are severally allowed to the same officers in the State of California by act of Congress, to be paid in the same manner.

Mr. PARKER. I think that section ought to be amended. There are two districts in California. The judge of one is allowed an annual salary of \$5,000, and the judge of the other \$3,000. After the word "judge" I move to add the words "shall be allowed an annual salary of \$3,000, and the."

Mr. LANE. I am willing to accept the gentleman's amendment.

Mr. HAVEN. Let me suggest that the words "to be paid quarterly" be added to the amendment.

Mr. PARKER. I accept the modification of my amendment. There is a general law to that effect, and there is really no necessity for the modification.

The amendment was so modified.

The question was taken; and the amendment, as modified, was adopted.

Mr. LETCHER. There ought to be another amendment to that section in regard to the attorney, clerk, and marshal.

Mr. CUTTING. Such an amendment I was about to suggest to the gentleman from Oregon. As I understand, the clerk, marshal, and attorney of the district of California, receive double the compensation now allowed to the same officers in the district of New York. Now, considering the difference of expenses of living in California, and also that the gentleman from Oregon places the district judge on the same footing as the district judge for the southern district of New York, it seems to me that the marshal, clerk, and attorney should also be restricted to the same fees which are received under the present fee bill of New York.

Mr. LANE. That they shall be allowed the same amount as is now received by the same officers in the southern district of New York?

Mr. CUTTING. Yes, sir.

Mr. LANE. I consent to the restriction.

The CHAIRMAN. The amendment is, in lieu of the words "in the State of California" to substitute the words "in the southern district of New York."

The question was then taken on Mr. LETCHER's amendment; and it was agreed to.

Mr. JONES, of Tennessee. It seems to me that the provisions of this bill are rather premature. This bill is merely preparatory to the admission of the State. All after the first section should, in my opinion, be stricken out, and there should be a proviso of some sort attached to the first section, prescribing something about the number of their population; and, if they shall make a constitution, and come here and ask to be admitted, then will be the time to extend these laws, and give them the benefit of judges, attorneys, marshals, and so forth. I would ask the Committee on Territories if it is proposed, by this bill, to authorize the people of Oregon to form a constitution and organize a State government, and supersede the territorial government, without regard to the amount of population which may be included within the Territory? Are they to be organized into a State, and admitted under this bill, and not come back here again for their constitution to pass under the revision of those who are to admit them, in order that it may be determined whether it is republican or not? I think this is all premature.

I have no objection to the passage of a law authorizing the people of Oregon, if they have sufficient population, to form a constitution, and submit that constitution to Congress for admission. When they do that, I think it will be time enough for all the other provisions in this bill to be enacted into a law of Congress.

Mr. LANE, of Oregon. This bill was introduced by myself, referred to the Committee on Territories, and by that committee reported back to this House. The bill is an exact copy, as near as it could be, except in reference to the boundaries, and other local matters, of the bill authorizing the people of Wisconsin to form a constitution and State government. Now, allow me to say to the committee, that it would be impossible for any

census to be taken that would satisfy this House what the population of Oregon is. They have cities, and towns, and many counties organized and well settled by an honest, industrious, and intelligent population. They have, by resolves of their Legislative Assembly, asked Congress to allow them the privilege of forming a State constitution. Out of twenty-four members of the two Houses of the Assembly there was but one solitary vote against the memorial that has been forwarded to Congress. I will venture to say that Oregon has, at this day, a population of twenty thousand more than Illinois had when she was admitted into the Union, or than Florida had when she was admitted.

Mr. JONES, of Tennessee. I should have no kind of objection to passing a bill at this time, giving the assent of this Government to the formation of a constitution by the people there, to be submitted to Congress. I merely suggested that the details of the bill seemed to be premature at this time.

Mr. RICHARDSON. I desire to call the attention of the gentleman from Tennessee to the first section of the bill. A sufficient answer will be found there, I think, for his objections to the bill, provided he is in favor of the people of that Territory forming a State constitution. The first section reads as follows:

"That the people of the Territory of Oregon be, and they are hereby, authorized to form a constitution and State government, for the purpose of being admitted into the Union on an equal footing with the original States in all respects whatever, by the name of the State of Oregon."

The object is not to authorize the formation of a constitution which is not to be submitted to Congress. The bill itself is such as has been usually reported where Territories have been authorized to form constitutions preliminary to being admitted as States. There is no doubt about the fact stated by the gentleman from Tennessee, that some States have been admitted into the Union without any authority from Congress to form constitutions. This was the case in California, in Michigan, and, I believe, in Ohio.

Mr. JONES. Yes, sir, Tennessee.

Mr. RICHARDSON. In the case of other States Congress authorized them to form a constitution. The gentleman from Tennessee may be correct in his statement that, with the exception of the first section, the bill is mere surplusage, and that all of these details are of no use. In one particular, however, they are of some use, for they prescribe boundaries beyond which she cannot go.

Mr. SIMMONS. I desire to ask the honorable chairman of the Committee on Territories a question. I wish to know what will be the effect of the third, fourth, and fifth sections? Upon the principle that the constitution, when formed, shall become valid and operative, will not these sections be of permanent effect; so that Congress cannot change, repeal, or modify the organization of the courts? Would it not be better to add a further section, saying that Congress, at any time, may alter, repeal, or modify these three sections? As they stand at present, will they not become a part of the contract?

Mr. RICHARDSON. I will reply to the gentleman from New York, [Mr. SIMMONS.] If Oregon comes here with her constitution, and Congress admits her, she is then a State, with all the rights and privileges of New York, Illinois, or any other State.

Mr. SIMMONS. But will not these three sections become a part of the contract, and be unalterable?

Mr. RICHARDSON. I suppose not.

Mr. SIMMONS. It seems to me that they will.

Mr. MILLSON. I scarcely know any business in which Congress can be engaged more important than the admission of a new member into our Confederacy. And yet, strange to say, until within the last five or ten minutes there seemed hardly to be a dozen gentlemen in the House who appeared to be even aware that such a measure was now under consideration. Certainly, Mr. Chairman, there is no occasion where there is greater necessity for the House to proceed with caution, than in the introduction of a new party to our constitutional compact—the admission of a new sovereign into this community of States.

Now, sir, I do not know what may be, at this time, the population of the Territory of Oregon, but I say that, according to the census of 1850,

there were then only about fifteen thousand persons in the whole Territory; and since that time the Territory of Washington has been carved out of that of Oregon, thus diminishing the number of its inhabitants to a proportionate extent. What may have been the increase of the population in the last four years I am not informed.

Mr. LANE, of Oregon. Will the gentleman allow me—

Mr. MILLSON. I was about to call upon the gentleman from Oregon [Mr. LANE] to state whether any census has been taken of the population of Oregon since 1850?

Mr. LANE. I was going to make some remarks in reference to the suggestion made by my excellent friend from Tennessee, [Mr. JONES,] about the population of Oregon; but I sat down without doing so, and I now avail myself of the opportunity offered by my friend from Virginia, to make the remark which I intended. It is true, as the gentleman from Virginia states, that the census returns of 1850 showed the population to be about the number he mentioned. I arrived in the Territory one year before, on the 2d of March, 1849. I caused the census to be taken directly. The whole population of Oregon then was only a few thousand. I do not recollect the exact number. At their first election, held in June of that year, they cast about nine hundred votes. Since that time, as my friend from Virginia says, Washington Territory has been stricken off from Oregon. A territorial government has been organized there, and that Territory during this year cast between twelve and fifteen hundred votes.

Mr. Chairman, the settlements in Oregon Territory have spread out hundreds of miles since 1850. At that time, with a view of going outside of settlements, and of taking a claim which would suit my own convenience and my taste of location, I took a claim some thirty or forty miles outside of any considerable settlement. But, after I returned from this place last spring—now a year ago—I found the whole country taken up and occupied, and now I am afraid I will have to move again. [Laughter.]

Well, sir, I say this further to my friend from Virginia: that, in the Rogue River valley—where we had the Indian troubles in 1850 and 1853; the very valley I have been talking about to-day, and where the gallant Captain Stuart, of the Army, was killed—there was not, at that time, a white settler living; not a white man lived within fifty miles of it, save the keeper of a ferry. At the last June election—twenty months afterwards—there were about eighteen hundred votes cast there. The population of Oregon has increased, within the last twelve months over twenty-five thousand. We have cities there now containing almost as large a population as Oregon had in 1847. The whole country is being settled, and it has to-day a population, as before stated, of thirty thousand more than the State of Illinois had when she asked for admission into the Union.

Mr. MILLSON. What is the whole population?

Mr. LANE. Oregon has some sixty thousand inhabitants in all.

Now, Mr. Chairman, the people of Oregon Territory are tired of their dependence upon Congress, and desire a State government. They will not mind the expense of a State government, as expressed by the memorial which has been sent to Congress. They want to be placed upon an equal footing with the people of the States of the Union. They want the restrictions under which they now act removed, that they may be thrown upon their own resources; that they may have the privileges which the citizens of the States enjoy. They ask that they may have the privilege of forming a constitution and a State government, in order that they may better develop the resources of the country, and bring into requisition the energies of the people. They are as true American citizens as can be found in this Union. They are a moral, industrious, patriotic, and, I will say, chaste people, as that matter has been referred to by my friend on the left; for no man out there would have two wives; and if a man should go there with two wives, he would do so, not only in violation of the laws, but some other man would claim the privilege of having one of them, for some of them now have none at all.

But there is very good reason why the people of the Territory of Oregon should have the priv-

ilege of holding a convention for forming a constitution, and of applying for admission into the Union upon an equal footing with the other States. If they were not in every respect as worthy as other people, I would not ask that privilege of this House. But they are so dependent, they have to rely so entirely upon the action of Congress to regulate their internal affairs, that they want to attend to their domestic affairs themselves.

Mr. BOYCE. I desire to ask the Delegate from Oregon one question. I perceive, by the census returns, that the population of Oregon was thirteen thousand in 1850. What is the population now?

Mr. LANE. The statement which I have just made answers that question. I think it is about sixty thousand.

Mr. MILLSON. I ask the gentleman if that is a mere conjectural statement, or whether a census has been taken since 1850?

Mr. LANE. I will say to my friend from Virginia, [Mr. MILLSON,] and to my friend from South Carolina, [Mr. Boyce,] that no census of Oregon can be taken that can be relied upon for one month. You may take the census of Oregon, and send up the returns here as rapidly as possible, and there will be five thousand added to the population before the returns will reach Washington. Such is the rapidity with which the country is settled. Immigration is pouring into that country. You have passed a law donating to the settlers in Oregon a certain quantity of land. You have imposed a limit to the operation of it. It expires with the immigration which goes there next year; and the people, to avail themselves of it, are flowing in across the country, while thousands of miners who have gone to California and Oregon, fall back upon the privilege, and avail themselves of the benefits of the act, and become permanent settlers there. How can you, then, say what the population of Oregon is? It is probably upwards of sixty thousand to-day, but three months hence it will be five thousand more. At the last election our citizens gave about eight or nine thousand votes. I myself was elected by some sixteen hundred majority.

Mr. SEWARD. I would inquire of the Chair what the question under consideration now is?

The CHAIRMAN. The proposition now pending is that part of the bill which regulates the fees to be paid to the Governor, attorney, marshal, &c. But so far as debate is concerned, the whole bill is under consideration.

Mr. MILLSON. I rose partly for the purpose of making these inquiries of the gentleman from Oregon, and for a further purpose, which I shall indicate presently.

Upon so grave and important a proposition as this the committee cannot now be prepared to vote. There should be some opportunity given for consulting precedents. There should be some time for reflection; and, as the hour is now late, and the House have determined to sit to-morrow, I wish to afford an opportunity for deliberation and investigation better than we can possibly have at this time. There is much force in the suggestion made just now by my friend from Tennessee, [Mr. JONES.] I do not wish the House to commit itself. I do not wish Congress to commit itself by taking hasty steps, or by inserting into this bill provisions which may hereafter be ascertained to be improper. In my opinion, the best plan will be, if we find, upon examination, that Oregon is entitled to form a State constitution, simply to pass a bill, containing a single provision, authorizing the people of that Territory to form a State constitution, and not to adopt any provision which will in any manner commit Congress to its admission as a State, should subsequent disclosures render such admission improper and impolitic.

Mr. TAYLOR, of Ohio. If the gentleman from Virginia will allow me, I will suggest to the gentleman from Oregon, that it may be better to strike out the third, fourth, and fifth sections of this bill. It will then conform, as I understand it, to the wishes of the gentleman from Virginia.

Mr. MILLSON. My desire is, that the committee should do nothing now in reference to the matter at all, but that we should take time to reflect; that we should allow ourselves the opportunity to consult precedents, and ascertain what ought to be done.

It may be inferred from the quarter from which these seeming objections come, that there may be opposition to the admission of Oregon into the

Union as a State, in consequence of the peculiar relations existing between certain members of the Confederation.

Mr. Chairman, although I deem myself at liberty to scrutinize the pretensions of this new candidate for admission into the Union—although, indeed, it is my duty to do so—yet I take this opportunity of saying that, if I find that this application of the Territory of Oregon is founded upon such considerations as have been respected heretofore—if I find they are such as have been deemed sufficient for the admission of other Territories, North and South—I shall most cheerfully vote for its reception. I shall not be deterred from giving that vote by any considerations in reference to a balance of power between the two great divisions of the Confederacy.

I do not, however, disguise the fact that, in view of possible, I will not say probable, results, I look with some alarm upon the multiplication of free States in this Union. I will not conceal my fear, that, in process of time, the accession of a disproportionate number of free States may even lead to important changes in our Federal Constitution, by securing the majority which that instrument at this time requires for that purpose. I will not disguise my apprehension that there may be mischief in prospect which it will be desirable to avert.

But, sir, I am not one who believes that it is lawful to do evil that good may come. I will not refuse to do justice, although it may be attended with disadvantageous consequences; and I therefore repeat the declaration, that if I shall find, after deliberate examination, that the people of Oregon Territory are in a condition which entitles them, equally with those heretofore received, to come into the Union, I shall vote to admit them.

But, I confess that I felt a little mortified, as well as surprised, at the apathy which seemed to prevail here this morning, when this very important question was presented to the consideration of the committee, and when, almost without a word, we were about to pass a bill involving consequences so important as those which I have described. Let us have some opportunity for reflection. Let us know whether it is proper to admit a new member into the Confederacy without some reliable information as to the number of her inhabitants; and when I say reliable information, I do not mean in the least to disparage the accuracy of the statements made by my honorable friend from Oregon.

Mr. HENN. I would ask the gentleman from Virginia, whether he thinks that this bill proposes to admit Oregon as a State into the Union?

Mr. MILLSON. I will reply to the gentleman, that the very object of my rising was to suggest that we should take time for reflection on this subject, and that we should not commit ourselves even by an expression of opinion as to the effect of this bill.

Mr. HENN. Does not the gentleman know that it takes two or three years before people can form a constitution and be admitted?

Mr. MILLSON. Certainly; I know there must be delay.

Mr. HENN. Then there may be more than three hundred thousand or four hundred thousand inhabitants there.

Mr. MILLSON. I have said nothing which commits me either to opposition or support of this bill; and it has been sedulously my object to avoid any such committal. I desire that we shall proceed with due deliberation. I wish opportunity for consulting precedents, that we may know what it is Congress ought to do. I have formed no opinion on this subject at all. It may be that the gentleman from Iowa is right, and that we may not be committed to the reception of Oregon by passing this bill. I say not one word against it; but we ought to take time to consider. That is all I desire. I was about to observe, when interrupted by the gentleman from Iowa, that among the inquiries to which it may be well for the House to turn its attention, it may be necessary to consider whether it is proper, in any case of the application of a Territory for admission into the Union, it should be admitted in the absence of official and authentic information as to its population.

Now, I have already said that I do not in the least question the accuracy or sincerity of the statements made by my friend from Oregon. But I wish to consider whether in every such case as the introduction of a new State, it is not becoming

and proper that we should have authentic and official information as to the population of the Territory. I know that we had no such information in regard to California. That case stands out an exception to all rules, a solecism in the legislation of the country, and is not to be used as a precedent for anything. In order that we may have an opportunity to make these inquiries, and come to the consideration of the subject calmly and intelligently, I would now move that the committee rise, but for the request of my friend from Illinois, [Mr. RICHARDSON,] who desires first to make a suggestion.

Mr. RICHARDSON. I desire to submit a motion, and then I will move that the committee rise, in order that gentlemen may have an opportunity of investigating this matter.

Mr. SEWARD. Will the gentleman allow me to offer an amendment?

Mr. RICHARDSON. I want to offer an amendment myself.

Mr. LETCHER. Let them both be presented and read.

Mr. RICHARDSON. I will indicate my amendment, and then yield to the gentleman from Georgia. I move to strike out the third, fourth, and fifth sections of the bill.

The CHAIRMAN. The third and fourth sections have been passed over by the committee; but if there be no objection, the Chair will entertain the proposition to go back and strike out those sections.

No objection was made.

Mr. SEWARD. I offer what I send to the Clerk's desk as an additional section. I do not wish to press it now, but I present it for the consideration of members.

The Clerk read the amendment, as follows:

SEC. 8. And be it further enacted, That all restrictions against the admission of slavery into said Territory be and the same are hereby removed, it being the true intent and meaning of this act not to establish or prohibit slavery; but the people, when they adopt their constitution, shall be free to regulate their own domestic institutions.

[Laughter.]

The CHAIRMAN. The Chair regards these as merely indications that gentlemen will propose such amendments to-morrow.

Mr. GOODRICH. I move that the committee do now rise.

The CHAIRMAN. I have something in the nature of a personal appeal to make to the committee, and I therefore ask the gentleman from Massachusetts to withdraw his motion for a few moments.

Mr. GOODRICH. I withdraw it.

The CHAIRMAN. I desire to present to the committee, informally, a bill which was passed over yesterday, providing for the "payment of the civil officers employed in the Territory of New Mexico while under military government," and to make an appeal to the committee, in behalf of the absent Delegate from New Mexico, to act on the bill. It was passed over informally on yesterday. The gentleman who reported the bill [Mr. FAULKNER] is not in the city, and the chairman of the Committee on Military Affairs [Mr. BISSELL] is absent. I desire therefore to make a brief explanation, if the committee will take up the bill, by which I think all objection to it will be removed.

By unanimous consent the bill was taken up for consideration.

Mr. PHELPS here vacated the chair, having called Mr. JONES, of Tennessee, thereto.

Mr. PHELPS. When this bill was last before the committee for consideration, the gentleman from Alabama [Mr. HOUSTON] objected to any compensation being paid to the officers of the Army who were employed in New Mexico, even if they discharged the duties of any civil offices. I think myself it is wrong, and I therefore propose the following as an amendment to the first section:

Provided, That under the provisions of this act no compensation shall be made to any officer of the Army of the United States for discharging the duties of any civil office in the Territory of New Mexico.

The provisional territorial government disbursed a certain amount in the payment of the salaries of these civil officers, but that amount of money had been collected by military contributions. I think it would be wrong to reimburse that to the Territory of New Mexico, and I shall therefore move to strike out the second section.

Mr. HOUSTON. There is a motion pending to strike out the second section.

The question was then taken; and the proviso was agreed to.

The question then recurring on striking out the second section, it was put; and the motion was agreed to.

On motion by Mr. PHELPS, the bill was then laid aside to be reported to the House, with a recommendation that it pass.

Mr. GOODRICH. I now renew my motion that the committee rise.

The question was then taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman then reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order relating to the business in the organized Territories, and had directed him to report sundry bills to the House, some with and some without amendments; had also directed him to report bill No. 317, "being a bill to establish the office of surveyor general of Utah, to grant donations to actual settlers therein, and for other purposes," to the House, with a recommendation that it do not pass; but upon bill No. 332, "being a bill to enable the people of Oregon Territory to form a constitution and State government, and for the admission of such State into the Union," they had come to no conclusion.

Mr. HUNT. I move that when this House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 59, nays 54; as follows:

YEAS—Messrs. Aiken, Ball, Benson, Brooks, Campbell, Carpenter, Chandler, Corwin, Cox, Crocker, Cullom, Cutting, Thomas Davis, Dick, Dickinson, Edmands, Thomas D. Eliot, Flagler, Franklin, Giddings, Goodrich, Sampson W. Harris, Harrison, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Keitt, Kerr, Kittredge, Knox, Letcher, Lilly, McCulloch, Matteson, Meacham, Middlen, Murray, Norton, Parker, Pennington, Ready, Reese, David Ritchie, Sapp, Seward, Simmons, Gerrit Smith, Snodgrass, John L. Taylor, Nathaniel G. Taylor, Upham, Vail, Wade, Walley, Walsh, Israel Washburn, and Tappan Wentworth—59.

NAYS—Messrs. Banks, Barksdale, Boyce, Breckinridge, Caskie, Clark, Cobb, John G. Davis, Disney, Drum, Eddy, Edgerton, Ellison, English, Florence, Gamble, Green, Greenwood, Henn, Hibbard, Houston, Johnson, George W. Jones, Lindsley, McDougall, McNair, Macy, John G. Miller, Smith Miller, Millson, Noble, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Richardson, Ruffin, Seymour, Shaw, George W. Smyth, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, Thurston, Trout, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, and Zollicoffer—54.

No quorum voting.

Mr. RICHARDSON. I move that the House do now adjourn.

Mr. SEWARD. I rise to a point of order. Does not the motion to adjourn over take precedence?

The SPEAKER. It is not competent for less than a majority of a quorum to adjourn over.

Mr. SEWARD. So I understand; but the motion to adjourn over is not disposed of, and I ask if it does not take precedence of any other motion?

The SPEAKER. The motion to adjourn takes precedence.

Mr. SEWARD. I move that there be a call of the House.

The SPEAKER. The Chair will again state that the motion to adjourn takes precedence of any other motion; and, of course, it takes precedence of a motion for a call of the House.

The question was then taken on Mr. RICHARDSON's motion; and it was decided in the negative.

Mr. CAMPBELL. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HAVEN. I desire to have an opportunity of saying a word, and I hope the motion to adjourn will be withdrawn.

The SPEAKER. By unanimous consent alone can the gentleman from New York make an explanation.

Mr. HAVEN. I only desire to say I have been informed that a good many gentlemen to-day have voted to adjourn over, who have usually voted against adjourning over. It seems useless to remain in session to-morrow, when gentlemen

will not come up here in sufficient numbers to make a quorum; and I do not think it is necessary to fatigue the House by taking the yeas and nays.

Mr. CAMPBELL. I suggest that we get a full House, and see if we cannot adjourn over. Many members have business to transact at the Departments, which will occupy their whole time to-morrow.

Mr. JONES, of Tennessee. They have all the morning of every day until twelve o'clock to do their business.

The SPEAKER. The question now is upon the motion that the House adjourn, upon which the yeas and nays are demanded.

Mr. RICHARDSON. I withdraw my motion.

Mr. CAMPBELL. I move that there be a call of the House.

Mr. RICHARDSON. I move that the House do now adjourn.

Mr. WASHBURN, of Maine. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. CAMPBELL. Business having intervened, the motion to adjourn over is in order.

The SPEAKER. But the motion to adjourn takes precedence of any other motion.

Mr. CAMPBELL. Upon that motion I call for the yeas and nays.

Mr. LETCHER. Mr. Chairman—

The SPEAKER. There is a pending question that the House do now adjourn, and that is not debatable.

Mr. LETCHER. I propose to offer a privileged motion.

The SPEAKER. There is no motion that can supersede the motion made to adjourn.

Mr. LILLY. The gentleman from Ohio [Mr. CAMPBELL] has asked for the yeas and nays.

The question was put; and the yeas and nays were ordered.

The Clerk commenced calling the roll—

Mr. LETCHER. Do I understand the Chair to decide that the motion to adjourn over does not take precedence of the motion to adjourn?

The SPEAKER. The Chair has made no such decision. The Chair decides that less than a majority cannot adjourn over, if any question is raised with respect to a quorum being present.

Mr. LETCHER. I imagine that there is a quorum present, and I will submit a motion.

The SPEAKER. The Chair will then ascertain, under the rule, whether there is a quorum present.

Mr. JONES, of Tennessee. I ask the Chair if the gentleman from Virginia was not too late in attempting to make his motion—there having been two names called?

The SPEAKER. No; there have been no responses.

Mr. JONES. But the first and second names on the roll were called.

The SPEAKER counted the House, and announced that there were but 113 members present—not a quorum.

The yeas and nays were then called on the motion to adjourn; and there were—yeas 46, nays 59; as follows:

YEAS—Messrs. Banks, Barksdale, Boyce, Breckinridge, Clark, Cobb, John G. Davis, Drum, Eddy, Edgerton, Eliot, Everhart, Florence, Gamble, Green, Greenwood, Hamilton, Sampson W. Harris, Henn, Houston, Hughes, Johnson, George W. Jones, Lindsley, McNair, Macy, May, Smith Miller, Millson, Noble, Phelps, Phillips, Powell, Pratt, Richardson, Seymour, Shaw, George W. Smyth, Stratton, Andrew Stuart, John J. Taylor, Thurston, and Walker—46.

NAYS—Messrs. Ball, Benson, Bugg, Campbell, Carpenter, Caskie, Chandler, Cox, Crocker, Cullom, Cutting, Thomas Davis, Dick, Dickinson, Edmands, Thomas D. Eliot, Flagler, Franklin, Giddings, Goodrich, Haven, Howe, Hunt, Daniel T. Jones, Keitt, Kerr, Kittredge, Knox, Letcher, Lilly, McCulloch, Matteson, Middlen, Murray, Norton, Andrew Oliver, Parker, Pennington, Bishop Perkins, Preston, Puryear, David Ritchie, Ruffin, Sapp, Seward, Simmons, Gerrit Smith, Snodgrass, John L. Taylor, Nathaniel G. Taylor, Trout, Upham, Vail, Wade, Walley, Walsh, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Zollicoffer—59.

No quorum voting.

Mr. CAMPBELL, of Ohio. I move a call of the House.

Mr. BRECKINRIDGE. Is it in order, Mr. Speaker, to move an adjournment now?

The SPEAKER. It is not in order. No motion is in order when the House is in the act of dividing. But, at all events, it is not in order to make a motion to adjourn immediately on the House having refused to agree to the like motion.

Mr. BRECKINRIDGE. Then I ask for tellers on the motion for a call of the House.

Tellers were ordered.

Mr. BRECKINRIDGE. Now that business has been transacted since the vote last taken, I move that the House do now adjourn.

The question was taken; and the motion to adjourn was agreed to.

The House thereupon, at a quarter past four o'clock, p. m., adjourned till to-morrow, at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 6, 1854.

The House met at twelve o'clock m.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The business first in order is on agreeing to the amendments proposed by the Committee of the Whole on the state of the Union to the bill for increasing the salaries of the executive and judicial officers of the Territories of Oregon and New Mexico.

RESOLUTIONS FROM THE STATE OF MAINE.

Mr. WASHBURN, of Maine. Mr. Speaker, I have received two resolutions, adopted by the Legislature of the State of Maine; which I now ask leave to present, that they may be read, laid upon the table, and printed.

The first resolution requests the Representatives to procure the passage of a law to satisfy the claims of citizens of the United States for lands taken under the treaty of Washington.

The second resolution requests the Representatives to procure the passage of the bill providing for the payment of the claims for spoliation committed by the French prior to 1800.

The resolutions were ordered to lie on the table, and be printed.

RAILROAD IN MINNESOTA.

Mr. STEVENS, of Michigan. I am directed by the Committee on Public Lands, of which I am a member, to report to this House a bill to aid the Territory of Minnesota in the construction of a railroad; which bill I propose to have put upon its passage.

The bill provides for the construction of a road from the southern line of that Territory, beginning between ranges nine and seventeen, running thence by way of St. Paul, by the most feasible route, to the eastern line of said Territory, in the direction of Lake Superior, towards the southeast boundary of said Territory.

Mr. HAMILTON. I desire to raise a question of order, that it may be now decided before we proceed any further. I want to know whether this day is to be consumed in the consideration of bills of this kind. My point of order is, that the committee at this time cannot make a report without the unanimous consent of the House.

Mr. JONES, of Tennessee. With the permission of the gentleman from Maryland, [Mr. HAMILTON,] I will say, in relation to the point of order which he has raised, that I presume no committee would have a right to report, unless the report should relate to territorial business. The question of order, which I think properly arises, is, whether a bill which proposes to grant alternate sections of land for the purpose of aiding in the construction of a railroad, though the road may be in a Territory, is such territorial business as would come within the order setting apart this week for the consideration of territorial business? It seems to me that such a bill is one of a general character.

Mr. WASHBURN, of Illinois. I would inquire of the Chair, if such a bill was not reported when territorial business was under consideration, at a former day?

The SPEAKER. Such a bill was reported some time since.

Mr. JONES, of Tennessee. Was that bill reported from the Committee on Territories?

The SPEAKER. It was reported from that committee. But the point of order which the gentleman from Tennessee makes is, that under the order of the House, making territorial business the special order for this week, this report cannot be considered as coming within that class of business. The Chair does not see upon what principle it can be excluded.

Mr. JONES, of Tennessee. Upon the principle that making grants of alternate sections of public lands to aid in the construction of a railroad is general legislation.

Mr. HAMILTON. I insist, Mr. Speaker, upon my point of order. We have appropriated this week to the consideration of territorial business which shall be reported from the Committee on Territories.

Mr. FLORENCE. There is no doubt of that.

Mr. HAMILTON. We have appropriated this week for the purpose of acting upon bills already reported from that committee.

The SPEAKER. With the permission of the gentleman from Maryland, the Chair would say that the language of the resolution sets apart this week for the consideration of business relating to the organized Territories, and under it the Chair has ruled that it is in order, at any time during the morning hour, at all events, to report that description of business during this week. The Chair has acted upon that principle.

Mr. WASHBURN. I would ask the Chair whether, at a former time, when the territorial business was under consideration, a report was not received from this same Committee on Public Lands?

The SPEAKER. The Chair recollects that such a report was received.

Mr. HAMILTON. But there was no objection to that.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Maryland, [Mr. HAMILTON.]

Mr. HAVEN. I desire to take an appeal from the decision of the Chair. I do not know what will be the opinion of the House in reference to it; but I would like to have the decision of the House upon the subject. I do not think the decision is a very violent one, one way or the other. We have, however, set aside a week for the consideration of territorial business, some time ago, and that whole week was taken up with a railroad bill. We then set aside another week, as I understood it, with the understanding that it should be devoted to the legitimate business of the Territories. At least I desire to have the sense of the House upon the subject.

The SPEAKER. The resolution setting aside this business as a special order will be read.

Mr. JONES, of Tennessee. I wish to inquire if this bill does not appropriate lands to construct the same roads as the one we had before us some time since?

Mr. STEPHENS, of Michigan. No, sir.

Mr. JONES. Is it not for the same line of roads?

Mr. STEPHENS. Not precisely. It is confined exclusively to the Territory. The other went out into a State.

Mr. CLINGMAN. I do not know that this appeal is debatable. I suppose it is not. I will therefore, being satisfied that the decision of the Chair is right, move to lay the appeal upon the table. If it were debatable, I might have a word or two to say upon the subject.

Mr. ORR. I suppose the appeal is debatable.

Mr. HAVEN. I have no objection to the appeal being debated. I desire, however, to ask for the yeas and nays upon the motion to lay on the table.

Mr. CLINGMAN. I will ask the Chair whether the appeal will be debatable if I withdraw the motion to lay it upon the table?

The SPEAKER. The Chair thinks it would be debatable.

Mr. CLINGMAN. Then I will withdraw the motion for the purpose of making a single suggestion myself, and for the purpose of allowing other gentlemen to express their opinions if they wish to do so. This week was set apart for the consideration of business in the organized Territories. Measures for the construction of roads in the Territories, whether military roads or railroads, are, it seems to me, as legitimately business of the organized Territories, as any other class of money or land appropriations that can be made.

The SPEAKER. The Chair asks the gentleman to allow him to have the special order read.

It was read, as follows:

"On motion by Mr. RICHARDSON, by unanimous consent,

"Ordered, That the week beginning with the first Mon-

day in May next, be set apart for the consideration of business relating to the organized Territories."

The SPEAKER. In this connection the Chair begs leave simply to remark that he cannot see any distinction between the bill proposed by the gentleman from Michigan and any other territorial measure. The Chair decides that it is clearly territorial business within the meaning of the order of the House; that it is clearly in order for committees to report territorial bills during the morning hour; and this is the morning hour. He has no objection to the appeal being discussed and decided by the House; but he will venture to express the hope that the House will not make any decisive question in reference to the bill itself, upon a proposition to overrule the decision of the Chair.

Mr. CLINGMAN. I withdraw the motion to lay the appeal upon the table.

Mr. RICHARDSON. I have no disposition to renew the motion to lay the appeal upon the table; nor do I want to discuss it. Some gentlemen around me, however, seem to think that I stated, when I made the motion to set apart this week for the consideration of business relating to the organized Territories, that it was to be confined to the business already reported. Such is not the fact—gentlemen are mistaken. I made no such statement. I did state distinctly that I proposed to set apart this week for the consideration of business relating to the organized Territories.

During the entire week the Committee on Territories has been reporting its business. It had not matured it until the last week. I believe that the Committee on Indian Affairs reported a bill.

Mr. WASHBURN, of Illinois. The Committee on Military Affairs.

Mr. RICHARDSON. The Committee on the Public Lands, and every other committee which had any territorial business before it, have reported that business during this week. And it cannot be that gentlemen understood me to say that the week was to be devoted alone to territorial business other than that in reference to railroads. If they did, they misunderstood what I said, what I meant, and what the resolution expressed.

The SPEAKER. Gentlemen who have served here a single session, those who have served longer, will especially recollect that it has been the uniform practice to receive reports on territorial business during the week set apart for the consideration of that business. I have not been here a session during which certain days have not been set apart for territorial business, and the practice we are now following has not been pursued by the House.

Mr. HAVEN. I do not know that I exactly understand the terms of the resolution by which this time was set apart for the consideration of territorial business.

The SPEAKER. The resolution will again be read.

Mr. HAVEN. After a while. I have acted, however, in what I have undertaken to do on what I knew, what I believed, at least, to have been the fair spirit and understanding of the House, when this week was set apart for the consideration of this particular business. The House will well remember that we devoted a week, which had been set aside for the consideration of territorial business, to action in reference to a railroad, which, I suppose—though not officially informed of the fact, because the bill has not yet been received—is substantially the object of this bill. I think that I am not mistaken in supposing that the House was desirous of avoiding all further action in reference to that railroad. If the question had been then put to the House, I am of the belief that it would have refused to set apart any portion of time for the consideration of that road.

Believing that to have been the fair understanding and spirit of the House—I do not know whether it is embodied in the resolution or not—I did appeal from the decision of the Chair. I took occasion to say, when I made the appeal, that, in the wording of the resolution, it may have been what may be denominated a frontier question; but I am quite sure that it is not within the fair meaning and spirit of the order on the part of the House, setting aside this week for the consideration of the territorial business.

Mr. WASHBURN, of Illinois. I would ask the gentleman from New York whether he is not slightly mistaken in his statement of the time set

apart before for the consideration of territorial business? Three days were set apart then for the consideration of territorial business, and less than two days were occupied in the consideration of this railroad bill.

Mr. HAVEN. I may be wrong in reference to the amount of time; but time, it is known, is immaterial in most cases. What I do mean to say is, that the great bulk of the time set apart for the consideration of legitimate and proper territorial business, was consumed in the endeavor to grant away the public land to corporations.

Mr. LETCHER. Is it in order to move that the House do now resolve itself into the Committee of the Whole on the state of the Union?

Mr. STEVENS, of Michigan. I claim that I am entitled to the floor.

The SPEAKER. The gentleman has the floor; and it cannot be taken from him, unless by a question of order.

Mr. LETCHER. An appeal has been taken from the decision of the Chair and, I believe that it is debatable.

The SPEAKER. That is so.

Mr. EDGERTON. I wish to submit the motion that the appeal do lie on the table.

Mr. LETCHER. Do you mean to lay the bill or the appeal on the table? [Laughter.]

Mr. EDGERTON. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Michigan was on the floor, and in the act of introducing a bill. It was denied that he had the right, under the special order, to do so. The Chair decided that he had the right; and from that decision the gentleman from New York has taken an appeal. The question of order alone, the Chair thinks, can take the floor from the gentleman from Michigan.

Mr. EDGERTON. I move to lay the appeal upon the table.

Mr. HAVEN. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered.

Mr. SEWARD. I ask for the reading of the title of the bill, that we may see its application to territorial business.

The Clerk read the title of the bill as follows:

A bill to aid the Territory of Minnesota in the construction of a railroad therein.

Mr. FLAGLER. I move that the House do now adjourn, and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 60, nays 86; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Campbell, Carpenter, Chandler, Corwin, Crocker, Cullom, Curtis, Dickinson, Drum, Thomas D. Elliot, Fenton, Flagler, Franklin, Goode, Hamilton, Harrison, Haven, Howe, Hunt, Daniel T. Jones, Keitt, Kerr, Knox, Letcher, Lilly, Lyon, Matteson, Middlewarth, Murray, Norton, Parker, Peckham, Preston, Puryear, Ready, David Ritchie, Ruffin, Sapp, Seward, Shaw, Simmons, Snodgrass, Richard H. Stanton, Alexander H. Stephens, John J. Taylor, Nathaniel G. Taylor, Tracy, Tweed, Vail, Wade, Walley, Walsh, Israel Washburne, Tappan Wentworth, Wheeler, Hendrick B. Wright, and Zollcoffer—60.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, David J. Bailey, Banks, Barksdale, Boyce, Breckinridge, Caskey, Chrisman, Churchwell, Clark, Clingman, Cobb, Cox, Cutting, John G. Davis, Thomas Davis, Disney, Dunbar, Eastman, Eddy, Edgerton, Edmunds, John M. Elliott, Ellison, English, Etheridge, Everhart, Florence, Gamble, Giddings, Green, Greenwood, Sampson W. Harris, Hendricks, Henn, Hubbard, Houston, Hughes, Ingersoll, Johnson, George W. Jones, Roland Jones, Kidwell, Kurtz, Lane, Linsley, Macdonald, McDougall, McNair, Macy, Mayall, Meacham, John G. Miller, Smith Miller, Millson, Noble, Oids, Mordecai Oliver, Orr, Phelps, Phillips, Pratt, Richardson, Riddle, Russell, Sabin, Seymour, Shower, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Trout, Upham, Warren, Elihu B. Washburne, Wells, and John Wentworth—86.

So the House refused to adjourn.

The question recurred on the motion to lay on the table the appeal from the decision of the Chair.

Mr. HAVEN. I heard the title of the bill read. Has it been received?

The SPEAKER. The bill was not received, because there was objection made to its reception. The Chair decided that it was in order to receive it. An appeal is taken from the decision of the Chair, which involves the question of reception.

Mr. HAVEN. Well, I will withdraw my appeal.

Mr. JONES, of Tennessee. There is another

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question of order, which I should like the Chair to decide. A bill passed the Senate to aid in constructing a railroad in Minnesota. It came to this House, and was laid upon the table; which, under the decision of the Chair, and the vote of the House, is held to be a rejection. This bill, I take it, is substantially the same as that one. The 13th joint rule of the two Houses, provides that when a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of ten days, and the leave of two thirds of that House, in which it shall be renewed. Now, if the mere changing of a few words in a bill take it without that rule, the rule is a blank, and might as well be stricken out at once.

Mr. PHILLIPS. Is this not the bill which has come from the other House?

Mr. JONES. I believe it is identical with the one rejected.

The SPEAKER. The decision of the Chair was based upon the declaration of the gentleman from Michigan, [Mr. STEVENS,] who distinctly stated that the bill which he desired to introduce, was not identically the same.

Mr. WENTWORTH, of Illinois. I ask that the bill be read.

Mr. STEVENS, of Michigan. I was about to say I had sent the bill to the Clerk's desk, for the purpose of having it read, that the House might be well satisfied that the statements I had made were true, and that the bill I desire to introduce is not identical with the bill that came down from the Senate, and which has been before the House.

Mr. JONES, of Tennessee. I do not care about the bill being read, if the gentleman from Michigan, who reports it, will state to the House in what material point it differs from the bill which came from the Senate.

Mr. WENTWORTH. I ask for the reading of the bill.

Mr. OLDS. I would like to ask the Speaker a question.

The SPEAKER. In response to the gentleman from Tennessee, [Mr. JONES,] the Chair would say, that in the first place he differs with that gentleman in regard to the vote upon the Senate bill to which he refers. The laying of a bill upon the table is not, in parliamentary law, a rejection of the bill.

Mr. JONES. I was aware of that. I stated that the decision of the Chair, sustained by a vote of the House, settled the principle that laying a bill upon the table insured its rejection.

Mr. OLDS. I would ask the Chair if the House did not lay the deficiency bill upon the table, and if it was not again reported and acted upon in this House?

Mr. HAVEN. Upon the motion of the gentleman from the St. Lawrence district in my State, the whole subject was referred back to the committee.

The SPEAKER. The gentleman from Michigan [Mr. STEVENS] states upon his responsibility that this bill differs materially from the Senate bill referred to; and even though the bill from the Senate had been rejected, and though the vote of the House was taken upon it, the Chair decides that the bill now proposed to be introduced is not out of order; and it is very clear that the laying of the Senate bill upon the table is not, according to parliamentary law, a rejection of the bill. Therefore, the objection raised by the gentleman from Tennessee cannot hold, even if it were the identical bill which came from the Senate. That is certainly the law of this House, and it is competent for the House to decide what course they will take in regard to this bill.

Mr. STEVENS. I now ask that the bill be read the first and second time, and then I wish to make some explanations.

Mr. HAMILTON. Is it now in order to move a rejection of the bill?

The SPEAKER. Such a motion would be in order after the first reading of the bill.

The bill was then read the first time by its title, as follows:

A bill to aid the Territory of Minnesota in constructing a railroad therein.

Mr. KEITT. I move to lay the bill upon the table.

The SPEAKER. Will gentlemen allow the Chair to state, that upon the first reading of a bill, the question shall be, if it is then raised, "Shall it be received, or shall it be rejected?"

Mr. STEVENS. I believe I have the floor.

The SPEAKER. Will the gentleman from Michigan [Mr. STEVENS] allow the Chair to make a brief statement? The Chair recollects precisely such a case as has now arisen under his own administration during the last Congress. A rejection of a bill was moved, and the Chair decided that it was not debatable. The House acquiesced in it, and the Chair is not aware of any rule that would vary that practice.

Mr. STEVENS. I wish to say only a few words. Many appeals have been made to me this morning not to urge the consideration of this bill at this time. It was suggested to me that I was taking the House by surprise, and bringing up a bill which legitimately had no place here.

Now, Mr. Speaker, I protest against any charge of this kind made against my present course. I am the last member of this House to do anything that is unfair. I would not have introduced this bill if it did not legitimately belong here. I would not take gentlemen by surprise, and by that means effect the passage of a bill. God knows I would not be guilty of doing such a thing as that.

But I have been instructed by the committee, of which I am a member, to report this bill. Gentlemen who have an interest in the matter—gentlemen from the Territory of Minnesota—have urged and requested me to report this bill. This morning I gave these gentlemen my word that I would do so, and as a man and a gentleman, I am now fulfilling my promise to them.

Mr. Speaker, I have no personal interest in this bill. It does not at all affect my personal interests. It does, however, affect the interests of my district, and those of the United States at large. It is one of those bills, I think, which should, perhaps, be passed in preference to any other. The interests involved in it are not confined solely to the Territory of Minnesota. But providing, as the bill does, for the road starting from the southern boundary of Minnesota, running steadily in the direction of Lake Superior, it is calculated—when the chain, of which this is but a single link, shall be completed—it is calculated, I say, to give, and will give, steam communication from the Gulf of Mexico to the Gulf of the St. Lawrence, by way of the extreme line of water communication from the heads of the Mississippi to the Fond du Lac of Lake Superior.

Let this bill be passed, Mr. Speaker, and you enable men, who are now unable to do it, through their personal enterprise, to construct this great road. Pass this bill, and the citizens of this Republic will be able to pass, for pleasure or for business, from the Gulf of the St. Lawrence, by way of the river St. Lawrence, the head of Lake Superior, and the Straits of St. Marie, to the Gulf of Mexico. You may pass from that Gulf to the Atlantic, by the way of the Erie canal, and by various other means of communication. This is a national, not a merely local matter.

The benefits of its operation will not be confined to the citizens of the Territory of Minnesota. It is not a matter to operate to the personal interests of one or two States merely, but to those of every State in the Union. It is national—as I said—in its objects; and if I understand the true theory and principles on this subject, that theory is, that works like this, which are national, which are extensive, and which are not confined merely to some particular portion of the Union, deserve and should receive the patronage and care of the General Government.

Now, Mr. Speaker, I am requested to explain the difference between this bill and the other one. On this point, it is perhaps enough for me to say

to gentlemen here that, while the other bill applied a portion of it to Iowa, a portion to Minnesota, and a portion to Wisconsin, this bill is confined to the Territory of Minnesota alone—the road beginning at the southern boundary of the Territory, and running to St. Paul, a distance of about a hundred miles, and from thence in the most feasible route, and in the direction of Lake Superior to the eastern boundary of the Territory, a distance of perhaps thirty-five miles. Besides this bill provides for the granting of only five hundred and twenty-seven thousand acres of land, while the other bill provided for double that quantity.

Sir, that is the difference between the two bills. This one is a territorial bill. It has nothing to do with other States. And now, if gentlemen permit me, I would say that I desire to take no unfair advantage of this House in the introduction of the bill. I have presented it in accordance with the wishes of the friends of the bill. And in my character as a citizen of this great Republic, as a citizen of Michigan, I wish the bill to pass, because it will contribute to the general benefit of all.

And now, Mr. Speaker, I demand the previous question upon the motion of the gentleman from Maryland, [Mr. HAMILTON.]

Mr. LANE, of Oregon. Will the gentleman yield me the floor a moment, before he makes that demand.

Mr. STEVENS. I cannot. I insist upon my demand.

Mr. LANE. I then move that the House now resolve itself into the Committee of the Whole on the state of the Union.

Mr. MEACHAM. I rise to a privileged motion.

The SPEAKER. Two privileged motions are now pending.

Mr. MEACHAM. My motion will take precedence of both. I move that the House do now adjourn.

The SPEAKER. That motion will take precedence of the others, and is the first to be put to the House.

Mr. WHEELER. I ask for the yeas and nays upon the motion to adjourn.

The yeas and nays were ordered.

The question was then put; and there were—yeas 77, nays 78; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Brooks, Bugg, Campbell, Carpenter, Chrisman, Colquitt, Corwin, Craig, Crocker, Cutliss, Cutting, Dick, Dickinson, Drum, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Fenton, Flagler, Franklin, Giddings, Goode, Goodrich, Hamilton, Sampson W. Harris, Harrison, Haven, Howe, Hunt, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kerr, Knox, Kurtz, Leitcher, Lilly, Lyon, Meacham, Middlesworth, Murray, Norton, Parker, Peckham, Preston, Puryear, Ready, Riddle, David Ritchie, Rufin, Sapp, Seward, Shaw, Simmons, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Tracy, Trout, Tweed, Upham, Wade, Walley, Walsh, Israel Washburn, Wheeler, Hendrick B. Wright, and Zollicoffer—77.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, David J. Bailey, Banks, Barksdale, Barry, Boyce, Breckinridge, Caskie, Churchill, Clark, Clingman, Cobb, Cox, John G. Davis, Thomas Davis, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edgerton, Ellison, English, Florence, Gamble, Green, Greenwood, Hendricks, Henn, Hibbard, Houston, Hughes, Johnson, Roland Jones, Kidwell, Lane, Lindsley, Macdonald, McDougall, McNair, Macy, Matteson, Mayall, John G. Miller, Smith Miller, Milson, Noble, Olds, Andrew Oliver, Mordecai Oliver, Orr, Bishop Perkins, Phelps, Phillips, Pratt, Richardson, Russell, Seymour, Shower, Singleon, Samuel A. Smith, William Smith, William K. Smith, George W. Smyth, Hester L. Stevens, Stratton, David Stuart, Thurston, Vail, Warren, Ellihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, and Daniel B. Wright—78.

So the House refused to adjourn.

Mr. STEVENS, of Michigan. Is not the question upon the demand for the previous question next in order?

The SPEAKER. The motion that the House resolve itself into the Committee of the Whole on the state of the Union takes precedence of the demand for the previous question.

Mr. WENTWORTH, of Illinois. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LANE, of Oregon. I appeal to the House

to take into consideration the fact that this is the last day set aside for the consideration of territorial business, and I hope the House will therefore go into the Committee of the Whole, and resume the consideration of bills in reference to Territories which are properly upon the Calendar.

Mr. LETCHER. Is it in order to move now that the House adjourn?

The SPEAKER. It is.

Mr. LETCHER. Then I make that motion.

Mr. WHEELER. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN, of Illinois. I rise to a question of order. I understand that the last vote taken was upon a motion to adjourn. If so, this motion is not now in order.

The SPEAKER. Since that vote was taken business has been transacted. The House has ordered the yeas and nays upon a motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. INGERSOLL. I wish to ask the Chair a question for the purpose of information. If the House should now adjourn, will this bill come up for consideration on Monday morning?

The SPEAKER. The Chair thinks it would not come up, unless other morning business should first be disposed of. The Chair is not very clear as to what its position will be. He will decide that question when it arises.

Mr. LANE, of Oregon. If the House should adjourn now, what will be the condition of the territorial business which has been reported from the Committee of the Whole?

The SPEAKER. If the House will indulge the Chair—for the motion to adjourn strictly cuts off all this conversation—he will say that he does not recollect what has been the practice in such cases. They do not often occur. He is, however, of the opinion that this business would be in order during the morning hour.

The question was then taken upon the motion to adjourn; and decided in the affirmative—yeas, 88, nays 69; as follows:

YEAS—Messrs. Bull, Bennett, Benson, Brooks, Bugg, Campbell, Carpenter, Chandler, Chrisman, Colquitt, Corwin, Craig, Crocker, Cullom, Cutting, Thomas Davis, Dick, Dickinson, Disney, Drum, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Fenton, Flagler, Franklin, Giddings, Goodrich, Hamilton, Sampson W. Harris, Harrison, Haven, Howe, Hughes, Hunt, Ingersoll, Daniel T. Jones, George W. Jones, Kerr, Kidwell, Kittredge, Knox, Kurtz, Letcher, Lilly, Lyon, Meacham, Middlewarth, Murray, Norton, Andrew Oliver, Parker, Peckham, Bishop Perkins, Powell, Preston, Puryear, Ready, Reese, David Ritchie, Ruffin, Sabin, Sapp, Seward, Shaw, Shower, Simmons, William Smith, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Uppham, Wade, Walley, Walsh, Warren, Wheeler, Hendrick B. Wright, and Zollieoffer—88.

NAYS—Messrs. Abernethy, James C. Allen, David J. Bailey, Banks, Barksdale, Barry, Boyce, Breckinridge, Caskey, Churchwell, Clark, Cobb, Curtis, John G. Davis, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edgerton, John M. Elliott, Ellison, English, Florence, Gaubie, Green, Greenwood, Hendricks, Henn, Hibbard, Houston, Johnson, Roland Jones, Keitt, Lane, Lindsley, Macdonald, McDougall, McNair, Macey, Matson, Mayall, John G. Miller, Smith Miller, Milston, Noble, Olds, Montcalm Oliver, Orr, Phelps, Phillips, Pratt, Richardson, Russell, Seymour, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Hester L. Stevens, Stratton, David Stuart, Vail, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Daniel B. Wright—69.

So the motion was agreed to; and thereupon, at half-past one o'clock, the House adjourned until Monday next, at twelve o'clock, m.

IN SENATE.

MONDAY, May 8, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

THE NEBRASKA-KANSAS BILL.

Mr. DOUGLAS presented a remonstrance signed by five hundred and four clergymen of the northwestern States against the passage of the Nebraska-Kansas bill. He commented at some length upon the language of the remonstrance, and upon the proceedings of a meeting of clergymen at Chicago, held on the 27th day of March. He responded to the reply of one of those clergymen to his letter in answer to their proceedings, and commented on a sermon of Rev. Dr. Richardson, of Chicago, delivered on the 5th of March. [The speech will be found in the Appendix.]

The memorial was ordered to lie on the table.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with the resolution of the Senate of the 12th of January last, a report from the Secretary of State, communicating copies of the correspondence between the legation of the United States and the Government of Chili, in relation to the impressment or forcible abduction of four seamen from the United States whaler-ship Addison.

A SENATOR. Let it be printed.

Mr. GWIN. I move that the communication be referred to the Committee on Foreign Relations. They can see whether it ought to be printed or not.

Mr. BELL. Is it not unusual to print such communications?

Mr. GWIN. It may be unnecessary to print it. It is a very large document, and it can be printed hereafter, if the Committee on Foreign Relations think it ought to be printed.

Mr. BELL. The communication is in response to a resolution which I offered. Of course my object was to have it published; but let it go. I will hereafter make the motion to print, if it be necessary.

The communication was referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore* also laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement of the amount of bonds and other securities of the United States, redeemed since the 3d March, 1853; which was ordered to lie on the table, and be printed.

Also, a message from the President of the United States, communicating, in compliance with a resolution of the Senate, copies of the correspondence in relation to the arrest, at Bremen, of Conrad Schmidt, a naturalized citizen of the United States, and the arrest at Heidelberg of E. T. Dana, and other citizens of the United States. Also, copies of the correspondence with the King of Prussia, on the subject of religious toleration; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

The PRESIDENT *pro tempore*. I am requested to present to the Senate a memorial of the President and Directors of the Hannibal and St. Joseph's Railroad Company, praying the passage of a bill granting them the right of way for the construction of a railroad from a point opposite St. Joseph's to the Pacific ocean. They ask no grant of exclusive privileges, no land, no assistance from the Government. It will be referred to the Committee on Public Lands.

Mr. FISH. I present a memorial of the Chamber of Commerce, of New York, setting forth that they regard the present time as peculiarly favorable for the formation of treaties, with the great Powers of Europe, by which the rights of neutrals shall be recognized and established, and for the suppression of privateering. The memorial is one of considerable interest, and I beg to commend it to the especial consideration of the Committee on Foreign Relations. I move, therefore, that it be referred to that committee.

The motion was agreed to.

Mr. FISH also presented four remonstrances signed by citizens of New York, against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. FOOT presented resolutions, passed at a meeting of the citizens of Springfield, Vermont, remonstrating against the repeal of the Missouri compromise; which were ordered to lie on the table.

Also, additional evidence in support of the claim of Leonard Proctor; which was referred to the Committee on Pensions.

Also, a petition of citizens of Castleton, Connecticut, praying the reduction of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. GWIN presented the petition of Dr. S. J. Anderson, agent of D. M. Wilson & Co., merchants, of New York, praying that they may be indemnified for the loss of a certificate held by them in the Trinity Land Company for \$10,000; which was referred to the Committee on Claims.

Mr. JONES, of Iowa, presented the petition of Catherine Dickerson, widow of John Dickerson, a revolutionary soldier, praying a pension under the act of 1838; which was referred to the Committee on Pensions.

Mr. BRODHEAD presented the memorial of Maria Jones, widow of Andrew A. Jones, deceased, praying compensation for extra services rendered by her late husband as inspector of the customs at New York; which was referred to the Committee on Claims.

Mr. NORRIS presented the petition of T. J. Fox Alden, a citizen of Pennsylvania, praying the aid of Congress, by subscription or otherwise, to aid in the publication of "An Index to the Decisions of the Supreme Court of the United States;" which was referred to the Committee on the Judiciary.

Mr. TOUCEY presented a memorial of the inhabitants of the town of Berlin, Connecticut, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented three memorials of citizens of the State of Rhode Island, praying a reduction in the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. CASS presented four memorials of citizens of New York, praying that measures may be taken to secure to American citizens traveling or residing abroad, the rights of religious freedom; which were referred to the Committee on Foreign Relations.

Also, a petition of citizens of the United States residing in New York, professing the Jewish religion, praying that measures may be adopted to secure to them civil and religious rights when traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. STUART presented a petition of citizens of Detroit, Michigan, praying that a certain lot in that city, now owned by the Government, may be designated as a site for a custom-house; which was referred to the Committee on Commerce.

PAPERS WITHDRAWN.

On motion by Mr. GWIN, it was Ordered, That Jean Deplaigne have leave to withdraw his petition and papers.

GOVERNOR RAMSAY.

Mr. SEBASTIAN. A few days ago, I asked leave to withdraw certain papers in reference to the investigation into the official conduct of Governor Ramsay, of Minnesota. The Senator from Michigan [Mr. STUART] at that time objected to the withdrawal, but I believe he is now satisfied that it is proper that they should be withdrawn. I therefore renew the motion that they be withdrawn.

The motion was agreed to; and it was

Ordered, That certain papers, in reference to the case of Governor Ramsay, of Minnesota, be withdrawn from the files of the Senate, in order to be presented at the Treasury Department.

RELIGIOUS FREEDOM ABROAD.

Mr. CASS. I wish to take this opportunity of saying, that some time since—some four or five weeks ago, I do not exactly recollect the day—the Senate, on my motion, were good enough to assign a day, which has passed, for the consideration of the motion submitted by me, to refer to the Committee on Foreign Relations a report made by Mr. Underwood at the last session, in reference to the rights of American citizens to religious freedom abroad. Circumstances prevented me from taking advantage of the kindness of the Senate on that occasion, and I desire now to have a day assigned, on which I can state my views to the Senate. It is immaterial to me what day be fixed. I would rather it should not be very late; but I do not wish to interfere with other business.

Several SENATORS. Say next Monday.

Mr. CASS. I shall be very happy if the Senate can hear me on the subject next Monday. I move, therefore, for the purpose which I have indicated, that the Senate now take up my proposition.

The motion was agreed to.

Mr. CASS. I now move that the further consideration of the subject be postponed, and be made the special order of the day for next Monday.

The motion was agreed to.

BOOKS FOR NEW MEMBERS.

Mr. JONES, of Iowa, from the Committee on Pensions, submitted the following resolution for consideration:

Resolved, That the joint resolution of the 24th of February, 1854, for supplying new members of the present Congress with all such books of a public character in the same proportion as were furnished to members of either House at the last Congress, embraces Mayo and Moulton's edition of the pension and bounty land laws, &c., in the proportion of eight copies to each of the said new members, and that the Secretary of the Senate shall so understand and execute the said resolution.

COMMITTEE CLERK.

Mr. NORRIS, from the Committee for the District of Columbia, offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee for the District of Columbia be authorized to employ a clerk.

RAMSAY INVESTIGATION.

Mr. SEBASTIAN. I offer the following resolution, and ask for its consideration now:

Resolved, That the report of the commissioners appointed by the President of the United States to investigate the official conduct of Alexander Ramsay, late Governor of Minnesota Territory, be printed for the use of the Senate.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. STUART. I ask the Senator from Arkansas to modify his resolution so as to embrace the testimony in the case.

Mr. SEBASTIAN. The commissioners reported the testimony to us, and that is really what we are anxious to get at.

Mr. STUART. I think it would be better to add "and testimony."

Mr. SEBASTIAN. I accept the modification. The resolution, as modified, was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had, on the 3d instant, approved and signed the joint resolution to extend an existing contract to carry the mail in Alabama.

ORDER OF BUSINESS—INDIGENT INSANE.

Mr. GWIN. Mr. President, I believe that to-day was specially assigned for the consideration of the bill returned by the President with his objections. I hope that it will be taken up, and disposed of as soon as possible.

Mr. WALKER. I believe there is a prior special order, which I, for one, shall insist upon being taken up.

The PRESIDENT. The bill referred to by the Senator from California is not a special order; but its consideration was postponed until to-day.

Mr. WALKER. Then I object to proceeding to its consideration now, and insist on taking up the special order—the homestead bill.

Mr. FOOT. I desire to remark that I had expected, after the Senate had gone through the ordinary morning business, to call up the message of the President, containing his objections to the bill making a grant of the public lands to the several States of the Union for the benefit of indigent insane persons, which was postponed until this morning. But upon inquiry of several Senators who desire to be heard upon this question, some upon the one side and some upon the other, I learn that they are not ready or disposed to go on with the debate upon it this morning.

If, however, there is any Senator who desires to address the Senate on that question this morning, certainly it is my desire that he shall have the opportunity, and that the bill shall be taken up for that purpose. But I have been unable, myself, to learn of any Senator who desires, at this time, to be heard upon it. Certainly, it is not my purpose to address the Senate upon the subject, if at all, until the close of the debate. Unless some intimation of the sort alluded to be given by some Senator expressing a desire to proceed with the discussion of that question this morning, I take it, of course, that it will not be pressed for consideration.

Mr. GWIN. I do not see why there is any necessity for discussion about that bill. I think we can vote on it very soon. The question will come up in a more enlarged form on the discussion of the homestead bill, and the graduation bill, and the substitute offered for both by the Senator from Virginia, [Mr. HUNTER.] They will afford basis enough for all the speeches that may be made in

the Senate, in reference to the disposition of the public lands. I hope that this message of the President will be taken up, and the bill voted upon now. It is only one branch of an extended system of measures before the Senate; and I think we can vote upon this. There is not a member of this body, in my opinion, who is not ready to vote upon it. I hope that it will be taken up, and disposed of to-day. If there is nobody ready to speak, I doubt not we are all ready to vote. I hope there will be no objection to taking up the message, and voting upon the bill which the President has returned to us with his objections.

The motion of Mr. GWIN was agreed to.

The PRESIDENT. The bill is before the Senate for reconsideration.

Mr. GWIN. I ask for the yeas and nays upon it.

Mr. BADGER. The Constitution requires that the question shall be taken by yeas and nays. The PRESIDENT. Certainly; it must be taken by yeas and nays. The question is, shall the bill pass, the President's veto to the contrary notwithstanding?

Mr. STUART. I move to postpone the consideration of the question until Thursday.

Mr. WALKER. I hope the Senator will say a week from next Monday.

Mr. STUART. I will take any day which the Senate wish.

Mr. PETTIT, and others. Take the vote to-day.

The motion to postpone until Thursday was not agreed to.

Mr. BADGER. I now move that the further consideration of the bill be postponed until Monday next. This is a question of very great importance, and we should, if possible, have a full Senate here during our action upon it. I wish to say a few words upon the message myself before I vote upon it, and I am not prepared to do it now. I think it is due to the Senate, to the President, and to the country, that the message should be maturely considered. I therefore move that it be postponed until Monday next. If that should be any interference with the Senator from Michigan, the day can be given to him. I have no objection to that. I will then be willing to take it up, discuss it, and vote upon it, without laying it down again; but I think a great deal of allowance ought to be made for Senators, as the veto message has only been laid upon our tables this morning.

Mr. HUNTER. I suggest to the Senator from North Carolina whether it would not do to postpone it until Wednesday, so that we might take up the Indian appropriation bill to-day and to-morrow, and dispose of it.

Mr. BADGER. I am perfectly willing to consult the wishes of the Senate, and to say Wednesday next.

Mr. GWIN. If we postpone it at all, I hope it will be until Monday next, so that we can do something in the intervening time besides acting on the Indian appropriation bill. I hope we may have time enough to dispose of another bill, and therefore I desire the Senator to adhere to his original motion. We have just voted down a motion to postpone until Thursday next, and now the motion is to postpone until Wednesday.

Mr. BADGER. I should like to get a day to suit the Senate, and I named Monday at first, and afterwards altered it. I am willing to do almost anything for the sake of compromise.

Mr. CASS. I wish to say that the Senate has already decided to take up the subject on which I desire to address the body, and hear me on Monday next. An hour and a half on Monday will be all that I shall desire.

Mr. BADGER. Then I say to-morrow week.

The PRESIDENT. The Senator from North Carolina moves to postpone the consideration of the subject until to-morrow week.

Mr. BUTLER. I hope that will not be done. If we postpone it until to-morrow week, another movement will be made to give precedence to some favorite measure having a majority of the body in its favor. I think it but respectful to the President, I think it is due to him, and to the subject, that we should proceed to discuss and dispose at once of the bill which, it seems to me, is before the Senate, according to the Constitution, at least. If the honorable Senator from North Carolina will say that he is not prepared now to discuss the

measure, I am sure that he could be prepared on the next day after to-morrow. I can see no occasion for this long postponement, and I wish to vote upon the measure. The bill has come back, and it is now upon your table; and it seems to me that it is one which directly addresses itself to the Senate now. I would not, however, require any gentleman to go on if he says he is not prepared. I wish to submit some remarks myself upon the subject, and especially do I wish to vote upon the bill. It may be that if it is postponed until Monday, I shall not have an opportunity to give a vote. I am perfectly willing to postpone for another day its consideration, but beyond that I can see no occasion for postponing it.

Mr. BADGER. It is inconceivable to me how the immediate reconsideration of the bill which has been returned to us can be urged upon the ground that respect to the President requires it. Now, Mr. President, we have had the printed copies of the President's message only just laid upon our tables this morning. It is sent here for our consideration; the bill is to be reconsidered in connection with the President's objections, and these objections ought to be met. Those of us who may not agree with the President ought to have an opportunity, and it is respectful to him, to examine these objections carefully, and see how far they are supported by the past history and opinions of the eminent statesmen of the Republic. It is due to us and to him that we should thus be enabled to investigate the grounds of his objections. The President's message places us in the position of having voted for an unconstitutional measure, and we should, therefore, certainly have an opportunity to give a full consideration to his reasons for objecting to it. However, sir, I have no sort of objection to any day that may suit the Senate. I yielded, in the first place, to Monday, on the suggestion of the Senator from California, and I varied it to Tuesday at the suggestion of the Senator from Michigan. The matter rests with the Senate.

The PRESIDENT. The question is on the postponement of the consideration of the subject until to-morrow week.

Mr. CLAYTON. I was one of those who thought we should proceed to the consideration of this bill at as early a period as practicable; but when a Senator rises in his place upon this floor, and desires time for consideration that he may prepare for the debate, that alters the case entirely. I have never known an application of the sort rejected. It is always given to a Senator in such a case. The honorable Senator from North Carolina says that he desires to submit some remarks to the Senate, and he desires a little longer time to prepare himself. There are other Senators who also desire to speak on the subject. This being the case, I think the consideration of the subject ought to be postponed. While I am for proceeding with the consideration of the message with all reasonable dispatch, I cannot agree to deny any Senator ample opportunity to prepare himself. It is a highly important subject, and I shall be extremely happy to hear the argument of the Senator of North Carolina upon it. I trust, sir, that we will not withhold that mark of respect which is due to the Senator and to all Senators. We should hear their reasons, though I admit that we should not overslaugh it for other purposes. Sir, I maintain that we are considering the subject, and are paying all due respect to the President, when Senators are preparing themselves to discuss the message. I shall now vote for the longest time—Tuesday week. I see nothing unreasonable in that.

Mr. BUTLER. I understood the Senator from North Carolina distinctly to indicate, in the first instance, until suggestions came from other sources, that he was perfectly prepared to go on on Monday next, or the day after to-morrow; and I have no doubt, from the consideration which he has given to the subject, and the consideration which he can give it within the next two days, with his promptness and with his habitual manner of deliberation upon matters of this kind, the Senator would give the subject as full a consideration the day after to-morrow as he would two months from this time. I would not deny to him, or to any Senator who asks it, anything like a courtesy; but I may be permitted to say to the honorable Senator from Delaware, that, in some measure, my views upon this subject are influenced

by the suggestion made by him the other day; for I understood from him that he thought usage and propriety required that we should at once, as far as Senators could do so with propriety, go into the consideration of the message; and now I understand, upon the suggestion, not of the Senator from North Carolina, but—

Mr. CLAYTON. Will the Senator allow me to say that the idea which I expressed was that when the message came in we should proceed to the consideration of it; not, as I said, in hot haste, but that we should consider ourselves obliged to go into the consideration of it with reasonable dispatch; and I submit to my friend from South Carolina whether there is anything now unreasonable in postponing the question when a Senator on this floor announces that he desires time to prepare himself to address the Senate upon it? I repeat, that while he and other Senators are actually studying the subject and preparing themselves to address the Senate, the Senate is considering the subject all the time, and we should yield to them what they now ask.

Mr. BADGER. I desire to say one word in reply to my friend from South Carolina. I could, as he says, go on on Wednesday, but I should not have that opportunity for preparation which I desire. That is what I meant to intimate.

The motion to postpone the consideration of the subject until Tuesday week was lost, by a vote on a division—ayes 19, noes 22.

Mr. DAWSON. Now postpone it until Wednesday.

The PRESIDENT. The question is now on postponing the consideration of the subject until Wednesday.

Mr. DODGE. I trust that that motion will be agreed to by common consent. The Senator from North Carolina is the last Senator to whom I would deny a courtesy. He has announced that he wishes some time to prepare himself to address the Senate. Courtesy, then, I think, requires that we should give him that time, which I think is reasonable.

Mr. BUTLER. I will yield to my friend from North Carolina as much as to any other gentleman. If he wishes to speak, and is prepared to speak on Wednesday, he can go on. If I have anything to say, I would as soon say it on that day as on any other, though I would prefer to hear what others have to say first. I know that there are others who are perfectly prepared to speak on the subject; so that, so far as regards that, my friend from North Carolina, if he desires, can have the opportunity to speak then, or he can postpone his remarks for eight or ten days. If he is not then prepared, perhaps some other Senator can then speak.

The motion to postpone until Wednesday was agreed to.

PACIFIC RAILROAD BILL.

Mr. GWIN. I move that the Senate proceed to the consideration of the Pacific railroad bill.

Mr. WALKER. That will be taking up that bill out of its order on the Calendar, because the homestead bill is the first special order; and I feel bound to insist upon the consideration of that special order.

Mr. GWIN. A majority of the Senate, I suppose, can determine upon the order of business.

The PRESIDENT. The Senator from California moves to postpone all prior orders for the purpose of taking up for consideration the Pacific railroad bill.

Mr. HUNTER. I hope that the Senate will take up the Indian appropriation bill, and let us finish it. Wednesday next has been fixed for the reconsideration of the bill which has been vetoed. It is impossible that we can dispose either of the homestead bill or of the Pacific railroad bill by that time, but I believe we can dispose of the Indian appropriation bill. I hope the Senate will take it up.

Mr. GWIN. I appeal to the chairman of the Committee on Indian Affairs, [Mr. SEBASTIAN,] whether there is any prospect of getting through with the Indian appropriation bill to-morrow? I have no doubt that there are to be four or five days' debate on that bill yet; and this other measure presents a much more important question, and deserves some consideration. I hope that the motion which I have made will prevail. The Indian ap-

propriation bill is not pressing for immediate action.

Mr. STUART. If the Senator from California is correct, that the Indian appropriation bill will consume the whole of two days, it certainly must follow that the Pacific railroad bill will consume a great deal more than that; and inasmuch as I hold the consideration of the homestead bill paramount to either of them, or both of them, I shall vote against each proposition. If his argument is true, I will vote against proceeding to the consideration of the Indian appropriation bill, or of the Pacific railroad bill, and will vote to take up the first special order, which is the homestead bill.

Now, Mr. President, I think the homestead bill has been scarcely fairly treated by the Senate. It was the first bill which was made a special order for consideration a long time ago, and it has been postponed from time to time to suit the convenience of one thing and another until it has almost become an habitual motion, as a matter of course, to postpone it. I am perfectly willing, so far as I can by my action, to consult the wishes and convenience of every Senator who desires to address the Senate upon any topic; but if it is a mere question between measures, while I desire to sustain both these propositions, so far as I can, I hold the homestead bill paramount to both of them for the present.

Mr. BROWN. I shall vote to give precedence to the homestead bill over all others; and my principal reason for doing so is, that I conceive it to be intimately connected in principle with the bill which has been vetoed by the President; and while we are considering the one, we are necessarily considering the other. All the main principles involved in the one bill are involved in the other. You cannot discuss the homestead bill without discussing the principles involved in the veto message. Nor can you discuss the veto message without discussing the principles involved in the homestead bill. Every argument which gentlemen have employed this morning to show that we ought to take up the veto message at once goes to convince me that we ought to take up the homestead bill. It is not so much that we shall consider the message itself as that we shall consider the principles involved in the message, the principles put forth in it; and if the principles involved in the message shall be sustained by the Senate, then, as a matter of course, the homestead bill must go by the board. If those principles are not sustained, we may yet pass the homestead bill. My respect for the President, among other things, induces me to say that I shall prefer the taking up of the homestead bill to all other things; and while considering that, we may consider the principles laid down in the message of the President.

Mr. HUNTER. I suppose the question will be taken on the propositions in the order in which they are made. Have the yeas and nays been called for?

The PRESIDENT. They have not.

Mr. HUNTER. I hope the Senate will vote down the proposition made by the Senator from California, and take up the Indian appropriation bill.

Mr. GWIN. If my proposition is voted down, the homestead bill should come up of course. Every Senator knows that I am in favor of the homestead bill, but I regard the Pacific railroad bill as one of great importance, and I have it especially committed to my charge. I do not think there is any necessary conflict between the friends of the Pacific railroad and the friends of the homestead bill. Some of the best friends of the one are the friends of the other. I have not been instrumental in postponing the homestead bill on any occasion. I am very anxious that there should be action upon it. I introduced a homestead bill into the Senate at a very early day in the session, and desire to have action upon the subject. But the Pacific railroad bill has also been pending from an early day, and I am very anxious to get it acted upon. I ask for the yeas and nays upon my motion.

The yeas and nays were ordered.

Mr. CASS. I shall be compelled to vote against the motion of the Senator from California. I have voted at all times to bring his measure on; but I think that under the circumstances the homestead bill is the most important. I therefore shall prefer, as far as my vote goes, to bring that up. We have attempted it session after session. Session after session it seems to pass by the Senate without our

getting at it. I agree with those who are in favor of it, that now is the time to bring it forward, and I may be allowed to express the regret that I feel, in common with many others, at the loss which this country experiences in the absence of the eminent statesman from Massachusetts. If he were here this day, he would be as warm an advocate of this bill as any other person upon this floor. He would be one of those who would strongly urge the consideration of this bill—its consideration as one of the utmost importance.

In regard to the veto message, I am desirous of voting upon the reconsideration of that bill; but I concur fully with others, that there is no disrespect in postponing it for a few days, for the purpose of giving Senators an opportunity of preparing themselves for its consideration. I have no question about the veto; none at all. I voted against the bill from the commencement. As to the reasoning of the veto message, I have not yet been able to form an opinion upon it. I have not read it. I understand it has been laid upon our tables only this morning. I am not, therefore, prepared to say anything upon the reasons that are given for the veto; but, so far as respects the measure, I fully support and approve of the veto, and am ready to vote upon it. Under the circumstances, however, I shall now vote for taking up the homestead bill.

Mr. DAWSON. I shall vote for taking up the Pacific railroad bill, for this reason: I find that the Senator from Michigan, and the Senator from California, and other Senators, who have this morning entered into a vindication of the homestead bill, say that that bill does not come within the principle of the veto. If it does not, then, of course, it would be up for discussion, and perhaps a very wide discussion. If it does come within the principle laid down by the veto, as I observed the other day, there can be no necessity for discussing that measure until we discuss the veto; and, if the veto shall be sustained by the majority of this body, of course, if the homestead bill is within its principle, it would go down; but, as it does not, in the opinion of gentlemen—

Mr. CASS. If the Senator will allow me, I have not expressed any opinion as to whether it comes within the veto or not. I have not read the veto message, and therefore cannot say whether it comes within it or not. I cannot pass any opinion upon the principles contained in it; but so far as the application of the veto to the bill making a grant of public lands to the lunatic asylums is concerned, I think I can support it.

Mr. DAWSON. The other Senators made no explanation of that kind; and I had thought that, if the veto did cover the homestead bill, it was an unnecessary consumption of time on the part of the Senate to discuss that measure too.

Mr. BROWN. If my friend from Georgia will allow me, I think the only way to settle that difficulty would be to pass the homestead bill, and then send it to the President, and see whether he will apply the same reasoning to it.

Mr. DAWSON. Of course, as the Senator from Mississippi believes, that the homestead bill falls within the principles of the veto, he would not consume the time of the country by discussing that bill.

Mr. BROWN. I may vote for the bill. If I should vote against it, it will certainly not be on constitutional ground.

Mr. DAWSON. Then, as the Senators have expressed their opinion as to this bill coming within the principles of the veto message, I shall vote for the motion of the honorable Senator from California.

The question being taken by yeas and nays, on Mr. Gwin's motion, resulted—yeas 13, nays 24—as follows:

YEAS—Messrs. Bell, Brodhead, Dawson, Gwin, James, Morton, Norris, Sebastian, Stidell, Thompson of Kentucky, Toney, Weller, and Williams—13.

NAYS—Messrs. Allen, Bayard, Brown, Butler, Cass, Chase, Clay, Clayton, Dodge of Iowa, Evans, Fish, Fitzpatrick, Foot, Hunter, Johnson, Jones of Iowa, Mallory, Peacer, Pettit, Stuart, Sumner, Toombs, Wade, and Walker—24.

So the motion was lost.

HOMESTEAD BILL.

Mr. WALKER. I move that the Senate proceed to the consideration of the homestead bill.

The PRESIDING OFFICER, (Mr. STUART in the chair.) That is the first special order.

Mr. HUNTER. Does it come up without a motion?

The PRESIDING OFFICER. The Chair is of opinion that it does, unless a motion is made to postpone it.

Mr. HUNTER. I move to postpone that special order until to-morrow week.

Mr. BROWN. I beg leave respectfully to say that I hope such a motion will not prevail. The homestead bill has been postponed from day to day, from time to time, until it seems to me that the Senate does not mean to act upon it at all. I respectfully appeal to honorable gentlemen if this is treating with fairness a bill to which the country certainly looks with some degree of interest? If we intend to defeat the bill, let us come up to it and defeat it like men, and not kill it by postponing it, first for a week, then for two weeks, then for three weeks, and thus get clear of it under various pretexts. This is no measure that is suddenly sprung upon us. It has been before Congress, in some shape, for the last ten or fifteen years, and we cannot disguise from ourselves, if we would, that a very large portion of the American people take a very deep interest in it, and they are looking with very great anxiety to the action of the Senate upon the question, seeing that the bill has twice passed the House, and now only needs the ratification of the Senate to become a law. They will expect us to act upon it in some way; and I know of no better time than now to come square up and meet the question responsibly. Either pass the bill or reject it, and let the country know where we stand. I am as well prepared now as I shall be at any other time either to express my views or to give a vote upon it. The anxiety which prevails all around manifests to us in no mistakable terms that gentlemen are prepared to vote or speak upon it. I would not precipitate a final vote upon it until gentlemen have expressed their views. But why postpone it? The Senator from Virginia assigns no reason for doing so. If this were the first application to postpone it, I would say, very well; let it be postponed. But it is neither the first, second, nor third application. Every time it comes up, there is something more important than it in the way. I want the bill acted upon, and I want a final vote of the Senate upon it, so that we may either pass it, or reject it; and I shall steadfastly, from this time forward, vote against postponing it, unless there should be some sufficient reason assigned why it should be postponed.

Mr. BROADHEAD. The honorable Senator from Georgia [Mr. Dawson] made a statement from which it may be inferred that gentlemen on this side of the Chamber do not think that the homestead bill falls within the principle and the reasoning of the veto. For one, sir, I think it does fall within that reasoning, and is liable to the objections stated by the President in his veto. Admitting that there is a difference of opinion on this point, it is obviously proper that we should consider both measures at the same time. Therefore, I will vote for the postponement. If a portion of the reasoning in the veto message is good against the insane bill, it is also good against the homestead bill; therefore, I think that the discussion in regard to our land system, which we must have, and for which gentlemen are preparing themselves, had better be all at once on the veto message; and I shall therefore vote for the postponement.

Mr. GWIN. I hope that the homestead bill will be taken up. I think there is a great deal of profession in favor of that measure in this body without much practice, and I call for the yeas and nays upon the postponement. It is well known that the motion to postpone is made for the purpose of bringing up the Indian appropriation bill, a measure that is not pressing. It may be passed two months hence, and that will be time enough for the public service. Every individual who votes for the postponement I shall look upon as an enemy to the homestead bill, and as being in direct opposition to the consideration of that question. I want to know whether or not we are going to consider it. If the homestead bill has as many friends as there are professions in this body, we can pass the House bill as it came to us; and I intend to vote for it in that form, and against every amendment. I do not believe it comes within the veto message sent to us by the President. It is an entirely different measure, and, whether it is or not, I shall vote on the measure as my judgment dictates.

Now, Mr. President, I hope the homestead bill will be taken up, and I hope that an adroit minority cannot defeat two great measures—the Pacific railroad and the homestead bills—by fighting one against the other. I hope that the friends of these two bills will not have any collision. I know that there is a majority of the body in favor of each; and now I am in favor of taking up the homestead bill, and considering it. If a majority are in favor of it, the Senate can pass it. If not, the sooner we know it the better.

Mr. JOHNSON. The Senator from California hopes the friends of these bills will not come in collision with each other. I am not at present among that number; but my honorable friend from California—and I never use the term friend consciously without feeling it sincerely—says that a great many professions of friendship are made in this body for the homestead bill. His remarks convey an implication of condemnation, of censure, and worse, of suspicion of the sincerity of Senators, and their declarations in regard to this measure. That is the construction which his language bears.

Mr. GWIN. That is not the impression which I wanted to convey. I said this, that if the homestead bill had as many friends on this floor as we had seen public professions for it, we can take it up, and we can pass it; and if we do not take it up, certainly there is more strength in profession than in practice.

Mr. JOHNSON. Exactly. Still the declaration of the gentleman goes to the country conveying the idea as I have embodied it; and that idea bears with it unquestionably a reflection upon the sincerity and truthfulness of gentlemen upon this floor in their declarations—not with an intention or will to do so offensively, I grant and know; but the reports, when they are made, must show that to be the only rational conclusion to be drawn from his remarks.

The Senator says, further, that he is opposed to this kind of delay any longer. He is not willing to permit an adroit minority any longer to defeat the bill. What is an adroit minority, taken in connection with his remarks? An insincere body of men, inferior in number and in strength, attempting, by parliamentary maneuvers, to control and destroy the action of the deliberative body of which they are members. I appeal to every gentleman upon this floor if this is not the manifest construction that will be put upon his language?

Mr. GWIN. I spoke of an adroit minority fighting one measure against another, and fighting with skill; fighting the Pacific railroad and the homestead bill against each other—and I think that, if by a vote to postpone, the minority can postpone this bill and get up such a collision, they would be exceedingly adroit. That is the amount of it.

Mr. JOHNSON. Sir, whenever I am for a measure I shall contend for it strongly, and whenever I am opposed to it it is my right to resist it by all the legitimate and authorized rules that are made to secure just and wise legislation. I suppose that to be the feeling and the will of every man who is a member of this body. It is such, so far, at least, as I am concerned; and if it is not with every one, then the dissenting member has rights here which he either does not understand or does not choose to exercise.

Now, sir, to pass from that—there is a good deal of assumption here, I think, in regard to the homestead bill, upon the part of its especial advocates; at this moment a good deal of arrogance, if I may use that word—a good deal of arrogating to themselves as the particular friends of the measure, and as to the rights of this particular bill; and my honorable friend again, (for I have yet another, I think,) from Mississippi, [Mr. Brown,] says that you do not deal fairly by it, but you postpone it to-day and to-morrow, and next week, and the week after, and will postpone it to death, and thus it has been always, whilst all that remains to be done is a vote of the Senate to take it up, and a vote to pass it, and the signature of the President, and then it will become a law. Well, sir, it never had much more to do at the outset. [Laughter.] A vote in the House of Representatives constitutes the residue of any legislative action.

But, sir, what right has my honorable friend to complain so bitterly at extraordinary delay, and to introduce the last week, and another week, and

the week before, and the declaration that he does not know how long it will continue to be delayed, or by whom or what? By fairness? Oh; no. It is all unfair to the country. This is a matter about which there is a vast deal of interest, forsooth. It is a matter, forsooth, which must override everything else. Sir, is there nothing else of interest before this body but the homestead bill? Sir, the Indian appropriation bill is a measure that is called for, to be passed in the regular progress of the business of this Government. The day is near at hand when that call becomes imperative. Our treaty obligations are suffering, our treaty stipulations must be fulfilled, and our guarantees to the Indians already call for the passage of this bill.

There is no question about this. Then, here is the President's veto, alleged to involve many of the same questions which are involved in the homestead bill. Those gentlemen who wish to discuss these several matters, and others of equally great importance, may just as well cry out against the extraordinary delay, and declaim against the adroitness used in defeating their judgment, and their wishes in matters that they consider of equal or much greater importance. All this talk about the peculiar claims on the part of the homestead bill to a prompt, and, if needs be, a prolonged consideration in preference to everything else, is mere stuff, and is the veriest stuff so far as it goes to the establishment of any supremacy for the homestead bill to the right of immediate consideration over every and all other measures before this body.

There are not only the measures I have enumerated now depending before this body; there is also the measure which the Senator from California has himself in charge; and, by the way, I never was before aware that that gentleman was an advocate, so very strenuous and impatient, for the homestead bill.

Mr. GWIN. I introduced it at a very early day of the session.

Mr. JOHNSON. Let the honor of it, then, be to him. I have no objection. Now, sir, in regard to the homestead bill, I was for it myself sincerely. I supported it, and have supported it for several years; but in the present phase of things, I am not prepared to go on with it at all, or to say that I will support it. Because, if it was forced upon me to-day, I should vote against it. Why? Because just at this time it is tintured, to a degree, from its inevitable effects, and under the peculiar circumstances, so strongly with abolitionism, that I cannot, for one, bring myself, as a representative on this floor from the South, for one moment to think of permitting it to pass this body, and become a law. Why? Very succinctly to state it, there is evidence palpable each day that this bill is being pressed through with unusual anxiety, and as if for life and death. The bill has been six or eight years in Congress, and a large part of this anxiety is unquestionably new-born.

Here are the facts as I find them. The Government is extinguishing titles to lands that lie west of Missouri and Iowa. When the rights of the Indians are extinguished, and they are removed, all that country becomes open to settlement, and the people will remove into it with or without an organized government. Yet it is a fact that the Missouri restriction exists there at this time, and that our southern people cannot go there for that reason, even if they desired to do so. If you pass the homestead bill in the face of these facts, you bid a premium to all the balance of the world to fill up and settle that country, only excluding my constituency. If then you reject or delay the passage of the territorial bills for two, or three years, you settle the question involved in those territorial bills practically, and by a law which has a higher force than the enactment of the Wilmot proviso itself.

In regard to what I shall constitute adroitness and fairness, I must say, that to delay the territorial bills for some years, but at the same time and in hot haste, to enact the homestead law, would exhibit extraordinary adroitness, and prove a most detestable specimen of fairness.

I do not consider, or believe, that any man who is from the South, can conscientiously come forward and support that measure; at least, until the Kansas and Nebraska bills shall have been passed, and the whole country shall have be-

come open to settlement by the whole people of the United States. Am I right, or am I wrong? You are wrong, may say the man who wishes to exclude every southerner; but you are right; I think would say every candid man, if you shall ever wish to go to those Territories on equal terms under the laws of your country. This is a very adroit way by which we may be excluded from these Territories. Not that all, or many, of the old advocates of the homestead bill have in view such a result as this—by no means; but there are many of its present advocates that rejoice in the bill for this very feature; and if those advocates shall secure its passage now, and can successfully resist the territorial bills, even by adroitness and unfairness, which it is openly proclaimed will and shall be used, so as to defeat, or at any rate to delay, the same for two or three years, they will, practically and effectually; and they feel and know it, have effected their great and most highly cherished object. It is absurd, and I think it even pitiful, to ask any member of this Congress who represents a southern constituency to do a thing like this. I do not think it even conveys a consideration of passing respect for his intelligence or his honesty to his own people, to attempt to argue him to a step like this. Now, sir, if gentlemen wish to give their votes on the homestead bill so anxiously, and that purely with a desire to give homes to the homeless, and not with a wish to use the measure as a political engine, let them bear with this thing with a little patience, and allow us to know what is to be the course of events affecting our rights in collateral matters. And I ask that gentlemen will not get up, and assume at once that it is adroitness (by which I ever understand that there is something of concealment) that is going to do this thing; or get up and assume that the bill has rights of precedence in this body which no other bill can have in comparison with it. I have presented, I think, but a fair view of the matter, a view which certainly will not be classed among the movements adroit. The bill has no right here better or greater than any other bill whatever; and I shall simply cast my vote in reference to it, and to collateral matters in accordance with my own judgment of my duty to my own people.

Mr. GWIN. The argument of the Senator from Arkansas in contrasting the homestead with the Nebraska bill seems to me to be adroit, and I use the term with perfect respect to him. I want it understood in advance, that I intend to press the homestead bill in every parliamentary manner that I can, from this time forward. I intend to do it with perfect respect to every member of this body; and with the determination, so far as I am concerned, to pass the bill. Now, sir, the Senator has made an appeal to the whole southern Senators against this measure, because, he says, until the Nebraska bill shall be passed, the inhabitants of the southern States will have none of the privileges of settlement in the Nebraska Territory, under the homestead bill. If the Senator had only read the homestead bill, he would have ascertained one important fact that knocks his argument in the head. The homestead bill applies to no other lands than those that are subject to sale at private entry. Now there is not one foot of land surveyed in Nebraska or Kansas; nor will there be for many years to come.

Mr. JOHNSON. There was not a foot surveyed in California, and yet the State settled up.

Mr. GWIN. Mr. President, the State of California has had the privilege of preemption on unsurveyed lands extended to her citizens. The homestead bill applies only to public lands subject to sale at private entry. Those are the words of the bill. We all know that to be the language of the bill. We know there is not a foot of land surveyed in Nebraska or Kansas, and there is no prospect, for years to come, of any of the lands there being subject to sale at private entry; and, therefore, they are not open to the provisions of the homestead bill.

Now, in regard to the consideration of this bill, in reference to other questions, I do not think it ought to have a bearing upon the Senate. Let it be examined on its merits. If it is a proper bill to pass, let us pass it. If there be a majority of the body in favor of it, let that majority take it up. If there be a majority in favor of passing the House bill, of course we can pass it, and we will do so. If

there be a majority in favor of a substitute, of course that substitute will be properly considered and passed. All that I ask is, that it may come up, and be acted upon either favorably or otherwise. I shall submit to the will of the Senate.

Mr. MALLORY. Mr. President, I think the honorable Senator from California is entirely correct in the assumption that those who vote against taking up the homestead bill are opposed to it; and I will vote against taking up the bill for that very reason. We had an intimation a few days ago, that the presidential veto had afforded us the best opportunity which has occurred of late years, for discussing our entire policy with reference to the public lands; and it is intimated that we are to have that discussion. I, for one, am unwilling to have it indirectly, when we may have it directly. If we take up the homestead bill, I see not when we are to reach that discussion. And, Mr. President, I cannot recognize the idea that this bill possesses any peculiar claim to the consideration of the Senate above all other bills now before us. Why, sir, an entire review of your judiciary system, demanded by every portion of this country, and every man in it, has been had by the Judiciary Committee, and their bill was made the special order for last Monday, but it has not yet been considered. Has the homestead bill any peculiar claims over that judiciary question, when your Supreme Court judges, under the existing system, are worked to death, and with all their powers strained, are unable to attend to the wants of the country?

While I am up, sir, I will say that there is a prospect before us of getting a wise and judicious bill for the graduation of the price of the public lands. There are lands in my State, which have been in the market ever since they were first surveyed, which will not now bring twelve and a half cents per acre; still those lands are held up at the Government price without the remotest chance of settlement, a dead weight to the prosperity of the State; and I shall cheerfully vote at any time to give preference to any of these graduation bills, whether they come from the House, or are introduced here, before the homestead bill is taken up.

Mr. RUSK. I will vote against taking up the homestead bill now; but protest against the rule laid down that the friends of it must rally, take it up at any time and at all times, whether there be any other business before the Senate or not. I stand, perhaps, in a different position from others. I do not like to force a good thing on others, whether they will or not, before they have had time to consider it; but I shall vote, for a very substantial reason, against taking up that bill this morning. I do not want to be misunderstood. I am in favor of the principle of a homestead bill. I have not examined the one which is before us thoroughly, to see whether it commends itself to my judgment. But, at the same time, we have the Indian appropriation bill before us. It is partly concluded. We have gone on with it for some time; and if we take up an entirely new subject, what we have done upon the Indian appropriation bill will pass as having been done for almost nothing.

The manner in which we have usually passed the general appropriation bills is familiar to every member of the Senate. Nearly all of them have been thrown into the last nights of the session, and the result has been that they have always passed defectively. Then, what is the first thing that comes up, upon the assembling of a new session of Congress here? It is a deficiency bill. And what is the reason of that? It is because there has not been sufficient consideration given to the annual appropriation bills. The Indian appropriation bill is now here before us in time; we can act upon it. It will take but a day or two longer to complete it. The principal part of it has been done, and we can soon finish it. I think it is a bill that demands our attention. However friendly I may be to the homestead bill, I think there is ample justification for me when I vote to give to the Indian appropriation bill the preference over any other measure. I believe that that bill contains provisions for Indians in my State, as well as for some in California; and within a few days the mail has brought us the intelligence of a murder having been committed within less than twenty miles of a city of Texas, containing eight thousand inhabitants.

Mr. GWIN. I will ask the Senator from Texas if a dollar of the money appropriated by that bill can be used until the first of July, if the bill should pass to-morrow?

Mr. RUSK. I will answer that by stating what I believe. If you take up the homestead bill, if you take up the Pacific railroad bill, and the President's veto, and discuss them, that bill will not be reached until the first of July; but as soon as it is disposed of then there is a rival, a very formidable rival to these other measures, out of their way. We have gone half way through with it, and I shall vote to take it up and proceed with it, until we get through with it. I do it against a favorite measure of mine. I stand, as I said before, in perhaps a different position from others. My State cannot be affected by the provisions of the homestead bill. I do not avow my hostility to that bill. I have no particular interest to press it before any other business; but I am willing to give it a fair opportunity. I feel favorably disposed towards the principle of it; but it seems to me that as we have the Indian appropriation bill before us, we ought to get clear of it, as it is matter of importance to carry it through. It is necessary to carry out treaty stipulations. It is a matter of importance, so far as my State is concerned, because the action taken under it, as soon as it passes, will, in my judgment, give us peace on the frontier.

Mr. BELL. If the honorable chairman of the Committee on Finance [Mr. HUNTER] will state to the Senate that it is important that the Indian appropriation bill should be passed immediately, I will vote against the proposition to take up the homestead bill. But unless that be the fact, unless it be all-important to the public interests that it be taken up immediately, I shall vote to take up the homestead bill. I have deliberated somewhat in my own mind whether, under the circumstances, it is the proper time to take up that bill; but I confess, from what I have heard from honorable members this morning, that I cannot repress my curiosity to hear what Senators will say upon the homestead bill. One of the most experienced Senators in the body this morning announced that, although he concurred with the President in the doctrines of the veto message on the bill granting lands for the benefit of the indigent insane, yet he has no idea that the principle of that veto applies to the homestead bill.

I wish to have the subject taken up, so that honorable Senators may have the opportunity to express themselves upon it. I wish to hear their views for my own benefit and instruction. I wish to know what is the new process of reasoning, or what are the new inventions in regard to the construction of the Constitution of the United States, which have got hold of the minds of honorable Senators, by which they are enabled to discriminate between the principle of the veto message as applicable to the bill granting lands for the indigent insane, and as applicable to the ground on which the homestead bill rests. I wish to know on what ground they pretend, or say, I will not use the word pretend, because they are, no doubt, honest,—that one is constitutional, and the other clearly not.

I think that, upon another ground, there is a propriety in taking up the homestead bill, unless it be important that the Indian appropriation bill should be passed immediately. Necessarily the arguments applicable to the veto message will be urged, particularly by those gentlemen who are opposed to the homestead bill, against that bill. It will be, in effect, taking up this morning the consideration of the doctrines involved in that veto message; and it will be taking them up in a way which, I think, will be advantageous to the Senate and to the country. We cannot proceed to the consideration of those questions too soon. Many Senators cannot—I know that I cannot, for one—receive light and information too early upon the subject. Discussion will necessarily go on, to some extent, upon the constitutionality of the homestead bill, according to the principles of the veto message; and, in effect, it will be taking up the veto message this morning. We want all the light on that subject that we can get. I did design, myself, to say something upon the veto message at the proper time. I confess that the most desirable preparatory step with me would be, to hear the arguments of honorable, distinguished, and able Senators, who may attempt to discriminate,

on the principles of that message, between the two bills—who shall attempt to show that the indigent insane bill is unconstitutional, and the homestead bill constitutional. Therefore, unless the honorable Senator from Virginia will say that he considers it of great public importance that the Indian appropriation bill should be passed immediately, I shall vote to take up the homestead bill.

Mr. HUNTER. I think the Indian appropriation bill ought to be acted upon now. It ought to be passed immediately. There are appropriations in it to which provisos are attached, which allow the Secretary of the Interior to expend the money during the present fiscal year; for instance, the following item is contained in the bill:

"For the expense of making presents of agricultural implements to the bands of Pueblo Indians, in the Territory of New Mexico, \$10,000: *Provided*, That the Secretary of the Interior may, if, in his discretion, the public interests require it, be authorized to use any part of the appropriations herein made for making treaties in Oregon, Washington, Utah, and New Mexico, and for holding councils at Fort Benton prior to the commencement of the next fiscal year."

Here is another item:

"For general incidental expenses of the Indian service in Washington Territory, for six months, ending June 30, 1854, \$5,000."

There are others of the same character. They were introduced under the apprehension that the deficiency bill might be very late in passing the House of Representatives, or that it might so happen that it would not pass at all. In view of all the difficulties which attend that measure, some of the most indispensable provisions were introduced into the Indian bill, and to these provisions was attached a proviso giving authority to the Secretary of the Interior to expend any portion of them during the present fiscal year. I think, therefore, that it is a matter of importance. Besides, we know that that bill is to be returned to the House of Representatives with a great many amendments attached to it by the Senate, and we know it will be subject to many delays there. I believe the experience of the Government has shown that the appropriation bills ought to be called, taken up, and acted on earlier, and with more promptitude, than we have heretofore shown in regard to them.

For all these reasons, it is my opinion that the Indian bill ought to be taken up and acted on. I do not know how long it may take. I do not know all that the Committee on Indian Affairs may have to offer by way of amendment; but I do hope that we shall dispose of it during to-day and to-morrow; at any rate we ought to make what progress we can in order to get rid of it as soon as we can.

Mr. GWIN. The chairman of the Committee on Finance has, within a very short time, reported a deficiency bill; and he crowded that bill with items for deficiencies for the Indian department. Now, it seems, he has come up with another deficiency bill for the Indian department. Sir, I think there should be but one deficiency bill during a session. We have acted upon that. We have sent it to the House, and there it is likely to remain for a good while. We have already put amendments on the Indian bill that will be very apt to make it a law about the day on which we adjourn. I fear we shall find that the general appropriation bills will be passed at this session as heretofore—about the day of adjournment; let that be sooner or later. We know there is no pressing necessity for action on the bill now; for if we act on it now, it may be delayed in the House for a month or two, or three, or four, or five months; and probably on the day of adjournment we shall pass it like all other appropriation bills. There is no necessity for acting upon it now.

Mr. TOUCEY. Mr. President, I fear we spend too much time in discussing questions as to the mere priority of business, instead of deliberating upon the measures before us themselves. We have postponed until Wednesday next the consideration of a bill that has been returned by the President with his veto. It is a bill, with that message, involving more of importance to the legislation of the country, and to the perpetuity of our institutions, than any other measure pending before Congress. It involves also the question or questions which are embraced in other bills, and among others the homestead bill.

Now, sir I am unwilling, for one, to go into the

discussion of the homestead bill until we shall have considered the message of the President and the bill which it accompanies. I prefer as a member of this body, to go on now with the Indian appropriation bill, in which we have already made great progress, and dispose of it, if possible, between this and Wednesday. If we cannot do that, I hope that the Senate will go to the discussion of the constitutional questions that are brought up here, and will dispose of them before they take up this bill or any other.

Mr. BUTLER. I have been reminded that I have been remiss in my duty, in not indicating, at least, the propriety of taking up the bill reported by the Judiciary Committee; but, I am aware, Mr. President, from my experience in this body, and the temper which I have seen manifested in it, that it would be a very futile task upon my part to offer to take it up; for it does not depend—I assert it here upon my responsibility as a Senator—upon the relative merits of the bills, as to which shall take precedence. The honorable Senator from Mississippi [Mr. Brown] has said that it is a matter of urgent necessity to take up the homestead bill. Why, sir, we have owned some of these lands, at least, and they have been surveyed, for fifty years, and we have done all that time without this homestead bill; and we could do without it for many years to come. Sir, I say it is not the urgency, it is not the merit of the measure, that gives it its importance in this body.

I would willingly have called up the judiciary bill. I might very well call it up, for I think it has more merits than any of the measures indicated, so far as it regards immediate action upon it, with the exception, perhaps, of the appropriation bill. I will say to the honorable Senator from Tennessee that I am no parliamentary tactician; but I think I may assume to myself this much of parliamentary tactics, to say that the taking up of this homestead bill will be but making a masked battery, from which gentlemen intend to assail the veto of the President. If they intend to meet the doctrines involved in that veto message, let them do it fairly, and let the Senate have the authority of the vote; but if you take up the homestead bill, it is not obvious to the whole Senate that, through the discussion of it the veto message will be assailed, and that that message will not have what may be called a fair parliamentary chance in this body?

I think we ought to take up the bill indicated by the chairman of the Committee on Finance; for if we take up the homestead bill, is it not obvious to all the members of the body that it will be under consideration on Wednesday; and the gentleman will say that being under consideration it ought not to be set aside for the purpose of taking up the veto message? That will be the result. If I were to urge it upon my friend from Virginia now to press that the measure which is under consideration ought to have a preference, they would say that would be no guide for them. But if they had the homestead bill under consideration, by force of votes they would give it the preference. There is a good deal in the force of votes; and if gentlemen get the homestead bill under consideration, and the majority of the body are in favor of it, they will give it the preference over all other measures, and the measure which is set apart for Wednesday next will not be taken up.

Mr. BROWN. Suppose it should not, no harm will be done.

Mr. BUTLER. You have urged it, as I understand, as one of the requirements for the immediate consideration of the homestead bill, that it is looked upon with great interest throughout the country, and that, therefore, it ought to pass now; yet we have been fifty years without such a system.

Mr. BROWN. That is no reason why we should not now do right.

Mr. BUTLER. It is very urgent now, we are told, when no such system has ever been in operation, I believe, in this country, and, so far as my vote goes, never shall be. But that is beyond the question now under consideration. Gentlemen say it is urgent. They know the appropriation bill is more urgent. But I have said that the purpose in taking up the homestead bill, is with a view to make it a masked battery from which to assail the doctrines in the veto message.

Mr. DODGE, of Iowa. Mr. President, what-

ever motives may be ascribed to other Senators, or whatever intimations may be thrown out as to the views and purposes of some who may wish to use the homestead bill as "a masked battery," from which to assail the President, I am sure does not apply to me, nor do I believe it is so intended. I am sure that was directed at Senators who occupy a very different, and much more distinguished position in this body and in the country, than I do; for Senators having different political views from those I entertain; and for others who stand in a peculiar relation to the bill which has been returned to us from the President. As I stated on a previous occasion, I believe that the President has done right in vetoing the indigent insane bill. For that, sir, I am prepared to sustain him; but, sir, at the same time, I am a friend of the homestead bill, and I am so whether the President is or not. I shall therefore vote to take it up on all occasions, and to urge it to its final passage. Whether it will be vetoed or not, is, however, a matter which I am not called upon to decide. Let the President speak for himself. I am in favor of passing the homestead bill to-day, and thus affording to the President the opportunity of exercising his constitutional authority, either to veto or approve it to-morrow, as he may think proper. He has his duty to discharge as Chief Magistrate of the United States. He acts under the solemnity of his oath, and has his duties and obligations to perform as to him shall seem proper. I act under mine. Each Senator does the same, and decides, as far as his veto (vote) can do, the constitutionality and expediency of all the measures which come before us. Why, then, should we condemn, or find fault with, the President, for doing the same thing?

Mr. President, as a general thing, I am usually for sustaining my friend from Virginia [Mr. Hunter] in pressing the appropriation bills, because I think a preference should generally be given to them. I would now do so over any other than the homestead bill. The Senator from Wisconsin, I think, but discharges his duty by insisting on the special order, and I am for sustaining him. I voted against the proposition of the Senator from California, because I preferred the homestead bill.

I regretted to hear my friend from Arkansas [Mr. Johnson] announce to-day his intention to vote against the homestead bill, giving as a reason therefor that there was a tinge of abolitionism about that bill which had driven him from its support. I regretted it the more, because that Senator had heretofore voted for the bill in the other House, and was, as I thought, its champion. Now, sir, I am one of those who have seen with the deepest regret the attempt to connect this matter of disposing of the public lands with the question of slavery in any of its shapes or forms. The Senator from Mississippi, [Mr. Adams,] who is not now here, when discussing the homestead bill upon a previous occasion, referred to the burning in effigy of the Senator from Illinois [Mr. Douglas] by the miserable fanatics in Chicago and other portions of the country; and he did me the honor to refer to me and to intimate that because of my position on the side of the Senator from Illinois on the Nebraska question, that I might receive like treatment at the hands of some of these people, to whom I referred in kindly terms as the countrymen of Montgomery, and Lafayette, and others.

Sir, as a friend of the South, a supporter of the Constitution, and an advocate for the performance of each and every duty which one State owes to another under the provisions of that sacred instrument, there are few things which I so much deplore as that the South, the minority section of the Union, should engage in a war against that foreign born population, of whom, in the days of Jefferson, and of the alien and sedition laws, and since, they were the friends and supporters. Such, too, was of Jackson and the founders of the Democratic party generally. I am sorry to see those manifestations of discontent to which I have referred. I fear it will make enemies of those who had else been friends. I intended to say to my friend from Mississippi that if the Senator from Illinois has been burnt in effigy by some small squads of foreigners, let it be remembered that they were excited to it by Abolition fanatics, upon *ex parte* misrepresentations of facts. For one, so far as the burning in effigy is concerned, I attach no

importance to it. It is a manifestation of spite and ill-will, with which many of the most meritorious and distinguished public men of our country have been visited, and not by foreigners, but by their own countrymen. Washington was burnt in effigy for his approval of Jay's treaty, in many portions of the United States. Tyler, for his veto on the Bank of the United States, was burnt in effigy. He was even insulted in the White House for withholding his assent, as the President of the United States, to the establishment of the fifty millions of dollars monster bank, to coil around and destroy the liberties of the country. No exhibitions of this sort should ever have the least influence in determining the course of a public man, much less to influence his vote upon a great question of public policy.

But, sir, my friend from Arkansas intimates that there is a desire on the part of one section to get the advantage over the other. I know that he did not intend that for me; because, Mr. President, as you know, I am one of those who were, and am, willing to open Kansas and Nebraska Territories to the citizens of all the States of this Union, to go there with all the property which they own, of every kind; and if the institutions under which I live, and to which I am attached, cannot triumph in the settlement of those Territories, and in shaping their domestic institutions, over those of my friend's State and others, I am willing to abide the decision, and believe the minority ought to be. The people, the Constitution, and the judiciary—it is strange to me that any republican should think of shrinking from such tribunals as these.

Mr. President, in regard to the various bills which are before us, I apprehend that the fact is this: If a bill has a majority of friends in this body, they will take it up and pass it; and if its friends are in a minority, it will be voted down. Now the question of adherence to the special order is made, I am most anxious it should succeed. I was willing to proceed to consider and to vote upon the President's message to-day; but, as an act of courtesy, we have extended the time over to Wednesday, and the Senator from North Carolina [Mr. BADGER] has the floor upon it. If for no other reason, I think we should proceed to consider the homestead bill in deference to that large and triumphant majority by which it has been twice passed by the other House—by the people's Representatives.

Mr. WELLER. This discussion has now extended almost to the usual hour of adjournment. It is not the first time on which I have seen the whole day consumed in discussing the question whether we should do anything or not. We have been engaged the whole of this day in discussing the question of the priority of business, which is simply a question whether we shall do anything. I have voted from the beginning, in favor of proceeding at once to the consideration of the Executive message. I have given that vote because that message involves principles which, in my judgment, are directly involved in other questions upon which the Senate are called to act. I shall be compelled to vote to-day against the motion made by my friend from Wisconsin, because I see in advance that the whole question of the power of this Government over the public lands must be discussed either upon the bill, or upon the Executive message. In my judgment, sir, the time has arrived when this Government ought to settle, in some definite, decided manner, what power does exist in the legislative department of the Government over the public domain. There are many Senators upon this floor who claim that the power of the Federal Government is unlimited in the disposition of the public domain. There are others again, who say that the same restrictions and the same limitations that are imposed by the Constitution upon the disposition of the public money apply, in like manner, to the disposition of the public land.

Now, Mr. President, this question must be fully met. In my judgment, there are principles asserted as sound constitutional law by the President, in his veto message, which, if carried out, must operate inevitably to defeat the homestead bill. I belong to that class of Senators who read that veto message in such a way as to deny to the Federal Government the power to donate the public lands in the manner prescribed in that bill. Why not, therefore, suffer this question, which

has been delayed for many a long year, as my friend from South Carolina has said, and of which delay the people have not complained, to be postponed until we can have a full, fair, and ample discussion of the principles which are involved in its passage and in the veto message? There must be a general discussion; and I infinitely prefer that that discussion shall be had upon the veto message rather than upon the homestead bill. So far as that bill is concerned, if I am compelled to vote against it, it will be because I feel an obligation to sustain the Constitution of the United States. So far as its appeal to my feelings is concerned, to give to every man a portion of the public domain, I would be disposed to yield my assent. I know that it is the interest of the country to have as many land owners as possible; and if I had the power, under the Constitution, I would give every man an interest in the soil, by making him a land-holder. He would then feel that he was a part of the sovereignty of the country; and he would feel that attachment to his home, which, in a state of war, would make this country irresistible.

But, before I can vote for any measure, no matter how much benefit it may confer upon individuals, I am compelled to look to the power of attorney under which I act. The power of attorney limits the duties which I have to perform here. If I believe that it is in contravention of the Constitution, no matter how beneficially it might operate upon every portion of the community, I shall be compelled to withhold my assent.

But I did not rise for the purpose of discussion, but to appeal to the Senate now to vote upon the question whether they will proceed to the consideration of the homestead bill, or whether they will take up the bill indicated by my friend from Virginia? The usual hour of adjournment has arrived. We have all seen how difficult it is to keep Senators here when the time of dinner arrives; and I apprehend it would be almost impossible to keep the Senate in session more than ten or fifteen minutes longer. Now, if the Senate will take a vote, I will regard it as a great personal favor. [Laughter.]

Mr. BADGER. I hope the Senator from California will not think it any violation of the courtesy to himself which he asks, if I seize this opportunity to say, that this is about the hundred and fiftieth time that the propriety has been demonstrated of the amendment which I have endeavored to induce the Senate, on several occasions, to adopt to their rule, namely: that questions in regard to the priority of business be decided without debate. As the Senator from California has said, we have spent the whole day in determining whether we will do anything, and we have got to that point when we shall probably decide not to do anything at all.

The PRESIDING OFFICER. The question is on postponing the consideration of the subject to Tuesday week. On that question the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. HUNTER. I said Tuesday week because I supposed that if we took up the Indian appropriation bill, we should not get through with it until to-morrow. Then, on Wednesday the veto comes up, so that I supposed we could not consider that question before to-morrow week.

Mr. BROWN. And I beg leave to add, the balance of the session and something else.

The question being taken by yeas and nays, resulted—yeas 27, nays 15; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Benjamin, Brodhead, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fitzpatrick, Fout, Hunter, Johnson, Jones of Tennessee, Mallory, Morton, Norris, Pender, Rusk, Sebastian, Thompson of Kentucky, Toombs, Toucey, Weller, and Williams—27.

NAYS—Messrs. Allen, Bell, Brown, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Gwin, James, Jones of Iowa, Pettit, Stuart, Sumner, Wade, and Walker—15.

So the motion to postpone until to-morrow week was agreed to.

Mr. HUNTER. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. PETTIT. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, May 8, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

Mr. RICHARDSON obtained the floor.

The SPEAKER stated the business regularly in order to be the call of States for resolutions.

NEBRASKA AND KANSAS.

Mr. RICHARDSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, avowing my purpose, if the House shall go into committee, to take such action, if sustained by a majority of the committee, as is requisite to lay aside the business in order, that we may reach the bills for the organization of the Territories of Nebraska and Kansas.

Mr. CAMPBELL. Will the gentleman from Illinois allow me to propound a question?

Mr. RICHARDSON. Mr. Speaker, I have made the motion.

Mr. CAMPBELL. I hope the gentleman who has made the motion will withdraw it, to enable me to make an inquiry.

Mr. CLINGMAN. I object to any irregular debate.

Mr. CAMPBELL. Why did not the gentleman object to the statement being made by the gentleman from Illinois?

The SPEAKER. Debate is not in order.

Mr. CAMPBELL. The gentleman from Illinois was permitted to make a statement after his motion was submitted, and now I desire to propound a question, in order that we may have information as to the proposed plan of action. That is all I wish to accomplish. I wish to know whether the gentleman intends, when we go into the Committee of the Whole on the state of the Union, to set aside or postpone the consideration of the deficiency bill, which, as we all know, is a measure of very great importance—

[Cries of "Order!" "Order!"]

Mr. CUTTING. This matter may as well be disposed of at once. Why should there be delay?

Mr. WHEELER. I appeal to the gentleman from Illinois to allow me to present the petition of several hundred citizens of the city of New York, against the repeal of the Missouri compromise.

Mr. HAMILTON. I object. The gentleman can present it under the rule.

Mr. WHEELER. Would not the gentleman object to that also, if it were in his power?

Mr. HAMILTON. No, sir; I would not.

CALL OF THE HOUSE.

Mr. STEPHENS, of Georgia. It is important that there should be a full House to act upon the motion of the gentleman from Illinois. I move that there be a call of the House.

Mr. CAMPBELL. I ask for the yeas and nays upon that motion.

Mr. MACE. Mr. Speaker, I desire to state that yesterday evening I paired off with my friend Mr. POWELL, of Virginia, on all collateral questions relating to Nebraska and Kansas. He is in favor of a repeal of the Missouri compromise act, while I am opposed to it.

Mr. DRUM. I have been requested to state by one of my colleagues, Mr. JONES, of Berks county, that he and another of my colleagues, Mr. HESTER, of Lancaster county, have paired off on the Nebraska-Kansas bill.

Mr. SEYMOUR. Mr. Speaker, I have paired off with Judge CASKIE, of Virginia, until to-morrow evening, on matters relating to Nebraska. The Hon. Messrs. APPLETON and AIKEN have also paired off with each other. It has been arranged between Mr. AIKEN and myself that we shall both vote until Mr. CASKIE's return, that we may thus put ourselves on the record, and the result is the same as it would be if we both abstained from voting. This arrangement was suggested to Judge CASKIE and approved by him before he left.

The question was then taken on ordering a call of the House; and it was decided in the affirmative—yeas 165, nays 11; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Ball, Banks, Barksdale, Barry, Belcher, Bell, Bennett, Benson, Benton, Bocoek, Boyce, Breckinridge, Bridges, Bug, Campbell, Carpenter, Chamberlain, Chandler, Chrisman, Clark, Clingman, Colquitt, Corwin, Cox, Craig, Crocker, Cul-

lom, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Dick, Dickinson, Dowdell, Dunham, Eastman, Edgerton, Edmonds, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Everhart, Farley, Plagier, Florence, Franklin, Gamble, Gladdings, Goode, Goodrich, Green, Greenwood, Grow, Hamilton, Sampson W. Harr, Harrison, Hendricks, Hibbard, Hillyer, Houston, Howe, Hunt, Ingersoll, Johnson, George W. Jones, Roland Jones, Kerr, Kittredge, Knox, Kurtz, Lane, Latham, Lilly, Lyon, Macdonald, McDougall, McNair, Macy, Mattoon, Maurice, Maxwell, May, Mayall, Middlesworth, John G. Miller, Smith Miller, Millson, Murray, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Parker, Peck, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Puryear, Ready, Reese, Richardson, Riddle, David Ritchie, Robbins, Rogers, Ruffin, Russell, Sabin, Sage, Sapp, Seward, Seymour, Shaw, Shower, Simmons, Singleton, Skelton, Gerrit Smith, William R. Smith, George W. Smyth, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Tracy, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Walker, Walley, Walsh, Warren, Eliza B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Witt, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—165.

NAVY.—Messrs. Cobb, Drum, Dunbar, Edmundson, Haven, Hughes, Daniel T. Jones, Letcher, McCulloch, Mercham, and Thurston—11.

So it was ordered that there should be a call of the House.

Mr. GREENWOOD. I would state, Mr. Speaker, with the consent of the House, that Mr. HILL, of Kentucky, is confined to his room by sickness, and that, at his request, I have paired him off with Mr. HARLAN, of Ohio, on all votes in reference to the Nebraska-Kansas bill.

Mr. HENN. With the permission of the House I would state an excuse for the absence of my colleague, [Mr. Cook.]

The SPEAKER. The time has not yet arrived during which it is proper to submit excuses.

Mr. HENN. I only wish to state that my colleague [Mr. Cook] has been suddenly called home by the death of his only daughter.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had passed sundry bills and amended sundry bills of the House, and requesting its concurrence in said bills and amendments.]

The list of the absentees was then called, and five more gentlemen answered to their names—making 197.

The following is the list of the absentees:

Messrs. Appleton, Bissell, Bliss, Caskie, Chase, Chastain, Cook, Dent, De Witt, Ewing, Faulker, Fuller, Grey, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Hastings, Hiestler, Hill, J. Glancy Jones, Lindley, McMullin, McQueen, Morgan, Morrison, Nichols, Pringle, Thomas Ritchey, Rowe, Shannon, Sollers, Frederick P. Stanton, Westbrook, and Yates.

The SPEAKER then directed the doors to be closed.

The officers of the House having executed the order, and the doors having been closed, the Clerk proceeded to call the list of the absentees, for the purpose of allowing excuses to be made.

WILLIAM APPLETON.

Mr. WALLLEY. Mr. APPLETON has been called home by severe sickness in his family. I move that he be excused.

The question was put; and the motion was agreed to.

WILLIAM H. BISSELL.

Mr. RICHARDSON. My colleague, Colonel BISSELL, is confined to his room by indisposition. He had hoped to be present to-day, but is not able to be here. I move that he be excused.

The question was put; and the motion was agreed to.

GEORGE BLISS.

Mr. GREEN. Judge BLISS is in ill health, and is absent from the city by the advice of his physician. I will state, however, that he has paired off, on the Nebraska bill, with Mr. EWING, of Kentucky. I move that he be excused.

The question was put; and the motion was agreed to.

SAMUEL CARUTHERS.

Mr. OLIVER, of Missouri. Mr. CARUTHERS is absent from the city, having been called home on urgent business. He has paired off with Mr. CHASE, of New York, especially on the Nebraska question. I move that he be excused.

The question was put; and the motion was agreed to.

JOHN S. CASKIE.

Mr. BOCOCK. My colleague, Judge CASKIE, has been called home by some interesting family

arrangement requiring his attention. He has paired off with Mr. SEYMOUR, of Connecticut, on the Nebraska question. I move that he be excused.

The question was put; and the motion was agreed to.

GEORGE W. CHASE.

Mr. BENNETT. Mr. CHASE is detained at home by sickness in his family. I move that he be excused.

The question was put; and the motion was agreed to.

ELIJAH W. CHASTAIN.

Mr. COLQUITT. Mr. CHASTAIN is absent, having paired off with Mr. MORRISON, of New Hampshire. I move that he be excused.

The question was put; and the motion was agreed to.

JOHN P. COOK.

Mr. WASHBURN, of Illinois. I move that Mr. COOK be excused. He has been called home by the death of one of his children and the sickness of another.

The question was put; and the motion was agreed to.

WILLIAM B. W. DENT.

Mr. COLQUITT. Mr. DENT left the city in consequence of indisposition, and is now detained at home in consequence of serious illness. I move that he be excused.

The question was put; and the motion was agreed to.

ALEXANDER DE WITT.

Mr. BANKS. Mr. DE WITT is absent from the city, having been detained by serious illness, but is expected here in a few days. I move that Mr. DE WITT be excused.

The question was taken; and the motion was agreed to.

PRESLEY EWING.

Mr. PRESTON. I understand that my colleague, Mr. EWING, has gone home to Kentucky on account of illness, and that he has paired off with Mr. BLISS, of Ohio. I move that he be excused.

The motion was agreed to.

CHARLES J. FAULKNER.

Mr. LETCHER. Mr. FAULKNER is detained at home by business of very great importance, and cannot with propriety be here. I move that he be excused.

The motion was agreed to.

THOMAS J. D. FULLER.

Mr. MACDONALD. My colleague is out of the city. I move that he be excused.

The motion was agreed to.

BEN EDWARDS GREY.

Mr. COX. I learned this morning that Mr. GREY is absent from this city, and that he went to New York a few days ago. I presume that he has gone there upon special and important business, as he has always been prompt in his attendance here.

Mr. BRECKINRIDGE. Did my colleague state that Mr. GREY had paired off with any one?

Mr. COX. I do not know that he has.

Mr. BRECKINRIDGE. I understand that he has paired off with Mr. PRINGLE, of New York.

Mr. COX. I move that he be excused.

The motion was agreed to.

AARON HARLAN.

Mr. CORWIN. Mr. HARLAN has been called home in consequence of the indisposition of his wife, and important business. He told me that he had made arrangements to pair off with Mr. HILL, of Kentucky. I move that he be excused.

The motion was agreed to.

ANDREW J. HARLAN.

Mr. MACE. My colleague, Mr. HARLAN, left the city a few weeks ago, in consequence of bad health; and I presume that he is not yet recovered, or he would be here. I move that he be excused.

The motion was agreed to.

WILEY P. HARRIS.

Mr. WRIGHT. My colleague is confined to his room by sickness. He intimated to me this morning that he would be here if he was able to do so; but as he is not present, I move that he be excused.

The motion was agreed to.

GEORGE HASTINGS.

Mr. FENTON. Mr. HASTINGS left here a few days ago, in consequence of important professional engagements. As I understand that his

wife is in delicate health, that may have something to do with his stay. I move that he be excused.

The motion was agreed to.

ISAAC E. HIESTER.

Mr. MIDDLESWORTH. My colleague has been called home in consequence of having some very important business to attend to; but I understand that he has paired off with Mr. J. GLANCY JONES, of Pennsylvania. I move that he be excused.

The motion was agreed to.

CLEMENT S. HILL.

Mr. GREENWOOD. Mr. Speaker, Mr. HILL has been confined for some time to his room. I understand, besides, that he has paired off with Mr. HARLAN, of Ohio. I move that he be excused.

The question was put; and the motion was agreed to.

J. GLANCY JONES.

Mr. WRIGHT, of Pennsylvania. Mr. Speaker, my colleague, Mr. JONES, has paired off with Mr. HIESTER, as has been already stated, on all questions appertaining to the Nebraska bill. I therefore move that he be excused.

The question was put; and the motion was agreed to.

JAMES J. LINDLEY.

This name was twice called, but there was no excuse offered.

FAYETTE McMULLIN.

Mr. LETCHER. Mr. Speaker, my colleague, Mr. McMULLIN, is absent from the city. He has paired off with some person; but I at present do not recollect who.

A MEMBER. With Mr. NICHOLS, of Ohio.

Mr. LETCHER. Yes; he has paired off with Mr. NICHOLS, of Ohio; and I therefore move that he be excused.

The question was put; and the motion was agreed to.

JOHN McQUEEN.

Mr. KEITT. Mr. Speaker, my colleague, Mr. McQUEEN is detained at home by indisposition in his family. I move that he be excused.

The question was put; and the motion was agreed to.

EDWIN B. MORGAN.

Mr. MATTESON. Mr. Speaker, my colleague, Mr. MORGAN, was called home by the death of his child. I move that he be excused.

The question was put; and the motion was agreed to.

GEORGE W. MORRISON.

Mr. KITTREDGE. Mr. Speaker, my colleague, Mr. MORRISON, has been called home by professional business. Having paired off on the Nebraska question with Mr. CHASTAIN, of Georgia, I move that he be excused.

The question was put; and the motion was agreed to.

MATTHIAS H. NICHOLS.

Mr. EDGERTON. Mr. Speaker, my colleague, Mr. NICHOLS, has been called home from sickness in his family. He has paired off on the Nebraska question with Mr. McMULLIN, of Virginia. I move that he be excused.

The question was put; and the motion was agreed to.

THOMAS RITCHEY.

Mr. GREEN. I would state, Mr. Speaker, that my colleague, Mr. RITCHEY, is absent from the city. I move that he be excused.

The question was put; and the motion was agreed to.

PAULUS POWELL.

Mr. BOCOCK. Mr. Speaker, my colleague, Mr. POWELL, has been called to Richmond, last evening, to assist my friend, Mr. CASKIE, in the family arrangement which I have spoken of. He is in favor of the Nebraska bill, and has paired off on all questions connected with it with Mr. MACE, of Indiana. I move that my colleague be excused.

The question was put; and the motion was agreed to.

BENJAMIN PRINGLE.

Mr. SAGE. Mr. Speaker, my colleague, Mr. PRINGLE, has been called home in consequence of a death in his family. I understand, however, that he has made arrangements with Mr. GREY, of Kentucky, to pair off on the Nebraska bill. I move that he be excused.

The question was put; and the motion was agreed to.

PETER ROWE.

Mr. TAYLOR, of New York. Mr. Speaker, I understand that my colleague, Mr. Rowe, is detained in the city of New York by important business, and that he will shortly resume his seat in the House. I move that he be excused.

The question was put; and the motion was agreed to.

WILSON SHANNON.

Mr. SAPP. Mr. Speaker, my colleague, Mr. SHANNON, has been called home on important business. I move that he be excused.

The question was put; and the motion was agreed to.

AUGUSTUS R. SOLLERS.

Mr. FRANKLIN. Mr. Speaker, my colleague, Mr. SOLLERS, has been detained from the sittings of this House for a long time by sickness. He is now at home. I move that he be excused.

The question was taken; and the motion was agreed to.

FREDERICK P. STANTON.

Mr. STANTON, of Kentucky. Mr. Speaker, my brother has been called home some few days ago by important private business. He expected to have been here to-day; but I presume he has been detained on the road. He has paired off with a gentleman from Illinois, Mr. YATES. I move that he be excused.

The question was put; and the motion was agreed to.

THEODORIC R. WESTBROOK.

Mr. DEAN. Mr. Speaker, my colleague, Mr. WESTBROOK, is detained at home by professional business. I move that he be excused.

The question was put; and the motion was agreed to.

RICHARD YATES.

Mr. WASHBURN, of Illinois. Mr. Speaker, I move that my colleague, Mr. YATES, be excused. He has been called home by important business for a few days. I understand he has paired off with Mr. STANTON, of Tennessee.

The question was put; and the motion was agreed to.

Mr. STEPHENS, of Georgia. As the names of the absentees have all been called over and disposed of, I move that all further proceedings under the call be dispensed with.

The question was put; and the motion was agreed to.

[A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had signed certain bills.]

The SPEAKER. The question recurs upon the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAMILTON. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MILLSON. I would inquire of the Chair if the consideration of the deficiency bill will not be the first business in order if the House resolve to go into committee?

[Cries of "Question!" "Question!"]

Mr. MILLSON. As I believe the deficiency bill will be the first in order, I shall vote to go into the Committee of the Whole.

Mr. CLINGMAN. I object to all debate.

The SPEAKER. Discussion is not in order, and the Clerk will call the roll.

The question was then taken; and there were—yeas 109, nays 88; as follows:

YEAS—Messrs. Abernethy, Aiken, James C. Allen, Willis Allen, Ashie, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boreock, Boyce, Breckinridge, Bridges, Brooks, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, John M. Elliott, English, Florence, Goode, Green, Greenwood, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Leicher, Lilly, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Milson, Noble, Oids, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Preston, Puryear, Ready, Reese, Richardson, Riddle, Robbins, Rogers, Ruffin, Seward, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Trout, Tweed, Vail, Van-sant, Walbridge, Walker, Walsh, Warren, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—109.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chamberlain, Chandler, Corwin, Crocker, Cullom, Curtis, Cutting, Thos. Davis, Dean, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flager, Franklin, Gamble, Giddings, Goodrich, Grow, Harrison, Haven, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kludred, Knox, Lindsay, Lyon, McCulloch, Macy, Matteson, Maurice, Mayall, Mencham, Middlesworth, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, David Ritchie, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Wheeler—88.

So the motion was agreed to.

COMMITTEE OF THE WHOLE.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

Mr. RICHARDSON. I move to lay aside bill No. 84, upon the Calendar, for the purpose of proceeding to subsequent business thereon.

Mr. CAMPBELL. Is it in order to have that bill read, that we may understand what it is? If so, I call for the reading of it.

The CHAIRMAN. The Clerk will read the bill.

The bill was then read by its title, as follows: A bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1855.

Mr. PHELPS. I suppose the question is, whether the committee will proceed to the consideration of that bill or not?

The CHAIRMAN. That is the question.

Mr. RICHARDSON. I move that that bill be laid aside.

Mr. WHEELER. I desire to ask the chairman of the Committee of Ways and Means [Mr. HOUSTON] if he desires to have that bill laid aside?

Mr. HOUSTON. I suppose the committee are willing to take one vote upon this matter of laying aside these bills, as a test of party strength on this Nebraska question.

[Cries of "No!" "No!"]

Mr. HOUSTON. I move that one vote be taken upon laying aside all bills upon the Calendar which stand before the Nebraska-Kansas bill.

[Cries of "Question!" "Question!"]

Mr. WHEELER. I call for the reading of the bill.

The CHAIRMAN. The bill has already been read by its title.

Mr. WHEELER. I desire to have the bill read through by sections.

The CHAIRMAN. The Chair would say to the gentleman that when a bill is under consideration, it is in order to call for its reading *in extenso*, but when a motion is pending to lay it aside, it can only be read by its title.

Mr. HAVEN. I rise to a question of order. If I remember correctly, when the House was last in Committee of the Whole, the committee had under consideration the deficiency bill. A resolution was adopted in the House, closing debate upon that bill, and thereby making it the duty of the committee to proceed to vote upon the amendments then pending, or such as might be afterwards offered to it.

The question of order is, that that business is first in order, and that we must now proceed to execute the order of the House upon the deficiency bill. I ask to have the order of the House read.

Mr. STEPHENS, of Georgia. Is the question of order debatable?

The CHAIRMAN. It is not.

Mr. STEPHENS. I only wish to say, in reply to the remarks of the gentleman from New York that the order to which he has referred only applies to the deficiency bill when we have it under consideration. The pending motion, as I understand it, is to postpone that bill. If we take it up, of course the order will apply; but it is not now before the House.

The CHAIRMAN. The Chair would state that he supposes that, under the practice of the House, the first motion would be to lay aside the deficiency bill, as that was the bill under consideration when the House was last in Committee of the Whole.

Mr. RICHARDSON. I make that motion.

Mr. HAVEN. My question of order is, that the business last under consideration in the committee should first be taken up.

The CHAIRMAN. The gentleman from New York raises the question of order, that inasmuch as debate had been closed by an order of the House upon the deficiency bill, that bill must be first considered, and cannot be laid aside.

Mr. RICHARDSON. I desire to call the attention of the Chair and of the committee that No. 48 is the deficiency bill.

Several MEMBERS. Oh, no.

The CHAIRMAN. No. 48 upon the Calendar is the bill known as the civil and diplomatic bill.

Mr. RICHARDSON. Then I was mistaken. I intended to move to lay aside the deficiency bill.

Mr. HAVEN. Do I understand the Chair as sustaining my point of order?

The CHAIRMAN. No, sir. The Chair will give his decision. The Chair decides that the resolution of the House closing debate upon the deficiency bill applies to that bill when it is up for consideration in the committee. If that bill were under consideration, the point made by the gentleman from New York would hold good. It would then be the duty of the committee to proceed to vote upon the amendments, and report it to the House, as the resolution directs; but the question is upon taking up that bill. That is the decision of the Chair. Does the gentleman from New York take an appeal?

Mr. HAVEN. I wish to say—

The CHAIRMAN. Debate is not in order.

Mr. HAVEN. I know debate is not in order, and I do not wish to say anything to which the friends of the Nebraska bill would object. I merely wish to say that I believe it is the wish of the committee to decide this question by a vote, and I therefore respectfully take an appeal from the decision of the Chair.

The CHAIRMAN. The question then is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CAMPBELL. Upon that question I demand tellers.

Mr. HAVEN. If it is in order, I would like to hear the resolution closing debate upon the deficiency bill read.

The Clerk read the resolution, as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on the bill of the House (No. 271) to supply deficiencies in the appropriations for the service of the fiscal year ending 30th of June, 1854, shall cease at two o'clock p. m., on Tuesday next, (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

Mr. HIBBARD. In connection with that resolution I ask for the reading of the 135th rule.

The 135th rule was read by the Clerk, and is as follows:

"135. In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them."

Mr. MACE. I have a motion to submit concerning priority of business.

Mr. HIBBARD. The motion is not debatable.

Mr. MACE. I know it is not debatable; but I wish to submit a motion concerning priority of business, which it is in order for me to do.

The CHAIRMAN. The Chair will hear the gentleman's motion as soon as the appeal is taken.

Mr. MACE. But it is in connection with the appeal that I wish to make my motion. It is important that it should be made before the appeal is decided.

The CHAIRMAN. The question first in order is the decision of the question of order.

Mr. MACE. I submit that the deficiency bill has priority over all other business in its consideration.

The CHAIRMAN. The Chair has decided that the deficiency bill is the first in order. The gentleman from Illinois, however, moves to lay it aside, and the Chair decides that the motion is in order. From this decision the gentleman from

New York has taken an appeal, which appeal the Chair again decides must be first decided.

Mr. JONES, of Tennessee. There is one question which, I think, must take precedence of all these questions. I submit that, according to the rule of the House, when the House goes into the Committee of the Whole on the state of the Union, the bills must be called upon the Calendar, commencing with the first bill on the list. There is no unfinished business in committee.

Mr. CLINGMAN. But it has been otherwise decided on former occasions.

[Cries of "Question!"]

Mr. DISNEY obtained the floor.

Mr. CLINGMAN. I object, Mr. Chairman; I object to all discussion.

Mr. DISNEY. I wish merely to have the rule which I hold in my hand read at the Clerk's desk. Mr. CLINGMAN. I wish the Chair to understand that I object. It is a mode of discussion.

The CHAIRMAN. The rule cannot be read, as the gentleman from North Carolina persists in his objection.

Tellers were ordered on the appeal; and Messrs. VAIL and CHURCHWELL were appointed.

The question was then taken on the question, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative; the tellers having reported—ayes 100, noes 88.

So the decision of the Chair was sustained.

The question recurred on the motion to lay aside the deficiency bill.

Mr. CAMPBELL. I demand tellers.

Tellers were ordered; and Messrs. CAMPBELL and BOCK were appointed.

The question was taken; and the tellers reported—ayes 103, noes 82.

So the deficiency bill was laid aside.

House bill No. 48 was then read by its title, as follows:

A bill making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1855.

Mr. RICHARDSON. I move to lay aside bill No. 48.

Mr. WHEELER demanded tellers; which were ordered; and Messrs. WHEELER and HAMILTON were appointed.

The question was then taken, and the tellers reported—ayes 103, noes 56.

So the bill was laid aside.

Mr. CAMPBELL. I move that the committee now rise, as I think we have done a pretty good day's work. [Laughter.]

Mr. WHEELER demanded tellers upon that motion; which were ordered; and Messrs. SAPP and PHILLIPS were appointed.

The question was then taken; and the tellers reported—ayes 63, noes 96.

So the committee refused to rise.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The Clerk read the title of House bill No. 95, being a bill making appropriations for the support of the Army for the fiscal year ending 30th June, 1855.

Mr. RICHARDSON. I move to lay the bill aside.

Mr. HUGHES. I rise to a question of order. The CHAIRMAN. The gentleman from New York will state his question of order.

Mr. HUGHES. It is, that there having been no objection to the consideration of this bill, the motion to lay it aside is not in order.

The CHAIRMAN. The Chair overrules the question of order.

Mr. HUGHES. By the rules of the House, a motion to lay aside a bill is not in order unless objection be made.

The CHAIRMAN. The Chair holds that the motion to lay aside is in itself an objection.

Mr. TAYLOR, of Ohio. I would inquire of the Chair, if the question upon the motion to lay aside the civil and diplomatic appropriation bill has been stated and taken?

The CHAIRMAN. That vote has been taken. Mr. WASHBURN, of Maine. I ask for tellers upon the pending motion.

Tellers were ordered; and Messrs. CHANDLER and PACKER were appointed.

The question was then taken; and the tellers reported—ayes 97, noes 24.

So the bill was laid aside.

The next bill on the Calendar was then reported, as follows:

A bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise during the fiscal year ending the 30th of June, 1855.

Mr. RICHARDSON. I move to lay that bill aside.

Many Voices. Tellers.

Mr. CUTTING. I hope not. I hope that no more time of the House will be consumed in taking questions by tellers. There appears to be a decided and clear majority in favor of laying aside these bills.

Mr. EDGERTON. I call the gentleman to order.

Mr. FARLEY. I call for tellers. Tellers were ordered; and Messrs. LANE, of Indiana, and SKELTON were appointed.

The question was taken; and the tellers reported—ayes 101, noes 21.

So the bill was laid aside.

The next bill in order was House bill (No. 97) making appropriations for the naval service for the year ending 30th June, 1855.

Mr. RICHARDSON. I move to lay aside that bill.

Mr. TAYLOR, of Ohio. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. GREEN and GOODRICH were appointed.

The question was then taken; and it was decided in the affirmative; the tellers having reported—ayes 98, noes 21.

So the bill was laid aside.

The CHAIRMAN. The Clerk will report the title of the next bill on the Calendar.

The Clerk read the title of the bill, as follows:

H. R. No. 8. A bill to repeal the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850.

Mr. HAVEN. Mr. Chairman, I do not know but what I am undertaking to say that which I ought not to; but, in my opinion, the committee had better, by unanimous consent, for such evidently is the design of the majority, lay aside all of the bills on the Calendar, before the one in reference to the Territories of Nebraska and Kansas.

[Cries of "I object!" "Let us do it!" "Time will be saved!" &c.]

Mr. HAVEN. I am as much opposed to the Nebraska-Kansas bill as any gentleman on this floor; but it is evidently the design of the committee to lay aside all the bills on the Calendar before it, and we had better let it be done immediately and save time.

The CHAIRMAN. Objection has been made.

Mr. RICHARDSON. I move to lay aside the bill which has just been reported.

Mr. EDGERTON. I demand tellers on that motion.

Tellers were ordered; and Messrs. PARKER, of Indiana, and SEWARD, were appointed.

The question was then put; and the tellers reported—ayes 101, noes 22.

So the bill was laid aside.

The bill next in order on the Calendar was House bill (No. 9) "for the relief of the purchasers and locators of swamp and overflowed lands."

Mr. RICHARDSON. I move that the bill be laid aside.

Mr. FARLEY on that motion I demand tellers. Tellers were ordered; and Messrs. RITCHIE, of Pennsylvania, and KERR, were appointed.

Mr. CAMPBELL. I wish to inquire whether a vote has been taken on setting aside the French spoliation bill?

The CHAIRMAN. It has not. We are acting on the bills *seriatim*, and we have not yet come to the French spoliation bill.

The question was then taken; and the tellers reported—ayes 99, noes 19.

So the bill was laid aside.

House bill No. 116 was then read by its title, as follows:

A bill making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855.

Mr. RICHARDSON. I move to lay aside this bill.

Mr. EDGERTON demanded tellers; which were not ordered.

The question was then taken upon Mr. RICHARDSON's motion; and it was decided in the affirmative.

So the bill was laid aside.

House bill (No. 117) was then read by its title, as follows:

A bill to provide for the ascertainment and satisfaction of the claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801.

Mr. RICHARDSON. I move to lay aside this bill.

Mr. WASHBURN, of Maine, demanded tellers. Mr. MATTESON. I move that the committee rise.

Tellers were demanded and ordered upon Mr. MATTESON's motion; and Messrs. PRATT and WALSH were appointed.

The question was taken; and the tellers reported—ayes 45, noes 93.

So the committee refused to rise.

The CHAIRMAN. The question is now on the motion of the gentleman from Illinois, [Mr. RICHARDSON,] to lay aside the French spoliation bill.

Mr. MATTESON. And on that I ask for tellers.

Tellers were ordered; and Messrs. SAPP and FLORENCE were appointed such tellers.

The question was then taken; and the tellers reported—ayes 99, noes 32.

So the bill was laid aside.

The next bill in order upon the Calendar was then reported, as follows:

H. R. No. 132. A bill to reduce and graduate the price of the public lands.

Mr. RICHARDSON. I move to lay aside that bill.

Mr. EDGERTON. I demand tellers upon the motion.

Tellers were ordered; and Messrs. DAWSON, and JONES, of New York, were appointed.

The question was then taken; and the tellers reported—ayes 102, noes 16.

So the bill was laid aside.

The next bill in order was House bill No. 172, to promote the efficiency of the Army by retiring disabled officers.

Mr. RICHARDSON. I move to lay aside that bill.

Mr. EDGERTON. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. TAYLOR, of Ohio, and LILLY were appointed.

The question was taken; and the tellers reported—ayes 94, noes 24.

So the bill was laid aside.

The title of the next bill on the Calendar for consideration was then read, as follows:

H. R. No. 34. A bill granting the right of way and a donation of land to the State of Alabama, in aid of the construction of the Coosa and Tennessee river railroad, in said State, leading from Gadsden to the Tennessee river, at or near Gunter's Landing.

Mr. RICHARDSON. I move that that bill be laid aside.

Mr. STUART, of Ohio. I demand tellers. Tellers were ordered; and Messrs. WASHBURN, of Illinois, and BRIDGES were appointed.

The question was then taken; and it was decided in the affirmative, the tellers having reported—ayes 100, noes 18.

So the bill was laid aside.

The bill next in order on the Calendar was House bill (No. 186) further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," approved March 3, 1851.

Mr. RICHARDSON. I move that that bill be laid aside.

Mr. EDGERTON. I demand tellers on that motion.

Tellers were not ordered, only twenty-one members rising.

Joint resolution (No. 12) "to provide for the continuance of the work on the Washington aqueduct" was next in order on the Calendar.

Mr. RICHARDSON. I move that that joint resolution be laid aside.

Mr. JONES, of Tennessee. Is it in order to move to amend the motion of the gentleman from

Illinois, by adding, "and the next one," so as to lay two aside at once?

The CHAIRMAN. The Chair supposes that the bills must be laid aside *seriatim*, under the rules of the House.

Mr. EDGERTON. I ask for tellers on the motion of the gentleman from Illinois, [Mr. RICHARDSON.]

Tellers were ordered; and Messrs. ROBBINS, and STUART, of Ohio, were appointed.

The question was then taken; and the tellers reported—ayes 96, noes 27.

So the bill was laid aside.

Senate resolution No. 4 was then read by its title, as follows: "Resolution authorizing the President of the United States to confer the title of lieutenant general by brevet for eminent services."

Mr. RICHARDSON. I move to lay aside this joint resolution.

Mr. SAGE demanded tellers; which were ordered; and Messrs. INGERSOLL and HOWE were appointed.

The question was then taken, and the tellers reported—ayes 99, noes 47.

So the bill was laid aside.

The Clerk reported the next bill on the Calendar, which was House bill No. 138, extending the provisions of the pension and bounty land laws now in force, so as to include surgeons who served in the Mexican war under contract with commandants of regiments.

Mr. RICHARDSON. I move to lay the bill aside.

Several MEMBERS. Tellers.

Tellers were ordered; and Messrs. RIDDLE and WADE were appointed such tellers.

The question was taken; and the tellers reported—ayes 97, noes 22.

So the bill was laid aside.

The next bill in order upon the Calendar was then reported, as follows:

H. R. No. 43. A bill in relation to invalid pensions.

Mr. RICHARDSON. I move to lay that bill aside.

Mr. EDGERTON. I demand tellers upon the motion.

Tellers were ordered; and Messrs. HOUSTON and MIDDLESWORTH appointed.

The question was then taken; and the tellers reported—ayes 94, noes 30.

So the bill was laid aside.

House bill No. 111 coming up next in order for consideration, was read by its title, as follows:

A bill to amend the third section of an act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

Mr. RICHARDSON. I move to lay aside the bill.

Mr. TAYLOR, of Ohio. Upon that motion I demand tellers.

Tellers were not ordered, only twenty members voting therefor.

The question was taken; and the bill was laid aside.

NEBRASKA-KANSAS BILL.

House bill No. 236 coming up next in order upon the Calendar for consideration, was read by its title, as follows:

A bill to organize the Territories of Nebraska and Kansas.

Mr. WASHBURN, of Maine. I move to lay aside that bill. [Laughter.]

Mr. RICHARDSON. I move to take up that bill.

Mr. CAMPBELL. Was there not a motion made to lay the bill aside? If there was not, I make that motion. Now that we have gone thus far, I want to get at the Simon pure of the Senate. I move to lay aside that bill; and upon the motion I demand tellers.

The CHAIRMAN. The motion of the gentleman from Ohio is in order.

Mr. ORR. It is equally in order to move to lay aside and to take up the bill. I submit that the motion of the gentleman from Illinois was first made, and that the question must be first taken upon it.

The CHAIRMAN. The Chair has thus far entertained the motion to lay aside, and he will adhere to the same course in this case.

Mr. RICHARDSON. I have not the slightest objection to the motion of the gentleman from Ohio. Its effect will be the same as mine.

Tellers were ordered; and Messrs. BRACKINRIDGE, and SMITH of New York, were appointed.

The question was then taken, and the tellers reported—ayes 85, noes 105.

So the motion was disagreed to.

The CHAIRMAN. The bill is now before the committee for consideration.

Mr. RICHARDSON. I now propose the bill which I hold in my hand as a substitute for the one before the committee.

Mr. TAYLOR, of Ohio. Is it in order to have the bill read?

The CHAIRMAN. It is in order to have the bill read. If the gentleman calls for its reading, it will be read.

Mr. JONES, of Tennessee. It is a very long bill, and will occupy much time in its reading. I would suggest that it be read by sections for amendment.

Mr. RICHARDSON. I am on the floor.

The CHAIRMAN. The Chair is of opinion that the rule is such, that if it be called for, the bill must be read.

Mr. TAYLOR. I withdraw the call for the reading of the bill.

Mr. RICHARDSON. With the permission of the committee, I would now briefly state the reasons inducing me to offer the amendment which I have submitted. I do not design to go further, at this time, than to explain as briefly as I can the character of the substitute which I propose. There are very many things, Mr. Chairman, to which I should like to reply. There are very many arguments that have been used by gentlemen who are opposed to this bill, the fallacy of which I could very readily expose. I do not propose, however, to do so now. The reason why I do not propose to do so, is that I do not desire to occupy the time of the committee. I desire that those friends of the measure who are anxious to be heard shall be heard, and when they are ready to vote upon this question—

Mr. COBB. Its enemies too.

Mr. RICHARDSON. Its enemies, too, though they have been heard pretty extensively already.

Mr. COBB. Oh, give every one a fair chance.

Mr. RICHARDSON. When they shall have had an opportunity to discuss the measure, I have no doubt it will be their desire, at a very early day, to bring this question to a vote.

The substitute which I propose, Mr. Chairman, is substantially the Senate bill with one material exception; it leaves the CLAYTON amendment out. The other amendments are utterly immaterial; they are merely verbal amendments. My substitute changes the bill in no material respect, except in that to which I have referred.

The committee will excuse me if I forbear at this time to enter into the varied field of discussion to which this bill has led in this House, and at the other end of the Capitol. I do not desire to discuss the bill. I desire that other members, who are more anxious to discuss it than I am, shall do so. I submit the substitute with this brief explanation; and I have now said all I desire to say.

Mr. HIBBARD. I ask the unanimous consent of the committee to dispense with the reading of the amendment.

Mr. WASHBURN, of Maine. Oh, no; we want to hear it.

Mr. HIBBARD. My reason for asking to dispense with the reading of the amendment is, that I desire to address the committee in favor of the substitute.

The CHAIRMAN. Is it the pleasure of the committee to dispense with the reading?

[Cries of "No!" "No!" "No!"]

Mr. HIBBARD. I suppose that, if any one member asks for the reading of the substitute, it must be read.

Mr. JONES, of Tennessee. If the gentleman from New Hampshire would suggest that, when the committee rise, the House can order the amendment to be printed, I suppose the reading of it would not be insisted on.

Mr. HIBBARD. I will do that, in lieu of moving to dispense with the reading of the substitute.

Mr. JONES, of Tennessee. When we get into the House, we can then order the amendment offered by the gentleman from Illinois to be printed.

The CHAIRMAN. Is it the pleasure of the committee to dispense with the reading of the bill?

Mr. TAYLOR, of Ohio. I ask the Chair if we dispense with the reading of the proposition submitted by the gentleman from Illinois, [Mr. RICHARDSON,] whether we shall thereby waive the right of offering amendments to it?

The CHAIRMAN. Not at all; it will still be open for amendments.

Mr. WENTWORTH, of Illinois. I understand the gentleman from New Hampshire [Mr. HIBBARD] wishes to address the committee. If that is his desire, I am sure that no one of the enemies of the bill will throw any obstacle in his way. I hope he may be now allowed to proceed with his remarks.

Mr. HIBBARD rose and addressed the Committee in favor of the Nebraska and Kansas bill. A report of his speech will be found in the Appendix.

Mr. H. having concluded—

The floor was awarded to Mr. LYON, who addressed the Committee in opposition to the bill. His speech will be found in the Appendix.

Mr. INGERSOLL here obtained the floor.

A MEMBER. Will the gentleman from Connecticut yield for a motion that the committee rise. [Cries of "Go on!" "Go on!"]

Mr. INGERSOLL. If the committee desire, I am ready to go on now.

Mr. MAXWELL. I move that the committee rise.

Mr. HUGHES. I call for tellers upon that motion.

Tellers were ordered; and Messrs. PHILLIPS and NORTON appointed.

The question was taken; and the tellers reported—ayes 61, a further count not being demanded.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. OLDS) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 236) to organize the Territories of Nebraska and Kansas, and had come to no resolution thereon.

Mr. McNAIR. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I would suggest to the gentleman from Pennsylvania that it was the understanding in committee, that when we came into the House we were to order this substitute to the Nebraska bill printed. It was with that understanding that its reading was dispensed with.

Mr. McNAIR. I withdraw the motion for that purpose.

The SPEAKER. The printing will be ordered, unless objection be made.

Mr. WALSH. I object.

Mr. JONES. It is in order to move to suspend the rules, is it not?

The SPEAKER. It is in order.

Mr. JONES. I move that the rules be suspended for that purpose. I would also remark to the House that the Doorkeeper informs me that the original Senate bill which was ordered to be printed, one copy for each member, has been distributed to the members upon their order, so that there are no copies left. I would suggest that this bill be ordered to be again printed for the use of the House.

The question was taken upon the motion to suspend the rules; and, upon a division, there were—ayes 79, noes 1; no quorum voting.

Mr. DEAN. I move that the House do now adjourn.

Mr. CRAIGE. I move that when the House adjourns to-day, it be to meet to-morrow, at ten o'clock, a. m.

Mr. HOUSTON. Compromise, and move that when the House adjourns it be to meet to-morrow, at eleven o'clock, a. m.

Mr. WHEELER. There is no quorum present, and the motions submitted by gentlemen, other than the one to adjourn, are not in order.

The SPEAKER. The motion of the gentleman from North Carolina, no quorum being present, cannot be put or carried.

Mr. HOUSTON. I would inquire of the Chair whether it would be in order for me to make a

motion affecting the subject of the hour at which we are to meet, to be considered to-morrow? I do not want to do anything which may be disagreeable to the House; but there are many gentlemen who desire to speak on the Nebraska-Kansas bill. That all may have an opportunity, we might meet earlier in the morning, or have night sessions. I do not want the order to extend beyond this week, or while we are occupied in the disposition of this subject.

Mr. DEAN. I have moved that the House do now adjourn, and insist on the question being put to the House.

The question was taken; and the motion was carried.

Thereupon the House adjourned (at four and a half o'clock, p. m.) till to-morrow, at twelve, m.

IN SENATE.

TUESDAY, May 9, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasurer of the United States, transmitting copies of his account of receipts and disbursements for the Post Office Department for the year ending 30th June, 1853; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

Mr. BRIGHT presented two petitions of citizens of Madison, Indiana, praying the establishment of a port of entry at that place; which were referred to the Committee on Commerce.

Mr. SUMNER presented resolutions passed at a meeting of the students of Wilbraham Academy, Massachusetts, remonstrating against the repeal of the Missouri compromise; which were ordered to lie on the table.

Also, resolutions of the Legislature of Massachusetts, in favor of the establishment by the United States, of floating schools for the purpose of educating youth in the rudiments of navigation and seamanship; which were referred to the Committee on Commerce, and ordered to be printed.

Also, the memorial of George Washington Greene, of Rhode Island, in which he states that he is in possession of valuable documents belonging to his late ancestor, Major General Greene, and praying the aid of Congress in the publication of them; which was referred to the Committee on the Library.

Mr. JONES, of Tennessee, presented the petition of H. S. Sanford, late chargé d'affaires at Paris, praying to be allowed the difference between his pay as secretary of legation and chargé d'affaires, during the time he acted as such, and the reimbursement of the amount paid for clerk hire in said legation; which was referred to the Committee on Foreign Relations.

Mr. FISH presented the memorial of Townsend Glover, Darius Claggett, and others, praying Congress to make an appropriation to purchase Glover's collection of artificial fruits, now on exhibition at the United States Patent Office; which was referred to the Committee on Agriculture.

Mr. WADE presented the memorial of Robert C. Schenck, of Ohio, praying an appropriation for the compensation of his services as Envoy Extraordinary and Minister Plenipotentiary on special missions to the Argentine Confederation and to the Oriental Republic of Uruguay, in the years 1852-'53; which was referred to the Committee on Foreign Relations.

Mr. PRATT presented a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to secure to citizens of the United States of every religious creed, while residing or traveling abroad, the rights of religious worship; which was referred to the Committee on Foreign Relations.

Also, resolutions of the Mayor and City Council of Baltimore, in favor of an appropriation for the construction of Fort Carroll, near Baltimore; which were referred to the Committee on Military Affairs.

Mr. CHASE presented a memorial signed by eight hundred and fifty-five citizens of New York, praying the rejection of the bill for the organization of the Territories of Nebraska and Kansas; which was ordered to lie on the table.

Also, twenty-three memorials from citizens of Ohio, and other States in the Union, against the repeal of the Missouri compromise; which were ordered to lie on the table.

Mr. CASS presented the memorial of the delegates and representatives of that portion of the Stockbridge tribe of Indians known as the "Indian party," residing in Wisconsin, praying that they may be permitted to remain in their present homes, and that Congress will make an appropriation to defray the expenses of their delegation while visiting the seat of Government on business of the tribe; which was referred to the Committee on Indian Affairs.

Also, a petition of the Lutheran Synod of Missouri, Ohio, and other States, praying that a quarter section of land may be granted to the head of every family of the Chippewa Indians, residing in Michigan, and an appropriation for the support of schools among those Indians; which was referred to the Committee on Indian Affairs.

Also, two petitions of citizens of Harrisburg and Aaronsburg, Pennsylvania, praying that measures may be taken to secure to American citizens residing or traveling abroad, the rights of conscience and religious worship; which were referred to the Committee on Foreign Relations.

Mr. HUNTER presented additional documents in relation to the petition of Caty White, widow of Doctor William White; which were referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

A bill for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufala;

Bill for the relief of Fayette Mauzy and Robert G. Ward; and

Bill for the relief of the heirs of Anthony G. Willis, deceased.

The PRESIDENT *pro tempore* signed the above named bills.

RECOMMITTAL OF PETITION, ETC.

On motion by Mr. HUNTER, it was Ordered, That the adverse report of the Committee on Pensions, on the petition of Caty White, be recommitted, together with her petition, to the Committee on Pensions.

REPORT FROM A STANDING COMMITTEE.

Mr. CLAY, from the Committee on Pensions, to whom was referred the petition of John T. Hildreth, praying that the widow of John Hildreth, a soldier in the last war with Great Britain, may be allowed a pension, submitted an adverse report thereon; which was ordered to be printed.

NOTICE OF A BILL.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill entitled "An act to amend an act entitled 'An act for the relief of the inhabitants of the reserved township in Gibson county, in the State of Indiana,'" approved August 11, 1842.

EUROPEAN PENAL CODES.

Mr. JONES, of Tennessee, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State furnish the Senate with a communication from H. S. Sanford, late chargé d'affaires at Paris, on the different systems of penal codes in Europe; and also a report on the administration changes in France since the revolution of 1848.

REPORT OF LIEUTENANT S. P. LEE.

Mr. JOHNSON, from the Committee on Printing, to whom the subject was referred, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That two thousand extra copies of the report of the cruise of the "Dolphin," under command of Lieutenant S. P. Lee, be printed, and that the Navy Department be furnished with one thousand of the same.

PERSONAL EXPLANATION.

Mr. DOUGLAS. I rise, Mr. President, for the purpose of saying a single word in explanation. I stated yesterday that the Rev. Mr. Richardson, from whose sermon I then quoted, was a Connecticut man, as I believed. I have received a note to-day, from a member of his congregation, who happens to be in the city, stating that he is a Kentuckian, and not from Connecticut. He says Dr.

Richardson came from Kentucky to him with a letter of introduction from an eminent Kentuckian, that he was present and heard that sermon delivered, and left the church because of its delivery on the Sabbath day. I make this correction by the authority of one of Mr. Richardson's congregation.

Mr. TOUCEY. I am very glad the Senator has made the correction.

DAVID MYERLE.

Mr. GWIN. I move that the Senate take up for consideration the bill for the relief of David Myerle. It was objected to on Friday last by a single Senator, and was passed over.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

This case has been eight years before Congress, and has several times passed the House of Representatives, and been favorably reported on in the Senate. It appears that, previous to the year 1840, the memorialist had been long and extensively engaged in the manufacture of cordage; and was possessed of much useful knowledge on the subject of the growth, preparation, and manufacture of hemp. It had long been considered an object of the highest national importance, and as vitally essential to our true independence of other nations for one of the most important elements of national defense, to introduce and establish the practicability and safety of the process of water-rotting hemp in the hemp-growing regions of the United States, for the supply of its Navy and commercial marine.

It is claimed that Mr. Paulding, then Secretary of the Navy, urged the memorialist to abandon the business in which he was engaged, and to enter upon the experiment of water-rotting hemp. The patronage of the Government was tendered to him, with the most liberal promises of encouragement and indemnity against loss, and if successful, of the most generous reward from the Government. He embarked in the business, and hence his claim against the Government.

The PRESIDENT. There is an amendment pending to this bill, and the question is on that amendment, to strike out "\$30,000," and insert "\$10,000."

Mr. GWIN. Who was it moved by?

The PRESIDENT. The Senator from South Carolina, [Mr. EVANS,] who is now absent.

Mr. CHASE. I do not see the Senator from South Carolina in his place. Probably he wishes to address the Senate on the subject, or, at all events, desires to be present when the bill is taken up and acted upon. It seems to me the usual courtesy requires it to be postponed until he shall be present. A majority can take it up at any time.

Mr. GWIN. I am not aware that the Senator desired to discuss the bill. It has been before Congress for a long time. I hope the bill will be disposed of now, one way or the other. I have not a word to say about it. I think the reading of the report will show clearly the equity of the claim.

Mr. DAWSON. The Senator from South Carolina, [Mr. EVANS,] on Friday, consented that the bill might be taken up, if he could be heard on his amendment.

Mr. BADGER. Oh, no.

Mr. TOOMBS. Yes, sir; I so understood him.

Mr. BADGER. He said he would agree to take up the bill on condition that the Senate should adopt his amendment.

Mr. DAWSON. That amendment was to reduce the amount from \$30,000 to \$10,000. That Senator is not now in his seat; of course he did not expect that the question would come up this morning. I hope my friend from California will consent to wait until, at least, he can be heard upon that amendment.

Mr. GWIN. This question has been before Congress for many years. The bill has been reported from the Committee on Naval Affairs, and is well understood, I presume, by the members of this body. I think we can take the vote on the proposition. There are others opposed to the claim besides the Senator from South Carolina; and we can take the vote in his absence. If the Senate agree to the amendment, and pass the bill in that form, I shall not object. I am against the amendment, but I wish to have it acted upon.

Mr. DAWSON. It is a mere matter of courtesy on which I appeal to my friend from California.

I may be with him upon the bill; but if he were out of his seat, and it were proposed to take up a bill on which he wished to be heard, I should make the same point that I now do as a matter of courtesy.

Mr. GWIN. I did not understand the Senator from South Carolina as exactly proposing his amendment; certainly not as wishing to be heard upon it. He agreed that, if \$30,000 should be stricken out, and \$10,000 inserted, the bill might pass without opposition from him. On that day, any one Senator could have a private bill postponed.

Mr. BADGER. I hope this bill will not be postponed. The Senate has been conversant with this measure for a number of years. It has, at different times, passed both Houses of Congress. It is perfectly understood. I understand the question raised by the honorable Senator from South Carolina was merely as to the amount to be paid. Upon that question the Senate is perfectly competent to decide at the present time. At any rate, I see that the honorable gentleman is now in his seat.

Mr. BAYARD. I have no recollection of the particular facts connected with this claim. I believe, however, that it is a gratuity throughout. But I do recollect that at the last session of 1852, the claim was opposed by the honorable Senator then representing the State of Kentucky, [Mr. Underwood,] in an argument, which made the impression on my mind at the time, that the bill ought not to pass. I know further that a very distinguished Representative from Kentucky, in which State I believe the claimant lives, stated to me that the claim was utterly baseless. Under these circumstances I should like to have the report read. I will state further that I can conceive of no possible ground on which, in giving a gratuity to a party—for this is certainly a gratuity—you are to allow him interest upon it, which this bill contemplates. If the bill is now to be put to the vote of the Senate, I ask that the report may be read.

The report of the Committee on Naval Affairs was accordingly read.

Mr. BAYARD. I move to postpone the consideration of this bill until Friday next, or I am willing to say to-morrow, or any day which will suit the convenience of the Senate. I wish to have an opportunity to look at the remarks of the honorable Senator from Kentucky, [Mr. Underwood,] in opposition to this bill. I have now a very indistinct impression of them; but I know that at the time they were made, they satisfied me that the claim was not a just one. I can see on the face of the report—without reference to the magniloquent language employed in some portions of it, evidently delusive in its character—enough to satisfy me that this bill is dangerous as a precedent. If, however, I can find nothing in the remarks made by the late Senator from Kentucky to justify opposition to the bill, I shall probably make none.

As it now stands, the bill seems to me to be based upon a false principle. In reference to your tariff policy you have decided that you will not grant even indirect protection by levying duties with a view to protection; yet here we are asked to give a specific bounty to an individual for entering into a particular business, and that, too, when he did not comply with the very terms of the contract which he entered into. He did not fulfill the requisites specified in that contract, and yet you are literally asked to give him a specific bounty for having introduced a certain business into this country. That business, of water-rotting hemp, is no more important, I suppose, than the manufacture of iron; yet, within the last few weeks, I have seen a proposition made to take off entirely, all duties on railroad iron, although there are millions of dollars invested in its manufacture, under the faith of your laws, and that interest, certainly, is quite as extensive as any benefits which could be conferred by the action of this individual.

You are to grant bounties, in one case, to an individual for a particular species of manufacture, and in another case you are to depart from your revenue system, to destroy the entire protection afforded to a great interest in the country, quite as important in itself. This seems to me to be hardly a consistency in legislation; I mean a consistency with any known principle. I would rather, how-

ever, take time to look into the objections made to this bill in 1852 by the honorable Senator from Kentucky.

I may state further that a distinguished Representative of Kentucky, in the other House, told me that the bill was baseless, as regards any right on the part of the claimant, that he was a man without property at the time he entered into this business, and that there was no business, no capital abandoned by him in order to enter into it. Supposing him to have had industry and skill, if he failed to comply with his contract, of course he was not entitled to call upon the government to remunerate him. Then as regards the contract made by the Secretary of the Navy with this individual, I look upon it as directly in the face of your laws, and contrary to all principle. He entered into a contract with an individual, not with a view to obtain the articles which that contract specified should be obtained, but under some exaggerated notion on his part, that he would assume the province of legislation, and undertake to encourage the growth of a particular article, by entering into a contract for that purpose, outside the terms of the general law. I think that this principle is too monstrous to be countenanced by congressional legislation at all. Still that is the substance of the contract made by Mr. Paulding, according to the report.

He was authorized, as Secretary of the Navy, to enter into contracts for the supply of the Navy with cordage. He did not enter into contracts with a view to obtain the supply necessary for the Navy, but he made a contract with this individual with the view, under his notions, of introducing into the country a particular species of manufacture. Do you mean to confide to your Executive Departments any such authority as that? Even suppose his judgment to be right, if you set the precedent in this case, you will have other Secretaries following the same example, and you will have brought upon you, in one case after another, this difficulty.

Every experimentalist who chooses to go to a Secretary of War or of the Navy, and obtain his favorable ear, and enter into contracts, not for articles wanted for the purpose of the public service, but with the view of introducing some beneficial business into the country, by giving extraordinary compensation, will be allowed to do so. This seems to me to be a sufficient objection to the bill in itself. I would rather, however, as I have said, look into the subject. I move, therefore, that its further consideration be postponed until Friday next, or to any other day that the Senate may choose.

Mr. EVANS. On Friday last, when this bill was taken up, I objected to its consideration. I was satisfied that the claim ought not to be paid. I should probably have known nothing of it, but that the memorialist sent me an argument on the subject. I read it, and read the evidence, so far as it was furnished to me, and the result was that the evidence did not satisfy me of the truth of the propositions on which the claim rests.

The claim rests first, upon the allegation that by way of patronizing this process of rotting American hemp, Mr. Paulding, the then Secretary of the Navy, had entered into certain agreements with the claimant. Now, I have no doubt that Mr. Paulding went so far as to enter into an agreement with him and patronize his hemp, so far as to buy hemp of him, and make a contract for two hundred tons directly, and a prospective contract for five hundred more. So far I have no doubt the contract went; but that Mr. Paulding intended to commit this Government to do what he had no right to do—to give premiums to encourage the process—I do not believe. I see no evidence of it.

The next proposition is, that when the hemp was sent to Boston, it was improperly rejected. I have seen nothing to show the truth of that; and I will not assume that the officers of the Government improperly rejected the man's hemp, when it ought to have been received. After Mr. Paulding went out of office, how did it happen with his successor? Application should have been made to the successor to have the thing corrected. Why was it delayed? If the man had a legitimate claim, he should have applied to the proper officer of the Government, when his claim was rejected—he should have applied to the Secretary of the Navy immediately to have the affair understood. I am not prepared to say that the claimant ought not to have something, but I think we are giving

rather too high a premium for what I consider a doubtful claim.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) The question is on postponing the further consideration of the bill until Friday next.

Mr. BADGER. I hope that the bill will not be postponed. It has been before the Senate ever since I have been a member of the body, and it has passed, at different times, both Houses of Congress. I once had occasion to examine it, and I examined it thoroughly, and I am satisfied that it is a just and honest demand upon this Government, and that we cannot refuse to pay it without doing injustice to this man, who has been ruined in the manner set forth in the report of the committee.

When the subject was under consideration a few years ago, a brief explanation of it was made by my friend, Mr. Berrien, then a Senator from Georgia, which was so clear in statement and so conclusive in argument, that I am persuaded, if it had been reported and preserved as it ought to have been, it would have removed every shadow of doubt from the mind of every Senator.

Mr. BAYARD. Is it not reported?

Mr. BADGER. I have looked for it, and cannot find it. I have looked through the Register of Debates, but without success. Now, sir, justice delayed is as injurious and unjustifiable as justice denied. Let us ascertain, now, what is the judgment of the Senate upon the measure. My opinion is, that we shall never be better prepared to do it than we are at this time. I hope whatever be the fate of the bill, that it will not be postponed.

Mr. BAYARD. If it were right or proper to depend upon the statement or opinion of any single member of the body as to the propriety of passing a claim, of course, on the argument addressed by the honorable Senator from North Carolina to the Senate, we ought to pay this claim. He has examined it, and is perfectly satisfied that it ought to pass; but unfortunately Senators may differ on the case; and it seems to me that every man ought to decide from his own judgment upon the propriety of allowing such a claim, instead of taking altogether the opinion of any other Senator, when they have the means of investigation.

I do not desire to delay action upon the claim. Unfortunately, through some accident, which certainly seems singular, the remarks of the Senator from Georgia, which were so clear as to lead to the regret expressed by the Senator from North Carolina that we have them not before us, seem to have been lost; but I am very sure that no member of the body could make a statement which would make clear a claim better than that honorable Senator could do himself; and I would rather have the statement of the facts than take a mere opinion, because, I confess, that on the face of that report, it does seem to me that the claim is one which violates every principle in its allowance. I desire to look into the grounds of it.

I admit that the grounds of the claim, as stated in the report, cover up a great deal. I admit that there is a great deal of delusive language which is calculated to appeal to the sympathy and feelings. All that I concede, but as regards the number of reports which have been made in favor of the claim, I confess that, with my experience here, they have no weight with me. I have yet to see a favorable report made, where subsequent favorable reports do not follow it, as sheep follow each other in a flock. When any favorable report is made, another committee will not take the trouble to investigate it, but will take the former report of the committee, follow it, and adopt it as their report. Therefore, one report is of as much weight with me as half a dozen. That is the opinion at which I have arrived, after some very searching scrutiny and examination in reference to matters of this kind.

What I desire to do is this. The very intelligent Senator who represented the State of Kentucky in the Senate, opposed the bill strongly, when it was up in 1852. I desire to look at his remarks. They are reported, I have no doubt. I desire to see his objections to the bill, because I have heard objections to it, and—here is opinion against opinion—I have had a statement made to me by an honorable and distinguished member of the other House, that this claim is baseless, because the claimant was a man of no capital, and that if anything is due to any one, there are other par-

ties to whom it should be paid, and it should not be paid to this party who was not injured at all.

I want to look into the facts and the objections which are made to the claim. I do not desire to defeat it by a postponement, nor do I think there is any unreasonable delay in the matter. It is a private claim, and as such is entitled to come up on private bill day, like any other private claim to be disposed of. It has not been the desire, that I know of, of any one opposed to it, to delay its consideration. On the contrary, I recollect that on one or two days when it would have been brought up, it was passed over in consequence of the honorable Senator who reported it [Mr. THOMSON, of New Jersey] being absent. Therefore its friends have created the delay, and not those opposed to it. It may be that, on further investigation, I may abandon my objections; but I do desire further time; and I will promise to look into it between this and Friday next. Therefore, I move to postpone it.

The motion to postpone was not agreed to.

Mr. DIXON. I should like to know from the honorable Senator from South Carolina whether there is any proof which establishes the fact that the hemp was water-rotted under the direction of this man, in consequence of a contract made by the Secretary of the Navy?

Mr. EVANS. If I read the evidence aright, it does not establish that fact.

Mr. DIXON. The committee stated that that was the evidence; and if that is the fact, Mr. President, I do not see why the amendment of the honorable Senator from South Carolina should prevail. On the contrary, it appears to me, if he had a contract, and if the contract was violated; if the Government is bound by the contract made by its agent, for the water-rotting process, such as is described to you; if, under this contract, he expended large sums of money; if, as is alleged, his health was injured in the matter; and if, after all this, the hemp was improperly rejected by the Government agent, surely it is a case that appeals strongly to the sense of justice of the Government; and, for one, I am not disposed to vote against it.

Then, if the contract were entered into, and if it were such as he represents it was, why shall we reduce the amount from \$30,000 to \$10,000? If he sustained losses to the amount of \$30,000, and if the claim is just, it is just for the whole amount. I understand that the losses which he sustained were even greater than \$30,000.

Mr. EVANS. That does not appear.

Mr. DIXON. I have not examined the testimony; but I understand, from the reading of the report, that the opinion of the committee was, that his losses were even greater than \$30,000. If they were greater, it is right to give him all or nothing. If he has any claim, it is to the amount of his losses; and especially if those losses resulted from the fact that the Government agent acted improperly and unjustly in rejecting his hemp. That is the point. I know nothing of the grounds upon which my honored predecessor opposed the claim. I understand that there was some contest between a citizen of Kentucky and this claimant, the citizen of Kentucky insisting that some portion of the claim was due to him for moneys which he had advanced to the memorialist. All that may be true. I know nothing about it. I have no knowledge of the fact.

The only question which presents itself to my mind is this: Was this contract entered into? Had the claimant a right to believe that the Government would pay him for the losses which he sustained, or for the hemp which he might have furnished to the Government, in pursuance of the contract entered into? Did he, in pursuance of that contract, furnish the hemp? Was the hemp such as he agreed to furnish, and was it improperly rejected? If these facts are established, I see no reason why we should not pass the bill allowing the compensation.

Mr. BAYARD. If the case were such as seems to be supposed by the honorable Senator from Kentucky, I should not oppose it; but, on the contrary, that is not the ground upon which it is placed by the committee. It is not placed on the ground that the Government violated a contract. It is true, they throw into the report the idea that the administrative officers, under the contract, improperly rejected the hemp.

But the testimony further shows, on the report of the committee, that the Government did ad-

vance a large portion, or some portion—if I recollect aright, one half the amount—but I believe no estimate is given by the committee; they give us no data upon which to form our judgment. We are not shown how much per ton was to have been given for the hemp. We are not told how much was lost on the contract, nor is the claim put upon the ground that the Government were bound to pay on the contract; but it is put upon the ground of a bounty to the party, arising from the fact that the Secretary of the Navy, contrary to his powers, undertook to enter into a contract to give a bounty, for the purpose of introducing a specific business into the country. It is on that score that my greatest objection to the bill rests; it is sanctioning and legalizing an improper exercise of power on the part of an officer of the Government, which may be followed in other cases, if it is sanctioned in this.

I should have wished further time to look into the case. The Senate think proper, however, to pass upon it without further investigation; they think it is not proper to allow any examination in a case of this kind, which is so abundantly clear. They are so perfectly familiar with all the facts, that they are satisfied that the claim ought to pass.

I shall vote for the amendment of the honorable Senator from South Carolina, because there are no data given to me to show that any amount whatever ought to be paid; and, therefore, I shall vote to reduce it to the lowest sum. I shall afterwards move, if that is lost, to strike out the allowance of interest; for there is no possible ground on which any such allowance can be granted in this case, upon any known or given principle recognized even in this body.

If this fail, I shall still vote against the bill, because I cannot perceive that there is any legitimate claim for it on the Government whatever, even taking the tone and language of the report, though I admit there is a mystery about the language. It wants specific character; it does not put the claim upon a fair basis, though it throws in ideas connected with the contract, without venturing to allege that there is any ground for the claim, because of the violation of the contract on the part of the Government.

Mr. HUNTER. If the Senate is ready to take a vote on the bill I shall not make the motion; but if it is not ready, I must move to postpone the prior orders, for the purpose of taking up the Indian appropriation bill.

Mr. EVANS. I moved the amendment because I understood that at a former session of the Senate, when Mr. King was here, the amount was reduced to \$10,000. Whether that was so or not I shall not positively state.

Mr. FITZPATRICK. That is the case.

Mr. EVANS. I understand that was the fact; the amount was reduced to \$10,000.

Mr. PETTIT. This is an old settler with me. This case was in the other House when I was there; and I examined it very thoroughly; and I then satisfied my mind that beyond question it was a good claim. I have seen no reason for changing that opinion. I shall therefore vote for the bill.

The amendment was rejected.

Mr. BAYARD. I move to amend the bill by striking from it the words "with interest thereon from the first day of January, 1850." I see no ground for the allowance of interest. On the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTIT. That is the time, I understand, when the claim was established. What fixes the time at that date?

The PRESIDING OFFICER. The Senator who reported the bill [Mr. THOMSON, of New Jersey] is not present.

Mr. BAYARD. There is nothing whatever in the report which shows any reason for allowing interest upon the claim. The debt, whatever it is, is unquestionably in the nature of a gratuity on the part of Congress, in my view; but there certainly is not a word in the report which shows any reason for allowing interest upon the claim from that time, or from any other time. The business was commenced in 1841, and the contract was fulfilled on the part of the contractor as early as the 1st of December, 1842; so that if there was any right to interest, I think it ought to be based upon that ground, and it should commence in December, 1842; but I cannot see any ground for its allowance.

The question being taken by yeas and nays, resulted—yeas 24, nays 10; as follows:

YEAS—Messrs. Allen, Atchison, Bayard, Benjamin, Bright, Cass, Clay, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Hunter, Jones of Tennessee, Norris, Pearce, Rusk, Sebastian, Shields, Shidell, Stuart, Toombs, and Toucey—24.

NAYS—Messrs. Badger, Bell, Brown, Douglas, Fish, Foot, Pettit, Sumner, Thompson of Kentucky, and Weller—10.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

On the question of ordering the bill to be engrossed for a third reading,

Mr. BAYARD called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 21, nays 18; as follows:

YEAS—Messrs. Badger, Bell, Benjamin, Bright, Brown, Chase, Dixon, Dodge of Wisconsin, Douglas, Fish, Foot, Gwin, James, Jones of Tennessee, Pettit, Rusk, Sebastian, Sumner, Wade, Walker, and Weller—21.

NAYS—Messrs. Allen, Atchison, Bayard, Cass, Clay, Dawson, Dodge of Iowa, Evans, Fitzpatrick, Hunter, Pearce, Pratt, Shields, Shidell, Stuart, Thompson of Kentucky, Toucey, and Williams—18.

The bill was read a third time, and passed.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855; the pending question being on the amendment reported by Mr. WALKER, from the Committee on Indian Affairs, to insert the following:

To the Creek nation of Indians, in full for all demands against the United States, the sum of \$500,000, in payment for eight million acres of land at six and a quarter cents per acre, taken from the friendly Creeks without compensation, by the treaty or capitulation of Fort Jackson, of August 8, 1814.

Mr. BELL. I understand there will be opposition to this amendment, or I should not propose to say anything upon it. I believe the Senator from Virginia wishes to oppose it.

Mr. HUNTER. I certainly shall oppose it.

Mr. BELL. It has been some two or three years since I examined this question in detail, and I venture to make some few remarks upon the subject more from my recollection of what the case was at that time, than from any very careful examination of it since. I have just run over, cursorily and carelessly, the grounds which have been presented within a few days past. When I first examined it, I was struck with the consideration, which I have no doubt the Senate will perceive presents the strongest reason—if any substantial reason can exist—against the allowance of the claim. That arose from the very great lapse of time which has transpired since 1814, when this wrong was done to the Indians by the Government; and secondly, from a review of several treaties which had been made between that time and this, between the Creek nation and the Government of the United States. I could not account satisfactorily, at first, for the reasons why the Creeks had not pressed the claim at each of the treaties made with them subsequent to the capitulation; for the transaction of 1814 was not so much a treaty as a capitulation demanded by the commanding general at the close of the Creek war. There was a treaty in 1818 or 1819, between this Government and the Creeks, which I find was for a small tract of country situated in the State of Georgia; and had no other provision of any great importance. Then came the treaty of 1821, and the treaty of 1825. Subsequently, another treaty was made, I do not recollect for what, perhaps in 1828. And finally, there was the treaty of 1832, by which the Creeks agreed to surrender their whole territory, upon the terms prescribed in that treaty, and remove west of the Mississippi.

I should not have time, sir, the Senate would not have patience to hear me, if I were to attempt to recite the whole history of this transaction, of the circumstances and condition of the people, and of the questions which arose between the Government and the Creek nation of Indians, and between the Creek nation and Georgia. It would take some two or three hours to do it, I can only refer to them as explanatory of the grounds upon which I have finally come to the conclusion, that

this Government would do justice to those Indians if it would redress the great wrong which was done to them in 1814. If it is not considered too late to do justice, and to redress the wrong, the claim is well founded still, notwithstanding the lateness of the period at which it is brought forward.

In 1814, it will appear by the proofs which perhaps all the Senators have before them, General Jackson called together the chiefs of the Creek nation—both friendly Indians and hostiles. That was at the close of the bloody war which had taken place between this Government and what were called the Red Sticks, or war party of the Creek nation.

At that capitulation some twenty-five of the friendly chiefs attended, and but one of the hostile chiefs. A large portion of the latter had fled to the country south, and taken refuge in Georgia; and whatever portion of them remained did not show themselves at that capitulation, which was held at Fort Jackson. General Jackson had informed both the friendly and the hostile chiefs, so far as he could have any communication made to them, through their agents, in summoning them, that he proposed, as the terms upon which he would enter into that capitulation, full indemnity for the expenses of the war incurred by the United States against the hostiles, to be taken by a cession of their country; and he added the further assurance to the friendly Creeks, that their claims should be respected, and that they should be furthermore rewarded. The terms were not very definite as to what he meant by their claims being respected; but the terms were explicit, from the information, in regard to the indemnity which the Government would exact, to wit: the whole expenses of the war; and that that was to be taken from the territory occupied by the hostile chiefs of the nation.

When the friendly chiefs objected to the lines or boundaries which General Jackson proposed—twenty-five of the friendly chiefs, remember, to one hostile—General Jackson would not have a discussion, but directed that they should sign the capitulation. Those were the terms which he was disposed to grant them, and no other would be acceded to. The friendly chiefs, before they signed it, asked that they might be permitted to put in a protest, which they did put into the hands of the agent, and it found its way to Washington.

In addition to the whole country, except a very small slip between two rivers, of the territory occupied by the hostile Creeks, which was ceded to the United States as indemnity for the expenses of the war, some eight or nine millions of acres on the southern boundary of the lower band of the Creek tribe bordering upon Florida, and exclusively, I believe, in the State of Georgia, were taken. The justification to the friendly Creeks, and to the Government, when he came to give his explanation—for he seems to have acted under the general instructions of taking indemnity for the war—made by General Jackson, was that it was necessary to cut off forever thereafter the communication of the Indians with the Spanish territory of Florida, by ceding the lands to the United States, and causing settlements to be formed between the Creek country and the Florida country, then in possession of the Spanish Government; it being alleged, and no doubt being the fact, that the war arose, as wars had in former times been instigated, and were likely to be so in the future, by the Spanish agents and officials in the territory of Florida; so that, in addition to nearly the whole country occupied by the hostiles when the war was entered into, he took these eight or nine millions of acres occupied by the lower or friendly Creeks, on one foot of which there had never been any hostile operations either on the part of the Creeks against the Government of the United States, or of the Government against them. This is the hardship of which the friendly Creeks complained then and protested against, and have continued occasionally, from time to time until this day, to put up their complaints.

I do not remember the number of friendly Creek warriors who were under the command of General Jackson in the last battles of and throughout that Creek war. Between one and two thousand were constantly by the side of the whites in their wars against the Red Sticks, or the hostiles of the same people. The war, I believe, commenced at first by the hostiles committing depredations upon

their own brethren who were disposed to be friendly to the United States; and before the United States could send troops enough for their protection in their own country, great depredations had been committed on the friendly Creeks. The honorable Senator from Georgia [Mr. Dawson] can, perhaps, enlighten us on that subject, for in all that transaction he was *pars magna*. But I believe I am stating the facts of history when I say that the war first broke out between the hostile and friendly Creeks. The simple ground of hostility was that the friendly Creeks refused to go to war with the United States, at the instigation of Tecumseh, or his brother Prophet, or whatever influences were brought to bear. Throughout the war the friendly Creek warriors fought gallantly by the side of the United States volunteers who went into the war.

Now, sir, I say that the injury of which they justly have a right to complain was, that when that capitulation was entered into in addition to taking the whole of the country occupied by the hostile party of the Creeks, amounting to fourteen millions of acres of land, lying within the then Territory, but now State of Alabama, the United States took eight or nine millions of acres from their own allies and friends in the war. In the outset, I challenge a denial of the fact; and if it cannot be denied, was it not a most singular, unparalleled, unjust, and arbitrary result of such a war? The friendly Creek warriors were paid as soldiers of the United States, and they got pensions. I remember now one fact in the history of this transaction, viz: That sixteen hundred Creek warriors have received compensation in some shape for their services during that war, which shows that there were more than a thousand in it on the side of the United States. I have said before that there were between one and two thousand. The names of sixteen hundred can be found on the records of the Department as having received some acknowledgment for their services. But the only acknowledgment that was conceded at the time of the capitulation was, that they should be indemnified for their losses of property—for the depredations which had been committed at the commencement of the war, and throughout the different periods, upon their property. That has been paid fully, I believe, of late—but not entirely until of late.

Well, the protest came on to Washington. It was sent on after the capitulation of 1814; and the question at first with me was, why did we not, at an earlier period, hear of this claim? Why was it not pressed regularly by the agents of the Creeks? Why did they not clamor against the Government for indemnity? The occurrence took place in 1814. Then the question is, why was not this claim brought forward in 1814, or at the treaty of Indian Spring, or the treaty of the Broken Arrow, or of Washington city, which have since been held with them? Sir, that history is a little more difficult to comprehend, or to narrate so as influence the minds of honorable Senators. But, sir, you will see how it was; these Creeks were not only alien and unfriendly to one another at the commencement of the war, but throughout. They were hostile and warlike, and engaged in war with each other. Sir, it is not at the close of a war that feelings engendered under such circumstances can subside. Wherever they came together in council afterwards—wherever in their consultations among themselves, it became a question whether they should put forward this claim, or in what shape it should be put forward—there were the hostiles saying to the friendly chiefs, “we have lost our whole country; we are more or less dependent upon you; we are within a restricted and contracted district; and if you, the friendly Creeks, choose to put up a claim against the Government of the United States for your eight or nine millions of acres, remember that we have been stripped of the whole of our territory, and we shall demand our proportionate part, for we are one people.”

The friendly Creeks would have replied, “You are not of us;” and I understand that is the true history of their tribe. That powerful nation, at the commencement of that war, numbered from twenty-five thousand to thirty thousand souls; I have heard it stated at a greater number. I wish the honorable Senator from Georgia would correct me if I am in error. I have long understood that these Muscogee Indians, who have since taken the

generic appellation of Creeks, were the original owners of the whole of this country—that which was occupied by themselves, and that which was occupied by the Red Sticks, or hostile party, when this war took place. Their nation grew powerful by conquests and alliances, and by taking into their confederacy tribe after tribe and band after band of other Indians, as they became reduced in numbers, and proposed to come and live within the Muscogee territory, and be subject to their general councils and laws; and every family of these hostiles, every town of them, was composed of these original dependents or allies who had been taken into the Creek confederacy, and they had been assigned the country which now lies within the limits of Alabama; so that probably in their own private councils—for we know they held them, and very often with more secrecy than our public administrations hold their councils, or than we ourselves occasionally do—the difficulty was to adjust between themselves the relative proportion between their claims which should be set up against the Government. If the hostiles attempted to set up a claim, they knew it would be vain and abortive; and the friendly Creeks were not willing that any indemnity which they might demand of the Government of the United States should inure to the hostiles, because they brought on the war; and if there was any justice in conceding indemnity, by the Government exacting it from those who caused the war, the hostiles were the persons who should have borne the peril of that transaction. The friendly Creeks were not willing to obstruct their other policy in their relations with the Government, and to impede their demands for other claims which they had upon the Government, by putting in a claim of redress for that injustice which had been done themselves, because they saw it would render the whole council to be held perhaps abortive.

Since the treaty of 1832 they have found refuge together in a country at the West. Previous to that time we know these old feelings and rivalries had proceeded to a great extent. McIntosh, with all his party, who made one of these treaties, was assassinated by the leaders of the old Red Sticks in the war. Opothleyoholo at that time, I believe, commanded the hostiles, and McIntosh the party friendly towards the United States. This fact is proof of the difficulty they had in settling among themselves the proportion of claims which they had against the Government of the United States. Well, sir, in 1832 this question was presented in some shape or other. According to my recollection, it was in General Jackson's instructions, of which the honorable Senator from Michigan [Mr. Cass] perhaps may have some knowledge. But even then there was not harmony between the two parties, although one of the former treaties had been made expressly for the purpose of reconciling these difficulties. In 1832 they were told by the United States, “You must move west before we can talk or make any stipulation about your claims of any description; you are now surrounded almost by the white settlements; you are now in a condition where you must remove; but when you go west we will hear your demands and your claims.” Thus the treaty of 1832 was made without any adjustment of this claim.

But since they have gone to the west, being more harmonious in their councils, these ancient rivalries and hostile feelings having subsided in a great degree, if not entirely passed away; they now come forward and make a joint application to the Government for indemnity for the wrongs committed in 1814. The application is in the name of friendly Creeks, but the benefit is to enure to the whole nation. This shows pretty clearly that it was not in their power to propose any terms in their former councils, or treaties with the United States; for it appears that the hostiles and themselves have never before been perfectly agreed. Lately, however, it has been agreed that whatever indemnity the United States shall grant in consideration of the injustice done to the friendly Creeks, shall inure to the equal benefit of the whole tribe west; so that it is better policy on the part of the United States that this indemnity shall be granted to be distributed amongst them all; and to that extent it will tend to compose and consolidate the harmony which now prevails between the old hostiles and the friendly Creeks.

Now, sir, let me recur to the original injustice.

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I think it makes a strong appeal to our sense of right and justice, and to our sympathies, too. In the last eight or ten years we have scarcely made a single Indian treaty where we have not given ten cents an acre for the ceded lands; and I observe by one, or two, or, perhaps, three reports made at different times by the Bureau on Indian Affairs, that the cost of the purchases made within the last six or seven years, has amounted to twenty-five cents for every acre ceded to the United States upon the average. Some cessions have cost much less; but others occasionally a great deal more. You know, sir, that in our treaties with some of the tribes east of the Mississippi, we have given them their whole lands, only reserving such portions as would pay the expenses of survey and sale, conceding to them the whole net proceeds of their country. These were the terms upon which one or two treaties were made in Ohio, when some of the Shawnees and their confederates, or brethren, emigrated from Ohio to the west of Missouri. The same terms were conceded to the Chickasaws, when they left their original country, and went west of the Mississippi. The heads of families of the Creeks themselves were allowed, under the treaty of 1832, to take reservations, with liberty to sell to the whites. We know what finally were the consequences of that measure. It is not necessary to pursue them now, or to connect them with this subject; so that I hope we shall have no war here upon that question.

But, sir, this application is in relation to eight or nine millions of acres of land which were taken from our allies in 1814. I have attempted to state the facts of the case as well as I could from having recently cast my eyes over them, though I had once investigated the subject very fully.

I can tell the Senator from Virginia another very strong ground, and a very plausible and rational one, on which we may account for this claim never having been brought forward before. At the close of our war we were not very liberal to the Indian tribes. Our Treasury was overwhelmed by a large debt, contracted during the war with Great Britain, which was just then about to be brought to a close. In 1814 we did not measure out justice liberally at all to our conquered domestic enemies at home—the Indian tribes with whom we were at war. We had no compassion for them. As you see, in this capitulation of Fort Jackson, we took the whole of their country—three or four of the hostile chiefs fleeing into Florida, and finding a refuge there, the rest taking refuge among their old allies, but recently enemies. The Treasury of the United States was not in a condition to induce the officers of the Government, or its agents anywhere, to listen to appeals in regard to justice or injustice, and if these Indians had so appealed, the country was not then in a condition to listen favorably to those appeals. That state of things continued for a long while, for we did not get clear of the war debt of 1812 until 1823 or 1833.

But, since that time a different measure of justice and liberality has been acted upon by this Government in all its transactions with the Indians. Now, if it be true that in our treaty stipulations with the Indians, when we have bought their lands, when, for the last ten years, we have felt ourselves bound to do justice to their claims, to their natural and just rights, and have allowed them twenty-five cents an acre, is it, in the eyes of a magnanimous and just Government—I will not say with an overflowing Treasury, for that is not a fair argument, but when we are able to be just, I will not say to be generous and liberal—is it right to object because these claims were not recently prosecuted from year to year, and from time to time, by these Indians? Ought we not rather to endeavor now to right that injustice which was done in 1814?

I am not able myself to form an opinion as to what ought to be the measure of redress that we should render to them. I believe, by the report of the Indian Bureau during the last Administration, it was estimated that, in view of the long detention of this money, in view of the late period

at which it is proposed to give this justice to the friendly Creeks, that they ought to be allowed twenty cents an acre for the lands taken in 1814. I understand that the Committee on Indian Affairs have thought it more expedient and more just to the Government, under all the circumstances, to allow them but six and a quarter cents an acre.

This was land taken from our friends and allies in the Creek war, not one foot of which was pretended to have been conquered territory, but which was held exclusively by the friendly Indians. The boundary may be truly said, as has been said in some of the papers that I have seen, to have been marked out with the sword. Even remonstrance or discussion was refused. They were reduced to the privilege of drawing up a protest, and of appealing to the Government for some indemnity for this gross wrong; for the friendly Creeks felt it so, and had a right to feel it so. It was not in human nature to have other feelings; and it is known by those who have been connected with the tribe ever since, that it has been felt as a grievance by the friendly Creeks, that they were robbed, as they call it, unjustly by the power of the sword in that capitulation of 1814, of these eight or nine millions of acres.

I have also seen a statement that these friendly Creeks might justly claim indemnity for eight or ten millions of acres of land; which, a long period ago, when they were on terms of friendship with the Cherokee Indians, they permitted that tribe to occupy. When that question came up in a treaty, in ascertaining the rights of the Cherokee nation to those lands—some eight or ten millions of acres in the northeastern part of Alabama—General Jackson being one of the commissioners, and Governor Meriwether, or some other distinguished person of the South, being the other, upon a full investigation of the Cherokee claim, it was decided that the country belonged rightfully to the Creeks, and that the Cherokees only occupied it by permission. This would make eight or ten millions of acres more in regard to which the friendly Creeks have a just right to complain that they have been deprived of. They allowed the Cherokees to settle on them; and the United States took them from the Cherokees; and they were claimed, I believe, by Georgia; but not one cent was ever allowed the Creeks for them. This, to be sure, is only cumulative, and is only an additional circumstance why we should view the present claim with favor, if it be just in itself.

Sir, I think that notwithstanding the fact that this claim is brought forward at this late day, it is founded upon principles of justice and right, and that its presentation affords this Government an opportunity of doing justice to a weak and feeble people; and that we owe it to our fame and character to blot out that part of the page of history which records that, in a capitulation which took place between the commanding general of the forces of the United States and the Creek Indians, in 1814, in addition to taking the whole, or nearly the whole of the country occupied by the hostiles, the United States took eight or nine millions of acres from their own allies in arms, who were most important auxiliaries in the war, and never conceded one cent as a consideration therefor.

I think that the Government ought to make restitution in the best way it can, and to pay the friendly Creeks at least five or six cents an acre; I will not say ten cents, although we have been paying (since we have had the means, and have been disposed to be liberal and just to other Indian tribes) twenty-five cents an acre. I think it is but reasonable; I think it would add to the credit and honor of the country, under such circumstances, to concede this amount, at all events, this five or six cents an acre, if the facts be as I have stated them, and I believe they are. I know there was a small strip of land of the hostiles reserved, and something was said at the time the treaty was made in regard to its being an equivalent. I have investigated that point as far as I could, and I have not been able to find that there is the slightest pretense for saying that it was anything like an equivalent, or was so under-

stood or accepted by the friendly Creeks. There was also a claim for indemnity for spoiliations and property destroyed. That went before the House of Representatives, and was pending for a long time before Congress, in one shape or another. Mr. Lowndes made a report on it, which was a puzzle to me at first. As I read it at first, I understood him to mean that there was proof that the Indians would have taken \$60,000 as indemnity for the lands of which they had been arbitrarily deprived; but on more thorough investigation, I found that the report related to another matter, and not to land.

For the reasons which I have stated now—though I have not thoroughly investigated the subject within the last two or three years, except to cast my eyes over the memorials and briefs, and to listen to the statements of the honorable Senator from Wisconsin—I am of opinion that it would be but just to grant this claim. I will not detain the Senate by any further remarks upon it.

Mr. HUNTER. Mr. President, this amendment proposes to go back forty years, to 1814, to readjust an old settlement between the Creek Indians and the United States, and to set aside, in part at least, the treaty which was then made, upon the ground of inadequacy of consideration. The proposition I regard as a very dangerous one; and I think it involves two considerations which it behooves us to weigh well before we agree to this amendment.

The first is, whether we shall now begin to act upon the principle that we are bound to go back forty years, and rip up old Indian treaties and settlements, on the ground of inadequacy of consideration, for the purpose of now doing them justice. And the next consideration is, whether we are bound, upon such evidence as we can now command, to give the Creeks more than they have already received, even if we should assume the obligation of readjusting the settlement. My own opinion is, that if we commence the policy of reopening these treaties, we shall find that there is scarcely one made prior to 1840, which we shall not have to reexamine and readjust upon the grounds which are here set up. I believe, too, sir, that when we come to make that attempt, we shall find that, even if we had the disposition to reopen these settlements, it will be perfectly impossible for us to collect the evidence upon which we can make a fair decision. We cannot collect the testimony which will enable us to determine the relative understandings of the parties; that is, what was understood on the part of the representatives of our Government and of the Indians at the time the treaties were made. We should find it difficult, too, to ascertain what was the just amount of consideration to be paid them, if we should set aside these Indian treaties for the purpose of giving them a fairer compensation.

Sir, what is the consideration which we should pay to the Indians, and what are their rights? Not the consideration which we would pay to the fee-simple proprietor; not the consideration which we would pay to a foreign nation which held the ultimate title in the land; but some sort of compensation, something to satisfying them for abandoning the right to rove over the land and catch game, when it becomes necessary to use that land for the purposes of civilization. Now, I think it would be very difficult to ascertain what that right is worth. If we estimate it according to what they made out of it, that is, according to the scanty subsistence which they managed to derive from it, the worth of the game, and such habitation as it afforded them, I think it will be found that there is not a treaty we have ever made in which we have not given them more than an equivalent for that value. In addition to this, it will be found that we have not only given them such considerations as satisfied them at the time, or ought to have satisfied them, and were better for them than this right which they exercised of roaming and hunting over this country, but we have constantly guarded and protected them—protected them against civil wars, protected them

against the encroachments and invasions of the whites.

But, sir, let us go back a little, and see where we shall be led if we take the ground of setting aside these old treaties, because of inadequacy of consideration. I think I shall show, before I have done, that the Creeks have been better paid, perhaps, than any other tribe, with the exception of two or three, with which we have had relations. I have before me a list of the treaties which we have made with various tribes. Here I find that we made a treaty with the Quapaws, by which we received from them 51,786,560 acres of land, and gave them \$297,976; not one cent an acre. To the Wyandottes, Delawares, &c., we gave \$210,000 for 11,808,409 acres; not one third of a cent per acre. To the Wyandottes, Ottawas, &c., \$116,500 for 1,030,400; about one and a half cents an acre. And thus I might recapitulate a long list of old treaties by which we obtained lands from Indians at such nominal prices. If we set the example in this case, the claims are much stronger under the treaties to which I have referred, and if we apply the same rule to all, what will be the result? In casting my eye over the list of treaties, I find more striking cases of inadequacy of consideration than any I have yet mentioned. The Delawares and Piankeshaws ceded 2,038,400 acres, for which we gave them \$4,000. The Delawares and Pottawatomies ceded 1,572,480 acres, for which we gave \$5,000. The Delawares and Miamies ceded 3,257,600 acres for \$18,000.

Sir, you may go over the whole list of these Indian treaties, and I believe you will find that there was no treaty prior to 1830, in which we agreed to give the same compensation that the Creeks have already received, or anything like it. And, what is more, it will be found that we have not given to civilized nations anything like what is now claimed here, or anything like what we have already given to the Creek Indians. Why, the whole territory acquired from France by the cession of Louisiana cost us but \$15,000,000; and it amounted to between seven and eight hundred millions of acres; so that the cost of the territory was not two and a-half cents an acre. It will be seen, on examination, that we have given the Creeks twenty times that, as I think I shall be able to show before I have done, in the course of the various settlements which we have had with them. It will be found, I think, that we have never made a treaty, of late years, with an Indian tribe, in which we did not agree to give them more for their lands than we gave France. Are we to go back and set aside that treaty on the ground of inadequacy of consideration? Are we to go back, and say we will compensate her, because the lands which she ceded have turned out to be more valuable than was expected? Or is it a safe policy for a nation to pursue, in regard either to civilized nations or savage tribes, to go back such a great distance of time for the purpose of settling old accounts in reference to which we cannot now have any reliable evidence?

I venture to say, sir, that if we adopt this claim, we shall have claims presented at our Treasury upon every Indian treaty which we have made heretofore, because, on the ground on which the Senator from Tennessee seems to go, that we are to pay them twenty-five cents an acre for the lands they have ceded, I believe there is scarcely a treaty which it will not be necessary to reopen, and in regard to which it will not be incumbent upon us to resettle these old accounts. Can we do it? What frauds would it not occasion? In what difficulties would it not environ us?

But, sir, in point of fact, I think I can show, so far as we have evidence, that these Creeks have no claim upon us, and have been better paid than almost any other tribe of Indians that ever had dealings with the United States. This whole transaction arose, if I understand it, out of a civil war. The hostile Creeks attacked the friendly Creeks, and committed spoiliations upon them, and afterwards upon the whites, and the Government of the United States interposed for their protection. It sent down armed men; it distributed rations amongst the men and women, and supported their families; and it paid, as the Senator from Tennessee [Mr. BELL] says, their warriors. It took upon itself the whole cost and charge of defending them and of supporting these people; and when that war was concluded, from which they would have suffered as much, ay, sir, more

than we, if we had not interposed for their relief, instructions were issued by the Government here to those who were to make the treaties, to reserve a sufficient indemnity out of the territory in order to satisfy the United States for the expenses of the war. It was required of the negotiators, and the Indians so understood it, and it was just and right, that a sufficient territory should be reserved in order to indemnify the United States for the expenses of that war, which they incurred as much for the benefit of the friendly Indians as for themselves. In making this arrangement it became necessary, and no one knows it better than yourself, Mr. President, [Mr. FITZPATRICK in the chair], for the United States to take a strip of country between Florida and the Creek country, in Alabama and Georgia, for the purpose of cutting off these hostile Indians from their communications with Florida, then in the hands of a foreign and rather an unfriendly Power. It was necessary to interpose this barrier. This territory was never worth much; for I understand that a large portion of it is yet unsold, and that a great deal of that which is left is valued at some ten or twelve cents an acre. This country, never worth much, was taken off—a strip of it—for this purpose, in order to interpose that barrier between the communications of those hostile Creeks with the Spanish settlements, and the Indians within the Spanish territory.

This was a measure of defense, not only for the whites, but for the friendly Creeks themselves. It was a good and wise thing for the hostile Creeks, because it enabled this Government the better to exercise that supervision over them which was indispensable for their safety and peace as well as our own. It left to the tribe, which I understand did not at that time number more than twenty thousand, ten or twelve millions of acres of land for their joint occupation—far more than was necessary for their subsistence, far more than they could cultivate, and quite enough for their hunting grounds. For the land thus taken from the friendly Creeks, they received better land belonging to the hostiles, many of whom, I believe, were killed, or fled into Florida. This capitulation left these Indians all the land they ought to have wanted in any possible point of view; more than they could have profitably used.

We have never recognized the Indians as fee-simple proprietors of the soil. All that we have felt ourselves bound to do was to protect them; and, in making treaties and arrangements in regard to the extinguishment of Indian title, to make such stipulations as would promote their happiness, and as would make the necessity of occupying their country for the uses of civilization fall as lightly and as easily upon them as possible, to keep them satisfied, and to give them such consideration as might minister to their future happiness, in the shape of annuities, in the shape of presents, clothing, and the necessities which they might require in the course of their after life. This is all that we were bound to do. This is all we ever stipulated to do. The idea that we are to go back and value the lands which we acquired from them according to the present prices, and make them compensation accordingly, would involve our Treasury in responsibilities, the end of which no man living would ever see.

But permit me to pursue that point a little further. It has been said that these Indians were induced to believe, by the representations of General Pinckney, after they signed the capitulation with General Jackson, that some remuneration would be made them for these lands. Here is what is found in General Pinckney's letter to Colonel Hawkins:

"You will please, sir, to communicate these terms to the friendly Indians, and to enjoin them, in the prosecution of the war against such as may continue hostile, to abstain carefully from injuring those who may be returning with the intention of making their submission. You may likewise inform them that the United States will not forget their fidelity, but, in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected; and such of their chiefs as have distinguished themselves, by their exertion and valor in the common cause, will also receive a remuneration in the ceded lands, and in such manner as the Government may direct."

When that capitulation was made, General Jackson reserved, within the ceded lands, a settlement for every friendly Creek, and for every chief amongst the friendly Creeks, who was then in the possession of settlements on the ceded lands. It is obvious that the promise of General Pinckney,

as will be found by reference to agent Hawkins's letter, referred only to such indemnities for spoiliations and such consideration for their reservations within the ceded lands, as would satisfy the chiefs and the people. What did agent Hawkins say? He said:

"As to the extent of the claims, I have no data to calculate from. Part of the vouchers were taken in by Mr. Cassidy, the general's secretary, and the remainder given in since to the assistant agent at Coweta, which I have ordered on here; whatever they may be, I will forward them as soon as received. I believe, at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent."

At the time of drawing the lines for the treaty, he believed that \$60,000 would have satisfied them; that is, they would have taken that sum in gross, not only for the spoiliations, but for the lands, and in satisfaction of all their claims.

The answer to the second question proposed to him by the Department, which was, "How far the Government ought, from motives of justice or policy, to yield to their claims?" he answers:

"From the statement on the first question, it is apparent, justice is on the side of the claimants, and policy requires a strict fulfillment of the expectations of the chiefs."

That is, indemnity for these spoiliations.

In answer to the third question, "Whether indemnity ought to be made to them by restoring a part of the ceded land, or by an additional annuity, or by giving them a certain fixed sum in money or goods?" he says:

"I believe the correct way would be to liquidate the claims of individuals, some of which, I am told, are too high; reduce them to a just value, and pay them. If it were a national claim, a cession of land might be desirable; but to individuals it is otherwise."

Question four was "Whether these compensations (of whatever nature they may be) should be confined entirely to the friendly chiefs?" In reply, he says:

"This question is, in fact, already answered. It should be confined to the individual claimants, for none other are in contemplation of the terms of peace offered."

Let me pursue this history further. This question came up for the consideration of Congress before a committee, of which Mr. Lowndes was chairman, in 1817—this very question; for if you observe, you find that these Creeks had claims for spoiliations on their property as well as claims in regard to their lands. Mr. Lowndes, in this report, says:

"That the foundation of a claim, on the part of the friendly Creek Indians, to an indemnity for the losses which they sustained from hostile Indians of their own tribe, is best explained by the instrument delivered by them to General Jackson, on the 9th of August, 1814. In this they say: 'We call ourselves, as we are, the masters of the land. We have adhered faithfully, in peace and war, to our treaty stipulations with the United States. Finding that General Jackson, in drawing the lines around our country, to retain so much of that conquered from the hostile Indians as he deemed just, found it necessary, for political motives and purposes, to run a line within which there is a great quantity of land, actually our property, for which he, as an equivalent, leaves to the conquered Indians lands between Coosa and Tallapoosa. We do not deem the exchange as an equivalent. It shall not, however, interfere with running the line, as we rely on the justice of the United States to cause justice to be done to us. And, on these conditions, we request that General Pinckney's letter, of the 23d April, to Colonel Hawkins, and the answer thereto, of the 25th, be sent on with the treaty, which we will sign after delivering this instrument.'"

"These extracts appear to the committee to be sufficient to show that if the friendly Creeks are to be considered as having consented to the cession made by the treaty of 1814, it was only on the condition that their claims to indemnity should not be disregarded. Congress, indeed, may be considered as having recognized their claim by the act of the last session for the relief of Samuel Manac, one of their number."

"At the time of the treaty, the friendly Creeks would have been satisfied, in the opinion of Colonel Hawkins, to have received, as an indemnity for their losses, the sum of \$60,000. As it is to be considered in some measure a claim under a treaty, as they seem to have expected that some fixed sum would be distributed among them as an equivalent for their losses, and as to do so will be to make it the interest of each sufferer that the losses of another shall not be exaggerated beyond their real amount, the committee believe that it will be best to appropriate a definite sum, to be applied, under the direction of the Secretary of War, to indemnify the friendly Creek Indians for property destroyed by the hostile Creeks, in fair proportion to their losses."

Commissioners were selected who looked into these spoiliations for which they claimed indemnity, and who estimated the whole amount afterwards at \$195,000. The Creeks came before Congress for the difference between what was then paid them, some \$87,000, being more than the \$60,000 which Colonel Hawkins mentioned, and the \$197,000, making about \$110,000. Upon

that claim the committee of the House of Representatives, of which Louis McLane, of Delaware, was chairman, reported adversely, stating it, as the opinion of the committee, that the sum of \$85,000, appropriated under Mr. Lowndes's report, "by the law of 1817 was intended to be a full indemnity for all the losses of the friendly Indians, and was equal to any reasonable expectation." I will not read the whole of that report.

Mr. DAWSON. What time was that?

Mr. HUNTER. In 1824. Well, sir, within the last year we have appropriated the residue of these \$197,000. We have given the \$110,000, which, in addition to the \$87,000, makes up the whole amount of indemnity for spoliation claimed by the Indians themselves; for it was a settlement made by consent of the Indian chiefs at that time. My friend from Georgia [Mr. Dawson] tells me that these same friendly Indians made a treaty in the subsequent year, in which they set up no such claim as is now brought forward, for these lands. We find, then, that it was the opinion of agent Hawkins, who knew more about these Indians, as we are told, than any other man ever concerned with them, as I think I heard you say, sir, for you knew something of them, that at the time, the payment of \$60,000 to the friendly Creeks would have settled the whole matter.

Mr. BELL. That was for the spoliation.

Mr. HUNTER. No, sir, it would have covered the whole. It was a joint claim, and so Mr. Lowndes treats it in his report, because he applies this indemnity to that part of the treaty in which the friendly Creeks say they referred only to their lands. The chairman of the Committee on Indian Affairs, in arguing this question before, when we had the other portion of the claim under consideration, said the report referred to lands. Mr. Lowndes clearly had reference to the lands, because he quoted the instrument of the friendly Creeks in regard to land.

Mr. SEBASTIAN. I think the honorable chairman took different views when the claim for spoliation was before us, from those which he now advances. My impression then was, that the \$60,000 applied to the land claim; such is my opinion yet. He argued, however, that it applied to the spoliation claim. If he did, then the whole of his present remarks now are in opposition to his former opinion, and he is fortifying the view which I took then. I have been looking over the remarks which the Senator made heretofore, and I find that, in reference to the claim for spoliation committed on the friendly Creeks, he contended that that offer of \$60,000 applied to those, and he read the report of Mr. Lowndes and of Mr. McLane, to show that I took the ground then that Mr. Hawkins, the agent for these Indians, in speaking of the offer of \$60,000, had reference only to the national claim of the Creeks, and not to the claim of individuals for losses.

Mr. HUNTER. Sir, I took the same ground then that I take now—that what agent Hawkins meant at that time was, that \$60,000 would have satisfied all the claims of these Indians for spoliation, for their lands, and everything else. That was the view of Mr. Lowndes, when he made that report, under which they received \$85,000; and that was the view of Mr. McLane when he reported against their claim for the \$110,000 necessary to make up the amount of \$195,000, which was the full amount which the commissioners said they were entitled for spoliation. Mr. McLane said they were not entitled to that, because agent Hawkins had said at the time that \$60,000 would have satisfied all their demands; and I believe it would. I do not believe the claim for land is a valid one, even upon equitable considerations alone. I think I shall be able, presently, to show that these Creeks have been compensated for all the land which they have ceded to the United States, upon a more liberal measure than perhaps any other tribe of Indians that have treated with the United States. I believe they have got already, in exchange for their lands, more than the United States will ever get for them in return, and I think it will not be difficult to prove it. But these documents certainly show that it was the opinion of agent Hawkins, and that it was the opinion of Mr. Lowndes, who were contemporaries with the transaction, and that it was the opinion of Mr. McLane, that what they meant was, that a sum in gross would have been received as a satisfaction for all demands, whether

of lands or anything else. That was the meaning of these letters of Hawkins, and of these reports from those gentlemen. That was all the Indians ever asked—a sum in gross for the lands, and as an indemnity for spoliation, and for all other claims.

Again sir, is it to be supposed that if General Jackson, who made this capitulation, and was afterwards President, if he believed that this amount of eight or nine millions of acres had been wrested wrongfully from the Indians, would not have proposed to make a fair compensation to them? I do not believe it, and I will show you presently that treaties were made by which the Indians got lands in return of far greater value, in my opinion, than any they have ceded.

I have before me a statement made up at the Indian Department in 1840, from which it appears that the aggregate number of acres ceded by the Creeks to the United States was 24,766,400, and the aggregate value of the land given in exchange (valued at \$1.25 an acre) of the annuities and of the money paid them, was estimated at \$21,909,000. Now, I believe it will be found—for I wish to state the case fairly, if I can do it—that in this estimate of 24,766,400 acres, there is an omission of a portion ceded in Georgia of something like 6,000,000 or 7,000,000 of acres. It will be found, then, that for about 30,000,000 of acres they have received in land, valued at \$1.25, which is certainly better worth \$1.25 than what they gave, and in annuities and indemnities, according to this statement, \$21,909,000. It is to be observed, too, that this estimate of the whole compensation consisting of land and money given and paid to the Indians does not include the Indian reservations, or "head rights" in Alabama, which were very valuable, or the \$195,000 which have been paid them by the United States.

But, sir, that is not all. It is said that in this case we took land for which we gave no equivalent. I find that there was a treaty made in 1832, long after this transaction, by which the Creeks gave 5,128,000 acres, and received 11,158,000. This difference in the quantity of land is more than enough to cover any claim in regard to these 8,000,000 or 9,000,000 of acres. I believe, as I said before, that if you take the whole quantity of lands ceded to be 30,000,000 of acres—and it will not exceed that, or, at least, will not be much over it—and take what they have received in return, \$22,000,000 in round numbers, it will be found that they have received more per acre than the United States ever received for their lands; and that they have been better paid than any people with whom we have ever dealt; better paid than any foreign nation from whom we have derived territory by cession.

Why, sir, I was curious to look into a report made in the first session of the Twenty-Sixth Congress, on the subject of the value of these lands to the United States, by a committee of this body, of which Mr. Norvell was chairman; a report with which it was said Mr. Calhoun had a great deal to do; a report which received, at that day, the assent of that intelligent committee. It made out the net value of the public lands to the United States to be something like seventeen cents an acre, which is less than one fourth of the value per acre which the Creeks have already received for the whole of the lands ceded to the United States, according to the document to which I have referred. And now we are asked, upon the plea of inadequacy of consideration, and upon a view of a part and not of all our transactions with them, to reopen the accounts, and, upon another settlement, to fix another price upon a mere arbitrary valuation. Sir, if we are to go into it, how can we measure the value of what was ceded by the Indians at that time? It is evident that, in order to do so, we have to consider a great many subjects, in relation to which we have now little and imperfect evidence. We have to consider how far it was a war on account of the friendly Creeks. We have to consider how far they were entitled to contribute a portion of the expenses of that war. We have to consider how far it was for the benefit of the Creeks themselves that we should take this strip of country, which still remains, the greater portion of it, in our hands, and, I am told, is almost worthless, and would sell, at best, but for a few cents an acre. We must ascertain, too, whether we did not, in fact, give the friendly Indians a more valuable country, taken from the

hostiles, in exchange for this barren strip, so as to make it, in fact, a contribution from the hostiles themselves. And, lastly, when we have gone through all these considerations, we have to estimate the nature of the Indian title, and what we ought to pay them for such concessions as these.

My own opinion is, that it would have been far better, in the beginning, if, instead of going through the form of treaties with the Indians, we had made arrangements with them, through commissioners—such arrangements as would have satisfied them, and looked more to their real interests and less to the mere form of treaties. We could have made such arrangements and contracts with them as would have promoted their real happiness, as would have secured to them such articles of subsistence, of clothing, and of agricultural implements, as would have benefited them in their after career, instead of giving these large sums of money either to be wasted upon agents, or to be expended in whisky, or to be scattered broadcast over the face of the earth. I believe it will be found in the history of our transactions with the Indian tribes, that they have been very little benefited by the large sums of money that have been paid to them, and that it would have been far better to have made some arrangements with them which looked to furnishing them, in kind, with such things as would be useful to them. But, whether that be so or not, of this I feel very certain, that it would not be safe or proper for us to undertake to go back forty years, for the purpose of re-examining old treaties and resettling old accounts, and especially Indian treaties. If we once commence it, I fear we shall never see the end of it.

We paid last year to these friendly Creeks \$110,000, which, in my opinion, was not due, for I believed, as I said then, that what was allowed in 1817, when Mr. Lowndes made his report, was a full consideration for all the claims which they were entitled to make. But Congress thought otherwise. They appropriated the \$110,000, which, in addition to the previous appropriations, made up the \$195,000—the whole amount ever estimated by the Commissioner as due to them for spoliation. Having done that, it seems to me we ought to stop; because, if we go further, if we undertake to go back to resettle these old treaties, we shall find that we are not to stop with those to which I have alluded. There are others, and we shall have large claims from another quarter.

I have before me a statement of some treaties made in 1842. A treaty was concluded with the Chippewa Indians of the Mississippi and Lake Superior, on the 4th of October, 1842, by which they ceded fifteen millions of acres of land, for which they got \$407,000. That is the estimated value of the lands granted, of their annuities, and of the money paid to them. Shall we reopen this treaty too, and pay these Indians at the rate of twenty or twenty-five cents an acre for their lands? If you pay this claim, how can you discriminate against others who have received much less than the Creeks for the lands which they have ceded? If we take this step we cannot stop there, but must go on. And if we act on the principle of this amendment, we shall have probably to reopen every treaty made previous to 1830, which I hope the Senate are not disposed to do.

Mr. WALKER. Mr. President, it is, or should be, the desire of every member of the Senate, to get at the right in this matter. I have listened, with great attention, to what has been said by the honorable chairman of the Committee on Finance, but he has failed to satisfy my mind by any thing that he has said, of any error on the part of the committee. It is purely a question of justice.

Have these Indians, as is alleged, been deprived of such a portion of their country, without compensation? If so, what compensation shall be allowed them? Upon this question we find there is a very wide difference between the opinion of the committee and of the Commissioner of Indian Affairs. I have before me his report and opinion upon the subject. As I stated upon a former occasion, his conclusions are with the committee, that justice is with the Indians; and not only so, but he fixes the amount of land of which they have been deprived at a much greater aggregate than the committee have fixed it, and the sum to which they are entitled at a much greater sum than that

fixed by the committee—as twenty cents an acre is greater than six and a quarter.

The Senator from Virginia sets out with a very imposing declaration, and one that strikes impressively when made in the manner in which he made it. It is that the amendment proposes to go back for forty years, and set aside a treaty made with these Indians, and readjust the consideration paid to them under that treaty for their lands. This would seem to be an act that the Senate would not do; and if that were really a true and correct statement of what is proposed, let him satisfy the Senate of it, and I venture to say they will not make this appropriation. But, sir, is it a correct statement? Is this a proposition to go back and set aside a treaty? You know, sir, the amendment does not propose to set aside the treaty. It leaves the treaty in force. The lands which by the capitulation were vested in the United States, are left, notwithstanding the amendment, in the United States. Does it propose to readjust any consideration stipulated for by that treaty? No, sir; for the *gravamen* of this claim is that no consideration whatever was allowed under the treaty.

If Senators read the report of the Commissioner of Indian Affairs, in which he correctly details what General Jackson said at the time, they will find that it is there asserted—and such will be found to be the case when the history of the matter is looked into—that General Jackson did not pretend to buy that land of the Indians. He never pretended that he was giving them any consideration, except in the casual words in which he said the land reserved between the Coosa and Tallapoosa rivers is an equivalent. The Indians might, and probably did, reply, "Sir, we do not consider it an equivalent." And why did they not consider it an equivalent? For the very reason stated in their part of the treaty, or the instrument drawn up by them, and which agent Hawkins and General Pinckney say they declared to be their part of the treaty, and in consequence of their being permitted to make that statement they signed the treaty, and from no other consideration except the force which was used. They say, in their part of the treaty, that they did not consider it an equivalent, and for a very plain reason. They might, if they had used language which would have expressed the idea very clearly at the time, have said: "General Jackson, how do you decree this a capitulation? The land between the Coosa and the Tallapoosa is already ours. It is true, these hostiles live there now; but how did they get there? They came there by our sufferance. They are not native Muscogee Indians, but are engrafted tribes, who have gone there to settle on our land by our permission, and the first thing we knew they waged war against us and against your country. We have stood by you, and helped you to fight them and put them down; and do you now deem it a consideration to say to us that we shall have a portion of the country which was originally our own, and take from us, under the capitulation, a large portion of this country which has never been the scene of warfare?"

Sir, such language as that addressed to General Jackson would have presented the case in its proper form, and how can it be said at this day that leaving to them this small parcel of country, which was already theirs, between the Coosa and the Tallapoosa rivers, was any equivalent for the enormous amount of property taken from them by the capitulation? They, our friends, were converted into enemies for the purpose of capitulation, and they were forced to give up land which had not been trodden by a foe, but from which they had kept the enemy with arms in their hands, a portion of the time being under the command of General Jackson himself, and other military officers of the United States. To contend that there was any equivalent would seem to be absurd. It would seem like my taking two horses from you, and saying that as an equivalent for this one I give you that. That is a queer kind of bargain. If that is the manner in which the Government can conduct itself, and deem itself acting justly, it is a new rule by which it governs its conscientiousness.

Then the Senator is mistaken in both branches of his first proposition. We do not propose to go back forty years and set aside any treaty. We do not propose to go back and readjust any con-

sideration then paid under the treaty for this land. We deny that it was paid at all; and the Senator has read the very instrument contemporaneous with the capitulation in which the Indians declared that they were the owners, not only of the land they were forced to give up, but also of that which was left to them as a pretended equivalent, and that they alone had the right to cede it. In that instrument they also recited the promise which had been made through General Pinckney and agent Hawkins, that their claims should be respected. Here let me take a side glance at the objections which have been made to the claim. It is said that this claim has slumbered so long that now it is too late to take it up. The Senator himself has called our attention to the first step which was taken in this matter in 1814. He has traced from that time down to 1824, and we find that at other periods the claim was asserted through their agent, and by different agents.

Mr. HUNTER. Not since 1824, that I can find.

Mr. WALKER. You will find that it was so; but I will admit that, from 1824 down to 1852, their principal struggle was to get indemnity for the spoiliations on their personal property, and their houses and villages. The Senator says there would now be impropriety in attempting this readjustment, as he terms it, because of the great difficulty of getting at the evidence. I wish to inquire what evidence he wants which is lacking? Is there any testimony in regard to it which is not of a better character than can be presented in regard to any other claim? Why, sir, the highest order of testimony is record evidence; and, though this may not fall strictly within the definition of record evidence, when we speak of the decisions and the records of courts of justice, yet it is record evidence so far as it can be, and most solemnly so, being found among our own American archives. It is a claim which can be traced, as I before remarked, by the public archives of the country, more conclusively, perhaps, than any other claim which ever was presented on the part of an Indian tribe. It had its inception at the capitulation of 1814. Then we find the Indians most solemnly declared that they would not, by reason of the force that was exercised upon them, execute this treaty. Agent Hawkins says so too; and notwithstanding force was used, and the threatening attitude of General Jackson, they would not have signed the treaty unless it was conceded, on the other hand, that they should have put upon the treaty a kind of protocol, which they made their part of the treaty, and which they required to be forwarded to the War Department, together with the letters of General Pinckney and agent Hawkins. We see, from that time down to 1824, it is not disputed they were following up this claim. We find, too, contemporaneous with it, a declaration of surprise, on the part of agent Hawkins, that the course pursued by General Jackson should have been pursued towards them; and so far as I have heard, I must say, that, as well as I can learn from those who knew him, this agent Hawkins, has left a character as fair as any man, perhaps, who ever conducted Indian affairs in connection with any tribe in the country. He seems to have been a man of peculiar integrity, and of a fine sense of justice, who stood by the rights of the Government, and stood up, when he could, for the rights of the Indians. But all that he could do was to declare his surprise in reference to this matter.

The Senator says we cannot now estimate the Indian title, and he tells us, as a reason why we cannot, that the Indian title is but the right to roam over the land and to obtain a precarious subsistence from the game that, like the Indians themselves, roam over the country. Why, sir, it is strange indeed if we cannot estimate the Indian title at this day. What have we been doing since the revolutionary war? Has not, in every instance, when it was proposed to make an Indian treaty, an estimate been made of the value of the Indian title to the lands proposed to be sold? Why, sir, you will find that the very next year the Indians were allowed for lands in the same region of country, not six and a quarter cents an acre, but the admission of the Government is, that that land right adjoining this was more valuable than six and a quarter cents—as much as two thirds more valuable. There is the estimate set by the Government itself, upon what? Upon land

to which the title was in it? No, sir, but to land over which there was an Indian title—the right to roam and procure a precarious subsistence. Here then we have evidence of the value of the Indian title. In the following year, at the treaty of Indian Spring, we have evidence of the estimate which the country set upon the Indian title, and we have it continually ever since. Not a year passes in which the Government is not brought to make some estimate of the Indian title; I cannot see therefore that there is any force in this point, which is thrown in as it were to make weight against this claim.

Mr. President, there was another very broad assertion made by the Senator, and it was that we gave at the time to these Indians that which they were satisfied. I must confess I was more surprised with that declaration from the lips of the honorable Senator than with any other declaration which he made. Why, sir, was not the very evidence which he was reading and reviewing at the time proof cogent and conclusive of the incorrectness of that statement? Was not the protocol, drawn up by themselves, a refutation of his declaration? How, then, could he say they received that with which they were satisfied? It is impossible to say it in truth, not that I by any means intend even to imply that the Senator would falsely represent this matter intentionally. But we do know that these Indians were dissatisfied at the time. They declared it solemnly in writing. They declared it in that form which they deemed a part of the treaty.

Mr. HUNTER. I did not say that the Indians were satisfied at the capitulation of Fort Jackson, but I say we have the evidence of agent Hawkins that they would have been satisfied at that time if they had received \$60,000 in money.

Mr. WALKER. That was a subsequent part of the Senator's remarks, and I was about to comment on it; and I was going to say, that the next thing we heard from the honorable Senator was that they would have been satisfied at the time Colonel Hawkins made his report, if they could have been paid \$60,000. Now, what is said on that subject by the Commissioner of Indian Affairs, in reviewing the whole history of this transaction? He says this:

"As to what may be deemed 'just and proper' compensation for the lands referred to, I have to remark that Colonel Hawkins, in his letter of the 1st of August, 1815, (2 *Indian Affairs*, 493,) said that he believed the Indians would at the time have accepted \$60,000 as an indemnity. The committee of the Fourteenth Congress, of which Mr. Lowndes was chairman, considered the remark to refer exclusively to their claim for indemnity for injuries and losses, (2 *Indian Affairs*, 125.) So did the Committee of Ways and Means of the House, in 1824, (ib., 492.) On the contrary, my predecessor in office, Orlando Brown, Esq., with whom I concurred, was of a contrary opinion. (See *Commissioner Brown's report*, made in 1850, to the Committee on Indian Affairs of the Senate.)"

Now, I wish Senators to note what follows, for it addresses itself to the Senate as well as the Secretary of the Interior, to whom this report was made:

"But be this as it may, even if the friendly Indians, seeing their land irretrievably taken from them, expressly informed by General Jackson that he had no authority to comply with General Pinckney's promises, crushed under a great weight of misfortunes, disheartened and despairing, would have received at that time for their lands so inadequate a compensation, that affords no rule by which to measure what they ought now to receive; and to consider them bound by what it was Colonel Hawkins's opinion they would have received, if paid them then, would be the strangest injustice."

This is what the Commissioner of Indian Affairs says. Differing vastly from the Senator from Virginia, and from any view it seems to me which may be taken on this subject, when it is clearly and fully understood. Why, sir, suppose, as the Commissioner says, at that time confronted by General Jackson as they were, told that he could not comply with the terms proposed by General Pinckney, that he could do nothing more than receive the capitulation from them, and take from them their country; and suppose when they saw it had to go anyhow, they voluntarily said, give us \$60,000, would the Government have considered that the Indians were concluded and estopped by the acceptance of such a proposition? No, sir. It seems impossible that just men could come to such a conclusion. These are the best features surrounding the transaction, and the best you can say of that statement of Colonel Hawkins is, that under the circumstances recited by the Commissioner of Indian Affairs, they would

have humbly bowed down and taken that sum when they knew well they could get nothing more. When friends are found involuntarily placed in the position of enemies, and are forced and become willing to submit to such terms, I do not know how far some minds might be willing to consider them as concluded on that subject; but for my part, I am so constituted that I can take no such view as that. I cannot say that I would hold them responsible for it even if the \$60,000 had then been paid them; and it was undeniably the consideration for their lands.

Another statement was, that, when the capitulation was made, General Jackson reserved land for the friendly Creeks equivalent to that which he took from them. I have commented on that before; and the comparison which I made, of taking your two horses, and returning you one as a consideration for the other, is an exact parallel. He gave them nothing but what already belonged to them; nothing but what they said, in his presence, belonged to them; nothing but what they said, in writing, belonged to them; and that writing he consented to forward to the Government, knowing that they claimed it as their part of the treaty.

This, then, was the attitude occupied by this case at that time. This was the manner in which General Jackson, in connection with this whole transaction at that time, answered the argument and the assertion of the Senator, that they received an equivalent. But, sir, General Jackson, at the time, did not dispute that part of the treaty, or that protocol which they claimed as their part of the treaty. Why do I make this assertion? In the same report of the Commissioner of Indian Affairs to which I have referred, he recites the fact that:

"General Jackson, however, did not pretend to take or retain the lands of the friendly Creeks as part of the conquered territory. His reasons for taking them were stated by him in his letter to the Secretary of War, dated August 10, 1814, in which he said: 'Considerations interesting to the United States, relative to the Spanish dominions immediately south of us, induced me to procure the cession of all the Creek lands of consequence, bounding on foreign claims of territory, in order to prevent future connections injurious to our tranquillity.' (1 *Indian Affairs*, 638.) On the 15th of April, 1824, Mr. Forsyth, from a select committee in regard to the claims of Georgia, made a report, in which it is said: 'In 1814, General Jackson, acting under the authority of the Government, took from the Creek Indians, for an equivalent named by himself, all the land the United States chose to require, to effect a great object of national policy in regard to the Indian tribes. It cannot be alleged that this was done by virtue of conquest. This acquisition by conquest was an acquisition of lands from friends and allies for an equivalent named by the United States.'"

That "equivalent," as I before stated, was but another portion of their own country, and they so declared in the protocol to the treaty on their part. Thus we see, sir, that contrary to the argument of the honorable Senator, General Jackson himself did not pretend that he was giving an equivalent. He took the territory for political considerations. He did not view it as a matter of consequence to the country whether he gave any consideration or not. A military man, in his position, perhaps, was justified in doing what he did. If the country was in *extremis*—if those Spanish dominions lying on the frontier were to be made the rendezvous for robbers, thieves, and pirates—if persons like Arbuthnot and Ambrister were to be allowed there to carry on their operations, and arm parties to commit treason on this country, it was, perhaps, justifiable, if the country could not be saved in any other way, to take the Indian lands on the frontier, and seize the traitors and shoot or hang them. Sir, General Jackson, of all men on earth, was the man to act up to the requirements of the occasion. In this condition of things it was immaterial to him what the Creeks might claim as being their country, because there was a necessity on his part for taking it. But, sir, when these Indians appealed to us for justice, when their claim is ascertained, when they have followed it up, and shown its justice clearly to us, are we to say to them coldly, "What you were forced to do then we will make you stand by now! Though you were our friends, and fought by our sides—though you were under the command of the man who forced you to cede your country for the benefit of his, we will not give you one farthing for the territory which was ceded or taken from you." If the Senate or the Congress of the United States will do that, I must solemnly declare that I have long misappreciated their sense of justice.

The honorable Senator says the Indians have already got more than the United States will ever get from these lands. Sir, when did they get it? He brings up general tables here showing the aggregates of sums given by the Government, under all the treaties with the Creeks, and all the expenses paid them for indemnity, &c., including, perhaps the expenses incurred by the United States in wars in which the people of the United States, those of Alabama and Georgia in particular, were as much interested.

Mr. HUNTER. Not an estimate of what we gave them except lands and money.

Mr. WALKER. I make the inference from the nature of a statement, which I now have in my drawer, in which I see that in some of these cases the expenses of wars are charged in these tables to the Indians. I do not say it is so in this case.

Mr. HUNTER. It is not so. The statement which I gave merely included the lands and the money given to the Indians.

Mr. WALKER. But suppose in treating with the Creek Indians, the United States, at various times, have, in making other acquisitions, incurred heavy expenditures. That has been a matter of voluntary bargain and contract between the two parties. Neither was then forced to capitulate. The parties stood upon an equal footing. They dealt as equals do. Then why array that against these Indians? why bring that up to show that now the Government of the United States ought not to make compensation when there has been a manifest wrong done? I cannot see how the argument can be applied.

Why, sir, would this be the case between individuals acting as equals? If I had bought one farm of you, and paid a large price for it, a price that turned out to be a losing bargain on my part, and I subsequently seize on another farm, and take it from you, ought I to offset the loss which I made by the first purchase, against the farm secondarily taken? I apprehend no one could approve such a reason; and yet this would be the strongest point of view in which the Senator could put his argument. I do not concede the facts which he puts forth. If he will take the tables of lands already sold, he will find, and that, too, in a report from the Commissioner of the General Land Office sent to the Secretary of the Interior, and the accompanying report of the Commissioner of Indian Affairs, that there has been already sold in this identical tract, land for which this Government gave nothing, to the amount of over seven millions of dollars. About seven and a half millions have already been received in that very district of country; and it is now objected to complying with the Indian portion of this treaty, and paying them \$500,000 for it, or at the rate of six and a quarter cents per acre.

Then I do not think that in the statistics which the Senator has produced or can produce, he can show in relation to these Indians, and more particularly in relation to this transaction, that his statement is correct, that the Government has already paid for this land more than it will receive. The truth is they paid nothing except what they paid out of another portion of lands belonging to the same Indians, and situated just as those were which they did seize and did take.

Mr. HUNTER. I think the Senator must have misunderstood what I said. I said that taking the whole amount ceded by the Creeks, the United States had paid more for it than they ever were paid in return.

Mr. WALKER. That may be the case, and I will state the reason for it. Take the case of an Indian tribe, the Delawares for instance. They were originally situated in this part of the country. The Government bought them out, and they were removed a little further west, and you gave them a location there. When the whites reached that you buy them out, and remove them further west. When the whites reach that you take it and remove them still further west, and so on, step by step, until you get them west of the Mississippi, buying them out each time and paying them gratuities. It might turn out that if you charged the whole of it to one purchase, it would amount to a great deal more than the Government received; but we know that this is the character of the transactions yearly occurring between the United States and the Indian tribes.

Mr. HUNTER. The Senator is mistaken.

This is the whole amount ever bought from them, and this is the whole amount given.

Mr. WALKER. I had a right to infer that the Senator was taking this view of the policy of the Government towards the Indian tribes, when he not only makes that assertion against them, but then makes the broad assertion that the Government has at last given them lands that are far more valuable than any it ever did acquire. Who does not know this? Why, sir, he could instance a dozen tribes in regard to which the same thing took place, that after lands were bought from them from time to time, they may at last be settled on reservations west of the Mississippi, more valuable than the lands the Government has got from them.

But when you propose to buy them out again, what would you do? If you have a reservation a little further along, you will give it to them. It may be valueless when you give it to them, but when the whites come up to it, it will be more valuable, perhaps, than what you previously bought from them. Would this be an argument against paying them for what you had taken without consideration? If so, you have arrived at the period at which not a dollar should ever be appropriated to an Indian tribe; for that they have been a bill of expense to the country everybody knows; that they have been of no use to it everybody knows; that many of the tribes have been a most serious detriment and injury to the settlement of the country, everybody will admit.

But I am speaking of doing justice to this tribe of Indians in this particular, as we have and always have had our relations with them, to pay them for what it is acknowledged and cannot be disputed we did take from them without consideration, and not to bring up now a statement of accounts from the beginning down to the present day, charging everything to the Indians, and saying it is well enough to snatch this from them; it is well enough to convert them into enemies for the purpose of robbing them; it is well enough to make them assume the position of hostiles after they have been our allies and friends, and sign a capitulation by which we deprive them of their country. If it be a good argument in this instance, it will be a good argument against the appropriation of another dollar henceforth and forever to any tribes with which we have had treaty relations.

Mr. President, it is to me a matter of conviction that these Indians are entitled to what I have endeavored to show they are entitled to. My opinion is but the opinion of an individual, and one about as likely to err as anybody, and the older I get the more I am satisfied of it. But, at the same time, while my convictions rest upon me they are generally pretty sincere; and I am sincerely of the opinion that the Indians are entitled at least to an amount to the extent to which the committee has proposed to go. If the Senate think otherwise, be it so.

Mr. SEBASTIAN. I shall support the amendment offered by the Senator from Wisconsin; but it is useless to go on to-day. There is not a quorum in the Senate, I think, to enable us to take a vote on the subject, and at this late hour it would be unjust to myself and to the Senate, to enter upon the discussion of it; for although I shall not say much, I want to say it under different auspices from those by which I am surrounded at present. I therefore move to postpone the further consideration of the bill.

The PRESIDING OFFICER. Until what day?

Several SENATORS. To-morrow.

Mr. HUNTER. I do not want to urge the Senator from Arkansas to go on under circumstances which are adverse; but I am anxious to have the bill disposed of to-day.

Mr. SEBASTIAN. I move that the Senate adjourn.

The motion was agreed to, and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 9, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICKER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from Samuel Casey, the Treasurer of the United States, transmitting copies of his ac-

counts of receipts and disbursements for the Post Office Department, for the year ending 30th June, 1853; which was laid upon the table, and ordered to be printed.

Mr. JONES, of Tennessee. I move, with the unanimous consent, that the substitute for the Nebraska-Kansas bill, offered yesterday by the gentleman from Illinois, be ordered to be printed.

Mr. RICHARDSON. I hope that will be done. The motion is one which I myself intended to submit.

Mr. JONES. I make the motion in pursuance of the general understanding of the House, yesterday, when the reading of the substitute was dispensed with.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection, and the substitute was ordered to be printed.

Mr. JONES. Now, I would ask that the Senate bill be also printed. The copies which were printed have all been exhausted.

There was no objection, and it was so ordered.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

H. R. No. 134. An act for the relief of Fayette Mauzy and Robert G. Ward.

H. R. No. 188. An act for the relief of the heirs of Anthony G. Willis, deceased.

H. R. No. 267. An act for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufala.

The SPEAKER. The business first in order is a motion to recommit the following bill: "A bill granting lands equally to the several States to aid in the construction of railroads and for the support of schools;" and upon that motion the gentleman from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. RICHARDSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair announced that the gentleman from Maryland was entitled to the floor; if he yields for that purpose, the motion can be entertained.

Mr. HAMILTON. I would not, by any course of mine, prevent the disposition of any matter by the House. I will therefore yield the floor to my friend from Illinois.

Mr. RICHARDSON. Then I submit the motion which I have indicated.

The question was taken on Mr. RICHARDSON's motion; and it was agreed to.

NEBRASKA BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair,) and resumed the consideration of the bill "to organize the Territories of Kansas and Nebraska."

Mr. INGERSOLL obtained the floor, and addressed the House during his hour in relation to the foreign policy of the United States. A report of his speech will be found in the Appendix.

Mr. ZOLLICOFFER said that the subject of organizing a territorial government for this Territory was introduced in Congress ten years ago. He would prefer that our Government should pursue the policy heretofore pursued towards other Territories, but he was for the principle of this bill, regarding the main feature to be that proviso which repeals the Missouri act of 1820. He claimed for the South equal privileges of rights and occupancy with other parts of the country in the Territories. He referred to the history of the passage of that law, and in the course of his remarks, said southern men agreed, acquiesced in it, for the sake of peace, having been assured that it was to be as a wall beyond which aggressions on southern rights were not to extend. If the compromise had been adhered to by the North, he should be the last man to disturb it. But the North, soon after the passage of the law, disregarded it. In every question that has ever been presented, the anti-slavery men of the North have repudiated the binding efficacy of the compromise

of 1820 in the extension of slavery. He further advocated the bill until the expiration of the hour to which he was limited in debate. A report of his speech will be found in the Appendix.

Mr. ZOLLICOFFER having concluded—

Mr. WALLEY next obtained the floor, and addressed the House at length in opposition to the Nebraska and Kansas bill. His speech will be found in the Appendix.

Mr. LATHAM obtained the floor.

Mr. KEITT. The gentleman from Massachusetts has been interrupted several times in the course of his speech, and I trust that he may be allowed to proceed for ten minutes further.

[Cries of "Let him go on!" "No, you will break the rule!"]

The CHAIRMAN. The Chair has no power to let the gentleman from Massachusetts proceed beyond the hour allowed him under the rule.

Mr. HUNT. I hope that the gentleman will be allowed to proceed. He was interrupted, it appears to me, by the consent of the committee, and by the consent of the committee he ought to be allowed ten minutes.

The CHAIRMAN. The Chair has no power to let the gentleman proceed without the consent of the committee.

Mr. HUNT. I do not appeal to the Chair, but to the committee. I know that the Chair has no power; but as the Chair interrupted the gentleman from Massachusetts, I think that it is an argument with the committee why he should be allowed to proceed further.

The CHAIRMAN. The gentleman is mistaken; the Chair did not interrupt the gentleman from Massachusetts.

Mr. HUNT. I heard you say frequently, "Will the gentleman give way to such and such gentleman?" That was an interruption. [Laughter.]

Mr. RICHARDSON. With the permission of the gentleman from California, I will submit a suggestion. There are a great many gentlemen who desire to speak on this subject. If we have an understanding that we are to speak—

Mr. COBB, (in his seat.) To nine o'clock to-night. [Great Laughter.]

Mr. RICHARDSON. If we hold our session to a late hour to-night, gentlemen can go home and get their dinners, while those who wish to speak can stay here and have an opportunity to do so. They will at all times have audiences.

Mr. HUNT. I shall submit to no dictation; and I trust that the committee will go on according to parliamentary law. [Applause.]

Mr. LATHAM. Mr. Chairman, I have here prepared, a speech upon the claim of California to what is commonly known as the "civil fund." I am perfectly aware that the House is deeply anxious to hear only those persons who want to speak upon the Nebraska bill. I do not propose to consume at this time the attention of the House upon a question of vital importance alone to my people and State. I have frequently read my speech myself, and am pretty well satisfied with it, Mr. Chairman, [laughter,] and I do not care about reading it to empty seats. [Laughter.] I therefore respectfully ask of the House to permit me to print it, and when printed, I respectfully ask of all the members, as I have thus obliged them, to oblige me by reading it. [Great laughter, and cries of "Agreed!" "That's right!"]

Mr. ENGLISH obtained the floor.

Mr. WRIGHT, of Pennsylvania. I move that the committee do now take a recess for two hours.

[Cries of "No!" "No!"]

Mr. WRIGHT. I modify my motion so that it will be that the committee take a recess for one hour.

The CHAIRMAN. The motion will be entertained.

Mr. HUGHES. I move that the committee do now rise.

Mr. ENGLISH. I do not yield to the motion that the committee do now rise. I only yield to the motion for the taking of a recess of one hour.

Mr. HUNT. I demand tellers on the motion of the gentleman from Pennsylvania.

Tellers were ordered.

Mr. HUGHES. If the motion for a recess be put, I insist on the right to submit mine, that the committee do now rise.

Mr. COX. The gentleman has not the floor to make his motion.

Mr. WRIGHT. I withdraw my motion that the committee take a recess.

Mr. WASHBURN, of Maine. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana is still on the floor.

Mr. ENGLISH addressed the committee, taking the ground that under the Nebraska bill, as it came from the Senate, slavery can have no legal existence in the Territory, unless a Legislature favorable thereto shall be chosen by the people; secondly, that slavery cannot exist there; and thirdly, that the bill is just to all sections of the country, and is in strict conformity with the genius of our republican institutions. [His speech will be found in the Appendix.]

Mr. COX obtained the floor.

Mr. WHEELER. I rise to what I deem a privileged question. There is no quorum present, and, under the circumstances, can the committee continue in session longer?

The CHAIRMAN, (Mr. KEITT in the chair.) The gentleman from Kentucky is upon the floor.

Mr. COX. I yield to the gentleman, if his question be a privileged one.

The CHAIRMAN. The Chair decides that the question is not a privileged one.

Mr. WASHBURN, of Maine. I would ask the Chair, whether he decides that it is in order for the House to remain in session when no quorum is present?

The CHAIRMAN. The House is now in committee, considering the Nebraska-Kansas bill. The Chair does not know that there is no quorum present.

Mr. COX. As there has been a speech just made on the side of the question which I desire to advocate, I will yield to the gentleman from New York, [Mr. SIMMONS.] I will follow him, and promise to do so to-night. I yield to the gentleman, if it be the pleasure of the committee, with the understanding that he shall now proceed, and that I follow him this evening.

Mr. WHEELER. I object.

Mr. WASHBURN. Does the Chair overrule the point of order which I made?

The CHAIRMAN. The Chair does.

Mr. WASHBURN. Then I take an appeal from that decision of the Chair.

Mr. CLINGMAN. There is no privileged question in committee.

The CHAIRMAN. So the Chair decides.

Mr. WHEELER. I object to the farming out of the floor.

The CHAIRMAN. The gentleman from Kentucky has yielded the floor to the gentleman from New York. No privileged question can be entertained in committee, and the gentleman from New York will now proceed.

Mr. SIMMONS. I claim the floor to speak an hour.

The CHAIRMAN. The gentleman will proceed.

Mr. WHEELER. For one I will not stay in the House where such decisions are made.

Mr. SIMMONS. I want every moment of my time.

Mr. SIMMONS argued that the Missouri-compromise is a contract, a binding law, and which the courts would be bound to hold against the action of Congress, much to the mortification of gentlemen of both Houses, unless he had read law for thirty years to no purpose. He likewise spoke against the policy of repealing the Missouri act.

Mr. COX, while he declared that quiet should be given to the country by the passage of this bill, yet he did not feel that his northern friends who oppose it are unpatriotic. He referred to historical documents to show that the North never regarded the Missouri act of 1820 as a compact. Therefore, the charge of the South violating a compact came with a bad grace from the North.

Mr. DAVIS, of Rhode Island, said that, whether the bill should pass or not, the effects already produced in arousing agitation on the question of slavery were such as could not be avoided. The agitation against that institution was not now confined to that class which had so often been stigmatized as fanatics, but had extended already to men of business in the North, and even to the emigrants, who are manifesting their natural opposition to slavery. He contended that slavery is inconsistent with true democratic principles, and

earnestly opposed the repeal of the Missouri compromise.

Mr. TAYLOR, of New York, said that the excitement which this bill had produced is rapidly giving way to sober reason, which leads to right conclusions. He held to non-intervention in the local affairs of the Territories, including slavery. As to the Missouri law of 1820, there was no compact about it. It was a mere law, repealable at the pleasure of Congress.

[These speeches will be found in the Appendix.]

Mr. BALL next obtained the floor.

Mr. LETCHER. Will the gentleman yield to a motion that the committee rise?

[Cries of "No!" "No!" all over the Hall.]

Mr. BALL. If the committee desire to rise, I have no objection.

Mr. LETCHER. I make that motion.

[Cries of "No!" "No!" and "Don't rise."]

Mr. LETCHER. It is now eight o'clock, and we have been here long enough.

Mr. WHEELER. I demand tellers upon the motion that the committee rise.

Tellers were ordered; and Messrs. VAIL, and Jones of Louisiana, appointed.

The question was then taken; and the tellers reported—ayes 46, noes 56; no quorum voting.

[Cries of "Call the roll!"]

The CHAIRMAN. No quorum having voted, the Clerk will proceed to call the roll.

Mr. STEPHENS, of Georgia. I rise to a question of order.

The CHAIRMAN. The rule is imperative. When the committee finds itself without a quorum the roll must be called.

Mr. STEPHENS. I call for the reading of the rule upon that subject.

The Clerk read the 126th rule, which is as follows:

"Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House finds itself without a quorum, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal."

The CHAIRMAN. Under that rule the Chair rules that the order is peremptory, and the Clerk will call the roll.

The roll was called.

The committee then rose; and the Speaker having resumed the chair, the Chairman (Mr. OLDS) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 236) to organize the Territories of Nebraska and Kansas, and having found itself without a quorum, had caused the roll to be called, and the names of the absentees to be noted, and had further directed him to report the facts to the House, with the names of the absentees.

The absentees are as follows:

Messrs. Abercrombie, Aiken, Wiley Allen, Appleton, Banks, Barksdale, Barry, Benton, Bissell, Bliss, Bocoek, Brooks, Campbell, Carpenter, Caruthers, Caskie, Chamberlain, Chandler, Chase, Chastain, Chrisman, Churchill, Clingman, Cobb, Cook, Craig, Cullom, Cumming, John G. Davis, Thomas Davis, Dent, De Wit, Dick, Dickinson, Disney, Dunham, Edmonds, Edmundson, J. M. Elliott, English, Ewing, Farley, Faulkner, Flager, Franklin, Fuller, Gamble, Giddings, Goode, Goodrich, Green, Grey, Grow, Hamilton, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Hastings, Hendricks, Henn, Hiester, Hill, Hillyer, Howe, Ingersoll, J. Glancy Jones, Kidwell, Kittredge, Knox, Kurtz, Lane, Latham, Lilly, Lyon, McCulloch, McMullin, McNair, McQueen, Mace, Meacham, John G. Miller, Smith Miller, Morgan, Morrison, Nichols, Noble, Norton, Orr, Peck, Peckham, Pennington, Powell, Pratt, Preston, Pringle, Raddy, Riddle, David Ritchie, Thomas Ritchie, Rogers, Sage, Shannon, Simmons, Singleton, Gerrit Smith, William R. Smith, George W. Smyth, Snodgrass, Sollers, Frederick P. Stanton, Richard H. Stanton, Siranb, David Stuart, John L. Taylor, Thurston, Upham, Walker, Walley, Warren, Israel Washburn, Wells, John Wentworth, Westbrook, Witte, Hendrick B. Wright, Yates, and Zollcoffer.

The SPEAKER announced that one hundred and ten members (less than a quorum) had answered to their names.

Mr. SAGE. I move that the House do now adjourn.

Mr. WASHBURN, of Illinois. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. SAGE's motion, and decided in the negative—yeas 40, nays 66; as follows:

YEAS—Messrs. Belcher, Benson, Bugg, Chandler, Corwin, Crocker, Cullom, Cutting, Dean, Drum, Edgerton,

Edmonds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Fenton, Harrison, Haven, Hillyer, Hughes, Hunt, Daniel T. Jones, Letcher, Macey, Maurice, Middlesworth, Milson, Murray, Andrew Oliver, Parker, Puryear, Russell, Sapp, Seymour, Skelton, Gerrit Smith, Stratton, Andrew Stuart, and Wade—40.

NAYS—Messrs. James C. Allen, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Bell, Boyce, Breckinridge, Bridges, Brooks, Clark, Clingman, Cobb, Colquitt, Cox, Curtis, Dawson, Dowdell, Dunbar, Eddy, Florence, Greenwood, Sampson W. Harris, Henn, Hibbard, Houston, Johnson, George W. Jones, Roland Jones, Keitt, Kerr, Lamb, Lindsey, Lindsay, Macdonald, McDougall, Maxwell, May, Olds, Mordecai Oliver, Packer, John Perkins, Phelps, Phillips, Reese, Richardson, Robbins, Rowe, Ruffin, Seward, Shaw, Shower, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, Hester L. Stevens, John J. Taylor, Nathaniel G. Taylor, Tweed, Vail, Vansant, Walbridge, Walsh, and Witte—66.

So the House refused to adjourn.

Mr. RICHARDSON. I move a call of the House.

Mr. SAGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STRATTON. I move that the House do now adjourn.

Mr. SAGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 32, nays 69; as follows:

YEAS—Messrs. Benson, Bugg, Chandler, Corwin, Crocker, Cullom, Cutting, Dean, Dick, Drum, Edgerton, Ellison, Etheridge, Everhart, Fenton, Harrison, Haven, Howe, Hunt, David T. Jones, Letcher, Middlesworth, Milson, Murray, Norton, Parker, Russell, Seymour, Gerrit Smith, Stratton, Nathaniel G. Taylor, and Wade—32.

NAYS—Messrs. James C. Allen, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Bell, Boyce, Breckinridge, Bridges, Brooks, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Curtis, Dawson, Dowdell, Dunham, Eddy, Florence, Greenwood, Sampson W. Harris, Henn, Hibbard, Houston, Johnson, George W. Jones, Roland Jones, Keitt, Kerr, Lamb, Lindsey, Lindsay, Macdonald, McDougall, Maxwell, May, Olds, Mordecai Oliver, Packer, John Perkins, Phelps, Phillips, Preston, Reese, Richardson, Robbins, Rowe, Ruffin, Sapp, Seward, Shaw, Shower, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walsh, Warren, Tappan Wentworth, and Witte—69.

So the House refused to adjourn.

The question then recurred upon the motion that there be a call of the House.

Mr. BELL. I ask the House to allow me to make a single statement. As there seems to be some difficulty about adjourning, I would much prefer going on with my speech, if the House will again go into committee.

Mr. BOYCE. I move, then, that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order while there is no quorum present. The Chair knows of no way by which the House can accomplish its object without a quorum being present.

Mr. STEPHENS. How many members answered to their names upon the vote to adjourn?

The SPEAKER. One hundred and one.

Mr. CLINGMAN. I hope the Chair will ascertain whether there is a quorum in the House; and then we shall know whether the motion to go into the Committee of the Whole can be submitted or not.

The SPEAKER then proceeded to count the House, and announced that one hundred and fourteen members (less than a quorum) were present.

Mr. RICHARDSON. I must then insist upon my motion for a call of the House.

Mr. BRECKINRIDGE. Have the yeas and nays been ordered?

The SPEAKER. They have, and the House must vote upon the motion by yeas and nays, unless the gentleman from Illinois withdraws the motion.

The question was then taken; and it was decided in the affirmative—yeas 78, nays 34; as follows:

YEAS—Messrs. James C. Allen, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Bell, Boyce, Breckinridge, Bridges, Brooks, Carpenter, Clark, Clingman, Cobb, Colquitt, Craig, Curtis, Dawson, Dean, Dunbar, Eddy, Edgerton, Edmonds, Thomas D. Eliot, Ellison, Etheridge, Florence, Greenwood, Henn, Hibbard, Hillyer, Houston, Hughes, Hunt, Johnson, Roland Jones, Keitt, Kerr, Lamb, Latham, Lindsey, Macdonald, McDougall, Macey, Mattoon, Maxwell, May, Mayall, Olds, Mordecai Oliver, Packer, John Perkins, Phelps, Phillips, Preston, Reese, Richardson, Robbins, Rowe, Ruffin, Sapp, Seward, Shaw, Shower, Samuel A. Smith, William Smith, George W. Smith, Alexander H. Stephens, Hester L. Stevens, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walsh, Warren, Tappan Wentworth, and Witte—78.

NAYS—Messrs. Benson, Bugg, Chandler, Corwin, Cullom, Cutting, Dick, Drum, Fenton, Harrison, Haven, Howe, Daniel T. Jones, George W. Jones, Letcher, Lindsey, Maurice, Middlesworth, Milson, Murray, Norton, Andrew Oliver, Parker, Puryear, Russell, Sage, Gerrit Smith, Stratton, Andrew Stuart, Nathaniel G. Taylor, Tracy, Upham, Wade, and Elihu B. Washburne—34.

So the House ordered that there should be a call of the House.

Mr. CULLOM. I move that all further proceedings under the call be dispensed with.

The SPEAKER. There is a quorum present, lacking one.

Mr. CULLOM. The gentleman from Ohio desires to proceed with his remarks this evening. At their conclusion we can adjourn.

Mr. WHEELER. I move that the House do now adjourn; and on that motion I call for the yeas and nays.

[Cries of "No!" "Withdraw the motion?"]

Mr. WHEELER. I shall not withdraw it.

The question was then taken on Mr. CULLOM's motion; and it was agreed to.

So all further proceedings in the call were dispensed with.

Mr. STEPHENS, of Georgia. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. On the vote on the last motion there wanted two of a quorum. The Chair will, however, ascertain if there is a quorum now present.

Mr. STUART, of Ohio. What has become of the motion to adjourn?

The SPEAKER. The Chair asks pardon. The motion of the gentleman from New York, [Mr. WHEELER,] that the House do now adjourn, is pending.

The question was then put on Mr. WHEELER's motion; and it was decided in the negative.

So the House refused to adjourn.

The SPEAKER then proceeded to count the House; and announced that there were 128 members in their seats.

A quorum being now present, the Committee of the Whole on the state of the Union resumed its session, (Mr. OLDS in the chair.)

The CHAIRMAN. When the committee found itself without a quorum, a motion was pending that the committee rise.

Mr. LETCHER. I withdraw that motion.

Mr. BALL. Mr. Chairman, there seems to be very little disposition in the committee to hear me, and it is suggested that I had better print my remarks.

[Cries of "Oh, no!" and "Go on!"]

Mr. BALL. Well, I will proceed. I regret exceedingly that the committee was detained by the motion of my friend from Virginia, [Mr. LETCHER,] that the committee should rise for the purpose of adjourning.

Mr. B. said he was uncompromisingly opposed to that portion of the bill which proposed to operate as a repeal of the Missouri compromise of 1820. He considered it a great wrong and outrage to be perpetrated on the people of the North, and as threatening to disturb the peace of the whole country. [His speech will be found in the Appendix.]

Mr. BAYLY, of Virginia, obtained the floor.

Mr. RICHARDSON. If my friend from Virginia will yield me the floor, I will move that the committee do now rise.

Mr. BAYLY. I yield for that purpose.

Mr. RICHARDSON. Then I submit the motion to rise.

Mr. STEPHENS, of Georgia. Will the gentleman allow me a few moments before the committee rises?

Mr. BAYLY. I will do so, if it does not come out of my time.

The CHAIRMAN. The Chair can make no such arrangement.

Mr. SMITH, of Virginia. Let it be the understanding of the House that it shall not come out of my colleague's time.

Mr. BAYLY. I will yield the floor with pleasure to the gentleman from Georgia now, if I can have my full hour to-morrow.

Mr. STEPHENS. The gentleman can have his full hour in the morning. I do not want to detain the committee many minutes.

The CHAIRMAN. By unanimous consent the gentleman from Georgia can proceed.

Mr. DICK. I object.

Mr. STEPHENS. I merely wish to say—

The CHAIRMAN. The gentleman from Georgia cannot proceed, since objection is made. The question was then taken on Mr. Richardson's motion; and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. Olds) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill (No. 236) to organize the Territories of Nebraska and Kansas, and had come to no conclusion thereon.

Mr. COX. I move that the House do now adjourn.

The question was put; and the motion was agreed to;

And thereupon (at five minutes past ten o'clock, p. m.) the House adjourned until to-morrow, at twelve o'clock, m.

IN SENATE.

WEDNESDAY, May 10, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, communicating information, in compliance with a resolution of the Senate, in relation to the dock, basin, and railway at Pensacola; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

The PRESIDENT presented the petition of James T. V. Thompson, of Missouri, praying indemnity for losses sustained on his contracts with officers of the United States Army; which was referred to the Committee on Claims.

Mr. WELLER. I ask leave to present joint resolutions passed by the Legislature of California, relative to the lands donated to that State by the General Government. I ask that these resolutions be referred to the Committee on Public Lands; and I may be allowed to invite the special attention of that committee to the subject. They will see at once, from an examination of the question, that some legislation is necessary in order to protect the common school fund of that State. Whether the legislation proposed by the Legislature of California will be a correct remedy for that, I do not know; but I trust the committee will properly investigate that point. I profess no opinion on the subject.

The resolutions were referred to the Committee on Public Lands, and ordered to be printed.

Mr. GWIN presented resolutions of the Legislature of California, asking the passage of a law for the establishment of certain post routes in that State; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. ALLEN presented a petition of inhabitants of Newport, Rhode Island, praying the reduction of ocean postage to two cents for a single letter; which was referred to the Committee on the Post Office and Post Roads.

Mr. MORTON presented the memorial of James Herron and others, praying a grant of the right of way through the lands of the United States for the construction of a plank or railroad from some point on the Perdido river to the bay of Pensacola, in the State of Florida; which was referred to the Committee on Naval Affairs.

Mr. BENJAMIN presented the petition of Nathaniel M. Woolverton, praying the confirmation of his title to land in the Ouachita land district in Louisiana; which was referred to the Committee on Private Land Claims.

Also, a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to secure to American citizens of every religious creed, residing or traveling abroad, their civil and religious rights; which was referred to the Committee on Foreign Relations.

Mr. NORRIS presented a letter from the Commissioner of Public Buildings, communicating information of the destruction of a portion of the Long Bridge, by fire, on the 8th of May, and asking an appropriation for the repair of the same; which was referred to the Committee for the District of Columbia.

Mr. SLIDELL presented a memorial of citizens of the parish of Morehouse, in the State of Louisiana, remonstrating against any legislation, on the part of Congress, that will interfere with the preemption rights of the settlers on the Bastrop grant, in that State; which was referred to the Committee on Private Land Claims.

Mr. BELL presented the petition of Alexander R. McKee, late of Kentucky, now of the State of Tennessee. The petitioner states that he is the holder, by purchase, of a certificate of lands, issued by John T. Mason, on behalf of the Governor of Texas and Coahuila, dated 21st June, 1834, amounting to about forty-eight thousand acres; and also the holder, by transfer, of a similar certificate for the same amount of land, which lands, having been conveyed by Samuel Swartwout to William Young, President of the Mount Savage Iron and Coal Company, in trust for the use and benefit of the United States, were sold by order of the Solicitor of the Treasury for the benefit of the United States. The petitioner alleges, that at the time the Solicitor of the Treasury advertised said certificates for sale, it was not stated, as was done after the purchase, that said certificates were in the hands of General Rusk, of Texas, who states, in writing, that the same are not in his hands, but were delivered by him to General John T. Mason before his death. The petitioner further states that he has called upon the Solicitor of the Treasury for them, but he is unable to give any information relative thereto, alleging that the same have never been on file in his office. The petitioner therefore prays that Congress will pass an act authorizing him to locate copies of said original certificates on the lands acquired from Texas by virtue of the compromise act with said State, as the said lands, on the emanation of said certificates, were subject to entry by them. The petition was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. MORTON, from the Committee on Agriculture, to whom was referred a memorial of the Maryland State Agricultural Society, praying the establishment of a national agricultural school in the District of Columbia, submitted a report thereon; which was ordered to be printed.

Mr. EVANS, from the Committee on Patents and the Patent Office, to whom was referred the petition of the legal representatives of John Shly, praying the extension of a patent granted to him on the 27th of October, 1836, for an improvement in the machine for picking or breaking wool, and ginned or seedless cotton, submitted a report, accompanied by a bill to extend a patent heretofore granted to John Shly, of the State of Georgia; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the petition of Captain Charles G. Merchant, of the United States Army, praying the settlement of his accounts in the commissary department, on just and equitable principles, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Thomas B. Eastland, praying that he may be credited with an amount disallowed in the settlement of his accounts as quartermaster in the late war with Mexico; and that he may be compensated for services performed which were not in the line of his duty, submitted an adverse report thereon; which was ordered to be printed.

Mr. MORTON, from the Committee on the Post Office and Post Roads, to whom was referred the petition of John W. Kelly, praying indemnification for loss sustained in consequence of the abrogation of a contract by the Post Office Department, for the transportation of the mails, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to whom were referred documents in relation to the claim of John Makin, a pilot, to salvage or compensation for relieving the United States frigate *Saranac*, when in distress off the harbor of Savannah, Georgia, submitted an adverse report thereon; which was ordered to be printed.

BILL INTRODUCED.

Mr. BRIGHT, in pursuance of previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act for the relief of the inhabitants of the reserved township in Gibson county, in the State of Indiana," approved August 11, 1842; which was read a first and second time by its title, and referred to the Committee on Public Lands.

THE GUANO TRADE.

Mr. MORTON. I am instructed by the Committee on Agriculture, to whom were referred the resolutions of the Legislature of Maryland relative to guano, to make a report thereon, accompanied by the following resolution:

Resolved, That the Committee on Agriculture be discharged from the further consideration of the resolutions of the General Assembly of Maryland, in relation to the sale of guano in that and other States of the Union; and that the same be transmitted to the President of the United States.

Mr. PRATT. I would ask the Senator to have the resolution considered at this time.

Mr. MORTON. I hope there will be no objection to its consideration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLAYTON. I ask for the reading of the report of the Committee on Agriculture.

The report was accordingly read; from which it appears that, while the committee admit the great importance of guano as a fertilizing agent to the agricultural interests of the country, and agree as to the policy of doing away with all monopoly in its sale, yet, as it is an article owned exclusively by the Government of Peru, Congress can afford no relief in the premises. The resolutions contemplate the action of the General Government by treaty, with that of Peru, and as the treaty-making power is vested by the Constitution in the President, by and with the advice and consent of the Senate, the committee recommend that the resolutions committed to them be referred to the President of the United States, to take such steps as he may deem advisable, towards accomplishing the wishes and views of the General Assembly of Maryland.

Mr. CLAYTON. Mr. President, perhaps it may not be amiss to state now, in reference to this subject, which is a very interesting one to the agriculturists of the United States, that the Executive Department has heretofore exerted itself to procure a treaty with Peru, placing our trade in guano, and in other respects, on the footing of the most favored nations. While I was in the State Department, I made efforts to have such a treaty concluded; and, after a very long negotiation with the Peruvian Minister here, Mr. Tirado, we did, at last, succeed in making a treaty, which I hoped would have accomplished the object which these petitioners have in view. That treaty was sent to the Senate, and confirmed, I believe, without any opposition. It was then transmitted to the Peruvian Government; but, under the influence, as I believe, of the British capitalists, who are interested in the guano of the Chincha Islands, the treaty was defeated. The Government of Peru refused to confirm it, and indeed the authorities there became so much incensed that they recalled Mr. Tirado, and sent a successor to fill his place here.

I think the facts in regard to the subject may be briefly and correctly stated thus: When Peru achieved her independence, she did it by the aid of British capitalists, who loaned her some twenty millions. That became her revolutionary debt. To secure that debt, the Government of Great Britain, at the solicitation of these capitalists, made a treaty with Peru, by which they were to have one half the net proceeds of the Peruvian guano sold by them under the authority of the Peruvian Government, both to British and to American purchasers. Well, sir, the understanding and bargain, as I understood it myself, was, that these capitalists were to employ the shipping to transmit the guano to market; and they were to be allowed, on settlement with Peru, the net proceeds of freights, insurance, and commissions. Thus they acquired the exclusive carrying trade, to a very great extent at least, in this article. You will perceive, from the statement which I have made, sir, how deeply these capitalists are interested. I have not yet learned that that debt has been paid. If they can retain the power which

they originally had over the subject, doubtless they would be willing to advance the price as long as the Government of Peru shall choose to ask it.

Under these circumstances, the committee is perfectly right in saying that Congress can do nothing. The whole matter is properly referable, as the report proposes to refer it, to the Executive Department. I do not know what the Executive contemplates, but I do suppose that until the influence of these capitalists can be in some way subverted or controlled, we shall never be able to participate in the guano carrying trade.

The resolution reported by the committee was agreed to.

AGRICULTURAL SCHOOLS.

Mr. PRATT. There was a report, to which my attention was not called at the time, made by the honorable Senator from Florida, [Mr. MORRIS], from the Committee on Agriculture, in relation to the establishment of an agricultural school. The report was made on petitions which I had the honor to present from agricultural societies in the United States, as well that of Maryland as of other States, asking for the establishment of such a school.

My object is to ask that the consent of the Senate be given to printing an extra number of copies of that report. It is an important subject; and though I suppose there will hardly be anything done this session of Congress on it, it is right that public attention should be called to it. Every one will observe that all the great national sources of industry have received the attention of this Government except that of agriculture. We have appropriated millions towards the interests of commerce, and towards every other of the great industrial interests of the country, while nothing has been done for the assistance of agriculture. My desire is to have two thousand extra copies of the report printed, so that the subject may go to the public. I have read the report; it is very ably made; and I am sure that it would be of great interest to the agricultural people of the United States. Therefore, I submit the motion that two thousand extra copies of it be printed.

The PRESIDENT. That motion will go to the Committee on Printing.

Mr. RUSK. I suppose it can be considered by unanimous consent?

The motion was considered by unanimous consent, and agreed to.

PATENT OFFICE AGRICULTURAL REPORT.

The PRESIDENT. The following order stands first on the order of business, if there are no further reports or resolutions to be presented:

Ordered. That there be printed, for the use of the Senate, thirty-seven thousand five hundred additional copies of the agricultural portion of the Patent Office report, with the plates accompanying the same, two thousand five hundred of which shall be for the use of the Patent Office.

Mr. HUNTER. Does not that go to the Committee on Printing?

The PRESIDENT. It has been reported from that committee.

Mr. HUNTER. I hope it will lie over.

Mr. BRIGHT. I hope it will be passed over. I believe the Senator from Delaware has some objection to it.

The PRESIDENT. If there be no objection, the resolution will go over.

Mr. STUART. I hope that resolution will be considered now. There may be some reason, but I do not really see why we ought not to take it up at this time. At the last Congress, I do not know how it was with other gentlemen, but I suffered great inconvenience from the fact that no printing of these documents took place until after the adjournment of Congress. The whole Congress was spent in determining who should be printer, and the result was that the document was not printed until the vacation. It works a great inconvenience, and, besides, a very great additional expense to the transportation of the mails of the country. I hope that the Senate will proceed to the consideration of the resolution now.

The PRESIDENT. The Senator from Virginia moves to postpone the consideration of the resolution until to-morrow.

Mr. GWIN. I hope it will be considered now. The question is, whether we are to have the agricultural portion of the report.

The motion to postpone was not agreed to.

The PRESIDENT. The question now is on agreeing to the resolution.

Mr. FITZPATRICK. I desire to move an amendment to the resolution. It is to add an additional number of copies for the use of the Patent Office. That office requires a greater number; and I therefore move to amend the resolution, by increasing the number to be given to the Patent Office, twenty-five hundred.

Mr. RUSK. The resolution now proposes to give twenty-five hundred.

Mr. FITZPATRICK. Yes, sir; and I move to amend by giving twenty-five hundred more.

Mr. RUSK. I would inquire of the honorable Senator from Alabama, if that is offered at the request of the Patent Office?

Mr. FITZPATRICK. Certainly; the object is to allow that office a sufficient number for their use.

Mr. TOOMBS. I am decidedly of the opinion that it is wholly unnecessary to waste the public money by printing this document at all. It is an unnecessary expense, which is of advantage to no one. It is simply a compilation from agricultural newspapers, and we are ruining the country by unnecessary expense. My opinion is, that not one copy of it ought to be printed. This system of printing has got to be a very important branch of the Government. We go on printing the miserable stuff that is reported to us from the Patent Office; and the printing now costs as much as the judicial department of the Government, and almost as much as the legislative. It ought to be stopped. It is a book which nobody wants. As to mine, I am willing to give them away whenever they may be called for.

Mr. RUSK, and others. I will take them.

Mr. FITZPATRICK. This matter was referred to the Committee on Printing; and I have offered this amendment at the desire of the Patent Office. That office really wants a much larger number than the committee propose to allow. The head of the Department set forth in a communication to us, various reasons why they should have a larger number than the amount which I propose to allow, for the purpose of distribution. I have, however, been instructed by the committee to offer the amendment which I now submit.

It seems to me, that as it is the settled policy of the Government to publish works of this kind, it is but an act of justice to the Commissioner of Patents, to allow him the number that he deems necessary for distribution throughout the country. The Commissioner of Patents asked for a greater number of copies, but we thought twenty-five hundred would be amply sufficient. I trust the Senate will agree to the amendment.

Mr. WALKER. I hope the amendment will be agreed to, and that we will give the additional number to the Patent Office. I have heard a former Commissioner of Patents complain of the limited number which he had; and he addressed to me a communication, in which he represented that the desire of the Patent Office was to bring itself into connection and communication with as many of the agriculturists of the country as possible; that he derived very great facilities from this work; that he desired to extend that intercourse with the agriculturists, and that the limited number of Patent Office reports which were given to him, did not enable him to do so to the extent he desired.

Upon one occasion when he desired more, I know not to how many Senators application was made, but he made application to me for the loan of a portion of mine. I made him the loan of one hundred and seventy-four copies; and I regret to say that that was the last I ever saw of them. It was not the present, but a former Commissioner. I have no doubt in my own mind that he made as good a use of them as I could have done; but I can very well see how it would advance the agricultural interests of the country for that Bureau to be brought into intercourse with as many agriculturists of the country as possible through the distribution of this report.

Mr. CLAYTON. I am decidedly for printing, and for disseminating it among the agricultural community. I represent, in part, an agricultural district of the country, and I know, through communications with farmers of my State, that they take more interest in this Patent Office report than in all the other documents published together, and that they would feel more deeply now the deprivation of the report with which you have here-

tofore supplied them, than the deprivation of any other document which you publish.

Sir, I do not pretend now—it would not be proper—to go into a dissertation on the advantages which an agriculturist may derive from reading this report. Among these advantages, however, this is apparent: They see communications made by farmers from all portions of the United States to the Commissioner of Patents published for their information. They are enabled to compare them with their own observations, and they communicate in return their information to others. I shall vote with great pleasure for the printing of the highest number, believing that there is not a single document here which does as much real practical good as this very Patent Office report.

Mr. MALLORY. Mr. President, I trust we shall print a large number of this report. I am very well convinced that there is no document sent to my State, which has done more good than the one in question. I am not surprised at my friend from Georgia speaking on the subject as he does. The State of Georgia, I believe, has carried on agriculture to such a perfection that no new lights can be thrown by the Patent Office reports on them. [Laughter.] But Florida, sir, which combines all the agricultural products of the country, fine crops of sugar, of cotton, of lumber, of rice, and thousands of other things, which I cannot enumerate here, sees the propriety and necessity of a document of this character; and with all that I get legitimately, and all that I can buy, beg, borrow, or have stolen for me, [laughter,] I cannot send off enough of these documents for the use of my State.

Mr. BRIGHT. I have no objection to vote for the amendment of the Senator from Alabama, though the amount proposed is very considerable; but I rise more for the purpose of claiming the benefit of the offer of the honorable Senator from Georgia, than anything else. I shall claim, under the offer which he has made, being the first claimant on the floor, his *pro rata* share of this branch of the Patent Office report. The Senator then must say, of course, that I am entitled to them.

But, Mr. President, I think, in making the order, we should direct who is to print whatever we may order. There is some difficulty as to whether the two parts of the Patent Office report are embraced in one order for printing. The Senate originally ordered the printing of the first part, as I understand. I think, therefore, it would be better to amend the resolution in such a way as to give the Senate printer the printing of this branch of the Patent Office report.

Mr. BELL. Mr. President, I suppose if we continue this practice of printing books for distribution, it is hardly worth while to stop it at this point; but I really think some honorable gentlemen on this floor ought to give some explanation of their views to satisfy gentlemen who have doubts on the subject as to the power given by the Constitution to appropriate money for the purpose of printing works for the agricultural interests or any other. I am utterly surprised to see certain gentlemen sit quietly, and silently listening to this proposition for printing this work, and not raising their voices against it.

Of course I shall not pursue the consideration of the subject any further; but I think it is due to the body that Senators should at this epoch in the Government, when we have the opportunity of bringing back the practice of it to strict constitutional principles, to explain to us how, under the powers given to us by the Constitution, we can make an appropriation for this object.

Mr. BAYARD. I take it for granted, from the line of remarks of the honorable Senator from Tennessee, that it is a reflection on the opinions of those who have different views from him on the subject to which he alludes. Now, sir, I have never yet heard that it is denied that there can be no implied powers whatever, under the Constitution. The great difficulty connected with the question of construction—and it was raised early in the history of the Government in reference to the Bank of the United States, and the subject was then exhausted on both sides, as any gentleman will see if he will take the trouble to examine it—is as to the extent of the implication. The powers that are necessary and proper in order to carry on the functions of the Government, and to carry out those purposes for which this Government

was organized, are properly impliable under the terms of the Constitution; but the question is, what are those powers so implied and necessary? In the application of the rule, those who are supposed to aggrandize the Federal Government at the expense of the powers of the States, extend them; those who are unwilling to extend those powers, and think that the safety of the Union rests upon the limitation of the power to the utmost extent that it can be, consistently with the objects for which the General Government is organized, restrict them.

• I think, therefore, it was hardly worth while, on the part of the honorable Senator from Tennessee, to bring that question into the discussion on this subject—which is really one of very little moment—to operate in reference to other questions which are to come before the body.

Mr. BELL. The Senator will excuse me. Really, I did not mean to throw any embarrassment in the way of the Senator. I beg his pardon.

Mr. BAYARD. I assure the Senator that it is not embarrassing me. There will be no difficulty whatever; I can answer for my own opinions. I am aware that in the application of the principles of the Constitution to any particular case that may come before me, whether those of implication or not, I may err; but I should never hesitate to express my opinion in this case or any other. In this particular case, I have no doubt, from the organization of this body, from the organization of the Government, the power is implied, and, indeed, may be deduced by strict analogy from the settled practice of the Government, which has been without question or opposition. Such a consideration would there have its weight, and especially is it so when it does not arise from single precedents, but from an unquestioned practice.

Mr. TOOMBS. The honorable Senator from Indiana addressed a remark to me, to which I will reply. I should be very glad to get him to aid me in putting a stop to this unnecessary and absurd expenditure. I offered to give my Patent Office reports to any body who wanted them, but I shall not give them to him or any other Senator to aid in a profligate and useless expenditure of the public money, as I consider it.

Now, upon the question of power to which the Senator from Tennessee has referred, I deny it. I say that it is no part of the constitutional power of the Senate or House of Representatives to be spreading information, as the Senator from Delaware says, among the people in regard to their business. In the first place, these bodies are very incompetent to do that. If I wanted to know how to manage an agricultural interest, I should not come to the Senate to learn how to raise cotton or any other product. I should go somewhere else.

As to people wanting them, I suppose that they want any other valuable book; and, upon this principle, why not print valuable books? And, indeed, there are others of much greater value to the morals and religion of the people. Why not print the New Testament for them? It relates to a subject which is as far above the material interests of society as the things of eternity are greater than those of time. Why not print the Bible, and other valuable works upon the subject of morality and religion.

The Congress of the United States has exhausted, in my judgment, its clear and legitimate powers, when it has printed such documents as are necessary to inform the two Houses of Congress, to enable them to proceed properly in the public business; and they get the power to go further nowhere else than from a latitudinarian construction of the Constitution. I know that the argument for the printing of this Patent Office report, is put on the ground that it is for the interest of the farmers; that it benefits them. This is told to them while we are putting on them the expense of printing it. As to the relative products of our younger sister, Florida, and Georgia, I have not a word to say. Georgia speaks for herself; she needs no compliments from me; there she stands, and when the Senator from Florida speaks of the production of the States, and the benefit to them flowing from this, I think that my honorable friend from North Carolina would find the means in his State of doing more good than has resulted from all the Patent Office reports which have been printed from the beginning of the Government until now.

But, sir, the position of the Senator from Dela-

ware [Mr. CLAYTON] is fundamentally wrong. If we had the power, it would be wrong to exercise it. It does not effect the object; and I repeat, it is not within the legitimate power of this Government, nor is it competent for us to attempt to instruct the people upon their own business. Where do you get the power to do it? By what authority? Is it in the Constitution, though I believe nobody goes there now? It is even ridiculed by my friend from Tennessee. But the reason given for the printing of these agricultural reports, and spreading them among the people is, that the agriculturists are a large class of people and therefore this is for their benefit. But, sir, this printing made by the Congress of the United States, amounting now to three or four hundred thousand dollars, is more for the benefit of the printers than the farmers.

One half of these reports, which are printed by the two Houses, are never read by any body. They are found everywhere scattered all over the United States, and the people who are real agriculturists know too much about farming to look upon them with anything but contempt. It is those who know least about the subject that generally write the books. I never knew a successful farmer who bothered himself to write any. But you may get a schemer, a man who is not a practical farmer, and he is writing all the time for the agricultural papers. I believe that is almost the universal rule. I am an agriculturist; I was brought up on a farm, and I have noticed how these things are.

But there is still another objection to this practice. By printing these works you lumber up your mails, and are departing from the salutary system of making the Post Office Department pay its expenses. This is one of the means by which we have done that; and it is for the benefit of the commercial interests, the newspapers, and those who have power here beyond their numbers. The practice ought to be stopped. It is not a measure so much for the benefit of agriculture as for the benefit of printers; therefore, on the question of power, and expediency, and rightfulness, I am opposed to it.

Mr. CLAYTON. What the honorable Senator from Georgia has said shows the truth of one thing. I think it is apparent, from the tone of his remarks, that the copies of the Patent Office report which have been in his possession, have not been read. The honorable Senator speaks of them, without having read them, as being contemptible. Sir, I would not undertake to put my judgment in opposition to that of the Senator on such a subject; but I have read a variety of these reports with great interest and instruction. I have found much in them to interest me.

Mr. TOOMBS. Let me ask the Senator, if he has looked at the last volume but one, I think it was, in which the leading article and opening one, was to show how to find water by hazel switches? [Laughter.]

Mr. CLAYTON. Exactly, and the honorable Senator thinks, because he has found some one article, on some one page, of some report, which he believes he can turn into ridicule, on a subject that he does not profess to understand or know anything of, he is to condemn the whole volume, and not only that volume, but all others. I submit whether it is a fair mode of estimating any work.

But, sir, a word in regard to the honorable gentleman's constitutional argument. He tells us that he cannot find any authority in this body to print anything, except for the information of the body. Now, let us test it for a moment. Let us see how correct the honorable gentleman's views of constitutional law upon this subject are. Now, according to his argument, we have no power to print anything for the information of anybody but our noble selves. Well, sir, what are we to say of the wisdom of all the fathers of the Republic, and of all the men who have been in Congress ever since its formation, who have had printed annually thousands and tens of thousands of copies of the President's message, and accompanying documents? Was that for the information of members of Congress? No, sir, it was evidently for the information of the people. We have exceeded the power of communicating information to the people *ab urbe condita*. I have heard it questioned before; but, to my knowledge, there have never been more than two or three gentlemen entertain-

ing the peculiar opinions of the honorable Senator from Georgia on this subject. Sir, have we any power to print, for the information of the people of the country, reports from important committees which are made here, and extra numbers of these reports? Are we not constantly in the habit of printing them? Does anybody doubt our constitutional power to do it? The other House does the same thing.

As to the value of this volume, it is sufficient to say that the agricultural community place a very different estimate on it from that which is fixed on it by the honorable Senator from Georgia. I know that the agricultural societies in the region of country which I represent, and I believe all the agricultural societies of the United States, consider this an important auxiliary to them in the great object that they have in view, of diffusing valuable information among the most important class of all our countrymen—the bread-growers of the country. I beg pardon for taking up so much time of the Senate on such a subject.

Mr. DAWSON. Before the question is put upon this resolution, I desire to offer an amendment. I want to put the question upon a proper footing. This is an attempt on our part to make an expenditure for the benefit of the land States. Well, sir, whether we have power to do this may lead to a considerable doubt; but, for the purpose of putting it on its right footing, as it is a land question, I move to add at the end of the resolution the words:

And that the cost thereof be paid out of the proceeds of the public lands.

I do it for this reason: These books are to be divided among all the people of the States, and all the people of the States are entitled to the public lands, and consequently the proceeds of the public lands should be applied to their benefit in this respect. The expense ought to be paid out of the common fund of the country. It is for the benefit of agriculturists. Then it ought to be general in its terms; and, as all have a common interest in the common lands, let it be paid out of them. It seems to me to be all right. I therefore offer the amendment which I have mentioned.

The PRESIDENT. The question is on the amendment of the Senator from Alabama to increase the number given to the Patent Office.

The amendment was agreed to by a vote, on a division of—yes twenty-six, noes not counted.

Mr. DAWSON. Now I offer my amendment, to add: "And that the cost thereof be paid out of the proceeds of the public lands."

Mr. STUART. Is that in order, Mr. President? I make the point of order.

The PRESIDENT. That is a question for the Senate to decide.

Mr. BENJAMIN. I suggest to my friend from Georgia, that such a proposition as this would have to pass through both Houses; and therefore is scarcely proper for a mere Senate resolution. He had better withdraw it.

Mr. DAWSON. I desire to have fair legislation. I wanted to tack the amendment on for the benefit of my colleague, who is an agriculturist. [Laughter.] But I withdraw it.

The resolution as amended was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had approved and signed an act to change the name of the bark *Albeona* to *Mount Vernon*.

INDIGENT INSANE BILL VETO.

Mr. HUNTER. One o'clock has arrived, and this was the day fixed upon for the consideration of the bill which has been vetoed by the President. I move, therefore, to postpone all prior orders, for the purpose of taking up that bill.

Mr. BELL. Would it not be as well, and really economical in point of time, to finish the Indian appropriation bill, now that we are upon it? I think there would be really a loss of time in postponing it. Now that we have it up, we had better dispose of it. I believe there is but one proposition to be decided upon it. At all events, I take it for granted we can finish it to-day. The honorable Senator from North Carolina, [Mr. BADGER,] who has the floor upon the other bill, has no objection to its postponement. I think there will be a propriety in continuing the discus-

sion on the Indian bill until we can get clear of it. I make that suggestion, and hope the Senate will see the propriety of it.

Mr. BADGER. As far as I am concerned, I should prefer to adopt the suggestion of the Senator from Tennessee, go on with the Indian appropriation bill, and see the end of it, and then proceed to the consideration of the other bill.

Mr. HUNTER. So far as I am concerned, if I were to consult my mere personal convenience, of course I should like to take up the appropriation bill and go through with it; but this is the day fixed for the consideration of the bill which has been vetoed, and I feel bound to make the motion which I have made. The Senate can dispose of it as they choose.

Mr. BADGER. I suggest to the Senator from Virginia, and the Senate, that the Indian appropriation bill is the first business in order. I believe I am right.

The PRESIDENT. It is the unfinished business, and therefore, first in order; but the Senator from Virginia moves to postpone all prior orders, for the purpose of proceeding to the consideration of the bill which has been vetoed. The question is on that motion.

Mr. WELLER called for the yeas and nays; and they were ordered.

Mr. RUSK. I shall vote against the postponement of the regular order of the day, which is the Indian appropriation bill, for the purpose of taking up the other. It is evident that the bill which has been vetoed cannot be disposed of to-day. We are to have a lengthy discussion upon it; there is no doubt of that in my mind. All that we could do, therefore, with it, would be to hear one argument to-day, then postpone it to another day; and it would be still in the way of the Indian appropriation bill. I regard it as no disrespect whatever to the President of the United States to postpone it until we can get through with the Indian appropriation bill; and besides, that it would be an act of discourtesy to the honorable Senator from North Carolina, who has the floor, to go on with the bill which has been vetoed, after the intimation he has made; so that I would certainly, even if I were otherwise indifferent, vote against the postponement of the Indian bill for the purpose of taking up the other.

The question being taken by yeas and nays resulted—yeas 13, nays 34; as follows:

YEAS—Messrs. Butler, Chase, Dodge of Wisconsin, Gwin, Hunter, Mallory, Mason, Norris, Pettit, Slidell, Weller, Williams, and Wright—13.

NAYS—Messrs. Allen, Aitchison, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Brown, Cass, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, Evans, Fish, Fitzpatrick, Foot, James, Johnson, Jones of Iowa, Jones of Tennessee, Morton, Pearce, Pratt, Rusk, Shields, Stuart, Sumner, Thompson of Kentucky, Toombs, Wade, and Walker—34.

INDIAN APPROPRIATION BILL.

Mr. HUNTER. The Indian appropriation bill comes up now, I suppose, as the special order, without a motion.

The PRESIDENT. It does.

The Senate accordingly, as in Committee of the Whole, resumed the consideration of the House bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855; the pending question being on the amendment reported by Mr. WALKER, from the Committee on Indian Affairs, to insert the following:

To the Creek nation of Indians, in full for all demands against the United States, the sum of \$5 000,000, in payment for eight million acres of land at six and a quarter cents per acre, taken from the friendly Creeks, without compensation, by the treaty or capitulation of Fort Jackson, of August 8, 1814.

Mr. HUNTER asked for the yeas and nays on the amendment, and they were ordered.

Mr. JOHNSON. I see that the chairman of the Committee on Indian Affairs [Mr. SEBASTIAN] is not here. I know he wishes to address the Senate on that amendment.

Mr. WALKER. I will say to the honorable Senator, that the chairman of the Committee on Indian Affairs got the floor at the last adjournment, to address the Senate on the subject.

Mr. JOHNSON. I will send for him. He has gone up to the Indian department this morning. He went there in view of the fact, which he understood, that the veto message was to be considered this morning. I presume he has gone

there, also, in connection with this very subject. That is my belief.

Mr. THOMPSON, of Kentucky. I met him on his way to the Department as I came up fifteen minutes ago.

Mr. JOHNSON. Now, I ask the Senate, will it be proper to proceed with the consideration of this bill under such circumstances? Is it probable that it will be for the benefit of a just, and fair, and enlightened decision of the question?

Mr. RUSK. Will the honorable Senator allow me a moment? It is usual in matters of this sort to pass over the amendment by unanimous consent.

Several SENATORS. Let that be done now.

The PRESIDING OFFICER. If there be no objection, this amendment will be informally passed by, and the Senate will proceed with the consideration of others.

There was no objection.

Mr. HUNTER. I understand the Committee on Indian Affairs have other amendments. They had better offer them and let us proceed with something.

Mr. GWIN. The chairman of the committee is not here.

Mr. JOHNSON. It is very plain that we cannot proceed with this bill under the circumstances. It has come up unexpectedly. The chairman of the committee is not here, and he has, I imagine, the only other amendments which are to be presented.

Mr. BROWN. If my friend from Arkansas will allow me, I will move to postpone this bill and take up the homestead bill. That is one which we have for a long time desired to consider and dispose of. We seem now to have nothing else to do, and we had better take that up.

Mr. HUNTER. I hope we shall go on with the Indian appropriation bill. I am sorry the chairman of the Committee on Indian Affairs is not here. I had heard of another amendment, which I supposed the honorable Senator from Wisconsin [Mr. WALKER] was to offer. If it be not so, I think we had better proceed.

Mr. JOHNSON. I shall certainly oppose any action of that sort. It may suit the Committee on Finance very well, who have had all their amendments made; but it may not suit very well the Indian service, that the other amendments should be passed by. It seems to me that the bill should be postponed now, as a matter of course. I make a motion, which I think will reach the matter, to reconsider the vote by which the order bringing up the veto message was disposed of for to-day. I am in a position to make that motion, for I voted against the motion to postpone the Indian bill, to allow the veto to be taken up. I move that that vote be reconsidered, and that the veto message consequently be taken up, for we cannot to-day proceed with the Indian appropriation bill.

Mr. BROWN. Take up the homestead bill.

The PRESIDING OFFICER. That motion will be received, but it cannot be considered now. There is other business before the Senate, which must be disposed of before it can be considered.

Mr. JOHNSON. I move, then, to postpone the Indian appropriation bill until to-morrow, with the view of taking up the other.

Mr. HUNTER. I hope it will not be postponed until to-morrow. I submit the question of order, whether the motion to reconsider does not take precedence of all others?

The PRESIDING OFFICER. The Chair understands the rule to be this: A motion to reconsider may be made at any time within the period prescribed by the rule; but that motion cannot be considered while other business is pending before the Senate.

Mr. WELLER. I inquire whether it is necessary to move to reconsider that vote at all? The motion was voted down, and the Indian bill has been taken up. It has been under consideration; and, I apprehend, it is in order now, without a motion to reconsider, to move to lay this bill aside, with the view to take up the veto message; and that motion I now make.

Mr. BROWN. We can take up something else. It is not necessary to take that up.

Mr. HUNTER. I propose that, by general consent, we agree, without postponing this, to take the question on the reconsideration. If there is a majority for the reconsideration, and for taking up

the veto, we can go on; but if not, by the time that vote is taken, the chairman of the Committee on Indian Affairs may be here.

Mr. JOHNSON. My only reason for pursuing this course is this: The Indian service must be protected here; but it is entirely out of the question to talk about disposing of the Indian appropriation bill under these circumstances. Amendments are yet to be offered from the Committee on Indian Affairs; and we, therefore, cannot proceed with the bill without the chairman. This deference has always been shown to any and every member of this body. I am very well assured of that; and certainly, unexpected business on the part of my colleague, when he had every reason in the world to believe, and, as it were, to know, that the bill would not come up to-day, should not be taken advantage of, and so prevent the offering of what amendments he may have. I then ask the Senate to reconsider the vote by which we have disposed of the veto message for to-day, so that it may come up in its regular order.

Mr. BADGER. I will submit a motion, which I think will be more appropriate, to enable us to get along with these matters, and which will take precedence over that of the Senator from California. If this bill be postponed until to-morrow, we could not get it before the Senate again to-day. I suggest, therefore, that it lie upon the table, and then, when the chairman of the Committee on Indian Affairs is in his place, it can be at once taken up without any reconsideration. With that understanding, I submit the motion that the bill lie on the table.

The motion was agreed to.

DAVID MYERLE.

Mr. BRIGHT. I desire to move the reconsideration of the vote which was taken yesterday on passing the claim of David Myerle. I voted with the majority.

Several SENATORS. Oh, no!

Mr. BRIGHT. Oh, yes! I will state my reasons. That claim has been here for the last six or seven years. I voted against it twice; I voted for it yesterday. I voted for the amendment giving \$10,000, believing that that, under the circumstances, was perhaps all that ought to be given; but that proposition failing, I voted for the bill, which appropriates \$30,000. I am satisfied that it is too much; and, independent of that, the Senator from Delaware [Mr. BAYARD] has criticised very severely my vote, and those of other gentlemen who voted with me. He expresses no doubt, that if an opportunity is given him, he will be able to show clearly that this is an unjust claim. If he has that in his power, he certainly ought to have an opportunity to exercise it; and I move the reconsideration for the purpose of hearing him, that he may satisfy me that this claim has no justice to sustain it.

The PRESIDING OFFICER. The Chair will inform the Senator from Indiana that the bill has been sent to the House of Representatives, and it will be necessary to send for it.

Mr. BRIGHT. I am very sorry that it was sent. Then I move that the Secretary be directed to request the return of the bill.

Mr. HUNTER. There cannot be two motions pending at the same time.

Mr. BRIGHT. I withdraw the motion to reconsider, and ask that a message be sent to the House, requesting the return of the bill.

Mr. GWIN. I object.

The PRESIDING OFFICER. The question is on the motion to direct the Secretary to request the House of Representatives to return the bill.

Mr. BAYARD. I merely wish to express my regret that the Senator from Indiana has thought it necessary to refer to me as severely criticising his action. I dissented from the opinion that the bill should pass. I certainly expressed my own conviction that I was surprised at his vote. The high respect which I have for him, and the general estimate I have formed of his character, would prevent me making any unkind criticism. I was surprised that the bill should be passed without such an examination as the principles involved merited. If it is returned, whether I can devote to it that labor which might be desired, is doubtful; and the reason why I doubt it is this: yesterday, when I made the proposition to postpone the bill, the Senate determined not to postpone it; and I am unwilling to obtrude upon them in reference

to the examination of a question connected with a private claim, when I have had sufficient experience already to be satisfied that they are unwilling to listen to any discussion on a private claim, no matter how extensive may be the principles involved in it, or how great the effect of the precedent that is established for the purpose of disbursing money out of the public Treasury. I do not desire, therefore, on a subject on which Senators are unwilling to listen or investigate, but are disposed to vote on faith, to interfere with their views. It is enough for me to make up my own mind, and determine my own course.

Mr. PEARCE. The motion pending is to send to the House of Representatives a request to return the bill to us.

The PRESIDING OFFICER. Yes, sir.

Mr. PEARCE. I must express the hope that that will not be done. It is rather an unusual proceeding, and, until of late years, was almost unknown to the Senate; and I think it should not be resorted to except upon extraordinary occasions. Now, sir, I agree with the Senator from Delaware, that this bill ought not to have been passed. It struck me that the claim of Mr. Myerle was not one of strict right, and scarcely of strong equity. I look upon it rather as a benevolence. I was not able to bring myself to vote for the payment of the \$30,000 proposed. The Senate thought otherwise, after quite as much discussion as we usually have upon a private bill; and I doubt much whether we ought to send to the House of Representatives for the bill, and whether the Treasury of the United States will be very much benefited by the operation. It is rather a small affair; and as it has gone from us I think the Senate ought not to get into the practice of sending to the House of Representatives for bills which we have passed. I hope we shall not do so now; for, Mr. President, it must be observed that if we do get into this practice it leads to another evil, and that is, to hasty and inconsiderate passage of bills, which do not receive the attention they always ought to have. This habit of sending to the House of Representatives, I say, may occasion that practice. If we determine that we will not send there for private bills which have passed the Senate, we probably shall be more careful in the future to investigate the merits of a claim before its passage.

Mr. BRIGHT. The motion which I have made is one of very common occurrence; one that has been made repeatedly in this body during this session. During the last week the Senator from Arkansas [Mr. JOHNSON] made one, if not two, motions of a similar character—one, I recollect very distinctly. The Senator from Maryland says this is a small matter. So it is. It is an appropriation of only \$30,000.

Mr. JOHNSON. I will ask the gentleman what two motions I made?

Mr. BRIGHT. I understood that the Senator from Arkansas made a motion directing the Secretary to request the House to return a bill, which had been passed by the Senate.

Mr. JOHNSON. Yes sir; one motion in reference to one bill.

Mr. BRIGHT. This is a motion of common occurrence. It is one which is repeatedly made here. The principle is the same, whether the amount be large or small. As I stated when I was up before, I voted against this claim twice. I voted upon it yesterday for the third time, and then I voted for it under the impression that the claim was a just one; or that at least, we ought to pay the individual some amount. I first voted to fix the sum at \$10,000; but, failing in that, I preferred to vote for appropriating \$30,000 rather than that the claimant should receive nothing. I regret that the honorable Senator from Missouri, [Mr. ATCHISON;] whose constituent I understand the claimant is, who is conversant with the claim, did not yesterday give us the benefit of his counsel in regard to it, because, since then, he has stated satisfactory reasons to my mind why he voted against it.

Sir, I will not be placed in the attitude of having voted for a claim that is unjust and improper. It may be that this claim is not so; but the Senator from Delaware says, very confidently, that it is; and other Senators speak in that manner. I think it is proper that it be reconsidered, in order that they may have the opportunity of showing that it is so. The Senator from Delaware remarks, in a private conversation, that he did not intend any-

thing personal by criticising my vote on this claim; but that he regards the votes which I generally give here, on such questions, as correct. I am very happy to have his good opinion on that point. I desire to continue those relations between us; and I can only do it by voting against improper claims. If this be one of that character, I am for giving him an opportunity of showing it; hence, I ask that the bill may be returned to the Senate. I am inclined to believe that there may be something wrong about it.

Mr. WALKER. Mr. President, I doubt whether this is not the first time that such a motion as this has been made for the reason which this is now made. It is true, we sometimes authorize our Secretary to recall bills which have been sent to the House of Representatives; but for what reason? Why, for reasons similar to that which was given a few days ago by the Senator from Arkansas, [Mr. JOHNSON;] for recalling the bill which he then wished to have brought back to the Senate; namely, that the Senate had committed an error. In that case, by the bill as sent to the House of Representatives, we proposed to repeal one law when we intended to repeal another.

Mr. JOHNSON. It was an error of date.

Mr. WALKER. There was an error of date, and consequently it was necessary to get the bill back in order to correct our action. But can any one call to mind an instance where we have requested the House of Representatives to return a bill to us that we might consider its merits? Not at all. For one, at all events, I have no remembrance of any such case. Now, it is proposed to recall this bill for the purpose of discussing it *de novo*—to give Senators an opportunity to show that it ought not to be passed, when that was the main consideration in the first instance. I remember that when this case was before the Senate on a former occasion, one of the then Senators from Missouri [Mr. BENTON] came down upon it with such an argument and such a speech as is rarely heard in a legislative body. I remember the effect and force of that speech; but, notwithstanding it, the Senate took the vote and passed the bill. They passed it more than once.

Mr. ATCHISON. I think this is the first time it passed.

Mr. WALKER. It failed before.

Mr. BRIGHT. The gentleman will find that, on that occasion, it passed the Senate, but never both Houses at the same time.

Mr. BADGER. My friend from Wisconsin is right. The bill passed the Senate on the occasion referred to, having first passed the House; but an amendment was made in the Senate, and that bill, with the proposed amendment, went back to the House, and was there laid on the table. That is the way in which it was lost at that session.

Mr. WALKER. I thought my memory did not fail me in regard to the fact that the Senate had passed the bill. Now, I should be pleased to hear the Senator from Missouri, who proposes to address himself to this subject; but I do not think it will be a safe policy for us to recall bills from the House of Representatives for the purpose, not of correcting a mistake, but of considering them upon their merits.

Mr. ATCHISON. The Senator from Wisconsin is mistaken. I do not propose making a speech in relation to the matter at all. But, sir, as to the proposition submitted now by the Senator from Indiana to the Senate, let me say that it is one of frequent occurrence. Under our rules, three days are allowed within which to move a reconsideration of a bill that has been passed or rejected by the Senate. When a bill is passed, sometimes it lies upon the Secretary's table until the three days elapse; but that is generally done only upon the suggestion that it may be reconsidered. The only method by which we can reach a reconsideration of a bill that has passed from the Senate to the House of Representatives, even within the three days allowed under our rules, is by offering a resolution or motion requesting the House to return the bill to the Senate. I venture to say that this occurs not only once, but frequently during each session of Congress, and is done not merely by one House, but by both Houses.

Mr. WELLER. Suppose a bill has passed both Houses?

Mr. ATCHISON. Then, perhaps, it would be

out of our reach. When it becomes a law, it is beyond the reach of the Senate or the House. But it is sometimes the case that when a bill has passed both Houses, and gone to the President of the United States, a request is made by the House, which last acted on the bill, to the President, to return it. I have known instances of that kind.

Sir, I do not know whether I can satisfy any other gentleman in relation to this claim; nor do I know that I shall take the trouble to do so. I have often discussed the question. It is one of the great questions which have been pending in the Senate during the last eleven years. It was one upon which my former colleague [Mr. BENTON] and myself uniformly agreed.

Mr. PRATT. The only one? [Laughter.]

Mr. ATCHISON. One among the few of late years; not the only one. I have a knowledge of this claim from its inception. A portion of the demand for money against the United States arose, as the claimant alleges, under circumstances which took place in the State of Missouri. He went to the State of Kentucky, and to the State of Missouri, to teach the farmers in the hemp-growing regions of those two States the manner of water-rotting hemp. This is the foundation of his claim. I know what transpired in the State of Missouri. If I mistake not, I introduced the first memorial of David Myerle that ever was presented to the Senate of the United States. I thought, at that time, that his claim was a just one; and I continued to think so until I returned home. Then I was called to account, by my constituents, for presenting the memorial and pressing the claim. I inquired into it, and I found they were of opinion that, instead of his being entitled to damages against the Government, the very reverse was the case.

I do not know, sir, that I shall say anything more on this subject; though, perhaps, if the bill be brought back, I may give my views in relation to it. I may state what I know about it, and I can refer to what my former colleague said upon this matter; and I think if his speeches be duly considered by the Senate, they will settle the claim.

Mr. GWIN. Mr. President, I confess that I am not very familiar with this claim, although it was reported from the Committee on Naval Affairs. The Senator from New Jersey, [Mr. THOMSON;] who is now absent, had charge of it, as a member of that committee. When he left here a few days ago, he urged me to bring it forward and have it acted upon, and he stated to me that the facts of the case would appear in the report accompanying the bill. That report was read to the Senate yesterday, and the bill was discussed. If there is anything wrong connected with this claim, I know nothing of it. If there is anything new, that has not heretofore been brought against the claim, I should like to hear it. But it seems that the two Senators from Missouri opposed it on a former occasion with all the power and effect which they possessed in this body. If there was merit in their opposition, certainly they could have destroyed this private bill when it was fully discussed by them. I believe that the claim is just, and that the bill ought to pass, or certainly I should not advocate it. I take it, however, very much from the representations of others, for I have not gone into its details; but the honorable Senator from North Carolina has, and he yesterday stated briefly the reasons why the bill should pass. If there is anything wrong in the claim there must be something wrong in the report; but I undertake to say, that the statements contained in the report can be verified, because it emanated from the Committee on Naval Affairs, and we are in the habit of examining closely every question upon which we report. The Senator from New Jersey, who made the report, is not here, but I brought up the case at his request; and I am sorry that I am not better informed upon the subject. I undertake to say, however, that although the Senators from Indiana and Missouri think that the Government is not indebted to this individual, I do not believe they can establish the fact that there is anything wrong in the claim, or in the action of Congress upon it.

Mr. PRATT. Mr. President, the question of practice involved in this debate, is, to my mind, one of much more importance than any question as to the amount involved in the appropriation proposed to be made by the bill. My honorable

colleague, [Mr. PEARCE,] and the Senator from Wisconsin, [Mr. WALKER,] suppose it is entirely improper the Senate should send to the House of Representatives for the return of a bill which has passed the Senate. I apprehend that if the effect of the vote upon this occasion be to adopt that as a precedent, as a common rule of action, it would be fruitful of great injury to the interests of the country and to ourselves. But, sir, under our rules, every Senator, who votes in the majority, upon a bill, has three days within which to move a reconsideration. The adoption of the rule of practice contended for by the Senator from Wisconsin would, however, have this effect: if a bill be passed at this period, and before the close of the session, as in this case, it is immediately transmitted to the House; and that right, which is secured to each member who voted in the majority, to move a reconsideration, is entirely destroyed and taken away from him. The result must be that we shall instruct the Secretary in no case to send a bill which has passed the Senate to the other House, until the expiration of the period which the rules of the Senate give to members to move a reconsideration, or we have the power to make the order, which is now proposed to be made by the motion of the Senator from Indiana. That must be the result.

Now, Mr. President, my honorable friend from Wisconsin says, that there is no case in which the Senate has asked for the return of a bill where an amendment is necessary as a matter of substance; and that the only instance of such a request being made, is where the bill requires an amendment in a matter of form, as in the case of the bill returned on the motion of the honorable Senator from Arkansas, and other cases to which he has referred. I submit to the Senator, whether it is reasonable to suppose that we have power to bring back a bill which has gone to the other House for the purpose of amendment, merely in a matter of form, and that we have not power to bring it back to amend it in a matter of substance?

Mr. WALKER. If the Senator will allow me, I will say that I certainly must have expressed myself in such a manner as to be misunderstood, if I said any such thing. I intended not to speak of bringing back a bill for amendment at all. What I said was, that I did not think there was a case where a bill had been recalled by the Senate from the House of Representatives, for the purpose of considering it upon its merits *de novo*; but that there were instances of bills being recalled for such purposes as correcting them, whether in form or substance, in a material part. I instanced the case of the bill brought back on the motion of the Senator from Arkansas, where we intended to repeal an act, but had recited it by a wrong date, so that it would not have accomplished the object we had in view.

Mr. PRATT. It amounts, Mr. President, as I humbly submit, to the same proposition. Now, my friend from Indiana, who voted with the majority in favor of this bill, is convinced that his vote was wrong, and that the man is not entitled to the \$30,000 which is proposed to be appropriated by the Government. As he has correctly stated, if the amount were three millions, the principle would not be altered. He is convinced that he was in error. Under the rules of the Senate he has three days in which to move a reconsideration of that vote. But the bill has been sent to the other House, and by the argument he is therefore deprived of that privilege which the rules of the Senate allow. I submit, that it is important to the body, with a view to its future action, that we should agree to this motion at any rate, and ask the House to send the bill back to us, even if the vote is to be cast as it was before, for the purpose of putting down the idea that we have no power, in the event of the Secretary sending a bill over to the House directly when it has passed, to exercise the privilege given to us under the rules of the Senate.

Mr. BUTLER. I was not present yesterday when the vote was taken upon this bill. Perhaps it would be a strong expression to say the bill was taken out of its order, because I presume it is in the power of the Senate at any time to lay aside any particular business and take up any other; but I will say that I think this bill properly should have been taken up on the day set aside for the consideration of private bills; and to this extent, therefore, I think I am justified in saying that it

was taken up, as far as usage was concerned, out of its order, and it was considered at a time when, I presume, many were not prepared to attend to it.

I do not say that I would have been here on Friday, the day on which such bills are usually considered; but I am prepared to say, that many would have been here who were not here at the time it was taken up. I, for one, expected that the Indian appropriation bill would have been under consideration yesterday, and having made up my mind on the provision which was then under consideration, I did not think it important to be present during the early part of the day.

One word more. Three days are allowed for the reconsideration of bills which have passed this House. I regard it as a very valuable and important security against hasty legislation; and I am one of those who are in favor of interposing all proper impediments—I do not mean unnecessary, but all fair impediments—to hasty legislation; and unless we can have this bill brought back to us by this motion, the rule allowing three days for its reconsideration becomes nugatory. I think it ought to be brought back, and I am willing then to hear such arguments as may be submitted in relation to it.

Mr. CLAYTON. Mr. President, I think it is never too late to do right. If there has been an error committed in the passage of this bill, it ought to be corrected. There is a plain way to do that, and it is by sending to the House of Representatives for the bill, according to the ancient usage of the Senate; I say, the ancient usage of the Senate. Though the honorable Senator from Indiana speaks of his recollection of precedents of this kind for eleven years, I can refer to precedents of the same kind twenty years ago. If he will look back to the proceedings of the year 1834, he will find that the light-house bill of that year, after having been defeated in the Senate, was sent back to the House, and then the Senate sent to the House for the bill, and, after considering it again, passed it. That was an example, I respectfully submit to the honorable Senator from Wisconsin, where a bill was reconsidered on its whole merits.

Mr. President, there are but few gentlemen in this body who will take the pains to investigate these private claims; and we ought to be under greater obligations to those gentlemen who do, for the labor which they bestow on those subjects to which the rest of us do not attend. My course has been to pin my faith, in regard to private claims, upon the reports of the committees, for the plain reason that I cannot generally investigate the subject myself. When I find an objection made to a report, and the report is proved to be wrong, then, of course, I vote according to my convictions against it. Now, sir, my colleague, who has looked into this subject, and who has bestowed as much attention upon the subject of claims as any member of this body, desires to be heard in reference to this bill; and other gentlemen express strongly the opinion that an error has been committed. Well, what is there in this particular case that should prevent us from reviewing the decision we have made? If there is any ground to believe that we have committed an error, it is our duty to re-examine the subject. I trust that the motion will prevail.

Mr. BELL. Mr. President, this is certainly a parliamentary motion, and one that is known to the usages of legislative bodies, and particularly in the Parliament of Great Britain. But I venture to say there is no precedent for such a proposition as the present, upon the allegations that are now made, as to the grounds for this motion. This is the case of a claim which has been pending for sixteen or eleven years; which has been discussed over and over again; which a trusted committee of this body—the Committee on Naval Affairs—have carefully considered and weighed; and on which they have made a detailed report, that has been upon our tables, not only during the present session of Congress, but has been on the desks of Senators who have been members of the last two or three Congresses. Now, after it has passed upon a further, or new discussion, it is proposed to ask the House to return it to us, upon the allegation of one, or two, or three Senators, who say they think they can demonstrate, if the bill be brought back to the Senate, that an error was committed in the vote of the Senate in passing that bill. I say the precedent for such a motion,

founded only upon such circumstances as are here presented, is not, in my opinion, to be found upon parliamentary records. If there were mistakes, as stated by the Senator from Delaware, that would be one thing. There would be good ground for the application, if the Senate were satisfied there was a gross error; that there was a general misapprehension of the grounds upon which this report was made; that the amount of the claim had been largely exaggerated over any amount which there were any possible grounds for bestowing, or if there had been something like management on the side of the supporters of the bill in taking the body by surprise, simply upon the report coming in on a bill that had not been under consideration before. If such circumstances were pointed out, they would be a good ground upon which to make the application to the other House to return the bill to the Senate. I apprehend that some such mistake will be found to have been alleged in every proposition for the return of a bill. I do not doubt that the honorable Senator from Delaware, [Mr. BAYARD,] who took objection to this bill the other day, is perfectly sincere. No doubt he thinks he shall be able to demonstrate to the Senate that the claim ought not to be allowed.

Mr. CLAYTON. Will my friend from Tennessee allow me to state the grounds on which, in the case of the light-house bill, to which I have referred, the motion was made to send for the bill, and it was returned to the Senate?

Mr. BELL. Certainly.

Mr. CLAYTON. That bill was defeated by the votes of some gentlemen who were in favor of the doctrine of internal improvements. For some reason, two or three of them had joined the opponents of the whole system of light-houses. Then, those of us who lived along the sea-coast and the lakes, thought, if they intended to play that game with us, we would let them know that some things could be done as well as others; and we notified them that they might look out the next time an internal improvement bill came up, and if we were to have no light houses on the coast, we would attend to the internal improvements for which they were very anxious. Having given them fairly to understand that, they agreed to reconsider the light-house bill, and it was very prudent for them to do so. They made the motion to send to the House for the bill on that ground. I may say, to be sure, with my friend, that they made a mistake, but not in the way he has mentioned.

Mr. BELL. Where there is a mistake, it is a legitimate ground for the exercise of this parliamentary privilege. There was a case where those men, who made the motion to send to the House for the return of the bill, did it for fear they would lose other measures which were pending. If so, it is a parliamentary precedent which, I think, should hardly be followed now.

I do not know, sir, that it is worth while to make any other remarks upon this subject; but I wish to say that I voted for this bill yesterday when it passed, though I believe it will be found, on searching the record, that I voted against the same bill upon a former occasion. I do not, however, deem myself bound, on every occasion, when I feel called upon, in my judgment, to change my vote on such a question, to give any explanation; though, of course, if I am called to account for it, I expect to be able to justify myself. If I remember aright, the discussions which took place on the subject at former sessions of Congress, the opposition which was raised to it was chiefly by a former Senator from Kentucky, [Mr. Underwood.] I confess, my sympathies, my feelings, and my judgment were in favor of the course which he suggested; for it was then, or if not then, it might at some other time, be in the power of the body to correct what the Senator from Kentucky considered a gross injustice. If I am not mistaken, however, the whole opposition of that honorable Senator to the bill was not founded upon the idea that great injustice had not been done to this petitioner by the Government, but that he was not the proper person to whom the money should be paid. The Government made a contract with him, which consumed four, or five, or six years of his time, during which he devoted himself exclusively to it. He was still more deeply committed; for he, having but small resources of his own, had gone to the States of Kentucky and Missouri and obtained credit for

himself by showing the contract which he had with the Government, and induced a number of hemp-growers in those States to embark in the experiment with him; and I believe in Missouri, as well as in Kentucky, they did embark in it. They were at great expense and trouble in so doing. They changed their former policy in preparing hemp for market, and undertook to water-rot it.

At the time to which I refer, I carefully looked into the case, and examined the evidence *pro* and *con*., and my recollection is, that the proof was conclusive, at least it was to my mind, that as good water-rotted hemp as was ever imported into this country from Russia, was prepared by those farmers, and sold to Mr. Myerle, or intrusted to him for sale under his contract; that it was unjustly and unfairly condemned at Boston, and this memorialist, Mr. Myerle, having no resources of his own, it was sacrificed. If I remember aright, though I have not looked into it now for two or three years, the proof was satisfactory, that though this hemp was condemned, there was strong reason to suppose it was condemned unfairly; that it was good hemp, and that it was sacrificed under the circumstances. What was the consequence? Mr. Myerle, having no resources of his own, was unable to satisfy those who furnished it to him. Great excitement and indignation were felt, particularly in Kentucky, and also, I believe, in Missouri. Those farmers of Kentucky and Missouri had been drawn into this scheme by the representations of Mr. Myerle, supposing that he had such credit under his contract with the Government that he could not fail. They entered into his plans, and furnished this hemp; but it was sacrificed, as I have said, and the money did not get even into Mr. Myerle's pockets. His credit was prostrated in consequence, and he was utterly ruined.

This is the proof, as I understand it. After having given, not only his own time, but having contracted these honest obligations with the farmers of Kentucky and Missouri, the indignation and excitement of those farmers against him, under the circumstances, rose to such a height, that they opposed the making of any compensation to him unless they could be secured at the same time.

Mr. TOOMBS. Is the Senator arguing the motion before the Senate?

Mr. BELL. I am only stating the grounds on which I think this is not a fair case, on any argument that can be reasonably presented here, for the exercise of this usage of sending to the other House for a bill.

The Senator from Kentucky, I think, had no doubt whatever but that Mr. Myerle had been deeply aggrieved; but he supposed that some provision could be made legitimately, by which his creditors would be secured in the enjoyment of a portion at least of the indemnity granted by this Government. That question was largely and ingeniously discussed; and it seemed to be difficult to adopt any plan by which that security could be given to them. Even now I suppose that, according to the argument which was urged upon that occasion, we cannot here undertake to decide the relative claims of the farmers who produced this hemp, and Mr. Myerle, to this indemnity. I think, however, that there can be no doubt of the fact that the Government owes this indemnity either to one or the other of the parties; and as Mr. Myerle himself was the contractor, the strongest and most satisfactory view that can be given of the subject is, that we have nothing to do with the creditors of Mr. Myerle, but that they must be left to the courts to decide upon their rights. If Congress shall grant him the proposed indemnity, they can step in, and, by resort to the judicial tribunals, right the wrong which has been done them by Mr. Myerle. I may be mistaken, but I think that this was the ground of opposition offered to the bill by the honorable Senator from Kentucky at a former day, and in that ground I sympathized with him. I believe he never impugned the idea that great wrong and injury had been done to Mr. Myerle, but he considered that greater injury had been done to those who trusted him under the faith of the contract, and that the indemnity ought to go to them, and not to him.

Mr. TOOMBS. Mr. President, the argument of the Senator from Tennessee is one relative to the merits of the claim, and not in reference to the motion before the Senate. The motion before the Senate, made by the Senator from Indiana, is one of

right, and not of favor, and ought not to be determined with reference to the merits or demerits of the claim. Under the rules of the Senate, a member voting with the majority has three days within which to move a reconsideration. Shall he lose this right, secured to him by the rules, in consequence of the action of the ministerial officer of this body? That is the question. Strictly, the practice ought to be, that a bill ought not to leave this body as long as that right attaches to it. It ought not to go within the three days, without the special order of the Senate, except, perhaps, towards the close of the session, when it would not be proper to detain a bill for that period. But as long as there is a right over the bill by any Senator, it ought not to go from under the control of this body, under proper parliamentary usage. I am not familiar with the usages of this body; but I know, where the same rule obtains, the usage has been, everywhere, that, as long as this right attaches to any gentleman to move to reconsider, the subject ought not to be taken beyond his reach. Now, as a Senator has this right, the question is, can he be deprived of it by the act of the ministerial officer of this House? I think not; and, therefore, this motion to put him in a condition where he can use the power granted by the rules, is a matter of right, and not of favor. It is of vastly more importance to this body to maintain its rights, than to pass forty such claims as the one now under consideration.

Mr. BRIGHT. It is, perhaps, proper that I should state that it was my intention to make the motion to reconsider yesterday; but I was out of the Chamber at the time the Senate adjourned, as they adjourned earlier than I anticipated, and, consequently, I did not then make the motion. I made it at the earliest time I could this morning. The honorable Senator from Georgia, however, has anticipated the remarks which I intended to make. He has presented to the Senate the point on which this case turns. Under the rule, as a matter of course, having voted with the majority, I have a right to move to reconsider within three days. Suppose the Secretary had not reported the bill to the House, it would have been clearly improper to resist my motion. The motion to reconsider, would then have been the only motion necessary. I do not intend, by making the motion, to reach the merits of the bill; and I deny that, under our rules, the merits of the claim are debatable under this motion. I have a right to make the motion under the rule; and until the rule be altered, the Senate cannot prevent action upon my motion.

The honorable Senator from Wisconsin stated that the precedent set last week was only to correct an error; that it was to correct a matter of form, and not of substance. That is a strange argument. It is, in effect, that the Senate may make the order, for which I ask in this case, for the purpose of correcting an error of date, but cannot make the order to correct a matter of substance. Now, sir, as I remarked before, under the rule I have a right to make this motion; and it should prevail, as a matter of course. I can turn to precedents where, when bills have not only been sent to the House, but where, when they have been passed by the House, they have been returned to the Senate on their request. Yea, I can go further, and show precedents where bills have passed the House and the Senate, and gone to the President, when they have been returned on the request of the House which last acted upon them.

I am violating no rule in making this motion; but, to prevent a similar occurrence, and an extended debate on a subject of this kind hereafter, I intend to move to amend the rules so as to prevent the Secretary from reporting to the House any bill which originates here until at least one day shall have elapsed, unless otherwise ordered by the Senate. There ought to be such a rule. At least, so long as the present rule exists, that a reconsideration can be made within three days, no bill should be sent from this to the other House, unless by order of the Senate, until the expiration of the three days.

I have stated that my object, in moving this reconsideration, was to bring back this bill, that its merits might be reconsidered. If the Senator from Delaware can make it appear that this claim has no merit, as a matter of course, the bill ought not to pass. He is not alone in that opinion. I find by

reference to the Journals that when this claim was last before the Senate, it did pass, but it passed, as the Senator from North Carolina has stated, with an amendment. What was that amendment? It was to appropriate \$10,000 instead of \$30,000; and it passed upon a vote, by yeas and nays, of 24 to 24 on the amendment, the casting vote in favor of it being given by the then Vice President.

Mr. BADGER. That vote was not on the passage of the bill.

Mr. BRIGHT. It was on the amendment appropriating \$10,000, which, as a matter of course, affected the merits of the question. I do not wish it to be understood that I have made a motion which is not within the rules. I submitted a motion clearly within the rules, and one that has generally been allowed to pass without opposition. I believe this is the first instance since I have had the honor of a seat in this body where a motion to return a bill under like circumstances has been resisted.

Mr. BADGER. Mr. President, I do not agree with my friend from Georgia, [Mr. TOOMBS,] that the application now made to the Senate is a matter of right. The rule of the Senate is, that a reconsideration may be moved while the subject-matter is before the Senate, or in the possession of the Senate, at any time within two days succeeding the day on which the vote may have been taken; but when the subject has passed out of the jurisdiction of the Senate, the motion to reconsider is not in order, manifestly because the Senate cannot reconsider a vote on any subject of which it has not possession. Suppose, for instance, that the Senate now should pass a vote to reconsider this bill, and then should send to the House of Representatives for the bill, and the House should decline to return it. That shows at once it would be a perfectly idle thing for us to reconsider a subject not before the Senate; but the rule expressly provides for it.

Now, sir, the uniform practice of the Senate has been, I believe, from the time when it commenced its proceedings, that whenever a bill passes this body, so soon as it is engrossed and ready to be sent to the House of Representatives, it is taken by the Secretary, as a matter of course, unless there be some motion to reconsider, or unless some gentleman intimates to the Secretary that he does not wish the bill carried to the House; in which case it is always retained until the time for a reconsideration has expired, or until the Senate order otherwise. So much is that the course of the Senate, that it is an order entered upon the Journal, of course, in every instance, as Senators will find on looking at the Senate Journal, whenever a bill passes, that it shall be taken to the House of Representatives for its concurrence. This is the form:

"Resolved, That this bill pass, and that the title thereof be as aforesaid.

"Ordered, That the Secretary request the concurrence of the House of Representatives in this bill."

This is the order, of course, just like the order when a vote has passed of which it is necessary to inform the House. It is entered, "Ordered, That the Secretary inform the House of Representatives accordingly." It is a regular order entered in every instance, and to be executed immediately, unless there be some intimation to the contrary.

Mr. BELL. Will the Senator read the rule?

Mr. BADGER. These are the words of the rule:

"20. When a question has been once made and carried in the affirmative, or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision: nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter."

First, it cannot be moved after the matter has gone out of the possession of the Senate; nor can it be moved after the expiration of two days succeeding the day on which the vote was taken.

Now, sir, having said this, although I believe, with my friend from Maryland, [Mr. PEARCE,] that it is establishing in itself rather a dangerous practice for the Senate to commence sending to the House of Representatives for the return of private bills upon which it has passed, for reconsideration upon their merits; nevertheless, under

the circumstances of this case, I shall vote for the motion made by the Senator from Indiana. I shall do it for this reason: The remarks made in the Senate this morning have been upon the merits of the measure. The measure has been denounced. It has been asserted that the claim is groundless. It has been said that if an opportunity be offered, gentlemen can show it to be groundless. I believe the claim to be a good one; I have been satisfied of that for years; but if, under these circumstances, and with these denunciations, and with these confident promises of successful destruction of the merits of this claim, I should vote against asking the House of Representatives to return the bill, it might seem as if I were disposed, from an accidental circumstance, to prevent gentlemen from having an opportunity of being heard upon this bill; and thereby, if the Senate should adopt that course, if those of us who voted for that bill, and think it right, should adopt that course, it would be calculated indirectly, in my opinion, to do more injury to the claim before the House of Representatives, than the examinations of gentlemen opposed to it will do it when the question comes under the consideration of the Senate. That is my view of it.

Now, sir, with regard to the practice of the Senate previously, I am aware that since I have been a member of the body, on several occasions votes of this kind have been taken for returning bills. I have, however, no recollection of one, except in the case of a bill, which might be considered as of some national importance. And the Senator from Indiana, I think, is mistaken in supposing that such votes have always passed without opposition. I remember very well a bill for which I voted here, which was introduced, or, at least supported by Mr. Breese when he was a Senator from Illinois, and in which he took a great interest. I had voted for the bill on its third reading, and it was passed. The same thing took place then as takes place every day: The Secretary receiving no notice to the contrary, of course carried the bill to the House. On the next day, Mr. Allen, then a Senator from Ohio, desired to submit a motion for reconsideration, and desired that some Senator who had voted for the bill would do it, as he was absent at the time. It was a bill of very considerable importance; I do not now remember what it was. The difficulty was announced to him at once by the Presiding Officer, that the bill was out of the possession of the Senate; and I thereupon moved an order that a request be sent to the House of Representatives for the return of that bill. It was done; but Mr. Breese, who was interested in the bill, opposed the order; and my impression is that he opposed it very strongly. Certainly, I know it was carried against his opposition. But under the circumstances of this case, I think we should adopt this motion made by the Senator from Indiana, and have the bill returned, in order that his motion for reconsideration may be entered and considered.

Mr. WELLER. Mr. President, I have an appeal to make to the Senate to proceed to take the vote on the motion which has been submitted by my friend from Indiana. I apprehend that when we come to take the vote, there will be no diversity of opinion on that question; and yet, we have been engaged during the last hour in discussing the merits of a bill now pending in the House of Representatives. Everybody knows that, under the rule, if the bill was here in the possession of the Senate, the Senator from Indiana would have a right to move its reconsideration; but the Secretary has taken that bill to the House of Representatives. The act of that officer, as a matter of course, cannot deprive the Senator from Indiana of any rights that are given to him under the rules of the body. He has, therefore, a right to make the motion; and if it becomes necessary to send to the House of Representatives for that bill, in order to enable him to exercise the right, I apprehend there is no Senator here who will deny it to him. But I do appeal to the Senate not to go into a discussion of the merits of a bill which is not pending before us at all. Let us get that bill back before the Senate; and then, if the Senator from Delaware can satisfy me that I voted incorrectly yesterday, I shall immediately proceed to repair the injury I have done. I have no doubt, however, that I shall be able to show conclusively that David Myerle has a just and equitable demand against this Government. At all events, I am

willing to hear a full investigation of that question. Let us therefore conclude to pass this resolution, send to the House of Representatives for the bill, get it again in our possession, reconsider it if you choose, and then, unless the friends of the bill can show it to be just and equitable, let it be voted down. I appeal to the Senate, therefore, not to discuss this question, upon which I apprehend there is no difference of opinion; but let us at once send for the bill, get it into our possession, and then decide it upon its merits.

Mr. BAYARD. Mr. President, I do not know for what reason honorable Senators have brought me in connection with this bill, except for the fact that when it was casually taken up yesterday, out of what I considered to be its proper order, I, having understood, at a former session of the Senate, when it was before the body, that it underwent the opposition of a gentleman whose argument had great weight on my mind, and which I could not distinctly recollect, I was desirous to have it postponed for the purpose of examination. Well, sir, that courtesy or request, or whatever you may please to call it, was refused to me by a very decided vote. I therefore contented myself with calling for the reading of the report, and with stating my objections to the claim as they appeared on the face of the report. The Senate then decided the bill. It is at no instance of mine that this motion is now made; nor do I care, in any respect, whether the bill be reconsidered or not; nor am I at all sure that, if it be reconsidered, I shall open my lips in reference to it, though I shall certainly take the trouble to look into the papers in the case for my own satisfaction, and in order to govern my own vote.

Sir, I have had some experience here, as to the inutility of the labor of investigating private claims. I do not mean to give to them that labor and time which I have hitherto given, with a view to discussion, though I certainly shall as regards my own individual action. I am not desirous to trespass upon the time of the Senate, in regard to matters which cannot draw the attention of members of the body, because they do not involve popular applause. They are the mere performance of duty, a duty to the public; and though I have been a member of this body for but a short period, I have been here too long not to know that the performance of a duty to the public, which attaches no political importance otherwise, is not one considered of any extensive or prevailing moment here.

But on this question I have a remark to make. I have nothing now to do with the merits of this claim; but the question is on reconsideration, or rather, on the preliminary motion made by the Senator from Indiana, which is necessary before a motion to reconsider can be made. By the rules of the Senate, taken altogether, the intention obviously is, that within three days or two days, whichever you will, a motion may be made to reconsider any bill which has passed this body. I admit the qualification that it has not passed from the possession of the body; if it has, you must, of course, resort to the motion now made. But if you give the construction contended for on the other side, that because a bill has been hurried off, immediately after its passage, to the other House, therefore it shall not be reconsidered, you are leaving the question of the right of a Senator to move a reconsideration entirely to the caprice of your administrative officer. Now, I am not disposed to give any such construction to the rule. In every case, whether I am opposed to or in favor of a bill, whenever a motion is made to reconsider, if it ought to be reconsidered, I shall be always willing to send to the House for it, if it shall have gone there; for I can see no objection arising to that course. I shall vote, therefore, for the present motion, without reference to what course I may take, or whether I will open my lips or not in regard to the merits of the claim when it comes before the body.

Sir, it has pleased the honorable Senator from North Carolina [Mr. BADGER] to make the remark—and I suppose from the rest of the current of the debate, I have a right to apply it to myself—that confident promises have been made that this bill could be successfully contested. If that remark was applied to me, (and I only draw the conjectural inference from other remarks in the debate,) I can say to the honorable Senator that I made no such allegation. I did state to the honorable Senator from Indiana that I thought I could

convince him—that I felt confident I could convince him—this bill ought not to have been passed. Sir, I should consider it a hopeless task to attempt to convince the honorable Senator from North Carolina that any bill in favor of a private claim against the Government ought not to be passed. I confess, too, that I should have very little confidence indeed of arresting a claim in any case involving a large amount of gratuities to individuals, with the knowledge I have had, and the experience I have gathered, of the individual influences which are brought to bear, and the fact that those who are to act as judges in reference to claims are assailed out of doors by a thousand personal *ex parte* explanations; and that the whole case itself is always based on *ex parte* representations—on *ex parte* evidence. Although this is undeniably the fact, yet, when a Senator undertakes to investigate it, when he desires simply that justice shall be done between the Government and the individual, he cannot get any persons to listen to him. He is considered tedious, though he is investigating questions which he considers a matter of duty, which involves, if you please, even to a minor degree, the interests of the Government, but still involve them extensively as affording a precedent. He can get scarcely a quorum of the body to listen to him. They would rather take their information from the out-door statements of individuals interested in the claim. With the knowledge I have arrived at of the great extent to which the practice of appealing to Senators by individuals who are commissioned and employed, receiving their per centage for that purpose, is carried by operating on the individual votes of members, and knowing, as I do, the indisposition of the Senate to hear the public discussion of a private claim, on the ground that it has not sufficient notoriety to raise the reputation of the individual who chooses to connect himself with it, I certainly feel no disposition, whatever my own convictions may be, to attempt, and certainly I cannot expect, to convince the Senate of the propriety of those convictions; but I did think, and I think still, that I might be able to convince the honorable Senator from Indiana of the impropriety of this claim.

Mr. BADGER. Mr. President, the honorable Senator from Delaware, I am sorry to say, seems not to be exactly in a good and pleasant humor in relation to this subject. He says that, if I meant to intimate in what I said, that he had announced an ability to show that this claim was not well founded, I made a mistake. He announces, however, that he did say to the Senator from Indiana, that he thought he could convince him; but he says he never did think that he should be able to convince me that any private claim against this Government was not well founded.

Well now, sir, the first proposition which the honorable Senator has laid down, that he will be able to convince the Senator from Indiana, I have no doubt is true, for the reason that the Senator from Indiana has announced this morning, if I understood him, that he is already convinced this is not a good claim, and it will not require any extraordinary skill in dialectics to convince the Senator from Indiana that the opinion which he has now formed is a correct one.

Mr. BRIGHT. I know the Senator from North Carolina would not willingly misrepresent me—

Mr. BADGER. Certainly not.

Mr. BRIGHT. I made no such statement as he attributes to me.

Mr. BADGER. I so understood the Senator.

Mr. BRIGHT. Then the Senator misunderstood me.

Mr. BADGER. At least the Senator from Indiana intimated, if I understood him, that the opinion under which he had voted in favor of the claim had been greatly shaken by something he had heard, or something he had looked into, since the vote was taken. Under such circumstances, perhaps, the Senator from Delaware may be able to produce that conviction in him.

But, sir, the Senator says he has no expectation of ever convincing me that any claim against this Government is unfounded. Well, sir, one thing is very certain; that if, upon an examination of a claim, I am satisfied, on looking into the facts and the evidence, that the claim is well founded, the honorable gentleman's proposition is true; for with the most profound respect for the clearness and acuteness of his understanding, and the regular processes by which he arrives at his

conclusions, I must, at last, regulate myself by the deductions of my own judgment. If the Senator means to intimate that I vote for claims because they are claims, and am careless and indifferent whether they are well or ill founded, I have only to say to the honorable Senator, that such a charge as that, come from what quarter it may, I do not think it necessary to remark upon. I should be very sorry if I had not character enough to stand under such an insinuation coming from any quarter. But this I will say for myself, that I uniformly vote for every claim upon this Government which I think has a foundation either in legal justice or natural equity. I adopt precisely the same rules in paying claims upon this Government that I feel myself bound to adopt, as a man, in paying claims upon myself. And as I never stop to inquire, when a sum of money is justly due from me, whether the payment of it can be enforced by law; neither, when I am satisfied that in equity a claim has a foundation against this Government, do I stop to inquire whether it is a claim founded upon what is called strict law.

Sir, I have announced repeatedly a general rule of mine upon this subject, which does not meet the approbation of the Senator from Delaware, which he has stated, on several occasions, did not meet his approbation, and which he thinks is wrong, and the consequences of which he thinks would be ruinous. It is, that where a private claim has been examined by a committee of this body, and the facts of that case are reported to this body with a bill for relief, I will submit my judgment to the decision of that committee, if they are unanimous. I repeat now, that it must be a very extraordinary case where I will undertake, upon an investigation of the facts, to overturn the deductions made unanimously by a committee of this body.

Now, Mr. President, with regard to the remark which I made, and which has been commented on by the Senator from Delaware, let me say that I intended nothing, and everybody understood that I did not, by the observation which I made, except this: I had no reference to the Senator from Delaware; but more than one gentleman—the Senator from Missouri, among others—said this was a bad claim, and could be shown to be so, though he did not know that I should undertake it. I then said, and I repeat, besides other reasons for voting for this motion, I do not choose; I do not think it would be right; it would be unjust to ourselves, to have it supposed that we voted for a claim which we did not believe was correct, or which we feared would not stand the test of investigation; and that such an impression would be far more injurious to this claim in the other House than anything which can be offered against it upon its merits here. I meant to assign that as my reason. It was because I have had some familiarity with this claim; I have examined it; I have discussed it; and every renewed examination has strengthened my conviction of the equity of this demand. It is on that ground that I have uniformly voted for it; and, unless I be satisfied to the contrary, I shall certainly vote for it again; and, although I do not think it likely that the Senator from Delaware will convince me, yet I will say, clearly and undoubtedly, that if he does convince me that this claim is unfounded and unjust, I will join him in voting against it.

Mr. PEARCE. I am very reluctant to say another word on this point, and I should not do so but that I think it necessary. I believe I was the first who suggested that it was not worth while to send a request to the House of Representatives, asking for the return of this bill; but I believe the objection I then made to it has been considered by some Senators—my colleague, I think, among others—as denying to a member the right, which he has under the rules of the Senate, to move a reconsideration within three days. Now I desire to say that I have looked at the rule in question, and I find there are two qualifications to the right to move a reconsideration. The first is, that the bill shall still be in the possession of the Senate; and the second is, that the motion shall be made on the same day that the bill is disposed of, or within two days thereafter. It is manifest that this right is qualified as well by the first clause of the rule, as by the second. It may be very well to modify your rules so as to require a bill to be retained until the expiration of the period within which a reconsideration is allowed to be moved;

but as the rule stands at present, it does not seem to me that this is a matter of right, but it is a matter of favor. In practice, when a bill is passed, it is always indorsed with an order that the Secretary shall take it to the House. There is no limitation of time within which that shall be done. But, sir, as there has been very much earnestness manifested about this matter, I do not think it proper to continue any opposition to the motion of the Senator from Indiana, and I shall vote with the rest of the Senate, in favor of it.

Mr. PETTIT. Mr. President, I shall vote for the motion made by my colleague for recalling this bill, briefly for the following reasons: Being sincerely a friend of the bill, not only from one but from repeated and thorough investigations of its merits, and being desirous that the claim shall pass, I believe, with the Senator from North Carolina, that the discussion we have had here to-day will tend more to retard it or defeat it in the House than the reconsideration of it will here. And for the express purpose that we may remove the impression that the discussion here this morning will be likely to have on the members of the House to defeat the bill there, I shall vote to recall it here, and put it again on its passage. I do not apprehend that anything is to be feared by the friends of this bill from a more thorough and wider examination. I believe it is due to the Senate that it should be recalled under the circumstances. When any Senator says he has been mistaken in whole or in part in regard to a bill, and is satisfied that he should not have voted as he did, within the time limited by the rule, I think it is fair and proper that the bill should be recalled. I think it is right to do it in this case; and in order to avoid the injury which the debate of this morning must necessarily have upon this measure, I shall vote to recall the bill.

Mr. BAYARD. Mr. President, I certainly did not intend, in any remark of mine, to make an insinuation as regards the honorable Senator from North Carolina. I meant, however, to express the opinion which I entertain, that the action of his intellect in reference to this class of claims, that his course of action in reference to them in the Senate, was such that I should consider it hopeless in any case for me to endeavor to convince him that a claim in favor of a private individual, (reported, of course, by a committee to the Senate,) was one which ought not to be passed. I drew that conclusion from my observation of his anterior course in the Senate. I have heard that honorable Senator frequently avow the opinion that the report of a committee in favor of a claim should be conclusive, and I think on former occasions he did not even make the qualification he now makes, that the report should be unanimous; but if there was a report, he should consider himself bound by the report, and should vote for it without investigation. Sir, the experience which I have had, (either on committees as to their modes of investigation, or from reading their reports as to the results at which they have arrived) will not justify me in according with his views, and attaching to these reports the weight which he gives to them. I consider that basis of action as one which leads to great injury and great injustice to the public.

The whole mode of the examination of private claims is on testimony which is produced by the claimant at his own suggestion and on his own papers alone, *ex parte* throughout. Those papers are referred to a committee; and the practice has become such now, that constantly the claim of the claimant is referred to the Representative from his own State, and that claim is investigated under the bias, natural to a representative in favor of a private claim preferred by his constituent in which there are private interests on the one side and the unprotected public on the other. Yet I am asked to take reports so made, when I have examined report upon report and found when I came to examine the testimony that in nine cases out of ten, before any decent, respectable jury in this country, the verdict, on the plaintiff's own evidence, would be unquestionably against him! The Government is entirely unrepresented; the claimant's evidence is altogether *ex parte*, and from such evidence the report is made up. It may suit the peculiar structure of some minds to take these things for granted; but certainly I differ entirely from the Senator from North Carolina on that point. Therein I may be wrong, but I think not.

I know that it is a very agreeable thing to vote

in favor of private claims. I dare say it makes individual friends. I dare say it gets individual popularity. I know very well it is a thankless duty to oppose private claims against the public, because the public care nothing about it, and know nothing about it. I did not come here for any such purpose. But for myself, whenever I have anything to act upon, I mean to endeavor to do it according to my convictions of duty. Sitting here in the light in which I suppose I sit as a Senator on a private claim, to pass my individual judgment upon the propriety of making the United States pay a certain sum of money to the party, I cannot reconcile it to my sense of duty to pass it, without endeavoring to get at the facts of the case and the principle upon which the allowance is to be made. I endeavor to do that in every case where it is possible; and where it is not possible for me to look into it, I inquire for a statement of the facts from some Senator who has taken the trouble to examine them. Usually, I take the trouble to read the report itself. If any thing in the terms or principle of that report attracts my attention, as requiring further investigation, I turn to the evidence of the case in order to see if it sustains the principle upon which the report professes to be based.

Sir, I am so entirely satisfied, in my own mind, of the total incompetency of this body for the decision of these matters; I am so entirely satisfied, in my own mind, that a system of looseness and carelessness has sprung up here in reference to the passage of claims of individuals against the public, that I think I should be safe in the performance of duty if I were to assume that I would vote for no private claim brought before the body. Why, sir, it is a notorious fact—as I am assured by gentlemen of the other branch of the National Legislature, of which body I have never been a member, and of course I do not therefore know the fact personally—that this body, as a body, is so sunk in its character, from the looseness of the mode in which it passes private claims, that, in the estimation of the coordinate branch of the Legislature, the reports of its committees upon such claims are treated almost with contempt, and are considered as entitled to no weight at all. If that be so, is it not right that we should pause in this matter?

Have I not the right to say, when reports of this kind are made the ground for the specific action of Senators, that I cannot hope to convince a Senator when he pins his faith on papers or documents like these? Sir, I shall never make against the honorable Senator from North Carolina, or any other man, any insinuation, either here or outside of this Hall, which I am not willing to make in its broadest and most distinct terms. I used the expression that I never hoped to convince him—in order to express in the strongest language in which I could express the fact, that, owing to the difference in the structure of our minds, he was willing to take upon faith these reports of committees, whereas my convictions, from investigation, had been, that most of the claims you pass here are either utterly baseless, or so grossly exaggerated in amount, that, as between individuals, they would be pronounced extortion.

Mr. DIXON. I voted for this bill, and I certainly did it under the impression that it was founded upon principles that were just in themselves, and such as appealed strongly to the good sense and to the propriety of the Senate. I am still of that opinion. I do not agree with the Senator from Delaware, that the report of a committee is entitled to solittle respect as he seems to think it is. Why, sir, for what do you constitute your committees? You constitute them with a view to investigate all the facts on which their report is predicated. Their report is made to the Senate, embodying the facts on which the Senate is to act. It is not supposed that every member of the Senate can go into the committee room and investigate all the testimony which is brought before that committee. The committee is constituted with the view and for the purpose of investigating the testimony and reporting the facts to the Senate. Then, sir, it is respectful to a committee, when they make a report to the Senate, embodying the facts, at least to consider that they have acted upon fair, correct, and honorable principles, without even casting a suspicion upon the motives by which they may or may not have been influenced.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, MAY 11, 1854.

NEW SERIES...No. 73.

Mr. BAYARD. I have cast no suspicion upon anybody.

Mr. DIXON. I do not mean to say that the Senator casts suspicion on anybody; but his argument is directly at war with the idea that the committees have done their duty. There is something in the manner, something in the tone of the Senator, which strikes at the propriety of the action of our committees, and which is calculated to make an impression on the Senate that the report made by the committee, in this case, is not founded on the facts; or that the committee is so obtuse in its perceptions of what is right, resulting from the testimony, that it is wholly incapable of arriving at anything like a correct conclusion; and that its members are improper judges of what should be ascertained from that testimony. You cannot understand the Senator's argument as meaning anything else.

Nor, sir, can I admit the honorable Senator's argument in another view of it, viz: that this body is passing claims which have no merit in them. It is a fact, which cannot be disputed, that this Government, instead of doing justice to claimants, is too frequently in the habit of withholding justice from them. Instead of coming to the rescue of those who have claims on her, she tramples their petitions under foot, and treats the petitioners as unworthy of the aid or assistance of the Government they may have served. You have but to look to the history of the past; you have but to look to petition after petition, and memorial after memorial, presented here by the revolutionary soldiers and their descendants, and there you find that the Government, instead of acting upon the principles which the Senator seems to attribute to it, has acted upon motives of parsimony, regardless of justice, defiant of all the great principles which should influence governments which act upon great patriotic ideas. It has, in fact, looked rather at the dollars and cents, than to meting out justice to those who have been foremost in sustaining the great principles upon which all our rights are dependent. I have not found that looseness, which the Senator seems to attribute to the Government, in passing laws for the benefit of its citizens. God knows how many bills are now upon the table, how many petitions are before your committees, how many reports have been made in favor of the petitioners? How, sir, have they lingered here in the Senate, and how have they been delayed after passing this body? Poor claimants may be suffering, yea, almost perishing, for the want of that attention which should be given to their claims, some of which appeal in powerful language to the heart of every man who loves justice, and is grateful to those who assisted in defending the rights and interests of the country.

I shall, Mr. President, vote for the return of this bill, not because I am satisfied that the vote which I gave yesterday was not correct, but because I think it due to the Senator from Delaware, if he desires to investigate the testimony upon which the report has been founded, that he should have the opportunity of doing so. It is due to me, too, because my opinion is predicated upon the report. That report establishes two facts: First, that the petitioner was employed—which was, to all intents and purposes, an employment binding, in my opinion, upon the honor of this country—by one of the Departments of the Government, to make the experiment which was made of water-rotting hemp. He did make it; the committee report that he made it; and they report, not only that he made it, but that, in the making of it, he expended a vast amount of money, so as to ruin and bankrupt him. The committee report another fact—that the commissioners who were appointed by the Government to receive the hemp, and to determine whether or not it was such as, under the contract, he was bound to deliver, did not act upon fair and correct principles—that the hemp strictly came up to the contract—but yet it was rejected.

These are the facts which are reported. Now, whether they be true or not, I shall not take upon

myself to determine. All I know is that they are so reported. The Senator thinks he can prove that the facts are not so; that he can prove that the report itself is not properly founded. If that is the case, I shall change my vote. If the Senator can demonstrate those facts to me—and I assure him that I at least am open to conviction—I shall most unquestionably retrace my steps and vote differently from what I have done. On the other hand, I shall not agree with the Senator, that this is a mere gratuity. I do not place it upon any such ground. I do not believe in its being a gratuity. The Government either did, or did not employ this man. If it did, and it agreed to receive the hemp, and then acted in bad faith in not receiving it, and if he was thereby subjected to loss, I say it is a violation of a contract between the Government and the citizen, and to compensate him is only in accordance with the great principles upon which courts act, and upon which justice is administered. For these reasons, I shall vote to bring the bill back to the Senate. Then I shall vote to reconsider it. If gentlemen do not prefer to argue the merits of the bill on the motion to reconsider, which I understand they have a right to do, I will vote to reconsider it with the view that they shall have a full opportunity of arguing the merits of the bill.

Mr. BAYARD. Mr. President, I am sorry to trespass on the time of the Senate, but I owe it to myself to make an explanation in reference to the remarks of the Senator from Kentucky. I certainly did not mean to say, for one moment, that in reference to revolutionary claims against this Government, Congress had been over liberal. I am not aware that I have been inclined to oppose any general law in reference to compensation for revolutionary services, or any other provision in the nature of a gratuity for services rendered to the Government, not constituting in themselves a legal obligation. For a general law, I would go almost as far as any man; but I am opposed to this system of special legislation. In this case, as between the honorable Senator from Kentucky and myself, there is a difference of opinion, which depends upon investigation. I have not taken much pains to examine them, but after the experience which I have had I must say, that I have not been able to see any thing like a denial of justice to private claimants against the Treasury of the United States; but that, on the contrary, nine cases out of ten that have been passed, ought never to have been passed. There may have been some cases of a refusal to do justice, but, as a general rule, if that Senator will take the trouble to examine a book which has been recently printed by order of the Senate, the List of Claims, as it is called, and will go through the reports upon them to the extent that I have done, he will find, that where there has only been persistency enough on the part of the claimant, although there may have been one, two, three, or four, or even six adverse reports against the claim, he always ultimately gets it. I find that three or four adverse reports generally insure it to him, and that the result is this: that as between the Government and the claimant, the decision of the Senate has no finality when it is in favor of the Government; but when it is in favor of the claimant it is final, and the money is paid. The result is that you always indicate to parties that they may come forward with further evidence, and if they find that the Senate, at that particular time, is composed of members indisposed to pass such claims, they wait for four, or six, or eight, or ten years, if necessary, and then, when all memory of the transaction is gone, they again bring forward the claim and it is allowed.

And further, it seems to me the more remote a claim is, and the less means we have of acquiring a knowledge of the facts, the more certain it is to pass this body. This has been the result of my examination of claims here. We pride ourselves on our simplicity and purity, and republicanism; but I believe we are the only Government in the world that passes private claims in the manner we do, and on the species of evidence we do—a species of evidence to which, if you were to resort

for the purpose of deciding rights between man and man, would be laughed to scorn in any court of justice in the world; and yet, as between a claimant and the public, it is considered all-sufficient for the purpose of disgorging from the Treasury in favor of the man who has the most sagacity in procuring the evidence, and having a partial representation of his case as against even the individual claimant who, with more modesty, may have less energy in order to have explanations made. That is my experience.

The motion to direct the Secretary to request the return of the bill from the House of Representatives was agreed to.

EXECUTIVE SESSION.

Mr. WELLER. This has resulted just as I expected. We have spent two or three hours in the discussion of a question about which there was no difficulty. I was anxious that my friend from Delaware should have a full opportunity of speaking. I think he has been gratified. I now move that the Senate proceed to the consideration of Executive business.

The motion was agreed to.

The Senate accordingly proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 10, 1854.

The House met at the usual hour. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. RICHARDSON. I intend before I take my seat to move that the House resolve itself into the Committee of the Whole on the state of the Union. Before doing so, however, I desire to notify the House that it is my intention to-morrow to introduce a resolution terminating the debate upon the bill to organize the Territories of Kansas and Nebraska.

Several MEMBERS. At what time?

Mr. RICHARDSON. To-morrow morning.

Mr. WASHBURN, of Maine, and other MEMBERS. When do you propose to close the debate?

Mr. RICHARDSON. In reply to the interrogatories made by gentlemen, I have to state that the time at which I shall propose to terminate debate will depend upon the opponents of the bill. If they show a disposition to go on and debate it, I am disposed to allow the utmost time that will be possible, in order to have a final vote on the bill before the special order takes precedence of it. If they do not show such a disposition, then I shall take it for granted that they do not desire further debate, and shall move to terminate it at the earliest hour.

Mr. CAMPBELL. I hope the gentleman from Illinois will allow me to ask him a question, as probably this is all irregular. He says "if the opponents of this bill show a disposition to debate the bill." What is meant by that? Does he expect us to continue in session here for ten or eleven hours?

Mr. RICHARDSON. I cannot yield for further inquiries. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CAMPBELL. I hope, as this is an important question—

The SPEAKER. Is it the pleasure of the House that the gentleman from Ohio be allowed to proceed?

Mr. HAMILTON. I object, and call for a vote on the motion of the gentleman from Illinois.

The SPEAKER. Then debate is not in order.

Mr. CAMPBELL. Is objection made?

The SPEAKER. The gentleman from Maryland [Mr. HAMILTON] objects.

Mr. CAMPBELL. After what has taken place; after the gentleman from Illinois has been allowed to go on and make his statement, surely, no one objects to my making an inquiry.

The SPEAKER. Is it the pleasure of the House that the gentleman from Ohio be allowed to proceed?

Mr. HAMILTON. I object.

The question was put on Mr. RICHARDSON's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair), and resumed the consideration of bill No. 236, being a bill to organize the Territories of Nebraska and Kansas.

The CHAIRMAN. When the committee last rose, the gentleman from Virginia [Mr. BAYLY] was entitled to the floor.

Mr. BAYLY, of Virginia, said that as an hour was not sufficiently long in which to express his views, he should be disposed to generalize them. The distinct propositions, and the material ones, which, it struck his mind, are involved in this discussion, are: First. Are the principles of the compromise of 1850, in respect to the Territories, the principles of American liberty, and are they repugnant to the Missouri compromise? Second. If so, ought not Congress, with a view of disembarassing the court as to its intention, so to declare? and, Third. Is the principle of non-intervention by Congress embodied by the act of 1850, violated by the Badger amendment?

To make himself properly understood, and to present the subject fairly to the committee, he reviewed the relations which this Government has borne to the question of slavery from the time the several States first came together; arguing to show that, at different times, the principle of non-intervention, or leaving the people to judge for themselves, was distinctly declared. The first occasion on which the doctrine of non-intervention was ever departed from was in the celebrated Missouri controversy, and he defied the historian to show to the contrary.

He traced the progress of the slavery controversy to a later period; and in the course of his remarks, he took issue with gentlemen who had maintained that at the time of the passage of the compromise of 1850, nobody insisted that it abrogated the Missouri compromise. This was a mistake. Over and over again, in presenting this subject, both here and elsewhere, he had declared that the South had gained by the abrogation of the Missouri compromise a better and a truer principle.

He related some facts connected with an interview between Mr. Clay and Mr. Ritchie, pending the controversy in 1850. The former had insisted on retaining the Mexican law, as applicable to the territory acquired from Mexico. He, however, gave this up, as he (Mr. BAYLY) told him it was indispensable he should, because, if that law was declared by congressional authority, it would be virtually the Wilmot proviso. He knew that Mr. Clay gave it up, because it interfered with non-intervention.

Mr. B. proceeded to reply to his colleague, Mr. MILLSON; but, before he concluded, the hour to which he was limited in debate expired.

Mr. GRW said that the bill under consideration provided for the organization of two territorial governments, to be called Nebraska and Kansas, embracing, together, about six hundred and sixty-five thousand square miles, an area twice as large as the original thirteen Colonies; and extending from New Mexico to the British possessions, and from the western limits of Minnesota and the States to the Territories of Washington and Oregon, and containing four hundred and twenty-five millions of acres of land—more than a fourth of all the public domain now owned by the Government. The provisions of the bill were those usually inserted in bills to organize territorial governments, with the exception of the fourteenth section, which proposed to repeal so much of the Missouri compromise as prohibited slavery in the territory purchased of France lying north of the line of 36° 30'.

He then stated his objections to the Clayton amendment. It having been the policy of the Government heretofore to permit all persons residing in a Territory who had declared their intention to become citizens, to participate in the organization of its government, what reason was there for their exclusion in the present instance? The fact that they were residents of the Territory was good evidence that they had settled there with the intention of making it their home; and

the oath in their declaration of intention to become citizens absolved them from allegiance to foreign Powers, and clothed them with nationality. The Clayton proviso was inconsistent, he maintained, with the great principle of self-government claimed to be embodied in the bill by its special advocates.

Having argued that the organization of these Territories was unnecessary, he replied to the arguments of the unconstitutionality of the Missouri compromise of 1820. It was not considered unconstitutional at the time of its adoption by gentlemen from the South; no such objection was made to it then.

He claimed for it no more binding force, save the circumstances which surrounded its adoption, than attached to any other legislative act of Congress, and denied that the North had ever abandoned it. He also argued that slavery can only exist through municipal regulation, and quoted from decisions of northern as well as southern courts to sustain this position.

Mr. PERKINS, of New York, after a few preliminary remarks, asked why there are now two acts brought in, instead of one, as heretofore, the object at first being to establish merely the territorial government of Nebraska? He believed that if all the territory should be under one government there would be a large portion of the people from the northern States, who do not subscribe to the doctrine that slavery is the universal and common law of the country, and that the colored man, in order to be entitled to freedom, must show the law.

The intention of these bills was, there should be southern judges for the southern Territory, who will hold and administer the law as the gentleman from Virginia [Mr. BAYLY] proclaimed this morning; and in the other Territory judges who will declare that freedom is the law, and slavery the exception. He defied any man to assign any rational reason for the organization of two territorial governments. In other words, the judges are to make the laws. This is the principle on which the measure is founded.

The bill, he contended, does not confer the principle of self-government on the people. There is almost every oppression enumerated in the Declaration of Independence to be exercised in those Territories—the people are to be taxed, and the Governor is to use his veto. It is the height of absurdity to say the people are to rule. It is mere declamation and humbug.

He proceeded to speak on the question of slavery, contending the free colored man is, in substance, a nuisance in a free State, and the existence of slavery in a State crushes out white people. He wanted free soil; and therefore opposed the repeal of the Missouri compromise.

Mr. MILLSON. I desire only to make a brief explanation. If my colleague, [Mr. BAYLY,] instead of replying to an argument of his own creation, had been content to answer that which I had made, perhaps no reply would have been necessary from me. I wish only to say that he did not, in his remarks this morning, correctly state my position. I have not said that there were laws protecting slavery now existing in the Territory of Nebraska. What I did say no gentleman has yet attempted to reply to. All who have undertaken to notice my argument, have answered conclusions which they have themselves drawn, and arguments of which they are themselves entitled to the exclusive credit. This is what I said: I was replying to the statement of Mr. BADGER, who had declared that no laws had ever existed in Nebraska but the old French law and the Missouri compromise. He had said: "These were the only two laws upon the subject, the only two laws that had ever been in force. There was a law authorizing slavery when the Territory belonged to France. By the act of 1820 that law was annulled."

I was replying to this statement, and showing that those were not the only two laws that had been in force there. I showed that there were other laws—laws passed by Congress and by the Territorial Legislature. I showed that those laws have never been repealed, but only their practical operation confined to particular localities. No gentleman has yet undertaken to question those statements. I showed, moreover, that some of those laws are in force over a portion of the territory purchased from Louisiana. No gentleman

has answered that. I say confidently, that no gentleman has yet undertaken to answer one of the points that I made, and for which I hold myself responsible.

My colleague says that laws are addressed to persons and not to places. That is the very argument I myself made here four years ago in reference to a position assumed by Mr. Webster. Did my colleague suppose that I had forgotten my own views, or that I had made an argument this session in the slightest degree conflicting with that I made four years ago? Sir, laws are made for persons, not places, as I then attempted to show, but for persons upon and with reference to places. They are made for all persons who now are, or hereafter may be, within particular localities. Wherever the jurisdiction of the law-making power extends, there the laws apply to all persons who may be within it. They apply not only to those who may be there at the time of the passage of the law, but to those also who may go there afterwards. By going into a place which is within the limits of a particular jurisdiction, they become subject to the laws intended to govern persons in such places. This is all I deem it necessary to say in reply to my colleague.

Mr. ELIOT, of Massachusetts, incidentally referred to the present fugitive slave law. He believed, from the bottom of his heart, that the Constitution of the United States never conferred upon the General Government the power to make such a law as the one now in existence for the recovery of fugitives from labor. He, however, did not wish to be understood as saying no law. He stood here as the advocate of the principles of freedom against the aggressions of slavery.

The bill of the Senate stultified the report, in a measure. He could only account for this by supposing that the bill was not agreed upon until after the report was submitted. According to the arguments of the report, the bill should be forthwith rejected. He then argued at length against the repeal of the Missouri compromise.

Mr. SEWARD did not believe that the Missouri act, as declared by the bill, was inconsistent with the compromise of 1850. Each measure stood on its own independent principle. He was opposed to the details of the bill, but nevertheless would vote for it, as the Badger amendment therein would put the Missouri act out of the way.

Mr. ELLIOTT, of Kentucky, argued against the continuance of the Missouri act of 1820, contending that the North had heretofore refused to abide by it. In conclusion, he advocated the doctrine of non-intervention.

Mr. DOWDELL obtained the floor.

Mr. BOYCE. I ask the gentleman from South Carolina to yield me the floor for the purpose of making a personal explanation. It will occupy but a few minutes.

Mr. DOWDELL. I will yield the floor to the gentleman for that purpose.

Mr. BOYCE. I desire briefly to make an explanation of the facts concerning the visit of Mr. Hoar to the State of South Carolina, to which the gentleman from Massachusetts [Mr. Eliot] referred in his speech to day. In 1822, when a civil insurrection was upon the eve of breaking out in South Carolina, and it was discovered that free negroes were coming from the West India Islands to head that insurrection, it was found necessary, for the public safety, to pass an act that no free negroes should come into that State.

Many years passed along, and the Abolition excitement came up, and Massachusetts, which, I am sorry to say, has always been found at the head of this agitation, sent one of her citizens to have the constitutionality of this law tested. As soon as Mr. Hoar arrived in the State, he was looked upon as a fire-brand, and great public agitation ensued upon his arrival; but there was no mob violence threatened against him. Some of the most respectable citizens of Charleston waited upon him, and urged upon him the necessity of leaving the State. The manner in which the honorable gentleman from Massachusetts referred to this matter would lead one to suppose that some infuriated mob had forced him to leave the State; but the facts of the case present the matter in an entirely different light. He was waited upon by several respectable gentlemen of the place, and requested to leave the city; and he did so.

Mr. DICKINSON. I should like to ask the gentleman from South Carolina a question.

Mr. BOYCE. I am ready to answer the gentleman's question.

Mr. DICKINSON. I should like to ask the gentleman from South Carolina whether the municipal authorities of Charleston did not notify Mr. Hoar that they could not protect him, and they would not insure his safety if he did not leave? They allowed him to take his own choice, and so he left.

Mr. BOYCE. I do not know that. I know that some gentlemen waited on him at the hotel, and represented to him that he had better leave, as, though the citizens did not intend to injure him, he might be liable to insult and annoyance.

Mr. DICKINSON. I have got the facts from the official report, and I have no doubt it is true. I do not wish to have my State improperly represented in this matter.

Some little misunderstanding here took place between Mr. Boyce and Mr. Dickinson, as to the language used by the latter gentleman.

Mr. DICKINSON. I rose to make an inquiry of the gentleman from South Carolina, [Mr. Boyce.] I stated the facts from the official report of Mr. Hoar, of Massachusetts, which he made when he returned. He stated that he was informed by the authorities of Charleston that he could not be protected, and was advised by them to leave, because they could not answer for his safety if he remained. The gentleman from South Carolina replied to my question, substantially, that he did not understand the facts to be so. Sir, there is not a purer man in the United States than Mr. Hoar. He is a man for whose prudence, and judgment, and candor, every one who knows him has respect. He was sent there for the purpose of testing the validity of the law of South Carolina, which we, in Massachusetts, regarded as unconstitutional. He was known to be a person who would conduct himself with great propriety; and he was only asked to have the proper means taken to test the validity of the law in the United States courts. But he was advised that he could not remain there safely, and that he could not try the case. He came home and made that report. I took that report as an official report after it had been acted upon.

Mr. DOWDELL contended that the restriction of 1820 was a naked act of arbitrary power unwarranted by the Constitution. It was wholly indefensible, impolitic, and inexpedient. It was forced on the South as the least of two evils, and acquiesced in by them for the sake of peace and harmony. It has been violated over and over again by the North, who now advocate its sanctity; but he suggested that it did not become the aggressors to teach lessons of morality and justice.

Mr. CARPENTER replied to arguments which had been advanced in favor of the bill, which he said authorized, not in direct terms, but in effect, slavery to creep into this Territory, now free. To this he would ever be opposed.

Mr. TWEED believed the Missouri line is violative of the Constitution, a flagrant wrong and gross injustice, and calculated to produce incalculable mischief. A geographical line is wrong in inception, enactment, and enforcement. The Missouri line, he repeated, is violative of the Constitution, because it encroaches on the rights of the South, who have an equal share with the North in the enjoyment of our domain. By its repeal, let us endeavor to make the Union a political paradise, from which we will never be driven, no more to return. He was in favor of the bill, because it gives to the people of the Territory the power to control their own institutions.

Mr. FARLEY could not forbear to say that, to him it was a source of great satisfaction that his political friends on this floor are in no way responsible for the ill-advised form in which this measure has been presented. The North are opposed to the extension of slavery. This bill looks to the extension of slavery over territory now free. So long as the Missouri compromise remains un-repealed, slavery cannot go there. Repeal it, and slavery can go there. Therefore he opposed its repeal, either directly or indirectly.

Mr. HARRISON addressed the committee in opposition to the bill, taking the ground that the public interests did not justify its passage. He likewise argued against the repeal of the Missouri act of 1820.

Mr. COLQUITT, of Georgia, obtained the floor.

Mr. CAMPBELL. It is a strange arrangement; but I understand that the Chair is in the habit of exacting—though I do not know that it is so—a pledge from gentlemen who wish to speak that they will not occupy more than fifteen minutes, or half an hour. If that be so, it ought to be corrected.

The CHAIRMAN. Perhaps the gentleman had better let his colleague make that point.

Mr. CAMPBELL. I have heard these things, and think it best that they should be now explained.

Mr. HARRISON. I am perfectly satisfied.

[Cries of "Go on, Colquitt!"]

Mr. CAMPBELL. What my colleague says does not answer the point. I want to know whether it be a condition precedent to the getting of the floor that gentlemen shall pledge themselves to occupy only fifteen minutes, or half an hour? I want to have the question settled. I deem it best to have the difficulty remedied now.

[Cries of "Go on, Colquitt!"]

Mr. CAMPBELL. I appeal to the gentleman from Georgia to let us have this question settled now.

Mr. COLQUITT. I prefer to proceed.

Mr. CAMPBELL. Very well, then, go on.

Mr. COLQUITT. It is with great reluctance, Mr. Chairman, that I propose, at this late hour, to speak on the subject under consideration.

The CHAIRMAN. The gentleman will yield a moment, that the Chair may set the matter referred to by the gentleman from Ohio right. It is due to the Chair that it should be done. The Chair has exacted no pledge from the gentleman from Ohio, [Mr. HARRISON.]

Mr. HUNT. Will the Chair permit me?

The CHAIRMAN. The Chair has exacted no pledge, and has not called the gentleman down. The gentleman said to the Chair that he wanted fifteen minutes, and would like to have it now—

Mr. HUNT, (interrupting.) In behalf of the people of the United States, and the members of this House, I protest against such proceeding.

[Cries of "Order!"]

The CHAIRMAN. The gentleman is called to order.

Mr. HUNT. It is a breach of the liberty of Parliament and our rights in a free and glorious country. I appeal to every American on this floor, by his regard for his country, to protest against it.

[Cries of "Order!"]

Mr. WHEELER. The gentleman has more right to be heard than those who are calling him to order.

Mr. FLORENCE. I call the gentleman from New York to order.

Mr. WHEELER. And I call the gentleman from Pennsylvania to order; for I rise to a question of order.

The CHAIRMAN. The gentleman from Pennsylvania and the gentleman from New York will preserve order.

Mr. WHEELER. I would tell the gentleman from Pennsylvania that I ask no courtesy at his hands.

Mr. FLORENCE. The gentleman from Georgia has the floor, and I call the gentleman to order.

The CHAIRMAN. If the gentleman from Ohio [Mr. HARRISON] be allowed to explain the matter, the Chair is confident that he will do it to the satisfaction of the committee.

Mr. CLINGMAN. I hope that the gentleman from Georgia will proceed with his remarks.

Mr. CAMPBELL. I wish to correct a remark of the Chair. I did not rise on behalf of my colleague, but against his protestation. I rose to state what was the current impression in the committee.

The CHAIRMAN. The gentleman will please come to order.

Mr. HUNT. It appears to me, that the question is a privileged one.

The CHAIRMAN. The Chair calls to order.

Mr. HUNT. I ask the committee to be heard on a question of privilege. I appeal to the Chair to hear me.

[Cries of "Order!"]

Mr. HUNT. I do it in my place.

The CHAIRMAN. If the gentleman rises to a question of order, the Chair will entertain it.

Mr. HUNT. I rise to a question of order.

The CHAIRMAN. The gentleman will state it, Mr. HUNT. The gentleman who took his seat, saying that he had but fifteen minutes, had the right, under the rules, to proceed for one hour.

The CHAIRMAN. The Chair decides that the gentleman had the right to proceed for one hour. Several MEMBERS. Nobody denies it.

Mr. HUNT. I would take occasion to ask that the gentleman from Ohio will now use the privilege which is allowed him under the rules, in order that he may protect his own and our rights against any trickery, management, private understanding—

[Cries of "Order!"]

Mr. CHAIRMAN. The Chair decides that the gentleman from Ohio is entitled to the floor, if he desires to occupy it.

Mr. HARRISON. I will state that I obtained the floor by the courtesy of the Chair. He told me that he could not afford me my proper time.

Many MEMBERS. "That is enough," and considerable sensation.

Mr. HUNT. The Chair could not afford him his proper time!

[Cries of "Order!"]

The CHAIRMAN. The Chair hopes gentlemen will wait until the gentleman from Ohio concludes his statement.

Mr. HARRISON. It was a particular act of courtesy on the part of the Chair. I desired to speak to-day, and I asked him if he could allow me to speak a portion of my speech, and I would print the rest. He said that he might be able to give me ten or fifteen minutes.

Mr. HUNT. That is what I protest against.

[Shouts of "Order!"]

Mr. HARRISON. At the same time the Chairman told me that, having obtained the floor, I should have a right to proceed for an hour, if I chose to do so.

The CHAIRMAN. Will gentlemen permit the Chair now to make a statement for the information of the committee, which the gentleman from Ohio will corroborate? My colleague, Mr. TAYLOR, came to me and requested that my colleague, Mr. HARRISON, should have an opportunity to speak to-night. I told him that he must take his chance for the floor with others. He said Mr. HARRISON did not want more than ten or fifteen minutes. I said that I would try to give him that time; but if the gentleman would wait till to-morrow, he could have his full hour; I added, that probably I could give him the floor to-night. My two colleagues afterwards came to me and said that if I would give Mr. HARRISON the floor to-night, he would not occupy much time. I said that I would try to do it, and I have done it.

Several MEMBERS. "That is all right."

The CHAIRMAN. If the gentleman from Ohio [Mr. HARRISON] claims the floor, he can have it for his hour.

Mr. SAGE. Let me inquire of the Chair if a similar agreement was not exacted from a member from Massachusetts, [Mr. ELIOT,] who addressed the committee to-day?

The CHAIRMAN. The Chair begs that the committee will hear him explain this whole matter; for there seems to be a misunderstanding prevailing in regard to it. The gentleman from Massachusetts [Mr. ELIOT] came to me this morning before the committee commenced its session, and I told him that probably, under the arrangement I had fixed in my mind, I should be able to accord to the members from Massachusetts an hour's speech to-day; that they must settle between themselves who should have the hour to-day, and that I would try to give them another hour to-morrow, but that they could divide the time, if two chose to speak to-day. The gentleman from Massachusetts will corroborate that.

Mr. ELIOT, of Massachusetts. I desire to say one word in addition to what the Chair has stated: When I approached the Chairman this morning, I found him in conversation with one of my colleagues upon the subject of the floor, which my colleague was asking for. Before I came up, the Chair had said to my colleague, who had just stated that he wanted about thirty minutes, that he should have that time. As I approached, the Chair said to me, knowing, undoubtedly, the object which I had in coming, "Now, sir, you shall settle this matter with your colleague; and if you can divide an hour between you, you shall have

it to-day." I assented on the spot, for I was glad of an opportunity of being heard even during that time.

Mr. HUNT. I protest against such suggestions from the Chair. There is but one rule, and it is the duty of the Chair to dispense the law of the House fairly and equitably.

[Cries of "Order!" and great confusion.]

The CHAIRMAN. The Chair thinks he understands the duties of the Chair. If he does not, he will very cheerfully resign the position.

Mr. STEPHENS, of Georgia. I insist on the regular order. My colleague [Mr. COLQUITT] is entitled to the floor.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. STEPHENS. Before my colleague goes on, I will state to the House, that the practice which has been disclosed by the Chair has been usual ever since I have been in Congress. I consider, so far from its being an outrage, that it is a great accommodation to those gentleman who desire to speak.

Mr. HUNT. It is a curtailment of time, and therefore it is a retrenchment of privilege.

Mr. KEITT. I insist that the gentleman from Georgia [Mr. COLQUITT] shall be allowed to proceed without further interruption.

Mr. COLQUITT then proceeded, and advocated the passage of the bill.

Mr. UPHAM said that if this bill should become a law, it would effect an entire and radical change of the policy on which this Government was formed, and by which it has been administered from the first. The country would be swung from its moorings, and, with all its precious freight, embark on an untraversed and unknown, and, it may be, a stormy if not fatal sea.

He proceeded to show that the Union could not have been formed if the slavery obstruction had not been removed. It was not thought there would be an acquisition of any additional territory, and the Constitution was intended to apply to the country as it at that time existed. He gave an interesting history of the settlement of the Northwest Territory, and spoke of the ordinance of 1787, the Missouri compromise, and the compromise of 1850; and, in conclusion, predicted disastrous consequences from the abrogation of political compacts.

Mr. MAXWELL obtained the floor.

Mr. CAMPBELL. I ask the gentleman to yield the floor to enable me to move that the committee rise?

Mr. MAXWELL yielded for that purpose.

Mr. CAMPBELL then submitted the motion. The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill (No. 236) to organize the Territories of Nebraska and Kansas, and had come to no conclusion thereon.

Mr. WHEELER. I move that the House do now adjourn.

• The question was taken; and the motion agreed to; and then

At half past ten o'clock, the House adjourned until to-morrow at twelve o'clock, m.

[See Appendix for the above named speeches.]

IN SENATE.

THURSDAY, May 11, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that, in conformity with the request of the Senate, the House of Representatives had directed him to return the bill for the relief of David Myerle.

REPORT FROM A STANDING COMMITTEE.

Mr. WADE, from the Committee on Claims, to whom was referred the petition of the legal representatives of the late Colonel John Anderson, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

REPORTING OF THE SENATE.

Mr. BRIGHT. I offer the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to contract with the proprietors of the Washington Sentinel for the daily publication of the debates and proceedings of the Senate, provided it can be done on the terms provided by the resolution of the Senate, passed the 11th August, 1848, directing the publication of the debates and proceedings of the Senate in the National Intelligencer and Union.

There being no objection, the Senate proceeded to the consideration of the subject.

Mr. FITZPATRICK. Mr. President, occupying the relations which I do towards the Committee on Printing, I deem it proper to make a few remarks in reference to this resolution. The subject of the reporting of the proceedings of this body has engaged the anxious deliberations of the Committee on Printing for some time past, and it has occupied, to some extent, the attention of the press in this District. Now, sir, if it were a new question, and I were to inquire into it for the first time, I should be opposed to having any reporter in this body but one, and I would put that paper on a suitable footing for the purpose of preserving the debates of the Senate.

It will be recollected that some six weeks, or two months since, the then proprietor of the Union declined, temporarily, the publication of the reports of this body. A change, however, was made in the proprietors of that press; and I understand that the new proprietors have undertaken the reports, and claim the right to publish the proceedings in this body under the contract of the former proprietor. At the time when that request from General Armstrong, then proprietor of the Union, to be released from his contract with the Senate for the publication of the reports, came before us, the Senator from Arkansas [Mr. JOHNSON] submitted a proposition to increase the compensation allowed the Globe, the allegation being that it could not afford to publish the proceedings of the body at the compensation then allowed it. That subject was referred to the Committee on Printing, and it underwent the scrutiny and deliberation of the committee. About it there was a diversity of opinion, and you have now lying on your table a report on the subject.

In the mean time the subject attracted the attention of some of the press, as I before remarked, and it is yet an unsettled question with this body, whether we shall increase the compensation of the Globe, or whether the Union has a right to report the proceedings at all, and claim compensation. If it be the fact that the proprietor of the Globe cannot afford to report and publish our proceedings at the compensation now allowed him, it seems to me that neither the proprietors of the Union nor of the Sentinel can.

Without attempting to throw any thing like a serious obstacle in the way of this resolution, for the present, I must say that I think the Senate might well pause, and suffer the question to be investigated, before we embark in the expenditure likely to accrue to the Treasury by the adoption of this proposition. We have already two reporters for the Senate, the Union and the Globe, and the only possible ground, it seems to me, upon which an appeal could be made to the Senate in favor of this proposition is, that the proprietor of the Sentinel is printer to the Senate.

I do not suppose any gentleman on this floor will undertake to deny that the reports in the Globe give us all the details, and furnish the country with all the information necessary in relation to our proceedings. The editor of that paper, who has a corps of reporters—and I believe no one will hesitate to award to that corps great ability and great accuracy—alleges that he cannot live at the present prices allowed him; and yet, at the same time, papers recently founded are willing to take the work, I presume, at the same prices. I have deemed it due to the Senate and the committee to submit these remarks in reference to this proposition.

I cannot for my life see the necessity for three reporters to this body. It was the sense of the committee that we should have but one. I know the matter underwent the investigation of the committee, and the only disagreement was as to the compensation proposed to be given to the proprietor of the paper, which we recommended should be the permanent reporter of the body. It seems to me that, with the expensive and well regulated establishment of the proprietor of that paper, and with the ability and accuracy characterizing its reports, there is no necessity for incurring the

additional expense of requiring three reporters. I am opposed to the adoption of the resolution, and I am unwilling to saddle the additional expense which it will create upon the country, unless there be an imperative necessity for it.

It occurs to me that the obvious course of the Senate would be to put that paper which we all recognize as the established reporter for the body, and that we hold responsible for an accurate report, upon a solid footing, and to allow its proprietor a compensation by which he can live. If this were done we might dispense with other reporters than those of that paper. It is not a political paper. It is conducted by a gentleman of great experience, and he brings to his aid men of high character and abilities, to give permanence to the reports of that paper, and they become part of the archives of the country to which we are to look hereafter for an accurate history of our proceedings. It seems to me that is all the Senate ought to desire.

So far as the reports now purporting to be made by the Union are concerned, I understand the proprietor of that paper claims the right to do so under a contract with the former proprietor. That question has not been investigated, and I cannot undertake to say what will be the sense of the Senate, if the question were to be raised. But, sir, to add a third, when the Intelligencer declined it, and the Union itself, in the hands of another party, declined the work at present prices, and when we are making an effort to put the Globe upon a stable and firm foundation, seems to me to be remarkable.

I may say further, that one inducement to recommend an increased compensation to the Globe, was the fact that the Union had declined the work, and that the Intelligencer had declined it, and it was deemed necessary to have one stable establishment. That was a strong argument urged by some of the friends of the increased compensation to the Globe why we should agree to their proposition. My impression is, that we should continue the Globe; but if we add another paper to the list of reporters, we thereby weaken, in a corresponding ratio, the ability of the Globe to furnish such reports as are now furnished, which we all concede to be creditable to the body and the country. Such are my views.

Mr. BRIGHT. I am sure that the honorable Senator from Alabama does not understand the facts of this case. When he does, I am satisfied that I shall have his vote for my resolution. In 1848 the Senate, by resolution, directed their Secretary to contract with the editors of the National Intelligencer and Union for printing the debates and proceedings of this body, provided it could be done at a price stated therein. The Secretary accordingly entered into a written contract with the proprietors of each of these papers. That contract, I believe, was carried forward for some six months, or perhaps longer, by the Intelligencer—the time is immaterial. It was then abandoned by that paper, on the ground that it did not pay a profit. Ritchie & Heiss were, at the time the contract was entered into, proprietors of the Union. They subsequently sold out to General Armstrong. General Armstrong, by letter, accepted the terms of the contract made by his predecessor. The only contract existing between the Senate and General Armstrong, is the letter I refer to, saying that he would carry out the same, according to its provisions. He did so until December last, when he wrote the letter which I have on my table, declining a further compliance on his part, on the ground that his contract did not pay a sufficient compensation, and asking the Senate to relieve him from the implied obligation which he had taken on himself by his letter of December, 1853. I have both the letters before me.

There was no legal obligation resting upon General Armstrong to perform this service. He had a perfect right to abandon it whenever he found it was a source of loss or embarrassment to him, and entirely respectful and proper for him to do as he did. The proprietors of the Sentinel thereupon addressed a communication to this body, proposing to perform the same work that General Armstrong declined, at the same price.

Both communications were referred to the Committee on Printing. That committee reported them back, simply requesting that they be discharged from the further consideration of the subject. I understand that the then chairman of the com-

mittee, about that time, directed Mr. Nicholson (the Union newspaper having, in the mean time, passed into his hands) to perform this service, assuring him that he should be paid at the same rate as was allowed and paid to his predecessor.

Now, sir, neither the late nor present proprietors of the Union had or have any contract with the Senate. The Senate may, with the greatest propriety, employ any one else; and whom can they employ with so much propriety as the printer whom they have elected for this body?

My resolution, however, does not propose to interfere with existing relations between that paper and this body—not at all. It simply proposes that the Sentinel shall perform like service, provided its proprietors will perform it on the same terms.

The honorable Senator from Alabama is mistaken, when he says, that by the adoption of my resolution this work will be paid for three times. The publisher of the Globe only, I believe, is paid for reporting the proceedings of this body, and even he is complaining that the price paid is not sufficient, and asks for an increase of compensation. Mr. Nicholson, also, in his letter requesting to be continued as publisher, &c., to the body, asks for increased compensation, and I have no doubt there is much justice in the request.

But the proprietors of the Sentinel make no such request. Rather than occupy the outside position they now do; rather than deprive their readers of a full and complete report of the proceedings of the body of which they are officers, they offer to accept the terms of your resolution, and will, I have no doubt, comply with the very letter of its provisions, if it shall be the pleasure of the Senate to pass the order.

Mr. BROWN. I am very glad to hear the Senator from Indiana say there is no contract with the editor of the Union to do our reporting, for certainly the reporting is done in that paper, in my judgment, in an exceedingly unsatisfactory way; but we have no right to complain if we are under no contract, and therefore under no obligation to pay for it. He who contracts with the Senate to report its proceedings, ought to do it, and do it promptly; but who does not know that the proceedings of the Senate are deferred in the columns of the Union, sometimes for seven or eight days, and even longer? I believe, in fact, some are not published at all. The questions to which they relate lose all their interest when the publication is deferred, and then, when the public has been allowed to make up its mind and come to a conclusion, on insufficient evidence, on one side of the question, the other is sent out to it. This, I think, is a just cause of complaint, if we are paying the editors to publish the proceedings of the Senate. If, however, they are doing it on their own account, they have a right to select such matter as they think proper to print, and to print it at such times as they think proper. I believe that the debate which sprung up here incidentally the other day, on the President's veto message, has not yet appeared in the Union. The message has appeared, and has gone to the country. The editors of that paper have thought proper to make their comments on it; but if the debate which occurred in the Senate on the subject has appeared in that paper, it has escaped my observation. I think a paid reporter of the Senate has no right to act in this way, but that he ought to publish the proceedings, and publish them promptly; and if he cannot do that, he should throw down his contract, and cease to ask pay for doing that which he does not do at all, or which, at least, he does not do in a proper way.

Before we enter into a contract with another paper, I should certainly like to know from some who are conversant with the subject, whether it is going to do this work in a more prompt way; whether our proceedings are to appear in some reasonable time after they have transpired; because, if they are not, I shall be just as much opposed to paying him as anybody else. When questions are discussed here, it is of the first importance to Senators themselves that the debates should be published, and published promptly, so that, while the matter is before the country, it may have a fair opportunity of making up a just and proper judgment in regard to it. It is not fair, it is exceedingly unjust, to defer the publication of our proceedings until the public mind is made up on the question to which they relate; for, in this go-ahead age of ours, when the mind has once

concluded upon a subject, it cannot be reopened, unless by some very powerful appeal, or an altogether new presentation of the question. For these reasons I should like to know from my friend from Indiana, whether there is a prospect that the proprietors of the Sentinel will keep up the publication with the proceedings of the Senate, or in some reasonable time, say within a day or two after they occur?

Mr. BRIGHT. I will answer the question by saying that I have no means of knowing that fact; but these persons are employed at the will of the Senate, and they can be dismissed at any time. If a person employed under an order which we make, neglects his duty, it is in the power of the Senate to dismiss him at any time; but I take it for granted, as a matter of course, that if this service be undertaken by the proprietors of the Sentinel, they will perform it faithfully. I have no doubt of it.

Mr. GWIN. Mr. President, I shall move to refer this resolution to the Committee on Printing, and I wish to give my reasons for doing so. It is well known that some three years since—I think last March three years ago—the editors of the *Intelligencer*, an old-established paper here of many years' standing, threw up a similar contract with the one now proposed to be made, because they could not afford to fulfill it at the price allowed them. It is also known that the late proprietor of the Union did the same thing. It is further well known that the editor of the *Globe*, who certainly prepares the debates of this body and of the other House of Congress with an ability and accuracy that cannot be surpassed, has made a publication lately, which I have seen, in which he shows that he loses a large amount of money by reporting at the present rates. Now, I know what will be the result of all this. These gentlemen will not print for nothing, nor without a profit; and at the close of this session of Congress, we shall be called upon to make up to them what they have lost by this contract.

Mr. President, I think that one official paper for the Senate and the House of Representatives, is enough. We have the *Congressional Globe*, which is ably conducted, with a reporting corps, in my opinion, equal to any in this country, and my impression is that we had better dispense with the rest of the papers which report our proceedings fully, and have but that alone. I think the proposition of General Armstrong to decline his contract, should have been accepted, as that of the *National Intelligencer* was accepted. I think it is better not to have the reporting and printing of the debates of the Senate and of the House, connected with the political papers of this District any longer. Originally our reporting was given to one paper of each party. Subsequently, the editor of the *Globe*, who has for a long time printed the proceedings of Congress, came into the reporting.

I move, now, to refer this resolution to the Committee on Printing; and I hope the committee will give the subject a thorough investigation. I think the proper course for us to pursue, is to have but one official paper for the Senate; and let that be the *Globe*. I believe further, that at the end of this session of Congress, all these printers who are printing for nothing, and finding themselves, will come in for additional compensation, and claim twenty or thirty per cent. for what they have done, in addition to the prices they have received. I have seen that done heretofore; and I have no doubt it will be done again. I think, however, that we should be doing our duty to the country by having one official paper in which the proceedings are to be published. I move the reference of the resolution to the Committee on Printing.

Mr. FITZPATRICK. I think my honorable friend from Indiana is laboring under a mistake, when he says that the *Globe* is reporting without claiming compensation.

Mr. BRIGHT. I did not say the *Globe*.

Mr. FITZPATRICK. I should have said that the Senator's remark applied to the Union. He asserted, as I understood, that the Union was publishing our proceedings without claiming compensation.

Mr. BRIGHT. Not at all. I said I understood the Union was continuing the publication of reports under an arrangement with the Committee on Printing.

Mr. FITZPATRICK. Not at all.

Mr. BRIGHT. Then I should like to know

by what terms, or on what authority it is proceeding?

Mr. FITZPATRICK. I will explain. The former proprietor of the Union requested the Senate to release him from his obligation to report the proceedings. His communication was referred to the Committee on Printing, but before that committee acted upon it the proprietor died, as is known to the Senate. We then concluded to defer action until the paper was placed in the hands of some other person; at least we did not act upon it until after the present proprietor got possession of the Union. He then addressed a communication to the Committee on Printing, claiming the right to report under the contract made with a former proprietor. That contract was examined by the committee, and we regarded it as a judicial question, and signified to him that if he considered himself entitled to report under the contract, he could proceed, but that we were not called upon to say whether he was entitled to claim the benefit of the former contract or not; hence we reported a resolution to the Senate, asking simply to be discharged from the further consideration of the subject. We believed that it was a question between him and the accounting officers, whether they would recognize him as legally authorized to report our proceedings, and receive compensation for doing so. I understand, that since that period he has assumed the character of reporter, and has received compensation for reporting the debates of this body from that time until the present. Such I understand to be the facts; and this is the history of the matter.

Now, sir, if this were a new question, and I had to select a reporter for this body, I should certainly be willing to confer the reporting on the gentleman who has been selected by the majority of this body to do its work. But I sympathize, as I remarked before, with the sentiments of the honorable Senator from California, and I believe it was the deliberate opinion of the committee that we should have but one person to furnish reports, and put him upon a footing that will enable him to have the reports done correctly, and in a manner that will be creditable to himself and to the country.

I think the evidence which we have before us, is sufficient to satisfy the mind of every Senator that the reports in the *Globe* are equal to any in any country. Where, then, is the necessity to appoint an additional reporter? We already have two. Is it to afford information to the members of this body? By no means, because we have the *Globe* and the Union laid upon our tables every morning; and in the absence of the Union, if it is the judgment of the Senate that that paper is not an authorized reporter, here is the *Globe*. What then, I repeat, can be the object of creating the additional expense of \$20,000? I am not accurate as to the amount; but I think it is near that sum. I ask the Senate, where is the necessity for adding the additional expense of \$20,000, when we have reports, made in the style in which they are made in the *Globe*, and when we are informed by the proprietor of that paper, that unless he receives increased compensation, he cannot continue to give those reports?

Divide the annual expense of between \$60,000 and \$70,000 between several, and your reporting will not be on as good a footing, and not so calculated to give satisfaction to the country, or to this body, as if you were to take half the amount, or less than half the amount, and appropriate the money for the payment of a solitary reporter.

These are the reasons which have influenced me in coming to the conclusion which I have expressed to the Senate. I reiterate, that we had better dispense with all the reporters but one; and such was the opinion of the Committee on Printing when we investigated the matter. We came to that determination; and, after we had reported the facts, recommended an increased number of the *Congressional Globe* to be taken for each Senator.

The present proprietor of the Union says that he is entitled to the contract of the former proprietor of that paper, and under that contract he has gone on making reports, and is receiving compensation for them, as I am assured. It is a matter of indifference to me whether the Senate refer the resolution to the Committee on Printing, or dispose of it now. Whichever the Senate prefers will suit me; but my deliberate judgment and conviction is that which I have expressed, that we

had better confine the reporting to one paper, and place that upon such footing as that it can live, and perpetuate the records of the Senate. I have no objection to the reference of the resolution to the Committee on Printing; and if it be so referred, I pledge myself to investigate it thoroughly, and endeavor to do ample justice to all parties. It is from no prejudice or prepossession for or against any paper, that I have expressed myself in the way I have done. The one which I intimate should be selected is the permanent reporter of this body. That paper has no connection with politicians or politics. It is laboring for the compensation which it receives for the reporting, and to rear up for itself a reputation as a faithful and carefully prepared record of Congressional proceedings.

These remarks I have deemed it proper to make, in answer to what was said by the Senator from Indiana.

Mr. GWIN. I desire to amend the motion which I made to refer the resolution to the Committee on Printing, so as to instruct them to report on the expediency of abolishing all contracts for reporting the proceedings of the Senate, except that made with the Congressional Globe.

Mr. BRIGHT. I am opposed to the amendment, and to the reference. I consider that a reference of the resolution to the committee would defeat it. The honorable Senator from Alabama speaks about the expense resulting from three reporters. This body pays but one reporter; and he is paid through the compensation allowed to the Globe, as I am informed, at least. I see no reporter for the Union seated in that desk as heretofore. If I am correct, then the only reporting done here is paid for by the Globe, and the reports of the Globe are carried into the Union.

Mr. FITZPATRICK. Do I understand the statement of the Senator from Indiana, to be that the Union newspaper is not paid for our reporting?

Mr. BRIGHT. It is paid so much per column, but nothing extra for reporting.

Mr. FITZPATRICK. The price received by the Globe, per column, if I am correctly informed by the Secretary, is received by the Union. Am I right in that, Mr. Dickens?

Mr. BRIGHT. The Union and the Globe are now paid the compensation contemplated by the original resolution; nothing more. What they receive is so much per column.

Mr. FITZPATRICK. I understand that to be the fact with all the papers. I mean by reporting, receiving so much per column; and I undertake to say that the Union receives the same compensation as the Globe receives.

Mr. BRIGHT. The Senator is correct in that. Now, Mr. President, the object of my resolution is nothing more than this: to give the editors of the Sentinel newspaper the same compensation, for publishing our debates and proceedings, as has hitherto been paid, and is now being paid to other papers in this city.

Mr. DAWSON. Do I understand from the Senator from Indiana that the Union and the Globe receive the same compensation?

Mr. BRIGHT. They do.

Mr. DAWSON. And your information is, that the Union copies the proceedings from the Globe?

Mr. BRIGHT. I understand that to be the fact, but I beg leave to be understood as not censuring or complaining of this course.

Mr. DAWSON. That is all I wanted to ascertain.

Mr. BRIGHT. I am very sorry that the debate has assumed the shape it has. It may be construed into hostility to one paper and partiality for another. I can say, however, in all sincerity, with the honorable Senator from Alabama, that I have neither prejudice nor partiality in this case. I am for meting out even-handed justice to all parties interested, and as we have elected a printer to this body, who is the publisher of a daily paper of general circulation, in justice to him, so long as we continue to publish our proceedings, we ought to give him the same privilege that we have given the proprietors of the Globe and Union. If we are not prepared to treat him and his readers with that respect, I would advise him to resign the position which he occupies as an officer of this body.

There is no force, Mr. President, to my mind, in the argument that we are extending this service

beyond the wants of the community; each of these papers have different readers. It is to the papers of the capital the public look for a full and accurate report of our doings, and the additional expenditure resulting from selecting a third channel of communication is insignificant compared to the convenience and advantage resulting from it. I would be far from appropriating money to any such object, if the only end to be attained was a pecuniary benefit to those we employ. We have no right (let our private feelings be what they may) to apply the public funds from any such considerations. I approve a reasonable expenditure of public money for the object indicated in the resolution before us, believing the public get value received for it.

From what has been said by the honorable Senator from California, and the honorable Senator from Alabama, one might infer that this was an issue made between the Union and Sentinel. No such issue was intended by me. If my resolution had proposed to accept the offer of the proprietors of the latter, and refuse that of the former, then there would have been some ground for such an inference; but it does no such thing. It was to avoid any such imputation, and to place both on an equal footing, believing at the same time, the public interest would be subserved by so doing, that I offered the resolution under consideration, and I must be permitted to say that I am surprised to see opposition from the quarter it comes. As to a reference of it to the Committee on Printing, I am utterly opposed. There are but two members of that committee present. One of them, the honorable Senator from Alabama, has already avowed his opposition to the employment of more than one reporter, and his argument would justify the belief that he was opposed to printing generally.

Mr. FITZPATRICK. I said I was for having but one reporter.

Mr. BRIGHT. The honorable Senator's view, he will permit me to say, is behind the age. That argument would have answered a quarter of a century ago; but the honorable Senator is opposed to my proposition; and therefore I do not consent to send it to be cared for by its enemies. How the chairman of that committee, the Senator from Arkansas, views this matter, I know not, but I hope in a more friendly light than the honorable Senator from Alabama. I doubt not he does; but I should object to a reference, under the circumstances, if I knew a favorable report would follow, because it is a plain, simple proposition, and needs no explanation from any one. Every Senator is as well prepared to say now whether he will or will not make the Sentinel the equal of the Union, so far as regards its relationship to this body, as he will be after the Committee on Printing shall have reported.

Mr. JOHNSON. I have no doubt the Senator from Indiana wishes to do justice to the Union, so far as he is concerned, and I wish to see justice done to them all, so far as I am concerned. The Union has its reporters here. We will correct that at once; but as to the manner in which they discharge the duties that are imposed upon them as reporters here I have nothing to say, though I have heard the manner in which they do discharge their duties questioned. With reference to the proposition of the Senator from Indiana, I have to say that it strikes me as eminently just and equal. If we give the reporting and printing of the debates of this body to the Union, it is nothing more than fair and just that they should be given to the Sentinel also. If, sir, the public desire neither, let them both be stricken out.

Mr. GWIN. I am in favor of that.

Mr. JOHNSON. If I am to vote for the retention of the one, I shall certainly vote for the establishment of the other; but if I am called upon to reject one, I shall certainly advocate the rejection of the other. The Union has it. The validity of the contract with that paper is a matter which I see is questioned seriously upon this floor; so that some seem to regard it as scarcely having a contract at all—that there is no validity in the contract. The other, which is the recognized organ—as printer—of the body by our own election here, asks that it may have it, and report the proceedings of the body.

There is yet another consideration, and that is this: If it be just to go on and give the printing of the proceedings and debates of the body to two

Democratic papers, where is the justice, if it be demanded, of refusing to give it to a paper of the Whig party? I shall feel myself equally bound, in all fairness and justice, to the other side of this body, if application be made upon the part of a Whig journal to print the proceedings, to support the proposition, and to give it the printing also.

Mr. BRODHEAD. Such a proposition is before the Senate?

Mr. JOHNSON. What proposition?

Mr. BRODHEAD. A proposition to pay the Intelligencer.

Mr. JOHNSON. The Intelligencer declined to continue the reporting, but may renew it again. If it is profitable to the Sentinel, I conceive it would be so to any paper; and the question resolves itself into this: do we need any other paper of this city to print our reports other than the one which has had the whole contract for reporting, and has discharged its duty so well to this body and the other branch of Congress? If we do, it seems to me clear at once, in accordance with justice and good sense, that the papers of both political parties in the city should all have a chance if they make the application. I see no other way to proceed in order to do justice.

I have been recently placed upon the Committee on Printing, and that is my excuse for joining in this debate at all, particularly as this resolution has not been before the committee since I have been a member of it.

The Senator from Indiana says the reference of the resolution to the Committee on Printing will be the death of it. I assure him that, if it goes before that committee, it will meet with no prejudice on my part, either for or against it; but it will meet with a simple disposition, to evolve and establish some principle by which the whole matter may be disposed of justly.

I call the attention of the Senate to another matter. Before I was a member of the Committee on Printing, I offered a resolution—and subsequently investigated the subject to a very considerable extent—as to whether the Globe newspaper was receiving a sufficient compensation. One of the members of that committee, [Mr. HAMLIN,] who was disposed to leave it, was anxious that I should take his place; but I could not accede to the solicitation until they had disposed of the resolution which I had offered on that subject. The investigation which I originated has been disposed of by the committee. Their report was made before the former chairman of the committee resigned his place; and it is now upon your tables for consideration. With the consideration of the question of increased compensation to the Globe, which every one certainly will be anxious to sustain, must necessarily come up the consideration of all the expenditures that are involved in reporting and printing the debates of this body. To consider this resolution, therefore, now, and thus to settle the question, will hardly be fair to the subject, for it embraces but a very small part of it. It is impossible to act upon this resolution, with justice to yourselves and the subject, without having the whole case before us. This I respectfully submit to the Senate. I do not advocate the reference of the resolution to the Committee on Printing; but if it is thought better to refer it, I have no objection to do what is my duty in regard to it. Yet I maintain, that all these resolutions, and the report of the Committee on Printing, in regard to the necessity of increasing the compensation to the Globe, should be considered at the same time, so that some permanent settlement of the matter may be made by which it shall be determined that both of these papers (the Union and the Sentinel) shall be appointed to report and print the debates of the body, or that both shall be rejected from that service. I do not know that I am right in those views, but it seems to me that I am.

There is another question, one of fact, and to that I call the attention of the Senate. The fact is this: I do not know but that it is supererogation to call the attention of the Senate to it at all, for it is notorious to every one; and it is uttered by me in no unkindness toward any one. The printing that is done outside the columns of the Globe, in the shape of printing the reports of the proceedings and debates for this body, whether done in the Union, or done formerly in the Intelligencer, or any other paper, is very generally done with reference to profit, and not with reference to the occasion, and to speedy, immediate,

direct, and correct execution of their task. That is so. It is notorious that the Globe, working night and day, constantly and incessantly, keeping full bodies of reporters and of type-setters ready, whether they have services to perform and are furnished with matter by the reports of our proceedings and debates or not, brings out the matter the next day in almost every solitary instance; and it is a very common thing that a Senator rises here, and makes a speech, and by the time he gets down into the city, he has a printed copy of it in his hands ready to read.

That is the manner in which the reporting is done for that paper; but the speed with which the reports are got out, as a necessary consequence, coerces and compels the proprietor to go into a very heavy disbursement of money. It is notorious again, on the other hand, that when the public papers and daily journals undertake this kind of service, days elapse before you see any particle of the report, and the reporters that they employ here are useless, so far as any necessity exists for them, because they may give a full report, and that too corrected by Senators themselves, if they will go to the columns of the Globe. That they do go there I do not allege, because I know that the Union has its reporters; but I know also that I have heard the allegation that, in many instances, from the extraordinary similarities of the reports, they must have gone there. I know also that they have their reporters; and, in one instance, when I called for my own remarks, they made an accurate report of them.

But, sir, it is notorious that the reports of these papers do not come up to the expectations of this body, and meet the call for them from the public, and that the reports of the debates of the body go forth to the world through the columns of the Globe. It is the received and recognized organ, and it is the one to which Senators go for the purpose of correcting their speeches. It is the legitimate and authorized enunciation of the debates that take place upon this floor. Whether it is necessary, or right, or appropriate, that we should continue the publication in the Union, I do not know; but satisfied am I that if it is proper to continue it, we should continue to publish in the whole of them; and if the *Intelligencer*, or the *Whig* organ should come in, I should feel bound to say that they should have their reporters upon this floor, as well as the others.

Mr. BRIGHT. I merely desire to say, in reply to the Senator from Arkansas, that it is my intention, when the *Sentinel* shall be placed upon an equal footing with the other papers, to introduce a resolution devolving upon the committee, of which that Senator is chairman, the duty of seeking to systemize the reports of our proceedings here. Until, however, the *Sentinel* is placed upon an equal footing with the other papers, I shall not make the motion. After the Senate shall have voted on my resolution, and adopted it, as I have no doubt they will, I promise that I will offer a resolution referring the entire subject to the Committee on Printing; and, from what the Senator says, I have no doubt we shall get a fair report.

Mr. JOHNSON. I desire to ask the Senator a question. It is questioned whether the Union newspaper has any contract at all by which it has a right to call for pay. Of course, gentlemen will not refuse to pay for its services, as far as they have gone. We know that, without any kind of doubt, they will be paid for, whether the services are contracted for or not; but the matter ought to be investigated and determined, and they either should not be permitted to go on at all, or should be permitted to go on with power to draw pay. But the question which I desire to ask the Senator is, if, while the matter rests in that attitude, we should order a contract to be made with the *Sentinel*, will it any longer rest in our power—will the editor so frame the contract—to dispense with the whole of them?

Mr. BRIGHT. It is in the power of the Senate to dispense with all the contracts. They are on the table, and can be read. They are at the will of the Senate, and the parties can be dismissed at any time. The order of the Senate would dismiss them all this morning. There can be no objection on that score.

Mr. DOUGLAS. I agree with what the two Senators, who have just spoken, have said. I think we ought to put the *Sentinel* upon an equal footing with the other papers. I do not concur

in the idea that we should have three reporters. I think there should be but one corps of reporters, and that that corps should be under the direction of the Globe, as it now is; and that the other papers should copy their reports from it. There would be many advantages resulting from that course. If we have three corps of reporters, we have a variance in their report, and a Senator has to correct three different copies, or be liable to misconstruction in having wrong, unrevised copies put in circulation.

I believe, therefore, one corps of reporters, who would publish their reports the next morning, and then have them copied into the other political papers of the city would be the best plan. With that view, I shall vote to put the *Sentinel* on an equality with the Union and the *Intelligencer*. I shall then vote for the motion of the Senator from Indiana, to refer the whole subject for revision to the Committee on Printing, in order to make such changes as they think proper. To refuse to put our own printer on an equality with the other political papers of the city, strikes me as remarkable. I did not vote for that printer, but I am not willing to give a vote here that would make us show an invidious distinction against him, as would seem to be a mark of condemnation to the country; and especially as a Democrat, I would not do it, when we have not hesitated to give the same printing to a *Whig* paper. But I hold that politics have nothing to do with the question. It is proper to put all on an equality, and then adjust the pay and duties in such a manner as we shall see proper, after the report of the committee has been made.

Mr. GWIN. It must be evident to the Senate that the proper course to pursue is to agree to the motion which I have made, to refer the whole subject to the Committee on Printing. I withdraw the instructions which I added to that motion; but the whole question certainly should go to that committee. I know the fact, and it is known to all Senators who have inquired into the matter, that the conductor of the Globe is losing now \$1 50 a column by the printing of the reports of this body. I do not make my motion because I wish to show any invidious distinction against the printer of the Senate, nor do I wish to deprive him of any legitimate profits of the reporting for the Senate. Mr. President, there is no profit in it. It is notorious, the fact cannot be disputed, that the price we pay does not pay the expenses of the reporting and printing. No paper in the country is conducted on a more economical plan than the Globe, and it is well known that the conductor of that paper cannot pay his expenses, and we cannot expect our printer to print the proceedings of the Senate, unless we anticipate giving him a profit upon what he will do now at a loss.

I am entirely opposed to continue adding to the papers which are to report our proceedings. It is perfectly well known that it is a losing business to all the papers. The Senator from Illinois refers to the *Intelligencer*. Its editors get nothing from us. They gave up their contract more than two years ago, and they have not received one dollar from us since. I think their reports—their abstract reports of our proceedings—are equal to any that I have seen.

But I am clearly of opinion that the whole subject should go to the Committee on Printing. Before we appoint another paper to print our proceedings, we ought to ascertain from the official report of that committee, the true state of things in reference to the papers that have been publishing our debates. I do not wish to throw anything in the way of the printer of the Senate. His journal is a well conducted paper; and he should receive all the patronage which he is entitled to as the printer of this body; but that is entirely outside of the reporting and printing of the debates of the Senate. It is not connected with the reporting at all. I think the subject ought to be thoroughly examined by the proper committee of the body, before we add another large item to our expenditure, the amount of which none can anticipate now. I withdraw the instructions, but insist on the reference, and ask for the yeas and nays upon the motion.

Mr. FITZPATRICK. The argument of the Senator from Indiana would imply that I had prejudged this question; and that it was from some opposition to the *Sentinel* that I have interposed resistance to his resolution. Now, it is due to me to say that there was no motion to refer the resolu-

tion to the committee when I addressed the Senate; and I was content that the Senate should dispose of it without a reference. I was also perfectly willing to avow my opinion in reference to the manner in which the reporting should be conducted. I trust no gentleman would mistrust me for a moment, and think that I would do other than impartial and even-handed justice to all. The editor of the *Sentinel* is a gentleman for whom I have a high regard; and, standing as he does, as the printer of the Senate, I have been prepared, at all times, to do him ample justice. But my object is not to favor this or that individual. It is to save the additional annual expenditure which I believe to be unnecessary. I have sent for an estimate of the annual amount which it costs to do our printing. If it is the sense of the Senate not to refer the resolution to the Committee on Printing, I will present that estimate when I receive it. I want the Senate to know the amount of additional unnecessary expense which it will throw upon the Government.

The *Whig* paper of this city, if I am not incorrectly informed, voluntarily abandoned its contract some three years ago. It declined to make the reports of the proceedings of the body, and hence the editor was willing to be released from the contract. The Union did the same thing at the commencement of this session; but after the paper got into new hands—the moving cause is better known to them than to me, for I never passed a word with the editor in my life—he proposed to resume the contract. The subject was referred to the Committee on Printing, but we did not undertake to determine whether he could proceed with the reporting or not.

I repeat, it is not to favor this or that individual that I have submitted these remarks; for, if the question were submitted to me to bestow equal patronage upon all the papers, if I know myself, I am prepared to mete out even-handed justice to the *Whig* party as well as to my party, in proportion to their relative strength upon this floor; but I am not looking at that. I am going behind it, and I want to protect the Treasury from a large additional expense when there is no necessity for it.

In reference to the Union—I was, perhaps, in error in not noticing the fact before—it is boldly charged that the Union has no reporters here. Often as I have seen those two gentlemen there in their seats, I declare to the Senate that I did not know which was for the Union, and which for the Globe, until I inquired a few moments ago. I understand that the gentleman furthest from me is the reporter for the Union. I think my friend from Indiana has done that paper injustice, for I understand that their reporters have been here regularly reporting all the time. In reference to the accuracy of their reports, to which allusion has been made by the Senator from Mississippi, [Mr. BROWN,] I cannot undertake to speak. Whether the reports in the Union are made with the same accuracy as those in the Globe, I will not undertake to say, because I have never scrutinized them to ascertain the fact. So far as my knowledge extends, the reports are accurate. As to their time of publication, I cannot speak.

Mr. BROWN. I did not complain of the inaccuracy of the reports in the Union, but of the slowness of their publication.

Mr. FITZPATRICK. That may be the fact. I am not, however, sufficiently informed to speak in regard to it, for I have generally gone to the Globe, and adopted the Globe in regard to any remarks which I have made; and since I have been in the Senate, I have had no cause to complain of that.

If it is the pleasure of the Senate to act upon the matter now, I will state in a few minutes the expense of reporting. At the first session of the Thirty-Second Congress, the Globe received \$16,708 15, and at the second session \$8,318 76, making an aggregate of \$25,026 91. The Union received \$15,849 36 the long session, and \$7,788 60 the short session, being an aggregate of \$23,637 96. I understand the discrepancy results from the fact that the length of the columns in the two papers is different. In addition to that, we have furnished a certain number of the Congressional Globe and Appendix to Senators, at a cost of \$7,416 for the two sessions. Add these amounts together, and it makes an expenditure of \$58,080 87 for the two sessions of a Congress; and to that it is now proposed to add the amount—supposing the columns

of the Sentinel to be about equal to the Globe—of \$25,000, which would make upwards of \$80,000 for reporting for each Congress of two sessions.

If it be the sense of the Senate to enter into that expenditure, I have discharged my duty. I trust the Senate will not consider that I have obtruded my opinion upon the Senate. If a motion had been made at first to refer it to the Committee on Printing, I would not have opened my mouth. I was willing that the Senate should dispose of it. I entertain these opinions; I have not concealed them. I am indisposed to have more than one reporter for the body. I am willing to adopt the paper which does not belong to either political party, which we may hold responsible for accurate and correct reports. I think I show my disinterestedness in that. I have no prepossession for one paper more than for another. I was, however, disposed to disclose these facts to the Senate; and, so far as I am concerned, if it is the sense of the Senate to refer the matter to the Committee on Printing, to investigate it, I will investigate the subject, and come to as correct a conclusion as I can.

Mr. HUNTER. If Senators are disposed to take a vote now, I shall not submit the motion; otherwise I must move that the Senate take up the bill which has been returned from the President.

Mr. BRODHEAD. I hope we shall take the vote; the matter is not so momentous a one, and we all know something about this printing. I think we are all prepared to vote to-day.

The PRESIDENT. The question is on referring the resolution to the Committee on Printing; and on that question the yeas and nays have been called for.

The yeas and nays were ordered.

Mr. STUART. I have no disposition to enter into the discussion of this subject now, if the Senator from Virginia wishes to submit his motion to proceed to the consideration of the Executive message; but before the question is taken I desire to present my views upon the subject.

Mr. HUNTER. Then I hope the Senate will permit me to make the motion to postpone all prior orders for the purpose of taking up the bill which I have mentioned.

The PRESIDENT. This resolution must first be disposed of before such a motion can be entertained.

Mr. BRODHEAD. I hope we will proceed with and dispose of this small affair.

Mr. BRIGHT. I hope the Senate will vote upon the proposition. It has been fully discussed.

Mr. BRODHEAD. Let us hear the Senator from Michigan.

Mr. BRIGHT. I hope the Senator from Virginia will not press his motion, if the Senator from Michigan desires to go on.

Mr. DODGE, of Iowa. I hope the Senate will not consider this matter now. We have no right to force its consideration at this time, and I hope its consideration will be postponed until to-morrow. I think sufficient has been already disclosed to justify its being sent to a committee, at least to prevent its being hastily passed upon by the Senate; for we shall hereafter be called upon to make large payments for the work that this resolution may authorize to be done. I am perfectly satisfied now that there ought to be but one reporter of the proceedings of the Senate; and I hope, at any rate, that my friend from Indiana will allow the resolution which has thus suddenly been brought before us to lie over until to-morrow.

Mr. BADGER. Let it lie over.

Mr. BRIGHT. If the Senator from Iowa wishes to be heard on this matter, of course I will not object.

Mr. DODGE, of Iowa. The Senator from Michigan does.

Mr. BRIGHT. The Senator from Michigan, I understand, is ready to go on now.

Mr. STUART. I wish to be heard; but the Senator from Virginia wishes to proceed to other business. I therefore move to postpone the further consideration of this resolution until to-morrow.

The question was put; and the PRESIDENT decided it not to be agreed to.

Mr. BRIGHT. I have no objection to the postponement.

The motion was agreed to.

PAPERS WITHDRAWN.

On motion by Mr. PRATT, it was Ordered, That Francis Meir have leave to withdraw his petition and papers.

PETITION.

Mr. NORRIS presented the memorial of Edward Riddle, of Boston, praying the reimbursement of expenses incurred by him as agent of the American contributors to the Industrial Exhibition at London in 1851; which was referred to the Committee on Finance.

DAVID MYERLE.

Mr. BRIGHT. I desire to submit the motion that the vote on the passage of the bill which we yesterday requested to be returned from the House of Representatives, and which has been returned this morning—the bill for the relief of David Myerle—be reconsidered.

The PRESIDENT. The motion will be entered on the Journal.

PRINTING PATENT OFFICE REPORT.

Mr. BRODHEAD. I desire to move a reconsideration of the vote yesterday adopting the resolution authorizing the printing of thirty-seven thousand five hundred copies of the agricultural portion of the Patent Office report.

Mr. GWIN. Did the Senator vote in the affirmative?

Mr. BRODHEAD. No division was had upon the question, and I acquiesced in it.

Mr. GWIN. Has the Senator the right to make the motion?

Mr. BRODHEAD. I acquiesced in the vote; and I believe the practice of the Senate is, that in such a case a Senator has the right to submit the motion.

The PRESIDENT. Was the Senator from Pennsylvania in the Chamber when the vote was taken, and did he acquiesce in the vote?

Mr. BRODHEAD. Yes, sir.

The PRESIDENT. The Chair decides that the Senator has the right to submit the motion; and the motion will be entered on the Journal.

AMENDMENT OF SENATE RULES.

Mr. BRIGHT submitted the following resolution for consideration:

Resolved, That hereafter, unless otherwise ordered, on bill, resolution, or other business, requiring to be communicated to the House of Representatives, shall be taken to that House by the Secretary until two days of actual session after that on which the same shall have been passed shall have intervened; but he shall then communicate every such bill, resolution, or other business to that House.

TORTUGAS FORTIFICATIONS.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to report to the Senate on the expediency of promptly completing the fortifications at Tortugas and Key West.

INDIGENT INSANE BILL VETO.

On the motion of Mr. HUNTER, the Senate proceeded to the reconsideration of the bill making a grant of land to the several States of the Union, for the benefit of indigent insane persons, which had been returned from the President of the United States, with his objections.

Mr. BADGER addressed the Senate, reviewing the several positions taken by the President in his veto message. [The speech will be found in the Appendix.]

Mr. BUTLER. I do not propose to deliver my views on this question just at this time.

Mr. WELLER. If my friend from South Carolina consent, I will move an adjournment.

Mr. BUTLER. I was about to say that I should prefer to hear others; but as I intend to submit my views on this subject in justification of my vote at some time, I may perhaps as well do it at this stage of the debate. I will occupy perhaps an hour on this subject—not more.

Mr. WELLER. It is not probable that the Senate will take up this subject for consideration to-morrow, as to-morrow is private bill day. I shall insist on the Senate proceeding with private bills to-morrow. Therefore, with the consent of my friend from South Carolina, I will move that the further consideration of this subject be postponed until Monday next.

Mr. FOOT. Remembering that Monday has been assigned, by common consent, to the Senator from Michigan, [Mr. CASS.] on another subject, I would suggest to the honorable Senator from Cali-

fornia so far to modify his motion as to fix Tuesday.

Mr. WELLER. I understand that my friend from Michigan will not probably occupy the attention of the Senate on Monday for more than an hour or an hour and a half. I move, therefore, to postpone this subject to Monday; but I will not call it up on that day until the Senator from Michigan has been heard, in accordance with the agreement or understanding of the Senate.

Mr. FOOT. Then I have no objection to the motion to postpone until Monday.

The motion was agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 11, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury upon the condition of banks; which was laid upon the table, and ordered to be printed.

DAVID MYERLE.

The SPEAKER. The Senate passed a bill for the relief of David Myerle, which came to the House yesterday. They, however, subsequently sent us a message requesting the withdrawal of the bill.

Mr. HAVEN. I move that the Clerk be directed to return the bill.

Mr. FLORENCE. I have great confidence in the justice of that claim, and I hope, under the circumstances, the bill will be returned.

The SPEAKER. It can be done only by unanimous consent.

There was no objection, and the Clerk was directed to return the bill.

Mr. RICHARDSON. Mr. Speaker, I move that all further debate in the Committee of the Whole on the state of the Union on House bill No. 236, to organize the Territories of Nebraska and Kansas, be closed to-morrow at twelve o'clock, m.; and on that motion I call for the previous question.

Mr. MACE. Will the gentleman allow me to make a single suggestion? I would ask that he move to postpone the closing of debate—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. RICHARDSON. I have made the motion, and it is now with the House to do what it pleases with it.

[Cries of "Yield to the suggestion!"]

Mr. MACE. I desire to suggest that the gentleman from Illinois will move to postpone the closing of debate on the Nebraska-Kansas bill until some day next week, so that every man in this House may have an opportunity of discussing it, inasmuch as it has never had any discussion before the people.

Mr. RICHARDSON. There is a special order for Tuesday next. It is desirable that this bill should be disposed of this week, so that it may be taken out of the way of other pressing business. I have made my motion, and now ask for the question.

Mr. TAYLOR, of Tennessee. I ask to put a single question to the gentleman.

The SPEAKER. The Chair, with the consent of the House, will indulge the gentleman from Illinois and the gentleman from Tennessee, in whatever explanation they may desire to make.

Mr. TAYLOR. I wish merely to ask the gentleman from Illinois whether I misunderstood him yesterday? I understood him to say, when he gave notice that he intended to make this motion to close debate, that he would not press it if the enemies of the measure desired further time in which to submit speeches on the subject?

Mr. RICHARDSON. The gentleman misunderstood me. He will find my remarks correctly reported in the Globe, and I refer him to them. The remarks I then made are as follows:

"I have to state that the time at which I shall propose to terminate debate will depend upon the opponents of the bill. If they show a disposition to go on and debate it, I am disposed to allow the utmost time that will be possible, in order to have a final vote on the bill before the special order takes precedence of it. If they do not show such a disposition, then I shall take it for granted that they do not

desire further debate, and shall move to terminate it at the earliest hour."

Mr. CAMPBELL. I was of the impression that there was nothing said about the special order. [Cries of "Question!" "Question!"]

Mr. GIDDINGS. I trust that the chairman of the Committee on Territories will permit me to say a single word.

The SPEAKER. If not objected to by the House, the gentleman from Ohio will be permitted to propound an interrogatory to the gentleman from Illinois.

[Cries of "I object!"]

Mr. GIDDINGS. We occupied seven months in admitting California as a State into the Union. I now understand that it is determined to close debate on this important bill in four days.

[Cries of "Order!"]

Mr. RICHARDSON. I insist that my motion be put to the House.

Mr. MACE. Mr. Speaker—

The SPEAKER. The gentleman from Indiana is aware that the subject is not debatable.

Mr. MACE. I am aware of it. I move to lay the motion to close debate on the table; and on that motion call for the yeas and nays.

Mr. GIDDINGS. I move that there be a call of the House.

Mr. CAMPBELL. I would appeal to my colleague to withdraw his motion for awhile.

Mr. GIDDINGS. As the yeas and nays are called on the motion to lay the motion to close debate on the table, I withdraw the motion which I made that there be a call of the House.

Mr. ENGLISH. I renew the motion that there be a call of the House.

Mr. WENTWORTH, of Illinois. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOUSTON. I want to ask the Chair a question in relation to this matter.

The SPEAKER. If not objected to, the gentleman can proceed.

Mr. CAMPBELL. I object, unless both sides are to be heard.

Many other MEMBERS objected.

The SPEAKER. It is objected to, and the Chair must execute the rules. The gentleman from Alabama cannot proceed.

Mr. HOUSTON. Have I not a right to ask the Chair a question in relation to the vote I am about to give?

The SPEAKER. The gentleman has a right to make a question of order; but he has no right, by interrogatories or otherwise, to debate a proposition of this kind.

Mr. HOUSTON. If I am not permitted to ask a question, so as to bring before the House a fact connected with the movement now being made, I will state it myself. If we postpone the time for closing the debate upon this bill until next week, or to a period so late that the opponents of the bill can, under the five-minute debate, prevent action upon it before next Tuesday, we may not be able to get it for weeks, if not months.

Next Tuesday the Pacific railroad bill comes up as a special order, and it will not be in order to move to postpone it if any one member objects. It being Tuesday, it will not be in order to move to suspend the rules; and if it were in order, it would require two thirds to carry the motion, which we have no hope of obtaining. Hence, if we do not get a vote before Tuesday, there is no telling when we will get it.

The question was then taken on Mr. ENGLISH's motion; and it was decided in the negative—yeas 88, nays 97; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bell, Bennett, Benson, Benton, Breckinridge, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Farley, Fenton, Flagler, Gamble, Giddings, Goodrich, Grow, Harrison, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lane, Linsley, McCulloch, Mace, Macy, Matteson, Maurice, Meacham, Middleswarth, Morgan, Murray, Noble, Norton, Andrew Oliver, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Skelton, William R. Smith, Snodgrass, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Wheeler—88.

NAYS—Messrs. Abernethy, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Boccock, Bridges, Caskey, Chamberlain, Chrisman, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cur-

tis, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Eddy, Edmundson, Ellison, English, Florence, Franklin, Fuller, Green, Greenwood, Hamilton, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, Kidwell, Kurtz, Lamb, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Morrison, Olds, Mordecai Oliver, Packer, Parker, John Perkins, Phelps, Phillips, Powell, Pratt, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Rufin, Seward, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Richard H. Stanton, John J. Taylor, Vail, Vansant, Walker, Walsh, Warren, Wells, Witte, Daniel B. Wright, Hendrick B. Wright, and Zoll-coffer—97.

So the House refused to order a call.

The question recurred on the motion of Mr. MACE to lay the resolution upon the table, on which the yeas and nays had been demanded.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 95, nays 100; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Caskey, Chamberlain, Chandler, Crocker, Cullom, Curus, Cutting, Thomas Davis, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Franklin, Gamble, Giddings, Goodrich, Grow, Harrison, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Kerr, Kittredge, Knox, Lindley, Linsley, McCulloch, Mace, Matteson, Maurice, May, Meacham, Middleswarth, Millson, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Skelton, Gerrit Smith, Hester L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Daniel B. Wright—95.

NAYS—Messrs. Abernethy, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Chrisman, Clark, Clingman, Cobb, Colquitt, Cox, Craig, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, English, Florence, Fuller, Goode, Green, Greenwood, Hamilton, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, Roland Jones, Keitt, Kidwell, Kurtz, Lamb, Latham, Letcher, Lilly, Macdonald, McDougall, McNair, Mace, Maxwell, May, John G. Miller, Smith Miller, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Rufin, Seward, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Alexander H. Stephens, Straub, John J. Taylor, Tweed, Vail, Vansant, Walker, Walsh, Warren, Witte, Hendrick B. Wright, and Zollcoffer—100.

So the House refused to lay the resolution on the table.

The question recurred on seconding the demand for the previous question.

When the name of Mr. SNODGRASS was called on the above vote, he stated that he had paired off with Mr. CORWIN, of Ohio, or he should have voted "No."

Mr. SLANTON, of Tennessee, stated that he had paired off with Mr. YATES, of Illinois.

Mr. EDGERTON. I would ask the gentleman from Illinois if he will consent to any modification of his resolution?

Mr. RICHARDSON. I have already stated that there is no change that I can make so as to enable the bill to be disposed of before the special order comes up next week. Eighty speeches have already been made upon this question, which is more than have ever been made on any question in Congress.

Mr. EDGERTON. Well, sir, there are two hundred and thirty-three men here.

A MEMBER. Two hundred and thirty-four.

Mr. EDGERTON. Yes, two hundred and thirty-four men here, who have a right to speak if they see fit; and I know of no reason why ten men, or forty men, should be cut off from debate. If the gentleman will consent to a modification of his resolution in such a manner as to enable gentlemen to speak who desire to—

Mr. RICHARDSON. I decline to modify the resolution, and call for a vote on the previous question.

A MEMBER, (to Mr. EDGERTON.) How much time do you want?

Mr. EDGERTON. Say till Saturday at twelve o'clock.

[Cries of "Order!"]

Mr. EDGERTON. I move that there be a call of the House.

Mr. CAMPBELL. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. CAMPBELL. Being slow of mind, I

have not been able to make up my opinion on the motion offered by my colleague; I therefore ask to be excused from voting.

Mr. CULLOM. I move that the gentleman from Ohio be excused from voting.

Mr. FARLEY. I call for the yeas and nays on that motion.

Mr. WENTWORTH, of Illinois. I move to lay the motion of the gentleman from Tennessee [Mr. CULLOM] upon the table; and on that motion I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. WENTWORTH] moves to lay the motion to excuse the gentleman from Ohio [Mr. CAMPBELL] upon the table. The Chair decides that that motion is not in order, for the reason that nothing can be accomplished by it. The motion to excuse the gentleman from Ohio must be taken without debate. Upon that motion the yeas and nays have been demanded.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 88, nays 102; as follows:

YEAS—Messrs. Ashe, David J. Bailey, Thomas H. Bayly, Ball, Barksdale, Bell, Benton, Bridges, Campbell, Chrisman, Clark, Cobb, Colquitt, Craig, Cullom, John G. Davis, Dick, Disney, Dunbar, Eddy, Edmundson, Ellison, English, Flagler, Florence, Goode, Goodrich, Green, Greenwood, Hamilton, Wiley P. Harris, Harrison, Haven, Hendricks, Henn, Hibbard, Hillyer, Ingersoll, George W. Jones, Keitt, Kurtz, Lane, Latham, Lilly, Lindley, Macdonald, McDougall, McNair, May, John G. Miller, Millson, Mordecai Oliver, Orr, Packer, Phelps, Pratt, Preston, Puryear, Ready, Riddle, Rogers, Rowe, Rufin, Sage, Seward, Seymour, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Hester L. Stevens, Straub, John J. Taylor, Vail, Vansant, Walbridge, Warren, Israel Washburn, John Wentworth, Witte, and Hendrick B. Wright—88.

NAYS—Messrs. Abernethy, Willis Allen, Banks, Barry, Belcher, Bennett, Benson, Boccock, Boyce, Breckinridge, Brooks, Bugg, Carpenter, Caskey, Chamberlain, Chandler, Churchill, Clingman, Crocker, Curtis, Thomas Davis, Dawson, Dean, De Witt, Dickinson, Dowdell, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Farley, Fenton, Franklin, Gamble, Giddings, Grow, Houston, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Roland Jones, Kerr, Kidwell, Kittredge, Knox, Lamb, Letcher, Linsley, McCulloch, Mace, Macy, Matteson, Maurice, Meacham, Middleswarth, Smith Miller, Morgan, Morrison, Murray, Noble, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Phillips, Powell, Pringle, Reese, Richardson, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Wade, Walker, Walley, Walsh, Elihu B. Washburne, Wells, Tappan Wentworth, Wheeler, Daniel B. Wright, and Zollcoffer—102.

So the House refused to excuse the gentleman from Ohio from voting.

Mr. DEAN. I rise to a privileged question. I move to reconsider the vote by which the House refused to lay the resolution offered by the gentleman from Illinois [Mr. RICHARDSON] upon the table. I appeal to the gentleman from Illinois to extend the time for closing debate until Saturday next, so as to give the opponents of the bill a fair opportunity to be heard.

Mr. CAMPBELL. I move to lay the motion to reconsider upon the table; and upon that motion I demand the yeas and nays.

Mr. HAMILTON. I rise to a question of order; that the motion made by the gentleman from New York [Mr. DEAN] is not in order.

The SPEAKER. For what reason?

Mr. HAMILTON. Because it accomplishes nothing.

Mr. ORR. No legislative end is gained by it.

The SPEAKER. The Chair is of the opinion that the motion to reconsider is not in order. The object which the gentleman from New York [Mr. DEAN] has in view could be attained quite as well by voting against the adoption of the resolution moved by the gentleman from Illinois, [Mr. RICHARDSON], or by moving again to lay the resolution upon the table.

Mr. STEPHENS, of Georgia. Is the motion to reconsider debatable?

The SPEAKER. It is not debatable.

Mr. SAGE. I move to reconsider the vote by which the House refused to excuse the gentleman from Ohio [Mr. CAMPBELL] from voting, and to lay the motion to reconsider upon the table. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The gentleman from New York [Mr. SAGE] did not vote with the majority, and therefore cannot make the motion.

Mr. WASHBURN, of Illinois. I voted with

the majority, and I make the motion to reconsider.

Mr. WENTWORTH. I move to lay the motion to reconsider upon the table.

Mr. SAGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 109, nays 62; as follows:

YEAS.—Messrs. Abernethy, James C. Allen, Ashe, Thomas H. Bayly, Banks, Barksdale, Belcher, Bell, Benton, Bocoek, Boyce, Breckinridge, Bridges, Bugg, Caskie, Chamberlain, Churchwell, Cobb, Colquitt, Cox, Craig, Cumming, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Eddy, Edmundson, English, Etheridge, Florence, Goode, Goodrich, Green, Greenwood, Hamilton, Wiley P. Harris, Harrison, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, Hunt, Ingersoll, Johnson, George W. Jones, Roland Jones, Knott, Kidwell, Kuriz, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, Meacham, John G. Miller, Smith Miller, Milston, Oids, Monceni Oliver, Orr, Parker, Peck, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ringley, Robbins, Rogers, Ruffin, Seward, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Andrew Stuart, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, John Wentworth, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollieser—109.

NAYS.—Messrs. David J. Bailey, Bail, Barry, Bennett, Benson, Campbell, Carpenter, Chrisman, Clingman, Crocker, Culmon, Thomas Davis, De Witt, Dick, Dickinson, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Evins, Farley, Fenton, Franklin, Gamble, Giddings, Grow, Howe, Daniel T. Jones, Kerr, Kittredge, Knox, Lindsley, McCulloch, Matteson, Maurice, Mayall, Middlebush, Morgan, Morrison, Murray, Norton, Andrew Oliver, Pennington, Pringle, David Ritchie, Russell, Sabine, Sage, Sapp, Simmons, Stratton, John H. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Tappan Wentworth, and Wheeler—62.

So the motion to reconsider was laid upon the table.

Mr. KERR. I desire to make a suggestion, which I think will prove satisfactory to the House, if they will allow me to make it.

[Cries of "Hear him!" "Hear him!"]

My suggestion is this: I am not disposed myself to curtail the debate, as everybody knows. I am disposed to see the rules of the House fairly executed, and the public business transacted. I propose that debate shall be extended through the present week, with the understanding that it shall be likewise extended so as to close during the next week. I ask the general consent of the House that this arrangement be made, and that the consideration of the Pacific railroad bill be postponed one week. I think that a fair proposition. I appeal to gentlemen by their love of order, and their regard for the interests of the country, to acquiesce in this proposition to extend the time of discussion.

The SPEAKER. The Chair will state to gentlemen that on next Tuesday, and from day to day, until disposed of, the Pacific railroad bill is to be considered as a special order. That special order cannot be postponed except by unanimous consent; but if unanimous consent is given, it can be postponed to a particular day, when it will be the special order at that particular day.

Mr. ETHERIDGE. Will the House permit me to make a suggestion and statement to the House? I am one of those who would resist, in any reasonable manner, all efforts to stifle debate upon the question which has been discussed for the last week or ten days. I desire that all gentlemen should have a hearing upon this subject who are disposed to speak. My proposition is this—and I think all will see its fairness and its practicability—to go on with the debate, and then, when all the gentlemen have been heard who desire to speak, those who propose to close the debate will certainly have good reason for doing so.

And if the proposition that has been made to close debate on this question to-day or to-morrow, be carried, there will be then many members who desired to speak, but who could not be heard. Now, it appears to me, that if we were allowed to go on with the discussion of this bill, we might close in four or five days. Let us, therefore, go on with debate in a proper spirit, and then when members who desired, have made their speeches, debate may be closed.

The SPEAKER. The Chair presumes that the gentleman from Tennessee did not understand the statement of the Chair; and if he will indulge him, the Chair will repeat his explanation. When Tuesday comes, the special order, to take up the

Pacific railroad bill, will supersede all other business; and the proposition submitted by the gentleman from North Carolina, [Mr. KERR.] is to postpone the consideration of that measure for one week.

Several gentlemen addressed the Chair.

The SPEAKER. The gentleman from Tennessee [Mr. ETHERIDGE] still has the floor.

Mr. ETHERIDGE. It seems to be conceded by the friends of the bill, as well as by its enemies, that a fair discussion is all that is required. Now, there are many gentlemen, no doubt, who feel a personal solicitude upon this measure, and who desire to be heard. If that is the case, it is very hard to have debate closed within one, or two, or three days. Suppose we should go on and consume another week, and then debate should not be concluded on this bill, we might see that it could be closed in one or two days more. Suppose that, when we adjourn on Saturday evening, there should be half a dozen gentlemen desiring to speak, and who have not been heard, then, when we meet on Monday, we might well postpone the special order for a day or two; and if, on Tuesday morning, one or two gentlemen more desire to be heard, we might, by unanimous consent, postpone that special order for another day. And when every gentleman has thus had a fair opportunity of making known his sentiments on the subject of the Nebraska bill, a proposition to shut down debate will come with good grace from any quarter, and will not be resisted. If gentlemen insist on the proposition to close debate to-morrow, or Saturday, I shall vote against it, for the reason that I do not know whether myself or my friends, who desire to speak on the bill, may have an opportunity in that short interval to do so.

Mr. WRIGHT. Will the gentleman from Tennessee permit me to interrupt him?

Mr. ETHERIDGE. Yes.

Mr. WRIGHT. Does the gentleman from Tennessee make a proposition to dispose of the special order of Tuesday next by postponing it to a specified day?

Mr. ETHERIDGE. Mr. Speaker, I do not feel authorized to make any particular proposition of the kind.

Mr. WRIGHT. If you are desirous that debate shall continue, make the proposition to postpone the special order to a certain day, and the friends of the bill will vote in favor of that proposition.

Mr. ETHERIDGE. I think, Mr. Speaker, that my proposition addresses itself to the understanding of every gentleman here. I am willing, as far as I am concerned, that debate shall be closed in a reasonable time next week. I am not authorized to make any proposition as to the postponement of the special order; but I am simply desirous that debate shall be closed after every gentleman who now desires to speak on the bill shall have been heard, and not before.

Mr. McDOUGALL. Mr. Speaker, I was determined to urge the consideration of the Pacific railroad bill when it should come up for consideration under the special order. And I still am determined to urge its consideration, unless under these circumstances. I am not disposed to stifle proper debate on this Nebraska question; and if the House unanimously desire the postponement of the special order on the Pacific railroad bill, and make that bill the special order for Tuesday week, or any specific day—if this be the unanimous desire of the House, for the purpose of discussing fully this question, I will consent to it.

Several Members. That is fair; let us do that.

Mr. SAGE. I object.

Mr. WHEELER. I appeal to the gentleman from New York to withdraw his objection.

Mr. STEPHENS, of Georgia. I barely wish to say a word in reply to the gentleman from Tennessee, [Mr. ETHERIDGE.] I would willingly unite in the proposition of the gentleman from California [Mr. McDOUGALL] to postpone the special order for one week, in order that this Nebraska bill might then, after the fullest discussion, be voted upon, if that was what those gentlemen acting with the gentleman from Tennessee really wanted; but I am certain that that is not what they want. We have been willing from the beginning to discuss this Kansas and Nebraska bill thoroughly and fully. It has been thoroughly discussed already. No question before this body

since the foundation of this Government has been more thoroughly discussed than the leading questions involved in this bill. I think I may venture the assertion that more speeches have been made upon the bill than upon any one measure since I have been in Congress. We have been willing, and are still willing, that more may be made. We are willing to set and hear gentlemen as long as we can under the special order. We have been willing to sit here all night. Infirm in health as I have been, I have been willing to sit here. I was here last night, and the night before, to do so. But I ask the gentleman from Tennessee, [Mr. ETHERIDGE,] who broke up the debate night before last? Who moved that the committee rise last night? From which side did objection to going on with debate come? It came from those acting with the gentleman who is now asking further time to speak. There has been liberality in this case, great liberality, unusual liberality, already. It is exceedingly liberal in the gentleman from California [Mr. McDOUGALL] to consent to postpone the special order—the Pacific railroad bill. This, I say, is exceedingly liberal on his part. We are willing to accede to it. But the friends of the gentleman from Tennessee will not. Nothing will satisfy them, I apprehend. Why do they not accede to it, if debate was what they wanted? We, the friends of the bill—a majority of the House—will sit here all night, and to-morrow night, and the next night, and all next week, if that will satisfy them! If you want free and liberal debate, say so, and accede to terms that will allow it, and then allow a vote to be taken. But if factions opposition is what you are after; if you wish to thwart the national will, constitutionally expressed, let us know it, and we will meet you as factions opposition in this House always has been met. The friends of the bill must sit the question out, if it takes to-night, to-morrow, the next day, and even the next.

Mr. DAVIS, of Rhode Island, was here recognized by the Chair.

Mr. RICHARDSON. I rise to a question of order.

The SPEAKER. Under the rules of the House this discussion is out of order. It is suffered only by unanimous consent.

Mr. RICHARDSON. Then I will make the point of order which I desired to make upon one of my own friends, and not upon the gentleman from Rhode Island, [Mr. DAVIS.]

Mr. DAVIS, of Rhode Island. In reference to this question now under consideration, the gentleman from Georgia says it has been discussed more than any other which has ever been presented to this House since the foundation of the Government. He should bear in mind, and the House should bear in mind, that a deeper interest is felt in it, than has ever been felt in any other; and it is a more important question, too, than any which has been before this House, in the estimation of a large portion of the members of this House. And, sir, I am in favor, and I believe the country is in favor, of giving to every gentleman upon this floor, who desires it, a chance to be heard, and in favor of giving a sufficient time for that purpose, without involving us in night sessions until eleven or twelve o'clock. I do not think it is right to deny us that privilege; and I do not recognize the right of any man upon this floor to curtail me in the enjoyment of that right. I think an attempt to do so is an infringement of privilege of every gentleman in this House. If it has taken a long time to discuss this question fairly, I will say it was not brought before this House by those who want to discuss it. It has been thrown upon the House, and forced upon them, and I, for one, should be glad to get it out of the way at any time. But the country expects that this question will be discussed, and fully discussed; and they further insist upon all the forms of business of this House being observed, if liberty is to be sacrificed. They want it to be guarded to the last, and, when the last struggle comes, they want us to use all the powers and rights which we have to defeat it. They are determined to defeat the passage of this bill, and they are determined to do it, because it is right to do so.

Mr. INGERSOLL. I would inquire of the Chair what the question is?

Mr. ORR. I rise to a question of order. Both sides have been heard, and further discussion is out of order.

to take place? We shall then be brought to act within some eight days upon this great question. After we have terminated the general debate—if it shall be terminated—then we shall be in committee under the five-minute rule, and sometimes questions of not half, of not a tithe the importance of this one, are debated for a whole week under the five-minute rule, and this bill ought to be so discussed, for the most valuable debate will undoubtedly be then. The amendments will then come up—the House bill, the Senate bill, the bill offered as a substitute by the gentleman from Illinois, [Mr. RICHARDSON,] and the bill of last session; then, the Utah and New Mexico bills are also talked of as amendments to this one; and there are various other amendments that will be offered, and ought to be offered, and that ought to be discussed. But just so sure as you tell us that we are to constrain ourselves within the limited time between now and a week from Tuesday next, every one here knows—he is sure in his own mind—that we cannot have that discussion which is desirable—that we ought to have.

Sir, if gentlemen insist upon having action upon this bill—although I do not consider it as important that there should be such action as they do—let them put it off until the Pacific railroad special order, and the other special orders, have been disposed of. Is it not of as much consequence and importance to the country that all those important acts of special legislation, such as the French spoliation bill, the Pacific railroad bill, and of public interest, as the deficiency bill—the passage of which is a matter of imminent and urgent necessity—and some of the general appropriation bills, should now be acted on, as that this question, which gentlemen themselves contend is, after all, but the establishment of an abstract principle, should be decided to-day or to-morrow? As we have lived under this great wrong, if such it be—this abstract wrong—for thirty-four years—

The SPEAKER, (interrupting.) The Chair must remind the gentleman from Maine that he is wandering far beyond the boundaries prescribed by the leave of the House.

Mr. WASHBURN. It seems to me that I am stating reasons—

Mr. CRAIGE. I rise to a question of order. I understood that the gentleman from Maine [Mr. WASHBURN] was permitted, by the unanimous consent of the House, to make a suggestion. I did not understand that he had a right to make a speech.

The SPEAKER. The Chair had arrested the gentleman from Maine in the course of his remarks before the gentleman from North Carolina rose to his point of order.

Mr. WASHBURN. My suggestion is—

The SPEAKER. The Chair respectfully suggests to the gentleman from Maine that beyond very brief remarks explanatory of the proposition before the body, this debate is not strictly in order.

Mr. WASHBURN. I respectfully submit to the Chair that I made this suggestion, if gentlemen desired to have this question discussed as it should be discussed, that it must be put over beyond the time in which the special orders are to come up. I was stating the reasons why that suggestion was a wise and prudent one, and, among other reasons, I urged that there was not sufficient time to consider and discuss this subject before the special orders came up—

The SPEAKER. The Chair will say, in reply to the gentleman from Maine, that he must be well aware that the proposition to put the special order over one week has been absolutely refused by the House. The gentleman must also be aware that his proposition was met by half a dozen voices objecting to putting over the consideration of this subject until the Pacific railroad bill was disposed of. The Chair must decide, therefore, that there is no legitimate object for the course of remarks in which the gentleman has indulged.

Mr. WASHBURN. Will the Chair allow me to say, I did not understand that there was any objection to the suggestion I made.

The SPEAKER. Objection was made by twenty gentlemen, if the Chair could determine from the number of voices.

Mr. WASHBURN. I did not hear the objections, arising probably from the fact that I was speaking.

The SPEAKER. The Chair reminded the

gentleman from Maine of the fact that objection was made to his proposition to postponing the consideration of this bill beyond the time agreed upon for the consideration of the special orders.

Mr. WASHBURN. Very well; I will not trespass further upon the time of the House.

Mr. GOODRICH. Will the gentleman from Maine [Mr. WASHBURN] allow me to say one word?

[Cries of "I object!" "I object!"]

Mr. CRAIGE. I rise to another question of order. The gentleman from Maine [Mr. WASHBURN] has been decided to be out of order, and I understand by the rules that when a gentleman is declared out of order, that he cannot proceed in order unless by unanimous consent.

The SPEAKER. The Chair would say, in reply to the gentleman from North Carolina, that the gentleman from Maine cannot proceed, if objection be made, except by a vote of the House.

Mr. CRAIGE. I object to the gentleman from Maine proceeding further with his remarks.

The SPEAKER. Is it the pleasure of the House that the gentleman from Maine proceed in order?

Mr. SAGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. Is the question whether the gentleman from Maine shall proceed with his remarks?

The SPEAKER. It is whether the privilege to do so shall be given by a unanimous vote of the House.

Mr. JONES. There is no question. I do not see how the gentleman from Maine can proceed in order, as he has been called to order for proceeding out of order.

The SPEAKER. If there was an appeal from the decision of the Chair, the question would be upon sustaining the decision of the Chair in ruling the gentleman from Maine out of order in the course of remarks in which he has indulged. The gentleman from North Carolina [Mr. CRAIGE] goes beyond that, and objects to his proceeding at all. The Chair decides, that if the House authorize the gentleman from Maine to proceed and make suggestions in connection with the course of proceedings on this bill, it will be in order for him to do so.

Mr. CRAIGE. Mr. Speaker, I make the point of order, that after the Chair decided that the gentleman from Maine was out of order in his remarks, he cannot then proceed in order, unless by the unanimous consent of the House.

The SPEAKER. He cannot proceed in order unless he is permitted to do so by a vote of the House. He does not require unanimous consent.

Mr. CRAIGE. I object to his proceeding.

Mr. SEWARD. I hope the objection will be withdrawn.

The SPEAKER. The Chair has decided that the gentleman from Maine could not proceed unless in the way of making suggestions in reference to the course of proceedings of the body on this bill; and the Chair called the gentleman to order for not confining his remarks to that purpose. He may proceed in order.

Mr. DRUM. I call for the reading of the 35th rule of the House.

The rule was read, as follows:

"If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House."

The SPEAKER. The Chair decides that the gentleman from Maine may make a suggestion in reference to the proceedings of this body on the subject of the bill under consideration—

Mr. CRAIGE, (interrupting.) Then the rule goes on to say, that a member, if called to order, shall not proceed in order unless by consent of the House.

The SPEAKER. The gentleman from North Carolina has not looked with care into the rule; for the rule declares that if the Chair decides that the member is in order, and if no appeal be taken from the decision of the Chair, the member may

proceed without the vote of the House, in order. That is the rule, as it has been read just now.

Mr. CRAIGE. I was under the impression that the Chair decided that the gentleman from Maine was out of order.

The SPEAKER. The Chair did so decide; and the gentleman from Maine submitted to the decision of the Chair, and proposes now to proceed in order. The Chair decides he has a right to do that.

Mr. WASHBURN, of Maine. Under the suggestion of the Chair, declaring that I was not in order in the remarks which I was proceeding to make, and with the full knowledge of the fact that the members of this House would not have accorded me the consent which they did to make a suggestion if they had supposed I would speak on the question generally, or in such manner as the Chair should declare out of order, I submitted to the decision of the Chair. But I had supposed I was in order, or, at all events, I was endeavoring to be in order. I shall not now trespass any further on the House than to say—

Mr. GOODRICH, (interrupting.) Will the gentleman from Maine permit me a word of explanation?

Several MEMBERS objected.

Mr. WASHBURN, (resuming.) I will not trespass on the House any further than to say that if gentlemen are not willing to give us this full and ample time for discussion—such as we ought to have—by extending the debate to the hour and day indicated in my suggestion, then I must feel obliged to object to any other proposition to close debate sooner.

Mr. ENGLISH. Mr. Speaker, I intend to make a general objection to all proceedings out of order, and to insist upon the question before the House.

The SPEAKER. The gentleman from Indiana has a right to do that; and the Chair will sustain him in taking objection as well as he can.

Mr. GOODRICH. I simply wish to ask a question, and to make a suggestion in reference to this matter; and I hope I will be allowed to do so.

The SPEAKER. Only by the unanimous consent of the House.

Several MEMBERS objected.

The SPEAKER. The question recurs upon the motion that there be a call of the House; and upon that motion the yeas and nays have been demanded.

Mr. SAGE. I ask to be excused from voting upon that motion.

Mr. CAMPBELL. I move that the gentleman be excused; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and there were—yeas 59, nays 93; as follows:

YEAS—Messrs. David J. Bailey, Thomas H. Bayly, Ball, Brockbridge, Bridges, Clark, Cobb, Colquitt, Crocker, John G. Davis, Eddy, English, Florence, Green, Greenwood, Hamilton, Haven, Hendricks, Hemi, Hillyer, Houston, George W. Jones, Keitt, Kidwell, Kurtz, Lane, Lilly, McDonald, McNair, May, John G. Miller, Mortimer Oliver, Orr, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Rendy, Riddle, Ruffin, Seward, Seymour, Shaw, Shower, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Straub, David Stuart, John J. Taylor, Tweed, Walbridge, John Wentworth, Hendrick B. Wright, and Zollcoffer—59.

NAYS—Messrs. Abernethy, James C. Allen, Willis Allen, Ashe, Banks, Barksdale, Barry, Belcher, Bennett, Benson, Boccock, Boyce, Brooks, Bugg, Campbell, Carpenter, Caskey, Chamberlain, Chandler, Chrisman, Churchwell, Clingman, Craige, Cumming, Cutting, Thomas Davis, Dawson, Dean, De Witt, Dick, Dickinson, Dowdell, Dunbar, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Feuton, Gamble, Goodrich, Harrison, Hibbard, Howe, Hughes, Hunt, Ingersoll, Johnson, Daniel T. Jones, Roland Jones, Kerr, Knox, Latham, Lindsey, McCulloch, Macy, Matteson, Middleworth, Milson, Morgan, Murray, Norton, Olds, Packer, Parker, Pennington, Pringle, Reese, Richardson, Robbins, Rogers, Russell, Sabin, Sapp, Simmons, Skelton, Gerrit Smith, Stratton, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Vail, Walter, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Witte, and Daniel B. Wright—93.

So the House refused to excuse the gentleman from voting.

Mr. CAMPBELL. I move to reconsider the vote by which the gentleman from New York was excused from voting; and upon that I call the yeas and nays.

The SPEAKER. The gentleman from New York was not excused from voting.

Mr. CAMPBELL. I meant to say the vote by which he was not excused.

The SPEAKER. Did the gentleman vote in the affirmative?

Mr. CAMPBELL. I voted no. I voted with the majority.

The SPEAKER. Then the gentleman has the right to make the motion.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 29, nays 124; as follows:

YEAS.—Messrs. Ball, Bennett, Benson, Campbell, Culion, Dickinson, Eastman, Flagler, Giddings, Goodrich, Grow, Lally, McCulloch, Mace, Macy, Mencham, Morgan, Parker, Peimington, Pratt, Pringle, David Ritchie, Russell, Sabin, Sapp, Hester L. Stevens, Wade, and John Wentworth—29.

NAYS.—Messrs. Abercrombie, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barry, Belcher, Ball, Boycock, Boyce, Breckinridge, Bridges, Carpenter, Caskie, Chamberlain, Chandler, Christian, Churchwell, Clark, Cobb, Cox, Craige, Crocker, Cumming, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dick, Dowell, Dunbar, Eddy, Edgerton, Edmunds, Edmundson, Ellison, Etheridge, Everhart, Farley, Fenton, Florence, Gamble, Goode, Green, Greenwood, Hamilton, Wiley P. Harris, Haves, Hendricks, Hillyer, Houston, Howe, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Klutledge, Knox, Kurtz, Lane, Lindley, Lindsley, MacDonald, McNair, Matteson, Middleswarth, John G. Miller, Smith Miller, Milson, Morrison, Murray, Noble, Norton, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Puryear, Ready, Richardson, Riddle, Robbins, Rogers, Ruffin, Sage, Seward, Seymour, Shaw, Simmons, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Walley, Warren, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—124.

So the House refused to reconsider the vote.

Mr. STUART, of Ohio. I move that the House do now adjourn; and upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MACE. I ask to be excused from voting upon the motion to adjourn.

Mr. HENDRICKS. I submit that that is not in order. If that were to be allowed, we might not come to the motion to adjourn before to-morrow morning.

The SPEAKER. The Chair rules that the proposition of the gentleman from Indiana is not in order.

The question was taken; and decided in the negative—yeas 69, nays 109.

So the House refused to adjourn.

Mr. DRUM. I move that when this House adjourns it adjourn to meet on Saturday next, at twelve o'clock, m.; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on the motion to adjourn over; and decided in the negative—yeas 49, nays 109.

So the House refused to adjourn over to Saturday.

The SPEAKER. The question now recurs upon the motion that there be a call of the House, upon which the yeas and nays have been demanded.

Mr. SAGE. I move that the House do now adjourn.

Mr. WASHBURNE, of Illinois. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken upon Mr. SAGE's motion; and decided in the negative.

So the House refused to adjourn.

The question then recurred upon the motion that there be a call of the House, upon which the yeas and nays had been demanded.

The yeas and nays were ordered.

The question was taken upon the motion; and decided in the negative—yeas 60, nays 80.

So a call of the House was not ordered.

Mr. CAMPBELL, pending the call of the roll, when his name was called, said he paired off with Mr. PERKINS, of Louisiana, upon this vote.

The question then recurred upon seconding the demand for the previous question upon the resolution closing debate upon the Nebraska bill.

Mr. GOODRICH. I move that the House do now adjourn.

Mr. FARLEY. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. GOODRICH's motion; and decided in the negative—yeas 40, nays 66; as follows:

So the House refused to adjourn.

The SPEAKER announced that no quorum had voted.

Mr. RICHARDSON. I move that there be a call of the House.

Mr. SAGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WASHBURN, of Maine. I ask to be excused from voting upon that motion.

Mr. HOUSTON. That is not in order, is it?

The SPEAKER. The Chair cannot entertain any such motion. The rules prescribe that when the House finds itself without a quorum, no motion shall be entertained except a motion that there be a call of the House, and a motion to adjourn.

Mr. WASHBURN. I withdraw the request.

The question then recurred upon the motion that there be a call of the House.

Mr. SAGE. I move that the House do now adjourn; and upon the motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. SAGE's motion; and decided in the negative—yeas 47, nays 67.

So the House refused to adjourn.

Pending the call of the roll,

Mr. BAYLY, of Virginia, stated that for a short time he had paired off with Mr. DE WITT.

Mr. BALL stated that he had paired off with Mr. Cox.

Mr. BUGG stated that he had paired off with Mr. BAILEY, of Georgia.

Mr. HOWE stated that he had paired off with Mr. HILLYER.

The question then recurred upon Mr. RICHARDSON's motion that there be a call of the House.

Mr. WASHBURN, of Maine. I ask to be excused from voting upon that motion.

The SPEAKER. The Chair cannot entertain the proposition, for the same reason that he refused to entertain a similar one made by the gentleman some time since, that no quorum has voted.

Mr. WASHBURN. I thought there was a quorum upon the last vote.

The SPEAKER. No quorum has voted.

The question was then taken upon Mr. RICHARDSON's motion; and it was decided in the affirmative—yeas 75, nays 44.

So it was ordered that there be a call of the House.

Pending the call of the roll,

Mr. DEAN asked the unanimous consent of the House to have his vote recorded, he having been outside the bar when his name was called.

Mr. WHEELER. I object.

The SPEAKER. The next business in order is the execution of the order that there be a call of the House.

Mr. WASHBURN, of Maine. I move that the House do now adjourn.

Mr. STUART, of Ohio. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken on the motion to adjourn; and it was decided in the negative—yeas 52, nays 84.

So the House refused to adjourn.

Pending the call of the roll on the above question,

Mr. MACY stated that he had paired off until to-morrow morning with Mr. DISNEY.

The SPEAKER. The House having ordered a call of the House, the Clerk will now proceed to call the roll, and note the absentees.

Mr. WASHBURN, of Maine. I ask to be excused from voting on that question.

The SPEAKER. There is no question before the House.

The Clerk then called the roll, and found the following members absent:

Messrs. Abercrombie, Aiken, Appleton, Banks, Bell, Bennett, Benton, Bissell, Bliss, Brooks, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chase, Chastain, Christian, Cook, Corwin, Cullom, Cumming, Curtis, John G. Davis, Dawson, Dent, Dick, Disney, Dunbar, John M. Elliott, Ewing, Faulkner, Franklin, Fuller, Gamble, Goodrich, Green, Grey, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Hiestler, Hill, Howe, J. Glancy Jones, Roland Jones, Kurtz, Lamb, La-

tham, Lyon, McMullin, McNair, McQueen, Smith Miller, Nichols, Andrew Oliver, Mordecai Oliver, Peck, Peckham, Bishop Perkins, John Perkins, Phelps, Preston, Ready, David Ritchie, Rowe, Sapp, Shannon, Singleton, Gerrit Smith, William Smith, William R. Smith, Sollers, Frederick P. Stanton, Walbridge, Wells, Westbrook, Yates, and Zollcoffer.

The SPEAKER. The officers of the House will now close the doors.

The doors were then closed.

Mr. DRUM. I move that all further proceedings under the call be dispensed with.

Mr. STUART. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CAMPBELL. I desire to state, on behalf of Mr. PERKINS, of Louisiana, that he, desiring to go to dinner, being unwell and hungry, I have paired off with him: I have answered on a call of the House.

The question was taken; and it was decided in the negative—yeas 26, nays 131.

So the House refused to suspend all further proceedings under the call.

Pending the call,

Mr. HILLYER stated that he had paired off for the present with Mr. Howe.

Mr. LINDSLEY, also stated that, for the present, he had paired off with Mr. MILLER, of Missouri.

Mr. EDMANDS. I move that the House do now adjourn.

Mr. CROCKER. I demand the yeas and nays on that motion.

Mr. HENN. Is the motion to adjourn now in order?

The SPEAKER. The Chair thinks that it is. Mr. HENN. After the House has refused to suspend further proceedings under the call?

The SPEAKER. That is the decision of the Chair. The motion is in order.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 64, nays 86.

So the House refused to adjourn.

Mr. BRECKINRIDGE. I would ask the Chair whether, after the doors have been closed by order of the House, and proceedings under the call are in progress, it is in order to allow members to enter or go out?

Mr. CAMPBELL. I call the gentleman to order.

Mr. BRECKINRIDGE. It is a question of order. I call the attention of the Chair to the execution of the order of the House.

The SPEAKER. A moment's reflection will satisfy the gentleman from Ohio that the gentleman from Kentucky is in order, he being on the floor to a question of order.

Mr. BRECKINRIDGE. I will remark, with the leave of my friend from Ohio, that it being in order to alternate between motions to suspend further proceedings under the call and motions to adjourn, the House never can complete the call unless the doors be kept closed, and members prevented going out or coming in. I call the attention of the Speaker to the fact that the order is not enforced.

The SPEAKER. The officers of the House must enforce the order of the House rigidly. There is no authority drawn from the rules that the Chair knows of which would, under a call of the House, allow members to go out or come in. The practice, however, the Chair is aware is different. There are cases of emergency when gentlemen must go out.

Mr. BRECKINRIDGE. That is the only way by which we can get gentlemen to do anything.

The Clerk then proceeded to call the list of absentees for excuses.

JAMES C. ALLEN. No excuse.

WILLIAM APPLETON.

Mr. WALLEY. My colleague is detained from his seat in the House by severe sickness in his family. I therefore move that he be excused.

Mr. SAPP. I demand the yeas and nays on that motion.

Mr. BAYLY, of Virginia. Allow me to ask the Chair a question. If Mr. APPLETON is not excused for the reason given, will not the order of the House be imperative on the Sergeant-at-Arms to go and bring him here?

The SPEAKER. That will depend on the action of the House.

Mr. BAYLY. If he is not excused, would not the Sergeant-at-Arms be bound to bring him here?

The SPEAKER. Then it would be imperative on the Sergeant-at-Arms to bring the gentleman here.

The yeas and nays were ordered.

Mr. MORRISON. I ask the unanimous consent of the House to make a statement, before the call of the roll, upon the question before the House.

No objection was made.

Mr. MORRISON. I will state that Mr. APPLETON and Mr. AIKEN, a member from South Carolina, paired off upon the question pending in the Committee of the Whole on the state of the Union—the bill to organize the Territories of Nebraska and Kansas. I paired off with a member from Georgia, Mr. CHASTAIN, upon the same question. After my return, and during the day, there has been a consultation between myself and the member from South Carolina, and between the friends of the member from Massachusetts and the member from Georgia, the absentees, and at that consultation, as the member from South Carolina and myself both desire to vote upon that bill, it was arranged that the gentleman from Massachusetts shall be considered as paired off with the gentleman from Georgia until one of those gentlemen return. When either of the absentees return, the arrangement will be at an end.

The question was then taken on Mr. WALLEY's motion; and it was decided in the affirmative—yeas 141, nays 2.

So Mr. APPLETON was excused.

Pending the call on the above vote,

Mr. HILLYER stated that he had paired off with Mr. HOWE.

Mr. HILLYER. I move that all further proceedings in the call be dispensed with.

Mr. SAGE. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. HUGHES. It being now half past six o'clock, p. m., I move that the House do now adjourn.

Mr. MATTESON. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 64, nays 80.

So the House refused to adjourn.

The SPEAKER. The question now recurs upon suspending further proceedings under the call, upon which the yeas and nays have been demanded and ordered.

Mr. MAURICE. I move to reconsider the vote by which the Hon. Mr. APPLETON was excused; and upon that motion I call for the yeas and nays.

Mr. CLINGMAN. I rise to a question of order, that there being a proposition pending to suspend all further proceedings under the call, it is not in order to move to reconsider the vote by which Mr. APPLETON was excused.

The SPEAKER. The Chair sustains the point of order made by the gentleman from North Carolina, and rules that a suspension of proceedings under the call would set aside the question with regard to Mr. APPLETON.

Mr. WHEELER. I move that the House adjourn.

The SPEAKER. That motion would not be in order, the House having just voted upon that question.

The question was then taken upon Mr. HILLYER's motion; and there were—yeas 79, nays 70. By the order of the Speaker the doors were then opened.

Mr. SAGE. I move that when the House adjourns, it adjourn to meet on Monday next, and upon that motion I call for the yeas and nays.

The Clerk having proceeded to call the roll—

Mr. MATTESON. I ask to be excused from voting upon that motion?

The SPEAKER. It is too late. There has been a response to the call, and the Chair decides that the motion is not in order.

Mr. MATTESON. I did not know that there had been any response, as in that case I was aware that the motion would not be in order.

The SPEAKER. The motion would not be in order for a further reason, that a gentleman cannot ask to be excused from voting upon a motion

to adjourn; but upon questions other than a motion to adjourn such a motion would be in order.

Mr. MATTESON. I supposed that upon a motion to adjourn over the rule would be different.

The question was then taken upon Mr. SAGE's motion; and there were—yeas 48, nays 111.

So the House refused to adjourn.

Mr. WASHBURNE, of Illinois. I move that the House adjourn; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 59, nays 86.

So the House refused to adjourn.

Mr. GOODRICH. I move a call of the House, and upon that motion, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MAURICE. I ask to be excused from voting.

Mr. CAMPBELL. I move that the gentleman from New York be excused from voting.

Mr. SMITH, of Virginia. I rise to a point of order. The 42d rule reads:

"Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reason, shall excuse him."

I suppose it is necessary that a gentleman asking to be excused, should assign some special reason for such request.

The SPEAKER. The motion to be excused from voting is in order; and every gentleman will determine for himself the reasons he has for making such a request.

Mr. WHEELER. I rise to a point of order. I would like to know whether the gentleman from New York [Mr. MAURICE] is obliged to give his reasons for asking to be excused?

The SPEAKER. The Chair has already stated that every gentleman can determine for himself the reasons he has for asking to be excused.

Mr. SMITH, of Virginia. I really wish to be informed upon this matter. I never intend to raise a question of order from captious motives; but in regard to this matter, I desire to be really informed about the proper construction of the 42d rule, a portion of which I have already read.

The SPEAKER. The rule seems to contemplate giving some special reason; but the Chair, without reflection, supposes that it would be competent for gentlemen to ask to be excused, with or without assigning a reason therefor.

Mr. BANKS. I think the reasoning of the Chair is correct. If I am asked to vote to excuse or not excuse the gentleman from New York, the special reason for my vote is, that he asks to be excused. I can then either vote in the affirmative or negative, as I may think necessary.

Mr. SMITH, of Virginia. I suppose it is manifest, if the rule which I have read means anything, that it ought to be enforced.

Mr. BENSON. I rise to a question of order. Does the gentleman from Virginia appeal from the decision of the Chair?

The SPEAKER. The gentleman from Virginia has not appealed from the decision of the Chair.

Mr. MAURICE. If the gentleman from Virginia [Mr. SMITH] will give way, I will state to the House my reasons, which will perhaps obviate the necessity for any further discussion.

Mr. SMITH. With the permission of the House, I will read another portion of the 42d rule.

"All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate."

There is an amendment to the rule, which reads as follows:

"That part of rule 42, which allowed a brief verbal statement of reasons to be given by any member for requesting to be excused from voting, rescinded January 2, 1845."

The SPEAKER. The Chair decides that it is discretionary with a member whether he will give his reasons or not for asking to be excused from voting. The Chair thinks that the rules and practice taken together will bear him out in the decision he has made.

Mr. JONES, of Tennessee. I wish to call the attention of the Chair to the fact that the note to the 42d rule states that that part of the rule which allows a brief verbal statement of reasons to be

given by any member requesting to be excused from voting, was rescinded January 2, 1845. Since the rescinding of that part of the rule they have not been permitted to give reasons, but they could ask to be excused without assigning any reasons. That has been the practice ever since that part of the rule relating to this subject was rescinded.

Mr. CAMPBELL. I ask to be excused from voting upon the motion to excuse the gentleman from New York [Mr. MAURICE] from voting.

The SPEAKER. The Chair decides that that proposition is out of order, believing that propositions to excuse gentlemen from voting cannot be thus accumulated.

Mr. CAMPBELL. I will not insist upon my motion, although I do not wish to be understood as waiving the right to make it.

Mr. CLINGMAN. I make this point of order for the consideration of the Chair, that a call of the House, and a motion to adjourn, take precedence of all other questions; and the gentleman cannot make the motion to be excused, pending a vote on these.

The SPEAKER. The Chair has decided today that a motion to be excused from voting upon a proposition to adjourn cannot be made. He cannot, therefore, entertain such a motion.

Mr. CLINGMAN. I now make the point of order, that a motion for a call of the House will take precedence of anything but a motion to adjourn, and therefore, that you cannot entertain a motion to excuse a member with any more propriety than you can a question touching any other proposition. Suppose we did not have a quorum. You could not excuse a member from voting with less than a quorum present. In this way you might stop up a call and get a quorum, and therefore a call of the House must take precedence of any other motion, except a motion to adjourn.

The SPEAKER. The Chair thinks the gentleman from North Carolina [Mr. CLINGMAN] is correct. It is within the recollection of the House that the Chair permitted that motion to be made, and a vote to be taken, but it was done inadvertently upon the part of the Chair.

Mr. CAMPBELL. The Journal is full of decisions upon this point. I think it will be shown by reference to the Journals, that in 1849-'50 no person made that motion oftener than the honorable gentleman from North Carolina.

Mr. CLINGMAN. I am obliged to the gentleman from Ohio. I will remind the gentleman that upon the memorable day to which he refers, the Speaker decided that a call of the House was not in order, and, therefore, that there could have been no motions to excuse gentlemen upon that proposition. The motions were upon other propositions. A motion for a call of the House was not in order, and we had no quorum voting.

The SPEAKER. It would be in order for gentlemen to give as a reason why they would not vote upon a motion to adjourn, that they would rather have a full House. The reason of this is very obvious. The Chair having had his attention called to this matter, decides that the gentleman from New York [Mr. MAURICE] is not in order.

Mr. CAMPBELL. I take an appeal from the decision of the Chair; and upon that I demand the yeas and nays.

Mr. CLINGMAN. I move to lay the appeal upon the table; and upon that motion I demand the yeas and nays.

The SPEAKER. The Chair certainly has no disposition to make any decision here that will have an improper bearing upon one side or the other in this controversy. He seeks only to enforce and adhere to the rules as they are. The gentleman from Ohio [Mr. CAMPBELL] appeals from the decision of the Chair. The gentleman from North Carolina [Mr. CLINGMAN] moves to lay the appeal upon the table.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

Mr. RICHARDSON. It is but a repetition of the same question, and I make the same point of order.

The SPEAKER. The Chair cannot entertain appeal upon appeal; such is the rule.

Mr. PERKINS, of New York. I am in hopes that I can make a proposition that will put an end to the contest which has been going on here all day. If the House see fit to entertain the propo-

sition I desire to present, I will afterwards reduce it to the form of a resolution. The proposition is this—to allow the debate to proceed one week, and in the mean time, direct the Clerk of the House to notify the three thousand clergymen who lately sent a remonstrance against the passage of the Nebraska bill, that they will be heard if they will come on here, an hour each, in prayer for the successful dispatch of our business here. [Laughter.] But they must come on at their own expense. I propose, also, as soon as they get through with their prayers, that then the question upon this bill shall be taken without further debate. I think by that time the House will be in a proper temper and disposition to do justice to this bill. [Laughter.]

Mr. SMITH, of Virginia. Mr. Speaker, I rise for the purpose of expressing my astonishment—

[Cries of "Oh!" "Oh!" and "Order!"]

Mr. SMITH. I simply want, Mr. Speaker, to express my astonishment at the manner in which—

[Renewed cries of "Order!" "Order!"]

The SPEAKER. The gentleman from Virginia is aware that debate is not in order.

The Chair will state to the House the question as it now stands—

Mr. CLINGMAN. Mr. Speaker, I wish to explain on a point of order.

The SPEAKER. The Chair will first state the question. The gentleman from New York [Mr. MAURICE] asked to be excused from voting on the motion that there be a call of the House. The Chair decided that the motion to be excused was not in order. The gentleman from Ohio [Mr. CAMPBELL] takes an appeal from that decision. The gentleman from North Carolina [Mr. CLINGMAN] moves to lay that appeal on the table. The gentleman from New York [Mr. MAURICE] again rises, and asks to be excused from voting on the appeal—

Mr. MAURICE, (correcting.) On the motion to lay the appeal on the table.

The SPEAKER. Yes; and the Chair decides that the gentleman's proposition to be excused is out of order, the whole being based on the original proposition.

Mr. WASHBURN, of Maine. I take an appeal to the House from that decision of the Chair.

The SPEAKER. The Chair decides that no appeal can be taken until the previous one is disposed of. This is the principle established under the rule.

Mr. WASHBURN. I wish to understand by an appeal, whether the Chair decides correctly.

The SPEAKER. The Chair has already stated that one appeal cannot be piled upon another. There has been an appeal taken from the decision made by the Chair, that the proposition made by the gentleman from New York, [Mr. MAURICE], to be excused from voting, was not in order. If this last appeal were entertained, it would be but an appeal upon an appeal, the whole being based on the correctness of the decision first given.

Mr. CLINGMAN. Mr. Speaker, I rise to withdraw the motion which I made to lay on the table the appeal taken by the gentleman from Ohio, and to make a point of order that an appeal could not be taken pending the motion for a call of the House, which takes precedence of all other business, in the same manner as a motion to adjourn. The question to be decided by the appeal could not be decided unless there was a quorum present; and it is to ascertain whether there be a quorum present that a call of the House is made. The very reason on which I took the first exception applies to this, that, upon either a motion for a call of the House, or a motion to adjourn, these preliminary or collateral questions cannot be made.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from North Carolina.

Mr. WASHBURN, of Maine. I ask for the yeas and nays on the appeal.

Mr. WHEELER. And I renew the motion to lay the appeal on the table; and on that motion I ask the yeas and nays.

The yeas and nays were ordered.

Mr. FLAGLER. I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The roll was then called; and there were—yeas 68, nays 90.

So the House refused to adjourn.

Mr. WASHBURN, of Maine. I move that when the House adjourns, it adjourn to meet on Saturday next; and on that motion I call for the yeas and nays.

Mr. SMITH, of Virginia. Mr. Speaker, I desire to ask if this question has not been passed upon before?

The SPEAKER. Very true, it has. But the lapse of time—whether it be a day or an hour—sometimes brings reasons for a change of purpose. The Chair therefore holds that a motion to adjourn over is in order any time before adjournment.

The yeas and nays were ordered.

Mr. MAURICE. Upon this motion to adjourn over, I ask, Mr. Speaker, to be excused from voting.

Mr. WHEELER. And upon that I ask for the yeas and nays.

The SPEAKER. The Chair decides that it is not competent for the House to excuse a member, and that a member has no right to ask to be excused from voting on a motion to adjourn.

Mr. CAMPBELL. If the Chair will allow me, I will ask a question of order.

The SPEAKER. The gentleman from Ohio will state his question of order.

Mr. CAMPBELL. I would ask the Chair whether there is a distinction between a simple motion to adjourn and the motion to adjourn over one day or more?

The SPEAKER. The difference is, that the latter, if carried, carries an adjournment for a little longer time. But the subject is not debatable, as the gentleman from Ohio cannot but be aware; and the Chair should be saved from enforcing the rule on the subject.

Mr. CAMPBELL. Then I reluctantly and respectfully ask to take an appeal from the decision of the Chair; and upon that question I call for the yeas and nays.

The SPEAKER. The Chair holds that the appeal made in this case by the gentleman from Ohio [Mr. CAMPBELL] is not legitimate. The Chair dislikes to be forced to make what may seem to gentlemen to be an arbitrary decision. But if gentlemen will reflect for a single moment, the Chair thinks he will not be charged with having made any arbitrary decision in the matter. There is an appeal already pending on a case very like the one in question. It is not competent under the rule, nay, it is forbidden under the rule, to pile appeals one upon another. The Chair, therefore, most respectfully declines to entertain the appeal made by the gentleman from Ohio.

The roll was then called; and there were—yeas 47, nays 104.

So the House refused to adjourn over.

The SPEAKER. The question recurs on the motion to lay the appeal of the gentleman from New York on the table.

Mr. WALLEY. I move to reconsider the vote just taken by which the House refused to adjourn over.

The SPEAKER. The Chair decides that that motion is not in order, for the reason—and a very palpable one it is—that the motion may be renewed at any time; and where that is the case, a motion to reconsider cannot be in order.

Mr. WALLEY. I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 61, nays 81.

So the House refused to adjourn.

The SPEAKER. The question recurs upon laying the appeal upon the table.

Mr. MATTESON. I move that when the House adjourns, it adjourn to meet on Monday next.

The SPEAKER. That motion is not in order, for the reason, that since that motion was last submitted, the House has not transacted any business, except upon motions to adjourn over, or to adjourn, in immediate connection.

Mr. MATTESON. Then I move a call of the House.

The SPEAKER. That motion is in order at this time.

Mr. SAGE. Upon that motion I call for the yeas and nays.

The SPEAKER. The Chair reminds that there is already a call of the House pending, and arising out of that question is an appeal which is pending. The question, therefore, first recurs upon laying the appeal taken from the decision of the Chair upon the table, and upon that proposition the yeas and nays were ordered. The Clerk will call the roll.

The question was then taken; and decided in the affirmative—yeas 104, nays 51.

So the appeal was laid upon the table.

The SPEAKER. The question recurs upon the motion that there be a call of the House.

Mr. MAURICE. I rise to a privileged question. I move to reconsider the vote by which the appeal was laid upon the table; and on that motion I demand the yeas and nays.

A Voice. Did the gentleman vote in the affirmative.

Mr. MAURICE. I did. I voted with the majority.

Mr. ORR. I move to lay the motion upon the table.

Mr. MATTESON. Upon that motion I call for the yeas and nays.

The SPEAKER. The Chair decides the motion made by the gentleman from New York [Mr. MAURICE] to be out of order. The Chair could point the gentleman to similar motions made during this session, which were ruled to be out of order, and which decisions were sustained by a very large majority of the House.

Mr. CAMPBELL. As there is now no appeal pending from the decision of the Chair, I take an appeal from that decision.

The SPEAKER. The Chair will entertain that motion, as it is competent for the House, at any time, to reverse its own decision.

Mr. HAMILTON. I move to lay the appeal upon the table.

Mr. CAMPBELL. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The Clerk here commenced to call the roll.

Mr. MATTESON. I move that the House do now adjourn.

The SPEAKER. The Chair decides that the motion is out of order, as the Clerk had commenced to call the roll.

Mr. MATTESON. Had any response been made before I submitted the motion?

The SPEAKER. The response was made before, or at least, simultaneous with the motion, and the Chair decides that the roll shall be called.

The question was then put; and there were—yeas 95, nays 43.

So the appeal was laid upon the table, and the decision of the Chair sustained.

Pending the call,

Mr. FARLEY asked to be excused from voting.

The SPEAKER. It is not in order, pending the call of the roll, to ask to be excused. That request must be made before the Clerk commences to call the roll.

Mr. FENTON also gave notice that he had paired off with Hon. MIKE WALSH for a short time.

Mr. MATTESON. I move that when the House adjourn, it adjourn to meet on Monday next; and upon it I demand the yeas and nays.

Several MEMBERS. Adjourn now.

Mr. MATTESON. I am desired by some of my friends to move that the House do now adjourn.

The SPEAKER. The gentleman cannot submit both motions at once.

Mr. MATTESON. I withdraw the former motion and submit the latter one; and upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 72, nays 83.

So the House refused to adjourn.

Pending the call,

Mr. MORTON gave notice that he had paired off with Mr. Grow.

Mr. LETCHER also gave notice that he had paired off with Mr. TAYLOR, until he shall return.

A Voice. When will that be.

Mr. LETCHER. I do not know; but until he does return I have paired off with him.

The SPEAKER. The question now recurs upon the motion that there be a call of the House.

Mr. SAGE. I think the question is upon a motion to adjourn over until Monday.

Mr. RICHARDSON. At this point I raise a question of order. The House have refused to adjourn over to Monday, and I submit that it is not competent for gentlemen to make the motion over and over again.

The SPEAKER. The Chair thinks the motion is in order, unless made in such a connection as to make it out of order. That has been the practice heretofore, and the Chair will so rule.

Mr. CAMPBELL. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and decided in the negative—yeas 54, nays 95.

So the House refused to adjourn over.

The question then recurred upon the motion that there be a call of the House.

Mr. DEAN. I believe the morning hour has expired. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. That motion cannot be entertained, for the reason that there is a motion pending to close debate in committee, which must take precedence.

Mr. DEAN. I think my motion ought to be entertained by unanimous consent.

Mr. WASHBURN, of Maine. I move that the House do now adjourn.

Mr. MEACHAM. I wish to be excused from voting.

The SPEAKER. The Chair decides that the proposition of the gentleman from Vermont cannot be received.

Mr. MEACHAM. I know that has been the decision of the Speaker; but I wish to suggest to him a decision upon this point made in a previous Congress different from that the Chair now makes. I send the Journal containing the decision to the Chair.

Mr. PHELPS. What is the question before the House?

The SPEAKER. The Chair is stating a question of order. The Chair will say to the gentleman from Vermont, that during the Twenty-Ninth Congress the Journals show that a motion to excuse a member from voting upon a motion that there be a call of the House was entertained; but the Chair has doubts whether it was not done inadvertently, as was the same thing done this morning. The Chair decides that a motion to excuse a member upon a motion that there be a call of the House is not in order.

Mr. MEACHAM. The motion was not only entertained, but the member was excused from voting by the House.

The SPEAKER. The Chair will state, further, that the rules at that time permitted a member to give his reasons for asking to be excused from voting. Since that time the rule has been changed in this respect. The Chair has decided that such a motion is not in order, and he has been sustained in his decision by a very large vote of the House. He makes that decision now, and declares the question, that there be a call of the House.

Mr. SAGE. In order to ascertain whether the House will not conform to precedents set by previous Congresses, I take an appeal from the decision of the Chair. After the precedent which has been quoted, I wish to have a decision of the House upon the subject.

The SPEAKER. The Chair thinks it would be a very liberal construction of the rules to allow an appeal to be taken; but he will entertain it. The question will therefore be, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. SAGE. Upon that question I demand the yeas and nays.

Mr. COBB. If the House will allow me at this late hour, I desire to tender the olive branch—

[Cries of "Yes!" "No!" "Hear him!" "Let's have the olive branch!" and considerable confusion.]

Mr. HOUSTON objected.

Mr. WENTWORTH, of Illinois, also objected.

Mr. COBB. What I have to say is connected with the business before the House.

[Cries of "Let's hear what it is!"]

The SPEAKER. The gentleman cannot proceed so long as objections are made.

Mr. COBB. I appeal to gentlemen to withdraw their objections.

Mr. WENTWORTH. I will withdraw my objection.

Mr. HOUSTON. I do not withdraw mine.

The SPEAKER. Then the gentleman from Alabama cannot proceed. The gentleman from Vermont submits the motion that he be excused from voting upon the proposition that there be a call of the House. The Chair decides that the motion cannot be made, and from that decision the gentleman from New York takes an appeal. The same decision has before been made to-day upon a similar motion, and sustained by a vote of the House. The Chair thinks it is a very liberal construction to suppose that the House would reverse its own decision within two hours, but in this one instance he will, nevertheless, give that construction, and permit the appeal to be taken. He will not say what may be his course in the future, if such cases again arise.

Mr. RICHARDSON. I move that the appeal do lie upon the table.

Mr. SAPP. Upon that motion I demand the yeas and nays.

Mr. GOODRICH. I move to be excused from voting upon that motion.

The SPEAKER. The Chair decides that the motion is not in order, and he further decides that in this case the gentleman cannot appeal from the decision of the Chair.

The question was then taken upon Mr. RICHARDSON's motion; and decided in the affirmative—yeas 160, nays 34.

So the appeal was laid upon the table.

MODIFICATION OF RESOLUTION TO CLOSE DEBATE.

Mr. RICHARDSON. I propose to modify the motion submitted by me this morning to close debate in the Committee of the Whole on the state of the Union upon the Nebraska bill.

Mr. CAMPBELL. The question is upon ordering a call of the House, is it not? I think we had better have the regular order of business.

Mr. RICHARDSON. If I have not the right to modify my motion, I will not ask it as a privilege.

The SPEAKER. The Chair will remind gentlemen, and they will see upon a moment's reflection, that the mover of any bill, resolution, or of any original proposition, has the right to withdraw or modify it as he may please, before any action shall have been taken upon it by the House. The Chair certainly thinks the gentleman from Illinois has the right to modify his resolution as he may think proper.

Mr. BANKS. I desire to ask the Speaker if the resolution of the gentleman from Illinois is before the House at this time? Is there not another question pending?

The SPEAKER. It is before the House. It would be necessary for the gentleman from Illinois to withdraw his demand for the previous question before he could make any modification, but the Chair thinks it would then be competent for him to accomplish his purpose. It is true there are other propositions intervening. There is a motion for a call of the House, which must be first put; but the Chair holds that it is still competent for him to modify his motion.

Mr. RICHARDSON. I will then submit my modification.

The SPEAKER. Does the gentleman withdraw his demand for the previous question?

Mr. RICHARDSON. I do. And I now so modify my motion as to close debate upon the Nebraska bill in five minutes after its consideration shall have again been resumed in committee.

Mr. DEAN. I move that the House do now adjourn.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 65, nays 78.

So the House refused to adjourn.

Mr. MORGAN. I move that when the House adjourns, it be to meet on Monday next; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CAMPBELL. I ask to be excused from

voting on that question. * I move that I be excused.

The SPEAKER. The Chair decides that the gentleman cannot be permitted.

Mr. CAMPBELL. I desire to call the attention of the Chair to the fact that it has been decided heretofore—

[Cries of "Order!"]

Mr. SEWARD. Mr. Speaker—

The SPEAKER. The gentleman from Ohio is upon the floor on a question of order.

Mr. SEWARD. I wish to have the question settled whether the gentleman can ask to be excused without furnishing reasons. It is an abuse of the privilege of the House. I put the question on that ground.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Ohio. Unless the gentleman takes an appeal, the question is settled.

Mr. ORR. The question is not debatable.

The SPEAKER. It is not.

Mr. CAMPBELL. I would say, in reply to the gentleman from Georgia, that matters of abuse are matters between me and my constituents, and not between that gentleman and myself.

[Cries of "Order!"]

Mr. SEWARD. The question involves the character of this House.

The SPEAKER. The Chair trusts that the House will allow the gentleman from Ohio to present any authority he may have on the question.

Mr. CLINGMAN. The question cannot be debated.

Mr. WHEELER. The gentleman does not ask to debate it.

Mr. CAMPBELL. I appeal from the decision of the Chair; and refer to a case where the question was presented to the House on a motion to adjourn, in 1847. I send the Journal to the Clerk's desk that it may be read.

The SPEAKER. The Chair makes no question but what the gentleman may find some precedent for his position; but it was an error, and ought to have been corrected long ago. [Great laughter.]

Mr. CAMPBELL. I take an appeal from the decision of the Chair.

Mr. INGERSOLL. And I move that that appeal be laid upon the table.

Mr. HIBBARD. I would make the point of order whether an appeal from the decision of the Chair is in order on a motion to fix the time to which the House shall adjourn?

The SPEAKER. The Chair thinks that the House may fix its own rules. If it contradicts itself every day it is not the fault of the Chair, but its own fault. [Laughter.] The Chair will go further: If the House is disposed to do a foolish thing, the Chair must indulge it. [Renewed laughter.]

Mr. HUGHES. I move that the House do now adjourn; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMING. Is the motion of the gentleman from New York in order? We have just voted down a similar motion.

The SPEAKER. The motion to adjourn is in order. Since the House last refused to adjourn there has been a motion made for adjournment till Monday, a question of order, and an appeal from the decision of the Chair. It is narrowing the question down pretty closely; but the Chair holds the motion must be entertained.

The question was taken; and the motion was decided in the negative—yeas 71, nays 86.

So the House (at five minutes after eleven o'clock) refused to adjourn.

The SPEAKER. The question now recurs on the motion to lay the appeal from the decision of the Chair upon the table.

Mr. CAMPBELL. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 108, nays 33.

So the appeal from the decision of the Chair was laid upon the table.

Mr. MORGAN. I move that the House do now adjourn; and on that motion I demand the yeas and nays.

THE CONGRESSIONAL GLOBE.

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SATURDAY, MAY 13, 1854.

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Mr. GROW. I move that when the House adjourns, it be to meet on Monday next.

The SPEAKER. There is already pending a motion to that effect.

Mr. CULLOM. If a motion be made to adjourn over for a longer period than that to Monday, would it not have precedence?

The SPEAKER. It would.

Mr. FENTON. I rise to a privileged question. I move to reconsider the vote of the House by which the appeal of the gentleman from Ohio [Mr. CAMPBELL] from the decision of the Chair was laid upon the table; and on that motion I demand the yeas and nays. I voted in the affirmative.

The SPEAKER. The Chair desires to state that he hastily decided to-night that that motion was not in order. It was a hasty and improper decision, in the opinion of the Chair, and he reverses it. The motion to adjourn over will supersede the motion to reconsider. The Chair could explain so that he thinks the House would agree with him that the decision is now a correct one, and that the other was hasty and incorrect. The yeas and nays were ordered on the motion to adjourn over.

The question was then taken; and decided in the negative—yeas 55, nays 92.

So the House refused to adjourn over till Monday next.

The question recurred upon the motion to reconsider the vote by which the appeal from the decision of the Chair was laid upon the table.

Mr. FENTON. On that question I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ORR. I move to lay the motion to reconsider upon the table.

Mr. WHEELER. On that I demand tellers.

Mr. WASHBURN, of Maine. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BENSON, (at ten minutes past twelve o'clock.) I move that the House do now adjourn; and on that motion I demand the yeas and nays.

Mr. PARKER. I ask for tellers.

Mr. BENSON. I withdraw the demand for the yeas and nays, and will let the question be taken by tellers.

Mr. SEWARD. I desire to know what the motion is?

The SPEAKER. It is a motion to adjourn.

Mr. SEWARD. Then I raise a question of order. The question just taken was in reference to an adjournment.

The SPEAKER. That was a proposition to adjourn over till Monday; and since that time two or three motions have intervened.

Mr. SEWARD. What motions have intervened? The motion to reconsider was made before the question was taken on the adjournment.

The SPEAKER. There was a motion made to lay the motion to reconsider on the table; and the yeas and nays were ordered upon that proposition.

Tellers were ordered on Mr. BENSON's motion; and Messrs. WHEELER, and HARRIS of Alabama, were appointed.

The question was then put; and the tellers reported—ayes 68, noes 78.

Mr. CAMPBELL. I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 65, nays 77.

So the House refused to adjourn.

The question recurred on the motion of Mr. ORR to lay upon the table the motion to reconsider the vote by which the appeal from the decision of the Chair was laid upon the table; and being put, it was decided in the affirmative—yeas 102, nays 34.

So the motion to reconsider was laid upon the table.

Mr. EDMANDS, (at a quarter to one o'clock.) I move that the House do now adjourn; and I ask for tellers on that motion.

Mr. TWEED. I call for the yeas and nays.

We may as well take them at once, or we shall have tellers and the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 65, nays 78.

So the House refused to adjourn.

The question recurred on the motion that there be a call of the House.

Mr. CAMPBELL. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 57, nays 79.

So the House refused to order a call.

The question recurred upon seconding the demand for the previous question on Mr. RICHARDSON's resolution to close debate.

Mr. CAMPBELL. I move that when this House adjourns, it adjourn to meet on Saturday next; and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAURICE. I ask to be excused from voting upon that motion.

The SPEAKER *pro tempore*. (Mr. ORR in the chair.) The temporary Speaker will conform to the decision made by the regular Speaker, and decline to entertain the proposition of the gentleman from New York.

Mr. DRUM. I believe that nine tenths of the members of this House are in favor of having one week's more debate on the Nebraska bill. I believe that can be accomplished by adjourning till to-morrow.

Mr. RICHARDSON. I call the gentleman to order.

Mr. DRUM. I move that the House do now adjourn.

Mr. CAMPBELL. I call for tellers on that motion.

Mr. RICHARDSON. I demand the yeas and nays.

Mr. WASHBURN, of Maine. I would ask if the first question is not on the motion to adjourn till Saturday?

The SPEAKER *pro tempore*. The Chair understood the gentleman from Ohio to withdraw that motion.

Mr. WASHBURN. Not at all. He demanded the yeas and nays on the motion of the gentleman from Pennsylvania, and then withdrew the call.

The SPEAKER *pro tempore*. Then the Chair cannot entertain the proposition of the gentleman from Pennsylvania, [Mr. DRUM.] The question now is on the motion of the gentleman from Ohio, [Mr. CAMPBELL.]

Mr. CAMPBELL. I withdraw that motion.

Mr. DRUM. Then I move that the House do now adjourn.

Mr. STUART, of Ohio. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMING. May I be allowed to ask if this motion can possibly be in order? Can the rules of this House be so complicated that every moment we may be called to vote upon an adjournment or a non-adjournment? [Great laughter.] I cannot believe it, and I therefore move that the motion to adjourn be laid upon the table. [Roars of laughter.]

The SPEAKER *pro tempore*. The Chair does not feel at liberty to entertain the motion of the gentleman from New York. [Renewed laughter.] Mr. BANKS. I desire to ask the Chair what is the main question before the House at this time—the principal question?

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from Pennsylvania [Mr. DEAN] that the House do now adjourn.

Mr. BANKS. I understand that; but the previous motion—is it not the resolution of the gentleman from Illinois, [Mr. RICHARDSON,] proposing to close the debate on the Nebraska bill?

The SPEAKER *pro tempore*. It is.

Mr. BANKS. Then I ask the gentleman from

Pennsylvania to withdraw the motion to adjourn, that I may move to lay the resolution of the gentleman from Illinois upon the table.

Mr. DRUM. I withdraw the motion to adjourn for that purpose.

Mr. BANKS. I move to lay the resolution of the gentleman from Illinois upon the table; and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WASHBURN, of Maine. I ask to be excused from voting on this question.

[Cries of "No objection!"]

Mr. WHEELER. Yes, sir, I object.

Mr. STUART, of Ohio. Then I move that the gentleman from Maine be excused from voting; and upon that motion I demand the yeas and nays.

Mr. BAYLY, of Virginia. Is it in order to move to amend that motion so as to excuse the gentleman from voting for the rest of the session? [Laughter.]

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. WHEELER. I move that the House do now adjourn; and upon that motion I ask for tellers.

Mr. RICHARDSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 65, nays 83.

So the House refused to adjourn.

Mr. CASKIE. I rise to submit a motion to which we might as well come first as last; and I hope that nobody will vote for it who does not mean to stick to it to the bitter end. I move that there be a call of the House.

Mr. SAGE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WHEELER. I move that the House do now adjourn; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 64, nays 80.

So the House refuse to adjourn.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Virginia [Mr. CASKIE] for a call of the House.

Mr. SAGE. Mr. Speaker, I ask leave to be excused from voting on that motion.

Mr. CASKIE. I will withdraw for a time my motion for a call of the House.

The SPEAKER *pro tempore*. The motion now before the House is to excuse the gentleman from Maine [Mr. WASHBURN] from voting on the motion of the gentleman from Massachusetts, [Mr. BANKS,] which is to lay on the table the motion of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. STUART, of Ohio. Mr. Speaker, I renew the motion for a call of the House; and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHEELER. I move that I may be excused from voting on that motion.

The SPEAKER *pro tempore*. The Speaker decided that that question cannot be entertained. From that decision an appeal was taken, and the decision was affirmed. The Chair conforms to that decision.

Mr. GOODRICH, (at five minutes past two, a. m.) I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The roll was called; and there were—yeas 58, nays 74.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentlemen from Ohio [Mr. STUART] for a call of the House; and on that question the yeas and nays have been ordered.

The Clerk commenced to call the roll.

Mr. CULLOM. I move that when the House adjourns, it adjourn to meet on Monday next. I think we have done quite enough of work to-day

to justify us in adjourning over; and on that motion I ask the yeas and nays.

Mr. HOUSTON. Mr. Speaker, is it competent for the gentleman from Tennessee to make that motion after the call of the roll has commenced?

The SPEAKER *pro tempore*. There has been no response; and the Chair is of opinion that the motion of the gentleman from Tennessee is in order.

Mr. WHEELER. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CRAIG and CAMPBELL were appointed.

Mr. TWEED. Is it in order, Mr. Speaker, to call for the yeas and nays on that?

The SPEAKER *pro tempore*. It is not.

The House was then divided; and the tellers reported fifty-five in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 51, nays 80.

So the House refused to adjourn over.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Ohio [Mr. STUART] for a call of the House; and on that motion the yeas and nays have been ordered.

PROPOSITION TO EXTEND DEBATE, AND TO POSTPONE THE SPECIAL ORDER.

Mr. DEAN. Mr. Speaker, we have been now in session about fifteen hours, and I think it is time for us to adjourn. I therefore want my colleague [Mr. SAGE] to withdraw the objection which he made this morning to the motion of the gentleman from Illinois, [Mr. RICHARDSON,] and to ask that this debate may be extended until next Thursday, and that the special order on the Pacific railroad bill be postponed until the Monday following.

[Objections, and cries of "No!" "No!"]

Mr. WENTWORTH, of Illinois. Mr. Speaker, I ask the unanimous consent of the House for leave to introduce certain bills, of which previous notice has been given.

[Laughter, and objections from all sides of the Hall.]

The question recurring on the motion of the gentleman from Ohio, [Mr. STUART,] for a call of the House,

Mr. SAGE. I ask to be excused from voting on that motion.

The SPEAKER *pro tempore*. The Chair has declined once before to entertain that motion, on the ground that the Speaker has decided it out of order, and the House sustained him in that decision.

Mr. WASHBURN, of Maine. I think there is a mistake in that.

Mr. PECK, (at thirty-five minutes past two, a. m.) I move that the House do now adjourn.

Mr. SAGE. And on that motion I ask the yeas and nays.

Mr. WHEELER. And I ask tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. PRINGLE, and HARRIS of Alabama, were appointed.

The House was then divided; and the tellers reported forty-six in the affirmative.

So the yeas and nays were ordered.

The Clerk commenced to call the roll—

Mr. RICHARDSON, (interrupting.) Mr. Speaker—

The SPEAKER *pro tempore*. The gentleman from Illinois is not in order; the roll is being called, and there has been a response.

Mr. RICHARDSON. I addressed the Chair before the call was commenced.

The SPEAKER *pro tempore*. It is true, the gentleman from Illinois addressed the Chair before the call was commenced; but the Chair did not recognize him until after he had heard a response.

Mr. RICHARDSON. No matter. I can make the statement which I intended after the roll is called.

Mr. DRUM. The gentleman from Illinois certainly did address the Chair before the calling of the roll was begun.

Mr. RICHARDSON. It is of no consequence. The question was then taken on the motion to adjourn; and it was decided in the negative—yeas 65, nays 78.

So the House refused to adjourn.

PROPOSITION FOR COMPROMISE.

Mr. RICHARDSON. I desire to say, with the permission of the House, that the proposition which has been made by the gentleman from New York [Mr. DEAN] to postpone the special order on the Pacific railroad bill, and to terminate this debate some time next week, meets—as I am advised—with no opposition from the friends of the bill.

Mr. CAMPBELL. I object, Mr. Speaker, to that statement, for the reason that—

[Cries of "Order!" "Order!"]

Mr. COBB, (in his seat.) Why, it was all fair; what use in objecting now? You cannot keep the statement off the reporter's notes.

Mr. CAMPBELL. I was refused, yesterday, the privilege of saying a word when this matter was up, and I shall not ask that privilege again; but I simply enter now my protest against that statement being allowed to be made.

Mr. COBB, (in his seat.) Oh, say on, whatever you want. We need some lively matter; something spicy. [Laughter.]

Mr. CAMPBELL's remarks were objected to.

Mr. HUGHES. I ask the unanimous consent of the House to make a statement.

[Interruptions, and cries of "Order!"]

Mr. HUGHES. Inasmuch as the gentleman from Illinois has made a proposition on one side of this question, it seems right to state the sentiment of the other.

[Objections, and cries of "Order!" and "Let him go on!"]

Mr. RICHARDSON. I made no proposition. I said that I accepted the proposition which was made on the other side by the gentleman from New York, [Mr. DEAN.]

Mr. HUGHES. I simply desire to say—

[Continued objections, and cries of "Order!"]

Mr. WHEELER. Well, I object now, in advance, to all that comes from the other side.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Ohio, [Mr. STUART.]

Mr. WASHBURN, of Maine. I move that there be a call of the House.

The SPEAKER *pro tempore*. That is the question which is pending.

Mr. WHEELER, (at ten minutes to three o'clock, a. m.) I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is not now in order.

Mr. WHEELER. Then I move that when this House adjourns, it adjourn to meet on Monday next; and on that motion I ask the yeas and nays.

Mr. KERR. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. FENTON, and SMITH of Tennessee, were appointed.

The question was taken; and the tellers reported forty-seven in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 50, nays 86.

So the motion to adjourn over was not agreed to.

Mr. HUGHES. I again, for just two minutes, ask the unanimous consent of the House to make a single suggestion.

Mr. WALSH. I object. Who wants to hear the gentleman?

Mr. KERR. Withdraw the objection. Hear him.

[Cries of "Hear him!" and "I object!"]

Mr. HUGHES. I only ask a single moment.

[Cries of "Order!" "Order!" and "Hear him!"]

The SPEAKER *pro tempore*. Objection is made, and the gentleman cannot proceed.

Mr. WASHBURN, of Maine. (Three o'clock and twenty minutes, a. m.) I move that the House do now adjourn.

[Cries of "Yeas and nays!"]

Mr. HUGHES. I heard no objection to my proposition.

The SPEAKER *pro tempore*. The Chair heard an objection very distinctly.

A Voice. I withdraw the objection.

The SPEAKER *pro tempore*. The Chair has not heard the objection withdrawn by the gentleman from New York, [Mr. WALSH,] who made it standing in his place. The question is upon the

motion of the gentleman from Maine, [Mr. WASHBURN,] and upon that motion the yeas and nays are demanded.

Mr. BRIDGES. I ask for tellers upon the call for the yeas and nays.

Mr. STRATTON. I would inquire of the Chair if it is in order to take a recess until nine o'clock in the morning?

Mr. COBB, (in his seat.) Oh, no; we do not want a recess.

Mr. STRATTON. I think we ought to take a recess.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Maine, [Mr. WASHBURN,] that the House do now adjourn.

Mr. PRINGLE. I would inquire of the Chair, if the House should now agree to adjourn, to what time would the House be adjourned, it being now three o'clock in the morning?

The SPEAKER *pro tempore*. The Chair supposes it would be adjourned until the next twelve o'clock; but the Chair will decide that question when the House next meets. [Laughter.]

Mr. PHELPS. I call for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. DAVIS, of Rhode Island, and JONES, of Louisiana, were appointed.

The question was then taken; and the tellers reported—yeas 49—

[Cries "Give it up!" "Give it up!"]

Mr. WHEELER. I do not give it up. Count the other side.

[Cries of "Order!" "Order!"]

Mr. WHEELER. Count the other side.

Mr. TWEED here made a remark inaudible to the reporter.

Mr. WHEELER. I am not talking to the gentleman from New York, [Mr. TWEED,] but to the Chair.

[Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The tellers report forty-nine in the affirmative, a sufficient number, and the yeas and nays are ordered.

The question was then put, and decided in the affirmative—yeas 57, nays 74.

So the House refused to adjourn.

Mr. HUGHES. It is some time since we have had a call of the House, and I now move that there be a call.

The SPEAKER *pro tempore*. That is the motion now pending.

Mr. BRIDGES. I call for tellers upon the yeas and nays.

The SPEAKER *pro tempore*. The yeas and nays have already been ordered.

The question was then taken; and was decided in the negative—yeas 55, nays 74.

So the House refused to order a call.

Pending the call of the yeas and nays,

Mr. FLORENCE requested his name to be recorded, as he was asleep when his name was called.

After the call,

Mr. CULLOM said: I rise to a question of order. It is this: The gentleman over the way [Mr. FLORENCE] notified the Speaker that when his name was called he was asleep. I raise the question that the gentleman, being asleep, has no right to have his name recorded.

Mr. FLORENCE. I submit to the Speaker, that I awoke before the next name was called. [Roars of laughter.]

The SPEAKER *pro tempore*. The Chair overrules the question of order raised by the gentleman from Tennessee.

Mr. GOODRICH. I appeal from the decision of the Chair upon the question raised by the gentleman from Tennessee. [Laughter.]

The SPEAKER *pro tempore*. The gentleman is not in order. The question recurs upon the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting upon the motion of the gentleman from Massachusetts to lay upon the table the resolution of the gentleman from Illinois; and upon that question the yeas and nays have been ordered.

Mr. MEACHAM. I move that when the House adjourns, it adjourn to meet on Saturday next; and upon that motion I demand the yeas and nays.

[Cries of "Tellers!" "Tellers!"]

Tellers were ordered; and Messrs. KITTREDGE and CHURCHWELL appointed.

The House was then divided; and the tellers reported thirty-nine in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken upon the motion to adjourn over; and decided in the negative—yeas 65, nays 79.

So the House refused to adjourn over to Saturday.

The SPEAKER. The question now recurs upon the motion to excuse the gentleman from Maine from voting upon the motion of the gentleman from Massachusetts [Mr. BANKS] to lay upon the table the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. BENSON, (at half past four, a. m.) I move that the House do now adjourn; and upon that motion I demand the yeas and nays.

Mr. KERR. I demand tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. WHEELER and GREENWOOD appointed.

The House was then divided upon ordering the yeas and nays; and the tellers reported forty-nine in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was taken upon Mr. BENSON's motion; and decided in the negative—yeas 61, nays 72.

So the House refused to adjourn.

Mr. STUART. I move a call of the House; and upon that motion I demand the yeas and nays.

Mr. KERR. I demand tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. WHEELER and HENN appointed.

The House was divided; and the tellers reported forty-seven in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. SAGE, (at a quarter before five o'clock, a. m.) I move that the House do now adjourn.

Mr. CAMPBELL. Upon that motion I demand the yeas and nays.

Mr. OLDS. I rise to a question of order. I notice gentlemen sitting in the Hall, and passing between the tellers with their hats on. I call for the enforcement of the 39th rule, which is as follows:

"While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse, nor, while a member is speaking, shall pass between him and the Chair. Every person shall remain uncovered during the session of the House. No member or other person shall visit or remain by the Clerk's table while the yeas and nays are calling, or ballots are counting."

Mr. WHEELER. I demand the yeas and nays on the enforcement of the 39th rule. [Laughter.]

Mr. BAYLY, of Virginia. I am decidedly in favor of the enforcement of that rule.

The SPEAKER. It is not a question upon which any motion can be made, or any vote taken. It is not in order for gentlemen to come into the Hall with their heads covered while the House is in session. The rule expressly forbids it. The Chair trusts gentlemen will observe the rule. The question is upon the motion that there be a call of the House, upon which the yeas and nays have been demanded.

Mr. GROW. I demand tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. WHEELER and PRESTON appointed.

The House was divided; and the tellers reported forty-five in the affirmative.

While the House was dividing,

Mr. CUMMING said: I rise to a question of order.

The SPEAKER. There can be no question of order while the House is dividing.

Mr. CUMMING. It is with reference to the division that I rise. I want to know how long a time is to be allowed for gentlemen to pass between the tellers? [Laughter.]

The SPEAKER. The gentleman is not in order.

Mr. WHEELER. There is evidently no quorum present. I move that there be a call of the House.

Mr. SAGE. Upon that motion I demand the yeas and nays.

The SPEAKER. The motion of the gentleman from New York is not in order, for more than one reason. In the first place, a motion to adjourn is pending, which would cut off the gentleman's motion; and in the second place, a motion for a call of the House is already pending.

Mr. PHELPS. I rise to a question of privilege. I move that a copy of the rules be presented to the gentleman from New York, in order to save him the trouble of making all these motions out of order. [Laughter.]

Mr. WHEELER. The gentleman from Missouri need not trouble himself about the gentleman from New York. The gentleman from New York is competent to take care of himself now, and at all times.

Mr. HUGHES. I rise to a question of order. As the motion of the gentleman from Missouri involves an expenditure of money, I submit that it must be first considered in the Committee of the Whole. [Renewed laughter.]

The SPEAKER. The gentleman is out of order.

The question was taken upon the motion to adjourn; and decided in the negative—yeas 58, nays 72.

So the House refused to adjourn.

Mr. McCULLOCH. I move that when the House adjourns, it adjourn to meet on the first day of December next.

The SPEAKER. That motion is not in order.

Mr. HUGHES. I move that when the House adjourns, it adjourn to meet on Monday next.

The SPEAKER. That motion is not in order, it having been just decided by the House.

Mr. WHEELER. The motion just taken was to adjourn.

The SPEAKER. The Chair is very well aware of that fact; but it is not in order to make the motion over and over again, with the simple motion to adjourn intervening.

Mr. WHEELER. I move, then, that there be a call of the House.

The SPEAKER. That motion is already pending, and the yeas and nays have been ordered upon it.

The question was then taken on the motion that there be a call of the House; and it was decided in the affirmative—yeas 99, nays 21.

Mr. CAMPBELL. I move to reconsider the vote by which the House ordered that there should be a call of the House; demand the yeas and nays, and on ordering the yeas and nays demand tellers.

The SPEAKER. The Chair decides the motion to be out of order.

Mr. WHEELER. Is a motion to adjourn in order?

The SPEAKER. Being of that character of motions, it may be repeated; it is evidently out of order in the spirit of the rule.

Mr. ORR. I will make a suggestion. After the House has ordered a call of the House, is it in order to move that the House adjourn?

The SPEAKER. The Chair has made no such decision, and will make none such.

Mr. WHEELER. I did not make the motion to adjourn. I only asked the Chair whether it was in order.

The roll was then called, and one hundred and thirty members answered to their names.

The list of absentees was then called.

The SPEAKER. The officers of the House will now close the doors.

The doors were closed.

Mr. CAMPBELL. I move that all further proceedings under the call be dispensed with.

[Cries of "No!"]

Mr. CAMPBELL. Yes! Yes! gentleman; and, further, I demand the yeas and nays on that motion.

Mr. BRIDGES. And I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. LILLY and BUGG were appointed.

The House was then divided, and the yeas and nays were ordered, the tellers having reported—ayes forty-three, more than one fifth of a quorum.

The question was then taken; and it was decided in the negative—yeas 39, nays 75.

Mr. RITCHEY, of Ohio. I move that we take a recess until twelve o'clock this morning.

The SPEAKER. The motion is not in order.

Mr. McCULLOCH. There is no quorum present.

The SPEAKER. The Chair is aware of that fact; but fifteen members can order a call of the House.

The list of absentees will now be called for excuses.

The Clerk proceeded to call the list of absentees, with the view to excuses.

WILLIAM AIKEN.

Mr. KERR. I simply rise, Mr. Speaker, to make an inquiry for the purpose of information. I submit whether the proper course is not, when the name of an absentee is called, and no excuse is rendered, to send the Sergeant-at-Arms to bring him in?

The SPEAKER. During my service here it has been the usual practice to call through the entire list and hear excuses. Then the Sergeant-at-Arms was by a general order compelled to bring the absent members into the House. If it be the pleasure of the House to make a special order, the Chair sees no reason why it may not do it.

[Cries of "No special order!" "General order!"]

Mr. WHEELER. I object to a general order; I want special orders.

Mr. KERR. Is it necessary that a motion should be made for special order?

The SPEAKER. It is necessary to have an order of the House.

Mr. KERR. I move that the Sergeant-at-Arms bring Mr. AIKEN here.

Mr. PURYEAR. I hope that there will be no special order. It would be an endless work to get absent members present, if a special order was made for each. I trust that the course suggested by the Chair will be adopted.

Mr. STRAUB. I rise to a question of order.

The SPEAKER. The gentleman from North Carolina is upon the floor to a question of order.

Mr. PURYEAR. I move a general order. I move that the list of absentees be called through for excuses, and that, when through, those for whom no excuse has been offered be sent for under a general order to the Sergeant-at-Arms.

Mr. RICHARDSON. There is no objection to that.

Mr. WASHBURN, of Maine. I would most respectfully put an inquiry to the Chair.

The SPEAKER. The gentleman from North Carolina is upon the floor to a question of order. The Chair has stated, in reference to the power of the House to send for individual members, that it is very clear, while the practice has been otherwise.

The uniform practice heretofore has been to hear excuses, and then make a general order in reference to those absentees for whom no excuse was offered. The gentleman from North Carolina [Mr. PURYEAR] moves that there be a general order to compel the attendance of absentees without hearing excuses at all.

Mr. PURYEAR. No, sir; the Chair misunderstands me; I intended to suggest that those for whom no excuse has been offered be sent for by general order of the House.

The SPEAKER. That is the old practice. The Chair misunderstood the gentleman. The gentleman from North Carolina [Mr. KERR] moves that the Sergeant-at-Arms compel the attendance of Mr. ASHE. The usual order is, that the Sergeant-at-Arms take him into custody, and bring him to the bar of the House.

Mr. CAMPBELL. I demand the yeas and nays on that motion.

Mr. CASKIE. I have a suggestion to make to my friend from North Carolina, and that is that he withdraw his proposition for the present. Let us wait until we can see whether those with whom we have been contending during the night intend calling the yeas and nays on every proposition to excuse men whom everybody is willing to excuse. Then—

Mr. CAMPBELL. I am reluctant to call my friend from Virginia to order.

The SPEAKER. This debate is irregular, and out of order.

Mr. KERR. My habit is to act in concert with those who are engaged in the same cause with myself. I withdraw the motion which I submitted, at the suggestion of the gentleman from Virginia.

WILLIAM APPLETON.

Mr. DRUM. On a call of the House, yesterday, Mr. APPLETON was stated to be absent from his seat in the House, on account of severe sick-

ness in his family. I therefore move that he be excused.

Mr. CAMPBELL. I demand tellers on that motion.

Mr. JONES, of New York. I demand tellers on ordering the yeas and nays.

Mr. ORR. I submit that the House has already determined the matter. By a vote already taken, Mr. APPLETON has been excused for his absence.

Mr. CULLOM. That was at another time. Mr. ORR. He was excused at this sitting. He was excused yesterday, and we have been in session since.

The SPEAKER. The House may be in a very different humor at this moment. [Laughter.] While it was willing to excuse him yesterday, it may not to-day. [Renewed laughter.]

Tellers on the yeas and nays were ordered; and Messrs. JONES, of Louisiana, and WHEELER were appointed.

The House was divided; and the tellers reported—yeas forty-three, more than one fifth of a quorum.

So the yeas and nays were ordered.

The question was then taken on Mr. DRUM's motion; and it was decided in the affirmative—yeas 107, nays none.

So Mr. APPLETON was excused.

Mr. CASKIE. I now withdraw the request which I made of my friend from North Carolina; and I hope he will make his motion.

WILLIAM S. ASHE. No excuse offered.

Mr. KERR. I move that the Sergeant-at-Arms be instructed to take Messrs. AIKEN and ASHE into custody, and bring them before the House, to show cause of absence.

Mr. CAMPBELL. I move that Mr. ASHE be excused; and on that motion I ask for the yeas and nays.

The SPEAKER. In the opinion of the Chair, the motion of the gentleman from North Carolina takes precedence of that.

Mr. DRUM. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 66, nays 51.

So the motion was agreed to.

WILLIAM S. BARRY. No excuse offered.

Mr. ENGLISH. I move that the Sergeant-at-Arms be directed to take Mr. BARRY into custody, and bring him before the House.

Mr. WASHBURN, of Maine. I ask for the yeas and nays.

Mr. BARKSDALE. I desire to make a statement respecting my colleague.

Several MEMBERS. "Oh, no!" and "Never mind it!"

Mr. FARLEY. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. GREENWOOD, and WASHBURN of Maine, were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

The question was then put on Mr. ENGLISH's motion; and it was decided in the affirmative—yeas 66, nays 51.

So the motion was agreed to.

Mr. BRECKINRIDGE. Mr. Speaker, in order to avoid the consumption of time by having the yeas and nays upon the question of sending for each gentleman whose name is called, I move, in accordance with what I believe to be the rule of the House, and the precedent which I find on the Journal, that the absent members be sent for, and taken into custody, wherever found, by special messengers to be appointed for that purpose, according to the 63d rule of this House.

Mr. GOODRICH. I call for the yeas and nays on that motion.

Mr. DRUM. I do not believe this whole ceremony will amount to anything. I therefore move that all further proceedings in the call be dispensed with.

Mr. PURYEAR. I ask here to make an explanation in reference to my colleague, [Mr. ROGERS,] who was obliged to leave the House last night, after midnight, in consequence of indisposition.

The SPEAKER. There is no question with reference to the gentleman's colleague.

Mr. PURYEAR. I was aware that I was not

strictly in order, but I desire the fact to be known, that I am ready to make an excuse for my colleague whenever I shall have an opportunity to do so.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania, [Mr. DRUM,] to dispense with all further proceedings in the call.

Mr. FENTON. I ask for the yeas and nays on that motion.

Mr. TWEED. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. SAPP and TWEED were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

Mr. GROW. I move that the House do now adjourn.

Mr. MATTESON. I ask for the yeas and nays on that motion.

Mr. SAPP. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. SAPP and TWEED were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported thirty-two in the affirmative.

So the yeas and nays were ordered.

Mr. COBB. I was taught in my youth never to be weary in well-doing. I am going to make another proposition of peace.

[Cries of "Order!"]

Mr. COBB. I should like to know who has called me to order. I want the man to rise, and then we can fix it on somebody. Who was it?

Mr. SEWARD. I was the man.

Mr. BRECKINRIDGE. I also call the gentleman from Alabama to order.

Mr. COBB. Now I know who it was. That was all I wanted to know. I know which side the objection comes from; it comes from ourselves.

[Loud cries of "Order!"]

The SPEAKER. The gentleman from Alabama is out of order.

The question was then taken upon Mr. GROW's motion; and there were—yeas 57, nays 77.

So the House refused to adjourn.

Mr. SAPP. I move that when this House adjourns, it adjourn to meet on Monday next; and upon that motion I demand the yeas and nays.

The SPEAKER. We are now acting under an order of the House, which takes precedence of any other motion except a motion to adjourn. The Chair thinks the spirit of the rules will be carried out by confining gentlemen to the order under which we are acting.

Mr. PURYEAR. I ask permission of the House to make a suggestion.

The SPEAKER. There being no objection, the gentleman from North Carolina will be permitted to make the suggestion which he desires to offer.

Mr. PURYEAR. I cannot see that any good is to result from this course of proceeding. Some of the gentlemen who are absent attended faithfully here until after midnight, but were then obliged to leave the Hall from indisposition, being physically unable to remain here any longer. The course of proceeding we are now taking goes home to their constituents, and stamps upon them the charge of neglecting their duties. In justice to the absent members who have attended to their duties faithfully from the beginning of the session until the present moment, I believe it to be our duty to stop these proceedings, open the doors, and proceed with the regular business. I move that all further proceedings under the call be dispensed with.

The SPEAKER. That is the motion now pending, upon which the yeas and nays have been ordered.

The question was then taken; and there were—yeas 44, nays 77.

Mr. CAMPBELL. I rise to a question of order. I understand the motion now pending is to have an order issued for the arrest of the absentees. I make this point of order: The rule clearly contemplates that there shall be an opportunity given to offer excuses for absentees. The gentleman from Kentucky [Mr. BRECKINRIDGE] refers to a precedent for his motion. The Speaker well remarked, during the evening, a

mere precedent has not much force in it, especially when it comes in conflict with the positive provision of a rule. To sustain the point which I make, I call for the reading of the 63d rule of the House.

The 63d rule was then read, as follows:

"Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse, or insufficient excuses, are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose."

The SPEAKER. Does the gentleman from Ohio take an appeal from the decision of the Chair?

Mr. CAMPBELL. I do, if the Chair decides that the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] is in order.

The SPEAKER. The Chair decides that that motion is in order.

Mr. CAMPBELL. I take an appeal from the decision of the Chair, because no opportunity has yet been given to offer excuses, so that the House might determine, in the language of the rule, whether they were sufficient or insufficient.

Mr. BAYLY, of Virginia. Is this question of order debatable?

The SPEAKER. It is not debatable.

Mr. BAYLY. The time to make excuses is clearly upon calling the absentees before the doors are opened.

The SPEAKER. The gentleman from Virginia [Mr. BAYLY] is mistaken. The proposition made by the gentleman from North Carolina is in order, for the reason that no excuses have been offered even.

Mr. CAMPBELL. The names of the absentees have not been called, and the custom always has been to call over the names, and hear and decide upon the sufficiency of excuses.

The SPEAKER. The Chair stated that to be the custom, but the House could pursue its own course to compel the attendance of its members. It is a constitutional right. The gentleman from Kentucky [Mr. BRECKINRIDGE] submitted a resolution that the absentees be sent for. The Chair entertained that motion, considering it to be in order, and he has now no doubt that it is in order. From that decision the gentleman from Ohio [Mr. CAMPBELL] takes an appeal.

Mr. RICHARDSON. The point of order I make is this, that an appeal from the decision of the Chair ought to have been taken when the Chair entertained the motion. It is too late to make it now.

The SPEAKER. The point of order is well taken.

Mr. CAMPBELL. I have my reasons for being compelled to take an appeal from the decision of the Chair, which I will state, if the Chair will allow me. I think it a case of exceeding hardship that an excuse cannot be offered for an absent member before sending the Sergeant-at-Arms to arrest him. Now, in the case of my colleague, [Mr. CORWIN,] He was telegraphed the other day that a member of his family was very sick, and he has gone home to Ohio. Another member was called home in consequence of the death of a child. Other members are upon sick beds—

The SPEAKER. The gentleman from Ohio [Mr. CAMPBELL] is not in order in making any remarks.

Mr. CAMPBELL. I would ask the Chair for information, whether I may be permitted now, before the vote is taken, to offer excuses for some absentees?

The SPEAKER. The Chair decides that the gentleman has that right. That is a very different proposition.

Mr. CAMPBELL. Has the roll of absentees been called for excuses?

Mr. PURYEAR. Will the House permit me to make a simple suggestion?

The SPEAKER. If no objection is made, the gentleman from North Carolina will be at liberty to make his suggestion.

Mr. PURYEAR. By the permission of the House, I simply wish to make this suggestion—that the roll shall be called, and that gentlemen who have excuses to offer for their friends shall rise and make them, and then, that we shall send

for the remainder of the absentees for whom no excuses have been offered.

The SPEAKER. That mode can be adopted by the House; and, by unanimous consent, the roll can be called.

Mr. CRAIGE. Would it be necessary to have a separate vote in each case?

The SPEAKER. That will depend upon the will of forty members. [Laughter.]

Mr. BRECKINRIDGE. I object to calling the roll.

Mr. PURYEAR. I ask permission of the House to say one word more.

Mr. WALSH. I object.

Mr. CHAMBERLAIN. I rise for the purpose of making a motion in conformity with what I understand to be the ruling of the Chair; that the roll be called for the purpose of enabling members present to offer excuses for those who may be absent.

Upon that motion the yeas and nays were ordered.

The SPEAKER. That motion would be in order, having immediate connection with the motion now pending.

Several Voices. What is the proposition?

The SPEAKER. The proposition is, that the names of the absentees be called, so that excuses may be offered for each gentleman as his name is called. The Chair stated, in reply to the suggestion from the gentleman from North Carolina, [Mr. PURYEAR,] if no objection was made, that the course proposed by him would be pursued; but objection was made by the gentleman from Kentucky, [Mr. BRECKINRIDGE.] The gentleman from Indiana [Mr. CHAMBERLAIN] then submitted a motion that that course be pursued.

Mr. BRECKINRIDGE. I would inquire of the Chair what becomes of my resolution by this process? If the motion of the gentleman from Indiana [Mr. CHAMBERLAIN] is in order, then my motion goes by the board.

The SPEAKER. The resolution of the gentleman from Kentucky will be superseded by the proposition of the gentleman from Indiana, as having immediate connection with the motion now before the House; it will take precedence of any other motion.

Mr. BRECKINRIDGE. I rise to a question of order. I would call the attention of the Chair to the effect, that the object in offering a resolution to send for the absentees in a body, is to avoid the delay consequent on making a point upon each individual member.

The SPEAKER. Debate is not in order. The Chair has decided that the proposition made by the gentleman from Indiana [Mr. CHAMBERLAIN] is in order.

Mr. PURYEAR. I desire to make this suggestion: That all the absentees shall be excused, and that the doors shall be opened. My object is to bring this matter to a close.

The SPEAKER. The House have just refused to dispense with all further proceedings under the call.

The yeas and nays were then ordered upon Mr. CHAMBERLAIN's motion.

The SPEAKER. There is a question of privilege, as the Chair understands, which must be first disposed of before the question is taken upon the motion of the gentleman from Indiana. The Chair understands that there are several gentlemen in the custody of the Sergeant-at-Arms, and that that officer is now ready to make his report. [Cries of "Bring them in!" "Bring them in!"]

The Sergeant-at-Arms then reported that, according to the order of the House, he had in custody Mr. WILLIAM S. ASHE, and that he was now present.

The SPEAKER. Mr. ASHE: It seems that you have absented yourself from the House without its leave and contrary to its order. You are now at liberty to make such explanation or excuse for such absence as you may think proper.

Mr. ASHE. I have no excuse to offer except that I was very much exhausted, and that I had paired off with the gentleman from Massachusetts, [Mr. DE WITT.] I was obliged to go home on account of indisposition in my family.

Mr. BRECKINRIDGE. I move that the gentleman from North Carolina [Mr. ASHE] be excused.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

Mr. McDOUGALL. I think that the gentleman from North Carolina should be excused. I am opposed to excusing any member without a sufficient cause. Now, if the gentleman from North Carolina had sufficient cause for an excuse—

The SPEAKER. The gentleman from California is not in order.

The yeas and nays were ordered upon Mr. WHEELER's motion.

Mr. HAVEN. Is it in order to say a word in reference to this matter?

The SPEAKER. The Chair hardly thinks that it is in order.

Mr. HAVEN. I do not wish to say anything out of order.

The SPEAKER. The Chair is inclined to think that, according to the practice of the House, it is hardly in order for the gentleman to make any remarks, although he does not know of any express rule which would restrain him from doing so.

Mr. HAVEN. I only desire to say this: that the excuse offered by the gentleman from North Carolina is a most rational and reasonable one, and I am ready to vote to excuse him, unless there is to be made here a question of physical endurance, and then it would not be fair to impose upon one what you would not impose upon another.

Mr. ASHE. I withdraw my application for excuse. I do not wish anything from the charity of the House.

Mr. BAYLY, of Virginia. I merely wish to say that no man in this House has more kind feelings towards the gentleman from North Carolina [Mr. ASHE] than I have; but he has offered no satisfactory excuse, and if it is to be taken, we had better dispense with this call at once.

Mr. ASHE. I do not desire to be excused.

Mr. BRECKINRIDGE. I made the motion to excuse him, and I do not withdraw it.

The question was then taken; and there were—yeas 95, nays 24.

So the House agreed to excuse Mr. ASHE.

The SPEAKER. The question now recurs upon the motion of the gentleman from Indiana, [Mr. CHAMBERLAIN,] that the roll be called for the purpose of hearing the excuses of the remaining absentees; upon which the yeas and nays have been demanded and ordered.

A MEMBER. I would ask if there was any objection to the course indicated by the gentleman from Indiana? Was not universal consent given to the mode of procedure upon which the yeas and nays have been called?

The SPEAKER. The gentleman had a right to ask the yeas and nays.

Mr. CHAMBERLAIN. I did not understand the facts to be as they are now represented. Before I rose to make the motion I did, I understood that there were decided objections to a suggestion of the same character made by the gentleman from North Carolina, [Mr. PURYEAR.] Upon that very ground it was I made the motion to obtain a vote of the House.

The SPEAKER. Debate is not in order.

Mr. CHAMBERLAIN. I rise simply for the purpose of explanation. Since the motion was made, and a vote ordered upon that motion, it has come to my ears that there is no objection to the mode of proceeding suggested by me. I would withdraw my motion, but I suppose it has gone beyond my control.

The SPEAKER. By unanimous consent, the demand for the yeas and nays can be withdrawn. The question was then taken; and decided in the negative—yeas 43, nays 53.

So the motion for a call of the roll to allow absent members to be excused was not agreed to.

Pending the announcement of the result, Mr. ZOLLICOFFER asked to be permitted to vote.

The SPEAKER *pro tempore*. Was the gentleman from Tennessee within the bar when his name was called, or before the next name on the roll was called?

Mr. ZOLLICOFFER. I was not in when my name was called; but my name is the last on the list, and so there was none other called. I submit, therefore, that I have a right to vote. [Laughter.]

The SPEAKER *pro tempore*. Then, if no other gentleman addressed the Chair before the gentleman from Tennessee came within the bar, he will be entitled to vote.

Mr. ZOLLICOFFER. No other gentleman had addressed the Chair before I came in.

The SPEAKER *pro tempore*. Then the Chair thinks that, under the circumstances, the gentleman has a right to vote.

The vote was accordingly registered.

The Clerk proceeded to call the names of the absentees for excuses.

DAVID RITCHIE, RUFUS W. PECKHAM.

Mr. JONES, of New York. I rise to what I think I may term a privileged question. I ask to make an excuse for two members who are absent from this House by my advice as a physician. I mean the Hon. DAVID RITCHIE, and the Hon. Mr. PECKHAM. Mr. RITCHIE is naturally feeble; and he was sick yesterday, and, to my certain knowledge, unable to sit in the House all day; to say nothing of the night. Mr. PECKHAM has been under the care of Doctor Hall, of this city, for the last four or five days. He came here yesterday; and he would have remained, but that I advised him to go home.

The question was taken; and Messrs. RITCHIE and PECKHAM were excused.

WILLIAM S. ASHE.

Mr. CAMPBELL, of Ohio. Mr. Speaker, I have also a question with respect to a case which has been partly disposed of previously, but on which I now desire to make a motion, as I think we had better finish up as we go along. I refer to the case of Mr. ASHE. Under the rule he is supposed to be still in custody; or, at least, the provisions of the rule have not been, as yet, fully complied with. I refer to the 64th rule of the House, which provides that when a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without the payment of fees. This has not been passed upon by the House in the case in question. I therefore ask that Mr. ASHE shall not be required to pay fees; and on that motion I demand the yeas and nays.

The SPEAKER *pro tempore*. The universal practice of the House is to take the question on the discharge of a member who had been absent; and unless the point on the payment of fees is raised, and there is a motion to divide the question, the discharge is considered to be ample and without the payment of fees. Now, in the case of Mr. ASHE, the House has already ordered his discharge, without requiring him to pay fees, and therefore the motion of the gentleman from Ohio is not in order.

Mr. CAMPBELL. But, Mr. Speaker, the rule is peremptory and positive. The House shall determine whether the discharge is with or without the payment of fees.

The SPEAKER *pro tempore*. When the House excused Mr. ASHE, it excused him *in toto* without requiring the payment of fees.

Mr. CAMPBELL. Well, I am not very particular, provided Mr. ASHE is not required to pay anything.

The SPEAKER. The question then recurs on the resolution offered by the gentleman from Kentucky, [Mr. BRECKINRIDGE.]

GEORGE BLISS, WILSON SHANNON, JOSEPH R. CHANDLER.

Mr. SAPP. Mr. Speaker, I ask for permission to offer excuses for three gentlemen who are absent.

Assent was expressed by the House.

Mr. SAPP. Mr. BLISS, of Ohio, my colleague, has paired off with Mr. EWING, of Kentucky, and has gone home by the advice of his physician. He is in very poor health, and it was highly advisable for him to return home.

Mr. SHANNON, who is also one of my colleagues, has been called home on professional business. At the court, which is now in session, he is engaged in some very important causes; but he is expected back every day. It was absolutely necessary for him, under the circumstances, to leave his seat for a short time.

Mr. CHANDLER, of Pennsylvania, left here last night in very poor health. He paired off with Mr. CLINGMAN.

I ask that these three members be excused by the House.

The SPEAKER *pro tempore*. Any member may ask for a division of the House on these several excuses, if he thinks proper. By the general consent of the House, the question will be taken on excusing all of them at once.

Mr. RIDDLE. I desire to offer an excuse for Mr. FRANKLIN, of Maryland.

The SPEAKER *pro tempore*. The question is first to be decided on the excuses offered by the gentleman from Ohio, [Mr. SAPP.]

Mr. WHEELER. And on that motion to excuse I call for the yeas and nays.

Mr. BRECKINRIDGE. Mr. Speaker, all that has recently occurred at that side of the House has been entirely inaudible in this part of the Hall. Members therefore do not know what they are called upon to vote for.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. SAPP] rises to make excuses for three members of the House who are absent. Two of them are his colleagues, [Messrs. SHANNON and BLISS,] and the third is the gentleman from Pennsylvania, [Mr. CHANDLER.] The question is on excusing these gentlemen for the reasons offered by the gentlemen from Ohio.

Mr. PURYEAR. I move, Mr. Speaker, by the permission of the House, that all gentlemen on this floor who have excuses to make for absentees, shall be permitted to make them; and that the whole be included in one motion.

[Objections, and cries of "No!" "No!"]
The SPEAKER *pro tempore*. This can only be done by the unanimous consent of the House.

Mr. CASKIE. I move to divide the question on the motion to excuse, made by the gentleman from Ohio; and, at the same time, I move that the question be first taken as to excusing the member who was first named by that gentleman. I suppose there is no necessity for unanimous consent about that.

The SPEAKER *pro tempore*. The Chair is of opinion that any member of the House has a right to call for a division of the question. Therefore the question will be put on excusing the gentleman first named in the motion of the gentleman from Ohio. That is Mr. BLISS.

Mr. BRECKINRIDGE. On what ground is he to be excused?

The SPEAKER *pro tempore*. That he went from the House unwell.

Mr. STUART, of Ohio. On the motion to excuse Mr. BLISS, I ask for the yeas and nays.

Mr. CASKIE. I hope that, before the yeas and nays are called, we may be at liberty to go along and do something. Let gentlemen in the House be now permitted to state why their colleagues and friends are absent, and ask that they may be excused. I ask that the yeas and nays may not be called, as it is evident to everybody that it is the unanimous desire of the House to excuse members, when any excuse is offered.

Mr. SAPP. I understand, Mr. Speaker, that the gentleman from Kentucky [Mr. BRECKINRIDGE] asks that a statement be made, such as can be heard by all the members, as to the absence of the gentleman whom I asked to be excused. Mr. BLISS, of Ohio, my colleague, has paired off on this bill with Mr. EWING, of Kentucky. Mr. BLISS is in very bad health. He has not been able to sit in the House for the last two weeks; and under the direction of his physician he went to Ohio—pairing off, as I said, with Mr. EWING.

Mr. STUART, of Ohio. I call for the yeas and nays.

The SPEAKER *pro tempore*. Unless objection be made, it will be considered the unanimous determination of the House that Mr. BLISS be excused.

There was no objection; and Mr. BLISS was accordingly declared excused.

Mr. STUART. Mr. Speaker, I asked for the yeas and nays.

The SPEAKER *pro tempore*. The Chair heard no objection made.

Mr. STUART. I objected in time, and called for the yeas and nays.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman as objecting. It is too late for him to object now.

The question recurring on the motion to excuse Mr. SHANNON,

Mr. SAPP. Mr. Speaker, my colleague, Mr. SHANNON of Ohio, left this city two weeks since to-day. He went home to attend the court which was then in session, and before which he had some very important business as a member of the bar. It was absolutely necessary for him to be in attendance in the court, to transact his profes-

sional business. I therefore ask that Mr. SHANNON be excused.

Mr. CASKIE. I object.

Mr. BANKS. I call for the yeas and nays on the motion to excuse.

Mr. TWEED. And I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. PHILLIPS and KERR were appointed.

The House was divided; and the tellers reported thirty-five in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. COBB. Mr. Speaker, I desire to ask a question which would have an effect on governing my vote. If the House refuse to excuse Governor SHANNON, will it not be imperative to send to Ohio after him?

The SPEAKER *pro tempore*. That is a question for the House to determine. The House can make its own order about that.

Mr. FARLEY, (at half past eight o'clock, a. m.) I move that the House do now adjourn; and that will answer the purpose of taking the yeas and nays.

Mr. BANKS. Upon that I ask the yeas and nays.

Mr. TWEED. And I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. CHURCHWELL and EDMUNDSON were appointed.

The question was taken; and the tellers reported thirty-four in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The roll was then called.

Pending the announcement of the result, the Sergeant-at-Arms appeared at the bar, having in custody an absent member.

WILLIAM S. BARRY.

The SPEAKER *pro tempore*. Before the Chair announces the result of the vote on the motion to adjourn there comes up a question of privilege. The Sergeant-at-Arms of this House appears at the bar with one of the absentees.

The Sergeant-at-Arms reported to the Chair that WILLIAM S. BARRY, who had been absent from the House, was then present in his custody.

Mr. KERR. Mr. Speaker, is it in order now to make a motion?

The SPEAKER *pro tempore*. It is not, there being a privileged question before the House. (Addressing Mr. BARRY.) Mr. BARRY, on a call ordered by the House, it was found that you were absent without the leave or consent of the House. The Sergeant-at-Arms was ordered to have you brought forward, and now you are at liberty to make an excuse for your absence.

Mr. BARRY. I have not been very well, Mr. Speaker, and I was apprehensive of the consequences to my health which might result from sitting up all night. Besides, Mr. Speaker, I have paired off with a gentleman on the other side of this question. But, at all events, I was afraid of sitting up all night; as, if I did, I could not be assured from getting an attack of rheumatism.

Mr. HUGHES. I move that the gentleman be excused.

The motion was put and agreed to.

The yeas and nays were called for.

Mr. WHEELER. I demand tellers on the yeas and nays.

The SPEAKER *pro tempore*. The Chair heard no objection made to the motion to excuse the gentleman from Mississippi; and it is now too late.

Mr. FARLEY. Do I understand the Chair to state that no objection was made in time?

The SPEAKER *pro tempore*. The final vote of the House was given in favor of the gentleman being excused before objection was made; at least the Chair did not hear objection in time. The gentleman from Mississippi stands excused.

The Chair then announced the result of the vote previously taken on the motion to adjourn to be decided in the negative—yeas 46, nays 69.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question now arises on the motion to excuse Mr. CHANDLER.

Mr. KERR. I move that all further proceedings under the call be dispensed with, and that the doors be opened.

[Cries of "No!" "No!"]

Mr. KERR. Mr. Speaker, there are a number of gentlemen now at the doors, who cannot gain

admission to the floor. All we want is to get an attendance of members here; and that can be effected by opening the doors.

Mr. MATTESON. On that motion I call for the yeas and nays.

Mr. WENTWORTH, of Massachusetts. I ask tellers on the yeas and nays.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and WENTWORTH, of Massachusetts, were appointed.

The House was then divided; and the tellers reported—yeas forty, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 47, nays 53.

So the House refused to suspend all further proceedings in the call.

Pending the call of the roll,

Mr. GREENWOOD said: I rise to what I consider a question of privilege. It is in reference to the rights of members to take part in these proceedings in reference to call. I would inquire of the Chair if gentlemen whose names appear among the list of absentees should find their way into this Hall through any means, I care not how, whether they would have a right to participate in any proceeding in relation to this call of the House, until they shall have been brought in and excused?

The SPEAKER *pro tempore*. The Chair is of opinion that such members as have been excluded from the bar by an order of the House have no right to participate in the proceedings in reference to a call of the House, until after the order which excludes them has been rescinded; but the Chair cannot take notice of individual cases of violation of this rule, unless his attention is called directly to them.

The question recurs upon the motion made by the gentleman from Ohio [Mr. SAPP] to excuse his colleague, [Mr. SHANNON,] upon which motion the yeas and nays have been ordered.

Mr. CHAMBERLAIN. I desire to offer an excuse for my colleagues, [Messrs. MACE and LANE.]

The SPEAKER *pro tempore*. The Chair would suggest to the gentleman that it is not in order to do so at this time, as a motion to excuse a member [Mr. SHANNON] is already pending. After that question is disposed of, it will be in order to offer further excuses.

Mr. CHAMBERLAIN. My principal object in rising at this time, was to ascertain what the practice of the House would be in that respect.

The SPEAKER *pro tempore*. The Chair holds that every gentleman has a right to an opportunity to make an excuse for his colleague or colleagues, if he chooses to do so, provided he obtains the floor in a regular manner. The Chair also holds that a member may insist upon having every vote taken separately. The question now is upon the motion to excuse Mr. SHANNON.

Mr. KERR. Before I am called upon to vote upon that question, I desire to know whether I understand correctly the reasons which have been given for his absence? I understand it is alleged that he is at home attending to necessary professional business before the courts of his State. Am I right in my understanding?

The SPEAKER. That was the alleged excuse.

Mr. BALL. It is now past nine o'clock, (a. m. Friday,) and in order to give members an opportunity to get shaved and to clean up, I move that the House adjourn until twelve o'clock, m.

Mr. WHEELER. I call for the yeas and nays upon that motion.

Mr. TWEED. Tellers upon the yeas and nays.

Mr. RICHARDSON. I rise to a question of order. The motion just made is to adjourn until twelve o'clock, a time certain. I submit that such a motion is not in order.

The SPEAKER. The Chair sustains the question of order, and rules the motion out of order.

Mr. WHEELER, (at nine o'clock and forty minutes, a. m.) Then I move that the House do now adjourn; and upon that I demand the yeas and nays.

Many Voices. Tellers upon the yeas and nays. Tellers were ordered; and Messrs. WHEELER and FLORENCE appointed.

The House was then divided; and the tellers reported forty-eight in the affirmative (a sufficient number.)

So the yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 43, nays 63.

So the House refused to adjourn.

Mr. HUGHES. I desire to offer an excuse for the absence of my colleague, [Mr. SIMMONS.]

The SPEAKER. A motion is already pending to excuse the gentleman from Ohio, [Mr. SHANNON.] After that motion shall have been disposed of other excuses will be in order.

Mr. WHEELER. I call for the yeas and nays upon the pending motion.

The SPEAKER. The yeas and nays have already been ordered.

Mr. PHILLIPS. Will it be in order to submit a motion that all further proceedings in the call be dispensed with?

The SPEAKER. It will.

Mr. HOUSTON. Would it be in order to move that the doors be open, and that the absentees be allowed to come in and render their excuses to the House?

[Cries of "No!" "No!" "Oh, no!"]

Mr. CRAIGE. That would not be in order, Mr. Speaker, without unanimous consent, would it?

The SPEAKER. It could not be done as long as any gentleman objects to it.

[Cries of "Oh! let it be done!" and "Yes!" "Yes!"]

Mr. PURYEAR. I hope no objection will be interposed to taking such a course. It will facilitate the business of the House very much. I suggest that all objection to such a course be withdrawn.

Mr. CRAIGE. I object to such a course because it would be unjust to one of my colleagues, [Mr. ASHE.] He was sent for by order of the House, and all other absentees ought to be treated in the same way.

The SPEAKER. As long as any gentleman objects, the course proposed by the gentleman from Alabama [Mr. HOUSTON] cannot be pursued.

Mr. STUART, of Ohio. If I recollect aright, upon the vote which was last taken no quorum voted. Now, I would inquire of the Chair, if we now suspend the proceedings under this call, will we not have to renew the call?

The SPEAKER. The Chair would reply to the gentleman, that a motion for the call of the House, or for an adjournment, does not require a quorum at all.

Mr. STUART, of Ohio. Is it then proposed to suspend the call for the purpose of submitting a motion that the House adjourn?

The SPEAKER. That is for the House, and not for the Chair, to determine.

Mr. HUGHES. There seems to be an universal desire that the absentees should be permitted to come in informally, and to render their excuses to the House in *propria persona*.

Mr. RUFFIN. I object.

Mr. HUGHES. Very well; I only spoke of it because the proposition came from that side of the House.

The SPEAKER. The question recurs upon the motion that all further proceedings in the call be dispensed with.

Mr. HUGHES. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 45, nays 53.

So the House refused to suspend further proceedings in the call.

Mr. SAPP. I move that the House do now adjourn.

The SPEAKER. Gentlemen will suspend for a moment, until a question of a highly privileged character is disposed of. The Chair understands that the Sergeant-at-Arms has another member in custody.

Mr. JONES, of New York. A very high privilege.

The Sergeant-at-Arms then reported to the House that, in accordance with the order of the House, he had taken in custody WILLIAM AIKEN, and that he was then present.

The SPEAKER. The gentleman [Mr. AIKEN] will present himself before the body.

Mr. AIKEN presented himself at his seat.

The SPEAKER. The gentleman stands charged with having left the House without leave, and con-

trary to its orders. The gentleman is at liberty to make his excuse.

Mr. AIKEN. I plead guilty to the charge. [Laughter.]

Mr. CAMPBELL. I move that the gentleman be excused; and upon that motion I ask the yeas and nays.

[Cries of "No!" "No!" "Oh, no!"]

Mr. COBB. There is no objection to excusing the gentleman, and what do we want of the yeas and nays. I hope the gentleman will not insist upon them.

A VOICE. CAMPBELL, do not insist upon them.

Mr. CAMPBELL. If there is no objection to excusing the gentleman, I do not insist upon the call for the yeas and nays.

Mr. ASHE. I wish to make a suggestion. I think that the best mode we can adopt, in order to get along with the business, is to allow the absentees to come in, and render to the House their separate excuses, without the necessity of going through the formality of having them brought in by the Sergeant-at-Arms.

Mr. KEITT. I hope it will be done.

The SPEAKER. By the unanimous consent of the House, the absentees will be allowed to come in before the body; and render their excuses.

Mr. CAMPBELL. I move that all further proceedings in the call be dispensed with.

[Cries of "Let them come in!" "Let us set it out!"]

Mr. HUGHES. I hope it will be allowed to be done by unanimous consent.

[Cries of "Yes!" "Yes!"]

The SPEAKER. The gentleman from Ohio [Mr. CAMPBELL] moves that all further proceedings in the call be dispensed with.

Mr. HENN. I hope the gentleman from Ohio will withdraw that motion, and allow the absentees to come in.

[Cries of "Yes!" "Yes!"]

Mr. CAMPBELL. If there is a general disposition to let the absentees in, I have no objection to their coming; but it looks like a half-way method of doing business.

The SPEAKER. The Chair understands that objection is withdrawn to the proposition made by the gentleman from North Carolina, [Mr. ASHE.] The doors will be thrown open, and the other absentees will be allowed to come in and render to the House an excuse for their absence.

Mr. PRINGLE. Why not admit them, and then suspend all further proceedings in the call?

The SPEAKER. That is a matter for the House, and not for the Chair, to decide.

A MEMBER. Objection to opening the doors has been withdrawn.

The SPEAKER. The Chair hears no objection, and the order of the House will be changed so as to allow the absentees to appear before this body, and render their excuses; and *shall*, as the Chair understands it, render their excuses.

[Cries of "Yes!" "Yes!"]

The SPEAKER. It is so ordered.

The doors of the Hall were then thrown open, and the absentees came pouring in from every direction in great numbers.

After order was restored, and the noise and confusion consequent upon so large and sudden an increase of members in the Hall had ceased,

The SPEAKER said: The order of the House is, that the absentees who have just entered shall appear at the bar of the House, and render excuses for their absence contrary to its orders. As the most convenient mode of executing the order, the names of the absentees will be called by the Clerk, in their regular order.

The Clerk commenced calling the list of absentees with the name of

NATHAN BELCHER.

The SPEAKER. If the gentleman is present, he will render his excuse.

Mr. BELCHER. I remained in the House during the past night as long as my health and strength would permit. I then left the House, having paired off with Mr. HAMILTON, of Maryland.

Mr. CAMPBELL. I move the gentleman be excused.

Mr. SAPP. Upon that motion I demand the yeas and nays.

[Cries of "Oh, no!" "Oh, no!"]

Mr. WHEELER. Oh, yes.

Mr. EDMUNDSON. If there is no objection,

I suppose the gentleman will be excused by unanimous consent.

The SPEAKER. But the gentleman from New York [Mr. WHEELER] demands the yeas and nays upon the proposition to excuse.

Mr. WHEELER. If there is no objection to excusing the gentleman, I withdraw the demand for the yeas and nays.

The SPEAKER, (pausing a moment.) The Chair hears no objection, and the gentleman is excused by unanimous consent.

PETER H. BELL.

Mr. BELL. I have no particular excuse to render. I have absented myself but one hour out of the last twenty, and that happened to be when a call of the House was ordered. I have no further excuse.

Mr. KITTREDGE. I move the gentleman be excused.

There being no objection, the gentleman was excused.

HENRY BENNETT.

Mr. BENNETT. I staid here as long as I was able, and went away. [Laughter.]

Mr. JONES, of Tennessee, (in his seat.) He was able to get away then, was he?

By unanimous consent, Mr. BENNETT was excused.

THOMAS H. BENTON.

Mr. BENTON. I have, sir, to make my excuse to the House, which I hope will be satisfactory to gentlemen when they hear it. It was neither on account of age or infirmities that I was absent, for I never felt better. Nor did I pair off with any person, although several good and true men offered to walk off with me, in whose company I should be proud to be found. But to pair off was not within my view of parliamentary rules, and I have never done it, and I do not mean, at this late day, to begin to learn anything new. *Antiquas vias*—the old ways—is my motto.

I was absent, that is true, but without disrespect to the House, and without the least design to impede its business, or to prevent the complete transaction of the business, such as it was, in which the House was engaged. [Laughter.]

I hope to be allowed, Mr. Speaker, to say, in the presence of this House, that I have admired the decorum, the urbanity, the dignity, and the impartiality with which you have presided, and the precision with which all questions have been put by the Speaker. No *real* transaction could have been conducted with more absolute propriety and gravity than the Chair conducted the business of this House during the whole of the last evening. I was greatly gratified. I went away, taking a survey of the House, and seeing good and true men sitting all around; and enough to keep up a quorum to carry on the business of the House, such as it was. [Laughter.] I saw that my absence would make no difference at all, and therefore I went away, *animus revertendi*, [laughter]—with design to return—not to escape the business of the House, but to return to it refreshed and invigorated, and take my share, and sit it out; to tell the exact truth, to husband and save some strength for a pinch, when it should come; for I did not think we had yet got to the tightest place. It was therefore to be able to serve the House better when it should more need service, that I took a brief repose.

In making this excuse to the House, I do not wish to be considered as having been absent until now—until this hour. I have been waiting a long time at the door, and am entitled to credit for the time I was kept out. [Laughter.] I was not brought back by the Sergeant-at-Arms, but returned voluntarily, and was stopped at the door, and long debarred of entrance. Striking a balance between the time I was voluntarily absent, and the time I was involuntarily kept out, it would be pretty near even worked out upon a fair equation, and my delinquency would be very small. Taking it in that sense, I am entitled to the decision of the House that the account is nearly even, and, at all events to a decision that there has been no disrespect to the House; being free from disrespect, and from all desire to impede the progress of its business. I hope this will be satisfactory to the House, and that I shall be excused, especially as I declare that I will do better for time to come. [Laughter.]

The SPEAKER. If there be no objection, the gentleman will be excused.

No objection being made, Mr. BENTON was excused.

SAMUEL CARUTHERS was next called.

Mr. PHILLIPS. I rise to a question of order. Will it be in order to now move to suspend all further proceedings under the call? It is evident, after what has taken place, that the House does not intend to inflict a penalty upon any one of the absentees.

The SPEAKER. The motion would be in order.

Mr. PHILLIPS. Then I move that all further proceedings be dispensed with.

Mr. WHEELER. I object.

Mr. PHILLIPS. Well, I make the motion.

Mr. WHEELER. When the consent of this House was given that the doors should be opened, and the absentees be permitted to come in, it was upon the express understanding that each absentee should be called to the bar of the House, and render his excuse.

The SPEAKER. That was the order of the House; but it is competent for the House to change its orders.

Mr. DRUM. I ask the yeas and nays upon the motion.

Mr. WHEELER. I expressly asked if that was the understanding when the consent of the House was given; and had it not been so understood, I should have objected to the order.

The SPEAKER. If there be no objection, all further proceedings under the call will be dispensed with, by unanimous consent.

Mr. WASHBURN, of Illinois. I object.

The yeas and nays were not ordered.

The question was then put; and decided in the affirmative.

So all further proceedings under the call were dispensed with.

Mr. HUGHES. I move that the House do now adjourn.

Mr. WHEELER. I demand the yeas and nays upon that motion.

Mr. INGERSOLL. I call for tellers upon the yeas and nays.

Tellers were ordered; and Messrs. BAYLY, of Virginia, and WASHBURN, of Maine, were appointed.

The House was then divided; and the tellers reported thirty-nine in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. HOWE. I desire to be excused from voting, for the reason that last night I paired off with Mr. SINGLETON, who stated that his family were unwell, and who is still detained from the House, I presume, from the same cause. I do not, therefore, feel at liberty to vote. But, sir, I find that by the rules of the House that if I am here I am required to vote, unless excused by the House. I have no wish to violate the rules of the House, and I therefore ask to be excused.

The SPEAKER. The Chair decides that the gentleman from Pennsylvania cannot be excused from voting upon a motion to adjourn. That is the rule the present incumbent of the chair has uniformly adhered to. He believes it to be a correct rule, and he therefore decides that the motion that the gentleman be excused cannot be entertained.

Mr. HOWE. But I should like to know how to act? My honor with the gentleman with whom I have paired off is at stake upon the one hand, and in conforming to the rules of the House upon the other.

The SPEAKER. The gentleman must settle that question for himself. The parliamentary law knows nothing of the principle of pairing off. There is nothing of the sort in the books; and it is a practice which prevails, perhaps, in no other legislative body upon the face of the earth, except this. If the gentleman has paired off, he had better have staid off. The Chair makes the suggestion in perfect good humor. The rules of the House require him to vote, if he is present; and if he precludes himself from voting by agreement with another member, the best method he can adopt is to stay away from the House. It is, however, for the gentleman to prescribe his own course.

Mr. HOWE. I desire to say one word more. There was no hour named by Mr. SINGLETON, when our agreement was to expire. We simply agreed, when he left the House last night, that

we were to pair off until this morning. I do not see the gentleman in the Hall, and I do not therefore, in honor, feel at liberty to vote, nor yet do I feel at liberty to violate the rules of the House. Under these circumstances, I should esteem it a favor if the House would excuse me from voting.

The SPEAKER. The Chair has no doubt the House will very readily excuse the gentleman from voting. It is, however, not in order to submit the motion, and the Chair cannot, therefore, entertain it.

Mr. MACY. I desire also to state to the House that I paired off with Mr. DISNEY last night, until this morning. I do not see the gentleman from Ohio in his place, and I shall, therefore, not feel at liberty to vote.

The question was then taken upon the motion to adjourn; and decided in the negative—yeas 50, nays 81.

So the House refused to adjourn.

Mr. ELIOT, of Massachusetts. I move that there be a call of the House.

Mr. WASHBURN, of Maine. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. ELIOT's motion; and decided in the negative—yeas 35, nays 74.

So the House refused to order a call of the House.

Pending the call of the roll,

Mr. ELLISON stated that upon this motion he had paired off with Mr. BOYCE, from South Carolina.

Mr. MACE. I move that when this House adjourn it adjourn to meet on Monday next.

The SPEAKER. That motion is not in order, being in the nature of business, and no quorum having answered to their names.

Mr. MACE. I was not aware of the fact that there was no quorum present, or I should not have made the motion.

Mr. WHEELER. I move that there be a call of the House; and upon that motion I demand the yeas and nays.

The SPEAKER. That motion is not in order, for the reason that the House have just voted upon that motion, and refused to order a call of the House.

Mr. PECK, (at half-past ten o'clock, a. m.) I move that the House do now adjourn; and upon that motion I demand the yeas and nays.

Mr. TWEED. I ask for tellers.

Tellers were ordered; and Messrs. DAVIS, of Indiana, and MACE appointed.

The House was then divided upon ordering the yeas and nays; and the tellers reported thirty-one in the affirmative; (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken upon Mr. PECK's motion; and decided in the negative—yeas 45, nays 72.

So the House refused to adjourn.

Mr. MACE. I move a call of the House.

Mr. WASHBURN, of Maine. Upon that motion I demand the yeas and nays.

Mr. BRIDGES. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. MACE and COX appointed.

The House was then divided upon ordering the yeas and nays; and the tellers reported thirty-six in the affirmative; (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken on the motion that there be a call of the House; and it was decided in the negative—yeas 53, nays 76.

So the House refused to order a call.

Mr. EDMANDS. (At ten minutes past eleven o'clock, Friday morning.) I move that the House do now adjourn; and on that motion I demand the yeas and nays.

Mr. TWEED. I demand tellers on ordering the yeas and nays.

Mr. STRATTON. Will it be in order that we take a recess for half an hour?

The SPEAKER. Not unless by unanimous consent.

Mr. STRATTON. I hope, then, that the unanimous consent will be granted for a recess, so that the clerks, who have been kept constantly calling the roll since yesterday morning, may have a little repose before the reading of the Journal, which takes place at twelve o'clock.

The SPEAKER. The Chair understands that the clerks are ready with the Journal.

Tellers were ordered on the yeas and nays; and Messrs. PECK and VAIL appointed.

The question was then taken; and the yeas and nays were ordered; the tellers having reported—aye forty-one, more than one fifth of a quorum.

The question was then taken on Mr. EDMANDS's motion; and it was decided in the negative—yeas 49, nays 80.

So the House refused to adjourn.

Pending the above call,

Mr. ELLISON stated that he had paired off with Mr. BOYCE, of South Carolina, for twenty or thirty minutes.

Mr. HOWE. I think it is quite evident, from the proceedings of the last twenty-four hours, that no practical good is to result to the country from our continuing longer in session; therefore I move that when the House adjourns, it be to meet on Monday next; and on that motion I demand the yeas and nays.

Mr. OLDS. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. MEACHAM and GREENWOOD appointed.

The House was then divided; and the tellers reported—aye thirty-nine, more than one fifth of a quorum.

So the yeas and nays were ordered.

The question was then taken on Mr. HOWE's motion; and it was decided in the negative—yeas 43, nays 83.

So the House disagreed to the motion to adjourn over.

Mr. WENTWORTH, of Massachusetts. I move that there be a call of the House; and on that motion demand the yeas and nays.

Mr. GREEN. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. DUNHAM and ELLISON appointed.

The House was then divided; and the tellers reported—aye forty-three, more than one fifth of a quorum.

So the yeas and nays were ordered.

Mr. WENTWORTH, of Illinois. I wish to make a suggestion.

[Cries of "I object!"]

Mr. WENTWORTH. When gentlemen know my proposition, I am sure none will object.

Mr. TWEED. I object to discussion.

Mr. WENTWORTH. A few moments ago we were all excused, with one exception, unanimously.

The SPEAKER. Objection has been made to the gentleman's proceeding, and he must come to order.

Mr. WENTWORTH. If the gentleman knew my object, I know that he would not object. It is to do an act of justice to a gentleman on his own side of the House.

The SPEAKER. The gentleman must come to order.

Mr. WENTWORTH. A correction of the Journal is a privileged question, and I am entitled to be heard on it.

The SPEAKER. The gentleman must come to order. The question is now on the motion that there be a call of the House, and it must be taken.

Mr. WENTWORTH. Time would be saved, and it would be better if the correction I propose were made now, before the Journal is made up.

Mr. TWEED. I insist on my objection.

The SPEAKER. The Clerk will proceed with the call of the roll.

The question was then taken on the motion of Mr. WENTWORTH, of Massachusetts; and it was decided in the negative—yeas 45, nays 80.

So the House refused to order a call of the House.

Pending the above call,

Mr. FENTON stated that he had paired off for a short time with Mr. MAY.

Mr. PECK. I move that when this House adjourns, it adjourn to meet on Monday next; and on that motion I call for the yeas and nays.

Mr. GREEN. I ask for tellers on the yeas and nays.

Mr. DEAN. I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. DEAN. It is, that the hour of twelve

o'clock having arrived, the Journal of the preceding day is to be read.

The SPEAKER. The Chair will decide the question of order raised by the gentleman from New York. One of the principal rules having a bearing upon this point is the following, touching the duties of the Speaker:

"He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day."

The Chair has done that, and has no authority now to declare the House adjourned for the purpose of taking the chair at the time to which he may determine the House shall have adjourned to. The rule says, further, that "he shall immediately call the members to order." There has been no adjournment and no legislative day finished yet.

Mr. CHANDLER. Does the Chair decide that this is Thursday, or Friday? [Laughter.]

The SPEAKER. The Chair is not called upon to make any decision of that kind.

Mr. CHANDLER. I want the question decided, that I may know whether I ought to eat flesh or fish for dinner. [Much laughter.]

Mr. DEAN. I understand the Chair, then, to decide that this is still the same legislative day, and that whenever we do adjourn, a motion may be made to correct the Journal the next day.

The SPEAKER. Even if it be a month hence. The Chair has no doubt of that.

Mr. DEAN. That is what I wanted to understand.

Mr. PENNINGTON. I wish to inquire whether the morning hour has expired? [A laugh.]

The SPEAKER. The morning hour has not expired, and the Chair doubts whether it will expire for a week to come. [Laughter.]

Mr. BANKS. What is the decision of the Chair upon the question of order raised by the gentleman from New York?

The SPEAKER. The Chair overrules the point of order made by the gentleman from New York.

Mr. BANKS. I am impressed with the conviction that the Chair is right upon the reasons stated by him, and the rule of the House to which reference is made. It is very clear upon the rule cited by the Chair.

Mr. RICHARDSON. Is there any question before the House?

Mr. BANKS. I propose to take an appeal from the decision of the Chair, if necessary. I do not desire, however, to appeal. I merely want to make a suggestion.

The SPEAKER. The Chair will be pleased to hear the gentleman from Massachusetts, if it is the pleasure of the House; but if objection be made, debate is not in order.

Mr. BANKS. I want the consent of the House to cite the rule upon which the House must proceed in this case, and to which the Speaker has not referred.

Mr. RICHARDSON. Well, send up the rule.

Mr. OLDS. I object, unless an appeal is taken.

Mr. BANKS. I ask the consent of the House that I may state that, upon the rule to which the Speaker has referred, his decision is correct. But it is not necessary that, at this hour, there shall be an adjournment by a vote of the House; for, on the very first day of this session, the House, upon motion of the gentleman from Tennessee, [Mr. JONES,] passed this order:

"That twelve o'clock be fixed as the hour to which the House shall each day adjourn, until otherwise ordered."

That is the rule by which we must be governed in this case; and there is no adjournment required at this hour, for the House has adjourned by its order, adopted on the first day of the session.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from Massachusetts.

Mr. BANKS. I appeal from the decision of the Chair.

The SPEAKER. The gentleman from Massachusetts takes an appeal, and the question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. HAMILTON. I move to lay the appeal on the table.

Mr. MAURICE. I call for the yeas and nays on that motion.

Mr. GREEN. I ask for tellers on the yeas and nays.

Mr. ASHE. Will the Chair state what is the proposition before the body?

The SPEAKER. The Chair will do so before the vote is taken.

Mr. ASHE. At present, I really do not know how to vote.

Tellers were ordered; and Messrs. STRAUB and MEACHAM appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty-six in the affirmative.

So the yeas and nays were ordered.

Mr. SAGE. I have some doubts as to the correctness of the decision of the Chair, and I therefore ask to be excused from voting on the appeal.

The SPEAKER. Perhaps the gentleman will be able to determine after the Chair has stated what the question is. [Laughter.]

Mr. ORR. I do not think there is any hope of that. [A laugh.]

The SPEAKER. The Chair will not deprive the gentleman of his right to ask to be excused. The gentleman from Massachusetts [Mr. BANKS] raises the question that, by the order of this House, passed on the first day of the present session of Congress, the House stands adjourned to twelve o'clock to-day.

The Chair overrules that question of order, upon the ground that there cannot be a meeting of this body without an adjournment; and upon the further ground that when this House does adjourn, even if it is a week hence, it will meet again as directed by its own order. The legislative day will continue until the House adjourns, and when the House, after such an adjournment, meets at twelve o'clock, or at such other time as the House shall fix, it will be the duty of the Speaker, under the rule which has been referred to by him, to take the chair, call the members to order, and cause the Journal of the preceding day to be read, and a portion of that Journal must necessarily be a motion and a vote to adjourn; without that, it is incomplete.

The Chair begs leave again to read to the House the rule prescribing the duties of the Speaker, to which he has referred.

"I. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read."

The Speaker could not take the chair at twelve o'clock to-day, for the reason that he was continuing to occupy it, and the House was continuing to progress in its proceedings upon a legislative day, and must continue to do so until it adjourns. One of the three hundred and sixty-five days of the year has passed over, the Chair admits; but one of the legislative days allowed to this Congress is now being consumed.

In this view, hastily taken, the Chair admits, for he has not had time to turn to precedents, the Chair thinks he is correct, and he overrules the question of order. From that decision of the Chair, the gentleman from Massachusetts takes an appeal; and the gentleman from Maryland [Mr. HAMILTON] moves to lay the appeal upon the table. Another question pending is that raised by the gentleman from New York, [Mr. SAGE,] viz: that the House excuse him from voting upon the appeal. That is a legitimate proposition, but the vote must be taken on it without debate.

Mr. CULLOM. I understand the Chair to decide that an entire session of the House is but one legislative day, even though it may continue for a week, and some of my neighbors are a little curious to know whether we shall get only one *per diem* for the entire session. [Laughter.] I object to the decision of the Speaker on that point.

The SPEAKER. The gentleman cannot debate the proposition. The Chair decides that it is not competent for him to adjourn the House.

Mr. BANKS. I understand that the appeal is not debatable.

The SPEAKER. It is not debatable.

Mr. BANKS. But, as the Chair has made a very lucid and conclusive argument in favor of that decision, would it be proper, or within the

generosity of the House, that upon the appeal I have taken, I should make a brief statement?

Messrs. OLDS, BRIDGES, and others objected.

The SPEAKER. The Chair hopes the gentleman from Massachusetts will be heard.

Mr. ENGLISH. I object to it.

Mr. BANKS. I desire to state—

Mr. ENGLISH. I object to discussion.

The SPEAKER. Then the gentleman from Massachusetts is not in order.

Mr. BANKS. Who objects?

Messrs. ENGLISH, OLDS, and BRIDGES rose simultaneously, and objected.

Mr. SEYMOUR. Will the Chair allow me to make a single suggestion?

The SPEAKER. Is it the pleasure of the House that the gentleman from Connecticut be heard?

Mr. ENGLISH. I object, and call for the question.

Mr. BANKS. Will the House allow me to call its attention to a precedent upon this very question?

Mr. HOUSTON. We understand the question.

Mr. HUGHES. I call the gentleman from Alabama to order.

Mr. RICHARDSON. And I call the gentleman from New York to order.

[Shouts of "Order!" and great confusion.]

The SPEAKER. Gentlemen are not in order in discussing this question, directly or indirectly.

Mr. BANKS. I again ask the consent of the House to make a reference to this one precedent.

Mr. RICHARDSON. And I again call the gentleman to order.

The SPEAKER. The Chair must remind the gentleman from Massachusetts of the fact, of which he is very well aware, that it is not in order to persist in a purpose to address the House out of order, and the Chair must insist on the gentleman's desisting from doing so.

Mr. BANKS. Most assuredly. I only ask the consent of the House.

The SPEAKER. The question now is on excusing the gentleman from New York [Mr. SAGE] from voting on the appeal.

Mr. GOODRICH. I ask for the yeas and nays.

Mr. GREEN. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. STRAUB and SAPP were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and there were—yeas 57, nays 83.

So the House refused to excuse Mr. SAGE.

Mr. DRUM stated that he had paired off until one o'clock with Mr. BAYLY, of Virginia.

Mr. CAMPBELL. I have just come into the House, and do not quite understand the question, and I should, therefore, like to be excused from voting on the appeal.

The SPEAKER. If there be no objection, the gentleman from Ohio will be excused.

Mr. WHEELER. I object.

Mr. FARLEY. I move that the gentleman from Ohio be excused from voting.

Mr. SAGE. I demand the yeas and nays on that motion.

Mr. WENTWORTH, of Massachusetts. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. BODDICK and FENTON were appointed.

The House was divided on the demand for the yeas and nays; and the tellers reported thirty-five in the affirmative.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 45, nays 72.

So the House refused to excuse Mr. CAMPBELL from voting.

Mr. TRACY. I ask to be excused from voting on the question of the appeal.

Mr. WENTWORTH, of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 48, nays 71.

So Mr. TRACY was not excused.

Mr. EDGERTON. I rise to what I believe to

be a privileged motion. I move that the House resolve itself into a Committee of the Whole on the Private Calendar.

Mr. RICHARDSON. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HENN. Is the motion of the gentleman from Ohio [Mr. EDGERTON] in order?

The SPEAKER. It is in order, in the opinion of the Chair.

IS THIS DAY FRIDAY?

Mr. HENN. Does the Chair rule this day to be Friday? Under the previous decision of the Chair, the legislative day of yesterday has not yet terminated.

The SPEAKER. This is Friday, and it is private bill day. The legislative session of yesterday has not terminated, but each day, under our rules, must be regarded in all our sessions, Mondays, Fridays, or other days.

Mr. SEWARD. Do I understand the Chair as deciding that the motion made by the gentleman from Ohio [Mr. EDGERTON] is in order?

The SPEAKER. The Chair decided that it was in order, under an express rule of the House.

Mr. CLINGMAN. I rise to a question of order. Is there not an appeal from a decision of the Chair pending, and would not that take precedence of the motion made by the gentleman from Ohio?

The SPEAKER. The Chair thinks that it would not. There is an appeal pending from the decision of the Chair, but the appeal attaches to the proposition of the gentleman from Illinois, [Mr. RICHARDSON], to close debate upon the Nebraska and Kansas bill. When the House take up that subject, they must consider the appeal and all questions connected with it.

Mr. WRIGHT, of Pennsylvania. I move to amend the motion of the gentleman from Ohio by inserting, in the place of the "Private Calendar," the "Nebraska and Kansas bill."

The SPEAKER. The Nebraska and Kansas bill is in the Committee of the Whole on the state of the Union, and we have an express rule with regard to the course of proceeding there, which precludes any such motion as that made by the gentleman from Pennsylvania.

Mr. WRIGHT. Is not the motion of the gentleman from Ohio [Mr. EDGERTON] open to amendment?

The SPEAKER. The Chair decides that it is not open to amendment.

Mr. WALSH. I move to lay the motion of the gentleman from Ohio upon the table.

The SPEAKER. The motion of the gentleman from New York is not a legitimate one, for the reason that the motion made by the gentleman from Ohio may be repeated again under the express rules of the House, even if it were laid upon the table.

The question was then taken upon Mr. EDGERTON's motion; and there were—yeas 65, nays 85.

So the House refused to go into Committee on the Private Calendar.

The SPEAKER. The question now recurs upon the proposition to lay the appeal from the decision of the Chair upon the table?

Mr. EDGERTON. Is it in order to move to proceed to business upon the Speaker's table?

The SPEAKER. It is not in order, in the opinion of the Chair. The business before the body being a resolution to close debate, which takes precedence of a motion to proceed to the business upon the Speaker's table.

Mr. EDGERTON. I move then that the House adjourn.

Mr. SAGE. Upon that motion I demand the yeas and nays.

Mr. SMITH, of Virginia. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. MACE and VAIL were appointed.

The House was then divided; and the tellers reported thirty-eight in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and there were—yeas 53, nays 87.

So the House refused to adjourn.

The SPEAKER. The question now recurs on laying the appeal from the decision of the Chair upon the table.

Mr. PECK. I move that there be a call of the

House; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 37, nays 90.

So the House refused a call.

The SPEAKER. The question recurs on laying on the table the appeal from the decision of the Chair.

Mr. FENTON. Mr. Speaker, I move that when the House adjourns, it adjourn to meet on Monday next; and on that motion I call for the yeas and nays.

Tellers were called for, and ordered.

Mr. PENNINGTON. I hope the gentleman from New York will withdraw his motion for an adjournment over.

Several MEMBERS. For what purpose?

Mr. PENNINGTON. For the purpose of allowing me to submit a motion to go to the business on the Speaker's table, if that motion be in order.

Several MEMBERS. It is not in order.

Mr. PENNINGTON. And if that motion, Mr. Speaker, be not in order, then for the purpose of moving to suspend the rules to enable me to make it.

Mr. WENTWORTH, of Illinois. That motion is not in order, either; you cannot suspend the rules to-day.

The SPEAKER. It is not in order to suspend the rules, except on Monday.

Mr. PENNINGTON. This business is getting to be very stupid. We ought to be doing something for the sake of variety.

Messrs. Cox and FENTON were appointed tellers on ordering the yeas and nays on the motion to adjourn over.

The House was divided; and the tellers reported forty in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 41, nays 89.

So the House refused to adjourn over.

The question recurred on the motion to lay the appeal from the decision of the Chair on the table.

Mr. GOODRICH. I move that the House resolve itself into a Committee of the Whole on the Private Calendar; and on that motion I ask the yeas and nays.

Mr. BANKS. Mr. Speaker, I desire to withdraw my motion in relation to the question of appeal. The appeal was made at my suggestion; but I understand, since the appeal was taken, that—

[Cries of "Order!" "Order!"]

Mr. BANKS. I only propose to withdraw my appeal.

Mr. HILLYER. But the gentleman has no right to debate it.

Mr. BANKS. I was but proceeding to state that I understand there has been a subsequent decision on a question which was substantially the same as that involved in the appeal which I took, although different in form. And acknowledging the most commendable fairness of the Speaker in this contest, I do not wish to make any factious opposition to the ruling of the Chair. Therefore, I desire to withdraw my appeal.

There being no objection, the appeal was withdrawn.

The question recurring on the motion of Mr. GOODRICH, that the House resolve itself into a Committee of the Whole on the Private Calendar, on which the yeas and nays were demanded—

Mr. WASHBURNE, of Illinois. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. Cox, and WASHBURNE of Illinois, were appointed.

The House was divided; and the tellers reported thirty-nine in the affirmative; (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and decided in the negative—yeas 64, nays 83.

So the House refused to resolve itself into a Committee of the Whole on the Private Calendar.

The SPEAKER. The question recurs on excusing the gentleman from Maine from voting on the proposition made by the gentleman from Massachusetts, that the resolution to close debate on the Nebraska bill be laid upon the table.

Mr. WASHBURNE, of Illinois, (at thirty-five minutes past three o'clock, p. m.) I move

that the House do now adjourn; and I call for the yeas and nays on that proposition.

Mr. WALKER. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. WASHBURNE of Illinois, and HILLYER were appointed.

The question was taken; and the tellers reported thirty-seven in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 50, nays 89.

So the House refused to adjourn.

The question then recurred on the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting on the proposition of the gentleman from Massachusetts [Mr. BANKS] to lay the resolution closing debate on the table.

Mr. WENTWORTH, of Massachusetts. I move that the House do now resolve itself into a Committee of the Whole on the Private Calendar; and on that question I ask the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 59, nays 69.

So the House refused to go into committee.

The SPEAKER. The question recurs upon the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting.

Mr. BALL, (at three o'clock and thirty minutes, p. m.) As there appears to be a small number of members present, I think we had better adjourn; and I therefore move that the House do now adjourn.

Mr. WASHBURNE, of Illinois. Upon that motion I demand the yeas and nays.

Mr. SEWARD. I call for tellers upon the yeas and nays.

Tellers were ordered; and Messrs. RUFFIN and ETHERIDGE were appointed.

The House was then divided upon the demand for the yeas and nays; and the tellers reported thirty-six in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 53, nays 80.

So the House refused to adjourn.

Mr. SAGE. I move that there be a call of the House; and upon that I demand the yeas and nays.

Mr. HOWE. I ask for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. CLINGMAN and MACE were appointed.

The House was then divided upon the call for the yeas and nays; and the tellers reported—ayes thirty-eight, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 45, nays 79.

So the House refused to order a call.

The SPEAKER *pro tempore*, (Mr. BOGACK.) The question recurs upon the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting upon the motion of the gentleman from Illinois.

Mr. KNOX. It is now (three o'clock and forty-five minutes, p. m.) about the usual time of adjournment; and as we have had a pretty long session, I move that when this House adjourns, it adjourn to meet on Monday next; and upon that motion I demand the yeas and nays.

Mr. WASHBURNE, of Illinois. I call for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. HILLYER and ROWE were appointed.

The House was then divided upon the call for the yeas and nays; and the tellers reported—ayes thirty-seven, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 46, nays 73.

So the House refused to adjourn until Monday next.

Mr. SAGE, (at four o'clock p. m.) I move that the House do now adjourn.

Mr. BANKS. Upon that motion I demand the yeas and nays.

Mr. BAYLY, of Virginia. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. BAYLY, of Virginia, and WASHBURN, of Maine, were appointed.

The House was divided; and the tellers reported thirty-four in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and decided in the negative—yeas 65, nays 66.

So the House refused to adjourn.

The question then recurred upon the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting—

Mr. WASHBURN, of Maine. I move that there be a call of the House; and upon that motion I demand the yeas and nays.

Mr. BAYLY, of Virginia. Upon ordering the yeas and nays I demand tellers.

Tellers were ordered; and Messrs. CHAMBERLAIN and CAMPBELL appointed.

The House was divided; and the tellers reported forty in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. WENTWORTH, of Illinois. I rise to a question of privilege. I understand that the gentleman from Ohio [Mr. STUART] is recorded as having voted upon the motion which has just been put. I know the fact that the gentleman was not in the House.

Mr. SMITH, of Virginia. It is now too late to raise the question as to gentlemen voting.

Mr. WENTWORTH. Mr. Speaker, Mr. STUART was not in the Hall while the roll was being called. I know he was not in the House. It is not too late to raise the question.

Mr. SMITH. The vote has been announced, and no correction of the Journal can be made until the Journal is read at the next meeting of the House.

[Cries of "Go on with the voting!"]

Mr. WENTWORTH. Mr. Speaker, this is a matter of too much importance to be allowed to be passed over. I insist upon my point. I will state that Mr. STUART left the House about a couple of hours ago, when he told me that he should not be back before nine or ten o'clock this evening. I know, therefore, of my own personal knowledge, that he was not in the House, and did not vote. I have called the attention of the House to the fact, because there are questions of too much importance pending before the House to allow members to vote by proxy. I ask that the Journal may be corrected, and Mr. STUART's name stricken out.

Mr. SMITH, of Virginia. I raise a question of order in reference to the proposition of the gentleman from Illinois. It is this: The result of the vote having been announced, and the House having passed to the consideration of other business, it is too late to correct the vote of any member. It will be competent for the House, when the Journal is read to-morrow morning, or whenever the Journal is read, to make the correction, but not now.

Mr. WHEELER. I desire to say at this point that I shall be under the necessity of entering my protest against members and others crowding around the Clerk's desk while the yeas and nays are being called. It is in violation of the rules of the House, and I ask the Chair in future to enforce the rule.

Mr. WENTWORTH. I ask the Chair to decide whether my proposition is in order.

The SPEAKER, (Mr. BOCK in the chair.) The Chair will decide the gentleman's proposition. When the vote was taken, the names of those voting in the affirmative and negative were called over in the hearing of the House, but no objection was made. The result was then announced, and the House proceeded to other business. The Chair decides that the Journal must be made up from the vote as it now stands, and that it cannot be corrected except upon the meeting of the House again, when it is read for approval. The Chair understands that, to strike the name from the roll, would not change the result; and if it would, he does not think a motion to amend the record, at this stage of proceedings, would be in order.

Mr. HOWE. I must take an appeal from the decision of the Chair. It is certainly in order to have the name of a member who did not vote stricken from the roll.

Mr. WENTWORTH. I do not know whether the mistake was made by accident or design, nor do I care whether it would change the result or not. I simply know the fact that the name of a member has been recorded as having voted when

he did not vote; and I think it is a matter of too much importance to be passed over in silence.

The SPEAKER *pro tempore*. The Chair decides, for the reasons which he has stated, that the proposition to amend the record, at this stage of the proceedings, is not in order. The Journal must be corrected, if at all, when it is read at the next meeting of the House.

Mr. PHILLIPS. I do not desire to appeal from the decision of the Chair, nor do I understand the gentleman from Illinois as appealing. I desire, however, to state, that if the facts are as I understand them, I am very glad the gentleman from Illinois called the attention of the House to them. I do not know whether the mistake was made by inadvertence or by design, but it is certainly a mistake that should not be made, and allowed to go without notice.

Mr. WENTWORTH. It is certainly very improper.

Mr. PHILLIPS. I certainly agree with the gentleman that it is a mistake that should not be made, and which ought to be corrected.

Mr. BAYLY, of Virginia. If there has been a mistake made in recording a vote, I presume there will be no objection to its being corrected. I ask the unanimous consent of the House to have Mr. STUART's name stricken from the roll.

Mr. HOWE. It seems to me to be a matter of very great importance that the decision of the Chair should be correct in a case like this, and I therefore took an appeal from his decision for the purpose of allowing the House to settle the matter. I say it is a matter of very great importance that we should have a correct decision upon a case like this, when the House has been continuing in session for thirty hours upon a question of—

[Shouts of "Order!" "Order!" all over the Hall, and much confusion.]

Mr. HOUSTON. I desire to say a single word. [Renewed cries of "Order!" "Order!"]

Mr. HOUSTON. I wish simply to say—

Mr. CAMPBELL. I call the gentleman from Alabama to order. I protest against any statement being made from that side of the Hall, when nothing could be allowed to be said upon the other side.

Mr. DAVIS. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is not in order, having been just decided by the House. The Chair has stated his decision, and he desires to know whether any gentleman appeals?

Mr. HOWE. Certainly; I took an appeal from the decision of the Chair.

Mr. TAYLOR, of Ohio. Will the Chair state what was his decision?

The SPEAKER *pro tempore*. The Chair decides that the yeas and nays having been taken, the votes having been read by the Clerk, without any objection being made, the vote announced, and the House having proceeded to the consideration of other business, it is too late to make any correction in the vote at this time. It will, however, be in order to correct the Journal whenever the House again meets. The Chair is very clear in the belief of the correctness of his decision, and he is especially so in this case, when the correction of the vote would not change the result.

Mr. CHAMBERLAIN. But when is the next meeting of the House to be? Suppose this session were to continue on until it adjourns *sine die*?

Mr. HOUSTON. Then there would be no need of any correction being made.

Mr. CHAMBERLAIN. I rise to make a suggestion to the Chair. By a decision of the Chair this very day—

[Cries of "Order!" and confusion.]

Mr. TAYLOR, of Ohio. I do not see any difficulty in reference to this matter. If the Journal is wrong, it ought to be corrected.

Mr. WASHBURN, of Maine. I move that the House do now adjourn.

Mr. RICHARDSON. That motion is not in order, Mr. Speaker. The last vote taken was upon a motion to adjourn.

The SPEAKER *pro tempore*. The Chair decides that the motion is not in order, for the reason that no business has intervened since the House refused to adjourn.

Mr. HUGHES. An appeal was taken from

the decision of the Chair, and the yeas and nays were ordered upon it.

The SPEAKER *pro tempore*. The Chair decides that the motion is not in order.

Mr. CHAMBERLAIN. I commenced making a suggestion to the Chair, and, if I am entitled to the floor, I wish to occupy it. I say, the Chair has this very day made a decision directly opposite to the one now made by the present incumbent of the chair. And I desire to say that, according to another decision of the Chair, the same session of the House may continue from day to day until the close of the session of Congress, and when will there be an opportunity to correct the Journal?

Mr. HOUSTON. If the same session continues on in that way, it makes not much difference whether the Journal is corrected or not.

Mr. CHAMBERLAIN. It does make a very great difference.

Mr. BAYLY. I wish to inquire, if the House adjourns now, what will be the first business in order in the morning?

Mr. CAMPBELL. I object to any questions of that sort being asked or answered.

Mr. PRESTON. I call for the regular order of business, whatever it is.

Mr. WASHBURN, of Maine. I move that the House do now adjourn; and upon that I demand the yeas and nays.

Mr. TWEED. I demand tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. TWEED and HUGHES were appointed.

The House was divided; and the tellers reported—yeas forty-five, (a sufficient number.)

So the yeas and nays were ordered.

Mr. SEWARD. I desire to say a single word. [Cries of "Order!" and great confusion.]

Mr. CULLOM. If the gentleman from Alabama [Mr. CONN] is present, I trust he will again present the "olive branch," for there seems to be considerable excitement in the Hall. [Laughter.]

The question was taken upon the motion to adjourn; and decided in the negative—yeas 69, nays 72.

So the House refused to adjourn.

Pending the call of the roll,

Mr. HOWE stated that he had paired off with Mr. SINGLETON.

Mr. PRINGLE called upon the Chair to enforce the rule against persons crowding round the Clerk's desk when the roll was being called.

The SPEAKER *pro tempore*. No members have come to the Clerk's desk.

Mr. PRINGLE. I know it; but the pages have, and informed members of the state of the vote. It is contrary to an express rule of the House, and I ask that the practice may be discontinued.

The question then recurred upon the appeal from the decision of the Chair.

Mr. STUART, of Ohio. I rise to a privileged question. I am told that, upon a motion that the House adjourn some little time since, when the vote was taken, my vote was recorded in the negative. I wish to state to the House that I was not present when that vote was taken, and if I had been, I should not have voted, having paired off with Mr. ROBBINS, of Pennsylvania. I thought this explanation due to the House.

Mr. BAYLY. I would again suggest that, by unanimous consent, the name of Mr. STUART be stricken from the roll upon the vote to which he alludes.

Mr. HOWE. If that is done by unanimous consent, I will withdraw my appeal from the decision of the Chair. My only object is to have justice done, and it seems to me that it is but just that the correction should be made.

There was no objection; and the correction was accordingly made.

Mr. HOWE. That is perfectly satisfactory to me, and I withdraw my appeal.

Mr. WENTWORTH, of Massachusetts. I move a call of the House; and upon that motion I demand the yeas and nays.

The SPEAKER *pro tempore*. That motion is already pending, and the yeas and nays have been ordered upon it.

Mr. FLAGLER. I move that the House do now adjourn; and upon that motion I demand the yeas and nays.

The SPEAKER *pro tempore*. That motion is not in order, no business having intervened since the House refused to adjourn.

Mr. WENTWORTH. There has been business, as I understand it. The appeal of the gentleman from Pennsylvania has been disposed of.

The SPEAKER *pro tempore*. But he withdrew the appeal. No action of the House was taken upon it. The Chair decides that the motion is not in order.

Mr. FLAGLER. I move that when this House adjourns, it adjourn to meet on Monday next; and upon that I demand the yeas and nays.

Mr. TWEED. I demand tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. PERKINS, of New York, and BENNETT were appointed.

The House was then divided; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

Mr. BRECKINRIDGE. Is the motion pending to adjourn over till Monday?

The SPEAKER. That is the motion pending.

Mr. BRECKINRIDGE. I move that there be a call of the House.

The SPEAKER. That motion is already pending.

Mr. BRECKINRIDGE. But I ask the Chair if I have not the right to make the motion, as other business has intervened since the motion was made?

The SPEAKER. The Chair is of the opinion that the motion to adjourn over must have precedence.

Mr. CLINGMAN. Why, Mr. Speaker, we must have a quorum to adjourn over, and is it not in order to have a call of the House to obtain a quorum?

The SPEAKER. The Chair is of opinion that the motion to adjourn over is one of a more privileged character, and must take precedence over one for a call of the House.

Mr. BRECKINRIDGE. A motion was made that when the House adjourns, it adjourn to meet on Monday next. Upon that motion the yeas and nays were ordered, and other business intervened. I contend that, under these circumstances, I have the right to move that there be a call of the House, and that the motion will have precedence over that to adjourn over.

The SPEAKER. The Chair again states that a motion for a call of the House is already pending, but a motion having been made to adjourn over, he decides that it must take precedence, for the reason that a motion fixing a day for the meeting of the House is one of higher dignity than that for a call of the House. The Chair decides that the question now is upon adjourning over to Monday next.

The question was then taken; and decided in the negative—yeas 67, nays 81.

So the House refused to adjourn over.

Mr. MACE. I move that the House do now adjourn; and on that motion I demand the yeas and nays.

Mr. PRESTON. I would inquire of the Chair whether the motion to adjourn did not fail once before, whether the motion to adjourn over did not then fail, and whether the question is not now on the motion that there be a call of the House?

The SPEAKER. The pending question is on the motion that there be a call of the House. The Chair thinks that the motion to adjourn is in order. The House may have refused to adjourn before in order that it might adjourn over.

Mr. PRESTON. I thought that there was no intervening business since the question was taken on the motion to adjourn to a day certain, as well as on the motion to adjourn.

The SPEAKER. There has been no business, but the vote of the House on the proposition to adjourn to a specific day might have a controlling effect on the vote to adjourn.

Mr. PRESTON. The question I put to the Speaker is this: It strikes me that, under the rule, a motion to adjourn over to a day certain, takes precedence of a motion to adjourn.

The SPEAKER. That is true.

Mr. PRESTON. We have already had division on both questions. I, however, yield to the Chair, not desiring to make the point.

The SPEAKER. The two questions were put, even according to the gentleman, but the wrong one first. The Chair thinks that the motion to

adjourn is in order, and that it is competent for the House to adjourn.

The yeas and nays were then ordered.

Mr. HENN. With the permission of the House, I would put an interrogatory to the Chair.

The SPEAKER. The Chair trusts that the gentleman will be indulged.

There was no objection.

Mr. HENN. If the House now refuses to adjourn, will it be in order immediately afterwards to move that the House adjourn over?

The SPEAKER. The Chair will decide that question when it arises. In connection, the Chair thinks that it would hardly be in order.

The question was then taken on Mr. MACE's motion; and it was decided in the negative—yeas 63, nays 78.

So the House refused to adjourn.

Mr. GROW. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. FENTON. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken on Mr. GROW's motion; and it was decided in the negative—yeas 48, nays 69.

So the House refused to resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. WALLEY. I move that the House do now adjourn.

Mr. THURSTON. I demand the yeas and nays on that motion.

Mr. TWEED. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. CHURCHWELL and SAPP were appointed.

The question was taken; and the yeas and nays were ordered; the tellers having reported—yeas thirty-seven; more than one fifth of a quorum.

The question was then taken on Mr. WALLEY's motion; and it was decided in the negative—yeas 54, nays 79.

So the House (at ten minutes to six o'clock, p. m.) refused to adjourn.

Mr. FENTON. I move that the House resolve itself into a Committee of the Whole on the Private Calendar; and on that motion I demand the yeas and nays.

Mr. STRAUB. I move to lay that motion on the table; and on that I call for the yeas and nays.

The SPEAKER. The Chair decides that the motion to lay upon the table is not in order, for the reason that the motion made by the gentleman from New York is of such a character that it may be repeated every ten minutes if the House should, in the interim, go to any other business, or if any other motion should be made. No advantage can, therefore, be gained to the House or to the mover by the motion to lay on the table.

Mr. ABERCROMBIE. I would ask if the motion made by the gentleman from New York is in order, when there is already a motion pending to go into committee?

The SPEAKER. There was such a motion pending half an hour ago, but the Chair is informed that it has been voted on, and the motion of the gentleman from New York is in order.

Mr. SKELTON. I move that when this House adjourns, it adjourn to meet on Monday next; and on that motion I ask for the yeas and nays.

The SPEAKER. The Chair decides that that motion is out of order at this time. The ground upon which the Chair so decides is this: It is a highly privileged motion, one more so than even a motion to adjourn, and takes precedence of that. The gentleman cannot, therefore, be deprived of his right to have a vote of the House, before the adjournment, upon the proposition to adjourn over. If a motion were made at this moment to adjourn, the proposition to adjourn till Monday next would take precedence of it. The Chair thinks that is a fair and practical view of the subject, and one that certainly will deprive no gentleman of his right to have a vote of the House upon a proposition to adjourn over.

The question now is on the motion of the gentleman from New York, [Mr. FENTON,] that the House resolve itself into a Committee of the Whole on the Private Calendar, on which the yeas and nays are demanded.

Mr. RUFFIN. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. FENTON, and BAILEY of Virginia, were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported thirty-six in the affirmative.

So the yeas and nays were ordered.

Mr. GOODRICH. I ask to be excused from voting on this question.

The SPEAKER. Upon what question? On the motion of the gentleman from New York, [Mr. FENTON?]

Mr. GOODRICH. Yes, sir.

The SPEAKER. The Chair supposes the gentleman has a right to move that he be excused.

Mr. GOODRICH. I make that motion.

Mr. SKELTON. I ask for the yeas and nays upon it.

Mr. STRAUB. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. KERR and FENTON were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported thirty-four in the affirmative.

So the yeas and nays were ordered.

Mr. CUMMING. As I have voted with the majority here all the time—and I have been voting till I am nearly half-dead—I want to make a suggestion, if I may be allowed to do so.

The SPEAKER. Is it the pleasure of the House that the gentleman shall be heard?

[Loud cries of "Agreed!"]

The SPEAKER. The Chair hears no objection, and the gentleman from New York will proceed.

Mr. CUMMING. I believe that this difficulty, which we are now endeavoring to struggle through, arises from a desire on the part of a very few gentlemen to make some remarks about this Nebraska question; and I really hope that the side to which I belong, the majority here, will consent, provided the other side will agree to postpone the Pacific railroad bill for one week from Tuesday, to let those gentlemen have the intermediate time to say what they please. I really hope the majority will agree to that.

Mr. KERR. We are all willing to do that.

[Cries of "Certainly!"]

Mr. COBB. We will agree to that; now let gentlemen on the other side say if they will agree to it.

Mr. CAMPBELL. What is the question before the House? I object to all conversation that is out of order.

The SPEAKER. The gentleman New York asked and obtained the unanimous consent of the House to make a suggestion.

Mr. CAMPBELL. Well, I hope we shall now proceed with the regular business before the House.

The SPEAKER. Objection is made to the proposition.

Many MEMBERS. What proposition?

Mr. LETCHER. Who objects?

Mr. CAMPBELL. I do.

The SPEAKER. By the unanimous consent of the House, the gentleman from New York, being therefore in order, made a proposition to the House to postpone the special order, being the Pacific railroad bill, for one week; that the discussion might be continued upon the Nebraska bill.

Mr. DEAN. I hope that those who are opposed to the bill will accept that offer.

[Cries of "Good!"]

It is a fair proposition, and any man who does not accept it is liable to the charge of being a factionist.

[Renewed cries of "Good!" "Good!" and shouts of "Order!"]

Mr. WENTWORTH, of Illinois. I call for the regular order of business.

The question was then taken on the motion that Mr. GOODRICH be excused from voting on Mr. FENTON's motion; and it was decided in the negative—yeas 35, nays 95.

So Mr. GOODRICH was not excused.

The question recurring on Mr. FENTON's motion that the House resolve itself into a Committee of the Whole on the Private Calendar, it was taken; and decided in the negative—yeas 53, nays 85.

Mr. CAMPBELL. I move that when the

House adjourns, it adjourn to meet on Tuesday next; and on that motion I demand the yeas and nays.

The SPEAKER. Less than an hour ago the Chair decided that that motion was not in order. The Chair thinks he is justified, under the circumstances, in making that decision, and begs leave to repeat that it is a very highly privileged motion—even more so than the motion to adjourn itself. No member, therefore, can be deprived of his right to have a vote of the House upon such a motion before an adjournment takes place. The Chair feels that this is a fair administration of the rule, and decides the motion out of order until a motion to adjourn is made. Then it is in order and supersedes the motion to adjourn.

Mr. WASHBURN, of Maine. I move that the House do now adjourn, and on that I call for the yeas and nays.

Mr. CAMPBELL. I now move that when the House adjourns, it adjourn to meet on Tuesday next; and on that motion I demand the yeas and nays.

Mr. WHEELER. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and VAIL were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported thirty-nine in the affirmative.

So the yeas and nays were ordered.

Mr. WESTBROOK. I ask leave to introduce a resolution.

Mr. CAMPBELL. I object. I tried yesterday to make a suggestion myself, but was not permitted to do so.

The SPEAKER. The Chair will hold the gentleman as strictly to the rule as he can.

Mr. WASHBURN, of Maine. Let the resolution be read for information.

Mr. CAMPBELL. No; I object to that.

The SPEAKER. The gentleman from Ohio has a right to object, and as he objects, the resolution cannot be read.

Mr. HOUSTON. Would it be in order for me to move that the resolution be read?

The SPEAKER. The Chair thinks not, as the resolution is not now before the body. The question now is upon the motion of the gentleman from Ohio, that when the House adjourns, it adjourn to meet on Tuesday next.

Mr. ORR. Can that motion be entertained?

Mr. CAMPBELL. A motion was entertained yesterday to adjourn till Monday.

The SPEAKER. The Chair decides that the motion can be entertained. It has been the practice of each branch of Congress, when it desires to adjourn over for four whole days, to regard Sunday as not one of the legislative days.

Mr. SEWARD. But from to-day till Tuesday, both days inclusive, is four days.

The SPEAKER. The Chair only states what has been the decision heretofore. It is competent for the House to determine the question for itself.

Mr. KERR. With great deference to the Chair, I hope the House will do so.

The SPEAKER. If it is a constitutional question, each gentleman must, as a matter of course, decide it for himself.

Mr. SEWARD. We can decide it as well on this vote as in any other way.

The question was then taken; and there were—yeas 50, nays 95.

So the House refused to adjourn over until Tuesday next.

The SPEAKER. The question now recurs upon the motion that the House adjourn.

Mr. WASHBURN, of Maine. Upon that motion I demand the yeas and nays.

Tellers were demanded, and ordered, upon the yeas and nays; and Messrs. DAVIS of Indiana, and CAMPBELL were appointed.

The House being divided, the tellers reported—ayes thirty-three; noes not counted.

So the yeas and nays were ordered.

The question was then taken; and there were—yeas 59, nays 82.

So the House refused to adjourn.

The SPEAKER. The question now recurs upon the motion for a call of the House.

Mr. MATTESON. Will it now be in order to make a motion that the House adjourn over?

The SPEAKER. It will not be in order.

Mr. MATTESON. I move, then, that the

House resolve itself into a Committee of the Whole on the Private Calendar.

Mr. BENSON. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. CLINGMAN and PARKER were appointed.

The tellers reported ayes forty, noes not counted.

The SPEAKER. That is less than a majority of a quorum, and the motion is lost.

Mr. MATTESON. I move that when the House adjourns, it adjourn to meet on Monday next.

The SPEAKER. The Chair decided, and the House acquiesced in the decision, that that motion would be in order.

Mr. WHEELER. I demand the yeas and nays upon the motion to adjourn over.

THE OLIVE BRANCH INTENDED.

Mr. WRIGHT, of Pennsylvania. I wish to make a proposition to the House, and I ask gentlemen to hear me.

Mr. WASHBURN, of Maine. I object.

Mr. PRATT. I hope the gentleman from Maine will withdraw his objection, until we hear what the gentleman from Pennsylvania [Mr. WRIGHT] has to say.

Mr. WRIGHT. The gentleman from Maine does not know what I desire to state.

The SPEAKER. The gentleman from Maine objected, as he had a right to do.

Mr. WRIGHT. I desire to make a suggestion, which I think will meet the approbation of the House.

The SPEAKER. Does the gentleman from Maine insist upon his objection?

Mr. WASHBURN. I do.

The SPEAKER. The gentleman from Pennsylvania will excuse the Chair for declaring him to be out of order, as the gentleman from Maine rises in his place, and insists upon his objection. Discussion is, therefore, out of order.

The Clerk then proceeded to call the roll.

Mr. WASHBURN. I withdraw my objection.

Mr. STRATTON. The objection cannot be withdrawn, as the Clerk had commenced calling the yeas and nays.

The SPEAKER. The attention of the gentleman from Pennsylvania and the House is called for a single moment. The Clerk had commenced calling the roll, and there had been one response. The gentleman from Maine [Mr. WASHBURN] now rises in his place, and withdraws his objection. If it is the unanimous pleasure of the House, the gentleman from Pennsylvania will be at liberty to proceed with the remarks he desires to make.

Mr. PENNINGTON. I object.

Mr. WRIGHT. I was about to say—

Mr. PENNINGTON. I withdraw my objection for the reason that I understand the gentleman from Pennsylvania desires merely to propound an inquiry to the Chair.

The SPEAKER. The Chair desires to know whether there is a single objection, upon the part of any member, to the gentleman from Pennsylvania proceeding with his remarks?

Mr. CULLOM. I object; I do not want any more *ex parte* statements.

Mr. WRIGHT. I have tendered the olive branch; but they will not take it.

The SPEAKER. No motion, no proposition is in order, except by the unanimous consent of the House, and it is not very orderly to stop calling the roll even in that case.

The question was then taken; and decided in the negative—yeas 57, nays 88.

So the House refused to adjourn over.

The SPEAKER. The question now recurs on the motion that the House do now adjourn.

Mr. PENNINGTON. I call for the yeas and nays on that motion.

Mr. GOODRICH. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. KEITT and PARKER were appointed.

The House was then divided; and the tellers reported thirty-nine in the affirmative.

So the yeas and nays were ordered.

The question was then taken on the motion to adjourn; and it was decided in the negative—yeas 63, nays 85.

So the House refused to adjourn.

Pending the announcement of the result of the vote,

Mr. WHEELER. I desire to state, Mr. Speaker, that I have not voted in consequence of my having paired off with Mr. LEASGOLD, of Connecticut, until nine o'clock to-morrow morning.

Mr. WRIGHT, of Pennsylvania. Mr. Speaker, I want to make an inquiry with respect to a question of order.

The SPEAKER. The gentleman from Pennsylvania will state his question of order.

Mr. WRIGHT. I understand, Mr. Speaker, that, under the order of business, the Pacific railroad bill will be, on Tuesday, the special order of the day. Now, my inquiry to the Chair is this: if the House shall continue its session over Monday, what effect would the continuance of that session have on the special order?

Mr. CAMPBELL. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman from Ohio will state his question of order.

Mr. CAMPBELL. I object, Mr. Speaker, to this way of effecting an object.

Mr. WRIGHT. Mr. Speaker—

The SPEAKER, (interrupting.) The gentleman from Ohio rises to a question of order, and the Chair is compelled to sustain that question.

Mr. CAMPBELL. Mr. Speaker, having been requested to do so, I withdraw my objection.

Mr. WRIGHT. Then, Mr. Speaker, I renew my question of order.

Mr. CLINGMAN. Oh, there is no necessity. We will take up and dispose of this question of order when we reach it. It will be time enough next week for that.

The SPEAKER. The Chair was about to observe, that he must so far regard his position as to withhold his decision of questions in advance. The Chair will be prepared to decide them when they arise.

The question recurring on the motion that there be a call of the House—

Mr. CAMPBELL. On that I call for the yeas and nays.

Mr. GOODRICH. I ask tellers on the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and GOODRICH were appointed.

The House was divided; and the tellers reported thirty-seven in the affirmative.

So the yeas and nays were ordered.

The question was then taken on the motion for a call of the House; and it was decided in the negative—yeas 57, nays 90.

Pending the announcement of the result of the vote,

Mr. SMITH, of Tennessee. Mr. Speaker, I have not voted, as I have paired off with Mr. WELLS, of Wisconsin.

Also, pending the announcement of the vote, Mr. CLINGMAN was standing on the platform of the Clerk's desk.

Mr. WHEELER. I rise, Mr. Speaker, to a question of order.

The SPEAKER. The gentleman will state his question.

Mr. WHEELER. I call the gentleman from North Carolina [Mr. CLINGMAN] to order. It is not in order for members to stand at the Clerk's desk while the roll is being called.

The SPEAKER. No; it is not in order for gentlemen to approach the Clerk's desk while the Clerk is calling the roll.

The gentleman from North Carolina resumed his seat.

The SPEAKER. The question now recurs on the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting on the motion to lay on the table the resolution closing debate on the Nebraska bill.

Mr. MACE, (at fifteen minutes of nine o'clock, p. m.) I move that the House do now adjourn; and on that motion I call for the yeas and nays.

Mr. CAMPBELL. I think, Mr. Speaker, that when the House adjourns, it should adjourn to meet on Tuesday next; and I make the motion that it do so.

Mr. TAYLOR, of Ohio. I beg to propound an interrogatory to the Chair. I desire to know, Mr. Speaker, whether, if we should now adjourn to to-morrow at twelve o'clock, the business which is now before the House would not be the first business in order to-morrow.

Mr. CAMPBELL. I object.

The SPEAKER. Yes; that would be the business first in order.

Mr. TAYLOR. Then, I think, Mr. Speaker, that the House ought now to adjourn over, as it is evident to every gentleman that we can accomplish nothing as we are now going on.

Mr. CAMPBELL. I made objection to propositions coming from the other side; and I do so with that of my colleague. I object to this.

The SPEAKER. Then the question is on the motion to adjourn over till Tuesday next.

Mr. CAMPBELL. And on that motion I call for the yeas and nays.

Mr. GOODRICH. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and CLINGMAN were appointed.

The House was divided; and the tellers reported forty-three in the affirmative.

So the yeas and nays were ordered.

Mr. BAYLY, of Virginia. Mr. Speaker, I wish to announce that I am unwell, and that I have consequently paired off with Mr. SMITH, of New York. I think that that is a pretty safe pair.

Mr. COBB. Oh, very good, indeed. [Laughter.]

Mr. BENSON. "Birds of a feather flock together." [Renewed laughter.]

Mr. STUART. Mr. Speaker, I ask whether it is in order or parliamentary to pair off in this way generally?

The SPEAKER. The Chair sees nothing in the rules which recognizes the right of members to pair off.

The question was then taken; and it was decided in the negative—yeas 47, nays 97.

So the House refused to adjourn, when it adjourns, until Tuesday next.

The SPEAKER *pro tempore*. (Mr. ORR.) The question recurs upon the motion of the gentleman from Indiana, [Mr. MACE,] that the House do now adjourn.

Mr. EDGERTON. I move that the House do now resolve itself into a Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence, and must first be put.

Mr. SAGE. I demand the yeas and nays upon the motion to adjourn.

Mr. SEWARD. I call for tellers upon the yeas and nays.

The question was then taken upon the motion that when the House adjourns, it adjourn to meet on Tuesday next; and it was decided in the negative—yeas 47, nays 97.

The SPEAKER *pro tempore*. (Mr. ORR.) The question now recurs upon the motion of the gentleman from Indiana, [Mr. MACE,] that the House do now adjourn.

Mr. EDGERTON. I move that the House do now resolve itself into a Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence, and must be first put and disposed of.

Mr. SAGE. I call for the yeas and nays upon the motion to adjourn.

Mr. STUART, of Georgia. And upon that motion I demand tellers.

Tellers were ordered; and Messrs. TAYLOR of New York, and TAYLOR of Tennessee, were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty-three in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 61, nays 85.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question now recurs upon the motion to excuse the gentleman from Maine [Mr. WASHBURN] from voting upon the proposition of the gentleman from Massachusetts [Mr. BANKS] to lay upon the table the resolution of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. EDGERTON. I move that the House now resolve itself into a Committee of the Whole on the Private Calendar.

Mr. SAGE. Upon that motion I demand the yeas and nays.

Mr. MORGAN. And upon that proposition I call for tellers.

Tellers were ordered; and Messrs. CHANDLER and CHURCHWELL were appointed.

The House was then divided, and the tellers reported forty in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Pending this motion,

Mr. CAMPBELL said: It is now getting well on in the evening, and I move that the House do now adjourn.

Mr. HOWE. Upon that motion I demand the yeas and nays.

Mr. STUART, of Ohio. I ask for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. FAULKNER, and PERKINS of New York were appointed.

The House was then divided upon the demand for the yeas and nays; and the tellers reported forty-one in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Pending this motion,

Mr. WASHBURN, of Illinois, moved that when the House adjourns, it adjourn to meet on Tuesday next.

Mr. PRINGLE. Upon that motion I demand the yeas and nays.

Mr. SAGE. And I ask for tellers upon the call for yeas and nays.

Mr. SEWARD. I rise to a question of order. The motion to adjourn over until Tuesday is a motion to adjourn for more than three days, and is not in order, under the rules.

The SPEAKER *pro tempore*. The Speaker has decided otherwise, and the Chair overrules the point of order.

Mr. SEWARD. I appeal from the decision of the Chair. [Laughter.]

Tellers were then ordered; and Messrs. COX and EASTMAN were appointed.

The House was then divided; and the tellers reported ayes forty-nine, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken upon the motion to adjourn over; and it was decided in the negative—yeas 49, nays 93.

Pending the call of the roll,

Mr. SEYMOUR gave notice that he had paired off with Mr. ZOLLICOFFER.

The question then recurred upon the motion that the House do now adjourn, upon which the yeas and nays had been ordered.

The question was taken; and decided in the negative—yeas 54, nays 80.

So the House refused to adjourn.

The question then recurred upon the motion of the gentleman from Ohio, [Mr. EDGERTON,] that the rules be suspended, and that the House resolve itself into a Committee of the Whole on the Private Calendar; upon which the yeas and nays had been ordered.

Mr. MEACHAM. I ask to be excused from voting upon that motion.

Mr. SAGE. I demand the yeas and nays upon that motion.

Mr. BROOKS. I demand tellers upon ordering the yeas and nays.

Mr. EDGERTON. I rise to a question of order. I ask that no man shall be recognized as demanding tellers unless he rises upon his feet and makes the motion.

The SPEAKER *pro tempore*. The Chair will endeavor to enforce the rule.

Mr. WALSH. I rise to a question of order. I demand to know whether any man has the right to get up here and raise questions of order without reducing them to writing?

The SPEAKER *pro tempore*. Any member raising a question of order must reduce it to writing, if required by any member.

Mr. WALSH. Well, sir, I require that the gentleman from Ohio shall reduce his question of order to writing.

Tellers were ordered; and Messrs. PENNINGTON and CLINGMAN appointed.

The House was then divided upon seconding the demand for the yeas and nays; and the tellers reported forty-one in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. PECK, (at a quarter past ten o'clock, p. m.) I move that the House do now adjourn.

Mr. HOWE. I rise to a question of order. I

understand the gentleman from Vermont asks to be excused from voting upon the motion to go into Committee on the Private Calendar. Now, sir, I desire to inquire whether the gentleman has assigned any reason for making his request. He may have a very good reason—

[Cries of "Order!" "Order!"]

Mr. KERR. I rise to a question of order. It is not a legitimate point of order that the gentleman is making. It is but another pretext for consuming time. I object to it.

Mr. SAGE. I rise to a privileged question. I move that when the House adjourns, it adjourn to meet on Monday next; and I demand the yeas and nays upon that motion.

Mr. PECK. I demand the yeas and nays upon my motion that the House adjourn.

The yeas and nays were ordered upon Mr. SAGE's motion.

The question was then taken; and decided in the negative—yeas 48, nays 73.

So the House refused to adjourn over till Monday next.

The question then recurred upon Mr. PECK's motion that the House do now adjourn; upon which the yeas and nays had been demanded.

Mr. WASHBURN, of Maine. I call for tellers upon ordering the yeas and nays.

Tellers were ordered and Messrs. CHAMBERLAIN and ASHE were appointed.

Mr. KEITT. I rise to make an inquiry. One of my friends upon the other side suggested to me something about an increase of mileage in consequence of their journeys through the tellers. I will inquire how much increase the rules will allow them? [Laughter.]

The SPEAKER *pro tempore*. It is not the province of the Chair to determine the question of the mileage of members. That is a question which more properly comes under the jurisdiction of the Committee on Mileage.

The House was then divided upon ordering the yeas and nays; and the tellers reported forty-four in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was taken upon the motion that the House adjourn; and decided in the negative—yeas 53, nays 68.

So the House refused to adjourn.

The SPEAKER. The question now recurs on the motion that the gentleman from Vermont [Mr. MEACHAM] be excused from voting on the motion of the gentleman from Ohio [Mr. EDGERTON] that the rules be suspended, and that the House resolve itself into a Committee of the Whole on the Private Calendar.

Mr. WASHBURN, of Maine. I move that there be a call of the House.

Mr. DAVIS, of Rhode Island. I demand the yeas and nays on that motion.

Mr. VAIL. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. MATTESON and ROWE were appointed.

The House was then divided; and the tellers reported ayes forty-four, more than one fifth of a quorum.

So the yeas and nays were ordered.

The question was then taken on Mr. WASHBURN's motion; and decided in the negative—yeas 41, nays 81.

So the House refused to order a call.

The SPEAKER. The question again recurs on the motion that the gentleman from Vermont [Mr. MEACHAM] be excused. The yeas and nays have already been ordered on the question.

Mr. WALLLEY. I move that the House do now adjourn.

Mr. CAMPBELL. I move that when the House adjourns, it be to meet on Monday next.

Mr. WASHBURN, of Maine. I demand the yeas and nays.

Mr. SMITH, of Virginia. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. PECK and FAULKNER were appointed.

The House was then divided; and the tellers reported—ayes forty-two, more than one fifth of a quorum.

Mr. CAMPBELL. At the suggestion of friends of the bill on the other side, I withdraw my motion to adjourn till Monday next for the present.

Mr. RICHARDSON. A number of the opponents of the measure under consideration have

signified their desire that they might have until to-morrow to deliberate on their course in this matter.

[Cries of "Give us until Monday!" "No; to-morrow!"]

Mr. RICHARDSON. Until to-morrow.

Mr. CAMPBELL. We shall want some time for sleep.

Mr. RICHARDSON. With the view of affording them the opportunity they wish, I move that the House do now adjourn.

[Cries of "Let us adjourn until Monday!" "To-morrow is time enough!" as well as others, were heard amid the prevailing confusion in the Hall.]

Mr. HUNT. I ask the gentleman from Illinois to listen to me.

The SPEAKER, (Mr. ORR in the Chair.) The gentleman will suspend until order be restored in the Hall.

After members had, to some extent, resumed their seats,

The SPEAKER said: The Chair recognizes the gentleman from Louisiana.

Mr. HUNT. Will the gentleman from Illinois permit me to say a word?

Mr. RICHARDSON. Certainly, sir.

[Cries of "That's right!" "Hear him!"]

Mr. RICHARDSON. I yield to the gentleman with great pleasure.

Mr. HUNT. The friends of union and constitutional liberty are anxious to bring this matter to an amicable conclusion. As one of them, it is the strongest wish of my heart. If you will adjourn, gentlemen, until Monday, you will give us full time for conferring with our friends.

I belong to no clique. I am associated with no caucus. I have no factious feeling in my bosom. I speak as a patriot for the good of my country. If you will join me in the same spirit of liberty, in the same feeling of friendship, I will unite with you to bring about an end which I believe will promote the harmony and welfare of the whole country. I ask you, gentlemen, to accede to that proposition.

Mr. RICHARDSON. I would myself most gladly accede to the proposition of the gentleman from Louisiana; but my friends on this side of the House have advised me to the course which I have already indicated. When assembled here to-morrow, I trust that we can discuss and arrange preliminaries which will lead to the result—as desirable to me as it is to the gentleman from Louisiana. I sincerely trust that we may be able to do it.

Mr. STEPHENS, of Georgia. I wish to say a single word of reply to the gentleman from Louisiana.

[Cries of "Go on!" "Hear him!"]

Mr. STEPHENS. While the gentleman from Louisiana may occupy the position he states, yet he cannot speak for those who have been obstructing the business of the House.

Mr. HUNT. One word as to that. Several gentlemen connected with those who have been acting here to-day as opponents of the bill have requested me to consider what plan I could devise to bring this matter to an amicable adjustment. It is for that reason that I have some hope of success. But I do think that it would be reasonable in the gentleman to accede to what I have proposed.

[Cries of "Question!" "Question!"]

Mr. STEPHENS. I have but one other remark; that is, the gentleman cannot speak for them, and I state it with all due respect; that while he wishes harmony, and while he does not desire unnecessarily to obstruct legislation, yet he must see that there is a determination among a large part of those who act with him—without any harmony of feeling on that point, I have no doubt, but still acting with him—who continuously intend to throw obstructions in the way of the passage of the bill.

Mr. CULLOM. I would ask the gentleman and the House to allow me to say a word?

[Cries of "Hear him!"]

Mr. CULLOM. I have been acting, Mr. Speaker, firmly with those who have resisted what I, for one, have regarded as an attempt in some degree to stifle debate on this very important question. I have been actuated by no factious feeling. I have, from the first, been determined to

resort to nothing disorganizing to defeat the passage of this bill, if it be the deliberate intention of a majority of the House that it shall pass this ordeal; but, sir, I have thought that we have not had that full discussion yet which the importance of the question deserves. When that discussion shall have been exhausted, I am not one of those who will stand in the way and impede the legitimate legislation of the country.

How far I may yield my opposition to the bill I am not prepared to say; but I will say to the gentleman from Georgia, and I will say to this House, and to the country, that I have been prompted in all that I have done, and I will be prompted in all that I may do, by a desire to perfect this measure, so that it may redound to the greatest possible good of the country. If it be consummated, then my opposition shall cease.

Mr. STEPHENS. One word. The gentleman says that he wants full discussion. I will not moot the question with that gentleman how long he would want the bill discussed; perhaps two months, or six months. The House, Mr. Speaker, must be the judge of that question. It has been so for ten years. We have had questions of peace, and questions of war taken after less debate than has already been permitted on this measure. A majority of the body think that enough of the public time has been taken up in speeches. Then the gentleman does not wish to offer factious opposition to the bill when a majority have thus expressed themselves! I think that the will of the majority should be carried out in closing debate on the subject. So they have determined. The pending question before the House is, whether debate shall be closed. We were willing to have extended the time for discussion to another week, contrary to the judgment of the House. But what I say is, that there are men here with whom the gentleman from Tennessee [Mr. CULLOM] is acting, who will not agree to a week, who will not agree to a month, who will not agree to a year. Yes, Mr. Speaker, there are men acting with that gentleman who declare that their object is faction. And we have heard the proclamation coming from a neighboring city which, I think, is calculated to startle and alarm the people of this country and the members of this House—at least, to awaken suspicion as to what is their legitimate object.

Mr. CULLOM. I hope the gentleman does not consider me chargeable with whatever of faction there may be by those who by chance happen to act with me.

Mr. STEPHENS. Not at all. I am only telling the gentleman that while he occupies the position which he has spoken of, the majority of the House must look to what they may ultimately expect from this other outside faction. We must look facts sternly in the face; and we do know that there is a class of gentlemen—

Mr. GIDDINGS. I call the gentleman from Georgia to order. If there be discussion allowed, I must have a hand in it.

Mr. HUNT. One word, Mr. Speaker.

[Cries of "Order!" "There is no debatable question!"]

The SPEAKER. The gentleman from Georgia is called to order. The Chair sustains the point of order raised by the gentleman from Ohio. He has indulged this discussion, in the hope that it might lead to some profitable result. He indulged gentlemen in suggestions until the question of order has been made. It is the duty of the Chair now to enforce order. Debate is out of order, because there is no debatable proposition before the House. The question pending is on the motion of the gentleman from Illinois, [Mr. RICHARDSON,] that the House do now adjourn.

Mr. CAMPBELL. I simply desire, Mr. Speaker, as this whole matter is out of order, with the consent of the House, to inquire of the gentleman from Georgia—

Mr. SEWARD. I call the gentleman to order.

[Cries of "Order!" from all parts of the Hall.]

Mr. CAMPBELL, amidst much confusion, said: I shall resist this measure to the bitter end. I say so, never minding the gentleman who calls me to order.

[Cries of "Order!"]

Mr. SEWARD. There are other places instead of this where personal difficulties may be settled.

[Members here crowded around Mr. CAMPBELL. Many got on the tops of the desks.]

Mr. CAMPBELL. I tell gentlemen that I shall resist this measure with all the power that I can, to the bitter end.

The SPEAKER. The House will come to order. The Sergeant-at-Arms will preserve order. [Members still continued crowding around Mr. CAMPBELL.]

The SPEAKER. The Chair calls on all lovers of order to preserve order in the Hall.

The Sergeant-at-Arms, with the mace of the House, proceeded to compel members to resume their seats and preserve order.

The SPEAKER. Those who are disorderly are acting in contempt of the House.

[Cries of "Down from the desks!"]

Order was now partially restored.

Mr. DEAN. I call for the question.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

Mr. SEWARD. I move that when the House adjourns, it be to meet on Monday next.

Mr. HUNT. By leave of the House, I wish to say a word.

The SPEAKER. The gentleman will suspend for a moment.

Mr. SEWARD. I want to say a word.

The SPEAKER. Objection has been made on all sides to further debate. There is no debatable question before the House. The Chair must enforce the rule.

Mr. SEWARD. I do not propose to make a speech.

The SPEAKER. The gentleman is out of order, and cannot be heard. If the gentleman desires to submit a point of order, the Chair will entertain it.

Mr. SEWARD. I withdraw the motion for adjournment over.

Mr. PARKER. I renew it.

The SPEAKER. The Chair will now state the question. It has been moved by the gentleman from Illinois that the House do now adjourn. The gentleman from Indiana moves that when the House adjourns, it be to meet on Monday next. The question will be first taken on the motion for adjournment over.

[Cries of "Withdraw the motion to adjourn over!"]

Mr. PARKER. I withdraw my motion.

Mr. MACE. I rise to a question of order. My point is, that the gentleman from Illinois [Mr. RICHARDSON] has made a fair proposition to the House, and I think that we ought to agree to it.

The SPEAKER. That is hardly a question of order.

[Cries of "It is the right question, though!"]

Mr. HUNT. Friends and gentlemen—

Mr. SPEAKER. The Chair must admonish the gentleman from Louisiana, in all kindness, that debate has been objected to. The Chair will propound the interrogatory to the House whether there is unanimous consent that the gentleman be allowed to proceed?

[Cries of "Consent!"]

Mr. STEPHENS, of Georgia. I was interrupted by objection. Before I had finished what I had to say, I was called to order. I object to the gentleman's going on, unless the same privilege be allowed me.

[Cries of "Question!"]

Mr. HUNT. I appeal to the courtesy of the gentleman from Georgia to allow me to reply to a part of the statement which has been made.

Mr. GIDDINGS. I object, unless all can be heard.

The SPEAKER. No further debate can be allowed.

Mr. SEWARD. I demand the yeas and nays on the motion to adjourn.

Mr. CHURCHWELL. I demand tellers on the yeas and nays.

Mr. SEWARD. I withdraw the demand for the yeas and nays.

The question was then taken on the motion to adjourn; and the Chair decided that it was carried in the affirmative. [Applause.]

Thereupon the House adjourned (at twenty-seven minutes to twelve o'clock, p. m.) until to-morrow at twelve, m.

IN SENATE.

FRIDAY, May 12, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ADJOURNMENT TO MONDAY.

On motion by Mr. CHASE, it was

Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday next.

PETITIONS, ETC.

Mr. WELLER presented the petition of George W. Torrence, a soldier in the late war with Mexico, praying compensation for injuries received in the discharge of his duty, and for extra services rendered at the National Bridge, in Mexico; which was referred to the Committee on Military Affairs.

Mr. CHASE presented a petition signed by a large number of citizens of New York, against the repeal of the Missouri compromise; which was ordered to lie on the table.

ADJOURNMENT.

Mr. ALLEN. I move that the Senate do now adjourn. There is no quorum present.

Mr. WELLER. Let us have the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 15; as follows:

YEAS—Messrs. Allen, Atchison, Bright, Chase, Clay, James, Johnson, Pearce, Walker, and Wright—10.

NAYS—Messrs. Brown, Clayton, Dawson, Dodge of Wisconsin, Fitzpatrick, Hunter, Mallory, Morton, Pettit, Pratt, Rusk, Siddle, Stuart, Thompson of Kentucky, and Weller—15.

The PRESIDENT. There is no quorum voting.

Mr. WALKER. There is no quorum voting, and we might as well adjourn. I therefore move that we do now adjourn.

Mr. PRATT. I ask for the yeas and nays on that motion. It is but a few minutes past twelve o'clock; and we know the exciting position of the other House, and that Senators have gone there to look on. They will be here in a few moments, and we shall be able to proceed with business. I hope the Senate will not adjourn.

One fifth of the Senators present not voting for taking the question by yeas and nays, they were not ordered.

The motion was agreed to; and the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 13, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Clerk proceeded to read yesterday's Journal.

Mr. HENDRICKS. The Journal is very uninteresting. Its parts are all the same, and I move that its further reading be dispensed with.

Mr. JONES, of New York. I object.

The SPEAKER. Objection is made, and the Clerk will proceed with the reading of the Journal.

The Clerk proceeded with the reading of the Journal during half an hour.

Mr. HENDRICKS. I renew my motion that the further reading of the Journal be dispensed with. It is very uninteresting; and certainly no gentleman can want it read. I would appeal to the gentleman from New York [Mr. JONES] to withdraw his objection.

The SPEAKER. The Chair would state that if the further reading of the Journal be dispensed with, it would still be in order to amend any portion of it.

Mr. COBB. I am of the opinion that the Journal had better be read.

Mr. HENDRICKS. I would appeal to the gentleman to withdraw his objection.

[Cries of "No!" "Object!" "Read the Journal!"]

The Journal of yesterday was then read through.

CORRECTION OF THE JOURNAL.

Mr. MAURICE. I rise, Mr. Speaker, to a privileged question. I desire that the Journal may be corrected in that stage in which it refers to those proceedings of the House night before last, when I asked to be excused from voting on the motion that there be a call of the House. The Journal correctly describes two portions of those proceedings, but omits what I submit is an essential feature of the matter.

With the permission of the House, I will recall the circumstances. A motion was made that there be a call of the House. I asked to be excused from voting on that motion. The House ordered the yeas and nays on my motion. The gentleman from North Carolina [Mr. CLINGMAN] suggested that it was not in order to permit me to ask to be excused from voting. The Chair sustained the point of order raised by that gentleman. An appeal was taken from that decision. The Speaker entertained the appeal. A motion was then made that the appeal be laid upon the table. I asked to be excused from voting on that motion. The Speaker decided that it was not in order for me to ask to be excused. Thereupon I proposed to take an appeal from his decision, which he ruled out of order. I then voted on a motion of the gentleman from North Carolina to lay the appeal on the table. I voted with the majority. I did so in order that I might move to reconsider. I did move to reconsider, and the Chair ruled that motion out of order. All I desire is, that the Journal should set forth these facts. It does set forth that I asked to be excused from voting, and that I moved to reconsider; but it does not set forth the intermediate appeal from the decision of the Chair. I ask that the Journal may be corrected.

The SPEAKER. The Clerk will read his minutes of that portion of the proceedings of the House.

The Clerk read his minutes, as follows:

"Pending the question, on motion by Mr. CLINGMAN to lay the appeal on the table, Mr. MAURICE asked to be excused from voting thereon. The Speaker decided that the motion was not in order, on the ground that the same question was involved in the decision already pending. From this latter decision Mr. MAURICE proposed to appeal, which the Speaker refused to entertain, on the ground that two appeals could not be pending at one time."

Mr. MAURICE. That would be satisfactory to me, but the Clerk tells me that he has no power to enter it on the Journal without the consent of the House.

The SPEAKER. Motions made, and on which there has been no action of the House, do not go upon the Journal. For that reason the Clerk did not enter what occurred at the time to which the gentleman has referred. In this connection, the gentleman from New York regards it as important that the minutes of the Clerk should be entered upon the Journal; and the Chair is of the opinion that it would not be inappropriate to enter them on it. It is a simple question. It is for the House to say whether or not they shall be entered upon the Journal.

[Cries of "Consent!" "Consent!"]

The SPEAKER. If there be no objection, the Chair will order the minutes of the Clerk to be entered upon the Journal.

Mr. WALSH. I object.

The SPEAKER. The question will then be put to the House.

Mr. JONES, of Tennessee. I have not looked at the report in the Globe. It is true that that record is not provided for by the Constitution, but it is by the order of the House. It is as efficient and reliable for what takes place here, and as of good authority as the Journal, save that it does not pass under the inspection of the House. I suppose that the reporters for that paper have correctly reported the proceedings, and I have no doubt that their report will be entirely satisfactory to the gentleman from New York, who is interested in this matter. If it be the same to him it would be better for the House to preserve the proper mode of keeping the Journal. Yet, if the gentleman desires it, I have no objection to the Clerk's minutes being entered on the Journal in reference to the matter indicated. For all practical purposes the Globe will be as of good authority to him as the Journal.

The question was taken; and it was decided in the affirmative.

So the House ordered that the Journal should be amended as indicated.

The SPEAKER. The pending question before the House is on the motion of the gentleman from Maine [Mr. WASHBURN] that he be excused from voting upon the motion made by the gentleman from Massachusetts [Mr. BANKS] to lay the resolution closing debate upon the table.

The question was taken; and the motion was agreed to.

So Mr. WASHBURN was excused.

The question recurred upon the motion to lay the resolution on the table.

Mr. WASHBURN, of Maine. Before that question is taken, I move that there be a call of the House.

Mr. CAMPBELL. I ask for the yeas and nays on that motion.

Mr. BRIDGES. I demand tellers on the yeas and nays.

[Cries of "Oh, no!" and "Withdraw that!"]

Mr. BRIDGES. I cannot withdraw it. Tellers were ordered; and Messrs. VAIL and WHEELER were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported thirty-eight in the affirmative.

So the yeas and nays were ordered.

Mr. MATTESON. I move that the House do now adjourn.

Mr. NORTON. I ask for the yeas and nays on that motion.

Mr. CAMPBELL. I rise to a privileged question. The House is evidently much fatigued, and I therefore move that when the House adjourns, it adjourn to meet on Tuesday next; and on that motion I ask for the yeas and nays.

The SPEAKER. The gentleman from Maine [Mr. WASHBURN] moves that there be a call of the House. The gentleman from New York [Mr. MATTESON] moves that the House adjourn; and upon that motion demands the yeas and nays. The gentleman from Ohio [Mr. CAMPBELL] moves that when this House adjourns, it adjourn to meet on Tuesday next; and upon that motion demands the yeas and nays. The latter motion will be put first.

The yeas and nays were ordered.

Mr. HIBBARD demanded tellers upon the yeas and nays.

The SPEAKER. It is too late to demand tellers.

The question was then taken upon Mr. CAMPBELL's motion; and there were—yeas 52, nays 139.

So the House refused to adjourn over.

Mr. HUNT. With the indulgence of the House, I will make a personal explanation. A friend has handed me the Union this morning. I read a paragraph headed "Adjournment of the House."

"At twelve o'clock last night the session of the House of Representatives was brought to a sudden and unexpected close. The factious course of a few of the prominent men in the minority had finally created such indignation among the reasonable men of their own side, and among the majority of the House, that Mr. HUNT, of Louisiana, one of the opponents of the bill, rose in his place, and, seconded by Mr. CULLOM, of Tennessee, and others of his friends, proposed to the majority that inasmuch as he and those for whom he spoke did not desire to be factious, or to embarrass the majority, a satisfactory arrangement would be made if an adjournment could be had till to day. Colonel RICHARDSON, on the part of the friends of the bill, accepted the proposition, and, on his motion, the House adjourned till twelve o'clock to-day."

This article is a total misrepresentation of my feelings and conduct. I find in this morning's Globe a report, substantially correct, of what I did say, which I now wish to read to the House.

Mr. RICHARDSON. Will the gentleman from Louisiana [Mr. HUNT] permit me to make a remark? I state that I know nothing of the article in the Union.

Mr. HUNT. I would be ashamed to suppose that the gentleman would be guilty of such a thing.

Mr. RICHARDSON. Before the gentleman from Louisiana submitted any remarks, I myself made the motion to adjourn.

Mr. HUNT. Certainly. That stamps the falsehood from the right quarter. I desire, with the indulgence of the House, to read what I did say, that the country may not be led into an error in regard to it. I desire to say that I stigmatized no opponents of the bill as factious. I expressed no indignation either directly or indirectly, expressly or by implication, against their course. The language I used is substantially reported in the Globe of this morning; and I will now read it to the House:

"The friends of union and constitutional liberty are anxious to bring this matter to an amicable conclusion. As one of them, it is the strongest wish of my heart. If you will adjourn, gentlemen, until Monday,"

—this paper (the Union) says "till this morning!"

"you will give us full time for conferring with our friends. I belong to no clique. I am associated with no caucus. I have no factious feeling in my bosom. I speak as a patriot

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, MAY 17, 1854.

NEW SERIES.....No. 75.

for the good of my country. If you will join me in the same spirit of liberty, in the same feeling of friendship, I will unite with you to bring about an end which I believe will promote the harmony and welfare of the whole country. I ask you, gentlemen, to accede to that proposition."

The House heard me with indulgence; and I thank them for their kindness in hearing me now. The House adjourned, unhappily, I think, till this morning. I find a fair disposition towards an amicable conclusion of the difficulty in those gentlemen with whom I have had an opportunity of conversing this morning; but the time allowed to us has not been sufficient for ascertaining the opinions of gentlemen, or for quieting their feelings. I move, therefore, after this indulgence—if the House allow me to do so—that this House now adjourn till Monday next.

The SPEAKER. The Chair will remind the gentleman from Louisiana, that the result of the last vote of the House has not been announced; and, besides that, there is at present pending a motion to adjourn.

Mr. HUNT. Perhaps the gentleman from New York [Mr. MATTESON] will withdraw that motion.

Mr. CHURCHWELL, (interrupting.) Mr. Speaker—

[Cries of "Order!" and "Question!"]

Mr. CLINGMAN. Let us have the regular order of business.

Mr. CHURCHWELL. I only desire to ask the gentleman from Louisiana one single question.

Mr. ORR. I object.

Mr. CHURCHWELL. I hope the gentleman from South Carolina will withdraw his objection. I only want to propound a single question to the gentleman from Louisiana. I do not want to get into a discussion.

Mr. ORR. The question would be sure to give rise to debate; and I must insist on my objection.

Mr. CHURCHWELL, (persisting.) I have only a single question to ask, and I hope the gentleman from South Carolina will permit me to do so.

The SPEAKER. Objection has not been withdrawn; and the gentleman from Tennessee cannot proceed on order.

The SPEAKER then announced the result of the vote taken on the motion of Mr. CAMPBELL to adjourn till Tuesday, to be decided in the negative—yeas 52, nays 139.

So the House refused to adjourn over till Tuesday next.

The question recurred on the motion of Mr. MATTESON, that the House do now adjourn; upon which the yeas and nays had been demanded.

Several MEMBERS. Tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. CAMPBELL. I call for the yeas and nays.

[Cries of "No!" "No!"]

Mr. CAMPBELL. I withdraw the call for the yeas and nays.

Mr. ORR. I demand tellers on the motion to adjourn.

Mr. WALSH. I call for the yeas and nays.

Mr. ORR. The yeas and nays have been just refused.

Mr. HAMILTON. Mr. Speaker, what is the question?

The SPEAKER. The Chair will state the question when the House comes to order.

The motion is that the House do now adjourn. The yeas and nays were demanded, and refused by the House. The question now is, shall there be tellers upon the motion that the House do now adjourn?

Tellers were then ordered; and Messrs. CAMPBELL and CLINGMAN were appointed.

The question was then taken; and the tellers at first announced 89 in the affirmative and 90 in the negative. Several members afterwards passed between the tellers, and they were reported, both in the affirmative and negative, some by Mr. CAMPBELL and some by Mr. CLINGMAN.

Here several members called upon the tellers

for a report; but the tellers, appearing not to agree upon the number, made no joint report.

Mr. TWEED. As there appears to be a disagreement, I call for a recount.

Mr. CAMPBELL, (one of the tellers) said: There is no difficulty.

Mr. ORR. I ask if the tellers can say how many there are in the affirmative, and how many in the negative? If they cannot, I ask for a recount.

Mr. CLINGMAN, (one of the tellers.) I cannot tell how many there are, because I have become confused in footing up the yeas and noes.

Mr. ORR. It is the duty of the tellers to report the number. I ask them to make the report; and if they cannot, I ask for a recount.

Several members here appearing to call upon the Clerk to know the number of votes which had been reported by the tellers, as they progressed in the count—

The SPEAKER said: The House will agree with the Chair in the opinion that the tellers can throw no part of the responsibility of deciding the number of votes upon a third person, (meaning the Clerk.) The tellers will report the number, if they can; and the Chair will act upon that report. Upon the tellers alone rests the responsibility of reporting the number of votes, upon which the Chair will act.

Members now crowded around the tellers, and considerable confusion ensued.

Mr. STEPHENS, of Georgia. I ask that the Chair will require members to take their seats.

The SPEAKER. The Chair does require them to take their seats.

Mr. PHILLIPS. I rise to a privileged motion. I move to reconsider the vote by which the House refused to order the yeas and nays.

The SPEAKER. The Chair decides that motion to be out of order.

Mr. CHURCHWELL. I demand that the tellers shall report.

Mr. FAULKNER. The tellers cannot report.

Mr. CHURCHWELL. Then I demand a recount.

Mr. CLINGMAN. There have been so many votes withdrawn that I have lost the count, and I cannot tell how the vote stands.

Mr. CAMPBELL. I do know that the vote stands—yeas 98, noes 92.

Mr. CLINGMAN. I did not think exactly in the same way; I do not, however, know; and if I were to report, it would be mere guess-work.

Mr. PHILLIPS. Does the Chair decide that it is not in order to move to reconsider the vote by which the yeas and nays were ordered?

The SPEAKER. The Chair did so decide.

Mr. OLDS. Is it not in order to move that there be a recount?

The SPEAKER. The Chair, in his opinion, has the right to order a recount, and he makes that order.

Mr. BANKS. Is the House dividing at this time?

The SPEAKER. It is.

Mr. BANKS. I desire to make a single suggestion, if the House will allow me.

The SPEAKER. It can be done only by unanimous consent.

Mr. ORR. I objected to my friend from Tennessee making remarks; I must now object to my friend from Massachusetts.

Mr. BANKS. I wish merely to make a single suggestion.

Mr. ORR. I object to the gentleman, as I did to the gentleman from Tennessee.

The SPEAKER. All debate is out of order.

Mr. HAVEN. I will try and relieve the House from its present embarrassment. I would ask that my friend from Louisiana [Mr. HUNT] will withdraw his motion that the House do now adjourn, in order that I may submit the motion, that when the House adjourns, it be to meet on Monday next; and on that motion demand the yeas and nays.

Mr. TAYLOR, of Ohio. Is it competent, to have a recount?

The SPEAKER. The Chair has already

stated that when the House came to order there would be a recount.

Mr. BANKS. I would appeal to my friend from South Carolina to withdraw his objection, so that I may make a single suggestion.

Mr. WALSH. I object to the gentleman's proceeding.

The question was again put on the motion to adjourn, and Mr. CAMPBELL, one of the tellers, reported—yeas eighty.

Mr. HENN. I rise to a question of order. After the affirmative vote is announced by the tellers, and the negative vote is called for, can further affirmative votes be received? I hold that they cannot.

The SPEAKER. If the gentleman will consult the record, he will find that the uniform practice has been to receive votes on either side until the result was announced by the Chair.

Mr. HENN. I know that that has been the practice; but is it in accordance with the rules.

The SPEAKER. The Chair overrules the gentleman's point of order.

The tellers then reported ninety-five in the negative.

So the House refused to adjourn.

The question recurred on the motion that there be a call of the House, on which the yeas and nays had been ordered.

Mr. SAGE. I move that I be excused from voting on that question.

Mr. DICKINSON. I demand the yeas and nays on that motion.

The SPEAKER. The Chair has uniformly, during the last day or two, decided that motion to be out of order, and does so now.

Mr. BANKS. I desire to say a single word to the House, with its permission, in reference to the matter before it.

Mr. SMITH, of Virginia. I hope the gentleman will be heard.

Mr. WALSH. I object.

The question was then taken; and it was decided in the negative—yeas 55, nays 124.

So the House refused to order a call.

Mr. HAVEN. Is it in order to move that the House resolve itself into a Committee of the Whole on the Private Calendar?

The SPEAKER. It is in order.

Mr. HAVEN. Then I make that motion; and I hope the House will take this opportunity to go to work again.

Mr. PECK. I ask for the yeas and nays on the motion of my colleague.

The yeas and nays were ordered.

Mr. CAMPBELL. Is it in order to have the 29th rule read? I should like to have it read.

The SPEAKER. There is no point of order before the House; and it can only be read by unanimous consent.

Mr. HIBBARD. I object.

The question was then taken on Mr. HAVEN's motion; and it was decided in the negative—yeas 73, nays 99.

Mr. HAVEN. As the House will not work, I move that we adjourn; and on that motion I demand the yeas and nays.

[Loud cries of "Withdraw that motion!"]

Mr. HAVEN. I withdraw it.

Mr. MORGAN. I renew it.

[Loud and continued cries of "No!" "No!"]

Mr. MORGAN. Well, I withdraw it.

Mr. RICHARDSON. It is very apparent, Mr. Speaker—

The SPEAKER *pro tempore*, (Mr. ORR.) The Chair must remind the gentleman that debate is not in order.

Mr. BENNETT. I object to any debate.

Mr. RICHARDSON. I am not going to debate; I only desire to make a proposition.

Mr. SAGE. If the gentleman makes any remarks, we shall claim the privilege to reply.

The SPEAKER *pro tempore*. The Chair has admonished the gentleman from Illinois that debate is not in order, and will enforce the rule.

Mr. RICHARDSON. I am only going to submit a proposition.

Mr. TAYLOR, of Ohio. Well, state what it is.

Mr. RICHARDSON. If objection is made to it, of course—

Mr. PRATT. Go on; there will be no objection.

Mr. RICHARDSON. Have I permission to make a proposition?

The SPEAKER *pro tempore*. The gentleman has the floor, and has a right to make a motion.

Mr. FLAGLER. If permission is given to the gentleman from Illinois, of course others must be heard in reply to him.

The SPEAKER *pro tempore*. The Chair has already stated that debate is not in order, and that he will enforce the rules.

Mr. RICHARDSON. I will make a motion, and the gentleman can reply to that.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. RICHARDSON. I am not going to debate. I move that the House do now adjourn.

Mr. WALSH. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. KEITT demanded tellers on the yeas and nays, but they were refused—only seven gentlemen rising in the affirmative.

The question was then taken on Mr. RICHARDSON's motion; and it was agreed to.

So the House adjourned till Monday next, at twelve o'clock, m.

HALL OF REPRESENTATIVES, May 13, 1854.

In your report of the proceedings, near the close of last night's session, you represent me as objecting to Mr. HUNT's speaking after the motion to adjourn had been made.

I understood Mr. STEPHENS, of Georgia, as attempting to speak, and Mr. HUNT as making an appeal to the House to hear Mr. STEPHENS.

My objection was intended to operate against Mr. STEPHENS, and not against Mr. HUNT proceeding in his remarks. I may not have heard correctly the remarks of Mr. HUNT, and give merely my own understanding of them.

Very respectfully,
To the Reporter of the Globe.

J. R. GIDDINGS.

IN SENATE.

MONDAY, May 15, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, copies of all papers and vouchers on file in his Department, in relation to the claim of Daniel Nippes; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

Mr. WADE presented a petition signed by electors of the township of Lynn, Ohio, protesting against the passage of the Nebraska bill; which was ordered to lie on the table.

Mr. SUMNER presented resolutions of the Legislature of Massachusetts, in favor of granting to the officers, soldiers, and sailors who served in the war of 1812 the same quantity of bounty land as was granted to those who served in the Mexican war, and to extend the pension system established for those who served in the revolutionary war to the officers, soldiers, and sailors of the war of 1812, and to their widows; which were referred to the Committee on Pensions, and ordered to be printed.

Also, a memorial of citizens of Bush and Shelby counties, Indiana, praying that Congress make no appropriation for the payment of the Amistad claims; which was referred to the Committee on Foreign Relations.

Also, resolutions of the Legislature of Massachusetts, in favor of an appropriation of \$25,000 for the purpose of preventing the destruction of Cape Cod harbor; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SUMNER. I beg leave to offer certain resolves passed by the Legislature of the State of Massachusetts, concerning the Massachusetts claim. I believe these resolves should be referred to the Committee on Finance. The claim has been recognized by Congress heretofore; and the question of its payment now, I believe, is before the Committee on Finance. I move that these resolves be

referred to that committee, and ordered to be printed.

The motion was agreed to.

Mr. PEARCE presented the petition of Esther Coulter, praying compensation for the services of her father, Alexander McKaskey, as a quartermaster in the Revolutionary Army; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of E. Mickle & Co., praying the return of duties on goods destroyed by fire at San Francisco, in June, 1850, and May, 1851; which was referred to the Committee on Finance.

Mr. WALKER presented the proceedings of a meeting of citizens of Philadelphia, in favor of the passage of the homestead bill; which was ordered to lie on the table.

Mr. BENJAMIN presented the petition of John H. Hand, praying to be allowed a pension on account of disease contracted in the service of the United States; which was referred to the Committee on Pensions.

Mr. BRIGHT presented a petition of citizens of Indiana, praying the establishment of a post-route from Lock's Station to Brighton and Monroquionq, Indiana; which was referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented a memorial of the Mayor, Aldermen, and the City Council of Galena, Illinois, praying the establishment of a marine hospital at that place; which was referred to the Committee on Commerce.

Also, additional documents in support of the claim of Harriet de la Palm Baker, for indemnification for losses sustained by her father, Frederick H. Weisenfels, in the revolutionary war; which were referred to the Committee on Revolutionary Claims.

Mr. COOPER presented three memorials of citizens of Pennsylvania, remonstrating against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. TOUCEY presented a petition of inhabitants of Southington, Connecticut, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. CLAYTON, from the Committee on Foreign Relations, to whom was referred the memorial of Charles D. Arfwedson, praying compensation for his services as chargé d'affaires, *ad interim*, at Stockholm, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred documents in support of the claim of Kennedy & Darling to indemnity for property destroyed by the Seminole Indians in Florida, in 1849, asked to be discharged from their further consideration, and that they be referred to the Committee on Indian Affairs; which was agreed to.

Mr. WADE, from the Committee on Claims, to whom was referred the petition of William Murphy, praying compensation for losses sustained at Vera Cruz, during the Mexican war, asked to be discharged from its further consideration, and that the petitioner have leave to withdraw his petition and papers; which was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SUMNER, it was
Ordered, That Hall J. Kelly have leave to withdraw his petition and papers.

NOTICE OF A BILL.

Mr. BENJAMIN gave notice of his intention to ask leave to introduce a bill regulating the time of holding the sessions of the district and circuit courts of the United States in the State of Louisiana.

BILLS INTRODUCED.

Mr. HUNTER asked and obtained the unanimous consent of the Senate to introduce a bill to amend the act approved August 31, 1852, entitled "An act making further provision for the satisfaction of Virginia land warrants;" which was read a first and second time by its title, and referred to the Committee on Revolutionary Claims.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill to authorize T. H. McManus to enter, by preëmp-

tion, certain lands in the Greensburg land district, Louisiana; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

PATENT OFFICE REPORT.

The PRESIDENT. There is on the table a resolution reported from the Committee on Printing to print thirty-seven thousand five hundred additional copies of the agricultural part of the Patent Office report.

Mr. STUART. I believe there is a motion to reconsider the vote by which that resolution was adopted, and I should like to have it acted on at this time. I thought we were tolerably successful in getting that resolution disposed of the other day, and I should like to have it definitely settled.

The PRESIDENT. The Chair is informed that the Senator from Pennsylvania, [Mr. BRODHEAD,] now absent, moved the reconsideration.

Mr. STUART. That is so; but I do not think it constitutes any reason why the Senate should not act upon it. He did not signify a desire to say anything on the subject at all.

Mr. WELLER. I think the Senator from Pennsylvania does propose to make some remarks on this subject, and, as a matter of courtesy to him, I think it ought to be laid over for a reasonable time at least, to give that Senator an opportunity to be heard.

The PRESIDENT. That is a question for the Senate to decide.

Mr. WELLER. I ask that the further consideration of the resolution be postponed.

Mr. STUART. As I remarked before, the Senator from Pennsylvania did not signify any disposition to debate the resolution. I have very good reasons for believing that he does not intend to debate it at all. Hence, unless the Senator from California knows that he desires to discuss it, I shall feel myself called upon to press its consideration now, for the reason which I suggested the other day.

The delay which has occurred in respect to these documents is not only inconvenient to the Senate, but it is very prejudicial to the interests of the country, and especially so to the Post Office Department, because, if these documents are to be distributed to members after they return home, it makes an additional amount of transportation necessary. I differ from what was said by some gentleman the other day in respect to their importance. I regard them as very important documents. I think they should be published at an early day. A very considerable length of time has elapsed since this document was presented to the Senate, and this resolution was laid on the table. It was a long time after that before it was called up for action. It was finally adopted, and then a motion to reconsider was made. If the Senator from Pennsylvania, or any other Senator, desires to discuss the question of printing, there certainly should be ample time for its consideration. I say, again, that if the Senator from California, or any other Senator, knows definitely that the Senator from Pennsylvania desires to discuss the question, I shall consent to let the matter lie over until his return. But my understanding is different. I hope, therefore, the Senate will dispose of the resolution now.

Mr. BROWN. At what time will the Senator from Pennsylvania be present?

Mr. STUART. I do not know.

Mr. BRIGHT. It would be hardly courteous to the Senator from Pennsylvania to act upon this motion in his absence. We are all, in our action, governed by some reason; and I take it for granted that the Senator from Pennsylvania had a reason for making the motion. I should be glad to have the benefit of his reasons before I am called upon to act upon the resolution. It is unusual to press a subject of this kind in the absence of the Senator making the motion.

Mr. BROWN. Let it lie over until to-morrow.

Mr. WELLER. I have no information to satisfy me that it is the intention of the Senator from Pennsylvania to discuss the motion, although I had some conversation with him on the subject. There is some matter connected with it, I do not now precisely recollect what, which induced him to make the motion; and I take it for granted that the same cause still operates upon his mind; and, as a matter of justice as well as courtesy, the consideration of the motion ought to be postponed

until his return. The fair and legitimate deduction is, that he had a sufficient reason to justify him in making the motion, and, therefore, I desire to give him the opportunity of being heard upon the question before it is passed upon. I move, therefore, its postponement until to-morrow.

Mr. STUART. I shall not undertake to prevent that at all. I shall consent to its going over, with the suggestion, however, that as soon as the Senator from Pennsylvania is here, I shall ask the Senate to consider the motion to reconsider.

The PRESIDENT. If there be no objection, the consideration of the motion will be postponed until to-morrow.

There was no objection.

PRINTING OF MAP.

Mr. JOHNSON. I am instructed by the Committee on Printing, to whom was referred some days since, on the motion of the Senator from California, [Mr. GWIN], "A diagram of the United States of America, Mexico, West India Islands, and the Isthmus of Dairen, showing Mr. GWIN's route of the Pacific railroad and its branches, in connection with the various systems existing and unfinished; of railroads from the Mississippi valley to the Atlantic and the Gulf coasts, by W. T. Steiger, of the General Land Office," to submit a motion for its printing. It is a map which has been made out in the General Land Office, and, as I am informed officially, at least by the Senator from California, some three months labor have been expended upon it. It shows the whole country between the two oceans, the Atlantic and the Pacific; and it presents a much better view of it than any map which we now have. The Committee on Printing authorize me to move that two thousand copies of it be printed.

The motion was agreed to.

CASTNER HANWAY.

Mr. COOPER. Mr. President, I am requested to present a memorial, which is somewhat novel in its character. I, however, present it very willingly. It is a memorial from Castner Hanway, who was indicted in the district court of the United States for the eastern district of Pennsylvania, at the November term of 1851, for treason, and who was acquitted. He alleges that he was put to a very large expense in procuring the witnesses necessary for his vindication from the charge; that he was a considerable time in prison by which his health was seriously impaired so far that he has never recovered it since, and that he has not been able to pay his counsel, nor defray the other expenses attendant upon his trial. He asks that a law may be passed embracing his case, authorizing the payment at least of the witness fees, which amount to something over \$3,000.

I will state, Mr. President, that heretofore, in charges of that kind, at least in the trial which excited much interest in this country, that of Aaron Burr, an order was made by the court to pay the witnesses from day to day; and it was supposed to be a rule that the court had power to order the payment of witnesses on the part of the defense. Chief Justice Marshall, in the case to which I have referred, made such an order, and it was complied with by the marshal; but the judges who tried Hanway, decided that they had no such power, and he was compelled to pay his own witnesses. I shall be very glad if the Committee on the Judiciary, to whom this may be referred, will examine the question, and if they think it in conformity with policy, justice, and propriety, that they will report a bill which reaches this case. There are accompanying the memorial letters stating the high character which this gentleman always bore, his peaceable demeanor, and his worth as a citizen. I ask that the petition and papers may be referred to the Committee on the Judiciary.

They were so referred.

RELIGIOUS FREEDOM ABROAD.

The Senate proceeded to consider the motion of Mr. CASS, to refer to the Committee on Foreign Relations, the report made at the last session of Congress from that committee by Mr. Underwood, late a Senator from Kentucky, on the subject of the religious rights of American citizens residing or traveling abroad.

Mr. CASS addressed the Senate on this resolution at some length. [His speech will be found in the Appendix.]

Mr. BADGER. I desire to ask the Senator

from Michigan, in connection with the subject on which he has spoken, whether he has seen a statement in some Roman Catholic religious newspaper, called, I think, the "Shepherd of the Valley," published at St. Louis, under the direction and authority of the Bishop of that Roman Catholic diocese, to the effect, that so soon as the Roman Catholics obtain the numerical supremacy in any State, there will be an end therein of all religious toleration. Has he seen any such statement?

Mr. CASS. I think I have seen that sentiment through the papers, quoted, I believe, from that very paper. I have not seen the paper itself, but I have seen the statement quoted.

Mr. BADGER. Assuming that to be so, I wish to suggest to my friend from Michigan, whether it would not be wise, in connection with his proposition in regard to foreign Governments, to consider the propriety of some measures at home, in anticipation of such a result, not at all unlikely, I fear, for securing religious liberty at home.

Mr. CASS. I will merely observe, in respect to that, that I take it this Government has nothing to do with religious liberty at home. That is a question for the States.

Mr. BADGER. Then I wish to suggest, supposing such an event to happen, if, in the interior organization of this Government, there should be a State or States of the Union prohibiting all religious toleration, what a position we should occupy with foreign Governments in asking from them what we have not the power to secure to their citizens at home.

Mr. CASS. I trust the honorable Senator is supposing an impossible case in this country.

Mr. CLAYTON. I hope that the report, and the resolutions upon which the honorable Senator from Michigan has so ably addressed the Senate, will now be referred to the Committee on Foreign Relations. If no other gentleman proposes to address the Senate, I desire that the report may now go to the committee, so that the committee may act upon the subject. At some future period, I purpose to address the Senate upon it; and I would do it now, but for the fact that I think it more respectful to the committee, of which I am a member, to consult them in relation to the principles which are to be discussed, before I undertake to speak upon them. I hope that the resolutions and report will now be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER, (Mr. NORRIS in the chair). The question now before the Senate is upon the motion to refer the report and resolutions to that committee.

The motion was agreed to.

INDIGENT INSANE.

Mr. CLAYTON. I move that the bill making a grant of land to the several States of the Union for the benefit of indigent insane persons, which was the subject of the President's veto, be printed for the use of the Senate. The bill as introduced has been printed, but I find that the bill as it passed the Senate and the House has never been printed, and it is, therefore, with great difficulty that we can ascertain what its precise provisions are. I hope, by unanimous consent, an order may be made for the printing of that bill.

There being no objection, it was so ordered.

INDIAN APPROPRIATION BILL.

Mr. HUNTER. I move to postpone all prior orders for the purpose of taking up the Indian appropriation bill.

Mr. BADGER. I think after the discussion we have heard this morning on a very important and interesting subject, that at this period of the day it would not be well to resume unexpectedly the consideration of the Indian appropriation bill. I therefore move that the Senate adjourn.

Mr. HUNTER. I hope the Senator will withdraw that motion. It is only two o'clock. We can go on, and dispose of some of the amendments of the Committee on Indian Affairs. I think we can do that.

Mr. BADGER. The very first amendment is one which will occupy us during the rest of the day.

Mr. HUNTER. The Senator will find that he is mistaken. That will probably be laid aside, and some others taken up.

Mr. BADGER's motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, May 15, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

The SPEAKER. The question pending before the House is the motion of the gentleman from Massachusetts, [Mr. BANKS,] to lay upon the table the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON,] to close debate upon the Nebraska and Kansas bill.

Mr. RICHARDSON. I desire to withdraw the demand for the previous question on the resolution to close debate.

Mr. LANE, of Indiana. Will the gentleman yield me the floor for a moment to allow me to make a statement of a personal character?

Mr. RICHARDSON. I yield the floor to the gentleman from Indiana.

The SPEAKER. If there be no objection, the gentleman from Indiana will be permitted to make his statement.

Mr. LANE. I desire merely to state, that in looking over the yeas and nays—

Mr. HAVEN. I have not the least objection to the gentleman from Indiana proceeding with his explanation; but I insist that it shall be made where we can all hear it.

Mr. LANE. The explanation which I desire to make is merely in reference to a vote. In looking over the yeas and nays, I notice that upon the motion made by my friend and colleague [Mr. MACE] to lay the resolution offered by the chairman of the Committee on Territories [Mr. RICHARDSON] upon the table, my name does not appear. I merely desire to state that if I had been present, I would have voted against the motion of the gentleman from Indiana.

Mr. RICHARDSON. I desire to withdraw the demand for the previous question, submitted by me some days since, to terminate debate upon the Nebraska and Kansas bill, and to modify that resolution.

The SPEAKER. The gentleman from Illinois withdraws his demand for the previous question, and proposes to modify his resolution as follows:

Resolved, That debate on House bill No. 236, to organize the Territories of Nebraska and Kansas, shall terminate at twelve o'clock, on Friday, the 19th instant.

Mr. RICHARDSON. I demand the previous question upon the passage of the resolution.

Mr. WASHBURN, of Maine. I move to lay the resolution upon the table.

Mr. SAGE. Upon that motion I demand the yeas and nays.

Mr. GIDDINGS. Is it in order to move a suspension of the rules at this time?

The SPEAKER. Such a motion would be in order.

Mr. GIDDINGS. I desire to move a suspension of the rules, in order to allow me to introduce a bill, which I offer upon my own responsibility. At an early period of the session, I gave notice that I would, on a subsequent day, ask leave to introduce a bill for the repeal of so much of the United States laws as authorized the existing coast-wise slave trade. I now move a suspension of the rules that I may introduce the bill which I have drawn up in pursuance thereof.

Mr. CLINGMAN. I object.

Mr. OLDS. The motion of the gentleman from Ohio will not take precedence of the resolution of the gentleman from Illinois, to close debate.

The SPEAKER. The gentleman from Illinois offers a resolution to close debate on the Nebraska and Kansas bill on Friday next. The gentleman from Ohio moves to suspend the rules for the purpose of enabling him to introduce a bill. The Chair is inclined to the opinion that this day, being set apart for the purpose of suspending the rules, and upon which motions may be submitted for that purpose; and inasmuch as the suspension of rules will embrace those rules authorizing the suspension to go into committee, and to close debate, and all that, it is in order to submit a motion to suspend the rules generally. That is the opinion of the Chair.

Mr. ORR. Mr. Speaker, when a privileged question is pending, will it be in order to make a motion to suspend the rules? I know that there is a privileged question now pending, but it is the privileged question to close debate, and the motion to

suspend the rules, I think, is not a privileged question now in order.

The SPEAKER. If the gentleman from South Carolina will allow me, I will explain. The motion made by the gentleman from Illinois [Mr. RICHARDSON] is a privileged question involving only a majority vote. The proposition to suspend the rules made by the gentleman from Ohio [Mr. GIDDINGS] embraces all the rules of the body that stand in the way of the object he has in view, and the Chair is still of opinion that that question is first in order.

Mr. ORR. And yet, Mr. Speaker, carrying out the view of the Chair, it would require a two-third vote to suspend the rules.

The SPEAKER. It would require a two-third vote.

Mr. ORR. But would it not be in order for me, pending the motion of the gentleman from Ohio, to move that the House adjourn; and would not that be such a motion as that a majority vote could be disposed of, and as would take precedence of the other?

The SPEAKER. That is true in this particular case.

Mr. ORR. Well, then, Mr. Speaker, I do not perceive the difference between them—

The SPEAKER, (interrupting.) If the House had ordered the main question to be put, the Chair would not entertain the motion of the gentleman from Ohio, to suspend the rules until the House had disposed of the order to put the main question. But in this instance there has been no such order. It is only a demand for the previous question.

Mr. ORR. What is the rule of the House, Mr. Speaker, allowing a resolution to be offered to close debate? I ask that it may be read.

The SPEAKER. The Clerk will read the rule in question.

Portion of the 136th rule was then read, as follows:

"The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union, from the further consideration of any bill referred to it after acting, without debate, on all amendments pending, and that may be offered."

Mr. JONES, of Tennessee. I would submit to the Chair, that by the rule which has been just read, and which I think is the 136th rule, it is provided that a majority may, at any time, suspend the rules to go into a Committee of the Whole House. The same rule provides that the House may adopt a resolution closing debate before the question is taken on that motion. Another rule provides that a motion to suspend all rules shall only be in order on Monday. Now, Mr. Speaker, the difference of the motions mentioned is, that the one requiring a two-third vote can only be made on Monday; and the other, requiring a majority only, can be made on any day. Each, as I take it, is equally privileged; and the one for suspending the rules to go into committee—and, consequently, to close debate before that question is taken—is of as high an order of privilege as the one to suspend the rules generally on Monday. And I would submit this question to the Chair: If a motion were in order made to-day to suspend the rules, so as that the House might resolve itself into a Committee of the Whole House, would that motion be superseded by one to suspend the rules for a specific purpose, such as that which the gentleman from Ohio has indicated? I think, Mr. Speaker, the practice has been so. We have frequently gotten clear of these propositions for suspending the rules generally by the proposition to suspend, in order that the House might resolve itself into the Committee of the Whole on the state of the Union.

It seems to me, that whichever of these motions may be first made, should first be put. I also think, that this resolution to terminate debate is, by the rule which provides for it, of equal and of as high a grade of privilege as either one to suspend the rules generally, or one to suspend the rules that the House may resolve itself into the Committee of the Whole on the state of the Union.

Mr. DICKINSON. I ask leave of the House to offer a resolution.

The SPEAKER. It is not in order at this time.

Mr. KERR. Let us hear it read.

[Cries of "Hear!" "Hear!" and "No!" "No!"

The SPEAKER. It can be done only by unanimous consent.

Mr. HAMILTON, and others. I object.

Mr. ORR. I am willing to hear the resolution read for information.

The SPEAKER. But it is objected to.

[Cries of "Hear!" and "Let it be read for information!"

The SPEAKER. Objection is made by several members upon the right of the Chair.

Mr. STEPHENS, of Georgia, was here recognized by the Chair.

Mr. CAMPBELL. I rise to a privileged question. I desire to know if there is any privileged proposition before the House?

The SPEAKER. The Chair would be pleased to hear the gentleman from Georgia, [Mr. STEPHENS,] if the House will indulge him.

Mr. CAMPBELL. Unless it is in order to debate this proposition, I object.

The SPEAKER. It is not in order, in the opinion of the Chair, to debate the proposition.

Mr. BANKS. Cannot the Chair hear a suggestion from a member, at the option of the Chair?

The SPEAKER. It is not in the power of the Chair to allow debate upon a proposition of this sort. We have a number of privileged questions—a number of them: A motion to adjourn; to adjourn over until a particular day; to lay upon the table; to suspend the rules to go into a Committee of the Whole on the Private Calendar; to go into the Committee of the Whole on the state of the Union, &c.

We have also a rule which declares that it shall not be in order to move to suspend the rules generally, except upon Mondays. Fridays and Saturdays are set apart for the consideration of private bills. That rule gives to private matter a preference. The Chair is still of opinion that the proposition made by the gentleman from Ohio, [Mr. GIDDINGS,] which is neither more or less than to set aside all the rules standing in the way of the object proposed to be attained, is of a more highly privileged character on Monday than any other proposition to suspend the rules for any other purpose, such as to go into the Committee of the Whole, for instance. That can be done at any time. This is the language of the rule, and it would be in order on Monday to go into the Committee of the Whole on the state of the Union; but the Chair decides that a motion to suspend the rules generally, takes precedence of all other motions whatever to suspend the rules.

The Chair has never known the question to be raised here before. The reason of it is this: The House has usually submitted to the proposition to go into the Committee of the Whole on Mondays, as on other days. But the Chair, in being called upon to decide which of these several motions shall take precedence, is bound to say that the one made by the gentleman from Ohio [Mr. GIDDINGS] does take precedence.

Mr. HILLYER. Believing that the decision of the Chair will distract the legislation of the House to-day, I respectfully appeal from the decision.

Mr. DEAN. I move to lay the appeal upon the table.

Mr. HARRIS was here recognized by the Chair.

Mr. GIDDINGS. I rise to a question privileged above all others. I rise to withdraw the motion. I do it because the friends and the foes of the bill think it will interfere with the fight which is going on, and I am not disposed to embarrass either side with my motion.

Mr. DEAN. You want a free fight.

The SPEAKER. The question recurs upon laying the appeal upon the table.

Mr. CAMPBELL. I move that there be a call of the House; and upon that I demand the yeas and nays.

Mr. DICKINSON. I call for the reading of the resolution which I sent to the Clerk's table.

The SPEAKER. If not objected to, the resolution will be read.

[Cries of "I object!" "I object!"

Mr. DICKINSON. Then I move to suspend

the rules, for the purpose of enabling me to introduce it.

The SPEAKER. There is no necessity for suspending the rules; the gentleman has the right to make a motion to have the resolution read.

Mr. DICKINSON. I make that motion.

The question was put; but before the result was announced,

Mr. HAVEN demanded the yeas and nays.

[Cries on all sides of the Hall of "Let it be read!"

The SPEAKER. The Chair was about to announce that the vote upon ordering the resolution to be read was carried in the affirmative.

Mr. HAVEN. Then I withdraw my call for the yeas and nays.

The resolution was read, as follows:

Resolved, That the several bills upon the Calendar of business in the Committee of the Whole on the state of the Union, be restored to the position they respectively occupied before Monday, the 8th instant.

Several MEMBERS. Oh no! that will never do.

The SPEAKER. The Chair was totally mistaken in his understanding of the paper the gentleman from Massachusetts asked to have read. The gentleman had no right to have it read. He had no right to make the motion that it be read. The Chair understood him to call for the reading of the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. WALSH. That is the reason why I objected. I should not have objected to the reading of the resolution of the gentleman from Illinois.

Mr. DICKINSON. I move to suspend the rules, to enable me to offer the resolution which has just been read.

The SPEAKER. That motion is in order.

Mr. ORR. Is there not a motion pending for a call of the House?

The SPEAKER. Such a motion is pending.

Mr. ORR. Is it in order to move to suspend the rules pending a call of the House?

The SPEAKER. The Chair has no doubt about it. It is in order.

Mr. ORR. Why, sir, it might be necessary to have a call in order to have a quorum to vote upon the motion to suspend the rules.

The SPEAKER. The question must first be taken upon the motion for a call of the House.

Mr. HAVEN. I desire to know the precise condition of the motions before the House. I understand that there is a motion to suspend the rules for the introduction of the resolution of the gentleman from Massachusetts, and another motion pending that there be a call of the House. Am I correct?

The SPEAKER. Those motions are before the House.

Mr. HAVEN. Then, if the motion that there be a call of the House should fail, the question would recur upon the motion to suspend the rules, would it not?

The SPEAKER. That is the opinion of the Chair.

The question was then taken upon the motion for a call of the House; and decided in the negative—yeas 61, nays 141; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Edgerton, Edwards, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Knox, Lyon, McCulloch, Mace, Matteson, Maurice, Middleswarth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, David Ritchie, Russell, Sage, Sapp, Simmons, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Tracy, Upham, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—61.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskey, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edmundson, Ellison, English, Etheridge, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Letcher, Landley Lindsey, Macdonald, McDougall, McNair, Maxwell, May, Mayall, Meacham, John G. Miller, Smith Miller, Millson, Morrison, Oids, Mordecai Oliver, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Sabin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Fred-

erick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Wade, Walbridge, Walker, Walsh, Warren, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—141.

So the House refused to order a call.

Mr. CHAMBERLAIN, pending the call of the roll, when his name was called, rose for the purpose of ascertaining whether, by the unanimous consent of the House, he could not give a reason for the vote he was about to give.

Several MEMBERS objected.

Mr. CHAMBERLAIN. Then I vote no.

The SPEAKER. The question now recurs upon the motion to lay the resolution of the gentleman from Illinois upon the table.

Mr. PHILLIPS. I demand the yeas and nays upon that motion.

Mr. WASHBURN, of Maine. I would inquire whether the motion submitted by the gentleman from Massachusetts [Mr. DICKINSON] to suspend the rules is not in order?

The SPEAKER. It is in order, if he submits the motion.

Mr. DICKINSON. I have not withdrawn my motion to suspend the rules for the purpose of introducing the resolution which I have indicated. I ask that it may be read.

The resolution was read, as inserted above.

Mr. DICKINSON. I call for the yeas and nays upon the motion.

Mr. CAMPBELL. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The House was then divided; and the tellers reported yeas fifty-two; more than one fifth of a quorum.

The question was then taken on Mr. DICKINSON's motion to suspend the rules; and it was decided in the negative—yeas 75, nays 121; as follows:

YEAS—Messrs. Ball, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Gamble, Giddings, Goodrich, Grow, Andrew J. Harlan, Harrison, Hastings, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Knox, Lindsey, McCulloch, Matteson, Maurice, Meacham, Middlesworth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburn, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Yates—75.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Ashe, Thomas H. Bailey, Barksdale, Barry, Bell, Bocoek, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, John G. Davis, Dawson, Dowdell, Dunbar, Dunham, Eddy, Edmundson, Ellison, English, Etheridge, Faulkner, Florence, Fuller, Goode, Green, Greenwood, Grey, Hamilton, S. W. Harris, Green, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, G. W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lindley, Macdonald, McDougall, McNair, Macy, Maxwell, May, Mayall, John G. Miller, Smith Miller, Morrison, Oids, Mordcaai Oliver, Orr, Packard, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Rufin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—121.

So the House refused to suspend the rules for the purpose.

Mr. RICHARDSON. I ask the unanimous consent of the House for the purpose of introducing the following resolution. If there be objection, I move that the rules of the House be suspended for the purpose indicated:

Resolved, That debate on bill No. 236, to organize the Territories of Nebraska and Kansas, shall terminate at four o'clock, p. m., Friday, 19th instant, and that the consideration of the special order on bill No. 295, for the Pacific railroad, be postponed until the 24th instant.

Mr. CAMPBELL. I object.

Mr. RICHARDSON. Then I move that the rules be suspended for the purpose I have indicated.

Mr. ORR. I demand the yeas and nays on that motion.

Mr. CHAMBERLAIN. I would ask the unanimous consent of the House for the purpose of making a single suggestion.

[Cries of "Hear him!"]

The SPEAKER. Is it the unanimous consent of the House that the gentleman be heard?

Mr. SAGE. I object.

Mr. CHAMBERLAIN. I desire to propound an inquiry to the gentleman from Illinois, and no more.

The SPEAKER. The gentleman from New York rises in his place and objects. The gentleman, therefore, cannot proceed.

Mr. EDGERTON. I would like to make a suggestion to the gentleman from Illinois, [Mr. RICHARDSON.]

[Cries of "Hear him!" "Hear them both!"]

The SPEAKER. Is it the unanimous consent of the House that the gentleman be heard?

[Cries of "Hear him!" "I object."]

The SPEAKER. Gentlemen objecting must rise in their places and do so.

Mr. WALSH. I rise in my place, and object.

Mr. SAGE. I do not want to be invidious. I have objected to the gentleman from Indiana, and must object now to the gentleman from Ohio.

Mr. CHAMBERLAIN. I move to amend the resolution.

The SPEAKER. It is not in order to do so. The resolution is not now before the House. If the rules be suspended for its introduction, it will then be amendable.

Mr. CHAMBERLAIN. I propose, when it is in order, to move to amend the resolution by inserting Saturday, at twelve o'clock, m., instead of Friday, at four o'clock.

Mr. SMITH, of Virginia. The gentleman from Ohio [Mr. EDGERTON] asks the privilege of being heard for a moment or two, and it is objected to. Is it in order to move to suspend the rules to enable him to be heard?

The SPEAKER. It is not in order. There is a motion to suspend the rules already pending.

Mr. RICHARDSON. I want to accommodate these gentlemen if I can—

[Cries of "Order!"]

Mr. SAGE. Is debate in order?

Mr. ORR. The gentleman has a right to modify his resolution.

Mr. RICHARDSON. I modify my resolution so as to make it close debate at twelve o'clock, m., on Saturday next.

Mr. ORR. Now we shall see whether these gentlemen who want time for debate are in earnest. The yeas and nays were ordered.

The question was then taken; and there were—yeas 137, nays 66; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bailey, Banks, Barksdale, Barry, Bell, Bocoek, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cunningham, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Dunham, Eddy, Edgerton, Edmundson, Ellison, English, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Gray, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Klutridge, Kurtz, Lamb, Lane, Latham, Letcher, Lindsey, Lindsey, Macdonald, McDougall, McNair, Mac, Macy, Maxwell, May, Mayall, John G. Miller, Smith Miller, Milson, Morrison, Noble, Oids, Mordcaai Oliver, Orr, Packard, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Rufin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—137.

NAYS—Messrs. Ball, Belcher, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, De Witt, Dick, Dickinson, Eastman, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Harrison, Hastings, Haven, Howe, Hunt, Daniel T. Jones, Knox, Lyon, McCulloch, Matteson, Maurice, Meacham, Middlesworth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburn, Israel Washburn, Wells, Tappan Wentworth, and Yates—66.

So, two thirds voting in favor thereof, the rules were suspended.

Mr. SNODGRASS stated that he had paired off with Mr. CORWIN.

Mr. NICHOLS. I desire to say, that I should have voted for the modified proposition of the gentleman from Illinois, but for the fact that I

some time since paired off with Mr. McMULLIN, of Virginia, on the Nebraska question, and he is yet absent. I apprehend he would have voted as I should vote on the pending proposition, but I do not feel authorized to vote in his absence.

Mr. RICHARDSON. I now submit the resolution, as modified, and upon it I demand the previous question.

Mr. HUNT. If the gentleman will allow me, I will propose an amendment as to time, which will make the resolution more satisfactory to the opponents of the bill,

[Cries of "Hear him!" "No, no!" and "Object!"]

Mr. SAGE. I move to lay the resolution upon the table; and on that motion I demand the yeas and nays.

The SPEAKER. The gentleman from New York [Mr. SAGE] moves to lay the resolution upon the table, and upon that motion demands the yeas and nays. The gentleman from Louisiana [Mr. HUNT] asks the unanimous consent of the House to make a suggestion in reference to this matter.

[Cries of "Hear him!" "Hear him!" from all parts of the House.]

Mr. RICHARDSON. I yield the floor to the gentleman.

Mr. CRAIGE. I object.

Mr. HUNT. The gentleman compels me reluctantly to take ground that I would not take—

[Loud cries of "Order!" "Order!"]

Mr. CRAIGE. I look upon the gentleman from Louisiana as a factionist. He is acting with them.

Mr. MEACHAM. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and VAIL were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported fifty in the affirmative.

So the yeas and nays were ordered.

The Clerk then proceeded to call the roll; but before the result was announced,

Mr. HUNT rose and said: I am sorry to trouble the House; but I ask that I may be allowed to say one word, or ask a question by way of explanation, in a matter that concerns my feelings.

The SPEAKER. Is it the unanimous pleasure of the House that the gentleman from Louisiana [Mr. HUNT] should be heard?

Mr. CRAIGE. I take the same ground that I did before.

Mr. HUNT. If the gentleman from North Carolina stigmatizes me as a factionist, it is a falsehood, before God and my country.

[Vociferous cries of "Order!"]

Mr. HUNT. I repeat that it is a falsehood.

[Great confusion in the Hall, members rising to their feet and shouting "Order!"]

Mr. CRAIGE. If the gentleman desires to bully the House, he shall not do it. He shall not bully me. I did say he was a factionist, and I now repeat it.

[Renewed cries of "Order!"]

Mr. BAYLY, of Virginia. I demand that the Sergeant-at-Arms take these men into custody. I demand that they be arrested.

The Speaker directed the Sergeant-at-Arms to preserve order in the Hall; whereupon the Sergeant-at-Arms proceeded with his mace to the scene of confusion, and order was immediately restored.

The vote upon Mr. SAGE's motion was then announced, as follows—yeas 65, nays 134; as follows:

YEAS—Messrs. Ball, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Davis, De Witt, Dick, Dickinson, Eastman, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Farley, Fenton, Flagler, Goodrich, Grow, Harrison, Hastings, Haven, How, Hunt, Daniel T. Jones, Knox, Lyon, McCulloch, Matteson, Maurice, Meacham, Middlesworth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburn, Israel Washburn, Wells, Tappan Wentworth, and Yates—65.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bailey, Barksdale, Bell, Bocoek, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cunningham, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Eddy, Edgerton, Edmundson, Ellison, English, Faulkner, Florence, Fuller, Gamble, Giddings, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris,

Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Leitcher, Lindsey, Lindsley, Macdonald, McDougall, McNair, Mace, Macy, Maxwell, May, Mayall, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—134.

So the House refused to lay the resolution upon the table.

The SPEAKER. The question now is upon seconding the demand for the previous question.

Mr. WASHBURN, of Maine. I now move that the House adjourn.

Mr. SAGE. Upon that motion I demand the yeas and nays.

Mr. CHAMBERLAIN. I rise to inquire whether it is in order to move to amend the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON.]

The SPEAKER. It is not in order, there being a demand for the previous question.

Mr. WASHBURN, of Maine. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and CAMPBELL, were appointed.

The House was then divided; and the tellers reported fifty gentlemen voting in the affirmative.

So the yeas and nays were ordered.

Mr. FARLEY. I move when this House adjourns, it adjourn to meet on Wednesday next; and upon that motion I demand the yeas and nays.

Mr. CAMPBELL. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The House was then divided; and the tellers reported forty-one gentlemen voting in the affirmative.

So the yeas and nays were ordered.

Mr. BENSON. I move that there be a call of the House; and upon that motion I demand the yeas and nays.

The SPEAKER. The motion made by the gentleman from Maine [Mr. BENSON] is not in order, for the reason that there is a motion now pending that the House adjourn.

The question was taken; and it was decided in the negative—yeas 56, nays 131; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Thomas Davis, De Witt, Dick, Dickinson, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Harrison, Howe, Howe, Hunt, Daniel T. Jones, Knox, McCulloch, Matteson, Maurice, Meacham, Middlesworth, Morgan, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Skelton, John L. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Yates—56.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Bocock, Boyce, Breckinridge, Brooks, Caruthers, Caskey, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Cullom, Cumming, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Eastman, Eddy, Edmundson, Ellison, English, Etheridge, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lane, Latham, Leitcher, Lindsey, Lindsley, Macdonald, McDougall, McNair, Mace, Macy, Maxwell, May, John G. Miller, Smith Miller, Milson, Morrison, Nichols, Olds, Mordecai Oliver, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, John Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—131.

So the House refused to adjourn over till Wednesday.

The question then recurred on the motion that the House do now adjourn.

The question was taken; and it was decided in the negative—yeas 53, nays 132; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Benton, Campbell, Carpenter, Crocker, Thomas Davis, De Witt, Dick, Dickinson, Edmunds, Thomas D. Eliot, Everhart, Farley,

Fenton, Giddings, Goodrich, Grow, Harrison, Haven-Howe, Hunt, Daniel T. Jones, Knox, McCulloch, Matte, son, Maurice, Meacham, Middlesworth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, David Ritchie, Russell, Sabin, Sage, Simmons, John L. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Yates—53.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, David J. Bailey, Barksdale, Barry, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Caskey, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Craig, Cullom, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, Ellison, English, Etheridge, Faulkner, Florence, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Leitcher, Lindsey, Lindsley, Macdonald, McDougall, McNair, Mace, Macy, Maxwell, May, Mayall, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, John Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—132.

So the House refused to adjourn.

Mr. MATTESON, and Mr. WASHBURN, of Illinois, took the floor.

[Loud cries of "Question!" "Question!" from all sides of the Hall, and great confusion and disorder.]

The SPEAKER. The Chair appeals to the House to come to order. The Chair will put no question until the House does come to order.

Order having been restored,

The SPEAKER. The question now recurs on seconding the demand for the previous question. The gentleman from Illinois [Mr. WASHBURN] has the floor, and is addressing the Chair.

Mr. WASHBURN. I move, Mr. Speaker, that there be a call of the House; and on that motion I demand the yeas and nays.

The SPEAKER. The Chair ruled that motion out of order. It was the last motion taken except that to adjourn.

Mr. WASHBURN. Then I move that when the House adjourns, it adjourn to meet on Wednesday next; and on that motion I ask for the yeas and nays.

The SPEAKER. That motion also has been this moment passed upon, and is not in order now.

Mr. WASHBURN, of Maine. I move to lay on the table the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON]; and on that motion I ask for the yeas and nays.

The SPEAKER. The Chair has decided again and again, since he occupied this position, that such a motion cannot be repeated until there has been some vote taken changing the character of the proposition before this body.

The House was then divided on seconding the demand for the previous question, and it was seconded.

Mr. WASHBURN, of Illinois. I now renew my motion, that when the House adjourns, it adjourn to meet on Wednesday next; and on that motion I ask the yeas and nays.

The SPEAKER. The Chair thinks that the gentleman from Illinois may properly make that motion now.

Mr. RICHARDSON. Can he do so, Mr. Speaker, after the demand for the previous question has been seconded?

The SPEAKER. Yes, it can be done after seconding the demand for the previous question.

The Chair decided the other day, when there was a contest about the time for submitting a motion to adjourn over, that the proper time for making that motion would be when there was pending a motion to adjourn; for the former takes precedence of it. In the opinion of the Chair, the motion to adjourn, and the motion to adjourn over, are of such a character that they may be put, now that there has been legislative action upon this bill.

Mr. GOODRICH, (at two o'clock and twenty minutes, p. m.) I move that the House do now adjourn; and on that motion I ask the yeas and nays.

Mr. MATTESON. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL, and HARRIS of Alabama, were appointed.

The House was then divided upon the demand for the yeas and nays; and the tellers reported forty-four in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. WASHBURN, of Illinois. I now move that when the House adjourns, it adjourn until Wednesday next; and upon that motion I demand the yeas and nays.

Mr. SAGE. I ask for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL, and HARRIS of Alabama, were appointed.

The House was then divided upon the demand for the yeas and nays; and the tellers reported forty in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question being upon the motion that when the House adjourns, it adjourn to meet on Wednesday next, it was put; and decided in the negative—yeas 51, nays 136; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Benton, Carpenter, Chandler, Crocker, Thomas Davis, Dick, Dickinson, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Harrison, Haven-Howe, Daniel T. Jones, Knox, Lyon, McCulloch, Matteson, Maurice, Meacham, Middlesworth, Morgan, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, John L. Taylor, Tracy, Upham, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Yates—51.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskey, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cullom, Cumming, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edmundson, Ellison, English, Etheridge, Faulkner, Florence, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Leitcher, Lindsey, Lindsley, Macdonald, McNair, Mace, Macy, Maxwell, May, Mayall, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, William R. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Wade, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—136.

So the House refused to adjourn over.

The question then recurring upon the motion that the House do now adjourn, it was put; and decided in the negative—yeas 33, nays 126; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, De Witt, Dickinson, Edmunds, Thomas D. Eliot, Everhart, Farley, Goodrich, Grow, Harrison, Howe, Daniel T. Jones, Knox, McCulloch, Matteson, Maurice, Meacham, Middlesworth, Morgan, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Pringle, and David Ritchie—33.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Bocock, Breckinridge, Bridges, Brooks, Caruthers, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Cullom, Cumming, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Ellison, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Latham, Leitcher, Lindsey, Lindsley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vansant, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrook, Witte, Daniel B. Wright, and Hendrick B. Wright—126.

So the House refused to adjourn.

[Cries of "Question!" "Question!"]

Mr. WASHBURN, of Maine. I ask the unanimous consent of the House to introduce a resolution.

Many MEMBERS. I object.

Mr. CLINGMAN. The previous question has been seconded.

Mr. HAMILTON. It is not in order.

[Cries of "Question!" "Question!"]

The SPEAKER. The Chair would say to the

gentleman from Maine, [Mr. WASHBURN,] that it is out of order to introduce any new matter of legislation, the House being engaged in acting upon a matter under a suspension of the rules.

Mr. WASHBURN. Then I move to lay upon the table the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON.]

[Cries of "Order!" "Order!"]
The SPEAKER. The Chair rules that motion out of order.

Mr. SAGE. I move a call of the House.
The SPEAKER. The Chair rules the motion out of order.

[Cries of "Question!" "Question!" and "Order!" "Order!"]

The SPEAKER. There is an express rule of the House which forbids a call of the House when a motion has been submitted upon which the House has seconded the demand for the previous question. The Chair will turn to the rule, if any gentleman desires.

[Cries of "Oh, no!" all over the Hall.]
The SPEAKER. The Chair can turn to the rule if—

[Cries of "Question!" and "Call the roll!" and great confusion.]

Mr. HAVEN. I want to make one inquiry of the Chair.

[Cries of "Order!" "Order!"]
The SPEAKER. The Chair hopes the House will permit the gentleman to make an inquiry.

Mr. HENDRICKS. Oh, no!

Mr. WALSH. I object.
Mr. HAVEN. I then move a division of the question. The resolution involves a postponement of—

[Cries of "Order!" "Order!"]
The CHAIRMAN. The gentleman will allow the Chair to say that the question is upon ordering the main question to be now put. As many as are in favor of that proposition will—

Mr. WASHBURN, of Maine. Yeas and nays upon that.

The yeas and nays were ordered.
[Cries of "Call the roll!" "Call the roll!"]
The question being upon ordering the main question to be put, it was put; and decided in the affirmative—yeas 127, nays 62; as follows:

YEAS—Messrs. Abernethy, Aiken, James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craigie, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, Elison, English, Faulkner, Florence, Fuller, Gamble, Gode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hilyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lindley, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, Mayall, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packard, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vansant, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrooke, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—127.

NAYS—Messrs. Ball, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Culom, Thomas Davis, De Witt, Dick, Dickinson, Edwards, Thomas D. Eliot, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Grow, Harrison, Hastings, Haven, Howe, Hunt, Daniel T. Jones, Knox, McCulloch, Matteson, Maurice, Meacham, Middeworth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Sabin, Sage, Sapp, Simmons, Gerit Smith, Stanton, Andrew Stuart, John L. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Yates—62.

So the main question was ordered to be now put.

Mr. WASHBURN, of Maine. I now move to lay the resolution of the gentleman from Illinois [Mr. RICHARDSON] upon the table, and upon that motion I demand the yeas and nays.

The SPEAKER. The Chair decides the motion out of order.

Mr. WASHBURN. Then I take an appeal from the decision of the Chair; and upon that I demand the yeas and nays.

Mr. SAGE. I call for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. HENDRICKS and DICKINSON appointed.

The House was then divided upon the demand for the yeas and nays, and the tellers reported forty in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

Mr. MORGAN. I ask to be excused from voting on the pending motion.

Mr. SAGE. I demand the yeas and nays upon that motion.

Mr. RICHARDSON. The motion of the gentleman from New York [Mr. MORGAN] is not in order.

Mr. FLORENCE. I move to lay the appeal upon the table.

Mr. SAGE. Upon that motion I demand the yeas and nays.

[Cries of "Oh, no, no, Florence!" "Withdraw!" "Withdraw!"]

Mr. FLORENCE. I withdraw the motion.

The SPEAKER. The history of this matter had better be briefly looked to by gentlemen who desire to cast their votes properly upon the appeal, and the Chair calls the attention of the House to the history of the matter. A motion to lay upon the table is a highly privileged motion. That motion has been made, and the House deliberately refused to lay the resolution upon the table. Since that time, the only action which has been taken upon the resolution is to order the main question to be now put. The gentleman from Maine [Mr. WASHBURN] again moves that the resolution do lie upon the table. The Chair decides the motion not in order, and from that decision of the Chair an appeal is taken by the gentleman from Maine, [Mr. WASHBURN.] The gentleman from New York [Mr. MORGAN] gets up and asks, under the rule, to be excused from voting upon the appeal thus taken from the decision of the Chair. The Chair knows of no rule by which he could—for in that case he certainly would—rule the motion out of order. The Chair thinks that the motion that the gentleman from New York [Mr. MORGAN] be excused from voting upon the decision of the Chair is in order.

Mr. RICHARDSON. I call the attention of the Chair to the rule which governs the action of the House after the previous question has been seconded.

The SPEAKER. The Chair will read it.
Mr. CAMPBELL. I object to debate.

The SPEAKER. The Chair hopes the House will hear the rule—

"When a question is under debate, no motion shall be received but to adjourn, to lie upon the table."

The motion to lay upon the table, if made simultaneously, takes precedence. But the motion to lay the resolution upon the table has been made. The House have voted upon it, and deliberately refused to lay it upon the table. The rule then goes on to say,

"Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition."

The 50th rule says:

"The previous question shall be put in this form: 'Shall the main question be now put?' It shall only be admitted when demanded by a majority of the members present."

That has been done.

"And its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question."

In regard to the right of a member to move to be excused from voting every gentleman is familiar with the rule.

Mr. CLINGMAN. I appeal from the decision of the Chair, upon the ground that the House having ordered the main question to be now put, a collateral question of this sort cannot be made more than any other.

Mr. CAMPBELL. I suppose it is not in order to make an inquiry; but—

Mr. CLINGMAN. I object to all debate.

Mr. CAMPBELL. I am not going to debate; I am going to make a motion. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair decides the motion to be out of order.

Mr. CAMPBELL. Upon what ground does the Chair decide the motion to be out of order?

The SPEAKER. Upon the ground that the House have ordered the main question to be now put upon the resolution of the gentleman from Illinois.

Mr. WALLEY. I rise to a question of order. I submit that the appeal taken by the gentleman from North Carolina cannot be entertained, for the reason that one appeal is already pending.

The SPEAKER. The Chair himself was considering that question, and he has some difficulty in reference to it. If he refuse to entertain the appeal, gentlemen would have the right to divide the House all night upon motions to excuse members from voting.

Mr. CAMPBELL. Does the Chair decide that the appeal can be taken while another appeal is pending?

The SPEAKER. The Chair does not think that one appeal conflicts with the other.

Mr. STEPHENS, of Georgia. I wish to make a suggestion, if the Chair will allow—

Mr. CAMPBELL. I object. The gentleman will not allow others to be heard.

The SPEAKER. Debate is not in order.

Mr. STEPHENS. I rise to make a suggestion on a question of order. The point is this: A gentleman over the way asks to be excused from voting after the House has ordered the main question to be "now put." The gentleman from North Carolina [Mr. CLINGMAN] raises the question of order that that motion to excuse cannot be entertained in the present stage of proceedings, for the reason that the main question has been ordered to be "now put." The Speaker overrules the point of order, and the gentleman from North Carolina appeals from the decision of the Chair. I submit that the appeal of the gentleman from North Carolina must take precedence over the motion to excuse.

The SPEAKER. "Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reason, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate." The Chair does not see the force of the reasoning of the gentlemen from North Carolina, [Mr. CLINGMAN,] and from Georgia, [Mr. STEPHENS,] that the previous question can have no effect whatever on this right of a member to ask to be excused from voting.

Mr. CLINGMAN. I have taken an appeal from the decision of the Chair.

Mr. WASHBURN, of Illinois. I move that the appeal be laid upon the table; and on that motion I demand the yeas and nays.

Mr. ORR. I move to suspend the rule of the House which allows the gentleman, so far as this resolution is concerned, to ask to be excused from voting.

Mr. CLINGMAN. You cannot do so.

The SPEAKER. The Chair decides that, unless precluded by other motions, the motion made by the gentleman from South Carolina [Mr. ORR] is in order. He will illustrate his view by calling the attention of the House to the everyday practice having a bearing on the matter. Very often Monday the rules are suspended for the purpose of introducing a bill. The bill is introduced. It is discovered after it is before the body that it contains an appropriation. There is nothing more common than the submitting of the motion to suspend the rule which requires a bill containing an appropriation to go for its first consideration to the Committee of the Whole.

Now, the Chair denies that it is competent to suspend the rule having a bearing on this particular case, as indicated by the gentleman from South Carolina, [Mr. ORR.] The object, in either case, is to progress with the business before the body. If the gentleman from South Carolina had moved to suspend the rules generally which allowed gentlemen to ask leave to be excused from voting, the Chair would have decided it out of order. He moves the suspension generally in reference to this special resolution, and the Chair thinks that the motion is in order.

Mr. CAMPBELL. I desire to refer the Chair to several cases where, in 1849, this was decided—

Mr. ORR. Mr. Speaker, I call the gentleman to order.

The SPEAKER. The Chair would like to hear the gentleman from Ohio.

Mr. ORR. I cannot withdraw my objection. The gentleman will not allow others to make an argument.

Mr. CAMPBELL. I do not intend to make an argument.

Mr. ORR. You propose to do nearly the same thing. I object, and persist in the objection.

Mr. CAMPBELL. Very well, then. I send the cases to which I would have referred if I had not been objected to up to the Speaker, so that he may read them.

Mr. HAVEN. I will not go outside of the legitimate rule. I would say, in reference to the point of the gentleman from North Carolina, that inasmuch as the previous question has been recorded, and the main question ordered to be put, a motion that there be a call of the House, or any other motion whatever, cannot be entertained.

Mr. ORR. I withdraw my motion to suspend the rules.

The SPEAKER. Then the Chair would like to call the attention of the House to various precedents. It has been the universal practice to admit excuses.

Mr. CLINGMAN. There is no doubt of that. The point was not made at all. I now make it, under the present circumstances; and I take an appeal from the decision of the Chair, and a motion is made to lay the appeal on the table.

The SPEAKER. The books are full of precedents that members have been excused from voting after the previous question was sustained. There is no question about it at all.

Mr. DEAN. I call for the yeas and nays on the motion to lay the appeal on the table.

Mr. SAGE. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. HAMILTON and MEACHAM were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty-three in the affirmative.

So the yeas and nays were ordered.

Mr. ASHE. I have paired off with Mr. SKELTON.

The question was then put; and it was decided in the negative—yeas 75, nays 111; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, De Witt, Dick, Dickinson, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagg, Gamble, Giddings, Goodrich, Grow, Harrison, Hastings, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Knox, McCulloch, Macy, Matteson, Maurice, Mencham, Middlesworth, Morgan, Morrison, Murray, Noble, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, Puryear, David Ritchie, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Gerrit Smith, Stratton, Andrew Stuart, J. L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—75.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Davin J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Cox, Craige, Cumming, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunham, Eddy, Edmundson, English, Faulkner, Florence, Fuller, Goode, Green, Greenwood, Gray, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lindsey, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Milson, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Ready, Richardson, Riddle, Thomas Ritchie, Rogers, Rowe, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vansant, Walbridge, Walker, Walsh, Westbrook, Witte, Hendrick B. Wright, and Zollicoffer—111.

So the House refused to lay the appeal upon the table.

The question recurred upon the appeal: "Shall the decision of the Chair stand as the judgment of the House?"

Mr. WASHBURN. Of Illinois. I ask for the yeas and nays on that question.

The SPEAKER. The yeas and nays have been ordered.

Mr. PRINGLE. I ask to be excused from voting on the appeal.

The SPEAKER. The Chair decides that that

is out of order, because we are now acting upon an appeal which will control that very question.

Mr. MEACHAM. I move that the House do now adjourn.

Mr. STUART, of Ohio. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. MORGAN. I move that when this House adjourns, it adjourn to meet on Wednesday next.

Mr. CLINGMAN. Has any business been done since a similar motion was acted on?

The SPEAKER. Yes, a good deal of time has been spent, and an adjournment is a question of time; but there has been action upon the appeal of the gentleman from North Carolina himself.

Tellers on the yeas and nays were demanded and ordered; and Messrs. CAMPBELL and ASHE were appointed.

The House then divided; and the tellers reported thirty-seven gentlemen voting in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and there were—yeas 47, nays 117; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Thomas Davis, Dick, Dickinson, Eastman, Edmunds, Thomas D. Eliot, Everhart, Farley, Giddings, Goodrich, Grow, Howe, Hunt, Daniel T. Jones, Knox, Lyon, McCulloch, Matteson, Meacham, Middlesworth, Morrison, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, David Ritchie, Sabin, Sage, Sapp, Simmons, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, and Tappan Wentworth—47.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chrisman, Churchwell, Clingman, Cobb, Colquitt, Cox, Craige, Cullom, Cumming, John G. Davis, Dawson, Dean, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, Ellison, English, Etheridge, Faulkner, Florence, Gamble, Goode, Greenwood, Gray, Hamilton, Wiley P. Harris, Harrison, Hastings, Hendricks, Henn, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Lamb, Letcher, Lindsey, Lindley, Macdonald, McDougall, McNair, Macy, Maxwell, May, John G. Miller, Smith Miller, Milson, Noble, Olds, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Kreston, Richardson, Riddle, Robbins, Rogers, Rowe, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Stratton, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tweed, Vansant, Walbridge, Walker, Walsh, Wells, Westbrook, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—117.

So the House refused to adjourn till Wednesday next.

The SPEAKER. The question now recurs upon the motion of the gentleman from Vermont, [Mr. MEACHAM,] that the House adjourn, upon which the yeas and nays have been demanded.

Mr. ASHE. I move the previous question.

Mr. CAMPBELL. I ask the gentleman from Vermont [Mr. MEACHAM] to withdraw that motion. It seems to me that there is a majority in favor of overruling the decision of the Chair.

[Cries of "Order!" "Order!"]

The SPEAKER. Objection being made, the Chair would remind the gentleman from Ohio [Mr. CAMPBELL] that all discussion is out of order.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 57, nays 105; as follows:

YEAS—Messrs. Ball, Banks, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Etheridge, Farley, Fenton, Flagg, Giddings, Goodrich, Grow, Hastings, Haven, Howe, Hughes, Hunt, Knox, Lindsey, McCulloch, Matteson, Meacham, Middlesworth, Morgan, Norton, Andrew Oliver, Parker, Pennington, Pringle, David Ritchie, Sabin, Sage, Sapp, Simmons, Gerrit Smith, John J. Taylor, Nathaniel G. Taylor, Tracy, Upham, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, and Tappan Wentworth—57.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Barry, Belcher, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Dowdell, Dunbar, Dunham, Eddy, Edmundson, Faulkner, Florence, Fuller, Gamble, Goode, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lindsey, Macdonald, McDougall, Macy, Maxwell, May, John G. Miller, Smith Miller, Milson, Olds, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Preston, Richardson, Riddle, Robbins, Rogers, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Stratton, Straub, David Stuart, John J. Taylor, Tweed, Vansant, Walbridge, Walker, Walsh, Westbrook,

Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—105.

So the House refused to adjourn.

The SPEAKER. The question now recurs upon the appeal taken from the decision of the Chair.

Mr. LETCHER. Will the Chair state what this question of appeal is, as we have had two or three taken.

The SPEAKER. In the first place, some gentleman made a motion that the resolution closing debate upon the Nebraska and Kansas bill lie upon the table. That motion having been made and voted down by the House, the Chair decided that it was not in order to repeat it. From that decision of the Chair an appeal was taken. The gentleman from New York, [Mr. MORGAN,] in front of the Chair, rose and asked to be excused from voting upon the appeal. Under the rules, and the universal practice of the House, the Chair decided that the gentleman had a right to ask to be excused from voting. The gentleman from North Carolina [Mr. CLINGMAN] made a question of order, that the gentleman had no such right. The Chair having overruled the question of order, the gentleman from North Carolina took an appeal from that decision, and the vote now to be taken is, "Shall the decision of the Chair remain the judgment of this House?"

The question was then taken; and there were—yeas 63, nays 94; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Eastman, Edmunds, Thomas D. Eliot, Farley, Fenton, Flagg, Gamble, Giddings, Goodrich, Grow, Harrison, Hastings, Haven, Hughes, Hunt, Knox, Lindsey, Lyon, McCulloch, Macy, Matteson, Meacham, Middlesworth, Milson, Morgan, Noble, Norton, Andrew Oliver, Parker, Pennington, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Gerrit Smith, Andrew Stuart, Nathaniel G. Taylor, Thurston, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, and Tappan Wentworth—63.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Bocoock, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Eddy, Edmundson, English, Faulkner, Florence, Goode, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Letcher, Lindsey, Macdonald, McDougall, Maxwell, May, John G. Miller, Smith Miller, Olds, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Richardson, Riddle, Robbins, Rogers, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vansant, Walbridge, Walker, Walsh, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—94.

So the decision of the Chair was overruled.

Mr. MATTESON. I move that the House adjourn; and upon that motion I demand the yeas and nays.

Mr. STUART, of Ohio. I move that when this House adjourns, it adjourn to meet on Wednesday next; and upon that motion I demand the yeas and nays.

Mr. PRINGLE. I ask for tellers upon the yeas and nays.

Mr. CLINGMAN. I make the point of order that that motion has been made and voted upon by the House, and that it is not in order to repeat it. I would say to the Chair, that that was the ruling of some of his predecessors.

The SPEAKER. The Chair overrules the point of order made by the gentleman from North Carolina, [Mr. CLINGMAN,] and he would like the gentleman to point the Chair to a single instance of the kind.

Mr. CLINGMAN. I withdraw my point of order.

Mr. CAMPBELL. I would like, Mr. Speaker, to put a question to the gentleman from North Carolina. I would like to know which of your predecessors made the ruling he speaks of?

Mr. HOUSTON. The point of order is withdrawn; and it is too late now to ask the question.

Tellers on the yeas and nays were ordered; and Messrs. HENDRICKS and SAGE were appointed.

The House was divided; and the tellers reported thirty-six in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 46, nays 108; as follows:

YEAS—Messrs. Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Thomas Davis, De Witt, Dick, Dick-

inson, Eastman, Edmonds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Harrison, Haven, Daniel T. Jones, Knox, Lyon, Matteson, Middleswarth, Morgan, Norton, Andrew Oliver, Parker, Pennington, Pringle, Russell, Sabin, Sage, Sapp, Simmons, John L. Taylor, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, and Tappan Wentworth—46.

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Eddy, Edmundson, Ellison, English, Faulkner, Florence, Gamble, Greenwood, Grey, Hamilton, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Houston, Hughes, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Letcher, Lindsey, Macdonald, McDougall, McNair, Macy, Maxwell, John G. Miller, Smith Miller, Morrison, Noble, Olds, Mordecai Oliver, Orr, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Trout, Tweed, Vansant, Walbridge, Walker, Walsh, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—108.

So the House refused to adjourn over.

The question recurring on the motion that the House do now adjourn, it was put; and disagreed to.

[Cries of "Question!" "Question!"]

The SPEAKER. The question is on the resolution to close debate on the Nebraska bill.

Mr. STUART, of Ohio. I ask for a division of the question.

The SPEAKER. The resolution, in the opinion of the Chair, is divisible.

The Chair begs pardon. He now recollects there is an appeal pending from the decision of the Chair, and it would not be right to pass it over.

[Cries of "Oh! no matter about it!" "Let it slide!" and laughter.]

The SPEAKER. The Chair decided that it was not in order to submit a motion to lay the resolution of the gentleman from Illinois on the table, that motion having been previously submitted, and the House having then refused to lay it on the table.

Several Voices. Oh, pass it over. We had forgotten all about it.

The SPEAKER. From that decision an appeal has been taken, and a motion has been made to lay the appeal on the table. The yeas and nays have been called for and ordered. The question now is, "Shall the decision of the Chair stand as the judgment of the House?"

The question was taken; and decided in the affirmative—yeas 113, nays 40; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Bell, Bocock, Boyce, Bridges, Brooks, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Eddy, Edmundson, English, Faulkner, Florence, Giddings, Goode, Green, Greenwood, Grey, Hamilton, Wiley P. Harris, Hastings, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Knox, Kurtz, Lamb, Lindsey, Lyon, Macdonald, McNair, Maxwell, John G. Miller, Smith Miller, Morrison, Murray, Olds, Mordecai Oliver, Orr, Packer, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Richardson, Thomas Ritchey, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stratton, Straub, David Stuart, John J. Taylor, Trout, Tweed, Vansant, Walker, Walsh, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—113.

YEAS—Messrs. Ball, Bennett, Benson, Campbell, Chandler, Crocker, Dick, Dickinson, Eastman, Edmonds, Thomas D. Eliot, Everhart, Fenton, Goodrich, Grow, Harrison, McCulloch, Macy, Matteson, Meacham, Middleswarth, Morgan, Norton, Parker, Pennington, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Andrew Stuart, Thurston, Tracy, Upham, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—40.

So the decision of the Chair was sustained.

The SPEAKER. The question recurs on the adoption of the resolution to close debate.

The question was put; pending the announcement,

Mr. FARLEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Messrs. CAMPBELL, and STUART, of Ohio, addressed the Chair.

The Clerk commenced calling the roll.

Mr. STUART, of Ohio. I ask for a division of the question.

The SPEAKER. There are two distinct propositions contained in the resolution. The one is to close debate on the Nebraska bill; the other is to postpone the special order on the Pacific railroad bill. The question now is on the first proposition, which is to terminate the debate on the Nebraska bill; and on that proposition the yeas and nays will be taken.

The question was then taken; and decided in the affirmative—yeas 114, nays 59; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Eddy, Edmundson, Ellison, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lindsey, Macdonald, McDougall, McNair, Macy, Maxwell, John G. Miller, Smith Miller, Noble, Olds, Mordecai Oliver, Orr, Packer, Phelps, Phillips, Powell, Pratt, Preston, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrook, Witte, Hendrick B. Wright, and Zollcoffer—114.

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Thomas Davis, De Witt, Dick, Dickinson, Eastman, Edmonds, Thomas D. Eliot, Etheridge, Everhart, Farley, Fenton, Flagler, Goodrich, Grow, Harrison, Hastings, Haven, Howe, Daniel T. Jones, Knox, Lyon, McCulloch, Matteson, Meacham, Middleswarth, Morgan, Murray, Norton, Andrew Oliver, Parker, Pennington, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Stratton, Andrew Stuart, Thurston, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, and Yates—59.

So the resolution closing debate on the Nebraska bill at twelve o'clock on Saturday, the 20th instant, was adopted.

The SPEAKER. The question is now on the adoption of the second branch of the resolution; which is, that the special order on the Pacific railroad bill be postponed till Wednesday, the 24th instant.

Mr. STUART, of Ohio. Mr. Speaker, I ask to be excused from voting on that proposition; and on the motion to be excused I call for the yeas and nays.

The SPEAKER. The Chair cannot entertain the proposition of the gentleman from Ohio.

Mr. STUART. Then I hope the motion which I have made will be placed on the record of the proceedings.

The SPEAKER. The Chair has not time now to determine whether the motion should go on the Journal or not.

Mr. STUART. I merely wish it to go on record that an express rule of this House has been trampled down.

The question being still on the adoption of the second branch of the proposition offered by the gentleman from Illinois,

Mr. WALKER. I move to lay that proposition on the table.

The SPEAKER. The Chair decides that that motion is out of order.

[Loud cries of "Call the roll!"]

The question was taken; and decided in the affirmative—yeas 123, nays 53; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Eastman, Eddy, Edmundson, Ellison, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Latham, Lindsey, Macdonald, McDougall, McNair, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Noble, Olds, Mordecai Oliver, Orr, Packer, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—123.

NAYS—Messrs. Ball, Bennett, Benson, Campbell, Carpenter, Crocker, Thomas Davis, Dick, Dickinson, Edmonds, Thomas D. Eliot, Etheridge, Farley, Fenton, Flagler, Goodrich, Grow, Harrison, Hastings, Haven, Howe, Daniel T. Jones, Knox, Lyon, McCulloch, Matteson, Meacham, Middleswarth, Morgan, Murray, Norton, Andrew Oliver, Parker, Pennington, Bishop Perkins, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Stratton, Andrew Stuart, Nathaniel G. Taylor, Tracy, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—53.

So the second branch of the resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote last taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HAVEN. Unless some other gentleman has more important business to offer just now, I move that the House do now adjourn.

The question was put; and the motion was agreed to.

The House thereupon, at a quarter before six o'clock, p. m., adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, May 16, 1854.

Prayer by Rev. HENRY SLICKER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. NORRIS presented the petition of Simon Smith, a pensioner of the United States, praying to be allowed back pension; which was referred to the Committee on Pensions.

Also, the petition of Abigail Sanders, praying to be allowed bounty land, as the widow of Joseph Davis, a soldier in the last war with Great Britain; which was referred to the Committee on Pensions.

Also, the memorial of Ithamer W. Beard, Assistant Treasurer of the United States, Boston, Massachusetts, praying that Congress authorize the permanent employment of two clerks in his office; which was referred to the Committee on Finance.

Mr. MALLORY presented the petition of Stephen Michaels, praying to be allowed a pension for diseases contracted while a soldier in the service of the United States; which was referred to the Committee on Pensions.

Mr. JAMES presented the petition of Azá Arnold, praying the renewal of his patent for a machine called the "double speeder," which was referred to the Committee on Patents and the Patent Office.

Mr. PRATT presented a memorial of citizens of Washington county, District of Columbia, and of Washington city, residing on Maryland avenue, east of the Capitol, praying that said avenue may be opened and graded, and that the turnpike road, from the termination of that avenue to the District line, may be made free from toll and repaired; which was referred to the Committee for the District of Columbia.

Mr. BADGER presented the petition of J. Lucas and others, watchmen employed in the Navy Department, praying additional compensation for extra services rendered by them; which was referred to the Committee on Naval Affairs.

Mr. BRIGHT presented a recommendation of the grand jury of the county of Washington, District of Columbia, for an enlargement of the City Hall building for the necessary accommodation of the several courts of the United States for the District of Columbia, and for the preservation of the records of the said courts, including all the land records, wills, and titles to real estate in said District; which was referred to the Committee for the District of Columbia.

Also, a resolution of the City Council of Washington city, praying the erection of a new building, or such extension of the City Hall building, as will provide an armory, and accommodations for the criminal courts of the District of Columbia; which was referred to the Committee for the District of Columbia.

PAPERS WITHDRAWN AND RERERRED.

On motion by Mr. HUNTER, it was

Ordered, That Caty White, widow of William White, have leave to withdraw her petition and papers.

On motion by Mr. DAWSON, it was

Ordered, That Jane Irwin have leave to withdraw her petition and papers.

On motion by Mr. BRIGHT, it was

Ordered, That the memorial of the officers of the volunteer companies in the District of Columbia, praying the construction of an armory in the city of Washington, be withdrawn from the files of the Senate, and referred to the Committee for the District of Columbia.

On motion by Mr. TOUCEY, it was

Ordered, That the memorial and papers of Charles Stearns, together with the adverse report thereon, be recommitted to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. FISH, from the Committee on Naval Affairs, to whom was referred a petition of officers of the Navy and Marine Corps who were attached to the gulf squadron during the late war with Mexico, praying to be allowed extra compensation, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of the heirs of Captain William Henry Allen, late of the United States Navy, praying remuneration for important services rendered during the last war with Great Britain, and the payment of prize money for the capture of vessels, submitted an adverse report thereon; which was ordered to be printed.

Mr. COOPER, from the Committee on Revolutionary Claims, to whom was referred the memorial of the heirs of General Stephen Moylan, praying the passage of an act declaring that the non-settlement of the accounts of said Moylan may be no bar to his heirs receiving commutation pay, submitted a report, accompanied by a bill relative to the accounts of General Stephen Moylan, deceased; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred a bill to provide for the surviving officers of the late Texas Navy, reported it back with sundry amendments.

GUANO TRADE.

Mr. CLAYTON. I am requested to present the petition of about two thousand citizens of Delaware, who pray that some constitutional method may be devised for effecting an arrangement by which Peru shall, for a just and proper equivalent, either cede to the United States one of her guano islands, or permit American vessels to take guano without stint or unnecessary restriction, so that the trade in that article may be placed upon the true commercial basis of demand and supply. The memorialists say, that without in the least intending to question the propriety of acquisitions of territory in other quarters, they respectfully suggest that, in their opinion, the purchase of one of those islands would be to the people of the United States of more solid worth than that of the Mesilla valley, Cuba, and all the Antilles besides. Agreeably to the disposition which was made of this subject, on the motion of the Committee on Agriculture the other day, I move that this memorial be referred to the Executive Department.

The PRESIDENT. It will be so ordered, unless objected to.

There was no objection.

LAND TITLES IN INDIANA.

Mr. PETTIT. I ask the unanimous consent of the Senate to grant me leave at this time to introduce two bills, of which I have not given notice, and I shall ask the Senate to put them on their passage now. They are matters which would properly be referable to the committee of which I am chairman—the Committee on Private Land Claims. I say to the Senate that I have thoroughly examined them, in connection with the Commissioner of the General Land Office, and I have a letter from him on the subject, which I ask may be read, saying that these bills ought to be passed. I first ask unanimous consent to be allowed to introduce a bill "to ascertain and adjust the titles to certain lands in the State of Indiana."

There being no objection, the bill was read a first and second time by its title, and considered as in Committee of the Whole.

It proposes to constitute the register and receiver of the land office at Vincennes, together with a fit and proper person, learned in the law, and a citizen of Indiana, to be appointed by the

President, commissioners to ascertain and adjust the title of any claimant to any tract of land, or any part or subdivision thereof granted by the resolve of Congress, of August 29, 1788, and the act of March 3, 1791, granting lands to the inhabitants and settlers at Vincennes.

Every claimant to a tract of land so granted, or any part thereof, is to file his claim with the register at Vincennes within six months after the publication of the notice provided for in the bill. The commissioners are to hold their meetings at Vincennes, and are to decide in a summary manner all claims respecting the lands granted by the acts referred to. Every claimant who can produce to the commissioners a regular claim of title from the original confirmee to himself, or who shall show, to their satisfaction, a continuous and connected possession in himself, and those under whom he claims for the period of twenty years, or more, preceding the filing of the claim, or can show such claim or title as would bar an action of ejectment in the courts of Indiana, is to be confirmed in his title.

The bill makes other provisions necessary to carry out these objects.

Mr. PETTIT. I ask that the letter of the Commissioner of the General Land Office be read for the satisfaction of gentlemen.

The Secretary read the letter, as follows:

GENERAL LAND OFFICE, May 15, 1854.

SIR: I have carefully considered the bills presented by you—one "for the relief of Sylvester T. Jerauld," and the other "to ascertain and adjust the titles to certain lands in the State of Indiana," and in view of all the circumstances of the case, am of opinion that, if enacted by Congress, they will afford the relief sought to be obtained; and that it is the only relief that can be extended by Congress in these cases.

With great respect, your obedient servant,
JOHN WILSON, Commissioner.
HON. SMITH MILLER, House of Representatives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SYLVESTER T. JERAULD.

Mr. PETTIT. The Committee on Private Land Claims have also instructed me to report a bill for the relief of Sylvester T. Jerauld, assignee of Henry Richaud. It is a very short bill, and I ask for its consideration now.

The bill was accordingly read a first and second time, and considered as in Committee of the Whole.

It proposes to direct that location No. 118, containing four hundred acres in township one south, range ten west, second meridian, Indiana; which has been made in favor of Nathaniel Ewing, as assignee of claim No. 1499, in favor of the heirs of H. Richaud, in the report dated the 31st of December, 1809, of the commissioners at Kaskaskia, Illinois, be confirmed. It proposes, also, to authorize the President of the United States, on the production to the General Land Office, of the certificate from the register at Vincennes, Indiana, for the claim, to cause a patent to be issued to Jerauld, as assignee of the interest of the original claimant; but the patent granted is only to operate as a relinquishment on the part of the United States, and is in no way to prejudice any valid adverse right, if such exist.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

AFRICANIZATION OF CUBA.

Mr. MALLORY. I desire to submit the following resolution:

Resolved, That the recent acts and declarations of the Cuban authorities, considered in connection with Spain's past policy with reference to that island, are calculated to excite the just apprehensions of the Government of the United States, of a settled design to throw Cuba ultimately into the hands of its negro population, and to revive there, within a few hours' sail of our shores, the scenes of San Domingo's revolution, a result which the United States will deem alike inconsistent with their progress, their prosperity, and the civilization of the age.

I do not desire to discuss the resolution now—

Mr. SUMNER. Can the resolution be considered to-day except by unanimous consent?

The PRESIDENT. It cannot.

Mr. SUMNER. Then I object to its consideration.

Mr. MALLORY. I wish to say to the Senator what I have said heretofore, that I do not desire to discuss the question now. But a resolution on this subject was, a few days ago, referred

to the Committee on Foreign Relations, and I only desire that this resolution shall go to the committee, and be considered in connection with that.

Mr. SUMNER. The resolution had better lie on the table for the present.

The PRESIDENT. Objection being made, the resolution cannot be considered now.

BLACK WARRIOR DOCUMENT.

Mr. SLIDELL. I offer the following resolution, and I desire to say that the document which I propose to have printed relates to the seizure of the Black Warrior. I receive every day applications for copies of that document, and it is a matter of importance, I think, that we should have some copies of it printed for the use of the Senate.

Resolved, That two thousand copies of House document No. 86, relating to the seizure of the steamer Black Warrior, and other cases of alleged wrongs to American citizens by the authorities of Cuba, be printed for the use of the Senate.

The PRESIDENT. The resolution goes to the Committee on Printing.

ROMAN CATHOLICS.

Mr. MALLORY. The morning, yesterday, was engrossed, Mr. President, in discussing a question which I presume can meet, at the hands of this body, no practical legislation; and as one of its members I think it necessary to say a word in relation to that discussion. But for a remark of the honorable Senator from North Carolina, [Mr. BADGER,] which will, I think, be productive of misunderstanding, I should not deem it my duty to utter a word. The remark to which I allude, I see in this morning's report of yesterday's proceedings, in the Union.

"Mr. BADGER inquired whether Mr. CASS had seen a statement made in a Catholic paper in St. Louis—the 'Shepherd of the Valley'—that as soon as the Catholics should obtain the supremacy in this country, there would be an end of toleration here?"

"Mr. CASS replied that he had seen the statement in some paper."

"Mr. BADGER asked whether it would not be wise to consider the propriety of adopting some measures, in anticipation of such a result, for securing religious liberty at home?"

"Mr. CASS. This Government has nothing to do with religious liberty at home. That is the business of the States."

"Mr. BADGER inquired, if such an event should happen, what sort of a position should we occupy, asking foreign Governments to secure for our citizens abroad what we could not secure for them at home?"

"Mr. CASS. That is supposing an impossible case."

Mr. President, I do not know whether the remarks of the honorable Senator from North Carolina, and the introduction of the paper to which he refers, were made ironically or not, or whether he meant to say no more than that legislation upon this subject, as presented by the honorable Senator from Michigan, [Mr. CASS,] would be as wise, (and no wiser perhaps,) as legislation upon the subject presented by the honorable Senator from North Carolina himself. Perhaps the latter was the design. However, sir, as it has been introduced into this body, it will certainly, unless some explanation be made, give rise to some feeling and some misapprehension. In relation to the "Shepherd of the Valley," I am happy to state here—and I state it because it is an act of justice due to over two millions of our citizens—that the paper called the "Shepherd of the Valley" is not an organ, a mouth piece, or an exponent of the opinions, religious or otherwise, of any Catholic church, or creed in the United States; but that the bishop of St. Louis, himself, has condemned, and in a circular letter cautioned the Catholics of his diocese against its dangerous ultraism.

Therefore, sir, it is that I would say that no inference should be drawn from anything of this nature, which appears in that paper, against the constitutional loyalty and fidelity of this large body of our fellow citizens.

It is the first time, Mr. President, in this body, that I have ever heard directly or indirectly the creed of any portion of our citizens presented as a matter of discussion. It is the first time that I have ever known any member of the body feel it necessary to rise and say a word upon the subject; and I certainly do not wish or design to do more than to correct any misapprehension which may arise from the remarks of the Senator from North Carolina.

If I thought proper to say more—if I thought it necessary or proper to enter into a defense of

the church—I could take my stand here in the Senate of the United States, and fearlessly appeal to the body for the confirmation of the fact that from the settlement of the Colonies to the present hour, no creed has ever exhibited more toleration, more spirit of gentleness and conciliation in this country. I might, too, appeal to the fact that the Catholics of colonial Maryland, having the power to establish religious distinctions, privileges, and disabilities, refused to exercise it, and set a noble example of religious toleration.

I might appeal to your ships and your armies, and show that a majority of this creed man your decks and fill your ranks. I might bring into review all the departments of civil life, and show them adorned by the highest talent and character taken from the members of that creed. And, sir, I might show that, in selecting the chaplains of your Army and Navy, filled as they are with a majority of Catholics, you have passed them by. We have no Catholic chaplains, sir, for our Catholic sailors and soldiers.

Sir, in relation to those denials of sepulture in foreign countries, which the honorable Senator from Michigan brought to our notice yesterday, I have nothing to say now, but that I deplore them; but do not let us misconceive this matter, nor conceal from ourselves the fact that at least one large portion of the Protestant Episcopal ministers of this country, at this very hour, is refusing to the unbaptized their ceremonies of sepulture.

I might say, here, in relation to the performance of these ceremonies to which the Senator from Michigan alluded yesterday, without fear of contradiction, that in this country, at this moment, the feeling of the Catholic church in the United States is in opposition to the refusal of these ceremonies; but, sir, I have no desire to discuss the subject at all. The only object which I have in rising, is to say, that no inference against the disloyalty of these persons should be drawn from the ultraism of a newspaper, whose authority is disclaimed by the bishop of the diocese in which it is published.

Mr. BADGER. I am very sorry to have made any remark yesterday, and should be sorry to make any remark at any time, which would expose the honorable Senator from Florida to an unpleasant sentiment of regret; but I really do not understand for what purpose the honorable gentleman has alluded to the subject of the remark this morning. The reason why I mentioned it yesterday is, I think, sufficiently apparent, and if not seen by everybody, can be, at once, made manifest.

The honorable Senator from Michigan had made a very able and elaborate speech, in which he enforced upon the Senate the propriety of our Government taking some steps to secure, by treaty stipulations with foreign Powers, the enjoyment of unrestricted religious liberty by our citizens when abroad, and in the dominions of foreign countries. I had seen an extract professing to be quoted from a Roman Catholic paper—a religious paper—published at St. Louis, and said to be published under the direction or control of the bishop of that diocese—*cum permissione superiorum*—in which the statement was made distinctly, that in the event of the Roman Catholics obtaining the numerical ascendancy in one of the States of the Union—not in the country, as erroneously stated in the paper from which the Senator has read—there would be an end of religious freedom in such State, because, said the paper, as it was stated, we know that we are right, and we know that they are wrong.

I knew nothing of the relations subsisting between the bishop of the diocese and the editor of the paper, except the general inference which I drew that the subordinates of the Roman Catholic church are not apt to promulge sentiments which do not meet the approbation of their chiefs and superiors; but I thought it very appropriate to call the attention of the Senate and of the country to the fact that this proposition had been openly announced—if the quotation which I saw had been correctly made from the paper—as a result of the ascendancy of that particular denomination of Christians in one of the States of the Union, and to call attention to this remarkable fact, that this Government has no power or control over the subject of religious freedom or religious intolerance or religious proscription in any of the States of the Union; that a State has a right to establish any amount of religious intolerance it

pleases, to prescribe what religious tests it pleases, to make all rights, at least all political rights, dependent upon the progression of a religious faith, and consequently, that if the negotiations which the honorable Senator from Michigan suggested, were opened, we should be met with this difficulty; we propose to a foreign State, by treaty, to secure religious freedom to our subjects visiting the territories of that foreign State:

The question is asked us, "Can you secure to us religious freedom in visiting any of the States of the Union?" The answer is, "we cannot;" it is a subject altogether dependent upon State legislation, and so far are we from being able to secure such religious freedom to your subjects when coming here, that we cannot secure it to our own citizens at home, if a particular State in any instance, should think proper to refuse it, and, therefore, unless it were in the power of the Government to adopt some measures for enforcing at home what they ask to be enforced abroad, we should be placed in the situation of those who demand from others that for which we could give them no equivalent. That is all, sir. It certainly never entered into my head to suppose that I should produce a necessity for vindicating either the patriotism, or gallantry, or uprightness of our Roman Catholic fellow-citizens, of which I never had a doubt.

Mr. MALLORY. I know that the honorable Senator from North Carolina entertains the kindest feeling towards all Christian creeds; but, sir, I trust he will recollect that when an honorable gentleman of his experience and position rises in this body, and calls public attention to an intolerant and unworthy article in an isolated paper upon this subject, and then draws the inference from it that legislation of the character indicated may be just and necessary, it creates an impression that such a contingency as a Catholic legal supremacy may be apprehended.

Mr. BADGER. Well, may it not?

Mr. MALLORY. No, sir.

Mr. BADGER. Why not?

Mr. MALLORY. When he does that, he does by implication charge this particular creed with disloyalty, which, I know, he does not design to charge; and it is to rebut any such presumption of disloyalty from an unauthorized and isolated article that I have deemed it necessary to say a word.

Mr. BADGER. Does the honorable Senator know that it is repudiated by the church itself?

Mr. MALLORY. I have not seen the repudiating circular, but I understand from authority which I cannot possibly doubt that it has been.

Mr. BADGER. I am glad to hear it.

[Here the conversation dropped.]

TEXAS NAVY.

Mr. GWIN. I am instructed by the Committee on Naval Affairs, to whom was referred the bill to provide for the surviving officers of the late Texas Navy, to report a substitute for the bill; and I am also instructed by the committee to say that the substitute agreed upon is the unanimous sentiment of the committee, and that they intend to adhere to it.

INDIGENT INSANE BILL VETO.

On the motion of Mr. HUNTER, the Senate resumed the reconsideration of the bill making a grant of land to the several States of the Union, for the benefit of indigent insane persons, which had been returned by the President of the United States, with his objections.

Mr. BUTLER addressed the Senate at length in defense of the veto. [A report of his speech will be found in the Appendix.]

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is upon reconsidering the bill.

Mr. BADGER. I know that the Senator from Mississippi, [Mr. BROWN,] who was in his seat a few moments ago, desired to address the Senate on this subject, and I suppose he has stepped out, not expecting that my friend from South Carolina would conclude so soon, though he is usually very brief.

Mr. HUNTER. The Senator from Mississippi told me he desired to speak, and but for that I should ask to have this subject postponed for the purpose of taking up the Indian appropriation bill. Probably the Senator from Mississippi will be here directly, and may desire to go on to-day.

Several SENATORS. To-morrow.

Mr. HUNTER. Gentlemen around me say he will not desire to speak now. I do not know how that is.

Mr. BADGER. I wish to suggest that it would be hardly respectful to the Senator from Mississippi to expect him to come in now immediately, and commence discussion on this subject, and I think my friend from Virginia had better let this matter be postponed until to-morrow, and let us take up the Indian appropriation bill.

Mr. HUNTER. I am willing to agree to that. Then I move to postpone the further consideration of this bill until to-morrow for that purpose.

Mr. SEBASTIAN. I have no wish to interrupt the course of the Senate on this question, nor do I wish to embarrass them in regard to the Indian appropriation bill; but it is very obvious that we ought to get through with that bill, and that we shall discuss it at very great disadvantage if we pursue the plan of dividing it between the remnants of different days, the Indian bill always being in the evening. The subject of that bill is proverbially uninteresting; and we know that it is almost impossible to keep a quorum together at any one time when it is under consideration. I should much prefer that this bill be postponed until some other day, so that we may take up the Indian bill, and dispose of it entirely to-morrow.

I do not think there is any public interest or service which would suffer by that arrangement. I would, therefore, if it be in order, move to amend the motion of the Senator from Virginia by striking out "to-morrow," and inserting "the day after to-morrow," so as to leave us to-morrow to take up and dispose of the Indian bill.

Mr. HUNTER. I hope not. The Senator knows there are a great many amendments yet to come in from the Committee on Indian Affairs, and I do not think we can get through with that bill to-morrow. They have kept it open now for a long time, but I understand they have a great many further amendments to propose, and we cannot get through with the bill to-morrow.

Mr. SEBASTIAN. We have only two or three amendments, and I do not think more than one or two of them will occasion discussion. I feel confident, therefore, that we can get through with the bill to-morrow, and I am satisfied that that is much the best arrangement.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Arkansas that the motion which has been made to postpone the further consideration of the question until to-morrow is not amendable.

Mr. BADGER. If I understand the suggestion, I will modify the motion.

Mr. HUNTER. I made the motion to postpone.

Mr. BADGER. I understand the Senator from Arkansas to say that he thinks the Indian appropriation bill can be gotten through with to-morrow.

Mr. SEBASTIAN. I think it can.

Mr. HUNTER. I have a different opinion. I am pretty sure we cannot get through with it to-morrow.

Mr. BADGER. I think we had better finish something.

Mr. HUNTER. We had better finish the veto. We cannot finish the Indian bill to-morrow.

Mr. CASS. I desire to say something upon the subject of the veto message. I wish to collect some materials from the Land Office in relation to that matter. They are in a state of preparation, but are not yet ready. My object is to meet some of the statements which were made by the honorable Senator from North Carolina; which bear, I think, not heavily, as he intended, but unjustly on the new States, and I wish to counteract the effect of them.

Mr. HUNTER. I will say to the Senator from Michigan, that other gentlemen are ready to go on with this discussion. The Senator from Mississippi [Mr. BROWN] and others are prepared to go on.

Mr. CASS. I spoke with relation to taking the vote to-day.

Mr. HUNTER. I do not propose any such thing.

Mr. BROWN. Before the vote is taken on the veto message, I wish to give my views in regard to it. I could go on this evening, and I will do so, if the Senate insist upon it; but still, I would

rather speak in the morning. If, however, I am to be postponed even until the day after to-morrow, I should prefer speaking this evening.

The PRESIDING OFFICER. The question now before the Senate is on the motion to postpone the bill until to-morrow.

Mr. SEBASTIAN. I understand that the Chair has decided that the proposition which I made to amend the motion is not in order.

The PRESIDING OFFICER. The Chair thinks it is not an amendable motion. If the Senate vote down this proposition, the Senator from Arkansas may make his.

Mr. SEBASTIAN. Then I shall vote in the negative on this motion, with a view of afterwards moving to postpone the further consideration of the subject until the day after to-morrow.

Mr. CASS. I think it would be better to pursue the course suggested by the Senator from Arkansas, and let us go on with the Indian bill to-morrow, if we can dispose of it. The delay of a day is not to be compared with the importance of the necessary investigation.

Mr. HUNTER. If we take that course, I hope it will be with the understanding that when the Indian appropriation bill shall come up, we shall go through with it, and be prepared to take a week on it, if we commence. The amendments which I understand are coming in from the Committee on Indian Affairs are not going to be decided in a day.

Mr. BADGER. I hope we can get through with the bill to-morrow.

Mr. CASS. If we do take up the Indian appropriation bill, it will still be in the power of the Senate at any time to lay that aside, and take up this bill, if they choose.

Mr. BROWN. Before the vote is taken, I should like to know whether it is the understanding of the Senate, that on the day after to-morrow we are to adjourn over, for the purpose of putting the Chamber in order? I have heard some talk of that sort.

Mr. HUNTER. I hardly think there will be any such motion made to-morrow. I hope not. There ought to be some notice of such an adjournment given beforehand, so that Senators who desire to go home may be able to do so.

Mr. BROWN. As I said before, I am willing to speak this evening, or to-morrow; or even if the subject be postponed until the next day, I shall not object; but I do not wish to have it postponed longer than that.

Mr. BADGER. I wish merely to mention, as the occupant of the Chair cannot make the explanation, that it was suggested a few days ago, at the instance of the gentleman who now occupies the chair, [Mr. STUART,] with a view to his accommodation, that an arrangement of the kind alluded to should be made for adjourning over from Thursday, but changes have taken place which render that no longer necessary, and render it proper that that motion should be postponed for another week.

The PRESIDING OFFICER. The question is on postponing the further consideration of the bill until to-morrow.

The question being taken, it was found that no quorum voted.

Mr. SLIDELL. I move that the Senate proceed to the consideration of Executive business.

Mr. BADGER. That motion cannot be made until we have disposed of the pending bill. The question before the Senate is on postponing the further consideration of that bill until to-morrow.

The PRESIDING OFFICER. The Chair thinks no question can be taken, so long as there is not a quorum present.

Mr. BADGER. But if the Chair will put the question again, I think a quorum would be shown.

The PRESIDING OFFICER again put the question; and there were—ayes 9, noes 20; no quorum voting.

Mr. WELLER. As there is no quorum present, I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 16, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. RICHARDSON took the floor.

Mr. BANKS. Will the gentleman from Illinois yield me the floor for a single moment, to present some resolutions from my State?

Mr. RICHARDSON assented.

Mr. BANKS then, by unanimous consent of the House, presented certain resolutions from the Legislature of the State of Massachusetts.

1. Resolves concerning the Massachusetts claims. Referred to the Committee on Military Affairs, and ordered to be printed.

2. Resolves in relation to the preservation of Cape Cod harbor. Laid on the table, and ordered to be printed.

3. Resolves in relation to officers, soldiers, and others who served in the war of 1812. Laid on the table, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RICHARDSON resumed the floor.

Mr. BENNETT. I call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of the resolution offered by the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. SIMMONS. I ask the unanimous consent of the House—

The SPEAKER, (interrupting.) The gentleman from Illinois is entitled to the floor.

Mr. RICHARDSON. Mr. Speaker, I desire to withdraw the resolution offered by me some days ago, and modified on yesterday morning, in relation to the termination of the debate on the Nebraska and Kansas bill. I mean the first resolution introduced by me.

The SPEAKER. The gentleman from Illinois has a right to withdraw his resolution.

It was accordingly withdrawn.

The SPEAKER. The business first in order is the consideration of House bill No. 102, granting lands equally to the several States to aid in the construction of railroads and the support of schools. The pending motion is to recommit this bill to the Committee on Public Lands; and the gentleman from Maryland [Mr. HAMILTON] is entitled to the floor.

SUSPENSION OF THE RULES.

Mr. RICHARDSON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is in order, unless the gentleman from Maryland should insist on his right to the floor.

Mr. HAMILTON. If it is the disposition of the House to go into committee, I will not throw any obstacles in the way of its doing so.

Mr. SIMMONS. I ask the unanimous consent of the House to withdraw from the files the papers in the case of Rachel Moore, being on a petition for pension, that they may be referred to the Committee on Revolutionary Pensions.

The SPEAKER. It does not require unanimous consent. It can be done, under the rule, at the Clerk's table; and the papers will be withdrawn and referred according to request.

Mr. DUNBAR. I ask the unanimous consent of the House to withdraw the papers in the case of T. H. McManus from the files of the House.

Mr. COBB. For what purpose?

Mr. DUNBAR. For the purpose of reference in the Senate.

No objection being made, the request was granted.

PERSONAL EXPLANATION.

Mr. HUNT. I ask the consent of the House to allow me to correct a statement which I have just read in the Globe of this morning. I desire to state here publicly, that the statement in the Globe of this morning, in respect to what occurred yesterday, is untrue, as far as my knowledge goes, and as far as I am informed by my friends. The statements which I have read in the other papers are substantially true.*

* The proprietor of the Globe thinks it proper for him to state here that when there is confusion in the House, and many members are on their feet, the Reporters for the Globe, who are inside the bar of the House, on the floor with the members, cannot hear so well as those in the galleries, or at desks outside the bar, above the floor of the House.

The resolution under which the Globe reports the debates says they "shall be subject to the revision of the speakers."

Mr. CRAIGE. In regard to the statement of the gentleman from Louisiana, [Mr. HUNT,] I will say, that in reference to anything which I said on yesterday, my remarks are substantially reported in the Globe. What he said I did not distinctly hear or understand, and I do not, therefore, undertake to say what he did say. What I said is substantially reported in the Globe, and by that I am willing to stand.

Mr. HUNT. One word in reply. I branded the statement made by the gentleman yesterday, and the brand still remains hissing.

[Cries of "Order!" "Order!" from all parts of the Hall.]

Mr. CRAIGE. The gentleman cannot strut into a scrape with me, and sneak out of it in that way.

[Renewed cries of "Order!" all over the House.]

NEBRASKA AND KANSAS.

Order being restored, and the question recurring upon the motion of Mr. RICHARDSON, it was put; and decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN. When the committee was last in session, it had under consideration House bill (No. 236) for the organization of the Territories of Nebraska and Kansas; and upon that question the gentleman from Florida [Mr. MAXWELL] is entitled to the floor.

Mr. MAXWELL, in rising to address the committee, alluded to the exciting scenes through which the House has just passed. "Whether the movements were factious or not, he would leave the country to determine by the record. He expressed the hope that the efforts which may hereafter be made, as in the past, to defeat the purposes of the House and mislead the people, will be in vain, and fail.

The bill now under consideration seeks to declare the Missouri law inoperative and void; it contains no startling or extravagant features; it does not aim to interfere with any man's rights or privileges; it imposes no limitation on the liberty of any human being. The proposition relative to the Missouri law does not claim the force of legislation; the whole object is to wipe out a restriction made without the authority of right, and which interferes with the constitutional

Mr. HUNT did not avail himself of this privilege. On a former similar occasion he refused to revise his remarks, and it was thought not worth while to show them to him in this case. Mr. CRAIGE, through a friend, a member, changed one sentence of his remarks. As taken down by a Reporter of the Globe, it read:

"Mr. CRAIGE. I did say that the gentleman was a factionist, and I now repeat it."

It was altered by Mr. CRAIGE to read:

"If the gentleman desires to bully the House, he shall not do it. He shall not bully me. I did say he was a factionist, and I now repeat it."

The remarks of both gentlemen, as reported by the National Intelligencer, follow:

Mr. RICHARDSON then submitted his resolution as modified, and upon it demanded the previous question.

Mr. SAGE moved to lay the resolution on the table, upon which motion he demanded the yeas and nays.

Mr. HUNT. If the gentleman will allow me, I will propose an amendment to the resolution as to the time, which will make it more satisfactory to the opponents of the bill.

[Cries of "Hear him!" and "No!" "No!"]

Mr. CRAIGE and others objected.

Mr. HUNT. Then the gentleman compels me reluctantly to take a ground that I would not take—

[Loud cries of "Order!" "Order!"]

Mr. CRAIGE. I look upon the gentleman as acting with

factionists—

[Renewed cries of "Order!" "Order!"]

The question was then taken on the motion to lay the resolution on the table; and it was decided in the negative—yeas 65, nays 134.

Mr. HUNT. I ask that I may be allowed to ask a question, or to say one word by way of explanation of a matter that concerns my feelings.

The SPEAKER. It can only be done by unanimous consent.

[Cries of "Hear him!" and objections.]

Mr. CRAIGE. I take the same ground that I took before—

[Shouts of "Order!" "Order!"]

Mr. HUNT. If the gentleman stigmatizes me as a factionist he speaks a falsehood.

[Vociferous shouts of "Order!" and great confusion followed, nearly every member standing.]

Mr. CRAIGE endeavored to be heard amid the din of the many calls to order, but all that could be heard was: "I will exercise my rights, and will object to the gentleman as soon as I would to anybody else."

privileges of one section of the country. The territories of the United States are the property of all, and no power is given to Congress to thwart the purposes of our fathers, and to deny to the citizens of one part privileges which are accorded to the other portion of the country.

He replied to the charge of a "violation of good faith," saying that the Missouri act has never been regarded by the North as of higher sanctity than other laws. As to the accumulated dangers from the passage of this bill, he remarked that where right is, the public conviction will ultimately settle. He continued his remarks until the expiration of the hour allotted in debate, in advocacy of the bill under consideration.

Mr. MAYALL delivered his views in opposition to the bill. He said that the compromise of 1850 was far more objectionable to his constituency than was that of 1820 to the people of the South. If it was policy to repeal one compromise because it was objectionable to the interests and sentiments of one section of the country, why not repeal another compromise which was far more objectionable, generally, to the people of another section?

The object of the friends of the bill, as constantly declared, was to repeal all compromises in relation to the institution of slavery. Why not repeal the compromise of 1850 as well as that of 1820, and all other compromises on the subject? To carry out the idea of the friends of the bill, they should repeal the Constitution, in order to do away with all compromises in regard to the institution of slavery.

This was not a question of ordinary legislation, nor one of mere expediency or of constitutional rights. In his opinion the question was whether the honor of the nation should be maintained; whether the pledges of our forefathers should be preserved, and handed down by us to our posterity to be maintained for all time to come.

He was not opposed to the organization of a territorial government for Nebraska, but was against the bill in its present shape. His objection to the bill was confined almost exclusively to that clause which declared that the acts of 1850 rendered the compromise of 1820 inoperative and void; thereby violating the compromise of 1850, and plunging the country again into slavery agitation. This point he argued at length, and replied to the remarks made by Mr. MACDONALD some time since.

Mr. FLAGLER said that the voice of his immediate constituents came to him in tones deep and unbroken like the cataract on their borders, earnestly remonstrating and protesting against impairing the Missouri compromise, and enjoining upon him the exercise of all the means in his power to oppose the threatened repeal. He was happy to say his own views and feelings were in perfect consonance with those whom he represents.

There were two great principles established at an early period in our history; first, the exercise of power by the National Legislature over the Territories, and secondly, the prohibition of slavery in the Territories, as embodied in the ordinance of 1787. These principles were sanctioned by the master-minds who framed the Constitution. He then gave at length his objections to the bill under consideration.

Mr. GIDDINGS hailed with peculiar interest and joy the discussion of this great question, and to those who introduced it here he tendered his most hearty thanks. They had done more to agitate the great question of humanity in one short month than he had been able to accomplish in the twenty years he had been a member of this body. He would not say that he rejoiced that they had done it in this particular manner, but he did rejoice that the American people were bound to consider all those great and overshadowing interests which now agitated not only this country, but Europe also.

He stood in a peculiar position. He was no partisan; at least, he was not connected with either of those great political parties which had heretofore occupied the attention of the people of the United States, and he rejoiced that the old issues which had heretofore divided these parties had subsided. The land-marks which had distinguished the Whigs and Democrats had become gradually more and more obscure, until they had now disappeared; and no man could draw the line

of distinction, or rally the forces of either party upon either side of the House.

Long had he contended that all attempts by the Government to sustain or uphold or maintain slavery outside of the States was unconstitutional and an invasion of the rights of the people of the free States, an outrage upon the Constitution, and a violation of the dearest rights of humanity. He rejoiced that men were coming up to the maintenance of these principles.

Mr. READY obtained the floor.

Mr. SEYMOUR. With the permission of the gentleman from Tennessee, [Mr. READY,] I move that the committee rise.

Mr. WRIGHT, of Mississippi. I ask permission to say one word.

Mr. KEITT. I hope the motion that the committee rise will be withdrawn for a moment.

Mr. WRIGHT. I hope that no gentleman from the State of Mississippi, holding a seat upon this floor, would so far degrade himself as to make a reply to the gentleman who has just spoken.

Mr. GIDDINGS. That is the best argument you can make, and the best one you ever did make.

The question was then taken upon Mr. SEYMOUR's motion; and it was decided in the affirmative.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 236, entitled "An act to organize the Territories of Nebraska and Kansas," but had come to no conclusion thereon.

On motion by Mr. TWEED, the House then adjourned (at twenty minutes of four o'clock) till to-morrow, at twelve o'clock, m.

IN SENATE.

WEDNESDAY, May 17, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. WELLER presented a memorial of the officers and soldiers who were wrecked on the steamer Winfield Scott, in the Pacific ocean, on December 2, 1853. The petitioners allege that in consequence of this wreck, the second regiment of infantry lost all its instruments and music valued at \$800; that each officer lost or had destroyed all his necessary baggage, valued at from \$450 to \$500; and that each soldier sustained a loss equal to \$100. They pray, therefore, that the several amounts above named, be allowed the officers and soldiers of the regiment who were in the wreck. The petition was referred to the Committee on Military Affairs.

Mr. MORTON presented the memorial of Isaac Hulse, praying indemnity for the injury sustained by him in the erection of the barracks of the United States at San Carlos de Barrancas, on a part of his property; which was referred to the Committee on Military Affairs.

Mr. GWIN. I present the memorial of Alexander S. Taylor, of Monterey, who represents that he is in possession of certain manuscript papers and documents of great value in elucidating the early settlement and history of the State of California, extending from the year 1770 to the year 1846; that the aforesaid papers and documents are written in the Spanish language, with the exception of certain portions of comments and statistics gathered by the memorialist from old settlers and officers serving under the government of California prior to the 7th of July, 1846, and copies from scarce Spanish, French, English, and American books; that these documents and papers are of a public character, and, if printed and published, will be of the greatest value to the people of the State of California, and to the interests of the Government of the United States.

The memorialist further states that he is desirous of extending and completing the same by the use of the old Spanish archives of California, now in possession of the United States Surveyor General of California, and the United States Board of Commissioners for ascertaining and settling the land claims of California, which are now in their respective offices in San Francisco; that he is desirous of

having this labor performed under his supervision, but that his circumstances are not sufficiently ample to undertake the expense, and he therefore respectfully prays that Congress will appropriate a sum of money to insure the early printing and publishing of these documents, as part of the Government archives, the most of which have never appeared in print in any language. As it is an interesting memorial, I move that it be referred to the Committee on Public Lands, and printed.

The motion was agreed to.

Mr. DODGE, of Iowa, presented a petition, signed by German inhabitants of the city of Washington, District of Columbia, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom were referred certain documents in support of the claim of the children of Leonard Proctor to a pension for services rendered by him during the war of the Revolution, submitted an adverse report thereon; which was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, reported a bill to improve the naval service; which was read, and passed to a second reading.

J. W. KELLY'S CONTRACT.

Mr. MORTON. As the morning business is through, I wish to throw myself on the indulgence of the Senate, and ask them to take up the bill for the relief of John W. Kelly. It is a private bill which has been reported from the Committee on the Post Office and Post Roads, and is especially under my charge. I expect to leave the city in a few days, to be absent some five or six weeks, and I am, therefore, anxious to have the bill considered and acted upon before I leave.

Mr. DAWSON. Did you write the report?

Mr. MORTON. I drew up the report, and I can give all the necessary information in regard to it.

Mr. DAWSON. I hope the bill will be taken up.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Postmaster General to have the accounts of John W. Kelly, late a contractor on route 3540, from Bainbridge, Georgia, to Apalachicola, Florida, audited and settled by the proper accounting officers, and to allow him the contract price stipulated to be paid him, \$2,400 per annum, from September 1, 1852, to June 30, 1855, the day on which his contract would have expired, deducting therefrom the payments heretofore made on account thereof; and the sum when so ascertained and paid shall be in full of all claims which Kelly may have for damages in consequence of the annulment of his contract on the 21st of February, 1853, by the Post Office Department.

Mr. MORTON. Mr. President, there is a report accompanying the bill, which sets forth the facts and merits of the case. I presume, however, that it is unnecessary to read that report to the Senate. A laconic statement of the points of the case by me, I presume, will be amply sufficient.

In 1852, the Post Office Department entered into a contract with J. W. Kelly for the transportation of the mail from Bainbridge, in Georgia, to Apalachicola, in Florida. The services under that contract commenced on the 1st of September, 1852. On the 8th day of February ensuing, the Postmaster General, in consequence of false information, as he acknowledged, and as the party giving it also subsequently acknowledged, annulled the contract of Kelly.

Complaint was lodged against the contractor on the 8th of February, 1853, and immediately the contract was annulled. The postmaster at Apalachicola, upon whose statement the contract was annulled, subsequently acknowledged that he had been imposed upon whilst absent from his post, and had given false information to the Post Office Department. But by the time when this acknowledgment was received at the Department, a new contract was advertised for, and a new contractor placed upon the line. The true information received by the Department, established the

fact that Kelly had faithfully performed the service up to the very day and hour in which his contract was annulled.

I may here remark, that the Post Office Department pursued in this case a very singular course, and one not usual on such an occasion, in annulling the contract of Kelly without calling on him to show cause why the act should not be done. On the 30th of January, the postmaster at Appalachicola, being then confined to a sick bed in Georgia, wrote a letter to the Postmaster General, in which he said:

"I regret to inform you that Captain Kelly, the contractor for this route, 3540, has, like all his predecessors, abandoned the contract."

Upon this simple information received from the postmaster of Appalachicola, then confined to a sick bed in Georgia, some one hundred and fifty or two hundred miles distant from his post, the Postmaster General annulled the contract. The letter was received on the 8th of February, and on the very same day the contract was annulled. When the postmaster of Appalachicola returned to his post, he wrote a letter to the Department, under date of March 24, 1853, in which he used this language:

"At the date of my first letter, (30th January,) I was confined to my room by sickness in Bainbridge, when I was waited upon by Thomas J. Eppes, Esq., one of the citizens of Appalachicola, then on his way to Washington, who represented to me the facts as set forth in my letter to the Department, assuring me, in addition thereto, that no mail had been received at Appalachicola for a long period, and that Captain Kelly had taken command of the steamer J. Jenkins. Relying upon Mr. Eppes's veracity, I considered it my duty to inform the Department, and was much surprised, on my recovery and return to this place, to find that I had been grossly deceived, and that Captain Kelly actually carried the mail regularly up to the 21st of February, at which time the boat, which had been engaged temporarily, refused to perform the service longer, and I made the new temporary contract for a tri-weekly mail, as authorized by the Department, and which, I am pleased to say, has worked well thus far."

The postmaster at Bainbridge, the other terminus of the route, states, in a letter to the Department, that Captain Kelly, the contractor, had faithfully discharged his duty, "and has not, in one instance, failed to have the mail here connect during the whole time he has been carrying the mail on route 3540."

Under these circumstances, sir, the memorial, accompanied by many certificates, showing the large profit which the memorialist would have received by the continuance of his contract, and the injury which he sustained by its abrogation, was referred to the Committee on the Post Office and Post Roads. His losses are estimated at some six or seven thousand dollars per annum, but the committee have thought it to be only just and proper to present to the Senate a bill giving Mr. Kelly the full amount of his contract price up to the time at which it would have terminated, the first of July, 1855, deducting the payments made to him.

The bill was reported to the Senate without amendment.

Mr. MALLORY. Mr. President, I was not in my seat when my colleague began his remarks in relation to this matter, and I do not know whether, in the course of these remarks, any blame or responsibility has been thrown on the Post Office Department, and I rise simply to say, in connection with this affair, that the contract referred to was annulled at the earnest solicitation of my colleague and myself, and the former Representative for Florida in the other House. I shall vote for the bill, of course, with a great deal of pleasure, and I am very glad that my colleague has brought it forward; but I think it proper to make this statement. We made jointly and severally the most earnest appeals to the Postmaster General to abolish that contract, and put the service on another footing, and in abolishing the contract, he acted entirely in compliance with our request. There was a complaint that the service was not being performed, and to my certain knowledge two delegations came on here to protest against the continuance of that state of things.

I have risen merely to relieve the Postmaster General from any imputation of haste in the matter. I was very glad myself that the contract was annulled. The merchants at Appalachicola were not having their mail service done. They had in port shipping with one hundred and sixty bales of cotton, and were doing an immense business, but, according to the representations made

to us, they sometimes had no mail for thirty or forty days.

Mr. MORTON. Mr. President, I do not wish to enter into a discussion of the propriety of the course pursued by the Post Office Department with regard to this contract; and I regret even the remarks which have been made by my colleague. I look upon the conduct of the Post Office Department in this whole transaction as highly culpable, and I think my colleague is mistaken in one fact in regard to it. I am not disposed now to go into an elaborate discussion of the course pursued by the Department with regard to this contract, but I wish to correct my colleague in one thing. I think, on examination of the papers on file in the Department, he will not find that I united in any request to the Postmaster General to nullify this contract, or set it aside.

The mail service between these two points had been irregular and inefficient. The inefficiency of the service was the great thing of which the citizens of Appalachicola complained, and I did unite in many memorials and remonstrances to the Department for a more efficient service than there had been on that route previous to that contract which was entered into with Mr. Kelly, whose service commenced on the 1st of September, 1852. I do not think, however, anything will be found under my signature on the files of that Department, asking the Postmaster General to set aside Kelly's contract.

Previous to Mr. Kelly's entering into this service there was a contractor by the name of Floyd, who utterly abandoned the contract. Complaints were placed on file in the Post Office Department against his conduct, but the Department pursued a very different course towards Floyd, who, perhaps, never actually entered into the service, or, at all events, did not perform it efficiently, and shortly afterwards abandoned it, from that which it pursued towards Kelly. When those complaints were lodged against Floyd, the Department notified him of the allegations against him, and called upon him to respond to the charges. Due time elapsed, and no response was received from him. The Post Office Department then nullified, or set aside his contract. After that, an advertisement was published for the same service, and the contract was let to Mr. Kelly. The same course was not pursued towards Kelly, however, that had been pursued towards Floyd. Immediately when complaint was lodged against Mr. Kelly the Department set aside his contract, and since that time the files of the Department show that the information on which it was annulled is erroneous. I do not think that if my colleague examines with care the records of the Post Office Department, or the papers on file, he will find there any communication signed by me advising or recommending the nullification of the contract with Kelly. It is true, when complaints were lodged against him, I appended certificates testifying to the respectability and credibility of the individuals whose names were attached to them. We members of Congress sign a great many papers without examination, but I am sure that no paper will be found in the Department under my signature recommending the annulment of the Kelly contract.

Mr. MALLORY. Mr. President, I think my remark will be found substantially correct in every particular. I do not say that any record will be found of the interference of my colleague on that subject, but what I said was, that he himself personally applied to the Postmaster General to rescind this contract. If I am in error, I should like to know it. It is so understood by myself, and I have always acted upon this presumption. I so interfered, and so did Mr. Cabell, and I understood that my colleague also personally so interfered, and made the request. I do not say that he signed a memorial, or a paper, but that he was anxious, with us, to have the contract given to some other party, or put on a different footing, which could only be done by rescinding this contract.

Mr. MORTON. I may have united in urging and recommending an efficient service, though and on this *ex parte* statement, for it is nothing more, I might have said, presuming the information to be correct, that the contract ought to be set aside. Yet, I think the Post Office Department pursued a very stringent course, to say the least of it, towards this man Kelly, and entirely different from the course which it had pursued towards

former contractors. But, as I before remarked, I do not wish to go into a discussion of the action of the Post Office Department with regard to this contract of Kelly's, although I think it is fairly subject to criticism and reprehensible remarks.

Mr. DAWSON. I wish to ascertain from the Senators from Florida whether my understanding of this case is correct. As I understand it, Kelly took the contract, but was removed upon the statements of the postmaster at Appalachicola that the service was not performed. The postmaster of Appalachicola was sick one hundred and fifty or two hundred miles from home, when he gave the letter referred to to a gentleman who was coming on to Washington city. That letter was brought to Washington and presented to the Postmaster General, and upon the information contained in it, the order rescinding Kelly's contract was made. When the postmaster at Appalachicola got home, he found that he had been made an instrument in the hands of a man who was coming to Washington, to make a misrepresentation of the facts, upon which misrepresentation the Post Office Department had acted. When he got back, he wrote to the Department, saying that he had been made an unwilling instrument to tell a falsehood, which led to the rescinding of the contract, when, in point of fact, there had not been a single failure from one end of the line to the other, from the time that Kelly took the contract. The Department then said to Kelly, we have let this contract so that the service may go on, and we cannot remove the man who has now got it, although we are sorry that you have been removed on false representations, but we cannot settle your claim, it must be referred to Congress. The claim is now, however, before us, and it seems there is nobody to blame, except the man who made the false representation, the sick postmaster of Appalachicola, and he is to blame for the whole of this difficulty, because he allowed himself to be used by a man who was coming on here to have the contract rescinded. The object was to get a contract for a tri-weekly mail, when Kelly's contract was but for a weekly mail. Kelly was removed unjustly, for he never failed to discharge his duty.

Mr. MALLORY. I have no doubt that the honorable Senator from Georgia has correctly stated the matter precisely as it is. However, the only object I had in rising at first was, as some imputation seemed to be cast on the Postmaster General, to shield him from anything of the kind, and to say that his action, whatever it was, has been, as I understand, at the earnest solicitation and interference of the delegation from Florida, who were as much mistaken about the true facts of the case as the Postmaster General himself.

Mr. DAWSON. Precisely.

Mr. MORTON. I do not wish to protract the discussion on this bill. The statement of the Senator from Georgia is substantially correct. I omitted before to say to the Senate that the order was made by the Postmaster General with respect to the payment of Kelly. It should be borne in mind that the contract was annulled on the 8th of February, and the Postmaster General, when directing the payment to be made to Kelly for the services which he had performed, said:

"The postmaster at Appalachicola having reported the abandonment of service by Mr. Kelly, on false information derived from others, and there being, moreover, a necessity for a readjustment of the route to procure adequate mail facilities for Appalachicola, which could not be done on the *pro rata* principle, let Mr. Kelly, late contractor, be paid at his contract rate, from October 1, 1852, to February 21, 1853, subject, however, to finds and deductions."

This gave him pay from the 8th of February, on which day the contract was annulled, until the 21st of February, when the new services commenced upon that route. If Mr. Kelly had then been considered as a defaulting contractor, this additional pay would not have been allowed, but he would, in common parlance, have been termed "black-balled" by the Department. He is not so, and consequently he is now at liberty to make any other contract. If he had been a defaulting contractor, he would not have been paid the amount due him even up to the 8th of February, at the time when the contract was set aside, but would have been subject to damages for the non-performance of the contract. Instead of this, the Postmaster General said, substantially, that he was not a defaulter, but that his contract was taken from him on false information, and, there-

fore, that he should be paid not only up to the 8th of February, when his contract was annulled, but also up to the 21st of February, when the new contractor commenced the service.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

PORT HURON AND LAKE MICHIGAN RAILROAD.

Mr. SHIELDS. The Committee on Military Affairs, to whom was referred the bill granting the right of way over, and depot grounds upon, lands belonging to the United States at and near Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company, have instructed me to report it back with an amendment in the form of a substitute. If there be no objection, I ask for its consideration at this time.

The bill was accordingly considered as in Committee of the Whole.

The amendment of the committee was to strike out all after the enacting clause, and insert the following:

That the President of the United States be, and he is hereby, authorized to grant to the Port Huron and Lake Michigan Railroad Company the right of way upon land reserved for military purposes at Fort Gratiot, in the State of Michigan; and also the right to take and use other lands belonging to the United States at the same place for the necessary depots: *Provided*, That he shall be of opinion that the said grants will not be detrimental to the public interest, and that the company pay into the Treasury of the United States the appraised value of the premises required for the depots and other necessary buildings, to be determined by such officer or officers of the Engineer Corps, or such other person or persons as the Department may designate for that purpose: *And provided further*, That the location and width of the road-way, and the location and boundaries of the depot grounds, and also the conditions on which they are to be possessed and improved shall be determined under the authority, and with the approval of the President: *And provided further*, That if said railroad and depots shall not be completed within — years, or if at any time after completion the use of said railroad or depots be discontinued or abandoned, the said grant shall cease and determine.

Mr. HUNTER. I desire to ask the Senator from Illinois if this right is left to the discretion of the President or Secretary of War, or whether it is imperative?

Mr. STUART. It is discretionary.

Mr. SHIELDS. This has been prepared in concert with the War Department.

The PRESIDENT. The Chair will suggest that there is a blank in the amendment which should be filled.

Mr. STUART. Fill it with "ten," so as to make it "ten years."

The PRESIDENT. If there be no objection that will be done.

There was no objection.

The amendment of the committee was agreed to. The bill was reported to the Senate as amended, the amendment was concurred in, the bill was ordered to be engrossed for a third reading, read a third time, and passed.

LIEUT. STRAIN'S DARIEN EXPEDITION.

Mr. CLAYTON. It will be recollected, Mr. President, that an expedition commanded by Lieutenant Strain, and under the protection of the United States, was sent to the Isthmus of Darien for the purpose of ascertaining, in conjunction with a similar expedition on the part of the Government of Great Britain, the practicability of a canal route across the Isthmus of Darien. A detachment from a United States man-of-war was sent for that purpose, and penetrating the Isthmus, lost their way. It was generally believed, for a long period of time, that they had perished miserably in that wilderness. It turned out at last, however, that they were saved by a boat's crew from her Britannic Majesty's man-of-war Virago. In order to enable the Senate to understand the purpose which I have in view in offering the joint resolution which I desire to introduce, I will now read a part of a letter written by Lieutenant Strain to Commander Edward Marshall, of the Virago, acknowledging the services rendered. The letter is dated "United States Darien Expedition, Cantonment of La Palma, Darien Harbor, April 8, 1854." After a full account of all the dangers incurred, and the services of the boatmen in behalf of the detachment, Lieutenant Strain closes his letter thus:

"Owing to the supply of provisions and clothing which we have received from the Virago, we have now nothing to desire, while the assiduous attentions of your medical

officers have removed all, as we have every reason to hope and believe, beyond the reach of danger."

"To the energy and activity of the commander of the relief party, Lieutenant W. C. Forsyth, we owe much, as the condition of some members of our expedition was so precarious, that even a few hours afterwards, we should have arrived too late. To him, Dr. William Ross, and Paymaster W. H. Hills, and the men composing the crew of the paddle box boat, you will please communicate my thanks, and those of my party; and I am well aware that it must be a source of intense satisfaction to them to know that, had it not been for their well directed efforts, thirteen suffering men must inevitably have perished miserably, notwithstanding every effort which I, or the others composing the advanced guard, might have made to save them."

It will be seen, then, from the testimony of our own officer that thirteen suffering Americans were saved by these officers and crew of the British ship. In order to make some acknowledgment to them for this act of humanity and generosity, I beg leave, by the unanimous consent of the Senate, to introduce a "joint resolution manifesting the sense of Congress towards Commander Edward Marshall, commanding her Britannic Majesty's ship Virago, and the officers and crew who were detached by his order for the relief of the surveying party under the command of Lieutenant J. G. Strain," for the purpose of having it referred to the Committee on Foreign Relations.

Unanimous consent was given to the introduction of the joint resolution, and it was read twice, and referred to the Committee on Foreign Relations.

The joint resolution proposes to request the President of the United States to procure gold medals with suitable devices, one to be presented to Commander Edward Marshall, of her Britannic Majesty's ship Virago, one to W. C. Forsyth, First Lieutenant of the Virago, one to Dr. William Ross, and one to Paymaster W. H. Hills, as a testimonial of national gratitude for their generous and humane conduct in extending timely relief to the surveying party under command of Lieutenant Strain. It also authorizes the President to cause to be paid to each of the boat's crew who were engaged in the rescue of the said surveying party, the sum of one hundred dollars each as evidence of the high sense entertained by the Congress of the United States of their generous assistance.

AFRICANIZATION OF CUBA.

Mr. MALLORY. Before the special order is taken up, I ask the Senate to consider the resolution which I submitted yesterday, and which was laid over on the objection of the Senator from Massachusetts, [Mr. SUMNER.] I desire merely to have it referred to the Committee on Foreign Relations, without discussion.

The PRESIDENT. If there be no objection the resolution will be considered.

Mr. SUMNER. I understood from the honorable Senator, yesterday, that he did not desire to consider the resolution at this time.

Mr. MALLORY. That is precisely my desire, not to have it debated at this time, but to send it to the Committee on Foreign Relations.

Mr. SUMNER. The resolution, as I understand it, cannot go to the Committee on Foreign Relations without seeming to receive a sanction from this body.

Mr. MALLORY. Well, sir, that is a matter for the body to determine; and I now ask the Senate to consider and refer it to the committee. A resolution was introduced sometime ago by the Senator from Louisiana, and discussed somewhat, and referred to that committee; and I shall be prepared to discuss the whole subject when a report shall be made by that committee.

Mr. CHASE. Let the resolution be read.

The PRESIDENT. The question is on referring it to the Committee on Foreign Relations. It will be read.

The resolution is as follows:

Resolved, That the recent acts and declarations of the Cuban authorities, considered in connection with Spain's past policy with reference to that island, are calculated to excite the just apprehensions of the Government of the United States, of a settled design to throw Cuba ultimately into the hands of its negro population, and to revive there, within a few hours' sail of our shores, the scenes of San Domingo's revolution, a result which the United States will deem alike inconsistent with their progress, their prosperity, and the civilization of the age.

Mr. CLAYTON. I think there need be no hesitation in referring the resolution to the Committee on Foreign Relations. If the vote on the question of its reference would be considered as an indorsement of the propositions contained in

the resolution, the honorable Senator from Massachusetts would be justified in his objection; but I think he is mistaken in regard to that. The mere reference of the resolution to the committee expresses no opinion whatever, on the part of the Senate, in regard to the proposition in the resolution. It is, in fact, a mere resolution of inquiry; and, as such, it seems to me, the Senator should make no objection to its reference.

Mr. CHASE. The resolution asserts certain facts. I do not see how it is possible for the Senate even to refer a resolution of that abstract character without appearing at least to give a sanction to the propositions contained in it; and, for one, I am not willing to observe silence while a resolution of that sort receives the action of the Senate.

I am sure the Senator from Florida will not suspect me of any desire to throw any obstacle whatever in the way of a simple resolution of inquiry, if he proposed to address such a resolution to the Committee on Foreign Relations. There is no Senator upon this floor to whose action I should be more unwilling to take any exception, than to that honorable Senator; but, sir, in my judgment, this resolution goes something further than a mere inquiry. It asserts distinct facts—facts running through a long line of policy, alleged to have been pursued on the part of the Spanish Government; and I think, before it is referred, it ought to receive some discussion on this floor. So far as I have anything to say upon it, I could proceed as well at this time as at any other; but it seems to me, in view of the business before the Senate, it would be better to postpone the consideration of it until to-morrow, and then take it up during the morning hour.

Mr. MALLORY. I was not prepared for such objections as these. If the resolution does set forth facts, they are facts that I assume, and that I expect, if I have an opportunity, to sustain, and they are not facts set forth by the Senate, or sanctioned by the Senate as facts; but the object of referring the resolution is to ascertain whether the Committee on Foreign Relations will give it a report or not. I do not come here at this hour to ask the sanction of the Senate upon the resolution.

I have no doubt of convincing the Senate when the proper time arrives, that the resolution asserts nothing but facts, and, sir, I feel that it is nothing but an act of courtesy to myself—the honorable Senator from Ohio having permitted the former resolution, submitted by the Senator from Louisiana, [Mr. SIDELL,] to go to the Committee on Foreign Relations—that this resolution should also go to that committee, it being on the same subject. I can see no object to be attained in postponing it until to-morrow; because I want to avoid discussion; I do not seek it now; I am not disposed to discuss this measure by halves; but I want it discussed thoroughly, when the Committee on Foreign Relations have reported.

Mr. WELLER. I do not think that the referring of this resolution to the Committee on Foreign Relations commits the Senate to an indorsement of its propositions. Suppose that a constituent of my friend from Florida made the same statement by way of a memorial to the Senate. Upon the introduction of that memorial, it would be referred to the Committee on Foreign Relations, and then, when the subject was reported to the Senate, we could enter upon a general discussion of the questions raised.

And certainly the Senate ought to extend the same rule to one of its own members as to one who stands outside, and approaches us by way of memorial or petition. That I consider is the whole question. The Senator from Florida considers those facts to be true, and asks that the Committee on Foreign Relations may be authorized to investigate the subject. When their report comes here, the Senator from Ohio will have an opportunity of entering into the discussion.

Mr. STUART. It seems to me, I submit to the Senator from Florida, that this thing may be disposed of very easily by striking out the word "that" following "resolved," and inserting "that the Committee on Foreign Relations be instructed to inquire whether," and then let the words of the resolution go on as they now stand. Nobody will be committed by that.

Several SENATORS. Move to amend the resolution.

Mr. STUART. I will move that amendment.

Mr. MALLORY. I have no objection to so modifying the resolution.

The resolution as modified was agreed to.

PRINTING OF DOCUMENTS.

Mr. JOHNSON. I am directed by the Committee on Printing to report in favor of printing two thousand additional copies of Captain Lorenzo Sitgreave's report on the expedition down the Zuni and Colorado rivers, and five thousand copies of the report of the expedition of Captain Marcy on the head waters of Red river. This report is made after a careful investigation; and the number is all we esteemed necessary, and it is deemed that the public service require that they should be printed.

Mr. GWIN. I move that there be three thousand of each printed. They are both very valuable documents.

The amendment was agreed to; and the report as amended was concurred in.

SENATE REPORTING.

Mr. BRIGHT. I am anxious to dispose of a resolution which is pending before the Senate, providing for publishing the debates and proceedings of the Senate. I will call it up, provided it is not to lead to debate. If it should lead to debate, I should certainly be unwilling to do so, and thus interfere with the time of the honorable Senator from Mississippi. I should like the honorable Senator to signify whether it will interfere with him.

Mr. BROWN. I should prefer to proceed now.

Mr. BRIGHT. I will call it up immediately after the honorable Senator has got through.

INDIGENT INSANE BILL VETO.

On the motion of Mr. HUNTER, the Senate resumed the reconsideration of the bill making a grant of land to the several States of the Union, for the benefit of indigent insane persons, which had been returned by the President of the United States, with his objections.

Mr. BROWN then rose and addressed the Senate, on the veto message. A report of his speech will be found in the Appendix.

Mr. BRIGHT. I move to postpone the further consideration of this subject until to-morrow, for the purpose of taking up the resolution which I offered the other day respecting the publication of our debates.

The motion was agreed to.

THE DEBATES OF THE SENATE.

The Senate proceeded to the consideration of the resolution submitted by Mr. BRIGHT, on Thursday, the 11th instant.

Mr. BRIGHT. I modify my resolution by striking out all after the word "Resolved," and inserting:

That the Secretary of the Senate contract with the proprietors of the Washington Sentinel for the daily publication of the proceedings and debates of the Senate in that paper, provided the same can be done at a price not exceeding \$4 50 per column.

Mr. FITZPATRICK. When this question was under consideration the other day, a great deal was said in reference to the reporting done by the Union, and the fact that that paper was engaged to report the proceedings of the Senate was urged as an argument why we should put other papers in this District upon the same footing. Since the adjournment on that day, I have received a communication from the editor of the Union, which I desire to have read to the Senate.

The Secretary read the communication, as follows:

UNION OFFICE, May 12, 1854.

DEAR SIR: I see from the debate in the Senate on yesterday that the subject of publishing the proceedings and debates of that body is creating some degree of embarrassment. My object in addressing you this note is to remove all cause for embarrassment as far as the Union is concerned. By reference to General Armstrong's letter to the Secretary of the Senate, dated February 11, 1854, you will see that he asked to be relieved from his engagement to publish the entire proceedings and debates of the Senate, and that the arrangement should cease from that date. His letter was laid before the Senate, but the only action taken was to refer it to the Committee on Printing. Not being disposed to abandon the arrangement without the consent of the Senate, General Armstrong, on the advice of the chairman of the committee, as I understand, felt it his duty to go on under the arrangement until the Senate should take further action. Upon the death of General Armstrong, I became the proprietor, and inferred from the fact that he had continued to execute the arrangement up to his death, and seeing that the Senate had taken no action, that it was the wish of the Senate that the arrangement

should continue. I accordingly addressed a note to the Committee on Printing, expressing my willingness to go on with the former arrangement. I have continued to publish the proceedings and debates of the Senate up to the present time, executing the arrangement with all the dispatch that was practicable. I knew that the arrangement had yielded no profit to General Armstrong, and I anticipated none to myself; but as I supposed the Senate deemed it important to give to their proceedings an extensive circulation, I was willing to contribute all in my power to that end. As the publication in the Union of the entire proceedings and debates of the Senate is a matter of no pecuniary interest to me, and as I see from the debate yesterday that it is not regarded, by some of the Senators, as a matter of benefit to the country, I respectfully request you to relieve the Senate of any embarrassment growing out of the former arrangement with the Union, by signifying my readiness to terminate the arrangement with this date. I beg leave to add, that I shall continue to keep a reporter in the Senate, and will endeavor to do as full justice to the publication of the proceedings of the body as their importance, and my obligations to the other House will allow.

With sentiments of high regard, I am very respectfully, your obedient servant,

A. O. P. NICHOLSON.
Hon. BENJAMIN FITZPATRICK,
Chairman Committee on Printing, &c.

Mr. FITZPATRICK. Now, Mr. President, we have got precisely to the point at which I stated, when this matter was under consideration the other day, I hoped we should get. If I understand the amendment which has been made to the resolution, it contemplates simply authorizing the Secretary to contract with the Sentinel alone. It seems to me somewhat strange, when two papers like the *Intelligencer* and the *Union*, which have been so long established here, could not maintain themselves at the price paid by the Senate for this service, that the *Sentinel*, or any other paper established so recently, should be anxious to seek such a position.

I am in favor of placing the proceedings of this body in such a shape as will preserve them; and I think that can be done in the way which I intimated, when I formerly addressed the Senate upon this question. The paper which is now the sole reporter for this body—the *Globe*—if I am correctly informed, circulates very extensively throughout the Union, and exchanges, perhaps, with seven tenths of the papers throughout the country. If that be the fact, all the information in regard to our proceedings which is necessary for the enlightenment of the country, can be found in that paper. It certainly cannot be for the purpose of enlightening the Senate, that it is proposed to add an additional reporter. Both the papers to which I have referred were engaged in this business. One of them, the *Intelligencer*, long since declined it; and the communication which has just been read shows that the other cannot sustain itself at the price paid, and avers that this service has never been the source of any pecuniary profit to the proprietor in the transaction of his business. With these facts before us, and with the heavy printing items which form a portion of the expenses of this body and of the other House, it seems to me that it is utterly useless to add a third paper to the list of reporters here. If the Senate pay any attention to the vast expenditure going on in this body and the other House, the cost of printing is a matter worthy of the consideration of the Senate. I have been at some pains to ascertain the amount of money paid annually by this body and by the House of Representatives for these purposes, and I will endeavor (without attempting to trespass too long on the attention of the Senate, for I have already occupied more of their time than I desired to do) to present some of these items. I will take as a basis the reporting for the *Globe* which is put down by a gentleman who I presume thoroughly understands this matter, and who bases it on statistics before him, as costing about \$17,372. That is the actual price, I believe, for the Thirty-Second Congress, assuming the Senate's debates to be equal to those of the House. That is based upon the assumption that the cost of reporting is \$4 74 per column, as stated in Mr. Rives's letter. Then the cost of the mere printing is stated in the calculation which I have before me at \$10,769. These two items make an aggregate of \$28,141, as the cost of reporting and printing in the *Globe* for a Congress, and that was the sum paid. The gentleman who made this statement says "the above statement is based on the number of columns the debates made for the Thirty-Second Congress, assuming that the Senate is equal to the House."

The Senate subscribes for seven hundred and forty-four copies of the Congressional *Globe* and Appendix, which, at nine dollars per Congress,

amounts to \$6,696. That, added to the total for reporting and publishing in the *Daily Globe*, makes \$34,837. I add to that \$10,000 for other items, and this would make a total of \$44,837 per Congress, for the debates of the Senate in the *Globe*. That is quite a large item. I exclude from this calculation the probable cost of paying the three papers, which it was at one time proposed to employ to publish the proceedings. I find that the total paid by the House of Representatives for the Thirty-Second Congress, for these purposes, was \$103,807 84. Of this sum \$31,995 was paid for the publication of the proceedings in the *Daily Globe*, and \$71,812 84 for the Congressional *Globe* and Appendix, making a total of \$103,807 84. The amount actually paid for books, during the Thirty-Second Congress, was \$384,000. I exclude from this calculation many books which have been paid for by the Senate, and by the other House. The work of Mr. Schoolcraft, and some other works, are not included in this calculation. Since the Senator notified me that he was about to call up this resolution, I have not had time to look into all the statistics; but the sum annually paid by this body and by the other branch of Congress, for the publication of books and for the reporting of the two Houses, as exhibited in the statement I have made, amounts to \$532,644.

Mr. WELLER. We pay more than \$200,000 a year in the State of California alone for our public printing.

Mr. FITZPATRICK. California is scarcely a fair example for the rest of the Union in matters of expenditure. In that State they deal in much larger figures, and on a much larger scale than we do in this part of the country. Now, without intending to be troublesome, or to obtrude my remarks on this body, and without the least hope of influencing any gentleman on this floor, I have deemed it my duty to submit these facts to the consideration of the Senate. I have endeavored to show them the vast amount of money annually expended, and to show that if the *Sentinel* be placed upon the list of reporters it certainly cannot maintain itself. The result will surely be that we shall be called upon, at the close of the session, to make additional compensation. That paper must incur serious loss in publishing our proceedings. Why the *Intelligencer* and *Union*, with their vast circulation, are to be excluded, and the *Sentinel* alone added to the list of reporters, is to me a mystery. If it be the settled determination of the Senate to place any one paper in this District on the footing on which it is now proposed to place the *Sentinel*, I hold it to be but fair that all the papers here should be placed on the same footing. But, sir, as I remarked before, I am not disposed to obtrude my views, which may perhaps be peculiar to myself, upon the consideration of this body; and if it is the sense of the Senate, that they will add the *Sentinel*, I am inclined to think the other papers should be placed upon the same footing. Whether they would undertake to perform the service or not I cannot say. We have the fact before us that one paper, which had a contract, relinquished that contract, and has not reported the proceedings of the Senate during the last two or three years, and the other has given up its contract within the last few days; and the proprietor of the only remaining paper, which does publish our proceedings, has stated, in the face of the Senate, that he cannot live at the prices now paid him. I leave the question for the Senate to determine.

Mr. JOHNSON. We have now but one paper which reports or prints the proceedings of this body, and that is the *Globe*. At present, we have no contract whatever with the *Union*, the *Intelligencer*, or the *Sentinel*. The proposition now before us is an entirely new one; it does not refer to reporting at all, but proposes to pay the *Sentinel* \$4 50 a column for printing our proceedings. I am not prepared to vote for that proposition when the other papers are not considered in reference to the matter, and when I know, and every one here must know, that if this were a fair and good business for them, and if the price proposed would afford a reasonable profit, they would all be demanding the work at that price. If we pursue this course of providing for each paper separately, we have to consider each case *separatim*, and each requires as much time for its discussion as would be required to dispose of the whole question at once.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

THURSDAY, MAY 18, 1854.

NEW SERIES.....No. 76.

Nor am I prepared at this moment to vote for the resolution, even if it included the three principal papers of this city, for the simple reason that it then becomes a serious business, and I do not know whether \$4 50 per column is a proper amount to be paid or not. I know this, however, that I have never been illiberal in making proper allowances, but have always been in favor of allowing a fair compensation for service done for the public. I know very well there are gentlemen in this body who are opposed to paying any of the city papers anything for printing the debates of this body in either of those papers. Then let us act upon this matter with reference to the whole subject, and let us consider now whether it is most appropriate to take up and act upon this single individual case, or to have the whole matter considered at once and acted upon with reference to all the papers.

Sir, there is another question, a separate and distinct matter from this, which ought not to be forgotten. The Committee on Printing, some time since, before I became a member of it, reported upon a resolution which I, as an individual member of the Senate, offered, and their report is now lying upon the table. My proposition was, in consequence of the showings which had been presented in regard to the expense of reporting and printing for this body by the Globe, to put the Globe upon a permanent and sound footing where it could sustain itself. This was done in consequence of the protest of the gentleman conducting and owning that establishment that he was honestly, constantly, and daily losing by the transaction of that business; and that, too, in very heavy amounts.

The report of the Committee on Printing—which was adverse to the resolution offered by me—recognizes the fact that the Globe cannot, or at least ought not, to go on in this way without additional compensation being paid by the Senate. They base their recommendation for some increase (though it is not to the extent I proposed) on the fact that there has been an advance of twenty per cent. in the wages of hands since the original contract was made, an advance in the price of paper, which has been raised twenty per cent., and an advance in the price of almost everything necessary in such an establishment. They base it also on the fact that the celerity with which the work is now done exceeds anything ever before known, and of course leads to increased expenditures.

The Committee on Printing recognized the fact that the Globe is not now upon a footing which is just and right, and they therefore reported in favor of taking one half the number of copies provided for by my resolution. That report must come up here and be the subject of debate. It relates to the reporting and printing. The resolution now before us relates simply to the printing of the debates. The one ought to be considered without the other; and it seems to me that the reporting should be first considered, as a matter of priority. I think further, that then, as a separate matter, the propriety of printing our debates in the city papers ought to be considered, and considered in reference to all the papers that wish to publish them, and all those that the Senate has hitherto employed for that purpose.

Under these circumstances, and in this view of the case, I believe, though I will not submit the motion, that this question ought to be referred to the Committee on Printing, and that they should investigate the rate of pay that should be allowed for simple printing without reporting; and that the Senate should then take action to authorize a contract to be made with the leading papers of this city—and the whole of them or none—as the Senate itself may direct. I believe that the question ought to be investigated.

As to the price, I do not know but that \$4 50 per column is just and right. If it is, I am certainly willing to pay it. This is a matter that ought to be understood and properly decided, so that hereafter no assaults may be made upon our action in our own body, on the ground that we have given too much, or that we have not given

enough. There has been no investigation of that question, as I understand, at all. But the Senator from Indiana relies upon this as a proper price, upon the simple declaration of two or three individuals who have heretofore been printers to this body.

Mr. BRIGHT. Does the honorable Senator from Arkansas submit a motion to refer this subject to the Committee on Printing?

Mr. JOHNSON. No, sir, I do not.

Mr. BRIGHT. I am glad the Senator does not. This is a very simple proposition, and one which can be acted upon by the Senate now as well and intelligently as after the report of a committee shall have been made. The facts of this case are very plain.

In 1848 the Senate, by resolution, directed the Secretary of this body to contract with the proprietors of the *Intelligencer* and *Union* newspapers for the publication of our debates and proceedings, at the rate \$7 50 per column. The *Intelligencer*, after publishing them for some time, declined to continue the contract, on the ground that it could not afford to report and publish at that price. Subsequently the *Union* declined on the same ground, leaving the Senate without the aid of a daily paper in the city, except the *Globe*.

Under this state of facts, the proprietor of the *Sentinel* came forward and offered to comply with the terms of our resolution passed in 1848, or, in other words, to do that which the *Intelligencer* and the *Union* had refused to do. Then it is that the *Union* reconsiders its previous withdrawal from our service, and the new proprietor offers to go on with the contract of his predecessor. The proposition of both papers was referred to the Committee on Printing, and by that committee reported back without any recommendation on the subject. Still the *Union* has gone on reporting and publishing as before, by what authority I know not, nor is it material to my purpose to inquire. I am as willing to see that paper continue in our service as I am anxious to employ the *Sentinel*, and, therefore, in offering my resolution, I so worded it as not to interfere in any way with any other paper. It was opposed, however, violently by the honorable Senator from Alabama, and others, at the time; and to-day, when we reach its consideration, we are met with another letter from the proprietors of the *Union*, withdrawing a second time, evidently, to my mind, for the purpose of weakening the application of the *Sentinel*; for we are met now with the argument, that "we need but one set of reporters, and that the *Globe* is the only paper that should be paid for publishing our proceedings."

Now, Mr. President, I admit that one set of reporters is all that we need, and I have so modified my resolution as to pay but one set, and they to continue under the control of the proprietor of the *Globe*, and the *Sentinel* to copy our debates and proceedings from that paper, and receive therefor \$4 50 per column for it. Now, sir, I ask what objection there can be to this?

I repeat what I said on a former occasion, that I think it due to the public that we give them a full report of all that we say and do here; and this can in no way be so well done as by employing the papers I have named. The *Sentinel*, we know, is ready to do our work at a fair price. I say a fair price, because, after an interview with Mr. J. C. Rives, known to you all as an honest man, and fully informed in such matters, he has assured me that \$4 50 cents per column is but a just compensation.

Mr. WELLER. Mr. President, it seems that some years ago the Senate considered that it was necessary to have the debates of this body published in the newspapers of this city. They therefore authorized the Secretary to contract with the *Intelligencer* and with the *Union* for that purpose. The object of that, undoubtedly, was to procure a more extensive circulation for the debates of this body. Both those papers have refused to execute that contract. The question of releasing the *Union* from the obligations of the contract, upon the letter of General Armstrong, was re-

ferred to the Committee on Printing. That committee took no action upon the subject except to ask to be discharged. I have a high regard for that committee; but I have no assurance that, if this question were again submitted to them, they would not make a similar report now.

Mr. JOHNSON. The present committee is not the same committee to which the subject was referred. Two out of the three who were then members are not now on the committee.

Mr. WELLER. I think it is very probable that it is a much more efficient committee since my friend from Arkansas was added to it. But there is, I believe, the same chairman, with the same sympathies, and the same prejudices, perhaps.

Mr. FITZPATRICK. No, sir; there is a different chairman.

Mr. WELLER. You made a contract with those two papers, and they say they cannot afford to publish our proceedings at the price paid to them. What was your object in making such a contract? It was to extend the circulation of the debates of the Senate. Then here is the printer of the Senate, who is also the publisher of a newspaper in this city, who now proposes to give that circulation to the debates which you originally designed to obtain by entering into a contract with other parties. What is the objection to that? Can there be any other objection than that which may be of a political character? Here are two Democratic newspapers published in this city. They are both, so far as I know, sound papers, supporting the true principles of the Democratic party, and conducted with much ability. One of them is unable to publish the debates at the contract price; the other says it can do it. Why, then, not give it a trial? If the editor of the *Sentinel* says he can circulate your debates at the rate fixed by the original contract, that being the object you had in view in making the contract, why not allow him to make the experiment? What can be the objection? Surely it is not because the *Sentinel* was selected for the purpose of executing the printing of the Senate against the wishes of a majority of a certain political party here. It is well known that I and you, Mr. President, (Mr. BAKER occupying the chair,) voted for the printer who was elected, although we are ordinarily understood to be the antipodes of each other in politics. By a strange conjunction of circumstances we were brought together on that occasion, as I am glad to say we are very frequently, especially on appropriations to California.

The object of the Senate is to get their debates as extensively circulated as possible. The original agreement with the newspapers with which it was made has failed. Another editor proposes to give them the circulation of his paper. What possible objection can there be to that? Why, it is said he cannot afford to do it. He is, perhaps, as good a judge of that as my friend from Arkansas. He says he can do it. Then let us make the experiment. I am not aware that we have released the editor of the *Union* from the obligations of the original contract. That contract bound him to publish the proceedings of this body "until otherwise ordered." We have not otherwise ordered it. He is not, therefore, released; but I am willing to release him. My object is to have the debates of this body as extensively circulated as possible. It is true, the country may not obtain a great deal of advantage in the end from them, for a great many silly things may be said upon this floor, and I say this with all proper respect. A great many foolish things in this way may be extensively circulated; but the people have a right to know what those who are called the wise men of the country have said upon the public measures which come before them. If our object be to enable the people to see what are the proceedings of this body, the larger circulation you give to those proceedings the better. In a representative Government like ours, every opportunity should be given to the people to understand our actions.

I am not deterred by the extraordinary expenses

alluded to by my friend from Alabama. I believe the expenses of public printing in the State whence I come have amounted, in a single year, to some \$200,000. We are a reading community there. Our people are anxious to know everything that is done in our State Legislature, and we have to incur extraordinary expenses in order to give them that information. But here, sir, is a simple proposition that the editors of the Sentinel shall publish the proceedings of this body, and receive \$4 50 a column for so doing. I do not know of any person who objects to it very strenuously, except my worthy friend from Arkansas, who seems to have started off on the wrong track, and I am afraid the further he goes, the further he will be from what I consider right.

Mr. JOHNSON. The Senator from California is mistaken. I did not object to this. I should be glad to see it done. I am in a somewhat peculiar position in regard to it. I do not object to this proposition, but I did not feel disposed to let it pass without discharging a duty which I felt I owed to the Senate, and that was to state the circumstances which I narrated.

Mr. PRATT. Mr. President, I presume it will be admitted on all hands that the necessity for the publication of the proceedings and debates of this body is for one of two purposes. It is either for the information of the body itself, or for the information of the people at large; or, perhaps, for the information of both. If it be the intention of the Senate to publish its debates solely for the information of the Senate itself, I submit that the publication in the Globe is all that is required; but if the object of the Senate be more extended than that; if we desire, by the employment of stenographers, and by the publication of our debates and proceedings, that information of them shall go beyond the Senate itself, it must be manifest that you should enlarge, in some way, the circulation of the Globe, or that you should publish the debates and proceedings of the Senate in some other paper than the Globe. That is not a political paper; and it has, therefore, no political circulation. For the purpose for which it is designed—as the mere instrument for securing faithful reports of the proceedings and debates of this body—I look upon it as perfect as a paper can be.

I had supposed that my honorable friend from Michigan [Mr. STUART] would offer some amendment, proposing to increase the number of copies of the Globe furnished to the Senate, so that we should be enabled to send to our constituents, through that medium, as accurate a report of the proceedings and debates here as can be produced by anybody who may be employed. He has not submitted such a proposition, and I do not know whether he now designs to do so; but if he does, I shall support it with a great deal of pleasure when it is submitted. I think that it is just as important to us that the information which is embodied in these reports should go to the country, as that we ourselves should have the pleasure, as it may or may not be, to read them over every morning at our seats. We, who are here, hear what is said. It cannot, therefore, be very important that the speeches which are made should be taken down by the stenographers employed at the public expense, and printed every morning and laid upon our tables, merely for our own accommodation. I had the pleasure of listening some days ago to the honorable gentleman who now occupies the chair, [Mr. BADGER], and I had as full an understanding, and a better one, of his views by hearing that argument than I could have by reading it. The great object, the intention in view in incurring this expense for the publication of our proceedings, is that what is published may go to the people for their information. I do believe, therefore, that it would be highly important if, without any exorbitant expense, we could have the proceedings of Congress published in all the papers of the country. If the public Treasury would afford it, they should be published in all the papers of the country. It would be better for ourselves, and I hope it would be better for the country that they should have a full knowledge of what is done here. It would make every gentleman more anxious not to say what his own reason did not approve of; and we should be enabled, I think, to get along better if our proceedings were published everywhere.

The proposition of my friend from Indiana is not so extensive as I was led to hope it would be.

I thought the intention was to authorize the Secretary of this body to engage the *Intelligencer*, the *Union*, and the *Sentinel* at the prices indicated in the resolution to publish the proceedings and debates of this body, if they would consent to publish them within some reasonable time after they occur. I understood that my friend from Michigan intended also, to embrace the *Intelligencer* and the *Union* in the programme which he desired to submit.

Mr. STUART. I will offer, as an amendment to the resolution of the Senator from Indiana, the proposition which has been alluded to by the Senator from Maryland, and I shall ask the attention of the Senate for a few minutes while I express my views on the subject. I move to amend the resolution by striking out all after the word "Resolved," and inserting:

That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietors of the *Washington Sentinel*, the *Washington Union*, and the *National Intelligencer*, for publishing all the proceedings and debates of the Senate, or with such of them as shall desire to do so: *Provided*, That such publication shall be done within such time as the said Secretary shall deem proper, and at the rate of \$4 50 per column; and that he contract with the proprietor of the *Globe* for five thousand additional copies of the *Congressional Globe* and *Appendix* for the present Congress.

Mr. WELLER. There is no objection to that. Mr. BRIGHT. I accept that. I proposed to offer it myself yesterday morning, if it could then have been agreed upon.

The PRESIDING OFFICER. (Mr. BADGER.) The original proposition will be so modified:

Mr. JOHNSON. The latter part of the proposition of the Senator from Michigan relates, I believe, to the *Congressional Globe* and *Appendix*.

Mr. STUART. Yes, sir.

Mr. JOHNSON. I wish to suggest that that feature in regard to the *Congressional Globe* and *Appendix* be disconnected from this matter. It is a separate and distinct feature, having relation to the reporting, to which the proposition of the Senator from Indiana has no reference whatever. If that is to be introduced into this question, we might as well adjourn, because I am satisfied it will lead to one week's debate. If that part of the subject be introduced now, I am sure you will not get it determined very soon.

Mr. STUART. The substitute which I have offered, it will be seen, covers in its terms the whole subject of the reporting and publishing of the proceedings and debates of the Senate. Now, I respectfully submit to the Senate that several assertions have been made here which are not precisely correct. The price which has been fixed, and which is now paid for reporting and publishing in the *Globe*, is \$7 50 per column. The experience which all the papers who have attempted to perform this service have had upon the subject, agrees in concluding that \$3 50, which was the original sum intended for reporting, is a price that is not remunerative.

Sir, I apprehend that an error has been fallen into in connection with this point. The *Intelligencer* and *Union*, publishing as they do political papers, found it not to be remunerative to report and publish the debates of the Senate at \$7 50 per column, and the chief difficulty was that \$3 50 was not enough for reporting. My amendment looks to relieving the *Globe* from that difficulty. As reporter and publisher of the proceedings and debates of the Senate, the *Globe* is continuously a loser. I believe it is also true that \$4 is a remunerative price for publishing.

Now, I wish to call the attention of the Senate to a few facts connected with this subject, for I certainly think, with all respect to those Senators who have suggested that this is a very plain and simple thing, and ought to be disposed of in a minute or two, that it is a subject which involves very serious considerations in several points of view.

In the first place, it will be seen by an inspection of the *Daily Globe*, which is laid on our tables, that that paper is not only filled daily with the proceedings of Congress, but almost every day is obliged to publish an extra sheet. Now, it cannot be supposed that the publisher of the proceedings and debates of the Senate will content himself with publishing nothing in respect to the business of the House of Representatives. His object is to publish a paper to the country which will be a desirable paper, and will command

patronage. He must, therefore, publish the proceedings of the other House; and if he does, I ask, what room will he have for general intelligence? I am now speaking of the proceeding under these resolutions, if their intention be carried out by the publication of the proceedings and debates as they progress daily, only one day behind the *Globe* in the publication. I say his paper will be filled, and he will, as often as one half the time, be compelled to have an additional half sheet, simply to give the proceedings of Congress. Then how is he to publish the general intelligence of the country?

Mr. BRIGHT. To what papers does the Senator allude?

Mr. STUART. I speak of the *Sentinel*, or of any other paper which may publish under the resolution. Let the Senator from Indiana understand me. I say the Senator's inspection of the *Daily Globe*, which is laid upon our tables, will show that there is a full sheet every day, and an additional half sheet, perhaps as often as every other day, of the proceedings in Congress alone. The resolution looks to the publication of these proceedings daily in other papers being only twenty-four hours behind the publication in the *Globe*. I repeat to the Senator, and I would like to have him understand it, what room will there be in the *Sentinel*, or the *Union*, or the *Intelligencer*, for general, political, and other intelligence, if this be done? None at all. What will be the consequence? Why you will have your contracts nullified at the outset. You will have a mere pensioner upon your purse. He will take the money, but he cannot publish the proceedings unless he devotes his paper exclusively to them.

Mr. WELLER. May he not publish what he chooses?

Mr. STUART. That suggestion of the Senator from California goes to show the difficulty. The very object which is intended to be provided against here is not to permit a paper to take out and publish what he chooses. That is what has been done heretofore. The *Union* takes up and publishes the speeches which suit it, the *Sentinel* such as suit that, and the *Intelligencer* such as suit that paper. What is the consequence? Why, the Senate professes to send to the country the debates on a subject, while it sends out a partial statement through each of these papers. This goes to show you that the Senate is safe and right, and is performing its whole duty to the country, when it confines its reporting and publishing to the *Globe*, which gives the whole of the debates on every subject. Then, if these other papers, political in their character, containing general intelligence, suiting the tastes and judgment of the editors, see fit to select from the proceedings of the Senate or of the House, or of both, they have a right to do so; but it goes to the country as their side of the question. The country understands it to be their side of the question, and not to be the current proceedings and debates of the Senate.

It is for this reason that I am opposed to the whole proposition further than remunerating the *Globe*. I am for remunerating the *Globe*, and remunerating it in the way suggested, by taking additional copies. Why? Because it amounts to the same thing in point of economy as paying additional dollars, and you get the additional information. I propose to increase the subscription to the *Congressional Globe*, by the amount of five thousand copies, which will give to each Senator eighty copies, leaving forty surplus. By having this number distributed, you send the whole intelligence of your proceedings to the country. The reports in that paper are what they purport to be, the proceedings and debates of the Senate. I shall, before I get through, propose to refer the whole question to the Committee on Printing, for the purpose of bringing the subject properly before the Senate.

I will now be a little more specific about this matter, and I feel myself bound at this point to offer an apology to the Senate for detaining them at all. I have submitted, thus far, my general views, and now I wish to be a little specific in regard to the particular proposition.

I understand the circulation of the *Sentinel* to be about nine hundred copies daily. Perhaps I am not correct in this, but such is the report. The cost of publishing the correct debates and proceedings of the Senate for a Congress, at \$4 50

a column, would be about \$16,000. Then the proposition is to pay \$16,000 for a circulation of the debates among nine hundred people. I think that if this were a proposition to publish the proceedings in the National Era upon these terms, I could very soon get a vote from the Senate that it was unconstitutional. To pay \$16,000 for each Congress for a circulation of nine hundred comes pretty near to what has been denominated to-day an abuse of power. I do not deny that we have the power.

Mr. JOHNSON. Does the Senator assert, in all seriousness, that, if the proposition were to pay the National Era on the same terms, he could get a vote that it was unconstitutional, simply from the name and character of the paper?

Mr. STUART. I said I thought so.

Mr. JOHNSON. Well, sir, that is not a very high estimate of this body, and I think it is rather below the gentleman.

Mr. STUART. I am in the habit of being interrupted; I believe I never yet rose in the Senate but several honorable Senators wished to interrupt me. Now I will furnish the honorable Senator from Arkansas an example which ought to convince him on this point. He got up here in the Senate the other day, and stated that he had previously been an unqualified advocate of the homestead bill, but that he had come to the conclusion that it savored so strongly of abolitionism that he could not go for it any longer. I therefore took it for granted that he probably would be among those who would object to giving this patronage, if I may use that term, to the National Era.

Mr. JOHNSON. Let the Senator state my position exactly as I stated it, and as it is, and I am willing to abide by it, but he has not stated it correctly, and therefore I will claim the privilege of stating it myself in brief terms.

Mr. STUART. I will certainly grant that.

Mr. JOHNSON. My position was this: At the time when I made the remarks to which he has referred, it was supposed, or, at least, I supposed, that there was little or no prospect that the Territories of Nebraska and Kansas could be opened up to the whole country. Hence, as the homestead bill would operate as a mere premium to settlement, and as southern people with their property could not go there, the inevitable effect of the bill would be to abolishize those Territories. Under those circumstances I would not then support the homestead bill. Now, sir, I am very strongly against abolitionism. I believe it to be an unholy thing.

Mr. STUART. I presume the Senator from Arkansas and myself do not differ much on that subject; but if his argument, which is generally understood to be improperly applied to the homestead bill, is sound, it certainly would do much to abolishize the country if we were to adopt the National Era as a medium of communication.

Mr. JOHNSON. I believe the Senator is right in that.

Mr. STUART. The circulation of the Intelligencer is understood to be about nineteen hundred daily, and the circulation of the Union about fifteen hundred daily, and of the Sentinel about nine hundred. Such is my information. I do not vouch for its authenticity, but I understand that the figures which I have stated are about correct. Then, if we should provide for the publication in all these papers, we should pay, as I understand it, about \$47,000 every Congress for this circulation of our debates.

Now, sir, take the two facts to which I have referred—the fact that the publication of the current debates of Congress must necessarily exclude most other matter, and the further fact that you increase the expenses from the Treasury about \$47,000 per Congress to get this amount of circulation for your proceedings. Is it, in the first place, probable that the papers having the largest circulation, and the surest foundation, would agree to the proposition; and if they did, would the circulation which you would thereby get for your proceedings be commensurate with the expenditure from the Treasury? In other words, I ask in all seriousness, is not the course now pursued by the Senate of paying for the reporting and publication in the Globe, which exchanges with a very large portion of all the papers in the Union, as much as the Senate is called upon to do in a fair exercise of its authority to distribute

to the country information in regard to its proceedings?

Now, Mr. President, I feel myself called upon, as a duty that I owe to the great party to which I belong, to say a few words, although with the greatest reluctance, upon the political effect of this movement. Heretofore I have refrained, and I had hoped that I might ever be able to refrain, from saying one word which could even bear the semblance of involving myself, in the least degree, in any controversy, either real or supposed, between the Sentinel and Union, or between the Sentinel or anybody else. But, sir, it has been remarked to-day upon another question, and it is known to the country, that there is a large numerical majority in the Senate of Democratic political principles, such as the present Administration of the country is the exponent of. I wish to call the attention of the Senate to an article in the Sentinel of to-day, in which it treats of the present Executive of the United States and his officers, and then I wish to ask the Democratic portion of this body, and to ask them in fairness, whether they think they are called upon, in a party point of view, to take additional pains to appropriate additional sums out of the public Treasury, to aid and sustain this paper?

Mr. President, I desire to be understood. I have never involved myself in this controversy, and I never will. I have no affection for one paper, or hostility to the other—not one particle; but I may be permitted to say that I have an affection, a deep and abiding affection, for the great principles of the Democratic party. I thought that the movement which was made at the commencement of the session, in respect to the election of a printer for this body, was ill judged. Further than that I have never thought nor said. Further than that I will not say now. But, sir, I wish to call the attention of the Democratic portion of this body to some passages in this article. It says:

"It is very well known to the whole country that the whole weight and influence of the Administration was given to the Free-Soil and Soft-Shell alliance in New York last fall, and that Government minions undertook to ostracize those who objected to such a course of policy, and who predicted that the traitors of 1848 had no claim to confidence or reward, and would be treacherous and treasonable again, whenever an opportunity offered to make treachery and treason profitable. Now, it turns out that on the first test question—the first to which the President and the Democratic party are thoroughly committed—the Van Buren Free-Soilers and Seymour Soft-Shells, sat from emoluments, confident from patronage, and insolent from plunder, present a factious front and make bold war upon an Administration which does not seem to be able to disengage itself from improper commitments and impure entanglements."

"We have been maligned and abused by the low servants of the Administration. We have been maligned and abused by the miserable corps of confidential cronies of the Administration."

Pretty strong terms! But it continues:

"We have been slandered and traduced by their officers, and slandered and traduced by all their adjuncts; so that our moderation is the moderation which we feel from the inspiration of honest purpose. From the beginning the threat has been sent abroad that the Sentinel would be annihilated. We can tell our kind friends, who wish to destroy us, that they may urge their utmost and we will not be hurt. The Sentinel has no fear of annihilation at the hands of bad dramatists, no matter how glorious they may feel; nor at the hands of bad lawyers, no matter how ignorant or how supple they may be."

"In Congress and out of Congress, the whole tribe of Van Buren Free-Soilers, with their Soft-Shell attachment, are factious, revolutionary, and disorganizing. The yeas and nays in the House of Representatives and the wicked movements out of Congress prove it. Yet the Administration, although it has acquiesced in the Nebraska bill, continues to lavish its patronage on the enemies of that bill. The Administration pleads that neither Mr. Cochrane, nor Mr. Fowler, nor any of its multitudinous Free-Soil and Soft-Shell appointees, have taken an active part in anti-Nebraska meetings, and that punishment cannot therefore reach them rightfully. But if these named men have apparently kept quiet, they have not been actually quiet; for their servants and understrappers have been busy, and mischievously laboring, in season and out of season, to defeat the Nebraska bill. Yet General Pierce has not turned his face away from the factionists."

This is a pretty serious charge against the Administration, which is understood before the country to have enlisted its entire strength in favor of the bill referred to. Yet this editor says:

"General Pierce has not turned his face away from the factionists. They still glory in his intimacy, and boast of his confidence. If their vaunting be true, then, indeed, has a dark day fallen on us. But we forbear to say more."

I wish now to call the attention of the Senate to a previous portion of the same article, in which, speaking of Benjamin F. Butler, it says:

"This same Benjamin F. Butler is one of the Buffalo

men of 1848; and he is the oldest and most prominent leader, now resident in New York, of the faction which was formed by the fusion of the forces of the Free-Soilers under the command of Mr. Van Buren, and the Soft Shells, who marked time, marched, and halted, turned and wheeled, and changed front to rear, and rear to front, at the bidding of the Secretary of the State, and who have been wielding, since the 4th of March, General Pierce's patronage to punish and crush out the men who procured General Pierce's nomination."

There is in that article a direct, unqualified, vituperative attack upon the Secretary of State and the President of the United States. It charges the Administration with having as its confidential conferrers, the factious opponents of the Nebraska bill.

Now, Mr. President, as I have said, I do not mean to involve myself in this quarrel. I cannot be misunderstood. I am neither for the Union nor for the Sentinel; nor am I against either; but I ask Senators here, who I know hold the interests of the great Democratic party as sacred as I do, whether it is best to go forward now unnecessarily with this expenditure to such a paper. I emphasize the word "unnecessarily," because, I repeat, that the reports in the Globe are all sufficient for the interests of the Senate and the benefit of the country as a whole, leaving all the other papers the right and the opportunity to publish from it as much as they choose. I ask whether it is best to go forward and add \$16,000 or \$17,000 per Congress out of the Treasury to help to sustain any paper, Sentinel or Union, or anything else, which publishes such attacks upon the Administration as a whole, and upon the Secretary of State and the President by name?

Sir, I am very sorry to have detained the Senate thus long, especially upon one branch of remarks which I confess are very unpleasant; but I do think it is time for those who have the power, if they have it, to be at least prudent in respect to the true interests of the Democratic party. I now move to refer the whole subject to the Committee on Printing.

Mr. BRIGHT. When I accepted the proposition of the honorable Senator from Michigan, I did it under the supposition that he was friendly to the measure. I am now satisfied, from the tone and temper of his speech, that he is opposed to the object I have in view, and I therefore withdraw the acceptance, and ask for a vote on the resolution which I originally introduced. I shall make no reply to the speech of the Senator, for the reason that I think the subject he has seen proper to introduce is one, the discussion of which would prove unprofitable in many respects at this time. If, upon some other more appropriate occasion, the honorable Senator from Michigan shall feel himself called upon to enter upon a justification of the course of this Administration, in taking to its embrace, as charged in that article, a set of men in this country known as Free-Soil Democrats, whose chief merit and distinction consists in having deserted their party in the hour of its greatest trials, both at the ballot-box and in the halls of Congress, I am quite sure he can find those around him neither afraid nor unwilling to take issue with him. But these are topics out of place at this time, and that I would much rather not refer to under any circumstances.

Mr. FITZPATRICK. When the Senator from Indiana was up first, he intimated, in very direct terms, that the course pursued by the Union in declining the contract was for the purpose of affecting the action of the Senate in reference to the Sentinel. Do I understand the Senator to say that I have brought it up for that purpose?

Mr. BRIGHT. I do not think there was anything in the remarks which I made which intimated that I inferred that that was the course of the Union. I did not couple the honorable Senator with my remarks; however, I will state now, though, that I have no doubt that the object of the Union in withdrawing was to defeat the proposition which I have offered.

Mr. FITZPATRICK. I ask the Senator if I understand him to say that I was cognizant of the fact?

Mr. BRIGHT. I do not refer to the honorable Senator; for I do not know that he had any knowledge upon the subject.

Mr. FITZPATRICK. All the knowledge I have on the subject, is the communication from the editor of the Union. I am the advocate neither of the Union nor of the Sentinel. My object is to

protect the Treasury, and to get the reporting for the Senate done on as economical terms as possible. I have had no conversation with the editor of the Union on the subject, except a mere casual one on my way from my lodgings to the Capitol. In that conversation he apprised me of his design to make a communication of that character to me. I had understood before that the Union was tired of the contract, and desired to be released from it as soon as it could. He never said so to me, but such was my understanding through a reliable source. It is perhaps very well for gentlemen to get up here for the purpose of strengthening the Sentinel, and say that the Union was prompted to such a course by such an influence; not, I presume, that the Union has done or said anything to induce them to believe that, but from the mere fact that there is said to be a contest between the two papers, both of which belong to the Democratic party. I have no object to accomplish by my course to further the objects of the Union, or, if I could, to prostrate or in the least injuriously to affect the Sentinel. My relations with the editors of both papers are of the best character, so far as I know or believe. As an evidence of my disinterestedness upon this subject, I will state that I propose to take neither of them as reporters; but to take a paper that does not belong to any party; and I really think it unfair and improper, when it is proved, not by the Union, but by a paper longer established than the Union; that it cannot live on the contract, that gentlemen should get up here and impute such motives to the gentleman who conducts the Union. I have no idea that he was prompted by any such motives as those attributed to him by the honorable gentleman from Indiana.

My acquaintance, sir, with the editor of the Union is not of long duration. I knew but little of him until I met him in this city this winter. I have not been in the habit of visiting his office very often, and then usually on business, though standing in such relations that I might often have done so, for the reason that I am connected with the printing of this body, as a member of the Committee on Printing. I have no hostile feelings to the gentleman who conducts the Sentinel, nor have I any prepossessions for this paper or that paper. My whole course has been prompted solely by a desire to protect the Treasury, and put the reporting of the Senate upon proper terms—upon such terms as would enable the publisher to live.

Mr. BROWN. It does not seem to me that there ought to be any difficulty in settling this matter. We have one official reporter, and I think we ought to have but one. The Globe is executing the reporting for the Senate admirably; better, I undertake to say, than it was ever done before for anybody, either for Congress, or for the British Parliament, or for any other legislative body. It is the best official report that ever was published. I am for continuing it, and I want to remunerate the publisher in a proper way. He prefers that we shall take a larger number of the Congressional Globe, and he puts it upon the precise reason which recommends it in the strongest manner to my mind, and that is, that by taking the paper we diffuse the intelligence among the people. It is better to pay the money for the paper, and to circulate it, than it is to pay a larger sum for the simple reporting, and not for the circulation of the document. I have no idea that we should put our light under a bushel. If the reports are worth making, they are worth circulating; and I am, therefore, for accepting some such proposition as is made by the conductor of the Globe, to take a larger number of his paper—whatever number shall be found necessary to remunerate him for his expense and trouble in making the reports. I understand that it will take about ninety copies to each Senator to do that, and I am prepared to vote for that number. I would not vote him a larger sum for the reporting, nor a larger sum for the printing, because that would be simply paying the money without diffusing the intelligence among the people. Pay him for that what you do now, and remunerate him by taking a larger number of his publication.

Then, as to these other papers, I do not consider it a matter of so much consequence whether you pay a few dollars less, or a few dollars more. The great object is to let our twenty-three millions of constituents know what we are doing here. Then I am for paying to the Union, to the Sentin-

nel, and to the Intelligencer, and, if gentlemen will insist upon it, though I should not be much in favor of that proposition, you may take in the Era, to copy from the Globe, but not to report. I would pay them nothing for reporting. They should not report if they wished to do it, because that subjects you to the necessity of correcting half a dozen copies every morning, or else contradictory accounts go before the country of what you have been saying the day before. Let there be one report. Then require the other papers to copy from that, and give credit for it, saying that it is copied, "by authority, from the Congressional Globe." Make your contracts and say we will pay—I do not know how much would be fair—say \$7. If \$7 are enough, pay that, and let any one or two, or all of them, come in and contract at that price; and when they undertake to publish, make them publish the whole proceedings, and do all within twenty-four or forty-eight hours after they appear in the Globe. I have no idea of paying a man to publish the proceedings of the Senate ten, or fifteen, or twenty days, or a month after they have transpired. What is the use of such publication? The public mind has been engaged about other matters. They are not going to turn back and investigate the subject which has been a month passed; and if the Union, and Intelligencer, and Sentinel are willing to copy from the Globe, for a certain specified sum, I am ready to pay for it, provided they will do it as an official act, as an authorized act, simply to copy from the printed report in the Globe.

I think that settles the whole controversy. What matters it whether we pay a little more or a little less, if we spread the intelligence of what we are doing here before the country, through the several journals? I should either like to see my friend from Indiana amend his proposition in that form, or if it be sent to the committee, that they shall be instructed to bring us in a proposition of that kind. I have no partiality among the papers. God knows I have very little reason to be in a very good humor with either, especially with the Union. The Sentinel has not done me any great favors, but still it has been civil enough and polite enough. Our old friends of the Intelligencer owe me nothing, and I owe them nothing. Therefore, I am not influenced in my vote on this subject by considerations of private friendship. I do not suppose any other Senator is so influenced. My object in voting for this is, that what we are doing here should go out, through all the journals, to the people, so that every man who chooses may know precisely what we are doing; and when he reads the paper may be able to say, "I am reading an official report of what is going on in the Senate; it is not guess work; I am not reading a garbled account of a gentleman's speech by a letter-writer; I am not reading a garbled account, or a mere synopsis by a writer, which gives not what was said, but the impressions made on his mind; I am reading precisely what the Senator said." Then he has accurate information. He can make up his mind, as a man of sense, as to whether what was said was right or wrong; and I am willing that he shall take it either through the Union, through the Intelligencer, or through the Sentinel, just according to the several predilections of each man. I am not for patronizing one of them over the other. If the Union does not think proper to take the contract, let it not take it. If the Intelligencer thinks proper to take it, let it take it. If the Sentinel cannot publish the debates at the rates we propose, leave it out. Make the proposition the same to each one of them. It seems to me this will settle the whole difficulty upon an intelligible and justifiable principle.

Mr. WELLER. If the Senate is ready to vote on the question now, I have nothing to say.

Mr. BROWN. What is the precise motion? I have been out.

Mr. WELLER. Undoubtedly, after the Senator has occupied the attention of the Senate for ten or fifteen minutes, the legitimate presumption is that he knew what the question was.

Mr. BROWN. Undoubtedly. I only understand what is the general subject before us; but what the precise question before the Senate is, I do not understand, nor is it necessary that I should understand that to address myself to the Senate.

The PRESIDING OFFICER, (Mr. WALKER.)

The question is on the motion to refer the whole subject to the Committee on Printing.

Mr. WELLER. The Senator from Mississippi undoubtedly spoke to the question. There is no doubt about that; I am only astonished that he thought it necessary to inquire after he was through.

Mr. BROWN. I guessed it.

Mr. WELLER. The usual rule is to ascertain what the question is, and then to speak upon it. My friend from Mississippi, with his strong instincts, found out what the question was before he ascended it from the Chair, and, I must say, spoke very sensibly upon it. [Laughter.]

I am very sorry that the Senator from Michigan [Mr. STUART] has found it necessary to make the remarks which he has made to-day. The only effect of those remarks would be to get up a dispute here among the Democrats, to the enjoyment of our Whig friends upon the other side, and, no doubt, to the unprofitableness of the Democratic party. That Senator knew very well that there was a certain portion of his colleagues here in the Democratic party who were opposed to the policy which had been adopted by the Administration in regard to the distribution of the public patronage. There are many of us of the old line who cannot forgive the Free-Soil faction of 1848, for treacherously betraying the Democratic party. We have believed that the lowest seats in the Democratic church should be assigned to them; and that, in the distribution of the public favor, the good and true men—the honest portion of the Democratic party—who stood by it in adversity as well as in prosperity, should receive the public patronage. Now, sir, the Senator from Michigan has dragged this in, and although he disclaims having any personal feeling whatever, so far as the Sentinel and Union are concerned, proceeds to read the Sentinel out of the Democratic church. I deny his authority to read the editors of that paper out of the Democratic party. I undertake to say that, upon all questions connected with the Democratic party, and with the principles of that party, the Sentinel has as warmly and as zealously sustained it, in all respects, as the Senator from Michigan. I claim, Mr. President, to be a Democrat.

Mr. STUART. As this matter has some reference to me personally, I beg to correct the Senator. I certainly did not make any effort to read the Sentinel out of the Democratic party. I simply read from the Sentinel's article of to-day its attacks upon the President and upon the Secretary of State, and asked whether it was the duty of the Democratic party in the Senate to take additional pains, and appropriate some \$16,000 out of the Treasury, to sustain the paper that pursued that course—whether it would be wise to do so? I never undertook to say whether that was a party paper or not.

Mr. WELLER. I regret very much to be compelled to say that two thirds of the article which the Senator has read meets the approbation of my judgment, and I should be a hypocrite if I did not avow it here. Now, sir, the extracts which the Senator has read from the Sentinel do not satisfy me that it is an anti-Democratic paper, nor do I regard the head of the Administration as the Democratic party. We have certain great principles which we have heretofore rigidly and faithfully maintained, and I am not disposed to sustain the Administration except so far as that Administration may stand by those principles; and when it sees proper to confer its favors upon the Free-Soilers of 1848, you cannot expect that that will receive the sanction of my judgment. In the principles of the Administration I cordially concur; but its policy in this particular I have never approved. This opinion I am not hypocrite enough to conceal.

Now, what was the object of the introduction of this? The Senator knew very well that there were certain Senators here, as they had shown in Executive session, who were opposed to this policy. He desired to provoke a discussion, and, probably, put himself in the position of the special advocate of the Administration; and all of us who do not choose to come up and proscribe the Sentinel upon his dicit were henceforth to be regarded as enemies of the powers that be. Or did he suppose we had not the moral courage to avow our honest opinions? Mr. President, no man has more confidence in the honesty and integrity of

the present Chief Magistrate than I have. There is no one who will go further in sustaining him, so long as he stands (where he has thus far faithfully stood) by Democratic principles, than I will; and there will be none who will denounce him with more violence when he departs from them. I am the slave of no man. Whilst I sustain the sound and just principles upon which the present Executive has administered the Government, I claim the right as a Democratic Senator, to disapprove the policy adopted in the distribution of the Federal patronage. When I dare not do this, I will resign my seat and go home.

But, sir, I do not desire now to go into a discussion of this question. The time may come when, in the discharge of my duties here as an independent Senator, I may be called upon to speak, and I shall speak then as I have spoken in times past, without restraint, without fear, favor, or affection. It is very strange that a simple proposition to put the Sentinel upon the same terms recently occupied and abandoned by the National Intelligencer and Union should have provoked these remarks from the Senator from Michigan. They were wholly unnecessary. They were calculated, if they produced any effect whatever, to sow the seeds of discord in the party to which he and I belong; and lead to unprofitable debate. I will not now stop to inquire which of us is the best exponent of Democratic principles. I know that I am a Democrat, and have been so all my life. I have shown it by my acts and by my votes; and if the Senator has as clean a record—and I say nothing about that—as I have, we shall both pass current in the country as Democrats. If I were compelled to express an opinion upon the subject, I should claim that upon some of the great questions of the country I am sounder than he is. That is my private opinion; but I do not wish to express it publicly. [Laughter.]

Mr. STUART. Mr. President, I have no disposition to enter into any personal controversy with the Senator from California, and I think I may say, further, that it does not lie in his power to provoke me to such a controversy. If he is satisfied with sounding to the country, as he has done within the last five minutes, his own fame as a Democrat, I have not the slightest disposition to tarnish it. I shall leave the country to find out how long I have been a Democrat, acting on the very old maxim, a tolerably sound one, that it is not wise for me at least to trumpet my own fame.

Now, sir, I have provoked no discussion respecting the democracy of the Sentinel, none respecting the democracy of the Union, none respecting the democracy of the President of the United States, or the Secretary of State. I simply, sir, met this proposition, which is, on this day, to appropriate about \$17,000 out of the public Treasury for the purpose of publishing the debates and proceedings of the Senate in the Washington Sentinel. I read from the editorial article in that paper of to-day attacks upon the Secretary of State and the President of the United States by name, and upon the Administration in the aggregate, and then I asked what would the country say if the Senate of the United States, having a large Democratic majority, on the very same day that that article appeared, thus attacking the Administration, which is the representative now of the great Democratic principles of the country, selected the paper, and put \$17,000 into its pockets? I thought the inference would be unfavorable to the Democratic party at large throughout the country. I think so now. I thought that any unnecessary effort to sustain any paper that does that, no matter what it is, be it Union, or Sentinel, or anything else, was bad policy for the Democratic party. In this I do not think I have legitimately placed myself under any attempted denunciation of the honorable Senator from California. Not at all. I said distinctly that I had no personal feeling, no political feeling; it was a mere question of discretion. So far as relates to the editor of the Union, I have not the honor of knowing him; and so far as relates to one of the editors of the Sentinel, I know him but partially, and am on the most friendly terms with him.

I shall certainly not consent to detain the Senate longer, because it is not necessary to exculpate myself from what I have never done, and no assertion of the honorable Senator from California can give any construction to my remarks other than what the remarks themselves indicate.

Mr. WELLER. Will the Secretary be good enough to read the amendment submitted by the Senator from Michigan to the original proposition?

The Secretary read as follows: Strike out all after the word "Resolved," and insert:

That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietors of the Washington Sentinel, Washington Union, and the National Intelligencer, for publishing all the proceedings and debates of the Senate—

Mr. WELLER. That will do, Mr. Secretary. If I understand it, that proposition was submitted this morning by the Senator from Michigan as an amendment to the original resolution submitted by the Senator from Indiana. The Senator then comes in and reads an article from the Sentinel, from which he endeavors to demonstrate to the Democratic party that it would be exceedingly impolitic to bestow any patronage on that paper. Now, sir, I submit the question to the Senate, whether, after that Senator has submitted a resolution for the employment of that paper as one of the printers of our proceedings, it was proper for him to read from its editorials to show that the editor was outside of a "healthy organization?" The Senator from Michigan has put himself in that position. He tells the Senate that his only object in reading the article was to show that the Democratic party in the Senate ought to hesitate before they give \$17,000—(I think it was \$16,000 a few minutes ago; he has risen a thousand)—to a paper that was denouncing the Administration, or, at least, the President and Secretary of State. Then what does he do? Why, he is the very Senator who submits the motion to give employment to that paper which is thus outside of the Democratic party! Now, sir, it is very seldom that a Senator feels compelled to vote against a proposition which he has introduced himself! I have frequently known Senators to make speeches one way, and then vote the other way; but it is very rarely that a Senator introduces a proposition, makes a speech, and then moves to get rid of the question, by referring it to the Committee on Printing. Yet the Senator from Michigan has seen proper to place himself in that position! He introduces a proposition to employ the Sentinel to publish the debates, and then labors hard to prove that it is unworthy of our support.

In speaking of my Democracy I did not desire to trumpet my fame to the country. I am, perhaps, as well known to the country as the Senator from Michigan. I desire no discussion with him; I will say nothing to provoke him, for nothing but the most kindly relations have subsisted between us hitherto. He says that he would not do anything to provoke a debate with me. I am sure he meant nothing personal by that. It was only because he did not desire that members of the same Democratic family should be brought in collision here. So understanding it I pass it by.

Mr. STUART. I meant to say this. I regard the Senator from California as my political and personal friend; and I meant to say that I would not do anything to provoke any personal discussion. That is what I meant.

Mr. WELLER. I supposed it was of a political character—

Mr. STUART. No, sir.

Mr. WELLER. As it was very inexpedient, of course, to get up a discussion among us Democrats, especially when the enemy is in the field. There are enough of the Whig party to fight against, without warring against each other. The time will come when we shall have to divide. There is no doubt about that. We brought this Administration into power with the votes of all sorts of people. [Laughter.] We had Free-Soilers and Abolitionists uniting with the sound portion of the Democratic party of the North. We had disunionists and fire-eaters in the South; and all, by force of circumstances, were thrown into the Democratic party, and brought this Administration into power. The Democratic party, no doubt, requires purging. [Laughter.] I have no doubt the patient will be very much reduced in strength by that purgation; but he will be a sounder and safer man hereafter. You have got to get rid of these disagreeable adjuncts—those excrescences upon the Democratic party. But now I desire to say simply this, that so far as the remarks of the Sentinel upon this Administration in appointing men to office who were notorious

Free-Soilers in 1848, and who treacherously betrayed the party, I indorse it to the utmost extent. Nor do I like the policy which retains men in office whose influence is now used to defeat the great question now pending in the House of Representatives. If I were President of the United States, I should bestow my patronage upon sound and true men, not upon those who, in days of danger and of trial, shamefully deserted, and escaped to the enemy. For truckling, time-serving politicians, who shift the sails to suit every popular breeze, I have no respect. There are true men enough in this country to administer the Government.

But, Mr. President, I will not prolong this debate. I am anxious to have the question disposed of.

Mr. BROWN. I am not going to enter into any controversy with my friend from California; but I must say just here, that I protest against this thing of repeating constantly that there is a portion of the Democratic party that is not honest. Now, I insist upon the honesty of the whole party.

Mr. WELLER. The whole party that voted for Pierce?

Mr. BROWN. Every one of them. [Laughter.] I think it is the most honest party in the world, the most honest party that ever lived, or ever had an existence anywhere. [Renewed laughter.] Brutus was an honorable man; Cæsar was an honorable man; we are all honorable men. This thing of saying that some are honest men and some are not would get up quarreling in the family, and I do not want that. [Renewed laughter.] But what I want to do is to offer an amendment to the resolution which, I think, if Senators will listen to it, will settle this whole matter.

Mr. JOHNSON. With the permission of my friend from Mississippi, I desire to ask if the Senator from Michigan has made the amendment which I suggested?

Mr. STUART. I have made the amendment suggested by the Senator, as to the time of publication, except that I put it at twenty-four hours after the publication in the Daily Globe.

Mr. JOHNSON. Let it be read.

Mr. BROWN. Read the amendment which I propose.

The Secretary read the amendment. It is to strike out "to be done within such time as the said Secretary shall deem proper," and insert "shall be copied from the Globe, by authority, and shall be published within forty-eight hours after the same appears in the Globe."

Mr. BROWN. Now read the whole.

Mr. STUART. I accept that as a part of my amendment.

The amendment, as modified, was read, as follows:

That the Secretary of the Senate be, and is hereby, directed to contract with the proprietors of the Washington Sentinel, Washington Union, and National Intelligencer, for publishing all the proceedings and debates of the Senate, or with such of them as shall desire to do so: *Provided*, That such publication shall be copied from the Globe, by authority, and shall be published within forty-eight hours after the same appears in the Globe, and at the rate of \$4 50 per column; and that he contract with the proprietor of the Globe for five thousand additional copies of the Congressional Globe and Appendix for the present Congress.

Mr. WALKER. The very last branch of the proposition now before the Senate, it occurs to me, will require another amendment. I can see no object in purchasing five thousand copies of the Congressional Globe for this Congress only. If I can understand the design of the Senate, it is to put the Globe on the footing of the Senate taking five thousand copies of it, as a continuous thing, more than it is now taking. The amendment would apply to the series of the Globe for this Congress only.

Mr. BADGER. I will say to my friend, that this whole resolution applies to this Congress only; but with the understanding that it will be followed out.

Mr. BROWN. We have no right to bind a future Congress in regard to a matter of contract.

Mr. GWIN. Is the motion to refer the resolution to the Committee on Printing pending?

The PRESIDING OFFICER. (Mr. FITZPATRICK in the chair.) There is no motion pending, as the Chair understands, to refer it.

Mr. GWIN. I make that motion.

Mr. BROWN. I understand the Senator from Michigan accepts my amendment.

Mr. STUART. Certainly.
Mr. BRIGHT. What is the proposition now before the Senate?

The PRESIDING OFFICER. To refer the resolution and amendment to the Committee on Printing.

Mr. BRIGHT. When the honorable Senator from Michigan offered his amendment, I stated that I was willing to accept it. I think, in doing that, I showed that I had no personal feeling in this matter. Senators have spoken of a contest here between papers, yourself, sir, (Mr. FITZPATRICK being in the chair,) among the number. I participate in no contest whatever. I can say that I am as free from personal feeling in what I have said as any other gentleman who has spoken. My object in introducing the proposition was to benefit the public, not in individuals; and as the *Intelligencer* and *Union* had both declined that which is now offered the *Sentinel*, I certainly did not feel that it was offering any great boon to the proprietors of that paper. Now, Mr. President, I have indicated my feelings as regards this matter, by offering to accept the amendment of the honorable Senator from Michigan; that gives the same service to each paper, and the same price for it; and I again repeat, that I will accept it, if the motion to refer is withdrawn, and a direct vote can be had.

Some objection is made to the amendment of the Senator from Michigan, on the ground that it proposes to take five thousand additional copies of the *Globe*. I think that but fair. If the *Globe* pays the increased expense of reporting our proceedings, additional compensation should be given the proprietor by increasing the number of extra copies we take, in order to indemnify him therefor. This is the most unexceptionable manner in which it can be done, for the reason that it gives the extra copies to Senators for distribution among their constituents. This is not money thrown away. They are valuable as books of reference in all time to come; and they are worth all that we pay for them, if properly distributed.

I hope the Senate will come to a vote, and finally dispose of this subject.

Mr. GWIN. I renew my motion to refer to the Committee on Printing.

Mr. BRIGHT. I have not the most remote idea that that motion will prevail; but if it should, I will renew my original resolution.

Mr. GWIN. I happen to differ in opinion from the Senator on that point. I undertake to say no member of the Senate knows what expense will be incurred by the Senate under the resolution, if it passes. It is not now the same proposition that was at first presented to the Senate to-day. It has been changed entirely in its features since it came before the Senate, and I am entirely opposed to it. I am opposed to it in every form in which it can come to increase the number of papers in which the entire proceedings of this body are to be published. I undertake to say that there is not a man in the United States, not one outside of the *Globe* office, who continuously reads the whole proceedings of the two Houses of Congress. There is not a man who takes up that paper, and goes through, in detail, the whole of those proceedings. It is very important to have a full record among the archives of the country of the proceedings of the two Houses of Congress, and to that extent we should go, in my opinion, and no further.

So far as I am concerned, I am anxious to sustain the *Globe*; but I am utterly opposed to giving this printing to the newspapers of this District, and fastening them upon the Treasury, for the purpose of maintaining their political existence, for they are political papers. I think that when we get an official record, a paper that gives the official proceedings of the two Houses of Congress, we should be content with that, and should go no further.

At all events, I think it is disrespectful to the Committee on Printing that so important a question as this should be taken entirely away from them, particularly when two members of that committee have just been added to it. The subject has not been investigated by the present committee; and certainly we do not treat them with that respect which I think is due to every committee here, when we fail to refer the subject to them for their investigation.

I may be entirely mistaken about the necessity

of printing these proceedings; but certainly when the whole of the proceedings are published in one paper in this District, in detail, from this time until the end of the session, it will cease to be a newspaper, except with regard to the doings of Congress. I do not think it is proper for us to act prematurely upon this matter; and I think no harm can result from referring it to the Committee on Printing, and letting them make a report of what we should do.

Mr. BADGER. Mr. President, I hope the motion made by the honorable Senator from California, [Mr. GWIN,] to refer the resolution, will not receive the sanction of the Senate. For this opinion of mine I could assign several reasons; but one, I think, is entirely sufficient, and will commend itself to the consideration of every member of the Senate, and especially of my Democratic friends on this floor. First, when this subject comes up again by a report from the committee, we shall have all this debate over again. That is a serious evil to us all. Secondly, we may have some unfortunate disclosures, calculated either to widen the existing breach, or to make more discoveries respecting the existing breach between the members of the harmonious Democratic party. I should be exceedingly pained, having the greatest regard and respect for that party, and especially for my friends on this floor who belong to it, to see any more such painful exhibitions as have been presented here to-day. [Laughter.] And especially should I be sorry to hear the Senator from California [Mr. WELLER] making a statement of the heterogeneous materials which composed the triumphant unity which resulted in the election of President Pierce to the high office which he now fills; and to have my friend from Mississippi [Mr. BROWN] under the necessity of getting up and protesting on this floor—as if any man ever had a doubt of it, [laughter]—that every member of the Democratic party, of whatever shade or stripe, is perfectly honest in all his purposes and motives. [Renewed laughter.] Sir, as a friend to the Senate, as reluctant to have a consumption of the time of the Senate by a renewal of the debate, and as feeling an especial anxiety to preserve the Union intact, and to keep the character unsoiled, of the great Democratic party in the United States, [laughter,] I do insist that the Senate shall dispose of this matter now. What good can arise from delay? None at all. Are not all of us who are the true friends of the Democratic party ready to vote for this resolution? [Renewed laughter.]

Mr. WELLER. All of us?

Mr. BADGER. Surely we are. Why, therefore, postpone the subject? I hope we shall act upon it now.

Mr. GWIN. I ask for the yeas and nays upon my motion.

Mr. JOHNSON. As it has been proposed to refer the resolution to the Committee on Printing, I wish to say that I was not a member of that committee at the time this subject was considered. It has been, I will suggest to my friend from California, before the Committee on Printing, and it was considered by them. I was not a member of the committee at that time; but I have investigated the subject, so far as regards that portion which relates to the *Globe* is concerned, minutely. I have for weeks at a time; I have investigated every part and branch of it; and I am satisfied that that part of the proposition is right, and that if we fail to agree to something like that, we shall have a difficulty here with regard to the reports, and you cannot help it. You do not want to do injustice, and yet you will do injustice to the *Globe*, unless you take the five thousand additional copies, as provided for by the resolution. That I can assert as a member of the committee, on my own responsibility, without regard to my position as a member of the committee, after a full investigation of the subject. I have satisfied myself of that; and, so far as that is concerned, I do not want to see it referred to the committee at all. It was reported upon by the committee before I became a member of it.

As to the other part of the resolution, gentlemen all know the facts which have a direct bearing upon the subject. A few years ago you printed, in some three papers, all the proceedings of the Senate—

Mr. CHASE. Two.

Mr. WELLER. Three, including the *Globe*.

Mr. CHASE. The *Globe* came in in place of the *Intelligencer*.

Mr. JOHNSON. Did not the *Intelligencer*, the *Union*, and the *Globe* print them at the same time?

Mr. DODGE, of Iowa. No, sir.

Mr. JOHNSON. Did not the Republic?

Mr. DODGE, of Iowa. No, sir, never.

Mr. JOHNSON. The Republic never had it. Very well, then you had to pay \$7 50 a column to the *Union* and *Intelligencer*. Now you propose to pay \$4 50 to the papers mentioned in the resolution. The only thing that I am not prepared to answer for is as to the fairness of that compensation—whether \$4 50 a column is or is not too much. Whether it is a fair compensation is the only question that is left on my mind. Gentlemen tell me that they have disinterested testimony to the fact that \$4 50 is a fair compensation. On the assurance of the testimony which they have, I am willing to concede that.

Then you formerly had those papers receiving \$7 50 per column, and now it is proposed to give them \$4 50. It is true that you are printing in more of them now; but if you design to publish, and continue publishing in the papers here, you will have gained at the rate of three dollars a column on every column published in them by this change.

Five thousand additional copies are proposed to be given to the *Globe* for the purpose of increasing the compensation to that paper to meet the changes which have occurred in all things since the period when you made the first contract with that paper—changes which have been so great as to break down all the other papers engaged in this reporting and printing at \$7 50 a column. We must know that the same causes act upon the *Globe* concern with an equal force, and probably with greater force, because at this day, and for this Congress, the reporting is done not only, as gentlemen have conceded here, better than it is anywhere else in the world, but the publication of the reports, by working day and night, by steam as well as manual labor, is done better than it ever has been before.

There is no difficulty in my mind in regard to this matter at all. As a member of the Committee on Printing, I have no idea that I shall change my opinion as to the propriety of the *Globe* concern being paid additional compensation. With reference to the other part of the discussion, Senators can judge as well as I can; and there is no disrespect to the Committee on Printing—for one, at least, I can say that I will not so consider it—in failing to refer it to them. If you do so refer, you will have the discussion all over again hereafter, when it is reported back from them. You have the facts substantially now before you, and can act upon them.

Mr. GWIN. I am aware of the fact that the Senator from Arkansas was not a member of the Committee on Printing when this subject was investigated; and there is also another Senator, who is not now in his seat, the Senator from Maine, [Mr. FESSENDEN,] who is also a member of that committee now.

Mr. FITZPATRICK. I can perhaps give the Senator the information he is seeking. You have a report lying on your table now which is the result of the action of the Printing Committee. It has been sleeping there perhaps some two months. That subject was brought to the notice of the Senate upon a resolution introduced by the Senator from Arkansas, [Mr. JOHNSON.] His resolution was to take the same number of copies of the *Globe* for the Senate as are taken by the House of Representatives. It was taken up by the committee, and very fully and legitimately discussed. At that time the committee was composed of the honorable Senator from Connecticut, [Mr. SMITH,] the honorable Senator from Maine, [Mr. HAMLIN,] who was chairman, and myself. We scrutinized, with a great deal of nicety, the facts connected with the whole transaction. We referred the case to an officer who is intimately conversant with the amount of the actual cost to the *Globe*, and the amount to which the Government would be subjected, if the increase contemplated by the Senator from Arkansas was allowed. After much deliberation, the committee reported and recommended the Senate to increase the subscription to the *Globe*, perhaps to the number of forty-eight copies to each Senator. The House of Repre-

sentatives is composed of two hundred and thirty-four members and four Delegates. The members of that House, if I am not mistaken, receive twenty-four copies each. The members of this body receive but twelve. The resolution of the Senator from Arkansas was to allow the same number of copies to be taken by the Senate as is taken by the House of Representatives. According to the best recollections which I have now, though some time has elapsed since I examined the subject, that would have allowed to each member of this body, I think, about ninety-one copies of the Congressional Globe and Appendix, at a cost of what I cannot attempt to say, as I have not had the time to do it since this debate commenced; but at some very considerable increase of cost.

After the question had been fully discussed, a majority of the committee recommended the Senate to increase the number to forty-eight to be taken for each Senator. I did not concur in that report. I satisfied myself, from statistics, and from the opinion of gentlemen who seemed to be conversant with the subject, that thirty-six copies were as large a number as my discretion and judgment would authorize me to recommend to the Senate; and hence the report was not acted upon, and was not concurred in at the time it was made. Now, it is proposed to go beyond that by the resolution of the Senator from Indiana, and the amendment of the Senator from Michigan, and we undertake really to take now from the publisher of the Globe as many copies as are taken by the House of Representatives, when, in fact, the report on the table recommends that each Senator should receive forty-four or forty-eight copies.

Mr. BROWN. My friend from Alabama will allow me at this point to make a statement. The proceedings of the Senate under our rules are about as voluminous as the proceedings of the House. We have no hour rule here, and if the Senator will take the pains to look over the reports, he will find that there is about as much matter reported and printed for the Senate as is reported and printed for the House. But this House is numerically not much over one fourth the size of the House of Representatives. Now, if twenty-four copies are given to each of the Representatives, that necessarily pays the publisher a much larger sum than if you give twenty-four copies to each member of the Senate, for he sells nearly four times the number of volumes to the House that he does to the Senate. The Senator in making his calculation ought to take that into the account. When you have taken the number proposed here, you still will not have taken as many copies of the book as are taken by the House of Representatives, though they will be more, of course, to each particular member here; but the profits accruing to the publisher will be still less in the Senate than they are in the House of Representatives; while his expenditures for publishing in the Senate are equal to his expenditures in the other House of Congress. It is not a question, therefore, as to whether you shall take forty-eight copies or a less or greater number, but whether you shall pay about the same price for reporting and publishing here which is paid for the reporting and publishing of the other House?

Mr. CLAYTON. I wish to ask my friend from Alabama one question before he goes on, and that is, will this additional appropriation of five thousand copies pay the editor of the Globe, the regular reporter, a fair compensation or not?

Mr. FITZPATRICK. That is almost double the amount recommended by the committee.

Mr. BROWN. If the Senator will allow me a moment; I have made a calculation. If you increase the subscription to five thousand and twenty-two copies, it will then divide exactly eighty-one copies to each Senator; if you keep it at the present amount, five thousand, it will be eighty copies and a fraction over. To get clear of that fraction, I intended to propose to add twenty-two more copies.

Mr. CLAYTON. Will that pay the editor?

Mr. BROWN. I understand it will, with the number taken by the House. At this point, I will ask my friend from Indiana to accept that amendment.

Mr. BRIGHT. I have no objection to it.

Mr. BROWN. Then I propose to make the number five thousand and twenty-two, so as to have them divided equally.

Mr. FITZPATRICK. I was about to say

that, anxious as I am to place the reporting and printing on the footing which I have indicated, I am not willing to increase the number to the extent contemplated in the resolution. I am extremely anxious to confine the reporting to the solitary paper, the Globe. From all that I have heard of that paper, I understand that the loss to the proprietor is accruing in this body. I am frank enough to say, according to the best information I have on the subject, that he sustains a loss here, isolated and disconnected from the House of Representatives, in the publication of the reports; but not one word of complaint has been made about the loss in the House of Representatives, so far as I have heard. The publishing for the House of Representatives, and the publishing for this body, are part and parcel of the same work; and when you take the profits which, I feel assured, accrue to the publisher from the large number of copies taken by the House of Representatives, and the large number here, it is a question involving great doubt whether he is an intrinsic loser by the publication of the proceedings of Congress at the price he now gets. He is required to publish six thousand four hundred and fifty-six copies, if I am not mistaken, being twenty-four copies to each member of the House of Representatives, and twelve to each Senator.

Mr. BROWN. If my friend will allow me, the publisher of the Globe sells to the House about five thousand seven hundred and twelve copies. If I am correct in stating that the proceedings of the Senate are as voluminous as the proceedings of the House, then to pay him the same remuneration which the House pays him, we ought to take the same number of copies. I have never understood that he was excessively paid by the House. He is paid a fair, living price for his work—for the expense of reporting and printing—by taking five thousand seven hundred and twelve copies. We propose to take five thousand and twenty-two, so as to make the number divide equally.

I think my friend from Alabama is altogether mistaken when he wants to charge a portion of the profit in the House to the Senate, because the publisher makes a larger profit, as he insists, in the House, and therefore, that he ought to make no profit in the Senate. I take it for granted that the House Printing Committee have looked into this matter, and have agreed to pay nothing more than a fair living profit for what they get, leaving the Senate to do what it pleases. I take what they have done as the basis of our action. Having been a member of that House for many years, and having looked into this subject, I am prepared to say that the remuneration to the Globe for these publications is barely a living profit, nothing more.

Why, look at the book! There is not a publishing house in all Christendom, or outside of Christendom, that will publish so much matter for so small a sum of money. If my honorable friend from Alabama will take the pains to look into the matter, he will find that the Bible itself, confessedly the cheapest publication on the face of the earth, is not even now by the Bible societies published so cheap, in proportion to the quantity of matter that goes into it, as is the Congressional Globe. I do not speak of the value of the matter, because it is just as expensive, you know, to set up bad matter as it is to set up good matter; and if we insist upon its publication, we pay by the bulk, and not by the quality of the book. No man can take up the Congressional Globe, and look at the type in which it is set, and compare it with any other publication that ever was made, and find a book that is published at so low a price; therefore the profit on each particular volume must be very small, and you must take a very large number to make it at all remunerative.

Mr. CLAYTON. Will this pay?

Mr. BROWN. I understand that if the number proposed in the proposition of the Senator from Michigan be taken, it will afford a fair remunerative price, and nothing more.

Mr. CLAYTON. Then I am for it.

Mr. FITZPATRICK. There is another very important matter which seems to escape the notice of the Senate, and one which I really think should command their attention. I appeal to you, sir, and to every gentleman on this floor, to know if, after the debates have been reported and set up and the press-work paid for, for a certain number of copies, a larger number cannot be published for

almost half the amount which would have been required for the original publication. That is a matter which involved the scrutiny of the committee; and although the Senate seem disposed to act in this matter without any reference to a committee, I ask them to pause and reflect before they increase so largely the subscription to the Globe. No one, I trust, will accuse me of any prejudice against that paper. From the commencement of the discussion to the present hour, I have endeavored, with all my energies, to confine the reporting and printing of our debates to that paper, and to pay the proprietor such prices as would enable him to live. It is said that the publishing of the Congressional Globe and Appendix for the House of Representatives should be considered distinct from the publication for the Senate. But I repeat, if you take the number furnished to the House, and add it to the publication here in the aggregate, it is a question involving a great doubt whether the publisher of the Globe is a loser or not.

But, sir, what is to be the great cost of the publication of the Globe? The proprietor is required to publish seven hundred and forty-four copies, in order to give to each Senator the number to which he is entitled. When, as I before remarked, the resolution of the gentleman from Arkansas, proposing to largely increase this number was referred to the committee, they submitted the question to a gentleman who was intimately conversant with this matter; and we required from him statistics to show whether that work could not be published in a larger number for a less price than the number then published by the Senate, and I will present his statements.

The Senator from Mississippi overlooks the fact that reporting, composition, and press-work are the most important items in this matter, and after you have them paid for, additional copies can be published for a very small price comparatively. I have many statistics on this subject. I have in my possession a great deal of information derived from the gentleman to whom the matter was referred by the committee, and in order that the Senate may understand the question, I ask leave to read one of his statements. Although I am anxious, and have been from the commencement, to place the publication of the debates solely in the hands of the proprietor of the Globe, I do not feel inclined to remain quiet and see so large a number voted, when I am satisfied that a smaller would afford a remunerative price. I have here a statement of Mr. Towers, chief clerk of the Superintendent on Public Printing, in which he says:

March 2, 1854.

SIR: I have the honor to submit the following answer to your verbal inquiries, made yesterday, respecting the net cost to the printer of additional copies of the Congressional Globe and Appendix.

Your first inquiry was, "What will be the net cost to the printer of 744 copies of the Congressional Globe and Appendix, in addition to those now subscribed for by the Senate?"—making in all, 24 copies for each Senator, being the same number that is now furnished each Representative and Delegate in Congress.

The answer is: As 4,920 copies is to \$19,356, so is 744 copies to the answer. The net cost to the printer, therefore, will be \$2,927.

The subscription price for 744 copies for the two sessions of the Thirty-Third Congress, at \$9 per copy, is... \$6,696
The cost, as before stated, will be..... 2,927

Leaving a profit on those copies of.....\$3,769

Your second inquiry was, "What will be the net cost of 1,488 additional copies?"—being 36 copies in all for each Senator.

Answer.

The subscription price is.....\$13,392
The net cost to the printer will be..... 5,854

Leaving a profit on the 1,488 additional copies of \$7,538

According to the above estimates, the cost to the printer of the Congressional Globe and Appendix, for the whole Congress, over and above the number now subscribed for by the Senate, (whether the additional number be large or small,) will be \$3.93 per copy, (discarding fractions,) against the subscription price of \$9. The binding is not included, which is paid for at the rate of fifty-five cents per volume, and with which, I understand, the printer has no connection.

The data upon which the foregoing estimates are based are the same as those presented in my note of the 27th ultimo, herewith returned to you.

It should be borne in mind that I have made no allowance for capital invested, nor have I taken into the estimate of the cost any of the expenses incurred by the printer in reaching the point at which I commence, being that point at which the Senate subscription to the Congressional Globe and Appendix now ceases. I have confined myself

simply to the inquiry as to the net cost to the printer of increasing the edition of his publication to the several numbers suggested by you and the profit thereon; and upon subsequent reflection, I can discover no reason for changing the opinion I have heretofore expressed upon this subject.

Very respectfully, your obedient servant,
WILLIAM TOWERS.

To Governor FITZPATRICK.

Mr. JOHNSON. In regard to the document which has just been read, I will say to the Senate that I saw it long since, and I have read and examined it. There are qualifications to be found in it all the way through about capital, and one thing or another. I have examined the statements contained in the document, and I must say that I believe it to be entirely unreliable, and as furnishing no safe data. I do not give to these estimates the importance which the Senator from Alabama does, and I say it with all respect to him. I give to it none of the force which the Senator does. I believe the matter will rest here, in consequence of the course which has been taken, until the end of this session, unless the matter is settled, and the proposition of the Senator from Michigan adopted.

Mr. FITZPATRICK. The gentleman who furnishes this information is the chief clerk to the Superintendent of Public Printing. This is not a voluntary act of his. It was asked for at his hands by the Committee on Printing. They addressed him as a practical printer, as one intimately connected and well acquainted with the whole subject of reporting and printing; and I desire the Senate to listen to what he says in another letter, which I should have read before.

Mr. JOHNSON. I wish the Senate to understand that the statement which the Senator from Alabama is about to read is in answer to a resolution which I offered some months ago, and not in regard to this proposition.

Mr. FITZPATRICK. The letter which I am about to read I should have read at first. It is in these words:

Answer to Senator Fitzpatrick's Inquiry.

The Congressional Globe and Appendix for the Thirty-second Congress made six volumes, and an aggregate of 5,300 pages. The subscription price is \$9 for each Congress. The Senate now takes 744 copies, and it is proposed to take 5,644 copies, being an increase of 4,920 copies. The inquiry of Governor Fitzpatrick is: "What will the net cost to the printer be of the 4,920 additional copies?" The answer to this question is based upon the data above mentioned.

Answer.

The cost of paper, (3,472 reams, at \$4 per ream).....	\$13,880 00
The cost of press-work, (13,038 tokens, at 30 cents per token).....	3,911 40
The cost of folding, (13,038 tokens, at 12 cents per token).....	1,564 56
Total cost.....	\$19,355 96

The subscription price of the 4,920 additional copies, at \$9 per copy, would be.....	\$44,280 00
The cost to the printer would be, as above....	19,355 96

Leaving a profit of.....\$24,924 04

Or \$16,616 for the long session, and \$8,308 for the short one.

It appears, from the letters of Mr. Rives and others, that a large loss is incurred by him at present in the execution of his contract with the Senate; and he asks this additional subscription, which he supposes will remunerate him for his labor on account of the profit accruing on it. How far the present contract with Mr. Rives may be remunerating, or otherwise, would require much time and labor to ascertain; and I think it would be indecise in me, to say the least, to express any opinion I may entertain upon the subject until I am prepared to support it by facts and figures.

February 27, 1854.

WILLIAM TOWERS.

Here we have the statement of a practical printer, Mr. Towers, who is known, I presume, to most members of the Senate, in which, after having taken great pains and trouble to examine the question with which he is intimately acquainted, he says that, if the Senate take the same number of copies of the Congressional Globe and Appendix that the House of Representatives does, it will afford Mr. Rives a profit of \$24,924, according to the best calculations he has been able to make. The honorable Senator from Arkansas says he has no confidence in these estimates.

Mr. JOHNSON. I say so, because of the fact that we have the sworn testimony of two disinterested and reputable men, which do not conform to his statement at all.

Mr. FITZPATRICK. My impression is that there are but very few items in regard to which they differ. Now, sir, if the Senate, in the face of the testimony which the committee have col-

lected for the purpose of informing the Senate, go on now to increase to this large extent the profits of this paper, it is for them, and not for me, to determine. The communication of Mr. Towers, which I first read, refers to the amount which I was willing to allow Mr. Rives—that is, I was willing to allow an addition of thirty-six copies for each Senator. I was satisfied that the proprietor of the Globe was not sufficiently remunerated by this body; and I was anxious to increase his compensation to that extent. A portion of the committee, and in fact a majority, were at first inclined to yield a favorable response to the resolution of the gentleman from Arkansas, to the full extent to which it went; but such astounding disclosures were made, showing that the inordinate profits to which I have referred were to accrue, that they were not willing to report in favor of that proposition. The members of the committee differed on that point; but I think it was the sense of the committee—I am speaking from recollection—that they were willing to take half the number proposed by the Senator from Arkansas, as the report will show. I was unwilling to go to that extent. I was ready to provide for thirty-six copies for each Senator. That additional number of copies, according to the statement of Mr. Towers, who I understand to be as competent a gentleman to make calculations on this subject as any in this city, would afford a profit of \$7,538 per annum.

If Senators will look at the report of the Committee on Printing, which is lying on the table, they will find that a majority of the committee recommended an increase of subscription to the Congressional Globe and Appendix to about the number that I have intimated. The whole amount proposed to be furnished by the resolution of the Senator from Arkansas, would, according to the calculations of Mr. Towers, leave the proprietor of the Globe a profit of over \$24,000 a year. I endeavored to ascertain what amount of copies it would be necessary to take in order to give a fair compensation to the Globe; and, as I have before remarked, I was in favor of allowing each Senator thirty-six additional copies. That, according to the calculations, would afford a profit of over \$7,000. That was the amount to which I was willing to go; but my colleagues on the committee were willing to report in favor of taking forty-eight copies for each Senator.

When a committee to which the subject was appropriately referred have made such investigations, I ask what is the use of committees, where is the necessity for their hunting up information, where is the necessity of their inquiring into and endeavoring to ascertain what would be a fair compensation for this service, if the Senate, in this hasty manner, are to override their acts, and go entirely beyond what they ever recommended? I am anxious to allow a fair compensation, but I ask the Senate to reflect before they saddle upon the country, as the permanent system of this body, the giving of a large annual increase of compensation, such as is contemplated in the proposition now before the Senate.

If I had deemed it consistent with my sense of public duty to concur with my colleagues on the committee, I venture to say the question would have been settled long since; but I was laboring under the impression that that proposition would allow too large profits, and that \$7,000 a year profit would be sufficient to cover all contingencies, and place the Globe upon a proper basis. The estimate which I have laid before the Senate shows what excessive profit may be made out of this subscription. Is it possible that the Senate, in their great anxiety to get rid of this question, will override the action of the committee which investigated it, in the manner in which the Committee on Printing did this question, without even condescending to notice their report? I feel assured that it is the sense of the Senate that we should do what is right. I am willing to go with the Senate in allowing what is a proper and reasonable compensation. But this proposition to allow eighty-one copies to each Senator will fall little short of allowing a profit of \$24,000, which was the amount of profit estimated by Mr. Towers as the result of the subscription proposed by the Senator from Arkansas.

I was familiar with these topics some two months ago; but when the resolution came up this morning, I did not suppose we should reach this

question to-day, and hence it is but a few minutes ago since I took the papers from my drawer. I have been prepared at all times, on reasonable notice, to submit the facts to the Senate, and to allow them to come to a correct and proper conclusion in regard to what is a reasonable compensation to the Globe. But, sir, the report of the committee has slept until it is lost among the papers; and now, in the heat of debate, on a mere intimation, without reference to the information acquired by the committee, it is proposed to increase the number of the Globe to nearly as large an amount as the House takes. I cannot consent to it.

The statement of Mr. Towers shows what profits will be made, if such a proposition be adopted. I undertake to say, from my knowledge of that gentleman—and I have been closely connected with him since I have been a member of the Committee on Printing—that there is no man in the city of Washington who understands the history of printing, or knows more about its details, and who can give clearer and more satisfactory statements and calculations in connection with it, than that gentleman. The committee had confidence in him; and when his estimates were submitted to them, they were unwilling to go further than to recommend that the Senate should take half the aggregate number of copies which the House takes. I did not want to go to that extent, though I was willing to report in favor of taking thirty-six additional copies of the Congressional Globe and Appendix. Upon that proposition we disagreed. If I thought that number would not allow a reasonable and fair living compensation; if I believed that it would not afford enough to sustain the Globe and its proprietors, I should be willing to go beyond that amount; but with the convictions resting on my mind, and the knowledge which is in my possession, after the investigations that I have made in reference to this matter, I am decidedly of opinion that the number proposed to be taken by the proposition now before the Senate will give excessive profits. I ask the Senate, therefore, not to adopt this proposition in the hurry of the moment. There is no imperative necessity for disposing of it now. I ask them to pause and deliberate before they attempt to establish, as the settled policy of the Senate, that it shall give such enormous profits to this gentleman, however competent he is; and I concede that his competency, and that of his corps of reporters, is beyond all question.

While I am willing to adopt the Globe as the only reporter here, I hold that there is no necessity for saddling upon the Treasury the local press of this District. I believe there is as much cause and necessity for having the reports copied into one of the leading papers of each of the several States as into the papers here. We might—except a single paper to perpetuate our proceedings—with the same propriety designate a paper in each State, and say our debates shall be published in them, as to say we shall select papers here to publish our debates at the public expense. My feelings towards all those gentlemen are of the kindest character. I think, I trust, I evince no political selfishness when I propose to take a paper outside of all parties; but now when I see the sense of the Senate, as indicated by the feeling of those around me, to be in favor of giving to the paper I prefer inordinate profits, I am opposed to it, not because I have any hostility to the gentleman who conducts that paper. He is an able man, and has an able corps of reporters. He is entitled to credit for the manner in which the reports are published in his paper. It gives him credit and reputation justly throughout the country. But when, in addition to the enormous amount proposed to be paid him, we are to have placed upon the Treasury three local papers here, I think it time to stop. One of those papers declined the publication, and another has said it does not want it, and yet, in the face of that, it is said, you must give to them as well as to another paper here. Two of the most extensively circulated papers in the Union have said they did not want the publication of the debates, and, in the face of that, it is proposed now to turn round and say "you must have them." We have been told that the papers cannot live at the prices now paid, and yet we propose to make them publish our proceedings, and to increase their compensation.

Is there any great necessity for this? Are the

demands of the country upon us for intelligence so imperative that we have to carry through, rough-shod and by force, a resolution of this kind? And is it to become the settled policy of this body? I repeat again, it is time, in my estimation, in view of the facts which I have submitted to the Senate, for them to pause and hesitate before they adopt the resolution now pending. I will do the gentleman who is the publisher of the *Globe* the credit to say that he has always said the price paid him is not sufficient. I have always said to him that I thought we had afforded him ample profit when we agreed to give him a profit of over \$7,000 a year. He contended that it was not sufficient. I do not know that I can say, on authority from him, that he was content with the report of the committee; but my impression is that his friends, and those who were anxious to put his paper on a solid footing in the Senate, were satisfied with the proposition of the majority of the committee, and thought forty-eight copies were enough.

Mr. PRATT. Will the Senator from Alabama permit me to make one inquiry?

Mr. FITZPATRICK. Certainly.

Mr. PRATT. The Senator has repeated several times, for the information of the Senate, that on the hypothesis of our taking thirty-six additional copies of the Congressional *Globe* and Appendix for each Senator, there would be a net profit of over \$7,000 a year to the publisher, and he predicates that statement on a paper signed by Mr. Towers. I do not deny the competency of Mr. Towers to make the statement, but I desire the Senator to refer back to what he said in the beginning of his speech, that Mr. Towers himself expressly said that the starting point of his calculation was to take the *Globe* office at the point where it is. He only estimates the cost of printing with the material as at present existing in that office.

Now, I assume, for the purpose of illustrating the remark I make, that the *Globe* office, the building, the type, and everything connected with the printing, has cost, say about \$150,000. That is the principal sum. The Senate will see at once that the legal interest on that amount would be \$9,000. Therefore, if the proprietor were to get \$7,000 net profit, according to the calculation of Mr. Towers, there would be a loss of \$2,000 to him for printing our proceedings, because in the employment of his capital he gets \$2,000 less than the interest upon the capital invested.

Mr. BADGER. Certainly; that is clear.

Mr. PRATT. He gets nothing for his work, but loses \$2,000.

Mr. FITZPATRICK. I think the Senator from Maryland is about as wide of the mark as he alleges that I am.

Mr. PRATT. I beg pardon—

Mr. FITZPATRICK. I meant nothing offensive at all. I understand the Senator from Maryland to say that we must make proper allowance for the large amount of capital invested in real estate in the *Globe* office. I have never had the pleasure of going through the large and beautiful establishment of the proprietor of the *Globe*; but is it the fact that all the rooms in that spacious and elegant building are employed for the purpose of carrying on our printing? I have merely cast my eye in as I was passing along; but, if I am not mistaken, a portion of that building is appropriated to other and different purposes than the printing of the debates of this body. I take it for granted that some gentlemen on this floor are more intimate with that matter than I am, not having particularly inquired into the matter. I am satisfied that some portion of it, at least, is paying the proprietor a fine profit in the shape of rents; and when the facts are inquired into, I should be inclined to think that the whole investment in that institution should not be regarded as a charge upon the Government.

Does it require a building involving such a vast amount of capital for the purpose of carrying on the printing of the debates of this body? I think not. I do not know, nor will I undertake to say, to what extent there are other occupants in this building, or to what other uses it is applied; but my impression is that you will find only a portion, I presume the largest portion of it, devoted to public uses. Concede, however, that it is all so employed, is it absolutely necessary to have a building so costly and so expensive in its char-

acter for the purpose of carrying on the public work? That is the business of the proprietor, and not ours. I feel assured, however, that a building costing much less money, with a great deal less room, and a great deal less capital invested, would answer all the purposes of carrying on the public printing of the country. It may be that to the extent to which the building is used for the purpose of carrying on the printing of our debates the capital invested in it is a legitimate object to be considered in the amount to be paid; but I take it for granted that the capital invested in the whole building is too large for the proprietor to call on the Senate or on the Government to foot the bill for the whole amount.

I have deemed it my duty, standing in the relation which I do to this body, being the only member of the committee that investigated this matter now present, to disclose these facts to the Senate. I have done it in no ill spirit towards the *Globe*, or anybody else; for I presume every gentleman on this floor is satisfied that I prefer that paper to any other as the sole reporter for this body; but in attempting to accomplish that, I wish to bring its proprietor within reasonable limits. I do it for his own benefit, as well as to protect the Treasury. I do it in order to make his a permanent concern. I do it for the purpose of showing the world that he gets a reasonable and fair compensation, and that he will be regularly employed by the Government, and to dispel everything like jealousy and contention in reference to his employment.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 17, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the consideration of House bill No. 102, granting lands equally to the several States, to aid in the construction of railroads and the support of schools. The pending motion is to recommit this bill to the Committee on Public Lands; and the gentleman from Maryland [Mr. HAMILTON] is entitled to the floor.

SUSPENSION OF THE RULES.

Mr. RICHARDSON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken upon Mr. RICHARDSON's motion; and it was decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. STANTON, of Tennessee, in the chair.)

NEBRASKA BILL.

The CHAIRMAN. The business in order before the committee is bill No. 236, being a bill to organize the Territories of Kansas and Nebraska; on which the gentleman from Tennessee [Mr. READY] is entitled to the floor.

Mr. READY, after a few preliminary observations, said the committee now have under consideration the Senate bill for the organization of the Territories of Nebraska and Kansas, with the amendment proposed in lieu thereof by the chairman of the Committee on Territories. He took this occasion to state that he preferred the Senate bill to the amendment proposed by the gentleman, [Mr. RICHARDSON]; but at the same time he should not be very scrupulous in looking into every minutiae of the bill, so as to hunt out objections to this substitute. Inasmuch as he perceived the amendment embodies the great principle on which the Senate bill is based, and inasmuch as there are only differences on points of minor importance, he was willing to pass them over, and was willing to take either the Senate bill or the amendment offered by the chairman of the Committee on Territories. On a great question like this, in a bill embodying so many provisions, it was scarcely to be expected that, where so many minds were brought to bear upon it, they can all concur in every feature; but if it is found that the leading features of the bill are correct, those minor details, he thought, should be set aside.

It had been said that this is a party measure, that it is an Administration measure, and that the bill was introduced in the Senate by a distinguished member of that body for the purpose of aiding his own views with regard to the Presidency. How these things are he knew not. He was not in the secret councils to which perhaps other gentlemen may have access. He only knew of things relative to measures which may come before this body from the provisions contained in the bills which may be presented. He occupied a position different from that of the Administration and the Democratic party in this House; but yet he did not intend now, or at any time hereafter, to let his party differences with any set of gentlemen control his votes on national measures.

The bill, he said, involves a great constitutional principle. It is one in which the South is peculiarly interested, and directly involves the question of State sovereignty. Strike out the great principle of State sovereignty, and the superstructure of the Union crumbles into ruins. He maintained the confederated States have no right to restrict slavery to prescribed limits; for a Territory is a State in embryo, and so continues until it is ready to organize itself into a State government, and ask for admission into the Union.

He reviewed the history of the enactment of the Missouri act of 1820, contending it was not imposed by the South on the North.

Mr. ETHERIDGE said that for a few days past this body had presented to the American people a remarkable, and significant spectacle. Their daily deliberations, for a week past, had been a striking commentary upon those assurances which the Democratic party had given to the American people, and that, too, when that party was being borne into power, as was alleged, by the conservative and national sentiment of the country. Were they not now, and had they not for a week past been furnishing to sectional agitation a powerful and conclusive argument? Had they not for the last few months, and especially for the last few days, been engaged in bartering away the confidence of the people, and for that which they would scorn to receive, and against which the voice of the largest portion of the Union had been heard in tones of loud and indignant opposition, and against which many others of the other portion had protested in low murmurs of sorrow and complaint? Had they not for a few days past been attempting to force upon an unwilling people a measure for which they had never asked? He asked Union loving men, men of the North and South, to consider well their interests, and not now, or hereafter, hastily, for party purposes, or individual ambition, consign those interests to jeopardy or ruin.

He then argued at length to prove that the Missouri compromise of 1820 was adopted by southern votes, and that it was a compact.

Mr. OLIVER, of Missouri, advocated the bill. He said, in the course of his remarks, that the Missouri compromise did not, as it had been asserted, give repose to a distracted country. Did not the North, he asked, repudiate it one year afterwards, so far as they could, by a majority of their votes? What northern man will deny it? The record proves it. The bill, he argued, would be a means of preserving the Union, by keeping the country from future slavery agitation, and crushing the hydra-headed monster of fanaticism, which have so long agitated the councils of the nation. He replied to the speech of Mr. BENTON, heretofore delivered, and said that opposition to the repeal of the Missouri compromise was an abolition movement.

Mr. PARKER next obtained the floor.

Mr. HOUSTON. I suggest that we take a recess of an hour, and by that time members will return here. If we have these early adjournments, gentlemen will not get in all the speeches they desire.

Mr. PARKER. I do not desire to speak to-day, and will yield the floor to any other gentleman who may wish to address the committee this evening.

The CHAIRMAN. Does the gentleman from Indiana insist upon his motion that the committee rise?

Mr. PARKER. Not against the will of the committee. If any other gentleman wishes to speak, I will yield the floor, with the understanding that I am to occupy it to-morrow.

Mr. FARLEY. I move that the committee rise.

Mr. BRECKINRIDGE. I would ask the Chair, if that motion fails, whether it would not be in order to move that the committee take a recess for an hour or two?

Mr. KEFTT. I trust, if the gentleman from Indiana is unwilling to proceed now, that some other gentleman will take the floor, and proceed with the discussion.

Mr. WALSH. I demand tellers upon the motion that the committee rise.

Mr. FARLEY. I withdraw my motion, as there is an understanding made by which the gentleman from New York [Mr. BENNETT] is to take the floor.

Mr. WALSH. We have been repeatedly told that there were a number of gentlemen who desired to express their views upon this subject. Let them have an opportunity to do so until ten o'clock at night; but there appears to be a scarcity of speakers.

Mr. PARKER. I have been trying to get the floor for some time; and the gentleman who occupied the chair on yesterday assured me that I could have the floor to-morrow.

The CHAIRMAN. The gentleman from Indiana is entitled to the floor.

Mr. WALSH. You had better proceed. Make hay while the sun shines.

Mr. PARKER. I will yield the floor to the gentleman from New York, with the understanding that I shall occupy it to-morrow.

Mr. HENDRICKS. That arrangement has been made very frequently with other gentlemen, and I hope it will be permitted with my colleague, as he is too unwell to speak this evening.

Mr. WALSH. I hope some of these gentlemen who are so anxious to speak will hurry up.

Mr. BENNETT. I am ready to speak now.

Mr. B. then viewed the proposed repeal of the Missouri compromise as an attempt to extend slavery over territory now free, and, as such, he was opposed to it, as were all men of all parties and creeds in his district. This attempt to repeal that compromise, which had stood for so many years, and which was made for the settlement of a great question, had been brought before Congress in a very singular manner. It was a remarkable fact that this Congress was not elected with reference to this question. It was elected when nobody dreamed that any such measure would be proposed as the one under consideration.

He then argued against the bill, as one calculated to renew the slavery agitation, and as altogether unnecessary. He denied that the compromise of 1850 repealed that of 1820, and contended that the compromise of 1820 was a compact.

Mr. STRAUB obtained the floor.

Mr. BRECKINRIDGE. Will the gentleman from Pennsylvania [Mr. STRAUB] yield me the floor for a moment?

Mr. STRAUB assented.

Mr. BRECKINRIDGE. With the permission of the gentleman from Pennsylvania, I desire to move that the committee do now take a recess until six o'clock.

Several MEMBERS. No; say seven o'clock.

Mr. BRECKINRIDGE. My object, Mr. Chairman, in making this motion, is for the purpose of affording ample opportunity for debate, in order that there may be no just ground for saying that time was not allowed for all to discuss this question. I therefore move that the committee do now take a recess to six o'clock.

A MEMBER addressed the Chair.

Mr. STRAUB. Permit me for one moment, if you please, I believe I am entitled to the floor. [Laughter.]

Mr. BRECKINRIDGE. I understood that the gentleman from Pennsylvania yielded me the floor that I might make the motion which I have submitted.

Mr. STRAUB. I will explain myself, if the gentleman will wait a moment. I have no objection, Mr. Chairman, to yield for an adjournment, provided there is an understanding that I will have the floor when the committee meets again.

Several MEMBERS. Oh, certainly, you will have it.

Mr. WITTE. I would suggest to the gentleman from Kentucky [Mr. BRECKINRIDGE] to say seven o'clock as the hour at which the committee shall reassemble.

Mr. BRECKINRIDGE. Very well. I now move, Mr. Chairman, that the committee take a recess until seven o'clock this evening, to meet again with the understanding that no business is to be transacted, but that members are to speak on the Nebraska question.

Mr. RICHARDSON. That is right; we will then have better audiences, and everything else.

Mr. SAGE. It strikes me that we have been laboring pretty hard this week; and if members are to remain here until twelve o'clock to-night, it will be quite a severe tax upon them.

The CHAIRMAN. The Chair would remark that there is no quorum present; and if a division is called upon the motion, it must fail.

Mr. HUGHES. I call for a division upon the motion. If there is, however, a desire on the part of any gentlemen to speak, I do not wish to throw any obstruction in their way.

Mr. SAGE. It appears to me that there is too thin a House to justify us in taking a recess.

Mr. STRAUB. Will the Chair be kind enough to state the question now before the committee.

The CHAIRMAN. The motion submitted by the gentleman from Kentucky, [Mr. BRECKINRIDGE], by the permission of the gentleman from Pennsylvania, [Mr. STRAUB], was, that the committee take a recess until seven o'clock. And the gentleman from New York [Mr. HUGHES] moves that the committee rise.

Mr. STRAUB. Then I claim to have the floor.

Mr. WITTE. I was about to state, that the gentleman from Pennsylvania [Mr. STRAUB] yielded the floor only for the purpose of allowing the gentleman from Kentucky to submit a motion that the committee take a recess, and not to a motion that the committee rise.

Mr. STRAUB. I take this occasion to say, that if there be any gentleman here in the minority upon this particular question who wishes to make a speech, for him I will yield the floor, but to no one else.

The CHAIRMAN. I understood the gentleman from Pennsylvania to yield for a motion that the committee rise.

Mr. STRAUB. No, sir.

The CHAIRMAN. Does the gentleman from Kentucky insist upon his motion that the committee take a recess?

Mr. BRECKINRIDGE. My only object in submitting the motion was to afford an opportunity for fuller discussion; but as those gentlemen from whom I supposed the proposition would receive a favorable consideration object to it, I withdraw the motion, in order that the gentleman from Pennsylvania may proceed now.

Mr. STRAUB. I do not wish to press upon the committee the few remarks which I have to offer. I am willing that the committee shall take a recess, but I am not willing that it shall rise.

The CHAIRMAN. The Chair would say to the gentleman from Pennsylvania, that there is no quorum present; and if the motion to take a recess should be put, under a call for a division, it would necessarily be lost. The committee can rise, however, without a quorum.

Mr. STRAUB said that he could discover no occasion for bitter and unkind feelings on this subject. He had looked at the bill, and examined its provisions, and could see in it merely the great principle of the people to govern themselves. Pass this bill, of the success of which he had no doubt, and the ambitious and enterprising men of the eastern, northern, western, and middle States, will take possession of every inch of the Territory. The only reason he could see for his southern brethren standing by the bill was, that they go for the principle. They stand on the Constitution, where every man stands who shall vote for the bill.

Mr. WADE here obtained the floor.

Mr. RICHARDSON. I trust the gentleman from Ohio will give way until I can submit a motion.

Mr. WADE. I yield.

Mr. RICHARDSON. I then move that the committee take a recess until seven o'clock.

The question was put; and the motion was agreed to.

The committee accordingly, at five o'clock and thirty minutes, agreed to take a recess until seven o'clock, p. m.

EVENING SESSION.

The committee, according to the terms of the motion that the committee take a recess, reassembled at seven o'clock, p. m., about a dozen members being present.

The CHAIRMAN. The gentleman from Ohio [Mr. WADE] is entitled to the floor.

Mr. STUART, of Ohio. With the permission of my colleague, [Mr. WADE,] I move that the committee do now rise. It is too bad to compel a member to speak to so small an audience.

The question was put; and the motion was not agreed to.

Mr. WADE then took the floor, and addressed the committee an hour in opposition to the bill. He reviewed its provisions to show its inconsistencies, and termed it a deceitful and lying bill. Its object was to make slavery a domestic institution in these contemplated Territories, and never before had it been asked to establish slavery north of the line of 36° 30'. If they would amend the bill, and say that the population of these Territories should determine their institutions for themselves by popular vote, then he would cease his feeble opposition to this measure, and cease to agitate the question before the people of the country; but they should not determine the color of the people who were to take this large region into their hands. The law which excluded slavery from these Territories was binding by law; but a compromise, which had for its object the oppression of the poor black man, was void before Heaven and earth.

Mr. BANKS next obtained the floor.

Mr. SEYMOUR. If the gentleman will give way, I will move that the committee rise.

Mr. BANKS. I will yield for that purpose.

Mr. RICHARDSON. If the gentleman from Massachusetts does not desire to go on now, I hope he will give way for some one else to speak to-night.

Mr. BANKS. If any other gentleman desires to speak to-night, I will yield to him with the understanding that I have the floor for the morning.

Mr. ROBBINS. I understand that the floor had been assigned to Mr. PARKER, of Indiana, for the morning.

The CHAIRMAN. The Chair has no such understanding.

Mr. PURYEAR. That understanding was entered into by the gentleman who occupied the chair in the morning session, [Mr. STANTON, of Tennessee.]

The CHAIRMAN. The Chair understood the arrangement to be that Mr. BANKS was to have the floor in the morning.

Mr. BANKS. I am willing to accede to the arrangement that Mr. PARKER shall have the floor in the morning, if that was the understanding.

The CHAIRMAN. The Chair thinks that there was no such understanding.

The question was put; and the Chair announced the result—ayes 17, noes 16.

Mr. BRECKINRIDGE. I would inquire how the Chair votes? If he votes in the negative, the motion will be lost.

The CHAIRMAN. The Chair votes in the affirmative.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 236, entitled "An act to organize the Territories of Nebraska and Kansas," but had come to no conclusion thereon.

Mr. PRINGLE. I move that the House do now adjourn.

The question was then taken; and the motion was agreed to.

Thereupon the House adjourned (at eight o'clock and five minutes, p. m.) until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, May 18, 1854.

Prayer by Rev. HENRY SLICER.
The Journal of yesterday was read and approved.

JUDICIAL SYSTEM.

Mr. DOUGLAS. I hold in my hand an amend-

ment, by way of a substitute, which I intend to offer for the bill which has been reported by the Committee on the Judiciary, to modify and amend the judicial system of the United States. It is an important subject; and I have some views not exactly in harmony with the provisions of the bill reported. I cannot flatter myself that I should be able to present an entire bill, but I desire to lay my amendment on the table, and have it printed. The order to print was made.

PETITIONS, ETC.

Mr. BRODHEAD. I present the memorial of Alexander J. Atocha. He complains of the action of the late Board of Commissioners on claims against Mexico. It was formerly presented, and referred to the Select Committee which recently made a report upon that subject. This select committee, in consequence of the absence of Mr. Clarke, then Senator from Rhode Island, was equally divided in opinion as to the claim. He now presents his memorial, setting forth the facts, and asks that the case be again considered. He also presents additional proofs and documents in support of the claim. I ask that it be received, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BENJAMIN presented a petition of citizens of the parish of Calcasieu, Louisiana, praying the establishment of a light-house at the mouth of the Calcasieu river, in that State; which was referred to the Committee on Commerce.

REPORT FROM A STANDING COMMITTEE.

Mr. MALLORY, from the Committee on Naval Affairs, submitted a report to accompany the bill to improve the naval service; which was ordered to be printed.

Mr. MALLORY submitted a motion to print three hundred additional copies of the above report; which was referred to the Committee on Printing.

PATENT OFFICE REPORT.

Mr. STUART. The Senator from Pennsylvania [Mr. BRODHEAD] has now returned, and I should therefore like to call up, at this time, the motion made by him to reconsider the vote adopting the resolution respecting the publication of thirty-seven thousand five hundred additional copies of the agricultural part of the Patent Office report.

Mr. BRODHEAD. I am quite ready myself to give the reasons why I moved to reconsider the resolution alluded to by my honorable friend from Michigan; but, sir, I should much prefer that the Senate would proceed, in the first instance, with the subject of printing the debates. It seems to me that it would be proper to dispose of that matter first. It was very fully discussed, as I understand, yesterday afternoon, and can be disposed of without much debate. I think, therefore, that we had better dispose of that matter before we proceed to the consideration of the Patent Office report.

Mr. BRIGHT. If the morning business be through, I should like to move to take up the resolution referred to by the Senator from Pennsylvania, with the view of disposing of the subject this morning.

The PRESIDENT. Does the Senator from Michigan withdraw his motion?

Mr. STUART. I cannot see what relation one subject has to another, but I am very willing to consult the convenience of the gentleman. I therefore withdraw my motion.

SENATE REPORTING.

The PRESIDENT. Then the unfinished business of yesterday will now be taken up. It is a resolution of the Senator from Indiana in relation to the publication of the debates of the Senate. The pending question is on the motion to refer that resolution, with the amendment proposed, to the Committee on Printing.

Mr. PRATT. The yeas and nays were called for.

The yeas and nays were ordered.

Mr. RUSK. I shall vote for the reference of the resolution to the Committee on Printing. I am in favor of its object. I presume there can be no doubt that the Globe does not receive a sufficient compensation for the labor performed in the Senate, and I am very willing to increase it. So far as the printing of the debates in the other papers of this city is concerned, I have no sort of objection to that. I think it is not necessary to

pay for a duplicate reporter. The debates may just as well be taken from the Globe and published in the other papers. I think it perfectly right and proper that some system should be adopted, so that the readers of the journals may be informed of the debates and proceedings of the Senate.

As to any matter of expense, it is inconsiderable compared with the spreading of a knowledge of the proceedings of Congress before the people generally. Under such circumstances I have no objection as to the amount proposed. There is, however, a serious objection to the proposition; and, if I am compelled to vote on the resolution in its present form, I must vote against it. The method adopted by it to compensate the Globe, is to take ninety-one copies for each member.

Mr. BROWN. Eighty-one.

Mr. RUSK. Eighty-one besides the twelve which are taken now. It would then be ninety-three to each Senator. That will embarrass us; and I should be glad if the Committee on Printing would take the matter into consideration, and adopt some other method than to take the enormous number of ninety-three copies of the Globe and Appendix for each Senator; and therefore I shall vote for the reference of the resolution to that committee.

Mr. HUNTER. Mr. President, if we are to keep up the system of reporting, it seems to me we ought to do something like what is proposed by the resolution. The true plan would be to pay one paper for reporting, and the others for publishing, the debates and proceedings. The system would not be complete, if we were to pay only to have them reported, because it would be necessary to publish them that the public may get hold of them; and to do that the true mode is to make a contract with the leading papers of the city, and pay them for their publication as is here proposed.

If, on the other hand, the Senate should come to the conclusion that the reporting system is not a good one, I should be willing to abolish it altogether; for I believe there is much to be said on both sides. While, on the one hand, it is desirable that full reports should be had, to show the reasons and grounds of our legislation, I think it is obvious, on the other hand, that the system introduces more speaking than we otherwise would have, and perhaps deteriorates its character. I think the tendency of the system is to change it into a sort of essay writing; but still I think there is no mistake that it is the sense of the Senate and of the other House to have their proceedings reported. If so, I am willing to go the further length of paying the papers to publish them; and in doing so I would state to the Senator from Michigan, [Mr. STUART,] that I by no means think that I am indorsing the editorials of any one, or of all of them, by merely paying them to publish the proceedings of the Senate. So far from indorsing anything which is calculated to reflect upon the President of the United States, I would be as far from doing that as he is; for I believe the President of the United States is earnestly intent upon carrying out the principles upon which he was brought into power. I think his course upon the Nebraska bill and the indigent insane land bill, which are the two great practical issues of the session, has been manly, straightforward, and wise. At the same time, I believe he has erred in relation to the distribution of patronage; but whatever errors there may have been; I believe they were committed with the very best intentions. Therefore, I vote without meaning to express any opinion with regard to this or that editorial in either of the papers. I believe it is better, if we keep up the system of reporting, to have the debates published in the three leading papers of the city, if they will do it. The only point of doubt and difficulty which I have, is in regard to the number of extra Globes which it is proposed to take. I do not know but that it may be giving more than we ought to give to that one paper. I am willing to compensate its proprietor justly and amply for his services; and the only question that I have is as to the measure of the compensation. The Senator from Arkansas [Mr. JOHNSON] has examined this question, and so has the Senator from Alabama, [Mr. FITZPATRICK.] We have heard from the Senator from Alabama. The Senator from Arkansas, I think, is of the opinion that this is not too much. I see him in his seat, and perhaps he can satisfy my mind on the point.

Mr. BRIGHT. I concur entirely in all that has been said by the Senator from Virginia, and I am very sorry that the debate yesterday took a direction which would lead to the inference that any Senator here is governed by anything like unkind feeling towards the Administration, in advocating the resolution which is now before us. Nothing of the kind, at any rate, entered into my breast.

I think it unnecessary to extend this debate. I am very anxious that the resolution should be voted upon. I accepted the proposition of the Senator from Michigan, [Mr. STUART,] under the impression that, if I did so, there would be no serious objection to it. I am now satisfied that my original proposition is greatly embarrassed by the amendment offered for the benefit of the Globe; but I am further satisfied, Mr. President, after a very thorough examination of the subject, that the extra copies proposed to be ordered will not provide more than a fair compensation to remunerate the proprietor of that paper for the services we require at his hands.

I hope the resolution will not be referred to the Committee on Printing, for I have no idea, from the exhibition which we have had on the floor, that that committee would be able to agree upon a report; and, furthermore, we understand the subject thoroughly, and can dispose of it without the assistance of the committee.

Mr. BADGER. Mr. President, I agree entirely in what has been said by my friend from Virginia, that if we are to have any system by which the Senate proposes to publish its debates, the one proposed by the resolution, in its present form, is free from every reasonable objection. It proposes to have one reporter, and I think it can admit of no doubt in the mind of any gentleman who has at all turned his attention to this subject, that it is difficult to conceive, and vain to expect, any better system of reporting than that which is furnished by the proprietor of the Globe. That being the case, by having this one reporter we accomplish the desirable object of having the reports prepared, and printed with every imaginable security that they will be a fair representation of what passes here—fair not only in substance, but fair in detail.

Having procured that, the next object is to have these reports spread before the country. They are not published for our reading. They are not intended to inform us of what passes here. They are intended, as far as possible, to enable the people of the United States, for whom we act, and the States which we represent, and to which we are responsible, to understand what is said and done here by their representatives. In order to accomplish that, this resolution proposes that the reports, thus carefully and faithfully prepared, shall be published in the three leading papers here. Surely nothing, in my opinion, can be more reasonable than this. We get rid of an unnecessary expense, involved in maintaining two or three corps of reporters; we insure at once accuracy and unity in the presentations of the discussions that take place here, and upon moderate terms we secure also the widest practicable diffusion of these reports throughout the whole country. Now, sir, in connection with this subject, I think that if we are to make any provision for publishing the debates of this body, no plan more fair, and no plan more economical, can be adopted by the Senate; therefore, if the system of reporting is to be continued, I am entirely in favor of the resolution which has been submitted.

There is another and a distinct question into which I do not enter. I refer to the suggestion thrown out by the Senator from Virginia, whether it is, upon the whole, wise to have any provision made for the reports at all? I think that matter is settled. The Senate intends to have its debates reported, and the only question for us is as to the best and most economical method.

Now, with regard to the mode in which it is proposed to make some additional compensation to the proprietor of the Globe, who has completed this admirable system of reporting, I have two remarks to make. The first is this: I believe no gentleman can have any reasonable doubt that the present arrangement of the Senate does not furnish the desired compensation. That I take to be clear, both upon the little observation which I have been able to make of it, and upon the clear and decided opinion of my friend from Arkansas,

and the other gentlemen who have had full opportunities of investigation.

The second observation which I wish to make on this point is, that I prefer the method of giving that increased compensation which is proposed by this resolution to any other method. It remunerates the reporter. It enables this establishment to go on successfully, and without entailing upon its proprietor a loss which he should not suffer, and it does it by furnishing to the members of this body largely increased facilities for distributing in a permanent form, and putting into the possession of a large proportion of their constituents, the authorized published reports of the discussions and proceedings of this body. For the day, or for the hour, that may be a matter of small importance, but I have found, and I do not doubt that other gentlemen in this body have found the same thing, a very considerable difficulty, often in not being able to refer to the proceedings and debates of this body, as well as of the other House of Congress, in days gone by.

We find it important to ascertain the views and opinions entertained by those who have preceded us. It is sometimes difficult, or occasionally impossible to ascertain, for want of ready and convenient sources of recurrence, what those debates and opinions have been. Let us then, sir, by this proceeding secure at least for hereafter an opportunity of judging what have been the views, the opinions, and the course of policy indicated and supported by the present members of this body. I trust I do not place any exaggerated estimate upon the value of what we say, but at least, Mr. President, I do not think it is just to depreciate ourselves so much as to imagine that in times to come those who succeed us will not be desirous to know, and may not at least sometimes learn, too, with advantage not only for themselves, but for the country, the discussions which may have taken place in this body.

Having said this, sir, it seems to me that it follows there is no necessity for a reference of this resolution. I see no advantage to accrue from it. The subject is fully in the possession of the Senate. If the Senate is opposed to the system, vote down the resolution. If the Senate is in favor of the system, in my judgment, it cannot be materially improved in its details by the labors of any committee. Therefore, so far as I am concerned, I shall vote against the reference, and in favor of the resolution.

Mr. JOHNSON. As I do not wish to fatigue this body, and as I do not wish to fatigue myself, I shall not undertake the labor which would necessarily be imposed upon me if I should enter upon this subject in every aspect in which it presents itself. It involves much to which I shall not refer. I shall confine myself to a few facts to which I desire especially to call the attention of the Senate.

The resolution, as it stands, embraces two separate and distinct subjects; and before the vote is taken I shall call for a division of the question. One portion of it relates exclusively to the reporting of the debates and proceedings, and the printing them in the Globe. The other portion relates to printing the debates in the city papers only.

It will be seen that it is an omnibus resolution; for it embraces matters which do not necessarily stand together, and, as they are capable of division, I shall ask that they be divided.

The Senator from Virginia spoke of the cost of the Congressional Globe, and the method in which that cost should be distributed, or, in other words, as to the compensation to be received by the publisher of the Congressional Globe and Appendix; and the objection of the Senator from Texas was based on the method by which it is proposed to pay him, because it allows individual members of the Senate to receive a large number of the Globe and Appendix for distribution. Now, sir, after having considered the subject maturely and laboriously, I must say that I see no better method, nor any so good.

We must do something with that establishment, or we shall be compelled to give up the reporting and printing of our debates. The gentleman who is at the head of the establishment has not said he will quit because he makes nothing. I believe he has never distinguished himself in that way. He will go on with his contract until he is unable to go further; and what he does do he will do well. What he has done has always been well done.

In regard to the numbers to be taken, I see no better method which can be pursued. There are other methods by which it can be done. Two or three propositions have been submitted to me, which, if necessary, I will read. I have examined them all maturely. They propose to pay him for the future, but not to make up his losses for the past. At the beginning of this Congress he had lost the sum of \$40,000. This will be seen on an examination of his facts. I have examined them carefully, and I am satisfied of the truth of what he says.

Mr. BENJAMIN. The Senator says that the proprietor of the Globe has been at a loss of \$40,000. Is that for this Congress, or for the whole period that he has pursued the business?

Mr. JOHNSON. For the whole period.

Mr. BENJAMIN. How many years?

Mr. JOHNSON. I cannot give the exact number of years; it has been certainly some four or five. Changes in the price of work and materials have gone on, and he is going on losing at an accelerated rate. I do not wish unnecessarily to consume time; but I can produce the items in proof of the statement, and to any rational man it must be as clear as sunlight.

Sir, it will be well to advert to the authority relied upon by the Senator from Alabama, [Mr. FITZPATRICK]—the statement and calculation of William Towers. I have said that that statement is unreliable. Why, sir, there are errors all the way through it. There are errors that I have calculated; and, in addition, we have a statement by Mr. Rives pointing out its errors. Mr. Rives's statement has been published and republished for three weeks; it has been standing before the people for investigation. If Mr. Rives has published a false statement, he is not worthy of recognition by this body, or to be intrusted with the public records.

Mr. FITZPATRICK. Will the Senator allow me to interrupt him?

Mr. JOHNSON. I will yield for an interruption, but certainly not for an argument.

Mr. FITZPATRICK. I meant to have stated, when I addressed the Senate yesterday, that I had another communication sustaining the former statement.

Mr. JOHNSON. Establishing it?

Mr. FITZPATRICK. So I understand.

Mr. JOHNSON. Exactly. A full answer to Mr. Towers has been published to the world, and has been in his possession for three weeks. Perhaps the honorable Senator has got an answer to it.

Mr. FITZPATRICK. I have a communication from Mr. Towers explaining the facts.

Mr. JOHNSON. Very well. I have the first document furnished by Mr. Towers, giving the result of his investigation. Mr. Towers is a printer, and, I understand, a very good one. But I have never heard of his managing a heavy establishment, which is a very different branch of business. He, however, was called upon to make a report to the Committee on Printing, which is relied upon by the Senator from Alabama with great confidence. If gentlemen will give me their attention, I will show the number of errors with which one short page can be filled. Mr. Towers says:

"The Congressional Globe and Appendix for the Thirty-Second Congress made six volumes, and an aggregate of 5,300 pages."

Error No. 1. The correct number of pages is 5,454.

"The subscription price is \$9 for each Congress. The Senate now takes 744 copies, and it is proposed to take 5,644 copies, being an increase of 4,920 copies."

There is an error again. Instead of 5,644, it stood, on the papers that were before him, 5,712.

"The inquiry of Governor FITZPATRICK is: 'What will the net cost to the printer be of the 4,920 additional copies?' The answer to this question is based upon the data above mentioned."

Answer.

The cost of paper, (3,472 reams, at \$4 per ream,) \$13,880."

Here is another error. Instead of 3,472 reams it is 3,480 reams, and 455 sheets, showing that he has not proceeded with any strict accuracy. There is also an error in regard to the price of the paper. Instead of \$4 a ream—and he knew it; he could not have helped knowing it—the very lowest price is \$4 80 a ream; and you cannot possibly get paper during this session of Congress for less. Mr. Rives has his bills, and they show

that he has sometimes to pay \$6 50 a ream. Thus we have specimens of the kind of estimate upon which my honorable friend from Alabama has based his representations. Calculate the paper at \$4 80 instead of \$4 a ream, and it makes the aggregate cost \$16,708 55, instead of \$13,880.

The next item—and, sir, each item seems to be a gross and special error—is the following:

"The cost of press-work, (13,038 tokens, at 30 cents per token,) \$3,911 40."

This, sir, is a most preposterous representation. Why, sir, the clerk of the Superintendent of Printing, who made this report, knows that his own brothers, who are printers in this city, are printing for Mr. Rives at fifty cents a token as a favor, when their machinery and hands have nothing else to do. Thirty cents a token! Why, when we look at every contract that Congress has made in regard to printing, except that made with Mr. Ritchie, we find that one dollar a token was paid. Mr. Ritchie received fifty-three cents a token for his printing, and he came back to Congress and announced the fact that he was ruined, totally ruined by it, and asked for relief. Congress then gave him over one dollar a token and still he proclaimed to the world that he had not been saved from loss. Although this was the case, Mr. Towers sits down and makes a calculation at thirty cents a token! What is a token? Two hundred and fifty impressions taken from the press. And Mr. Towers calculates 13,038 tokens; but even in that his figures are wrong. It is 13,367 tokens. Taking that at his own calculation, it would make a mistake, for the true amount, instead of \$3,911 would be \$4,010 10.

Now, what reliance can be placed upon his statements and deductions? It is well known that we have never had the work done at less than one dollar a token, except in the case of Mr. Ritchie's contract, and that he abandoned, and we had to give him more than one dollar, after legislating for four months on the subject. It is thus evident that Mr. Towers makes a clear mistake in that calculation, upon a single estimate, of nearly \$10,000. On this subject, to satisfy my own mind, I addressed each of the printers in this city. I called upon them to know at what rates they would print for me, and the average price which they proposed was \$1 06 a token. One declined to give me an answer, but said that he would print for me all that I wished for nothing. He supposed that it was merely some little printing that I wished to have done, and he was willing to do it for nothing, out of his personal kind feelings for me; but the average answer that I received was \$1 06 a token, for this very item which Mr. William Towers sets down at thirty cents. His brothers, when they have leisure, print for Mr. Rives, as a matter of favor, for fifty cents a token, which is sixty-six and two thirds per cent. more than he says Mr. Rives can afford to do it for himself.

Now, I ask, what confidence is to be put in estimates like these? But we will go to the next point:

"The cost of folding, (13,038 tokens, at 12 cents per token,) \$1,564 56."

There again he errs. He supposes that there are 13,038 tokens to be folded, whereas the number folded is but just half, both sides of the sheet being printed. Mr. Towers calculates for folding 13,038 tokens at twelve cents a token, and allows Mr. Rives \$1,564 56 for it; whereas the number of tokens folded was but 6,519, and the amount should be only \$782 28.

The aggregate errors in these calculations amount to over \$12,000! Mr. Towers then proceeds to another estimate, and says:

"The subscription price of the 4,920 additional copies,"

The number should be 4,968,

"at \$9 per copy, would be \$44,280."

The amount should be \$44,712.

"The cost to the printer would be, as above, \$19,355 96."

It ought to be \$21,520 67. He then goes on:

"It appears from the letters of Mr. Rives, and [the oaths of] others?"

Here are the oaths—I will not detain the Senate by reading them—which go to show that during the first fifty-nine days of this session, Mr. Rives lost upwards of three dollars a column on the publishing which was done for both branches of Congress. I want to call the attention of the

Senator from Alabama to the fact, that he has studiously separated the consideration of the public printing and reporting of this House from that of the other. Sir, I treat it in gross. I put it all together, and I allege that these losses occurred from the whole, and not from this body alone. Upon the printing and reporting for both branches, he has lost, and is losing, at an accelerated rate.

But let us again look at the kind of authority upon which my friend from Alabama relies. It seems to me he ought to have examined Mr. Rives's letter in his regard for right which I know and acknowledge that he feels as sensibly as anybody. It seems to me it was most inexcusable that he did not examine it at once and satisfy himself about it; but I am informed that that Senator never read Mr. Rives's statement. Am I correct in regard to that?

Mr. FITZPATRICK. You are correct in regard to that. I have not had time to look into all these statements.

Mr. JOHNSON. I regret it, for if you had read it, I feel assured there is much in it you would have taken delight in reading. I say this because I am satisfied you want to do what is right and just.

Mr. Towers says:

"It appears, from the letters of Mr. Rives and others, that a large loss is incurred by him at present in the execution of his contract with the Senate."

That is the subject upon which he was asked for a statement.

"And he asks this additional subscription, which he supposes will remunerate him for his labor on account of the profit accruing on it. How far the present contract with Mr. Rives may be remunerating, or otherwise, would require much time and labor to ascertain."

Sir, I should like to know what the Committee on Printing was established for, if it was not for the purpose of ascertaining? I should like to know what they referred a commission of this character to that clerk for, unless it was that he should take that trouble? That is what he says after having made this wretched and erroneous calculation, and then he concludes:

"And I think it would be indelicate in me, to say the least, to express any opinion I may entertain upon the subject until I am prepared to support it by facts and figures."

What makes it indelicate in him? Why wait until he has prepared the facts and figures? Sir, I am authorized to say to you here, that the whole of that printing establishment, its books, and its most private concerns were open to him, and he was invited to go in and make the investigation, but he declined to do it. He examined but a portion of its business, and, on seeing the manner in which the speeches were altered after they were set up, he said "why that is just as bad as to have it all to set over again." They said to him "go on and examine the whole establishment, and then report the facts as you find them." He declined to do it, and went on and furnished this statement, at the end of which he says it would be indelicate in him to express an opinion as to whether a loss was sustained or not. It is strange that he should feel this delicacy after having made a calculation which, if true, would utterly destroy the veracity of the man who made the previous statement; yet it is true that when he comes to the point for which the subject was referred to him, he says he thinks it a matter too delicate for him to investigate.

Mr. President, I would, if it were possible, escape from an examination of all these details, but there are points to which I feel it to be my duty to call the attention of the Senate, and they are so plain that they will not fail to create a sensation in the mind of every man who listens to the statement of them.

I have before me the printed statement of Mr. Rives, which has been before the public and in the hands of every printer of the city for the last three weeks, and which has been at the service of every Senator, and is yet to be had by any and every Senator who chooses to make the investigation. I will turn, for instance, to this item of tokens, concerning which I have made a few remarks. Mr. Rives says:

"But Messrs. Gales & Seaton, it appears, convinced the Congress that made the reduction of twenty per cent. on the public printing that they could not stand it, and, at the end of that Congress, the twenty per cent. was restored to them."

That is, during the time they were the printers, in 1841 and 1842.

"This gave them \$440 for press work and folding, and stabbing and stitching. Deduct ten per cent. for stabbing and stitching, and it leaves them \$396 a token for press-work and folding, which lacks only four cents of being eight times as much as Mr. Moore now allows me!"

He is here speaking of another calculation, made by Mr. Moore, who is a brother-in-law of Mr. Towers, and who has furnished a calculation which Mr. Rives has taken great pains to answer.

"—when the wages I now pay to printers are twenty per cent. higher than Messrs. Gales & Seaton paid them."

"Mr. William Towers, the other witness who bears witness against me, is Mr. Moore's brother-in-law, and their testimony is nearer than their relationship to each other. He says the press-work can be done by me for thirty cents a token, and the folding for twelve cents a token; making together forty-two cents a token for press-work and folding. Mr. Moore said in 1840?"

Eighteen hundred and forty was a period of time when all things were cheaper than they are now.

"Mr. Moore said, in 1840, that I could do both for forty-two and a half cents a token—only one half of one cent difference! This is a strange and striking coincidence, when it is recollected that fourteen years elapsed between the times when they gave their testimony, and in the mean time the wages of printers had been changed twenty per cent."

"At the very time Mr. Towers gave his testimony that press-work could be done for thirty cents a token, his brothers in this city were doing it for me, at their leisure, and as a favor to me, and charging me sixty-six and two thirds per cent. more than he allows me."

He certainly ought to have been conscious, but may not have been, however, of the rate of charges at which his own brothers were doing business.

"They have been doing it at that rate for me for years past; and I have reciprocated their favors by letting them have paper at precisely what it cost me. They make something by printing for me at fifty cents a token, because they do it when they have no press-work of their own to occupy their presses, on my type already made up into pages for them, and by men who work by the week."

And consequently would have nothing else to do unless they had that, and still are paid.

"Thirty cents a token on the copies of the Congressional Globe, which both branches of Congress take from me, will not pay one third the interest on the capital invested and the wear and tear on materials in my office, as I will prove in less than twenty lines."

"Congress takes from me 6,456 copies of the Congressional Globe and Appendix—the House 5,712, and the Senate the balance, 744, of them. The press-work on these during the last Congress was 18,340 tokens, which, at 30 cents a token, amounts to \$5,509. The interest on the capital invested in my printing establishment, and the wear and tear of the materials during that time, as Mr. Moore admits, amounted to \$17,680; and every printer knows, or ought to know, that at least three fourths of the capital invested in a large printing establishment is properly chargeable to the press room department, and that at least five sixths of the wear and tear of the office and machinery is also chargeable to it."

Here are facts, which gentlemen can take up and study and consider maturely for themselves, which go conclusively to settle the matter in regard to the calculation now relied upon by the Senator from Alabama as to the fairness of the compensation on this item of tokens, which is one of the heaviest items in the calculation.

Permit me in this connection to read a statement of the cost of similar work, as done in Pennsylvania and Maryland, and in England for the reports of the proceedings of the British Parliament.

They have had a fixed system for many years, and hence they afford a precedent, which may be considered good, in consequence of the much greater experience they have had in these matters, than this body of the other branch of Congress.

Mr. Rives says:

"Now, I will compare the price paid to me for the debates in Congress, with the prices paid in England for the debates in the English Parliament."

"Hansard's Parliamentary Debates for the last Parliament, commencing the 10th of February, and ending the 9th of May, 1853, made 2,216 octavo pages, averaging 2,250 ems a page, making together 4,995,000 ems."

"These were printed in three royal octavo volumes, and retailed in London for £1 10s. a volume, bound, making £4 10s. for the three volumes, equal there to \$19 98, here to \$32 50."

"Hansard sells his debates to the booksellers of London for £1 2s. 6d. a volume, bound, making £3 7s. 6d. for the three volumes, equal there to \$14 98, here to \$16 92."

"The Library of Congress paid a bookseller in London five per cent. advance on Hansard's wholesale price for the three volumes, and they amounted to \$17 76."

Our Library accounts show that fact.

"The Congressional Globe and Appendix for the last Congress, at this rate, would amount to \$136 a copy."

I call upon the Senate to look at a fact like that when my honorable friend from Alabama talks about gross extravagance. There are people in England who have had the experience of years

in this business; and if we paid for the Globe, for which we gave \$12 per bound copy, at the same rate which they pay for theirs, instead of giving \$12, we should give \$136 for a single copy of the Globe and Appendix. It is a startling fact, that what costs us \$12 would cost us \$136 at their rate; and so in proportion for the whole of your copies. This, Mr. President and gentlemen, is the character of the extravagance of which we have been guilty in paying Mr. Rives for the Globe and Appendix the rates which have been mentioned.

"The Senate paid for them, bound, only \$12 a copy."

"It is clear, therefore, that the Senate does not pay one eleventh the rate for the debates in Congress that this Government pays for the Parliamentary Debates of England for the Library of Congress."

"Add to what the Senate pays for the Congressional Globe and Appendix what it pays towards defraying the expenses of reporting and publishing the debates in the Daily Globe, and then the \$712 copies which the Senate is asked to subscribe for, would not cost it one seventh the rate paid for Hansard's Debates."

If the price paid to Mr. Rives for reporting the proceedings and publishing them in the Daily Globe be included, then the Congressional Globe and Appendix will not cost you one seventh of their price.

"And it is believed that Hansard takes his debates from the London papers, and makes but little alteration in them."

In other words, the system is not carried on with anything like the same accuracy, the same perseverance, the same decision, and the same rapidity, with which it is carried on for this body, for, I believe, it is conceded that the best reporting which is done in the world, for accuracy, and for rapidity, is done for the American Congress.

"Now add the facts that wages of both reporters and printers, and the price of paper, are each and all less in England than they are in this country, and then can any man give a good reason why there should be so great a disparity in the prices which the debates of the two countries are sold for? or why Hansard's should be sold so high, and Rives's so low?"

Now, sir, for another point. There is a celebrated printing establishment in this country known as "Harper & Brothers." Mr. Rives says:

"Harper & Brothers, of New York, print about 125,000 copies of their Magazine, which enables them to sell them at what is considered a very low price—25 cents a number. The Congressional Globe and Appendix, at that rate, would amount to \$26 a copy for each Congress. I sell them to Congress for \$9 a copy."

At the rate at which the Harpers sell their Magazine, which is deemed to be extraordinarily low, the Congressional Globe would amount to \$25 a copy for each Congress. Look at that. We pay \$9 a copy, and at the lowest rate at which the Harper brothers print their magazine, and distribute one hundred and twenty-five thousand copies of it—a price which is pronounced so extraordinarily low—instead of our paying \$9 a copy for the reports of the debates of Congress, it would be \$25. That I believe is the lowest printing establishment in the United States. There are a great many more such statements as these in this paper; but I pass them by; I do not wish to detain the Senate. It is not necessary to multiply them. These are facts which there is no such thing as getting over! But now I turn you to the case of the State of Pennsylvania, and give to you a few paragraphs which is upon that subject. My friend from Pennsylvania will listen to this, I know, with some interest:

"Before I commenced writing this answer to Mr. Moore's and Mr. Towers's statements, I wrote to gentlemen in Kentucky, Pennsylvania, and Maryland, inquiring of them how much the reporting and printing the debates of the conventions called to amend their constitutions cost those States, respectively; and since the above was in type, I have received the following answers from the two States last mentioned, and will not wait any longer for an answer to the letter written to the gentleman in Kentucky:

"HARRISBURG, PENNSYLVANIA, April 17, 1854.

"SIR: Upon the receipt of your letter inquiring of me the expense of reporting and printing the debates of the convention to amend the constitution of Pennsylvania, that sat in the years 1837-'38, I went to the Auditor General's Office, and obtained the accompanying items of expenditure, as paid upon the different warrants from time to time."

"By this, it will be seen that the reporting of the debates of said convention cost \$20,488 15, and the printing and binding cost \$59,668 90. These debates made thirteen volumes, amounting, in the aggregate, to about 7,000 pages, octavo, 1,500 ems to the pages, and two thousand five hundred copies were printed—that is, 1,250 in the English language, and 1,250 in the German language. I have no means of getting at the price of binding these volumes, with certainty, but think it cost between nine and ten thousand dollars."

"There were five reporters employed, viz: John Agg, principal; H. G. Wheeler, E. Kingman, W. E. Drake, and

I. G. McKinley, assistants. The principal reporter received \$100 per week as a compensation for his services, and the assistants \$30 per week; and \$5 per column of 2,000 words were paid for writing out all matter not written out at the adjournment of the convention; which, according to the best of my recollection, was about one half of the debates, as the convention frequently sat mornings, afternoons, and evenings, and it was impossible to keep the work up.

"The price paid to journeymen printers, at the time of the printing of the debates, was seven dollars per week in Harrisburg, or twenty-two and a half cents per thousand ems. I am told they generally worked by the week.

"I am informed, at the Auditor General's Office, that no part of the \$69,668 90 was paid for distributing the debates, that being paid for printing and binding alone; but you will bear in mind that the cost of printing paper is included.

"Hoping this information may prove satisfactory to you, I remain yours, truly, ISAAC G. MCKINLEY.

"JOHN C. RIVES, Esq., Washington, D. C.

"OFFICE OF THE SECRETARY OF STATE, }
"ANNAPOLIS, April 12, 1854.

"SIR: The Governor has placed in my hands, for answer, your favor of the 28th ultimo. It would have received earlier attention but for my absence from the seat of government, and some delay occasioned by difficulty in procuring part of the information asked for.

"The State paid to H. G. Wheeler, Esq., for reporting, the sum of \$2,505 80; and for indexing, the further sum of \$800.

"The cost of printing the reports was \$2,892 90. "Five hundred copies were printed for the State, and I am informed that each page contains about three thousand five hundred ems." I take leave, however, to suggest that a copy of the reports may be found in the Congressional Library, and that it might be well that you should examine them.

"I have the honor to be, very respectfully, your obedient servant, NATHANIEL COX, Secretary of State.

"JOHN C. RIVES, Esq.

"OFFICE OF THE SECRETARY OF STATE, }
"ANNAPOLIS, April 17, 1854.

"SIR: I am in the receipt of your favor of 15th instant. I now have the honor to inform you that I have examined the second volume of the reports referred to, and find it contains eight hundred and ninety pages, [that is the number of pages in the two volumes.] I make no charge in this matter; it has given me pleasure to have it in my power to oblige you.

"Respectfully, your obedient servant, NATHANIEL COX, Secretary of State.

"JOHN C. RIVES, Esq."

"The debates of the last Congress made 5,454 royal quarto pages, the pages averaging about 7,000 ems; therefore, the whole made about 38,178,000 ems. Congress paid me \$56,242 50 for reporting and printing the debates of the two sessions in the Daily Globe; and then paid me \$58,104 for printing 6,456 copies of them in book form; making together \$114,346 50; which divided by the number of copies printed in book form, shows that I was paid \$17 71 a copy for reporting and printing them, both in the newspaper and in book form.

"It will be seen by Mr. McKinley's letter, copied above, that \$20,488 15 was paid for reporting the debates in the Pennsylvania convention; they made ten million five hundred thousand ems; \$69,668 90 for printing two thousand five hundred copies in two languages and binding them, and that the price paid there to compositors, when the debates were printed, was seven dollars a week, or twenty-two and a half cents a thousand ems when they worked by the piece. The price I pay here to compositors is twelve dollars a week, or forty cents a thousand ems for breviter, and forty-four cents a thousand ems for nonpareil type when they work by the piece. All the compositors in my office work by the piece.

"Now, to make a just comparison, I must deduct for the binding of the Pennsylvania debates; for setting them up in two languages; and for paper, as they were printed on larger type than the debates of Congress are printed. I will not allow myself anything for the difference between the cost of setting up type there and here; which it will be seen is near 100 per cent. I can afford to be liberal, and will make liberal reductions:

I deduct for binding.....\$10,000 00
I deduct thirty three cents a thousand for setting up the second edition.....3,465 00
I deduct for two thirds the paper it took to print both editions, English and German, 760 reams, at \$4 80 a ream.....3,648 00

\$17,113 00

"Deduct this sum from the sum paid for reporting and printing and binding 2,500 copies, \$90,177 05, and it leaves \$73,064 05, which being divided by 2,500, the number of copies printed, and it shows that the Pennsylvania debates, which make 10,500,000 ems, cost \$29 22 a copy. Reporting and printing the debates of Congress, which make 38,178,000 ems, cost only \$17 71 a copy. At the rates paid for the Pennsylvania debates, a copy of the Congressional and Appendix would amount to \$106 24, which is a little more than six times as much as Congress pays me for a copy."

Here are facts which have been open for weeks for investigation. If they are not true, let them be investigated. There is no printer in this city but what has his enemy. We all know that. I do not know that there is any individual who has not an enemy; certainly there is no printer or publisher of a paper who has not one. These statements have been published, and all have been invited to investigate them; and if all which is contained in the statement is not correct, let them prove that it is not. These things are not

light upon the man who sustains these publications, and who himself has refused to go round and annoy you, Senators, in regard to his business. He has not been in the habit of stating his private grievances, and asking for favors. He places the facts before you as gentlemen who are candid, fair, and disposed to deal with him on terms which are best for the public interest.

Now, as to the debates in the Maryland convention. When her convention met to frame her constitution, Maryland also had her reporters. She got them on the best terms she could.

"The debates in the Maryland convention were not long; they are printed with the same kinds of type that the Congressional Globe and Appendix are printed; and, therefore, the calculation to show the difference in price will be short and simple. They made 3,115,000 ems, which were printed in 890 octavo pages. The reporting and making an index to them cost the State \$3,635 80; and printing 500 copies cost \$2,892 90, making together \$6,498, which being divided by 500, the number of copies printed, shows that they cost the State \$13 a copy. A copy of the Congressional Globe and Appendix, at this rate, would amount to \$159 33, which is nine times the sum Congress pays me per copy."

These things are absolutely startling. That is what was paid at our next door. Compare it with the rates which we allow to our reporter. The copies of which I speak consist of several volumes. When I speak of a copy, I mean the volumes for the whole Congress, the long and the short session, containing the debates for the entire Congress. It includes the Congressional Globe and Appendix also.

"If any other evidence is needed to prove that I am printing the Congressional Globe and Appendix at ruinous rates, it will be found in the following facts."

The Committee on Printing, before I was a member of it, and which consisted of the Senator from Maine, [Mr. HAMLIN,] my friend from Alabama, [Mr. FITZPATRICK,] and the Senator from Connecticut, [Mr. SMITH,] admitted that they were satisfied he was losing, but they were not satisfied with his statement as to the terms which should be agreed upon, and they therefore cut down the amount, and proposed to take from him forty-eight copies for each Senator—about twenty-five hundred copies, instead of five thousand.

"Eight years ago, when I commenced printing the Congressional Globe and Appendix at \$6 a copy for a long session and \$3 for a short one—"

That is the rate at which he prints still—

—the Congressional Globe was little more than a synopsis."

It is easy to refer back to the Congressional Globe, and there you will find that private bills were never reported, nor the debates on them. Sir, the value of these records is inestimable, even in reference to the debates that take place upon private bills, when they come up before this body. Let me ask any gentleman, of the class to which my honorable friend from Alabama belongs, the economists of the strict school, just to reflect on this subject. If you had had works of this kind printed in the days of the late war with Great Britain, when claims were brought up, which have been coming here ever since, through a period of forty years, how much would have been saved? Such a work to report the facts as they were known at the time in regard to private claims, would have saved to the Treasury more than it would have cost to print the debates from that time to the present; because, if the debates had been furnished in those days, when all the facts were known, some which were necessary to the proper understanding of the claim would have been retained, and the subsequent Congresses might have appealed to them; but the facts have been lost, while others which are brought forward for the interest of the claimants, have been preserved.

But a few days ago the Senator from North Carolina [Mr. BADGER] regretted that a speech delivered on a private claim in this body within a few years, had not been reported, as he believed it would have saved the Senate the trouble of re-investigating that case. In the Globe all these cases are faithfully put on record, and it will become a valuable work for future reference.

"All the debates on private bills were left out of it altogether; I had my own time to print them in, and made something on them when I sold as many as nine thousand copies."

A man can do work more profitably when he has his own time in which to do it. In those times, if a report was published some days after the discussion, Senators were satisfied, but now, when a gentleman delivers a speech of any length, he has

not concluded it before it is reported in part. As he speaks it passes from this body. It is written out in your post office, by men who are kept there for that purpose, and horses kept standing outside this Capitol, bear it to the press as the sheets are produced, and not unfrequently, as we retire from this Chamber, if we call in the printing office, we find in type remarks which we have just made.

Such is the rapid and perfect style in which the work is now done; such is the praiseworthy exertion and happy success which have attended the efforts of this one solitary agent of the Government, in fulfilling his contract with us. I say this one, because I have yet to hear of the first contract that has been made by the Government of the United States with any printer, which has not been the source of some kind of confusion and complaint; whereas, from this quarter, although the expense of the execution of the contract has been increased from day to day, and has entailed a heavier cost upon him, no complaint has been made. That is the way in which he has done his work. Here is a faithful servant of the body, employed under his contract, appealing to your reason, and appealing to nothing else. He has not begged privately for help that he might make money. He has simply said, there is my contract; it has not paid me, and is this the manner in which the Government wishes its business conducted, or shall I be compelled to go on at a loss, and in the end be compelled to abandon it altogether? If it were proposed to this body to say whether or not we would adhere to this rate, and lose the production of these reports in this way, or take up any other person as a reporter, and run the risk of his doing the work, I think there would not be more than three Senators, if there would be three, and I doubt whether there would be one, that would say, I will refuse it. I can say, on the contrary, that sooner than risk a loss of that character, and injure the public service so seriously, I certainly would vote for it, and give him ten per cent. more than is proposed.

Mr. WELLER. Will the Senator allow me to give notice of an amendment which I propose to submit to the resolution, unless my friend, who has devoted his attention to the subject, should give me some reason why it should not be offered?

Mr. JOHNSON. Certainly.

Mr. WELLER. There is considerable opposition, as is disclosed this morning, to that part of the resolution which increases the number of copies of the Globe to be taken by the Senate. In order to obviate that, I shall simply move to strike out so much of the resolution as provides for an additional number of copies, and insert:

And that in lieu of the price now paid to the Congressional Globe and Appendix, there shall be paid at the rate of \$9 50 per column for reporting and publishing the proceedings of the Senate.

I understand from a reliable source that the actual expense of reporting and printing is a little over \$9 00 a column. Now, we are all willing to give the proprietor of that paper a fair remuneration. I think this amendment will do it; and at the proper time I shall move it as a substitute for the latter branch of the resolution, unless my friend has some objection to it.

Mr. JOHNSON. I am very glad to hear that. It occurred to me last night, but I had forgotten it. It occurred to me in merely running through these calculations that this would be the plan. The honorable Senator from California has struck it exactly. It will be just and it will be right, in my opinion. I must say, that I do not think it will be as satisfactory to the publisher of the Globe and Appendix. But, sir, here are the facts in regard to it. We are paying now \$7 50 a column. The Intelligencer broke down in the reporting at that rate. The Union has been broken down at it twice. We have still the Globe going on at \$7 50 a column; and gentlemen come here, in order to show how conclusive this thing is, and ask you to employ all the papers to print, and leave out the reporting. Well, sir, let those papers print at a rate which is a fair compensation. I am now satisfied, from the information I have, that there is one concern in the city that will not touch your proposition to print at a cent lower than \$4 50 a column, and it demands \$5, even if the contract is made on the proposition as offered by the Senator from Michigan.

If \$4 50 is a fair rate to pay for publishing

without reporting, what is it proper to allow to Mr. Rives for the reporting? He is now paid \$7 50 for reporting and printing the debates. If you deduct \$4 50, which is the price now proposed to be allowed other papers for merely publishing, you will leave him but three dollars for reporting. Now, what is the cost of reporting? Evidence has been furnished showing conclusively that \$4 74 a column is the actual positive cost of every column of the proceedings of this body, as reported in the Daily Globe. The cost of reporting alone, without allowing one particle of profit to the proprietor, is \$4 74. Suppose you were to allow him a profit of twenty-six cents a column, it would bring up the item of reporting to five dollars a column. Then, when you allow him \$7 50 a column, and deduct from that five dollars for reporting, what does it leave him for printing, for materials, and for every other expense connected with his establishment? You leave him but \$2 50 a column to pay for the expenses of his establishment—for labor, day and night, necessary for the rapid execution of the work, which he has performed to the extraordinary satisfaction of every gentleman who fills a seat in this body, who is satisfied that, when he makes remarks here, there is no power on earth which can misrepresent him, or, at least, that he will be correctly represented on the official record of our proceedings. Then, on this basis, you allow Mr. Rives only \$2 50 for printing, and all the other necessary expenses except reporting, while you propose to pay \$4 50 to the other papers for publishing by daylight from printed copy. Thus you give him two dollars a column less for publishing than you propose to give the other papers, supposing that we allow him five dollars a column for reporting, which is the actual cost, with an addition of twenty-six cents for profit. Lest there should be a disposition to quibble about little things, I will state that \$4 74 is not the amount paid to the reporter employed by Mr. Rives. Four dollars and fifty cents is the amount paid him, and the additional sum of twenty-four cents is estimated as the cost of the wages of the men who carry the copy from the Capitol to the office, and for the horses employed in that service. These items bring up the reporting to \$4 74 a column; and if we allow the proprietor twenty-six cents profit, and should, in addition to that, allow him for printing the same rate which is now proposed to allow to the other papers, what would be the consequences? Why, clearly, that he ought to receive \$9 50 a column for every column of the debates. The proposition of the Senator from California to pay him that amount is the one which ought to be adopted, unless we agree to the proposition to take five thousand extra copies, which I think is the best one, and the one which should be accepted.

I wish now to call the attention of the Senate to some further statements contained in this letter of Mr. Rives, and then I shall have done. I intend to say no more, after I get through with what I propose now to submit to the Senate, unless some other points are started. I believe that, from the investigation which I have made, I am capable of explaining all the points in regard to this question; at least, I understand them myself thoroughly. I have a number of copies of this statement of Mr. Rives before me, and Senators who desire to examine it for their own satisfaction, can have an opportunity of doing so.

Let me call the attention of Senators to what Mr. Rives is willing to do. He says:

"I am willing to do it well at the lowest prices it has been done for in this city; but I cannot do it for the prices that some printers say I can do it for."

He refers, of course, to printers like Messrs. Moore and Towers, and others, if there be any others, who have given such opinions as they have. He says further:

"I will agree to report and print the debates of Congress as low as either of the offices for which Mr. Moore has been foreman, has done the public printing, even when the copy has been furnished to them without cost, (which is not my case,) and no alterations made in it afterwards."

In order that the Senate may understand this point thoroughly, I will explain it. Mr. Rives means that he will report and print at as low a price as public printing alone was ever done in any office with which Mr. Moore was connected in former days, when materials and wages were less than they are now. He will report and print for Congress at the same rates that those

offices printed when they had no reporting to do, and the copy from which to print the book or manuscript was furnished to them without cost. This, in point of fact, as reporting is about one half the cost, is a proposition to print for half the prices charged by the offices with which the gentleman who gives this testimony has ever been connected. Is not that a plain, easily understood proposition? Does it look like extravagance? Does it tend to show that we ought not to adopt the proposition of the Senator from Michigan? Surely not; but the reverse. But Mr. Rives continues:

"I will report and print the debates for one third the rate that Congress has ever paid for any other debates in book form. I will report and print the debates for one half the rate it pays for the lowest priced books it purchases from individuals."

That shows at what rates he is now doing this work. Does it look as if he were receiving large profits? He next refers to works purchased of Little & Brown, which I suppose may be considered as a fair criterion, for theirs is one of the largest and best conducted printing establishments in the United States. Mr. Rives says in regard to that:

"I suppose the books which Congress purchases from Little & Brown, of Boston, are bought at a lower rate than any others, as printing can be executed much cheaper in Boston than it can be done here. I believe we pay at least 33 per cent more here than they do there. I had the Statutes at Large printed by them in my eye when I said above that I would report and print the debates of Congress at one half the rate Congress pays for books purchased from individuals."

That is to say, he will report and print the debates of Congress for one half the rate which Congress pays to Little & Brown for the publication in pamphlet form of the laws of the United States. Does this look extravagant? The statements contained in this letter are capable of demonstration. They have been published for weeks; the assertions contained in it are open for examination, and certainly those with whose calculations it comes so completely in conflict would have made some attempt to show that its statements are incorrect, if such were the fact. But, sir, I say clearly, that if the statements contained in this letter be incorrect, and if Mr. Rives is capable of falsification to the extent to which he does falsify in this letter, if what he states be not true, and if he is not a loser by his contracts with this body, he is an unprincipled scoundrel, and ought not to receive the patronage of the body, nor be admitted on this floor, much less to hold a control over the public records, which involve not only the interests of the country, but the honor of every Senator who is within the sound of my voice.

Mr. DAWSON. I desire to call the attention of my friend from Arkansas to a document which I hold in my hand, and I desire to hear some explanation from him, merely for my own satisfaction. I understand him to say that the great difficulty between Mr. Towers and Mr. Rives arises out of the price of paper, and the proper amount to be allowed for press-work per token.

Mr. JOHNSON. They are two of the principal items of difference.

Mr. DAWSON. Now, I desire, on these two points, to read to the Senate a statement which I have in my hand, and then to hear the Senator from Arkansas in explanation. It will be recollected that in 1850, a committee was appointed by the House of Representatives to investigate the claims of Mr. Ritchie; and the report of that committee is to be found among the Miscellaneous Documents of the first session of the Thirty-First Congress. I wish to call the Senator's attention—for I desire to vote understandingly upon this subject—to the testimony of Mr. Rives himself, given before that committee, as to the cost of paper, in regard to which it is alleged that so great an error has been committed by Mr. Towers. At page thirty-five of House Miscellaneous Document, No. 55, for that year, we find the following testimony of Mr. Rives:

"The Congressional Globe is printed mostly on Fouldner paper, and always when we can get it. Witness thinks there are several Fouldner machines in this country. He buys of Bartow & Co., of New York city. Their paper is manufactured at Norwich, Connecticut, by Fouldner machinery. He pays \$3 25 at the mills for such paper as the Congressional Globe is now printed upon. It costs about \$3 33 delivered here. The paper weighs about thirty-two pounds to the ream, of the size of twenty-four by thirty-eight."

The paper of the Daily Globe, he says, is of the

same kind, but is heavier, and costs \$4 08 per ream. Thus we find that, according to this statement, the paper for the Congressional Globe and Appendix was manufactured at Norwich, Connecticut, and that the proprietor paid \$3 25 a ream at the mills for such paper.

Then, in relation to the price for press-work, Mr. Haliday, foreman in the Globe office, testified before that committee in this way:

"The common price for press-work in this city is fifty cents per token of two hundred and fifty sheets of sixteen pages each; although, if a man has the presses, he could make money on a large job at twenty-five cents per token."

I wish to call the gentleman's attention to these two statements, for the purpose of justifying myself in voting for the reference of this subject. I am partly in favor of this resolution, but I wish to have a full report made, stating the facts, so that I can act understandingly upon the subject. Now the difference between twenty-five cents and \$1 06 per token for press-work, and the difference between \$3 33 and \$4 80 for paper, are two material points; and in regard to them I desire to have full information.

Mr. JOHNSON. Will the Senator tell me what is the date of that testimony?

Mr. DAWSON. Eighteen hundred and fifty.

Mr. JOHNSON. I presume, then, that the Senator is aware, or he will readily understand upon the suggestion, that since that time there has been a change in the price of almost every article properly entering into the calculation of the cost of an establishment of this nature. An increase of price has been going on, and is now going on, in all these things, and yet the proprietor is only receiving now the same rate of pay which he received when prices were lower. It is notorious over the whole country, that the price of paper is everywhere greater now than it was three or four years ago, and it is now extravagantly high. The operation of our Post Office laws is such that it is almost hopeless to suppose that there will be any reduction in the price of paper. Our postage laws admit the passage of printed matter through the mails at a very low rate; so that there has been a great impetus given to every description of publications, and thus the consumption of paper at this time is much more than it ever was at any former period. The demand for paper has increased so much, and is so dependent upon another branch of trade, (which is a singular one, and one which I had hardly ever thought of before I investigated this subject, though I had heard of it,)—the rag trade—that now it is absolutely impossible to get, in this country, a sufficient quantity of material with which to make paper; and the material is imported to this country from the Mediterranean and the countries bordering upon it. The immense amount of paper now consumed in the country is mainly attributable to the action of the Post Office laws; and there is hardly any room to hope that the prices of paper can be reduced to anything like what in former days would have been considered a reasonable sum. I presume the Senator from Alabama can easily ascertain at what rate Congress is now furnished, by contract, with paper for the public printing. He can ascertain that by inquiry from the Superintendent of Public Printing, and he can, no doubt, inform the Senate as to that.

Mr. FITZPATRICK. I have never inquired of the Superintendent what price he is paying for paper by contract.

Mr. JOHNSON. I do not recollect what it is; but I understand it is alleged that the present contractor is losing, and must necessarily continue to lose, at the present prices. I have heard that he has stated himself that his loss cannot be less than \$20,000 this year on his contract, in consequence of the sudden rise in the price of paper since the contract was made for this Congress. The increase in the price of paper is not a small sum to a man who is losing every day, and, in this point of view, paper becomes a very heavy item. Three dollars and twenty-five cents would have bought more paper in 1850 than \$4 25, or even five dollars, will buy now; and the same increase of prices has been observable in almost everything else in the country. This is the answer to that part of the inquiry made by the Senator from Georgia.

Mr. DAWSON. I thought that perhaps the Senator had a statement before him of the price paid for paper during the present year.

Mr. JOHNSON. It has been varying during this year.

Mr. DAWSON. I wanted to know for my own satisfaction, and for the purpose of voting understandingly.

Mr. JOHNSON. Since the present Congress met, the proprietor of the Globe establishment has had to pay five dollars a ream for the paper on which he prints the debates, and he has sometimes paid as much as \$6 50 a ream for it. Notwithstanding this, four dollars a ream is all Mr. William Towers allows in his estimates for paper. If this gentleman knows (for he may not) anything about the matter, he is bound to know that no paper like that on which the Globe is printed can be had to-day for four dollars a ream.

I come now, sir, to the difficulty suggested by my friend from Georgia, as to the price paid per token for press-work. I imagine that, on examination, it will be found that when Mr. Haliday, in his testimony, speaks of press-work at fifty cents a token, he refers to its actual cost. It is being done at the actual cost of fifty cents for Mr. Rives by the brothers of this Mr. William Towers. Mr. Rives now pays fifty cents to Messrs. L. & J. T. Towers, printers in this city, for doing some of his press-work; and yet, William Towers estimates it at thirty cents a token! There is nothing improper, that I see, in the testimony which the Senator from Georgia has cited, and nothing at all inconsistent with Mr. Rives's calculations now. Mr. Towers's calculation for press-work is thirty cents a token, but Mr. Haliday, in the testimony which has been alluded to, said that fifty cents was the cost of it at that day. Yet now, when printers' wages have risen twenty per centum, and when the price of materials and labor of every description has increased, we find that Mr. Towers estimates that press-work can be done for less than Mr. Haliday estimated in 1850!

But, sir, there is another view which ought to be conclusive and satisfactory on this point, and it is that this work is done at very low rates in comparison with the prices paid for similar work elsewhere. Notwithstanding the rate of fifty cents a token for press-work is alluded to in the testimony which has been quoted as a proper price, Congress, when they came to settle, in a spirit of justice, with Mr. Ritchie, who was the public printer at the time when that testimony was given, finally allowed him over a dollar a token for press-work.

I am informed, further, that the contract price for the paper now used for the printing of Congress is \$6 11 a ream. I am unable to state what kind of paper it is, but a statement is furnished to me that \$6 11 is the price paid.

Mr. WELLER. I should like to be informed by the Senator, what is the manner in which the contract was made for paper at \$6 11 a ream, for I understand that just as good a quality of paper is purchased by some of the newspaper establishments in this city at \$3 75 a ream.

Mr. WALKER. They do not use as good paper.

Mr. DAWSON. I wished to justify myself by getting the proper information, but I thought it best to get it from the committee.

Mr. JOHNSON. Now, Mr. President, in conclusion I wish to say that, although I have been talking for some time in regard to this subject, I have not gone fully into the merits of the case. I took pains some months since to investigate the matter fully, and to examine Mr. Rives's statements, item by item. I made some notes of the results at which I arrived. I have not quoted those notes during these remarks, and I do not mean to detain the Senate by reading them. I will merely say that I believe before God and man that what I have stated in regard to this matter is true, and I believe we are not paying the proprietor of the Globe what he ought to be paid, and that unless we take five thousand additional copies of the Congressional Globe and Appendix, he cannot keep up his press and cannot go on beyond the present session of Congress. The proposition suggested by the Senator from California [Mr. WELLER] would, no doubt, afford him relief; but I think that the proposition to take five thousand additional copies is much the better form in which to give additional compensation; but unless it is given in one form or another, I fear that Mr. Rives will not be able to continue much longer.

Mr. FITZPATRICK. Mr. President, I do not rise for the purpose of protracting this discussion;

but I deem it proper to say a few words in answer to the able and eloquent argument of the Senator from Arkansas, [Mr. JOHNSON.] I will not undertake to review the various estimates which he has submitted to the Senate; but there are some facts, connected with other persons who have been drawn into this controversy, which impel me to make a few remarks in answer to what the Senator has said. Before doing that, however, I wish to say a word in answer to what was said by the Senator from Indiana; and I desire that he and the Senate shall understand me on this question.

When the motion was made yesterday to refer this subject to the Committee on Printing, the Senator from Indiana intimated that the Committee on Printing, as now constituted, were prejudiced against his proposition, and consequently, that nothing was to be hoped for at their hands. Perhaps the Senate may not be aware that I am now the only member of the Committee on Printing who was a member of the committee when this case underwent their scrutiny. As I remarked yesterday, the two gentlemen who were my colleagues on the committee when that question was before us have resigned their positions as members of the committee; and besides that, they are now absent from the Senate, and, consequently, all matters pertaining to anything connected with the action of the committee before the retirement of those two gentlemen necessarily devolved upon me. I am inclined to think that that Senator comes to a wrong conclusion, when he intimates to the Senate that the Committee on Printing, as at present constituted, is committed against his resolution. It is not necessary for me to say to the Senate that the honorable Senator from Arkansas, who is a member of that committee, and myself, differ radically on this question, and that the other gentleman composing that committee [Mr. FESSENDEN] has not been in his seat since the Senator from Arkansas and himself were added to the committee. How, then, can the Senator from Indiana intimate that the committee are prejudiced against his proposition, when the Senator from Arkansas and myself disagree on that question, and when we shall have to bring to our aid, as we necessarily will do when he returns, the efficient services of the Senator from Maine, [Mr. FESSENDEN], who is now a member of the committee?

I deem it proper to make these statements to satisfy the Senate that there is no commitment on the question, so far as the majority of the committee are concerned. The Senator from Arkansas and myself both belong to the same political party, but he and I cannot see alike on this question. Hence, when the third member of the committee arrives and takes his seat in the committee room, he will sit as an impartial and independent member, prepared to do justice according to the dictates of his own judgment. Those gentlemen who were members of the committee at the time when they were sitting in judgment on this question, have all resigned, save myself, and consequently we have now two new members on the committee, one of whom has heard nothing of this debate, and will embark on the duties assigned him as a member of the committee, I am perfectly sure, without any prejudice or prepossessions for or against any paper in this matter. Hence, I cannot conceive what necessity there was for throwing out the intimation that, by referring the question to that committee, you are sending it to those who have prejudged it, and who are not inclined to give an impartial examination to the facts which may be submitted.

Although I am a member of the Committee on Printing, and have been on it longer than the Senator from Arkansas has been, I am frank to say that he seems to have bestowed more labor and more investigation on this question than I have. I have not had time to do more than I have consistent with other public duties. My object has been to get such information in regard to it as would enable the Senate to act understandingly. The Committee on Printing sought that information, when they obtained from a practical printer the estimates which I had the honor to submit to the Senate yesterday. It is perhaps due to the Senate, due to frankness, and due to the position which the question now occupies before the Senate, that I should disclose the history of the transaction connected with the manner in which we obtained those statements. When we

required the statements at the hands of Mr. Towers, as clerk to the Superintendent of Public Printing, they were furnished to us. I did not conceal from the honorable Senator from Arkansas the fact that we had received such information; but, at his solicitation, I furnished him with these statements. He had submitted his resolution; and the evidence laid before the committee by the gentleman to whom we intrusted the examination of the question, differed widely, if his statements were true, from the views of the gentleman who had submitted the resolution. Hence I deemed it but fair, and such was the sense of the committee, to apprise him of the fact, that if we were to take the large number of books contemplated by his resolution, the effect would be, as we were informed, to increase the compensation of the publisher of the Globe to a larger amount than was necessary, and a larger amount than would afford him a fair and a remunerative price. After I had furnished the gentleman with these statements, the next I heard of them was a review of the whole of them in the Globe, from which the gentleman has read copious extracts this morning. The editor of the Globe took these estimates, and they underwent a very searching review from his pen, and that review was laid before the Senate. Upon it the Senator from Arkansas has predicated a large portion of his argument this morning. He has seen proper to scrutinize with some severity the estimates submitted to the committee by Mr. Towers. Why, sir, that gentleman was not a volunteer in offering his testimony to the committee. It was his duty to submit those estimates to the Committee on Printing when required by them, and he performed it.

Mr. JOHNSON. If that is so, I wish to ask the Senator, why did not the committee require Mr. Towers, when he was invited to make these estimates, to go and investigate inside the Globe office? Should not his investigation have been made directly into the matter itself? But Mr. Towers says expressly, in his report or statement, that he has not had the means of making that investigation.

Mr. FITZPATRICK. That is the very point which I was coming to. When the statements of Mr. Rives met the eyes of the committee, we required at Mr. Towers's hands that he should answer them, and satisfy the committee that his calculations were based on correct data. As he differed widely from the publisher of the Globe in the statement submitted by him, we deemed it due to the Globe, due to truth, and due to a correct understanding of the question, that he should review the criticism of the Globe upon his estimates, and furnish the committee with that review. I have his answer here; and I desire to have it read to the Senate, because I presume it is their object to seek information. The committee were satisfied that gentlemen who were intimate with the printing business were better prepared to shed light upon the question than other persons, and therefore it was that we called in the aid of Mr. Towers; and for that reason I now ask for the reading of Mr. Towers's reply.

The Secretary read it, as follows:

WASHINGTON, March 20, 1854.

GENTLEMEN: A printed statement has been placed in my hands, a copy of which, I am informed, has been forwarded to members of the Senate. It is without address or signature, but its ostensible object is to disprove the general correctness and fairness of certain calculations which I submitted to you at your request. It emanated from the Globe office.

It will be remembered that the proprietor of the Globe newspaper, printed in this city, addressed several letters to a member of the Senate, in which he stated that he was losing money upon his contract with the Senate for publishing its proceedings in the Daily Globe, and suggested an additional subscription on the part of the Senate to the Congressional Globe, in order that he might thereby be saved further loss. These letters (with several affidavits going to show the expenses of the printing establishment of the Globe, but not the cost of publishing the proceedings of Congress in that paper) were placed in my hands by you, with the request that I would ascertain as nearly as practicable, first, the amount of Mr. Rives's loss on his contract; and, secondly, what the net cost would be to him of four thousand nine hundred and twenty copies of the Congressional Globe, in addition to those already subscribed for by the Senate, leaving the question of profit for the consideration of the committee.

The prosecution of the first of these inquiries I knew would, besides requiring more time and labor than I have at my command, provoke a controversy with Mr. Rives most repugnant to my inclinations, more particularly as it was a subject in which I had no interest, and felt none. I therefore stated my objections to entering upon this investigation, and asked to be excused from it, to which you cordially and kindly assented.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, MAY 19, 1854.

NEW SERIES....No. 77.

An answer to the second inquiry I prepared hastily, and it is this answer that has called forth the statement from the Globe office, without address or signature, which has been forwarded to Senators, and in which certain exceptions are taken to the correctness of the statement I furnished at your request. I owe it to you, as well as to myself, not to let this statement pass unnoticed.

First, as to the number of pages of matter in the Congressional Globe and Appendix. An associate in the office in which I am employed undertook to ascertain for me the number of pages in the nine volumes composing this work for the Thirty-Second Congress. He reported to me the number to be 5,300, but it appears that the actual number was 5,454. I took the first number for the basis of my calculations, and upon it they were correctly made, with the exception of the cost of folding, for which I allowed a small advance on the price paid for folding congressional documents on paper of the same size, which was too much by half.

The only difference, then, between the Globe statement and the one I furnished you, is in the cost of paper and press-work, respectively—the only items of expense of any importance in printing anything, after the type is prepared for the press. I have estimated the cost of paper, such as the Congressional Globe is usually printed upon, at \$4 per ream; the Globe says it is worth \$4.80. Let us see: The proprietor of the Globe, in his testimony, under oath, before a committee of Congress, on the 24th July, 1850, said "He pays \$3.25 at the mills, for such paper as the Congressional Globe is now printed upon; it costs about \$3.33 delivered here. The paper weighs about thirty-two pounds to the ream, of the size of twenty-four by thirty-eight inches. There was but little fluctuation in the price of paper, according to the best information I have been able to obtain, between 1850 and the autumn of 1853, and the recent rise in price probably does not exceed ten per cent.; but I will put it down at fifteen per cent., which on \$3.33, would raise the price, at this time, to about \$3.83 per ream. I will state a fact to illustrate the correctness of the opinion that the rise in the price of paper has not been so great as has been asserted. In December last, there were many competitors for furnishing the paper upon which the congressional documents are printed at prices below the contract prices of the preceding year, and contracts were entered into for furnishing this paper at twenty cents per ream less upon one class and forty-eight cents per ream less upon another class. Did this indicate any considerable advance in the price of paper up to the first of December last? If the publisher of the Globe is now using paper for the Congressional Globe so far superior to that heretofore used as the price he says he pays indicates, (and I have no reason to doubt that he does,) he has a reason for it satisfactory to himself. But admit that it is worth what he says, \$4.80; then, according to his own showing, in the case referred to me, his profit would be \$15,119 for the Congress, while I made it \$15,616 upon the increased subscription of four thousand nine hundred and twenty copies—if my estimate of the cost of press-work is correct, to which I now invite your attention.

It is not asserted that, in the case referred to me, I am too low in my estimate of the cost of press-work, but that inference is left to be drawn from the following remark of the Globe: "The principal printing offices in the city—the Union, the Globe, the Sentinel, and Towers's—charge an average of \$1.06 a token for printing the speeches of members of Congress, as is proved by their answers to a letter written to all of them by the Hon. R. W. Johnson; and they take their own time to print them in." Now, the Globe does not say that, in the case referred to me, the press-work would cost him more than thirty cents per token; but it attempts to create the impression that I have not only stated what is *untrue*, but have wilfully done so, else why this question, following immediately the above quotation: "Now, knowing these facts, how can any man say, or rather why would any man say, that the Globe office can print the proceedings of Congress, which have often to be printed in a great hurry, at a heavy additional expense, for thirty cents a token, and fold them for twelve cents a token?"

The answers of the Union, the Globe, the Sentinel, and the Towers's to the letter of Senator Johnson have no bearing upon the question at issue, because the price they would ask for executing a particular job of press-work in one case, (such a one, for instance, as was put to them,) is no criterion to judge of the cost to them of executing some other job. But I will state a few facts that will throw some light upon this subject, and enable the committee to draw correct conclusions.

The proprietor of the Globe is almost daily having "speeches of members of Congress" printed at one of the offices mentioned (not his own) at fifty cents per token, which pays all expenses, and leaves the printer a fair profit.

The proprietor of the Globe can make a contract with as responsible a printing establishment as any in Washington for the execution of all his press-work at fifty cents per token, clear of all other expense to him.

During the last summer one of the offices mentioned was helping another of them "out of a drag" of press-work at fifty cents per token. It was taken from the office executing it, and taken to the Globe office to be executed, under the plea that too much was charged for the press-work, and it could be done cheaper at the Globe office.

Well, if fifty cents per token will pay all the expenses of press-work, and leave a fair profit to the printer, is it unfair to estimate the net cost at thirty cents, with the explanation I gave the committee?

But this is not all. In an investigation which took place before a committee of Congress in the summer of 1850, upon the subject of printing, the following testimony was elicited, under oath:

J. F. Haliday. "I am foreman at the Globe office." [Mr. H. occupies the same position now.] "The common price for press-work in this city is fifty cents per token of two hundred and fifty sheets of sixteen pages; although, if a man has the presses, he could make money on a large job at twenty-five cents."—See Ho. Miss. Doc. 55, 31st Cong., 1st Sess., pp. 1 and 5.

George Gordon sworn. "I am pressman at the Union office." [Mr. G. occupies the same position now.] Press-work can be done at twenty-five cents per ream, (or twelve and a half cents per token,) and it will realize a small profit. Take, for instance, our Napier press; it will make eighteen thousand impressions a day; divide by four hundred and eighty, the number of sheets in a ream, and you have thirty-seven and a half reams worked off in a day, at twenty-five cents per ream, is \$9.37½. (Mr. G. then goes on to show the expense of running the press.) You will see that a profit is rendered instead of a loss, though it is small."—See same doc., pp. 38 and 69.

The machinery used in the Globe office, at the time the above testimony was taken, was the same as is now used there. That to which Mr. Gordon refers, it will be perceived, is the Napier press, which is almost entirely discarded for book work, but almost the only press in use for printing newspapers.

There is a mass of testimony in the document referred to of the same character as the above, and upon other branches of the printing business, worth looking into; but not one iota going to show that the information I furnished at your request is not *truthful*, and entirely reliable for all practical purposes. "Now, knowing these facts, how can any man say, or rather why would any man say that the Globe office can [not] execute press-work for thirty cents a token and fold them for twelve cents a token?" particularly when it was stated that no allowance was made in this statement for interest or capital invested.

I regret exceedingly the necessity which I think exists for troubling you, gentlemen, with this communication. My apology must be found in the fact that I have nothing to sustain me in the good opinion of my fellow-citizens but whatever character I may possess for truth and honesty. I acknowledge your right to put questions affecting the public interests to me, and my obligation to answer them truthfully. And when I answer otherwise, or furnish information the general correctness of which cannot be fully sustained by competent evidence, I shall deserve and expect the withdrawal of that confidence of the committee which I feel proud to believe that I possess.

Very respectfully, your obedient servant,

WILLIAM TOWERS.

To the COMMITTEE ON PRINTING of the Senate, U. S.

Mr. FITZPATRICK. That, sir, is the argument of Mr. Towers, furnished to the committee in answer to Mr. Rives's review of the first estimates submitted by him. If, in view of this conflict of testimony, the Senate determine that they are competent to say, without the investigation of a committee, what is a reasonable compensation to be allowed, and to fix upon a permanent basis as to the reporting for this body, let them do so. I have discharged my duty. I have already mingled in the debate more than I designed to do. I have done so, however, from the fact that the two honorable gentlemen who were my colleagues on the committee when this question was submitted to their consideration, are now absent. I have nothing further to do with this matter. I have already occupied the attention of the Senate more than I designed, and I will now leave the question. I intend to say nothing more about it unless forced to do so in explanation.

Mr. WALKER. I wish to call the attention of the Senator from Alabama to the character of the testimony upon which he is relying. I wish to refer him to one simple point in it, and then to ask him if he thinks that he can repose with confidence upon such testimony, much less ask the Senate to rely upon it.

It appears, sir, that the Senator from Maine [Mr. HAMLIN] addressed a letter to Mr. Moore, and accompanying that letter, he submitted the estimates of Mr. Rives, and requested him to review them, and give an opinion upon them. In place of doing that, Mr. Moore went into calculations of his own. In giving his opinion upon one very simple point, it will be found, by reference to his letter, that he was so far erroneous, and so far erroneous within his own knowledge, that it would seem to me we ought to condemn his whole testimony.

Mr. FITZPATRICK. The communication which has just been read is Mr. Towers's, and not Mr. Moore's.

Mr. WALKER. I know that; but I am speaking now of the testimony of Mr. Moore; and we know that the testimony of Mr. Towers is very curiously corroborated by that of Mr. Moore.

In his calculation, Mr. Moore says, that "\$6 40 a column is sufficient for reporting and publishing the debates in the Daily Globe, and then correcting, altering, and making them up in book form, making a second edition for the Congressional Globe and Appendix." I wish to call the attention of the Senate to the fact that Mr. Moore, being the foreman of the Intelligencer office, must himself have known that that very office had surrendered its contract with the Senate, and refused to fulfill it when it was paid \$7 50 per column for the simple publication in the Intelligencer, without having to correct, put in book form, and convert it into a second edition. He knew that fact; Mr. Towers knew that fact; every member of the Senate knew it. Not only did the Intelligencer do so, but the Union did likewise. I have before me the letter of the proprietors of the Intelligencer refusing any longer to carry on the contract at that price, because it did not remunerate them; and yet it is proposed to take the testimony of their foreman as conclusive on this subject, when he says that, for all that is done by Mr. Rives, \$6 40 per column is a sufficient compensation. It does seem to me that in points so glaring and so uncontrovertible as these, the man himself has shown most conclusively that his testimony is not to be relied upon.

Mr. FITZPATRICK. I certainly should not have contested the question before the Senate in the manner in which I have done unless I had the most implicit confidence in the estimates furnished to me by Mr. Towers. I know that gentleman, but I have not known him very long. With Mr. Moore I have a very limited acquaintance; I think I never saw him but once, and that was a few hours ago, just as I was leaving my room. Whether Mr. Moore and Mr. Towers agree upon the isolated question referred to by the Senator or not I do not undertake to say, for I must really declare to the Senate that I have not minutely examined the communication of Mr. Moore. It was elicited by a letter from the then chairman of the committee, and, although it was placed in my possession, I filed it among the papers, intending to review the whole matter before the question ultimately came up before the Senate. But if I had not an abiding faith, and a conscientious conviction, that these gentlemen, particularly Mr. Towers, approximated to the truth, I should never have presented the statements which I have done.

Mr. WALKER. I concede that such is the impression of the Senator from Alabama.

Mr. FITZPATRICK. I knew the Senator meant nothing offensive. I believe that Mr. Towers himself, though he may not be strictly correct in regard to every minute item, thinks he is in the neighborhood of what is right; and I have confidence in his capacity to come to correct conclusions.

Mr. WELER. But will the Senator explain the point referred to by the Senator from Wisconsin?

Mr. FITZPATRICK. Do Mr. Moore and Mr. Towers agree on that point?

Mr. WALKER. I do not know to what extent they agree.

Mr. FITZPATRICK. I think the Senator will find that Mr. Towers does not concur in that statement. They agree in many things, I understand, but not in all.

Mr. WALKER. It will be found that the results of the calculations of these two gentlemen are very similar indeed.

Mr. FITZPATRICK. On many questions, they are.

Mr. WALKER. You may take up the points given in the testimony, one by one, and you will find that the errors are no more egregious in the instance which I have given, than they will be found to be in almost every other. I give this only as an instance; I do not wish to detain the Senate, or I could go through all the points made by Mr. Moore. Mr. Rives, in reviewing the testimony, says that the statements of Mr. Moore and Mr. Towers agree more nearly than their relationship; and the errors are very great in both. The in-

stance which I have given is but a fair illustration of the errors and blunders which they have committed throughout.

Mr. FITZPATRICK. The difference between Messrs. Moore and Towers on the one side, and the Globe on the other, or at least one difference is, that in their calculations they only allow about half as much per token for press-work as the Globe claims. The great difference, in my recollection, is, perhaps, about half a cent; and that, perhaps, applied to a token. Of this, however, I am not certain.

Mr. JONES, of Tennessee. Mr. President, so long as this discussion was confined to our friends on the other side of the Chamber, as a family affair, I never intended to interfere with it; but as it has assumed a different phase, and as I may now possibly have some interest in it, I desire to suggest to the Senate some of the difficulties which lie in my way. So far as I am personally concerned, I would not give a copper for the newspaper press of this city. I feel no concern for the Union, the Intelligencer, the Sentinel, or the Era; but I do feel some concern about the reports of the Senate; I feel some concern about the Globe. It is not a political paper; but it is a record of the proceedings of the Senate of the United States; and to that extent I have an interest in it. It seems to me, however, that it is very difficult for any Senator here to form a satisfactory or correct judgment upon this subject, with the information which we have now before us. Here are two members of the Committee on Printing who enjoy the confidence of the Senate to the fullest extent, not only for their capacity but for their integrity and honesty: and yet they differ *toto calo* upon this question. I have every confidence in the judgment and integrity of the Senator from Alabama; and I have every confidence in the honesty and integrity of the Senator from Arkansas; but they differ upon this question. Then where shall I go? Upon whose judgment shall I rely? These Senators concur in scarcely a single fact connected with this matter. They are the only two members of the Committee on Printing now present. There is a third member, as I understand, who as yet has never been acting with the committee. But we are called upon now to decide between these two gentlemen.

Why establish and organize committees here? It is for the purpose of investigating such questions as it is impossible for the Senate, in its aggregate capacity, to examine. The committees report facts to us, and we act upon their suggestions. The members of the Committee on Printing, who are present, are equally divided upon the subject, and we are called upon to decide this question between them. I confess I am not prepared to do it. I want to do exactly what is right; and I presume every Senator has a desire to do what is right; but how are we to ascertain what is right? The Senator from Alabama assures us that if we take the suggestion of the Senator from Arkansas we shall do wrong; and the Senator from Arkansas is equally certain that if we follow the lead of the Senator from Alabama we shall do wrong. Where then are we to go, and what are we to do? But, sir, what public necessity is there for such urgent haste? Why should we be required to vote on this matter to-day, or to-morrow, or next week? When it is proposed to vote away, perhaps, \$100,000 of the public money, is it not better to wait, and take time and let the full committee get together, and let them agree, or let a majority of them agree upon this question?

There is but one point in this matter about which I feel any interest, and that is in sustaining the reporter of the Senate. If he is receiving a fair and adequate compensation, I am for giving him no more; and if he is not, I am for giving such compensation as will be fair, and equitable, and just. That far I am willing to go. But when a proposition is made to publish our proceedings in the newspaper press of this city, at an expense of \$48,000 a Congress, I am not prepared to vote for it. I do not care a straw whether they are published in the Union, the Intelligencer, or the Sentinel. If they do not choose to publish them for the benefit of their readers, let them go unpublished; but let us publish them here, in the organ which we have selected, which is not a party paper, but which belongs to the Government, so far as its reports go.

Now, sir, this resolution proposes to pay three papers in this city for copying our proceedings from the Globe. I do not see upon what principle it is to be done. I do not think I can bring myself to vote for it. If it is to be done, I do not see upon what principle of equity or justice the Senate can refuse to incorporate the National Era into this proposition, and I am not prepared to go for that. The same principle that would lead you to publish in these other papers would justify the publication in the National Era. You might as well go further, and propose to publish the proceedings in some leading paper of every State of the Union, as in either of the papers proposed by this resolution.

Mr. PETTIT. And better.

Mr. JONES, of Tennessee. Yes, sir, in my judgment, far better. Then we are to appropriate \$48,000 a Congress, according to the estimate of the Senator from Michigan, which I presume is correct, to the local newspaper press of the city of Washington, to publish in their papers the proceedings of the Senate of the United States, and the whole amount of the daily circulation of all these papers is only four thousand one hundred. We are then to pay \$48,000 to get the proceedings of the Senate published to, and circulated among, four thousand one hundred people. In my judgment, it would be infinitely better for us to establish a press of our own, and send out one hundred thousand copies a day, if we wish to do so; and I apprehend that we could do it for this amount of money. But if this is to be done merely for the purpose of disseminating intelligence throughout the country, which is a very laudable, proper, and patriotic object, I think we had better stop and inquire whether there is not some better way of doing it, and some way that will be more equal and just to the whole country.

I hold in my hand a resolution which I understand was reported from the Committee on Printing, as to the amount of increased pay that should be given to the Globe. If you will satisfy me that it is necessary to take five thousand copies from its proprietor, I am willing to vote for it. If it is necessary to take ten thousand copies, I will vote for that; but if a lesser sum will answer the purpose, and give him a fair remuneration, I am for that lesser sum. Here is a resolution, reported, as I understand, by a majority of the committee, in which they propose to take one half the number of copies of the Congressional Globe and Appendix proposed to be taken by the resolution now before us. The question arises, are we to take the report of this committee or not? If we are not to take their report, for what purpose did we organize them? If, however, they were mistaken, what does wisdom suggest? Surely to refer the subject back to them, allow them to reinvestigate it, and bring before us such additional facts as will satisfy us that we ought to make the appropriation for five thousand copies instead of half that number. I repeat that, if it can be shown to me, by any satisfactory evidence, what amount is necessary to sustain this paper, I will vote for that amount; but I am not willing to vote for more than is fair and reasonable. It is in this view, seeing that the gentlemen from Arkansas and Alabama cannot agree on the subject, that I submit to them, and to every Senator here, whether it is not safer and better that we refer the matter back to the committee, and let them reexamine and re-investigate it, and come here with all the facts, and present them to us, so that we may be enabled to vote intelligently. That is all that I wish to do.

Mr. WELLER. There have been some facts discussed here this morning which have attracted my attention, and I wish to obtain some information in regard to them from the Senator from Arkansas, who is a member of the Committee on Printing. In the first place, I have ascertained from some papers which have been read from the Secretary's table, that printing paper may be purchased here at \$3 33 a ream. I also understand that the Superintendent of Public Printing has purchased paper which he furnishes to the printer of this body at \$6 11 a ream. Now, I desire to know how that contract was made—whether the Superintendent of Public Printing invites competition, or whether he has his favorites to whom he gives these contracts? If it be a species of favoritism, I desire that it shall be exposed, and discontinued as speedily as possible.

I desire to have it explained to me why it is that such paper as that upon which our newspapers are printed costs but \$3 33 a ream, whilst the paper which is furnished to the Senate printer costs \$6 11 a ream? Can my friend from Arkansas give me this information?

Mr. JOHNSON. I have been a member of the Committee on Printing for only a short time, and I am unable to furnish the information which the Senator from California desires. The fact which he has mentioned, however, goes to show, that in the case of a man who is doing his work properly and fairly, and in a manner to satisfy the Senate, he is endeavored to be cut down to the lowest prices; while in another branch of the service you are giving perhaps extravagant prices. If the prices so paid are extravagant, surely they ought to excite some part of the indignation which is exhibited against a proposition to pay the proprietor of the Globe a reasonable compensation. It would seem, however, as if one was to go to the dogs, while the other branch was to be fostered and fed at the expense of the Government.

I have before me a sample of the paper which is used in our public printing. It is such as is in this book, (exhibiting one of the public documents.) It is rather ordinary paper. It is pretty good common paper, and for it we pay \$6 11 per ream. I understand the Superintendent of Public Printing advertised for two months before making the contract. He advertised in October and November, and the contract was given out at the commencement of December. The lowest bid was accepted. I am not informed what number of bids were put in. But I see that the chief clerk of the Superintendent of Public Printing [Mr. Towers] is now in the Chamber; and if my colleague on the committee—the Senator from Alabama—will inquire of him, he will, no doubt, be able to ascertain how many bids were put in, and what were the circumstances attending them. I know nothing about that. Six dollars and eleven cents a ream is what we pay for the lowest priced paper which we get for our public printing; and yet gentlemen talk about \$3 25 a ream as being a proper price! The Senator from Georgia referred to the testimony given by Mr. Rives in 1850 as to the price of paper. I do not think it is a sound argument to suppose that, because Mr. Rives testified that paper was worth a certain sum in 1850, it is therefore worth exactly the same now. We know that it is not a correct assumption, and we also know that the rise of price in everything, and particularly in paper, has been very great since 1850; for it has been since that time that the postage has been reduced; by which reduction a great impetus was given to the circulation of all newspapers and periodicals, which of course created an increased demand for paper. I have called upon Mr. Rives to ask in regard to the prices which he paid then, and the circumstances attending them. In regard to that matter he states:

"I advanced \$89,700 to the mill at Norwich, Connecticut; this is the reason why I got paper so low. The mill has failed, owing me every cent of that money."

Mr. Rives states that he advanced \$89,700 to this mill in order to get his paper for a lower price; but that the mill has failed, and still owes him the money. That is among the class of his misfortunes, and, I presume, the heaviest one. I have some other statements.

I suppose the facts in this case will come out. I suppose that men will not authorize to be said on this floor, as coming from them, what is false; for what we say here will go to the public, and will be investigated, and falsehood will be pinned, wherever it may originate. Mr. Rives has authorized me to say that the journeymen's prices per token for printing a paper the size of the Globe is seventy-one cents a token when printed by men, and sixty-one cents a token when printed by a man and a boy, and the paper and all the materials are furnished by the publisher.

I have a few words further to say in regard to the price of paper, which has been referred to. I have before me a number of Mr. Rives's bills for paper during the present session. They show for themselves, and the evidence which they bear on their face cannot be contradicted. They are from a responsible firm, and I will exhibit some of them in full, so that it may be seen that there is no mistake about the matter. Here is one of these bills:

BALTIMORE, March 1, 1854.

<i>Mr. J. C. Rives bought of Wheelwright & Mudge, No. 14 Hanover, corner of German street.</i>	
150 reams, 24 by 38, 45 pounds, \$5 87.....	\$281 25
134 reams, 24 by 38, 44 pounds, \$5 75.....	770 50
69 reams, 24 by 38, 40 pounds, \$5 25.....	362 25
Drayage.....	5 50
	\$2,019 50

Marked R, ten bundles by express.

It will be seen that the first item of paper in this bill is that which weighs forty-five pounds to the ream, being the same weight, and of the same quality, I presume, as that used in the book to which I have referred.

Mr. DAWSON. The statement to which I referred was in regard to paper weighing thirty-two pounds, on which the Congressional Globe was printed.

Mr. JOHNSON. That was so at the time that testimony was given; but, as I stated before, I have ascertained, after full investigation into the manner in which Mr. Rives's contract is being executed by him, that he has made an improvement in every respect upon what was done, or what was expected to be done when the contract was made. It is in this that his good faith stands preëminently before us, and on this account his case preëminently claims consideration and relief at our hands. Here is another bill:

BALTIMORE, March 11, 1854.

<i>Mr. John C. Rives bought of Wheelwright & Mudge, No. 14 Hanover, corner of German street.</i>	
50 reams printing, 24 by 38, 36 pounds, \$4 90.....	\$245 00
Drayage.....	75
	\$245 75

Paper was so scarce that he was compelled to buy it by dribblets, and get it as he could, at different rates, at different weights, and at different prices. One bill which I presented is for paper weighing thirty-six pounds to the ream, which is below the average of that which he uses in his publication; and for that he paid \$4 90. All that he complains of is, that, in the calculation of Mr. Towers, which has been relied upon here, he is not allowed at least \$4 80 for the paper on which he publishes the Globe, and even that calculation is much below the rate at which the Superintendent of Public Printing has accepted bids for furnishing paper for the printing of Congress. The lowest priced paper which he obtains for congressional printing is paid for at the rate of \$6 11 a ream.

Mr. Towers calculates that \$3 33 is the rate at which paper can be bought.

I have other bills by which it appears that on the 14th of March Mr. Rives bought of the same parties fifty-one and a half reams of paper, weighing forty-nine pounds to the ream, at \$6 12½; on the 15th of March two hundred reams at \$6 50. That bill is for paper measuring twenty-four by thirty-eight inches, but the weight is not stated on the face of the bill. On the 17th of March he bought one thousand reams, weighing forty pounds to the ream, twenty-four by thirty-eight inches, at \$5 25; fifty reams, same size, thirty-six pounds to the ream, at \$4 90; and one hundred reams, same size, thirty-four pounds to the ream at \$4 25. The last was a small quantity of inferior paper, and \$4 25 was the lowest price at which he was able to purchase a ream of paper at that time, suitable for printing the debates. The price of the different lots varies from \$4 25 to \$6 50. Then, on the 27th of April, he bought one hundred and six reams at \$4 25.

These bills show the prices which Mr. Rives has paid for paper during a part of this session; and yet in not one of these bills does the price come down to so low a rate as that stated in Mr. Towers's estimate, on which the Senator from Alabama relies, \$3 33 or even to \$4. There are only two cases where the price was less than \$4 80, the amount assumed by Mr. Rives, as the basis of his calculation; but, on the contrary, in one case he paid as high as \$6 50 a ream. He has been compelled to use some paper of very inferior quality; but even that has cost him more than Mr. Towers seems to think should be allowed to him for paper.

It is not necessary for me to say to the Senate, after this showing, how improper it would be to throw yourselves at sea among printers who say that this can be done at a less price. Here you have the bills, and you can judge of their asser-

tions. Here you find that \$6 50 has been paid in one instance for paper, while Mr. Towers only allows half that sum! You would find, if you were to abandon Mr. Rives, who has done the work faithfully, that you would be thrown at sea among printers who would charge you \$6 50 a ream for paper, and a dollar a token for press-work, which is the price now paid for the printing of Congress in every other form, except the Congressional Globe and Appendix. I say, then, that if you abandon this establishment, you will find yourselves charged his prices over and over again, and instead of improving your condition, you will be much worse off. Here is a man who has done your business faithfully, and better than you believed it could be done at the time when you made the contract. He has improved it each succeeding day. The Globe has been under the management of a man who has staked himself upon this business, and has expected to make a reputation in carrying it on, and with the hope, at the same time, of being able to make a living by it of course.

Mr. WELLER. If he got paper at \$3 33 a ream, and other things in proportion, I suppose he could go on at present prices.

Mr. JOHNSON. Yes, sir; the suggestion is a good one. If he got his paper at \$3 33, or even at \$4 a ream, and if his workmen would come down to the prices which they received at the time the contract was made, twenty per cent. below the present prices, no doubt he would be able to go on with the compensation which he at present receives. Every one who knows anything in regard to the printing business, knows that in every city of the Union there has been an increase of twenty per cent. in the cost of printing. We have all heard of the strikes of printers for increased wages; and they have obtained an advance. But if Mr. Rives could have his paper at \$3 33, or \$4 a ream, and have the press-work done at the rate set down in Mr. Towers's and Mr. Moore's calculations, he could afford no doubt to go on at \$7 50 a column, and perhaps the other papers that have already declined it, might go on at \$7 50.

Every other paper which had a contract for publishing the debates at \$7 50 has given it up. You know that you must have your debates published. Will you break down the Congressional Globe and Appendix, and leave the business to those who have heretofore abandoned it at the old prices? Will not the Senate bear in mind that the papers which were paid at the price now allowed the Globe, refuse to carry on the contract, and the Globe alone has published your proceedings in a prompt and faithful manner. Will you now abandon that establishment by refusing to do what is just, upon a suspicion that perhaps you are paying too much? Will you enter upon that policy which has been distinctively known for ages past as "penny-wise and pound-foolish?" Will you break up what you have here now as a permanent, a good, a successful, and faithful establishment, and throw yourselves at sea among the men who make these calculations to break it down? I will not say that is the intention, but I fear it will be the effect. I venture to say that if you abandon this establishment, you will not get another one to do this work for \$9 50 a column, which my friend from California proposes to pay in the event that this body shall refuse to take additional copies, but you will have to pay \$11 or \$12 a column; or, perhaps, you will be asked to come up to British Parliament terms, and pay \$136 for what is now furnished in the Globe at \$12. Perhaps you would have to come up to Maryland prices, where this business was conducted on as cheap terms as it could, by a reporter whose name is familiar in both Halls of Congress. Or, perhaps, you would have to come up to Pennsylvania terms, or to Kentucky terms, where they have failed, if not refused, to answer as to what rates they paid for services of the same character.

The Senate and the other House have been in controversy for years past upon this interminable, wretched, and pestiferous subject of printing, with its various adjuncts. I hope the Senate will not quit the subject now until they dispose of it, or else discharge me from the Committee on Printing. The last Congress was engaged upon it almost every day. Every morning I heard of "printing! printing!" "prices!" "pay!" "consideration!" "broken contracts!" "ill faith!" complaints of every kind, "frauds and swindling." All this was being charged, and it threw

members into the greatest confusion. I ask you now to settle this question and dispose of it. Let us fix upon the terms which, as rational men, we presume we can stand upon.

Mr. FITZPATRICK. I have obtained from the chief clerk of the Superintendent of Public Printing the information which the Senator from Arkansas desired me to obtain from him. The Senator from Arkansas permitted himself, I think, to be led into an error when he presumed that the paper for which the Superintendent of Printing has contracted is the same quality of paper as is used for newspapers. Such is not the fact.

Mr. JOHNSON. I did not state that the same paper was used for newspapers.

Mr. FITZPATRICK. I will state to the Senate that in December, 1853, the contract price for the paper used for the public printing was \$6 10. In 1852 it was \$6 30. Thus the paper now used is twenty cents a ream less than that used the year before. This reduction has been made, notwithstanding the extraordinary rise in paper, to which the Senator has alluded. The paper contained in the book to which the Senator referred, is called book paper, and its price is regulated according to its weight. Six dollars and ten cents is paid for that paper, but that is not the highest price. I am informed by the chief clerk of the Superintendent, that there is some paper which is sold as high as eight dollars a ream. The price depends upon the weight and quality. The paper contained in the book referred to by the Senator is of the weight of forty-five pounds per ream, and is furnished for \$6 10 a ream. The weight is the criterion by which to test paper, and by which it is sold, and its price is regulated. Well, sir, in reference to the manner in which the paper was purchased, I presume the gentleman will acquit the Superintendent of anything wrong in that matter, when he learns that there were from eight to ten bidders for the contract, and that the gentleman who got the contract was the lowest bidder. No blame, therefore, can be attached to the Superintendent.

Mr. JOHNSON. Did the Senator understand me as casting any imputation upon the Superintendent of Public Printing in that matter?

Mr. FITZPATRICK. I beg pardon, it was not the Senator from Arkansas who made any such imputation.

Mr. JOHNSON. I have not done so, and I will not do so. I should dislike very much to say that he had done anything wrong.

Mr. WELLER. All that was said by the Senator from Arkansas on that subject, was said in reply to interrogatories put by myself. I desired to have an explanation why it was that \$3 33 was paid for a certain quality of paper very little inferior to that for which the Superintendent of Public Printing was paying \$6 11; and I asked how it was that that contract had been made, whether competition had been invited, or whether the Superintendent had given the contract to some favorite? I did not know whether such was the case or not; but if it was, I desired that it should be explained. The statement which the Senator from Alabama has now made is perfectly satisfactory, because it shows that the contract was entered into after competition was invited, and ample competition, for there seem to have been ten bids put in. I did not desire to be understood as casting any imputation upon the Superintendent. I only wished to have the fact ascertained why this discrepancy should exist between \$3 33 and \$6 11.

Mr. FITZPATRICK. The difference results from the quality and weight of the paper.

Mr. JOHNSON. I know I am a very unguarded speaker; but if anything has fallen from my lips which is calculated to make an impression that I intimated any such thing as corruption on the part of the Superintendent of Public Printing, it is altogether wrong; there is no ground for it. I have intended to make no such charge, and I am sure I made none.

Mr. FITZPATRICK. The explanation is satisfactory. I must do the Superintendent the justice to say that so far as his conduct has fallen under my observation, he is a very faithful and intelligent officer. The Senator might easily have been led into error, without this explanation, on account of the great discrepancy of price. I am assured by the Superintendent's clerk that price is regulated by the weight of the paper, and that a much higher price is required for a superior arti-

cle of book paper than for that on which the Globe and other newspapers are printed. Such is my information.

The PRESIDING OFFICER, (Mr. COOPER in the chair.) The question is on referring the resolution to the Committee on Printing.

Mr. JOHNSON. I hope it will not be referred to the Committee on Printing. I shall ask to be discharged from service on that committee, if the subject be sent back to them.

Mr. BROWN. Let the Senate settle the question.

Mr. JOHNSON. The Senate have all the facts before them, and they can go on and investigate the matter as well as the committee can. I hope, therefore, the Senate will not refer the subject to the committee. I have another reason for hoping that this will not be done, and that is a personal one, and one of delicacy. The report which was made by the committee was rather adverse to the proposition which I at first submitted: but I have laid the facts before the Senate. The whole question has been presented to them, and I do not wish to have the matter gone into again upon the report of the committee.

Mr. GWIN. I do not wish to obtrude this question on the Senator from Arkansas, if it be disagreeable to him; but I conceive that it is my duty to insist that the question shall be investigated, so that we may understand exactly what we are voting for; and therefore, if he does not wish to have the subject referred to the committee of which he is a member, let us have a select committee to examine it. It is perfectly evident that there is not a member of the Senate who does understand this question. Who of us understands the elaborate statements which have been made this morning by the two Senators on the Committee on Printing? Not one of us. One of those Senators does not even understand the papers which the other has brought forward. The Senator from Arkansas does not understand those which have been brought forward by the Senator from Alabama; and the Senator from Alabama does not understand those which the Senator from Arkansas has presented. It is evident, then, that we do not understand the question.

I am perfectly willing to act with the Senator from Arkansas in providing for putting the Congressional Globe upon a permanent footing; but I hope we shall not be compelled to vote blindly on this question. I suppose the result of this resolution, if it be adopted, will be to add an expense of from \$50,000 to \$100,000 a year to our contingent fund. Now, I should like to know if any Senator can state what amount of appropriation we shall be placing on this fund by our action on this resolution. It is well known to the Committee on Finance that there is scarcely a session of Congress that we escape from almost direct insult from the other House on account of the manner in which they treat our contingent fund. I suppose there is scarcely a member of the Senate who has not investigated it, who knows the amount of expenditure from that fund at this time. We are now expending upwards of \$200,000 a year out of our contingent fund; and here is a proposition to put on that same fund an indefinite amount—from \$50,000 to \$100,000. All admit that it cannot be less than \$50,000. We do not know how many of these papers will accept this proposition.

Why are they not consulted? Why are they asked to print our proceedings without our knowing whether they wish to do it or not?

I think it is due to the Senate that we should investigate this subject before we go any further, so that we can have an elaborate report on it, that we may not fasten on the contingent fund of the Senate such an enormous expense without knowing the amount, and without the Senate being convinced of its necessity. If this printing is to be done, let us put the amount of the appropriation in the general appropriation bills. Let us not bring odium on the Senate by making our contingent fund such an enormous charge upon the Treasury. By this resolution, if we act upon it now, we give ourselves a large additional quantity of books.

Mr. JOHNSON. Perhaps I can give the Senator the information which he desires. We are not as barren of information as he thinks. Every Senator can estimate the amount for himself. The additional number of copies of the Congressional Globe and Appendix proposed to be taken is so

near five thousand that we may assume that round number as the amount. We know that the cost will be nine dollars a copy for a Congress—for two years. This gives \$45,000 as the amount of additional expense for the Congressional Globe during the whole Congress. The Senator assumes that the expense cannot be less than \$50,000, and may be \$100,000. The question of the contingent fund has nothing to do with what is a fair price for this work.

Mr. GWIN. Out of what fund is the money to be paid?

Mr. JOHNSON. Out of the contingent fund.

Mr. GWIN. That was my argument. The Senator speaks of the Congressional Globe alone; but the resolution provides for the publication by the other papers, at \$4 50 a column; and it has been estimated that that will amount to \$16,000 each. Can the Senator tell what papers will accept the proposition?

Mr. PRATT. The resolution is, I understand, that a proposition shall be made to three papers, each of them to publish at \$4 50 a column. Any paper which accepts will, it is said, receive \$16,000 for a Congress. Now, if all three accept, there would be \$16,000 to each, making \$48,000 for a Congress. Add this sum to the \$45,000 additional subscription for the Globe, and you have \$93,000 as the utmost expense which can be incurred by the passage of this resolution, for two years.

Mr. GWIN. I am thankful to the Senator. The question I made was this: whether the papers who are invited to make these publications had presented themselves here asking for them, or were willing to accept the terms? I take it for granted that this is not known, for otherwise the information would be laid before us. I take it is not known that these three papers will accept; but if they do, it will make an expense of \$48,000. We shall incur under this resolution \$45,000 expense for the Congressional Globe. These two items will make \$93,000 to be added to our contingent fund, the appropriations for which now exceed \$275,000 a year.

Mr. BROADHEAD. Is the \$45,000 additional or aggregate?

Mr. GWIN. I confess I have been trying to pay some attention to the matter, and I do not know whether the \$45,000 is additional or aggregate. Who can tell?

Several SENATORS. Aggregate.

Mr. WELLER. Additional.

Mr. GWIN. One Senator says it is aggregate and another says it is additional. This shows that we are all at sea about this matter. I do not wish to force this question upon the Committee on Printing; and certainly, if a select committee be raised for the investigation of the subject, I cannot act upon it, for I have more than I can attend to. All that I wish is to have a committee of this body examine and report upon the subject, and give us all the facts.

Mr. FITZPATRICK. I hope the Senator will move to refer this matter to a select committee. I unite with my colleague on the Committee on Printing, the Senator from Arkansas, in saying that I would, with a great deal of pleasure, be released from service on that committee. I prefer having no connection with it. I have investigated matters falling within the province of that committee until I am really worn out with the subject. I trust, therefore, the Senate will adopt the proposition of the Senator from California, and refer the question to an independent, select committee. That, it seems to me, cannot but be satisfactory to the friends as well as the opponents of this measure. If such a committee be raised, I wish to be excused from serving on it; but I hope the subject will be referred to a select committee to be appointed in any form the Senate may suggest.

Mr. JOHNSON. If the subject is to be referred to a select committee, I wish, also, to be excused from service upon it, because I do not wish to have anything to do with it. I hope, at any rate, the Senate will not send the subject back to the Committee on Printing.

Mr. TOOMBS. Mr. President, I have listened very diligently to the remarks which have been made by the gentlemen who are members of the Committee on Printing, who seem to have thrown up this business; and, after the explanation which they have given, I shall have no difficulty as to

the principle on which my vote shall be cast, although I have some little difficulty as to the facts of the case. I am inclined, however, to concur generally in the statements of the Senator from Arkansas, who seems to have paid much attention to the subject, and I have looked over the statement of the publisher of the Globe, and that has confirmed my opinion. We ought to print our Journals and proceedings. We are required to do so by the Constitution, from time to time. This work has been now for a number of years before the public, printed by the authority of Congress. The work has been done well, excellently well; and I am willing to give a fair consideration for the Congressional Globe. All seem to be agreed that this is right; that we should give what is a fair compensation and liberal pay. Just let me know what that is, and I will vote for it. So far as the case now stands, I am rather inclined to think that the Senator from Arkansas is nearer right than the Senator from Alabama, and therefore, if driven to a vote, I shall have to vote with him; but, I must admit, with some difficulty in my mind with regard to the subject. I am willing to give a liberal compensation for work which is well done.

As to the proposition to provide for the publication of the debates in the other city papers, I regard it as wholly unnecessary, and I am opposed to it. We discharge our duty when we have our debates published in such a manner that every one who wants them can get at them; and I cannot see any propriety in paying a number of other papers from \$40,000 to \$50,000 for additional circulation among four thousand subscribers. It is probable, as the subscription price of these papers is ten dollars a year, that they circulate among a class of people who could more easily get at the reports as they are now published than any other, and to whom they are more accessible; while the four millions of voters and the twenty millions of inhabitants of the United States will be excluded. You cannot make the publication sufficiently general so as to inform everybody without an enormous expense. This is a proposition to incur a large expense merely for the purpose of giving it to the local papers here.

Some gentlemen have put it on the ground that it is for the purpose of informing gentlemen of different parties. I object to it on that ground. I do not consider that any of these papers represents me. You have here the representative of the Administration. That does not represent me. Then you have the representative of the Democratic party, I believe, in the Sentinel. That does not represent me. Then you have the National Intelligencer. That represents the Free-Soil division of the Whig party, and is no representative for me. Therefore where are we, the Republicans of the South, and those whom I represent on this floor, the Republican Whig party of the South, to look? You do not give it to all. If you are to act on this principle, why not include the National Era, which I am told has a great many more subscribers than either of these other papers, or all of them combined? If you do not intend to divide this work in little jobs between small divisions and cliques of the Democratic or Whig parties, publish your proceedings in the Globe, where they are accessible to all. When you have done this, you have complied with your constitutional duty. Pay liberally for it, and have it well done, and leave the rest to the public. I am therefore opposed to this part of the resolution, and I shall vote against it; but so far as the Globe is concerned, I think we discharge our duty when we publish the debates there, and pay it liberally. Let us put that on a good basis. For that purpose I shall vote at present with the Senator from Arkansas, believing that what he proposes is as near as I can come to a liberal and fair compensation to that paper.

The question being taken by yeas and nays on the motion to refer the subject to the Committee on Printing, resulted as follows:

YEAS—Messrs. Chase, Clayton, Dawson, Dodge, Wisconsin, Dodge of Iowa, Fitzpatrick, Foot, Gwin, Jones of Tennessee, Rusk, Sillidell, Stuart, Sumner, and Toucey—14.

NAYS—Messrs. Allen, Atchison, Badger, Benjamin, Bright, Broadhead, Brown, Cooper, Douglas, Hunter, James, Johnson, Mallory, Morton, Norris, Pearce, Pettit, Pratt, Sebastian, Thompson of Kentucky, Toombs, Wade, Walker, Weller, and Williams—25.

So the motion was not agreed to.

Mr. FITZPATRICK. I now move to refer the whole subject to a select committee of five members, to be appointed by the Chair.

Mr. CHASE called for the yeas and nays on this motion; and they were ordered; and being taken, resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Benjamin, Chase, Clayton, Dawson, Dodge of Wisconsin, Dodge of Iowa, Fitzpatrick, Foot, Gwin, Jones of Tennessee, Mallory, Rusk, Sumner, and Toucey—14.

NAYS—Messrs. Allen, Atchison, Badger, Bright, Brodhead, Brown, Cooper, Douglas, Hunter, James, Johnson, Morton, Norris, Pearce, Pratt, Sebastian, Stuart, Thompson of Kentucky, Toombs, Wade, Walker, Weller, and Williams—23.

So the motion was not agreed to.

Mr. JOHNSON. Upon the reading of the resolution it will be seen that it is capable of division. The first part relates to the matter of printing in the city papers.

The PRESIDING OFFICER. (Mr. COOPER in the Chair.) The chair understands that an amendment has been proposed by the Senator from Michigan.

Mr. JOHNSON. I believe the Senator from Indiana accepted that amendment.

Mr. BRIGHT. I accepted it.

The PRESIDING OFFICER. Then the original resolution will be so modified. As it is susceptible of division, the question will first be on the first branch of the resolution, in these words:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietors of the Washington Sentinel, the Washington Union, and the National Intelligencer, for publishing all the proceedings and debates of the Senate, or with such of them as shall desire to do so: *Provided*, That such publication be copied from the Globe "by authority," and shall be published entire within forty-eight hours after the same appears in the Globe, and at the rate of \$4 50 per column.

The question is upon this branch of the resolution.

Mr. SLIDELL called for the yeas and nays, and they were ordered.

Mr. JOHNSON. I should like to have Senators understand one question about which nothing, I believe, has yet been said; but which the Senate had better understand before they take the vote. The branch of the resolution upon which we are about to take the question, provides for printing the proceedings in three papers, not the proceedings of Congress, but simply the proceedings of this body. That will not make more than half the whole proceedings of Congress; for the debates of the other House are about the length of ours. It has been alleged that the cost will be \$16,000 per Congress for each paper.

Mr. BROWN. It will be a little less than half of that.

Mr. JOHNSON. That will be the amount for the debates of this body.

Mr. BRIGHT. There has been a great misapprehension on that point. The sum will only be half the amount which has been stated.

Mr. JOHNSON. I think my friends ought to understand that question before they vote.

The question being taken by yeas and nays, resulted—yeas 17, nays 21; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Benjamin, Bright, Brodhead, Brown, Clayton, Cooper, Dawson, Douglas, Hunter, James, Johnson, Pratt, Stuart, and Thompson of Kentucky—17.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Fitzpatrick, Foot, Gwin, Jones of Tennessee, Mallory, Morton, Norris, Pettit, Rusk, Sebastian, Slidell, Sumner, Toombs, Toucey, Wade, Walker, Weller, and Williams—21.

So the first branch of the resolution was not agreed to.

Mr. WELLER. I wish to give notice that I shall move a reconsideration of this vote to-morrow, with a view to take the question when there is a full Senate present. I voted in the negative for no other reason than to enable me to move a reconsideration.

Mr. GWIN. Then I hope the whole subject will be postponed. If we are to have any part of the subject up to-morrow, let us have the whole of it up then.

Several SENATORS. Let us take the vote on the other branch of the proposition now.

The PRESIDING OFFICER. The question now recurs on the second branch of the resolution in these words:

Resolved, That the Secretary of the Senate contract with the proprietor of the Globe for five thousand and twenty-two additional copies of the Congressional Globe and Appendix for the present Congress.

Mr. BENJAMIN. I move to amend by striking out "five thousand and twenty-two," and inserting one half that number—"two thousand five hundred and eleven." The Committee on Printing have reported in favor of taking two thousand five hundred and eleven; and, as they have come to that determination, and, as I understand the proprietor of the Globe will be satisfied with this, I think it is quite sufficient.

Mr. DAWSON called for the yeas and nays upon the amendment; and they were ordered.

Mr. WELLER. I am willing to vote for the amendment submitted by the Senator from Louisiana, provided the appropriation for the expense of reporting and publishing be increased. I have already said this morning, that I have the most satisfactory evidence that it costs something over nine dollars a column for reporting and publishing our debates in the Globe. That is the actual cost without any reference to the interest upon the money invested in the establishment. I intimated a while ago, that I intended to submit a motion to increase the rate to \$9 50 a column, which would give the publisher some forty cents profit per column of the reports of our debates which will, of course include the interest on the money invested. Now, I am willing to vote for two thousand five hundred copies with the understanding that the Senate will agree to fix the compensation for reporting and publishing at \$9 50 instead of \$7 50 a column; but it would be no remuneration whatever to the publisher of the Congressional Globe unless we agreed to that, and until I am satisfied on that point, I shall be compelled to vote against the proposition of the Senator from Louisiana.

Mr. BENJAMIN. Mr. President, I have never been actuated by a parsimonious spirit as regards the expenditures of the Government of the United States; and more especially would I avoid anything that would savor of such a spirit in the publication of the debates of this body. It is understood that the proprietor of the Globe is not sufficiently paid. I think that is the sense of the Senate. We must, therefore, pay more money. There are two modes of doing that. One mode is that pointed out by the Senator from California, by increasing the amount paid to the proprietor for each column of the debates reported and published. The other mode of paying him is to take a greater number of the copies furnished by him at the present prices. The sole question before the Senate is which of these two ways is the best. I presume no Senator desires first to increase the price, and secondly to increase the number. It seems to be also the general sense of the Senate that if we are to pay more money to the proprietor, it would be well to have more copies of the publication instead of paying him a larger sum for the present number of copies.

There remains, therefore, but a single question for our decision, and it is this: what additional number of copies will suffice to secure to the proprietor of that journal an adequate remuneration for the labor and expenses incurred by him in the publication? The proposition is to pay to him the subscription price of five thousand and twenty-two copies, which, according to the best information I have been able to obtain, after listening very attentively to the entire discussion, would yield him a profit of over \$20,000, in addition to the present prices which he receives. I further understand that an increase of the subscription of half that amount will yield him about \$12,000; and I still further understand, that when the Committee on Printing reported back a resolution to this body to subscribe, in addition to the present number, for a number equal to one-half that now taken by the House of Representatives, the proprietor of the Globe was not indisposed to accept that as an adequate remuneration. I think, sir, he will be satisfied with it. Of course he would like more; but I am confident, from all that I have seen and heard on the subject, that this will satisfy him; and we may be assured, if it will satisfy him, that it is a liberal price. I trust, therefore, that however gentlemen may be disposed to sustain this publication—and I yield to none of them in the sincerity of a desire to sustain it—yet they will reflect that this is a very large sum of money we are voting away, and that if one half the amount will suffice, we ought not to go beyond it. I agree fully with everything that was said by the Senator from Tennessee, [Mr. JONES,] this morning, on that subject. With two thousand

five hundred and eleven copies, I believe the Globe can be sustained; and I have, therefore, made the motion which is now submitted to the Senate.

The question being taken on the amendment by yeas and nays, resulted—yeas 10, nays 25; as follows:

YEAS—Messrs. Atchison, Benjamin, Chase, Dawson, Dodge of Iowa, Fitzpatrick, Hunter, Jones of Tennessee, Pratt, and Toucey—10.

NAYS—Messrs. Allen, Badger, Brodhead, Brown, Clayton, Cooper, Dodge of Wisconsin, Foot, James, Johnson, Mallory, Morton, Norris, Pettit, Rusk, Sebastian, Slidell, Stuart, Sumner, Thompson of Kentucky, Toombs, Wade, Walker, Weller, and Williams—25.

So the amendment was rejected.

Mr. CHASE. I believe it is the universal wish of the Senate, in which probably every Senator concurs, to give to the Globe a full compensation for the printing of the proceedings and debates of the Senate. I certainly concur in that wish; and in voting for the amendment of the Senator from Louisiana, I did not mean to be understood as having any different opinion; but I do desire to submit one or two suggestions to the Senate in reference to this matter, which I hope may meet their concurrence.

It is stated that by taking from the Globe this number of additional copies we shall secure to it a sufficient profit to indemnify it fully for the cost of publication, and leave a reasonable compensation to the proprietor. That is the object which we all desire to secure. Now, sir, if some such amendment as that offered by the Senator from Louisiana, coupled with a provision authorizing the Committee on Printing to contract with the proprietor of the Globe to furnish his paper to each of the different newspaper establishments in the country, could be adopted, it would secure the full object of giving him an ample compensation, while it would effect that which some Senators seem to desire—to reduce the number of copies given to each individual member.

Mr. WELLER. He furnishes to seven eighths now.

Mr. CHASE. I know he furnishes now, at a very considerable cost, an exchange to a great number, not, however, anything like seven eighths of the newspapers.

Mr. WELLER. I should have said seven tenths.

Mr. CHASE. Not, I think, more than one quarter. But, Mr. President, if we provide for supplying this publication to all the papers in the Union, at some reasonable cost, to be ascertained on a conference between the proprietor of the Globe and the Committee on Printing, the effect would be that the authorized report of the speeches of every Senator would go, not merely to the audience here, and not merely to the audience supplied by the Globe, but to an audience composed of the editorial corps of the whole country. They would be furnished at once with the means of knowing exactly what transpires in this Chamber and in the other House, and they would have it in their power to furnish such portions of it to their readers as they should see fit.

I do not wish to detain the Senate, but simply to throw out these suggestions, and to submit the amendment of the Senator from Louisiana in connection with an additional provision. I will barely say, that the price can be so graduated that the cost to this body will be no greater than the cost which we propose to incur by printing the whole number. The provision which I submit, in connection with the amendment of the Senator from Louisiana, is the following:

"And that the Committee on Printing be authorized to contract with the proprietor of the Globe for furnishing a copy of the Congressional or Daily Globe to each newspaper establishment in the United States."

Mr. WELLER. At what price?

Mr. PRATT. I suppose that will be a cost of half a million of dollars at east. The Daily Globe is now furnished, I understand from its publisher, and certainly without profit to him, at five dollars a year. I suppose, if you take every press in the country to which the amendment applies, and send a copy of the Globe to it, he could not, of course, be required to send it at a less price than he is now giving it to us—five dollars a copy; and that would cost, I guess, if I may be permitted, without being a Yankee, to guess, at least half a million dollars.

Mr. MALLORY. Can the Senator from Ohio

inform us how many newspaper establishments there are in the United States?

Mr. CHASE. A little over six thousand; and then, taking the estimate of my friend from Maryland, and multiplying six thousand by five, the whole cost would be \$30,000. So much for the estimate of half a million. But it is not necessary to give five dollars. You can give a smaller amount, but enough still to yield a profit. I merely wish to submit it. I do not feel any particular interest in it. I wish it to be coupled, however, with the amendment of the Senator from Louisiana.

Mr. BENJAMIN. That has been voted down.

Mr. BADGER. This will soon be with it. [Laughter.]

The PRESIDING OFFICER. The amendment of the Senator from Louisiana has not been agreed to.

Mr. CHASE. I ask to have mine read in connection with the amendment of the Senator from Louisiana. That has been voted down, it is true, but I adopt it as part of my amendment, and it becomes a substantive proposition.

Mr. BADGER. You put the two together.

Mr. CHASE. Yes. My proposition is to strike out "five thousand and twenty-two," and insert "two thousand five hundred and eleven," and then to add the provision which I have stated, so as to make it read:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietor of the Globe for two thousand five hundred and eleven copies of the Congressional Globe and Appendix for the present Congress; and that the Committee on Printing be authorized to contract with the proprietor of the Globe for furnishing a copy of the Congressional or Daily Globe to each newspaper establishment in the United States.

The amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the second branch of the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietor of the Globe for five thousand and twenty-two copies of the Congressional Globe and Appendix for the present Congress.

Mr. RUSK called for the yeas and nays on the resolution; and they were ordered; and being taken, resulted—yeas 29, nays 7; as follows:

YEAS—Messrs. Allen, Badger, Benjamin, Brodhead, Brown, Chase, Clayton, Cooper, Dodge of Wisconsin, Foot, Gwin, Hunter, James, Johnson, Mallory, Morton, Norris, Pettit, Pratt, Sebastian, Sillidell, Stuart, Sumner, Thompson of Kentucky, Toombs, Wade, Walker, Welles, and Williams—29.

NAYS—Messrs. Atchison, Dawson, Dodge of Iowa, Fitzpatrick, Jones of Tennessee, Rusk, and Toucey—7.

So it was agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 18, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

RIGHTS OF NEUTRALS.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report from the Secretary of State, with accompanying papers, in answer to the resolution of the House of Representatives of the 1st instant.

Mr. DEAN. These papers refer, I presume, to the Black Warrior affair?

The SPEAKER. I do not think that they do. The letter of the Secretary of State will be read.

The letter of the Secretary, which was read, states that, in accordance with the resolution of the House of Representatives of the 1st instant, he had transmitted the papers embraced in the correspondence which passed between this Government and foreign Governments on the subject of the rights accorded by declaration or otherwise to neutrals, and the rights claimed by belligerents in the war pending between certain European Powers.

Mr. DEAN. I move that the message and accompanying papers be referred to the Committee on Foreign Affairs, and printed.

The question was taken; and the motion was agreed to.

SUPERINTENDENCY OF ARMORIES.

Mr. STANTON, of Kentucky. The committee appointed by this House, some time ago, to

inquire into the propriety of selecting military officers to superintend national works, have concluded that part of their duty relating to national armories, and have directed me to ask the unanimous consent of the House that the testimony and documents in reference to that subject may be ordered to be printed. The committee desire it for their own convenience while making up their report and prosecuting the investigation. It will not require to be reprinted.

There being no objection, it was so ordered.

The SPEAKER stated that the question first in order was the consideration of the bill reported from the Committee on Public Lands, "granting lands equally to the several States to aid in the construction of railroads, and for the support of schools," and that the gentleman from Maryland [Mr. HAMILTON] was entitled to the floor.

Mr. HAMILTON. I yield the floor to the gentleman from Illinois.

NEBRASKA AND KANSAS BILL.

Mr. RICHARDSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

NEBRASKA AND KANSAS BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair,) and resumed the consideration of House bill No. 236, "to organize the Territories of Nebraska and Kansas."

Mr. BANKS spoke in opposition to the bill. He argued that wherever the Government got the right to acquire territory there they got the right to control it. He contended that the present Congress could not say upon what terms additional territory should be acquired. The people hereafter would determine the question for themselves. Let the past stand, and let the future, when it comes, be decided by the people who shall then have the power and control.

They were called upon to repeal the Missouri compromise because it was said to be unjust to the South. All he had to say in reply was, that the South made it, and he denied that it was unjust or unequal, as regarded the South. Every southern man had the same right to carry his property to these Territories as the North had. But then southern gentlemen said that they had a class of property which was only made so by local or municipal laws, and that they were prohibited from taking this kind of property to these Territories. All he had to say was, that this prohibition was their own, and for this prohibition they had already received their advantages. They of the North did not believe it was the right of the southern States, under the Constitution, to carry this species of property to these Territories, unless there was a statute there, either of Congress or of the people, establishing it.

He then argued to prove the constitutionality of the Missouri act of 1820, and said that although this bill admitted the right of the people to govern themselves, it practically denied them the power to do so.

Mr. MILLER, of Missouri, alluded to the objection made to the bill, that its passage would violate solemn Indian treaties. He denied that such would be its effect, and maintained that the bill did not propose to violate any treaty with any tribe, not even the smallest.

He then answered the objection that the South now proposed to violate a solemn compact, entered into in 1820. He thought this charge came with an ill grace from the gentlemen of the North, especially those who were the successors of the men who were anxious to violate a solemn treaty made with France in 1803—the one by which this Territory was acquired—by attempting to drive a portion of that property from the limits of the State of Missouri, which France had expressly guaranteed should be secured to the inhabitants who possessed it.

He then made an argument to prove that the North had imposed this restriction—the Missouri line—upon the South, and replied to various arguments advanced by his colleague, [Mr. BEN-TON.]

Mr. PARKER next addressed the committee. He referred to the fact that he was elected on the compromise of 1850, over a candidate who advo-

cated its repeal; but, (said he,) had it been most remotely surmised that that compromise in any way affected that of 1820, I verily believe I could not have mustered two hundred votes out of the fifteen thousand which were cast.

He believed it was a woful mistake to suppose that this bill would drive agitation from the Halls of Congress. It might scare it hence, but only to send it forth to perpetrate its ravages over the whole of this broad land to return here once more to distract the councils of the nation. There were too many reminiscences connected with the compromise of 1820 to allow its repeal to be quietly perpetrated.

It was the duty of members to leave this question where it was at the commencement of the present session, before the demon of discord was again unchained to scatter his firebrands among them.

He contended that the bill did not contain the principle of popular sovereignty, and declared that the effect of its passage would be to break down the present barrier which kept slavery out of these Territories, thus allowing it to go there.

Mr. PECKHAM said he had ever been a national Democrat, and had ever been what is technically called "a Hard." He was so still. He was no politician. He came to this House against his own judgment and inclination, surrendering both to the wishes of his friends; and therefore he would speak for himself alone, and not for any others.

He then alluded to the course heretofore pursued by the "Hards," saying the Administration had proscribed its friends and rewarded its enemies; and he complained of the action of southern men towards that portion of the Democratic party.

The Administration could lay down no Democratic course for him; but if it could, it would not be difficult at all to find himself standing somewhere with the Administration on this bill; for the Administration had been on every side of it. The Administration was said to be a unit; but this was a gross libel. It could only be a unit on the cohesive power of public plunder. The members composing the Cabinet are as much opposed to one another in principle as the Turk is to the Christian, and the Jew is to the Gentile. Another figure would better describe it. Though it may not be a unit, it is a cipher.

He then proceeded to speak of the subject under consideration; and said, in the course of his remarks, if the Missouri compromise, as it had been argued, was void, whence the propriety of declaring it null. Let the question be decided by the Supreme Court of the United States. He did not believe in the principle of squatter sovereignty.

Mr. TAYLOR, of Tennessee, obtained the floor.

Mr. SAGE. If the gentleman will give way, I will move that the committee take a recess.

Mr. TAYLOR. Certainly, I will yield for that purpose.

Mr. SAGE. Then I move that the committee take a recess until seven o'clock.

Mr. RICHARDSON. Will the gentleman permit me to make a single remark?

[Cries of "Hear him!"]

Mr. SAGE. I will hear the gentleman.

Mr. RICHARDSON. I do not know how many gentlemen there are who desire to speak upon this bill. It is, however, very desirable that an opportunity to be heard should be afforded to all; and when we came back here last night, we had but one speech. It would be better, therefore, unless it would be too great an inconvenience to the gentleman from Tennessee, who has the floor, that he should proceed now, with the understanding that we will go on and speak until eight or nine o'clock to-night.

Mr. TAYLOR. I would rather have a recess.

A great many of us have had no dinner yet.

Mr. SAGE. I insist on my motion.

The question was then taken on Mr. SAGE's motion, and it was agreed to *nem. dis.*; and thereupon (at five minutes after four o'clock, p. m.) the committee took a recess.

EVENING SESSION.

The committee resumed its session at seven o'clock, p. m., (Mr. OLDS in the chair.)

Mr. TAYLOR, of Tennessee, being entitled to the floor, rose to address the committee.

The number of members present at this time was very small indeed.

Mr. CAMPBELL. With the permission of the gentleman, I will move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Tennessee yield the floor for that motion?

Mr. TAYLOR. Certainly.

Mr. CAMPBELL. It is of no use to speak to such a "beggary account of empty boxes" as this.

The question was put on Mr. CAMPBELL's motion; and, on a division, there were—ayes 7, noes 8.

So the committee refused to rise.

Mr. LINDLEY. I desire to say a few words to the committee, and I am not particular about the number of the audience.

Mr. TAYLOR. I will yield the floor to the gentleman from Missouri, if I can resume it when he has concluded.

The CHAIRMAN. If there is no objection, that arrangement will be made.

No objection was made.

Mr. LINDLEY (Mr. TAYLOR, of Tennessee, having yielded the floor) submitted some remarks in vindication of the policy of granting alternate sections of land to aid in the construction of railroads, and more particularly in support of the bill donating land to the Northern Missouri railroad. He said that he introduced this bill at the early part of the session, and it was referred to the Committee on Public Lands, whom he had good reason to believe would favorably report upon it. The cost of this road would be about \$7,000,000. The State of Missouri had loaned her credit to the enterprise to the amount of about \$2,000,000. Upwards of \$2,000,000 had also been subscribed by counties and individuals, and it was believed that the aid now asked from the Government, some half million of acres of the public land, would insure the success of the road.

He showed the benefit which would accrue to the counties situated on the line of the proposed road, and complained of the hostile feeling exhibited by gentlemen of the eastern States towards the West.

Mr. TAYLOR, of Tennessee, said he told his constituents before he came to this House that he was in favor of the organization of the Territories of Kansas and Nebraska; and so he had been, and so was. He had told some of his colleagues when he came to the city that he was inclined to support the Kansas and Nebraska bill; but he had not then investigated all its bearings, and the drift of the whole subject. Never, until he came hither, had he had an opportunity to read the bill now under consideration.

He, in the outset of this contest, desired, if he could consistently with his judgment and conscience, go for the Kansas and Nebraska organization, as offered by the Senate to the House. But it was due to his position as a member of this body, it was due from him as a representative of an independent constituency, that he should investigate calmly, clearly, and dispassionately, the whole merits of the question; and now he had to state that he had made that investigation, and that every step he had taken, from beginning to end, had brought him nearer and nearer to a conclusion; and at last, to the conclusion that this bill embodies in it elements that are ruinous to the peace of the country, ruinous to the interests of the South, ruinous to the harmony of the Union, and a violation of the pledges, oral and written, made by the two great parties of this country, and by the President, and violative of the best interests of the whole country. He regretted exceedingly, but he could not avoid the rupture on this subject which was made in the delegation of the State which he had, in part, the honor to represent. However, he would vote against this bill, if he stood solitary and alone. He repeated, he was in favor of organizing governments for those Territories, but not for the repeal of the Missouri compromise. Right there, he said, we divide.

He asked by what authority can Congress repeal the act of 1820? What right has Congress to touch that sacred and solemn compact, or compromise made by our fathers, some of whom now sleep beneath the sod of the valley? Have gentlemen the authority of their constituents? Did any gentleman here agitate this question before he was elected to Congress? Was there one? If

there was, he had never yet heard of the man. He challenged any gentleman to show his credentials to justify him in voting for the proposed repeal.

He could see no hardship to the South from this act. So far from injuring, it was one of the great elements of prosperity. It was adopted as the basis of permanent peace to the Union. He answered the charge that the compromise was unconstitutional. If so, let the proper tribunal decide the question. It had been acquiesced in for thirty-four long years, as a monument of those who had passed it, to be as durable as the Government itself; and its authors were canonized as the saviors of their country. He proceeded to show that the acts of 1820 and 1850 are part and parcel of one and the same policy, which is as old as the Government itself, adopted alike by wise men, and are perfectly consistent and homogeneous. They are a final settlement, in principle and substance, of the questions to which they refer.

Mr. WENTWORTH, of Massachusetts, took the floor, and controverted the argument that this bill, if passed, would be the means of withdrawing slavery agitation from the Halls of Congress. Slavery, he said, was so connected with the Government of the country, and with its industrial resources, that it had all the elements of a national question—a question that was to be met, not at our firesides, not in the Legislatures of the States, but here, in these Halls of legislation. It had always been so from the foundation of the Government, and it would always be so, as long as the Union should continue.

The Missouri compromise was a settlement of the conflicting claims of the two sections at the time of its adoption. It was a settlement binding upon both parties. It was understood to be an adjustment of the whole question, and was considered a fair and equal settlement between the two sections. He maintained that the South had been fairly dealt with by the North, although it was now said that northern men attempted to break the compromise of 1820 in the subsequent year.

The North, in attempting to exclude Missouri, then, did what was right and proper, as the constitution of that State prohibited free negroes from coming into her territory, which was in violation of that provision of the Constitution of the United States which allowed a citizen of one State to go into another State—free negroes being citizens of some of the northern States. This point he argued at length.

Mr. LETCHER replied to charges that Virginia had been illiberal towards the West, in refusing, through her Representatives, to grant that section of the country lands for railroad schemes. Virginia considers the public lands as having been ceded to the General Government for the purpose of being sold for the benefit of all the States of the Union. He commented upon the schemers and lobby members coming to this city to bore and engineer for such grants, and to have the duties on railroad iron remitted to benefit certain railroad companies. He likewise alluded to the existing abuses in relation to custom-houses, on the subject of which, he said, the House would soon be called to act, there being appropriations in the deficiency bill for those purposes.

Mr. MEACHAM addressed the House in defense of the New England clergymen, who had petitioned Congress on the slavery question.

Mr. KERR made some remarks, in reply to Mr. MEACHAM, touching and censuring the conduct of the clergy in their interference, in a clerical capacity, with the legislation of Congress upon the Nebraska question.

Mr. CHURCHWELL here resumed the floor. Mr. SEYMOUR. If the gentleman will yield, I will move that the committee rise.

Mr. CHURCHWELL. I yield.

Mr. SEYMOUR. I make that motion.

The question was put; and the motion agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman *pro tempore* of the committee (Mr. WRIGHT, of Pennsylvania) reported that the Committee of the Whole on the state of the Union, had, according to order, had the state of the Union generally under consideration, and more particularly House bill No. 236, to organize the Territories of Nebraska and Kansas, and had come to no conclusion thereon.

Mr. PRINGLE. I move that the House do now adjourn.

The question was put; and the motion agreed to. The House accordingly, at eleven o'clock, (twenty-five minutes, p. m.) adjourned until tomorrow at twelve o'clock, m.

IN SENATE.

FRIDAY, May 19, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The PRESIDENT. This is private bill day, and no other business can be received except by the unanimous consent of the Senate.

Mr. COOPER. I ask unanimous consent to lay upon the table, with a view of having it printed, a substitute which I intend to propose for the bill allowing a credit for a limited period for duties on railroad iron imported into the United States.

There being no objection, it was received informally, and ordered to be printed.

PETITIONS, ETC.

Mr. THOMSON, of New Jersey, presented the memorial of John D. Gibson, praying for commissions on his disbursements as acting purser of the United States schooner Enterprise; which was referred to the Committee on Naval Affairs.

Mr. WADE presented a petition of the inhabitants of Tallmadge, Ohio, remonstrating against the extension of slavery by the passage of the Nebraska bill; which was ordered to lie on the table.

Also, two petitions of inhabitants of the United States, praying the passage of the homestead bill; which were ordered to lie on the table.

REPORTS FROM A STANDING COMMITTEE.

Mr. PETIT, from the Committee on Private Land Claims, to whom were referred the following petitions and bill, submitted adverse reports thereon; which were ordered to be printed:

Petition of Sarah D. Brigham, praying permission to locate land within the limits of the Bastrop claim;

Petition of F. A. Underwood and H. A. Crane, heirs of Jehu Underwood, praying the confirmation of their title to certain land; and

Bill to confirm the claim of John Ervin to a certain tract of land in the Bastrop grant.

THE STEAMSHIP WASHINGTON.

Mr. SLIDELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be requested to inquire into the expediency of presenting to Captain Fitch, the officers, and crew of the American steamship Washington, some proper testimonial of the sense entertained by Congress of their praiseworthy and gallant conduct in rescuing the crew and passengers of the American ship Winchester, wrecked on her passage from Liverpool to Boston; and that they do further inquire into the expediency of providing by general law for compensation to be allowed to the owners, officers, and crews of vessels aiding in rescuing the crews and passengers of American vessels from shipwreck.

UNITED STATES COURTS IN LOUISIANA.

Mr. BENJAMIN. Before the private bills are taken up I ask the unanimous consent of the Senate to allow me to present, and have passed at this time, a bill of which I gave notice a few days ago. It is a matter of local concern to my State. It is a bill "regulating the time of holding the sessions of the district and circuit courts of the United States in the eastern district of Louisiana." The bill has been prepared in accordance with the views of the judges of the district and circuit courts, who desire the passage of the bill, as well as the bar and the people of the State.

Leave to introduce the bill was granted, and by unanimous consent, it was read a first and second time, and considered as in Committee of the Whole.

It proposes to direct that there shall hereafter be annually only three stated sessions of the district court of the United States for the eastern district of Louisiana, which shall be held at New Orleans on the third Mondays of November, February, and May; but the judge of that court is authorized to adjourn any stated session to any time previous to the next stated session, whenever he may deem it expedient. It also provides that the full term of the circuit court of the United

States for the eastern district of Louisiana shall hereafter be held on the first Monday of November, instead of the third Monday in December, as heretofore provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

FLORIDA LAND DISTRICT.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands to report a bill to establish an additional land district in the State of Florida.

The PRESIDENT. If there be no objection, the report will be received.

There was no objection.

Mr. DODGE, of Iowa. As it is a matter of very great interest to that section of country, and has been somewhat delayed, I ask the Senate to consider the bill now.

The bill was read a first and second time, by unanimous consent, and considered as in Committee of the Whole. It proposes to create all that part of the present Tallahassee district lying west of the line dividing ranges ten and eleven west of the principal meridian into a new land district, the office of which is to be established at such place as the President may from time to time direct; and makes the usual provision for the appointment of the proper officers. It is not to go into effect for at least six months after its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ORDER OF BUSINESS.

Mr. HUNTER. This is private bill day, I believe. I rise to ask the unanimous consent of the Senate to take up the Indian appropriation bill. The chairman of the Committee on Indian Affairs thinks we can finish it to-day, if the Senate will take it up. I hope it may be the pleasure of the Senate to take it up, so that we may dispose of it. The chairman [Mr. SEBASTIAN] is here.

Mr. PRATT. There are one or two private bills which I know the Senate will pass. They are perhaps of as much importance as that bill. I should prefer not to suspend the rule.

Mr. HUNTER. Of course I am in the power of any Senator. Any one can defeat my proposition.

Mr. PRATT. I hope at least we will commence with the Private Calendar, and go on with it for an hour.

Mr. HUNTER. If we begin with it, my fear is that it will be gone on with, and we shall not get up the Indian bill.

CONGRESSIONAL GLOBE AND APPENDIX.

Mr. TOOMBS. I wish to enter a privileged motion, to reconsider the vote on the proposition of the Senator from Ohio, [Mr. CHASE,] to provide for sending a copy of the Congressional or Daily Globe to the different papers in the United States. I think that proposition requires more consideration than it received at the hands of the Senate.

The PRESIDENT. Does the Senator propose to reconsider the vote adopting the resolution?

Mr. TOOMBS. No, sir; only to vote upon the amendment of the Senator from Ohio.

The PRESIDENT. The Chair is of opinion that the final vote must be reconsidered before that can be reached.

Mr. TOOMBS. I do not wish to reconsider the final vote.

Mr. BENJAMIN subsequently made the motion to reconsider the vote by which the resolution providing for an increased subscription to the Congressional Globe and Appendix was adopted.

The PRESIDENT. Did the Senator vote with the majority?

Mr. BENJAMIN. Yes, sir.

The PRESIDENT. The motion will be entered.

Mr. WELLER. I desire also to move to reconsider the vote by which the first branch of the resolution, in relation to the publication of the debates in three of the city papers, was rejected.

The PRESIDENT. That motion will be entered also.

WILLIAM G. RIDGELY.

The Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of William G. Ridgely.

It proposes to direct the proper accounting officers of the Treasury to audit the claim of William G. Ridgely, for tobacco destroyed by the British in 1814, at the warehouses at Nottingham and Magruder's ferry, in Prince George's county, and at Benedict, in Charles county, Maryland, and from such proof as may be exhibited to them, within six months after the passage of the act, to ascertain the quantity and value of his tobacco so destroyed, and to pay the amount so ascertained.

Mr. PRATT. This claimant is a resident of the District of Columbia. The principle embraced in the bill is identical with that embraced in the bill for the relief of Hodges and Lansdale, which, after full debate, was passed by the Senate some four or five Fridays since. I do not propose to discuss the claim. It is for tobacco destroyed at the same warehouses, at the same times, and under the same circumstances, as the tobacco for which that claim was made. Senators who were here when that bill was debated, will recollect the circumstances without having the report read; but I merely wish to state, for the information of those who were not here then, that the tobacco was rolled out of the warehouses, used by our forces as a breastwork from which the enemy were fought, and that the evidence is that the tobacco was destroyed by the British because of that use. Such is the testimony. The question made by the Senator from Delaware, [Mr. BAYARD,] now absent, was, whether the principle of the obligation to pay, could apply to personal as well as real property.

Mr. NORRIS called for the reading of the report of the Committee on Claims, and it was read. It sets forth that the facts are precisely the same as those in the case of Hodges and Lansdale, for whose relief a bill has already been passed.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

On the question, "Shall the bill pass?" there were, on a division—ayes 19, noes 9; no quorum voting.

Mr. PRATT. I ask for the yeas and nays.

The yeas and nays were ordered; and taken with the following result:

YEAS—Messrs. Badger, Benjamin, Bright, Brodhead, Brown, Cass, Chase, Clay, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Foot, Morton, Pearce, Pettit, Pratt, Rusk, Sebastian, Stuart, Thompson of Kentucky, Thomson of New Jersey, Toombs, Wade, and Weller—25.

NAYS—Messrs. Allen, Atchison, Fitzpatrick, Johnson, Jones of Tennessee, Norris, Shields, Slidell, Sumner, Toucey, Walker, and Williams—12.

So the bill was passed.

MOORE AND HASCALL'S PATENT.

The Senate, as in Committee of the Whole, next proceeded to consider the bill for the relief of Hiram Moore and John Hascall, which had been reported from the Committee on Patents and the Patent Office.

It proposes to grant Moore & Hascall, and to their heirs, assigns, and legal representatives, for the term of fourteen years, from June 27, 1850, the full and exclusive right and liberty of making, constructing, using, and vending to others to be made or used, the improvements for cutting, threshing, or cleaning grain, which were invented by them, or either of them, and embraced in the model, drawings, or specifications connected with letters patent granted to them on the 28th of June, 1836, for a machine commonly known as "Moore & Hascall's harvesting machine," together with the improvements invented by them, or either of them, in perfecting that machine, or any part thereof, from the date of their original patent, to the day from which the same is hereby renewed and extended.

Mr. WALKER. Mr. President, the bill now before the Senate is one of a great deal of importance. It involves interests which I apprehend, at first view, are not properly estimated by the Senate. Upon several occasions I have felt it to be my duty to make opposition to this bill, and I find the duty no less imperatively imposed upon me now. I regret, sir, that I feel this duty devolving upon me. I feel that the performance of it is the more unpleasant, as this is known not to be one of those subjects which elicit the attention of the Senate; but I think that before this discussion is over, if I can get the attention of the Senate, I can satisfy them that they ought not to pass this bill; that they ought not to pass it for considerations affecting deeply some of the most

important interests of the country, connected with agriculture.

I shall, before the debate is over, go pretty fully into this subject; but at present I propose to name but the points of objection, and then to hear whether there be any explanation which obviates the objections; and if not, that at all events it may be shown that this is a case where an exception should exist to the general ideas and general rules entertained upon such subjects.

The honorable Senator from Michigan [Mr. STUART] has heretofore, in remarking upon the course that I have pursued upon this bill, promised to the Senate that he could and would answer the objections that I have taken to it, and satisfy the Senate that there was nothing in those objections, and that we could with propriety, and ought in justice, to pass the bill, and let it become a law.

Mr. President, the reading of the report in this case, until you come to the last clause of it, gives no idea of what the provisions of the bill are, nor does that last clause give a sufficiently correct idea of what are those provisions. From the reading of almost the whole report, one would suppose that this bill is but of the ordinary kind proposing an extension of a patent; but it goes far, very far, beyond that. It proposes, sir, not only to extend the patent, but it proposes to add on to it, to splice upon it, and make a part of it, any improvements which may have been made by the parties claiming the extension and the benefit under the bill, for the last eighteen years, I believe.

The enormity of this may not be seen at first view. It may not be seen why these men should not be entitled to have now granted to them, by the legislation of Congress, what improvements they have made during that period of time; but if gentlemen will reflect, and that too but very slightly, they will see how it may affect the community in the most injurious manner. Why, sir, the time through which they are to be permitted to run back, and allege and show their improvements, is more than the period for which a patent will run; and consequently, anything that might now be claimed, may have been claimed by others in the mean time, and may have been patented by them; and yet the provisions of this bill would come in, and by legislation on the part of Congress, set aside the acquired rights in the mean time, and assign them over, transfer them from those in whom they are now vested, to Moore & Hascall.

That is the first objection—that it proposes, in this sweeping manner, to renew to them not only their patent, but to permit them to go back and show anything which they may allege they have invented during that time, and attach that to their renewed patent, and give them the benefit of it for the time proposed in the bill. To illustrate further how this will operate, I will make this statement, that it would be unnecessary, under this bill, for these persons to manufacture a solitary machine for the public. Why is this so? Why, just pass the bill, and all that they will have to do is to be perfectly still. Why so? They know and feel, or they can know and feel, that there is already invested in the manufacture of harvesting machines a capital sufficient to make it the interest of almost every person engaged in agriculture, or any manufacturer of agricultural implements, to compromise with them, and pay them more than the manufacturing of their machines would amount to.

The fact is, and it shall come out in the debate before we are done, that these parties claim every important part now embraced in any other reaping machine. If they claim it before the Patent Office, of course they will endeavor to prove it; and if they prove it, of course they will get attached to their extended patent every important part that is contained in any other reaping machine. When that is done, how will others go on and manufacture reaping machines? If they cannot do it without infringing this renewed patent, then, of course, they are at the mercy of these parties; they have to render obedience to the renewed patent and the law under which it is renewed. The result will be that, without establishing a manufactory, without manufacturing one of the machines, they can, by their injunctions, suppress the manufacture, or compel those engaged in the manufacture to pay a tribute to them. They can do not only this; but, during the harvesting time, when the agriculturist is engaged in the harvest, they can go and

stop the working of every machine. If what they allege be true, if they obtain a renewal of their patent for what they claim, there is not a man in the community who can use a reaper at all, except at his peril. These people, without a manufactory for the building of the machines, will have their agents all over the country, wherever there is a reaper in use. These agents can demand that that use be stopped. If it is refused, I apprehend, under the law, it could be stopped by injunction. Then, of course, when the agriculturist is in the midst of the harvest, it will be a matter of calculation with him how much he can afford to pay, and yet not lose all. In the scarcity of labor, the almost impossibility of obtaining it, to harvest by hand, it will be a question of calculation with him how much he can pay so as to save something from his harvesting, and I will venture to say, that without investing a dollar in the machines, the money can be levied upon the farmers of the country.

This, I say, is what can be done under this bill. I will now give the reasons why it will be done. In the first instance, I do not believe that one of these machines ever will be manufactured. Why do I say so? Why, sir, in the lapse of time, since 1836 to the present, the report itself says that they never have sold a machine, never have sold a right, and, I believe, they never have manufactured but five machines. Why is this? Why is it that these machines have not been built during the whole period of this patent? Simply, sir, because one of them never could have been sold if it had been built. There must be a reason for that; it is simply that the cost is so enormous that no farmer ever thought of buying one of them. The cost is \$1,600. The team required to work it is sixteen horses. Is there any gentleman in the Senate, at all acquainted with agricultural matters, who will believe that in the region of country where reapers can be used most profitably—the western country, upon the western prairies, and in the old country, where the fields are old, and the stumps have been removed—any mortal man would ever think of expending \$1,600 for one of these machines, and then purchase or hire sixteen horses to work it? At present, about the least price for which you can purchase a horse suitable to work such a machine, is \$200. Your team, therefore, will cost \$3,200, and then the machine besides, \$1,600, making \$4,800 for this machine and team; and when you have got it up, Barnum's twelve-elephant team would not begin to compare with it.

Only think of it! Four four-horse post teams turned out in the harvest field to turn corners and reap grain! It involves such an absurdity as I will venture to say was never proposed to the farming community. The very idea is preposterous.

I say, then, from the allegations of the report, no machines have been used for eighteen years; and, from the further considerations of the cost of the machine, and the enormity of the team that is to be used to work it, it will never be manufactured. Hence it will be seen that it is necessary, if this bill is to benefit these parties, that it should be in such a form that they can, not by the manufacture of the machine, but by levying black mail upon others manufacturing it and upon the farming community, make out of it what they cannot make by the manufacture of it.

It seems that the bill has to make a departure from the ordinary bills extending patents, otherwise it would be of no benefit to these people, and are we going into this course of legislation, and thus sacrifice the agricultural community and the immense interests which are involved in reaping machines, simply for the purpose of enabling Moore & Hascall to make a fortune without ever expending a dollar for the benefit of the community? Let me ask what benefit have they bestowed upon the community? Have they ever given it a machine? Who ever heard of it at the London fair, or at any other fair? It would have been laughed off the field if it had been taken there. Present the farmer in England, or the farmer in the United States, a machine costing \$1,600, with a string of sixteen horses ahead of it, to go into an ordinary field to turn corners and reap his grain, and it would present to him such another anomaly and absurdity that he would hiss to scorn the idea that he should be asked to purchase it. And yet, sir, we are asked, under this bill, to legislate a monopoly into the hands of those people who can-

not manufacture the machines if they would, and would not if they could; because they can make more profit under the bill without manufacturing them. I may be going too far when I say "because;" but that is what may be found out afterwards. I do not want to attribute, and I wish to disavow attributing, to any friend of the bill in the Senate, any improper motives. In speaking plainly, I wish to be understood, whatever my language may be, that I disavow that; but I am speaking, or intend to speak, of the effect of the bill. Upon that point perhaps enough has been said.

I have alleged that, in the first instance, this bill was not in the form that it has now assumed. When it was introduced into the House of Representatives, in the first instance, a most important feature in it was left out. It will be perceived that in the provision in regard to improvements, the language is somewhat peculiar. It is this:

"Together with the improvements invented by them, or either of them, in perfecting said machine, or any part thereof, from the date of their original patent," which, I believe, was in 1836,

"to the day from which the same is hereby renewed and extended. And the Commissioner of Patents is hereby directed and required to make a certificate of such renewal and extension, and append an authenticated copy thereof to the original patent, with the proper specifications and claims: *Provided*, That the said patentees shall first pay into the Treasury, to the credit of the patent fund, the fees required by law for the renewal or extension of patents: *And provided also*, that whenever the said Moore & Hascall, or their heirs, assigns, or legal representatives, shall file in the office of the Commissioner of Patents an application specifying the inventions and improvements claimed under this act,"

—which, mind you, run back through eighteen years,

"the said Commissioner shall cause public notice to be given of the time and place of hearing and considering said application, according to the provisions of section eighteen of the general patent law, approved July 4th, 1836, and shall thereupon, determine and decide their right as original inventors, according to the provisions of this act, to the claims embraced in their application; from which decision an appeal may be taken, as in ordinary cases.

I ought to have commenced reading a little further back. The bill provides that there shall be extended unto the parties,

"the full and exclusive right and liberty of making, constructing, using, and vending to others to be made or used, the improvements for cutting, threshing, or cleaning grain, which were invented by the said Moore & Hascall, or either of them, and embraced in the model, drawing, or specifications."

There is a secret about this matter that has been mentioned before to the Senate; but there may be some present who do not remember it. There is at this time no model existing in this case. The model was destroyed when the Patent Office was burned, shortly after this patent was issued. You will perceive that anything which is embraced in the model, drawings, or specifications, is to be extended to these parties. Upon whom are we to rely as to what was contained in the model? Are we to rely upon anything of record? It may be said that the drawings will show what was in the model. How do you know it? Because you will perceive that the provision is not that the Patent Office is to be governed by what was embraced in the model, drawings, and specification, but in either of them. You may advert to the drawings, and you will find a certain part omitted. Look at the specifications, and you find a certain part not there; but then comes the allegation that it was in the model. Why? Because this man who, eighteen years ago, saw the model in the western country, in the center of Michigan, knows it was there. Bring him on. He comes forward and swears to it. Who is he? What security is there for the public in this state of the case? He proves it; and under this legislation Moore & Hascall are to be entitled to a monopoly in their patent; notwithstanding the same thing may have been patented by others, and their patent may have expired, for the fourteen years may have run within the eighteen. It may have been on the patent of Atkinson, or of Hussey, or of McCormick, or of others; but it is now shown by oral testimony to have been in the model of Moore & Hascall, which was burnt sixteen years ago, and therefore they are to be entitled to take the exclusive right of using them. If you allow this, there is not a man now using a reaping machine, there is not one who will propose to use one, that will dare to venture upon the purchase of one of them.

Sir, if I were disposed to engage in such a busi-

ness, I would ask nothing more than to obtain from Moore & Hascall the authority to go to every farmer in the country, and tell him to cease cutting grain in the harvest time when everything is depending upon his proceeding with his business; when, perhaps, his pecuniary salvation depends upon that harvest. I would say to him, "Stop;" and if he should ask, "Why?" I would say, "You are using what is embraced in my patent." "My dear sir," he might say, "I have used this machine for ten, twelve, or fourteen years." I would reply, "I do not care; Congress has told me that I may go back for eighteen years, and claim this thing." "How do they tell you so?" "Why, I had a secret model once; it contained just what you are using there; it was burnt a long time ago, it is true; but Mr. Grimes swears, in the Patent Office, that it was in the model; and here is the seal of the Government telling you that it was there; now stop, it is mine." That is what I would say to him if I were engaged in a business so nefarious. He would have to stop, or I should compel him to do so. If he did not, I should levy upon him to the amount, perhaps, of everything involved in the harvest; and, God knows, that is almost all that some farmers in the country have to depend on.

Sir, I am surrounded by a community that is using harvesting machines. I am using them extensively myself, and, as God is my judge, if this bill shall pass, and the patent shall be renewed in this form, I do not know how it would be possible for me to feel myself safe in putting my teams to the machines, and cutting another acre of grain. I should almost shudder to see anybody coming into the field, when I knew this terrible act had been passed, and that such a monopoly had been granted to individuals. When the farmer is told to stop using his machines, he might turn to these parties and say, "If you will not permit me to use the machines, in the name of common sense, manufacture one that we may have, for we cannot get manual labor to do the work." "Well, we will do it." "What price will you charge?" "Only \$1,600!" I believe the one which I have cost but \$100 or \$150. "Well, with your \$1,600 machine, what team will have to be had?" "Sixteen horses." "Have you any manufactured?" "No." "Well, I do not want it," the reply would be. They could not sell one if they had it; and if there was one manufactured it could not be worked with an ordinary sized team; and this is the manner in which the community is to be treated by this legislation.

But I was adverting to the fact that this feature was not in the original bill. The original bill, as introduced into the House of Representatives, did not contain this model feature. It has assumed that shape since, no doubt because, as is represented to honorable members who are advocating the bill, that it is necessary to have the model provision in it, for the persons interested in it have doubtless said that they cannot get their rights without its being there. Suppose they cannot, how easily, its being there, are they enabled to deprive others of their rights? And hence how apparent is the injustice which will be done under its provisions?

Now, Mr. President, to cut short my present remarks, I will advert to another fact. When this bill was under consideration in the Senate at a former Congress, it received at each time but precious little favor. When it first came from the House of Representatives, it was recommended to the Committee on Patents and the Patent Office, upon the motion of a gentleman no longer a Senator, [Mr. Wales.] It was then amended in the committee, and the amended bill was brought back to the Senate by yourself, I think, (Mr. Dawson in the chair;) but in that bill, as it went to you, there was no provision in regard to this burnt model. After that was done, the bill failed. At the next Congress it passed the House of Representatives, and came to the Senate. Upon a pretty full discussion, it was then recommended to the Committee on Patents and the Patent Office, as I understand, with, if not express, implied instructions that the committee should bring it back as a bill simply extending the patent. This allegation on my part has been denied by the Senator from Michigan, [Mr. Stuart:] and I wish now to bring to the notice of the Senate that from which I inferred that the committee was so instructed. I will read a very short passage from the remarks

which were made by myself at that time, after the conclusion of which the motion to recommit was made, put, and carried. I said:

"I have made myself to a considerable extent an interested party in this matter, because I represent an agricultural country, and I do not want the farmers of that region to be placed in this predicament. I have begged the parties to take a simple extension of the patent. They will not do it. And now, since they have come to us and asked for legislation, my advice is, that we take this bill and amend it, and make it a simple bill extending the patent of these gentlemen, and then let them have it. In order that this may be done, I move to recommit the bill to the Committee on Patents and the Patent Office."

"The motion was agreed to; there being, on a division—ayes 22, noes 18."

Mr. STUART. What is the date of that?

Mr. WALKER. The 25th of February, 1853. This then was the manner in which the bill went back to the Committee on Patents and the Patent Office, the second time. It may be said that there was no order instructing the committee to amend it, making it a bill for the simple extension of the patent; but, sir, I will venture to say that every Senator who was present then understood that it was implied that if the committee brought back the bill at all, it was to bring it back in the form implied in those instructions, for the motion was made expressly, as was then declared, "in order that this might be done."

Immediately the vote was taken in the Senate, and they voted, as I implied, that the bill should go back to the committee, in order that it might be thus amended. I believe the committee did not return the bill at that session. It was true it was near the close of the session; but it would not have taken either a member of the committee or its clerk five minutes to draw up a bill extending the patent in the simple language in which patents are extended, and then it could have been reported back to the Senate if that had been done. Being one of those who principally opposed it, I stood pledged to vote for it. I stand so now. Bring in a bill extending the patent simply, and I will vote for it to-day, to-morrow, or on any other day on which I may be called upon to do so. I have not the slightest aversion to the gentlemen asking for the extension of their patent; but I do ask in my own name, as one of the class, and in the name of the agricultural community, that such an enormity as this shall not be passed by Congress; that they shall not be subjected to the power of any man or any two men in America; for whatever may be said upon the subject, I have my convictions that everything can be done, under the provisions of this bill, that I have alleged can be done.

Why, sir, should we step forward at this late day and revert these parties to their alleged rights? Why, when they made an improvement two years after their first patent was taken out, did they not come forward and patent that? Why, when four years after the patent was taken out, they made another improvement, did they not patent that, and so on, from time to time, until they had perfected their machine? Why did they not do it? The patent laws gave them the right and power to do it. There are express provisions in the patent laws upon the subject. They did not do it. They lay back while other ingenious minds were at work in the country, during the period of eighteen years, making inventions and improvements in harvesting machines, have perfected their rights, have gone to the Patent Office, have acted up to the law, and have obtained their patents; and now, after all this has been done, it is proposed that, at one fell swoop, we shall strike from them all their rights under it, and confer them upon Moore & Hascall, of Michigan, saying to all others stand aside, and to all who have purchased machines, cease using them. That is the effect of the bill. I do not believe it is designed by the Senators from Michigan to be its effect; but that it is so I have not the least doubt. I do not blame them for their advocacy of it, upon two grounds. In the first place, these gentlemen are their constituents; and in the second place, their Legislature has instructed them to go for the bill. But in these instructions, I will venture to say, it was never dreamed that, by the words "extending their patent," they were also to embrace every improvement running through a period of eighteen years, for which a patent had been given to anybody else.

Mr. STUART. It perhaps, sir, is not the least difficult task for a man to undertake to an-

swer an argument that is made up wholly of illimitable statements and declarations. I conceive that if a gentleman were to rise in his place to-day, and tell the Senate of the United States that to-morrow, at noon, the sun would be extinguished, the earth would be annihilated, and the whole planetary system would be utterly and entirely destroyed, there is not a man in the world who could refute that argument by reason and logic. He could only say, he did not believe it. Now, sir, I find myself very much in that position.

The Senator from Wisconsin started by characterizing this bill as one of the greatest enormities that ever was sought to be practiced upon the credulity of the Senate of the United States. If there is a word in the English language which is more extended in its signification of infamy than that which has been employed by the Senator from Wisconsin, it is a word which has never reached my notice. He tells you that the attempt is made by this bill to give to Moore & Hascall not that which they have invented, and to which they have a right, but all that they claim; and he says he knows they will claim everything that attaches to any reaping machine which has ever been invented, or is now in use.

Mr. WALKER. I say they have done it, and they can do it under this bill.

Mr. STUART. Mr. President, I will not undertake to deal in any such language as that which has been indulged in by the Senator from Wisconsin, although I shall meet him very cordially in saying of him, as he does of me, that I do not impute to him any improper motives. I will take it for granted that the Senator is mistaken from the commencement to the termination of his argument.

I trust the Senate will indulge me in saying that this whole transaction, from the time of its inception down to its completion, has been carried on in the county in which I reside—within twelve or fourteen miles of my own residence—and if there is any subject which I have had an opportunity to understand, by observation and by examination, from first to last, it is the subject which is now before the Senate of the United States. And when the Senator from Wisconsin tells me that I am here the advocate of a measure which carries upon its face, and in its effect, such perfidy, as he ascribes to this, when I know all about it, no other inference can be drawn from his language—however he may intend it—except that I am here in the dishonest advocacy of a very dishonest measure. This is a subject about which I cannot plead ignorance. I do not stand here as the advocate of these men. I do not stand here with any particular solicitude in regard to them, because they are immediate constituents of mine. I stand here to-day, Mr. President, not only seeking, but desiring, to pledge what little reputation I possess in the opinion of my colleagues in this body, upon the fact that this measure is the reverse of what the Senator from Wisconsin has characterized it, from the beginning to the end. I will seek to show the truth of what I say in a few words, for I do not intend to give out to the Senate, as the Senator has done, that I am going to discuss the subject at any very considerable length. I can state the case in a nut-shell.

The inventors, who are sought to be provided for in this bill, are very intelligent men; and I may say of the one, who is, perhaps, more immediately concerned, Mr. Moore, that he is one of the ablest men that can be found in the country. He is not only able as a farmer, but he is able as a mechanic and an inventor; and he is entirely free from that difficulty which almost always follows a high order of inventive talent; he is not visionary; he does not spend his time nor spend his money about subjects which can be of no practical good. Looking abroad, sir, upon our prairies in 1832, he discovered at once that a single man, with a team, could, besides attending to his ordinary farming business, put in eighty acres of wheat; but he saw instantly that it required a great many men to harvest that wheat in the ordinary method, by a cradle. He therefore saw, either that a great portion of the western country, consisting of prairie land, must lie comparatively idle and unproductive, or else means must be employed to provide for harvesting after the crop was in and ready to be harvested. He said to his neighbors, "I believe I can invent a

machine which will harvest this wheat perfectly." As a matter of course, they all laughed at him. They did not believe him any more than a man would have believed, a few years before it was demonstrated, that intelligence could be communicated by telegraph. He went to work, however—to do what? I wish to call the attention of Senators to the work which this gentleman set about. It was to produce a machine which would go into the field, and could thresh, clean up, and put into bags the wheat at the rate of three acres an hour. That was a pretty large undertaking. Has he succeeded? The report of the committee says he has; and as the matter has passed under my own observation, I know it to be so. Since he began, in 1836, to try his machine, I have seen it operate annually; and I tell you, sir, and I pledge myself to the Senate of the United States, that it does this work more thoroughly than it can be done in any other way. It is done with less waste. There is less loss of wheat by shelling. The farmer gets more bushels of wheat into his barn by this mode than any other which has yet been proposed.

It will be seen at a glance that it necessarily took a good deal of time to complete the invention of a machine of this kind, so as to make it perfect. The outline of it, of course, cost a great deal of time, labor, and money; but when the outline of it was perfected, the machine must be tried. It could only be tried in harvest time, and Senators who are acquainted with grain growing, will see that it could only be tried while the wheat was fit to thresh. With the cradle you begin a week before the wheat is ready to thresh; but with this machine you cannot operate until the wheat is ready to thresh, because it cuts, threshes, and cleans up at once. For this reason the time during which the machine can be operated is reduced to ten days, or two weeks at the outside. Thus a man could experiment but once a year with a machine to do this great work. He could experiment only ten days in that year; and then, however defective his machine might be found to be, he had to go over until next year before he could perfect it and try it again.

Moore & Hascall took out their patent in 1836. It was necessary for their protection. The machine patented was a somewhat crude one, and far from being perfect. They then commenced operations; and what has been the fact? Why, they had fourteen trials under their patent, one every year—the patent running for fourteen years, and they could only test it in harvest time. They had therefore, I say, in order to perfect a machine of this magnitude, complication, and importance, fourteen trials of it under a patent; and that is all they have had.

Mr. President, it seems to me that I need not elaborate this question. Senators, like courts, are legally presumed to know something. It will be seen from these facts that the whole time of the patent was necessarily exhausted in perfecting the machine; and it would be, I think, a most fortunate occurrence if a man could perfect such a machine as this in fourteen trials after he had got the crude invention together.

Thus the matter stood at the expiration of the time limited by the patent. These gentlemen said to themselves then, "the Constitution of the United States in terms gives to inventors the exclusive use of their inventions for a limited time as a recompense. The Congress of the United States have passed a general law, by which an inventor, after his machine is perfected, shall have a patent for fourteen years, and if he is not remunerated within that term of fourteen years, the Commissioner of Patents is authorized to extend the patent for seven years more, so that he has twenty-one years' use of a machine after it is perfected." We know that the greater number of machines can be perfected in secret, and when a party takes out his patent he is ready to commence the full tide of operations, and then he has for twenty-one years the full and perfect use of a complete machine. These gentlemen, as the report states and as I know, found themselves at the end of fourteen years where ordinary inventors are when they get their patents—just ready to do something. Well then what did they say? They said "if we go on and take an extension of this patent now for seven years, we shall only have one third of what is given to ordinary inventors; we will therefore ask the Congress of the United States to extend our patent for fourteen years,

and we will show them the reason why it ought to be done."

I will not dwell much upon the history of this case, but I will briefly go over the points. They applied, as I stated in the report, in 1850, in time, so that if Congress, in the ordinary course of legislation, had refused the patent, they could still have gone to the Patent Office, and got an extension there for seven years. That extension, of course, would have been confined to the original patent, and would have been very far from doing them justice. The House of Representatives passed the bill in 1850, and it came here to the Senate, but did not receive the action of this body. At the last Congress, as early, I think, as the 8th of February, 1852, at any rate, early in that month, when I was a member of the House of Representatives, the House passed the bill. It remained here in the Senate during the whole of that long session, and was not touched. On the 25th of February, 1853, as the Senator from Wisconsin has shown, five or six days before the termination of the Congress, by dint of exertion, my distinguished colleague [Mr. Cass] and his associate at that time, [Mr. FELCH,] got the consent of the Senate to take up the bill. It was at a time when we were surrounded by all the appropriation bills for the service of the country, and only five or six days of the session were left. We know that, under such circumstances, members are unwilling to attend to private interests at all; and it was only as a matter of courtesy to the Senators who occupied the floor at the time, that it came up at all. The Senator from Wisconsin made just such a speech then, as he has made to-day. He frightened some men, not so much by what he said, as by the manner in which he said it. He characterized this as a transaction fraught with infamy of the deepest dye. He said that his own reapers in his own fields would be stopped if Congress passed the bill. Sir, ordinary courtesy would prevent the Senate from walking into the harvest field of the Senator from Wisconsin, and stopping his harvesting in the midst of harvest time, and letting his grain go into the ground again. I was not a member of this body at that time, but I was in the Chamber at the time, and I listened to the Senator, and I confess I was as much amazed at his argument then as I have been to-day.

That is the whole transaction up to that time. Here is a *bona fide* invention of a most important character, ready to be used profitably to the inventors, and they simply ask the privilege. Why shall it be refused?

The Senator says there is one portion of this bill that is wrong, because it seeks to renew whatever was contained in the "model, drawings, or specifications, instead of saying 'the model, drawings, and specifications.'" I draw the attention of the Senate to this fact, because I want the bill understood. I want it to meet every objection, and I wish to have the judgment of Senators on this question after it is thoroughly tested and understood. If it will not bear the light of examination, far be it from me to ask them to pass the bill. But, sir, what are the facts? This was an invention patented in 1836. There was much less skill then in preparing specifications than there is now. Congress thought it necessary and proper to pass a general law, by which, when specifications were imperfect, the inventors might yield them up and have a new hearing, and have embraced within their patent whatever they were actually entitled to.

Now, Mr. President, I ask the Senate—and I invite the especial attention of the Senators who are present—if they can conceive of a single invention, which, in its character, would be less susceptible of the practice of fraud than this one under the yielding up of the specifications and taking new ones? Here is an immense machine. It is worked in the open field, where the whole community see it. It is not so complicated in its character but that every farmer can understand it. He can see every part of it; and, therefore, when the inventor undertakes to claim what he is not entitled to, you can produce a whole cloud of witnesses, as many as were summoned to try George III. at the bar of Paradise. Everybody, every farmer, could be called upon at once and say, "I have seen this machine operate for five or six years, and there is no such thing in it." Any attempt at fraud in this way would be detected at once. The model has been burnt up. Who is to

blame for that? It was placed in the Patent Office of the United States, an insecure building. The Office took fire and burnt up, and in that burning these men's model was consumed. They, therefore, must produce another model, and must resort to parol evidence to show its identity. Is there any other way known by which they can secure other evidence? Certainly not. Then where is the danger? If you give men what they have actually invented—for the bill limits them to that—what they are the first and actually inventors of, has anybody else a right to it? I ask the question, has anybody a right to what these men invented? How did they get it? The worst phase that can be put upon this matter is, that it is not a question between these inventors and other inventors, but between these inventors and the public. Now, the Constitution says, inventors shall be entitled to the exclusive use of their own invention for a reasonable time. Is there any other means of ascertaining what they invented than such as are provided for in this bill? Certainly none at all.

Again, objection is made to this bill because it proposes to give these men what they invented while they were improving the machine. I come, now, to some places where it is necessary for me to correct the Senator from Wisconsin. He says, the bill gives these men the whole range of eighteen years from the time they took out their patent to this day. That is a very great mistake. The bill gives them the right to claim such original inventions as they themselves made in perfecting this machine during the fourteen years while they held the patent, and were actually perfecting it. That is the language of the bill. Here is a point to which I can bring the Senator to a demonstration in argument. The bill provides that this patent shall be renewed for the term of fourteen years from the 27th of June, 1850. It provides that the renewed patent shall include "the improvements invented by them or either of them, in perfecting said machine."—I call particular attention to this—"from the date of their original patent to the day from which the same is hereby renewed and extended." That is, from the date of their patent in June, 1836, to the time from which we now propose to extend it, June, 1850. I mention this for more purposes than one. I mention it to show that in the zeal, I may say the unparalleled zeal with which the Senator from Wisconsin attacks this measure every time he gets a chance at it, and in his zeal to characterize its enormity, he has overlooked the express language of the bill.

Sir, what is there unreasonable in the proposition? These men, as I have said, were necessarily engaged in perfecting their machine. Wherever they found it defective, they had to make a new invention.

Here is another fact to which I will refer in this connection. If these men were of the character that the Senator from Wisconsin seeks to satisfy the Senate they are, mere blood-suckers upon the producing community, they would have gone on and patented those little inventions for improvements as fast as they made them. They would have done what has been done by some others in this country, whom I could name, who are undertaking to get great *clat* before the community, and every two or three years are taking out new patents for a part of the identical machine originally patented. But, sir, I can tell the Senator from Wisconsin that there is a wide distinction between these individuals and some others. They are honest men. They were seeking in this invention to give to the community the most valuable machine that has been invented, and were not stopping every year or two to take out a separate patent for an arrangement of a seat, or for a mere dividing iron running through between the grain to be cut and the standing grain. They did not deal in that sort of small fry for the purpose of laying their fangs on original and honest inventors, and thereby taxing the community. They are a different class of men from that. As I said before, they kept on perfecting their machine. The bill proposes to give them an extension for such improvements as they made in perfecting it. Why is this necessary? Without this provision, the extension is good for nothing.

The Senator from Wisconsin may well tell the Senate that he is perfectly willing that their original patent shall be extended for the crude and imperfect machine for which they took out a pat-

ent in 1836. He may say so, because there is no claim that the original patent of 1836 interferes with certain other claims which, but for the agents of some men, would not trouble the Senate. I wish Senators to understand that if Moore & Hascall simply asked for an extension of their original patent, men who have made \$300,000 or \$400,000 out of their inventions would not be here to-day, battling this bill as this is contested. There is the cause; there is the difficulty. I say these people may well say they do not object to the extension of the original patent.

Now, sir, I ask—and I ask it with some sort of confidence and not a little of feeling—if, when the Senate of the United States is presented with a bill which is simply to put these men on a footing with others, which is to give them a patent for what they shall actually prove, after notice and full hearing, that they originally invented, it can, with propriety, be characterized as an enormous proposition? Sir, I know something about this matter; I know a little about the agencies; I know a little about the propelling power; and, sir, I can say to you that I know on some subjects a little more than I wish to know.

But, sir, my object is to call the attention of the Senate item by item to this transaction; and I ask now why should not Moore & Hascall have included within this extension of their patent for fourteen years, the improvements which they shall prove by valid, incontrovertible testimony, they are entitled to as original inventors? Can anybody tell me?

There are some other remarks of the Senator from Wisconsin, which I wish to notice. He says the report shows that these men have not been remunerated because they have never sold a machine, and he says, in no legitimate way can they ever be remunerated because they never can sell a machine. Let me look at that argument for a moment. Take the case of an inventor perfecting his machine in a secret room; a machine which he can take into his own room, and there perfect without the world knowing anything of it; would he go about selling that machine before he had patented and perfected it? Did anybody ever hear of such a thing? Have not Moore & Hascall been precisely in that condition under their original patent? Could they, as honest men, go and seek to sell patent rights over the country when those rights were imperfect, and when a machine built according to the original patent would not be of any actual service to the builder or the vendee of the right? They would have been disgraced before the community if they had attempted it. They stand now ready to sell. At the expiration of the term of their patent they stand in the same condition where other inventors begin—just ready to sell and make something. That disposes of the whole objection as to why they cannot sell. It is because they would not sell an imperfect and useless machine.

Again, the Senator says it costs \$1,600 to build one of these machines. So far from that being the case, it costs but \$600. There is a mistake of \$1,000, nearly two thirds of the calculation. I am speaking that which I know. It costs these men now \$600 to build one of these machines; and no doubt improvements can be made in machinery, by which they can be built at a less price.

Mr. President, [Mr. WELLER occupying the chair,] you know something about agriculture in the northern and northwestern States, and you will appreciate what I am about to say. What does this machine embrace? A threshing machine which costs \$200 or \$300 by itself. I will not speak positively, but my recollection is that you cannot buy a good threshing machine now short of \$200 or \$300. That is embraced within this machine. It has a fanning mill also embraced in it, and remember that it has not only to be embraced but to be coupled with the other machinery, and it has to be so made that it can stand; for you know if you take the horse-power, which will carry a threshing machine, and apply it to an ordinary fanning mill, you would tear it all to pieces. Therefore the machine has to be so geared and regulated that you can have power enough to thresh, which takes eight horses, and you must regulate that power so that it shall propel the threshing machine, propel the wheels of the whole machine in the field, propel the power to cut; and yet be so delicately arranged that it cannot tear the fanning mill all to pieces. A fanning mill can be turned

in any man's hands; so that the difficulty of combining heavy machinery with it can readily be seen.

This machine, so far from taking sixteen horses takes but twelve; so far from costing \$1,600, it costs but \$600, and Mr. Moore is of opinion that improvements can be made in the manner of building it, so that he can build it at a cost of not over \$400—very little more than a single threshing machine now costs. I am not a very rash man, especially in pecuniary matters; but I should be willing to enter into a covenant in order to relieve my friend from Wisconsin, for I certainly would not injure him, and I will give good security, that if this bill be passed by the Congress of the United States, and everything which the inventors claim under it shall be given to them by patent, neither his reaper, nor the reaper of any other man in the field, shall be touched or stopped.

Mr. WALKER. It will not be because it cannot be done under the bill.

Mr. STUART. I say it will be because it cannot be done under the bill. Why, sir, Hussey's reaper was patented before this, and has been in operation all the time, and nobody ever dreamt that the two came in opposition or sought to stop that. Nobody has ever contested a suit with Hussey—nobody has ever brought a suit with Hussey—seeking to show, either as plaintiff or defendant, that there was any collision between his invention and Moore & Hascall's. Talk about stopping reapers in the harvest fields of the country! That argument cannot be touched with logic, because there is no beginning and no end to it. These men expressly said in their original patent that they did not claim the invention of a threshing machine. Such machines have been used for years. Nobody holds a patent for them now. They do not claim it. They do not claim to be the inventors of a fanning-mill. They do not claim to be the inventors of a rake. They do not claim to be the inventors of the cart-wheels by which this machinery is propelled. But they claim that they have combined these threshing powers and cleaning powers with certain cutting apparatus which they have invented, so as to secure a patentable machine. Why, sir, talk about stopping threshing machines, and stopping fanning mills, and stopping reapers! The thing is an absurdity.

There is no doubt about one thing, and I do not seek to disguise it here; and, as the Senator has given the notice that he is going very extensively into this argument, I will say to him that, if he chooses to touch that branch of the question, I shall be delighted to meet him, not on account of any particular prowess that I claim for myself, but because "truth is mighty and will prevail;" and is nowhere more certain to prevail than in the Senate of the United States. It is not denied that other individuals do claim, in respect to the cutting apparatus, what Moore & Hascall claim. Hussey does not claim it. As I said before, there is no collision with Hussey's machine; but there are persons in the country who have sought to obtain glory, reputation, and *écât* over the inventions of Moore & Hascall, and Hussey. I will ask my friend from Maryland, [Mr. PEARCE,] if he has time, to look into it and he will find that Hussey is an original, true, and meritorious inventor, entitled to the thanks of the whole agricultural community. He will find Moore & Hascall to be of the same class. But, sir, he will find that the man who went to England, and sought to carry off everything by *écât*, has never invented a machine of this character at all. He has invented nothing. I do not seek to involve myself in any controversy about other machines; but I dare meet the Senator on this point. I speak on this question to my fellow Senators here with a little feeling for this reason: Moore & Hascall have expended \$30,000 in inventing the only machine that will operate. They are the sole inventors of the sickle applied as they apply it—in a manner that is worth anything. McCormick's machine will not work unless he can use Moore & Hascall's sickle.

Now, sir, what do I ask in this bill? I ask, and I appeal to my fellow Senators; if it is not fair to these constituents of mine, that they shall have leave to go to the Patent Office, and file a specification of what they claim to be the original inventors of; that the Commissioner of Patents shall then give notice to the whole world that these things are claimed, so that Hussey, and Mc-

Cormick, and Atkinson, and anybody and everybody, may come in, and see whether Moore & Hascall are the original inventors of this machine or not. And now let me inquire, what does the argument of the Senator from Wisconsin go to show? Either that there will be an investigation which will be fair, and will secure to these men what belongs to them, or else that the Senate has to come to the conclusion that the Commissioner of Patents and the judge of the court to whom the appeal may be taken, are not entitled to the common confidence of the community. What room is there for these sweeping declarations and denunciations, when the bill is guarded? I repeat, Moore & Hascall must prove, according to it, that they are the original inventors of everything they claim, or they cannot have the extension. What is the effect of it? I mean to be fair, and I will state it. It is to save all question of abandonment to these men while they have been applying to Congress; that is all. They have been since 1850 urging Congress to pass this bill; and it is therefore so framed as not to allow this time to be pleaded against them, and thereby to make out an abandonment of their inventions. That is the whole thing, and it is all there is of it. Is there any reason against it?

Mr. President, the fact cannot be concealed that there are moving causes against this measure, which do not fall within the line of legitimate argument or defense. I know what those causes are. I know how a thing may be misrepresented. I know how a continual dropping will wear out a rock, and I know how a continual dropping of remarks into the ears of Senators and members of the House of Representatives will prejudice the best human mind before the owner is aware of it. But if this were a new question, if it never had been presented to the world before, the plainest man, humble as myself, could go before any ordinary tribunal, and in twenty minutes show that there never was a more meritorious case presented to the consideration of man. I have, Mr. President, sought to show that from the fact that the original model was burnt, from the fact that there can be no room for fraud, because this is a machine which works out of doors and in the eyes of everybody, there is no danger in allowing the inventors in this case to specify their claims, just as they might have done originally at the Patent Office, and surrendered them up. Any man can go and surrender up his specifications, file new ones, test the case anew, and take out a patent according to his new specifications. It is an every-day occurrence at the Patent Office. The patentee, by this course, only subjects himself to prove that he is the original inventor of what he claims under his amended specifications. Now, this bill proposes to do that in this case; and, I say, inasmuch as the machine is of such magnitude, that all its operations were out of doors, and must inevitably have been always open before farmers, plain men, mechanics, honest men, is there any danger of the practice of a fraud upon the community, or upon other inventors? Is there a case in which parol evidence could be resorted to with such safety in reference to any other class of machines? I think not; and I think that all question ought to be removed as to who are the original inventors.

I have sought to show that these men must be entitled to what they invented in perfecting the machine, or else you do them no justice whatever. You may as well say to every inventor, "we will give you your original crude ideas; but the things which you invented, while you were trying your machine in your room, perfecting it, and bringing it to maturity, you shall not have." That is the argument reduced to a few words.

Now, sir, after providing, as the bill does, for this renewal and extension, upon complete examination by witnesses before the Commissioner of Patents, after providing, as it does, for an appeal as in all other cases, suppose a patent be granted. The question is still left open, before the courts of the United States, whenever the parties choose to try it, between Moore & Hascall and McCormick, or anybody else, as to who is the original inventor. What injury, then, can be done by this?

A few words more in reference to stopping the Senator's reaper, and I have done. Mr. Hussey is making reapers under a patent. As I have already said, there is no collision with him, and

none is pretended. Mr. McCormick is making reapers under two patents, one of which he took out in 1845, and which, as I claim, is for the sickle that Moore & Hascall commenced using in 1836. But he took it out in 1845, and it has fourteen years from that time to run. How is the reaper to be stopped, if it cannot be stopped now? Mr. McCormick is taking his patent fees under his patent of 1845, and will continue to take them for fourteen years from that time, and no man can build a reaper and use that sickle, during those fourteen years, unless he pays McCormick a patent fee. How, then, I ask, is any man's reaper to be stopped, if this bill passes, that cannot be stopped without the bill? The only point in dispute is as to that sickle. I say McCormick holds a patent for it running for fourteen years from 1845. We claim that he has no right to it. We claim that it is an invention of these men, and that they are entitled to it, and ought to have the emoluments growing out of it. The bill proposes to put them in a condition where they can contest that question. They cannot contest it now. Suppose some man has a suit with McCormick, and proves that Moore & Hascall invented the sickle; he defeats McCormick, but does not help Moore & Hascall; he gives the property to the public, makes it free, but that does not remunerate the real inventors. How stand these real inventors? Thirty thousand dollars out of pocket. They are men who claim, for themselves, to be meritorious; and they are men whom I claim, on my responsibility as a man and a Senator, to be meritorious. I speak from knowledge. They are my neighbors. This thing has been done in my community. It has been done where I know all about it, if I know anything. Therefore I say, after an expenditure of \$30,000 out of pocket, these men ask the Congress of the United States simply to put them into a position where they can contest with McCormick, or anybody else, the question of whether they are or are not the original inventors of this machine and its improvements. Why not do it?

Mr. President, I cannot consent to detain the Senate longer upon this question. I hope that nothing may be said, under the notice that the Senator from Wisconsin has given us, which shall make it necessary for me to say more; but such is my belief in the honesty of this transaction; such is my knowledge of its honesty and of its merit; such is my belief of the duty of Congress to enable these men to get remuneration, that, if it shall be necessary for me to answer any other argument which may be thrown out, I shall ask the courtesy of the Senate to do so. I trust it may not be necessary to do so. But I hope to see, though late in the day, something like justice done to these men.

Mr. WALKER obtained the floor, but yielded to

Mr. DAWSON, who moved that the further consideration of the bill be postponed until Monday.

The motion was agreed to.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. McKean, Chief Clerk, announcing that the House had passed a bill to authorize a register to be issued to the steamer El Paraguay by a new name.

EXECUTIVE SESSION.

On motion by Mr. DAWSON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 19, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

STEAMER EL PARAGUAY.

Mr. FULLER. I ask the unanimous consent of the House to report a bill from the Committee on Commerce, and to have it put upon its passage. It is a bill to authorize the Secretary of the

Treasury to issue a register to a vessel. It is one of those cases which justice requires should be legislated upon without delay.

Mr. COBB. It is right. There will be no objection.

No objection being made, the bill was introduced, and read a first and second time by its title, as follows:

A bill to authorize a register to be issued to the steamer *El Paraguay* by a new name.

Mr. FULLER. I move that the bill be now put upon its passage.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was subsequently read the third time, and passed.

MEDALS STRUCK BY AUTHORITY.

Mr. DAWSON asked and obtained the unanimous consent of the House to introduce a resolution; which was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to communicate to this House copies of any reports he may have received from the director of the Mint, touching the condition of dies of medals struck by authority of Congress in commemoration of patriotic services and national events, and of the propriety of establishing in the Mint a medal department, for collecting and preserving such dies, and of authorizing impressions to be made in bronze for distribution among the States, or otherwise, under such regulations as may be prescribed for the same.

There being no objection, the resolution was adopted.

WITHDRAWAL OF PAPERS.

Mr. HOUSTON. There is a committee in the Senate which has now under consideration a subject which has been referred to the Committee of Ways and Means in this House, embraced in the petition and papers of the officers of the penitentiary for the District of Columbia. I ask the permission of the House to withdraw those papers from the Committee of Ways and Means, in order that they may be referred to the committee of the Senate.

No objection was made, and leave was accordingly granted.

PERSONAL EXPLANATION.

Mr. WALKER. I find in the proceedings of the House on Monday, at a point of time just previous to taking the final question upon the adoption of the resolution of the gentleman from Illinois, [Mr. RICHARDSON,] that I am represented as having moved to lay that resolution upon the table. The record is in these words:

"Mr. WALKER. I move to lay that proposition upon the table."

"The SPEAKER. The Chair decides the motion is out of order."

I beg leave to say that I made no such motion. I was not within the bar of the House when that motion purports to have been made; and if I had been, I believe I am the last man upon this floor to make such a motion.

NEBRASKA AND KANSAS.

Mr. RICHARDSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN. When the committee rose on yesterday, it had under consideration House bill (No. 236) for the organization of the Territories of Kansas and Nebraska; and upon that bill the gentleman from Tennessee [Mr. CHURCHWELL] has the floor.

Mr. CHURCHWELL said, having made up his mind on this subject, he would not have risen to address the committee to-day but for the bold and defiant manner in which one of his colleagues had invited him to the tournament.

In the course of his remarks, he said the very principle which the House were asked to acknowledge was established as a permanent principle by our fathers when they framed the Constitution of the country. He replied to the remarks of Mr. CULLOM, saying he believed, before Heaven, and he should be a coward if he did not assert it—he would not be a Tennessean if he did not assert it—that Tennessee was the first State, after the formation of the Federal Constitution, which came into the Union with a slavery clause in her constitution. He thought that the honor of his State would have been better defended if his colleague

[Mr. CULLOM] had taken this side of the question, and come up in aid of the principle ingrafted in the constitution of that State, namely: that the people have the right to govern themselves in their own way, and Congress has no right to interfere.

When the South has an opportunity to place herself in the position of the original States, they find four or six southern men coming up with Abolitionists and Free-Soilers, taking a stand against the repeal of the Missouri act of 1820, because, forsooth, it will occasion agitation in the country, and because, forsooth, it has been in existence for thirty-four long years! But, during that period, under this geographical expedient, the South has had nothing but trouble and turmoil, growing out of the attempt to establish a line of latitude, instead of the principle that the people have a right to govern themselves.

Mr. DEAN said he had refrained from speaking on this bill heretofore, because he had hoped that it never would be brought to a vote. He had hoped that gentlemen of the South would see its effect upon themselves, and that the members from the North, before the hour had arrived for deciding the question, would hear such a voice from their constituents as would induce them to oppose it. He felt fortified in this hope when, by a commanding vote of the House, the bill of the Senate was referred to the Committee of the Whole on the state of the Union; and that, too, after it had been announced to the House and the country that such a reference would be equivalent to the defeat of the measure.

Representing, as he did, the district of James Tallmadge, the mover of the Missouri restriction in this House, and the district, home, and burial place of Smith Thompson, a member of the Cabinet of Mr. Monroe, who, in writing, gave his opinion that the Missouri compromise was constitutional, he could not but say in public what he had always said in private, that this was a bill to be denounced rather than to be discussed.

Having adverted to the important public business which had been set aside to bring the bill under consideration before the committee, he declared that this was a measure to be resisted by all the parliamentary tactics which the minority were capable of using, and for the reason that no member of this Congress had been elected for the purpose of disturbing this Missouri compromise. If members had been elected on this issue, he would have yielded to the will of the majority, without anything more than a silent vote. He proposed that they now abandon this bill, and go on with the ordinary business of legislation, and let the people elect to the next Congress men who would be competent truly to represent the opinions of their constituency on this question.

He denied that the bill contained the doctrine of popular sovereignty, and termed it a double-faced bill. He contended that the Missouri compromise was constitutional, and declared that the North had always stood up for it, and would be willing to abide by it to the end of time.

Mr. WHEELER. Mr. Chairman, a stern sense of duty to myself and my constituents compels me to address this committee for the purpose of giving some of the reasons which control my vote upon the Nebraska and Kansas bill.

When the bill was first introduced into the Senate, and before I had examined it, supposing it contained the principles which its friends claimed for it, I was predisposed in its favor, and I so expressed myself to my friends. As the bill began to attract the attention of the country, and petition after petition against its passage was laid upon your table; when men of the South rose in their places in this Hall and in the Senate, and conjured their brethren to maintain in its integrity the faith plighted to the North: and when the bill had assumed a definite shape, then, sir, I felt the urgent necessity of a most thorough and careful examination of the bill. I made it; and I arose with the conviction that I could never give my support to this bill without doing violence to my oath and my conscience. Sir, I believe in the sanctity of compromises. I believe that their maintenance in all their length and breadth, their height and depth, is the only conservator of the union of these States; and believing thus, I can never sanction, by my vote, either directly or indirectly, the repeal of the compromise of 1820. I believe, sir, that the compromise measures of 1850 affirm and indorse the compromise of 1820; that they do not clash or

interfere with one another; and the man or men who dare assert they are inconsistent, libel the God men of those trying crises that gave them birth, and the avowal of such sentiments in the campaign of 1852 would have committed them to the rack of public opinion until there was not a whole bone left in their bodies.

This bill does not carry out the doctrine of non-intervention, inasmuch as it takes from the people the source of all power, the right to choose their own officers, and makes their legislation subject to the revision and veto of the mere creature of the Federal Executive. I believe, sir, in the language of the last Baltimore convention:

"That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

"That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and therefore the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures, settled by the last Congress, the act for reclaiming fugitives from service or labor included: which act, being designed to carry out an express provision of the Constitution, cannot with fidelity thereto be repealed or so changed as to destroy or impair its efficiency."

"That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

Elected upon that platform, pledged to resist agitation, I cannot and will not stultify myself by giving this bill my vote. I wish it to be distinctly understood that I do not oppose this bill because it is an Administration measure. I am controlled by higher, holier, and loftier motives. I am controlled by the oath I took before entering on my duties, and the dictates of my conscience. These, sir, are influences before which Presidents sink into insignificance, Cabinets become as nothing, and the insane ambition of presidential aspirants dwindles into besotted idiocy. Sir, did I believe this measure right; did I believe this bill would give lasting peace to the country; did I believe that it carried out the doctrine of non-intervention and the right of self-government; that the repeal of the Missouri compromise was not affirmative intervention, legalizing and legislating slavery into territory now free, before God, who is my judge, I would vote for it. I would give it a most cordial and hearty support. The threats of political death could not intimidate me. The frowns of my constituents would not awe me. The fact of its being an Administration measure would not swerve me from my duty. If right, I would support it, although fifty recalcitrant Presidents, and as many imbecile Cabinets, stood at its back. If my conscience approved it, in the language of the immortal Jackson, "no earthly power could drive me from my position;" for I believe I would be standing upon the immutable principles of justice.

Sir, I came into political life upon the compromises of 1850. I supported them as a measure of adjustment between the North and the South—foremost and ever, early and late, in good repute and bad repute, in prosperity and adversity, I have upheld the compromise measures of 1850: I have proclaimed their sanctity; I venerate them as the savior of our country from an impending and awful ruin; and with the same feelings, actuated by the same motives, believing in the saving efficacy and binding force of the compromise of 1820, I will uphold it so long as God gives me strength; and if fall I must, I wish no more glorious fate than to go down in defense of the compromises of the Constitution, upon which this Union is based, and without which this Union cannot exist. Such a fate, sir, I court.

Mr. BENSON. As one of the Representatives of the State of Maine, whose admission into the Union is and forever must be associated in history with the enactment of the Missouri compromise, and whose people are strongly attached to that safeguard of freedom, and coming from a district more thoroughly opposed to the extension of slavery than any other in my State, I have felt it to be my duty to my constituents

to present their views, as expressed in primary meetings, public assemblies, and in remonstrances which have been presented to this House, against the passage of the measure now under consideration—a measure which, in my judgment, was uncalled for by the slave States, which is unjust to the free States, and which must be injurious to the nation.

For this purpose, as you are aware, Mr. Chairman, I have sought frequently to obtain the floor, but without success. My health to-day is not sufficiently good to enable me now to say what I would like to say on this subject. I can do neither the subject nor myself justice. And I therefore propose to take the course which many other gentlemen have pursued, and to avail myself of the press, if I see fit so to do, to communicate my sentiments to those who are interested to know what they are. If I desire to do so, I shall take it for granted that I will be permitted to print what I have to say.

Mr. WALSH took the floor.

Several MEMBERS. Come up the aisle, where we can hear you.

Mr. WALSH. I do not desire, Mr. Chairman, to leave my seat, as a good many gentlemen have done, and taken their position up the aisle, thereby promising a good deal, and not performing very much. [Laughter.] I do not wish to raise expectations too high.

Mr. Chairman, and gentlemen of the committee, if I had consulted my own desire, I should have contented myself with a silent vote on this question. And it is only now, in compliance with the wishes and requests of other gentlemen, that I have consented to say a few words. I am, however, backed up and strengthened in doing so by the fact that some of my colleagues from New York have also availed themselves of the same opportunity.

Sir, I do not need to stand here and make any speech in vindication of my course. That is known, not only to the people of my district, but to the people of the whole country. I have not been a man of idle and empty professions; I have been one of performances; and every act of my life has proved the sincerity of my motives. When I was elected to represent my district in Congress, I was asked for no pledges—no pledges but my past life and my present conduct. The people of my district knew me, and I believe they knew the worst side of me before they learned the other. [Laughter.]

This bill, designed to give organic law to the people of Kansas and Nebraska, has been so thoroughly discussed, that it would be presumptuous on my part to undertake to throw any new light upon it, or to illustrate the history of the measure, which seems to form a great and leading obstacle to certain Democrats in this House.

It was discussed thoroughly and ably by those on the side of the question upon which I stand—by the gentleman from Georgia, weeks and weeks, if not months ago; and I will not attempt to traverse the ground over again, for the purpose of speaking for my constituents. Whenever I speak for them, I speak to them. I never write out speeches. I never correct one; and I never care a straw what becomes of them after they have been made.

Sir, the history of the Missouri compromise, I shall, as I said before, not attempt to discuss. I care not what proud array of names may be now brought forward to give sanctity to, or to perpetuate its existence. It is enough for me to know that its enactment was a violation, and a gross one, of the Constitution of the United States. If it were a compromise at all, it was a compromise of that glorious instrument.

Sir, the constitutional convention was the place for compromises. It was at once the birth-place and the grave of all compromises. Sir, the Federal Constitution is the organic law of this land. It is a solemn compact between the Federal Government and the several States, under which the relative powers of each are properly guarded; and no Congress, no thousand Congresses, no tacit, cowardly assent upon the part of any one, can make a violation of its humblest provision binding upon posterity.

The course pursued by the opponents of this bill is well known to every man throughout the land. The hurried and imperious manner in which it was sent to the Committee of the Whole, under the spur of the previous question, without

an opportunity of saying one word in reply—without the opportunity of asking a single question—is well known. When that act was done, then came the exultation of all the Federalists and Abolitionists, from one end of the country to the other, over the supposed death of the Kansas and Nebraska bill.

What a change came over the spirit of those gentlemen, when they saw that bill quietly, without any ostentation, without any underhanded, sneaking, or unmanly advantage, rescued from the oblivion to which they thought to have effectually consigned it! What their consternation when they heard a notice given here by a gentleman who had the matter in charge, that on a certain day he would move to take it up; and then heard him state the purpose of the motion which he would make!

What then was the course of the opponents of this bill after it was extricated? Here we sat up for thirty-six hours in a parliamentary contest unprecedented almost in our legislative history.

I do not know but that the physical endurance of that contest may have been a very great trial to some gentlemen, but to one who had gone through the drilling which I have, it was a source of infinite amusement. [Laughter.] Sir, thirty-six hours to a person who had slept in engine bunk houses, and gone through the "coffee and cake shop" test, seeing who could set up the latest and the longest, it was a matter of refreshing amusement; while I saw those who were the loudest and most determined to sit it out, stretched out, and covered up with cloaks and shawls. [Laughter.]

Now, sir, the whole of that scene was grossly misrepresented, as everything upon this side of the question has been. As a single illustration of the gross perversion which has taken place with regard to it, I will simply refer to an account of a little night scene which took place between the gentleman from Virginia [Mr. EDMUNDSON] and the gentleman from Ohio, [Mr. CAMPBELL], which reminded me very forcibly of a model artist establishment in Canal street, where men work in a stable during the day and represent the gods at night. The one is represented by a telegraphic dispatch as rushing down upon the other armed to the teeth, like Sampson slaying the Philistines. Why, sir, so far from carrying a knife or pistol, he never carried a tailor's bodkin. The other is represented as standing with his arms thrown behind him in a position similar to that of Ajax defying the lightning. [Great laughter.]

Now, sir, from the commencement of this discussion, what were the appeals that were made to gentlemen upon our side of the question? Were they such as should be made by one honorable man to another; or were they the appeals made to a craven dog? Appeals to the fears of gentlemen? And we have heard about the trumpet-voice of the people. The people! I happen to know something about the people; not the people who have learned their politics in liveried carriages, nor in their furnished parlors; but, sir, I happen to know something about the people of this land in the position of cabin boy, and of deck hand upon the Mississippi, of fireman, working bareheaded and barefooted. I am in the position of a man who never had a dollar from the earnings of any human being but myself. I, sir, cannot be accused of pandering to arrogance. I, sir, cannot be justly accused of pandering to the slave power. I have never three times in my life known what it was to be worth two hundred dollars. I have always been the employee, and never the employer. Sir, I am no lover of oppression. I am no lover of wrong. I never oppressed any human being upon earth. No man, woman, or child on the face of God's broad earth ever can point to me as the author of their wrong. Sir, from whence come these trumpet-voices of the people of which gentlemen speak? Trumpet-voices! They would be far better characterized as penny-whistle screeches. [Laughter.] I know the men who have figured in these meetings at the North. I knew them when they exhibited the same hostility to the annexation of Texas. Others, who have known them longer than I have, have known them in their opposition to every single solitary stride that the Democratic party has made in its onward march; every effort it has made to advance the prosperity and glory of this noble country; other men have known them in their inveterate opposition to every square inch or acre of territory which has been added to the

Republic since the formation of the Government. And, sir, this opposition now comes from the same source. It comes from men whose object is to revolutionize the land. I know them—a set of peanut agitators and Peter Funk philanthropists. Revolutionize! Why, ten thousand of them could not revolutionize a barber's shop or an oyster box. [Loud and prolonged laughter.] Now, gentlemen, this is no subject of laughter. [Renewed laughter.]

Wherever you hear of meetings called irrespective of party, it simply means a congregation of all the factions and fag-ends of faction throughout the land, who hate and detest the success of the Democratic party. That is the whole sum and substance of it. Sir, an appeal to any gentleman's fears is an argument far more worthy of a mock auction shop and its denizens, than men who are representing constituencies in the Congress of the United States. For one, I am free to confess that I am ready to declare that, whenever my constituents feel disposed to change their Representative, and look around for one more in accordance with their views, I shall feel—particularly if it should be on a question like this—that I have cut loose from a degenerate set of individuals, and that it is a sign they have sadly backslided during my absence. [Great laughter.] The duty of a man, no matter how humble, no matter how elevated the position to which he has been advanced, is to perform the requirements of that position to the utmost of his ability, and in strict keeping with the promptings of an honest conscience; to do it utterly, and contemptuously disregarding of any effect it may exercise on his own immediate or prospective destiny.

It has, it is true, been, and I regret to say it, the misfortune of the Democratic party to have nursed the reputation of men who were an honor to it while they remained with it. It has been the misfortune of the Democratic party to have given the jewel of its affection to men who have subsequently, for the purpose of gratifying their own unjust malice and disappointed ambition, used it to the disadvantage of that party whose only crime had been that of having been too munificently bountiful towards them. But, sir, let the record of all history tell those gentlemen that the Democratic party can strike down effectually and forever any man, or any number of men, no matter what their elevation, no matter what halo may hang around their names, who turn recreant to it, and form coalitions with its enemy in its hour of peril and trial.

Mr. Chairman, another charge which has been made here is, that every man who came up to the support of a measure which is based on the fundamental principles of the Democratic party, and the principle which stood forth at the formation of the Constitution with those who advocated it, had to encounter the same opposition to the diffusion of power among the people.

But, sir, in those days there were no political cowards. The Federalists of that day, erroneous as may have been their principles, disdained concealment. They were men of high and lofty daring—men who disdained to sail under cover of a pretext into any triumph. Sir, there were too many men in that day, thank God! whose amputated limbs and war-scarred bodies bore testimony to the part which they had taken in that long, dreary, and desperate struggle of the oppressed against the oppressors; there were too many widows and orphans, whose protectors had been slain in that fearful struggle, and too many unbled patriot's bones still bleaching upon our battlefields, to permit of their succeeding in their nefarious purposes. At every stage of our progress, we have met the same opposition. We have met it under other pretexts and in other forms, but with the same intention. Sir, when gentlemen say that the Administration controls the votes of gentlemen who stand by the principles of their whole lives in sustaining this measure, I would ask them to look at the records of each. It comes with a bad and miserable grace from men the records of whose whole lives, from their cradles to the present hour, has been one unbroken exhibition of selfishness and toadyism, to attempt to accuse other men of it who have never yet been guilty of a mean or dishonorable action.

Sir, I have been worse treated by this Administration than any man upon this floor. All my friends have been worse treated. There is not a

single, solitary friend of mine who has not been ostracized by the present Administration. But if other gentlemen can afford to gratify their hostility towards the Administration by striking through the sacred and venerated principles of the Democratic party, I, for one, have not the courage, or perhaps I ought to say, the baseness, to follow them. It seems to me like firing the magazine of a ship which contains some five hundred men—many among them being your nearest and dearest friends—for the purpose of reaching its commander, to whom you are opposed. I will follow no such example. The position that I now occupy is the position that I have always occupied—it is the position that every man claiming to represent the national Democracy affected to be in favor of at the commencement of this session, when Mr. DOUGLAS's bill was first introduced. I recollect, very distinctly, that we talked over the matter, and decided to offer an amendment to that bill in its then shape, repealing, in emphatic and direct terms, the Missouri compromise. If any gentleman entertained a different sentiment, he did not express it upon that occasion. I stand, sir, now where I stood in 1848, when I traversed almost every county of my State, and other States too, to sustain the principle of self-government, as set forth in the Nicholson letter, which the gentleman from Massachusetts [Mr. BANKS] yesterday sadly misquoted by stating that it referred exclusively to territory thereafter to be acquired. It meant all territory, and it was written long before California was admitted—long before we knew upon what terms it would be received.

Mr. BANKS. Will the gentleman from New York read a passage from the letter referred to, if I will hand it to him?

Mr. WALSH. With the utmost pleasure.

"To apply them to new Territories to be acquired would scarcely affect their tranquillity."

Our tranquillity has always been, and always will be affected, as long as there are any traitors among us. [Laughter.]

"Briefly I am opposed to the exercise of any jurisdiction by Congress over this matter, and I am in favor of leaving to the people of any Territory which may be acquired hereafter, the right to regulate it for themselves under the general principles of the Constitution."

This does not conflict with what I have been saying. My friend who handed me that paper, said yesterday that he had not had the advantages of education which other gentlemen had received. I think he is better off in that respect than I am; for I never attended school but three quarters, and then I believe I got turned out once or twice. [Laughter.] A man can be a man of education without being drilled through college. It is far better to know the men among whom one lives, than to know of men who have been dead three thousand years. If I am deficient in classical lore, I am pretty well booked up in the rascality of the age in which we live. [Laughter.] It makes no odds how a man gets up to the roof of a house, whether he climbs by a ladder or goes up some other way. I would not barter away all the practical knowledge I have received in lumber and ship-yards for all the Latin that was ever spoken in ancient Rome. I had rather speak sense in one plain and expressive language, than speak nonsense in fifty. [Laughter.] Mr. Chairman, how much time have I left, as that appears to be the standing question? [Laughter.]

The CHAIRMAN. Half an hour.

Mr. WALSH. I will commence somewhere again. [Laughter.] My friend from New York [Mr. DEAN] pledged his friends, in the early part of this session, to support this bill. I never pledge anything except I redeem it. As I said before, the principle of this bill is the recognition of the ability of the people for self-government. If that principle is false, if it is erroneous, then the whole theory of our Government is a lie; and then the great men of the Revolution, whom and whose memory we have been taught from our earliest childhood to regard with veneration, have been simply but idle, visionary, and impracticable dreamers. The Federal party have always been afraid of the people; and I regret to say that they have always found a sufficient number of slippery allies in the Democratic party, or rather upon its outskirts, to act with them.

I stand here upon the same ground—and I trust that the gentlemen elected upon the same grounds

I was will listen to what I say—upon which we stood at the commencement of this session. I stand where the national Democracy of New York, and a great many of those with whom we differ, stand. I stand where stood that noble-hearted, lofty, and self-sacrificing patriot, to whom the gentleman from Missouri [Mr. MILLER] paid such a just and magnanimous tribute yesterday. I stand where Daniel S. Dickinson stands.

One of my Buffalo colleagues, [Mr. MATTESON,] at the early part of our New York controversy—since then there has been a kind of fusion, and I do not know where to hunt him up now—stated that Daniel S. Dickinson had been offered the collectorship of the port of New York as an evidence of the desire of the Administration to do justice to the national Democracy; and he expressed his great surprise that he had not at once availed himself of the offer, with hundreds of offices at his disposal. Sir, I was in Washington when Daniel S. Dickinson was appointed. I was in Washington when the arch-intriguers of the Cabinet suggested that little piece of pettifoggery artifice. I was in Washington at the time; and when I was urged to telegraph Mr. Dickinson, and request him to accept the office, I said that I would rather telegraph him to hang himself. [Laughter.] The idea of making a tide-waiter of a man who had refused the Presidency of the United States to attest his sincerity and devotion to his friends! Daniel S. Dickinson, and all those who claim to belong to the Hards of New York, have been sneered at repeatedly on this floor during the early part of the session. And when this Administration came into power—when we were all supposed to be standing on the Baltimore platform—a portion of the Democracy of New York, who were false towards the principles of the Democratic party, concentrated their spite on him, and asked that his head should be brought to them, like the head of John the Baptist, on a salver, that they might exhibit their hostility to him for his devotion to the Constitution.

But, sir, if Daniel S. Dickinson lives, and if a sturdy, well-knit frame, a sound and vigorous constitution, a conscience which can look back in proud and serene approval on every act of his glorious and eventful life; if the prayers of the true-hearted, the virtuous, and the patriotic, and the bitter, inexorable hatred of the vile, the venal, and the perfidious, can prolong a good man's life, he has, thank Heaven, a good square quarter of a century yet to devote to the welfare of this country, for which he has already made such gigantic sacrifices, and to which he has rendered such numerous and inestimable services—he will have his reward. Yes, sir, if Daniel S. Dickinson lives, he will yet receive the acknowledgments, and, I trust, also, the reward which a grateful and generous people—when not thwarted in their wishes, as has been, I regret to say, too often latterly the case, by intriguing and mercenary demagogues—rarely fail to bestow, ultimately, on their able, devoted, and disinterested benefactors. And when, sir, at length he shall be called from among us; when all that is mortal of him shall be returned to the mother earth; and when the bright green grass shall bloom, in its freshest verdure, on the moist sod which rests lightly upon his bold, manly, and patriotic breast, the record of his gallant deeds; and of his noble, fearless, and spotless life, shall shine forth as a brilliant beacon to encourage and cheer the sinking hopes, and to reinvigorate the faltering steps of future travelers, whose instincts may perhaps have taught them to be equally true, equally faithful, and equally patriotic, but whose hearts shrank back and trembled at the dark and dreary ordeal through which they must successfully pass ere they are permitted to reach the cherished objects of their fondest hopes.

Daniel S. Dickinson affords a bright and brilliant contrast to the time-serving and timid course of many other public men. Daniel S. Dickinson stands before the American people as an honor to any age, as an honor to any party; and when I can have the indorsement of such a man for the measure now before this House, I feel no fear in following his honest and patriotic example.

Sir, I felt as much disappointment, as much indignation as any of my colleagues could, at the ostracism to which we were subjected when this Administration came into power. I was reading a little extract this morning in a newspaper from an English writer, wherein he describes a poor, virtu-

ous girl, shivering and famishing upon the steps of a Magdalen asylum, into which she was refused admittance upon the ground of not being qualified. So when I passed the White House last spring, I felt that I was excluded from the favor of its inmates because I had not first passed through all the degraded and debased stages of political prostitution. [Laughter.]

Sir, Goldsmith, in one of his admirable essays, makes a Chinaman say to an Englishman, that "you punish vice, but we do more. We reward virtue." The present Administration, at least in the earlier stages of its power, seems to have repudiated both of these maxims by bestowing its blandest smiles and richest favors upon men who had rendered themselves eminently conspicuous, and infamously conspicuous, as traitors to the Democratic party of the Union. I ask no favor of the Administration. No relative of mine ever held a public office; and I would rather follow every relative of mine to the grave than to see him receive a favor at the hands of the Administration. Sir, the Administration is only a thing for a day. It has an existence that is to continue two years and ten months only. But the principles of the Democratic party are as immutable as the laws that govern the universe itself, and I trust they may prove as enduring. Mr. Chairman, I believe if it had not been for the course pursued by the Administration when it came into power, they would not have found the Democratic majority of eighty-odd in this Hall scattered and divided upon one of its leading measures.

Sir, there are two or three men in the Cabinet who are looked upon with more favor by some of my colleagues than they have been looked on by me. I have not crossed the threshold of the President's domain since I have been in Washington. You may search the records of the President's Private Secretary, and you may also search the records of every Department of the Government, and you will not find a single solitary recommendation for office coming from me; for I expected nothing different from what has occurred. Whenever I see the great men of the nation elbowing out of the way to make room for others, who, no matter how good they may be, have not made their impress upon the history of the country, I can always see a bargain behind which does not appear upon its face.

No, sir, I have not been deceived. But I would say to the intriguers of this Administration—and I do not characterize them all as such; on the contrary, there are men in the Cabinet who would do honor to any stage of our nation's history—but let me say to the intriguers, who look out of the northern window of that room where so many treacherous and contradictory schemes have been devised, upon the equestrian statue of that immortal hero whose iron nerves, resistless will, and changeless purpose, invariably triumphed whenever and wherever the Constitution of his country and the great cardinal principles of his party were either assailed or threatened. Let them look there, and blush with shame at their faithless vacillation. Let them look nearer, within the inclosure, and under the very windows of the White House, upon the stern figure of the illustrious father of Democracy, the inspired author of the Declaration of Independence, and recoil abashed at their own gross departure from the pure patriotic principles to which he so fearlessly and unwaveringly adhered. Let them look to the South, upon the waters of the Potomac—that classic stream, hallowed by so many recollections of the past; that stream whose waves wash the shore where rest the sacred ashes of the Father of his country. Let them gaze upon the lofty column now rising to perpetuate his memories; then let them look up into the broad, blue canopy of heaven, wherein is mirrored that purity, that nobleness of character to which man should aspire—and while thus engaged in this simple duty, let them pause and determine whether these circumstances, whether circumstances so eminently calculated to inspire nobler sentiments, will not at least awaken them to a consciousness of their own selfish and disreputable intriguing. Let them then remember that to their temporary keeping is now confided the destinies of the same great, glorious, and promising Union, at the head of which, at three several and equally eventful periods, stood this departed trio. Let them remember that they are at the head of a Republic which is now the only beacon of hope for long suffering

and grievously outraged humanity in this sadly misgoverned world. Let them determine at once to use the largely increased means placed at their disposal in seeking the forgiveness of an insulted people, by employing those means in elevating the social and political morals of the Union, in diffusing, by wise and happy example, and by all other means which a great and prosperous people may legitimately employ, the benefits of our own democratic institutions among the nations of the earth. Then, sir, and not until then, I solemnly assure you, may they, in my belief, ever hope to even partially regain the confidence and respect of the masses of the people, who believe that they have been grossly outraged, if not shamelessly betrayed.

In reply, Mr. Chairman, to what dropped from the gentleman from Massachusetts [Mr. WENTWORTH] last night, and to others who have been overflowing with sympathy for the southern slaves, I have to say, that the only difference between the negro slave of the South, and the white wages slave of the North, is, that the one has a master without asking for him, and the other has to beg for the privilege of becoming a slave. [Great laughter.] The one is the slave of an individual; the other is the slave of an inexorable class. After the latter has added, by his labor and his toil, wealth to the community in which he has lived, he is turned adrift without any, among all the different employers that he has had, to give him a mouthful of victuals or a night's lodging. I would ask the particular advocates of Abolition upon this floor, to point me to one single solitary degradation heaped on the negro of the South that a white man at the North is not liable to have imposed on him for the time being through poverty? Last night the gentleman from Massachusetts said, as I noted it down at the time:

"No man or woman, black or white, could be deprived of their freedom for one hour, without it was for the commission of a crime, and then on the judgment of a court."

Has it come to this? Is the fact of having a black skin a crime in the South, and is the fact of having a collapsed stomach and an empty pocket a crime in the North? [Laughter.] What is the difference? I have never gone through the one state; I have never had a black skin, but I have gone through the other state. [Laughter.]

Now, I was going to read an affidavit to the committee, but my time is too short; so I will only state the substance of it. It is one of nearly a thousand cases that I know of myself. It is an affidavit wherein it is stated that a woman, after having lived for eight or nine years in the town of Southbridge, in Massachusetts, where she had had children born, and where she had been herself employed by the selectmen of the town to scrub out the public building, and where she had caught cold and had become unable to support herself and children, was, under the provisions of a law of Massachusetts, which I have here, taken—not upon the order of a court, but upon an order written by a magistrate—and transported to New York, for fear she should become an incumbrance on Massachusetts.

It is all very well for gentlemen to get up here and clamor about the wrongs and outrages of the southern slaves; but, sir, in the city of New York alone, during the last year, there have been over thirteen hundred people deprived of their liberty without any show or color of an offense, but because they were poor, and too honest to commit a crime. Now what is the appeal that these men make when they go to the South? They do not make the appeals to them that they make here and at the North. They do not appeal to the magnanimity, sense of justice, or Christianity of the southern slaveholder, but they appeal to his avarice. They tell him, abolish your negro slavery in the South, and adopt the slavery of wages that we have substituted for it in the North, and it will put money into your pockets, and add to the oppression of those who do your work. Why, sir, a poor man at the North will, for fifty cents a day, drag more in a hand-cart than three negroes, with four mules, will bring into Washington, though they have a white man to watch them. [Laughter.] A man at the South gives \$1,200 for a negro; he has to support him; he has to feed and clothe him; he has to provide for him in old age; to take care of him in his sickness, and to bury him when he is dead. In the North we have no such bold, manly, open, and above-board

oppression. Oh, no, sir. There are no lashes in the North. Here is a specimen of the kind of lash we have there. These are the boys, [exhibiting a pawnbroker's duplicate amidst great laughter.] I will read it:

"No. 122. Joseph Simpson & Company, 25 Chatham street, July, 1853. Gold watch, \$6. Mike Walsh. Not answerable in case of fire for damage by fire or robbery; twenty-five per cent. per annum."

And it is more, as a general thing. At twenty-five per cent. he has \$300 a year, and his \$1,200 eats nothing, wears nothing, consumes nothing, and can be used as the same instrument of oppression after he is dead. His children after him can be used as the same instrument of oppression among the children and grandchildren of the survivor. One thousand two hundred dollars invested in northern pawn-broking—and it is almost the same thing in landlordism—brings \$300 a year. For that \$300 a man can own one of the best living, breathing, white, thinking men of the North; and after he has worn him out, at the age of forty years, he can pass him away and take a younger fellow. The difference between the two systems is simply this: If a dozen of us own a horse in common, we want to ride him as much as possible, and feed him as little as possible. [Laughter.] But if you or I own a horse exclusively, we will take good care that we do not feed him too much to endanger his health, but just enough to keep him in good traveling order.* But as I find my time is getting short, I must conclude by a brief allusion to another matter.

There have been innuendoes and insinuations made against me, because I have supported this bill. As I said before, I supported it because it lies at the very bottom of the principles of the Democratic party. These charges and insinuations have not been made publicly in a manner so that I could reply to them; and I shall now simply dispose of them as they deserve. They have not troubled me a great deal. It takes something more than that to shake my nerves, or ruffle my composure. The eagle while quietly reposing in his mountain home, may be temporarily annoyed by the biting, buzzing swarm of miserable, despicable insects, but when once he spreads his imperial pinions to soar aloft, with the first flutter of his wings he sweeps them down, and with the next he soars onward, upward, and heavenward into sunlight regions, to which it is not given even to the vision of meaner birds to follow.

Mr. MORRISON said that he was not opposed to a bill to organize the Territory of Nebraska. He did not, however, believe that there was any urgent necessity for such organization; for, according to the statement made by the Indian agent in his report of last November, there were in that whole vast region but three white men, with the exception of those connected with the Army and their employees, and those who were there as trappers and traders.

He was, however, opposed to this bill because it contained a provision to which he could never assent, namely: the one proposing to repeal the Missouri act of 1820. That act, he contended, was constitutional, and not inconsistent with the compromise of 1850.

Mr. KNOX was assigned the floor.

Mr. WRIGHT, of Pennsylvania. If the gentleman from Illinois will give way for a moment, I will move that the committee take a recess until seven o'clock.

Mr. BENTON. If no gentleman wants the floor now, I wish to occupy it for about ten minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Knox] is entitled to the floor, the Chair having recognized him. If the gentleman from Illinois will yield the floor for ten minutes, and if the committee will be willing that the gentleman from Missouri [Mr. BENTON] may proceed, he may do so.

The gentleman from Illinois yielded the floor, and general assent was given to the gentleman from Missouri to proceed.

Mr. BENTON said: Mr. Chairman, I have nothing more to say to this bill on account of its interference with the Missouri compromise. On that point I have spoken my share, and shall not recur to it again. I pass on to a new point—one significantly revealed to us some ten days ago by a Representative from Georgia, the member from the first congressional district of that State, [Mr. SEWARD.]

That gentleman spoke against the bill in a way entirely accordant to my own opinions; but came to the conclusion that he would vote for it, and gave his reasons for doing so; reasons which had not been mentioned by any other speaker, and which struck me as momentous, and worthy to arrest the attention of the House, and of the country. He objects to the bill because it is unfounded and contradictory in its statements and assumptions—inconsistent with itself, with the act of 1820, and of the acts of 1850—because it was manufactured for a particular purpose, and is of no value in itself to the slave States; but which commands his support, as a southern man, on account of its ulterior operations, as containing a principle to be asserted in future, and which was put into the bill to become the basis of some grand movement in this country. I will read what he said, as the proper way of doing justice to his clear and well expressed opinions—to his momentous revelations—and as the best way of availing myself of his important declarations. I find them thus in the official copy of the speech:

"I oppose the details of this bill, because they are not consistent with themselves or with the transactions to which they relate; and the bill itself shows that it was manufactured for a particular purpose. Some of the clauses embraced in it, conflicting as they are, were introduced for the purpose, in my opinion, of setting up a principle to be asserted in future, and which the acts of 1850 never contained. Now, sir, let us see. We are called upon here now to vote for this bill, which is not drafted in the ordinary shape of legislative acts. But the framers of this bill have furnished the reasons, within the bill itself, on which we must act, and which they call on us to subscribe to. What is it? They tell us that the law of 1820, being inconsistent with the legislation of 1850, therefore that the act of 1820 is inoperative and void. I take issue with them; and, for myself, occupying the position that I do as a southern man, I never have subscribed, never will, and never can subscribe to the doctrines contained in the acts of 1850. My objections to the acts of 1850 are known at home. They are recorded in the proceedings of the convention which took place in Georgia in 1850. I was a member of that convention. I voted against the Georgia platform on principle. And now, when that portion of the South having feelings in common with me on this question, have waived their objections to it for the purpose of uniting with the South, and harmonizing public feeling on this great question, it is put in here as the basis of some grand movement in this country. I know not what that movement is."

I concur in the truth and justice of everything which the member from Georgia has here said, but differ from him in the conclusion to which he arrives—that of voting for the bill; and find in his reasons for that vote, additional reasons for my own vote against it; but he votes as a southern man, and votes sectionally. I also am a southern man, but vote nationally on national questions. He sees in it a principle set up which is false and useless in its application to Nebraska, but which is to be asserted in future, and which is put into the bill as the basis of some grand impending movement in this country. Of the nature of this movement, which is to be so grand, and at the same time sectional, the member declares himself to be ignorant; and that ignorance, I would suppose, should be a reason for holding back from a bill which commits its supporters to great unknown things. That is the way it works with me. I also am ignorant, that is to say, uninformed of this grand movement which is to be in this country; but I believe in it, and so believing am the more against the bill. I am against anything that I do not understand, and which nobody will explain to me, and which, according to my own short and dubious lights, is dangerous to the peace and honor of the country. I believe in the utility of this bill—its absolute utility to the slaveholding States—and that not a single slave will ever be held in Kansas or Nebraska under it, (even admitting it to be passed.) Though adapted to slave labor in two of its great staples, (hemp and tobacco,) I do not believe that slaves will ever be held there. The popular vote will expel them. Kansas is contiguous to middle and southern Missouri, where slave labor is profitable, and slaves held in great number—a single owner within two hours' ride of the line holding one hundred more than the five hundred of Randolph of Roanoke; and five thousand in his county alone; but the holder of slaves will have but one vote, and will be beat at the polls by the many who have none. In relation to Kansas and Nebraska, then, I hold the bill to be a deception and a cheat—what gamblers call gammon, congressmen bumcombe, and seamen a tub to the whale: that is to say, an ambidextrous operation upon the senses of confiding people, by which they are made to see what

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is not, and not to see what is. This is what I believe; and not being obliging enough to join in a scheme of self-deception, or to suffer a game of deception to be played upon me, I must now turn my back upon the illusions of this Nebraska bill, and look out for its real object—the particular purpose for which it was manufactured, and the grand movement of which it is to be the basis.

In this search I naturally look about into the signs and rumors of the times, and into the contemporaneous events which may connect themselves with the grand movement in question; and think I find them in two diplomatic missions, of which the country has heard much—but not all. I speak upon rumor, but neither tell, nor believe, the half of the half of what I hear; but believe enough to excite apprehension, and to justify inquiry. What is a state secret in the city of Washington is street talk in the city of Montezuma.

First. The mission of Mr. Gadsden to Santa Anna. It must have been conceived about the time that this bill was; and, according to transpiring accounts, must have been a grand movement in itself—\$50,000,000 for as much Mexican territory on our southern border as would make five or six States of the first class. The area of the acquisition, as I understand it, was to extend from sea to sea, on a line that would give us Santander, Monterey, Saltillo, Parras, Sonora, and all Lower California. This was certainly a large movement, both in point of money and of territory, and also large in political consequence; and clearly furnishing a theatre for the doctrine of non-intervention, if there should be any design to convert the newly acquired territory from free soil, that it is, into slave soil that it might be desired to be. Here, then, I believe I have found one branch of the grand movement; and although Mr. Gadsden returned from his mission with a small slice only of the desired territory, yet he has returned to his post, and may have better luck on a second trial—if Santa Anna escapes from the speckled Indians (Los Indios Pintos) who have him at bay in the Sierra. I say nothing on the merits of this new acquisition, only that it is an old acquaintance with me, having first heard of it in November, 1846, and afterwards in March, 1848—at which latter time it was proposed in the Senate, (by Mr. Davis, of Mississippi,) on the ratification of the Guadalupe Hidalgo treaty; and rejected by the Senate. I voted against the Santander and Monterey line then, and have not seen cause to change my opinion. [Here Mr. BENTON read the article proposed by Mr. DAVIS for the new line.]

Secondly. The mission of Mr. Soule to Madrid—also a grand movement in itself, if reports be true—two hundred and fifty millions for Cuba; and a rumour kicked up if the island is not got. Here again might be found a case for the non-intervention principle; but of that I say nothing, because I know nothing, and wish to know something. Of the acquisition itself I say nothing now, but did say something, about forty-four years ago, in a Nashville newspaper, published by Thomas Eastin, called the Impartial Review; in which I discussed Cuba as the geographical appurtenance of the valley of the Mississippi, and eventually to become its political appurtenance; but to be got with honor whenever it was got; and in all that faith I still remain firm. No dishonor! no stain on the bright and spotless fame left us by our fathers!

Mr. Chairman, I discuss nothing in relation to those rumored acquisitions of the Island of Cuba and a broad side of Mexico; I only call attention to them as probable indexes to the grand movement of which the member from Georgia gave us the revelation, and which no one has denied. According to him; and according to my own belief, this Nebraska bill is only an entering wedge to future enterprises—a thing manufactured for a particular purpose—a stepping stone to a grand movement which is to develop itself in this country of ours. I wish to know what that movement is. I have a right to know, to enable me to discharge my duties understandingly; and I respectfully crave the information from those who have the conducting of the bill.

Mr. SMITH, of Virginia. I would like to know, Mr. Chairman, how much of this time consumed in the remarks of the gentleman from Missouri is to be taken out of the hour allotted to the gentleman from Illinois?

The CHAIRMAN. The gentleman from Missouri occupied twenty minutes. As a matter of course, that time must be taken out of the hour allotted to the gentleman from Illinois. It is distinctly understood that the Chair did not authorize the gentleman from Missouri to take the floor from the gentleman from Illinois.

Mr. KNOX. I am very happy in having yielded to the gentleman from Missouri so much of my time, because what he may have said is of far greater interest, and of far more importance to the country, than any poor remarks of mine would have been.

[This declaration was greeted with warm applause.]

Mr. GROW. Will the gentleman from Illinois now allow the motion to be renewed that the committee take a recess?

Mr. RICHARDSON. I hope my colleague will proceed now with his speech. There are a great many gentlemen here who want to speak.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania, [Mr. GROW?]

Mr. KNOX. I do.

Mr. GROW. Then I move that the committee take a recess till six o'clock.

Mr. SMITH, of Virginia. I hope the gentleman from Pennsylvania will withdraw that motion. Let those who want to speak on this bill have an opportunity of doing so.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his motion?

Mr. GROW. No; unless the gentleman from Illinois should want to speak now.

The question was put; and a division was called for.

The Chair announced that there were thirty-six votes in the affirmative.

Several MEMBERS. Give it up; count the other side.

Mr. SMITH, of Virginia. The motion is overruled. There are not enough to carry it.

The CHAIRMAN. The majority of members present may take a recess. It does not require a quorum for that purpose.

The Chair announced that there were thirty-six votes for, to twenty against, the motion.

So, at four o'clock and twenty-five minutes, the committee took a recess till 6 p. m.

EVENING SESSION.

On the reassembling of the committee at six o'clock,

Mr. KNOX resumed the floor, but gave way to Mr. EVERHART, who asked leave to write out and print a speech, seeing there was no prospect of obtaining an opportunity to deliver it in the House.

Mr. KNOX said, that six months ago, before he came to this city, such a state of things as now exists was not dreamed of by him, nor when he took a solemn oath to support the Constitution of the United States. After further prefatory remarks, he proceeded to speak of the bill under consideration. His principal objection to it was because of the proviso which seeks to repeal the Missouri compromise. The spirit of kindness and concession which brought Missouri into the Union suggested the legislation of 1850. Instead of the measures of the last named year impairing the Missouri compromise, it was indorsed and reaffirmed thereby, if there is any efficacy in the acts of men not secured under their hands and seal.

He dwelt upon this subject until the expiration of the hour to which he was limited in debate.

Mr. HAMILTON, assuming that territorial governments should be established over the Territories of Nebraska and Kansas, proceeded to argue in favor of the principles established by the bill. The provision which recommended the bill to the

approbation of his judgment, in preference to the geographical line, the absolute prohibition established by the Missouri act of 1820, was the one which enacted that the States to be admitted out of this Territory, in the future, should be admitted with or without slavery, as they should for themselves determine. He contended that the bill neither established nor prohibited slavery in these Territories; and, instead of being a double-faced measure, was one which could be understood by everybody who had a knowledge of the English language.

He replied to the arguments heretofore advanced against the bill by Messrs. MILLSON and FRANKLIN.

Mr. GOODE said he was a cheerful and cordial advocate of that measure. He desired to state, candidly and frankly, perhaps with some degree of imprudence, the reasons which would control his vote.

It had been announced to the country that this measure has been unnecessarily, rashly, recklessly, thrust upon Congress, and that the apple of discord, a fire-brand, had been thrown among the people. As usual, the responsibility of the measure and the discussion is referred to the South, the ever-injured South. It is not the party which asks justice, but the party which refuses justice, which incurs the responsibility. But the South is not responsible. She has preferred no claim at all. She has learned from the bitter past, that if she would enjoy tranquillity she must be silent. He charged that the responsibility of this measure rests with the North. Far be it from him to say it was an odious responsibility. It was a glorious responsibility. The northern men who brought forward this measure were patriots, deserving well of their country. The odious responsibility of this discussion, and the excitement which it has produced, rest with the fell spirit of Abolition, the offspring of fanaticism and of unholy ambition. Having vindicated the South from the responsibility of the introduction of this bill, he proceeded to advocate the measure because of the great principle therein contained, of non-intervention on the part of Congress, in imposing an anti-slavery restriction on the organization of territorial governments. This, he contended, was important as a precedent.

Mr. DUNHAM said that no one could regret more than himself that this subject had been brought forward at this time. He did not believe the objects to be accomplished, upon the one side or the other, were equal to the evils which would grow out of this renewed agitation of the subject of slavery.

He thought that the effect of reviving this agitation would be to breathe the breath of life into the almost dead body of the Whig party; to clothe with flesh the skeleton of Abolitionism. But he had an abiding confidence in the intelligence of the American people, and believed that when the principles of this bill should become thoroughly discussed and understood by them, the excitement which was now attempted to be created out of it would, as in 1850, be hushed into silence.

He then opposed the Clayton amendment. No member from Indiana, nor from any of the north-western States, could vote for this amendment; for, by their organic law, they had established provisions for the foreign class of population which were in direct contradiction to what was called the Clayton amendment.

The great question, he contended, which was involved in the bill, was the ability, the right of the people to govern themselves. This he defended at length, arguing that it was in accordance with our republican institutions.

He then argued to prove that slavery could only exist by municipal law, and said that there would be no legislation, after the passage of this bill, in the Territories of Nebraska and Kansas, by which title to slave property would be recognized. There must be positive law before slavery could be taken into Nebraska and Kansas. He further argued to prove the improbability of the introduction of slavery into these Territories, and declared that

there could be no compromise under the Constitution, so far as slavery was concerned.

Mr. PRATT said that the proposition to repeal the Missouri compromise, contained in this bill, must plead his apology for occupying the time of the committee for a brief period. It may well be doubted whether it would not be a breach of good faith for the General Government to organize territorial governments over the heads of the aborigines, who have been guaranteed peaceable possession of the Territories in question. If there was any human being more than another abused by the white man, it was the Indian. It was claimed by the friends of the bill that its provisions are ample for this unfortunate race. He trusted in God that this may prove the fact, if the bill become law.

When a bill for organizing the Territory of Nebraska was passed by the last Congress, he thought it was unwise and premature. So thought the people of New England. To organize a government where there were no inhabitants, or next to none, seemed to be the extreme of folly, especially when there are so many good lands within the organized Territories.

But there are reasons for organizing new Territories now which did not exist a year ago. If the bill before the committee were divested of the odious feature, he should not occupy the floor at this moment.

When this question was sprung on the country, everybody was shocked at the idea of such a monstrous proposition. Its open advocates were very few. On its introduction, the gentleman from Illinois [Mr. RICHARDSON] was the only member pledged to the support of the measure, so far as he knew. Northern members expressed themselves hostile to it. Southern gentlemen said if the North chose to give them a boon, they would not refuse to accept of it. In other words, it was an adopted child, though they were not willing to have it sworn to them. He denied that the North have violated the Missouri compromise. They have regarded it sacred as the Constitution itself. The people did not ask or require this repeal. They were satisfied to let well enough alone. They never thought of repealing it.

He declared that this was neither a Whig nor a Democratic measure. It was a sectional measure—nothing else. Who was so blind as not to see the object? Whether this bill pass or not he declared his determination not to make any factious opposition to it. If the majority favor the passage of the bill, they have a right to pass it. If a majority was opposed to it, as he trusted in God there was, he should rejoice; but whether the bill pass or not, he should continue to the extent of his ability to aid in promoting the peace and harmony of this glorious Confederacy, which is the pride and admiration of the world.

Mr. CASKIE said that the great measure of organizing a large extent of our fair possessions upon a constitutional basis was now before them, the Representatives of the people. A happy augury was to be found in the fact that this proposal of justice to the South had been presented by the North, had been inaugurated by a gallant Senator from the North, there born, there living, and there to be buried. It had supporters, too, in men from the same region, who graced senatorial dignity, and who were infused with the spirit of that brotherhood which our fathers strove to secure under the great shield of the equality of all the State and all the sections of our Confederacy.

He then characterized the Missouri compromise as unconstitutional and unjust to the South, and advocated the doctrine of leaving to the people the right to determine the question of slavery for themselves. In regard to the former point, he inquired if any two things could be found more opposite than what was claimed for the Missouri restriction by its friends and its true character, as presented by the historical records of the country? Everybody knew that it was but an act of Congress, repealable in its very nature.

The idea that members of Congress had the right to make unconstitutional, sacred compacts, was a novelty which there was little danger would supplant the old-fashioned notion that they were merely law-makers, bound to vote on each proposition as their consciences dictated, without any shadow of authority to barter votes with each other, or make treaties for their respective sec-

tions. The States had done this in an instrument called the Constitution, and would to God it was more respected! It was now offered as the law for both North and South in Kansas and Nebraska, and as the only law.

He then referred to various precedents to prove that the North had frequently violated the act of 1820, and denied the right of Congress to fetter any State in regard to slavery.

Mr. PRINGLE opposed the passage of the bill on account of the many objectionable features contained in it; but the great objection, in his mind, and the one which overshadowed all others, is, that it proposes a violation of good faith. It proposes a repeal of the Missouri compromise, to abrogate the restriction against slavery north of 36° 30', after all the territory south of that line has been converted into slave States. This line, forced upon the North by southern representatives and northern dough-faces, it is proposed to erase; and the power that is to annul is composed of the same material that established it.

Mr. HOWE. With the permission of my colleague, [Mr. DRUM,] I rise simply to say that I had desired to make some remarks in opposition to the bill now under consideration before the committee; but as the time is so limited, I will forego that privilege, if it meets the wishes of gentlemen present, and publish my remarks without occupying the attention of the committee.

[Cries of "Agreed!" "Agreed!"]

Mr. DRUM remarked that he came here as a friend of the Administration, and therefore he felt that it was the duty of every friend to extricate it from the toils in which unwise counsels have involved it. He did not rise for the purpose of merely consuming time, or making a vain display. He was perfectly indifferent as to whether what he intended to say should be heard beyond the limits of this House. He rose for the specific purpose of allaying the excitement in the country, and of explaining an amendment which he should offer to-morrow. The committee could find no constitutional objection to it, and he saw no reason why they should not prefer it to the particular section which had been the basis of so much discussion. He proposed to strike out all that part of the section which had been the subject of dispute, and to insert as follows:

That the said territory, or any portion thereof, when admitted as a State, shall be received into the Union, with or without slavery, as its constitution may prescribe at the time of admission; anything contained in the eighth section of the act passed by Congress March 6, 1820, commonly called the Missouri compromise, or any other law of Congress, to the contrary notwithstanding.

This amendment, he said, proposes that a State, as an independent sovereignty, has a right to repeal the Missouri compromise, but that Congress has no right to repeal it. He further explained his amendment.

Mr. GREENWOOD said, that although he did not believe slavery could exist in Kansas and Nebraska to any considerable extent, yet it was no reason why he should not support the bill. Although it contained principles which did not meet with his approbation, for the reason that they were not southern enough for him, yet he should support it so long as it should contain the great principle of non-intervention, as, in his opinion, should this doctrine be established and carried out, it would have the effect of forever withdrawing slavery agitation from the Halls of Congress.

Mr. SEYMOUR then argued to show that the bill, instead of transferring the subject of slavery from the Halls of Congress to the people of the Territories, transferred it, in effect, to the President of the United States.

Mr. STANTON, of Tennessee, then obtained the floor, when (at quarter past twelve) the committee took a recess until nine o'clock in the morning.

SATURDAY MORNING, MAY 20, 1854.

The committee reassembled this morning, pursuant to its order, at nine o'clock, a. m., (Mr. OLDS in the chair,) and resumed the consideration of House bill (No. 236) for the organization of the Territories of Kansas and Nebraska.

Mr. STANTON, of Tennessee, being entitled to the floor, yielded to

Mr. HARLAN, of Ohio, who said he was opposed to this bill, because

1. It repeals the Missouri compromise, which, in his opinion, the South is in honor bound to respect, and the free States bound, both by honor and duty, to maintain.

2. The legislation of 1850 is not inconsistent with that of 1820.

3. The principles of the legislation of 1850 are transcended and violated by this bill.

4. The platforms of both political parties of 1852 are violated by this bill, and had it been understood that the Democratic platform did either warrant, justify, or demand the repeal of the Missouri compromise, Franklin Pierce would have now been a private citizen, and the seats of the northern men who now tender this repeal would have been filled by others.

5. He held it not only within the power of Congress to legislate for the Territories, but that it is the duty of Congress, and a duty which cannot be abandoned.

6. He was opposed to the extension of slavery over Territories now free, and he would not do it himself, nor would he remove any obstacle now in the way of its extension. He would not use the Territorial Legislature as a cats-paw to do that which he had not the courage to do himself.

These were the propositions which he desired to constitute the skeleton of a speech.

Mr. STUART, of Ohio, said he had desired to address the committee on this subject, but finding that he would not have an opportunity, asked and obtained leave to print a speech.

Mr. STANTON, of Tennessee, then took the floor, and replied to gentlemen who had preceded him. It had been said the Missouri restriction of 1820 was a solemn compact, and therefore irrevocable, and on this ground it was alleged with great earnestness, and he had no doubt with a great deal of sincerity, by gentlemen on the other side of the House, that it would be a gross violation of faith, an unwarrantable aggression on the rights of the northern people, to pass the bill in its present form. He could not view the matter in this light.

There was, he contended, nothing in either the Constitution or the laws, which justifies the looking at any enactment of Congress as anything more than an enactment. There was nothing in the Constitution or the laws which justifies the putting of the stamp of irrevocability on anything done by Congress.

It was acknowledged universally, and it must be acknowledged, so far as the sense and substance of the act of 1820 was concerned, that it is certainly not a compact or agreement of an irrevocable character. But it was alleged, with a show of reason, that there was something in the circumstances of the times, on the occasion of its passage, which gives it a moral force, equivalent to what would be the moral force of a compact binding parties to an irrevocable agreement.

He would not attempt to deny that, in the circumstances which attended the passage of the Missouri act, there was something of a solemn and important character, which stamps the act with a character somewhat different from an ordinary act of legislation; and if the circumstances continued the same to this day, he should be the last to raise his hand to disturb a settlement which, in that point of view, was considered sacred and binding.

The tacit understanding originated in circumstances of great importance, and must pass away with the circumstances which gave it birth. It seems certain it cannot be considered as binding future generations. We now stand in the midst of scenes and circumstances wholly different.

He proceeded to recount briefly the circumstances under which the Missouri act was passed; and contended it had since been wholly repudiated by the North and had been trampled on again and again. In 1850 the principle of the act of 1820 lost its power, and was rejected by the dominant majority in this House. The circumstances, he repeated, have entirely changed, and it would be unjust to say that we are bound by the compact of 1820. It would be absurd in itself and contrary to plain understanding.

The Constitution and equality require that this restriction should be removed in the organization of all the Territories of the United States.

He argued the question, and advocated the passage of the bill until the expiration of the hour to which he was restricted to debate.

Mr. GOODRICH said that it was high time that they should do away with compromises. If they were to be regarded as binding in honor and good faith no longer than when the section of country which had received and appropriated its part of the consideration found it to be for its interests to come in and take the other part, compromises were henceforth at an end. The North were beginning to understand what the public men of the South, who gave tone and direction to public sentiment there, meant by this proposed repeal; and, his word for it, no more compromises would be made. The technical arguments, by which it was sought to throw off the honorable obligations of the Missouri compromise, had had no other effect in the North than to convince the public mind that the South regarded compromises upon the subject of slavery as mere temporary expedients to extend slavery, to be set aside whenever they became practical barriers to stay slavery.

Should this bill pass, and establish a *tabula rasa* in these Territories, there would be a counterpart to it at the North—a *tabula rasa* in regard to compromises. When, said he, you strike down the legal power of the Missouri compromise of 1820, you strike down the moral power of the compromise of 1850. Repeal the Missouri compromise, the most sacred that has been made since the great compromises of the Constitution, and you wipe out, as with a sponge, all compromises at the North. Your laws may be made and have the force of laws, but they will not be respected as compromises.

He then criticised the report of the Senate on the subject of the bill, as compared with the bill itself, and said that if they should now repeal the Missouri compromise, the report of the 4th of January would stand as a confession of one of the greatest frauds upon northern compromise men that had ever been perpetrated in the history of political parties.

He then argued to prove that the Missouri act of 1820 was a compromise, and contended that the North had not repudiated it.

Mr. PHILLIPS made the following explanation in reply to some remarks of the gentleman from Massachusetts, [Mr. Goodrich:]

The gentleman from Massachusetts, who has just taken his seat, asserted that I had argued "that the Missouri restriction was *not intended to be perpetual*;" and, upon this assertion, he has treated us with a refutation. Now, sir, permit me to read from my printed speech what I did say:

"It will be remembered that though Missouri was finally admitted without a condition for the inhibition of slavery, yet that the claim of power on the part of Congress to insist upon one was sustained. The eighth section of the act asserts the power not only to exclude slavery during the territorial condition, but through all changes of Government. The prohibition is not for a limited time, but *FOREVER*."

It will be seen that my statement is the very reverse of the assertion made on this floor. I will now, Mr. Chairman, conclude by recommending to the gentleman from Massachusetts a safe rule, that before he attempts to reply to an argument, he should understand what in fact the argument is.

Mr. HENN. Mr. Chairman, the bill now under consideration for the organization of Nebraska and Kansas Territories is, perhaps, of more practical importance to the State of Iowa, and the people of the district which I have the honor to represent upon this floor, than to any other State or constituency in the Union, and hence it is that I desire to say something of the reasons that will induce me to give a warm, cordial, and unflinching support to the substitute proposed by the chairman of the Committee on Territories, [Mr. RICHARDSON,] and for all of its provisions. I shall say something for the information of individual members of this committee, something for the information of my constituents, and something to correct the erroneous views of those not acquainted with the West and her enlightened population. To this end I propose to demonstrate:

First. The importance of an organization of these Territories at this time; the influence of their organization upon the character of the great West; the correctness of the principles of self-government and congressional non-interference, as recognized by both the original bill and the substitute; and give my views as to the rules which should govern the legislative and executive

branches of this Government in their action upon territorial matters.

Secondly. I propose to speak of the physical character of the country which it is contemplated to organize; of its political past, of its political future, and of its commercial importance to Iowa, and to the whole country.

I will then add a few words relative to the situation of parties in Iowa, and elsewhere, upon the great questions involved in this bill, and define, briefly, my objections to that part of the Senate bill which prohibits those who have sought an asylum in our country, and have evinced their intention of becoming citizens, from having a part in the organization of the Territories proposed to be created.

Mr. WITTE, in the course of his remarks, said that if the North—he spoke of the Democratic party—are divided in sentiment on this subject, it is because they do not understand the proposition. If the people, by the exercise of their legal sovereign rights, shall desire to make every square foot of the soil on the continent slave, he would have it so; if, on the other hand, by the exercise of the same rights and power, they would make every square foot free, he would have it so. This was the sentiment of the North, so far as one man could speak for them. The Democracy of the North are as sound on this question of State-rights doctrine as the South are. They would yield not one jot or tittle, because the principles which constitute the safety of the North, constitute the safety of the South. The question is: Is the Missouri compromise repealable? The people want to know whether this bill can be enacted without a repeal of the Missouri compromise. He held that this compromise is, like other acts, repealable. He, however, questioned this a little at one time.

If it should be found that it was unwise to invest the people of these Territories with the power to settle the question of slavery for themselves, he should console himself with the reflection that it is always well, where there is a doubt as to the construction of the Constitution, to give to the people the benefit of the doubt.

He replied to his colleague, [Mr. Grow,] who, he said, had misrepresented the sentiment of the North, no doubt unintentionally.

Mr. CHASTAIN contended that this measure was in strict accordance with the Constitution, just to the North and the South, and to the people who were hereafter to inhabit the Territories of Nebraska and Kansas. He also contended that the restriction of 36° 30' was forced upon the South, was unconstitutional, and was only submitted to by that section for reasons weighty in themselves.

Mr. EDMANDS. I have made several attempts to address the committee on the bill before us. I remained here during the night, until the recess of this morning, in hopes to get an opportunity of so doing. I saw many gentlemen given their hour. An hour to speak! It was an hour for sleep; past the hours of business; ay, even those of recreations; an hour fit only for dark designs; fit only for such an outrage as is being perpetrated on the moral sense of the North, in the attempt to pass this bill, compatible with the foul means adopted to force it through the House! I appeal to the sober sense of this House, whether it is proper, whether, in the spirit of American liberty, to carry on the business of legislation at such unseasonable hours? I protest, in the name of my constituency, against being kept up here at the behest of an imperious majority, during midnight hours, to legislate on—

[Here the hammer fell.]

Mr. LYON said he designed, at the proper time, to offer an amendment to the bill in the following form:

SEC. 2. And be it further enacted, That the executive power and authority in and over said Territory of Nebraska shall be vested in a Governor who shall be elected by THE PEOPLE OF SAID TERRITORY. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve of all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons and respite for offenses against the laws of said Territory, shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

He said that he would avail himself of the occasion to present to the members of the House

and the country his views on the bill, and on the propriety of the amendment he suggested.

Mr. PENNINGTON then addressed the committee. He said that before the debate should be finally closed upon this bill, and while its defeat, though now scarcely to be hoped for, was still possible, and the evil it foreboded might yet be averted, he desired to state the grounds on which he had hitherto opposed, and should continue to oppose, the passage of this odious and dangerous measure.

He was opposed to the passage of the bill on many grounds.

He objected to it, in the first place, because there is no immediate necessity for the organization of the proposed Territories, and the measure was therefore premature. No reason had been assigned, here or elsewhere, satisfactory to his mind, for such organization. There is no population now within the limits of the proposed Territories to demand it. There can be no population there, lawfully, so long as the Indian intercourse act remains un repealed. That act forbids the ingress into those Territories of all persons not belonging to the Indian tribes, other than the authorized agents of the Government, and such as shall have a temporary and revocable license from the Government, and that solely for the purposes of trade.

This act was passed for the protection of the Indian tribes against intrusion, and the public domain from encroachments by unlawful settlements, and in fulfillment of solemn treaty stipulations made by the United States with these tribes. It could not be repealed without a breach of good faith thus pledged by the Government. Not a foot of the soil within the limits of the proposed Territories is now owned by a white man; and, until surveyed and opened for sale and entry, no title to any portion of it can be acquired or lawfully occupied for settlement.

He objected to the bill, in the second place, because it is against the sound policy of the Government to extend its land system over this portion of the public domain, and to open them for settlement. The Government has large quantities of public lands now lying unsold and unoccupied within the limits of the new States, and in the Territories already organized, which ought first to be settled. He maintained that it was not good policy to diffuse the population of the country over so vast an expanse of country. It would greatly increase the burdens, without contributing in the slightest degree to the prosperity or happiness of the people, or to the development of the resources of the country. It would be a hindrance to both. Emigration was needed, all the emigration indeed that can be led in the direction of Oregon, Washington, Utah, and New Mexico.

The Government had adopted the policy of encouraging the settlement of those Territories by holding out large bounties in donations of public lands as inducements to emigration. He was opposed to the bill under consideration, as a measure directly calculated to counteract this policy. It had been said, that the tide of emigration would sweep over the Territories of Kansas and Nebraska whether these territorial governments should be established or not, and in spite of the prohibitions of law. He was unwilling to believe that this Government is powerless to protect its own public domain against its own citizens, or against any aggression, come from what quarter it might. He was unwilling to concede that the clearest dictates of sound policy should be yielded to any species of filibusterism.

He objected to the bill, in the third place, because it violates the public faith, pledged by numerous treaties with the Indian tribes within the limits of the proposed Territories. The United States had guaranteed to these tribes their homes, set apart for them by treaty, as permanent homes, to be enjoyed by them forever against the encroachments of white settlements. These treaties remain. In letter and in spirit the Government is bound by the highest obligations of good faith, to guarantee and protect these homes of the aborigines. And this might be done, as he had shown, consistently with the sound policy of the Government, having reference only to its own best interests.

He objected to the bill, in the fourth place, because it repealed the Missouri compromise, a compromise to which the national faith had been

solemnly pledged under circumstances which give it a sanction scarcely less sacred than that which attaches to the Constitution itself. It embodies the mutual pledges of the two great sections of the country, and had hitherto been sacredly maintained by both. Its constitutionality was clear and undoubted. He should not stop to inquire whether it be true of any portion of the North that it may not rightfully or gracefully remonstrate against its repeal, because opposed to it at the time of its enactment. This cannot be truthfully said of the State of New Jersey. She was a party to it, and it owes its existence to the votes of her Representatives on the floor of this House. As a Representative from New Jersey, in her name, and in conformity with the sentiments of the great body of her people, he demanded the fulfillment of the bond. He, for one, would not betray her.

He objected to the bill, in the fifth place, because it is designed to authorize slavery extension to regions now dedicated to freedom, and is thus opposed not only to the policy of the fathers of the Republic, but to the true policy of the Union at this period of our progress, and to the spirit of the age in which we live. He deprecated it as a fountain of bitter waters, and as fruitful of danger to the Union.

Mr. SAGE. Mr. Chairman, the hour having arrived to close debate on the bill to organize the Territories of Nebraska and Kansas, and not having been able to get the floor to express my views in relation to the same, I ask permission of the committee to publish in the Globe the remarks which I intended to have made to the committee on this subject.

On motion by Mr. STEPHENS, of Georgia, all gentlemen similarly situated obtained that privilege.

The hour of twelve having arrived, to which debate had been limited by an order of the House,

Mr. RICHARDSON proceeded to close the general debate on this bill, remarking that the propositions which it contained to secure the equality of the States and the rights of the people, under the Constitution, must triumph everywhere.

During the progress of this debate, he remarked, various gentlemen, representing what they were pleased to call northern States, had said that they had stood by the South upon this question, when their course did not meet with the approval of their constituents. He occupied no such position. He stood by the South whenever the principles they maintained met the approval of his judgment. All he asked was, was it right and just? would it advance the great interests, and contribute to the renown of the Republic? Only when he had determined this question in the affirmative had he lent the South his support.

Gentlemen misapprehended the course he had pursued, if they thought that he had been more favorable to the North than to the South, or to the South than the North. He looked upon all sections as his country, and wherever the glorious banner of the Republic floated on this land, that land was his country. To-day he would fight to defend the interests of any section.

He then replied to various arguments against the bill; and urged its friends to reject all amendments, and pass the substitute as it now stood.

The debate on the Nebraska bill having closed, The CHAIRMAN. Before we proceed to the consideration of the bill by sections, the Chair will ask the Clerk to read so much of the 34th rule of the House as applies to the five-minute debate.

Mr. DEAN, (at one o'clock, p. m.) I move that the committee do now rise.

The CHAIRMAN. The Chair will put the question after the rule is read.

A portion of the 34th rule was read, as follows:

"Provided, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer; after which any member who shall first obtain the floor, shall be allowed to speak five minutes in opposition to it; and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of, and against any amendment that may be offered to the amendment; and neither the amendment nor the amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee."

The CHAIRMAN. I called for the reading of this rule for the purpose of saying to the committee that I intend to act strictly up to the letter of the rule, and to insist that speeches must be for

the amendment or against the amendment; not to the bill and against the bill.

Mr. CHAMBERLAIN took the floor.

The CHAIRMAN. The gentleman from Indiana cannot hold the floor now.

Mr. CHAMBERLAIN. I do not intend to question the decision of the Chair, nor to infringe on the rules of the House; but I rise to ask the gentleman from Illinois, [Mr. RICHARDSON]—

The CHAIRMAN, (interrupting.) The gentleman from Illinois has no power to extend any courtesy to the gentleman from Indiana. The committee are now under the five-minute rule, and the Chair shall enforce the rule strictly.

The question being on the motion of the gentleman from New York,

Mr. WASHBURN, of Maine, demanded tellers.

Tellers were ordered; and Messrs. CAMPBELL and CHASTAIN were appointed.

The question was taken; and the tellers reported—ayes 62, noes 92.

So the committee refused to rise.

The CHAIRMAN. The Clerk will now report the first section of the bill.

Mr. EDGERTON. Mr. Chairman, I propose to amend the bill by striking out all that follows, after the word "included," at the end of the third line, and substituting in lieu thereof what I send to the Chair; and if the committee will allow me, I will explain to them precisely the character of the amendment.

[The amendment proposed was the bill organizing a territorial government for Nebraska, passed by the House at the last session of Congress.]

Several MEMBERS. Let it be read.

Mr. EDGERTON. It may be read now, or at the close of my five minutes. I prefer, however, to say what I have to say now.

Mr. Chairman, I will explain, if permitted, that the bill which I now propose is the bill passed by this House during the last Congress, and on the 10th day of February, 1853. When the gentleman from Illinois [Mr. RICHARDSON] introduced the House bill now before the committee, to organize the Territories of Kansas and Nebraska, I gave notice to the House that I would offer this bill as an amendment in the nature of a substitute. I did it, sir, because I believed it to be the best bill that could be passed to organize these Territories, and because it passed this House with only forty-three votes against it, and seventeen of the votes in its favor were southern votes.

It went to the Senate, was supported by the Senator from Illinois, [Mr. DOUGLAS,] by the Senator from Missouri, [Mr. ATCHISON,] and by seventeen other Senators, who voted to take it up out of its order. During the whole time it was before Congress for consideration, no sectional question was raised, either in this House or in the Senate, in relation to it. It gave rise to no sectional argument; it created no sectional difficulty. It was not stated in this House that it was necessary to repeal the Missouri compromise in order to do justice to the South; neither was it intimated that it was inconsistent with the principles of the legislation of 1850. The time had not come for that violation of compact.

At that time the only objection that was made to it was, that it did injustice to the Indians. That objection, however, was obviated by amendments, and it passed this House, and I believe it would have passed the Senate if it had had a fair vote. That vote was prevented by the urgent necessity of considering the appropriation bills.

This amendment which I offer proposes to organize but one Territory. If one Territory was all that was then required, it is all that is required now; for there has been no material increase in the white population since that time. I have not yet heard any satisfactory reason assigned by any one who has spoken upon the subject, in this House or in the Senate, not even the gentleman from Illinois, who has last spoken upon the bill, why there should be two Territories organized at this time. The Commissioner of Indian Affairs was in that Territory, I believe, in October last, and states there was but eleven white men legally in the Territory. The gentleman from Illinois [Mr. RICHARDSON] thinks that two Territories are necessary, but assigns no substantial reason for the organization. He says, if we are to have the fight upon this question of organization, we

might as well have it now, and for two Territories, as at any other time.

But if two Territories are to be organized, why not provide for a fair division? The country which it is proposed to organize into the Territory of Kansas is much the most valuable portion, and that portion which will most likely be the first to be settled and formed into States, and contains not more than a third or a fourth of the entire Territory of Nebraska. It is only about one fourth the size of that which it is proposed to organize into the remaining Territory of Nebraska. I say, therefore, that if it is necessary that there should be two Territories, why not make a fair division? Divide the Territories so that they shall be as nearly equal as possible in soil and inducements for settlement. The division proposed cuts off from the Territory of Nebraska the most valuable portion for the Territory of Kansas, that best adapted for profitable slave labor—and intended for it—and leaves the northern portion, barren and uninhabitable, for the people of the North.

Another reason why we should pass the substitute I have offered is, that it contains more of the principles of non-intervention and self-government than are to be found in the substitute offered by the gentleman from Illinois. Upon that question I challenge him to a discussion upon the merits of the two bills. This bill, sir, gives no veto power to the Governor of the Territory. By it the people, in their legislative capacity, are supreme. They do in fact govern themselves by making their own laws. Neither the original bill, nor the substitute of the gentleman, which is the Senate bill, permits them to do so. It takes from Congress the power to revise the legislation of the Territory; and in other respects it places more power in the hands of the people, and, if there be any truth in the doctrine of non-intervention, it is contained in this bill, and to a greater extent than in the substitute proposed by the gentleman. And, another thing. My amendment proposes to give to the free white inhabitants of the Territory the privilege of the elective franchise. That is a privilege not found in the other bills, but prohibited by them.

But the greatest of all reasons why northern men should support the bill of the last Congress, which is my amendment, is, that it does not propose the repeal of the Missouri compromise. During the last Congress, when that bill was under consideration in this House, no southern man dared to get up and move a repeal of that compromise. The time had not arrived when that imposition on the North was to be attempted. Southern men voted for the bill as it was. The gentlemen from Georgia, [Messrs. TOOMBS and STEPHENS] were members of this House, and then, as now, the jealous and zealous guardians of the rights of the South; but they did not discover that their rights required the repeal of the Missouri compromise, or that the legislation of 1850 was inconsistent with it, or with the bill. The gentleman from North Carolina, [Mr. CLINGMAN,] gentlemen from Louisiana, gentlemen from Virginia, all voted for the bill. No man dared to raise the question that it was necessary to repeal the Missouri compromise in order to do justice to the South. But in one short year the necessities of politics have demanded its repeal, and popular sovereignty has been seized upon by northern men who have been elevated by its power, and fear its vengeance for their errors, as an excuse for the violation of a compact which reason and justice sustained. Popular sovereignty is not a new doctrine. It is as old as the Union, and goes everywhere with the American citizen, except into the Territories of Kansas and Nebraska, under the bill I am endeavoring to amend. They exclude it. The people there would not be sovereign. The great law that the majority shall rule, would there have no existence. The legislation is to be controlled by a Governor not the choice of the people, beyond their reach. The veto power is bad enough anywhere, but it is monstrous when exercised by an Executive not elected by the people nor responsible to them, but who holds his office in defiance of their wishes.

Mr. GIDDINGS. Is it in order to move to perfect the matter proposed to be stricken out?

The CHAIRMAN. It is.

Mr. EDGERTON. I now ask that the amendment which I offered be read.

The CHAIRMAN. It will be read.
The Clerk then proceeded to read the amendment.

Mr. GIDDINGS. I move to amend the first section of the bill by striking out all between the words "Nebraska," in the eighteenth line, and the word "provided," in the twenty-second line.

The words proposed to be stricken out were reported by the Clerk, as follows:

"And when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission."

Mr. GIDDINGS. It is unnecessary that I should say I am opposed to the bill. I wish to call the attention of the committee to that part which says what future Congresses shall do, and what they shall not do. Such a provision is utterly and palpably at variance with the construction which every statesman has ever given to the Constitution.

The absurdity of the proposition that to legislate for those who shall come after us, or attempt to determine what our successors shall do in relation to the admission or rejection of a State with slavery or without slavery, appears to me absurd. It strikes me that no member of the House will be willing to place his name upon the record in favor of such a proposition; particularly would I suppose that to be the case at the present time, when every man upon the opposite side of the House has taken the position that the most solemn obligation of a former Congress, entered into under peculiar circumstances, shall be disregarded, trampled upon, and repudiated. Am I to stand here and gravely enact what my successors shall do in relation to admitting States from this Territory, with or without slavery, when the record of this discussion will bear to our successors the fact that the doctrine has been gravely and solemnly denied in our debates, and in this very bill, which declares the Missouri compromise inoperative and void? Every member who sustains it has taken the ground that all former attempts to bind a subsequent Congress are held in contempt. When we see this in the bill before us, can we turn around and embrace in all directions to such future Congresses as may have the question before them, and instruct them to admit such States as may apply for admission, with just such constitutions as they may happen to present?

Sir, if we possess the right or the power to do that, this bill is itself an absurdity, for it denies the power. I ask if gentlemen will maintain such inconsistencies? Do they suppose they can make the people believe these absurdities? Will gentlemen place such contradictions upon the record, and with the expectation that the people will not detect them? The bill itself on its very face denies the obligation which former Congresses have attempted to impose upon us; and having repudiated that, it attempts to bind those who shall come after us. Sir, gentlemen may make any attempts in that direction which they may please; but I tell them that all such attempts to bind our successors in future times will be in vain; they will repudiate all your efforts to guide their action. When they see that we have disregarded the will of our predecessors, who in 1820 consecrated this territory to freedom, they will repudiate this very act. You may say to them that these new States shall come in, with or without slavery, as they themselves may determine, but your instructions will be in vain. You may say that they shall not legislate upon this subject in future; but, gentlemen, they will meet you on this point; the free States will make their voices heard on a subject in which they will have so much interest. The question will go before the people ere that period shall arrive; the popular voice will be heard, and the popular influence will be felt, and the popular will understood, by men who shall hold seats here when these States apply for admission.

Gentlemen who now appear to feel themselves clothed with powers to condemn all past action of our predecessors, and to guide all future action of our successors, will be likely to hear the voice of popular indignation, pronouncing the dread sentence of "depart, ye politically accursed, into outer darkness."

Gentlemen may understand that we of the North recognize no obligation to associate in this body with Representatives from new slave States. I think the last slave State has been admitted. We

want no more Representatives in this Hall, unless they are the Representatives of freemen. Gentlemen cannot palm off upon us a proposition so much opposed to the feelings and sentiments of a majority of the people of the Union. No, sir. When these States come in, they must come as free States. We want no more Representatives of slavery; we must have Representatives of freemen, or none at all.

Now it strikes me that this proposition is so palpably just, that I almost expect the support of gentlemen upon the other side of the House. I look to their support with some degree of confidence. They must vote for this amendment if they intend to maintain consistency of action. Their avowed doctrines are distinctly in favor of the amendment; and I am not at liberty to suppose they will reject an amendment in such accordance with the whole tenor of their action.

Mr. CLINGMAN. I am opposed to the amendment of the gentleman from Ohio, and hope it will be rejected. I am not, however, disposed to discuss it, and I therefore give the balance of my five minutes to the committee.

The question now being on Mr. GIDDINGS's amendment,

Mr. BENNETT. I demand tellers.

Tellers were ordered; and Messrs. SAPP and HAMILTON were appointed.

The question was then taken on Mr. GIDDINGS's amendment; and it was decided in the negative, the tellers having reported—ayes 53, noes not counted.

Mr. WALLEY. Mr. Chairman, I move to strike from the first section the words "be, and the same is hereby," and in lieu thereof to insert the words "shall not, during the year 1854, be," so that, if the amendment be adopted, the section will read, "thence down the main channel of said river to the place of beginning, shall not, during the year 1854, be created into a temporary government by the name of the Territory of Nebraska."

I do not wish, Mr. Chairman, that any friend of this bill should regard the amendment which I submit as a frivolous one. It is not so intended by me. It is intended as a substantial amendment. And for the purpose of testing the sense of the committee on the question involved, I propose it to the committee, and through the committee I wish to have it understood by the country that it has been proposed as the olive branch of peace.

Mr. Chairman, this House of Representatives was not elected on the issue which is now engrossing our thoughts, our hearts, and our feelings. Members were sent here to transact the ordinary business of the country; if need be, to create the Territory of Nebraska; and if there be occasion for more than one Territory, to form two, by the names of Nebraska and Kansas, or what not. I put it to this committee, I put it to the friends of this measure, I put it to their own consciences, that we were not sent here—

Mr. RICHARDSON. I call the gentleman to order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. RICHARDSON. The gentleman is not discussing the proposition involved in his amendment.

The CHAIRMAN. The gentleman from Massachusetts proposes that the bill shall take effect at a future period, and is stating his reasons why the amendment should be adopted. The Chair is of the opinion that the gentleman is in order.

Mr. WALLEY. I do not intend to travel one iota, one hair's breadth from the line of order. I say, with great deference to the gentleman who has interrupted me, that I am strictly in order.

The CHAIRMAN. The gentleman will proceed.

Mr. WALLEY. Allow me to say to this committee, that we are unprepared to act upon this matter now; we were not elected for this purpose; and if gentlemen do not agree with me in this sentiment now, they will be convinced that I am right before the present year closes.

I am telling gentlemen what I know from what I hear, and from what my constituents write to me. I have letters from the most conservative men in Massachusetts, from men who have stood by the institutions of this country, and by all the compromises faithfully and fearlessly, and they tell me "you are periling everything; pray tell

us, cannot you make the South understand that they are jeopardizing their own interests, as well as the interests of the whole country?"

Such is the language that is written to me by men who have been the most conservative men in Boston and in Massachusetts, up to the present time, and I have offered this amendment for the purpose of saying to the friends of this bill, to those who wish to rush it through the present Congress with hot haste, that I ask them to pause until there have been elections held, until the people shall have spoken in their primary assemblies on this question, until we have heard from our constituents North and South. Why, sir, I received a letter from a friend in North Carolina, this morning, saying that he sympathizes with me in the views expressed in my speech the other day, and that the South were making a mistake, in his judgment, upon this matter, and I am well convinced that vast numbers of southern people cherish widely different sentiments from those which are urged upon this floor, and pressed upon the country by politicians—

[Here the hammer fell.]

Mr. BRIDGES. I am opposed to the amendment, and ask for a vote upon it.

Mr. WASHBURN, of Maine. I call for tellers on the amendment.

Tellers were ordered; and Messrs. WHEELER and BRIDGES were appointed.

The question was then put; and the tellers reported—ayes 77, noes 103.

So the amendment was rejected.

Mr. PECKHAM. I wish to offer the following amendment in the sixth line of the first section of this bill, after the words "to wit," strike out all, including the word "beginning," in the seventeenth line, and insert the following:

Beginning at a point on the western boundary of the State of Missouri where the thirty seventh parallel of north latitude crosses the same; thence westward on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude 38°; thence following said boundary westward to the east boundary of Utah, or the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of Minnesota; thence southward on said boundary to the Mississippi river; thence down the main channel of said river to the place of beginning.

This amendment includes both Nebraska and Kansas, and hence makes one instead of two territorial governments.

I offer this amendment in good faith, not expecting, however, that it will be carried in this committee; because I perceive that there is a majority in favor of doing what the chairman of the Committee on Territories [Mr. RICHARDSON] announced should be the order of business—that is, to vote down every amendment proposed.

The CHAIRMAN. The gentleman from New York must confine his remarks to the amendment he offers.

Mr. PECKHAM. I will endeavor to do so. The gentleman from Illinois [Mr. RICHARDSON] said that he proposed to organize two Territories now, for the reason that if he omitted to do so he anticipated another fight in an attempt to organize another, and hence he intended to organize two now. Why now? Because, if there should be another fight, on which side will be the victory is not doubtful. Is the gentleman afraid to leave this question to the popular voice? He advocates the doctrine of popular sovereignty with great energy. He claims to rely upon that principle as sustaining this bill, but he has not the courage to act upon his principle, and trust the popular sovereignty to decide whether we shall have two Territories or one. Such a position has never before been taken in this House, nor in any legislative body, in my belief, as the one here announced by the gentleman—in effect that they will legislate, not upon the merits of the bill, not for the wants of the country, not for its interests or its welfare, but simply because they chance to have the power, it shall be exercised while they have it to organize two Territories over this land where it is not denied, in fact it is virtually conceded, that only one territorial government is required, as it is not pretended that there are inhabitants enough in the whole territory now to form a small village.

Sir, the gentleman might as well go one step further—his position will carry him there—he might as well admit both these Territories as States now. It may save strife, and the Constitution does not prohibit it. This organizing two

Territories, when he concedes that only one is necessary, from the scarcity of population, is at war with the action of this Government as to Territories from its earliest history to the present day. The practice has been uniform to divide territories as the increase of population required it. The whole Northwest Territory, northwest of the Ohio river, was organized under one government at first, from which five States are now formed. This was afterwards divided into other Territories as the increased population demanded. Indiana Territory, which was very extensive, was first organized in the same manner. Out of Indiana Territory was taken Michigan Territory; and from Michigan was taken Wisconsin, and so on. So in 1848, a territorial government for Oregon was formed, and, as population increased in 1853, Washington Territory was formed from a part of Oregon.

Now, however, a new course of policy is to be adopted, and at a heavy and unnecessary annual expense, to be paid by this Government, about \$100,000 per annum for each territorial government. We are to have two, when only one is required, simply because the gentleman fears another contest. He has not the courage to risk it. I speak of courage in a political sense—not otherwise, of course, as I know the gentleman to be a true man in every respect. The only merit in such legislation, I believe, is its novelty; and in this progressive age perhaps that is a merit—

[Here the hammer fell.]

Mr. WRIGHT, of Pennsylvania. I object to the amendment of the gentleman from New York, on the ground that these Territories are too large to be embraced under the one government.

The question being on the adoption of the amendment,

Tellers were called for and ordered; and Messrs. CHANDLER, and HARRIS of Alabama, were appointed.

The question was taken; and the tellers reported—ayes 83, noes 100.

So the amendment was not agreed to.

Mr. MACE. I propose to add to the following words of the first section of the House bill:

"And when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission,"

the following words:

And the Territorial Legislature shall have power to admit or exclude slavery at any time by law.

Mr. TAYLOR, of Ohio. I hope the gentleman will allow the amendment to be reported from the Clerk's desk, so that we may all know what it is.

The CHAIRMAN. The Chair would request gentlemen who have amendments to offer to reduce them to writing, so that they may be read from the Clerk's desk.

The amendment was again reported.

Mr. MACE. Mr. Chairman, in good faith I propose the following amendment to the bill under consideration: Insert after the word "admission," in the first section:

And the Legislature of said Territory is hereby clothed with full power, at any session thereof, to establish or prohibit slavery in said Territory.

This amendment is offered for the purpose of testing the sincerity of western members who support the bill, and especially my colleagues from Indiana. With them, and in my State, the burden of the song on the part of the friends of the bill is, that it establishes the great doctrine of popular sovereignty, whereby the people of the Territory are left "perfectly free," through the Territorial Legislature, to admit or reject slavery.

I know, and every man knows who has read the bill carefully, that it does not, and was not intended to confer the power upon the Territorial Legislature to pass laws rejecting slavery or admitting it. But if in this I am mistaken, and the friends of the bill are, in fact, in favor of popular sovereignty, and more particularly the friends of General Cass, the father of the doctrine of popular sovereignty in the Territories, the committee will readily adopt my amendment, and relieve the bill of all doubt as to the power of the Territorial Legislature over the question of slavery. But, sir, full well do I know that the amendment will be rejected, not by the vote of the members acting with me against the bill, but by the friends of the bill, the pretended friends of popular sovereignty. I desire to place on the record the fact

that the friends of the bill did most directly and distinctly repudiate the doctrine of "squatter," or popular sovereignty, while those who act with me support it to the fullest extent, so far as this bill is concerned.

It has been said that the following clause of the fourteenth section of the bill confers the power upon the Legislature to legislate on the subject of slavery; to wit:

"It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Now, what is the true construction placed upon this southern clause of the bill by its friends, and perhaps others? It is, that the people of the Territory, when they form a State constitution, and not before, are "left perfectly free to form and regulate their domestic institutions (which means slavery) in their own way, SUBJECT ONLY TO THE CONSTITUTION OF THE UNITED STATES." The vote on my amendment will demonstrate that I have placed the construction upon this clause intended by those who concocted the bill. "Squatter sovereignty" has no vitality in the bill; all she has is a short, high sounding, well adjusted little stump speech, put in to enable venal presses and cross-road stump orators to deceive the people. The bill, in fact, is nothing more nor less than an ordinary bill establishing Territories, such as has in the main been adopted since the organization of Territories, except the repeal of the Missouri compromise act, and the provision granting foreigners the right to vote as soon as they make the declaration to become citizens. Members from the free States argue that it does not admit slavery; members from the slave States argue the reverse, with the further declaration that slavery will not go into the Territory on account of the soil and climate. The truth is, that slavery will go into the Territories of Kansas and Nebraska both, if the bill passes in its present form.

For proof of this assertion, I assume the fact, and defy contradiction, that there is not a Christian country or Government on earth where slavery and involuntary servitude does not exist, unless specially prohibited by law. All the States of this Union, where slavery does not exist, would have slavery to a greater or less extent, if a prohibition against it did not exist.

Remove the slavery restriction in Ohio, Indiana, and Illinois, and all of those States would have slavery, in a few years, equal to Maryland, Kentucky, or Tennessee.

Mr. ENGLISH. Will my colleague vote for the bill if his amendment is adopted.

Mr. MACE. I will. I am safe in making the pledge, because I know the amendment will be rejected by the friends of the bill, or, if adopted, it will defeat the bill. I will add, as I have revised my remarks since the vote was taken on the amendment, that the vote was, for the amendment 76, against it 94; but one friend of the bill voted for the amendment, and that was my colleague, [Mr. ENGLISH.]

Mr. WARREN obtained the floor, but yielded to

Mr. ENGLISH, who said: I desire to ask my colleague one question. If your amendment is adopted, will you vote for this bill?

Mr. MACE. I will.

Mr. ENGLISH. Then, for one, I shall vote for the amendment, because the same principle which I warmly approve, is substantially incorporated in the Senate bill, now pending as a substitute for this House bill, and which I have no doubt will be adopted. I understand the friends of Nebraska intend passing the substitute, and not the original House bill, which my colleague proposes to amend. We shall see when the vote is taken on adopting the substitute, whether he will stand by the principle of his amendment.

Mr. WARREN. I am opposed to the amendment of the gentleman from Indiana, because I do not want to abolish the ground for making these stump speeches.

The amendment was again reported; and the question being upon its adoption,

Mr. MACE demanded tellers; which were ordered; and Messrs. CARPENTER and BRECKINRIDGE were appointed.

The question was then taken on Mr. MACE's

amendment; and it was decided in the negative, the tellers having reported—ayes 76, noes 94.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I move to strike out all after the words "beginning at," in the sixth, and the whole of the seventh line, and in lieu thereof, to insert the words "a point on the Missouri river where the parallel of 42° 30' crosses the same."

This runs the north boundary of Kansas some degrees further north. The only difficulty, sir, which we have in this bill, amounting to anything, is the one in reference to the subject of slavery. My amendment looks directly to that. It will be observed, by a reference to the map which gentlemen have before them in the Congressional Directory, that the Territory of Kansas lies to the extreme south of the unorganized region, and, as adjusted in the bill, immediately west of Missouri, and is not more than one fourth as large as the Territory of Nebraska. There is a vast difference in the magnitude of the two Territories. Kansas is to the south. I wish to run it up further north, and lap it also upon Iowa. If slavery would go into any portion of that unorganized territory, it would be most apt to go into the Territory of Kansas, and would decrease in relative strength as you leave the southern border and go north. The great body of the population which will push out there will, of necessity, and unquestionably, go into the southern part of the unorganized Territory. That is to say, it would strike into the Kansas, not the Nebraska region.

My object is to run further north that southern portion, so as to be sure of securing a clear preponderance of inhabitants from the northern and free States on their emigration to the country, to the end that, if the subject of slavery be referred, as you propose to refer it, to the people there, slavery may be excluded from that Territory.

I have no disguise whatever about the object I have in view in presenting this amendment. I wish gentlemen from the free States to understand it perfectly; and then let them take the responsibility, and vote against it with their eyes open. North of the line that I propose as the northern boundary of Kansas, there will be very few inhabitants, I presume, for many years to come. It lies north of the range of all the stream of travel towards the Pacific coast, as I understand it. It lies north, as I understand it, of nearly all the white population that is there at this time. It lies north of where the great body of the population will go for a long time to come.

Just in proportion as you multiply the population south of the line I propose, and north of the one now in the bill, will you multiply the probabilities of making Kansas free soil. And that is my object in offering the amendment. The great object that I have had in view from first to last is simply to hold back slavery from this region, and has not been to prevent the organization of the Territory. I desire that it shall be organized. I voted in the last Congress for its organization. There was great unanimity in that vote—no excitement or ill feeling, for this slavery fire-brand was not then thrown in. But I do object, and the whole North objects to this virgin soil—dedicated long ago to freedom—being now made the abode of slaves.

Southern gentlemen tell us that they have no idea that slavery will ever go into this Territory, and in that I differ from them altogether; that their object is simply to wipe off from the statute-book an offensive restriction that has remained there for years, and to establish a principle that they may avail themselves of hereafter. If that be really their sole object, my amendment does not affect that object in the least. And if they are sincere in what they say—and it is not for me to question their sincerity—they can have no objection to my position of the line.

The gentleman from South Carolina [Mr. Brooks] asks me if I will support the bill if my amendment be adopted. I answer, no, never, so long as it aims at the repeal of the Missouri compromise. Let that stand in full force as it has for a full generation, and let the foreigner who honestly seeks a home there, and so declares his intention, have the privileges of an American citizen, as I think he should, in such a case, everywhere amongst us; and leaping over all else in the bill that may be objectionable, I will then go for it with both hands up.

Mr. BRECKINRIDGE. Being unable to agree with my friend from Indiana in his facts, his arguments, or his conclusions, I am constrained to oppose his amendment, and I ask for a vote upon it.

Mr. CAMPBELL. I ask for tellers.

Tellers were ordered; and Messrs. RITCHIE, of Pennsylvania, and HILLYER, were appointed.

The question was then taken, and the tellers reported—ayes 66, noes 85.

So the amendment was rejected.

Mr. FLAGLER. I offer the following amendment, to come in at the end of the sixth section:

And this act shall not take effect until the rights of the Indians in said Territories shall be extinguished in the manner provided by this section.

This very section prescribes a way of extinguishing the title of these Indian tribes. It presupposes that it can be accomplished, and therefore it is that in this act we are opening a door for the admission of white men. Now, considering the circumstances under which so many of these tribes have been located there, and the solemn guarantee which has been extended to them that they should there dwell unmolested, so long as they existed as tribes, it does seem to me that this act should take effect only upon the removal of this great obstacle in the way of our organizing the territorial governments prescribed by this bill. I offer this as an additional reason for delay, and I would join my voice with my friend from Massachusetts [Mr. WALLEY] in doing it.

Another reason why this committee should not persist in their efforts to press through this objectionable bill is, that it not only violates the principles of the Missouri compromise, but it contemplates an invasion of the rights of the Indians of these Territories, and extends an invitation to white men to invade their hunting grounds pledged to them forever. I submit this amendment to the friends of the bill. The rights of these red men should be held sacred. Are they willing to give up their homes in this wilderness? The bill seems to anticipate it, and prescribes a method of removing this difficulty; but who can tell when it will be accomplished? Until it is done, the operations of this bill should be suspended.

And, meanwhile, the action of the people can be had, and their will can be expressed in reference to the merits of all the questions involved in this measure. We shall then not merely guess at, but know what they desire to have done. I offer this amendment in good faith, as one very important, in my judgment, to be incorporated into the bill, and one which, if adopted, will do something towards removing the objections which gentlemen have to its passage. We ought to give time for the sense of the people to be expressed in the matter.

Mr. HAMILTON. I am opposed to the amendment offered by the gentleman from New York, and shall vote against it.

The question being on the adoption of the amendment,

Mr. CAMPBELL demanded tellers.

Tellers were ordered; and Messrs. BROOKS and WHEELER were appointed.

The question was taken; and the tellers reported—ayes 63, noes 84.

So the amendment was not agreed to.

Mr. FULLER. I propose an amendment to the first section of the bill, to come in after the word "Nebraska," in the eighteenth line:

And the Territorial Legislature shall have the power to establish or exclude slavery as to them shall seem proper.

As a national Democrat, and the only one that came into the Thirty-First Congress from New England, as an anti-Wilmot proviso man, I am anxious to vote for this bill. If the amendment which I have offered shall be adopted, I shall vote for it; if it does not prevail, I shall vote against it, as at present advised. And, sir, in the spirit of kindness, I ask some of those gentlemen who stood by me in the Thirty-First Congress, and there are several such from the southern section of the Union upon this floor now, to yield a little for the sake of harmony. I helped make the compromises of that period. I, sir, voted for every one of the five so-called compromise measures of 1850, and when three men only from the slave States did vote for all of them, and only twenty-seven men in that Congress voted for all of them. This bill has been advocated at the North solely

upon the ground that it gives to the people of the Territory the right to legislate for themselves upon the subject of slavery while in a territorial state. I declare myself here to be the friend and advocate of that doctrine, and it is because this bill does not establish this great American principle, and vindicate this doctrine, that I am opposed to it in its present shape.

The distinguished gentleman from Alabama, [Mr. PHILLIPS,] in his speech upon this subject, has stated the true reading of this bill, and the reason why it was made so. I quote his remarks:

"Now, it is admitted that a difference of opinion exists between the different sections of the Confederacy, as to the period when the right of the people of the Territory to act upon the subject of the admission or exclusion of slavery arises. On the one hand, it is said that this right exists as soon as the territorial organization takes place; on the other it is maintained that it is in abeyance until the people proceed to establish a State government."

Again he says:

"The bill refers the question of legislation on the subject of slavery to the people of the Territories. One side maintains that such legislation would not be authorized until the formation of a State government; the other, that it would be as soon as the territorial government is organized. But whether the one or the other be correct, depends upon the Constitution. The bill expressly (though unnecessarily) declares that their legislation shall be 'subject to the Constitution of the United States.' And the difference thus existing as to the appropriate period of legislation on this subject is left to be decided by the judicial tribunals of the country, according to constitutional right, and the support of the bill involves no compromise or concession by either side."

The right of popular sovereignty, or the right of the people to legislate on this vexed question for themselves, is the thing, the idea in dispute, and is left by the bill still in doubt, and is referred not to the people, but to the courts for settlement. In other words, "it is the play of Hamlet," with the character of Hamlet omitted by special request! The men in my State who are in favor of this bill, support it upon the ground, and with the entire belief, that when the Territory is organized, then is the point of time that the people have a right to determine that question for themselves. Now, sir, I wash my hands of any attempt to deceive them upon this vital point in the bill.

With this amendment voted down, the equivocal language of the bill, and the quoted construction placed upon it by an able jurist, who hereafter will contend that this bill gives the right, which is claimed for it? My constituents shall not be deceived by me. I avow here in my place, that I am an advocate of the doctrine of popular sovereignty upon the ground of expediency and the fitness of things; and when the bill shall be made to conform to it, it shall have my vote; but unless it does I vote against it. If we of the North give up the restriction of 1821, give up the Utah and New Mexican bills, canonized as is their language, by the plighted faith of the country, expressed in their two great presidential conventions, what do we get in exchange? Why, the chance of a law suit, if the question shall be raised.

Mr. RIDDLE. I am opposed to the amendment of the gentleman from Maine, but I will not take up the time of the committee by giving my reasons why I am opposed to it.

Mr. FARLEY. I call for the reading of the amendment.

The amendment was again reported; and the question being upon its adoption,

Mr. WASHBURN, of Maine, demanded tellers; which were ordered; and Messrs. DRUM and GREY appointed.

The question was taken; and the tellers reported—ayes 75, noes 91.

So the amendment was not agreed to.

Mr. ELIOT, of Massachusetts. Mr. Chairman, I move to strike out the words "with or without slavery, as their constitution may prescribe at the time of their admission," and insert the words "without slavery."

After the votes which have been already taken in the committee upon this portion of the first section of the bill, I regret that I cannot anticipate that gentlemen will receive with favor the amendment I have offered. But I have presented it, in order that the committee may express themselves fully upon this subject, that the legislation here on that part of this section may be sound and complete.

The gentleman from Ohio [Mr. GIDDINGS] proposed an amendment striking out all that portion

of the section referring to the subject of slavery. That was voted down by the committee.

The gentleman from Maine [Mr. FULLER] came forward with the declaration in advance that he would vote for the bill if his amendment were adopted, and moved to give the Territorial Legislature the right to say that slavery shall not exist within the Territory. The committee refused its assent to that amendment. Now, sir, the majority of the committee may go one step further, as they will do, if they vote against my amendment, and say that this Territory shall not come into the Union as a State without slavery!

There are gentlemen on this floor from Missouri who have been voting against those who oppose this bill. How did they come here, unless by virtue of that compromise which makes their land the land of freedom? Now, sir, let them come up to the mark, if they see fit so to do, and say, so far as it depends on them and their votes, that this Territory, secured to freedom when Missouri was admitted as a slave State, shall not itself be received into these United States without slavery!

Then the committee will have all the questions passed upon. They will have decided that Congress ought to say something upon the subject of slavery. They will have decided that the Territorial Legislature shall not settle and determine this matter for themselves. And if they now vote down this amendment, they will decide that the Territory shall not, without slavery, be received as a State.

Mr. Chairman, I hope the committee are not prepared to say that. There are votes enough on this floor, more votes than will pass this bill, that would not have been here, as I believe, except for the fact that this territory was consecrated to freedom. What a return is this for the compromise, for the concession made in 1820!

Mr. BAYLY, of Virginia. In the course of this debate, great emphasis has been laid by the members from Massachusetts upon the obligatory force of the Missouri compromise. The gentleman, in proposing his amendment now, has laid great stress on that point. Now, sir, it so happens that in 1836, upon the admission of Arkansas, which was a part of the territory embraced within that compromise, Massachusetts spoke on this floor with very great emphasis. I desire to call the attention of the committee to what one of her most distinguished men said upon that occasion, and with the approbation, as the vote shows, of her entire delegation. This is an extract from the speech of Mr. Cushing. [Roars of laughter.] He spoke for his party then, and for Massachusetts too, as the vote shows. So the laugh is out of place:

"It is demanded of us. Do you seek to impose restrictions on Arkansas, in violation of the compromise under which Missouri was admitted into the Union? I might content myself with replying that the State of Massachusetts was not a party to that compromise. She never, directly or indirectly, assented to it. Most of her Representatives in Congress voted against it. Those of her Representatives who regarded that compromise in the light of an act of conciliation, important to the general interests of the Union, and voted for it, were disavowed and denounced at home, and were stigmatized even here by a southern member as over-compliant towards the exactingness of the South."

Mr. PECKHAM. I would ask the gentleman from Virginia if he reads from the speech of that gentleman as the organ of the present Administration? [Laughter.]

Mr. BAYLY. My friend from New York is too sagacious not to see the point that I am making; it is to show that at that time a distinguished Representative from Massachusetts, sustained by his delegation, thus spoke of the Missouri compromise. I take great pleasure in saying, further, that I have reason to believe that the gentleman from whom I have quoted is consistent, and that he thinks to-day, as he thought in 1836, that there is no obligatory force in the Missouri compromise. [Laughter.]

Mr. ELIOT. I call for tellers on my amendment.

Tellers were ordered; and Messrs. MAYALL and PHILLIPS appointed.

Mr. CAMPBELL. I move to strike out the nineteenth, twentieth, and twenty-first lines, and insert the following:

Provided, That there shall be neither slavery nor involuntary servitude therein, except for punishment of crime.

A few of those who advocated that time-revered provision of the ordinance of 1787, which ex-

cludes slavery from the Territories of the United States, have survived to make their voices heard in this Hall. I am one of them—one of the spared monuments!

I came here to-day to assert the right of Congress to exclude slavery and involuntary servitude, except to punish crime, from this Territory, and all the Territories belonging to the American people. It is a power that has been recognized and exercised by every Administration of this Government from its organization until the present time. It is a power that has been acknowledged by statesmen whose memories we hold near and dear. Mr. Webster asserted it. Mr. Clay asserted it. Other great men of all parties asserted it.

I need not say that the amendment I have offered is in the language of that God-like provision penned by the immortal Jefferson. Gentlemen may sneer as much as they please, and as they have done to-day, about the proviso having been discarded; but let me tell them that there is a spirit abroad in this free land which will soon rear aloft a standard upon which this very principle will be inscribed, if you dare, with ruthless hand, to-day, destroy the compromise of 1820. I came here, sir, to practice no deceit, no fraud upon the Representatives of the people. I think I may be permitted to say, that, so far as I have participated in this struggle, I have deceived no man from the North, the South, the East, or the West. My opposition has been as frank and open as it has been unceasing and determined.

I desire to say now, to each and to every member, if this bill passes, that for one I shall return to my constituents, not as I have done heretofore, with a view of pursuing a conciliatory course in relation to the institution and evils of slavery, but I will, so far as I have the power, wage an unrelenting and ceaseless war against it to the furthest limits of the Constitution.

A VOICE. You go to the bitter end.

Mr. CAMPBELL. Ay, to the bitter end. I will violate no provision of the Constitution which I have sworn to support; but I will, in my humble sphere, raise the standard of no admission into the Union of any State from this territory, secured to freedom, as it was, by the patriotic compromise of 1820, or from any other now held or hereafter acquired, which shall not contain in its constitution an unequivocal provision excluding human slavery; the repeal of—

[Here the hammer fell.]

Mr. PRESTON. I am opposed to the amendment proposed by the gentleman from Ohio. I announce that fact, and desire a vote upon it.

Mr. CAMPBELL demanded tellers.

Mr. WASHBURN, of Maine, (at two o'clock and fifty minutes, p. m.) Mr. Chairman. I move that the committee do now rise. We have been already here six hours.

Mr. WHEELER demanded tellers.

Tellers were ordered; and Messrs. WASHBURN of Maine, and TAYLOR of New York, appointed.

The question was taken; and the tellers reported—ayes 67, noes 91.

So the committee refused to rise.

Tellers were then ordered upon the amendment of Mr. CAMPBELL; and Messrs. BOCK and BENNETT appointed.

The question was then put; and the tellers reported—ayes fifty; not a majority of a quorum.

So the amendment was not agreed to.

Mr. RICHARDSON. We have had a pretty long session. I therefore move that the committee do now rise.

The question was put; and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman of the committee [Mr. OLDS] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and more particularly House bill No. 236, to organize the Territories of Nebraska and Kansas, and had come to no conclusion thereon.

Mr. CAMPBELL. I move that the House do now adjourn.

The question was put; and the motion was agreed to.

The House accordingly, at three o'clock, p. m., adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

MONDAY, May 22, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

Oh Thou, the high and mighty Ruler of the universe, devoutly we implore thy blessing to rest upon this House, again about to enter upon one of the most arduous and memorable struggles the country has ever known. Help every member to keep cool, calm, and self-possessed, remembering that the angry man gives his adversary the advantage, and the enraged party compromises its truest interests. Assist every man to cooperate with the Speaker and Chairman in preserving order, recollecting that the eyes of the country are fixed upon this House, and that the deep interests of the country are involved in the deliberations of this Congress. May every man dare to do his duty, and abide the issues of his conscious convictions, we pray, through Jesus Christ.

The Journal of Saturday was read and approved.

IMPROVEMENT OF WESTERN RIVERS.

The SPEAKER laid before the House a communication from the War Department, transmitting a report of the Colonel of the Corps of Topographical Engineers, in compliance with the resolution of the House of Representatives of the 4th ultimo, "that the Secretary of War be requested to communicate to this House the inspection report of Colonel S. H. Long, of December 20, 1853, and such other communication as may have been made by him in reference to the improvements of western rivers, since the passage of the act of August 30, 1852; and also a copy of Lieutenant Warren's report of the operations on the Des Moines and Rock River rapids in the Mississippi river, together with any maps, charts, or diagrams of survey made by the last named officer during the past year."

The report included all the papers called for, with the exception of Lieutenant Warren's report, which was not yet prepared.

On motion by Mr. HENN, it was

Ordered, That the communication be referred to the Committee on Commerce, and be printed.

ORDER OF BUSINESS.

The SPEAKER. The business first in order is the call of States for resolutions, beginning with the Territory of New Mexico.

POSTAL SERVICES FOR CALIFORNIA, ETC.

Mr. McDUGALL. I ask the unanimous consent of the House to report from the Committee on the Post Office and Post Roads a bill, for the purpose of having it printed. It is important that the bill should be acted upon before the next mail leaves for California.

Mr. LETCHER. Let the bill be read.

The SPEAKER. The bill will be read by its title.

The bill was accordingly reported, as follows:

A bill making provisions for the postal services for the State of California, and in the Territories of Oregon and Washington.

Mr. HAMILTON. I would inquire of the gentleman from California what disposition he proposes to make of the bill?

Mr. McDUGALL. I desire to have it printed, and action upon it postponed.

Mr. HAMILTON. That will not do.

The SPEAKER. If there is no objection, the bill will be received.

Mr. HAMILTON. Will the Chair allow an inquiry? If this bill is introduced, and consideration of it postponed, it will come up in the morning hour of business, and it will preclude the report of bills from other committees. I have no objection to the printing of the bill, if the bill shall remain in the possession of the committee which reported it. If it shall not remain there, I object to its being received.

Mr. McDUGALL. I am perfectly satisfied to have the bill printed, and that it shall remain in my possession.

The SPEAKER. If the Chair may be allowed a suggestion, he will say that the Committee on the Post Office and Post Roads, from which this report is made, will be the first committee to be called when committees are again called for reports.

No objection being made, the bill was received, read a second time, and ordered to be printed, and recommitted to the Committee on the Post Office and Post Roads.

RESOLUTIONS OF CONNECTICUT.

Mr. PRATT. I ask the unanimous consent of the House to submit joint resolutions from the Legislature of the State of Connecticut, in reference to the Territories of Nebraska and Kansas, in order that they may be laid upon the table, and printed.

No objection being made, it was so ordered.

COMMITTEE OF THE WHOLE—NEBRASKA.

Mr. RICHARDSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. WHEELER. I desire to offer a resolution, and ask the unanimous consent of the House that it may be read for information.

The resolution is as follows:

Resolved, That the President be requested to furnish this House with copies of all documents and correspondence in his possession or under his control in relation to the alleged aggressions of the authorities of the Kingdom of Greece—or of the authorities of Athens, in that kingdom—upon the rights of Dr. King, formerly the American Consul; and of all communications from Athens or elsewhere in relation thereto.

Mr. CLINGMAN. I object.

Mr. WHEELER. Then I move to suspend the rule, to enable me to introduce it.

The SPEAKER. That proposition brings up a question of order presented by the Chair the other day, but not acted upon by the House. It is in this form: The gentleman from Illinois moved to suspend the rules for the purpose of going into Committee of the Whole on the state of the Union. The rule declares that that motion shall be in order at any time, in the following language:

"The House may, at any time, by a vote of the majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union, from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered."

Formerly the rules of the House permitted the rules to be suspended upon any day in the week. The inconvenience of the permission of that motion so often, however, induced the House to change that rule in reference to a suspension of the rules, restricting the right to make that motion to Mondays.

Upon an original proposition upon the laws of Congress, the Chair would decide, as he indicated the other day, in favor of the precedence of the motion to suspend the rules generally. Upon looking to the subject, however, the Chair finds that such has not been the practice in this body, and he is not disposed to change that practice. He is very well satisfied of the inconvenience which would result in carrying out what he considers the proper construction of the rule, and he is therefore disposed to adhere, and does adhere, to the practice of the House heretofore, and will hereafter put the motion to suspend the rules to go into the Committee of the Whole on the state of the Union, or that to suspend, in the order in which they are made—first made, first put. The Chair, therefore, entertains the motion of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. DEAN. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then taken; and decided in the affirmative—yeas 105, nays 70; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Ashe, David J. Bailey, Thos H. Bayly, Barksdale, Bock, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chastain, Christian, Churchill, Clark, Clingman, Cobb, Cox, Craig, Jno. G. Davis, Dayson, Drum, Dunbar, Dunham, Edmundson, English, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillier, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Milson, Olds, Mordecai Oliver, Orr, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Seymour, Shannon, Shaw, Shower, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollieffer—105.

NAYS—Messrs. Ball, Belcher, Bennett, Benson, Bugz, Campbell, Carpenter, Chandler, Crocker, Culom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Edgerton, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Flagg,

Giddings, Grow, Aaron Harlan, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Norton, Andrew Oliver, Peck, Pennington, John Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elijah B. Washburne, Israel Washburn, Wells, John Wentworth, and Wheeler—70.

So the motion was agreed to.

Mr. EDDY, pending the call of the roll, when his name was called, stated that his colleague, Judge CHAMBERLAIN, had been called home, and had requested him to pair off upon all minor motions in reference to the Nebraska bill. The understanding, however, did not extend to the final vote upon the passage of the bill.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Olds in the chair.)

The CHAIRMAN. When the committee rose on Saturday last, it had under consideration the bill of the House (No. 236) to organize the Territories of Kansas and Nebraska, to which a motion was pending, offered by the gentleman from Ohio, [Mr. EGGERTON], to substitute for it the bill which passed this House during the Thirty-Second Congress.

Mr. STEPHENS, of Georgia. I rise to a privileged motion. I move to strike out the enacting words of this bill. I will state to the committee, and I want the attention of the committee to my object in making that motion, it is to cut off all amendments, and to have this bill reported to the House, that we may have a vote upon it.

The 119th rule of this House is in these words:

"A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, it shall be considered equivalent to its rejection."

Let this committee agree to my motion, and let this action be reported to the House. When we get into the House, the question will be upon agreeing to that report. If the friends of the bill vote that motion down, we shall then have the bill before the House to vote upon or to amend, as a majority may determine. When the majority has disagreed to the report, as I suppose they will, it will then be in order for the chairman of the Committee on Territories to offer his substitute, which all of us want to vote upon, as an amendment; the friends of the bill standing together, will then be brought to vote directly upon the measure, and in this way we shall get rid of these continued motions to amend.

Mr. Chairman, I make this motion because it is time that this measure was brought to a final vote. It has been under consideration before Congress for the last five months. It has been discussed in the Senate; it has been discussed in this House; it has been discussed before the country, and every man, I doubt not, has made up his mind upon the subject. Why should we longer delay? We have already had motions to amend upon the most important features of the bill. One motion has been made to strike out that provision for the admission of these Territories as States, with or without slavery, as their constitutions may direct. We have had votes upon the amendments offered by the gentleman from Indiana, [Mr. MACE], and the gentleman from Maine, [Mr. FULLER], touching the powers or rights of the people in the Territories to restrict or regulate slavery. These amendments have been voted on; the sense of the committee has been taken on them; the friends of the bill, as it stands in the substitute, know that it now, as they intend to pass it, grants to the people of the Territories all the powers over this subject of slavery that we can grant them under the Constitution of the United States. The phraseology now is as full and clear as it can be made on this point. No amendment can make it clearer. In the bill they have all the power that they can have under the Constitution. They cannot ask more, and if they did, we could not grant it.

It is time, therefore, to have a decision of the question. Every gentleman on this floor has had an opportunity of being heard upon it by a speech to be published in the Congressional Globe, if he wishes. Let us, then, vote on the measure, and go to other important business of the country.

Mr. GIDDINGS. I rise to a question of order. The gentleman's motion is not in order.

The CHAIRMAN. The Chair decides that the motion of the gentleman from Georgia is in

order, under the 119th rule, which has just been read.

Mr. GIDDINGS. Hear me on the question of order.

The CHAIRMAN. The question is not debatable.

Mr. GIDDINGS. I do not expect that it is debatable. I would only inquire whether it is in order, while we are considering the first section of the bill, and after amendments have been submitted and acted on, to move to strike out the enacting clause?

The CHAIRMAN. The 119th rule was expressly adopted for that purpose.

Mr. STEPHENS. The motion cuts off all amendments under the rule. When interrupted by the question of order, I was just remarking that we had motions to amend—

Mr. DRUM. Mr. Chairman—

The CHAIRMAN. Does the gentleman take an appeal from the decision of the Chair?

Mr. DRUM. No, sir; I wish to ask the gentleman from Georgia a question. Is it contemplated by the majority, after the amendment of the gentleman from Illinois [Mr. RICHARDSON] has been put upon the bill, to call for the previous question?

Mr. STEPHENS. It is. The object is to bring the House directly to a vote on the substitute. That is the object of my motion; and it is the object of the friends of the bill that we should have a vote upon the subject immediately, and then go to the other business of the country.

Mr. CHANDLER. I presume, Mr. Chairman, that this is one of those motions for amendment—and going, as it does, to the decision of the whole matter—on which we can be allowed five minutes for its defense and five minutes for its opposition?

The CHAIRMAN. The gentleman has five minutes in which he may oppose the motion.

Mr. CHANDLER. I do not rise to argue the point, but only to express my regret at this wicked—

Mr. DEAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state his question of order.

Mr. DEAN. My point of order is this: We have a motion pending made by the gentleman from Illinois [Mr. RICHARDSON] to strike out the enacting clause and to insert a substitute; and I insist that, while that is pending, no other motion to strike out is in order.

The CHAIRMAN. The Chair overrules the point of order of the gentleman from New York.

Mr. ORR. The motion of the gentleman from Illinois is to strike out all after the enacting clause, and to insert a substitute.

Mr. CHANDLER. I rise solemnly to protest against this extra gag which is applied to the passage of this bill, and to say that while it is possible a majority may thus ride rough-shod—

Mr. PRESTON. I dislike to rise to a question of order; but it strikes me the motion is not debatable.

The CHAIRMAN. The gentleman is entitled to the floor for five minutes, in opposition to the motion.

Mr. CHANDLER. I am satisfied that any member of this majority dislikes to rise to a question of order. It must be painful to them to start a question of that kind here, whatever ruling may be made on their motion of order.

The minority has stood before this House on the Constitution of the country, and on the rules which this House solemnly adopted for its regulation; and while we have stood up manfully and constitutionally against the efforts of those who have proved a growing majority, while they have read day after day in the papers that are the organs of this Administration, not merely invitations to come over against us, but indications why they were losing their influence in the Executive Department; and while we have thus seen ourselves threatened, if not wasted by these insidious attacks, we of the minority have not resorted to any mode for defeating this bill that is not recognized in the Constitution of the country, and not warranted by the rules of this House.

If I could once see that effort made; if I could, once see that party to which I am attached, quietly and moderately attached—for this is the first time I have occupied the floor since this measure has

been under active consideration in the House—if I could see the rampart of order once asserted—

Mr. ORR. Does my friend from Pennsylvania say that this motion is "not in strict conformity with the rules?"

[Loud cries of "Order!" and great excitement.]

Mr. ORR. If the gentleman yields me the floor, I have a right to ask the question:

[Renewed and vociferous cries of "Order!"]

Mr. CHANDLER. I am satisfied that the motion now made is one which was not contemplated by those who drew up those rules; nor was it, I hope, contemplated by those who drove us from the regular debate in the committee, and told us to take shelter under the five-minute debate. They drove us to that, that they might drive us from it by this decision. And was not this House last week—I appeal to the whole House—driven from its ordinary action by the decision of the House overruling the righteous decision of the Chair? I appeal to the House whether that was not the case? Every one knows that it was.

Mr. WASHBURN, of Maine. I rise to a question of order. It is this: that it is not in order to move to strike out the enacting clause of the bill while the House is in the Committee of the Whole, but that the motion can only be made in the House, and I ask that the note to the 119th rule may be read, from which it will appear that the practice of this House has been directly contrary to that now proposed by the motion of the gentleman from Georgia, [Mr. STEPHENS.]:

[Cries of "Order!"]

The Clerk read the note to the rule, which is as follows:

"The Manual states, that if a committee be opposed to the whole paper or bill, and think it cannot be made good by amendment, the committee cannot reject it, but must report it back to the House without amendment, and there make their opposition. In 1814, a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had no power to do. After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted. The Manual provides that a paragraph or section may be first amended by its friends, so as to make it as perfect as they can; the question is put for striking it out. By this rule, (i. e., rule 119,) it is expressly established that a motion to strike out, for the purpose of destroying, shall be paramount to a motion to amend. Rule 139 provides that the Manual shall govern in cases in which it is applicable, where it is not inconsistent with established rules. In the case, then, of giving precedence to motions to insert or to amend, over motions to strike out or reject, it is clearly inconsistent with an established rule; and, consequently, the practice of the House for the last few years has been in violation of the 119th rule."

Mr. WASHBURN. I supposed that the Chair would rule my point out of order, but I desired to have that note read to show what the uniform practice of the House for many years has been; and if the Chair and committee will now reverse that practice—

[Loud cries of "Order!" and "Question!"]

The CHAIRMAN. The Chair decides this question in accordance with the note which has been read. That note expressly states, that when Mr. Speaker Cheves had decided that the committee could not strike out the first and only section of a bill, this 119th rule was adopted to amend that defect in the parliamentary law; and the same note states expressly that the practice of the House has been in violation of the 119th rule.

[Loud cries of "Question!"]

The CHAIRMAN. Does the Chair understand that there is an appeal taken from his decision?

Mr. WASHBURN. I did not take an appeal. I only wanted to show what the practice of the House has been, and the construction uniformly given to the rule referred to, and to denounce before the House and the country this most flagrant attempt ever made in this country to trample on the constitutional rights of a minority of the Representatives, and majority of the people.

Mr. WHEELER. I call for tellers on the motion of the gentleman from Georgia.

Mr. ROGERS. I wish to state to the country, and to the members of the House with whom I have been acting up to this time, that I desire to introduce an amendment to this bill. I feel it due to myself to state—

The CHAIRMAN. Is it the pleasure of the committee that the gentleman from North Carolina [Mr. ROGERS] should be heard?

[Cries of "No!" "No!"]

Mr. ROGERS. I desire to say only one word. I feel it due to myself, entertaining the views I do, and knowing the wishes of my constituents, to say that I desire to introduce the amendment offered by Mr. Clayton in the Senate, and incorporated in the Senate bill.

Mr. PRESTON. I object.

Mr. ROGERS. I have stated all I can say now under the rules, and I will trouble the House no further.

Mr. SAGE. I desire to offer an amendment to the amendment.

The CHAIRMAN. The amendment is not amendable.

Mr. DICKINSON. I desire to offer an amendment to the bill now before the House.

The SPEAKER. It is not in order while a motion to strike out the enacting clause is pending.

Mr. DICKINSON. I ask to have the bill read.

The CHAIRMAN. It is not in order to have it read while a motion to strike out the enacting clause is pending, made by the gentleman from Georgia, [Mr. STEPHENS.] Upon the motion tellers have been demanded.

Mr. DEAN. I move that the committee rise.

Mr. SAGE. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. CHURCHWELL and WHEELER were appointed.

The question was then taken; and the tellers reported—ayes 82, noes 104.

So the committee refused to rise.

The CHAIRMAN. The question is now on the motion made by the gentleman from Georgia, [Mr. STEPHENS,] to strike out the enacting clause of the bill. On that motion tellers have been demanded.

Tellers were ordered; and Messrs. CLINGMAN and SAPP were appointed.

Mr. FULLER. Mr. Chairman, I should like to have the 127th rule read from the Clerk's table.

The CHAIRMAN. Does the gentleman from Maine take an appeal from the decision of the Chair?

Mr. FULLER made no reply.

The CHAIRMAN. At all events, the Chair holds that it is too late to take an appeal, the committee being in the act of dividing.

Mr. STRATTON. Is it not in order, Mr. Chairman, to have the rule read?

The CHAIRMAN. It is not in order at this time, the committee being in the act of dividing.

The question was taken; and the tellers reported—ayes 103, two only in the negative, if the reporter heard correctly.

Mr. DEAN, (amid great confusion.) I hope that no member in the minority will vote upon the question. Oppose tyranny by revolution.

[Much excitement, and cries of "Order!" "Order!"]

Mr. FLORENCE. Mr. Chairman, the Sergeant-at-Arms should be sent to compel the gentleman to come to order.

The CHAIRMAN. Those in the negative of the question refused to vote, the motion is carried.

Mr. CAMPBELL. I require that the other side be counted.

The CHAIRMAN. Gentlemen refuse to vote on the other side.

Mr. CAMPBELL. I insist upon a count being taken.

The CHAIRMAN. The count on the negative side has been called, and gentlemen refused to vote. The Chair will, however, again entertain the call for the negative vote:

As many as are opposed to the motion of the gentleman from Georgia will therefore pass between the tellers.

Mr. CAMPBELL, (passing through the tellers.) There will be one vote given against the motion, at all events.

Several other members also voted in the negative.

The tellers thereafter reported—ayes 103, noes 22.

So the motion to strike out the enacting clause of the bill was agreed to.

Mr. RICHARDSON. I move that the committee rise, and report to the House the action of the committee.

The CHAIRMAN. That is understood.

Mr. CAMPBELL. Upon that motion I demand tellers.

Mr. HIBBARD. I submit to the Chair that upon the vote just taken the committee rises, as a matter of course, and reports the bill.

The CHAIRMAN. The Chair supposes that the bill must be reported under a previous order of the House when the committee rises. A motion that the committee rise should be entertained.

Tellers were then ordered; and Messrs. NORTON and HIBBARD were appointed.

The question was then put; and the tellers reported—ayes 101, noes 2, (a sufficient number.)

[Cries of "No quorum!" "No quorum!"]

The CHAIRMAN. No quorum is necessary to enable the committee to rise.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee [Mr. OLDS] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 236, to organize the Territories of Nebraska and Kansas, and had directed him to report the same back to the House, with a recommendation to strike out the enacting portion of the bill.

Mr. DEAN. I rise to a question of order.

Mr. WASHBURN, of Illinois. Mr. Speaker, Mr. Speaker—

The SPEAKER. Gentlemen will suspend a moment, until the Chair announces the report of the committee.

The Chair then formally stated the report of the committee.

Mr. WASHBURN, of Illinois. I move to lay the bill and report upon the table.

Mr. DEAN. I rise to a question of order. It is this: that less than a quorum of the committee cannot rise and report a bill to the House.

The SPEAKER. The Chair has no official knowledge of the number of votes given in committee.

Mr. DEAN. Then I move that the House do now adjourn.

Mr. HAMILTON. The gentleman has not the floor. The gentleman has not the floor for that purpose. He rose to a point of order.

[Cries of "Order!" "Order!"]

The SPEAKER. The Chair understands the rights of gentlemen, and will endeavor to preserve them. The gentleman from New York must be aware that he has not the floor for any such purpose. The gentleman from Illinois has the floor, and it can only be taken from him by rising to a question of order.

Mr. HUGHES. I rise to a question of order.

I submit that the report of the Chairman of the Committee of the Whole on the state of the Union shows that the action of that committee is tantamount to a rejection of the bill, which the committee have no power to do.

The SPEAKER. Will the gentleman from New York indicate the rule under which it denies the committee that power?

Mr. HUGHES. It is under the 119th rule.

And under that rule the Speaker of the House once decided in the same manner. The Speaker refused to entertain the report of a committee, upon the ground that it was tantamount to a rejection of the bill, which the committee had no power to do. The note to the 119th rule gives the same construction to the rule, and upon that I raise my question of order.

The SPEAKER. The Chair would remark, that the same note declares that the very object of the rule was to obviate and supersede the offering of further amendments. The attention of the Chair was called to the rule this morning, indeed, on Saturday; and after a pretty full examination of the subject, he is unable to see any ground upon which it is competent for him to reject the report of the committee.

Mr. HUGHES. Well, sir, I merely desired to call the attention of the Chair to the construction of the rule which has been heretofore given.

The SPEAKER. The Chair decides that, under the 119th rule, to which the gentleman has referred, the report of the committee must be received.

Mr. MEACHAM. I rise to a question of privilege.

Mr. CLINGMAN. I rise to a question of order. The gentleman from Illinois obtained the floor, and I insist that the Chair has no right to give it to other gentlemen, until he has ascertained

the purpose for which the gentleman from Illinois obtained the floor.

The SPEAKER. If the gentleman from Illinois states that he rises to a question of privilege, the Chair will not recognize any other gentleman until he ascertains what that question is. He, however, has made no such statement. The gentleman from Vermont states that he does rise to a question of privilege, and the Chair decides that the latter gentleman is, therefore, entitled to the floor.

Mr. MEACHAM. The 34th rule provides that, "Where debate is closed by order of the House, any member shall be allowed in committee five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it," &c. Now, I submit that the rights of members under this rule have not been respected in committee.

The SPEAKER. The Chair does not perceive any question of privilege in the point presented by the gentleman from Vermont. That is a question which the committee must decide for itself. It is not competent for the Chair to know officially what has taken place in committee, except through the report of its Chairman.

Mr. MEACHAM. My point is simply this: that having been deprived of our rights under the rules in committee, it is our duty to go back again into committee to regain them.

The SPEAKER. That is a question for the majority of the House to determine.

Mr. PURYEAR. I desire simply to state that I endeavored to obtain the floor in committee for the purpose of expressing my opinions in reference to the motion made by the gentleman from Georgia to strike out the enacting clause of this bill, but failed to obtain it.

Mr. RICHARDSON. I demand the previous question upon concurring in the report of the committee.

Mr. ELLISON. I rise to a question of order.

The 26th rule provides that when the Committee of the Whole on the state of the Union finds itself without a quorum, the Chairman shall cause the roll to be called. Now, sir, I submit that the committee did find itself without a quorum, that it was not competent for it to report the bill to the House without a quorum, and that the roll was not called as the rule directs.

The SPEAKER. That is a question which the gentleman should have raised in committee, and which it is not competent for the House to have any knowledge of, unless so reported by the Chairman of the committee.

Mr. OLDS. If the House will allow me, I will make an explanation.

Mr. WHEELER. I object.

Mr. OLDS. I merely want to say, that in making that decision, I followed the example of my illustrious predecessor, [Mr. CHANDLER.]

Mr. DEAN. I move that the House do now adjourn; and upon that motion I demand the yeas and nays.

Mr. PRINGLE. I move that when this House adjourns, it adjourn to meet on Wednesday next.

Mr. PENNINGTON. Upon that motion I demand the yeas and nays.

Mr. MEACHAM. I demand the yeas and nays on the motion to adjourn over.

The yeas and nays were ordered.

Mr. SAGE. I move that the House do now adjourn.

The SPEAKER. The motion to adjourn over takes precedence of the motion to adjourn.

The question was then taken on the motion to adjourn over; and it was decided in the negative—yeas 68, nays 136; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Everhart, Farley, Ferguson, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Harrison, Hastings, Howe, Hughes, Daniel T. Jones, Knox, Lindsley, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, John L. Taylor, Thurston, Tracy, Upham, Wade, Wallley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—68.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Bocoek, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige,

Cumming, Curtis, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, Ellison, English, Etheridge, Faulkner, Florence, Fuller, Gambie, Goode, Green, Greenwood, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Hunt, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rowe, Ruffin, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—136.

So the House refused to adjourn over until Wednesday next.

Pending the above call, the following statements were made by unanimous consent:

Mr. NICHOLS. Mr. Speaker, I wish to say that some time since I paired off with Mr. McMULLIN, of Virginia, who is yet absent, and I am told is sick at home. A colleague of his [Mr. SNODGRASS] is paired off with a colleague of mine, [Mr. CORWIN,] who is also absent. Mr. SNODGRASS and myself, upon consultation with the friends of the absent gentlemen, have come to the conclusion to vote, and to leave those gentlemen to stand against each other on the question, and I make the statement in order that none of us shall be placed in a false position. I desire to vote on the pending question.

Mr. SNODGRASS. Mr. Speaker, I desire to state that before Mr. CORWIN, of Ohio, left this city for his residence, I agreed to pair off with him on all the votes arising on the Nebraska and Kansas bill now under consideration—the gentleman from Ohio being an opponent, while I am a friend of the bill. Mr. NICHOLS, of Ohio, under similar circumstances, paired off with Mr. McMULLIN, of Virginia. In the absence of Messrs. CORWIN and McMULLIN, their mutual friends have agreed to pair them off together; leaving Mr. NICHOLS, of Ohio, and myself, to vote on the said bill. As the above arrangement will not change the result of the vote, I will vote on the bill until Mr. McMULLIN returns.

[Here a message was received from the Senate by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had passed certain bills, and requesting its concurrence therein.]

The SPEAKER. The question now recurs on the motion to adjourn.

Mr. SIMMONS. I move that when the House adjourns to day, it be to meet on Thursday next.

Mr. MEACHAM. I move that there be a call of the House.

The SPEAKER *pro tempore*, (Mr. ORR.) The Chair decides the motion to be out of order.

Mr. CLINGMAN. The motion to adjourn takes precedence.

Mr. DICKINSON. I demand the yeas and nays on the motion to adjourn over until Thursday next.

The yeas and nays were ordered.

The question was taken on Mr. SIMMONS's motion; and it was decided in the negative—yeas 62, nays 136; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Hastings, Haven, Hiestor, Howe, Hughes, Daniel T. Jones, Knox, Lindsay, McCulloch, Mace, Matteson, Mayall, Meacham, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Tracy, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—62.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Biscoe, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchill, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cullom, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eastman, Edmundson, John M. Elliott, Ellison, English, Etheridge, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Pur

year, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rowe, Ruffin, Seymour, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—136.

So the House refused to adjourn over until Thursday next.

Mr. DEAN. I move that there be a call of the House; and on that motion I demand the yeas and nays.

Mr. CAMPBELL. I would beg the gentleman to withdraw his motion to adjourn for a moment.

Mr. SAGE. I withdraw it.

Mr. CAMPBELL. I ask the unanimous consent of the House to introduce the resolution which I send to the Clerk that it may be read.

Mr. RICHARDSON. I object.

Mr. CAMPBELL. Let the resolution be read. [Cries of "I object!"]

Mr. CAMPBELL. Then I move that the rules of the House be suspended, for the purpose I have indicated.

Mr. RICHARDSON. I object to the reading of it.

Mr. DICKINSON. I call for the reading of the resolution for information.

The SPEAKER. If the gentleman has a right to move to suspend the rules, it is not only in order to demand the reading, but it is the right of any member to demand it.

Mr. DICKINSON. Well, I demand the reading of the resolution.

Mr. CLINGMAN. I maintain that the House has already suspended the rules and reported this bill, and the previous question is now pending upon it, and it is not in order to suspend the rules until that is disposed of.

Mr. HAVEN. It is true that a demand for the previous question is pending; but pending that demand, it is in order, under the rules, to move to suspend the rules.

The SPEAKER. The rules were suspended, and the House went into the Committee of the Whole on the state of the Union under that suspension, and reported a bill. In the opinion of the Chair, it is not in order, at this stage of the proceedings, to move to suspend the rules generally.

Mr. CAMPBELL. I am compelled to take an appeal from the decision, though I do it reluctantly.

The SPEAKER. The Chair calls the attention of the gentleman from Ohio to the fact that the rules of the House have been already suspended. To illustrate the point: Suppose that, instead of going into the Committee of the Whole under a suspension, the rules had been suspended generally, and a bill introduced, would the gentleman contend that, during the consideration of that bill, any member would have a right to move to suspend the rules to go to something else?

Mr. CAMPBELL. I would suggest—

The SPEAKER. Will the gentleman allow the Chair to finish the remark; it is but a passing one? The motion made this morning to suspend the rules, does not require a vote of two thirds, and it differs in that respect only from a motion to suspend the rules generally. But the rules were suspended, and the bill has been reported under that suspension; and the Chair therefore thinks that it is not in order to move to suspend the rules for the purpose of going to any other business. That is all the Chair has to say.

Mr. HAVEN. May I be allowed to make a suggestion?

The SPEAKER. The Chair will be pleased to hear the gentleman.

Mr. HAVEN. The rules were suspended this morning for the purpose of allowing a motion to be made to go into the Committee of the Whole on the state of the Union. When the motion was made and carried, and the House went into committee, then the rules were not further suspended, but governed us in our action in the committee. Under the rules the committee rose and reported the bill to the House. When the rules were in full force, and not suspended, under the rules the demand was made for the previous question; and before the vote was taken seconding the demand, according to the rules, the motion was made by

the gentleman from Ohio to suspend them, it being Monday, to allow him to introduce his resolution.

From the moment we went into committee until the motion to suspend by the gentleman from Ohio, [Mr. CAMPBELL,] we have been acting under the rules of the House unsuspended. The suspension in the morning was only to go into committee. Since we came out, we have been under the rules. There are several territorial bills now on the table, that have lain there two weeks, that were reported by the Committee of the Whole, into which the House went by a suspension of the rules; but no one can pretend the rules have been suspended ever since those bills were reported.

The SPEAKER. If the decision of the Chair was correct this morning, when he decided that the motion to suspend the rules to go into the Committee of the Whole on the state of the Union was of equal dignity with a motion to suspend the rules generally, and that when those two motions were made, the one first made must be first put, the Chair thinks there can be no doubt as to the correctness of his present position. The gentleman from Ohio appeals from the decision of the Chair.

Mr. CAMPBELL. I desire to ask whether the rules are suspended now?—whether the act of suspension did not end when we went into committee?

[Cries of "Order!"]

The SPEAKER. The Chair would be glad to respond to the gentleman, if he can be permitted to do so; and he thinks the answer a very ready one.

The Chair states that we are acting under a suspension of the rules, and it is not now in order to suspend them again.

Mr. STEPHENS, of Georgia. We had this exact question presented last Monday. After the House had suspended the rules by two thirds, another motion was made to suspend the rules.

The SPEAKER. It was clearly out of order in that case.

Mr. HAVEN. Let me make this further suggestion—

[Cries of "Question!" "Question!"]

Mr. CLINGMAN. I move to lay the appeal taken from the decision of the Chair upon the table.

Mr. HAVEN. I would make this suggestion, that it is in order to move a suspension of the rules upon every Monday.

The SPEAKER. The Chair replies to the gentleman from New York, that we can suspend the rules several times upon every Monday. Under a suspension of the rules, a proposition can be introduced, but it must be acted upon by the House before another suspension of the rules. The gentleman from North Carolina [Mr. CLINGMAN] moves to lay the appeal taken from the decision of the Chair upon the table.

Mr. CAMPBELL. Upon that appeal I demand the yeas and nays, and I also desire tellers upon the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The House then divided; and the tellers reported forty-eight gentlemen voting in the affirmative.

So the yeas and nays were ordered.

Mr. CAMPBELL. I move that the House resolve itself into the Committee of the Whole on the state of the Union; and upon that motion I demand the yeas and nays.

Mr. MATTESON. I ask for tellers upon the yeas and nays.

Mr. CLINGMAN. There is another question pending, which is an appeal from the decision of the Chair in regard to a motion made to suspend the rules, and I ask whether it is in order to submit another motion of the same character until the motion now pending is decided?

The SPEAKER. The Chair would be glad to hear suggestions from any gentleman upon either side of this proposition. It is within the recollection of the Chair, that very often when bills have been reported from either the Committee of the Whole on the state of the Union, or the Committee of the Whole House on the Private Calendar, that the House have returned into committee by a suspension of the rules. That has been the practice of this body, as every member who has served here will recollect. The Chair does not at

this moment see upon what principle he can overrule that practice.

Mr. CLINGMAN. Mr. Speaker, can two motions to suspend the rules be entertained at once?

Mr. BANKS, (addressing the Chair at the same time.) After the House has suspended the rules for a specific purpose, and that purpose has been accomplished, is not a motion to suspend the rules generally in order?

The SPEAKER. The Chair thinks that the point is well taken by the gentleman from North Carolina, [Mr. CLINGMAN.] There is already pending a motion to suspend the rules, and such motions cannot be multiplied. The first motion that has been made must be first put to the House. There is a motion to suspend the rules generally, and an appeal has been taken from the decision of the Chair that that motion was not in order.

Mr. BANKS. I would inquire, Mr. Speaker, if the business for which the rules were suspended has not been exhausted?

The SPEAKER. The Chair is led to doubt the correctness of the decision which it has already made, that the motion to suspend the rules was not in order. The Chair is inclined now to doubt the correctness of that decision, for the reason that it has been the every-day practice of this body, after the committee, either of the Whole House on the state of the Union, or of the Whole House, have reported a bill or bills, to return immediately into committee, and then dispose of it.

Mr. CLINGMAN. I ask this question of the Chair, for the purpose of ascertaining the fact. Has there not been a motion made by the gentleman from Ohio [Mr. CAMPBELL] to suspend the rules generally which the Chair very properly, in my opinion, declared to entertain, and is there not an appeal pending from that decision?

Mr. SPEAKER. That is so.

Mr. CLINGMAN. Well, if the House should reverse the decision of the Chair, the question will again come up, on the motion of the gentleman from Ohio, and it must be put. Therefore, until this motion be disposed of, the second motion to suspend the rules cannot be entertained.

Mr. CAMPBELL. Well, for the present I will withdraw my motion until the question on the appeal is settled. In the mean time, however, (at one hour and fifty minutes, p. m.) I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHEELER. I move that when the House adjourns, it adjourn to meet on Thursday. The SPEAKER. The Chair cannot entertain that motion.

Mr. MEACHAM. I move that there be a call of the House.

Mr. WALSH. I rise to a question of order.

The SPEAKER. The gentleman from New York will state his question of order.

Mr. WALSH. The question of order to which I rise is this: that the rules of the House are established for the purpose of facilitating the transacting of the public business, and not with a view of retarding it; and that all these motions are made for the express and avowed purpose of retarding the public business.

[Cries of "Order!" "Order!"]

The SPEAKER. The Chair overrules the question of order of the gentleman from New York, [Mr. WALSH.] In reference to the motion of the gentleman from Vermont, [Mr. MEACHAM,] the Chair will remind that gentleman of the fact, what the Chair supposes he will recognize, that a motion for a call of the House cannot take precedence of a motion to adjourn.

Mr. MEACHAM. I was not aware, Mr. Speaker, that a motion to adjourn was pending.

The roll was then called; and the question was decided in the negative—yeas 70, nays 124; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Hastings, Haven, Hiestler, Howe, Hughes, Daniel T. Jones, Knox, Lindsley, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, John L. Taylor, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Wash-

burn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—70.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Upham, Edmundson, John M. Elliott, Ellison, English, Faulkner, Florence, Fuller, Goode, Green, Greenwood, Grey, Hamilton, Andrew J. Harlan, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Milson, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Ready, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Alexander H. Stephens, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tweed, Vail, Vansant, Wade, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—124.

So the House refused to adjourn.

The SPEAKER. The question recurs on laying the appeal from the decision of the Chair on the table.

Mr. MEACHAM. My motion for a call of the House is now in order; and I make it, and on it ask for the yeas and nays.

Mr. MATTESON. I call for tellers on the yeas and nays.

Mr. RICHARDSON. Mr. Speaker, has there not been a demand for the call of the House already disposed of this morning?

The SPEAKER. No.

Tellers were ordered on the call for the yeas and nays; and Messrs. CAMPBELL and HARRIS were appointed.

The House was then divided; and the tellers reported—yeas forty-one, (a sufficient number.)

So the yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 66, nays 123; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Farley, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Hastings, Haven, Hiestler, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, John L. Taylor, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, and Yates—66.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barry, Belcher, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cullom, Cumming, Curtis, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, Ellison, English, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lilly, Macdonald, McDougall, Maxwell, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Thomas Ritchey, Robbins, Rowe, Ruffin, Seymour, Shannon, Shaw, Shower, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, Hestor L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—123.

So the House refused to order a call.

Mr. BENSON. I move that the House do now adjourn; and upon that motion I demand the yeas and nays.

Mr. WASHBURN. I call for tellers upon the demand for the yeas and nays.

Mr. WALSH. I rise to a question of order. The SPEAKER. The gentleman will state his point of order.

Mr. WALSH. Here it is in writing.

The point of order was as follows:

Mr. WALSH renews the point of order submitted by him before, as follows: That the rules of this House, and of all other legislative bodies, are enacted for the express purpose of facilitating and not retarding the public business; and that all motions made, as the present and sundry previous motions have evidently been made, with the sole and unconcealed object of embarrassing and preventing the legitimate action of this House, are clearly and unquestionably out of order, and for

these reasons: That the whole theory of our government is based upon the right of the majority to govern fairly, and not despotically; that the majority, during the whole discussion of the question now at issue, have already acted with a liberality and forbearance unparalleled, and that any further extension of it, while subversive of the public interest, would tend to establish a precedent which would enable any captious minority to entirely control the legislation of the country.

Pending the reading:

Mr. CAMPBELL said: I object to any further reading of the argument upon the point of order.

The further reading was then dispensed with.

The SPEAKER. The Chair decides that the appeal taken from the decision of the Chair is legitimate.

Mr. WALSH. Well, I withdraw the argument, as I understand gentlemen cannot stand it. [Laughter.]

Tellers were then ordered upon the motion that the House do adjourn; and Messrs. CAMPBELL, and WRIGHT of Pennsylvania, were appointed.

The House was then divided, and the tellers reported—yeas thirty-nine, (a sufficient number.)

So the yeas and nays were ordered.

Mr. FLAGLER. I move that when the House adjourns, it adjourn to meet on Wednesday next.

The SPEAKER. The House but just now has voted upon that motion, and refused to adopt it. Since which a sufficient time has not elapsed, in the opinion of the Chair, to make the motion in order.

The question was then taken on the motion to adjourn; and decided in the negative—yeas 64, nays 118; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Goodrich, Grow, Aaron Harlan, Hastings, Haven, Hiestler, Howe, Hughes, Daniel T. Jones, Knox, Lindsley, McCulloch, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, John L. Taylor, Tracy, Trout, Upham, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, and Yates—64.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, John M. Elliott, English, Etheridge, Florence, Fuller, Gamble, Green, Greenwood, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lilly, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Milson, Morrison, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Thomas Ritchey, Robbins, Rowe, Ruffin, Seymour, Shaw, Shower, Singleton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—118.

So the House refused to adjourn.

The question then recurred upon the motion made to lay the appeal from the decision of the Chair upon the table.

Mr. GOODRICH. Upon that question I ask to be excused from voting.

Mr. SAGE. I demand the yeas and nays upon the motion to excuse the gentleman from Massachusetts.

Mr. CLINGMAN. I raise the question of order, that the previous question having been demanded, cuts off not only all speeches and amendments, but all motions of this sort.

The SPEAKER. The gentleman states correctly that the previous question has been demanded, but it has not been seconded.

Mr. CLINGMAN. That is very true; but the reason I have adduced that the demand cuts off all motions of this sort, as well as motions to amend and discussion, still holds good.

Mr. RICHARDSON. I want to suggest to the Chair that, after the previous question has been demanded, the rules prescribe that only certain motions can be made, and that this is not one of them.

Mr. HAVEN. Will the Chair allow me to say that, under the decision of the Chair, the rules

are suspended, and that this rule is therefore not applicable? [Laughter.]

THE SPEAKER. The Chair will remark to gentlemen upon all sides, that discussion, as they are very well aware, is not in order. The Chair will give his decision upon the question, if the House wish him to do so. The Chair decides that the motion that the gentleman from Massachusetts be excused from voting is in order.

MR. CLINGMAN. From that decision I take an appeal.

MR. FLAGLER. I raise the question that one appeal from the decision of the Chair being already pending, the appeal of the gentleman from North Carolina is not in order.

THE SPEAKER. The Chair decides, for the same reason that he gave a similar decision the other day, that the appeal is in order.

MR. WASHBURN, of Illinois. I move to lay the appeal upon the table.

MR. CLINGMAN. My appeal is upon the same ground as that upon which I took an appeal the other day.

THE SPEAKER. The Chair decided the other day, upon a precisely similar question, that the gentleman from North Carolina had the right to take an appeal, upon the ground that it was an eminently practical question, rather than upon the express authority of any rule. The gentleman from Massachusetts [Mr. Goodrich] now asks to be excused from voting. The Chair decides that he has the right to make that motion. From this decision the gentleman from North Carolina takes an appeal, and the gentleman from Illinois moves to lay the appeal upon the table. The question is, therefore, upon the latter motion.

MR. WASHBURN, of Illinois. I demand the yeas and nays upon my motion.

MR. CAMPBELL. As this is rather an important question, I move that there be a call of the House.

THE SPEAKER. The Chair decides that motion not to be in order at this time.

MR. CAMPBELL. Upon what ground? Business has transpired since the motion was made and decided.

THE SPEAKER. What business?

MR. CAMPBELL. A motion to adjourn, and questions of order.

THE SPEAKER. A motion to adjourn has been made; but the Chair decides that nothing has occurred which could furnish a reason for the House to change its decision.

MR. CAMPBELL. With the permission of the Chair, I will refer him to decisions of the Chair on Thursday and Friday week, and I will also refer him to the decision of Mr. Speaker Cobb on the 18th of February, 1850; all of which are, that a motion to adjourn over may be repeated after any business has transpired.

THE SPEAKER. The gentleman from Ohio will remember that the decision now made by the Chair was sustained by the House last week.

MR. CAMPBELL. Well, sir, I desire to refer the Chair to his own decision on Monday last, and to those made by him on Thursday and Friday day.

[Cries of "Order!" "Order!"]

THE SPEAKER. The Chair trusts the House will allow the gentleman from Ohio to proceed in his suggestions.

MR. CAMPBELL. Last Thursday and Friday it was repeatedly entertained.

THE SPEAKER. The Chair may so decide again to-day for aught he knows; but he sees nothing, in his opinion, which may reasonably change the purpose of the House in reference to the call of the House. Very many even doubt whether it can be entertained during the day. For myself I do not. I think the question of time as well as the action of the House might be well considered in regard to the demand for a call of the House.

MR. STUART, of Ohio. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. INGERSOLL and CAMPBELL were appointed.

The House was divided; and the tellers reported—yeas forty-nine, (a sufficient number.)

So the yeas and nays were ordered.

THE SPEAKER. The Chair decided that the gentleman from Massachusetts had a right to submit a motion that the House excuse him from voting on a pending appeal from the decision of the Chair. From that decision, the gentleman

from North Carolina [Mr. CLINGMAN] took an appeal. A motion was then made that the appeal do lie upon the table.

MR. MATTESON. I move that the House do now adjourn.

THE SPEAKER. That was the last motion voted on; and the Chair decides it to be out of order.

The question was then taken on the motion to lay the appeal upon the table; and it was decided in the negative—yeas 88, nays 105; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Cutting, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmonds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Heister, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Morgan, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Thomas Ritchey, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburn, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—88.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocoock, Boyce, Breckinridge, Bridges, Caruthers, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Ingersoll, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Letcher, Lilly, Macdonald, McDougall, Maxwell, John G. Miller, Smith Miller, Millson, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Preston, Ready, Richardson, Riddle, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Warren, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—105.

So the House refused to lay the appeal upon the table.

THE SPEAKER. The question now recurs on the appeal.

MR. CAMPBELL. I rise to present the question of order whether, under the rulings of the Chair heretofore, this appeal can be entertained while another appeal is pending?

THE SPEAKER. The Chair stated, when he entertained the appeal awhile ago, that he did so in accordance with the practice of the other day. A precisely similar case occurred then, as the gentleman will recollect. He stated further that he did so from necessity, and as a practical measure, under the peculiar circumstances of the case, rather than with any justification under the rules of the House.

MR. CAMPBELL. It will be recollected when the question was raised week before last, that the Chair then decided, and I think that he was sustained by the House, that pending one appeal another appeal could not be made.

THE SPEAKER. That is a law of the House, and the Chair feels all its force in this particular case; but having entertained the appeal, he will now change his decision. The gentleman would have thought it hard if the Chair had overruled the right which the Chair thought the gentleman had, under the rule, to vote. He would have thought it hard if he could not have appealed from that decision. This is a privileged question. It goes to the privilege of a member; and some weight is to be given to that consideration in admitting an appeal.

MR. CAMPBELL. I move that the House do now adjourn.

MR. WASHBURN, of Maine. I move that when the House adjourns to-day, it be to meet on Wednesday next.

MR. RICHARDSON. I rise to a question of order. That motion is not in order.

MR. CLINGMAN. That motion to adjourn over cannot be repeated. It has been once decided to-day.

THE SPEAKER. The Chair desires to administer the rules of the House practically and justly. He decides that the House has a right to adjourn over. It is a privileged question.

MR. WASHBURN. So the Chair has ruled before.

THE SPEAKER. It is even of a higher grade

when viewed in one aspect than the motion to adjourn.

MR. CLINGMAN. After the House has once refused to adjourn over?

MR. HIBBARD. I rise to a question of order. The House having once voted to-day that they would not adjourn over, how can that motion be repeated?

THE SPEAKER. Since the motion to adjourn over was made and negatived, there has been a vote taken on a motion that there be a call of the House. Some time elapsed. There has also been a vote on the motion that the appeal from the decision of the Chair do lie upon the table. There has been action further on two motions to adjourn. The Chair entertains the motion under the circumstances.

MR. HIBBARD. I am constrained to take an appeal from the decision of the Chair, believing it to be wrong.

MR. CAMPBELL. I rise to a question of order. When two appeals are pending, may a third one be taken from the decision of the Chair?

MR. HIBBARD. If the appeal be not in order, the motion is not in order.

THE SPEAKER. The original practice was, that one appeal could not be made on another. That, however, is in reference to the same subject; but on subjects entirely different, one from the other, the case is otherwise. That is the recollection of the Chair. If any gentleman has distinct recollection of practice different from that, the Chair would be glad to hear of it.

MR. WASHBURN, of Illinois. I move to lay the appeal from the decision of the Chair upon the table; and on that motion I demand the yeas and nays.

THE SPEAKER. The Chair entertains the motion, that when the House adjourns, it be to meet on Wednesday next. From that decision the gentleman from New Hampshire takes an appeal. The gentleman from Illinois moved that the appeal do lie upon the table. On the latter proposition the yeas and nays have been demanded.

MR. WHEELER. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. CULLOM and BOCOOCK were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported fifty in the affirmative.

So the yeas and nays were ordered.

MR. CAMPBELL. I move that there be a call of the House.

THE SPEAKER. The Chair decides that motion out of order.

MR. CAMPBELL. I will take an appeal, then, as there are only three appeals already pending. [Laughter, and cries of "Good!"] I respectfully take an appeal from the decision of the Chair.

THE SPEAKER. The Chair will not entertain it.

MR. CAMPBELL. The Chair will entertain three appeals, but not a fourth!

MR. HIBBARD. I call the gentleman to order.

The question was then taken on Mr. Washburn's motion; and it was decided in the negative—yeas 85, nays 104; as follows:

YEAS—Messrs. Ball, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmonds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Heister, Howe, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Millson, Morgan, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburn, Israel Washburn, John Wentworth, Tappan Wentworth, and Wheeler—85.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Barry, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Chastain, Churchwell, Clark, Clingman, Cobb, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, Faulkner, Florence, Gamble, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Ingersoll, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lilly, Macdonald, McNamee, Maxwell, John G. Miller, Smith Miller, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Ready, Reese, Richardson, Riddle, Robbins, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R.

Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—104.

So the House refused to lay the appeal upon the table.

The question recurred upon Mr. HIBBARD's appeal.

Mr. SAGE. I ask for the yeas and nays.

Mr. WHEELER. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. PHILLIPS and CULLOM were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

A MEMBER. What is the question now before the body?

The SPEAKER. A motion was made that the House adjourn over. The Chair entertained that motion. The gentleman from New Hampshire [Mr. HIBBARD] contended that the motion to adjourn over was not in order, and appealed from the decision of the Chair entertaining that motion. The question is, "Shall the decision of the Chair stand as the judgment of the House?"

The roll was called; and the question was decided in the negative—yeas 87, nays 98; as follows:

YEAS—Messrs. Ball, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Cutting, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiester, Howe, Hughes, Daniel T. Jones, Kittredge, Knox, Letcher, Lindsley, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Milson, Morgan, Morrison, Murray, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Thomas Ritchey, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Wheeler—87.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barry, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Ingersoll, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lilly, Macdonald, McDougall, McNair, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Ready, Reese, Richardson, Riddle, Rowe, Rufin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, and Hendrick B. Wright—98.

So the decision of the Chair was overruled.

Mr. RICHARDSON. Will the Chair state the next question?

The SPEAKER. The question is on the motion of the gentleman from Ohio, [Mr. CAMPBELL], that the House do now adjourn.

Mr. MORGAN. I call for the yeas and nays. The yeas and nays were ordered.

The roll was called; and the question was decided in the negative—yeas 73, nays 100; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Edgerton, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Farley, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiester, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Andrew Stuart, John L. Taylor, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Wheeler—73.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barry, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Gaubie, Goode, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Ingersoll, Roland Jones, Keitt, Kerr, Kidwell, Lamb, Latham, Letcher, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Milson, Olds, Mordecai Oliver, Orr, Packer,

John Perkins, Phelps, Phillips, Powell, Puryear, Reese, Richardson, Riddle, Robbins, Rowe, Rufin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stratton, Straub, David Stuart, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—100.

So the House refused to adjourn.

The SPEAKER. The question recurs on the appeal taken from the decision of the Chair by the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. SAGE. I move that the House do now take a recess until seven o'clock this evening.

Mr. CLINGMAN. I submit that that motion is not in order.

The SPEAKER. The Chair decides that the proposition of the gentleman from New York [Mr. SAGE] is not in order.

Several MEMBERS. State the question.

The SPEAKER. The Chair decides that the gentleman from Massachusetts [Mr. GOODRICH] had a right to submit a motion that the House excuse him from voting on the appeal taken from the decision of the Chair. From this decision—that the motion was in order—the gentleman from North Carolina [Mr. CLINGMAN] takes an appeal; and the question before the body is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. WASHBURN, of Maine. I move now, if it is in order, that there be a call of the House.

The SPEAKER. The Chair decides that that motion is not in order until this appeal be disposed of.

Mr. WASHBURN. From that decision of the Chair I take an appeal.

The SPEAKER. The Chair cannot entertain it.

Mr. CAMPBELL. I move to lay the appeal on the table.

Mr. CLINGMAN. A similar motion has been just voted down.

The SPEAKER. The proposition submitted by the gentleman from Ohio [Mr. CAMPBELL] has been voted down a few minutes since.

Mr. SAGE. I want to inquire from the Chair if it is not in order to move to adjourn?

The SPEAKER. Debate is not in order.

The question was then taken; and there were—yeas 82, nays 100; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Cutting, Thomas Davis, Dean, De Witt, Dick, Dickinson, Edgerton, Edmunds, Thomas D. Eliot, Etheridge, Everhart, Farley, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hiester, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Letcher, Lindsley, Lyon, McCulloch, Matteson, Meacham, Middleswarth, Milson, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Peckham, Bishop Perkins, Pringle, Puryear, David Ritchie, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Andrew Stuart, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Wheeler—82.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Florence, Goode, Green, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Ingersoll, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phillips, Powell, Preston, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Rufin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—100.

So the decision of the Chair was overruled.

Mr. MORGAN. I move that the House adjourn; and upon that motion I call for the yeas and nays.

Mr. MATTESON. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. MATTESON and KEITT were appointed.

The House was then divided; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

Mr. GOODRICH. I now move that when the House adjourns, it adjourn until Wednesday next.

The SPEAKER. The Chair rules the motion out of order, under the decision just made by the House.

The question was then put upon the motion to adjourn; and it was decided in the negative—yeas 68, nays 101; as follows:

YEAS—Messrs. Banks, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Dean, De Witt, Dick, Dickinson, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Flagler, Giddings, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hiester, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, McCulloch, Matteson, Meacham, Middleswarth, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Andrew Stuart, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Wheeler—68.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Florence, Fuller, Goode, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Letcher, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phillips, Powell, Preston, Puryear, Reese, Richardson, Riddle, Robbins, Rowe, Rufin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Alexander H. Stephens, David Stuart, Tweed, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—101.

So the House refused to adjourn.

Mr. ELIOT, of Massachusetts. I move a call of the House.

The SPEAKER. The Chair rules that motion out of order at this stage of the proceedings.

Mr. ELIOT. From that decision I respectfully take an appeal.

The SPEAKER. The Chair has already declined to entertain an appeal, as there is an appeal already pending before the House.

This morning the rules of the House were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union. The committee rose, and reported to the House a bill—the Nebraska bill—upon which the gentleman from Illinois, [Mr. RICHARDSON], the chairman of the Committee on Territories, demanded the previous question. The gentleman from Ohio [Mr. CAMPBELL] moved to suspend the rules generally, for the purpose of introducing a resolution. The Chair decided that motion out of order. The Chair remarked at the time that the House was acting under a suspension of the rules.

Gentlemen are aware that there are a good many privileged motions, nearly all of which have been crowded upon the Chair in a very short space of time, and in a manner well calculated to embarrass. The Chair was inclined to think that the House was then acting under a suspension of the rules, and that it was not in order to suspend the rules generally; and he also stated that a motion to suspend the rules generally—which motion is allowed only on Mondays—and a motion to suspend the rules for the purpose of going into the Committee of the Whole, were of equal dignity, and that it was the duty of the Chair to put them in the order in which they were made.

Some gentlemen called the attention of the Chair to the fact that it was the habit of the House, after the Committee of the Whole had reported a bill, without acting upon that report, to suspend the rules, and go back into committee. The Chair then doubted the correctness of his original decision; and but for the fact that the previous question had been demanded, the Chair would have reviewed his decision.

The Chair's decision, then, is, that during the pendency of the demand for the previous question, it is not in order to move to suspend the rules for either purpose. The Chair is sustained in that decision by his own practice, as it appears upon the Journal. The Chair thinks this is a rational and practical administration of the rules. If it be remembered that upon the question of seconding the demand for the previous question the yeas and nays cannot be called, it will be seen that it would require but a single vote to decide whether the House will order the main question;

and that no hardship can result if the rules are thus administered constantly.

From the decision of the Chair an appeal was taken, and a motion was made by the gentleman from North Carolina [Mr. CLINGMAN] to lay that appeal upon the table. That is the pending question.

Mr. HENDRICKS. That appeal has just been voted down.

The SPEAKER. That was another appeal.

The question was then put; and decided in the affirmative—yeas 114, nays 67; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchill, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunham, Edmundson, John M. Elliott, English, Etheridge, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, John G. Miller, Smith Miller, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phillips, Powell, Preston, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—114.

NAYS—Messrs. Ball, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Hastings, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Matteson, Mayall, Middlesworth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—67.

So the appeal was laid upon the table.

Mr. BANKS. I move to reconsider the vote by which the House laid the appeal upon the table.

Mr. WALSH. I move to lay the motion to reconsider upon the table.

Mr. BANKS. I ask the Chair to read to the House a precedent upon this point.

Mr. CLINGMAN. I object.

Mr. BANKS. I do not wish to argue the question, but only desire to have a precedent read.

Mr. CLINGMAN. I object. There are conflicting decisions upon the point.

The SPEAKER. It is objected to, and it cannot be read.

Mr. SAGE. I demand the yeas and nays upon the motion to lay the motion to reconsider upon the table.

Mr. WHEELER. I call for tellers upon the demand for the yeas and nays.

Tellers were ordered; and Messrs. ETHERIDGE and BRECKINRIDGE were appointed.

The House was then divided upon the demand for the yeas and nays; and the tellers reported—ayes forty-seven, (a sufficient number.)

So the yeas and nays were ordered.

Mr. SAPP. I move that the House do now adjourn.

Mr. MATTESON. I demand the yeas and nays upon that proposition.

Mr. BANKS. I call for tellers upon the demand for the yeas and nays.

Mr. DICKINSON. I move that when the House adjourns, it adjourn to meet on Wednesday next.

The SPEAKER. Under the decision of the House, overruling the decision of the Chair, the Speaker rules the motion out of order; and that motion cannot be entertained during this session, under that decision.

Mr. GIDDINGS. Would it be in order to take an appeal?

The SPEAKER. The Chair will not entertain an appeal.

Mr. GIDDINGS. Did not the Chair entertain a similar appeal when it came from the other side?

The SPEAKER. The Chair very reluctantly entertained an appeal then, but he very decidedly declines to entertain it now.

Tellers were ordered; and Messrs. HAMILTON and SAGE appointed.

The House was then divided upon ordering the

yeas and nays; and the tellers reported forty in the affirmative—more than one fifth of those present.

So the yeas and nays were ordered.

The question was then taken upon Mr. SAPP's motion; and decided in the negative—yeas 75, nays 114; as follows:

YEAS—Messrs. Ball, Banks, Bennett, Benson, Benton, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Matteson, Middlesworth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sapp, Simmons, Skelton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—75.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchill, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, John G. Miller, Smith Miller, Noble, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phillips, Powell, Pratt, Preston, Reese, Richardson, Robbins, Rowe, Ruffin, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—114.

So the House refused to adjourn.

The question then recurred upon the motion to lay upon the table the motion to reconsider the vote by which the appeal from the decision of the Chair was laid upon the table.

Mr. HUGHES. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken upon the motion; and decided in the affirmative—yeas 108, nays 73; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchill, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Curtis, John G. Davis, Dawson, Disney, Dowdell, Dunham, Edmundson, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, Maxwell, John G. Miller, Smith Miller, Noble, Olds, Mordecai Oliver, Orr, Packer, Bishop Perkins, Phillips, Powell, Pratt, Preston, Puryear, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—108.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestler, Howe, Hughes, Daniel T. Jones, Kittredge, Knox, Lindsley, McCulloch, Matteson, Mayall, Meacham, Middlesworth, Morgan, Morrison, Nichols, Norton, Andrew Oliver, Parker, Peck, Peckham, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Stratton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—73.

So the House agreed to lay the motion to reconsider upon the table.

[Loud and prolonged cries of "Question!" "Question!"]

Mr. SAGE. I move that the House do now adjourn.

Mr. DEAN. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. SAGE's motion; and decided in the negative—yeas 79, nays 116; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart,

Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestler, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, McCulloch, Mace, Matteson, Mayall, Meacham, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Wheeler, and Yates—79.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Churchill, Clark, Clingman, Cobb, Colquitt, Cumming, John G. Davis, Dawson, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Reese, Richardson, Riddle, Robbins, Rogers, Ruffin, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William R. Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—116.

So the House refused to adjourn.

The question then recurred upon the motion to lay the bill upon the table.

Mr. STUART, of Ohio. I move to recommit the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order under an express rule of the House.

Mr. CAMPBELL. I demand the yeas and nays upon the motion to lay the bill upon the table.

The yeas and nays were ordered.

Mr. WASHBURN, of Maine. I move that there be a call of the House.

Mr. RICHARDSON. That motion is not in order. The House has decided that a motion for a call of the House is not in order at this stage of the proceedings.

The SPEAKER. The gentleman from Illinois demanded the previous question upon the report of the Committee of the Whole on the state of the Union. A motion that there be a call of the House was made, and the House refused to order it; thus indicating its purpose to vote upon the report made by the committee. Since that time, the condition of business has not been changed at all. The Chair therefore decides that a motion for a call of the House is not in order.

Mr. WASHBURN. From that decision I take an appeal.

Mr. CLINGMAN. I submit that the gentleman cannot take an appeal. A motion that there be a call of the House is not in order; and an appeal from the decision of the Chair deciding that it is not in order, is no more in order than it would be on a motion that the House adjourn.

Mr. CAMPBELL. There is no appeal pending now, Mr. Speaker.

The SPEAKER. The Chair overrules the point of order, and decides the appeal in order.

Mr. CLINGMAN. I move to lay the appeal upon the table.

Mr. CAMPBELL. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CLINGMAN. Upon further reflection, I will withdraw my motion, and allow the vote to be taken directly upon sustaining the decision of the Chair.

Mr. WHEELER. I renew the motion to lay the appeal upon the table.

Mr. SAGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken upon Mr. WHEELER's motion; and decided in the affirmative—yeas 118, nays 73; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chandler, Chastain, Chrisman, Churchill, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cutting, John G. Davis, Dawson, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Gamble, Goode, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb,

Lane, Lecher, Lilly, Lindley, Lyon, McCulloch, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Morrison, Olds, Mordecai Oliver, Orr, Packer, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Preston, Puryear, Reese, Richardson, Riddle, Robbins, Rogers, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Ellihu B. Washburne, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—118.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Campbell, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Goodrich, Green, Grow, Aaron Harlan, Harrison, Hastings, Haven, Heister, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsley, Mace, Matteson, Mayall, Meacham, Middleswarth, Millson, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pringle, David Ritchie, Russell, Sage, Sapp, Simmons, Skelton, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Walley, Israel Washburn, John Wentworth, Tappan Wentworth, and Yates—73.

So the appeal was laid upon the table, and the decision of the Chair sustained.

Pending the call of the roll,

Mr. WHEELER, who was outside the bar when his name was called, asked leave to vote.

Mr. WALSH objected.

Mr. WASHBURN, of Illinois. I rise to a privileged motion. I move to reconsider the vote by which the appeal was laid upon the table.

Mr. HAMILTON. How did you vote upon that motion?

Mr. WASHBURN. I voted with the majority.

Mr. MORGAN. Upon the motion of the gentleman from Illinois I demand the yeas and nays.

Mr. CLINGMAN. I submit that that motion is not in order.

The SPEAKER. The Chair overrules the question of order made by the gentleman from North Carolina, and decides the motion to be in order.

Mr. WALSH. I rise to a question of order. I now renew the point I made some time ago, that motions which are made with the express view, with the express intention, to retard the business of the House, are not in order.

The SPEAKER. The Chair overrules the question of order.

Mr. WALSH. I then appeal from the decision of the Chair. [Laughter.]

Mr. CLINGMAN. I move to lay the motion to reconsider upon the table.

Mr. SAGE. I demand the yeas and nays upon that motion.

Mr. MATTESON. I demand tellers upon ordering the yeas and nays.

Mr. WALSH. At the suggestion of some gentlemen upon whom I rely, I withdraw my appeal.

Tellers upon the yeas and nays were ordered; and **Messrs. WHEELER** and **Cox** were appointed.

The House was divided; and the tellers reported forty-one in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken upon **Mr. CLINGMAN**'s motion; and decided in the affirmative—yeas 114, nays 74; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Dowdell, Dunbar, Edmundson, John M. Elliott, English, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lecher, Lilly, Lindley, Macdonald, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Morrison, Olds, Mordecai Oliver, Orr, Packer, Phelps, Phillips, Powell, Puryear, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—114.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Heister, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Parker, Pennington, Bishop Per-

kins, Pringle, David Ritchie, Russell, Sage, Sapp, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—74.

So the motion to reconsider was laid upon the table.

[Cries of "Question!" "Question?"]

Mr. BENSON. I move that this House do now adjourn.

Mr. MORGAN. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon **Mr. BENSON**'s motion; and decided in the negative—yeas 72, nays 117; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Crocker, Cullom, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Farley, Fenton, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Bishop Perkins, Pringle, David Ritchie, Russell, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Wheeler—72.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barry, Bell, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chastain, Chrisman, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lecher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Morrison, Nichols, Noble, Olds, Mordecai Oliver, Orr, Packer, Phelps, Phillips, Powell, Pratt, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—117.

So the House refused to adjourn.

The question then recurred upon the motion to lay the bill upon the table.

Mr. WASHBURN, of Illinois. I demand the yeas and nays upon that motion.

Mr. STUART, of Ohio. I made the motion to recommit the bill to the Committee of the Whole on the state of the Union.

Mr. CLINGMAN. That motion is not in order.

Mr. STUART. The Chair ruled that motion to be out of order. I now renew that motion, and I call the attention of the Chair to the 120th rule, with the note thereto.

The SPEAKER. The gentleman from Ohio moves to recommit the bill to the Committee of the Whole on the state of the Union, and refers to the 120th rule. The Chair has read that rule once or twice to-day, and cannot be mistaken in reference to its construction. The rule is express upon the subject.

Mr. STUART. Does not the note say after the previous question has been seconded?

The SPEAKER. The Chair has no doubt that that note was put there long before the present rule was in existence. At all events, there is no note that can overturn a direct rule. It is provided by an express rule that a demand for the previous question cuts off all debate, motions to commit, motions to amend, motions to postpone to a day certain, and to postpone indefinitely, and brings the House to a direct vote upon the main question, first upon the amendment, if there be one pending. Under this rule, therefore, a motion to commit is not in order.

The yeas and nays were ordered upon the question to lay the bill upon the table.

The question was then taken on the motion that the bill do lie upon the table; and it was decided in the negative—yeas 92, nays 112; as follows:

YEAS—Messrs. Banks, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Heister, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Morrison, Murray, Nichols,

Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Wheeler—92.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lecher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—112.

So the House refused to lay the bill upon the table.

Pending the above call,

Mr. BUGG said: **Mr. Speaker**, I was not within the bar when my name was called, and I now ask the unanimous consent of the House to record my vote in favor of laying the bill upon the table.

Mr. CLINGMAN. I object to anybody voting who was not within the bar when his name was called.

The SPEAKER. Objection being made, the gentleman cannot vote, if he was not within the bar when his name was called.

Mr. BUGG. I will then say, that if I had been within the bar when my name was called, I should have voted in favor of the motion that the bill do lie upon the table.

The SPEAKER. The question is now on seconding the demand for the previous question.

[Cries of "Question!"]

Mr. PENNINGTON. I move that the House do now adjourn.

Mr. MATTESON. I move that when the House adjourns to-day, it be to meet on Wednesday next.

The SPEAKER. The Chair decides the motion to adjourn over out of order, under the ruling of the House.

Mr. PENNINGTON. I demand the yeas and nays on the motion to adjourn.

Mr. WASHBURN, of Illinois. I demand tellers on the yeas and nays.

Tellers were ordered; and **Messrs. CAMPBELL** and **HENDRICKS** were appointed.

The House was then divided, and the tellers reported—yeas forty-two, (a sufficient number.)

The question was then taken on **Mr. PENNINGTON**'s motion; and it was decided in the negative—yeas 83, nays 122; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Heister, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Nichols, Norton, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Wheeler—83.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Boccock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Lecher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub,

THE CONGRESSIONAL GLOBE.

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33D CONGRESS, 1ST SESSION.

MONDAY, MAY 22, 1854.

NEW SERIES....No. 79.

David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—122.

So the House refused to adjourn.

[Cries of "Question!"]

Mr. CAMPBELL. I would make an appeal to the gentleman from Illinois to withdraw his call for the previous question until I can make a suggestion in reference to this bill.

Mr. RICHARDSON. The appeal is in vain. I decline to withdraw the call for the previous question.

Mr. CAMPBELL. If the gentleman withdraws his call, I will renew it in three minutes by the clock.

The question was then taken; and the call for the previous question received a second.

The question then recurred on ordering the main question to be put.

Mr. WHEELER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken on ordering the main question to be now put; and it was decided in the affirmative—yeas 117, nays 94; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Caskey, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Pratt, Preston, Puryear, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—117.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Thomas Ritchey, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—94.

So the main question was ordered to be now put.

Pending the above call, Mr. READY said: Mr. Speaker, I state as the reason why I have not voted that I have paired off with Mr. Seymour, of Connecticut.

Mr. SAGE. I move that the House do now adjourn; and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on Mr. SAGE's motion; and it was decided in the negative—yeas 85, nays 121; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Gamble, Goodrich, Grow, Aaron, Harlan, Andrew J. Harlan, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lindsey, McCulloch, Mace, Matteson, Meacham, Middleswarth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, David Ritchie, Thomas Ritchey, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—85.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barks-

dale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskey, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Edmundson, John M. Elliott, English, Faulkner, Florence, Fuller, Giddings, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Morrison, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Ready, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—121.

So the House refused to adjourn.

The SPEAKER. The question now recurs on agreeing with the report of the Committee of the Whole on the state of the Union.

Mr. SAGE. I demand the yeas and nays.

Mr. WASHBURN, of Maine. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. WHEELER and Bocock were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported fifty-two in the affirmative.

So the yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 97, nays 117; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Morgan, Morrison, Noble, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—97.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskey, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Millson, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—117.

So the House refused to concur in the report of the Committee of the Whole on the state of the Union striking out the enacting clause of the bill.

Mr. RICHARDSON. I now move to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof what I send to the Clerk's desk; and upon that proposition I demand the previous question.

Mr. HAVEN. I rise to a question of order. I submit that the previous question is not exhausted, but is still pending on the bill.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from New York, and for the reason that the proposition of the Committee of the Whole on the state of the Union was nothing more nor less, in substance, than a motion to reject the bill; and it has no such connection with any one of the readings of the bill as that the previous question would cover both. For instance, the previous question ordered to be

put will not cover too readings of a bill, neither can it cover the report of the committee, which proposed to reject the bill, and an amendment that is afterwards offered, or the ordering of the bill to a third reading.

That is the view taken by the Chair of the question of order raised by the gentleman from New York. The gentleman from New York will, perhaps, remember that upon a motion made—an unusual one, to be sure—during the present session, to reject a bill, precisely this course of proceeding was had.

Mr. BANKS. I desire to ask the Chair if the bill does not go to its readings without a question, if this was analogous to a rejection?

The SPEAKER. The Chair is very clear that a vote of the House is necessary.

Mr. HAVEN. I desire to raise the question of order, but I have no intention to appeal from the decision of the Chair.

Mr. DEAN. I call for the reading of the substitute.

Mr. ORR. I ask if the gentleman has a right to call for the reading of the substitute until the question is taken upon the demand for the previous question?

The SPEAKER. The Chair has no doubt at all that the gentleman has a right to demand that the bill be read.

Mr. ORR. If that be correct, could he not call for its reading after the previous question has been seconded?

The SPEAKER. Not at all. The bill having been read once, the gentleman could not call for its reading the second time.

The Clerk proceeded to read the substitute.

Mr. MORGAN. I ask the Chair to put my motion. I made a motion that the House adjourn.

The SPEAKER. The Chair regrets not having heard the gentleman from New York, as he most certainly should have entertained the motion. After the reading of the proposition, the motion made by him will be put to the House.

The substitute offered by Mr. RICHARDSON was then read, as follows:

A BILL to organize the Territories of Nebraska and Kansas.

Strike out all after the enacting clause, and insert:

That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri river where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri river; thence down the main channel of said river to the place of beginning, be, and same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be

included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Nebraska shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and, in case of the death, removal, resignation, or absence of the Governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of Representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons, and in such mode, as the Governor shall designate and appoint; and the person so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Repre-

sentatives to which each of the counties or districts shall be entitled under this act. To persons having the highest number of legal votes in each of said council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor to be duly elected members of said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory, but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the Army or Navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory, by reason of being on service therein.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, to be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly, by adjournment, prevent its return, in which case it shall not be a law.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Nebraska. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative

Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus, involving the question of personal freedom: *Provided*, That nothing herein contained shall be construed to apply to or affect the provisions to the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "act to amend and supplement to the aforesaid act," approved September eighteen, eighteen hundred and fifty; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by

the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws, and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Utah Territory now receive for similar services.

Sec. 10. *And be it further enacted*, That the provisions of an act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelve, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to, the aforesaid act," approved September eighteen, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

Sec. 11. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Sec. 12. *And be it further enacted*, That the Governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars. The chief justice and associate justices shall each receive an annual salary of two thousand dollars. The secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route; and an additional allowance of three dollars shall be paid to the presiding officer of each House for each day he shall

so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and doorkeeper, may be chosen for each House; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated, annually, the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Governor and secretary of the Territory shall, in the disbursement of all moneys entrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Sec. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Nebraska shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for such Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly.

Sec. 14. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives, but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere in the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Sec. 15. *And be it further enacted*, That there shall hereafter be appropriated, as has been customary for the territorial governments, a sufficient amount, to be expended under the direction of the said Governor of the Territory of

Nebraska, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

Sec. 16. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

Sec. 17. *And be it further enacted*, That until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Sec. 18. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Nebraska, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

Sec. 19. *And be it further enacted*, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have

been competent to the Government to make if this act had never passed.

Sec. 20. *And be it further enacted*, That the executive power and authority in and over said Territory of Kansas shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, and shall be commander-in-chief of the military thereof. He may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Sec. 21. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and, in case of the death, removal, resignation, or absence of the Governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

Sec. 22. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable among the several counties or districts, for the election of the Council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor to be duly elected members of said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy

shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Sec. 23. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided, further*, That no officer, soldier, seaman, or marine, or other person in the Army or Navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory by reason of being on service therein.

Sec. 24. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, to be entered on the Journal of each House, respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly, by adjournment, prevent its return, in which case it shall not be a law.

Sec. 25. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Kansas. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

Sec. 26. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and

no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

Sec. 27. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus, involving the question of personal freedom: *Provided*, That nothing herein contained shall be construed to apply to or affect the provisions of the "Act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "Act to amend and supplementary to the aforesaid act," approved September eighteenth, eighteen hundred and fifty; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws, and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Utah Territory now receive for similar services.

Sec. 28. *And be it further enacted*, That the pro-

visions of the act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to, the aforesaid act," approved September eighteenth, eighteen hundred and fifty, be, and the same are hereby, declared to extend to, and be in full force within the limits of the said Territory of Kansas.

Sec. 29. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Sec. 30. *And be it further enacted*, That the Governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars. The chief justice and associate justices shall receive an annual salary of two thousand dollars. The secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route; and an additional allowance of three dollars shall be paid to the presiding officer of each House for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and doorkeeper, may be chosen for each House; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated, annually, the usual sum, to be expended by the Governor, to defray the contin-

gent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Governor and secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Sec. 31. *And be it further enacted*, That the seat of government of said Territory is hereby located temporarily at Fort Leavenworth; and that such portions of the public buildings as may not be actually used and needed for military purposes may be occupied and used, under the direction of the Governor and Legislative Assembly, for such public purposes as may be required under the provisions of this act.

Sec. 32. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives; but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor or shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Sec. 33. *And be it further enacted*, That there shall hereafter be appropriated, as has been customary for the territorial governments, a sufficient amount, to be expended under the direction of the said Governor of the Territory of Kansas, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

Sec. 34. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and

the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

Sec. 35. *And be it further enacted*, That, until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Sec. 36. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Kansas, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

Sec. 37. *And be it further enacted*, That all treaties, laws, and other engagements made by the Government of the United States with the Indian tribes inhabiting the Territories embraced within this act, shall be faithfully and rigidly observed, notwithstanding anything contained in this act; and that the existing agencies and superintendencies of said Indians be continued with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of superintendent.

The previous question was seconded.

MR. EDGERTON. I rise to a question of order. There is no appropriation in this bill that requires it, under the 133d rule, to be discussed in Committee of the Whole; but there is a proposition in the bill for a tax or a charge upon the people which, under the 131st rule, must not be discussed upon the day on which it is introduced into the House, and which must be discussed in Committee of the Whole. That provision is in these words:

"There shall be appropriated annually the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory."

The 131st rule is, that

"No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House."

I hold that this bill contains a proposition for a tax and a charge upon the National Treasury, and, consequently, must be discussed in Committee of the Whole.

THE SPEAKER. The Chair must overrule the point of order, upon the ground that the bill has been discussed in Committee of the Whole.

MR. EDGERTON. The substitute now before the House has never been considered in Committee of the Whole.

THE SPEAKER. That is very true; but the bill has been so considered, which brings it within the meaning of the rule, according to the universal practice of the House.

MR. HOUSTON. The rule which the gentleman has read applies to another thing entirely—to those bills which propose to levy taxes.

THE SPEAKER. That is also true.

MR. EDGERTON. Any proposition which proposes a charge upon the National Treasury must first be considered in committee.

MR. HOUSTON. I object to all discussion.

THE SPEAKER. The Chair overrules the question of order raised by the gentleman from Ohio.

MR. WASHBURN, of Maine. I demand the yeas and nays upon ordering the main question.

MR. MORGAN. I ask for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CULLOM and READY were appointed.

The House then divided; and the tellers reported forty-nine gentlemen voting in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and there were—yeas 116, nays 90; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Fuller, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rogers, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—116.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Millson, Morgan, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Thomas Ritchey, Russell, Sabin, Sage, Sapp, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—90.

So the main question was ordered to be now put.

Mr. MORGAN. I move that the House adjourn; and upon that motion I demand the yeas and nays.

Mr. SAGE. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. CULLOM and GREY were appointed.

The House then divided; and the tellers reported forty-one gentlemen voting in the affirmative, (not a sufficient number.)

[Cries of "Count the other side!"]

The SPEAKER. Forty-one is not a sufficient number, according to the vote this moment given; and the yeas and nays are not ordered.

The question is now on the amendment proposed by the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. MILLSON. On that I ask for the yeas and nays.

Mr. WASHBURN. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. CULLOM, and DAVIS of Indiana, were appointed.

The House was divided; and the tellers reported sixty-five in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 115, nays 96; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, English, Faulkner, Florence, Fuller, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Seymour, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—115.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Millson, Morgan, Morrison, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—100.

Sapp, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—96.

So the amendment of the gentleman from Illinois was adopted.

Pending the announcement of the vote,

Mr. CARUTHERS. Mr. Speaker, I desire to state to the House that I have paired off on this bill with Mr. CHASE, of New York, otherwise I would have voted in the affirmative.

Several MEMBERS addressed the Chair.

The SPEAKER. The question recurs on ordering the bill to be engrossed and read a third time. The gentleman from Virginia [Mr. MILLSON] was the first to address the Chair.

Mr. MILLSON. Mr. Speaker, I now move to lay the bill on the table.

Mr. CAMPBELL. And on that I call for the yeas and nays.

Mr. CLINGMAN. I submit, Mr. Speaker, that that motion is not in order, under the previous question.

The SPEAKER. The Chair has no doubt that it is in order.

Mr. CLINGMAN. Is it in order after the previous question has been seconded?

The SPEAKER. The Chair decides it is fairly in order under the rule.

The yeas and nays were ordered.

The roll was called; and the question was decided in the negative—yeas 100, nays 114; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Millson, Morgan, Morrison, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—100.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, Perkins, Phelps, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—114.

So the House refused to lay the bill on the table.

The SPEAKER. The question recurs on ordering the bill to be engrossed, and read a third time.

Mr. MATTESON. (at twenty minutes past ten o'clock.) I move that the House do now adjourn; and on that motion I call for the yeas and nays.

Mr. HAVEN. (addressing the Chair at the same time.) I ask for the yeas and nays on the question put by the Chair that the bill be engrossed and read a third time.

The House was first divided on ordering the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

The question was then put on the motion to adjourn; and it was not agreed to.

Mr. HAVEN. I now, Mr. Speaker, repeat my call for the yeas and nays, on ordering the bill to be engrossed and read a third time.

The yeas and nays were ordered.

The roll was then called; and the question was decided in the affirmative—yeas 112, nays 99; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks,

Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Eddy, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—112.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Millson, Morgan, Morrison, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—99.

So the bill was ordered to be engrossed, and read a third time.

It was accordingly read a third time.

Mr. RICHARDSON. I demand the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. HUGHES. I ask for the yeas and nays on the final passage of the bill.

The yeas and nays were ordered.

The question was then put on the passage of the bill; and it was carried in the affirmative—yeas 113, nays 100; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craig, Cumming, Cutting, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, John M. Elliott, English, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsey, Macdonald, McDougall, McNair, Maxwell, May, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—113.

NAYS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiestor, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsey, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middlesworth, Millson, Morgan, Morrison, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—100.

So the bill was passed.

[The announcement of the vote was received with prolonged clapping of hands and hissings, both in the House and galleries, and cries of "Order!" "Order!"]

The SPEAKER. Unless order is preserved, the Chair will order the galleries to be cleared.

Mr. STUART, of Michigan, (in his seat.) The trouble is not in the galleries.

Pending the vote,

Mr. BROOKS said: I desire to state, as a matter of courtesy, that my colleague, Mr. Aiken, many days ago, paired off with a gentleman who has been called home by sickness in his family, (referring to Mr. APPLETON.) But for that, had my colleague been here, he would have given the bill his warm and cordial support.

Mr. WENTWORTH, of Illinois, said: I am requested by my colleague, Mr. BISSELL, to state that sickness alone has detained him from being here to give his vote against the final passage of this bill in its present shape.

Mr. CARUTHERS said: The House will indulge me again in stating, that I have paired off with Mr. CHASE, who would have voted against this bill; and, but for that, I should have voted in favor of it.

Mr. MILLER, of Indiana, said: My colleague [Mr. CHAMBERLAIN] is now detained from the House by sickness in his family. He proposed to me to pair off with him. I told him I would pair off with him on the final passage of the bill, if it should so happen that his vote would defeat the bill. But from the votes which have been taken, I became satisfied that the bill would pass; and I have accordingly availed myself of the privilege of putting myself upon the record.

Mr. RICHARDSON. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

Mr. WASHBURN, of Illinois. I demand the yeas and nays upon that motion.

[Cries of "Oh, no!" "No!" all over the Hall.]

Mr. HIESTER. I call for tellers upon the yeas and nays.

Tellers were ordered; and Messrs. TAYLOR, of Tennessee, and DAVIS, of Indiana, were appointed.

The House was then divided upon the demand for the yeas and nays; and the tellers reported—ayes thirty-seven, (not a sufficient number.)

So the yeas and nays were not ordered.

The question was then put upon the motion to lay the motion to reconsider the vote by which the bill was passed upon the table; and it was decided in the affirmative.

The SPEAKER. The question recurs upon the title of the bill.

Mr. RICHARDSON. I demand the previous question upon agreeing to the title of the bill.

Mr. FENTON. I ask the gentleman from Illinois to withdraw that motion for a moment. [Cries of "No!" "No!"]

Mr. RICHARDSON. I decline to withdraw it. The previous question was seconded, and the main question ordered to be now put.

The title was then reported, as follows:

A bill to organize the Territories of Nebraska and Kansas.

The question was taken; and the title was agreed to.

Mr. SAGE. I move that the House do now adjourn.

Mr. LETCHER. I rise to a privileged motion.

Mr. RICHARDSON. I move that the vote last taken, by which the title of the bill was agreed to, be reconsidered, and that the motion to reconsider do lie upon the table.

Mr. LETCHER. I think I have the floor upon a privileged motion. I move that when this House adjourns, it adjourn to meet on Wednesday next.

Mr. HAVEN. I rise to a question of order. I submit that the House has decided otherwise.

The SPEAKER. Under the decision of the House in a former part of the day the Chair decides the motion out of order.

Mr. LETCHER. With all respect for the Chair, I must take an appeal from that decision.

Mr. CAMPBELL. I ask for the yeas and nays upon the appeal.

Mr. ORR. I rise to a privileged question. I move to reconsider the vote by which the title of the bill was adopted, and lay the motion to reconsider upon the table.

The SPEAKER. The gentleman from South Carolina will remember that the motion to adjourn must take precedence of his motion.

Mr. ORR. But the question is not upon the motion to adjourn.

The SPEAKER. That is the motion.

Mr. ORR. I thought it was upon the appeal from the decision of the Chair taken by the gentleman from Virginia.

The SPEAKER. That is true; but the appeal of the gentleman from Virginia is connected with, and directly affects, that motion. The Chair therefore decides that the motion of the gentleman will take precedence of that of the gentleman from South Carolina.

A MEMBER. Will the Chair state precisely what is the question?

The SPEAKER. The gentleman from New York [Mr. SAGE] moved that the House do now adjourn. The gentleman from Virginia [Mr. LETCHER] moved that when the House adjourns, it adjourn to meet on Wednesday next. The Chair decided that motion to be out of order under the instructions of the House. From that decision the gentleman from Virginia takes an appeal; and the question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. PHELPS. I move to lay the appeal upon the table.

Mr. SAGE. Upon that motion I demand the yeas and nays.

Mr. PHELPS. I withdraw the motion that the appeal do lie upon the table.

The question was then taken; "Shall the decision of the Chair stand as the judgment of the House?" and it was decided in the affirmative—yeas 99, nays 80; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caskey, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Cumming, John G. Davis, Dawson, Dowdell, Dunbar, Eddy, Edmundson, John M. Elliott, Faulkner, Florence, Goode, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersoll, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Latham, Lilly, Lindley, Macdonald, McDougall, Maxwell, May, John G. Miller, Smith Miller, Noble, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Westbrook, Witte, Hendrick B. Wright, and Zollicoffer—99.

NAYS—Messrs. Ball, Banks, Bennett, Benson, Campbell, Carpenter, Chandler, Crocker, Cullom, Cutting, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmonds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Gamble, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Hastings, Haven, Hiestler, Howe, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Letcher, Lindsey, McCulloch, Matteson, Mayall, Meacham, Middleswarth, Millson, Morgan, Murray, Nichols, Norton, Parker, Pennington, Pringle, Puryear, Rogers, Russell, Sabiu, Sage, Sapp, Seymour, Simmons, Skelton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, Daniel B. Wright, and Yates—80.

So the decision of the Chair was sustained.

The SPEAKER. The question recurs on the motion that the House do now adjourn.

Mr. HAMILTON. Let us first dispose of the motion to reconsider the vote by which the title was adopted.

The SPEAKER. There is no motion pending except that to adjourn.

Mr. RICHARDSON. I appeal to my colleague [Mr. WASHBURN] to withdraw his motion to adjourn, so that we may move to reconsider the vote by which the title was adopted, and that that motion do lie upon the table.

Mr. SAGE. I do not think that the bill will spoil if left until to-morrow.

Mr. MORGAN. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

The question was taken; and the House refused to adjourn.

Mr. RICHARDSON. I move that the vote by which the title of the bill was adopted be reconsidered, and that that motion be laid upon the table.

The latter motion was agreed to.

Mr. WALBRIDGE. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

Thereupon the House adjourned (at half past eleven o'clock, p. m.) until to-morrow at twelve m.

IN SENATE.

MONDAY, May 22, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

RESIGNATION OF MR. EVERETT.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Hon. EDWARD EVERETT, informing the Senate that he had resigned his seat in the Senate, to take effect the 1st of June next; which was read, and ordered to lie on the table.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, on the expediency of promptly completing the fortifications at the Tortugas and Key West; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

Mr. WADE submitted additional documents in support of the claim of the heirs of Joshua Chamberlain; which were referred to the Committee on Revolutionary Claims.

Mr. SMITH presented a petition of inhabitants of the town of Guilford, Connecticut, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. BELL. I present the memorial of Mary Reeside, widow and executrix of James Reeside, praying the payment of a judgment in his favor in a suit instituted against him by the United States. The memorialist sets forth that ten or twelve years ago a suit was instituted by the United States against her husband in his lifetime, for alleged balances existing against him due on his accounts with the Post Office Department, he being an extensive mail contractor in the State of Pennsylvania and other States. Owing to the loss of some of the records of the Department, an uncertainty prevailed as to the real state of the accounts; and with his own consent, as well as in accordance with the views of the chief of the Department, a suit was instituted against him to try the fact in the usual form. It was instituted in the circuit court of the United States for the eastern district of Pennsylvania; and after a very laborious and careful examination—extending, it is alleged, I believe, through six weeks, or two months perhaps—the cause was decided. The jury gave a verdict of over \$180,000 in favor of the defendant, and against the United States. A writ of error was taken to the Supreme Court of the United States by direction of the Government. That was dismissed. More than five years have now elapsed since the judgment became final, and no part of it has yet been paid. I am not sure what committee I should move to refer this to, but it strikes me that the Committee on the Judiciary is the proper one. The question involved is one of law—as to whether or not the party should be paid by the Government. I move its reference to that committee.

The motion was agreed to.

Mr. COOPER presented the memorial of the Union Canal Company, of Pennsylvania, praying a grant of public land to aid in the completion of their canal; which was referred to the Committee on Public Lands.

Mr. FOOT presented a petition of citizens of Hinesburg, Vermont, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. HAMLIN presented the petition of the heirs of Daniel Gookin, praying to be allowed the commutation due him as a lieutenant in the revolutionary army; which was referred to the Committee on Revolutionary Claims.

Also, the petition of the heirs of Joseph Boynton, praying to be allowed the commutation due him as a lieutenant in the revolutionary army; which was referred to the Committee on Revolutionary Claims.

Also, a resolution of the Legislature of Maine, in relation to the claims of the State against the United States, for lands taken and required to satisfy claimants under the treaty of Washington; which was referred to the Committee on the Judiciary, and ordered to be printed.

Also, resolutions of the Legislature of Maine, in relation to certain proposed modifications of the navigation laws of the United States, allowances of fishing bounties, and reciprocal trade with the British North American colonies; which were ordered to lie on the table, and be printed.

Also, resolutions of the Legislature of Maine, in relation to French spoliations; which were ordered to lie on the table, and be printed.

Also, resolutions of the Legislature of Maine, in relation to the revenue laws of the United States; which were ordered to lie on the table, and be printed.

Also, resolutions of the Legislature of Maine, in favor of abolishing the spirit ration in the

Navy, and substituting an allowance of money in lieu thereof; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Also, resolutions of the Legislature of Maine, in favor of cheap ocean postage; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. TOUCEY presented two petitions of inhabitants of the State of Connecticut, praying the reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. BRODHEAD presented a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to secure to American citizens of every religious creed, while traveling in foreign countries, the rights of religious worship; which was referred to the Committee on Foreign Relations.

Mr. MALLORY presented the petition of James A. Peden and other members of the Florida bar, asking for an additional regular term of the district court for the northern district of Florida, and the passage of a law providing for appeals from the decisions of the district court in admiralty; which was referred to the Committee on the Judiciary.

Mr. BRODHEAD presented a petition of inhabitants of Coneautville, Pennsylvania, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of the Ladies' anti-Slavery Society of York county, Maine, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. JONES, of Iowa, presented the proceedings of a meeting of citizens of Washington county, Iowa, in favor of a grant of public lands to aid in the construction of the Philadelphia, Fort Wayne, and Platte river air-line railroad; which was referred to the Committee on Public Lands.

Mr. CHASE presented a petition of inhabitants of Mansfield, Ohio, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented the petition of Rachel McMillan, widow of Robert McMillan, late a surgeon in the United States Army, praying a pension; which was referred to the Committee on Pensions.

Mr. CLAY presented a memorial of William Wells and others, members of Captain Gee's company of Alabama mounted volunteers, praying the reimbursement of losses sustained in consequence of the sale, by the Government, at reduced prices, of their horses and furniture, for which transportation to the United States was refused after their service in Mexico; which was referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Agriculture, to whom was referred a petition of citizens of Shenandoah county, Virginia, in relation to the cultivation of the Irish potato, submitted an adverse report thereon; which was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the bill for the relief of John Boyd, reported it back without amendment, and submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill for the relief of Margaret A. Copley, of the State of Louisiana, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill to authorize T. H. McManus to enter, by preëmotion, certain lands in the Greensburg land district, Louisiana, submitted an adverse report thereon; which was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom were referred a letter of O. M. Wozencraft, late Indian agent, in reply to certain charges against him, and documents in relation to the claim of J. C. Edwards for the payment of a draft drawn by G. W. Barbour, Indian agent in California, asked to be discharged from the further consideration thereof; which was agreed to.

MARINE HOSPITAL.

Mr. CHASE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing a marine hospital at Cincinnati, in the State of Ohio.

COAST-SURVEY SERVICE.

Mr. STUART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the necessity of an appropriation for constructing a new steam vessel for the coast-survey service in the upper lakes.

RAMSAY INVESTIGATION.

Mr. SEBASTIAN. I am instructed by the Committee on Indian Affairs, to offer, and ask for the present consideration of, the following resolution:

Resolved, That, in addition to the documents in the case of Alexander Ramsay, late Governor of the Territory of Minnesota, ordered to be printed on the 8th instant, all the papers on file, as well as the correspondence between the commissioners and the First Comptroller, be printed with Executive Document No. 61 of the present session.

Mr. STUART. I wish to know whether the resolution embraces the reply of Governor Ramsay himself to the report of the commissioners?

Mr. SEBASTIAN. It is intended to embrace the testimony taken before the committee of the Senate, previous to the reference of the question to commissioners; and also the correspondence between the commissioners and the Comptroller, relative to the construction of the sub-treasury law.

Mr. HUNTER. As the resolution is leading to debate, I hope it will be laid over.

The PRESIDENT. Objection being made, the resolution cannot now be considered.

NOTICE OF A BILL.

Mr. CHASE gave notice of his intention to ask leave to introduce a bill to abolish the franking privilege, and to provide for the distribution of public documents.

HOUSE BILL REFERRED.

The bill from the House of Representatives to authorize a register to be issued to the steamer El Paraguay by a new name, was read a first and second time by its title; and referred to the Committee on Commerce.

RESOLUTIONS OF CONNECTICUT.

Mr. SMITH. Mr. President, a series of resolutions have been transmitted to me, which have been passed by the General Assembly of my State, on the subject of the measure now pending before Congress, proposing to repeal the Missouri compromise, with a request that I should lay the resolutions before the Senate. I ask that they may be read.

The resolutions were read.

They set forth that the form of the prohibition of slavery in the act of 1820, as well as its incorporation in an act designed to be irrevocable, pledged the public faith to the whole extent of the power of Congress against any repeal of the prohibition thus enacted; and that the people of Connecticut have relied upon the perpetuity of that enactment. They protest against the proposed repeal of the prohibition of slavery in the act of 1820, as a violation of national faith, as destructive of mutual confidence between the States of the Union, as exposing the Union itself to imminent peril, and as inconsistent with the fundamental principles of national justice. They declare their fixed purpose never to consent to the legal or actual admission of slavery into the Territory from which it was excluded by the act of 1820, or of the admission of slaveholding States from any portion of that Territory.

Mr. CASS. I hope that those resolutions, when put into plain English, do not mean another Hartford Convention.

Mr. WELLER. They come pretty near it, I think.

Mr. SMITH. Mr. President, I apprehend there is nothing in the resolutions that calls for the remark which the honorable Senator from Michigan has seen fit to make to the Senate. But whether the resolutions mean another Hartford Convention or not, one thing is certain, and the honorable Senator may rely upon it, that these resolutions express the sentiments of the people of the State of

Connecticut by an overwhelming majority; and I tell the honorable Senator further, that they express the sentiments of a large majority of the Democratic party of the State of Connecticut. They passed the Senate of our State with only one vote in the negative, and there were, I believe, only some forty or fifty negative votes in the other House.

The honorable Senator may, if he pleases, stigmatize the sentiments contained in these resolutions, as sentiments emanating from a Hartford Convention. They are the sentiments of the free-men of Connecticut, and I believe they will turn out to be the sentiments of an overwhelming majority of the people of Michigan.

I make the usual motion, that these resolutions lie on the table, and be printed for the use of the Senate.

The PRESIDENT. They will be printed as a matter of course, under the rule.

Mr. CASS. Mr. President, I heard all this kind of denunciation forty years ago, and with as much violence and emphasis as can be used here, and I heard the Hartford Convention defended as a rightful act. That to which I wished to call attention was a declaration in these resolutions that they would not submit to the law of the land when passed; and thinking I perceived something of that sort in the resolutions, I was impelled to ask whether there was to be a new Hartford Convention. As to what the honorable Senator from Connecticut says in respect to the feelings of a majority of the people of the State of Connecticut, I know nothing about it. I have no right to contradict him; but I know and I trust my co-associates in the Senate know that if a law be passed under this Government, which is constitutional—and I trust we assume to pass no other—the people of the State of Connecticut will submit to it. I look to no other state of things.

With respect to the opinion of the people of my own State, I thank the honorable Senator for being sentinel there; but I believe I know their opinion as well as he does. I believe the people of the State of Michigan will sustain their representatives, when those representatives carry through a great constitutional principle, which secures to American citizens wherever they are the right of self-government. Allow me here to mention a single circumstance. This principle of self-government has been reproached, and I do not know but that the reproach has been cast on me for using the term, "squatter sovereignty" as applied to it. That was no term of mine, although the Senator from South Carolina [Mr. BUTLER] supposed it was. It was the term used by his eminent and deceased colleague [Mr. Calhoun] as a term of reproach, cast upon those who put forward the doctrine that you should bring California into the Union upon the principle of the right of men to govern themselves. That was the ground which I took, and which others took.

I maintained, also, that not having provided a government for the people of California for two years, they were entitled, by all the laws of God and man, to govern themselves. That we called the right of self-government, and there was the origin of the phrase. Of course I mean self-government within the principles of the Constitution. That was all we maintained; that is what we maintain now. I believe the American people will forever stand up for that principle which carried their fathers through the Revolution, and has given them the most blessed government on the face of the globe.

Mr. SMITH. Mr. President, I leave the Senate to decide who it is that has commenced denunciation on this subject. Did not the honorable Senator from Michigan rise in his place and stigmatize these resolutions as emanating from a spirit which he supposes to have been an unpatriotic and an odious spirit, the spirit of the Hartford Convention? Sir, whether right or wrong, I do not hesitate to say that these resolutions contain the opinions and sentiments of an overwhelming majority of the people of the State of Connecticut of all parties. I should do injustice to the Democratic party of that State, if I did not say that they are utterly opposed to a repeal of the Missouri compromise; and in this particular they have been most faithfully and ably represented in the other wing of this Capitol, the whole delegation being Democratic, and three of the members from the State voting in opposition to this measure, and but one in its favor. It ill became that Senator,

then, to rise in his place and stigmatize his own political friends in Connecticut as being actuated by views, and entertaining sentiments corresponding with those which are supposed to have been entertained by the members of the Hartford Convention.

But I should like to ask the honorable Senator whether he has at all times maintained the ground which he now assumes on this subject, and which he has endeavored to maintain, I admit, with a great deal of ability? It so happened that I traveled with the honorable Senator in the railroad cars at the close of the session of 1846, after the Wilmot proviso, as it is called, had been introduced into the House of Representatives, and with my own ears I heard the honorable Senator say, that if it had not been for John Davis he would have voted for the Wilmot proviso. He not only said so, but he proclaimed it again and again. Was that an emanation of the spirit of the Hartford Convention, when the honorable Senator said publicly, throughout the North, that if it had not been for John Davis, every Senator from the free States would have voted for the Wilmot proviso? It is notorious that the honorable Senator, in the northern country, avowed himself in favor of that proposition; but, for some reason or other, he saw fit to change his views upon the subject. I am not about to reproach him with inconsistency; but when I introduce respectful resolutions, which have been passed by the Legislature of my State, sustained by all parties, and adopted by a very large and overpowering vote, I will not sit here quietly and hear the honorable Senator stigmatize the people of my State, when it is well known that he himself was for the Wilmot proviso originally, and would have voted for it, if he had had an opportunity to do so when it was first introduced to the consideration of the Senate. I know very well the ground which the honorable Senator has since taken, and I know very well that he has changed his views. This is a free country, and he has a right to change his opinions; but he must pardon the people of Connecticut if they have a little more stability on this and other questions than the honorable Senator himself has. He must pardon them if they have not whiffled quite as much—if they have not been sometimes for, and sometimes against, the Wilmot proviso. Sir, they are a people who are in the habit of adhering with firmness to their opinions when once formed and once expressed.

I did not expect to be drawn into a controversy on this or any other subject. I presented those resolutions. They are drawn up in respectful language. They do not assail the motives of honorable Senators. They make no attack upon the motives of the honorable Senator from Michigan, although he was one day for the Wilmot proviso, and the next day against it. I do not call in question the patriotism or rectitude of the honorable Senator, but I will not stand here in silence, and hear the motives of the Legislature of my State, or of the people of that State, impeached. I came back here to occupy my seat for three brief days, and I expected to be permitted to occupy it without being drawn into a controversy on this or any other subject; but I will say to the Senator from Michigan, that I am ready for a controversy with him, if he chooses to raise one with me, in regard to this or any other matter.

The sentiments advanced in these resolutions are the honest opinions of the people of my State. They are my honest opinions, and I will maintain them with proper respect for the Senator and for the majority of this body. I will maintain them as long as God suffers me to live.

Mr. CASS. I hope, Mr. President, I may be allowed to express the hope that the honorable Senator will be enabled to employ the rest of his three days more profitably. [Laughter.]

My position with respect to the Wilmot proviso I have declared over and over again to the Senate. It is not a new matter; but the honorable Senator thinks he has given me a "poke," as it is called. I poked myself; I have explained the whole matter long ago. I have stated that, when the Wilmot proviso was first started, if I had voted, I should have voted in favor of it. But then the subject had not been considered or discussed. No man had looked into it. It seemed to be a question of liberty or slavery alone. But when the subject came to be discussed, and the very first time it was discussed, and when I gave a vote

upon it, the first vote was against it, and it was a vote by which I hazarded my political station at home, and tendered my resignation by it. Sir, it does not always do to seek in our own breasts for the motives of action of others. We frequently do others great injustice by doing so.

The position of the honorable Senator is very extraordinary; I do not understand it at all. He says I at one time would favor the Wilmot proviso, and that I am now denouncing the people of his State for pursuing the same course. Not at all. I have not said one word to-day in favor of, or against the Wilmot proviso. I do not denounce anybody for being in favor of it. It is a vision of his own imagination. But I object to such threats as are contained in this paper, for, talk of it, and explain it, and expound it as you please, there is a threat in that paper. That is what I was talking of. It is a threat that they will not submit to the law of the land, not that they are to give up their opinions, not that they are satisfied with their representatives voting against it, but that, if the measure alluded to be passed and become the law of the land, they do not mean to submit to it. That was the point of my objection.

I have no objection to the vote of the honorable Senator for or against the Wilmot proviso. I have no objection to the opinions of his people for or against it. But I do object to the presentation of such a paper as this before the American Senate, and thus, before the American people, denouncing an act of this Congress, or a presumed act, and saying in effect "we do not mean to submit to it." Then I drew a parallel between that and another act, which was denounced—an act of war. During the progress of the war it was denounced. I do not wish to go into that matter, but we know that a convention was held during that war. The circumstances are known to the whole country, and I need not repeat them. I will only say that I trust the same spirit will never again appear in the United States.

Mr. SMITH. I deny that there is any threat in these resolutions.

Mr. BRODHEAD. Read the third resolution.

Mr. CASS. Let anybody judge of that who pleases from reading the resolutions.

Mr. SMITH. The resolutions have been read already.

Mr. PETTIT. Let the third resolution be read again.

Mr. SMITH. I have no objection.

The Secretary read the resolutions, as follows:

STATE OF CONNECTICUT,
GENERAL ASSEMBLY, May Session, 1854. }

Whereas, a bill is now pending in the Congress of the United States for the organization of the Territories of Kansas and Nebraska, by which the eighth section of the act preparatory to the admission of Missouri, approved March 6, 1820, is declared inoperative and void:

Resolved by this General Assembly, That the form of the prohibition of slavery, in the act of 1820, as well as its incorporation in an act designed to be irrevocable, pledged the public faith, to the whole extent of the power of Congress so to do, against any repeal of the prohibition so enacted, and that the people of Connecticut have therefore relied upon the perpetuity of that enactment, with full confidence in the integrity and honor, both of the National Government, and of those States which sustain the institution of slavery within their own jurisdiction.

Resolved, That in the name and in behalf of the people of this State, we protest against the proposed repeal of the prohibition of slavery in the act preparatory to the admission of Missouri, as a violation of the national faith, as destructive of mutual confidence between the States of this Union, as exposing the Union itself to imminent peril, and as inconsistent with the fundamental principles of national justice.

Resolved, That we declare our fixed purpose never to consent to the legal or actual admission of slavery into the Territory from which it was excluded by the act of 1820, or to the admission of slaveholding States from any portion of the same.

Resolved, That the attempt to extend slavery over a vast region from which it has been by law excluded, with the consent of the slaveholding States, ought to awaken the people of Connecticut to the aggressive character of slavery as a political power, and to unite them in determined hostility to its extension, and to its existence wherever it comes constitutionally within the reach of Federal legislation.

Resolved, That this General Assembly hereby declares itself ready to cooperate with other States, in any legal and constitutional measures, which the existing crisis or its consequences shall demand, for the preservation of our rights, and in defense of liberty.

Resolved, That our Senators in Congress be instructed, and that our Representatives be earnestly requested to oppose, by all lawful means, and to the last extremity, the bill under consideration, with the clause abrogating the prohibition of slavery known as the Missouri compromise.

Resolved, That a copy of these resolutions be transmitted to the Senators and Representatives of this State in the

Congress of the United States, to be by them laid before that body and to the Executives of the several States of this Union.

O. H. PERRY, Secretary of State.

Mr. SMITH. I deny that there is any threat in these resolutions, or anything in the shape of a threat.

Mr. CASS. A threat that they will not obey the law of the land.

Mr. SMITH. They say they will not consent to it. I will not consent to it; and I say to the honorable Senator that a very large majority of the people of the Union, in the northern States, are opposed to it; but is that saying that we are going to involve this country in a civil war; that we are about to take up arms against Congress and against the Government? Not at all, sir. They will oppose it politically; they will oppose it constitutionally; they will oppose it through the efforts of their representatives in the two Houses of Congress. That is all that there is in the resolution. There is nothing in it in the shape of a threat.

The resolutions were ordered to lie on the table, and be printed.

IMPROVEMENT OF THE NAVY.

Mr. MALLORY. I desire to say to the Senate that I design at the very earliest moment to call up the bill which was reported by me from the Committee on Naval Affairs, a few days since, for the improvement of the condition of the Navy. I have not had that bill set apart as a special order, for the reason of its importance, and in order that the committee may be able to call it up at an early day.

JOHN FRAZER.

Mr. HAMLIN. While I was absent from the Senate some days ago, a private bill was indefinitely postponed, which I think would not have been done if a single word had been said to the Senate in explanation. It is a bill for the relief of John Frazer. It will require unanimous consent to make a motion to reconsider. The Senator from Alabama [Mr. CLAY] voted in favor of its postponement; and if he will consent to make the motion, I hope there will be no objection to it.

Mr. CLAY. I voted for the postponement; and, at the request of the Senator from Maine, I make the motion to reconsider.

The PRESIDENT. If there be no objection, the motion will be entered.

There was no objection.

WEST INDIA SLAVE TRADE.

Mr. CLAYTON. I present to the Senate the following resolution; and, as it is one of inquiry, I ask for its consideration now:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of providing, by law, for such restrictions on the power of American consuls residing in the Spanish West India Islands, to issue sea-letters on the transfer of American vessels in those islands, as will prevent the abuse of the American flag in protecting persons engaged in the African slave-trade.

The PRESIDENT. The question is on agreeing to the resolution.

Mr. CLAYTON. I desire to ask the attention of the Senate while I submit a few remarks upon the subject of this resolution. Since the year 1852 the slave trade has fearfully increased in the island of Cuba. Thousands of African negroes have been brought from the coast of Africa during the last sixteen months and smuggled into this island, and the fact has attracted the attention of good men throughout the civilized world. No portion of this Union is believed to be more decidedly opposed to this inhuman traffic than the southern portion of it, where, although men are deeply interested in the preservation of their own peculiar institution, the abhorrence of these outrages on humanity by the African slave trade, exists as strongly as it does in any other portion of the world, and I think I am fully justified in saying that the men of the South will go as far in putting down this inhuman traffic in human flesh as any others. Southern honor stands pledged to that effect, and the brightest jewel in the chaplet of the South is her honor. We are all, then, equally interested to inquire what has been the cause of the recent extraordinary success of the slave trade in the Island of Cuba? It is with regret that I am compelled to admit the fact that a great majority of these slaves have been imported from the coasts of Africa in vessels of American build, and that these vessels, navigated by crews of American sailors, and commanded by American captains,

have participated in that trade to an alarming extent, and in a manner which I will now proceed to explain.

The owner of an American ship desiring to sell her for a slaver, sends her with a cargo to Havana. She arrives there with the understanding that she is to be sold and employed in the slave trade. Some wealthy individual or joint stock company, tempted by the prospect of enormous profits, advances money enough to purchase the vessel, and fit her out for an adventure to the coast of Africa. By the laws of the United States, it is necessary for her new owner to procure for her a new register upon her return to this country, and within three days after she has arrived at a port here. She is generally purchased in the name of the captain who sails with her to Havana, and who undertakes with his employers to navigate her under the American flag, and with an American crew, to some port on the African coast at or south of Elephant Bay, for enormous profits, proportioned to the risk he incurs, but seldom falling short of five or six thousand dollars. It was not the original intention that she should return to the United States; but her commander, on his arrival at Havana, deposits her papers with the American consul, and obtains, in lieu of them, for the vessel, a consular certificate, called a consular sea letter. With such a certificate, or, as it is said, sometimes with the original sea letter with which he sailed from the United States, the captain embarks with the very crew with which he sailed from the United States, under the American flag, bound for Galinas, or Cabinda, or some other port on the coast of Africa where slaves can be best procured. He takes with him another captain and another crew as passengers, to cover his design, composed generally of Portuguese or Spaniards, with the addition perhaps of a few American or English desperadoes; and his cargo is generally composed of farina, beans, casks of water, and *agua dente*, sweetmeats, and boards seemingly cast without care on the top of the water casks, but in reality all fitted and prepared, to make a slave deck to stow away the slaves on their return from Africa to the Island of Cuba, for which purpose this slave deck, it is said, can be constructed by the crew in less than an hour.

On the voyage from Havana to the coast of Africa, if overhauled by an English cruiser, he points to his American flag, and shows his American papers; and when he arrives at his port of destination, in pursuance of a previous arrangement between those concerned in the trade in Cuba, and their agents on the coast of Africa, the American colors are lowered, the American captain and the American crew leave the vessel and go on shore, or on board another vessel waiting there to bring them back to Cuba, and the new captain and crew, who sailed in the slaver as passengers, then take charge of the vessel. If an English or American cruiser be in sight, they receive timely information by signals from the land, and thus avoiding capture, the vessel lays to within sight of the barracoons, or slave pens, without taking in sail, but merely lowering her topsails, until her human freight is, by the immense barges or boats prepared for the purpose on shore, put on board the vessel. Thus, frequently, nine hundred or a thousand slaves are shipped aboard a vessel, and she is off on her return voyage to Cuba, eluding all pursuit in less than one hour after she entered the port. Such an adventure is commonly achieved in the night, but it is also sometimes performed in broad daylight. I remember that while engaged professionally in the trial of an indictment in the circuit court of the United States, for such a violation of the acts of Congress, a sailor, and a very intelligent witness, swore that he had frequently seen a vessel run into the harbor of Cabinda, send down her topsails on the caps, and clear out with nine hundred slaves on board in half an hour.

A consular passport or sea letter, as it is called, is required by our treaty with Spain, in which its character and purposes are described. Without it a voyage from Havana to the coast of Africa could not be performed, as the vessel could not clear without it. Whatever may be its form, it is considered indispensable. It is a protection against English as well as Spanish cruisers. The English understand that we deny the right of search, and when the sea letter is produced, and appears to be regular, they permit the slaver to proceed on

her voyage without being searched, but when our own cruisers overhaul a slaver they proceed to search, and when they find such a cargo as I have described on board, they seize the vessel as a prize, and send her home for a trial. As none but our own cruisers can capture her while she is in possession of this sea letter, she may make nine voyages out of ten to the coast of Africa in safety, and if she be then captured, she has made a fortune for her owners. No very long period has elapsed since the *Lady Suffolk*, the *General De Kalb*, the *Silenas*, and the *Jasper*, with many other American vessels, have been employed in this infernal traffic in the way I have described.

Sir, it is the duty of this Government to arrest this evil. Every Senator will concur with me in that. But the question is, how can we do it without interfering with the interests of our ship-owners? The right to sell an American ship in a foreign market is a very important right to us. If upon the sale of a vessel in Cuba, a sea letter be refused to the purchaser, the vessel must return home for a new register before she can proceed on a foreign voyage. To deprive her of the sea letter when engaged in legitimate commerce, would be felt as a great evil. But we must either tolerate the slave trade with Cuba, and, in fact, Africanize Cuba ourselves, or we must restrict the issuing of these passports by some means which will effectually prevent the American flag from being abused for the protection of persons engaged in the slave trade.

I see that Mr. Schenck, our late Minister to Brazil, in one of his dispatches to the State Department, proposed to prohibit the issuing of sea letters for any purpose; but it has occurred to me that if an act of Congress were passed, directing the purchaser of an American vessel in Cuba to give bond with sureties in a sufficient sum that the vessel should not before her return to the United States for a register be employed in the slave trade, and should further provide that a large portion, say one half the sum to be exacted for a violation of the condition of the bond, should be given to an informer who should prosecute the slaver to conviction, it would perhaps as effectually stop the traffic as an utter prohibition of the passport, while an honest trader might find it more advantageous to give such a bond to enable him to proceed on a foreign voyage before he returned home for a new register. Other plans for arresting the slave trade have also been suggested, such as the prohibition of all direct trade in the vessels of the United States between Cuba and the coast of Africa, or prohibiting the exportation from Cuba in United States vessels of certain classes or specified articles of merchandise suited only or principally to be used in the traffic for slaves, the employment of small war-steamer of the class called propellers, constantly on the coast of Cuba, and the establishment of consulates on the coast of Africa. Without the adoption of some method for the suppression of the slave trade, it will not be believed abroad that we are sincere when we denounce it as piracy. All these views are proper for the consideration of the Committee on Foreign Relations, but I am not disposed to go into the discussion of them now.

Before I leave the subject of the resolution, it may be well to remark that American ships are always sought for in Havana for the slave trade, and command a higher price when purchased or chartered to be used as slavers than the vessels of any other nation. Hence it is that our countrymen are more deeply implicated as participating in this traffic than either Englishmen or Frenchmen. We have acquired a degree of skill in the construction of ships unequaled by any other nation. The ship-builder has enjoyed ever since the first of January, 1850, when the act of Parliament repealing the British navigation laws went into operation, the British market for the sale of American vessels with the entire monopoly of the American market. The British act of June, 1849, changed the definition of a British ship, not requiring her to be of British build. We have declined to change our navigation laws in this regard, and still require that an American vessel shall be of American build. This is a species of manufacture which has always been protected against foreign competition, not merely by protecting and discriminating duties but by utter prohibition, and yet I believe that the American navigating and commercial interest has generally

opposed the tariff for the protection of American manufactures.

But it is not merely the superiority of the American vessel, but the superior character of the American captains for skill, intrepidity, and daring in these hazardous enterprises, that causes them to be employed at higher prices than could be obtained by others. The absence of an effective American naval force at Havana to arrest an American slaver, is also to be considered in connection with the fact that an English cruiser of some description is almost always ready to seize a slaver proceeding under English colors.

In connection with this subject, I desire to make some remarks in regard to an opinion which has been intimated by my honorable friends from Louisiana and Florida, [Mr. SLIDELL and Mr. MALLOTT.] They have both expressed the opinion, and it has gone out to the country, that Spain has it in view, at this time, to Africanize Cuba. When I heard the speech of the honorable Senator from Louisiana I confess that, though differing from him in his conclusions, I was strongly impressed by the statements he made. I was inclined to believe that when facts were set forth so carefully and circumstantially to prove it, there was a disposition manifested at this time on the part of Spain to emancipate the slaves in Cuba. I was disposed also to defer to the superior means of information of the honorable Senator from Louisiana, as well as that of the Senator from Florida; but I beg leave to say to those gentlemen, who are now present, that, after some examination of the subject, I doubt the justice of the conclusions at which they have arrived, and I will venture to give some reasons why I entertain these doubts. I shall be very happy to be converted by them, if in error; but, for the present, from the information before me, the only proof that exists for an American statesman to rely upon, shows that if Cuba is about to become Africanized, it will be by our own vessels and our own crews importing slaves from the coast of Africa, and not by the efforts of Spain or of the Captain General of Cuba.

I have seen, and I presume the honorable Senators to whom I have referred have seen, the *Diario de la Marina*, published at Havana, of the 4th and 10th instant, and of the 12th instant. Those of the 4th and 10th contain decrees of the Captain General, the Marquis de Pezuela, which order a registration of all the slaves in the island, and at the same time authorize the local authorities, or police officers of the island, to visit plantations where slave labor is employed, for the purpose of ascertaining whether slaves have been imported into the island in violation of the treaties and laws of Spain. The object, sir, proclaimed on the face of these decrees, made under the authority of the Queen, was to stop the slave trade, to arrest the very evil which was brought upon Cuba by our countrymen, as I have already stated. Well, sir, upon visiting those estates the police officers, with the registry in hand of every slave on the plantation, ascertained that a great many additions had been made to the number of negroes, and satisfied themselves that the new comers were blacks imported from Africa, and they were accordingly declared not to be slaves. Then, sir, what was the duty of the Spanish authorities under these circumstances? What was the duty of the man who controlled the government of the island—his duty to God and man? The negroes were free; they never had been slaves; they had been kidnapped, and brought to Cuba by the pirates. They were ignorant, destitute, and utterly incapable of maintaining themselves. They did not know how to work on plantations; they could talk no word of English or Spanish; they could not be understood; and in that wretched condition the Spanish Government in Cuba treated them as free, but for their own preservation it bound them as apprentices for one year, and I think this accounts for the statement to which one of the honorable Senators referred, that the Captain General himself took one of these apprentices. Surely, it was his duty to do so, if—

Mr. SLIDELL. Will the Senator allow me to interrupt him?

Mr. CLAYTON. Certainly.

Mr. SLIDELL. In the remarks which I made I did not deal with the attempts of the Captain General to give liberty to persons thus recently introduced into the island. I made no comment on the subject of the apprenticeship of these negroes.

But I did endeavor to call the attention of the Senate to the fact that Spain is now encouraging the importation of barbarian Africans, not as slaves, but as apprentices, and adopting the system of colonization, which, if carried out, will exceed in its horrors anything which has occurred in the annals of the slave trade in former years. I showed, I think, by reference to the instructions on the subject of colonization and immigration, that they were allowed to carry four persons to the ton, somewhat in the proportion of ten to one of those allowed by our law. But I never objected; I made no reference in the way of criticism, or commentary, or disapprobation to the attempt of the Captain General to put an end to the slave trade in the Island of Cuba; but I have denounced the attempt to establish in another form, and under another name, a trade which I thought infinitely more dangerous to us, and quite as cruel to the poor Africans themselves, as the slave trade which existed in former years. I believe the Senator from Florida [Mr. MALLORY] made some allusion to the fact to which the Senator from Delaware referred.

Mr. CLAYTON. I will reply to the point made by the honorable Senator directly; but I wish first to close my remarks in regard to this order of registration, authorizing the police to ascertain whether slaves had been imported into Cuba. The honorable Senator admits there is nothing wrong in that. I am happy to hear it. The Spanish authority has done nothing that it ought not to have done on that score. They have obeyed the dictates of humanity in regard to that registration, and the order for apprenticing the victims of the slave trade.

Then, sir, the honorable Senator tells us that the order has been issued for the colonization of Cuba, and he thinks with African negroes. There, sir, is the point upon which the honorable Senator is mistaken. I have this day seen the order itself, the decree in the *Diario de la Marina* of the 12th instant; it does not propose to introduce African laborers into Cuba, but free laborers, Spaniards, Chinese, Coolies, and Yucatan Indians. I am assured, and I do verily believe, that nothing is further from the intention of the Spanish Government, at this very time, than to pursue a policy so suicidal, so destructive to her own interests, so injurious to us, and so infamous, as that of attempting to Africanize Cuba by means of the emancipation of the slaves.

The order, or decree, published by the Captain General, I say again, sir, confines the introduction of the free laborers into Cuba, contemplated by it, to Spaniards, Chinese, Coolies, and Yucatan Indians. Why, sir, reflect for a moment—amidst the din that has been raised on this subject—upon what is the interest of Spain. She is not utterly insensible to her own interests. We have offered her one hundred million of dollars for Cuba. She owes eighty millions to England, or rather to British capitalists. She must have become more philanthropic than I have ever heard she was before, and more willing to sacrifice for her philanthropy, if she is willing now to try this experiment. If it is to be done for the purpose of spiting us, it will be the most expensive indulgence of malice I ever heard of. Sir, the Government of Spain is poor; she cannot afford to throw away a hundred millions of dollars. Cuba is not only important to Spain on account of the revenues accruing from it; but because it furnishes the Spaniards of Old Spain the best market in the world for their wheat. It is for that reason, among others, that you can never make an impression on the Spanish Cortes when you offer to purchase the Island of Cuba. It is a greater obstruction in your way, when you attempt to buy Cuba, that that market for wheat exists there, than the whole revenue derived from the island by the Queen and the Government.

A discriminating duty, every one knows, amounting to ten dollars a barrel, is made in the Island of Cuba in favor of Spanish flour, and not only against us, but everybody else. It is for the gratification of the Spanish agriculturists that such an enormous discrimination is made. Do you believe, sir, considering the deep interest which these agriculturists have in the island, in consequence of the fact which I have stated, and the power which they exercise in old Spain, sufficient to crush any administration there, that Spain intends, merely for the purpose of gratifying her

malice towards us, to turn loose half a million of brigands in the island, to slaughter, to burn, and to destroy everything before them, and to renew all the horrors of San Domingo? I, for my part, cannot believe it. If my honorable friends who have ventured this opinion cannot bring forward something stronger than anything which I have yet seen introduced, I must take leave to express my dissent, and to say that I believe, at this moment, nothing is further from the intentions of the Spanish Government than to emancipate the slaves in Cuba, which would be attended with the inevitable destruction of their island.

Mr. President, these impressions, honestly entertained, have been now candidly and openly expressed to honorable Senators here. I hold myself, notwithstanding this expression of opinion, open to conviction, if gentlemen on the other side of the Chamber will produce facts to satisfy me that such a thing is contemplated by the Spanish Government at this time, as the utter ruin of that island. I am anxious to get all the information that can be had on the subject, and shall be thankful to any one who will correct any error into which I may have fallen.

Mr. WELLER. I should undoubtedly have objected to the introduction of this resolution this morning, if I had anticipated that the honorable Senator from Delaware contemplated making a speech. The subject, into the discussion of which the honorable Senator from Delaware has deemed it proper to go this morning, has been referred to the Committee on Foreign Relations. That Senator is a member of the committee; and he is aware of the fact that a meeting has been called for to-morrow for the express purpose of passing upon the very subject that he has been debating. I conceive, therefore, that it would have been much more proper for that Senator to have waited until the committee, of which he is a member, had had an opportunity of investigating the facts, and making a report to this body. Upon the resolution being submitted by my friend from Louisiana [Mr. SLIDELL] the other day, the Senator from Ohio [Mr. CHASE] intimated a desire to discuss the question, but he was prevailed upon to withhold the discussion until the subject could be properly brought before us on the report of the Committee on Foreign Relations. The example, however, has this morning been set by one of the oldest members of that committee, of discussing a question which he proposes shall be investigated by the committee in order to get at the facts. Does not every Senator discover that the right way would have been to have the committee first investigate the questions upon which he and the Senator from Louisiana differ? And when the committee shall have submitted the facts, we shall be enabled to enter upon the discussion with an understanding of its merits. But the other course has been adopted. I know it has been the practice in the Senate to introduce a resolution of inquiry merely for the purpose of hanging a speech upon it. That has been the practice; but I give notice now that I shall object to that course hereafter. It is, in my judgment, a practice that would be more honored in the breach than the observance when we have practical questions to dispose of. It would be much better to proceed to the disposition of the public business instead of discussing in advance a question that must be investigated by a standing committee. I appeal, therefore, to the Senate to suffer this whole question to go to the Committee on Foreign Relations; and after they shall have made a report, we can have a full and free interchange of opinions here. But to the Senator from Delaware I must be allowed to say that I think it would have been much more respectful to the members of the committee to which he belongs, if he had abstained from the discussion of this question until we could have met to-morrow, and interchanged opinions amongst ourselves.

Mr. MALLORY. Mr. President, I have been referred to by the honorable Senator from Delaware; and without any desire to engage in the discussion of the subject to which he has alluded at this time, I think it will be proper for me to make a remark or two explanatory, as I conceive, of the points which he has made.

The expediency of restricting the power of our consuls in granting "sea letters" to American vessels, upon their sale to American citizens in foreign countries, upon which the Senator from

Delaware has commented, must be evident to every man acquainted with our commercial transactions abroad; and in connection with such transfers, I will remind the honorable Senator, of what he is well aware, that American citizens abroad may purchase foreign vessels, and obtain in addition to the bill of sale or instrument, a transfer, a notarial certificate of property, and that such certificate, though it does not confer upon the vessel thus acquired an American character, makes her American property, and, as such, entitled to all the protection of the flag. Such vessels may engage in the slave trade. Indeed, vessels thus sailed may, under existing laws, engage in our coastwise trade, subject only to the payment of foreign tonnage upon every entrance at our custom-houses.

This question should, I think, go to the Committee on Foreign Relations, in connection with that of sea letters, to which the Senator from Delaware has referred.

Mr. CLAYTON. Certainly.

Mr. MALLORY. Now, sir, I proposed, when I introduced a resolution of inquiry a few days ago, and had it referred to the Committee on Foreign Relations, to defer discussion (for I conceive it to be one of the most important which can come before us) until the question shall come up from that committee; but the honorable Senator's remarks may, perhaps, mislead some of us who have not given special attention to this subject. He asks very pertinently what interest has Spain in Africanizing Cuba? Certainly such a course would be suicidal; and it is apparent to all, that so long as she can maintain her possession of the island, her clear and unquestionable interest precludes the consideration of such a course. The violations of private rights alone, apart from all other views, would forever induce an honorable nation to avoid such a calamity. Cuba, the "ever faithful Cuba," is her principal colony, for the Philippines and Porto Rico add but little to the revenues of the Crown. Cuba takes Spain's surplus flour, her oils, wines, and cotton fabrics, and many other articles of her produce and manufacture, and receives in return Cuba's sugar, tobacco, coffee, cigars, &c., giving to Spain profitable employment for outward and homeward voyagers of her shipping, building up her merchant marine, and fostering a valuable school for seamen. This most valuable trade we have, by our unwise attempts at retaliation, aided to build up.

Spain, without seamen or shipping, saw the necessity of discriminating in favor of her own tonnage against that of all other nations, and did so by the imposition of heavier duties upon foreign vessels and their cargoes than upon her own. We, to coerce her into the abandonment of this policy, retaliated by corresponding enactments; enactments which have sent Spanish purchasers to the markets of England, France, and Russia, where no such restrictions upon her tonnage exists; and the result is, that while the Spanish flag is scarcely ever seen in our ports, Cuba imports from Great Britain alone about four millions of her products and manufactures annually in Spanish bottoms.

Such are some of the prominent interests and considerations which must induce Spain to make almost any sacrifice to retain this colony; and unless we can find in her policy, as manifested by her acts and declarations, strong presumptions of a design to Africanize it, it would be as illogical as it would be unjust to her, to entertain the supposition; for to Africanize Cuba, sir, is to arm the beastly and brutal African, fresh from his jungle, thirsting for blood, knowing no law, ignorant of all restraints, and to hurry him on to the slaughter of the white race and the desolation of the island! To Africanize, sir, is to sum up, in one word, those horrors of which the civilized world was ignorant until St. Domingo's fiends, in liberty's name, devised them! I think, sir, a fair review of Spain's policy and present position, with reference to Cuba, will justify our reasonable apprehensions of such a result; and it becomes us to determine whether we shall await its consummation, or by timely and judicious action avert it. Such a review, sir, a calm and dispassionate review, I trust this subject will receive at the hands of the committee.

Sir, I concur in much that the honorable Senator from Delaware has said with reference to American vessels in the slave trade. I deplore it, sir, as much as he does, and would, at almost any cost, desire to see it annihilated. The only two

slavers of which I have had any knowledge, were American vessels. One of these, the *Jasper*, to which the Senator has alluded, came directly from Havana to the coast of Florida, and subsequently, as I learn, delivered a cargo of slaves in Cuba; and, sir, following a suggestion which has been urged with much force in Great Britain with reference to her fleet on the African coast, I cannot doubt that our ships would be more efficiently as well as more economically and safely employed upon the coast of Cuba than upon the coast of Africa, in suppressing this trade.

But, sir, what can the ships of Great Britain and the United States do against the open and unequivocal encouragement and protection extended to the slave trade by the Cuban authorities? Think you, sir, a slaver could land her cargo upon the shores of Cuba, were the authorities, in good faith, using the means at their command to prevent it? No, sir, not one in ten thousand could escape detection. A large portion of Spain's effective Navy patrols the shores of Cuba, while an army of sixteen thousand regular troops form its garrison. Its detectives and spies have proved to be as active and adroit as the days of Fouché ever exhibited, and the Captain General has the means of knowing the character and condition of every negro landed upon the island.

And yet, sir, what are the facts? Why, we well know that Spain, in 1817, solemnly engaged to abolish and prohibit the slave trade, and received from Great Britain as an inducement to do so, and as an equivalent for losses to be incurred by its suppression, four hundred thousand pounds.

This, sir, was thirty-seven years ago; and as, according to the most reliable Cuban statistics, five per cent. of her slaves die annually, notwithstanding all increase by births, it follows that slavery would have been extinct in Cuba seventeen years ago, had Spain redeemed her plighted faith.

It must be remembered that the number of males imported from Africa, greatly exceeds that of the females, and births among them are not in the usual proportion to population.

Now, sir, here we have the startling fact that, in the face of Spain's pledge to abolish the slave trade, it has been carried on steadily throughout this entire period of thirty-seven years, and that the number now on the island is nearly five hundred thousand.

Nor, sir, has there been much concealment about it. The commercial houses engaged in it, and their vessels, have, in years gone by, been as well known in Havana as is the Captain General's palace; and the poll tax upon the slaves, fluctuating with the avarice of succeeding Captains General, is known to have varied from three to five ounces. It has, in fact, been a source of vast revenue to them.

These proceedings have not been unknown to Great Britain. She has publicly and indignantly denounced them, and has obtained, from time to time, the promises, the decrees, and the action of the colonial authorities, apparently conceived in good faith, to remedy the evil. Yet, sir, there it stands—a monument of Spain's treaty pledges!

What, sir, can we do to suppress this trade, so long as this state of things exists in Cuba?

Now, sir, let us not lose sight of the fact that the Creoles of Cuba have no part, no station, voice, or responsibility in its government; that its laws, their exponents, and their executive officers, come from Spain; and that these authorities are responsible alone for the slave trade. The Creoles have, by every means, every remonstrance and argument in their power, pointed out its evils; and they have contemplated with horror its blighting effects upon themselves, and their country, and their posterity.

But, sir, their appeals have never produced the slightest modification of Spain's consistent and determined policy to equalize, numerically, the slaves and the freemen; and if the slave trade has sometimes fluctuated, these fluctuations have ever been produced by this hellish policy alone. Spain well knows that the "ever faithful" Cuba could not be subjected by her standing army, large as it is. And in the language of one of her chosen and most enlightened statesmen, she regards her power of arming the African slaves as equal to an army of a hundred thousand men.

Thus, sir, has Spain encouraged, nursed, and protected the African slave trade, not with the view of Africanizing, but as a means of control-

ling the island, well knowing that this deadly, blighting policy tends, beyond any other means in her power, to crush her dawning hopes of freedom; and the Cubans, isolated, alone, and unaided, their words, acts, lives, and liberties constrained, fearfully contemplate and ponder upon a struggle whose termination may be the knell of the white race in their lovely land.

But, sir, the honorable Senator from Delaware has referred us to the recent decree of the Cuban authorities for the registration of the slaves as an evidence of their intention faithfully to suppress the trade. It may be so, sir; but, with their consistent encouragement of it heretofore in the face of their treaty, their promises, their mixed commission, and their decrees and apprenticeship system, we may be excused the indulgence of a doubt of their designs now.

I regard this decree, sir, as nothing more than a proof that Great Britain has, with more than her former firmness, demanded action at the hands of the Cuban authorities. Observe the British papers, sir, and you will find a tone upon this subject as unlooked for as it must be startling to Spain. A recent number of the *Liverpool Times*, in commenting upon Spanish affairs, says:

"In the present state of feeling in England, no great regret would be felt if the Americans were to get possession of Cuba in the scramble. On its present hands, that beautiful island is a source to us of more annoyance than any other place on the globe, Russia not excepted."

Such opinions from the British press have aroused Spain to action, and to them is, in my judgment, to be ascribed her new-born zeal. When we reflect, however, that a similar system, promises and decrees, have been heretofore made and disregarded, we can have but little faith in those of to-day. The emancipados were formerly hired out for seven years; and under the present decree this term is reduced to one year. And, sir, looking at the past, may we not anticipate that the slave trade will progress as it ever has in Cuba since 1817; and that whether Spain shall call the brutal and savage African a slave or an emancipado, she will import him, and maintain him in terror over the Cubans as a means of retaining her ascendancy? It is a means, and perhaps a means as effectual as terrible.

Should Cuba, by her policy, become a second St. Domingo, she would reasonably hope to possess peculiar privileges and commercial relations with it; but, sir, are we to fold our arms and await the operation of causes which are calculated, if not designed, to produce such results? Or are we at once to mark out and adopt a Cuban policy, based upon what we all believe, that the island will ultimately be a flourishing and integral portion of our Union?

Let us discard, for the present at least, the idea of purchasing Cuba. Depend upon it, sir, it is not for sale, nor will it be as long as the Cortes or the people of Catalonia exist. In times of revolution, with some favorite, some "Prince of Peace" at the head of the Government, its peaceful purchase might be effected; but so long as Spain has a stable Government, a proposition to sell Cuba would hurl any ministry, ay, sir, any dynasty, from power.

The individual Spaniard of to-day has all the honor, pride, and character of his glorious ancestors, when Spanish captains and discoverers gave a new continent to Christendom; when her fleets covered the ocean, and when Castilian honor was a conspicuous, a brilliant example. In spite of the examples and the degradations of a court, the most corrupt in Europe—in spite of ages of misgovernment, the Spaniard retains his heroism and his virtue. Such a people will not sacrifice their pride for money.

But, Mr. President, I expect to go into this discussion, and produce some facts on which a dispassionate judgment may be founded, when the Committee on Foreign Relations shall report. I expressed the other day a confident conviction in my own mind that Spain had deliberately entered on the policy of retaining possession of Cuba herself, of course in the first instance, and to Africanize it if she cannot do that; and every enlightened Spaniard on the continent knows and feels that her hold upon it is daily becoming weaker. The prediction of Mr. Adams must come true. In 1823 he said that, just as certainly as an apple parted from the parent limb gravitated to the earth, just so certainly would Cuba come to the

United States if separated from the mother country.

Mr. CLAYTON. Mr. President, the topic which has just been partially discussed was not introduced here originally by me. It was brought here in the first instance by the honorable Senator from Louisiana, [Mr. SLIDELL.] He offered a resolution, and moved to refer it to the Committee on Foreign Relations, as I have now offered this resolution, and moved to refer it to the same committee. He accompanied his resolution with an elaborate speech, and a very able one, in which he gave us much valuable information. He was afterwards followed by the honorable Senator from Florida, [Mr. MALLORY,] who offered another resolution of inquiry, which, on his motion also went to the Committee on Foreign Relations, and he also thought proper to accompany his resolution with suitable remarks, stating after he had done with them, that he would discuss the subject more fully hereafter.

Now, sir, I submit to the honorable Senator from California that I followed good examples. Nothing has ever been more customary on this floor, than for gentlemen to offer resolutions of inquiry with the very view of eliciting such information as they can get from Senators here, before the resolution is sent to a committee. I had the example of a distinguished member of the Committee on Foreign Relations, [Mr. SLIDELL,] of which committee the Senator from California is also a member, for the course which I pursued. The opinions of these distinguished gentlemen to whom I have referred, went to the country; their remarks were published and republished in the newspapers throughout the country. The impression was made deep on the American mind that it was a deliberate purpose of the Spanish Government to emancipate the slaves in Cuba, and thereby Africanize the island. We all agree in deprecating such a result. Well then, sir, was it not a legitimate subject of inquiry with me, and might I not be pardoned. I submit to the honorable Senator from California, when I offered a resolution for the very purpose of enabling me to make such remarks as I thought proper in reference to this subject, and also for the purpose of eliciting from those gentlemen who commenced the debate, such further information as they were able to give us. But the honorable Senator says the committee is to sit to-morrow. Then I should have been exceedingly glad to hear, before the session of the committee, all the remarks of the honorable Senator from Florida, which he promises he will deliver hereafter. I want light. We are perhaps to be called upon to decide to-morrow. Then I want all the information that can be given me from every quarter. The honorable Senator doubtless is better acquainted with the subject than I am, and to him this information may not be necessary, but to me I assure him it is.

Mr. President, in reference to the remarks of the honorable Senator from Florida, let me say that I do not at all deny that the Government of Spain has been in times gone by engaged in violating her own treaty stipulations in regard to the slave trade, and I believe that sometimes her authorities, some of her Captains General have encouraged the introduction of slaves from Africa into that island. But, sir, I will condemn no man without some evidence; and I must say that I have seen no evidence to satisfy my mind, or that of any other reasonable man, that the Marquis Pezuela, the present Captain General of the island, has in any way encouraged this violation of the laws of Spain and the laws of God. On the contrary, I have his solemn assurance in a published proclamation, that the Spanish Government utterly denies the whole accusation. He denies it, appeals solemnly to the whole world, and asks to be credited when he states that nothing is further from the intention of the Spanish Government than this design which is charged against it. Where then is the proof? Does the honorable Senator from Florida produce any? Is the fact that slaves have been introduced into the island proof that they are about to emancipate all the slaves? Have they emancipated slaves? No, sir.

But the honorable Senator says that they have introduced so many slaves, and have so many there now, that it is a serious obstruction to our taking the island. He states that threats have been made, that some one has said that the emancipating of the great number of slaves is a better

protection to them than one hundred thousand armed men. It may be so; but that is not pertinent to the matter of our inquiry. The question I discussed, was not whether Spain would be justifiable in emancipating these slaves to prevent our taking the island. I have never been the apologist of Spain. I agree with the honorable Senator that the Government of Spain has been both corrupt and oppressive. I believe that in years gone by the Spanish authorities in Cuba themselves have either been concerned in the business of introducing slaves, or have winked at the introduction of them there. Whether it be calumny or not, it has been published that some of the Captains General of former days actually received doubloons by the head for slaves that were legally imported into Cuba. But that is not the question. It is whether there is any evidence that Spain intends to emancipate these slaves for the purpose of destroying the island now? Is there any evidence of that kind? I submit that if there be any, it has not been adduced.

Mr. President, I believe the day will come when Cuba will be annexed to the United States. At what time this will occur is a question which I am not able to solve. I see no prospect of it now. I see no reason at this time for this Government's interference for the purpose of obtaining it by war or violence of any kind, or by the repeal of our laws of neutrality. I think it a dangerous period to make an effort of that description. There is great excitement at this time in the public mind throughout the United States in reference to the subject of slavery. The day may come—I have thought, in consequence of the proximity of the island to the coast of the United States, that the day must come—when it will be ceded to the United States, if not by Spain, by some friendly nation which shall cede it to us as Louisiana was ceded by France.

As to the fact which has been mentioned by the honorable Senator, that Spain has threatened us with emancipating her slaves if we should seize the island from her by violence, there is no doubt of it. I heard that threat from the lips of the former Spanish Minister here. He boldly and openly avowed the intention to emancipate the slaves, rather than permit us to take the island by violence; but he did not deny that the day would come when this island would be ours.

In conclusion, sir, we must have justifiable grounds before we can seize Cuba, and if there be such, the one now as signed is not among them. Sir, I ask for the adoption of the resolution.

Mr. WELLER. I was not complaining of the Senator from Delaware for having set a bad example. I was complaining that he was following precedents which had been established, to the serious detriment of the public business. I was complaining of that Senator, as a member of the Committee on Foreign Relations, for entering to-day into the discussion of a question which is to be submitted to the investigation of that committee to-morrow.

The Senator says, and I suppose he intends it for irony, of course, that I have paid some attention to this subject, and therefore may not require the information of other Senators. I am sure he meant that as irony.

Mr. CLAYTON. No, sir; not at all.

Mr. WELLER. I have paid no attention to this subject, but I propose first to investigate it, and then to discuss it; and it strikes me that older Senators might profit by following this example, though set by a young man. All that I desire is, that the time of the Senate shall not be unnecessarily consumed in the discussion of a question, when the subject must again come up for a full discussion. When I meet that Senator to-morrow in the Committee on Foreign Relations, I shall be prepared to receive all the information which he may have accumulated on that subject, and I trust each of the other members of that committee will contribute whatever information he may have derived from any source whatever. Then I shall be prepared to pass upon it, and after it is submitted to the Senate, I shall be prepared to enter into the discussion of this question which has been sprung upon us to-day; but I will not consume the time of the Senate now.

Mr. SLIDELL. I have no disposition to enter into the discussion of this question now, as it is evidently the sense of the Senate that this is not the proper time for its discussion. I wish to say,

however, that it strikes me, the reference proposed by the honorable Senator from Delaware, is altogether inappropriate. I cannot see what jurisdiction the Committee on Foreign Relations have over the manner of issuing sea-registers to American vessels. The appropriate committee, it seems to me, with all due respect to the Senator from Delaware, for an inquiry into that subject, is the Committee on Commerce. I therefore move to amend the resolution by striking out "Foreign Relations" and inserting "Commerce."

Mr. WELLER. I think the resolution should go to the Committee on Foreign Relations. The subject embraced in the resolution is already before that committee. It is true the whole of our consular system is in the hands of the Committee on Commerce; but the question on which the Senator from Delaware asks the interposition of the Government, is a question which properly belongs to the Committee on Foreign Relations; and, as the subject has already been referred to that committee, I hope the reference proposed by the Senator from Delaware will not be changed.

Mr. CLAYTON. It is not merely a question of commerce; it is a question which belongs to the Committee on Foreign Relations.

Mr. SLIDELL. Let the resolution be read again, that I may see whether my amendment be proper or not.

The SECRETARY read the resolution.

Mr. SLIDELL. I withdraw my amendment. The resolution was adopted.

INDIAN APPROPRIATION BILL.

On the motion of Mr. HUNTER, the House bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855, was taken from the table, and the Senate, as in Committee of the Whole, resumed its consideration, the pending question being on the amendment reported by Mr. WALKER, from the Committee on Indian Affairs, to insert the following:

To the Creek nation of Indians, in full for all demands against the United States, the sum of \$500,000, in payment for eight million acres of land, at six and a quarter cents per acre, taken from the friendly Creeks without compensation, by the treaty or capitulation of Fort Jackson, of August 8, 1814.

Mr. SEBASTIAN. Mr. President, after the elaborate discussion of this claim some two or three weeks since, I must infer that the Senate have acquired something like a general knowledge of its essential and primary features, and that I shall be compelled to advert, in the few remarks which I shall make, only to the objections urged by the chairman of the Committee on Finance [Mr. HUNTER] to the adoption of this amendment.

I understood that Senator, in the discussion of this claim, to confine his objections to the fact that it was an old one. I understood that its antiquity was the principal cause of the objection to it on his part, and that he proceeded in its discussion upon considerations which did not effect at all the merits of the case, but considerations which applied entirely to the great length of time which has occurred since the original inception of the claim. I understood that Senator further to say, that another branch of the claim, which has been satisfied, after the lapse of more than a quarter of a century, had been referred, together with this, to the Committee of Ways and Means of the House of Representatives in 1817, and had been decided against by that committee, and again rejected by them in 1824. That supposition of his, plausible as it was, is not borne out by the documents; and inasmuch as that is the chief objection which he urges to the adoption of the claim, I will merely read the documents to which he referred, for the purpose of showing that the two branches of the claim were not before those committees when it was considered, and that this claim has never been considered by the Senate, or by the other House of Congress; nor has it ever been the subject of consideration by the committee of any one House of Congress, until it was brought before us at the present session. The first document from which I will read is the report of Mr. Lowndes, from the Committee of Ways and Means, made on the 20th of January, 1817. The caption of that report, which refers to the subject-matter before the committee for investigation, expressly defines the character of that subject-

matter. The committee say that they had had under consideration a resolution

"Instructing them to inquire into the expediency of making an appropriation to satisfy the claims of the friendly Creek Indians, whose property was plundered by the hostile Creeks, in consequence of their attachment to the United States."

The precise and definite terms in which the committee thus state the subject-matter before them, excludes the idea that this claim was considered before them. Equally conclusive is the language of the report made in 1824 by Mr. McLane. The conclusion of that report is, equally as definite, equally as positive, and shows that the subject of the appropriation now asked for was not before the committee at that time. Consequently, the adverse report made by Mr. McLane in 1824—whose great name and eminent qualifications as head of the Committee of Ways and Means were very appropriately referred to by the Senator from Virginia—on which that Senator relied as casting some suspicion and doubt upon the history of this claim, had no reference to the subject of the amendment which we are now discussing. At the conclusion of that report, in which they refer to the main features of the claim before them, the committee say:

"It is inexpedient to make any further appropriation to compensate the friendly Creek Indians for property lost and destroyed during the late Creek war."

In addition to this, I will refer to a letter which was addressed by the chief clerk of the War Department, in 1817, to Mr. Hawkins, who was at that time the acting agent for the Creek Indians, asking that officer, who was contemporary with the history of the transactions in which this claim originated, as to the precise nature of the claims which the Creeks were at that time preferring against the United States Government. He was interrogated as to "the nature and extent of the indemnity which the friendly chiefs claim in consequence of the letter addressed by General Pinckney, on the 23d April, 1814?" In response he said:

"I believe the correct way would be to liquidate the claims of individuals, some of which, I am told, are too high; reduce them to a just value, and pay them. If it were a national claim, a cession of land might be desirable; but to individuals it is otherwise."

That response, taken in connection with the interrogatory to which it refers, is about as definite an indication as the English language is capable of, showing that the claim for spoils and property destroyed by the hostile Creeks in the war of 1814, was the only claim and the only grievance brought to the consideration of the committee in 1817, at the time when a partial payment of \$85,000 was made upon that claim; and subsequently, in 1824, when the committee decided that the appropriation which had already been made was an ample satisfaction, and covered the full extent of the expectations which the friendly Creeks had entertained of redress from the United States. These documents therefore, being the language of these committees themselves, and the language of the agent from whom they derived their principal information, show that the claim to which the Senator referred the other day as having been reported against in 1824, was not the claim which is now brought forward.

I presume that the Senate perfectly understand that, at the termination of the war of 1814, there were two characters of claims arising. One was national in its character for this spoliation of territory. The other was a claim of indemnity to individuals for the separate losses which they had sustained by the hostile Creeks. One was for property destroyed; for homes burnt; for personal property which had been taken for public uses, and these claims to compensation were individual in their character, because they belonged separately to individuals in precise proportion to the losses which they had sustained. But in addition to that we are informed by the record, which throws further light on the history of this whole transaction, that General Jackson in the terms of the capitulation, extorted, or rather forced from the friendly Creeks, upwards of eight millions of acres of land, which he avowedly without excuse or palliation, without any pretext that he had ever compensated by one cent, took alone for political reasons "interesting to the United States." That is the report of General Jackson himself, afterwards made to the Government of his conduct in that capitulation. One claim, therefore, which has

been settled and paid, and against which the committee reported in 1824, was this individual claim of the Creeks for personal property destroyed. The other was the claim of the nation for an empire which was swept away from them by a forced and arbitrary capitulation, and which it is not pretended has ever been paid for by the Government. It is not shown that this claim was ever brought to the consideration of Congress before.

The history which the Senator from Tennessee [Mr. BELL] gave of it on a previous day is a most emphatic, clear, and lucid explanation of those considerations which have prevented the Creeks from bringing forward the claim until this late day. Sir, there was enough in the poverty of that tribe, in their intestine wars and divisions, in the utter incapacity of their nation to act with anything like concert or unity of decision, to show why they have never concurred in presenting this claim before. Moreover, while the other claim between them and the United States was not settled; while they were prosecuting, as suppliants at our doors, a claim which they did not succeed in obtaining until nearly forty years, is it singular that they did not press the Government of the United States for the allowance of this second claim, when one was already on hand?

These are the main facts upon which I rely as a defense to the argument of the Senator from Virginia. I believe that no one has ever contended, I believe that it cannot be successfully contended now, but that on the part of the United States, for political reasons alone, there was a naked and unapologetic for confiscation of about eight millions of acres of land from our allies—not from the hostile party. It will be recollected that, by the instructions which emanated from the War Department, and which were the basis upon which peace was to be concluded with the hostiles, lands were to be taken out of the conquered country for indemnity, and not to be taken by spoliation from our allies and friends in that war. General Jackson seems to have been so conscious of the fact that he had exceeded these just instructions, that when he speaks of the eight millions of acres acquired from the friendly Creeks, in addition to twelve or fourteen millions taken from the hostile Creeks as indemnity, he apologized by saying, not that he had taken them without consideration, by the terms of the capitulation, but that he had procured a cession of eight millions of acres of land from the friendly Creeks, which was justified by considerations interesting to the future peace and welfare of the United States in connection with our southwestern frontier.

Now, sir, contrary to what had been expected by the commanding general, contrary to what had been calculated by the War Department, when the instructions for the termination of this war were issued, contrary to all rules of propriety, the friendly Indians were called upon to be the capitulating party. The truth was, that at that time the war was not ended; the capitulation was premature, and was in the nature of a forced treaty exacted from the friends of the United States, with but one of their enemies present. This is the difficulty in the proceedings attending the capitulation.

The committee, in making an allowance to the Creek Indians in this case, have allotted to them what was considered an average of the price which the United States had paid for Indian lands heretofore. I believe of late years that has been from six and a quarter cents up to twelve and a half cents. The committee have allowed them the minimum of consideration which has been allowed as the price of Indian lands acquired by treaty. Surely, after the lapse of forty years, the allowance of this small amount for a tract of country which embraces, at present, one third of the great State of Georgia, will not be considered extravagant.

I proceed on the supposition that the long silence of these claimants in bringing forward this claim has been perfectly accounted for; and, however suspicious it may be, however impossible it may be, to account for the fact that during all the time they have made treaties, the records of the Government show they have never brought forward this claim; yet those records show, most unequivocally, that if there be any defense at all against this claim, it arises from the fact that this long silence may be evidence that, on the part of the Creeks, they had abandoned, in consequence of

the difficulties in prosecuting their other claim, all hopes of ever prosecuting justice for this. How otherwise could it be, when they had prosecuted in vain their suit for claims for spoiliations, promised to be satisfied by the express terms of the letter of General Pinckney, in 1814? How, otherwise, can we account for it, when we recollect that a United States agent, an accredited man, indorsed by the act of this Government, sent among them to ascertain a plain, subsisting debt, reported that claim, and yet it was impossible to obtain the consideration of it before Congress for forty years? Such was the desperate condition, such appeared to be the hopeless character, of all the claims, that it was useless, obviously so, on their part to thrust unwelcomely on Congress the consideration of one claim, while they were so unjustly withholding the consideration of another. Just as soon as long-withheld justice was extended to them for their other claim, they come forward, candidly, frankly, and openly, and say they have delayed bringing forward this claim for no other reason than from the fact that their own internal difficulties, their poverty, and the difficulty of obtaining justice for the other branch of the claim, rendered them almost hopeless as to obtaining any justice for this.

Now, sir, after the years which have elapsed between 1814 and 1854, here stands upon the records of this Government—records made out by our own officials—the clear history of a transaction which inflicted injustice upon these Indians, which has not been remedied to this day. In all the treaties which have been made with this people since then, their internal difficulties have prevented anything like a unanimous declaration of this claim upon the part of the authorities of the whole nation. The history of this tribe is peculiar; their social and political constitution is peculiar, and there has been scarcely any one object of national benefit, upon which the whole nation could be brought to unite, with anything like a decision approaching unanimity.

Mr. President, I feel that I am hardly able, at this time, to go into an enlarged discussion of this question. I feel that it would be unnecessary. The Senate is obviously wearied with the long discussion of this bill. It is a subject which is proverbially uninteresting to both branches of Congress, and must necessarily be so. I shall waive my own desire to go into it, and accommodate myself to what I understand to be the clear disposition of the Senate—to proceed to a vote upon this bill, embracing this with other amendments.

I have thus briefly, Mr. President, replied to the Senator from Virginia. I have shown that by the records of the Government on which he himself relied, this claim has never before been considered by Congress, and that consequently it is free from the objection arising out of the fact, that the report in 1824 was supposed to be adverse to this claim, when it was not actually embraced in it. With these remarks I submit the question to the Senate.

Mr. CASS. I wish to ask the honorable Senator from Arkansas, whether there is any means of ascertaining precisely how much of the land of the friendly Indians was taken?

Mr. SEBASTIAN. There is a report made by the Senator from Wisconsin [Mr. WALKER] on the part of the Committee on Indian Affairs, on the subject. That report is accompanied by a map, which is in the possession of the Committee on Indian Affairs at this time, and which I have not thought it necessary to bring before the Senate, made out at the Department of the Interior upon a letter furnished by the General Land Office, by which it appears that something like eight millions of acres were taken from the friendly Creeks.

Mr. HUNTER. Mr. President, if these empty chairs could vote, I should like to say a few words in reply to the Senator from Arkansas; but as I believe there is no one here but yourself and ourselves, and we have made up our minds, I will refrain from saying anything more on this subject, except that the Senator is mistaken in regard to the point that this land was taken only from the friendly Indians. I understand from the Senator from Alabama, [Mr. FITZPATRICK,] who is well acquainted with the geographical location of these lands, that there were lands taken from the hostile Indians comprehending now some of the finest counties in Alabama, and given to the friendly

Indians in exchange for the land taken from them, and which it was necessary to take in order to interpose a barrier between them and the Spaniards in Florida; so that, in point of fact, they had better lands substituted in place of the lands taken from them. Now, sir, in regard to the reports referred to; it is obvious that Mr. Lowndes must have contemplated this very claim for land, because he quoted the memorandum which the Indians always set up as their part of the treaty, in which the whole complaint made is in regard to the lands, that their lands were taken away, without adverting to the fact that they received other lands, and better lands, from the hostile Creeks higher up.

Mr. CASS. I am perfectly well satisfied that, so far as General Jackson took the land of the hostile Creeks, who were prostrated in a state of war, and a war commenced by themselves, under the most improper circumstances, he had a right to take any portion of the country he pleased. But when you come to the friendly Indians, those who had adhered to us faithfully, it presents a very different aspect, and I think it exceedingly improper and irregular to take an acre from them when they had been our friends from the commencement. They had brought themselves into a state of hostility with their brethren on that very account. The turning point with me is, to know how much the friendly Creeks actually lost. If they lost an acre I am willing to pay them for it; if they lost a million of acres, I am willing to give them a full consideration.

Mr. WALKER. I have in my possession a statement from the Department of the Interior, made up, I suppose, from the actual surveys of the country as now known to exist; and it shows, not that eight millions of acres were taken, but that over thirteen millions of acres were taken. We have compromised the matter by coming down to eight millions, and then reducing the price proposed to be paid, from that recommended by the Commissioner of Indian Affairs, twenty cents, to six and a quarter cents an acre.

Mr. CASS. I wish to inquire as to the fact stated by the Senator from Virginia, whether the Indians received a compensation in any way for the land which was taken?

Mr. WALKER. I was just coming to that point. The plain answer to that is one which I gave when I was discussing this subject before. It will be found, on reference to the paper which was drawn up on the part of the Indians, signed by them, and submitted at the time as their part of the treaty, and which they requested should be sent on to the Government here, and was sent on; that they assert that the Lower Creeks, inhabiting the lower portion of the country, and occupying the towns of Coweta and others, were the owners of the whole country, not only of that which the hostiles had not invaded, and which had not been in a state of insurrection, but that they owned the upper country also. They assert that the people who were there then, and who were hostile to them and to the United States, were not originally Muscogee or Creek Indians, but fugitive tribes, who had been permitted by the Muscogeans to come upon that upper country, and occupy it by grace and favor. After they got possession of it they were induced, under the seductions of Tecumseh, who went down and sent his agents among them, to make war in favor of England against the United States, and against the friendly or Lower Creeks, who would not join them in their opposition to the United States. The Lower Creeks, who asserted in this part of the treaty, that they were the owners of the whole country, took up arms with the United States, and for a considerable portion of time were under the command of United States officers, and under the American flag, fighting against their revolting brethren or friends, and in favor of the United States.

Then it seems that the upper tribes called the Upper Creeks were never, in point of fact, Muscogee or real Creek Indians at all. They never were a portion of that nation. They were there by sufferance. Well, what became of them? When General Jackson undertook to assemble them for the purpose of making this treaty or capitulation, they made their escape. But one hostile chief met General Jackson at Fort Jackson. The rest had fled. Where had they gone to? They went over to Florida, and joined the Semi-

noses, and, I understand, that term itself signifies "runaways." They became ingrafted with the other Seminoles or runaway Indians; and there most of them have remained ever since. What was given pretensively at the time, in lieu of the lands taken under the capitulation, was this upper country, lying between the Coosa and Tallapoosa rivers. But how could it be said to be given to the Lower Creeks? It was already theirs. The upper Indians had occupied it merely by sufferance, by permission of the Lower Creeks, who were the real owners of the country.

Mr. HUNTER. The Senator makes that statement on the authority of the Indians themselves, who are interested parties. Now I understand that the Senator from Alabama, who lived in that country, says it did belong to the hostile Creeks.

Mr. WALKER. Let me assure the Senator from Virginia that I do not make the statement upon the authority of the Indians, the interested parties, but upon the concession of agent Hawkins, of General Pinckney, and of the various documents which are set out in the memorial, and in the report which I have in manuscript. These documents are found to run through a long period embraced in the American State Papers on Indian affairs. I deduce it from such authority as that. I never spoke with one of these Indians in my life.

Mr. HUNTER. I do not say that the Senator spoke with the Indians; but he takes the statement from the assertions of the Indians. I think he is altogether mistaken as to the assertions of Pinckney and Hawkins.

Mr. WALKER. Not at all. If the Senator will examine the case, he will find that agent Hawkins states that when General Jackson thought he was giving them an equivalent, they denied that he was doing so; and he adds, that he concurs with them in opinion. General Pinckney, who previously held the command, and who, it was supposed, would make the capitulation, held a very different doctrine, and promised very different terms. It was not at all wonderful that the Indians were overwhelmed with astonishment when, after having fought by the side of the Americans, under the American flag, and with American commanders, they found themselves converted into the position of enemies, and made to stand off in the capacity of parties capitulating as enemies, and were forced to give up their country. In addition to this, it was alleged that they were remunerated, when they were left only a small portion of the country which was originally theirs, and of which they had never been divested. The position which they occupied in respect to it was just this: They could at any time, under the custom of the Indian tribes, if they had the power, have driven off these interlopers, these intruders upon the upper country, and it would have been theirs. They could have put an end to the tenancy at sufferance, and told the hostiles to abandon the country. After the friendly Creeks and the Americans whipped them, they did abandon it; and the hostiles were not occupying the country at the time General Jackson, in the capitulation, left it to the friendly Indians, as he alleged, by way of equivalent for the lands which he made them capitulate away.

Mr. DAWSON. I understand the Senator from Wisconsin to say that there was but a single hostile chief who entered into that capitulation.

Mr. WALKER. Yes, sir.

Mr. DAWSON. Then the friendly Creeks themselves surrendered the land. They were headed by McIntosh and Big Warrior, whom I knew as well as I know you, Mr. President. McIntosh and his party were very intelligent and well informed men. He went on and made treaties after that, from year to year, down to the treaty of Indian Spring, in 1825. He was there, and aided in making that treaty of 1825; and, in consequence of it, he lost his life. In all the treaties, from 1814 down to the last treaty made by these Indians, all the matters of difference between them and the whites, and all the claims on their side, were entered into. But no claim was presented under these treaties, in any form or shape, for any loss which they had sustained from the General Government under this capitulation of 1814. By the treaty of Indian Spring, they ceded their entire country in Georgia; but there was not a word said then about this claim. All seemed to

be perfectly satisfied and quiet. What right have the hostiles in the war of 1814 to complain? They did not make that treaty; they cannot claim anything at all; and the friendly Creeks have never claimed anything in their treaties. Then, what I want to know is, how is it that the Government of the United States should be indebted to this people \$500,000, when they never presented the claim in any of their treaties?

Mr. WALKER. I concede there were treaties made at different periods, from 1825, I believe, down to as late as 1837; but it will be found, if the Senator from Georgia will advert to those treaties, that they were all treaties of cession. He asked me why in none of these treaties of cession did they not set up and assert this claim? That has been answered in two ways.

Mr. DAWSON. I am as much disposed to do justice to these people as any gentleman on this floor; and at this point I desire to make an explanation. We know that the treaty of Indian Spring was made with these Indians, but it was abrogated by the administration of Mr. Adams. At a subsequent time these very Indians came to the city of Washington and here made a treaty of cession; and all the claims and difficulties connected with the treaty of Indian Spring were reviewed, and a satisfactory treaty made, closing up all the concerns between the whites and these Indians. In the treaty made here in Washington city, and other treaties made under the eyes of General Jackson and Mr. Adams, at different times, how is it that this claim, of which General Jackson must have been well-informed in 1814, was never alluded to in them? I hold in my hand all the treaties. I have reviewed them for the purpose of satisfying my own mind as to the propriety of voting for this appropriation. As anxious as I am, as desirous as I am to do justice to these people, whom I have known from my earliest recollection, I cannot find a single ground on which to justify myself in voting away the public money, as proposed in this amendment. Hence I have asked, from time to time, those who have investigated the question, to look to all these treaties, to go over them, and tell me why it is that their whole country has been ceded, and all difficulties closed between the two nations, and yet this claim sprung up at this late day?

Mr. WALKER. It is conceded that while the treaties which have been spoken of were made between 1814 and 1837, this claim was not reasserted in the negotiations with the Government. Why was it not done? We have attempted to answer that in two ways. In the first place, the Senator will find that not only was the claim which is now asserted pending between the Government and these Indians, but another one, which has not been denied by the Government, was also pending. Now, let me ask him, can he find in any of those treaties any allusion to the large amount of money which you appropriated and paid to the Indians only two years ago? And yet, by estopping the Indians on this claim, he would estop them in their right to that money just as much as he would to this. He will find that the treaties maintain a silence in regard to both; and if his view on this point be correct, he would cut off that claim as much as this. But, sir, did they conceive themselves estopped, by the making of those treaties, from asserting their claim to the money which we paid two years ago? Not at all; but they continued to make the claim, and long since the last treaty was made, long since these people were settled west of the Mississippi, and only two years ago, we appropriated the money and paid it to them. The Senate will observe, also, that the Indians, at the very inception of this matter, laid down in the most solemn form they could, their claim to right in the matter. They laid down their demand in what they always have claimed to be their part of the treaty. It never has been complied with. They asserted their rights in conformity with the provisions of that protocol; and the only answer which General Jackson gave to it, was, "That is immaterial to me; I cannot help what you view as your rights; I do not deny that you are the owners of the soil, and that your children have a right to it; but I say that there are political considerations sufficiently strong to warrant me in taking this country." Those political reasons have been mentioned before. He did take the country. When they found that General Jack-

son set his foot down and was determined to have the kind of capitulation which he compelled them to submit to, the most they could do was to ask permission to put in an enduring form their understanding of their rights. They put it in that form.

The document was sent on to this city, became a part of the archives of the country, and is so yet. Having asserted their rights at that early day, and in that permanent form, it is not wonderful that they have not continued at every point of negotiation to reassert their claims in this respect.

It will be found by the honorable Senator that all their subsequent negotiations were in respect to other country, not embraced, of course, within the country covered by the capitulation of 1814. They were all the time treating in regard to other country, and most of the time in regard to that which General Jackson pretended to have left to them as an equivalent—that lying in the upper portion of their original country. The Government bought portions of it from them from time to time, and it was in relation to it that they were treating, and not in reference to the country in the lower portion of Alabama and Georgia. While they were negotiating these treaties, they had nothing to do with this original claim. They had enough on their hands with the Government to enforce, if possible, the claims for spoiliations, which had been committed on them, and which the Government, beyond all doubt, had promised to pay them for.

These were the difficulties under which they labored during the time this matter has been pending. The inferences drawn by the Senator from Georgia are only such as would go against this claim because of its age. If the Senator is disposed to set up lapse of time as a barrier to this claim, that argument is all potent; but if he applies it by way of an estoppel to their rights, there is a complete replication to that in the fact that they had in a more solemn form asserted their rights; they never abandoned them; and he cannot show where they abandoned them in the treaties; but they have stood upon that original assertion of their rights; and since the claim for damages to their personal property has been settled, they come forward now and demand that which they then deemed themselves entitled to in reference to their real estate. That is the view I have taken of it; but if the statute of limitations is to be applied against the Indians, of course they are gone.

Mr. SEBASTIAN. If I understand, Mr. President, the precise character of the objection, or the foundation for the doubts in the mind of the Senator from Georgia, it is that no mention was made of this claim in the treaty with the Creeks in 1821. I believe that was called the treaty of the Broken Arrow; again, in the treaty of 1825, properly known by the name of the treaty of Indian Spring, and which created such dissatisfaction in the nation that a portion of the friendly Creeks, and all the hostiles, arose and burnt General McIntosh, who was the negotiator of that treaty, and induced the Government, during Mr. Adams's administration, to conciliate the Indians by making a treaty in 1826, by which it was acknowledged that the treaty of 1825 was invalid, and that it was made against the consent of the authorities of the nation. These treaties, in addition to the final treaty, which, I believe, was made in 1830, the Senator says were made without any mention or recognition of this claim, and without containing any allusion, on the part of the Indians, to the fact that they preferred, or had such a claim in existence.

Now, in answer to that, I will allude to one solitary fact, to show, that, notwithstanding the presumption arising out of their silence upon the record, this claim had its existence among the Indians themselves, during the whole period from 1814 up to the time when they actually presented the claim. That fact is this: In 1842, when the Senator from Tennessee [Mr. BELL] was presiding at the head of the War Department, an agent of the Government was sent among all the Indian tribes to ascertain if there were upon their part any unsatisfied grievances, any claims which had not been properly attended to. When that agent, Mr. Hitchcock, who afterwards made an interesting report of all his proceedings, went to the Creek nation, and called the Creek's together in council around him, one of the chiefs, who was

the speaker on that occasion, Opothleyoholo, a name which is familiar in connection with the history of the Creek war of 1814, arose, and spoke of this very claim for land as one of the unsatisfied claims of the Creek nation against the United States at that time. That was as late as 1842. I only mention this fact to show that the claim was never abandoned on the part of the Creeks; but, however hopeless, however desperate the difficulties in prosecuting their other claim may have rendered them in regard to this, yet they never abandoned it, but it lived during all the discontents of the nation, and never was forgotten. This fact is well attested by the report of Mr. Hitchcock, in 1842, a long time after the conclusion of these treaties, the silence of which on this claim is inferred by the Senator from Georgia to be conclusive evidence that it never existed.

I will mention another fact also. Congress, by the act of 1852 and the act of 1817, did acknowledge the obligation of this Government to satisfy and perform the promises which were held out in the letter of 23d April, 1814, written by General Pinckney to the friendly Creeks, as inducements to the hostiles to come in and capitulate. That claim was prosecuted here, and was preferred by delegation after delegation, sent here at intervals of two or three years, for thirty or forty years consecutively; the justice of it was afterwards acknowledged by Congress. The records of its prosecution are contained on the files of the Indian department. It was preferred by authorized delegations, year after year; and yet it was just as remarkably omitted in all treaties, as was this national claim for the spoliation of their lands. I mention this to show that the failure on the part of the United States to recognize these claims in their treaties constitutes no evidence at all that the Indians ever abandoned them. It shows that, so far as they were concerned, we cannot, without the greatest injustice, infer an abandonment of the claim from the simple fact that the treaties which they concluded with the Government, in the mean time, are silent on the subject.

Now, sir, I will advert to a fact, for the satisfaction of the Senator from Michigan. I will state here the official record of the considerations which induced General Jackson, on the one part, to demand, and the friendly Creeks, on the other part, to assent to the terms of this extraordinary treaty of capitulation. This is the report of Colonel Hawkins, an old and trusted agent of the Creek Indians, appointed by General Washington.

Mr. CASS. I know him well.

Mr. SEBASTIAN. Perhaps he was one of the most fair and honest men that ever officiated in that department. He was present at the time the treaty was formed; and he says, speaking of it, that General Jackson had not only, in conformity with his instructions, taken the portion of the hostile country embraced in the present State of Alabama, as an indemnity for the war, but, by a line produced into the State of Georgia, had taken about eight millions of acres of land notoriously the property of the friendly Creek Indians. He speaks of it in this way:

"It struck me forcibly at the time that the General, who was authorized only to retain lands conquered from the hostiles to indemnify the United States for the expenses of the war, should take nearly eight millions of acres from the friendly Indians, over and above all the hunting grounds of the friendly Upper Creeks, giving, without consulting them, what he called an equivalent, which they did not deem such, and did not feel himself authorized to adjust this equitable claim of theirs."

It will be seen what excellent diplomatists the Indians were on an occasion of that kind; how they saw through the absurdity of the pretension of General Jackson, that he could take lands from them for political reasons, while at the same time they saw no correlative power on his part to indemnify them; and that whereas his instructions, extended only to retaining lands out of the conquered country, he could overstep his instructions, and take eight millions of acres of land, not as indemnity, but merely for the purpose of answering certain political objects "interesting to the United States." These political reasons, however satisfactory they were, however conclusive an apology they were on the part of General Jackson for extorting such a treaty—and they were valid for that purpose—contain no argument why we should not make compensation. It was necessary of course that a broad belt of country settled by the whites should be interposed between the

hostile Creeks on the one hand, and the Seminoles and Spaniards in Florida on the other; but however necessary it was to General Jackson for this reason to take that strip of country, it formed no reason in the world, as the Indians say, why we should not pay for it.

The result was, it seems, at last, being prostrated, not being admitted to discuss the terms of the treaty at all, reluctantly acquiescing and stating to General Jackson that they were friends, that there were no hostile chiefs present for the purpose of arranging the terms of capitulation, they submitted to the running of these lines, although by so doing they permitted a spoliation of eight or ten millions of acres out of their country, on condition that he would allow them to append something in the nature of a supplement or protocol to the treaty, in which they should assert their claims under the letter of General Pinckney to be protected, and declare also the great wrong done to them by this act of his, and be allowed to express their reliance and firm confidence in the justice of the United States—a confidence which has not been redeemed from that day to this, except as to compensation for their property destroyed, leaving this great national claim entirely unredeemed and unprovided for from that day to this.

I have shown before that they have kept the history of this claim alive through the traditionary discontents of their nation; that they have never abandoned it, although their conduct was such as to show that they had little hope during the time that they prosecuted the other claim of obtaining satisfaction for this. General Jackson, when asked why he transcended his instructions, and took the lands from the friendly Creeks, instead of the hostile Indians, answered:

"He did it from political motives—to prevent an intercourse between the Indians and the Spaniards and English in the Floridas; to have a border to know and separate his enemies from his friends, which was as beneficial to the friendly Indians as to the United States; and also gave the friendly Indians the lands in the fork of Tallapoosa and Coosa."

These considerations, as I have said, were very satisfactory to General Jackson; and it is not to be wondered at that he told the friendly Indians that the spoliation he committed against them was for their benefit. They could not exactly see the propriety of the logic by which he came to this conclusion. They could see that it was for the benefit of the United States; but, separated as it was from any compensation to them, they never yielded their consent to it. That consideration, however important it was to the United States, was not important to the Indians. It was of no advantage to them that the hostiles should be separated from the discontented Seminoles and the British and Spanish emissaries in Florida; but General Jackson did say to them that he gave them what he called an equivalent. It consisted of lands which, according to the stipulation, were to be assigned to the hostiles, and left to them in the forks of the Tallapoosa and Coosa. As to that equivalent, I have to say, that the Committee on Indian Affairs have a map which shows relatively the size of the country which was taken from them, and the size of the country which was said to be an equivalent. The amount taken covers upon that map probably much more than is covered by a page of the book from which I read, [the State Papers—a large octavo,] while the amount of territory which he called an equivalent, and which was given over to the possession of the hostiles, and not the friendly Creeks, would be covered by the size of a Spanish dollar.

I do not suppose there were more than one hundred thousand or two hundred thousand acres in the forks, between the Coosa and the Tallapoosa—lands which were supposed to be an equivalent for eight or ten millions of acres, and not given exclusively to the friendly Indians, but lands on which he allowed the hostiles to remain. That brought forth from the speaker on that occasion, the Big Warrior, an exclamation which was most natural under the circumstances:

"The speaker asked where the hostiles were to be placed if he took all their land? His answer was, you have room enough to take them among you. The speaker said the war was not yet settled, and they were called on for lands to pay the expenses of it: and before it was settled, he supposed there would be another call. The general replied, he would take upon himself to settle it, if it lasted twenty years, without calling for any more land."

That was the most natural exclamation in the world, when he was taking eight million acres of

land from his allies, the friendly Creeks, and giving them what he called a compensation or equivalent, some one hundred thousand or two hundred thousand acres, lying in the middle of the country conquered from the hostiles, on which they were indiscriminately to be placed with the hostiles. It is no wonder, therefore, they did not regard it as an equivalent; it is no wonder that they regarded this whole diplomacy as extraordinary, as unwarranted by the instructions of General Jackson; equally unjust to them, and a violation of the terms of the letter of General Pinckney, who had assured them of a very different course of treatment; for he had required the hostiles to come in. I hope these explanations are satisfactory to the Senate.

Mr. BROWN. I am inclined to think that I shall vote for this amendment; and I desire to state in a few words why I shall do it. It seems to be admitted on all hands that we took about eight millions of acres of land from these Indians. It is asserted on the part of the Indians that we never paid anything for it. Now, if the Government takes the ground that it has paid for it, I apprehend it devolves on the Government to show that fact to be true. The Indians assert, and we admit, that we got the land. They say we paid nothing for it; and clearly, if that be so, we ought to pay something for it. If we ever have paid, I repeat, the *onus* is upon us to show that we have paid it, and how we paid it.

The only suggestion against the claim, which I hear from any quarter, comes from the Senator from Virginia, [Mr. HUNTER,] and it is, that we gave the Indians an equivalent in other lands. Did they agree to take it? I suppose trading between the Indians and the United States to be regulated by the same laws as govern two civilized men or nations—there must be an agreement. Is there any pretense that the Indians ever agreed to take this country? Did they not protest against it at the time as being no equivalent for the country which was wrested from them? I understand they did. The Senator from Virginia shakes his head. I understand the Indians said at the time that the arrangement did not suit them; but when General Jackson urged it upon them, and assigned what were said to be political reasons—and what I think were very good reasons, too—for making that arrangement, they finally consented to it under duress—not as a voluntary thing, but with a promise that they should have compensation thereafter.

The honorable Senator from Michigan asks if other lands were not given them in exchange? If other lands had been given to the Indians, and they had agreed to take them, there was a closing up of the transaction; but even if they got other lands outside of the Indian country, to which neither hostiles nor friendly Creeks had any claim, was that an equivalent? When have you ever bought out Indians that you have not given them other lands? Was it any equivalent to the Choctaws and Chickasaws, when you purchased them out in Mississippi, to the Cherokees in Georgia, and other large tribes, and sent west, that you gave them homes there for the homes they abandoned? May you take an Indian tribe's home from them, drive them out from their camps, break up all their family arrangements, and send them into a new country, because you give them other lands in place of those which you take? It is the first time I ever heard the pretense assumed. You always give them other lands, but you also pay them for the lands which they have left. That was the course which you pursued with the Choctaws, with the Chickasaws, with the Cherokees, and with every other tribe which you have emigrated. I see no reason why the same course should not have been pursued with the Creeks, and especially with the friendly Creeks.

But I simply rose to say that my mind was upon this point, that if we took the land, as is asserted, and have paid nothing for it, we ought to pay for it now. As to setting up the statute of limitation against the Indians, it is all humbug. This Government is the last on earth that ought to talk about the statute of limitation; for who does not know that claims are before us for ten, twenty, thirty, forty, and fifty years, as just claims, as possibly can be made, and finally are abandoned and given up in despair, because Congress cannot be induced to act upon them? And shall we take advantage of our own wrong; and because we did

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not do right forty years ago, and have not done right between that period and now, shall we refuse, after forty or a hundred years more, to do right? The question with me is not whether there has been delay in this transaction, (because delay would only convince me that we ought now to do what we ought to have done before,) but translating ourselves back to the point of beginning, what ought to have been done in reference to this tribe of Indians at the time they were induced to surrender the lands. If we took eight millions of acres of land, we ought to pay for it. If we have not paid for it, we ought to do it now.

Mr. FITZPATRICK. Mr. President, I did not intend to say anything on the question now under consideration, but as I have been referred to by the honorable Senator from Virginia, [Mr. HUNTER], it becomes necessary that I should make a few observations upon the amendment before the Senate.

Sir, I was raised upon the borders of the country of these Indians. My boyhood was spent on their eastern border when the Ocmulgee river was the dividing line between the State of Georgia and the Creek tribe of Indians. At the close of the war in 1815, when still quite a youth, I removed to the State of Alabama, and settled within a few miles of where I now reside, at what was then called Fort Jackson, the point at which this treaty was made, and where General Jackson closed the war with the Creek tribe of Indians in 1814. I lived for the first year after I removed there literally among the Indians. I knew nearly all their leading men, and especially many of those whose names are affixed to the treaty. My sympathies are with the Indians, and particularly with that tribe of Indians for whose benefit this appropriation is proposed, about whom I know much. I have listened with a great deal of patience and anxiety to gentlemen who have discussed this question to see if they could convince me that it was proper for me to cast my vote for this amendment.

I know some of the Creek delegation who are now in this city pressing this claim. I know Opotheyoholo. I know Marshall, the other chief who is here; and I know intimately the very worthy and estimable gentleman who is the agent superintending this claim. I have listened with a great deal of interest to his explanation of it, to see if he could satisfy me of the propriety of voting for it. I have also listened attentively to all that has been said by those Senators who have advocated the amendment. I attended with pleasure to the elaborate and able argument of the Senator from Wisconsin [Mr. WALKER] some days ago on this subject; and I was much interested this morning with the argument of the Senator from Arkansas; but, sir, I have not been able to satisfy myself that I can, with propriety, vote for the amendment.

I, perhaps, know more from personal observation than I do from a very critical examination of historical facts connected with this matter, although I have looked into it. When the war of 1812 was declared I lived upon the eastern frontier of the country occupied by this tribe; and, although then quite a boy, the exciting scenes which transpired along that frontier are still vividly in my recollection. I removed, as I said before, at the close of the war, in the fall of 1815, and settled in the country which had been the heart of the hostile operations, and may, therefore, be permitted to know something in regard to them. I am not disposed to place myself here as a barrier to this claim, but, sir, I cannot overlook the fact that a very great time has intervened between the alleged wrong of which complaint is now made and the present moment. I look at this lapse of time as evidence that the actors in the scene, the prominent men who figured with General Jackson in that war, and who consummated the treaty with him, never thought of such a claim. So far as my knowledge extends, they never whispered a solitary word in reference to any such claim on the Federal Government. Why, sir, the Big Warrior, who heads the list of those who signed

that treaty, was among the most remarkable natural men that I ever saw. He almost reigned supreme over his nation. He was the great chief of what were called the Middle and the Upper Creeks. Scarcely inferior to him was McIntosh and the Little Prince, who were called the head chiefs of the Cowetas or eastern Indians. To one who knew these men as well as I did, or knew their love of money and their disposition to acquire it, it would seem strange that, if this claim really existed, if they believed it was a just one, they never presented it during their lifetime. I know of no man within the circle of my acquaintance who would have applied sooner than they would for the payment of any just demand, especially when we consider the amount claimed—half a million of dollars.

Why, sir, McIntosh, as I have always understood, paid the penalty of his life in consequence of the disposition which he made against the wishes of a large portion of his tribe, of the country of his tribe, and because of a large amount of money which it was alleged had been paid to him to obtain a cession of the Creek country, over which he assumed a right to control. The country was sold against the wishes of the people, and McIntosh was murdered by a band of them headed by one of the principal chiefs belonging to the hostiles in the war of 1812. Sir, if you tell me that the Big Warrior and the Little Prince and William McIntosh slept over their rights for this length of time, and never whispered to this Government that they had a just demand, you would impress upon my mind things which I cannot believe. This consideration has been the great difficulty with me in coming to anything like a satisfactory conclusion in favor of the amendment. I do not set up the lapse of time as an estoppel to the claim, but I oppose it because I believe the parties never thought themselves entitled to it.

A great deal has been said about the quantity of land assigned the friendly Creeks. The war raged up and down the Alabama river, to the junction of the Coosa and Tallapoosa, and extended up those two rivers as high as the Cherokee line. The first battle which the troops under General Jackson fought was at Tallasahatchee. That Indian town lies now in the county of Benton, one of the most flourishing and populous counties in the State of Alabama. Below that lies the county of Talladega, which takes its name from the celebrated battle-ground of Talladega, where General Jackson dealt such destruction to the hostile Creeks, who had besieged for several days a portion of friendly Indians.

Mr. HUNTER. I wish to ask the Senator from Alabama whether my impression is correct in regard to this matter; for I understand that these counties belonged to the hostile Indians, and were given under the capitulation to the friendly Indians?

Mr. FITZPATRICK. That, sir, is my understanding. It was hostile country. There were but few friendly Indians settled in this country during the war of 1812. The great bulk of them were hostile. Those who were friendly, however, fled to the Tennessee and the Georgia settlements—perhaps mostly to Tennessee—for succor and relief, and united with the whites, where many of them became efficient auxiliaries to the commanding generals in conducting their armies into the heart of the Creek nation. The junction of the two rivers was the seat of war, although there was no prominent battle fought there. Near the junction was one of the most populous Creek towns at that time in the whole Creek nation—the town of Coosawda—the first town, if I am not incorrectly informed, at which Tecumseh held his grand talk with the Creek chiefs in that vicinity. I live within three miles and a half of that town now, and I went there when the whole neighborhood was a wilderness, and inhabited by hardly any one but Indians. The very chief with whom Tecumseh talked was one of the warriors who fought at the battle of Calabee. Such is my understanding. From that point Tecumseh went

up among the hostiles between the two rivers, and ultimately to Tucabachee, where he held his grand council with the Big Warrior, who failed to take his counsel, and was charged by him with cowardice. The hostile country then was from Fort Mimms and below, up the Alabama river to the points to which I have before alluded.

It is very difficult, however, to define what lines govern Indians in the disposition of their property, or the claims they set up for their lands. No Lower Creek, so far as my knowledge extends, went to the land assigned according to the stipulations of the treaty with General Jackson, except the Big Warrior and his adherents, if they could be called Lower Creeks. They, however, resided there before the war broke out. At the breaking out of the war, what were called the Creek or Muscogee nation owned a large portion of the State of Georgia, from the Ocmulgee river to the western line of Alabama, as it is now fixed, to the then border between the Choctaws and the Chickasaws. I will not undertake to say what was the dividing line between the Tallapoosa and Coosa Indians, and the Chattahoochee and Flint River Indians, because there was no regularly marked or dividing line between them. They seem to have rather distinct hunting grounds, instead of separate and distinct tracts of country. If I am not mistaken, however, and I have traveled through the whole of that country, the hostiles extended along the tributaries of the Tallapoosa and the Alabama until you come to the dividing waters between the Alabama, Tallapoosa, and Chattahoochee. That is what I understand to be the hostile country inhabited by the Indians who waged war upon the citizens of Georgia, and what was then the frontier of the Mississippi Territory.

The Creek Indians who adhered to the Big Warrior, had too much intelligence and too much sagacity to unite with the hostile Indians. I knew many of these friendly Indians. I lived among them, and knew their capacity to assert and maintain their rights. Many of them lived in the part of Alabama where I first resided. I recollect, and shall ever recollect, that the Big Warrior at one time came with a sealed letter to the gentleman with whom I was living, and asked him to read it. He said he was apprehensive it contained mischief, and the "forked tongues" talk, to use his language. The letter was broken open, and it was found to be from Arbuthnot, in Florida, who was endeavoring to urge him and his people to take up arms and destroy the inhabitants living in the newly acquired territory, and to smoke the great pipe of peace with the people of New Providence and the Spanish settlements. The gentleman with whom I resided, read the letter to the Big Warrior, and next morning, being summer time, he took him out under the shade of a large tree, and said he wanted to hear his "talk." The Big Warrior told him that he had made that treaty with General Jackson; that General Jackson was a straight forward, plain man; that he himself was tired of war; that many of his people had been destroyed in the war, and he was utterly opposed to its renewal; he was contented with his condition, and he said that the message of Arbuthnot should make no impression on his tribe. Such was the language of that remarkable red man. I recollect, too, that a portion of the neighbors, then new settlers in that Territory, collected in the course of the morning, to ascertain what would be the Big Warrior's determination on the communication made to him by Arbuthnot. He directed the interpreter to say to Mr. Mitchell, the gentleman with whom I was living, and those standing by, that they need entertain no alarm, no apprehension; that his name was to the treaty, and he intended to maintain the treaty sacredly. This gave peace and quietness to the settlers.

My knowledge of the country, which is now claimed to have been taken from the Indians, under the treaty of 1814, lying east of the Chattahoochee, is very limited; but from what I know of the country lying south and west of that, and within the limits of Alabama, I think that Gen-

eral Jackson not only did the United States a service, but did the Indians themselves a service in running a line which would cut off all communication between the Seminoles and the Creeks. General Jackson showed great political forecast, not only for the Government of the United States, but for the Indians themselves, in cutting off all communications between the Indians as well as the American citizens within our own limits, and the Indians in the then Spanish dominions, which had a beneficial effect, I am satisfied, in preventing future outbreaks.

After the war, the friendly Indians returned to their own homes. The "Big Warrior" went to the town of Tukabachee, where he lived and died. The Creek Indians, living on the Chattahoochee and the Flint rivers, remained at their homes during the war, and I know of no Indian belonging to what I understood to be the Lower Creeks, as they were generally denominated, who ever went into the country assigned, between the rivers Coosa and Tallapoosa.

Mr. BELL. Then, do I understand the Senator to say that the Lower Creeks, who were the friendly Indians, did not remove and occupy the ground assigned to them as an equivalent, by General Jackson?

Mr. FITZPATRICK. They did not live there, except the Big Warrior and his tribe. The hostile Indians had occupied the country between the Tallapoosa and the Coosa, which General Jackson gave to the friendly Creeks as an equivalent for the land taken from them.

Mr. PETTIT. I wish to ask the Senator from Alabama a question, for I sincerely want information on this question, and I have not got it sufficiently to satisfy my own judgment as to how I ought to vote upon it. I wish to ask him whether the Government of the United States owns, and is in possession of, or whether it has sold to individuals, any lands in this region which it has not bought of some tribe. I understand that we acknowledge that the whole face of the country was once owned by the Indians, and that we claim it only after having bought out their possessory right. Now, I wish to know whether there is any large tract of country there for which these Indians are claiming pay, that we have not paid either them or some other tribes for?

Mr. FITZPATRICK. Subsequently to the treaty of 1814?

Mr. PETTIT. At any time.

Mr. FITZPATRICK. All the country not embraced in the treaty of 1814 has since been acquired by the United States under other treaties.

Mr. WALKER. If I understand the question of the Senator from Indiana, it is whether, within this district, amounting to over eight millions of acres, we have ever acquired any other title than that which we obtained by the capitulation of 1814.

Mr. PETTIT. The object of my question was for information. I take this position for the whole broad surface of the Union: It has been owned by innumerable tribes, and I hold that this Government can have no lands upon this continent which it has not bought, in some capacity, at some time, from some tribe. It seems there is a large quantity of land in Alabama and Georgia, for which a tribe of Indians claim payment from us. What I want to know is, have we possessed ourselves of any lands there which we have not bought of, and paid for, to some tribe?

Mr. JOHNSON. Yes, sir; we have.

Mr. PETTIT. That is what I want to know. If that be the case, we ought to pay for it.

Mr. JOHNSON. There are nearly ten millions of acres which we have never paid for.

Mr. FITZPATRICK. Land was acquired under the treaty made by General Jackson, both in Alabama and on the eastern side of the Chattahoochee river, in Georgia. Since this treaty, all the other territory held by these Indians has been purchased, and is now owned by the Government, or by citizens who have bought land from the United States. There is no land there unappropriated to which the Indians have any title, except that under the treaty of 1832 each Creek head of a family was authorized to take three hundred and twenty acres; and a small portion of those lands are yet unsold, I understand, in Alabama, from the fact that some removed without disposing of them, and others died before they were disposed of; and these lands are yet

held by the Government for the use and benefit of the Indians who were located on them.

Mr. PETTIT. Then I understand the Senator to say that we have acquired the whole face of this country, bought out the possessory right of some tribe without paying for it, this money being no necessary part of the consideration for any portion of the face of the country.

Mr. FITZPATRICK. I take the ground that it has been paid for, and that is the reason why I cannot vote for this amendment.

Mr. DAWSON. I will read the instructions given to General Pinckney, when he went into this country:

"The United States will retain so much of the conquered territory as may appear to the Government thereof to be a just indemnity for the expenses of the war, and as a restitution for the injuries sustained by its citizens and the friendly Creek Indians." And he directed the terms to be communicated to the friendly Indians; and said: "You may likewise inform them, that the United States will not forget their fidelity, but, in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected; and such of their chiefs as have distinguished themselves, by their exertion and valor in the common cause, will also receive a remuneration in the ceded lands, and in such manner as the Government may direct."

The Secretary of War also instructed General Pinckney that

"One of the terms of a peace with the hostiles must be an indemnification for the expenses of the war, by the cession of so much land as should be deemed an equivalent."

And he directed further:

"That the treaty should be, in form, altogether military, and in the nature of a capitulation."

These lands, in 1814, were taken by the Government, under a treaty then entered into, in consideration of the expenses incurred in the war, and to remunerate the whites and friendly Indians for the losses sustained. That was the compensation paid for the lands.

Mr. FITZPATRICK. The great difficulty with me has been, that notwithstanding these chiefs set up a claim to lands which the commanding general in 1814 attempted to take from them, the correspondence read by the Senator from Arkansas shows that the agent said when the treaty was made, that \$60,000 would have been, he believed, a full requital for all the claims they set up. In 1817, it will be recollected, they had a delegation here seeking compensation from the Government for spoliation committed in the war of 1812-'13, and 1814, and, if I am not mistaken, \$85,000 were then appropriated to the Indians, as a full remuneration for all the claims they had on the Government up to that period. The parties mainly interested, and who were competent to vindicate their rights and enforce them before a liberal and enlightened Government, never asserted any right until many of those who served in the transaction had passed off the stage of action; and some two years ago an additional appropriation of \$111,000 was made. In the mean time we have had some three or four treaties with these Indians, and all their territory lying within the present limits of the State of Georgia has been acquired. In that portion of country a large number, perhaps I might say the bulk of what were called the Lower Creeks, always resided, save the Big Warrior and his tribe, who lived on the Tallapoosa. In 1832, I think, we made the last treaty with these Indians, and acquired all the lands they had lying in Alabama, except the reservation before alluded to. In all the treaties we have had, from that of 1814 until the close of 1832, if there ever was any claim set up by that tribe of Indians for remuneration for land taken from them by this capitulation, it has never reached my ears.

Mr. SEBASTIAN. I think it very possible that the Senator from Alabama did not hear the extracts which I read. My voice is peculiarly unfortunate to make myself heard; and I will ask the Senator whether he heard what I read from the report made in 1817, by Mr. Lowndes, and the report made in 1821, by Mr. McLane, and the answer of Mr. Hawkins to the interrogations of the War Department, in 1815?

Mr. FITZPATRICK. I did not. I, however, read Mr. Lowndes's report some days ago.

Mr. SEBASTIAN. They show that the claim which has heretofore been prosecuted by the Indians was exclusively for spoliation; that is, the aggregate of individual claims for their separate losses by depredations and the destruction of property by the hostiles. Those documents are con-

clusive on that point; and I take it for granted, from the tenor of the remarks of the Senator from Alabama, that he did not hear me read them, because it is with great difficulty that I can make myself heard all over the Chamber. I take it for granted, also, that he is arguing in ignorance of the fact that in 1842, Opothleyoholo, now a delegate in this city attending to this business, pressed this claim before Mr. Hitchcock, who was sent out as an agent of the War Department, when the Senator from Tennessee [Mr. BELL] was at its head. He told him that the claim of the Creeks for lands and spoliation was one great cause of complaint on their part at that time. I quote this merely to show that when agent Hawkins said \$60,000 would have contented the Indians in 1814, he had allusion entirely to the claim for spoliation on property.

It is also inferred, from the silence of the Indians, that they abandoned this claim. To controvert this, I show that as late as 1842, Opothleyoholo, in an Indian council, brought forward this unsatisfied demand; and he further stated that when General Jackson became President, the Creek Indians believed they would have full satisfaction for all their claims, because they had the most unlimited confidence in the integrity of General Jackson. He went on further to state that when he came here it was at the time when General Jackson was seriously pressed by the difficulties arising out of the Indian emigration, and the contests arising out of the fact that the Creeks and Cherokees had made a great many difficulties with the Government about the jurisdiction of the State sovereignties. General Jackson was then very anxious for the emigration; and, according to the narrative Opothleyoholo gave at the time of his interview with General Jackson, his reply, in answer to the claim for indemnity for these spoliation of lands was, that as soon as they emigrated west the Government would settle with them for the whole amount of their claims.

The Creek Indians were very much astonished when they emigrated west, in pursuance of the treaty of 1832, and found that the balance due them for property destroyed, \$110,000, was not paid, and that some arrangement was not made about the land taken from them—eight million acres—without compensation. A delegation came on before their removal, instructed to prefer this very claim; but the consideration of it was waived by General Jackson, who did not want to complicate himself by too many questions at that time; but he assured them that their claims would be adjusted when they removed west. In the mean time, the old General had gone out of office, and they could no longer prefer their claims under the same friendly auspices which they expected to operate in their favor when he was President.

Mr. FITZPATRICK. I was about to remark that it was strange that this claim was never mentioned in the many treaties which were held with these Indians during the lifetime of the prominent actors in these scenes—during the lifetime of the Indians who signed the original treaty. There were many sagacious and shrewd men who had charge of these Indians as their agents during this time, and who, to my knowledge, were always alive to their interests. To none of them will I do more homage than to the agent who has been alluded to, (Mr. Hawkins.) Though but a youth, I knew him slightly, and I can indorse the recommendations which have been made of him. The claim set up by Opothleyoholo in 1842, I do not remember that I have heard spoken of before. It will not have much weight with me, however, when such men as the Big Warrior, the Little Prince, and McIntosh, set up no claim before their death. They lived many years after the treaty of 1814.

Governor Mitchell succeeded Mr. Hawkins as agent, and Mr. Crowell followed him. There has been no period since when they have not had a most competent agent to supervise, control, and superintend them, as to their pecuniary matters. During the whole term of General Jackson's administration, who was entirely familiar with these Indians, not a word was said, so far as my knowledge extends, about this claim. Although I have lived a great length of time in the country upon their borders, and mingled with them to a certain extent, I never heard a word of the claim until during the winter before the last.

All these facts amount to a conviction on my

mind that these Indians, and those who guarded and controlled them, did regard as full compensation the appropriation of money made in 1817 under Mr. Lowndes's report, for all claims under the treaty of Fort Jackson.

I did not design, as the Senator from Virginia will do me the justice to say, to participate in this debate; but, having been alluded to, I deemed it proper to put myself right in reference to the vote I should give. If I could vote for the claim as one of right, I would not hesitate to yield the amendment my support. I would gladly do so if I could believe I was doing an act of justice to these people.

Mr. SHIELDS. It is important that we should have an Executive session; and I therefore move that the further consideration of this bill be postponed until to-morrow.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a report from the Secretary of State, with accompanying documents, in answer to the resolution of the Senate of 30th of January.

Mr. CASS. That resolution was introduced on my motion, and I rise now to move that the papers be referred to the Committee on Foreign Relations, and be printed. They have relation to the proceedings of the Greek Government, connected with the affair of Dr. King, and are very interesting to the people of this country.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. SHIELDS, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 23, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Clerk proceeded with the reading of yesterday's Journal.

Mr. CLINGMAN. I presume we may, by unanimous consent, dispense with the reading of yesterday's Journal, which is very lengthy.

The SPEAKER. Unless objection be made, the further reading of the Journal will be dispensed with.

Mr. JONES, of New York. I object. The Journal, in which we all are concerned, should be read, so that, if there be any mistake, we may make the necessary correction.

The Journal of yesterday was then read and approved.

PERSONAL EXPLANATION.

Mr. MAURICE. I ask the unanimous consent of the House to make a personal explanation.

[Cries of "Agreed!"]

Mr. MAURICE. I was, much to my regret, prevented by sickness from being in attendance at the session of the House yesterday. I desire simply to say, that if I had been present, I should have voted in the negative on the bill to organize the Territories of Kansas and Nebraska. If it be in order, I would ask leave of the House to have my name recorded in the negative.

[Cries of "I object!"]

Mr. GIDDINGS. I move that fifty thousand copies of yesterday's Journal be printed for distribution among the people. It relates to very important proceedings, and ought to go out.

Mr. PHELPS. I object.

Mr. BRIDGES. I move that when the House adjourns to-day, it be to meet on Friday next. The motion is submitted with a view that the officers of the House may have an opportunity to remove the carpet, and renovate the Hall.

PENSION FRAUDS.

The SPEAKER laid before the House a communication from the Department of the Interior, transmitting, in obedience to the resolution of the House of the 11th instant, requesting the communication of such information as to the frauds on the Pension Office mentioned in the late annual report of the Commissioner of Pensions, and any other similar frauds which may have since been

discovered, as will exhibit their nature and extent, a report from the Commissioner of Pensions containing all the information in the possession of the Department on the subject.

On motion by Mr. HAVEN, the communication was laid upon the table, and ordered to be printed.

The SPEAKER. The gentleman from Pennsylvania has moved that when the House adjourns, it be to meet on Friday next.

Mr. WHEELER. I demand the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. WHEELER and HOUTON were appointed.

The House was then divided on the demand for the yeas and nays; and the tellers reported forty in the affirmative.

So the yeas and nays were ordered.

Mr. BRIDGES. Upon the suggestion of some friends around me, I withdraw my motion.

Mr. SEYMOUR. I find that the communication from the Department of the Interior, which was before the House just now, relates to frauds committed upon the Pension Office; and that subject is now before the Committee on the Judiciary. I therefore move to reconsider the reference that was made just now, and that the communication be referred to the Committee on the Judiciary.

The SPEAKER. If there be no objection, it will be so ordered.

No objection being made, the communication was referred to the Committee on the Judiciary.

Mr. DICKINSON. I send to the Clerk's table a notice of my intention to move for leave to introduce a joint resolution upon some subsequent day.

The SPEAKER. The notice can be given under the rules.

Mr. HAMILTON. I object, if it can be given under the rule.

The SPEAKER. If the notice is a notice of the gentleman's intention to introduce a joint resolution, it can be given, and must be given, if objected to, under the rule, at the Clerk's table.

Mr. HAMILTON. Then I object.

Mr. COBB. I call for the regular order of business.

The SPEAKER. The business first in order is the consideration of the bill reported from the Committee on Public Lands, by the gentleman from New York, [Mr. BENNETT], "granting lands equally to the several States to aid in the construction of railroads and for the support of schools." The pending question is on a motion to recommit the bill; and the gentleman from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. PHELPS. I ask my friend from Maryland to give way, to enable me to submit a motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, with a view of taking up the deficiency bill.

Mr. HILLYER. I rise to a privileged question. I move that when this House adjourns, it adjourn to meet on Friday next, for the purpose of enabling the Hall to be cleansed.

The SPEAKER. The gentleman from Georgia cannot take the floor from the gentleman from Maryland for that purpose.

Mr. HILLYER. I have always understood that a motion to adjourn over was a privileged motion.

The SPEAKER. So it is, if the gentleman can get the floor to make it, and so is a motion to adjourn; but the gentleman must get the floor before he can submit either.

Mr. BENNETT. I desire to make a suggestion.

Mr. PHELPS. I requested the gentleman from Maryland to yield the floor to enable me to move to go into committee, with a view of taking up the amendments of the Senate to the deficiency bill.

Mr. HAMILTON. Now, I will hear the suggestion of the gentleman from New York, [Mr. BENNETT.]

Mr. BENNETT. I desire to make a suggestion, which I trust will be favorably received by the House. I have no disposition to crowd the land bill in the way of the deficiency bill; and I therefore ask that the consideration of the bill which I reported some time ago be postponed four weeks from this date.

Mr. HAMILTON. I yield the floor to the gentleman from New York for that purpose.

Mr. LETCHER. Let us understand what the question is now before the House.

The SPEAKER. It is to postpone the consideration of the land bill reported by the gentleman from New York [Mr. BENNETT] four weeks from this date.

Mr. WHEELER. I object.

Mr. CLINGMAN. The gentleman from New York has a right to submit the motion indicated by him.

Mr. BENNETT. I move that the consideration of the bill referred to be postponed four weeks.

The question was then taken; and the motion was agreed to.

So the consideration of the bill was postponed four weeks.

THE DEFICIENCY BILL.

Mr. PHELPS. I now renew my motion that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up the deficiency bill.

The question was then taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair.)

The CHAIRMAN. When the deficiency bill was last under consideration, there was an amendment pending offered by the gentleman from Illinois, [Mr. WENTWORTH.]

Mr. CAMPBELL. I rise to a question of order. The consideration of this bill, as well as other bills, having been set aside by order of the committee, I make the point of order that we must proceed to the consideration of the bill next succeeding the one last under consideration—that relating to the organization of the Territories of Nebraska and Kansas.

The CHAIRMAN. The motion made by the gentleman from Missouri [Mr. PHELPS] was, that the House resolve itself into the Committee of the Whole on the state of the Union upon the deficiency bill.

Mr. PHELPS. There is no motion submitted by the gentleman from Ohio, [Mr. CAMPBELL.]

The CHAIRMAN. The Chair believes that the suggestion of the gentleman from Ohio was a very proper one.

Mr. PHELPS. I could not understand the remarks submitted by the gentleman from Ohio. I do not know that there is any objection to the consideration of the deficiency bill.

Mr. CAMPBELL. I object to the consideration of the bill now.

The CHAIRMAN. The question is, whether the committee shall proceed to the further consideration of the deficiency bill?

Mr. WHEELER demanded a division.

The House then divided, and eighty-three voted in the affirmative. A count in the negative not being demanded, the committee agreed to proceed to the consideration of the deficiency bill.

Mr. PHELPS. Mr. Chairman, I do not propose to submit any additional remarks on the amendments now pending, except to call the attention of the committee to the necessity of speedy action on this bill. In order to facilitate such speedy action, I propose to let the committee vote on the amendments without submitting any further remarks. I hope, therefore, that the committee will proceed now to vote on the amendments made by the Senate. I hope the gentleman from Illinois [Mr. WENTWORTH] will withdraw the amendment which he offered the other day, so as to let the committee proceed to vote on the Senate amendments.

Mr. WENTWORTH. I am willing to withdraw it, if there be no objection.

There being no objection, the amendment proposed by Mr. WENTWORTH was withdrawn.

The CHAIRMAN. The Clerk will now proceed to report the first amendment.

The amendment was read, as follows:

Page two, line twenty-two of printed bill, strike out "two," and insert "four," thus increasing the amount for extra clerk hire in the State Department from \$2,000 to \$4,000.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was put; and the amendment was agreed to.

The second amendment was then read, as follows:

Page three, after line fifty seven, insert the following: For contingent expenses of foreign intercourse, \$15,000.

Mr. PHELPS. Mr. Chairman, that amendment was recommended by the Committee on Foreign Affairs in this House, but was not acted upon. The amendment is in accordance with the estimates of the Department.

The question was taken; and the amendment was agreed to.

The third amendment was then reported, as follows:

Page four, after line sixty-four, insert the following:

To pay expenses incurred by Edward Cunningham, acting consul at Shanghai, for a police force for the preservation of the peace by American citizens, \$572 80.

Mr. PHELPS. Mr. Chairman, we propose to increase the amendment to the necessary amount expended. These expenses were rendered necessary under the treaty made between this country and China. The consuls at the ports of China adjust matters of provisional objects. Many of our seamen are there, and the preservation of the peace by them devolves upon us. Those in the ports of China are required to be brought before the consul. Mr. Cunningham was the acting consul at the time these expenses were incurred. The amount which is proposed to be paid is recommended by our then Minister to China, as being for expenses necessarily incurred by the acting consul. It is also recommended by the Department of State. And the committee recommend a concurrence in this amendment.

The question was taken; and the amendment was agreed to.

The fourth amendment was then reported, as follows:

For payment of the claim of Thomas N. Johnson for his services as marshal at the port of Shanghai, from the 9th of December, 1851, to the 15th of September, 1853, the sum of \$1,798 91.

Mr. PHELPS. Mr. Chairman, in this amendment there is a clerical error. The name of the person to whom this amount is due is Thomas M., not Thomas N. I hope that amendment will be made.

I also propose another amendment to the amendment. It is one reducing the amount. Strike out "ninety-eight dollars" and insert "eighty-one dollars," and strike out "ninety-one cents" and insert "seventy-four cents," so as to make the sum \$1,781 74. Mr. Johnson acted as the marshal in these ports, and this appropriation only affords him a fair salary for the services performed. It is recommended by the late Minister to China, and also by the Department of State. The committee is satisfied that the amount is justly due to Mr. Johnson.

The question was taken on the amendment to the amendment; which was agreed to.

The question then recurred on the amendment as amended, and it was put; and the amendment agreed to.

The fifth Senate amendment was then read, as follows:

Page four, after line sixty-four, insert the following:

For payment to John Bozman Kerr, in addition to his salary and allowances as chargé d'affaires to Nicaragua, the amount of his expenses on the journey to San Salvador and Guatemala, and of his expenses at those capitals under his commissions to the Governments of those Republics, together with a full outfit as chargé d'affaires to the national representation of Central America.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in this Senate amendment.

Mr. WASHBURN, of Illinois. I should like to know the reasons which induced the committee to come to that conclusion.

Mr. ORR. Will the gentleman from Missouri [Mr. PHELPS] state the amount which will be appropriated by this amendment? It is not stated.

Mr. PHELPS. There is a portion of the amount proposed by this amendment which may be paid to Mr. Kerr; and that is his traveling expenses on the journey to San Salvador and Guatemala.

Mr. ORR. What is about the amount?

Mr. PHELPS. It is proposed by this amendment to allow him a full outfit as chargé d'affaires to the national representation of Central America, in addition to his usual salary, which was \$4,500;

in addition, I say, to his usual salary as chargé d'affaires to Nicaragua. He was appointed chargé d'affaires to Nicaragua, and he also bore with him letters of credence to the national representation of Central America, if such a Government should be established.

I hold in my hand a copy of the instructions given to Mr. Kerr by the State Department, and also a copy of instructions given to him after his departure from this country. The first extract, which I will read, bears date the 21st of April, 1851. It is as follows:

"Your salary will be at the rate of \$4,500 a year. You will also be allowed an outfit equal to a year's salary, and an amount equal to a quarter's salary towards defraying the expenses of your return, when you take leave of the Nicaragua Government at the conclusion of your mission."

I here remark, that that is the salary fixed by law, making an outfit of \$4,500, the only salary of a chargé d'affaires of all our officers of that grade; and a quarter's salary is also allowed them for the purposes stated in the instructions which I have read. That Mr. Kerr has had.

Again, the Secretary of State instructs Mr. Kerr to exchange ratifications and treaties between the United States and the Republic of San Salvador and Guatemala.

As to the expenses to be incurred in the performance of that duty, and other duties, the instructions say:

"As the discharge of this and of other duties confided to you may render it necessary for you to visit other Central American States besides Nicaragua, you will be allowed your necessary traveling expenses on your way thither, and while on your return to Leon. These, however, will not include the expenses consequent upon your sojourn in the capitals of either of the States. You will keep a regular account of those expenses, which must be supported by vouchers, in every instance where they can be obtained, to be transmitted with your account for adjustment at the Treasury."

Those expenses can be paid without further legislation. Such necessary expenses can be paid out of the appropriations for the contingent expenses of foreign missions.

I will read another extract from the instructions given to Mr. Kerr. It is as follows:

"In case you should deem it advisable to recognize the national representation of Central America, created by the treaty between Nicaragua, San Salvador, and Honduras, of the 8th of November, 1849, a letter accrediting you to its Minister for Foreign Affairs is herewith transmitted."

Mr. Kerr was never appointed a Minister to the national representation of Central America, and for that reason the Committee of Ways and Means were of opinion that he is not entitled to any additional salary, or any additional outfit.

The committee recommend a non-concurrence in the amendment of the Senate.

Mr. ASHE. I will ask my honorable friend from Missouri if Mr. Kerr did not discharge the duties of both missions, not merely the one at Nicaragua, but at Central America, to which court he bore a letter of credence? It has been usual to allow, under similar circumstances, to double outfits, and I cannot see any good reason why it should not be allowed in this case. It was allowed very lately to Major Donelson, when he was required to go from Berlin, the court to which he was originally accredited, to the Germanic Confederation. If allowed to a Democratic representative, where is the justice in refusing to a Whig? We should feed all out of the same spoon.

Mr. PHELPS. I will tell the gentleman the difference. Major Donelson, holding the office of Minister at Berlin, was duly appointed Minister to the Germanic Confederation, vacated the first appointment, and, under his new appointment, was entitled to an outfit under his last appointment, and received it.

Mr. TAYLOR, of Ohio. I would like, by the consent of the committee, to have the report of Mr. EVERETT, in the Senate, read. It is very short, and I think it makes the matter very plain. I think we should concur in the amendment of the Senate. The report states the facts fully. I send it to the Clerk's desk, and ask that it be read.

The report was read.

Mr. GREENWOOD. I would inquire of the gentleman from Missouri why the amount to be appropriated is not specified in the amendment?

Mr. PHELPS. As to that matter, I cannot say. This is an amendment adopted by the Senate. It is proposed to allow him, in addition to his salary as chargé d'affaires at Nicaragua, full outfit as chargé d'affaires to the national representation of

Central America. That would be \$4,500. So far as his traveling expenses in going to San Salvador and Guatemala are concerned, he will have to show his vouchers for them. These expenses can be paid now without legislation.

Mr. STEPHENS, of Georgia. I will say one word in reference to this matter.

Mr. ORR. I would suggest that the gentleman move an amendment. We are now under the five-minute rule, but it has, so far, been very little observed.

Mr. STEPHENS. I move to strike out any word of the amendment, so that I may be allowed to say a few words.

I have carefully looked at the Senate amendment, and find that it is in strict conformity with the previous practice of the Government. Mr. Kerr was put to great expense in fulfilling the desires of the Government, and the amendment, in my judgment, ought to be concurred in. The Senate has strictly conformed with the practice of the Government.

Mr. PHELPS. I oppose the amendment of the gentleman from Georgia, merely for the purpose of saying that he and myself understand the precedents differently. I will read an extract from the report of Mr. EVERETT. He says:

"Several similar cases are found in our diplomatic history, of which that of Mr. Donelson is the most recent and clearly analogous. This gentleman being Minister Plenipotentiary at Berlin, was commissioned in the same character to the central Germanic Government at Frankfurt, and under that commission allowed a full outfit."

Mr. Donelson, while holding the position of Minister Plenipotentiary at Berlin, was nominated by the President and confirmed by the Senate as Minister to the Germanic Confederation at Frankfurt. When appointed to the latter position, his diplomatic functions at Berlin ceased, and he was allowed his salary and his outfit. Mr. Kerr, however, was only appointed chargé d'affaires at Nicaragua; he never held a commission as chargé d'affaires to the national representation of Central America.

Mr. STEPHENS. The gentleman is mistaken. He held a commission exactly in the same words to the national representation at Central America that he did to Nicaragua. The language is identical with the exception of the change of name.

Mr. PHELPS. If the gentleman refers to the report, he will find that he is mistaken. There is merely an authority for him to exchange ratifications of treaty with the Republic of San Salvador, another for him to exchange ratifications of treaty with the Republic of Guatemala, and a letter of credence to the national representation at Central America; but his commission was as chargé d'affaires to Nicaragua.

The CHAIRMAN. No further debate is in order.

Mr. STEPHENS. I withdraw my amendment.

Mr. TAYLOR. I merely desire to suggest to the gentleman from Missouri, that I have before me the letter of Mr. Webster, then Secretary of State, appointing Mr. Kerr.

The CHAIRMAN. Does the gentleman from Ohio move an amendment?

Mr. TAYLOR. I will, if it is necessary. I move to strike out the words "addition to his salary," for the purpose of enabling me to say a few words.

I have before me the report of Mr. EVERETT upon this subject, which has just been read to the committee, and which, it seems to me, ought to be conclusive upon the subject.

A distinction is drawn by the gentleman from Missouri between the case of Mr. Donelson and that of Mr. Kerr. Now, I do not think the facts will sustain that position. Mr. Donelson was Minister Plenipotentiary at Berlin, and received an outfit of \$9,000. He was then appointed Minister to the Germanic Confederation, and received an additional outfit of \$9,000.

Mr. PHELPS. I would ask the gentleman if Berlin is not within the Germanic Confederation?

Mr. TAYLOR. That makes the case still stronger. He had \$18,000 within the Germanic Confederation; and why should not Mr. Kerr have the outfit of a chargé when he was appointed to a second mission? Here is Mr. Webster's letter:

DEPARTMENT OF STATE,
WASHINGTON, November 20, 1851.
SIR: The President of the United States having thought proper to name John Bozman Kerr their chargé d'affaires

to the national representation of Central America, I have the honor of announcing the same to your Excellency, and of praying you to give credence to whatever he shall say to you on my part. He knows the concern which our Republic takes in the interest and prosperity of the national representation of Central America; our strong desire to cultivate its friendship, and to deserve it by all the good offices which may be in our power. He knows, also, my zeal to promote these by whatever may depend upon my ministry.

I have no doubt that Mr. Kerr will so conduct himself as to merit your confidence; and I avail myself with pleasure of this opportunity to offer to you the assurance of my most distinguished consideration.

DANIEL WEBSTER.

His Excellency The Minister of Foreign Affairs,
of the national representation of Central America.

Now, it has always been the practice of Congress to allow a gentleman who has been appointed temporarily Chargé or Minister, even if he is not confirmed by the Senate, the usual outfit and salary. Why make an exception in this case? The Senate, on full consideration, have allowed the outfit, and I hope this committee will not make a distinction against Mr. Kerr. He maintained his residence in Nicaragua, and went on an additional mission to Central America by order of the President of the United States, and under a commission from the Secretary of State, and it seems to me that he is justly entitled to the outfit usually allowed.

I now withdraw my amendment.

The question was then taken on the amendment of the Senate; and it was concurred in.

The sixth amendment was read, as follows:

Page six, after line one hundred and thirty-three, insert the following:

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, and pay of messengers, \$4,000.

The question was taken; and the amendment was concurred in.

The seventh amendment was read, as follows:

For compensation of a draughtsman and clerks for the office of the surveyor general of California, \$10,000.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was taken; and the amendment was concurred in.

The eighth amendment was read, as follows:

For contingent expenses in the office of the Commissioner of Pensions: For stationery, \$1,000; for binding books, \$1,000; for office furniture, \$1,000; for printing and engraving bounty land certificates, \$1,500; for miscellaneous items, \$1,500.

Mr. PHELPS. The committee recommend a concurrence in that amendment also.

The question was taken; and the amendment was concurred in.

The ninth amendment was read, as follows:

For continuing the surveys in the northern portions of Iowa, Minnesota, and Wisconsin, at the rates now authorized by law, \$40,000.

Mr. PHELPS. The committee recommend a concurrence in this amendment. It is for the purpose of continuing the surveys, which, if they are not made this year, will be made the next.

The question was then taken; and the amendment was agreed to.

The amendment next in order was then read, as follows:

Page seven, after line one hundred and fifty-eight, insert the following:

For completing and keeping in order the grounds south of the President's House, \$9,770.

Mr. PHELPS. The committee recommend a non-concurrence in that amendment.

Mr. CRAIGE. I understand that the money that was appropriated for this purpose has been already exhausted. These grounds are in a very bad condition, making the neighborhood quite unhealthy. The health of a former President was very much injured, so much so that his family removed during the summer months to the heights at Georgetown. There are pools of water in the grounds in question, which it is desirable should be filled in with earth. From what I learn I think it is indispensable that the improvements asked for should be made.

Mr. JONES, of Tennessee. I move to strike out all but the words "\$9,000," merely for the purpose of saying that the appropriation asked for here is to be applied to the improvement of the grounds south of the President's House. Between the street and south of the President's house is a wall, and also a canal. You will find, by examining the appropriations for the last six

or seven years, that there have been expended upon the piece of ground in question about \$60,000. The appropriation now asked for is an additional one, necessary, it is said, to complete the improvement of this ground.

Mr. CRAIGE. Whatever the amount expended may have been, I do not know. One thing is very evident, that the grounds should be still further improved; and another thing is quite certain, that the workmen who have been employed upon these improvements have not been paid. The Government ought to pay for the improvements which are now going on there.

Mr. JONES. There were a great many persons at work there on last Saturday, and I have no idea that the sum named here, or \$50,000 additional, will be sufficient to complete the improvements upon this ground.

Mr. STANTON, of Kentucky. I oppose the amendment of the gentleman from Tennessee, [Mr. JONES,] and I desire to say but a few words in regard to this matter. It is true that a large amount of money has been expended upon this ground, but the improvement required there was a very extensive and a very expensive one. Gentlemen who have been familiar with this city for the last ten or twelve years, will recollect that at one time there was a very deep ravine upon this ground, and that nearly the whole place has had to be filled up with earth brought from other places—sometimes a great distance. The expenditure of \$66,000 is really a matter of no consequence, in comparison with the great improvement which has been already made. The work is now nearly completed; and the sum now asked for will put the ground in a very fine condition. Inasmuch as the health of the President, and of his family, and the beauty of the city, depend upon this improvement, I think there ought to be no hesitation upon the part of the committee in passing the appropriation now asked for.

Mr. JONES. I withdraw the amendment I offered.

The CHAIRMAN. The question now is upon concurring with the Senate amendment.

Mr. LETCHER. I move to strike out the words \$9,000. That will make the sum \$770. According to the information I have had in regard to that piece of land, the first appropriation that was made by Congress was expended in making a fish-pond—in making this very hole about which the gentleman talks, which had to be filled up subsequently by an additional expenditure of the public money.

I was upon the ground the other day, and I saw that the lot was pretty well laid out, and that the grass was coming up; and I cannot exactly understand, under these circumstances, what they want with the \$9,000 asked for. The gentleman from North Carolina [Mr. CRAIGE] says that debts have been contracted which we ought to meet. I shall vote against this appropriation, for I think it is high time that Congress should give their officers to understand that they are to expend the money which is appropriated, and not to expend money in advance of appropriations, and then ask for additional appropriations. I am for confining them to the law as it is written, and to compel them to make their action correspond with it. We hold the first place here. They are our servants and agents, and they are to perform their duties in compliance with the law as written, and not the law as they choose to enlarge it.

Mr. CRAIGE. I apprehend that if the law were carried out on that maxim, we would never get work properly done. While the principle, as a general one, is correct, it would not work well if it were carried out too strictly. It is often necessary for the employees of Government to perform works which have not been provided for by general appropriation.

Mr. LETCHER. If the gentleman from North Carolina will permit me to interrupt him, I would ask him if this is one of the cases he speaks of?

Mr. CRAIGE. I think it is. It would be a very extraordinary thing, indeed, Mr. Chairman, where the Government of the United States has appointed officers for the purpose of performing duties, and where it may have been necessary, in order to carry on the affairs of Government, that there should be a particular work performed by these officers, that, under that general law of the Government, such work *exscripta*, and not provided for specifically, could not be done. This

House never recognized any such doctrine, how much soever we may be disposed to save the funds of the Government. Whenever the Government contracts a debt, let us pay it whatever it is.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Virginia, [Mr. LETCHER,] to strike out the appropriation of \$9,000.

Mr. TAYLOR. Is not an amendment to the amendment in order?

The CHAIRMAN. It is not. There is an amendment to the amendment pending.

Mr. LETCHER. I withdraw my amendment.

The CHAIRMAN. Then the question is on concurring with the amendment reported from the Senate.

Mr. SAGE. Mr. Chairman, I move to reduce the appropriation \$5,000, for the purpose of asking a question. I should like to know the amount that has been expended here? It is said on the other side of the House that it would require all this money to complete the improvement. If this is so, what amount has been expended; and how much more are we to pay?

Mr. LETCHER, (interrupting.) With the consent of the gentleman from New York, [Mr. SAGE,] I desire to ask the chairman of the Committee of Ways and Means whether, in this very case, by an amendment of Mr. Seymour, of New York, it was not proposed to give a bond for finishing this work with the appropriation made by the last Congress?

Mr. HOUSTON. I have not looked particularly at this matter myself. But, in reply to the questions propounded by the gentlemen from New York and Virginia, [Messrs. SAGE and LETCHER,] I would say this: I do not know the amount of money that has been expended on the improvement of these grounds. I think, however, that my friend from Tennessee [Mr. JONES] is mistaken as to the amount; although, if he has examined it, I will not controvert his statement. During the first session of the last Congress an appropriation was made of \$12,000 for this purpose; and, on the recommendation of the Committee of Ways and Means, a proviso was appended to the appropriation, saying that this amount, or any part of it, should not be expended until, and unless, a contract was entered into for the entire completion of the grounds. Well, Mr. Chairman, that sum is gone. The present occupant of the White House had nothing to do with it. The money was expended before he came into power; and although it may have been expended—I care not in what way—are we then to leave the grounds unimproved, while there is the best reason to believe that their being left so produce sickness to the inhabitants.

Now, sir, I am not generally in the habit of voting for this kind of appropriation. But it seems to me that this is a case which appeals more strongly to us than almost any other; and for the reason that the best opinion is, that leaving the grounds in their present condition; the condition in which they were during the winter and spring, they produce sickness in that quarter of the city, and compel the occupants of the White House to leave it every summer, and seek a residence at some other place; it seems to me that, under such circumstances, you should appropriate money enough to complete the improvement. If it is admitted that the grounds, in their incomplete state, produce sickness, then I think we ought to complete the improvements; and while I will contend, and ever have contended, not only by speech but by votes, for a strict adherence to the rule which the gentleman from Virginia [Mr. LETCHER] lays down, in reference to confining the expenditure of moneys for public works to the amount appropriated, yet if there is any case in which a violation of that rule is admissible, it is the one now under consideration.

Mr. LETCHER. Is an amendment now pending?

The CHAIRMAN. The amendment offered by the gentleman from New York is pending.

The amendment was withdrawn.

Mr. LETCHER. I move to reduce the appropriation one dollar.

If I understand the matter correctly, the Committee of Ways and Means recommend that this appropriation be stricken out of the bill; in other words, that the committee shall non-concur in the amendment of the Senate; and yet, remarkable

as it is, the chairman of the Committee of Ways and Means, [Mr. Houston]—the committee which makes this recommendation—advocates this as a necessary appropriation.

Mr. CRAIGE, (interrupting.) I presume that the reason why the Committee of Ways and Means made their recommendation was, that at the time they came to their determination, they supposed that the amount could be placed in the general appropriation bill, and that it would answer every purpose. But the fact is, as I have become well satisfied, that a great portion of this work is already completed, and the Government is indebted to the contractors for it. That being the case, the appropriation should be made in this bill. The money is due, and the contractors are compelled, for the want of this appropriation, to borrow money to carry on the work, and to pay a high rate of interest for it. Justice, therefore, requires that this appropriation should be made.

Mr. HOUSTON. I desire to say a word or two in reply to the remarks of the gentleman from Virginia, [Mr. LETCHER,] which seem to place me in a false position. I have not the charge of this bill; and although the Committee of Ways and Means, as such, has recommended a non-concurrence in the action of the Senate, yet, as an individual member of the committee, I have the right to differ from that recommendation. The gentleman from Missouri [Mr. PHILIPS] has the charge of this bill, and I pursue, in my action as an individual, the course which my judgment suggests.

Mr. LETCHER. It seems to me that the chairman of the Committee of Ways and Means is somewhat in the position of General Taylor—voted down by his own Cabinet.

Mr. HOUSTON. That is very often the case. The chairman of the Committee of Ways and Means has often to defend the action of the committee when that action is in direct conflict with his own opinion and judgment.

But in this particular case I believe I was absent from the city when the bill was reported to the House; and, therefore, I am at liberty to take such a course in reference to it as I see fit, guided by the dictates of my judgment and sense of duty. I believe it is right, and therefore I advocate it.

Mr. CAMPBELL. I desire to ask the chairman of the Committee of Ways and Means one question; and that is, whether this appropriation will improve the political atmosphere of the Democratic party?

Mr. HOUSTON. The political atmosphere of the Democratic party is pure now; it was improved last night. [Laughter.]

Mr. LETCHER. If there is no objection, I will withdraw my amendment.

No objection being made, the amendment was withdrawn.

Mr. STANTON, of Kentucky. I offer an amendment which I send to the Clerk's desk.

The amendment was read, as follows:

For furnishing an additional number of iron settees for the President's and Capitol grounds, \$1,000.

Mr. HOUSTON. I would ask the gentleman if that appropriation has been recommended by a committee?

Mr. KERR. I should like to know whether the Committee of Ways and Means recommended that?

Mr. STANTON. The necessity of the case recommends it.

Mr. HOUSTON. As I understand it, no committee at all has recommended it.

The question was then taken upon Mr. STANTON's amendment; and it was agreed to—ayes 60; noes not counted.

Mr. COBB. I desire to offer an amendment, and to make a remark or two, not by way of edifying the House, but for the purpose of satisfying myself as to the intention in reference to the point to which my amendment refers. I move to add at the end of the amendment the following:

Provided, That no part of said appropriation shall be expended in pulling down the stone wall south of the President's House and grounds.

Now, Mr. Chairman, I offer this amendment in good faith. But in order that I may know whether I am right in the information upon which I have based the amendment, I will ask the chairman of the Committee on Public Buildings and Grounds, whether the report I have heard is true, that any portion of this appropriation is intended

to be expended in pulling down the stone walls south of the President's House and grounds?

Mr. CRAIGE. I will state to the gentleman that I do not know that there is any such intention.

Mr. COBB. Well, then, in order to make the matter sure, I hope the amendment will be adopted. I have heard such a report, and I want to make it sure that that stone wall shall not be pulled down. It has been the policy of the various Administrations in reference to the improvements; no, sir, I will not say it has been their policy, but in the experience I have had since I have been a member of Congress, my observation has been, that it has been the practice of the various Administrations to build up one year and pull down the next. It is true, that by carrying out such a policy we shall benefit the laboring classes. But I ask, is it the true policy for this Government to adopt? Is it the true policy for Congress to sanction? Is it good policy for us to authorize the pulling down of that wall, which has been there ever since I have been in Washington city as a member of Congress? Such, I understand, is the intention. Sir, I desire to protect that wall. It has been there for many years. It will cost considerable to remove it; and I can see no reason why it should be done. In my humble judgment, the grounds within the inclosure, south of the President's House, cannot be beautified more than they now are. Why not allow them to remain? Why remove the old landmarks which have been in existence so long?

Mr. STANTON, of Kentucky. I rise to a question of order. I submit that the amendment of the gentleman from Alabama is not in order, for the reason that it has no relevancy to the Senate amendment to which it is offered. When the amendment speaks of improving the grounds south of the President's House, it means that portion of the grounds south of the inclosure. The designation of the grounds south of the President's House has always been understood to mean those, not including the grounds within the inclosure around the President's House. I submit, therefore, that the amendment of the gentleman from Alabama is not in order, being irrelevant.

Mr. COBB. The suggestion of the gentleman from Kentucky will not cover my object. I have understood that it is the intention to remove these walls, and that I meant to prevent. I say put the proviso in. If it be not the object to do what is supposed, the proviso will do no harm. The gentleman knows the wall is south of the very grounds proposed to be improved.

Mr. STANTON. The gentleman is mistaken.

Mr. HAVEN. I oppose this amendment, and shall briefly explain my reasons for doing so. I do not expect that the committee will listen to me on this small subject, as they have been dealing for the last fortnight with empires. I am controlled in my vote, and expect to be, by this consideration: The last Congress made an appropriation of \$12,500 to complete the work on this ground; and on motion by an honorable gentleman from New York, [Mr. Seymour,] there was a proviso added that the amount should not be used unless security was given by the contractor that it should complete the work. Now, if the contractor of the Government has discharged his duty, there is security for the completion of the work; and I, for one, will not vote in this Committee of the Whole on the state of the Union to overlook a consideration of that kind. We not only put it to the officer last year to do this work for a given sum, but we ordered him not to do it unless he had security that that sum should complete it. Here we are now asked for an appropriation of some nine thousand and odd dollars. I, for one, will not vote for it; others may if they please.

Mr. JONES, of Tennessee. I would ask that the law of the last session may be read.

The Clerk read the law, as follows:

"To complete the improvements on the square south of the President's House, \$12,000: *Provided, That the grounds can be filled up, and the surface completed for the sum herein appropriated, and a contract for the completion of the work with good security be tendered and accepted at a sum not exceeding this amount.*"

Mr. HAVEN. That is the reason why I sustain the report of the Committee of the Whole, although the Chairman opposes it.

Mr. CRAIGE. If the officer who had the work

in charge has not done his duty, and the work is not finished, that is no reason why we should not now complete it.

Mr. HAVEN. I do not care who the officer was, who appointed him, or who are responsible for him. For one, I do not mean to be responsible for the subject.

The question was then taken on Mr. COBB's amendment; and it was rejected.

Mr. JONES, of Tennessee. I move to strike out the whole amount, for the purpose of inquiring of the chairman of the Committee on Public Buildings and Grounds, whether he can inform the committee what it is intended to do in reference to the public grounds south of the President's House? In passing there Saturday last, I observed that the street running south of the President's House was fenced across. I am at a loss to know what is the design. Is it proposed to take down the wall to which the gentleman from Alabama refers, and include all from the President's House to the canal in the President's grounds?

Mr. CRAIGE. I have answered that question before. I told the gentleman from Alabama that I did not know whether it was contemplated to remove the wall south of the President's House or not. If it be necessary, then we should improve the grounds south of that wall. I stated that during the last Administration, the President of the United States was compelled to remove his family from the President's House to the heights of Georgetown, because they could have no health there in consequence of ponds, whether fish ponds or not, I do not know. These appropriations are made for the purpose of filling up these holes, leveling the grounds, and covering them with grass. They are to put those grounds in the same condition with the other public grounds.

Mr. JONES. I think, sir, the gentleman will find, by examination, that the Long Bridge across the Potomac river, which is causing the river to be filled up above and below that bridge, so that it is now not unfrequently, at low water, naked for a large extent, is more deleterious to the health of that part of the city than this piece of ground south of the President's House. But why is it that the street has been fenced up?

Mr. COBB. It is not a street. It is only a part of the public grounds.

Mr. JONES. It has been open ever since I have been in Washington, and used as a street; and around that south wall there is a pavement.

Mr. CRAIGE. All the travel is on the other side.

Mr. TAYLOR, of Ohio. I do not think that if the sum appropriated by the last Congress has been found insufficient to finish the improvements upon this ground south of the President's House, this committee ought to hesitate to appropriate a small amount to finish them.

The argument of the gentleman from New York seems to me to be entirely inconsistent with good policy in this respect. It is well known to the gentlemen of this committee that the grounds south of the President's square border on the mouth of Tiber creek, where it enters into the Potomac, and that the ground is very flat, and hence exceedingly unhealthy. The remark of the gentleman from Tennessee in regard to the effect of the Potomac bridge upon the health of that part of the city may be correct. But is it not wise for us to have the improvements of these grounds completed, as they have been so far advanced? Suppose the money heretofore appropriated has been squandered, we are not responsible for that. The responsibility belongs to the Executive. We are asked by a responsible person to appropriate \$9,000 to complete the improvements of these grounds, and it seems to me that they ought not to be left in an unfinished state. From what information I have obtained, as a member of the Committee on Public Buildings and Grounds, I think it is absolutely necessary to make this appropriation, and I hope the committee will concur in the amendment of the Senate, and pass on to something else.

The question was taken on Mr. JONES's amendment; and it was rejected.

Mr. MORGAN. I move to amend the Senate amendment, so as to reduce the appropriation \$5,000; and I do it for the purpose of asking the same question as I asked before. I wish to know how much of the \$9,700 has been already expended? I ask the question in order that I may

be able to guess what amount will be asked for in the next deficiency bill.

Mr. CRAIGE. I will answer the gentleman's question as far as I am able to do it. The Superintendent of Public Buildings and Grounds says that this amount is necessary. I cannot tell the gentleman how much has been already expended, for the reason that the work is now going on.

Mr. MORGAN. Then you do not know but what just as much will be called for next year?

Mr. CRAIGE. I cannot say as to that. I think that this sum will be sufficient to finish the improvements. That is the opinion of the Superintendent of Public Buildings and Grounds, of the Committee on Public Buildings and Grounds, and of everybody acquainted with the work. But I cannot say how much has already been expended. About half the grounds have been turfed, all the ditching has been done, and the work is now going on.

Mr. MORGAN. I withdraw the amendment I offered.

The CHAIRMAN. The question now is upon concurring in the amendment of the Senate, as amended by the committee.

The question was then taken; and decided in the affirmative—yeas 72, noes not counted.

So the amendment, as amended, was agreed to.

The eleventh amendment was read, as follows:

Page eight, after line one hundred and eighty-four, insert the following:

For iron flagging in front of the old portion of the Patent Office Building, and altering windows and private stair-way \$5,730.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in this amendment. They deem it advisable, before making the appropriation asked for, to wait until the improvements are nearly finished about the Patent Office Building.

The question was then taken; and the committee refused to concur in the Senate amendment.

The twelfth amendment, next in order, was then read, as follows:

For altering streets and repaving in front of the east wing of the Patent Office Building, iron railing and flagging, and painting new saloon, \$14,250.

Mr. PHELPS. The committee make the same recommendation in this case—a non-concurrence with the amendment of the Senate.

Mr. TAYLOR, of Ohio. Do I understand that the committee recommend a non-concurrence in the amendment of the Senate?

Mr. PHELPS. The committee deem it advisable that the building should be finished before the appropriation asked for is made.

Mr. STANTON, of Kentucky. I ask, for information simply, if this work has not already been done? If debts have not been contracted which make it necessary that this appropriation shall be made?

The question was then taken on the amendment; and it was not concurred in.

The thirteenth amendment was then read, as follows:

For furnishing the rooms of the new wing of the Patent Office Building with furniture, and providing the saloon therein with cases for models, \$45,000.

Mr. PHELPS. The committee recommend a concurrence in that amendment.

The question was then taken; and the amendment was concurred in.

The fourteenth amendment was then read, as follows:

For completing the improvement of Pennsylvania avenue from Seventeenth to Twenty-sixth street west, \$9,000: *Provided*, That all appropriations herein made for repairs and improvements of the public buildings or grounds within the District of Columbia, shall be expended under the direction of the Secretary of the Interior.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in this amendment.

Mr. STANTON, of Kentucky. I would ask the gentleman from Missouri what reason the committee assign for recommending a non-concurrence with this amendment? The work is in a half-finished state, and ought to be completed.

Mr. PHELPS. During the last session of Congress an appropriation was made for the purpose of completing and paving the grounds; and a strict contract was required to be entered into for that purpose. We understand that the work could not have been accepted under that contract. Such

is the report of the Superintendent of Public Buildings. There has been a change in that office; and I do not know by what means it happened that the public has been injured by the non-fulfillment of the contract entered into by the contractor for the pavement of these grounds. The Committee of Ways and Means, for this reason, recommend non-concurrence in the amendment.

The question was taken; and the amendment was non-concurred in.

The CHAIRMAN. The Clerk will now report the fifteenth amendment of the Senate.

Mr. PHELPS. I propose that the committee consider the fifteenth, sixteenth, seventeenth, and eighteenth amendments together. It is only anticipating the amount due under treaty stipulations to the Sioux Indians, and is taken up for the Indian appropriation bill. The committee recommend concurrence in them. The money is due by treaty stipulations.

The CHAIRMAN. If there be no objection the Clerk will read those amendments.

The amendments were then reported, as follows:

For fulfilling treaties with the Sioux of the Mississippi: For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$1,360,000, stipulated in the fourth article of the treaty of 23d July, 1851, \$68,000.

For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$112,000, being the amount in lieu of the reservation set apart in the third article of the treaty of 23d July, 1851, per Senate's amendment thereof, \$5,600.

For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$1,160,000, stipulated in the fourth article of the treaty of 5th August, 1851, \$58,000.

For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$69,000, being the amount in lieu of the reservation set apart in the third article of the treaty of 5th August, 1851, per Senate's amendment thereof, \$3,450.

The question was taken on concurring with these amendments; and they were agreed to.

The nineteenth amendment was then reported, as follows:

To pay clerks for services performed on Chickasaw Indian business, in pursuance of the regulations of the President of the United States, and in conformity with the decision of the late Secretary of the Interior, \$6,187 50.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment. The amount was estimated for in the annual estimates.

The question was taken; and the amendment was concurred in.

The twentieth amendment was then reported, as follows:

For the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848, and for such allowances for the expense of adjusting the claims on that account as the Secretary of the Treasury may deem proper, \$75,000. But the said claims and accounts shall be settled and adjusted at such place and in such manner as the Secretary of the Treasury may prescribe; and no claims shall hereafter be allowed on account of this war which are not presented within the next fiscal year.

Pending the reading of the amendment, Mr. PHELPS, (interrupting.) The reading of this amendment is not necessary. It may be rejected, as the Committee of the Whole House have recommended the passage of a bill to defray the expenses incurred in the Cayuse war with Oregon, while they were considering territorial business; and, if I mistake not, the bill has been passed.

Mr. HOUSTON. Oh, no. It is better to have the appropriation made in this way.

Mr. PHELPS. Then I withdraw my suggestion. I hope, therefore, this amendment will be adopted.

Mr. HAVEN. Mr. Chairman, I hope the amendment will not be adopted. If gentlemen have ascertained that there are certain provisions and resolutions which should accompany this appropriation, it is better that the amendment be non-concurred in.

Mr. HOUSTON. The amendment appropriates \$75,000, the same amount as was appropriated in the bill in question.

The question was taken on concurring in the Senate's amendment; and it was non-concurred in.

The CHAIRMAN. The Clerk will now report the twenty-first amendment.

Mr. PHELPS. Let the twenty-first and twenty-second amendments be read, as the same explanation applies to both.

They were accordingly read, as follows:

Page ten, after line two hundred and thirteen, insert: For arrearages of pay for services of volunteers in the Kentucky regiment called into service in 1836, \$1,000.

For arrearages of pay for services rendered by volunteers or militia in the Black Hawk war, \$1,000.

Mr. PHELPS. These sums are estimated as being necessary to defray the expenses of the volunteers called into service. The appropriations are recommended by the Department.

The question was taken on the two amendments; and they were concurred in.

The twenty-third amendment was next reported, as follows:

For clothing for the Army, camp and garrison equipage, and horse equipments, to supply the place of losses sustained by the wreck of the steamer San Francisco, \$26,590.

Mr. PHELPS. That amendment recommends itself, and the Committee of Ways and Means recommend a concurrence in it.

The question was put; and the amendment was concurred in.

The twenty-fourth amendment was then reported, as follows:

For the transportation of Governor Stevens and his party, and for explorations made by him between the Mississippi river and the Pacific ocean, \$40,000.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in that amendment.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, notifying the House that the Senate had passed bills of the House of the following titles:

An act regulating the times of holding the sessions of the district and circuit courts of the United States for the eastern district of Louisiana; and

An act to establish an additional land office in the State of Florida.

Also, requesting the House to return to the Senate a bill passed by the House for the relief of Thomas Frazer.]

Mr. HAVEN. I move that the bill referred to in the message from the Senate be returned to the Senate.

The question was put; and the motion was agreed to.

Mr. McDUGALL. I offer an amendment, which I send to the Clerk's table.

The amendment was reported, as follows:

For deficiencies of Governor Stevens and his party, \$25,000; for deficiencies of Lieutenant Whipple and his party, \$15,000; and for further explorations between the Mississippi river and the Pacific ocean, \$50,000.

Mr. McDUGALL. I will ask the Clerk to read a letter upon this subject from the Secretary of War.

The letter was read, as follows:

WAR DEPARTMENT,
WASHINGTON, May 22, 1851.

SIR: In reply to your letter of the 16th instant, I have the honor to state that the amount required to cover deficiencies in the appropriation for the survey of a railroad route to the Pacific is estimated at \$40,000. In the report from this Department of the 6th of February last, the deficiency was estimated at \$25,000. Lieutenant Whipple has since, in a report, of which I inclose a copy, stated the deficiency for his party at \$15,000. I have this day brought the subject to the attention of the Committee of Ways and Means, and requested that an appropriation of \$40,000 be made to supply the deficiencies in question.

Very respectfully, your obedient servant,
JEFFERSON DAVIS,
Secretary of War.

Hon. J. W. McDUGALL, Chairman of Committee on Pacific Railroad, House of Representatives.

Mr. McDUGALL. The \$40,000 which are appropriated in the Senate amendment, is the item of \$25,000 which was estimated for Governor Stevens, and \$15,000, added upon the motion of one of the Senators from California, for the continuation of the exploration of Noble's Pass, for a railroad route through the Sierra Nevada; that being the amount estimated for by the Secretary of War. The item of \$15,000, added to the \$25,000, is designed to cover the deficiency of Lieutenant Whipple, and to complete the exploration. Since the adoption of the Senate amendment, Lieutenant Whipple has arrived in this city, and he informs me that \$15,000 in addition will be necessary to carry on these explorations. They are now incomplete; and I am informed that before the general appropriation bills will be passed, the appropriations already made will have been exhausted, and that \$50,000 in addition will be necessary to complete the explorations at this time. The explorations of Governor Stevens are very incomplete; and in order to enable him

to go on with the work the present season, some such sum as this must be appropriated, beyond the appropriation of \$40,000 recommended in the Senate amendment. Unless this be done, the work must be discontinued, and the explorations for the whole year be lost.

The amount asked for is small in comparison with the magnitude of the result which it is proposed to accomplish, and I hope the amount of \$50,000 will be appropriated. I state again, that the explorations of Governor Stevens are incomplete, and he cannot prosecute the work during the present session unless this appropriation be made. It is a matter of very great importance that there should be an exploration of Noble's Pass, which is the only practical pass through the Sierra. If it is not designed by the Government to abandon this magnificent enterprise, it is exceedingly important that this appropriation should be made.

Mr. JONES, of Tennessee. I hope, sir, that the amendment of the gentleman from California will not be adopted, nor the amendment of the Senate concurred in. For one, I cannot vote for either, nor can I see how any old-fashioned, straight-faced Democrat can vote for either of the proposed appropriations. Sir, the doctrine held at one time, and still held by me, is, that this Government has no power, under the Constitution, to commence or carry on works of internal improvement. By making this appropriation providing for these surveys, you concede, in my opinion, the whole power to the Government. If you have authority under the Constitution to make appropriations from the Treasury for surveys, preparatory to the construction of a road, I cannot conceive how you can deny the power of the Government to go on and complete the work. Sir, by making any appropriations at all for this purpose, you proceed directly in the face of the doctrine laid down by the Democratic party; and I hope the members of that party in this House will put themselves right upon the record, by rejecting the amendment of the gentleman from California, and also that of the Senate.

But, sir, it is not my purpose—I have not the time, if I had the disposition—to go into an examination of this question. I suppose it will come up, and be discussed fully when we come to consider the bill which is the special order in this committee to-morrow.

Mr. McDougall. I withdraw the amendment, and move that the appropriation be increased \$5,000. I wish to state, that it is not necessary for me to affirm, in presenting this amendment, the power of the Federal Government to make this class of improvements. That power is not involved. I do not think it necessary to affirm that doctrine now; nor do I think that it will be necessary to affirm it any time this session of Congress. This provision is simply for an exploration of our own territory, to ascertain its resources, its capabilities. The territory is a vast one, and lies between the Rocky Mountains and the Pacific ocean. It is our own property, our own possessions. Does the gentleman deny that we have the power to inquire into the capabilities and resources of all portions of the Confederacy, particularly of the Territories, our own property, which it is our business to make available and valuable? I have risen to state that the question of the power of the Government to make internal improvements is not involved here. All these explorations are valuable; valuable not merely for railroad purposes, but for the purpose of enabling us to understand the capabilities and resources of our vast Republic. Very important it is to favor all these explorations. They ought to be multiplied.

The question was taken; and the amendment to the amendment was lost.

The question was then taken on the amendment of the Senate, and it was non-concurred in.

The Clerk reported the twenty-fifth amendment of the Senate, as follows:

For continuing the works for bringing water into the city of Washington, \$500,000.

Mr. PHELPS. Mr. Chairman, the Committee of Ways and Means recommend a non-concurrence in this amendment of the Senate. It proposes an appropriation of \$500,000 towards the introduction of water into this city. Already \$100,000 have been appropriated for that purpose, and I believe that nearly the whole of that sum has been expended. On the plan under which

that \$100,000 was expended, the estimates of the officer show that the aqueduct will cost \$2,300,000. It must be borne in mind that this is the estimate of the officer in charge of the work. In all public works which have been constructed within my experience, we have always found that the real cost far exceeded the estimates submitted by the officers who had them in charge at the time of commencement.

Another plan has been proposed for bringing water into this city by a gentleman of the name of Salamon. I think that his plan would involve an expenditure of about \$1,000,000. It is shown by his plans and estimates—and they are both indorsed by respectable gentlemen—that under his plan the city could be amply supplied with water, even should its growth exceed what is anticipated by its friends. For this reason the Committee of Ways and Means recommend a non-concurrence in the amendment of the Senate.

It is proper that I should remark that the estimates concerning public buildings and public grounds of the city of Washington belong more appropriately to the Committee on Public Buildings and Grounds; but being placed in the deficiency bill by the Senate, it became the duty of the Committee of Ways and Means to examine and report on them.

Mr. HAMILTON. I have a remark or two to make in connection with this proposition.

The CHAIRMAN. Will the gentleman be kind enough to offer an amendment.

Mr. HAMILTON. I am going to oppose the recommendation of the Committee of Ways and Means, and speak in favor of the appropriation.

Mr. PHELPS. In order to enable the gentleman from Maryland to speak in order, I will move an amendment *pro forma*. I move to strike out "\$500,000."

Mr. HAMILTON. This whole subject, together with all the estimates, was referred to the Committee for the District of Columbia—of which I am a member—during the early part of the winter. This appropriation was recommended by the Secretary of War, and reasons were given why it should be voted by Congress.

It will be recollected by the House, that at the first session of the last Congress an appropriation of \$5,000 was made for the purpose of securing to this city a supply of water from the Potomac river. That money was expended, and the surveys made by Captain Meigs were reported to this House, and afterwards, at the last session of Congress, \$100,000 was appropriated, to be expended upon the execution of whatever plan might be adopted by the President of the United States. Three plans were proposed by Captain Meigs, either one of which could have been adopted: one to bring the water from the Little Falls; one to bring it from Rock Creek; and the other to bring it from the Great Falls. The President of the United States adopted the plan proposing to bring the water from the Great Falls. The act appropriating the \$100,000 made it obligatory upon him to select the plan, and the money was to be expended on the plan adopted by him. That has been done. The money has been expended; the work has been commenced; lands in Maryland have been condemned; contracts—embryo contracts, at least—have been entered into to furnish the bricks, and everything connected with the work. If this House is determined that the work shall be continued, that it shall not be abandoned, I conceive that this is the proper time to make the appropriation. This is the estimate of the War Department; and the House is urged to adopt it upon the ground that now is the proper time if it is to be appropriated at all; that the sickly season will soon commence; that the \$100,000 has already been expended; that the work must otherwise remain in its present condition until the commencement of next year, and in that event, it will end in a loss to the Government of the money which has been already expended.

Sir, I hold to the opinion that this work will go on, now that it has been commenced. I originally opposed this project strongly and sternly in this House. But it has sufficient foundation to be irresistible, and the question now is, whether this appropriation should be made so as to avoid such a loss to the Government?

Sir, if the appropriation is to be made at all, it ought to be made now, and in this bill. I have reported a bill for this very purpose, from the

Committee for the District of Columbia, but it is in the Committee of the Whole on the state of the Union, and there is no probability that it will be reached till near the close of the session, if at all; and this is as good a place for the appropriation as any other.

Mr. PHELPS. With the permission of the committee, I will now withdraw my amendment; and I hope we shall have a vote at once upon the Senate amendment. I suppose members have made up their minds upon it.

There being no objection, the amendment was withdrawn.

The question recurred on concurring in the amendment of the Senate.

Mr. PHELPS. Another vote can be taken upon it in the House. Let the amendment, therefore, be rejected, and the question will come in the House upon concurring with such action.

Mr. HAMILTON. I would ask the Chairman what the state of the question is?

The CHAIRMAN. The question is upon concurring with the amendment presented to the committee by the Senate.

Mr. STEPHENS, of Georgia. The amendment of the Senate provides for supplying this city; and all of us who wish water will vote to concur in that amendment.

Mr. FLORENCE. I desire to ask a question. The CHAIRMAN. No debate is in order.

Mr. STANTON, of Kentucky, obtained the floor.

Mr. SMITH, of Virginia. Will the gentleman from Kentucky allow me to ask a question of the gentleman from Missouri, over the way, in regard to this matter?

[Cries of "Order!" "Order!"]

Mr. SMITH. Is it not in order to ask questions? I wish to inquire whether the appropriation which has been made was not subject to the plan of the President; and whether the plan now being presented is not one which he has advised?

Mr. PHELPS. My information is, that it is the plan which was adopted by the President; but that does not preclude the Congress of the United States from adopting any other plan.

Mr. STANTON, of Kentucky. I offer the following amendment:

Provided, however, That no part of said sum shall be expended, except upon condition that, after advertisement for sixty days, a contract can be made with responsible parties, who will give bond and security for the faithful and complete execution of the work, for a sum not to exceed the amount of the engineer's original estimates.

I do not believe that this project is understood by the House. If I believed the members were in possession of proper information, to enable them to judge wisely of the consequences of this appropriation, I would not detain the committee by a single remark. The work for supplying the citizens of Washington and Georgetown with water, as proposed to be carried out under this appropriation, is of too vast a magnitude not to merit some consideration. I am not opposed to any economical and feasible plan for procuring water; but I am opposed to this, because I believe most sincerely that, to complete it, will require not less than \$5,000,000.

The appropriation of \$100,000, made by Congress at the last session, was rejected by this House when first proposed. When it came from the Senate as an amendment to the appropriation bill, it was again rejected, and only passed upon the recommendation of a committee of conference, to save the bill to which it was attached. No single member in either House who voted for it ever dreamed that it was but the beginning of an expenditure which was to be calculated by millions. No, sir; if it had been so supposed, I venture to say the appropriation would never have succeeded.

It is true, as the gentleman from Maryland [Mr. HAMILTON] says, there have been three plans suggested for supplying the cities with water—one from the Great Falls, another from the Little Falls, and the other from Rock Creek. The plan from the Great Falls proposes to erect upon the crest of the falls a dam eight feet high, from which water is to be conveyed to this point through a brick conduit of nine feet in diameter, and about sixteen miles long. No human power can place a dam at that point of sufficient strength to resist the freshets, which sometimes swell the river from thirty to fifty feet above the ordinary level of the

stream. The project is wild and visionary, and can never prove anything but a failure. Along this line of aqueduct there are to be placed two reservoirs; the principal one at the Little Falls, to contain eighty-two millions five hundred and twenty-one thousand five hundred gallons, at an elevation above high tide in the Potomac of one hundred and forty-five feet, and a distributing reservoir, a short distance above Georgetown, to contain fifty-nine million seven hundred and eighty-three thousand gallons, also at an elevation of only one hundred and forty-five feet above tide water. The former will cover fifty acres, and the other thirty-six acres. I have before me the map made by the engineers of these several surveys, and the position of these reservoirs, from which the course of the aqueduct may be seen. Here is the Rock Creek survey, (exhibiting it upon the map,) to which I ask the attention of the committee. It will be seen by this plan that it proposes to have a dam, at no greater distance from Washington than the distributing dam of the Great Falls project, of greater capacity than both the dams on that project together, and at a higher elevation. It will contain two hundred and thirty-one millions, and is situated one hundred and sixty-six feet above tide water. This project was first surveyed by Colonel George W. Hughes, of Maryland, then a member of the Engineer Corps, and was estimated would not exceed in cost \$500,000. It was subsequently surveyed by Captain Meigs, and has been highly approved as the best plan by some of the most enlightened and experienced civil engineers in the country. And I may here ask, why is it that the Great Falls plan, which cannot be carried out without an increased expenditure of public money more than is necessary, should be preferred to the one which brings the water from Rock Creek? The Rock Creek plan, by the engineer's own showing upon the map, will afford two hundred and thirty-one millions of gallons, while both reservoirs together, on the other plan, will not afford that much, nor at so high an elevation. Surely, a superabundance of water may be had from Rock Creek, of the best quality; and on account of the smallness of the cost, it ought to be preferred. But why bring the water from the Great Falls, when it may be had in abundance at the Little Falls, not more than half the distance from the city?

Mr. HILLYER. Will the gentleman from Kentucky allow me to interrupt him?

Mr. STANTON. I would do so cheerfully, but I have but five minutes' time to devote to the subject, and wish to make a few more remarks. I have recently seen the statistics of the Philadelphia water-works. They were, I think, commenced about 1794; and from that time to the present, the whole cost of original construction, repairs, and every other expense, has been only about \$3,200,000. These works have been kept in operation for sixty years, and now supply a population of four hundred thousand persons; and this has been the whole expense! The estimates of Captain Meigs, for his project of water-works, is \$2,300,000—and this only to begin with, only the original construction! Why, sir, the population to be supplied is only about one eighth of that of Philadelphia, and we propose to expend almost as much to begin with, as has been expended in sixty years to keep supplied abundantly a city of four hundred thousand inhabitants. But I know something of the topography of the country through which this aqueduct is to run, and a rougher and more impracticable location for such a work could hardly have been found in any portion of our territory. The estimates of the engineer are not, in the view of many practical men, as experienced and intelligent as the engineer himself, one half of what the work must cost to complete it, if we allow it to go on according to the magnificent plan upon which it has been projected. The whole thing, sir, is upon a scale of magnificence not even rivaled by the renowned structures of a similar kind for which ancient Rome was famed. I know of no reason why we should expend the people's money upon such a project, unless to hand down to posterity the name of its author, and perpetuate, to future ages, the folly and wastefulness of this Congress.

Mr. HILLYER. I would like to inquire from the gentleman from Kentucky, [Mr. STANTON,] if, in the alterations in the plan of which he has been speaking, he did not refer to the plan of

taking the water from Rock Creek, instead of from the Potomac?

Mr. STANTON. What alterations does the gentleman allude to?

Mr. HILLYER. That about which you have been speaking to the committee. This plan which you have been advocating—does it not look to taking the water from Rock Creek, and not from the Potomac?

Mr. STANTON. Yes; at an elevation of one hundred and sixty-six feet above tide water on the Potomac river, and at a cost of \$500,000. And this plan would give two hundred and thirty-one millions of gallons of water, while the other plan, which is to cost \$2,300,000, would give only eighty-two millions of gallons, at the same distance from the city, and from an elevation of twenty-one feet less.

Mr. HAMILTON. Mr. Chairman, I regret extremely that the honorable gentleman from Kentucky, [Mr. STANTON,] has seen fit to place this great enterprise before the House in the manner that he has. The members of this House would suppose that there is deception somewhere; and, indeed it necessarily carries upon its face evidence that there is deception somewhere. There is something more involved in this than appears upon its face. The fact that the gentleman states that there should be two hundred million gallons of water supplied from Rock Creek, and only eighty-two millions from the Potomac, is of itself sufficient to show that there is something wrong somewhere. But it is not as thus stated. If the members are at all conversant with the report of Mr. Meigs to the President of the United States upon this subject, they will remember that he says that Rock Creek will supply the city of Washington with not more than from eight to ten millions of gallons of water daily. It may at some seasons of the year supply more.

Mr. STANTON. The gentleman from Maryland misunderstood me. I said that that amount would be contained in the dam. Rock Creek will supply nineteen millions of gallons daily.

Mr. HAMILTON. It may at some seasons of the year; but it will not supply more than ten millions of gallons in the summer. That exposes the fallacy of the position of the gentleman from Kentucky in reference to this work. The Potomac works will furnish this city daily with sixty-seven millions of gallons; and this will be its capacity at all seasons of the year. The difference, then, between the capacity of the two works is the difference between eight or ten millions of gallons and sixty-seven millions of gallons at all seasons of the year.

Mr. SKELTON. I would ask the gentleman what use has this city for such a vast quantity of water? Is it to be used to run machinery, and for such like purposes?

Mr. HAMILTON. We all have our ideas upon that subject. They may differ somewhat; but I am not called upon to enter into an argument to prove the necessity of that amount of water, and of the use which can be made of it. But we have men in this city who have great ideas in regard to the magnificence of the capital, and of the requirements of the metropolis of the Union. They have the idea that we are to have fountains, and jets, and reservoirs in all our public grounds, and everything of that kind, which will consume this vast amount of water.

Ten millions of gallons are required for the supply of a single jet daily in the Boston Commons; and if this city is to be, according to the opinion of many men, yes, of the great mass of the American people, the metropolis of the greatest Republic that ever existed, and of the greatest country upon the face of the habitable globe, the day may come when it will require, not ten, but sixty-seven millions of gallons daily to supply the wants and conveniences of its citizens.

But I care nothing about that. My object is to show the capacity of these works, and the difference between the two. I suppose this House is not disposed to enter into a controversy as to the parties who are involved in this matter, and as to whether this, or that, or the other work shall be selected. What kind of an avocation would it be for two hundred and forty members to sit here and decide upon the proper plan to be adopted? We have referred that question to the proper officer of the Government, for the purpose of securing unity of action. We gave that power to the Presi-

dent of the United States absolutely and unqualifiedly, and we adopted the plan which he selected, and this Congress, by its action thus far, has carried it out. That plan was estimated to cost \$2,300,000. We adopted that plan when we conferred the power upon the President, and appropriated money for that purpose.

Mr. HILLYER. I ask the gentleman from Kentucky [Mr. STANTON] to withdraw his amendment, to enable me to offer another?

Mr. STANTON. I withdraw it, if there is no objection to my doing so.

No objection was made, and the amendment was withdrawn.

Mr. HILLYER. I move to increase the appropriation \$10,000.

During the last Congress, Mr. Chairman, I served upon the Committee for the District of Columbia, and this subject was frequently before that House committee, and I know something about it. We then heard much of the two plans proposed to bring water into this city. The one involved a very large expenditure, as was said, and the other involved, comparatively, a small expenditure.

The large expense involved of conducting the water from the Potomac into this city is the principal objection of those who oppose this appropriation. But it is proposed to bring it from Rock Creek because it will cost less. Now, sir, it will be ascertained, if gentlemen are disposed to go into the investigation of this subject, that Rock Creek rises in the valley of the Potomac, and that the water is not sufficiently pure to be suitable for supplying the city of Washington with water; while the water in the Potomac comes from the mountains, and is precisely what is wanted. None can be purer. It is desirable, it is of vast importance, that the water which is to supply the people of this city should be from the very purest source.

These various plans have been submitted to the President of the United States, and by him referred to scientific men, who have examined them thoroughly, and have reported in favor of bringing the pure water from the Great Falls of the Potomac. They have selected that as the source from whence this aqueduct is to be brought. Now, sir, I think that the judgment of the President of the United States, and of these scientific gentlemen, should be sustained by the action of this House. It is true that it will involve the expenditure of a large amount of money; it is true that it will involve, perhaps, a larger amount than either of the other plans; but it seems to me that the advantages of this plan are more than sufficient to balance the increased amount which will be needed. I think, therefore, that instead of diminishing the amount of this appropriation, it should be increased.

Mr. HAMILTON. I will state, that according to the report of Lieutenant Meigs, the whole cost of bringing the water from Rock Creek is \$1,258,863.

Mr. STANTON, of Kentucky. According to Colonel Hughes's report it will cost only \$500,000.

Mr. BAYLY, of Virginia. If the gentleman will allow me, in order that the committee may understand what this Rock Creek is, I will inform them that it is the little stream—

A MEMBER. The Tiber?

Mr. BAYLY. No, not the Tiber; but the little filthy stream that runs between Georgetown and Washington. It has on its banks—God knows what are on its banks; but I do not think the water is good to drink any more than that of the Tiber is. It is about of the same description, though it is a larger stream.

Mr. HILLYER. If there be no objection, I will withdraw my amendment.

Mr. MILLSON. I object. I desire to speak in opposition to it.

Mr. Chairman, I do not intend to say anything in regard to the merits of these various plans for bringing water into the city; but, sir, I propose to speak in opposition to them all. It may be my fault. It may be that I do not understand the duties of Congress or the obligations as well as I ought; but really I have not been able to see the obligation there is upon the people of the United States at large to supply the people of Washington with water to drink. Now, sir, if these water-works are designed for some public purpose, if they are designed for any purpose for

which Congress may properly appropriate the money of the United States, let it be shown. But if the design be simply to supply the people of Washington with water to drink, I really do not see the propriety of doing it. I do not believe there is a city in the world that is supplied with water except at its own expense. The city of New York is supplied at its own expense.

Mr. CRAIGE. Is the gentleman not aware that a large proportion of the property in the city is Government property, and is not subject to taxation?

A MEMBER. There are \$40,000,000 of property here belonging to the Government which is not subject to taxation.

Mr. HILLYER. The Government has property to the amount of \$40,000,000 here.

Mr. MILLSON. It is said that the Government has property here which pays no tax. Why should it pay a tax to the people of Washington? On what ground can the gentlemen suppose that the Government of the United States ought to pay the inhabitants of Washington for the privilege of building on its own lands?

Mr. CRAIGE. If the Government should not pay tax, why should the people of Washington be called upon to furnish water for the public property of the country, as well as for the public employes?

Mr. MILLSON. There is no such obligation on the part of the inhabitants of Washington. If they bring water here for their own use, and the Government want its use, it ought to pay for it. But I do not see why the people of the United States should be at the expense of supplying the people of Washington with water. I do not see why my constituents, who have to drink very bad water, should be charged with a tax for the purpose of supplying the people of Washington, who already have much better water than they can get.

Now, sir, in reference to the use of the water by the Government, I should like to hear gentlemen explain the reasons why, as a mere matter of public utility, this appropriation should be made. I ask the gentleman with a sincere desire to receive information on the subject. If the public interests are to be promoted by this expenditure, let us know how. But I do not see on what principle it is that the people of the United States at large are to be charged with the payment of some \$5,000,000 for the purpose of bringing water into the city of Washington, not for public, but for private uses? I shall vote against the whole appropriation, unless there be some better reason than that the inhabitants of Washington have not as large a supply of good drinking water as they perhaps may desire.

Mr. HILLYER. I withdraw my amendment.

Mr. STANTON, of Tennessee. I move to reduce the appropriation to \$10,000.

I understand, Mr. Chairman, indeed I know, for I have had frequent conversations with practical gentlemen, who understand this question, that there have been proposed three plans for bringing water into the city of Washington; one plan spoken of at Rock Creek, which is estimated to cost about \$500,000. The gentleman from Virginia is mistaken in reference to the character of the water in that creek. It is derived from springs, and is perfectly pure, and quite as good as that of the Potomac, I do not know but better. It will furnish ten million of gallons daily, by the estimates of these gentlemen who have examined it, a quantity amply sufficient for the city of Washington for a century to come.

A second proposition is, to construct works at the Little Falls, a short distance from the city of Washington, which would cost something more than the proposition to get water at Rock Creek, and would involve the necessity of machinery to elevate the water to a sufficient height to spread it over the city. Nevertheless, that project would not cost more than one half, probably not more than one third, the cost of bringing it from the Great Falls. Now, I have heard practical gentlemen, engineers, who are well acquainted with this subject, say that the plan proposed by Captain Meigs will not cost less than \$7,000,000. And I venture to assert here to day, and I appeal to the future history of this work, that it will not cost one dime less than \$5,000,000.

Sir, I say the whole project is extravagant, and ought not to be adopted. If the city of Washington

is to be supplied with water by the Government of the United States, we ought to do it on some more feasible and practical plan. When other plans can be adopted, with a saving of several millions of dollars, we have no excuse for adhering to the present one.

Mr. TAYLOR, of Ohio. I desire to call the attention of the committee to the facts as they now exist, and to what we ought to do as practical men. On 3d March, 1853, we appropriated \$100,000, for the purpose of bringing water into the city of Washington. Here is the provision:

"To be expended under the direction of the President of the United States, for the purpose of bringing water into the city of Washington, upon such plan, and from such places, as he may approve, \$100,000: *Provided*, That if the plan adopted by the President of the United States should require water to be drawn from any source within the limits of Maryland, the assent of the Legislature of that State should first be obtained."

Well, sir, I learn, from the best information that I can obtain, that it is necessary to get the water within the State of Maryland, and that the assent of that State has been obtained. If gentlemen will refer to House Document No. 1, of the present session, they will find there the report of the Secretary of War, and what he says upon the subject. He says:

"An appropriation was made at the last session of Congress, for the purpose of bringing water into the city of Washington. In order to obtain an ample and constant supply from a source so elevated as to avoid the necessity of the use of machinery, it was decided that the water should be drawn from the Great Falls of the Potomac, through a conduit nine feet in diameter. Upon the adoption of this plan, immediate application was made to the Legislature of Maryland, in which State the source of supply lies, for their assent to the proposed work, which being given on conditions readily complied with, some portions of the necessary land were selected and purchased, and, as soon as the season would permit, a considerable force was put upon the work.

"The works are estimated to cost rather less than \$2,300,000; and when completed, will be capable of delivering seventy million gallons of water daily, at an elevation of fourteen feet above the upper floor of the Capitol. For further information and details, I refer to the report of the chief engineer."

Well, now, sir, gentlemen greatly mislead the committee, unless they have much better information than I am able to derive from public or private sources, when they say this project will cost \$5,000,000. The Secretary of War, upon information derived from the engineers, says that the works are estimated to cost less than \$2,300,000. Who am I to believe? Who has got the best information on the subject? I take it for granted that the Secretary of War has got the best information that the nature of the case admitted of, and I am prepared to act upon it.

I wish to say, further, that while I am against any extravagant appropriations for bringing water into the city of Washington, I think our past history here makes it imperative upon us to take some steps to preserve the public archives and public buildings of our Government from fire. Gentlemen who were here a few years ago know that the library of Congress was burned for want of water; and the Secretaries of State for the last eight or ten years have told you that the public records are in daily peril, and that the archives may be burnt up any day for want of water.

Sir, the public are vitally interested in this matter. Gentlemen ask why we should supply the citizens of Washington with water. We must do it to meet the public emergencies here. The United States own ten million dollars worth of property in this city, and the most valuable records of our nation are here. We have a population here now of fifty thousand inhabitants, and ere long, in the progress of our country, that population will probably amount to two hundred thousand. The records of the country are growing daily and daily more important, and every gentleman here knows that there is not now the necessary supply of water to extinguish fires, to protect the public buildings, and to satisfy the wants of the public men here, to say nothing of the convenience of the inhabitants of the city. It behooves us, therefore, not to abandon this plan. Shall we throw away the \$100,000 already expended, or shall we continue the work? I am not prepared to say that the appropriation recommended by the Senate is not too large; but they had all the information before them; they had the recommendation of the Secretary of War, under the direction of the President of the United States; and upon that information they say that this ap-

propriation is necessary to carry on the work on the plan adopted by the President, under authority of law. Why, then, should we abandon that plan now, and refuse to vote this money?

The appropriations heretofore made have been ascertained not to be sufficient. The proposition is to furnish ten million gallons of water daily to this city, which is needed when we take into the account that the city comprises an area of five miles in extent, and its great importance to the nation—how important it is that the city should be supplied with water, in order to the preservation of the public records, the protection of your public edifices, and the property of the country, which is valued at about \$10,000,000—

[Here the hammer fell.]

Mr. STANTON, of Tennessee. In order to test the question upon the amendment itself, I withdraw the amendment I offered.

Mr. BARRY. I move to amend by adding \$1,000.

The point involved in this discussion is simply this, whether or not the aqueduct shall be continued? As has been stated, this work was begun under authority of Congress. The President was authorized to select a plan for the purpose of supplying the cities of Washington and Georgetown with a supply of water, and an appropriation made to begin the work. The President selected the plan of an aqueduct from the Great Falls, the specifications of which are in this report of Lieutenant Meigs. The appropriation has been exhausted, an additional appropriation is required, and we find ourselves discussing the relative value of different plans, as though the person to whose discretion Congress had intrusted the selection of a plan had not acted, or had acted unwisely. If this course is pursued, there can be nothing safe or stable in the progress of public works. At every session of Congress, influences will be brought to bear to induce the abandonment of the plan already adopted and in progress, for the adoption of another, in the opinion of its advocates cheaper, or otherwise preferable. Nothing can be achieved in this way.

If it was wise originally to refer the selection of a plan to the President and Secretary of War, it seems to me consistent to adhere to the plan they have adopted, unless there is shown eminently good reason for its rejection.

No such reason I think has been offered. Estimates have been referred to, which I think wholly erroneous. Lieutenant Meigs reports that a seven feet aqueduct supplying thirty-six million gallons of water daily, will cost, completed, \$1,921,244. Thirty million gallons more of water can be supplied at an increased expense of \$350,000, making \$2,271,244, and allowing ten per cent. upon that sum for contingencies, we have \$2,498,368, the entire cost of the work.

The Rock Creek aqueduct, by the estimate of the same officer, will cost, completed, \$1,258,863, with a daily minimum supply of nine million eight hundred and sixty thousand gallons, one seventh of the supply of the Great Falls plan, at one half of the expense.

Another objection to the Rock Creek aqueduct is, that the creek being but a small stream, its waters may be rendered impure by manufactories that may be established upon its banks above the reservoir. The cultivation of the land on its banks will make the water muddy and impure. The supply from the Potomac is exhaustless, and the water as fine as any in the world, and, from its great volume, little apt to be injured by any cause.

Shall we now go into a discussion of all the various plans, as though the subject was under discussion for the first time? They were all brought before the Committee for the District of Columbia some months since; and the committee determined that, as the officers to whom the selection of a plan had been referred had acted, it was not a case that required our interference, and that we would report the estimates for the plan adopted rather than suggest a new one. The power and the right of Congress to make the change are unquestioned; but the expediency of doing so, unless it is determined to abandon the construction of the water-works, is the question.

Mr. STANTON, of Kentucky. I do not agree with the honorable gentleman from Mississippi, [Mr. BARRY,] that the fact of the President's having approved the plan of the engineer which

brings the water from the Great Falls, should deter us from rejecting this appropriation, if it appears to be our duty to do so. We are now asked to indorse the President's approval of this plan; for it is the first time that the character of the plan has ever been considered by this House. The first appropriation was made to be expended according to such plan as he should adopt. The plan was not then adopted, but we will approve it if we vote this appropriation of a half million of dollars. Now is the proper time to fight it. Now is the time to say whether we will sanction so immense an expenditure, by permitting the work to continue, when water may be supplied at so much less expense. Now is the time to put a stop to this reckless waste of the public money. The action of the President does not commit us. If he has been misled into the adoption of a scheme of waste and extravagance, it is our imperative duty to stop it by withholding the appropriation, as we have an undoubted right to do.

In regard to the Rock Creek plan, I may be permitted to refer to the report of Colonel Hughes, which I have in my hand. Colonel Hughes is known to many members of this House to be one of the most able and experienced engineers of the country. He made a most thorough reconnaissance of the Rock Creek stream, and his report is very able and satisfactory. He says, in regard to the water:

"The water of Rock Creek is pure, cool, and pleasant to the taste. In all of these particulars it is unexceptionable. For analysis of this and the water of the Potomac above the Little Falls, see the annexed paper by Dr. Forman, of the Smithsonian Institution.

"By measurements of the stream, made in the manner before described, we obtained the following results of its daily discharge:

On Hoyle's farm.....	22,021,080 gallons.
At proposed dam.....	22,000,000 "
At Claggett's ford.....	17,067,616 "
Above Jones's dam.....	13,693,312 "

"It is usual, in estimating for the supply of a town with water, to allow to each soul thirty gallons daily. This is the highest calculation I have seen, and is, no doubt, ample for all the uses of a city, except for manufacturing purposes.

"According to the recent census, Washington city contains forty thousand and twenty-seven inhabitants. This would require for present wants one million two hundred thousand eight hundred and ten gallons of water daily. It is, therefore, perfectly apparent that a most abundant supply of water can be procured from Rock Creek on the plan I have proposed. An allowance of one million five hundred thousand gallons daily may be regarded as a very liberal supply for the present, and to meet this the capacity of the distributing reservoir might be reduced to five million gallons, which would greatly diminish its cost. I have, however, estimated for one of larger dimensions."

Colonel Hughes estimates the whole cost of constructing the works upon this stream at less than a half million of dollars. If there be any doubt as to the correctness of the estimates for construction, there certainly can be none as to the capacity of the stream to furnish a good supply of the best water. Colonel Hughes is sustained, too, by many eminent civil engineers, who have examined it, and this question is, therefore, beyond dispute.

If I remember correctly, Captain Meigs, in one of his reports, speaks of the hurried manner of his examinations, from want of time, and does not claim for his estimates perfect accuracy. Sir, such a survey and such a project should be the study of a whole year, instead of two or three months. His examinations could not have been more than cursory, and I have no doubt the scheme was rashly conceived and rashly adopted. The estimates cannot be reliable, and the work never can be executed for \$2,300,000. This declaration is not made upon my own judgment alone. I have not conversed with a single engineer outside of the Army, who does not fully sustain me. Why, sir, it will take sixty million of bricks to construct the conduit alone. He has, I learn from the public papers, already contracted for forty million at ten dollars per thousand, dependent, however, upon Congress making an appropriation to pay for them. These are for the aqueduct alone. The foundation upon which the aqueduct is to rest, the masonry to carry it over the ravines, the excavations, the reservoirs, the land condemned, the dam, machinery, and other parts of the work will be equally costly. If the laying of these sixty millions bricks cost as much as those laid in the Capitol—and I presume they will cost more—the naked conduit alone, exclusive of excavation and foundations, will consume fully one half of the sum estimated. Why, sir, no man with the slightest

practical idea of the character of this work, and the nature of the country through which it is to be constructed, can believe for a single moment that any reliance is to be placed upon the estimates presented to us. Why, sir, I have been informed that they are now, or have been, paying as much as \$7 50 per cubic yard for some part of the excavations which are necessary to be made.

Mr. HILLYER. Seven dollars and fifty cents per cubic yard?

Mr. STANTON. Yes, sir; \$7 50 per cubic yard.

Mr. JONES, of Tennessee. That is under military superintendence.

Mr. STANTON. That surprises the gentleman; but let me state my authority, for if not true, then I have been misled. A gentleman, knowing that a select committee of the House had under investigation the subject of employing military men to construct such works, came to me and told me he was prepared to prove that the excavations were being made at a cost of \$7 50 per cubic yard. I do not know what is the character of the excavation, whether through solid rock or earth; but I presume it must be rock. It is a fair illustration of the folly pursued in the construction of our public works, and demands the exercise of the correcting hand of Congress.

Mr. WRIGHT, of Pennsylvania, offered a *pro forma* amendment.

I am in favor of supplying the city of Washington with water. I think the fact that the Government has so large an amount of money invested in public buildings, imposes upon us the obligation of supplying the city with water, if for no other purpose than for the protection of these public buildings. But if that object can be accomplished by an expenditure of \$200,000, I never shall vote for an appropriation of five, or three, or even one million of dollars to accomplish the same purpose. Now, I undertake to say, from the information I have collected upon the subject, that with an expenditure of \$200,000, this city can be supplied with water by forcing it up from the Potomac into a reservoir upon the high grounds around the city. A sufficient supply can thus be obtained for all the purposes for which it will be required.

I do not believe, though I am not booked upon the subject, that the great water works of the city of New York, cost \$5,000,000.

Several MEMBERS. They cost \$18,000,000.

Mr. WRIGHT. As one of the features connected with this proposed plan for supplying this city with water, we are told that here is an aqueduct of some seventeen miles in length, which will be built at an immense cost, when that water could be conveyed through iron pipes at one tenth or one fifth of building the aqueduct.

But, sir, this scheme, like every other scheme about this Capital, must be done upon a grand and expensive scale. And why? Because the money comes out of the public Treasury. There is no obligation upon the House to carry out any work upon so grand and scientific a scale, as is proposed to be done in this case. Do it upon a plain—an economical plan—and with direct reference to the amount of expenditure upon it, and as cheaply as it can be done. The fact that \$100,000 has already been appropriated, furnishes me with no argument for the continuance of a work upon so expensive a scale as the plan which has been adopted. The best mode is the cheapest mode, and no person need tell me that an expenditure of \$5,000,000 is necessary to accomplish this object, when it can be done for far less money; and when every practical man in Congress, and out of Congress, knows perfectly well that it can be done for an infinitely less sum.

Mr. RIDDLE. I did not intend to have taken any part in this debate, though I confess that the experience which I have had in the construction of water-works, for one city at least in this Union, has led me to investigate the subject somewhat fully, and that investigation has brought me to a different conclusion from that expressed by the gentleman from Pennsylvania, [Mr. WRIGHT.]

Now, sir, when these propositions were first presented to this Congress, I was under the impression that the cheapest and best method would be to bring the water in iron pipes, and, upon my own responsibility, I wrote to the most extensive iron works in this country to ascertain what thirty-inch iron pipe, carried a distance of thirteen miles, would cost; and I ascertained that so great would

be the friction that it would not furnish a sufficient quantity of water to supply two thousand people, and that it would cost \$7 50 a foot. Now, I say, as a practical man, that in the end it would be much cheaper and wiser to construct an aqueduct nine feet in diameter, which will not cost, through an ordinary excavation, more than ten dollars per foot, while it would furnish an abundant supply for two hundred thousand people.

Now, Mr. Chairman, another word. I was forcibly struck with the remarks of the gentleman from Mississippi, [Mr. BARRY,] that if we, in this House, attempt to decide which is the best plan, we shall continually be changing. I think the proper course was taken in the outset. We left the whole matter to the decision of the President of the United States and Secretary of War, who authorized a scientific man, a civil engineer, to make a survey and estimates. This gentleman, (Lieutenant Meigs,) upon whose judgment I have great reliance, called to his aid a practical civil engineer, one who had been connected with the Chesapeake and Ohio canal, and who stood high in his profession. The result of the investigations have been given in an able report to Congress. Now, sir, I should much prefer relying upon the report made by these gentlemen, than upon any information which I might derive from ten years study of the subject. And I think this committee would do much better to rely upon the report of those scientific gentlemen than to undertake to decide this question for themselves.

Mr. TAYLOR, by unanimous consent, withdrew his amendment.

Mr. VANSANT. I do not know upon what authority gentlemen base their estimates, as to the cost of their respective favorite plans. The gentleman from Pennsylvania on my right, [Mr. WRIGHT,] speaks of furnishing the city of Washington with water at a cost of \$200,000. Another gentleman, upon the opposite side of the Hall, [Mr. STANTON, of Kentucky,] has declared that \$500,000 will be sufficient for all purposes in supplying the city with water. Now, sir, if we look to the experience of other cities which have constructed works of a similar character, we shall be able to arrive at something approximating to a correct result. Two hundred thousand dollars for supplying the city of Washington with water! Why, Mr. Chairman, the cost of laying down the pipes for the net-work for the distribution of water in the city would cost \$300,000 or \$400,000, at the lowest estimate. The net-work in the city of Boston cost about \$1,200,000. That of Philadelphia cost something like \$700,000 or \$900,000; and that of the city of New York about \$2,000,000. And yet gentlemen talk about supplying a city occupying so much territory as Washington, for the small sum of from \$200,000 to \$500,000. Such estimates, it strikes me, are most remarkable.

Mr. STANTON, of Tennessee. I do not understand that the Government is to carry the water all through the city.

Mr. HAMILTON. The Government is to lay the main trunks.

Mr. VANSANT. Gentlemen have asserted that there is no kind of reliance to be placed on the estimates of Captain Meigs, for the respective plans to bring water into this city. Now, I have not the pleasure of a personal acquaintance with Captain Meigs, nor do I know anything of his reputation as an engineer, but he has had at least I suppose, the advantages of theory and practice in his profession. He has had doubtless before him the experience and the estimates of competent engineers in the survey of the Croton works, and in their completion; of the Cochituate works, as also of the water-works at Philadelphia.

Looking at all these works, and taking the city of Boston as an illustration, I desire to answer the argument of the gentleman from Kentucky, [Mr. STANTON,] who is a practical man in a portion of this character of work, in reference to the large estimate which he placed on the sixteen miles of aqueduct, &c. Now, water is introduced into the city of Boston from a distance of twenty miles, exceeding the distance to the Great Falls four miles. What did that work cost, including the net-work, and also, including the purchase of very valuable ground within the city, for the construction of reservoirs? One reservoir alone, erected on Beacon Hill, the highest part of that city, cost upwards of \$509,000. It cost that amount because of the high price of property on which it is located, and

the large amount of embellished masonry of which it is constructed. The reservoirs in Boston alone, cost over \$1,000,000; and all along the line of the road property is much more valuable than it is along the line of road where it is proposed to construct the Potomac aqueduct, and yet the Boston work when completed cost something less than \$5,000,000. The water debt is now greater than that sum, because, in the beginning, the rent from the water did not pay the interest on the original water loans and the current expenses consequent upon keeping the works in repair, &c.

Now, we will take New York as another illustration. Water is brought into the city of New York from a distance of forty miles, and yet when the water was introduced—and gentlemen to my left are very much mistaken in reference to the cost of the Croton works—and distributed through the mains, the cost was but little more than \$9,000,000. The whole water debt now of New York city is something like \$13,000,000. This augmentation of the debt has resulted from the construction of improvements in the works, their extension through the city, and in the failure of the water rents to be equal to the payment of the interest on the water loan, and the current expenses of the works.

Taking into consideration the extraordinarily great sums which so much contributed to swell the cost of the Croton works—for civil engineering, for the Harlem river viaduct—which cost about \$1,000,000,—for bridging Manhattan valley, for interest on water loan during the five years that the work was progressing, &c.—and also expenses incurred in the construction of the Chocituate works, equally surprising, as evidenced in the report of the Boston water board for 1852, I am induced to believe that, by prudent management, the cost of introducing water into the city of Washington from the Great Falls of the Potomac will not much exceed the estimate of Captain Meigs.

Mr. PHELPS. I am opposed to the amendment.

Mr. SKELTON. I rise to a question of order. Is it in order for one gentleman to speak upon the same side of the question repeatedly, when others are refused the privilege of speaking at all upon the question?

Mr. PHELPS. The gentleman is mistaken. I was about to remark that I was opposed to the amendment of the gentleman from Maryland.

Mr. SKELTON. The gentleman has already spoken on the proposition under consideration.

Mr. PHELPS. No, sir; not upon the proposition under consideration, for it has but just been offered by the gentleman from Maryland. It is true that I expressed my opinion with reference to the Senate amendment; but I have said nothing about the amendment now pending.

But, sir, I have not taken the floor for the purpose of entering into the discussion of this matter.

Mr. SKELTON. Then why not let others be heard?

Mr. PHELPS. I have risen for the purpose of making a suggestion to the committee, for the purpose of expediting the transaction of business. I presume that the amendment of the Senate is in the form which the friends of the measure desire, and I presume, also, that those who are opposed to the measure would as soon meet the question upon the Senate's amendment as in any other form. I desire, therefore, that the committee shall come to a vote upon the adoption of the Senate's amendment; and I would add that it is immaterial how that vote results, for when we go into the House the yeas and nays can be taken on the amendment.

A MEMBER. We cannot discuss it in the House.

Mr. PHELPS. I know that no discussion will take place there; but there is a great desire, I suppose, on the part of the members of the committee to dispose of this bill; and I presume that the mind of every member of the committee is made up with respect to this proposition.

Mr. SAGE. I hope the gentleman from Maryland will now withdraw his amendment.

Mr. VANSANT. I withdraw it.

Mr. WALSH. The noble, generous, and energetic character of the people of Washington must be known to every member of this House.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. WALSH. No, sir; I was only going to

ask the Chair whether an amendment would be in order to furnish the people of Washington with coffee, tea, milk, sugar, and whisky for their water. [Laughter.]

Mr. SAGE. I move to reduce the appropriation \$490,000.

I listened with a great deal of attention to the argument of the gentleman from Maryland, [Mr. VANSANT,] as to the cost of this work. I am compelled to say that I am inclined to go against this whole scheme, because I believe, after the argument of the gentleman from Maryland, and the estimate made by the gentleman from Kentucky, [Mr. STANTON,] that the cost of this work has been greatly underrated. I would much prefer giving the citizens of Washington \$100,000 directly, than going on and making appropriations from time to time, which will, in the end, amount to six or eight millions.

I desire to say, further, that I coincide with the views expressed by the gentleman from Virginia, [Mr. MILLSON,] when he said that he could see no good reason why Congress should be called upon to make this large appropriation. My constituents have to pay for the water they use, and I see no reason why the people of Washington should not do the same thing. Such a project as the one now under consideration, in taxing the people of the whole country to bring in water for the use of the people of Washington, and enriching them by enhancing the value of their property, is all wrong. I hope, before this question is taken, that a full discussion may be had upon this subject, as it is one which is quite new to many of us. We ought to investigate the matter fully, and discuss it in all its bearings, as the work projected is a great and expensive undertaking, which should require the most full and mature consideration.

Mr. BAYLY, of Virginia. In reply to the remarks of the gentleman from New York, [Mr. SAGE,] I beg leave simply to say, I do not think that there is any corporation in any city of the United States to whom more injustice is done in the precise line of argument used by the gentleman from New York than that of the city of Washington. The Government of the United States have more property here than individuals, and it is wholly free from taxation. Not only is this property free from taxation, but a greater portion of the persons brought here by the Government are also free from taxation. The gentleman from New York may come here, bring his servants, carriage, and horses, and yet pay no taxes for them.

A VOICE. How is it at the hotels?

Mr. BAYLY. As far as the hotels and boarding houses are concerned, the charges are pretty heavy; but we have nothing to do with them. As far as corporation taxes are concerned, I have never paid a single cent—

Mr. WALSH. I never paid a cent at home.

Mr. BAYLY. The gentleman has been more fortunate in that respect than I have been. If I had not paid my taxes, there is a process by which I might have been obliged to pay them.

Mr. WALSH. I am fortunate in not having any property upon which to pay taxes. [Laughter.]

Mr. BAYLY. I will not enter into an encounter of wit with my friend from New York, because any man who does that would be like a man taking up a pin-cushion full of pins and squeezing it with his hand. I am too prudent a man for that. I wish to say that I think the precise line of argument which the gentleman from New York [Mr. SAGE] pursued in respect to the corporation of this city is most unjust and unfair. We all know the necessity that exists for supplying the city with water in order to protect our public buildings. We all recollect how near the Capitol came being burned down but two or three years ago for the want of a sufficient supply of water. Is there any reason upon the face of the earth, when we bring a large population here exempt from taxation, and when we have also a large amount of property exempt from taxation, that we should not bear our portion of the burden? I think not.

Mr. VANSANT and Mr. WHEELER addressed the Chair.

The CHAIRMAN. No further debate is in order. The question is on the amendment to the amendment offered by the gentleman from New York, [Mr. SAGE.]

Mr. SAGE. I desire to withdraw the amendment.

Mr. SKELTON. I object to its withdrawal. The question was then taken; and the amendment to the amendment was not agreed to.

Mr. SKELTON. It strikes me that this is the time for discussion of this subject. I move, therefore, to reduce the appropriation \$100. This is the appropriate time, I repeat, for the discussion of this subject; and I trust the committee will not manifest too much impatience when they reflect on the importance of the question under consideration. I recollect, Mr. Chairman, when the first appropriation of \$100,000 was made in this Hall. It was made in a way that was not legitimate, but in violation of the rules of the House. It was made by indirect legislation, by merely inserting an appropriation into a bill, while the rules of the House require appropriations to be made for the purpose of carrying out objects already provided for by law. This appropriation of \$100,000 was, I say, made in violation of the rules of the House. That sum has been expended. There are various propositions now before the committee, and we should judge which of these propositions should be adopted in preference to the others. The gentleman from Maryland [Mr. HAMILTON] tells us—

Mr. STANTON. Will the gentleman from New Jersey allow me to make a remark?

Mr. SKELTON. I cannot yield the floor, as I have but five minutes to express my views, and I do not expect to get the floor again.

The gentleman from Maryland [Mr. HAMILTON] tells us that this work is to be performed; that the fiat has gone forth. What fiat, Mr. Chairman? The President of the United States has determined on the plan. But are we bound by it because he has so determined?

Mr. HAMILTON. I did not mean to convey that idea.

Mr. SKELTON. But enough of that. I trust we are not bound to carry out this proposition. I, for one, am opposed to these appropriations, and to the construction of this work *in toto*. It has been stated here that the supply of water is to be sufficient to accommodate a population of two hundred thousand inhabitants. Now, I would like to ask these men who advocate making appropriations for supplying provisions for the people of Washington, how long these are to be continued? That is the point to be determined now. Are we to provide for this population for the term of a hundred or a thousand years to come? How long will it be before they arrive at the age of adults, and be capable of taking care of themselves, and of providing for their own wants? I merely suggest this question. Now to another point, which I desire more particularly to allude to.

The only argument that I have heard on this floor in favor of Congress supplying the wants of the population of the District of Columbia has been, that we have a vast amount of property here which is not taxed, and that we pay no taxes here. In reference to the question whether we do or do not pay taxes, I do not think it is a point involved. You can go to any city in the United States, where you are not a permanent resident, and you are not required to pay taxes. No man passing through any county has a right to be taxed, and hence this city concedes no privilege not conceded in all the cities of the Union.

Another argument is, that the Government has millions worth of property here which pays no taxes to support corporation expenses. Let gentlemen who take this ground answer me this question: What has created the value which property possesses in the city of Washington? What has enhanced the value of the farm lands surrounding this city from a few dollars per acre, which they bore when the public buildings were first located here, and raised them up to a value almost equal to those which surround the great commercial cities of Philadelphia and New York? It was the location of the public buildings here, and the expenditure of the public fund here, which has created the immense amount of wealth which exists in the city of Washington. What sustains the value of that property now? Talk to us about paying no taxes upon this property here. Does the Government pay taxes upon its property anywhere? Does it pay taxes upon its property in the cities of New York, Philadelphia, or Boston, or anywhere else in the United States? Cer-

tainly it does not, and upon the same principle upon which we are urged to construct these works in this city, those cities have the right to come forward and ask the Government to build water-works for them, because the Government property in those cities is not taxed.

But, suppose we should remove these public buildings from Washington, what would this property be worth to the holders of it? I speak of the holders of the property, because they are the only individuals who reap a benefit from this work, and get the good of it; for the landlords take good care that the tenants shall not profit by it, and the property-holders reap the exclusive benefit of it. Sir, I would vote to-morrow to remove the Capitol from this location; and I ask gentlemen of what value would this property be if the Capitol were removed from Washington?

Mr. FLORENCE. I am opposed to the amendment offered by the gentleman from New Jersey. But I rose merely to propound a question to the gentleman over the way, the gentleman from Kentucky, [Mr. STANTON.] It is, whether the contracts for the excavation, which he says were contracted for, were published according to the law which requires, that before contracts shall be entered into, they shall be advertised for? I wish to know whether, in relation to this aqueduct, the proposal was made public?

Mr. STANTON. I would say to the gentleman from Pennsylvania, that I do not know that any contract at all has been entered into for the excavation. My remark was, that I had been informed by a gentleman who came into our committee room, that he was prepared to swear to the fact that he had been upon the ground, had seen and talked with the contractor, and that the contractor was engaged in excavating some portion of the work at the rate of \$7 50 per cubic yard. I presume it was through rock; but even if it had been cast-iron, it should not have cost that much.

Mr. FLORENCE. I simply desired to propound that question to the gentleman from Kentucky, and I will yield the balance of my five minutes to the gentleman from Maryland, [Mr. VANSANT.]

Mr. VANSANT. I wish to say a few words in reference to this matter of the supply of water for the city of Washington.

Mr. STANTON, of Tennessee. I ask the gentleman to yield to me a moment.

Mr. VANSANT. I yield to the gentleman.

Mr. STANTON, of Tennessee. I wish to say a word in reference to the argument which has been advanced in regard to the payment of taxes in the city of Washington. I have always been liberal—at least I have been charged with being so—in the matter of appropriations for the District of Columbia. I think I have been as liberal as any gentleman upon this floor. We have paid largely of the corporate expenses of the city of Washington. We have paved their streets, improved their property, laid pipes for gas, and have helped them build their City Hall. We are continuing to assist them, and I hope we shall continue to do so in a reasonable manner, as we are the owners of a large property which pays no taxes. I hope Congress will continue that policy, in regard to furnishing the city with water, but that we shall do it upon a reasonable plan.

Mr. SKELTON. If there be no objection, I will withdraw my amendment.

Mr. WHEELER. I object.

The question was then taken on the amendment to the Senate amendment; and it was not agreed to.

Mr. BARRY. I do not propose to occupy the attention of the committee further than to call their attention to the estimates which have been made.

The CHAIRMAN. The Chair must remind the gentleman that there is no amendment pending upon which he can speak.

Mr. BARRY. I move to increase the appropriation \$100.

Mr. Chairman, if the informant of the gentleman from Kentucky [Mr. STANTON] is not mistaken, there is a very singular discrepancy in these estimates. The work was to be contracted for, as I understood it, at \$25,000 for excavating six thousand five hundred cubic yards of earth. Now, if this contractor is paying \$7 50 per cubic yard for doing the same work, it seems to me there must be something wrong somewhere.

Mr. STANTON. I understand it is not done by contract.

Mr. BARRY. But if it could be done for that by contract, it is certainly paying an unreasonable price for the work.

Mr. STANTON. A contract was made for the brick work upon the wings of the Capitol for \$2 49, but the contractor was released, and the engineer went and employed hands by the day to do the work; and this same work is now costing \$5 08, which was originally contracted to be done at \$2 49, and it may be the same way in this case.

Mr. BARRY. If it be not an improper inquiry, will the gentleman tell me who his informant was?

Mr. STANTON. I will tell the gentleman privately. I do not feel authorized to speak of him publicly before the House.

Mr. TAYLOR, of Ohio. If the gentleman from Mississippi will permit me, I wish to ask the gentleman from Kentucky if I understood him rightly in saying that they were now paying \$7 50 per cubic yard to make these excavations? because it seems to me that is certainly a very unreasonable rate.

Mr. STANTON. I have been so informed.

Mr. TAYLOR. Rock or earth?

Mr. HENN. I rise to a question of order. I submit that the debate is not in order under the 34th rule of the House.

Mr. WASHBURN, of Illinois. I move that the committee do now rise.

Mr. BARRY. I believe I have the floor. I desire, however, only to correct one statement.

Mr. HENN. I insist upon my point of order. The 34th rule prescribes that when debate shall be closed any member shall be allowed five minutes to explain any amendment which he may offer; after which, any member who shall first obtain the floor shall be allowed five minutes to speak in opposition to it. Now, I submit that gentlemen are not confining themselves to the amendments which are offered, and I insist that the Chair shall enforce the rule.

Mr. SAGE. I move that the committee do now rise.

The question was put; and the motion agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman [Mr. CHANDLER] reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 132) to supply deficiencies in the appropriations for the fiscal year ending 30th June, 1854, with the amendments of the Senate thereto, and had come to no resolution thereon.

Mr. HOUSTON. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That when this House adjourns on Wednesday, the 31st instant, it will adjourn to meet on Thursday, the 1st day of June, at 8 o'clock, a. m.; and that when the House adjourns on that day, it shall adjourn to meet on Monday, June 5th; and that the doorkeeper be instructed to renovate and refit the Hall of the House for the summer session.

There was no objection.

Mr. STANTON, of Tennessee. I move the following amendment:

Resolved, That the Clerk of the House be directed to remove the chairs at present in the House, and to substitute new ones, suitable for summer.

I now call for the previous question on the resolution and amendment.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was taken; and the amendment was agreed to.

The resolution, as amended, was then adopted.

Mr. HOUSTON. I move to reconsider the vote by which the resolution was adopted, and that that motion be laid upon the table.

The latter motion was agreed to.

DEPUTY POSTMASTERS.

Mr. McDUGALL. I move that the bill to increase the compensation of deputy postmasters be taken up, in order that it may be referred to the Committee on the Post Office and Post Roads.

There was no objection, and the bill was accordingly taken up and referred to the Committee on the Post Office and Post Roads.

Mr. HILLYER. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

Thereupon the House adjourned (at three o'clock and twenty minutes) till to-morrow at twelve, m.

IN SENATE.

TUESDAY, May 23, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved. PETITIONS.

Mr. TOUCEY presented a petition of sundry citizens of New Haven, Connecticut, praying for a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. RUSK presented the petition of Emma C. B. Thompson, widow of Charles B. Thompson, late of the United States Navy, praying to be allowed arrears of pension due her late husband; which, together with certain papers in relation to the subject on the files of the Senate, were referred to the Committee on Naval Affairs.

Mr. SLIDELL presented the petition of Puig, Mir & Co., praying the remittance of certain duties on two cargoes of coffee, imported by them into New Orleans; which was referred to the Committee on Finance.

Mr. CHASE presented additional documents in support of the claim of Isaac Swain, to indemnity for the impressment of a certain vessel into the service of the United States; which was referred to the Committee on Claims.

CONNECTICUT LEGISLATURE ON NEBRASKA AND KANSAS.

Mr. TOUCEY. With the consent of the Senate I desire to say a word of explanation in regard to what was said in the Senate yesterday. The resolutions of the Legislature of Connecticut, which were discussed yesterday, were presented, I am sorry to say, in my absence. I observe, by the report of the debate which sprung up on the occasion, that my colleague fell into an error, as he naturally would, in speaking of the Democratic sentiment in the Legislature of the State of Connecticut, as he is not particularly intimate with that portion of his constituents. He is mistaken in supposing that those resolutions received the support of the Democratic members of the Legislature. Not one-fourth of the Democratic members of both branches voted for them, and of those who actually voted, more than two thirds voted against them. No Whig voted against them.

I am very happy, sir, to make this explanation, because I am very well acquainted with that portion of the people of my State who are represented by the Democratic members. They are firm friends of the Union and of the Constitution, and the sentiments which are to be found embraced in these resolutions cannot, in my view, receive their support. I think that they will now, and at all times, strenuously oppose them.

DRY-DOCK AT PENSACOLA.

Mr. MORTON. Mr. President, a report of the Secretary of the Navy, in response to a resolution adopted by the Senate in reference to the dry-dock, basin, and railway at the Pensacola navy-yard, was received some days since, and, on my motion, it was laid upon the table, and ordered to be printed. That report has been received from the printer, and is now lying upon our tables. I move that it be taken up with a view to reference.

The motion was agreed to.

Mr. MORTON. Mr. President, the report of the Secretary of the Navy, in response to a resolution of the Senate calling for information relating to the dock, basin, and railways at the navy-yard, Pensacola, was received some five or six days since, and was, on my motion, laid on the table, and ordered to be printed. I observe, sir, the order has been executed, and copies of the report furnished us. I therefore move it be taken from the table, with a view to reference.

The resolution calling for the information was adopted at my instance, and before moving a reference of the report to the appropriate committee, I ask the indulgence of the Senate while I submit a few remarks; for the report, in my humble estimation, calls for the prompt consideration and action of Congress, and the notice of the country. By an act of Congress, passed August 3, 1848, the Sec-

retary of the Navy was directed to enter into a contract with Gilbert & Secor, for the construction of a balance floating dock, basin, and railways at the navy-yard, Pensacola.

Pursuant to this direction of Congress, the Secretary did, on the 25th of October ensuing, enter into a contract with the said Gilbert & Secor to build the dock, basin, and railways for the sum of \$921,937.

I will not go into detail further than to say, that the dock, basin, and railways were to be of sufficient capacity to dock and haul on and off the ways a war-steamer of the first class, or a line-of-battle-ship of fifty-three hundred tons.

According to the report of the Bureau of Yards and Docks, the dock, basin, and railways have been completed some time since, a year or more—but not yet accepted by the Government; the tests thus far not having proved satisfactory. The contractors have, however, been paid the whole amount stipulated by the contract, with the exception of two thousand five hundred dollars reserved for contingencies.

An examination of the contract, Mr. President, and the manner of its execution will present a most extraordinary state of things. I go by the report received from the Department, and will not mention facts derived from other sources, although I have statements from gentlemen of high character and standing in relation to the execution of this contract, which are entitled to serious consideration. By the record I shall be governed, and not go beyond it.

The Bureau of Yards and Docks says, that none of the stipulations of the contract have been dispensed with, except, that of a floating gate, and the one which provides for testing the dock as a camel for transporting ships over the bar at Pensacola. But let the Bureau speak for itself:

"Fourth. 'Whether any of the stipulations of the contract have been dispensed with; and if so, what were the stipulations so dispensed with, and the reasons therefor?'"

"In reply to this question, I respectfully state that the only stipulations in said contract dispensed with are those for the floating gate, proposed in the specifications to be fitted for the purpose of forming a partition in the dock, and that for cancelling the stipulation which provides for testing the dock as a camel for transporting ships over the bar at Pensacola.

"The reasons for dispensing with the former are, that this gate was considered entirely useless, and even an incumbrance, and therefore, for a reasonable consideration, it was agreed to be dispensed with by the Department. The reasons for cancelling the camel properties of the dock were, that, upon the representations of this Bureau to the Department, that in its opinion the experiment of sinking the dock outside of and carrying the ships over the bar would be hazardous to the vessel as well as to the dock; that, as the Government was bound to furnish the steam power to tow and manage said dock when so used, and as the side of the dock would present as much surface to oppose the wind as all the square sails of a large ship, it would require immense power—which the Government had not at command, and could not procure except at an enormous expense—to move and control the dock when passing over the bar to sea; that, provided the dock should be sunk under the bottom of a ship at anchor outside the bar, after pumping the whole or a portion of the water from the chambers, should there be an undulating motion of the water, as there generally is at that place, the ship afloat, with battery on decks, as she could not there be securely shored, would be likely to fall over upon one side or the other, and seriously injure, if not render utterly useless, both the ship and the dock. In consideration, therefore, of the great power required to move such a mass, the impossibility of procuring it at times when it might be wanted, and its great cost, together with the danger attending the several necessary operations, the Secretary of the Navy, after consulting persons of experience and good judgment, came to the conclusion that the dock could never be used as a camel in practice; that it would not be safe or proper to venture the experiment, and therefore directed propositions to be made to the contractors to dispense with that part of the contract for a fair consideration; and, after consultation, the Secretary (Mr. Kennedy) proposed to cancel that provision of the contract, deducting from the amount of payments under the contract \$12,000, which proposition was accepted, and that sum has accordingly been deducted."

It will appear, by reference to the contract, page 27, that the contractors were to receive, "in case a floating gate was (is) made to said basin," the sum of \$13,000 for it—mark the language, Mr. President—"in case a floating gate is made," the contractors are to receive \$13,000. From this language I should infer that at the time the contract was entered into the Department had doubts as to the propriety of having a floating gate to be made or not, as it thereafter might determine. If the gate was made, the Government to pay \$13,000 for it; if it was dispensed with, to pay nothing. This, I hold, is the true construction of the contract. The Department did dispense with it, considering

it entirely useless, and even an encumbrance; and, in my humble judgment, the Government should not have paid one dollar.

The Bureau informs us, for a reasonable consideration it was agreed to be dispensed with by the Department, but does not enlighten us as to what was the reasonable consideration. It was not a deduction of the \$13,000 from the gross amount of the contract, which I consider would have been the proper reasonable consideration; neither was it an abatement of any portion of the \$13,000; for we are told in the report, that the contractors have been paid the full amount of the contract, \$921,937 less \$12,000 deducted for cancelling the provisions for the camel properties, and \$2,500 retained to cover contingencies. This, sir, I repeat, is the only deduction from the gross amount of the contract, as shown by the report on our tables. Thus the Bureau, by its own report, overpaid Gilbert & Secor \$13,000, or, in other words, allowed them that sum for not making the floating gate, which the contract left optional with the Department.

The contract stipulated that the dock should possess the properties of a camel, to transport vessels of the class mentioned; that is, a line-of-battle-ship, or a war-steamer of the first class, in and out of the harbor, and over the bar of Pensacola bay; and if it failed to perform this stipulation, \$75,000 were to be abated from the amount of the contract. This stipulation was dispensed with, as it appears, at the instance of the Department, and the contractors only required to abate \$12,000, which proposition they, I presume, accepted with avidity; for they well knew they had entered into a stipulation which they could not perform, and never would have been guilty of the consummate folly and temerity of attempting, but would unhesitatingly have forfeited the \$75,000, as stipulated.

The reasons for releasing them from this requirement of the contract have already been read, and to them I respectfully call the attention of the Senate. To have attempted its execution, the Bureau informs us, would have been "hazardous to the vessel, as well as the dock." So, no doubt, thought the contractors; and they would of their own accord have forfeited the \$75,000, rather than have attempted that which they believed they could not have accomplished, and have put their property, the dock, in imminent peril. It does appear a little strange to me that all these difficulties should not have suggested themselves to the Department at the time of making the contract; a change appears to have come over the spirit of the dreams of the Department, Bureau, contractors and all, since this humbug of a balance floating dry dock was urged on Congress in 1848, and several years previous. Then one of its greatest beauties, one of its greatest recommendations, was the camel properties. One in those days, reading the glowing description of the advantages and beauties of these docks, in fancy saw these beasts of burden of Neptune walking like a thing of life o'er the waters, bearing with majestic grandeur on their backs a ship of the first class over shoals and bars, to secure havens within the numerous bays on our coast. Since that day, new light appears to have dawned upon the subject; now all look upon the experiment as an abortion, a failure, the veriest humbug of this age and generation, including, I have no doubt, the contractors themselves, who may well laugh in their sleeves at the gullibility of the Government, and their own good luck; for they have received all their money, less the enormous sum of \$2,500, retained to cover contingencies.

But a commission was appointed to examine the dock, basin, and railways, have the proper tests applied, and ascertain if the contract had been fulfilled by the contractors. This commission was comprised of gentlemen eminently qualified for the duty assigned them. There is Captain Tattnall, a gentleman well known to the country as an intelligent, energetic, and honorable officer of our Navy. There is Major William H. Chase, well known as one of the most accomplished officers of the Corps of Engineers, and a gentleman distinguished for his general intelligence and high and honorable bearing. The next is Mr. Hart, a naval constructor, who ranks among the first of his profession in the service; and lastly, Mr. Herron, the then civil engineer of the Pensacola navy-yard, who is well known in his profession as a most skillful and scientific en-

gineer, and who has executed at that place one of the most difficult works ever constructed in this or any other country, which excites the admiration of scientific men, and entitles him to be ranked, if not the first, among the first civil engineers of the day. Let us hear what this commission says:

COMMANDANT'S OFFICE,
NAVY-YARD, PENSACOLA, May 28, 1853. }

SIR: The board of officers appointed by your letter of the 12th February, 1853, "to examine and report the result of the test to be made of the balance floating dock, basin, and railway, constructed at the navy-yard at Pensacola, by the contractors, Messrs. Gilbert & Secor," and acting under your instructions of the same date, and subsequently under the instructions contained in your letters of the 12th, 13th, 15th, and 22d April, and of the 3d May, has the honor to report, that it has completed the duties assigned to it, so far as its recently limited instructions have permitted.

In relation to the manner in which the board has performed its duties, reference is made to its journal and the accompanying documents, all of which have been verified by the members of the board, as being correct copies from the originals.

The board was directed by exact and carefully worded instructions, with ample latitude allowed to supply any notable deficiencies therein, to make a close, critical, and comprehensive examination of the apparatus named in the contract with Gilbert & Secor, as a balance floating dock, basin, and railway; looking to its parts in detail; to its separate uses as a dock, a basin, and a railway, and to its completeness as a whole, in order to test the principle, convenience, power, and faithful construction claimed for it by the contractors; and to form an opinion as to the performance or non-performance of the stipulations of the contract. Under this view of its instructions, the board duly notified the authorized agents of Messrs. Gilbert & Secor that the frigate Columbia was at their disposal, in order to be placed in the dock, carried into the basin, and hauled on and off the railway, in the manner prescribed by the board. A correspondence ensued between the agents and the board, arising from objections made by the contractors to certain parts of the prescribed operations.

The board adhering without material change to its first determination, it was finally arranged with the agents of the contractors that the frigate Columbia should be placed on the cradle in the dock, and the whole carried into the basin, in readiness for the frigate to be hauled on and off the railway, the board reserving the right to haul the ship on to the railway, with her entire armament on board or not, and assuming the entire responsibility of her safety.

The board designed to make the several tests of the dock, railway, and basin with as much weight as possible, seeing that all that could be commanded would fall short more than one half of that required by the contract to be used.

The naval constructor at this yard, one of the members of the board, was deputed to place shores and braces in the frigate, and also to remove the guns and stores to such a position as would bring the center of gravity as nearly as possible within certain lines.

On the same day that this agreement with the agents was made, these persons refused to execute it, and one of their number proceeded directly to the north, in order to confer with his principals. It was deemed important that the senior officer of the board should proceed at once to Washington, in order to explain the proceedings of the board, and to meet and refute the objections made by the contractors to the fair and proper test prescribed by the board.

The proceedings of the board were not disapproved of. But representations having been made to the Navy Department that there was not sufficient depth of water off and near the permanent wharf of the navy-yard to sink the dock to the depth necessary to receive the frigate Columbia, with her arms and stores on board, it was deemed important to obtain the opinion of the Attorney General in the premises.

This opinion was decidedly given as to the obligation of the Government to furnish the requisite depth of water. Under this consideration, and of that of the time and expense deemed necessary to excavate the required depth, the test of placing the ship on the cradle was dispensed with, and the operation confined to the simple one of taking the ship into the dock, with the removal of all or any part of the armament and stores, in order to reduce the draught of the ship, and consequently that of the dock when sunk to the lack of water complained of. But it was required after the ship had been raised, to place in the dock a weight equal to that removed from the ship.

The board was instructed accordingly. As these instructions were founded in error of fact, the board deemed it its duty to report the same to the Navy Department, affirming that there was water enough to afford an adequate test as prescribed by the board; that no excavations were necessary to procure additional depth of water, and that no obstacle existed, known to the board, that would prevent every proper test being made with any ship that could pass the bar at the mouth of the harbor.

In answer to the letter of the board, it was stated that the Navy Department adhered to its instructions, but that it was left optional with the board to remove the armament and stores or not; at the same time duties were expressed as to the sufficiency of water claimed in the premises. It is due to the board in this place to state that the tests required to be made were, in its judgment, perfectly consistent with the first instructions received from the Navy Department and with the stipulations of the contract.

That before such tests were arranged, the board made itself acquainted with all the local circumstances existing in the premises, a knowledge of which was indispensable to the exact performance of its duties. That it required nothing at the hands of the contractors but what was considered a fair illustration of the principle, convenience, and power of the apparatus, generally styled the floating balance dock, basin, and railway, offered at a great cost as a whole by its designers and the contractors confidently to the Government, as being superior to, and in substitution of, the permanent dry-dock.

The contractors were notified of the final instructions from the Navy Department, and of the readiness of the board to witness the operation of placing the Columbia in the dock.

The journal will show the time taken to prepare and sink the dock for the reception of the ship, with all the attendant circumstances, up to the time that the dock was raised and pumped out. The journal will also show the draught of the dock at various points, and the exact amount of depression from right lines, extending along the keelson, and the ends and sides, whilst the ship was in the dock; also, the several draughts of water when the ship was removed.

After the dock, with the frigate Columbia on board, was in readiness to be carried into the basin, the agents of Messrs. Gilbert & Secor made a verbal request to the board, that her removal from the moorings to the basin might be dispensed with. In answer thereto the board stated, that its instructions left it no discretion on this point, and that it otherwise desired that the dock should be hauled into the basin.

In reply to this requisition a letter was received from the agents, declining "to take the floating dock into the basin, with the present loaded vessel in the dock, for two reasons, viz: first, that there is not ten feet of water in the basin; and secondly, that the contractors have never proposed to put the dock in the basin, bearing a ship with all her armament on board."

The board, in reply, stated, that if the agents persisted in their refusal to take the dock into the basin, it would be necessary that the ship should be released from the dock, as soon as the injuries which she had sustained by the docking operation have been repaired by the agents.

At the time of refusal of the agents it was high water for the day, at which time there were nine feet six and a half inches over the gate sill of the basin.

The greater draught of the dock was near the center of her bottom.

It was nine feet six inches, and accurately obtained under the immediate supervision of the board.

The board arrives at the conclusion, that the contractors have signally failed to exhibit fully and to its satisfaction the convenience, power, and faithful construction of their floating dock, basin, and railway, and for the following reasons:

1. That it weighs about 2,300 tons more than estimated, which consequently increases the draught of water two feet, thereby interfering with its passage into the basin.
2. That by settling under the Columbia, when docked, nineteen and a half inches, (that ship weighing but 2,185 tons,) it proved that it was of inadequate strength, and altogether incapable of raising a ship of 5,300 tons weight, as contracted for; this great settling also, by increasing the draught of water, augmenting the difficulty of a passage into the basin.
3. That when the dock was sunk to twenty-three feet above the working platform, (the Columbia being just on the point of entering it,) it rose on one side three feet in ten minutes, by a sudden and great loss of water in the chambers, although the pumps supplying the water were still in operation, thereby showing a very great leakage of the tanks or pumps, or probably both, and consequently an improper construction.
4. That sixty tons additional ballast were necessary to sink the dock, (the engines being worked to their highest gauges,) it being evident at the same time that the engines were unequal to sinking it to a greater depth than that required to take in the Columbia, a ship of less than one-half of the weight contracted for.
5. That it was found very difficult, with the highest gauge of steam, to lift the Columbia, owing to the leakage already referred to, showing that the dock was incapable of raising a ship of five thousand three hundred tons weight, as contracted for.
6. That the contractors declined the test of taking the dock into the basin, on the ground that there was a deficiency of water in the basin, and that the contract did not require it. The water at high tide was nine feet six and a half inches above the granite courses at the bottom of the basin, which would have been sufficient to have admitted the dock, had its draught of water not been increased three feet by the causes referred to.

The board cannot, therefore, recommend that the whole apparatus, or any part of it, whether it be the balance floating dock, basin, or railway, be received by the United States. The board having been also ordered to consider the "advantage or disadvantage of that plan of docking ships of the Navy," as compared with others, is of the opinion that the balance floating-dock is far inferior to the ordinary stone dock, whether as regards economy, safety, or facility of operation.

The "estimate of the probable expense of working, and cost per annum of repairing and taking care of the dock," and a report on the floating gate, the board will make the subject of a separate and future communication.

We are, sir, respectfully, your obedient servants,
JOSIAH TATNALL,
Captain United States Navy.
WM. H. CHASE,
Major United States Engineers.
S. T. HARTT,
Naval Constructor.
JAS. HERRON,
Civil Engineer, Navy-Yard.

Commodore **JOSEPH SMITH,**
Chief of the Bureau of Yards and Docks.

NOTE.—The undersigned entertained the opinion that the balance floating dock, basin, and railway, combined advantages for repairing vessels not possessed by the ordinary stone dock, for the reason that two or more ships could be repaired at the same time by the former apparatus, whilst the stone dock afforded facility for the repair of only one ship at a time; and it was believed that equal economy, safety, and facility of operation would be obtained by either mode. The undersigned has changed his opinion; this change is not due solely to the signal failure, on the part of the contractors, to perform what they promised in their contract, which failure was principally due to error in calculation for displacement of the dock; to the want of strength in the dock; and to the lack of sufficient depth of water in

the basin—but it was produced by ample evidence afforded to the board, in the course of the operation of taking up the frigate Columbia, that, on the score of economy, safety, and facility, the ordinary stone dock possesses superior advantages.

Taking this in connection with the time and expense of placing the dock in the basin, and hauling the ship on and off the railway, as well as considering the destructibility of the material of which the dock and a portion of the railway are composed, leaves no doubt in the mind of the undersigned as to the correctness of the opinion unanimously expressed by the board in the premises.

WILLIAM H. CHASE, Major Engineers.
COLUMBUS, GA., June 11, 1853.

COMMANDANT'S OFFICE,
NAVY YARD, PENSACOLA, July 18, 1853.
SIR: The board for testing the floating dock, basin, and railway, in their report of May 28, 1853, referred to a future report on the subject of the floating gate, and of the probable expense of working and cost per annum of repairing and taking care of the dock, which they now have the honor to submit.

The test of shipping the floating gate was made on the 30th of May.

The time occupied in getting it from its moorings at the side of the basin to the position of shipping was one hour and fifteen minutes. There were eight men employed in the operation, the weather being unfavorable and water rough. The gate proved to be very crank, and required a lever across its gunwales, and considerable time and management to get it into the grooves.

It could not be sunk into its proper place, owing to the sand having washed into the keel groove, and a little above it on each side.

In regard to the cost of working the dock, the board cannot offer a correct estimate. All the circumstances attending the docking of the Columbia, being different from and very unfavorable, when compared with the contemplated mode of working the dock, when the deep basin shall be finished.

In view of the rapid decay of wood in this climate, and that the dock is now about three years old, the board are of opinion that it will require twenty per cent. of the original cost to keep it in order, equivalent to a renewal in five years from the present time.

It now requires recaulking and painting.
 We are, sir, respectfully, your obedient servants,
JOSIAH TATNALL, Captain.
WM. H. CHASE, Major Engineers.
S. T. HARTT, Naval Constructor.
JAMES HERRON, Civil Engineer.

Commodore **JOSEPH SMITH,**
Chief of the Bureau of Yards and Docks,
Washington, D. C.

Their report speaks for itself, and I only ask attention to one or two points in it. According to the terms of the contract, a ship of five thousand three hundred tons was to be taken into the dock and basin and raised on the railways. The test made with the frigate Columbia, weighing two thousand one hundred and eighty-five tons, clearly demonstrated that the capacity of the dock was inadequate to do that which the contract stipulated. The Columbia was only taken into the dock; the contractors declined to take the dock into the basin with the ship on board for two reasons: One that there was not sufficient water in the basin; and here I would ask whose fault was it there was not sufficient water in the basin? Surely the contractors had engaged to construct a basin of sufficient capacity in every respect to take the dock in with a ship on board weighing five thousand three hundred tons; yet it had not water to receive the dock with the Columbia docked, weighing two thousand one hundred and eighty-five tons, less than one half of the stipulated tonnage. The other reason assigned is, that the contractors never agreed to take the dock into the basin bearing a ship with all her armament on board. Was there ever such subterfuge attempted to be practiced upon practical, sensible men? Why, I ask, stipulate to take up a ship of five thousand three hundred tons and float the dock into the basin, and then refuse to float the dock into the basin with a ship of two thousand one hundred and eighty-five tons because, forsooth, her armament was on board; the weight was the thing to be considered. The contractors stipulated that the dock should be of sufficient capacity to take over the bar at Pensacola a ship of the largest class. When a ship of that description made its appearance off the bar of Pensacola and desired to enter the harbor with the aid of this dock as a camel, what was to be done with her armament? Was it to be thrown overboard; and, after she was repaired and recrossed the bar, to be fished up and placed in *statu quo*? The commission further say, it will take twenty per cent. of the original cost of the dock per annum to keep it in repair, equivalent to a renewal every five years. The cost of the dock was \$555,712, so that sum will have to be expended every five years, should it be accepted by the Government, or \$111,156 per annum to keep it in repair. It may from these data be safely calculated that it

will take some ten or twelve per cent. of the cost of the railway, basin, and other appendages and fixtures of this dock, to keep them in repair. So it may be estimated they all will require an annual outlay of some \$150,000.

The report of the commission shows that the contractors have failed, most signally failed, to fulfill their contract; and it ought long since to have been so declared by the Department, and steps taken accordingly.

This failure, sir, affects the only naval station on the Gulf of Mexico, and which happens to be located in Florida; and I here, Mr. President, as one of the Senators from that small, poor, wronged, and neglected State, enter my protest against this \$1,000,000 being placed to her debit, in any estimate that may hereafter be made, of her cost to the United States. The \$40,000,000 expended in the Seminole war, commencing in 1835, it has been insisted should be charged to her, when it was notorious that the greater portion of the amount was squandered on hangers-on of the Army and contractors from other States, while the people of Florida were not only impoverished, but many of them ruined. The sum of \$921,937, lavished on this wild and fanciful experiment, should be charged to New York account. Gilbert and Secor, the contractors, are from there—the engineers and mechanics were from there—their supplies were brought from there—and every dollar of the money, according to the stipulations of the contract, was paid there. So, I repeat, let Florida not be charged with this folly; she had no lot, part, or portion in it; for my late colleague, [Mr. Yulee,] then a member of the Naval Committee, resisted this appropriation at every stage, though it was apparently for the benefit of a dock-yard within his own State—he thinking the testing of this wild experiment at the Pensacola yard would not advance its onward march, to be classed with the first dock-yards of the country. The result has proved the correctness of his course, and the wisdom of the conclusion to which he came; for this wasteful experiment there, has, in my estimation, retarded the advancement of that yard, I fear, for years to come. Had not Congress been imposed upon by these humbug wooden docks, it would, as it should have done ere this, have made an appropriation for a stone dock—such as is erected at Norfolk, New York, and Boston. We cannot now look forward to the day when a work of that kind will be commenced at the Pensacola yard; for this mass of perishable materials will long remain, I fear, as an encumbrance or nuisance there. If this dock should ultimately be received by the Navy Department, I would most freely vote for a liberal appropriation to float it without the bar, and send it adrift, and relieve the yard from the disfigurement of the basin and railways, and restore it to its pristine beauty and elegance.

But let me return to this report. Look, sir, at the contract. Here was the sum of \$921,937 about to be paid on an experiment. Is there any provision in it which will really protect the Government from loss? Is it not a contract to test an experiment at the risk of the Government, instead of the contractors who were to derive large pecuniary benefit? The sum of \$737,550 was paid to these contractors on an experiment, and a bond of \$100,000 only given to save the Government harmless! In this the Department has failed to exercise that vigilance which a discreet individual would have done, and which should ever characterize the expenditure of the public money.

But the twenty per cent. reserved on each payment has long since gone into the pockets of the contractors. Why was this done? The report shows why, and the papers accompanying the same disclose the fact that the payment was most improperly made. It is true, as we are informed, the Department exercised the precaution of taking from the contractors a refunding bond to guard the interest of the Government in the event of a failure of the structures not standing the test required by the contract. This, forsooth, was properly guarding the interest of the Government: pay the contractors all the money before the contract is completed with, and if they fail, bring suit, I suppose, on the refunding bond. Why, Mr. President, this is laughable. Did you, sir, ever know, in the history of this Government, a defaulting contractor to refund money improperly advanced him by the Government? The idea is ridiculous. You had as

well attempt to get melted butter out of a dog's mouth, as money out of the hands of a defaulting contractor after he has once placed it in his fob.

It seems that it was assumed by the Department that there was not water of sufficient depth near the basin to sink the dock; and the question was, whether the United States or the contractors were bound to find the water, or, in other words, to deepen by excavation or dredging. The Secretary of the Navy called for the opinion of the Attorney General, who decided that the Government was bound to furnish the water; and as the Government was not ready to furnish it, and the structures having been completed, the contractors were entitled to the percentage reserved, and by order of the Secretary it was paid them.

From what source did the Department derive its information that there was not sufficient water near the basin? Was it from actual measurement or sounding by the proper officers of the Government, or did it come to the conclusion there was not sufficient water upon the assertion of the contractors? When the test with the frigate Columbia was about being made, a year ago, the contractors again alleged there was not water sufficient to float the dock into the basin, and the instructions from the Bureau to the commission appointed to make the test, were given upon that hypothesis. What does the board say?

"As these instructions were founded in error of fact, the board deemed it its duty to report the same to the Navy Department; affirming that there was water enough to afford an adequate test as prescribed by the board; that no excavations were necessary to procure additional depth of water, and that no obstacle existed known to the board that would prevent every proper test being made with any ship that could pass the bar at the mouth of the harbor."

The Bureau, in reply, expressed doubts as to the sufficiency of water claimed in the premises. The Bureau seemed very tenacious of its opinion as to the depth of water, and well it should, for upon that opinion the Attorney General advised the payment of near \$200,000 to the contractors, to which they were not entitled if the true state of the case had been made known. It is remarkable, Mr. President, that the Bureau should, in direct opposition to the report of the commission, composed of such men as it was, still insist there was not sufficient water, when the officers on that commission, being on the spot, say unequivocally, without the expression of a doubt, there was water sufficient for any ship that could pass the bar, which is well known will admit vessels drawing twenty-two or twenty-three feet, with ease.

From a review of the entire subject I am constrained to believe the officers of the Government have been very remiss in not properly guarding and protecting the interest of the country. There is, Mr. President, a screw loose somewhere which should be attended to, and I trust the committee who will have charge of the subject, will give it a full and thorough investigation. I now submit the following resolutions:

Resolved, That the Report of the Secretary of the Navy of the 9th instant, being Executive Document 64 of the present session, communicating information in compliance with the resolution of the Senate, in relation to the dock, basin, and railway at Pensacola, be referred to the Committee on Naval Affairs, with instructions to examine into the contract with Gilbert & Secor for the construction of said dock, basin, and railway; and also to ascertain how and in what manner said contract has been performed, what security has been given for reimbursing the United States the amount of \$913,437, which has been paid to the said Gilbert & Secor by the Navy Department, in case the said dock, basin, and railway should not be accepted by the Government, and what further steps are necessary to protect the interests of the United States.

Resolved, That if said committee, in the investigation, should deem it necessary, they be authorized to send for persons and papers.

The resolutions were adopted.

Mr. BROADHEAD. A report was made by the Secretary of the Navy upon the whole subject of docks on the 5th of March, 1853, which was accompanied by copies of the contracts for the construction of the docks, basins, and railways, at Philadelphia, Kittery, and Pensacola, and the floating dock at San Francisco. As we may be called upon before the close of the session to make large appropriations for the one in California, I move the reference of this report to the same committee.

The motion was agreed to.

THOMAS FRAZER.

Mr. HAMLIN. Yesterday a motion was made to reconsider the vote by which the bill

from the House of Representatives, for the relief of Thomas Frazer, was indefinitely postponed. I learn that that bill has been sent to the House, and I now move that the Secretary be directed to request the House to return that bill.

The motion was agreed to.

The bill was subsequently returned to the Senate by Mr. McKean, Chief Clerk.

REPORTS FROM STANDING COMMITTEES.

Mr. GWIN, from the Committee on Finance, reported a bill to authorize the coinage of gold pieces of the value respectively of ten eagles and five eagles, and for other purposes; which was read, and passed to a second reading.

Mr. GWIN. I give notice that as soon as the bill is printed, I shall ask for its consideration. It is important that it should be acted upon.

Mr. STUART, from the Committee on Patents and the Patent Office, to whom was referred the petition of Samuel Colt, praying the extension of his patent for certain improvements in fire-arms, submitted a report, accompanied by a bill authorizing the Commissioner of Patents to grant an extension of a patent to Samuel Colt, a citizen of the United States, for an improvement in fire-arms; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. ALLEN, from the Committee on Pensions, to whom were referred documents in support of the claim of Gideon Prior, a soldier in the revolutionary war; to a pension, and the petition of John H. Hand, praying to be allowed a pension on account of disease contracted in the service of the United States, submitted adverse reports thereon; which were ordered to be printed.

Mr. CLAY, from the Committee on Pensions, to whom was referred the petition of William Brown, praying to be allowed a pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the memorial of E. H. Wingfield, late Indian agent in New Mexico, praying to be allowed traveling expenses from Santa Fe to Washington city, for the settlement of his accounts, and for a per diem allowance during his detention, asked to be discharged from its further consideration; which was agreed to.

Mr. CLAY, from the Committee on Pensions, to whom were referred the petition of Adèle Sands, widow of Richard M. Sands, of the Army, praying an increase of pension, and the petition of Charlotte S. Westcott, widow of Captain George C. Westcott, of the Army, praying for a pension, submitted a report, and asked to be discharged from their further consideration, on the ground that a general bill had been reported which would embrace the objects prayed for; which was agreed to.

The report was ordered to be printed.

REPUBLIC OF DOMINICA.

Mr. DOUGLAS submitted the following resolution for consideration; and asked for its immediate consideration:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of recognizing the independence of the Republic of Dominica, and of opening diplomatic intercourse with the same.

Mr. CHASE objected; and the resolution was laid over.

EMPLOYMENT OF CLERK.

Mr. FISH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the select committee appointed to consider the causes, &c., of mortality on board of emigrant ships, be authorized to employ a clerk.

SLAVE TRADE IN CUBA.

Mr. MASON, from the Committee on Foreign Relations, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate (if in his opinion it be compatible with the public interest) copies of all correspondence in the State Department relative to the slave trade in the Island of Cuba, and of any late decrees or other acts of the Spanish Government in that island connected with the same.

COMPENSATION OF POSTMASTERS.

Mr. RUSK. I am instructed by the Committee on the Post Office and Post Roads, to whom was referred a bill from the House of Representatives

regulating the pay of deputy postmasters, to report it back with an amendment, and recommend its passage.

Mr. WELLER. I desire to ask the Senate to put that bill on its passage now. It has been carefully examined by the Post Office Committee of the House, as well as of the Senate. It has received the favorable action of the House, and, in my judgment, ought to be acted upon.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HUNTER. Is the bill under consideration by general consent?

The PRESIDENT. It is.

Mr. WELLER. The original bill was passed by the House of Representatives, and was referred to the Committee on the Post Office and Post Roads. It has been under consideration, I believe, for more than a month. The only amendment proposed, is one submitted by the Post Office Department, the object of which is to render certain and definite that which was somewhat uncertain by the provisions of the original bill. There is no change whatever in the principle. The only effect of the amendment is to make the bill more certain, and to obviate any difficulty which might arise in the Department.

The amendment of the committee was to strike out the following proviso:

"That, to any postmaster of any distributing or separating post office whose commissions may be reduced below the amount allowed at his office for the year ending the 30th day of June, 1851, the Postmaster General shall be authorized, in his discretion, to allow such additional compensation as he may deem proper, such compensation to date, and be allowed from, the 30th day of March, 1853: *Provided further*, That the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled 'An act to reduce into one the several acts establishing and regulating the Post Office Department;' and all acts, or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed; and this act to take effect, and be in force, from and after the commencement of the next fiscal quarter after its passage."

And insert:

"That to any postmaster of a distributing office at which the commissions, allowances, and emoluments since the 31st day of March, 1853, have been insufficient to defray actual and necessary expenses, and afford the annual compensation derived from commissions at the office before the said 31st of March, the Postmaster General may, in his discretion, allow quarterly from the date aforesaid, out of the postages collected at any such office an amount sufficient to supply such deficiency: *Provided further*, That to any postmaster of a separating office, whose commissions, allowance, and emoluments may be insufficient to provide for the extra labor necessary to the prompt and efficient performance of the duties of separating and dispatching the mails passing through those offices, the Postmaster General may make such quarterly allowances out of the postages collected at such office, as he may deem sufficient to compensate such extra labor. This act shall take effect, and be in force, from and after the commencement of the next fiscal quarter after its passage."

Mr. BELL. I desire some explanation of the amendment. I desire to know whether the provision is ample enough to supply additional clerks in distributing offices?

Mr. RUSK. Yes, sir; the amendment was made for that express purpose. It was made to cover that under the authority of the Postmaster General. I will state to the honorable Senator from Tennessee, that at the time the law of 1851 was passed, a provision of this description was made; but in a subsequent act passed there were words used which gave the Postmaster General a great deal of trouble in construing the subsequent law to repeal the discretion which existed. It is necessary, therefore, to reinstate this discretion; and it is substantially reinstating the old law of 1851. This has been done by the committee, on consultation with the Department. The original bill, as it came from the House of Representatives, was not sufficiently full. It made no provision for the separating offices, which are very necessary; and besides, it went back to 1851. The difficulties have occurred in these offices since 1853; and the amendment reported to the Senate by the committee, after consultation with the Postmaster General, only operates since March, 1853.

Mr. BELL. I do not understand what the difference is between the offices called separating offices and distributing offices.

Mr. RUSK. A distributing office is where letters are distributed to various offices. They send certain mails from one quarter of the country to another, northern and southern, and they are distributed at particular offices. As to separating offices, New Orleans is an instance. Mails go to

THE CONGRESSIONAL GLOBE.

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New Orleans, directed to California, to Arkansas, and to Texas, and other places, and there they must be separated. Such are separating offices, and they require a considerable amount of labor.

Mr. BELL. And I understand the provisions of the amendment apply to both descriptions of offices?

Mr. RUSK. Yes, sir, to both descriptions.

Mr. JOHNSON. I wish to state a fact in connection with this bill. I do not understand precisely how it comes up now, but I will ask the Senator from Texas is the bill upon its passage?

Mr. RUSK. The bill passed the House of Representatives providing for the increase of deputy postmasters.

Mr. JOHNSON. Well, if it has already passed there, I am happy to hear it. I wanted to show the absolute necessity which exists for such a provision, and I thought I could do so by the simple statement of a fact; but if it has passed, it is unnecessary to say anything about it.

Mr. RUSK. There is a typographical error which will require to be corrected. The 30th of March, occurs in one place, evidently by mistake. It should be the "31st of March."

The PRESIDENT. That correction will be made.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in, and was ordered to be engrossed. The bill was ordered to be read a third time, was read a third time, and passed.

NEBRASKA AND KANSAS.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk.

Mr. PRESIDENT: The House of Representatives has passed a bill entitled "An act to organize the Territories of Nebraska and Kansas," in which I am directed to ask the concurrence of the Senate.

The PRESIDENT *pro tempore* subsequently announced the bill to the Senate on its first reading.

The bill having been read a first time,

The PRESIDENT said: The bill will now have its second reading, with a view to reference, if there be no objection.

Mr. SUMNER. I object to the second reading of that bill out of its regular order.

The PRESIDENT. Then it goes over until to-morrow.

BOOKS FOR NEW MEMBERS.

Mr. JONES, of Iowa. I desire to have called up, and acted upon, a resolution which I submitted some time ago, under the directions of the Committee on Pensions, to provide for the distribution to new members of the Senate of the same number of Mayo & Moulton's edition of the pension and bounty land laws, as was ordered at the last session.

Mr. HUNTER. I hope the Senator will not call up that resolution at this time. It is time to proceed to the consideration of the special order.

Mr. JONES, of Iowa. I do not think there will be any objection to it.

Mr. HUNTER. Yes, sir; there will be opposition to it.

Mr. JONES. It is important to have it acted upon. I hope there will be no objection to it.

Mr. WELLER. It can be disposed of as well in the morning hour to-morrow as to-day.

The motion of Mr. JONES, of Iowa, to consider the resolution was agreed to.

The resolution is as follows:

Resolved, That the joint resolution of the 24th of February, 1854, for supplying new members of the present Congress with all such books of a public character in the same proportion as were furnished to members of either House at the last Congress, embraces Mayo & Moulton's edition of the pension and bounty land laws, &c., in the proportion of eight copies to each of the said new members, and that the Secretary of the Senate shall so understand and execute the said resolution.

Mr. WELLER. I do not suppose that it is worth while to interpose any objection to the resolution. It has been the custom heretofore for the Houses of Congress to distribute books among themselves. For my part, I have a great many

more now than I want. I hope the vote will be taken now, as I desire to make a motion.

The question was taken; and the President declared that the yeas appeared to have it.

Mr. JONES, of Iowa. I did not understand that there was any objection made to the passage of the resolution. I did not know that the Senator from California made any objection to it. I thought he was in favor of it. It is simply to give to new members, who have come in since the passage of the resolution of last year, the same number of those books which the old members have received—that is, eight. The new members have each received one, and the resolution proposes to allow seven more copies to each.

Mr. WELLER. I would ask the honorable Senator whether any restriction as to the price is to be put upon these books?

Mr. JONES, of Iowa. The price was fixed originally. The sum which was paid for those received by the old members will be paid for these.

The question was taken; and no quorum voted.

Mr. JONES. I ask for the yeas and nays.

Mr. WELLER. I appeal to my friend from Iowa to suffer this resolution to pass over until to-morrow. Some of us have not yet examined this book. If it be a valuable one to the country generally, we shall be disposed to vote for the resolution.

Mr. JONES, of Iowa. I am one of the old members, and have received my number of copies. I have, therefore, no personal interest in the resolution; but I dislike to see this distinction made of giving to old and not to new members.

Mr. WELLER. I am a new member, and I speak for myself, and say I do not want them.

Mr. ADAMS. You may speak for me, too.

Mr. JONES, of Iowa. If the Senator does not want them, I will take his number and dispose of them.

Mr. WELLER. At all events I want to look at the book first before I give my vote towards making the people pay for it. If I want one of the books I can buy it. I move that the further consideration of the resolution be postponed until to-morrow, in order that the Senate may proceed to the consideration of the indigent insane bill.

The motion was agreed to.

INDIGENT INSANE BILL.

Mr. WELLER. I move to postpone all prior orders, for the purpose of taking up the indigent insane bill.

Mr. BELL. I suggest whether it would not be better for us to go on, and finish the Indian appropriation bill now, and not take it up and then lay it by for several days, as we have already done. I trust that the Senate will proceed to dispose of that bill some way or other.

The PRESIDENT. The question is on postponing all prior orders, for the purpose of taking up the indigent insane bill.

Mr. SEBASTIAN. I understand that the Indian appropriation bill comes up as the unfinished business, and the motion made by the Senator from California is to postpone it. I hope the Senate will not agree to that motion. We have been discussing the Indian bill for several weeks by piecemeal; and I think that now when we have a fair prospect of finishing it to-day, we ought to proceed with it. I believe that, all other circumstances being equal, it is better to pursue one subject at a time. I do not see any pressing urgency for the discussion of the veto; but I do see a great deal of necessity for coming to an early determination on the Indian appropriation bill. There are, Mr. President, appropriations contained in that bill, which ought to have been passed, and the money expended; and the goods and annuities to be purchased under them ought to have been on the Missouri river at this very moment. The Indian service is absolutely suffering for want of the appropriations contained in the bill. I hope the Senate, therefore, will not consent to its postponement.

Mr. WELLER. My desire is that the Senate shall proceed to vote upon this question, and not

consume, as we have been accustomed to consume, a whole day in discussing a question of the mere priority of business. Therefore I refrain from making any remarks, and hope we shall not consume the day in debating whether we shall do anything.

Mr. JOHNSON. Without expressing any opinion in regard to that, or in regard to what is involved in the abandonment of the Indian appropriation bill, I wish to say, that the amendment which is now pending has been before the body for days, and days, and days. Yesterday it seemed to be pretty well understood; but pass it over for two or three days, and it will not be understood at all. Unless you have the discussion fresh at the time, you cannot keep facts in the minds of Senators, in the midst of a thousand other things which they have to think of. This bill has never had a whole day's discussion, that I recollect, since it came up. On the contrary, when it has been taken up at the beginning of the day, it has been laid aside before the day passed; and when other things have been taken up in the beginning of the day, that has been taken up and considered at the heel of the day. It has been considered by piecemeal, as my colleague remarks—piece by piece, and his patience and courtesy have consented to give way whenever a Senator asked permission to go on with some other matter. Certainly, I think that his patience has exemplified itself here to an extraordinary extent; and it seems to me now, while there is yet something fresh upon the subject of this Indian appropriation bill upon the minds of the Senators from the debate which has taken place, it would be well to go on at least, and dispose of the pending amendment.

I therefore sincerely hope that the Senate will not postpone this bill for the consideration of the veto message, which is a mere outside discussion, for everybody knows that the debate on that cannot end in the passage of the indigent insane bill.

Mr. BROWN. My vote depends altogether upon circumstances. If any Senator is prepared to go on with the discussion of the indigent insane bill, I am prepared to vote to take it up, but unless there is an understanding that some Senator desires to address the Senate on that subject now, there can be no propriety in taking it up. We know that the discussion has not closed on it, and I do not myself know of any Senator who desires to be heard at this time. If the Senator from Virginia or any other Senator desires to be heard, I am willing to vote to take up the bill.

Mr. HUNTER. I understand the Senator from Michigan is prepared to go on.

Mr. BROWN. If the Senator desires to go on I will vote to take up the bill.

Mr. CASS. I have not the slightest desire to go on now. I intended to address the Senate this morning, if the question came up; but it is a matter of the most perfect indifference to me. I have no wish about it. I will, however, say it strikes me that there are some strong reasons why the Indian appropriation bill should be taken up.

Mr. BROWN. I think so too.

Mr. CASS. If the Senate desire to go on with the consideration of that bill, I am indifferent about addressing the Senate on the other.

Mr. SHIELDS. I hope we shall go on and finish one thing at a time. If the Senator from Michigan desires to address the Senate to-day upon the indigent insane bill, I hope it will be kept before the Senate until it is disposed of; or, if we go on with the Indian appropriation bill, that it will be kept before the Senate until it is passed. It is a very singular way of doing business to take up a bill and discuss it one day, and then lay it aside and take up another bill, and discuss it on the next day.

Mr. BUTLER. I want the judiciary bill taken up.

Mr. STUART. I wish to make a suggestion for the consideration of Senators. If we will take up the veto message and postpone it until Monday next, we shall be certain of disposing of the Indian appropriation bill in the mean time; and it seems to me that if, as has been suggested, we

should take up one thing at a time, we should get along much better.

Mr. WELLER's motion was not agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the House bill "making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30th, 1855;" the pending question being on the amendment reported by Mr. WALKER, from the Committee on Indian Affairs, to insert:

To the Creek nation of Indians, in full for all demands against the United States, the sum of \$500,000, in payment for eight million acres of land at six and a quarter cents per acre, taken from the friendly Creeks without compensation, by the treaty or capitulation of Fort Jackson, of August 8, 1814.

Mr. BELL. I made some remarks in support of this amendment, soon after it was presented by the honorable Senator from Wisconsin, [Mr. WALKER,] from the Committee on Indian Affairs, and I do not propose now to enter into it at any length. I listened to the remarks of the Senator from Alabama [Mr. FITZPATRICK] yesterday, and I think that some consideration is due to the statements made and views advanced by him. The facts which he stated are of the most interesting character. They are historically connected with the condition of this tribe of Indians, both before and after the war. Every sentiment uttered by that honorable Senator, I know is founded in the perfect conviction of the rectitude of the opinions and judgment which he had formed in relation to the propriety of this amendment. I understood him to say that there were some one or two counties of very fine land lying between the Coosa and Tallapoosa rivers, which were reserved out of the country usually called the hostile Indian country.

Mr. FITZPATRICK. When I was up on yesterday I alluded to two counties lying between the borders of those rivers. I should have added, also, that there is the county of Coosa and a portion of Tallapoosa lying between those rivers. There are four other counties. The two counties which I first alluded to are the Coosa and Randolph counties.

Mr. BELL. I have understood from former investigations on this subject, that there were two or three hundred thousand acres of land reserved out of the country, that was commonly called the country of the hostile Indians, by the capitulation of 1814; and that it was these two or three hundred thousand acres which General Jackson considered at the time of that capitulation, and which has been relied upon by Senators who have opposed this amendment, as having been a compliance with what was promised the friendly Indians when they assembled in convention in 1814.

The argument of the honorable Senator from Alabama I have not considered conclusive against the reasoning upon which I brought my mind to conclude that something ought to be done to further indemnify the friendly Creek Indians, according to the promise made to them by the Government, in the instructions to the commanding general who was authorized to make that treaty. As I understand it now, even by the statement of the Senator from Alabama, this reservation was not made for the benefit of the friendly Creeks. It was only so much saved out of the whole country, which would otherwise have been taken from the hostiles. The friendly Indians at once said "that is no equivalent; it is no indemnity; we were promised that our fidelity to the Government and people of the United States, in the war with the Red Sticks, should be remembered, and that we should have indemnity out of the country of the hostiles." When they saw, by the lines proposed by that capitulation, that some eight or ten millions of acres of their own country, which had never been occupied by the hostiles—upon which, perhaps, a hostile foot had never trod—were to be taken, they thought it was a strange mode of complying with their expectations, and fulfilling the promise which had been made, that they should be indemnified out of the country reserved from the hostiles. Now, as I understood the remarks of the honorable Senator from Alabama yesterday, the hostiles did remain in the country, and did not flee into Florida, but continued to occupy as much as the commanding general thought proper to leave them for a home, out of the whole

country taken from them. I understood the amount of country taken from the hostile Creeks on that occasion constituted the principal part of what is now the State of Alabama, amounting to some twenty-four millions of acres, and it was but a small evidence of mercy, of gratuity, on the part of the Government of the United States, to leave to the remnant of the hostiles that small proportion of the vast domain which was then wrested from them.

Mr. FITZPATRICK. In addition to the country lying between the two rivers, the Coosa and Tallapoosa, there was a large extent of country lying NE, E, and SE of the Tallapoosa river, including, if my memory serves me now, the counties of Randolph, Chambers, Macon, and I think a large portion of Barbour county beyond the Tallapoosa, and running down to the Chattahoochee, including a large portion of Barbour, Russell, Chambers, and Macon counties.

Mr. BELL. I am not sufficiently acquainted with the geography of the country to know the extent of those counties. I never before heard of any other county, except that lying between the Coosa and the Tallapoosa, as having been reserved in the territory of the hostile Indians. I hope the honorable chairman of the Committee on Indian Affairs will explain how that is. This is the first time that I ever heard it stated that such an extent of country was reserved; an amount, perhaps, constituting the principal part of some three or four other counties, in addition to the territory lying between the Coosa and Tallapoosa. What I wish to know in reference to the matter is, whether this was a reservation for the benefit of the friendly Creeks, or of the hostiles?

Mr. FITZPATRICK. It was occupied by the nation in common, like the country between the two rivers.

Mr. BELL. That would not be a strict compliance with the understanding.

Mr. WALKER. The only answer which can be given to the inquiry propounded by the honorable Senator from Tennessee to the chairman of the Committee on Indian Affairs, is simply that the Senator from Alabama is mistaken. From a thorough examination of all the documents in this case, from one end of it to the other, and of all the intermediate points, I can say that nothing whatever appears in them to show that there ever was any portion of country, either occupied by the friendly Creeks or the hostiles, set apart to them as a reservation outside of that lying between the Coosa and Tallapoosa rivers. If anything exists beyond the documents, I know nothing of it; but so far as appears from them, the Senator from Alabama is certainly mistaken.

Mr. FITZPATRICK. I am indebted to my friend from Wisconsin for his endeavor to put me right in regard to a matter about which I think I know something. I believe I have traveled over the greater portion of that country, and I have it as distinctly in my mind now as I have your face, sir. I undertake to say, that the country reserved under the treaty—not particularly for the hostiles or the friendly Indians, but to the Creek nation or Muscogee tribe of Indians—embraced the country lying between the Coosa and Tallapoosa, and the counties of Randolph, Chambers, Macon, Russell, and a large portion of Barbour county. Whether it was particularly set apart for this portion of the tribe or that, I will not undertake to say; but I will say that the settled portion of the Creek country was occupied by them after the treaty.

Mr. WALKER. I think I can explain this difficulty. If the Senator intends to assert that the Indians, after the treaty of 1814, claimed to own land in that region, I do not dispute it. The Government subsequently, from time to time, continued to buy from them, as from other Indian tribes, their lands lying both in Georgia and Alabama. But what is contended for here, is, that General Jackson set apart other country as a reservation to them beyond that included between the Coosa and the Tallapoosa. That will be found, on examination, not to be the case. He never pretended to set aside any other country than that for them, and but a very small portion of that. It will be found to be the case, too, that the Indians claimed to own—and the Government, by subsequent purchases, recognized their claim—and outside this district of country. I do not deny that there was country lying north as well as south of

the line in Alabama and Georgia, which it is indisputable General Jackson did compel them to surrender by the capitulation of 1814. If it is simply contended, however, that they owned land and had claims to land outside of this tract, I do not dispute it.

Mr. FITZPATRICK. I never contended that, by the capitulation, the lands reserved west of the Chattahoochee were specifically set apart for any portion of the tribe. My impression is, and always has been, that a portion of that was hostile country.

Mr. WALKER. The question is, was the land which was said to be given, claimed to be an equivalent for the enormous confiscation which was made—an equivalent which, it is asserted, was given by General Jackson? All he ever pretended to be an equivalent was the small portion lying between the Coosa and Tallapoosa rivers. The Government subsequently bought the general claims of the Indians to land in other portions of Alabama and Georgia.

Mr. FITZPATRICK. The country to which I referred was hostile country, the same as that to which I alluded. General Jackson may have spoken to the Indians about the land between the two rivers, but the country to which I refer was a portion of the hostile country in 1813 and 1814.

Mr. BELL. I can only say that I never heard before that any other country was reserved to them, or considered at the time as an indemnity to the friendly Indians, except the small tract of country between the Coosa and Tallapoosa. That was the very battle-ground on which the hostile Indians met the whites; the heart of the country which they occupied; the center of their power. It has seemed to me that, unless they were driven out, or abandoned the country altogether, and the friendly Creeks were at liberty to go and occupy it exclusively, it could not be said in any sense to be an indemnity to them, or a compensation to them for their fidelity to the cause of the whites in the war.

I am only stating the grounds on which I formed my opinion from an examination of the case formerly. I have not examined it particularly at this session; but I did in former years. I remembered that there had been a tract of country between the Coosa and Tallapoosa which it was contended was an indemnity or equivalent for the land taken from the friendly Indians at the south.

Mr. JOHNSON. We have volume upon volume of record evidence in the State Papers, relying upon the authority of General Jackson and the President and heads of Departments of that day, and the agents of the Government there. We have the maps furnished by the Topographical Bureau. Are we to abandon these, and go to matters of surmise? Such a course, it seems to me, will not tend to the evolution of truth, nor enable us to discharge our duty properly.

I have declined to go into the discussion of this case heretofore; but I wish to say to the Senate, that the investigation of this claim, when it was first brought before Congress, was confided to me, as chairman of the Committee on Indian Affairs in the other House. The committee discussed it and examined it. We went through all the volumes which have been produced here. We spent six or seven weeks in the investigation of them, and required the maps of the country to be made out; and I assert boldly that there is no record evidence whatever which shows that anything was given as an equivalent to these Indians, but the strip of land lying between the Coosa and Tallapoosa. If that was the only equivalent, what sort of a consideration was it? We must recollect that it was land taken from the hostile to be given to the friendly Indians; and when given to the friendly Indians as a satisfaction, and an indemnity, for what had been taken from them, our allies in the war, they were told, when they asked where the hostiles should go, "You have room in that strip to take them with you, and you shall do it."

We have in our possession the documents of all the transactions at the time. They were not as verbose at that day as we are in the habit of making them at the present time, when printing is easy and money is plentiful; but the documents clearly show that the friendly Indians, to whom this strip of country was given as indemnity, were required to take the hostiles in with them. The friendly Indians were the minority of the nation; and yet they were required to go in

and live amidst the hostiles in that little strip of country, and this was called an equivalent!

Sir, that caps the climax, I will not say of our inhumanity to our friends and allies who had fought with us during that war, but it caps the climax of our faithlessness, our utter abandonment to all sense of right. It shows the perfidy to which a nation can be sunk when it acts without considering what is to be the result of its action. The result of that action of the Government was to say to the friendly Creeks, "You shall take this strip of country as an equivalent for the lands taken from you; you shall go and live there; and although three fourths of the nation are hostiles, and never will be at peace with you, there is plenty of room for them to live with you there, and they shall be with you." The friendly Creeks had been our allies. They had fought for us, and shed their blood upon every mile of ground through that country in every battle which was fought. This, then, in fact, was saying to them, "We will tie you hand and foot and deliver you up to the hostiles; you have no peace with them, but you shall be butchered by them." This was the consummation of the language which we used towards them at the outset. Is this what was meant when the commanding general was told—

"You may likewise inform them (the friendly Creek Indians) that the United States will not forget their fidelity, but in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected."

We respected them by taking eight millions of acres of their land for nothing!

"And such of their chiefs as have distinguished themselves by their exertion and valor in the common cause, will also receive indemnification in the ceded lands."

We pledged ourselves to respect their claims, and to recollect their fidelity; yet we took eight million acres of their lands without remuneration, and said to the friendly Indians, a minority of the Creeks, only about one third or one fourth of the whole nation, "You shall be bound hand and foot, and delivered over to the hostiles." We remunerated them for their valor and fidelity, by putting them in the midst of the hostiles to have their throats cut, and all of them exterminated. Of course they never obtained possession of this equivalent. The hostiles always held it.

That is the manner in which we fulfilled our promises; and I am sorry to say that many Senators here seem to regard this as a fulfillment of the promise of fidelity to these Indians for their good faith and devotion to the whites. It appears by record evidence, which no oral testimony can be permitted to come in and dispute, that you took eight million acres of their land. Record testimony is the highest that can be given; and when you go back to a transaction which occurred forty or fifty years ago, it is almost the only testimony of which the case is susceptible.

I had almost determined to vote against this amendment, and I will state the reason. I went through a long, tedious, and laborious investigation of this whole matter some time ago. The Committee on Indian Affairs of the other House, of which I was a member, examined the subject thoroughly. We unanimously came to the conclusion that the claim ought to be allowed. There was but one dissenting voice in the committee, and that was a member from the State of Texas, who refused to come to the committee and submit his objections to them, and let the committee have the light of his investigations. Those of the committee who did make the investigation decided unanimously that it was indisputable that eight millions of acres of land were taken from these Indians without consideration or compensation. Then there were lands occupied by the Cherokees, which we refused to pay the Creeks for, because there was a doubt as to the title of the Creeks. We also took lands, under similar circumstances, from some other tribe of Indians, whose name I do not now recollect, which did, in fact, belong to the Creeks. Taking these cases altogether, it appeared that we took from these Indians sixteen or seventeen millions of acres of land, their title to which was so strong that a white man never would have given it up. Laying aside these other matters, however, that committee admitted our obligation to pay for the eight millions of acres taken from them by the capitulation of 1814. We then called upon the Executive Department to report to us what lands had been sold by the Indians throughout the South to the United States

from all the tribes, and the aggregate amounts which we had bought and paid for. We wished to ascertain the entire number of acres purchased, the quantity paid for each purchase, and the aggregate amount and number, so as to ascertain the *pro rata* amount which had been given for the several purchases per acre. The Department furnished us with a statement by which it appeared that the average price per acre was twenty cents; and the committee of the House of Representatives, acting with an eye singly to the justice of the case and the honor of the country—for the honor of the country is something—reported that that average price ought to be paid to the Creek nation of Indians; and we reported a provision for the payment, which amounted to \$1,700,000. The committee of the Senate having charge of the subject now reports the claim for \$500,000. Sir, if I were a Creek Indian, and you were to pass the appropriation of \$500,000, I would say to you, "If this be the reward which our fidelity gets; if this be the faith which respects our right of ownership, go, take your \$500,000; I scorn to touch your money." These are my feelings upon the subject, and this is the way I should look at it.

This transaction marks our records as preëminently beyond every other of the perfidious acts and infernal tyrannies which have been practiced against the various tribes of this misguided, ignorant, and defenseless race. I say this without fear of contradiction. It was my duty as chairman of the Committee on Indian Affairs in the other House, to give to the case the full devotion of my whole mind during the time I investigated it. I did so, and I worked at it long and faithfully. Not a single member of the nine gentlemen on that committee, except the one who refused to investigate the case at all, ever entertained a doubt upon the subject. This was in the other House, where there are generally to be found upon every committee some who are as hard to satisfy, even on clear matters, as are to be found in any other collective body of men that I ever knew. After the investigation we gave the subject, we came to the conclusion which I have stated.

Now, the Committee on Indian Affairs of this body unanimously report, I understand, in favor of the recognition of the claim; but they cut it down to \$500,000, on a ground which it seems to me is hardly tenable after fifty years. It is the ground spoken of by the Senator from Georgia, that the land in this country was not worth a cent an acre; and he cited as evidence of that the manner in which his own State government had disposed of her soil. If the value of our soil is to be judged of from the manner in which we dispose of it, it will be judged in many States to be worth nothing, for it is well known to be good policy to give away some lands when it is considered that national wealth depends upon the existence of a sound population, and not upon the money which is in the Treasury.

But, sir, to return to the point. The committee of this body, after mature investigation—and I know the Senator from Wisconsin, [Mr. WALKER,] who presented the amendment, investigated the case fully—has reported in favor of the allowance proposed. The committee of the House of Representatives of this Congress also reported favorably on this case. They both base their reports on no single authority, but what is found on the actual, indisputable records of the Government, with the seal of State marked upon every page. Now, we have been working at this matter for three or four days. It has been treated in a curious way. It has been taken up one day, handled a little while, a few facts evolved, and then laid over; and in two or three days afterwards it is taken up again, and so it goes on. Thus we have proceeded until the consideration of the matter has become an annoyance to the body, and the subject has sunk beneath disgust. If I were to vote against this appropriation, as I felt somewhat inclined to do, there is but one reason for it; and it is, that the amount proposed to be appropriated is a scandalous reduction from the amount justly due to the Indians. Both the committee of the Senate and the committee of the House, after full investigation, and on the faith of record evidence, were unanimous that the claim was right, and ought to be settled. Under these circumstances, I shall support the amendment.

Mr. BELL. I think, if my speech were to be

printed by itself, the remarks of the Senator would be a somewhat unreasonable interpolation.

Mr. JOHNSON. I beg the Senator's pardon. The fact that he had the floor had escaped me entirely.

Mr. BELL. I did not intend to make a speech at all; but I wish simply to say to the honorable Senator from Arkansas, that I think he has rather misstated what the honorable Senator from Alabama undertook to state. I did not understand the Senator from Alabama as stating that the other country which he suggested was pointed out or assigned at the time of the treaty. He did not pretend to add anything to the record.

Mr. JOHNSON. Then I have totally misunderstood him.

Mr. BELL. I understood him distinctly to state that the country of which he spoke belonged to the hostiles, and that it ought to be taken into consideration as part of the reservation; but he did not undertake to state at all that it was pointed out, or was so considered at the time of the capitulation.

Mr. JOHNSON. If that be so, I was certainly mistaken as to the remarks of the Senator from Alabama.

Mr. FITZPATRICK. My honorable friend from Tennessee has done me but bare justice in the statement which he has just made. I have not contended that lands south of the Tallapoosa river were set apart by General Jackson as a home for the friendly or the hostile Indians. I never alleged that any portion of that country was set apart for this or that portion of the tribe, but that it was a portion of the hostile country which perhaps General Jackson had stated the friendly Creeks might use in common with the others, if they saw proper.

Mr. BELL. I understood the honorable Senator to contend that other country besides that between the Coosa and Tallapoosa was left to the hostiles; but there, I think, is the defect of his statement. If he intended to affect the argument on which his amendment was supported, his statement is defective in this: that it appears this was not considered, at the time of the capitulation, as reserved as an indemnity to the friendly Creeks, but that only the country between the Coosa and Tallapoosa was so considered. I understand from the honorable Senator that there was other country occupied by them. He might have stated, I think, with more propriety, in regard to the nature of the transaction, as we see it detailed in the history of the capitulation, that there was other country which General Jackson might, according to his view of the subject, have taken as hostile country which he did not take.

Mr. FITZPATRICK. That is what I intended to say.

Mr. BELL. But General Jackson does not seem to have acted upon that idea himself. He left the other country to the friendly Creeks, as belonging to them naturally and by former claims and occupancy; and he assigned the country between the Coosa and Tallapoosa, which was undoubtedly hostile country, the very seat of war, for the occupation of the friendly Creeks.

Sir, I have never pretended that, in my judgment, this claim against the United States was founded *stricti juris*. I have not said we are under any obligation of that description to pay it; but I based my argument on the idea that I thought the promise held out by the Government to the friendly Creeks had not been complied with, and that hence the good faith and character of this Government, in dealing with an inferior people, like these Indians, was concerned, and that we should make them some indemnity, or give them some satisfaction at least, if not the whole amount that they thought themselves entitled to. I think it would be pretty extraordinary, under the circumstances, to say they should have \$1,700,000, which I understand was formerly agreed to by a committee, or suggested in one of the reports of the Commissioner of Indian Affairs. But when the claim is narrowed down to \$500,000, it occurs to me there is a great deal of equity in it. There is a great deal in regard to it which does not depend upon uncertain recollection. There is the statement of Colonel Hawkins; there are the instructions to General Pinckney, which were handed over to General Jackson. There was an acknowledged departure from the instructions in wresting from the friendly Creeks a large tract of

country without any suggestion or instruction on the part of the Government. The General justified it, however, upon strong and sound political grounds.

It has been argued here that this was for the benefit of the friendly Creeks; but it was very natural that they should not think it was for their benefit. When this small tract of country between the Coosa and the Tallapoosa was pointed out to them as the compensation they were promised for their fidelity to the United States in that war, and they were told that the hostiles should continue to occupy it, it was very natural that the friendly Creeks should think, and say, that they could not regard that as any equivalent or compensation to them. It was only allowing to remain in the possession of the hostile Creeks a small portion of the whole country they had formerly occupied—almost an entire State being ceded by that convention. But, sir, they signed the treaty, and, therefore, I say it is not a claim *stricti juris* on this Government; though I think it is founded on considerations which ought to be considered here equally strong, and quite impregnable when assailed, unless there be other evidence than any I have yet seen or heard.

When I first examined this claim several years ago, the principal point which staggered my mind, and led me to doubt the propriety of the allowance, was the fact that it had not been mentioned in the various treaties which were made. We made a treaty with the Creeks in 1818 or 1819, another in 1821 and again in 1825 and 1826, and finally in 1832; and it struck me as singular that this claim had never been pressed in any of those treaties. This suggestion was made the other day by the honorable Senator from Georgia, [Mr. Dawson,] not now in his place, and it was the principal ground on which I doubted whether I could give this claim my support, some years ago, when I was a member of the Committee on Indian Affairs, and examined it with a good deal of care. But, sir, if the honorable Senator were here now, I would ask him to say whether at any time, when any of those subsequent treaties were made with these Indians, they could have been brought to agree upon it. We know their broken condition as a tribe. We know the rivalry or hostility of feeling which existed between different portions of the nation. It was suggested the other day, as a reason why they had not put forward the claim before, that owing to these circumstances, they could not agree upon the proper distribution of the amount. The friendly Creeks naturally thought they were entitled to the whole of it, if it was to go to them as compensation or indemnity, and those of the hostiles who continued to remain with the main tribe, and live on terms of friendship and harmony, probably considered that they were all one nation, and that they would be entitled to their proportion of the indemnity, if it should be granted. That suggestion, however, was only thrown out. I do not know whether there was any foundation for it in fact, except that I heard it mentioned as one of the causes.

But there was another cause. Was it not very natural, in the treaties which were made in the years referred to, that these Indians who were made, I will not say victims, because I do not care to use such language in reference to that capitulation, should have avoided mentioning this claim? I consider that General Jackson, upon that occasion, in departing from his instructions, acted on high political motives in taking the whole of this country away from the friendly Creeks, except this little strip, and what the Senator from Alabama now thinks might have been called hostile country, and, therefore, I will not go into that matter. I think it was showing very little leniency or mercy to a beaten and conquered people—an Indian tribe. It was certainly exorbitant indemnity for the expenses of the war. General Jackson was a man who acted on high feelings and impulses of patriotic public duty; but when he was pursuing those ideas, he was sometimes a pretty hard man in executing those purposes. But, so far as I learn from the history of the transactions, General Jackson had it in view to indemnify these Indians. He had kind feelings towards them; he must have had. It was not in his nature to have had other feelings towards the friendly portion of the Creeks. That, however, is neither here nor there. But in addition to this indemnity for their fidelity, out of the country that was to be

taken from the hostile Creeks, there was a promise of indemnity for spoiliations for their property destroyed, their stock taken, and their houses destroyed and plundered by the hostile Creeks. Then, when in 1818, and in 1821, and again in 1825 and 1826, they came to make treaties, was it not the most natural thing in the world for these down-trodden people to imagine that if they could not even get that indemnity to the extent which they claimed, it was no use to present this other claim? I believe commissioners were sent down to ascertain the amount of the claims for spoiliations, and they reported in favor of allowing \$200,000. They could not even get that; but two committees of Congress reported that it was understood \$60,000 would have been full indemnity for all they suffered by the hostile Creeks—the Red Sticks—in that war. Then was it not the most natural thing in the world that they should conclude that it was not worth while to make any claim for the country taken from them on the southern border, in violation of instructions, and when they had been promised compensation for their fidelity, out of the lands wrested from the hostiles? They got none there which they considered an equivalent. The hostiles were permitted to remain on the country given to the friendly Creeks. They could not consider it—and they so expressed themselves at the time—as any equivalent for the country taken from them. However much they may have felt their weakness, however keenly they may have felt what they considered to be the oppression of the greater power of this Government upon them, it would be idle and vain, when they could not get the \$180,000 or \$190,000 which had been promised for their property destroyed, stock killed and driven off by the hostile Creeks, to present this claim. If they could not even get that from the United States Government, they might very well consider that it would be a bootless attempt to seek anything further.

In addition to this, I may state what the honorable Senator from Georgia [Mr. Toombs] knows, that in the deficiency bill which we have passed, or in this bill—I do not recollect which—there is an appropriation for the balance of the claim for indemnity for those spoiliations yet remaining to be paid; and only two or three years ago a considerable portion of it was paid.

Mr. TOOMBS. That appropriation is in this bill. I will state to the gentleman that there is nothing more liberal than the conduct of the Government in reference to those spoiliations. First \$85,000 was appropriated, and most of it distributed by agent Hawkins; but he said that a few of the parties were out hunting, and there was a little balance due them. Mr. Hawkins died, and a new agent, General Mitchell, of my State, was sent, and he reported the amount unpaid to be \$110,000, making, altogether, about \$200,000, which amount we have since paid. That sum of \$110,000, I have no doubt, was all *ex gratia*.

Mr. BELL. It was a long time back.

Mr. TOOMBS. It ought never to have been paid.

Mr. BELL. But they urged it, and a large portion of them believed that it was a well founded claim; and when they could not even get that, what was the use of prosecuting a claim for half a million, or a million, or a million and a half of dollars for land taken from them?

There is another reason to account for the delay. At the period when these treaties were made, our Treasury was not like it is now. We were pressed to pay off the debt contracted in the war with Great Britain; a heavy debt was pending upon us; and except in a flushed period, in 1817 and 1818, of over-trading, excessive importation, and of course excessive revenue, (all of which was ready to be absorbed, and was absorbed at once in the payment of the debt,) the whole course of Congress and the Government, in relation to the payment of claims of any description to the Indian tribes, or others, was a very rigid one. The most rigorous scrutiny was instituted, and I have no doubt that frequently some just claims were thrown aside.

Mr. TOOMBS. We were well off in 1832.

Mr. BELL. The public debt of the war had then been nearly paid off, I believe. I remember that it was a very great feature with the Administration just then being inaugurated, that the public debt was about being extinguished, and public prosperity beginning to revive. From the time

when the war took place up to the period when the war debt was paid off, there was great stringency in the affairs of the Treasury, and a rigid scrutiny was instituted upon every demand on the Government which had to pass through the committees of Congress. Any person can see that by examining the reports of the committees, Congress did not suppose they had the ability to be liberal and generous, and what was not a claim originating in absolute treaty stipulations, and *stricti juris* in its nature, was, without any hesitation, thrown out. I merely suggest this as a probable reason; but the main consideration is, that when the Indians could not get their claim paid for spoiliations, it is not singular that they should never have brought forward this claim. Having made these remarks, I submit the question to the Senate.

Mr. CASS. I concur with the Senator from Mississippi, [Mr. Brown,] in the opinion that this is a case involved in some doubt. It is not clear; but I agree with him that there are strong equitable considerations in support of the claim. If it were a claim between this Government and white citizens, I should vote against it; but the circumstances and considerations attending this case are such as present a very strong appeal to us. When we look to these people, when we know their condition, when we know how ignorant they are of our institutions, and how difficult it is for them to press their claims, when we look to all the equitable circumstances, I think we should treat them with great liberality. You know, Mr. President, and I know, that they have been borne forward on the great tide of civilization from the borders of the Atlantic almost to the Pacific ocean. We have extinguished their council fires and ploughed up the bones of their ancestors; and now, when they come to us for a little pittance for a reasonable allowance of part of the consideration to which they were entitled under former arrangements, I think we ought to yield to it.

The Senate are aware that I negotiated here, under General Jackson, the treaty of 1832 with the Creek Indians; and I have an indistinct recollection—though not enough to allow me to allude to specific facts—that this claim was then mentioned. The honorable Senators from Georgia, and others, well know that circumstances then prevailed which rendered it indispensable that the Indians should be removed out of the State of Georgia. Every effort was used with them, here to effect that object. It was necessary for the tranquillity of that portion of the country. And I think it is very probable—though I do not know it to be so—that it was said to them by General Jackson, as they now state, that if they postponed the claim, and urged it after they got west, it would be received more favorably. I repeat that I have an indistinct recollection that a claim like this was made.

Having been a contemporary of these transactions, I know all the circumstances relating to this matter, and I say no men could have behaved better than the friendly Creeks did. I know they were exposed to great trials. Allusion has already been made to the journey of Tecumseh among them. I have some knowledge of that circumstance. Here allow me to say, that in the history of our intercourse with the Indians, there have been two great men who have made their appearance among them, both animated with the same views, both instigated by the same objects, and both seeing that there was but one way to stop the progress of the white man, which was by a united effort among all the Indians. The object of their lives was to bring the Indians to that condition, to form them into a great union or confederation, to oppose the progress of the whites. One of these was Pontiac and the other Tecumseh, with an interval of half a century between them. In 1811 Tecumseh went to the South, to have an interview with these Creeks, in order to favor the project he then entertained. He was not present at the battle of Tippecanoe, in November. It may be that the result would have been different if he had been there; but he was among these Creeks at that time, with a view to instigate them to war. I know it, for I had a whole narrative of the circumstances from beginning to end, from the Shawnee Prophet, his brother. I know very well the strong inducements he held out, and I know these friendly Creeks were animated by the best feelings to the

United States, or they would have yielded to his representations. Under these circumstances, I shall vote for the claim.

The question being taken by yeas and nays upon the amendment, resulted—yeas 12, nays 22; as follows:

YEAS—Messrs. Badger, Bell, Brown, Cass, Clayton, Foot, Johnson, Rusk, Sebastian, Smith, Thompson of Kentucky, and Walker—12.

NAYS—Messrs. Adams, Allen, Atchison, Bayard, Chase, Clay, Fish, Fitzpatrick, Hamlin, Hunter, Jones of Tennessee, Norris, Pearce, Pettit, Shields, Shidell, Stuart, Sumner, Toombs, Toucey, Wade, and Weller—22.

So the amendment was rejected.

Mr. SEBASTIAN. I have some other amendments to offer from the Committee on Indian Affairs. The first is to insert:

For payment of the amount of his improvements to David Carter, an emigrant, under the treaty with the Cherokees in 1828, in pursuance of the sixth article thereof, \$2,826 50.

Mr. HUNTER. Is that in pursuance of a law, or a treaty?

Mr. SEBASTIAN. It is in pursuance of the treaty of 1828. The amendment provides for the payment of over \$2,800 to pay this claimant for his improvements, in pursuance of the sixth article of the treaty of 1828. There is a lengthy report on the subject, which I do not consider it necessary to read to the Senate, but which I have here in manuscript. I will merely state, that by the treaty of 1828 with the Cherokees, the Government of the United States offered to pay to any Cherokee who would enroll himself and go west, the valuation of his improvements which he abandoned in his old country. This was evidently a temptation which the Government, from policy, saw proper to hold out for emigration. David Carter enrolled himself, and had his improvements valued. The amount of the valuation was over \$4,000; but in consequence of difficulties, which it is unnecessary to explain on the mere question of order, the Indian office has never paid the amount. After a thorough investigation of the case, I am satisfied there is no reason why it should not be paid; and, if just at all, it is in strict fulfillment of the treaty of 1828. I merely state this much of the claim to show that it is not excluded by the rule.

Mr. HUNTER. I should like to know, if this is in accordance with the treaty, why it was not paid at the Department?

Mr. SEBASTIAN. I will explain that.

The PRESIDING OFFICER. (Mr. ADAMS in the chair.) The Chair understood the Senator from Arkansas to reserve that explanation until the question of order shall be disposed of.

Mr. SEBASTIAN. I only explained before as much as was necessary, pending the question of order; but as the Senator from Virginia asks why it was not paid at the Department, I will state the reason very briefly; and this statement will answer just as well on the consideration of the merits of the case.

The enrollment was made in 1834. The valuation of these improvements in the same year was fixed at \$4,200, and David Carter emigrated west under the terms of the treaty. When he arrived there he found that, by some mal-administration of the fund, there was no money to pay him. In the mean time, in 1835, the final treaty was made with the Cherokees, by which he became not only entitled to the value of his improvements, but to other claims under the treaty as a Cherokee. He came on for the purpose of attending to all of them. Under the ninth article of the Cherokee treaty of 1835, the commission allowed him, \$4,200 for his claims for spoliation, and the amount was paid to him. In the mean time, upon the report of the superintendent of Indian affairs for that country, who suggested that there had been some very extravagant valuations under the treaty of 1828, this case, among others, was looked into, and referred to Mr. Return J. Meigs, who reduced the valuation from \$4,200 down to \$1,250, unless Carter could show there was some error in the report made by him, which Carter was to be allowed to do. The opportunity was afforded to him, and a subsequent investigation by Benjamin F. Curry, appointed to examine this particular claim, exonerated Carter from the charges of fraud; but, inasmuch as he thought some two or three other persons were entitled to a share of the improvements, he reduced the valuation down to the amount mentioned in the amendment, a little over \$2,800.

Afterwards, when application was made to the Indian officer for the payment of this sum, the officers there took up a new idea in their heads. In consequence of the inaccurate use of a word in a letter of the Commissioner, in 1837, explaining the nature of the decree allowing him for spoliations, they took up the idea that the decree for spoliations embraced also the claim for improvements. That, after investigation, I found was an entire misconception on the part of the Indian office. By referring to the original decree of the Commissioners, I ascertained that the spoliation claim alone of David Carter was adjudged by them—not including the claim for improvements under the treaty of 1828. The claim for spoliations was under the treaty of 1835. That difficulty being surmounted, it leaves this claim as one that has been unadjusted, and which has been suspended and tied up heretofore in consequence of that state of facts. These, briefly, are the circumstances of the case, and I think they admit of no question.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment of the committee is to insert:

For salaries of six agents, authorized by this act, at the rate of \$1,500 per annum, the sum of \$9,000.

This is put in, at the suggestion of the Indian office, to provide for the salaries of agents already authorized by other amendments which we have adopted.

The amendment was agreed to.

Mr. SEBASTIAN. I have another amendment from the Committee on Indian Affairs, which I believe meets the approbation of the chairman of the Committee on Finance, to whom I have submitted it. It is to insert the following additional section:

Sec. —. And be it further enacted, That the President be, and he is hereby, authorized, by and with the assent of the Indian tribes respectively, to be obtained in due form, to redeem and extinguish the perpetual annuities or the payment of interest perpetually upon sums of money required to be held in trust or invested in stocks, by either paying to said tribes the par value or equivalent of the said annuities and perpetual interest in whole or in annuities for a term of years, as he, in his judgment, may deem most advantageous to the Indians respectively.

The amendment was agreed to.

Mr. SEBASTIAN. The Committee on Indian Affairs also instruct me to offer the following amendment as an additional section:

Sec. —. And be it further enacted, That, to enable the Secretary of the Interior to settle and pay the claims on file for reservations, and for rents and improvements under the thirteenth and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for this purpose, and carried to the surplus fund, is hereby reappropriated.

Mr. HUNTER. I believe I understood from the chairman of the Committee on Indian Affairs that these claims are ascertained to be good?

Mr. SEBASTIAN. Yes, sir; there is no doubt of that.

The amendment was agreed to.

Mr. SEBASTIAN. I have another amendment:

To pay Andrew Taylor for his reservation of six hundred and forty acres at Sitico Old Town, on the waters of the Tennessee river, \$14,720, with interest from the 23d day of August, 1843.

I offer this amendment at the request of the Senator from Pennsylvania, [Mr. COOPER,] who offered it before, and who is not now in his seat. The Senate, I believe, are pretty familiar with the subject of this amendment. It was agreed to by the Senate once before, but was lost in the committee of conference. It was rejected the other day in consequence of the application of a rule which I understand is now so modified as to admit this amendment to be in order.

Mr. HUNTER. I do not recollect what was the decision of the Senate. Unless this comes under a treaty, it is clearly excluded by the rule.

Mr. SEBASTIAN. By the very terms of the amendment, it will be seen that it is to fulfill a treaty stipulation. It is to fulfill a stipulation of the treaty of 1835, by which the United States agreed to pay the Cherokees the value of the reservations secured to them under the old treaty of 1817, and expressly reaffirmed in that treaty of 1835.

The question being taken, there were, on a division—yeas 14, noes 12; no quorum voting.

Mr. BROWN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RUSK. I apprehend the Senate have forgotten the discussion which took place on this subject a few weeks ago. When it was discussed then, there was scarcely anybody against it. Similar claims have been paid under the same treaty. The amendment is to carry out the exact provision of that treaty—that the value of these reservations, which were lost to the parties by the operation of the laws of the State of Tennessee, should be paid out of the Treasury of the United States. There was no difficulty about the matter the other day, except as to the proposition being within the rule. That was the only difficulty about which there was any controversy then. This is a clear case. The money has been a long time withheld from the claimant, and various persons, precisely similarly situated, have been paid.

The question being taken by yeas and nays upon the amendment, resulted—yeas 23, nays 13; as follows:

YEAS—Messrs. Allen, Badger, Bell, Brodhead, Brown, Dodge of Wisconsin, Douglas, Fish, Fitzpatrick, Foot, Gwin, James, Johnson, Pettit, Rusk, Sebastian, Shields, Thompson of Kentucky, Toombs, Toucey, Wade, Walker, and Weller—23.

NAYS—Messrs. Adams, Atchison, Bayard, Cass, Chase, Clay, Hamlin, Hunter, Norris, Pearce, Shidell, Stuart, Sumner, and Williams—13.

So the amendment was agreed to.

Mr. SEBASTIAN. I have another amendment to offer from the Committee on Indian Affairs, which is the last one, I believe. I have no doubt the announcement is as gratifying to the Senate as it is to myself. It is to insert:

For the payment of the balance, *per capita*, due the Cherokee Indians residing in the States east of the Mississippi river, under the treaty of 1835, and the supplementary treaty of May, 1836, according to the stipulation of the tenth article of the treaty of August, 1846, the sum of \$92,625 18.

Mr. HUNTER. I think I have been informed by the chairman of the Committee on Indian Affairs that this is a sum which was paid by mistake to the Cherokees west, a portion of which ought to have been reserved for the Cherokees east. If that be so, it would seem to follow that this money ought to be reserved out of the payments to the Cherokees west, and not be made a charge on the Treasury of the United States.

Mr. TOOMBS. I so understood it.

Mr. SEBASTIAN. That is the understanding of the committee; but, for a reason which I will state, the amendment does not place it on that footing. In the disbursement of the large appropriation which Senators will recollect was made two or three years ago to the Cherokees, it so happened that the Cherokees residing east of the Mississippi, in North Carolina and Georgia, were entitled to receive their *per capita* by a different rule from that which applied to the Ross Cherokees, or national party, west. This would have made the distribution unequal. The distribution to them was to be under two treaties—one the treaty of 1835, and the other the treaty of 1846, which adjusted the *per capita* of the two parties on very different rules and very different foundations.

In the administration of that fund, however, by the Indian department, they distributed the amount equally between all, the Cherokees west and those east; in that way giving to one class of Cherokees a larger amount than they were entitled to, and to the Cherokees remaining east a smaller amount than that to which they were entitled. Of course, therefore, the distribution fell short of the amount secured by the treaty to the North Carolina Cherokees, and there was a non-fulfillment of the treaty by not paying in full the money which had been appropriated, and which was due to the Indians under it. It was, therefore, a misapplication of funds consisting in the payment of too much money to the western Cherokees, and too little to the eastern Cherokees.

The amendment, as it now stands, stops, by its terms, with allowing the \$92,000 to the eastern Cherokees. I have no objection at all to a declaration being inserted in the amendment that the President may, in such manner as he may deem just, reserve the amount out of the annuities or other funds of the western Cherokees. The committee did not insert that proviso in the amendment, because it was apprehended some difficulty might occur by an attempt at the present time to reserve it out of the annuities of the western Cherokees, a large proportion of which are trust

funds for education and other purposes. But it is very obvious that in the course of events, which we cannot mistake, we may obtain the amount in some other way. The Cherokees have a large amount of country in the present boundaries of Kansas and Nebraska which they wish to sell; and it was believed by the committee to be an appropriate plan to take the amount out of the money which may be paid to them for that purchase; for when purchases are made, of course the Government gives them a certain price for the land. The committee thought that, instead of requiring them to pay the whole amount at one time, it was better to enable the President to give them some easy terms, rather than take the amount out of their annuities at this time, which are most of them trust funds. That is the reason why the committee did not express in their amendment, what was the unanimous opinion among them, that the amount ought to be taken out of the Cherokee funds.

Mr. HUNTER. I will suggest to the Senator to attach a proviso, saying that the amount shall be taken out in such sums, and in such manner, as the President of the United States shall deem proper.

Mr. SEBASTIAN. I will accept that amendment.

Mr. HUNTER. To meet the view of the Senator from Arkansas, I propose to add the following proviso:

Provided, That the same shall be reserved from the sums of money hereafter to be paid to the Western Cherokees, in such manner, and in such amounts, as the President of the United States may direct.

Mr. SEBASTIAN. I would suggest to the Senator that it would be better not to use the term "reserved," for it looks as if the United States were not primarily to pay the amount. My wish is that the Government should first pay it, because it is a small amount to be distributed among so large a nation as the Cherokees, and then to reserve it hereafter, out of the funds of the Cherokees west, so that the North Carolina Indians may now get the \$92,000, and the Government indemnify itself hereafter.

Mr. HUNTER. I think that is the effect of the proviso as it now stands.

Mr. SEBASTIAN. If so, I am satisfied.

Mr. HUNTER. This touches only the amount to be reserved. But instead of using the term "reserved," I will say "reimbursed," so as to express the idea exactly.

Mr. SEBASTIAN. That will accomplish the object.

The amendment to the amendment, as modified, was agreed to; and the amendment, as amended, was adopted.

Mr. GWIN. I offer the following amendment:
For a clerk to the superintendent of Indian affairs in the Territory of Washington, \$1,800.

Mr. President, I understand that the superintendent of Indian affairs for every one of the superintendencies has a clerk, except the superintendent in Washington Territory. This amendment is in pursuance of an estimate from the Department allowing \$1,800 for this clerk. The papers have come to the committee, but they could not lay their hands on them at this time. I hope the amendment will be adopted. It is indispensably necessary for the discharge of the duties of this officer.

Mr. WALKER. I do not rise for the purpose of making objection to this appropriation, but to correct the Senator from California in one particular, and upon that to make a remark. He is mistaken when he says each of the superintendents is allowed a clerk. I believe that when you get out of the region of Wisconsin, a little more liberality is pursued by the Government than ever has been pursued there. The northern superintendent had a clerk under the last Administration; but when this Administration came into power, his clerk was respectfully taken from him.

Mr. BROWN. Respectfully! [Laughter.]

Mr. WELER. It could not have been done any other way. [Renewed laughter.]

Mr. WALKER. Yes, sir, the superintendent was "very respectfully" deprived of his clerk; while the local Indian agent in Detroit, Michigan, is allowed a messenger, who acts in the capacity of clerk, and discharges all the duties of the agency besides, for the agent himself does not live at Detroit, but lives on the line of the Southern Michi-

gan and Northern Indiana railroad, and does not attend to his duties at all. He is allowed a clerk, or what is the same thing, a messenger, who discharges the duties. I have never taken occasion to volunteer remarks when the subject of them was not legitimately before the Senate; but I feel that on this occasion I can, with propriety and with justice to the northern superintendent, complain that, while his compensation is no greater than that of any other superintendent, and while his duties are extended over a very considerable region of country, he has been deprived of his clerk and messenger, and nothing in the world is allowed him as furniture for his office but a pine table and an old desk.

Mr. BROWN. Move an amendment to give him a clerk. Put him in with the other superintendent.

Mr. GWIN. I do not controvert the position of the Senator from Wisconsin; but we have made a large appropriation in this bill to enable Governor Stevens, who is the superintendent of Indian affairs in Washington, to make a number of treaties with the Blackfeet, and others, and it is indispensable that he should have a clerk to enable him to discharge his duties. I hope we shall dispose of this proposition without bringing up the question in regard to other superintendents.

Mr. STUART. I do not wish to oppose this amendment, but I rise simply to correct the Senator from Wisconsin in what he supposes to be a very great delinquency on the part of the Indian agent at Detroit. He is entirely mistaken in respect to the attention of that agent to the duties of his office. It is true that his chief residence is in the southern part of the State; but it is equally true that almost all of his time is spent in discharging the duties of his office at Detroit and elsewhere. I do not wish to say anything in respect to the superintendent resident in Wisconsin, as to the character of the furniture in his office, or anything of that sort. It may be very inadequate; but it is a mistake to suppose that the agent at Detroit does not attend to his business.

Mr. TOOMBS. I hope the amendment will not be entertained. It is creating a new office. It has not been brought before any of the committees, and I, for one, am not prepared to create additional offices for these superintendents without knowing something as to the necessity for them. I think, if there be any necessity for the rule which is so frequently applied to amendments to appropriation bills, this is a case where we are called upon to apply it. It is a proposition to create a new office, and to make an appropriation for it, in a case where none now exists by law. If the rule be worth anything, except to be applied to cases which you do not like, it seems to me that this is one of these cases where it ought to operate to exclude the amendment.

Mr. SEBASTIAN. I feel it due to state that I have just at this moment received a communication from the Indian office, which has, I know, for some time, had under consideration the propriety of allowing a clerk to the superintendents of Washington and New Mexico. I take it for granted, therefore, without reading them, that these papers are recommendations of that project. They are letters from the Department and from Governor Stevens, in relation to the superintendency embraced in the amendment. I had a conference with Governor Stevens but a few moments since, and he earnestly recommended this proposition. The objection which I had to it, and which I stated to him, was the fact that the Governors of these Territories where they were superintendents, had a Secretary of State provided for, who could hold both offices. He stated the fact that it was physically impossible for the Secretary of State, at least during half the year, to do the business of clerk to the Superintendent of Indian affairs. He said that there were about fifty tribes of Indians in Washington Territory speaking different languages; that he expected the correspondence, the taking of repeated census, and one thing and another would employ the time of that clerk in such a manner that the office would not be a sinecure; and that it was utterly impossible either that he or the Secretary of State could perform the duties of that office. The salary which is proposed to pay the clerk—\$1,800—I believe is reasonable.

Mr. GWIN. Some of these tribes are a thousand miles off from the seat of government of the

Territory where the secretary must be during the absence of the Governor.

Mr. HUNTER. The honorable Senator from Arkansas, as he informs us, has the estimate of the Secretary of the Interior. If so, the amendment is certainly in order; but I think we ought to hesitate in regard to creating these offices. I understand from the chairman of the Committee on Indian Affairs, that the only superintendents who at present have a clerk, are the superintendent in California, and the superintendent at St. Louis. Then, it would seem to follow, that if we give a clerk to this superintendency, we must go on and create the same office in regard to the others. This I am not prepared to do.

Mr. WALKER. It may be well to remark, that heretofore, by a departmental arrangement, these clerks have been allowed, and the superintendents have been deprived of them when the Indian Bureau or the Department of the Interior deemed it proper. In this instance, it seems to me a little strange that a clerk should not be allowed to this superintendent, if one be necessary. It has seemed equally strange that the northern superintendent should be deprived of his clerk, and be left with neither clerk nor messenger, and required himself to discharge all the duties, make payments, keep his accounts, make his reports, take charge of the office, and transact everything of that kind, without any other assistance than what he derives from the local agents, who are removed at very considerable distances from him.

I wish, however, while I am up, to offer an amendment to the amendment proposed by the Senator from California, to add:

And for a clerk to the superintendent of Indian affairs for the northern superintendency, \$800.

I think that superintendent can employ one there for that small sum, which is \$200 less than is allowed to the messenger for the local agent at Detroit.

Mr. SEBASTIAN. I observe that the Secretary of the Interior, in making the recommendation which he has done as to the superintendency embraced in this amendment, has extended it to a clerk for the superintendency in the Territory of New Mexico at an annual salary of \$1,000. He recommends, in the same letter, the allowance of a clerk to the superintendent of Washington Territory and of New Mexico Territory. I suppose the Senator from California will accept the amendment which I suggest to include New Mexico, as it was estimated for and recommended by the Department at the same time that the other was.

Mr. GWIN. I accept the amendment suggested by the Senator from Arkansas.

Mr. HUNTER. Those amendments for which there are estimates are in order; but the others are manifestly not.

Mr. WALKER. I presume it is in the power of a member of the Senate to offer an amendment to an amendment.

Mr. HUNTER. Not to add a new appropriation, unless it come within the provisions of the rule.

The PRESIDING OFFICER. (Mr. ADAMS.) The 30th rule provides that "no amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments." No proposed appropriation of money, in the opinion of the Chair, is in order as an amendment, unless it comes within these provisions, and the Chair holds that the same rule applies to an amendment to an amendment as to an original amendment.

Mr. WALKER. Then the Chair decides my amendment to be out of order.

The PRESIDING OFFICER. Yes, sir.

Mr. SEBASTIAN. I ask that the amendment be modified by adding to it, "to be allowed in the discretion of the Secretary of the Interior." I do so for the purpose of enabling the Secretary to dispense with the additional assistance, if he thinks the service of the Department will admit of it. I know that heretofore a clerk was allowed, and an appropriation was made for one for the southern superintendency, but the Department has been able to dispense with the services of that clerk, and consequently the office was abolished.

I think it a very wise provision to insert in this case.

Mr. TOOMBS. I would ask the chairman of the Committee on Indian Affairs, if the propriety of agreeing to these estimates has ever been submitted to the committee?

Mr. SEBASTIAN. No, sir, I received them this morning, and I did not state that they had received the approbation of the committee.

Mr. TOOMBS. I trust that these recommendations will not be adopted. I think it proper that they should go before some committee to see whether the amounts should be appropriated or not. It is a very extraordinary proceeding to bring in estimates from a Department when a bill is on its passage, and when the facts connected with the case are not before us, and to call upon us to create half a dozen offices, on the single recommendation of this officer, without the propriety of granting the estimates being submitted to any committee of the Senate, or any information whatever given to the Senate. I think it is a most extraordinary and loose mode of transacting the public business, without the least regard to economy, or even to ordinary care and vigilance.

Mr. SEBASTIAN. In reply to my colleague upon the Committee on Indian Affairs, I will state that I did not offer the amendment from the committee. I received the recommendation, and offered it as a member of this body, and not in my character as a member of the committee at all.

Mr. TOOMBS. I knew that.

Mr. SEBASTIAN. I offered it without the sanction of the committee for just what it was worth upon that recommendation, as any Senator upon this floor has a right to do. I believe it is the best, when we have time, that everything should go to the committee and be scrutinized by it. This amendment should have been before them, but it was received too late for that purpose.

Mr. GWIN. It is well known that the Governors of the Territories of New Mexico and Washington have recently reached this city; and that the fact of the necessity of these clerks has recently been brought before the Department of the Interior, and has been investigated by that Department. The Secretary of the Interior has investigated the question and has recommended the appropriation. I have not a doubt that the Senator from Georgia, if the question should go before the Committee on Indian Affairs, would, for the reasons given by the Secretary of the Interior, not object to the appointment of these officers, and to giving the discretion to the Secretary to discontinue them if the public service does not require them. This bill is now on the eve of its passage, and it is impossible, unless they are provided for now, that they can be appointed at all. I hope, therefore, that the amendment will be agreed to.

Mr. TOOMBS. I might concur in it, after I had examined into the subject, but I would leave nothing to discretion that I could regulate by law, and though I might do it there, I will not do it here, because I am without any information. I have nothing upon which to form an opinion; and it is an improper way of appropriating the public money.

Mr. GWIN. In answer to the remark of the honorable Senator, permit me to say that the bill is about to pass. Another question was expected to occupy the attention of the Senate to-day, or the subject of these appointments would have been before the Committee on Indian Affairs in their regular order.

Mr. BELL. The Senator from California knows me well enough to know that if I thought it important, I would vote for his proposition; but I wish to call to his memory, and to that of the chairman of the Committee on Indian Affairs, a few facts. It was only a year or two ago that all the Territory of Washington was a part of Oregon; and, before the former was organized, it was thought that a superintendent and three Indian agents, if I am not mistaken, were sufficient for the whole. In that were included not only the Indian tribes in what is now the Territory of Oregon, but those in what is also the Territory of Washington. I do not remember how many tribes the chairman of the Committee on Indian Affairs stated there were in that Territory.

Mr. SEBASTIAN. Fifty.

Mr. BELL. I suppose two or three families now and then constitute a tribe.

Mr. SEBASTIAN. Very often.

Mr. BELL. Then, I think, with perfect respect to the gentlemen who use this language, it is ridiculous to use such arguments, and to rely upon such statements as those which he has furnished as any sufficient ground for a proposition of this description. There are perhaps fifty tribes, as the Senator has stated, but as I heard long since—and I have not heard much to the contrary of late—there can scarcely be said to be any Indian tribes between the Cascade range and the ocean coast. It is stated also that there are some very considerable tribes who range chiefly on this side of the mountains. We heard the other day about the Blackheads. How many constitute that great tribe? I believe it is one of the most formidable which you meet after you pass the Rocky Mountains; yet it does not exceed, in all, some four or five or six hundred souls—men, women, and children, and when you come to enumerate the other tribes, you will find that two, or three, or four families sometimes constitute them, because they speak a dialect different from some other tribes. Some of them live on fish as the Indians do in California. I do not know any Indians who live there on roots and worms, but I think it is very likely that they do.

Now, sir, as I stated before, and I called the attention of the Senate to it when we acted on some former amendments to this bill, before we organized the Territory of Washington, three Indian agents were supposed to be entirely competent for the management, or to attend to the interests of the Indian tribes in what is now Washington as well as Oregon, and the tribes about Vancouver's Island, and in the settlements which now constitute the only white settlement in Washington, which, I believe, amounted to from three hundred to five hundred inhabitants at the time the Territory was organized. I imagine there are not more than five hundred or a thousand now; but whether it be the one or the other, the Indians have not increased. When our settlements were forming there was a detailed statement of some two or three hundred persons at the place which is now the seat of interest in Washington Territory. For these, three agents and one superintendent were supposed to be sufficient; but the moment you drew an imaginary line between the two Territories and organized a new one, it was insisted that as Oregon has three Indian agents, Washington ought to have three, or else there will be jealousy, and rivalry, and bad feeling. That was alluded to as a ground on which we ought to vote for the three additional agents. The honorable Senator from Arkansas, I admit, said he was informed, and he relied on the information that three were required in the new Territory; but the argument further was that it would make it equal to the number in Oregon. The honorable Senator will remember that I thought the argument was not a very solid one; but that one of two additional, at all events, would be competent for the two Territories. There is a new superintendent now, because there is a new Governor, and it is claimed that a clerk to the superintendent will be necessary. If I saw sufficient information to satisfy me that that was so, I would agree to it at once.

In regard to Indian treaties, where are they proposed to be made? There is to be one with the Blackfeet. I believe there is an appropriation in the bill for that purpose. The superintendent will take a clerk with him to attend to that treaty. What other great treaty is there? And what is there in a treaty with eight or ten Indian heads of families—for I suppose they amount sometimes to eight or ten—that requires the services of a clerk for the superintendent? What great "talk" is to be held? What protocols are to be discussed and considered? What variety of forms are to be entered into?

Mr. HUNTER. I hope we shall not multiply offices in this way. We are carrying that quite too far. I am afraid we have authorized the appointment of more Indian agents than ought to be allowed; and here is a salary of \$1,800 for a mere clerk to the superintendent in Washington Territory. That is too much. Then there is \$1,000, I believe, for the clerk in New Mexico. Why that difference?

Mr. GWIN. Mr. President, how many Indian agents are there on the Pacific coast? The Senator says we have too many. How many have we there?

Mr. BELL. There are six authorized in these two Territories.

Mr. GWIN. And that is all there is on the whole Pacific coast. There is not one in California.

Mr. BELL. You have greater machinery there.

Mr. GWIN. We have nothing but a superintendent. These salaries have been estimated by the two superintendents—one in New Mexico and the other in Washington. It is well known that the prices of everything in Washington and Oregon are very much governed by the prices in California. It is different in regard to New Mexico. I have no interest in regard to this matter; but I know that the superintendents in Washington and New Mexico look upon these appointments as necessary for the discharge of their duties. The Senator from Tennessee referred to the population of Washington. He says it is about one thousand.

Mr. BELL. I said it was that when the Territory was organized.

Mr. GWIN. Where are the Blackfeet Indians with whom we propose to treat? We have appropriated \$75,000 to defray the expenses of making a treaty with them. Are they in this superintendency?

Mr. BELL. They are on this side the mountains.

Mr. GWIN. Governor Stevens is to make the treaty with them.

Mr. BELL. They go and rob the Blackheads sometimes, and that is about all the mischief they do.

Mr. GWIN. An appropriation of \$75,000 or \$100,000 has been put in this bill on the recommendation of this superintendency; and, as he recommended it, of course he expects to make the treaties, and redeem his pledge.

The question was taken; and the amendment declared to be rejected.

Mr. SEBASTIAN. I attempted to attract the attention of the Chair before the question was put; and my object was to afford to the Senate the information which I possess by having the documents read which are in my possession.

Mr. BROWN. If the Senator desires to have the letters read, I will move a reconsideration.

Mr. SEBASTIAN. I do not care about it now. I will move the amendment again in the Senate.

Mr. BROWN. The memorial of the Bro'hertson Indians was referred to the Committee on Indian Affairs, but came into my hands yesterday morning for the first time; consequently, I have had no opportunity of examining it. I understand, from a verbal conversation with the Senator from Wisconsin, [Mr. WALKER,] that it contains a very meritorious claim, which ought to be moved as an amendment to this bill; but if the final vote on the bill is pressed this evening, of course I cannot propose the amendment, for I have had no opportunity of examining the memorial. I suppose this will be the only amendment that will be offered to-morrow morning, if, on examining the paper, I should find an amendment providing for it proper. If I had drawn up an amendment, I have had no opportunity of presenting it to the committee, of which I am a member; and I therefore move to postpone the further consideration of the bill until to-morrow, so that I may have an opportunity of examining this memorial, and submitting my own conclusion upon it.

Mr. STUART. Let the bill be reported to the Senate now.

Mr. BROWN. If the bill shall not be passed, and I shall not be cut off from offering the amendment, I agree to let it be reported.

The bill was reported to the Senate as amended; and the question was on concurring in the amendments made as in Committee of the Whole.

Mr. STUART. There is one amendment in regard to the reservation of the Sioux Indians in Minnesota, which I wish to have modified. Let that be excepted from the question.

The PRESIDING OFFICER. By unanimous consent the various amendments reported will be considered at the same time, except such as any Senator may desire to be separately voted upon.

Mr. HUNTER. A Senator can except any particular amendment. There is no necessity for reading them.

All the amendments but the one excepted by Mr. STUART were then concurred in.

The PRESIDING OFFICER. The question is now on the excepted amendment.

Mr. STUART. The whole amendment, as I understand it, is this:

"That the President be authorized to confirm to the Sioux of Minnesota for ever the reserve on the Minnesota river now occupied by them, and to embrace the country lying between the Little Maraga and the St. Peter's rivers, upon such conditions as he may deem just. And, further, that it be agreed between the United States and the Sioux band of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among them, and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose."

I simply propose to strike out the words "and to embrace the country lying between the Little Maraga and the St. Peter's rivers." It is an extension of their reservation which is not necessary, and which, I am informed, will do great injustice to white settlers upon the land, and will also make useless a fort which is now erected there. I understand from the chairman of the committee that, on subsequent information which has reached him, there will be no objection to my proposition.

The amendment to the amendment was agreed to, and the amendment, as amended, was concurred in.

Mr. HUNTER. I would ask the Senator from Mississippi, as we seem to be approaching so near to land, whether he will not allow us to take the question on the bill. He can bring in a separate report on that isolated case. We need not keep the bill back for that.

Mr. BROWN. I know nothing about the merits of the case; for, as I said before, I have had no time to examine it; but the Senator from Virginia very well knows that, to bring in a separate bill, would amount to a denial of the claim, if there be merit in it; because, if it were passed here, there would be no chance of getting it through the House this session. There may be merit in it. The Senator from Wisconsin knows more about it than I do.

Mr. WALKER. I will state what I know about the matter. The memorial was referred to the Committee on Indian Affairs, by whom it was sub-committed to the Senator from Pennsylvania, [Mr. COOPER.] Yesterday morning he brought the matter before the committee, stating that he was satisfied the appropriation ought to be made, but that he should not be here when the bill was taken up for consideration again. Being from the State in which the Indians are, I did not desire to take the case and draw up the report and amendment myself; and, upon my suggestion, the committee submitted the report to the Senator from Mississippi. Since then, as he informs the Senate, he has not had an opportunity to look into it. I believe, so far as any member of the committee expressed his opinion on the subject at the time, there was a general concurrence in the merit of the claim. The Senator from Mississippi was to look at it and satisfy his own mind, and when he became satisfied, to draw up an amendment.

I will state that we cannot take a vote on the bill this evening for another reason. I have an amendment to offer, which is known to the Senate since last session as the Menomonee claim. It is a large one. I offered it at the last session; but, on the request of the Senator from Tennessee, the report—a lengthy and detailed one—then being printed, I withdrew the amendment to give an opportunity for further examination into that report. I shall have to offer it, and shall do so before the bill passes. It is one which, to say the least, will require the report to be read, if nothing should be said upon it. I shall ask for its reading when I offer the amendment. I am confident we cannot take the question on the bill to-day. I therefore renew the motion to postpone it until to-morrow.

The PRESIDING OFFICER. Does the Chair understand the Senator to move a postponement or an adjournment?

Mr. WALKER. It is the usual hour of adjournment; and, that the bill may come up to-morrow as the unfinished business, I move that the Senate do now adjourn.

Mr. HUNTER. I thought it was the opinion of the Committee on Indian Affairs that we could get through with the bill to-day. If we have but

one more amendment, let us sit here and dispose of it.

Mr. WALKER. It has already been announced that there are two, and one of them is not ready. I can say, for my part, that I expected that we should get through with the bill to-day; but the lengthy discussion of this morning, in addition to that which took place heretofore, in reference to the Creek claim, has postponed us to this hour.

Mr. WELLER. I hope we shall go on with the bill. My friend from Virginia has had a very difficult road to travel, and he begs so hard that I cannot refuse him. I shall, therefore, vote against the adjournment, though it will be departing from my usual practice.

Mr. BADGER. I do hope that something will be done for the Committee on Finance in general, and my friend from Virginia in particular. We have had enough of this bill. It has lagged on here at a slow dragging pace, and for my own part I feel the strongest disposition to support the chairman of the committee now against all postponement by way of making some apology and some reparation to him for having in several instances, upon this bill, deserted my leader and gone against him.

Mr. WALKER. I do not know, on account of any personal consideration, that I ever asked the Senate before either to postpone a measure or to adjourn. Here is the first matter in relation to the Indian appropriation bill to which I desire to call the attention of the Senate that has reference to the State which I represent; and, under the circumstances, an honorable Senator from another State saying he has not had an opportunity to investigate the case, and I stating that I have another amendment, which will require discussion, or at least the reading of a long report, it would seem to me it might superinduce this act of courtesy, to say the least of it, on the part of the Senate.

Mr. WELLER. I will vote for the adjournment after that statement.

Mr. BADGER. So will I.

Mr. WALKER's motion was agreed to; and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 24, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER stated that the business first in order was the consideration of a bill (H. R. No. 330) further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, and the act amendatory thereto, passed August 30, 1852; and that the pending question was on the motion of the gentleman from Ohio, [Mr. OLDS,] to refer the bill to the Committee of the Whole on the state of the Union.

Mr. PHELPS. I rise to ask the unanimous consent of the House that an order may be made postponing the Pacific railroad bill, which is the special order in the Committee of the Whole on the state of the Union for to-day, until to-morrow, or until the deficiency bill shall have been disposed of. I believe that is the general wish of the House.

Mr. MORGAN. No, sir; not the general wish. I take it for granted, from the fact that a majority of the members of the Committee of Ways and Means voted to postpone the deficiency bill the other day, that its passage can be of no immediate consequence.

Mr. PHELPS. Then the gentleman from New York objects.

Mr. MORGAN. I do.

Mr. PERKINS, of New York. I move to suspend the rules, that that order may be made.

The SPEAKER. It is not in order to suspend the rules, except on Mondays.

Mr. HOUSTON. I hold in my hand a memorial from the Legislature of Alabama in relation to some claims in that State. I ask that it may be printed, and referred to the Committee on Military Affairs.

It was so ordered.

Mr. PHELPS. I move that the rules be suspended, and that the House resolve itself into

the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair.)

The CHAIRMAN stated that the business in order before the committee was the consideration of the special order, being the Pacific railroad bill.

Mr. PHELPS. With the consent of the gentleman from California, who is entitled to the floor upon this question, I submit the motion that the further consideration of the special order be postponed until to-morrow, or until the deficiency bill shall have been disposed of.

Mr. McDUGALL. I am not willing to postpone the consideration of the Pacific railroad bill until the deficiency bill is disposed of.

Mr. PHELPS. Say then until to-morrow.

Mr. McDUGALL. I have no objection to that.

The question was then taken; and the consideration of the Pacific railroad bill was postponed until to-morrow.

THE DEFICIENCY BILL.

The CHAIRMAN. When the committee rose on yesterday, they had under consideration the twenty-fifth amendment, which reads as follows:

For continuing the works for bringing water into the city of Washington, \$500,000.

—to which an amendment had been offered by the gentleman from Mississippi, [Mr. BARRY,] to increase the appropriation \$100.

Mr. PERKINS, of New York. Mr. Chairman, I desire to say but a word.

The CHAIRMAN. The Chair thinks that no further debate can be allowed.

Mr. HIBBARD. I wish to say to the committee, that I desired to obtain the floor on yesterday, for the purpose of making an explanation of some remarks which I made in a previous debate; and I now propose, with the consent of the committee, to print what I desire to say.

The CHAIRMAN. There being no objection, leave will be granted the gentleman from New Hampshire to do so.

Mr. PERKINS, of New York. Is it in order to move to strike out the amendment?

The CHAIRMAN. It is in order to move to strike out the amount in the amendment.

Mr. PERKINS. That motion, I believe, has not been made; I move, therefore, to strike out the amount named in the pending amendment.

The CHAIRMAN. That motion is now pending before the committee.

Mr. PERKINS. As debate is exhausted upon that motion, I will move to raise the amount to one million of dollars. I think that either the motion to strike out, or to raise the amount to one million ought to prevail; for the engineer who has furnished the estimates for this work, has estimated the amount necessary at \$2,500,000. At seats of government everywhere—at Boston, New York, Philadelphia—the result has been, in carrying on works of this character, that the expenses have always been double the estimates furnished by the engineers having them in charge; and we may safely conclude that the same result will be seen here at the city of Washington. We may safely set down the expense at three times the estimate made by the gentleman from Kentucky, [Mr. STANTON.] I believe that the expense of bringing water from the Great Falls will be about seven or eight millions of dollars. Persons holding offices under the Government, and members of Congress, will be obliged to pay the interest upon this money. That this will be the case I can demonstrate beyond all controversy. The rents of a place are in proportion to the value of the property. If a piece of property is worth half a million of dollars, and it is to be rented, the rent to be charged upon it will be in proportion to its value. If the improvement now under consideration will add seven millions of dollars to the value of the property in the city of Washington, the tenants who hire houses here, and the members of Congress who are obliged to hire rooms, will have to pay interest upon that money. The people have got lamps along Pennsylvania avenue which are furnished by this Government. This adds to the rent of houses and apartments. And we cannot get a room short of the fourth story in any respectable public house big enough for

a fair-sized coffin [laughter] without paying somewhere from twenty to thirty dollars a week for board and room, or from about fifteen to twenty dollars a week for room independent of board. Now, Mr. Chairman, these exorbitant charges are all owing to the immense sums of money that are expended here, making property so valuable; and we have got to pay these charges. Whoever, therefore, votes for this improvement, votes to have the interest of these seven millions of dollars paid out of the pockets of members of Congress and the office-holders in the city.

Mr. Chairman, there is not a dollar of money that I have ever seen earned in the city of Washington that has not come, directly or indirectly, from the Government or its officers. You can find no business under heaven carried on here—at least I cannot—except that which is done for, and the cost of which is to come out of the pockets of the officers of the Government. And the more you add to the value of property here, the more interest you have to pay.

Mr. PHELPS took the floor.

Mr. SAGE. Will the gentleman from Missouri [Mr. PHELPS] allow me to make a remark?

Mr. PHELPS. I will yield the floor for a moment.

Mr. SAGE. In opposing this amendment I merely want to say, in addition to what I said yesterday, that I can see no good reason why the Government should make appropriations for this work, more than the State of New York should pay for water for the city of Albany. I believe that the value of property in the city of Albany is fully equal to the value of property in the city of Washington. This enterprise, if carried out, only inures to the benefit of the few property owners of the city. For one, I am opposed to it *in toto*, and hope that the committee will defeat the whole thing.

Mr. PHELPS. I desire to appeal to the committee, as it is now known that the special order of the Pacific railroad bill is only postponed for one day, to let us vote upon these matters at once, and not consume time in discussion. I hope, therefore, the gentleman from New York [Mr. PERKINS] will withdraw his amendment, and let the vote be taken on the Senate amendments.

Mr. PERKINS. I have no objection to withdraw my amendment.

The amendment to the amendment was accordingly withdrawn.

Mr. SMITH, of Virginia. Notwithstanding the appeal of the gentleman from Missouri, [Mr. PHELPS,] I beg leave to offer the amendment to the amendment which I send up to the Clerk's desk.

The amendment to the amendment was read, as follows:

Provided, That previous to the expenditure of any part of this appropriation, the Secretary of War shall enter into a contract with some responsible contractor, to finish and complete said work on the plan heretofore adopted, for a sum not exceeding \$2,300,000. And it shall be the duty of the said Secretary to take from the contractor good and sufficient security for the completion of the contract according to the plan and specifications determined upon by the said Secretary.

Mr. STANTON, of Kentucky. If the gentleman from Virginia [Mr. SMITH] will allow me, I would make a suggestion to him, for the purpose of having the amendment which he has offered modified.

Mr. SMITH. Certainly.

Mr. STANTON. The modification which I would suggest is simply this: The law places this work specially under the direction of the President of the United States. The contracts which may be made upon it are made by the President, and not by the Secretary of War; and therefore I suggest that the amendment submitted by the gentleman from Virginia be so modified by striking out the words "Secretary of War," and inserting in lieu thereof the words "President of the United States."

Mr. SMITH. I will accept the amendment suggested by the gentleman, and modify my amendment accordingly.

Mr. Chairman, I would be very glad to get the attention of the committee for a moment or two upon this subject. From the course of remark which was indulged in on yesterday by several members upon this floor, I am induced to call the attention of the committee to the fact that, by the Constitution of the United States, the District of

Columbia is placed under the exclusive jurisdiction of the Federal Government. I repeat, that by the Constitution of the United States, this District is placed under the exclusive jurisdiction of Congress; and, as a consequence, that very fact imposes upon the Government an obligation to take care of the interests of this District.

Gentlemen have remarked that there is no obligation upon the Federal Government to provide water for the citizens of this District. Now gentlemen must remember that this city is a city literally created by the Federal Government, and by the officials connected with that Government, and those brought here in consequence of this being the Federal city. If there ever was a city which has a right to claim the aid of the Government, under which it has its existence, in its works of improvements, it is this very city.

But it was said yesterday by a gentleman from Ohio, that, independent of this consideration, the Federal Government has a large interest within the limits of this city—an interest which requires to be looked after and protected by the Government itself.

Having made these remarks, I proceed to the consideration of another objection or two. It was said yesterday, and various speculations were indulged in in reference to it, that a very large expenditure would be incurred in the prosecution of this work. I say, in reply to that, and I wish to call the attention of the committee to it, that there is no fitness, that there is no power in this body to undertake to adjust a system for the prosecution of this improvement. The subject was referred to yesterday by the gentleman from Ohio; and the law authorizing the prosecution of this work expressly directs the plan to be adopted which may be selected by the President of the United States. The power, without qualification, was given to him to select the plan; and when he has selected that plan, it is to come before this body, and this body is to carry it out. True, Congress may abolish the enterprise; but the plan has been settled, and the work commenced. Appropriations have already been made, and a large sum of money expended upon it, and I presume that the committee and the House will not depart from it.

A great deal has been said about the enormous expenditure involved. We have estimates of the expenses of the work from the War Department, and my amendment has been offered for the purpose of meeting the objection upon that head, and I stipulate in my amendment that the work shall not cost more than the estimate of the War Department. I am willing to leave the matter to the head of that Department, and to his discretion. He is to make the contract, and the contract is not to exceed the estimates.

Well, sir, that does not make any difference from the fact—and I ask the gentleman from New York to look to it—that not a dollar is to be expended until a contract for the completion of the work shall be made; and the contractor or contractors are to give bonds, with good security, that he will complete the job for the sum specified. These are all the precautions which can possibly be necessary, it seems to me. You are not to go on with the work, and a dollar is not to be expended upon it, until this preliminary requirement is complied with.

Mr. HAVEN. I do not rise for the purpose of answering the suggestions made by gentlemen over the way. I rise simply to say, that if we get afloat again to-day upon these deep waters, we shall hardly touch bottom during the whole day. I therefore hope that the committee will proceed to vote upon concurring or non-concurring in the Senate amendment. It is, I presume, a matter of indifference with the Committee of Ways and Means whether the committee vote the amendment in or out. The matter must be settled in the House by a vote by yeas and nays. I trust the vote will be taken immediately.

Mr. SMITH. I will insert in my amendment the word "contractors," so that it shall read "contractor or contractors."

Mr. LETCHER. I desire to have the amendment read. Nobody in this part of the Hall has heard it.

The amendment was again read.

Mr. PARKER. I have an amendment which I desire to offer.

The CHAIRMAN. No further amendments are in order.

Mr. PARKER. Then I will read my amendment, and ask the gentleman from Virginia to accept it as a modification of his own. It is the following:

Provided, That a forfeiture of the contract shall take place whenever the work is not strictly in accordance with the plans and specifications.

Mr. SMITH. I will accept the modification with pleasure.

Mr. FLORENCE. I will suggest to the gentleman from Virginia, that he also further modify his amendment by inserting the following:

The proposals to be advertised, and bids to be invited, by advertising in the newspapers of the United States.

Mr. SMITH. I will accept that modification also.

The question was then taken upon the adoption of Mr. SMITH's amendment, as modified; and it was not agreed to.

Mr. GREENWOOD. I move the following as a proviso to the Senate amendment:

Provided, That the amount heretofore appropriated shall not be applied, unless the corporations of Georgetown and Washington shall appropriate and pay an amount equal to one fourth the sum to aid in the construction of the work.

I offer this amendment in good faith, and leave it for the committee to decide upon it without remark.

Mr. STANTON, of Kentucky. I move to amend by adding the following at the end of the Senate amendment:

Provided, That no part of this appropriation shall be expended, unless in pursuance of a contract to be made within the engineer's estimate (\$2,500,000) after sixty days notice in the journals of the United States, inviting contractors to propose for the whole of the materials and work complete, agreeably to the plan adopted by the President of the United States. The bids to be opened in the presence of the bidders who may attend, and the contract awarded to the lowest bidder, upon his or their giving reliable guarantees and security to the United States that the whole work shall be completed in two years, and its permanency and efficiency guaranteed for five years after its completion.

Mr. Chairman, the amendment which I offer is similar to the one offered by the gentleman from Virginia, [Mr. SMITH,] and voted down but a minute ago. There is some little difference, however. It provides that the work shall be completed within two years. I understand the engineer, in his report, to propose to limit the time to be expended in the construction of the work to that period. I hope, if this appropriation is to be passed by the House, that amendment, or something similar, will be attached to it. I am satisfied, that if this work continues to be executed under the direction of the Government officers, and especially under the direction of the officers of the War Department, our worst fears as to the ultimate cost of the work will be realized.

I had this morning in my room an experienced, practical bricklayer, from the city of Philadelphia, who has been engaged in the construction of the culvert, or conduit, so far as it has been constructed; and he has given me some practical facts which will give us some indication of what the work will cost.

He says that there were eleven days' work on the culvert, and five thousand seven hundred and twenty bricks were laid, at \$2 75 per day to the bricklayer, and \$1 25 per day to the laborer, making the bricklayers' wages \$30 25, and the laborers' \$13 75—a total of \$44 for laying five thousand seven hundred and twenty bricks, and equal to \$7 89 per thousand. The bricks calculated at \$10 per thousand, which they are now paying for those they are using in the culvert, will cost the Government for furnishing and laying them \$17 89 per thousand, to which must be added \$2 per barrel for cement and sand. That will make \$20 per thousand brick. A thousand brick will make a foot and a half, lineal measure, of the tunnel.

Now, that is exclusive of the excavation; and the excavation, which I showed yesterday, and in the truth of which I have been since confirmed, will cost at the rate of \$7 per cubic yard. It will take three and a half cubic yards to one foot of lineal measure of the tunnel, which will be equal to \$24 50, to which must be added the cost of the brick work. That is the mere excavation and brick work.

Now, the Croton aqueduct, which is of smaller dimensions, averaging about seven feet in diameter, cost thirty-five dollars per foot, instead of ten dollars per foot, as the gentleman from New Jersey said yesterday. It cost at the rate of \$200,000 per

mile; it is forty-four miles long, and the whole cost is \$8,500,000, and something over.

Mr. VANSANT. With the gentleman's permission, does he pretend to say the construction of the Croton aqueduct alone cost \$8,000,000?

Mr. STANTON. So I understand from Appleton's Dictionary of Mechanics, which I have just examined.

Mr. VANSANT. I undertake to say that it did not cost one third of that amount.

Mr. STANTON. One million, eight hundred thousand dollars was expended for other purposes. It went to the construction of reservoirs, and the laying of the distributing pipes. The construction of the aqueduct is set down at \$8,500,000. At this rate, for the construction of the tunnel alone from here to the Great Falls, provided we can construct it on as economical terms as the people of New York did their aqueduct, we shall have to pay at least \$4,000,000. The area, however, covered by the mere conduit, is only about one third of the surface of the whole work. There is to be laid masonry on which the tunnel is to rest. The aqueduct must rest upon solid masonry, or concrete, to protect it from the weather. Captain Meigs, in his report, says that some parts of this aqueduct will be twenty feet under water. If the geological character of the country be such, any man of practical knowledge of this thing must see that the masonry must be massive and solid.

Mr. HAMILTON. Mr. Chairman, I regret that the discussion of this question has again been renewed. I came here in hope that the committee would have voted on the amendment, and that we would have gone on to the consideration of the others. I sincerely trust that I shall not be called on to again address the committee on the subject, at all events. I cannot now, however, refrain from replying to certain statements of gentlemen made yesterday, and to correct one or two mistakes. I care not what persons say who come here and make statements upon the subject. One gentleman rises here and endeavors to create the impression that there will be an immense expenditure of money upon this work, because the excavation costs \$7 50 a cubic yard. Well, that statement is true; but the estimate submitted to this House by the engineer provided for the expenditure of fifteen dollars a yard on that work; so that it only costs one half what it was estimated to cost.

With regard to the Rock Creek aqueduct, I desire to say that Colonel Hughes never made provision in his estimates for the mains within the city. But, sir, this is a very small matter. If the United States undertake to build a work of this description at all, they should build a right one.

I have deemed it my duty to say thus much. I hope we shall now have a vote on the Senate's amendment. This work will be built. It has a substantial basis sufficient to justify members to vote for it. If it does not pass now, it will pass before the end of the session; and it would be a matter of economy to pass it now.

Mr. FLORENCE. I would suggest to the gentleman from Kentucky, that he should modify his amendment so as to have the advertisements for proposals inserted in the newspapers of the United States, instead of in the newspapers of this city.

Mr. STANTON. I will accept of that modification.

The question was then taken on Mr. STANTON's amendment; and it was rejected.

The question recurred on the amendment of the Senate, as amended.

Mr. WHEELER. I ask for tellers. Tellers were ordered; and Messrs. KURTZ and WHEELER were appointed.

The question was then taken, and the tellers reported—ayes 51; noes not counted.

The CHAIRMAN. A majority of a quorum not voting, the amendment is rejected.

The twenty-sixth amendment was then read, as follows:

For the payment of Richard H. Weightman for mileage and per diem compensation as an agent claiming to be a Senator elect from New Mexico, \$2,464.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in this amendment.

The question was then taken; and the amendment was non-concurred in.

The twenty-seventh amendment of the Senate was read, as follows:

Page thirteen, after line two hundred and ninety-three: For the purchase of Spanish and Mexican law books for the library of Congress, \$1,700.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was then taken; and the amendment was concurred in.

The twenty-eighth amendment was read, as follows:

Page thirteen, after line two hundred and ninety-four, insert as follows:

For the contingent expenses of the Senate, viz: For lithographing and engraving, \$20,000.

Mr. PHELPS. I would suggest that the Clerk read all down to, and embracing, the thirty-third amendment, as the amendments all pertain to the contingent expenses of the Senate.

Mr. LETCHER. I object to it. We have a parcel of custom-houses which may come in the same way.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in the amendment.

The question was then taken; and the amendment of the Senate was concurred in.

The twenty-ninth amendment was then read, as follows:

For binding, \$30,000.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was then taken; and the amendment was concurred in.

The thirtieth amendment was then read, as follows:

For books, \$12,691.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was taken; and the amendment of the Senate was concurred in.

The thirty-first amendment was then read, as follows:

For clerks to committees and President *pro tempore*, draughtsman, messengers, pages, laborers, police, horses, and carry-alls, \$4,400.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was then taken; and the amendment was concurred in.

The thirty-second amendment was then read, as follows:

For miscellaneous items: To replace this amount, drawn by order of the Senate from that head of appropriation, in a payment to R. M. Young, as commissioner to investigate charges against Hon. A. Ramsay, late superintendent of Indian affairs, Minnesota, \$924 20.

Mr. PHELPS. I will make a brief explanation of the amendment now under consideration. At the extra session of the Senate, commencing the 4th day of March of the last year, the Committee on Indian Affairs in that body reported a resolution asking an investigation of certain charges which had been made against Governor Ramsay while acting as superintendent of Indian affairs in the Territory of Minnesota. The Committee on Indian Affairs had, prior to that time, been engaged some time in the investigation of this matter, and they concluded to transfer this investigation to an agent who should proceed to the Territory of Minnesota, and there conduct it. A resolution to that effect was adopted by the Senate; and Judge Young, of this city, was appointed the commissioner. He proceeded to the Territory of Minnesota, made an investigation of the charges preferred against Governor Ramsay, made a report to the Senate, and the compensation for his services must be paid out of the contingent fund of the Senate, it being a deficiency to be paid out of that fund. The Secretary of the Senate made a special estimate of this amount as being due to Judge Young for the services performed.

Mr. LETCHER. I want to have that estimate read.

Mr. PHELPS. There are no items given. It merely states the amount. It is in these words:

For miscellaneous items: To replace this amount, drawn by order of the Senate from that head of appropriation, in a payment to R. M. Young, as commissioner to investigate charges against Hon. A. Ramsay, late superintendent of Indian affairs, Minnesota, \$924 20.

Judge Young was allowed six dollars a day during the time he was employed in the investigation, including traveling expenses and stationery.

The question was taken; and the amendment was concurred in.

The thirty-third amendment was then reported, as follows:

To enable the Secretary of the Senate to pay for the maps of the public lands authorized by the resolution of the Senate of the 3d March, 1853, to be printed under the direction of the Committee on Public Lands, \$5,150.

Mr. PHELPS. The Committee of Ways and Means recommend concurrence in this amendment. I hold in my hand a copy of the resolution adopted by the Senate, directing these maps to be printed. I will read the resolution:

Resolved, That the Committee on Public Lands be, and they are hereby, authorized to have printed the maps now prepared, and in course of preparation.

That resolution was adopted March 3, 1853.

Mr. SMITH, of Virginia. What is the necessity for these maps?

Mr. HOUSTON. I was going, Mr. Chairman, to ask a question from the gentleman who is at the head of the Committee on Public Lands. It is this: Whether this appropriation is intended to cover the same kind of service for which we made an appropriation in this bill a few days ago? If it is true, Mr. Chairman, that the House employs half a dozen or more clerks to prepare these maps for Congress, it seems to me that it would be certainly a waste of money for us to make that appropriation if the Senate do the same thing. My impression is, that the two items are meant to cover the same thing, as the same kind of maps which are being made for the House are also being made for the Senate. That is my opinion; but I would like information upon it. If it be true, which I do not dispute, that this appropriation is correct, then I would desire to call the attention of the gentleman at the head of the Committee on Public Lands to it, so that when the other bill comes up he may have some system devised on this subject.

Mr. PHELPS. I would remark that, as to the maps which are being prepared for the House, there has been no direction given that they should be printed. The Senate directed these maps to be printed; and this appropriation is for the purpose of defraying the expense of the printing and publishing.

The question was taken; and the amendment was concurred in.

The thirty-fourth amendment was then read, as follows:

Page thirteen, line three hundred and two, after the word "items," strike out "ten," and insert in lieu thereof "twenty."

—so as to make it read:

For miscellaneous items, \$20,000.

Mr. PHELPS. Mr. Chairman, this is a proposition to increase the appropriation for miscellaneous items in the contingent expenses of the House of Representatives. In the original bill we appropriated \$7,000, under the head of miscellaneous items, for the contingent expenses of this House. In consequence of the investigation of charges that are now going on by several committees of this House, and in consequence of the number of witnesses that have been in attendance, it has become necessary to increase this estimate. The Clerk of the House of Representatives thinks it necessary to increase the estimate by \$10,000; and the Committee of Ways and Means recommend a concurrence in that amendment.

The question was put; and the amendment was concurred in.

The thirty-fifth amendment was read, as follows:

Page thirteen, after line three hundred and seven, insert as follows: For continuing the preparation and publication of a stereotyped catalogue of the library of Congress, \$5,000.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in this amendment.

The question was taken; and the amendment was concurred in.

The thirty-sixth amendment was read, as follows:

Page fourteen, after line three hundred and twenty-one, insert as follows: For rent of paper wareroom from the 1st of January to 30th of June, 1854, at \$250 per annum \$125.

Mr. PHELPS. I suggest that this amendment, and also the thirty-seventh, may be considered simultaneously, as they appertain to the same subject-matter; and the Committee of Ways and Means, recommend a non-concurrence in both of them.

The CHAIRMAN. If there be no objection, the course suggested by the gentleman from Missouri will be pursued.

No objection being made, the thirty-seventh amendment was reported, as follows:

For cartage of printing paper from warehouse and office of the Superintendent of Public Printing to the printing offices, and labor, from the 1st of January to the 30th of June, 1854, at \$550 per annum, \$275.

Mr. ROWE. I would like to hear from the Committee of Ways and Means an explanation of the reasons which induced them to recommend a non-concurrence in these Senate amendments.

Mr. HAVEN. As a member of the committee, I will say, that the reason which controlled the committee in coming to their conclusion was, that the contract with the person who furnishes the paper requires him to deliver it where the Superintendent of Printing directs.

Mr. HENN. I would ask the gentleman from New York [Mr. HAVEN] whether, in the published proposals for the contracts which were made last for the supply of paper, that provision, as to the place of delivery, was inserted?

Mr. HAVEN. The Committee of Ways and Means know nothing about notices in the published proposals. They know what the contract itself was, and that is enough.

Mr. ROWE. I desire to make another inquiry, and that is, whether the contract specifies the rent of the room for storing the paper?

Mr. HAVEN. It does not. It makes no specification, except that the contractor shall deliver the paper at such times, and in such quantities, as the Superintendent of Printing shall direct.

Mr. STANTON, of Kentucky. I desire to have a letter from the Superintendent of Public Printing, in reference to this subject, directed to the chairman of the Committee on Printing, read by the Clerk.

The CHAIRMAN. If there be no objection, it will be read.

Mr. BAYLY, of Virginia. I object to its reading.

Mr. STANTON, of Kentucky. For the purpose, then, of saying a few words, and of having the letter read, I move to amend by striking out of the appropriation five dollars.

I desire to say, for the information of the committee, that notwithstanding the contract requires that the contractors shall furnish the materials at the places designated by the Superintendent of Public Printing, yet it is not always convenient to send a ship or a schooner load of paper directly to the printing office. The printers will not receive, store, and take charge of it, and incur the responsibility of keeping it in safety. It would be unreasonable for us to require that they should do it.

Besides this, the public printer is required to superintend all the printing done for the Executive Departments of the Government. The execution of that work requires a great variety of paper, which must always be on hand. The Superintendent cannot tell beforehand what quantity and quality will be required for the work. It becomes necessary, therefore, that he should have a storehouse, in which he may keep in safety a sufficient quantity at all times.

I now ask that the letter to which I referred may be read:

OFFICE SUPERINTENDENT PUBLIC PRINTING, }
WASHINGTON, March 19, 1854. }

To the Chairman of the Joint Committee on Printing:

SIR: I have the honor to request that you will submit to the Committee on Finance of the Senate the following items of appropriation to be placed upon the deficiency bill for this session, viz:

For rent of warehouse for paper from the 1st of January to 30th of June, 1854, at \$250 per annum, \$125.

For cartage of printing paper from the warehouse and the office of the Superintendent of the Public Printing to the printing offices, and labor, from the 1st of January to the 30th of June, 1854, at \$550 per annum, \$275.

These appropriations were submitted by me to the Committee of Ways and Means of the House, but were not placed by them in that bill. The reasons why they are necessary, are briefly these:

At the last session of Congress there was but one public printer for both Houses, and consequently all the paper required for the public printing could be delivered directly at his office from on shipboard, without expense of cartage, (although at great inconvenience, and cost to him for storage,) as the contracts with our paper manufacturers require them to deliver it at such places as shall be designated by me, free of expense. There are now two printers, and I have been obliged, (with your sanction,) to establish a warehouse between the two offices, where all the printing paper is received, inspected, weighed; and then deliver it to each office, upon their requisitions, as the law requires.

Another reason is, that to prevent the possibility of delay in the execution of the public printing, from closure of navigation or other cause, our orders upon the contractors, who reside at different and distant points, are necessarily very large, and we are often in the receipt of three or four cargoes at the same time, which renders it necessary that we should have some secure place where so large an amount of the public property can be stored.

Besides this, we are obliged to receive, inspect, and weigh at this office all the paper used for the printing of the Executive Departments, as also all maps, plates, &c., and to deliver the same as they may be required for the public service.

These several duties necessarily require much labor in handling boxes, &c., as well as expense for transportation. It has, thus far, been paid out of the appropriation for the contingent expenses of this office, but as that appropriation does not exceed a hundred dollars over and above the cost of advertising, and as this business is daily expanding, I feel compelled to ask the small additional appropriation above detailed.

Very respectfully, your obedient servant,

A. G. SEAMAN, Superintendent.

Mr. HAVEN. I desire to say simply this: Heretofore, as a member of the Committee of Ways and Means, and of the Committee on Printing, as well as a member of this House, I have gone to what I regarded as the very verge of liberality in granting clerks to the Superintendent of Public Printing; but the Committee of Ways and Means were of the opinion that this would be opening a new field of expenditure, which might be carried to an extent which this House would be unwilling to go. If you are to provide for warehouses now, other expenses incidental to the carrying out of such a system could be carried to almost an unlimited extent. The Committee of Ways and Means could see no reason why the Superintendent of Public Printing could not contract to have the paper delivered this year to the two printing offices, as well as he could last year to the one office? This is all I have to say. I hope the amendment will not be concurred in.

Mr. STANTON, of Kentucky. With the consent of the committee, I will withdraw my amendment.

There was no objection, and the amendment was accordingly withdrawn.

Mr. BAYLY, of Virginia. I move to make the appropriation six dollars less.

Mr. Chairman, I have not examined into the merits of this case. The Committee of Ways and Means have, and it seems to me the exposition given by the gentleman from New York [Mr. HAVEN] is perfectly conclusive in reference to it.

In reply to the gentleman from Kentucky, who has just taken his seat, I have nothing to say. I have great confidence in his judgment, so far as he has given his own judgment play in the matter. I cannot say the same, however, with regard to that of the Superintendent of Public Printing. I happen to know that in the construction of laws this Superintendent is not only not reliable, but a great deal worse than not reliable.

Mr. PENNINGTON. I wish to ask the gentleman from New York whether this appropriation is for a deficiency? I desire to know whether it is prospective or retrospective in its application?

Mr. HAVEN. I understand it to be prospective.

Mr. PENNINGTON. If it is prospective, then I think the gentleman from New York is perfectly correct in his conclusions, and that the appropriation should not be made, at least in this bill. But if it is to be retrospective, then I have another question to ask. If that is the fact, then I desire to know whether it is in pursuance of contracts already made? If there is a contract actually existing, made by the Superintendent, which calls for this appropriation, then I do not see why it should not be made.

Mr. HAVEN. I do not know whether any such contract has been made. If it has, it has been without my knowledge. I have no desire to do injustice to any one in this matter, and I will therefore say that, early in the past winter, the Superintendent made application to me as a member of the Committee on Printing for authority to procure these warehouses. I then took great pains to ascertain whether they were necessary; I went to the former Superintendent of the Public Printing; I went to the Union office; I obtained all the information I could that would lead me to a correct conclusion, and the result was, that I told the Committee of Ways and Means that, in my judgment, it ought not to be granted. The

committee were of the same opinion, and they therefore refused to recommend the appropriation. What has been done since that time by the Superintendent I am not able to say, but if he has made any such contracts, they have been made upon the authority of the Superintendent alone.

Mr. HOUSTON. Yes, and in violation of law.

Mr. PENNINGTON. It seems to me that the whole question in regard to this provision turns upon the point whether or not the contractor has actually performed his contract with the Government? If he has delivered the paper to the Superintendent of Public Printing, the latter acquiescing in its receipt under the contract, providing himself a warehouse for its storage and safety, it appears to me that we should not now refuse to appropriate this deficiency. But if that has not been the fact; if this is prospective only in its character, then it is perfectly clear that the gentleman from New York [Mr. HAVEN] is right.

Now, as the whole matter turns on that point, in my judgment the Committee on the Public Printing ought to be able to tell us whether the contract has or has not been complied with. That is the whole question. I understand that the paper has been delivered under the contract; and I am unwilling to refuse the appropriation now under consideration.

Mr. HAVEN. I have never heard of any complaint of delivery of paper. The question is, where shall they keep it after they have received it? The paper has been delivered.

Mr. PENNINGTON. Then the question is, whether, when that paper came here, and went into this warehouse, it was delivered under the contract, and received as such by the Superintendent of the Public Printing? If that be so, the appropriation ought to be made. Clearly, it ought to be paid. That is the whole question.

Is it for this committee to recommend a non-concurrence in this amendment until it knows whether it is possible for the Committee of Ways and Means to tell whether the paper has been delivered under the contract or not? Now, I want to know.

Mr. HAVEN. It is possible for the committee to tell, but I do not know whether it is possible for the gentleman to hear.

Mr. PENNINGTON. Go on; I hear.

Mr. HAVEN. Before any warehouse was engaged, the committee had the action which I have already mentioned. It communicated its action to the Superintendent of Public Printing. What he has done since it is impossible for the committee to tell. If he has done anything, he has done it without authority of law, and in the face and eyes of the law. We do not profess to know what is going on contrary to law.

Mr. PENNINGTON. Has not the Superintendent of the Public Printing the right, under law, to receive the paper from the contractor for furnishing it to the Government? If he has that right, then the question is, has he done so?

Mr. BAYLY, of Virginia. I withdraw my amendment.

Mr. LETCHER. I propose to reduce the appropriation to one cent.

When this printing superintendency was established, Mr. Chairman, we were told that it would be an economical arrangement. We were to have one Superintendent. He was the only officer to be connected with this new bureau of the Government, as it now seems to be growing to one. Some time after the Superintendent was appointed, there was a recommendation that we should have a batch of clerks assigned to his office. After a scuffle, they went through the House. Now it is proposed to give the Superintendent still further patronage, although there is an express contract to regulate his conduct. Instead of regulating his conduct by that contract, the gentleman from New Jersey [Mr. PENNINGTON] wants this body to decide that he shall be the judge as to its interpretation; and that he shall be allowed to employ warehouses, and every other conceivable means, for the purpose of receiving and transporting paper here and there and everywhere.

Now, why were not this warehouse and these other things necessary during the last Congress? Why is it that no necessity for them has ever been found until the Senate of the United States chose to elect a printer of their own? That strikes me as somewhat remarkable. Last year the paper

could be received, the Superintendent could dispose of it, he could place it where he thought it ought to go, and yet there was nothing asked under the Superintendent then for carrying, or storage, or anything else. Since the 1st of January last all these things are to be provided for.

Now, I have an objection to all this thing. I think that there is a growing disposition in this House, as well as in the other, to multiply officers of the country. We find now various schemes for the multiplication of officers. For example: the Governors of Territories heretofore have performed the duties of Governor as well as those of superintendent of Indian affairs. It is now proposed to separate those duties, and to make the Governor and superintendent perfectly independent. So it is with various other things going on here; and it does seem to me that this body ought to look into this matter, and, instead of multiplying officers, increasing patronage, that it should reduce some of these officers, if possible, or, at any rate, it should not go on to increase the number, and thereby to increase the patronage to be bestowed.

Mr. STANTON, of Kentucky. I desire only to say, that under the new law the printing costs comparatively nothing to what it did before. The law provided that the paper should be of a better quality. It has been so, and it necessarily costs more. It is true, however, that the aggregate cost of the printing and paper will not be more, in proportion to the amount of work ordered by Congress, than it was some time ago. But in consequence of the accumulation of material on hand this warehouse was absolutely necessary to be employed, and the Superintendent employed it under the direction of the Joint Committee on Printing. He has only occupied the warehouse for four months, and there are now on hand six thousand reams of paper, which are being daily distributed to the various printing offices. There must be some safe place in which to keep the paper provided by the Government, because the printers cannot keep it.

Mr. LETCHER. I understood from the Committee of Ways and Means that when this claim was presented, as far back as January last, they decided that it could not be allowed under the contract for furnishing paper. Now, I understand from the gentleman from Kentucky that the Committee on Printing have authorized the Superintendent to occupy these warehouses.

Mr. STANTON. The law places the Superintendent of Public Printing immediately under the supervision of the Joint Committee on Printing; and before the Superintendent acted in this matter, he came into the committee room and asked the advice and assent of that committee; and the committee, "seeing the necessity of it, granted that assent."

Mr. LETCHER. What authority had the committee to give that assent, under any law?

Mr. STANTON. We gave our advice when he asked it.

Mr. BAYLY, of Virginia. Let me ask the gentleman another question?

Mr. STANTON. Certainly.

Mr. BAYLY. I would ask the gentleman if there have not been some other cases in which the Superintendent has not been disposed to take the advice of the committee?

Mr. STANTON. None that I know of.

Mr. BAYLY. Well, I do.

Mr. LETCHER. I withdraw my amendment.

The question was then taken on concurring in the amendment of the Senate; and it was decided in the negative.

So the amendment was not concurred in.

The thirty-eighth amendment of the Senate was read, as follows:

Page fourteen, after line three hundred and twenty-five, insert as follows:

And the limitations imposed by the provisions contained in the act of 15th May, 1850, entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1850;" and the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," be, and the same are hereby, repealed.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to offer the following amendment:

Strike out all of the thirty-eighth amendment, and insert in lieu thereof the following:

And that the period limited for the appointment of commissioner, surveyor, and chief astronomer, by the act of May, 1850, shall be, and the same is hereby, extended to the 30th of June, 1855.

Mr. PHELPS. The amendment of the Senate is to extend the period in which the Boundary Commission are to run the boundary between the United States and Mexico. By the civil and diplomatic act, passed at the last session of Congress, the period of this commission was extended to the 1st April, 1854. The Secretary of the Interior, in his annual report, makes use of the following language upon this subject:

"Nothing further has been done with that part of the Mexican boundary survey which is west of the (so termed) initial point on the Rio Grande. The appropriation did not apply to it, nor was any portion of it intended to be so expended."

"The question of the southern boundary of New Mexico having become a subject of negotiation between the two Governments, has been transferred to the State Department."

"The work in the field, on the undisputed portion of the boundary, has been completed, and nothing remains to be done but the office work. Much progress has been made in this, and with an adequate appropriation it can be finished in the course of the next eighteen months, if the data necessary to compare and reduce the observations for longitude, made by the surveyor and his assistants, can be obtained."

"The maps, after they are completed, are to be compared with the Mexican maps, and signed by the commissioner and surveyor. As the Mexican commission has progressed less rapidly, and it is uncertain when its work will be finished, our commission should not expire before the maps are fully completed and signed, agreeably to the stipulations of the treaty. The act of 1853 should be modified accordingly."

The Committee of Ways and Means object to the amendment of the Senate, believing that it would disturb the provisions already made by law regulating the salaries of the military officers who may be engaged upon that commission. Believing that it would be a desirable object to extend the period of time for this commission to complete its work, according to the treaty stipulation with Mexico, the committee recommend the adoption of the amendment already reported by the Clerk in lieu of the amendment by the Senate.

The question was then taken upon the amendment to the Senate amendment; and it was agreed to.

The question was then taken upon concurring in the amendment, as amended; and it was agreed to.

The thirty-ninth amendment of the Senate was then read. Insert:

For engraving maps, views, sections, and natural history of the survey of the boundary between the United States and Mexico, \$10,000; to be expended under the direction of the Secretary of the Interior.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to offer an amendment, to strike out the following words:

"Views, sections, and natural history."

The appropriation asked for in this amendment is needed for the purpose of completing the engraving of the maps of the survey between the United States and Mexico. In the letter of the Secretary of the Interior, transmitting the report from the chief surveyor of the Boundary Commission, it is said that \$20,000 will be needed for the purpose of completing these maps, and also the views, sections, and natural history, but that only \$10,000 can be advantageously used during this year. The committee therefore recommend the adoption of the amendment I have offered.

But if these maps shall be completed; if they shall be engraved, the Congress of the United States is called upon to publish a large edition of these views, sections, and of these engravings of the various specimens of natural history collected by the Boundary Commission.

Mr. KEITT. I trust the committee will not concur in that amendment. The committee will perceive that the provision of \$10,000 is for engraving maps, views, sections, and natural history. Now, if, as is proposed, we strike out the words "views, sections, and natural history," it will leave nothing but the engraving of maps.

Mr. PHELPS, (interrupting.) I wish to state to the gentleman from South Carolina, [Mr. KEITT,] that \$12,000 was estimated for the purpose of completing the work as here specified. But the Boundary Commission thought that they could only advantageously use the sum of \$10,000 at the time, and the committee thought that that sum was sufficient to complete the engraving of maps.

Mr. KEITT. I have only this to say in the matter: The gentleman who was at the head of

that committee informed me this morning that \$10,000 was quite sufficient for all the purposes mentioned in this clause—for engraving maps, views, sections, and natural history. And he said—what I submit to this committee—that the \$10,000 here asked to be appropriated will cover everything recited in the clause; and if we strike out the words "views, sections, and natural history," we will apply \$10,000 to the engraving of maps, and we will derive no more advantage from this appropriation than if we kept in the remaining words.

Mr. PHELPS. Will the gentleman from South Carolina permit me to set him right in the matter?

Mr. KEITT. Certainly.

Mr. PHELPS. I will now read the estimate. It has been estimated that the whole work would cost \$20,000; but I understood the gentleman from Virginia to remark that the whole work would only amount to \$10,000.

Mr. KEITT. I have only stated what I understood this morning, from the head of the Boundary Commission, that \$10,000 was all that was necessary to carry out this entire proposition.

Mr. PHELPS. Then why has not that gentleman submitted this estimate; and why did he permit any of his inferior officers to make an estimate different from that which he made?

Mr. KEITT. I do not know. I only make this statement in accordance with the information I have received.

Mr. SMITH, of Virginia. I wish to ask the gentleman acting for the Committee of Ways and Means [Mr. PHELPS] one question. What is the use of having these maps made of the boundary, when it is probable that the boundary is about to be changed?

Mr. PHELPS. In reply to that question, I will say, that this House, or the Committee of Ways and Means, knows nothing definite of the change of boundary. We are aware that there is a negotiation pending about it; that we know from rumor. But whatever action may be taken on it, I believe that, whether there be a different boundary established or not, the publication of these maps would add much to the geographical knowledge of the country. That is the reason why the proposition is recommended.

The question was taken on the amendment to the amendment; and it was not agreed to.

Mr. RIDDLE. I offer the following amendment:

For wood cuts purchased by the Commissioner of Patents for illustrating the mechanical part of the Patent Office Report of 1853-'54, ordered by the House of Representatives, \$1,500.

Mr. PHELPS. I was about to rise to a question of order with respect to this proposition. But still I am willing to hear the explanation of the gentleman from Delaware, [Mr. RIDDLE.]

Mr. RIDDLE. The Commissioner of Patents not being aware of the course usually pursued by the House of Representatives, entered into a contract with a gentleman in New York for the wood cuts necessary to illustrate the mechanical part of the Patent Office Report.

The whole amount is \$2,000. The Committee on Accounts in the Senate claimed twenty-five per cent. of that as properly chargeable to the Senate, leaving, thereby, three quarters to be paid for by the House. But, as the question was never submitted to the Committee on Engraving, the House has never authorized the money to be paid, while there is a surplus in the possession of the committee. The House will have to pay it; and this is the only plan by which, as far as I can see, the money will be paid, as the Commissioner requests.

Mr. ROWE. As there has been so much noise here, I do not know what the pending amendment is. I ask that it may be read again.

The amendment was accordingly again reported.

The question was then put; and the amendment was adopted.

The question recurring upon the Senate amendment, as amended, it was put; and decided in the affirmative.

The fortieth amendment was then read, as follows:

For the completion of the bridge across the Potomac river at Little Falls, and painting thereof, agreeably to the plan adopted under the direction of the President of the United States, \$75,000.

Mr. PHELPS. The Committee of Ways and

Means recommend a non-concurrence in the Senate amendment. At the last session of Congress \$30,000 were appropriated for the construction of a bridge across the Potomac at Little Falls. The work was progressing, under a contract, I believe, but the Committee of Ways and Means did not feel disposed to justify the course of making expenditures beyond the amount of the appropriation. They believe that when Congress appropriates a sum of money for a specific purpose or object, the expenditure should be confined within that amount, and if it should be found insufficient to accomplish the purpose for which it was appropriated, then that it is the duty of the persons making the disbursement to come to Congress, and ask a further appropriation to carry out the work intended.

Since this report was made, an accident has happened to the bridge, and I deem it an act of justice to the gentleman who is engaged upon the work, to make a statement in reference to the matter. I learn that it was estimated that \$75,000 would be sufficient to complete this bridge. The work was progressing; the iron work was partially raised, when an accident happened by which the bridge was precipitated into the river. I learn that the contractor comes forward at this time, and proposes to finish that bridge for the sum of \$75,000, if Congress will appropriate that amount, notwithstanding a loss to him by the accident of \$8,000 or \$10,000 upon the work already made. I make this statement as a matter of justice to the contractor.

But the view taken by the Committee of Ways and Means was, that here the expenditures to be made upon the bridge exceeded the appropriation made by Congress, and they did not feel disposed to sanction such a course of proceeding.

Mr. SMITH, of Virginia. I beg leave to state to the committee, that the Committee of Ways and Means are laboring under an erroneous impression, decidedly erroneous impression, in reference to the matter of exceeding the purposes of Congress. Nobody pretended, at the time the appropriation was made, that \$30,000 would finish this bridge. On the contrary, the very act appropriating the money shows that it was not expected that that sum would do it. Fifty thousand dollars were asked for in the first instance—

Mr. PHELPS. I will read the gentleman precisely what the law says upon the subject. Here it is:

"For a bridge across the Potomac at the Little Falls, to be expended under the direction of the President of the United States, \$30,000."

Mr. SMITH. Well, sir, read the next paragraph.

Mr. PHELPS. That is all in reference to this bridge. I will read the next appropriation, if the gentleman desires it.

Mr. SMITH. I do not. That is not the paragraph I referred to. But, sir, the gentleman has read the appropriation, and from that it will be seen that it is not pretended that this is to be all that will be required—that it is the only appropriation to be made for that purpose. The appropriation was made for the commencement of the work, and the President or the Secretary—I do not recollect which—was authorized to select the plan upon which the bridge was to be constructed. I say that \$50,000 were asked in the first instance, but it was then thought best to allow \$20,000 to go for the Long Bridge, and the remaining \$30,000 to go for the construction of this bridge at the Little Falls.

However, the contract was made with a worthy mechanic in this city, Mr. Rider, to undertake the erection of this superstructure. He has sustained a loss of some \$8,000 or \$10,000 by the accident which has occurred in the fall of the bridge; yet he is still willing to go on and finish the work for \$75,000. He is willing to enter into bond and security to complete it for that sum.

Some gentlemen may think that this is a Virginia bridge. Sir, such is not the fact. It is true that the abutment rests upon the southern shore of the Potomac, but the jurisdiction of the District extends to the southern shore. I do not say that we in Virginia are not interested in having this bridge constructed. We are deeply interested. Most of the people who have settled upon the opposite side of the river—and, by-the-by, a large part of those who have settled there recently are from the North; most of them, I say—have set-

tled there for the purpose of supplying the markets of this city, and nobly do they supply them, as anybody who will visit the markets three times a week can testify. But I do not propose to detain the committee longer by any remarks of mine. I desire, with the consent of the committee, to have the following paper, which I send to the Clerk's desk, read:

The Clerk read, as follows:

To the Honorable the Members of the House of Representatives:

The undersigned, contractor for the erection of the iron bridge at the Little Falls, with the view of inducing your honorable body to pass the item of \$75,000, inserted in the Senate's amendments to the deficiency bill, now before the House of Representatives, would respectfully beg leave to refer to the accompanying report of Captain George Thom, in charge of the construction of said bridge, the letter of the Mayors of Georgetown and Washington, and that of the honorable the Secretary of the Interior, as setting forth the cause of the accident which has recently occurred, and the urgency of prompt steps towards the continuation of that important work.

That if your honorable body will pass the item of \$75,000, contained in the deficiency bill from the Senate, not only will a large amount of money be saved to the Government, and the deplorable results of the late unavoidable accident be, in a great degree, modified and diminished, but that the contractor will be enabled, and will bind himself by satisfactory security, to complete the entire work for the said sum of \$75,000, thus bearing the Government harmless, and saving himself from serious loss and damage.

The undersigned would further respectfully remark, that should the appropriation now asked for, and so urgently pressed by the Mayors of Georgetown and Washington, and the Secretary of the Interior, be postponed for any length of time, it might be entirely out of his power to undertake the completion of the work on the terms he has already agreed to, it being now the season when he can secure workmen and material on such conditions as will enable him to prepare the bridge for use, within about three months from the time the appropriation may be made.

Respectfully submitted,

GEORGE F. RIDER.

WASHINGTON, May 11, 1854.

Mr. SMITH. That is from the gentleman who proposes to construct this bridge. I now ask to have a communication from the Secretary of the Interior, in respect to this subject, read.

The communication was read, as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 1, 1854.

SIR: For your information, I have the honor to transmit, herewith, copies of communications received at this Department from the Mayors of the cities of Washington and Georgetown, and from Captain George Thom, of the United States Army, in relation to the destruction of the bridge which was in the course of erection over the Potomac river, at the Little Falls, on the 24th ultimo.

It is important that this bridge should be completed at an early day, and Captain Thom, who has charge of the work, informs the Department that he is authorized by the contractor to state that he will enter into bond and security to make good the loss which he has sustained in the recent accident to the bridge, and finish the whole of the structure, according to Captain Thom's plans, including the iron work, masonry, &c., under the superintendence of Captain Thom, or such other person as may be designated, and the whole work shall be completed under the additional appropriation of \$75,000 asked for in the deficiency bill.

It would then appear that if the appropriation of \$75,000 asked for is made, no loss will accrue to the Government from the accident which has happened to the bridge.

I am, sir, very respectfully, your obedient servant,

R. McCELLAND, Secretary.

Hon. WM. T. HAMILTON, Chairman Committee

for the District of Columbia, House of Representatives.

Mr. STANTON, of Kentucky. I propose the following amendment:

Provided, That the work shall be done under the direction of the Secretary of the Interior, and by competent civil engineers, and according to a plan, the whole cost of which shall in no event exceed the sum appropriated.

Mr. SMITH. I agree to that amendment.

Mr. STANTON. Mr. Chairman, I think that the amendment is a very important one. I am opposed to the manner in which the money heretofore appropriated for the bridge has been expended, and for that reason I wish to attach a restriction to this appropriation by which the Government will be protected in the future. The bridge is a very important means of communication between this city and a large portion of the State of Virginia, and I shall most cheerfully vote for the appropriation, if suitably guarded, as this amendment proposes. Indeed, I should regret to see it defeated, for a bridge at that point is greatly needed, and must be erected.

When the appropriation of \$30,000 was made last session for this bridge, a topographical engineer was detailed by the War Department to superintend its construction. This engineer, though accomplished in his particular line of duty, I understand, never had the slightest experience in works of this kind, until placed in charge of the bridge. It is not his fault that he had no expe-

rience, and I cannot blame him for what he never had the means of acquiring. But blame rests somewhere; for a man of no experience ought never to have been detailed for such a duty, when the country is full of civil engineers of great ability and long-trying experience. The falling of the bridge and the loss of \$10,000 or \$12,000, with the sacrifice of one or two lives, will I trust teach an effective lesson to those who persist in placing military men over works of this kind.

Twenty-three thousand dollars of the appropriation, I understand, were consumed in erecting two stone piers and repairing the old abutment. The work upon the piers could not have cost less than ten dollars per perch, perhaps more. Now, will any man say that the piers and these repairs to the old abutment, if done under other management, could not have been built for much less money? I will venture to say, that any civilian in charge of the work who would have consumed that much money for that purpose, would have been instantly dismissed. Half the amount expended was ample for the purpose.

Sir, I went to the ground immediately after the late disaster, and witnessed the wreck as it lay in a confused mass between the piers. In my whole experience I have never seen so shameful an exhibition. I brought to the Capitol a part of the iron castings of which the bridge was built, and more rotten stuff I never saw in my life. No wonder the bridge fell; no wonder the thing came down a mass of ruins. Why, sir, the duty of the engineer was to inspect and test every piece of iron which went into that structure; and if he had done so, I am sure such miserable defects as I saw in that material could never have escaped his observation. The castings were full of flaws and defects. In some places there were holes as big as my fist, and these were filled up with lead, and that painted over, to conceal the defects from the eye of the engineer. A vigilant, competent engineer, would never have permitted such work to escape him. The spans of the structure were one hundred and sixty feet each, and it was utter folly to expect cast-iron work to stand over such spaces. The plan was radically defective as well as the work. Why, sir, a blacksmith of twenty or thirty years experience, who had worked upon the bridge, but left it because he feared the result which has followed, told me that he warned the engineer against the defects in the work; but was not heeded. The falling of the structure confirmed his apprehensions, and illustrates the difference between military engineers and practical men. A bridge built upon the same wretched plan, and of the same character of materials, fell a few days ago between this city and Georgetown while two omnibuses were passing over filled with passengers, and by which several persons were seriously injured, and one drowned.

Now, sir, it seems to me it is time to stop this policy of constructing every work ordered by Congress by military engineers. It is not done by authority of this body, but by the officers of Government who have control of the appropriations. I am sometimes blamed for the zeal I manifest upon this subject; but I am conscientious in my purpose, and nothing shall deter me from pursuing the course I have marked out until this evil is corrected. I believe thousands of dollars are sunk and wasted each day we live by persisting in the policy of thrusting military officers into civil positions, and placing them over works which ought to be constructed by the civilians of the country. However competent and experienced they may be in the line for which they were educated, they know nothing of economy, and are generally found wholly incompetent in other respects for many of the positions in which they are placed.

For these reasons, sir, I think it important that my proviso should be attached to the appropriation; and if it succeeds, then I trust, in view of the importance of the work, that the recommendation of the Committee of Ways and Means will be overruled, and the appropriation passed.

Mr. LETCHER. It seems to me that, after the developments which have been made by the gentleman from Kentucky, the first thing this House ought to do would be to appoint a committee to go to the spot and ascertain what is the real character of the materials which are being employed in this work, before we undertake to appropriate \$75,000 to put up a bridge which seems to be thus defective in materials and in

construction. It seems to me that it would be a practical, common sense course to ascertain whether the materials are such that there is any probability that the bridge will stand. Because why go on here appropriating first \$30,000, and then \$75,000, if there is any probability that when the bridge is raised a second time its own weight will sink it again? The fall of this bridge, taken in connection with the experience we have had in the case of the second bridge, where the same sort of casting was employed, ought to admonish us that we should take precautionary steps before we spend a single dollar more upon it.

Mr. HOUSTON. I would suggest to the gentleman from Kentucky, that I do not think his proviso will apply very properly to the entire bridge. I understand that there is a contract for building a bridge across the main channel of the river, and that contract has been made under the authority conferred to make it at the time the original appropriation was made. The proposition is now with the contractor that he shall complete that contract, and then he expects to get a contract for the extension of the bridge over the road on the other side.

Mr. STANTON. I am willing to make any modification.

Mr. HOUSTON. The gentleman's proviso, it seems to me, would conflict with the contract now existing.

Mr. STANTON. I understand that the present contract is merely for the iron work, according to the old plan, which has proved defective. My object is to let the Secretary adopt a new plan, and make a new contract.

Mr. HOUSTON. Would not that cause the waste of all the materials there?

Mr. STANTON. Not at all. The materials that broke down are not worth one cent.

Mr. HOUSTON. Oh, yes; a great many of them are.

The question was then taken on Mr. STANTON's amendment; and it was agreed to.

Mr. BANKS. I move to add \$5,000 to the appropriation. I desire to say to the gentleman from Virginia, [Mr. LETCHER,] that upon a full and correct understanding of the circumstances of this case, there would be no difficulty. This bridge will have to be built from the beginning. It is competent for those officers of the Government having the matter in charge to make any change in the plan that may be necessary. Nor is it necessary to alter the contract, because the contractor himself desires that the plan shall be changed, at least so far as the material is concerned. So that if this appropriation is made, the bridge will be completed, and there will be no loss to the Government from the accident which occurred.

I desire to say to the gentleman from Missouri, [Mr. PHELPS,] that I do not think the objection of the Committee of Ways and Means is well taken. It cannot be said that the appropriation of \$30,000 to which he alludes was intended to complete the bridge. It is not so expressed, but it is an appropriation so far for a bridge over the river. The bridge has fallen, owing to no act or negligence upon the part of the contractor, because it was raised for the purpose of placing upon the river bed the plates which ought to have been placed there by the Government before.

Mr. PHELPS. No bridge had been commenced before the \$30,000 were appropriated for a bridge across the Potomac.

Mr. BANKS. The language of the amendment does not require that \$30,000 shall complete this bridge, but it is only so much for a bridge. There is an expression in the report of the Department of the Interior which will cover this matter entirely. It is not an appropriation to complete the bridge. I only desire to say, that the accident to this bridge has not occurred from the fault of the contractor, because the Government ought to have provided for laying the bed-plates. But they were not laid. The bridge was completed, and the contractor was required, at the expense of extra time and extra service, to raise the bridge, so that he might lay the bed-plates. In raising them a piece of the iron gave way, and the whole bridge was precipitated into the river, causing a loss of some \$10,000 or \$12,000. The report of the engineer throws this loss upon the contractor; but he does not understand it to be his loss, because it was not through any negli-

gence upon his part. If the appropriation of \$75,000 is made, the contractor will be enabled to complete the bridge without loss to the Government. If the appropriation fails, then there will be a loss of \$10,000 or \$12,000.

Mr. LILLY. I am opposed to the amendment of the gentleman from Massachusetts, [Mr. BANKS,] because I believe that a good, substantial bridge can be built for \$75,000. I am anxious to have this bridge completed, and that speedily. I was invited by some gentlemen the other day to visit the bridge, and make an examination; and the result of that visit fully convinced me of the necessity that existed for a speedy completion of this work; and I am satisfied that a similar visit there would convince any man of the propriety of making the appropriation asked for. I am in favor of the proviso offered by the gentleman from Kentucky, [Mr. STANTON,] providing for the appointment of a civil engineer, to make and carry out a plan for building a bridge at this point. I desire that no man-trap should be built, such, for instance, as the one at Rock Creek, which gave way the other day. I am opposed to the idea of placing works of such importance under the control and direction of inexperienced men. I do not think that army officers who graduate at West Point are educated to build bridges, although they may be educated to build forts, and works of that description. Civil engineers are educated especially for the purpose of building bridges, and works of a similar character, and to them should be intrusted the care of such a work as the one now under consideration. If the bridge is to be built anew, under a plan made by a competent civil engineer, then I would be perfectly willing to vote for the whole of the appropriation asked for; but if it is to remain under the charge of gentlemen inexperienced in such matters, then I shall be opposed to the appropriation.

Mr. BANKS. I withdraw the amendment I offered.

Mr. FLORENCE. I propose a *pro forma* amendment to reduce the appropriation to one dollar.

There is, Mr. Chairman, just now a prevailing epidemic in relation to the destruction or falling down of bridges in the District of Columbia, and adopting the nomenclature of the day, it appears that of all the causes of the difficulty, the most astute in giving reasons therefor really know nothing. It seems to me there must be a radical error in the superintendence of the construction of these bridges, as well as worthlessness in the material used in building them. The gentleman from Massachusetts [Mr. BANKS] remarked that the addition of the bed-plates was the cause of this difficulty in one of these structures. I do not so understand it. I have had the opinion of a number of practical gentlemen of experience and judgment, who visited me at my room, and they say that the worst iron castings they ever laid their eyes upon were used in building the bridge to which the gentleman has alluded. We have this evidence in addition to that given by the gentleman from Kentucky, [Mr. STANTON,] If the material of which this bridge was being constructed had been of a good quality, the mere placing of the bed-plates by careful, practical workmen, would not have toppled it over into the waters of the Potomac.

I agree with the gentleman from Virginia, that it is time a stop was put to all of these proceedings. Hence, sir, I am in favor of striking out the whole appropriation, and of beginning anew; and adopting such a plan of bridge, under the control and direction of persons who know something about the business of building them, as will stand. Thus we will be able, if we are to construct bridges for the people of the District of Columbia communicating with Virginia, or over the different creeks and canals, which, I was going to say, infest the District: yes, sir, that is it—infests the District. We will be thus able to get a structure worth the money we may give for it.

Hence, Mr. Chairman, I am in favor—from a conscientious conviction of duty—of striking out the whole of this appropriation, and of pursuing such a course and adopting such a plan as I have here indicated. For, sir, there are thousands of good plans, and plenty of good bridges; and there are plenty of good bridge-builders, and thousands of competent superintendents, who can be had to effect this purpose, and who know something about the business. It is high time that we had

an assurance of a perfect structure in bridges and building them, or any other public work, when we appropriate an amount, that will, anywhere else than here, be ample to secure that object.

I withdraw my amendment, if there be no objection.

The amendment was accordingly withdrawn.

The question was then taken on the Senate amendment, and it was concurred in.

The Clerk then reported the forty-first and forty-second amendments of the Senate, as follows:

Page fourteen, line three hundred and twenty-eight, after the word "California," strike out "\$37,500," and insert in lieu thereof "\$42,000," and that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent; and the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issuing from said commission as are allowed to the sheriffs for serving similar processes by the higher courts of California; and the same mileage and per diem shall be made to witnesses as are allowed to witnesses by the State of California.

Mr. LATHAM. There are two propositions in the first clause of that amendment, though they are both embraced in the one amendment. I desire to have these propositions read separately, so that we can have a separate vote upon them.

The Clerk reported a portion of the amendment, as follows:

Page fourteen, line three hundred and twenty-eight, after the word "California," strike out "\$37,500," and insert in lieu thereof "\$42,000."

—so as to make the appropriation read:

For salaries and incidental expenses of the commission appointed under the act of March 3, 1851, for settling land claims in California, \$42,500.

Mr. PHELPS. Mr. Chairman, the Committee of Ways and Means recommend a non-concurrence in that amendment. In the bill reported to the House, there is an appropriation of \$35,000 for salaries and incidental expenses to the commission appointed under the act of March 3, 1851, for settling land claims in California. The Senate have proposed to amend that section of the bill by inserting that which has just been read at the desk. In the estimate submitted by the Secretary of the Interior for the amount necessary to defray the expenses of the land commission in California, the total amount was only \$37,500, which amount the House of Representatives has so appropriated. The second proposition in the amendment is, that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent. Now, Mr. Chairman, by the act fixing the salaries of the law agent and the assistant law agent, the salary of each of these officers was fixed at \$5,000. I refer to the act passed in 1852—the civil and diplomatic appropriation act—which provides that the President of the United States shall appoint an assistant law agent in California, learned in the law and skilled in the Spanish and English languages, whose duties and compensation shall be the same as those of the law agent; provided, that the compensation of the agent and associate agent shall not exceed \$5,000 each.

During a part of the time that Mr. Greenhow held the office of assistant law agent in California, the law agent was not present, and Mr. Greenhow discharged the duty incumbent on the office of the law agent, for which it is proposed to give him this extra compensation. I can regard this amendment of the Senate in no other light than as giving to Mr. Greenhow a double salary. Instead of paying \$5,000 you are to pay \$10,000, if you adopt the Senate amendment. I suppose that \$5,000 would be sufficient to command all the time and all the energy of an assistant law agent; and that was the contract he made with the Government when he accepted the office. He agreed to give his whole time and energies to the performance of the duties of the office which he filled, and that, too, for \$5,000. You have paid those law agents during that time, though some of them for a portion of the time were traveling in the Atlantic States; and now it is proposed to increase those salaries.

A MEMBER. Has this agent been paid?

Mr. PHELPS. This law agent has received his salary at the rate of \$5,000 a year. For the reasons which I have stated, the Committee of Ways and Means recommend a rejection of the Senate amendment.

Mr. LATHAM. I desire to say, that so far

as the gentleman's statement goes, relative to the discharge by Mr. Greenhow of the duties of assistant law agent, it is correct. But he does not go quite far enough to show the equity of the case, and to show the reasons which induced the committee to recommend a non-concurrence in the amendment of the Senate.

The duties of those two offices were specifically set forth in the law which created them. The duty of the assistant law agent was to take testimony for the commission, which was an onerous and responsible duty; and the duty of the law agent was to take charge of the proceedings and argument before the court.

Mr. PHELPS. Will the gentleman allow me to correct an error into which he has fallen?

Mr. LATHAM. Of course.

Mr. PHELPS. The law creating these officers says:

"The President of this United States shall appoint an associate law agent for the State of California, learned in the law and skilled in the Spanish and English languages, whose duties and compensation shall be the same with those of the law agent."

Their duties were all the same.

Mr. LATHAM. But it is not reasonable to suppose that when Congress here created these two officers they expected them to discharge the same duties. On the contrary, the law itself specifies that the assistant law agent shall be skilled in the Spanish language, in order that he may be able to take the testimony of Spanish witnesses; and I know that his duties were exclusively confined to the taking of testimony to be used before the commission. But upon the law agent devolved the duty of going before the commission and arguing the causes.

Now, Mr. Greenhow for fourteen months, and not for the short period of time which the gentleman states, but for fourteen months, discharged the duties which devolved upon both of those officers. He not only took the requisite testimony, but conducted the proceedings before the court, and at last fell a victim to the arduous labors which were devolved upon him. I say these things for the purpose of justifying the action of the Senate in giving to him the compensation to which both of those officers were entitled under the law. If the law agent received his compensation, he did so wrongfully, and without being in the slightest degree entitled to it, because he failed, for a period of fourteen months, to discharge a part of the duties, and during which time they were discharged by Mr. Greenhow. This amendment was introduced for the purpose of giving a compensation for the performance of double services.

Mr. McDUGALL. I move to amend the amendment by inserting between the word "to" and the word "Robert" the words, "the widow of," so that it shall read:

And that \$5,000 of said sum shall be paid to the widow of Robert Greenhow, &c.

When this amendment was adopted by the Senate, we were not advised that Robert Greenhow was deceased; and I offer this amendment now, in order that, should this amendment pass, the money may go directly to the widow, who is now in the city of Washington.

I will state that a law agent was appointed, and afterwards an associate agent appointed, for the reason that the duties of that office had been exceedingly onerous. For fourteen months Mr. Greenhow has been not only the assistant law agent, and, as such, has performed faithfully the duties imposed upon him as such, but he has also discharged the duties of principal law agent. He has performed duplicate, and more than duplicate, duties as assistant agent, because the principal law agent would take upon himself all the responsibilities of the office.

Now, I understand that if a man does double service, he is entitled to double pay. Even if he does get \$5,000 or \$10,000 for his services, it is not an enormous compensation in the State of California. There is not a lawyer in the State, of respectable position, whose income is not more. Some of the officers of the United States Government in that State receive as much. The commissioners for settling land claims in that State receive a salary of \$8,000 each. Mr. Greenhow discharged faithfully the duties of both these offices; and it seems to me the allowance which is proposed is but a reasonable one.

Mr. SMITH, of Virginia. I desire to ask the gentleman from California what is the amendment which he proposes?

Mr. McDUGALL. It is simply that the amount shall be paid to his widow. Mr. Greenhow is dead.

Mr. SMITH. I would suggest to the gentleman that he modify his amendment so as to make the money payable to his legal representatives.

Mr. McDUGALL. I will say to the gentleman, that the effect, practically, will be the same. His widow is now in the city, and I desire that the money shall be paid directly to her, without going through the forms of law, which would be necessary if the form the gentleman has suggested were adopted.

Mr. PHELPS. I desire to say that this amendment proposes to pay this officer double pay.

Mr. McDUGALL. For performing double service.

Mr. PHELPS. Very well; for discharging double duty, if the gentleman pleases. Sir, this law agent was appointed to take testimony before the commission, and then to argue the cases before them. I do not understand that more than one can be employed at the same time. An assistant, however, was appointed, to provide that the business might go on in case of the absence of the principal agent. It was not, however, with the understanding that if only one was employed a portion of the time, that he should receive the pay of both.

The gentleman says other officers of the Government in that State receive as large a compensation, and refers to the commissioners to settle these land claims. The law originally fixed the salaries of these commissioners at \$5,000 per annum, but the amount was raised at the close of the last session to \$8,000. But, sir, the compensation of the law agent was fixed at \$5,000, and that of the associate agent at the same amount, and now to allow one the salary of both officers, I think would be setting a bad precedent. When Mr. Greenhow was appointed to this office, it was with the understanding that he was to devote his whole time to the service of the Government, should the business in his office require it. It was not supposed, as I understand it, when the assistant law agent was appointed, that there would be business sufficient to employ two; but he was appointed in order that in case of the absence from any cause of the principal, that the business before the commission might not be suspended.

Mr. McDUGALL. With the consent of the committee, I will withdraw my amendment.

There was no objection, and the amendment was accordingly withdrawn.

Mr. BAYLY, of Virginia. I move to increase the appropriation \$500. Mr. Chairman, I beg leave to say that I have always been of the opinion that the laborer is worthy of his hire. And, sir, the gentleman from Missouri is mistaken in supposing that in this case we are establishing a precedent. I recollect, within my experience, many precedents, where the same thing has been done; where officers, having performed double duty, Congress gave them additional pay for it. I refer to one case particularly. When the law passed authorizing the issue of Treasury notes, it was required that they should be countersigned by the Treasurer and the register. It was not a *designatio persona*, but it was a reference to them as public officers. Yet, because it was out of the line of their usual duties, this House, as I know of my own recollection, made to both of these gentlemen compensation for that extra service.

My friend suggests the case of judges of Territories. I recollect another case, still more palpable. Until we legislated on the subject, where an officer of the Cabinet filled more than one position, he got both salaries. And it is true that the patriotic Benjamin F. Butler at one time drew the salaries of three Cabinet officers.

So far from settling, in this case, a new precedent, my recollection is that the practice of the Government has been otherwise; and that where a man, not in the Army or Navy, but in civil employment, was required to do duties out of the line of those particularly prescribed, Congress has made compensation. They always give extra pay.

This is a case in which I feel an interest, on account of the condition of the family of a most worthy man, who sacrificed his life in the dis-

charge of these very extra duties. Gentlemen seem unwilling now to make compensation for his extra employment. That family is deprived of its support by his sacrifice; and, in my judgment, it is a great wrong to withhold almost the price of his blood from his helpless wife and children.

Mr. MORGAN. I object, Mr. Chairman, to this amendment, unless a similar application, which I have in charge, be placed on the same ground. When this deficiency bill was up before, I applied for extra compensation for a gentleman who was placed at the head of the Census Department during the absence of Mr. Kennedy. I was told that the application must go before the Committee of Claims; that it was fair; but I must go there. This is precisely a similar case. If it were proper that my case should go before that committee, it is equally proper that this one should take the same course. If this amendment be adopted, I shall ask the same favor for the one to which I refer.

Mr. SMITH, of Virginia. I would ask my colleague to withdraw his amendment.

Mr. BAYLY. With pleasure, sir.

Mr. SMITH. I move, in good faith, to increase the appropriation \$500.

Mr. Chairman, Robert Greenhow, it is perhaps known to many gentlemen of this House, was for many years translator to the State Department in the city of Washington. While here, he established a character for fidelity, diligence, and true-heartedness in the performance of all his duties, that has given him a high place in the memories of those who knew him. While thus situated he formed an attachment—and I think myself that every man who neglects to form such an attachment is a just subject of censure—he attached himself to a lady who is as lovely as a houri, and the result of that connection was a cluster of little ones growing up in loveliness around him. Thus circumstanced, he soon found that the salary which he received from the Government would not furnish means for the education and establishment of his children in the society in which they had been born, and in which they might expect to move. He therefore voluntarily resigned his place in the State Department. He cut himself loose from the strong ties of official position. He did this under a sense of duty to his family, and made his way to the golden land of California for the purpose of amassing his "pile." On his way thither he spent some months in the city of Mexico, where he devoted himself studiously to the acquisition of a knowledge of the Spanish laws and titles in California, with his wife, who had followed him in his peregrinations, by his side. He then settled down in California with that wife who had abandoned her home for the purpose of cheering and comforting him in his labors. He there engaged in the duties of his profession as a lawyer, and ultimately became assistant law agent to this commission.

Now, here let me say, by way of argument, that the very fact that an assistant was considered necessary, is evidence that the duties of the office were more than one man could perform. Well, the principal having resigned, the assistant was called upon to perform the duties. What duties? I ask the honorable gentleman from Missouri [Mr. PHELPS] what duties? He was not only called upon to perform his own duties as assistant, but the duties of his principal. The law provided for two officers, thereby recognizing the necessity of two officers to perform those duties. He undertook to perform the duties of both; and every man who knew Robert Greenhow and the labors of that commission, knows that he performed them well. The principal had resigned, cleared out, and thrown all the labor on a man who knew nothing but his duty, and dedicated his time and constitution to the service. He was never paid. He died there in the discharge of those double duties, and in the employment of the Government, with his family here. The committee will excuse me for mentioning, that the very day before the sad intelligence of his death reached this city, his wife was manifesting a deep anxiety in the success of this very claim and in its speedy passage, in order that she might join her husband in California. The very day after, the news came upon her like a clap of thunder, that the husband with whom she so deeply sympathized was no more. The question for the committee now to

decide is, whether the man who performed double duty, under circumstances that address themselves so strongly to our sense of justice and sympathy, shall be paid? I do not hesitate to say that we ought to pay to the last farthing. Five thousand dollars is nothing but the salary he would be entitled to for a year, and he performed the duties for fourteen months. If you pay at all, why not pay for the fourteen months?

Mr. HOUSTON. I have not much to say about this amendment, further than to express my opinion in relation to the practice, as stated by the gentleman from Virginia, [Mr. BAYLY,] who first addressed the committee. I do not think that this case is one that comes within the rule, or within the practice even, as stated by the gentleman himself. I know it has been the case, where a head of the bureau has been called away, or has been absent from his post, that the officer next below him, who discharged his duties, has received, under certain circumstances, the salary of the higher officer. But the duties in such a case are of a different character. The duties of a chief clerk are not the same duties that are performed by the head of a bureau. If the head of a bureau should be absent, the chief clerk would perform his duties; but they would be of a different character from those which he had been in the habit of performing. The chief clerk would not draw his own salary and also that of the head of the bureau.

The gentleman from Virginia [Mr. BAYLY] stated that Mr. Butler at one time drew the salaries of three Cabinet officers. I think he is mistaken. I do not believe the gentleman can show a solitary case upon record where any Secretary has drawn a dime above his salary for double service. I know there are cases where a chief clerk has drawn the salary of the head of a bureau for performing the duties appropriate to that place; but he did not, at the same time, draw the salary of his own office. There is a case now before Congress precisely in point—that of Mr. Dickinson. He was at one time chief clerk in the State Department, and performed the duties of Secretary of State in the absence of that officer. A bill is now before the House, or Committee of Claims, providing for the difference between his salary as chief clerk and that of Secretary of State. I cannot of course assert positively that the gentleman from Virginia is mistaken in the position he has assumed, but he has not shown a case where a Secretary, although he may have performed the duties of two Departments, drew the salary attached to both.

I listened to the appeal of my friend from Virginia [Mr. SMITH] with a great deal of interest. I have no doubt that the eulogy he pronounced upon Mr. Greenhow and his family was just and well deserved. But then, if we make an appropriation for every man who has left a lovely wife and children, and for every widow who has children to support, we shall be entering upon a course of very loose legislation, which, for one, I do not desire to see introduced here. If my friend from Virginia is disposed to legislate in this way, I have no objection; but, for myself, I cannot consent to it. I am perfectly willing, whenever a case is presented where there is any semblance of propriety in making an appropriation, to listen to these appeals to my sympathies, and they would have their influence when sustained by law and the facts of the case. In the case under consideration, Mr. Greenhow was the assistant law agent, and in the absence of the principal, he performed the duties of the law agent—

[Here the hammer fell.]

Mr. BOCOCK took the floor.

Mr. BAYLY, of Virginia. I hope my colleague will yield me the floor for a moment, to offer an amendment.

Mr. BOCOCK. Certainly, sir.

Mr. BAYLY. Then I move to reduce the appropriation to \$499.

Mr. SMITH, of Virginia. Will the gentleman from Virginia [Mr. BAYLY] allow me to ask the gentleman from Alabama [Mr. HOUSTON] a question?

Mr. BAYLY. Certainly.

Mr. SMITH, (to Mr. HOUSTON.) Is not the clerk to the Committee of Ways and Means a clerk in the State Department, and is he not drawing salary for both offices?

Mr. HOUSTON. The clerk to the Committee

of Ways and Means is a clerk in the First Comptroller's office, and my understanding is that he has a substitute there aiding in the performance of his duties in that office. The duties which he performs for the Committee of Ways and Means are very generally transacted out of office hours, both at night and in the morning, while others are asleep.

Mr. BAYLY. The gentleman from Alabama says that I am mistaken in the case which I put.

Mr. HOUSTON. Well, I think so.

Mr. BAYLY. I think this committee will do me the justice to say that I am not much in the habit of making statements in this House loosely, and without some knowledge of the facts. I do know the fact that I have stated; and if the gentleman thinks that instances of the kind cannot be found, I will refer him to his industrious clerk, and he will hunt him up plenty of cases. Or, if the gentleman will take the trouble himself, he will find that there are plenty of cases, which I could specify; but I do not choose to be invidious in that respect. But as to the other case I refer to, which is more immediately in point, where the Comptroller and Treasurer were required to countersign Treasury warrants, and where they were allowed extra compensation for it, I stated that here without a possibility of being in error. I cannot be mistaken in this, because I defended the thing on this floor, standing just where Mr. LATHAM is now.

Here, Mr. Chairman, is a man who has done the duties of two offices. Well, this is not the ordinary case where a man discharges the duty of an officer who is absent, and where he draws the difference between that officer's salary and his own. But, as my colleague [Mr. SMITH] says, the Government paid for the service of but one officer, and that officer did the duties of two officers. It cannot be possible that where Congress has decided that two officers are necessary, and where one, by over-diligence, does the duty of both, that he should not have the proper compensation for his labor. I do not mean to say that it is strictly a legal claim; but I say that it is one which ought to be allowed and granted—under the precise circumstances in which this man died—broken down by these extra labors. Even supposing he was performing them in the line of his duty, as my friend from Alabama [Mr. HOUSTON] maintains he was, if he had been in the Army or Navy his widow would have been entitled to a pension. I say, that under circumstances of this sort, we are not, as we are asked, to put the case under the iron rule of the pound of flesh, because it is nominated in the bond. I will not legislate on this plan.

Mr. BOCOCK. I propose to ask my colleague [Mr. BAYLY] for the proper understanding of the question. Would not the Government allow \$10,000 for the discharge of these duties? Were they not all discharged by one man? And is there any case where Government allows a particular amount for discharging a particular species of duties, that such amount is not paid?

Mr. BAYLY. I believe not.

Mr. McDUGALL. Mr. Chairman—

Mr. HOUSTON, (interrupting.) I want a minute to reply to the gentleman from Virginia, [Mr. BOCOCK.] The gentleman asks his colleague whether Government did not allow \$10,000 for this service; and if there is any case where Government allows a certain specified amount to be paid for a particular species of work, that this sum is not all paid up? I did not hear what his colleague's answer was.

Mr. BAYLY. It was, that I believed not.

Mr. HOUSTON. It may be that I am mistaken in this thing; but if I am, the law is most wretchedly and improperly administered. I say there are cases, and thousands of cases, where money is appropriated to pay for services, and in which the offices become vacant, and there is no expenditure of the money.

Mr. BOCOCK. That was because the services were not performed.

Mr. HOUSTON. The officer who discharged the services for which this appropriation is asked, was employed to perform this kind of service, and he could do no more than what would entitle him to his salary of \$5,000 a year, unless he did it out of ordinary business hours, and under extraordinary circumstances, which show that he devoted a portion of his own time to its accomplishment:

for that is not expected from an officer of the Government.

Mr. LATHAM. That is just what he did do in this case. He worked out of office hours, before breakfast, and at late hours of the night.

Mr. HOUSTON. Then the gentleman from California should be obliged to me for touching upon this subject; for this is the first time that such a circumstance has been mentioned during this debate; and it is the only point which gives to this case any claim upon the Congress of the United States.

Now, the idea of appropriating \$10,000 to two officers—\$5,000 apiece—and because one of them resigns, or does not discharge his duties, giving the whole of it to one, is most extraordinary. Suppose that a clerkship should become vacant in one of the bureaus of a Department of the Government, or that half a dozen clerks should resign, according to the doctrine here contended for, the remaining clerks should draw the salaries of those whose offices are vacant—

Mr. SMITH, of Virginia, (interrupting.) There is, in this very bill, an appropriation of \$6,000 recommended by the committee for the purpose of paying clerks who have performed duties beyond their regular services. It is in these words:

To pay clerks for services performed on Chickasaw Indian business, in pursuance of the regulations of the President of the United States, and in conformity with the decision of the late Secretary of the Interior, \$6,187 50.

Mr. HOUSTON. That is true; but there the services were rendered out of office hours; and such was the proof before the House and before the committee. And another thing, the sum of \$250, which was to be paid to each of the clerks employed in that business, was fixed by law, and the clerks, under that agreement, ought to have been paid long ago. But that case does not affect the matter now under consideration.

I did not expect, Mr. Chairman, to take part in this discussion, but I believed that my friend from Virginia [Mr. BAYLY] had committed an error in his statement. He says to the committee that he is not in the habit of doing so. I did not charge him with habitually committing errors. I have not said that his statements are not correct. I simply said—for I have not had time to examine them—that I did not think they were correct.

Mr. BAYLY. Permit me to say to the gentleman, that I know I am not mistaken.

Mr. HOUSTON. Will the gentleman cite a single case, and I will look into it?

Mr. BAYLY. I will refer the gentleman to the case of Judge Mason.

The question then recurring upon the amendment of Mr. BAYLY, he withdrew it?

Mr. McDUGALL. I move an amendment, to take the place of the amendment which I offered some time since. It is to insert between the word "to" and the word "Robert" the words, "the legal representatives of," so that it shall read:

And that \$5,000 of said sum be paid to the legal representatives of Robert Greenhow, &c.

I wish to say, in reply to the remark, that, as a matter of strict right and law, a party who performs the duties of two offices is not entitled to be compensated for both, that directly the contrary is true, and that it was so held by Judge Taney, in the circuit court of Maryland. Chief Justice Taney, in the case of the United States vs. White, decided that where an officer of the Government performed two duties, the salaries of which were fixed by law, he was entitled to the compensation of both.

Mr. BARRY. I submit, Mr. Chairman, that if the precedents which the gentleman states are all correct, it is no reason for the adoption of this amendment. Because Congress has done wrong once in allowing double pay, is no reason why it should do the same wrong again. It has been said that this man performed double duties, and that has been assigned as a reason for allowing him a double compensation. Now, sir, the salary under which he was appointed was amply sufficient to compensate him for employing all his time in the service of the Government. There are many men as competent as he who would be glad of the appointment, with all the duties which he has performed, at the salary which, under law, he is to receive.

Gentlemen talk about precedents for receiving double pay for performing the duties of two

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offices. Why, sir, is it not for the same thing that we hear so much complaint in this House in reference to those who superintend the construction of the wings of our Capitol? Is not the complaint being continually made, that men who are receiving regular pay as Army officers, are allowed to be employed in the construction of civil works, and receive the compensation of civil officers in addition? It has been urged that it is wrong that the practice should be allowed; and I think it is wrong; but I think this case is included in the same category.

Mr. SMITH, of Virginia. Mr. Greenhow was a lawyer.

Mr. BARRY. That makes the case all the stronger.

Mr. SMITH. The military officers to whom you refer do not perform the duties of both the offices for which they receive compensation.

Mr. BARRY. That does not necessarily follow. An officer may be stationed at a garrison with all the duties of a military officer to perform. He may, nevertheless, accept the office of superintending the construction of some building or work, and attend to his duties as such, and then at night repair to the garrison, drill his men, and go through all the duties required of him as a military officer. He may perform faithfully the duties of both offices, and yet, because he receives the pay of the two offices, we hear all this complaint. I do not understand that this assistant law agent was appointed because there was a sufficient amount of business to employ two officers. But it was necessary, in order that the business should progress, that one should always be present, and to provide against any accident, two were appointed. This is my understanding of the reason of this appointment, and not with the understanding that one should receive the pay of both when only one was present.

Mr. McDUGALL. I will state to the gentleman, that the assistant law agent was appointed because the duties of the office were too onerous to be performed by one person.

Mr. BARRY. I take it for granted that they could be performed by one person, because they have been discharged properly, as I understand, by Mr. Greenhow. I understand that he has discharged those duties well, and that justice has been done to the Government in every respect. The gentleman says that Mr. Greenhow died while there. Well, sir, there have been many persons who have gone to California to seek for gold and have found a grave. But because he went to California, and died there, you propose to grant a pension. Sir, if you undertake to grant pensions for all who have gone there, and have there found their graves, I will venture to say you will find your pension list full to overflowing, involving an expense beyond anything you have yet provided for.

Mr. SMITH, of Virginia. I desire to refer the gentleman to the office of the Attorney General, for instance. He receives a salary from the Government, and yet does private business as a lawyer.

Mr. BARRY. I take it for granted that he does not devote time to private business which a proper attention to public business requires. In this case the agent is appointed to discharge the duties of his office. He is paid for discharging those duties, whatever they may be; and if they require him to devote his whole time, he has nothing to complain of.

The question was taken upon Mr. McDUGALL's amendment; and it was rejected.

Mr. HAVEN. I do not wish to propose an amendment, if the committee will permit me to have a section of the law read.

Several MEMBERS. Read it.

Mr. HAVEN. There is one section on page 370, vol. 9, of the United States Statutes, which is as follows:

"That no clerk or other officer shall receive the salary of any Secretary or head of bureau for acting or having acted in his place or office, while said Secretary or head of bureau receives such salary."

Then there is another proviso to a section on page 542 of the same volume, which is as follows:

"Provided, however, That hereafter the proper accounting officers of the Treasury, or other officers of the United States, shall in no case allow to one individual the salaries of two different officers on account of having performed the duties thereof at the same time. But this prohibition shall not extend to the Executive buildings."

I do not desire to make any remarks upon the subject; but as so much has been said in relation to officers receiving double pay for performing the duties of two offices, I have read these sections of the law for the purpose of settling some of these matters.

The question was taken on Mr. LATHAM's amendment; and it was decided in the affirmative.

The question was then put on the Senate amendment, as amended.

Mr. MEACHAM. I demand a division.

Mr. PHELPS. I would appeal to the gentleman to withdraw his call for a division; for if it be persisted in, it may break up the committee. When we get to the House we can have the question fully decided, and by the yeas and nays, if gentlemen desire.

[Cries of "Division!"]

Mr. MEACHAM. I desire to see the question settled.

The question was again put; and there were—ayes forty-two—

Mr. ORR. I demand tellers.

Tellers were ordered; and Messrs. TAYLOR, of Tennessee, and PECKHAM were appointed.

The question was then taken; and the tellers reported—ayes 48, noes 42; no quorum voting.

The CHAIRMAN. The Clerk will call the roll.

The roll was accordingly called, and one hundred and thirty-four members answered to their names.

The committee then rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the deficiency bill and the amendments of the Senate thereto, and finding itself without a quorum, had caused the roll to be called, and the names of the absentees to be noted, and had directed him to report the same to the House.

A quorum being now present, the committee resumed its session.

The CHAIRMAN. When the committee found itself without a quorum, we were dividing upon the amendment of the Senate, as amended; upon which tellers had been ordered.

The tellers resumed their places; and the question being again put, the reported—ayes forty, noes not counted.

The CHAIRMAN. A majority of a quorum not voting, the amendment is rejected.

The forty-second amendment of the Senate was then read, as follows:

And the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issuing from said commission as are allowed to the sheriffs for serving similar processes by the higher courts of California; and the same mileage and per diem shall be made to witnesses as are allowed to witnesses by the State of California.

Mr. WALSH. I move that the committee rise.

Mr. PHELPS. I hope the gentleman from New York will withdraw that motion.

Mr. WALSH. I will not withdraw the motion. There has evidently been a drumming up here to get members enough to make a quorum on the last vote. There are provisions in the bill which ought not to pass without a full vote.

The question was then taken; and a division being had, there were—ayes 37, noes 64; no quorum voting.

Mr. HAMILTON. I ask that the roll be called.

Mr. WRIGHT, of Pennsylvania. I call for tellers.

Tellers were ordered.

Mr. STANTON, of Kentucky. Does it require a quorum to rise?

The CHAIRMAN. It is not necessary to have a quorum to rise, but there must be a majority of a quorum to rise.

Messrs. WHEELER and ROBBINS were appointed tellers.

The question was taken, and the tellers reported—ayes 34, noes 67.

After the tellers had reported, several other votes were given on both sides, about which there was some disagreement.

Mr. WHEELER. Call the roll.

Mr. TAYLOR, of Ohio. I move that the committee do now rise.

Mr. ROBBINS. Mr. Chairman, I think it is better to have a recount.

The CHAIRMAN. If there be no objection, the tellers will take the count again.

Mr. WALSH. I object.

Mr. WHEELER. The tellers have already reported once.

The CHAIRMAN. The committee have a right to have a recount.

The tellers resumed their places; and the question being again put, the tellers reported—ayes 36, noes 70; no quorum voting.

[Cries of "Call the roll!" "Call the roll!"]

Mr. WRIGHT. I move that the committee do now rise.

The CHAIRMAN. That motion cannot be made, as the committee has found itself without a quorum.

Mr. EDMANDS. I would like to inquire of the Chair, whether a quorum is necessary to enable the committee to rise?

The CHAIRMAN. A quorum is not necessary for that purpose, but a majority of those present is necessary. The rules are imperative that the committee, finding itself without a quorum, shall cause the roll to be called.

Mr. FLORENCE. Will it be in order to move that the committee take a recess?

The CHAIRMAN. No motion is in order.

Mr. PECKHAM. The committee can rise by unanimous consent.

[Cries of "Call the roll!"]

The roll was then called, and the Speaker having resumed the chair, the Chairman of the committee [Mr. CHANDLER] reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially the Senate amendments to the deficiency bill, and finding itself without a quorum, had ordered the roll of the committee to be called, and had directed him to report the facts to the House, together with the names of the absentees.

The following are the names of the absentees:

Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Ashe, Ball, Barksdale, Bennett, Benson, Benton, Bissell, Bliss, Cocke, Bridges, Brooks, Bugg, Campbell, Carpenter, Caskey, Chamberlain, Chase, Chrisman, Churchwell, Clark, Clingman, Colquitt, Cook, Corwin, Cox, Craige, Crocker, Cullom, Curtis, John G. Davis, Dent, De Witt, Dick, Dickinson, Disney, Dowdell, Dunham, Eastman, John M. Elliott, English, Ewing, Faulkner, Fenton, Franklin, Goode, Greenwood, Grey, Grow, Andrew J. Harlan, Wiley P. Harris, Hendricks, Hiester, Hillyer, Howe, Hunt, Ingersoll, Kelitt, Kerr, Kittredge, Lamb, Lane, Lindley, Macdonald, McMullin, McNair, McQueen, Mace, Mackey, May, Mayall, Murray, Noble, Andrew Oliver, Parker, Phillips, Preston, Ready, Reese, Richardson, Thos. Ritchey, Seward, Shannon, Simmons, Gerrit Smith, Solers, Alexander H. Stephens, Restor L. Stevens, Tweed, Warren, Israel Washburn, John Wentworth, Westbrook, Daniel B. Wright, and Yates.

The SPEAKER. One hundred and thirty-three members (more than a quorum) having answered to their names, the Chairman will resume the chair.

The committee accordingly resumed its session.

Mr. WHEELER. I move that the committee do now rise.

The CHAIRMAN. That was the last motion made in committee before it rose.

Mr. JONES, of Tennessee. And a majority voted against it.

Mr. PHELPS. I believe the question is upon the forty-second amendment. I have but a word

more to say in explanation of it. In the first place, this amendment should have no place in an appropriation bill. It provides that the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issued from the commission for adjudicating land claims as are allowed to the sheriffs for serving similar processes issued from the higher courts of California, and that the same mileage and per diem shall be made to witnesses as are allowed to witnesses by the State of California. Such a provision should have no place in an appropriation bill, and the Committee of Ways and Means accordingly recommend a non-concurrence therein.

Several MEMBERS. We will vote it down without any further explanation.

Mr. PHELPS. Very well; then I will say nothing more.

Mr. LETCHER. I shall vote against this amendment, for the reason that I want a general law passed upon the subject which will reach other cases as well as this. The last Congress passed a law regulating the fees of the district attorneys and marshals, and other officers in the Federal courts, and they have regulated them in such a way that every marshal in my State who has to go one hundred and fifty miles away from home cannot defray his expenses from his fees. Now, sir, I want a general law passed that will reach other cases besides this one. I do not want special legislation which will provide for the wants of California, or that will provide for the wants of Michigan, and not for those of the other States. Let a general law be passed, by which all these officers shall receive a reasonable compensation for their services.

Mr. McDUGALL. I desire to say a word.

The CHAIRMAN. No further discussion is in order, unless the gentleman offers an amendment.

Mr. McDUGALL. Is it not in order to show why the Senate amendment should be concurred in?

The CHAIRMAN. It is not, unless the gentleman offers an amendment.

Mr. McDUGALL. I move, then, to strike out the last word in the amendment.

Mr. Chairman, before the vote is taken, I desire to state one or two facts to the committee. We have a commission in California for the purpose of settling land claims in that State. The witnesses upon the part of the claimants are brought there by the interest of the claimants themselves; but the Government have an important duty to perform, in resisting unfounded and fraudulent claims. Witnesses, in many instances, must be brought from the extreme portions of the State. Now, under the present law, the fees of the marshals will not pay their traveling expenses.

Mr. LETCHER. Then let a general law be passed raising the fees of other marshals as well as yours.

Mr. McDUGALL. Why, sir, this commission is to last only until the 3d of March next; and if the officers of the Federal Government, whose duty it is to protect the interest of the Federal Government, are to perform that duty, you must furnish them with the necessary means. Now, sir, it is impossible to defend the Government against these claimants; they must have witnesses brought, and you must pay your marshals a compensation that will enable them to bring such witnesses as may be required. Now, sir, this is a subject which requires immediate attention. It will not do to wait the slow process of passing a general law. I said this commission is to expire in March next, and unless some provision is passed very soon, it will be too late. It will not do to wait until next winter for the passage of such a law. The Government have important interests to protect in preventing its lands from being taken by those who have no legitimate claim upon them. It is important that such measures should be taken as will prevent the Government from being robbed of its lands; and I hope this amendment will be concurred in.

Mr. LETCHER. If I understand correctly, the Federal officers in the State of California, for serving the process of this commission, get what the officers get for serving the process of the courts.

Mr. PHELPS. Double the amount.

Mr. LETCHER. It is, then, that much worse than I thought it was.

The question was taken; and the amendment of the Senate was non-concurred in.

The forty-third amendment of the Senate was next read by the Clerk, as follows:

That the Secretary of the Interior be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa for expenses of the United States district court which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that, prior to said time, the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same.

Mr. PHELPS. The Committee of Ways and Means propose the following as a substitute for that amendment:

That the First Comptroller of the Treasury be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa for expenses of the United States district court, which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that prior to said time the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated 19th of December, 1843, as construed in the report of said First Comptroller to the Secretary of the Interior under date of 13th of October, 1853, in reference to said subject, should have been paid by the marshal of the United States for said Territory, he is directed to audit and settle the same.

The question was taken; and the substitute was adopted.

The amendment of the Senate, as amended, was then agreed to.

Mr. WHEELER. I move that the committee do now rise.

Mr. PHELPS. I would beg of the gentleman to withdraw his motion for a short time.

Mr. WHEELER. There does not seem to be any hurry about the public business. It was postponed lately for a week and better. I insist on my motion, and demand tellers on it.

Tellers were not ordered.

The question was then taken on Mr. WHEELER's motion; and, on a division, there were—ayes 34, noes 58; no quorum voting.

[Cries of "Call the roll!"]

The roll was called, and one hundred and seventeen members answered to their names, being less than a quorum.

The committee then rose; and the Speaker having resumed the chair, the Chairman (Mr. CHANDLER) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the deficiency bill and the amendments of the Senate thereto, and finding itself without a quorum, had caused the roll to be called, and the names of the absentees to be noted, and had directed him to report the same to the House.

Mr. LETCHER. As there is no quorum here, I move that the House do now adjourn.

The motion was agreed to; and thereupon (at twenty minutes before four o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, p. m.

IN SENATE.

WEDNESDAY, May 24, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. SEWARD presented a petition of inhabitants of Jamestown, New York, and a petition of citizens of Wellsville, New York, praying a reduction in the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Also, three petitions of citizens of Niagara county, New York, and a petition of citizens of East Saginaw, Michigan, praying for the construction of a ship canal around the Falls of Niagara; which were referred to the Committee on Commerce.

Also, the following petitions, &c., against the passage of the bill for organizing the Territories of Nebraska and Kansas; which were ordered to lie on the table:

Petition of citizens of Brandon, Vermont;

Petition of ministers of the Gospel of New York, Massachusetts, and Vermont;

Petition of Stephen T. Wheeler, of Columbia county, New York;

Petition of clergymen of different denominations in the State of Michigan;

Two petitions of citizens of Pennsylvania; and Petition of citizens of Livingston county, Michigan.

REPORT FROM A STANDING COMMITTEE.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred a resolution of the Senate, directing that committee to inquire into the case of David Carter and Nancy Thornton, and, also, documents relating thereto, submitted a report on the subject; which was ordered to be printed.

AFRICANIZATION OF CUBA.

Mr. BENJAMIN. I desire to present resolutions of the Legislature of the State of Louisiana, which I ask may be read.

The resolutions were read. They declare that the Legislature of Louisiana view with regret and alarm the policy recently inaugurated by the Spanish Government in the Island of Cuba, the manifest object and effect of which must be the abolition of slavery in that colony, to the sacrifice of the white race, with its arts, commerce, and civilization, to a barbarous and inferior race; and also that the consummation of this policy will exercise a most pernicious influence upon the social, commercial, and political interests and institutions of the United States; and that the time has arrived when the Federal Government should adopt most decisive and energetic measures to thwart and defeat a policy conceived in hatred to this Republic, and calculated to retard its progress and prosperity.

Mr. BENJAMIN. I move that these resolutions be referred to the Committee on Foreign Relations, who have now this subject under consideration, and that they be printed. I do not desire to say a single word by way of discussion on this subject, nor to call upon me the reproach of the present occupant of the chair, [Mr. WHEELER,] for bringing forward any matter of this kind at an improper moment before the Senate. I wish, however, to state that I agree with every word of these resolutions, both as regards their statement of the policy of this Government, and as to the facts which are now taking place in the Island of Cuba, and to express my regret that a gentleman so distinguished as the Senator from Delaware [Mr. CLAYTON] should call in question, as he did the day before yesterday, without better grounds to question than he could have had, the facts placed before the Senate and the country by my colleague, [Mr. SLIDELL.] I believe that the facts as stated by my colleague can be thoroughly substantiated. I am in possession of further facts and further evidence, which it is my intention to lay before the Senate, as soon as the Committee on Foreign Relations shall have made their report. With this simple statement I move the reference.

Mr. CLAYTON. I did not hear the first part of the honorable Senator's remarks; but I understand him now to say that he will be prepared, on some future occasion, to show us that the Spanish Government has a deliberate design to emancipate the slaves in Cuba, for the purpose of preventing us from either purchasing or taking the island by violence. Do I rightly understand the honorable Senator to mean so?

Mr. BENJAMIN. I do not pretend to say that I shall be able to make a mathematical demonstration of a proposition of that kind; but I think I shall be able to adduce such facts and such evidence as will satisfy every unprejudiced mind, so far as it can be satisfied on a political subject of this kind, that such is the intention of that Government.

Mr. CLAYTON. That it is their intention to emancipate those slaves now, at this time?

Mr. BENJAMIN. At the earliest possible moment, and now that the measures which have been taken are aimed at that very object, or, in other words, that the design is now in progress of execution.

Mr. CLAYTON. Then I understand the honorable Senator to say that it is now actually in progress of execution. Now, sir, I wish to say that I shall be most happy to be instructed on this subject; but I must express, at the same time, my perfect conviction that the honorable Senator will never be able to make out the facts he has stated. I have no belief in them whatever; and the more I look into the matter, the more I inquire in regard to it, the more perfectly am I satisfied that it is not true that the Spanish Government intends to destroy this island, except in this con-

tendency: They will act precisely as you, sir, would act, or any other man might act, without being censured so much, who should find that a piratical vessel was about to seize his ship and crew. You might blow up your powder magazine in such a case as that, without incurring the censure of the world. That is all, in my opinion, which the Spanish Government contemplates. If they find that, from any quarter of this Union, there is a piratical expedition set on foot, with a view to take the island from them, and that there is a certainty that the island will be taken from their possession and custody by that means, they will blow up their powder magazine.

The Spanish Government has given us notice of that for many years back. It has never been concealed by them. They have declared over and over again, more than ten years ago, to the various gentlemen who occupied stations at the head of the State Department, that if such a thing as that should be done they would ruin the island, rather than permit us to take it in that manner. Now, then, let the honorable Senator understand just precisely the difference between us. If he brings proof forward for the purpose of showing that, he only brings forward proof to show what I concede; but I deny, from the evidence before me, that the honorable Senator can produce any proof whatever to show that the Spanish Government, in the present condition of affairs, intends to emancipate the slaves in Cuba, or, to use the honorable Senator's own language, that such a scheme as that is in progress of execution.

Mr. GWIN. Mr. President, I did not hear the remarks of the honorable Senator from Louisiana, but if I understand them as commented on by the Senator from Delaware, he made a statement that the Spanish Government has it in contemplation to set free the negroes in Cuba in the event of an invasion of that island, or an insurrection on the island.

Mr. CLAYTON. No, sir; that was not his statement.

Mr. GWIN. If it is denied that it is in contemplation by the Spanish Government to set the negroes there free, in the event of an insurrection, I undertake to say that it can be readily established.

Mr. CLAYTON. The honorable Senator will please not to understand me as denying any such thing as that. I have not said that, in the event of an insurrection in the island, an insurrection which should take the government of the country out of the hands of Spain, her civil authorities in the island might not proceed to this extremity. I have not denied that; I have not said that would not be done. What I have said is, that the position taken by the honorable Senator from Louisiana, in my humble judgment, cannot be substantiated, and that position is, that there is, at this time, in progress of execution, a scheme to emancipate the slaves in Cuba.

Mr. GWIN. For several years back, on my way to take my seat in the Senate, I have stopped in Havana, and I was distinctly informed, and papers were shown to me in which the threat was held out to the inhabitants of that island by the authorities, that if they did attempt an insurrection, the negroes would be turned loose upon them. This has been known to be the policy of that Government, and it has deterred the inhabitants of the island from resisting the oppression under which they have been groaning for years. They have been deterred by the apprehension that their negroes would be turned loose upon them, and armed for the purpose of a servile insurrection, in the event of a revolution in the island. I have not a solitary doubt that there is, and has been for years, a power reposed in the authorities there, by Spain, to free every negro on the island, and arm them in case of a revolution.

Mr. BENJAMIN. I said before that I do not wish to enter into the discussion of this subject, and I am very loth to be drawn into saying anything on a matter which I consider now to be properly before the Committee on Foreign Relations of this body. But I am surprised, sir, in view of the recent developments, in view of the information which has just reached us from Cuba, that a gentleman of the experience of the Senator from Delaware can say he unhesitatingly expresses his disbelief in the assertions which have been repeatedly made by different Senators upon this floor.

Now, sir, those of us who are aware of the system by which the Island of Cuba is now governed—those of us who are aware of the fact, that there is not a single inhabitant of that island who is allowed to have a pointed knife in his family—those of us who are aware of the system of espionage which now prevails in the island—those of us who are aware of the threats that have been repeatedly made by the Captain General of the island, that at the first indication of an attempt on the part of the people to recover their freedom, their own slaves shall be armed against them—and those of us who have followed up these indications and these facts, and who are aware of the system, by which the registry of slaves upon the island is conducted, and who have looked at the late proclamation of the Captain General in relation to the registry, who can see the fact that that proclamation will produce a change in the status of the black population of that island, can by no possibility entertain a doubt of the scheme which has been deliberately formed, and which, I repeat, is now in progress of execution upon the island.

Sir, we all know, or at least those of us who have paid any attention to that subject know, that for a long series of years past, by reason of the very heavy duties which have been imposed upon the transfer of slaves from one proprietor to another, these slaves have passed from hand to hand by parol. The money has been given, and the slave thus passed to a new owner. According to a recent proclamation, every slave in the possession of an individual who cannot show a registered title to him, is to be made free now upon the spot. If I am not misinformed, nearly one fourth of those who are really slaves upon the island will be made free, under the operation of this proclamation. There, sir, is the very first step towards what the Legislature of Louisiana has termed the Africanization of the Island of Cuba. This is the last piece of information that has come to us from that island.

In addition to this, we have the statements made by the honorable Senator himself the other morning, in which he assured us that for a series of years past the black population of the island has been increasing in a rapid ratio. Now, every one of these slaves in fact—not, I believe, slaves legally, according to the institutions and laws of Cuba, but slaves now in fact—are to be set free. All those who are actually slaves, but who have been passed from hand to hand, without the formality of a notarial seal, will also be set free under this proclamation in relation to registration. These will form a body of black troops to assist the Spanish troops against the white population of the island.

My colleague, in the speech which he made a short time ago, that attracted so much attention in the country, demonstrated to the Senate that the intention of the British Government—and it has been fully shown in its correspondence and negotiations with the Spanish Government—is to induce the latter Government to consider the blacks and whites, upon the island, as one common population, to be taken care of, and protected by one common set of regulations applicable to both classes of the population.

I shall not go further into this subject now, sir; but I refer to these facts for the purpose of showing that this is not an idle apprehension, that it is not one without foundation; and when the discussion comes up I think we shall be able to show the Senator such facts and such proofs as will shake even his well-formed conviction to the contrary.

Mr. DOUGLAS. I rise to ask what is the pending question?

The PRESIDING OFFICER. (Mr. WELLER in the chair.) The question is on referring the resolutions which have been presented by the Senator from Louisiana to the Committee on Foreign Relations.

Mr. HUNTER. I hope the question will be taken without further debate. It will be much better to have the debate come up on the report of the Committee on Foreign Relations.

Mr. DOUGLAS. I rise to express the hope that this debate will not be continued. I do not think that the discussion at this time, under the circumstances, is calculated to lead to any valuable result.

Mr. CLAYTON. Mr. President, I said before, that I did not propose at this time to go ex-

tensively into the discussion of this subject; but I know that the remarks made from so distinguished a source as my honorable friend from Louisiana, will be calculated to make a deep impression upon the minds of the American people; and as I do verily believe that that impression will be erroneous, it is my duty to arrest it now. It is my duty, so far as I have light and knowledge, to explain the transactions to which the honorable Senator has referred, and which he thinks are conclusive evidence of a design now to emancipate the slaves in Cuba.

Sir, I do not stand here now—I have never stood here or anywhere—as the apologist for the oppressions or exactions of the Spanish Government, or its corruptions. I know as much, perhaps, on that subject as most gentlemen here; and whenever it shall become the interest of my country to expose them, I will do it fully. Sir, it is all important that the Senate of the United States should not be misled on this subject; but that, when we do strike, we should strike justly, that we should not misconceive either our own position or that of a foreign Government.

I say again that I deny that my honorable friend can show a tittle of evidence to justify the assertion that Spain intends now to emancipate the slaves in Cuba, and that such a scheme is in progress of execution. Now is the time that the true and just impression should go forth to the American people. Sir, there are those at the other end of the avenue whose duty it is to investigate this subject, and who will be under a fearful responsibility both to God and to their country, if they suffer a wrong opinion on this subject to go forth, and the minds of the American people to be poisoned with untruth in regard to it. I will do this with the honorable Senator, knowing nothing, of my own knowledge, of the opinions of the Secretary of State on this subject. I will risk the whole issue upon the opinion he will give the Senate of the United States or the country about it. If he will say to me, or to the Senate of the United States, that he believes this story, I will yield up my convictions. I do not believe that he credits the story at all, and I cannot think that the President and the Cabinet credit it. They are the proper persons to investigate the matter. They have time to do it. We here on this floor can make declarations which will inflame the public mind. The people, supposing that we understand the matter, will take our statements as correct, when perhaps we are not so thoroughly acquainted with the subject as those gentlemen at the other end of the avenue, whose duty it is to acquire light and give it to the people. I wish to wait for them. I wish the State Department to give up all its secrets upon this subject, and with that very view I moved, in the Committee on Foreign Relations, the resolution which my honorable friend, the chairman, [Mr. MASON,] introduced yesterday, and which was adopted, calling on the State Department for the information that will give us light on the subject.

With regard to the fact that slaves have increased within a few years past in the Island of Cuba, I explained the reason the day before yesterday, in a short speech to the Senate. I showed that our own countrymen were the men who had thus far Africanized Cuba, by building slavers and sending them and selling them at Havana, and navigating the vessels to the coast of Africa.

I think my honorable friend is mistaken in regard to the numbers. I have not yet learned of more than five thousand being imported there within the last sixteen months, though there may be, and probably there are many more. I have been apprised of the cases of the vessels, called the Jasper, the Silenas, the General de Kalb, and the Lady Suffolk, notorious piratical slavers. There are doubtless many others, but I cannot believe that anything like a hundred thousand, or one half, or one fourth of that number has been imported into Cuba. But here lies the mischief, towards which the attention of the American Senate ought to be drawn. If we are ever to have this island, and I have expressed the opinion and entertained it for many years back, that it will one day be ours, how I do not pretend to say, we are deeply interested in having this business of introducing negroes and free negroes from Africa stopped. The most effective way of stopping it, is by stopping the slave trade with our own vessels.

There is the place to strike. That is the spot at which I propose to strike; and desire Congress to strike.

But, sir, the negroes brought from Africa are detected by the very means to which my honorable friend has alluded—by the registries of the true slaves, the real native-born slaves, on every estate. The police officers visit the estate, and, by calling the roll, and examining the negroes, detect whether there are any recent importations. If so, they declare them free, and they are bound to declare them free, under the treaties which Spain has made with foreign Governments. Then I explained further, that they apprenticed these slaves for one year, merely for the purpose of enabling these miserable creatures to live. They are unable to procure their own subsistence. They are utterly ignorant. They cannot speak a word of any language in which they can be understood, and nobody can understand them. They know not how to labor, and they would starve if they were not apprenticed.

Well, for the purpose of preserving the existence of these wretched beings, the local authorities in Cuba have been compelled to apprentice them for a year. It is my opinion that, at this very moment, these negroes are felt to be a great evil by the Spanish authorities in Cuba, and they would gladly get rid of them, but they cannot. They would probably be very thankful to us if we would take them away.

But, sir, my honorable friend, in the indulgence of his imagination, tells us that he thinks these negroes will be enlisted, and form a black corps of soldiers for the purpose of preventing any attack made on the island, or any insurrection in the island. Now, sir, I would ask you, [Mr. WELLES in the chair,] who have been somewhat of a military man, and who have acquired some military knowledge, to tell me what sort of soldiers these would make? They are wild negroes from Africa, who have not been in the country a year. Would they not make a splendid regiment! I should like to know how you or anybody else would proceed to drill them, and make them stand up in a fight.

Sir, I lament, I lament deeply, that the impression has gone abroad, and from such distinguished sources, that this evil is in progress of execution. May we not wait until our own Government, until the President has spoken on the subject? I shall now close what I have to say to-day, with the repetition of the expression, that I am willing to yield up the whole subject if you will show me that the American Secretary of State, or any other man who ever was in that office, acting under the high responsibilities of that position, will say to the Senate and the world, that he believes this story of the emancipation of the slaves in Cuba.

Mr. SEWARD. Mr. President, when this subject was introduced to the Senate two or three weeks since, by the honorable Senator from Louisiana, [Mr. SLIDELL,] I thought a very general desire was manifested by all parties to have it referred to the Committee on Foreign Relations unembarrassed by discussion previous to its reference; though the consent given to the reference, without protest, would convey the idea that the Senate generally admitted there was grave cause for such an inquiry. But since that time other resolutions of inquiry have been introduced upon the subject, and led to more or less debate; and to-day the resolutions of the State of Louisiana have been presented to us. I certainly agree with the honorable Senator from Louisiana, [Mr. BENJAMIN,] that the most appropriate time to discuss the matter will be when the committee shall have made a report.

The discussion of this subject by those who entertain apprehensions for the peace of the country, going out from this place without opposition, except so far as it was made by the Senator from Delaware, is calculated to produce very serious effects. It produces alarm in mercantile circles, certainly premature and unnecessary now, even if it be not without sufficient cause. There is no necessity for Senators to give way to their imaginations, until the grounds for their fears have been exhibited by the Committee on Foreign Relations or the Executive authority.

For one, whenever a crisis in Cuba may come, I shall be prepared to meet it; but it is impossible for me to see that the circumstances alluded to by the honorable Senator from Louisiana form any

ground for apprehending that a crisis is at hand. I do not now look merely at the facts relied upon by the Senator from Louisiana; but I look at the condition of Spain, at the condition of the United States, and of the European nations, and I see nothing to warrant any such apprehension. For ourselves, we have a claim unsettled against Spain; and we are expecting the answer of the Spanish Government to that claim. We are expecting the arrival of an officer prepared to treat on that subject and on all subjects whatever. Why should Spain, deriving \$1,000,000 income from Cuba, desire to renounce it? Why should she bury in the ocean her colony in America, the last relic of the New World given to her by Columbus? Her exigencies are as great now as in former times. Then, it is supposed that the British Government is concerned in this movement. Sir, I entertain no doubt that it may be safely said that if Great Britain occupies any position in regard to this question now, it is a position which inclines her to prevent the extremities which are dreaded by the honorable Senators from Louisiana. Engaged in a war which is almost certain to become a continental war in Europe, which is to be a short war only in the case that Austria and Prussia shall join their standards to those of Great Britain and France, and which is to be an interminable war, a ruinous and disastrous war, in the other event, it seems to me that Great Britain is now under bonds to keep the peace with our Government on this question. I see no reason, therefore, to impair the confidence of the commercial part of the community, and spread over them the dread of evils which may never come.

I hope, then, that this question may rest in tranquillity for the present. It strikes me that it is calculated to produce apprehensions in this country in relation to our claims on Spain, on Europe, and on the nations of the world; for we know, and the world knows, that this is regarded by some as the favored time to strike at the interests of Spain in Cuba, and at the interests of Great Britain.

If this question is one of the rising of the inhabitants of Cuba to assert their liberty, that is one thing. I shall desire to know from the Committee on Foreign Relations, when they do report on this subject, on what ground, and to what extent they propose to intervene. If they propose to exert the influence of this country, as it has heretofore been exerted, in favor of efforts for constitutional freedom, that will be one question; but if they propose to control, interfere with, or direct, or supervise, the local matters of Cuba, then, for one, I am decidedly against any such intervention. I have no doubt that the general popular sentiment, and any action that may be adopted on this subject, will turn upon the question whether what is proposed is a simple and moral influence felt, and necessary and justly excited in favor of freedom, or an attempted regulation and control of the Government of Spain in Cuba, in its lawful exercise of a right to meliorate the condition of its people.

Mr. DOUGLAS. I move to postpone all prior orders.

Mr. MASON. Let the resolutions be referred. The PRESIDING OFFICER, (Mr. WELLES in the chair.) If there be no objection the resolutions will be referred to the Committee on Foreign Relations.

There was no objection.

NEBRASKA AND KANSAS.

Mr. DOUGLAS. I move to postpone all prior orders for the purpose of having the Nebraska and Kansas bill read a second time.

The PRESIDING OFFICER. The bill will now have its second reading.

It was accordingly read a second time by its title: "A bill to organize the Territories of Nebraska and Kansas."

The PRESIDING OFFICER. The bill is now under consideration as in Committee of the Whole.

Mr. DOUGLAS. I have no desire to engage in any debate upon the bill. It is sufficient to state that it is precisely the bill which passed the Senate some time ago, with the exception of the amendment adopted upon the motion of the Senator from Delaware, [Mr. CLAYTON.] It being the Senate bill, with that isolated exception, it presents no new issue, no new question, and I

therefore ask that the Senate may proceed to vote upon it.

The PRESIDING OFFICER. If there be no proposition to amend, the bill will be reported to the Senate.

Mr. PEARCE. I desire to renew the amendment which was offered by my friend from Delaware, when the Senate bill was under our consideration. It is to amend the proviso which is in the fifth section, as follows:

Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act."

—By striking out the words:

"And those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act."

Mr. PEARCE. Mr. President, my object in moving the amendment is obvious. I did not hear the debate in the Senate on the night when the amendment of the Senator from Delaware was adopted; but I take it for granted that the reason for that amendment was the conviction, on the part of the majority of the Senate, that the elective franchise should be conferred, within the Territories, upon citizens of the United States only. For my own part, I cannot conceive any reason why this privilege, which peculiarly belongs to citizenship, should be extended to those who are not citizens. It is a part of political sovereignty. It seems to me to be the essential duty of a citizen, but of no one else, to exercise that power. It is at war with the principles of all government, it seems to me, to confer upon those who are not citizens, the power to control the Government through the right of suffrage. That right belongs only to those who are members of the body-politic, and no foreigner can be so until he has, by naturalization, entered into the compact which constitutes him one of the political community.

I admit that the legislation of the country has been somewhat irregular in this particular. I know that that irregularity dates from a very early period of our history. I know, for example, that in the ordinance of 1787, which organized the Northwest Territory, we provided that when there were five thousand male inhabitants over twenty-one years of age, they should have a legislative government, and that the right of suffrage should be committed to those who were citizens of one of the United States, and had certain property qualifications, or to those who had resided two years in the district and had certain larger property qualifications. But there was a manifest reason for that which does not apply now. At that time we had no Federal Government, no Constitution of the United States. There was no such thing as a citizen of the United States. The right was confined to the citizens of one of the United States; and it was manifest that, as there was no general power under the Confederation to constitute citizens of the United States, a man might have resided in the Territory for an indefinite period without acquiring citizenship in the Territory by virtue of any law of naturalization. The only citizens then known to the law were citizens of the respective States of the Confederation. Well, sir, inasmuch as a man who resided in that Territory for any length of time could not thereby become a citizen of the United States, and there was no power to make him such, it seemed to be somewhat reasonable that the right of voting should be given, in that case, to all the residents in the Territory under the condition prescribed by the ordinance which supposed them to be assimilated in interest and feeling with those who were citizens of one of the United States; a freehold to the amount of fifty acres, and a residence in the district of two years, I think, was the requisition in this case.

That provision was successively extended to the different Territories organized out of the Northwestern Territory. It was extended, I believe, also, to the Territories southwest of the Ohio, not in precise terms, in *totidem verbis*, but by a general provision, that the inhabitants of the Southwestern Territory should be entitled to all the rights, liberties, and advantages which, by the ordinance, were given to those in the Northwestern Territory. Some similar provision was introduced into the

act for organizing the Territory of Mississippi, in 1793, when we placed it under an Executive government. But it is a little curious that, in 1808, Congress passed an act to extend the right of suffrage in the Mississippi Territory. Whether there had been any elective Legislature in that Territory up to that time I do not know, but I presume there had not; at least I am not able to find any evidence of it, and I suppose that it was governed as was the Northwest Territory, by a Governor and judges. But in 1808, Congress passed an act to extend the right of suffrage in the Mississippi Territory, and that act expressly restricted the elective franchise to those who were citizens of the United States, and besides, possessed the necessary property qualifications. That was the earliest act which I can find in which the policy of the Government was to confine the elective franchise to citizens of the United States. In 1812, we organized the Territory of Missouri, and there we expressly limited the right of suffrage to citizens of the United States. Afterwards we organized the Territory of Arkansas, and applied to it the provisions of the act organizing the Territory of Missouri. When we organized Iowa and Wisconsin we also limited the right of the elective franchise to those who were citizens of the United States, and so we did in Utah and New Mexico as late as 1850.

We have departed from that rule in regard to the lately organized Territories of Oregon, Minnesota, and Washington. In regard to these three Territories, the provision which extended the elective franchise to those who are not citizens, I think never entered into the consideration of any member of the Senate. I have looked over the debates on the Minnesota bill, and I do not find anything said on the subject when that bill was under discussion. In regard to Oregon Territory, there was perhaps a peculiar reason why Congress should be more liberal than in regard to other Territories. I presume, however, that, in regard to all of them, the provision was established in consequence of the attention of Congress being absorbed by subjects of much greater importance. Be that as it may, these three later precedents being the only cases of extending the franchise to those who are not citizens of the United States, and who have only declared their intentions to become such, seem to be entitled, under the circumstances, to but little consideration; at all events, they should not overrule the precedents which I have mentioned in the Territories of Missouri, Mississippi, Arkansas, Iowa, Wisconsin, Utah, and New Mexico.

But I see this bill provides, that while the alien who may have come into the Territory only the day before, may entitle himself, by a declaration of his intention to become a citizen, to exercise this privilege of citizenship, and vote in the organization of the government, or in the election of those who are to conduct it, no officer, soldier, seaman, or marine, or any other person in the Army or Navy of the United States, shall be allowed to vote or hold office in the country.

Mr. WALKER. I desire to correct the Senator; "he shall not be entitled to vote by reason of being stationed there," is the reason of it. He may be a resident and citizen elsewhere; and he is not to be allowed to vote by reason of being stationed in the Territory.

Mr. PEARCE. Then a man who is stationed there by orders of his Government shall not be allowed to vote because he is a citizen of some State of the Union; but the alien who may go in the day before he declares his intention to become a citizen, shall be entitled to vote, though not a citizen. That is practically declaring that our naturalization laws shall have no force at all in this Territory, and placing the newly arrived foreign emigrant above the citizen of the United States. I can conceive of no higher exercise of the right of citizenship than that of voting, unless it be the right of being elected a Representative; yet you propose to bestow it upon one who may never proceed further than the declaration of his intention to become a citizen, though that declaration may never be carried out, and the party may never become a citizen at all.

There is another section of this bill which, in effect, repeals the Missouri restriction of 1820, and proposes to substitute for that restriction the authority of the people of the Territory to regulate their own domestic institutions. It is true

that the section does not expressly provide that the Territorial Legislature may prohibit slavery, or establish it at their own will. Some gentlemen doubt whether it is competent for Congress to confer this power upon the Territorial Legislature; whether the Constitution allows such a grant of power. So the general declaration is made in this section that "the true intent and meaning of this act is to leave the people thereof free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." This, while it does not in terms invest the Territorial Legislature with the power to establish or prohibit, impliedly does so provided nothing in the letter or spirit of the Constitution inhibits it.

While, therefore, the effect of this provision is doubtful or doubted, one thing is certain, that the bill proposes, in this indirect manner, to invest the people of the Territory, so far as Congress constitutionally can, with the power to decide the question of slavery or no slavery; and this power is conferred, as well on the alien who has been long enough in the Territory to declare his intention to become a citizen, as upon the citizen of the United States who is so by birth or naturalization.

Now, I am not willing under any circumstances to bestow the elective franchise upon one who is not a citizen of the United States, whatever precedents there may be. Still less am I inclined to bestow it upon him when he is to be invested with authority to control this question which Congress has not settled, and cannot settle, to its own satisfaction, and, therefore, to be rid of its embarrassments, has transferred to the Territories themselves. If this question is to be left to the people of the Territories, (and I am inclined to think that it is as wise as any thing else which can be adopted,) let it be left to those people of the Territories who are citizens of the United States, who understand our Government, who, whether native or naturalized, have been living long enough in the United States to have obtained some familiarity with our institutions, who have acquired an interest in the welfare of the country, and have identified themselves with it.

I am free to admit that many of our naturalized citizens are distinguished for earnest patriotism, and an intelligent comprehension of our public affairs.

But let us not confer power over this delicate and disturbing question upon those who have merely declared their intention to become citizens, who may never become citizens, who cannot claim suffrage as a right, and who, by the theory of our naturalization laws, are not supposed to be competent to exercise it.

For these reasons I have offered the amendment.

Mr. BRODHEAD. Mr. President, it has been correctly stated by the Senator from Illinois, that this is the same bill which we passed in the Senate sometime since, with the exception of one very important provision, respecting the rights of unnaturalized citizens.

Mr. DOUGLAS. It may be well to state that it contains some verbal alterations in its grammatical construction, but there is no variation in sense with the exception mentioned by the Senator.

Mr. BRODHEAD. The Senator is correct, and as I do not wish to open the debate on the merits of the bill again, I will only consider the section respecting the qualification of voters, which the honorable Senator from Maryland [Mr. PEARCE] has moved to amend by striking out the clause authorizing unnaturalized citizens to vote. The section authorizes all free white persons above the age of twenty-one to vote at the first election, including foreigners who have not become citizens but have declared their intention to become such, and excluding the officers and soldiers of the Army. So that a foreigner unacquainted with our language or laws, not twenty-four hours in the Territory, and who has not been in our country ten days, can vote without paying a tax, and General Scott, if he happened to be there commanding our troops, could not. The honorable Senator from Maryland has moved what is called the Clayton amendment, which restricts the right to vote to those who are citizens, either native-born or those who have become such under our naturalization laws, and as I voted for it when the bill was before the Senate upon another occasion, and have seen no reason for changing my vote, I will do so again.

The right to vote and take part in the Government is a high privilege, and I hold that it should only be exercised by those who have become citizens and entitled to the rights and immunities, and who have incurred the obligations of citizenship. I will hereafter state how an alien may become a citizen.

There has been many misrepresentations made respecting the effect of the proposed amendment. It has been said that those who support it desire to disfranchise foreigners, which is not the fact. It has been said that the Clayton amendment was stricken out by the House, in accordance with the example furnished in the bills erecting the Territories of *Utah and New Mexico*, when the truth is that the Clayton amendment makes it conform to those bills, as I will presently show. And those bills were part of the compromise measures of 1850, and better considered than any others. The amendment now under consideration, is, in my judgment, required by the true spirit and meaning of the Constitution, by sound policy, and justified by precedent.

The Constitution in the eighth section says, Congress may "establish a uniform rule of naturalization." Therefore, whenever Congress acts it must make the rule uniform. Well, Congress has established a rule by an act passed in 1802, requiring five years residence before admission to citizenship, and now it is proposed to establish another rule for Nebraska. And what good reason can be given for it. Why should an alien have greater privileges in Nebraska than in Pennsylvania? I voted to extend the present naturalization laws over the Territory of Nebraska, nothing more. By whom should this Government be carried on—by citizens either native-born or naturalized, or by foreigners? And how does an alien become a citizen in this country? Only under the clause of the Constitution which I have cited and the act of Congress passed in pursuance thereof. And can the right to vote properly appertain to another than a citizen? If foreigners can have and enjoy the rights and privileges of citizens, the highest one of which is to vote, why did our forefathers "establish a uniform rule of naturalization?" and why have so many aliens conformed to it? The section under consideration says, any free white man above the age of twenty-one years (and such is the law in all the States) shall vote, &c. So that we require a native-born person, acquainted with our language, educated in our schools, &c., to be twenty-one years of age before he is thought fit to exercise the high privilege of an elector. Our forefathers wisely thought that foreigners should take five years to become trained in the ways of republicanism, acquainted with our people, our laws, our complex machinery of government, &c., and I concur in opinion with them. This Government can only be maintained by an intelligent exercise of the elective franchise. Hence we have always heretofore confined the right to vote to free white persons above the age of twenty-one years who are native-born, and to aliens who have been in the country five years, and complied with the provisions of our naturalization laws. Our views of constitutional liberty differ very much from European notions of liberty. It may be profitable, Mr. President, to examine the action of Congress under the clause of the Constitution requiring an "uniform rule of naturalization." In 1789 the Government went into operation under the present Constitution, and on the 26th of March, 1790, the first naturalization law was passed, requiring two years' residence, one year in the State where the application is made, oath to support the Constitution, &c. Toward the close of Washington's administration, on the 29th of January, 1795, an act was passed requiring five years' residence, three years' declaration of intention, oath, and proof of good moral character, &c. In 1797, the old Adams party came into power, and on the 18th of June, 1798, an act was passed requiring fourteen years' residence, five years in the State in which the application is made, oath, and proof of good moral character, &c. In 1801, the Jeffersonian Democratic party came into power, and on the 14th of April, 1802, passed an act requiring five years' residence, declaration of intention two years' renunciation of allegiance to any foreign Prince, &c., oath to support the Constitution, proof of good moral character, &c. This law has now been in force for more than fifty years. It was

intended to be a liberal one, for the country was then almost a wilderness. It was satisfactory to the alien at that time, and should be so now. Any attempt to modify it, or to denounce those who are willing to stand by it, on the part of the emigrants, will create a counter sentiment, highly injurious to them. The statistics of emigration show that up to 1840, only one million of emigrants had arrived in the country; now we receive annually, near four hundred thousand. During the next three years, we will receive as many as we did for thirty-five years prior to 1840. I have no feeling of hostility to them. I want them to come here and enjoy religious and political freedom, protection to person and property, and in due season to become citizens and take part in the government; to vote and to hold office. Any man who pretends anything more for them is not their true friend. The wise portion of them do not wish any thing more themselves. Up to the present time foreigners came here to be Americanized, not to un-Americanize us. But, I confess I have witnessed some recent demonstrations that do not please me. The movements of Kossuth in this country did him no credit, and since he returned, he has issued an address to the German people of this country to take action against the Senate of the United States for rejecting a gentleman nominated by the President for consul at London. German meetings have been held in different parts of the United States to denounce those who support this bill, and I believe they went so far, in some places, as to burn the honorable and distinguished Senator from Illinois in effigy. But, sir, I do not hold the great mass of them responsible for these acts. The honest and industrious German does not wish to meddle unreasonably in politics, nor does the generous and warm-hearted Irishman whose heart beats responsive to the bold anthem of "Erin-go-bragh." Those who set themselves up for leaders among them, who claim to be the special guardians of their rights, who pretend to have the same religion that they have, that they may sell them out in election times, either for money or office, are their worst enemies. I have seen a good many claim office on the allegation that they influenced this or that portion of the alien vote, and threaten those in power with the displeasure of the voters of foreign birth if they were not gratified. Did we not see General Scott, the gallant old chief, who fought during the war of 1812 upon our northern frontier, and who had carried the stars and stripes of our country in triumph to the halls of the Montezumas, talking during the last presidential canvass about the "rich Irish brogue, and the sweet German accent." It was a humiliating spectacle. For my part, sir, I do not wish to see our candidates making appeals either to or against any portion of our emigrant population. I wish them to feel as American citizens, and act as such at the proper time. But when they hold separate meetings, why, of course, they induce native-born American citizens to hold meetings and organize against them.

Mr. President, I think I have pretty clearly shown that the spirit of the Constitution, and sound policy, require aliens to become citizens under the clause of the Constitution I have referred to, and the act of Congress passed in pursuance thereof, before claiming the right to vote. Our own people, moving from one State to another, cannot vote in the State into which they move until they have resided therein for some time, and paid tax. In most of the States it is two years; in some one year, and in a few six months. Some time is supposed to be necessary to enable them to become acquainted with the laws and the people among whom they reside. I will now proceed to show that the section, as it comes to us from the House, is a departure from previous legislation.

The celebrated ordinance of 1787, organizing the Northwestern Territory, prior to the adoption of the Constitution, contained this provision. The Southwestern Territory was afterwards organized with a similar provision:

"Provided, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and*

two years residence in the district, shall be necessary to qualify a man as an elector of a representative."

In 1808 Congress passed the act alluded to by the honorable Senator from Maryland. It not only required citizenship, but a certain amount of property. It reads as follows:

"That every free white male person in the Mississippi Territory, above the age of twenty-one years, having been a citizen of the United States, and resident in the said Territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land, by virtue of any act of Congress, or who may become the purchaser of any tract of land from the United States of the quantity of fifty acres, or who may hold in his own right, a town lot of the value of one hundred dollars within the said Territory, shall be entitled to vote for representatives to the General Assembly of said Territory."

In 1819 Congress authorized the people of the Territory of Michigan to elect a Delegate to Congress, and then a slight departure took place, but still not so great as is now proposed. A residence of one year, and the payment of a tax, was required to qualify an inhabitant of the Territory to vote. The section under consideration neither requires prior residence, payment of tax, nor evidence of intention to remain in the Territory, or naturalization. The following is the law to which I refer:

"SEC. 2. *And be it further enacted, That every free white male citizen of said Territory, above the age of twenty-one years, who shall have resided therein one year next preceding an election, and who shall have paid a county or territorial tax, shall be entitled to vote at such election for a Delegate to the Congress of the United States, in such manner, and at such times and places, as shall be prescribed by the Governor and judges of said Territory.*"

In 1836 Congress organized the Territory of Wisconsin, and in 1838 the Territory of Iowa. The territorial law passed for Iowa is in the same language as that contained in the Wisconsin bill. The fifth section of both contains a significant proviso:

"SEC. 5. *And be it further enacted, That every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election and shall be eligible to any office within the said Territory; but the qualifications of voters at all subsequent elections shall be such as shall be determined by the Legislative Assembly: Provided, That the right of suffrage shall be exercised only by citizens of the United States.*"

In 1848 the Territory of Oregon was organized, and then a still greater departure took place; but still the law required a residence in the Territory at the time of the passage of the act, and in this respect it differs from the legislation now proposed.

Then, sir, we come to the legislation contained in the compromise measures of 1850. There has been a great misrepresentation in regard to the legislation upon this subject in the two bills organizing the Territories of Utah and New Mexico. It has been represented, over and over again, that both of these Territories have been organized in such a manner as to give the inhabitants, whether native-born, naturalized, or unnaturalized, the right to vote. It is not so. The bill organizing the Territory of New Mexico was approved on the 9th of September, 1850; the Utah bill was approved the same day. This provision is contained in both:

"SEC. 6. *And be it further enacted, That every free white male inhabitant, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: Provided, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848.*

I am justified, therefore, in saying that the proposed legislation is not only contrary to the provisions and spirit of the Constitution, and to sound policy, but it is contrary to the weight of precedent upon the subject. I believe we have organized eighteen Territories, and in a majority of them the right to vote is confined to citizens of the United States. In 1838, on the question of the admission of Michigan as a State, Mr. Calhoun and Mr. Clay both contended, especially Mr. Calhoun, that even a State could not be admitted into the Union whose constitution authorized unnaturalized aliens to vote. There seemed to be no doubt in the mind of either that unnaturalized persons should not be permitted to vote in the Territories.

What do we propose to do now? It is proposed

to pay millions for this territory to extinguish the Indian title. We paid five millions to extinguish the Indian title in Minnesota. We propose now to pay millions to extinguish the Indian title in Nebraska and Kansas; and we are asked to turn over the government of both Territories into the hands of foreigners, and thus permit them to lay the foundation of two States. And we are also asked by the advocates of the homestead bill to give each one a farm besides.

Mr. President, in view of what has taken place upon this Nebraska and Kansas bill, well disposed persons may well inquire whether Congress is capable of legislating on any subject where slavery and the rights of aliens may be called in question. There seems to me to be a quailing before the spirit of Abolitionism and a foreign influence, which may well suggest the inquiry to which I have just alluded. The excitement about slavery in the Nebraska country shows that nations, as well as individuals, are more troubled about imaginary than real evils. I have been denounced all over my own State by the open or secret enemies of this bill, or by those whose malice against me has long had the upper hand of their sense of justice, as voting to disfranchise aliens, and as being the only Senator from a free State who voted for the Clayton amendment. Well, sir, it is true that I am the only Senator from a free State who voted for it—and what of it? A majority of my brother Senators voted for it, and a majority of the Democrats of this body. The Free-Soil, or Abolition Senators, as they are called, of course, voted against it. I voted with the distinguished Senators from Virginia.

Mr. HAMLIN. Will they vote with you now?

Mr. BRODHEAD. I do not know whether they will or not. I do not ask who is going to vote with me or against me. I inquire whether it is right, as I did when the Wilmot proviso was first presented. I stood almost single-handed and alone against that. I do not care who votes with me on this amendment. It is right. It is right and just to the aliens themselves. It is for the purpose of maintaining the Constitution and the rights of American citizens, and I will vote for it, be the consequences to myself what they may. I know that my course may be misrepresented before the alien voters, and that I may thus incur their displeasure; but I will do my duty, and incur the hazard. When the amendment was first proposed by the honorable Senator from Delaware, it was late at night. I was acting as the Presiding Officer, and could not give the reasons by which I was influenced. I have endeavored to do so now, and respectfully submit them to the consideration of the Senate, and those I have the honor to represent on this floor.

Mr. TOOMBS. Mr. President, this question having been very fully discussed by the Senate on a former occasion, I shall not enter into any length of argument on it; but there are some observations which fell from the honorable Senator from Pennsylvania which seem to require a word of comment.

The Senator has got himself into a great error in supposing that this is in any sense a constitutional question. He has reached that point by confounding two very different things—naturalization and the right of suffrage. Naturalization gives nobody a right of voting in the United States. That is a question regulated by the different States of the Union. Originally, shortly after the Revolution, a large class of citizens of the United States were excluded from the ballot-box. I doubt whether, immediately after the Revolution, one half of the free white citizens voted in the United States. Virginia excluded all who had not a freehold qualification; and I believe all the States of the Union had other qualifications besides mere citizenship; and, therefore, the naturalization law of 1802 in no wise affects this question, and the constitutional point raised by the Senator from Pennsylvania passes away. Making a man a citizen gives him no right to vote; and giving him a right to vote does not make him a citizen. Although the general principle in the United States is that none but citizens do vote, (and I concur in the correctness of the opinions expressed by the honorable Senator from Maryland on that subject,) yet it is not a universal sentiment in those States. Several States of the Union allow foreigners to vote.

I do not think the Senator from Pennsylvania

is quite correct in his reference to the policy of our fathers, as any guide for us at present. They seem to have been utterly indifferent upon this question. The ordinance for the government of the Northwest Territory, which was passed under the old Confederation, allowed persons to vote who had fifty acres of land, and were citizens of the United States, or of either of the States, or other persons not being either citizens of the United States or of the States, who had resided two years, without even this preliminary of having declared an intention to become citizens of the United States, or disclaimed allegiance to other Governments. An English subject, or a French subject, in 1789 might have voted in all the country northwest of the Ohio river, and they did actually vote. The ordinance of 1787 was readopted by the first Congress under the first Constitution in 1790, and allowed persons who owned fifty acres of land, and resided there for two years, to vote; but the point as to the two years' residence does not at all affect this question. The ordinance of 1787 was extended over all the territory of the United States, southwest as well as northwest of the Ohio, saving and excepting the sixth, or anti-slavery clause. The same provision was subsequently extended to Indiana, and to some of the Territories west. In 1836, I believe, was the first departure from that policy. Then was the first time that there was any variation from the qualifications of voters as prescribed in the ordinance of 1787—and that was in the case of Michigan. I am not certain as to that being the first; but it is the first territorial government where the change was made that has attracted my attention. Then, why prescribe, in one or two territorial bills, that no one shall vote in the Territories but citizens? Subsequently, however, in passing a territorial bill for Minnesota, the very provision now contained in this bill was adopted. I say, therefore, that the requisite of citizenship as a qualification for voting, was not the practice of the Government for the first thirty or forty years of its existence, and since that time the practice has been variable.

Now, sir, while I concur with the Senator from Maryland, and with other Senators who have expressed the same view, that it is best to confine the right of voting in those Territories to citizens of the United States, I cannot conceal the fact that the House of Representatives differ with the Senate on this subject, and that there are great and important fundamental principles in this bill which will be endangered by this difference. Then, I say, the true policy of the friends of these great principles is to yield this point to the House of Representatives, and save another, and higher, and greater principle. Let us not endanger a more important principle by differing on this, in regard to which the policy has been both one way and the other, and where the weight of authority and precedent is for allowing these people to vote. Therefore, even if I concurred entirely with the honorable Senator from Maryland, and the other gentlemen who voted for the amendment of the Senator from Delaware originally, those of them especially from my own section of the Union, I am perfectly willing to surrender the amendment, rather than endanger this bill. I am not willing to put the bill in hazard in regard to a principle on which the House of Representatives differ from us, and on which the practice of the Government has been rather with them than with us. I trust, therefore, the friends of the bill will not endanger the other great principle involved in it. No great harm can result from rejecting this proposition even as a practical error. It involves no constitutional question whatever. It is merely a question of expediency. Now, I say that the highest expediency is to not trammel the great principles in this bill with a side issue of this sort.

Besides, Mr. President, the practice being varied, being now different in different Territories of the United States, if gentlemen suppose that it is wise to make the rule uniform, and to confine the right of voting to citizens, that is an appropriate subject for legislation. Gentlemen can introduce that subject by itself, and get the sense of Congress upon it, and make a law in conformity with that sentiment. For myself, I attach but very little importance to it. The qualifications of those who are to vote will, after the first election, be vested in the territorial government, and very soon it will be vested in the State governments to be there

formed, and then it will be beyond your reach. The making of a man a citizen gives him no right to vote; but when the Territory becomes a State, it prescribes its own qualifications. Then this being a mere matter of temporary expediency, and the practice being rather against the Senate, I should feel it to be folly to endanger the other principles of this bill by any dispute between the two Houses upon such a proposition as this.

I trust, therefore, that even those gentlemen who feel some solicitude for confining the right of voting to American citizens, and not extending it to foreigners, will seek an occasion when they can make a uniform and general law of the land upon the subject. Being satisfied, as I am sure my friend from Pennsylvania must be now, that this has nothing to do with the naturalization law of 1802, and in no respect involves any constitutional question, I hope he and others will be willing to yield. The friends of the bill have already stated their own opinions in favor of or against confining the right of suffrage to citizens, and having stated their opinions to the country, and this dispute having arisen with the House, I hope they will not hazard the principle which both the House and the Senate deem important to the peace and welfare and establishment of right principles in this country. I hope they will yield this point of dispute which can, at any point, be taken up and settled by itself, and leave the bill as it comes from the House of Representatives. Besides, I attach no very great importance to this matter at all. You have invited these people to our shores by the policy of your laws. They are here. You ought to incorporate them, in feeling at least, and in interest, under your flag, and in the national sentiment, as early and as soon as possible. This is not the point to meet the evil of immigration. If it be an evil, you should meet it at the threshold, and not aim side blows at it after you have brought these people into the country. I am for Americanizing them, and giving them the full benefit of all the laws of the country.

Mr. ATCHISON. Mr. President, I voted for the amendment to the Senate bill proposed by the Senator from Delaware; but I must say now that I concur with the Senator from Georgia. I have not, however, changed my opinions as to the policy of that amendment. I still entertain the opinions which I entertained then, that none but American citizens, native-born or naturalized, should be entitled to the right of suffrage, or to hold office either in the States or Territories of this country. But, sir, there is a higher principle than that involved in this measure. There is no constitutional question in my opinion involved either by voting for or against this amendment. It is a mere question of policy; and that question of policy I am willing to yield for the sake of a higher principle contained in this bill. Sir, I would vote for this bill, although there might be not only one, but one thousand obnoxious principles contained in it. I would vote for it, because it blots out that infamous—yes, sir, I think it is a proper term to be used—that infamous restriction passed by the Congress of 1820, commonly called the Missouri compromise, passed when the State which I have now in part the honor to represent, asked admission into the Union of these States, and it was made a condition, an infamous condition, that slavery should be excluded from all the territory acquired from France, then called Louisiana, north of 36° 30' north latitude. Yes, sir, if this bill contained one thousand obnoxious principles, with the repeal of that infamous "compromise," as it is called, I should vote for it. When this is done, we shall have achieved what, after thirty years of struggle, has only been consummated at this session.

As I said before, I believe that, as a matter of policy, none but American citizens, native-born or naturalized, should be entitled to vote or to hold office in this country; but still I am willing to yield this; and as a southern man, as representing a State more deeply interested in the passage of this bill, perhaps, than any other State in the Union, I say that, practically, it will have no effect upon the institutions of these Territories. The foreign population are not the pioneers, they are not the first to enter the Territories of the United States. They are not the first to encounter the perils, the toils, and the dangers of settling a new Territory. They follow in the footsteps of the pioneers, and inhabit the cities and the villages.

They are generally not the agricultural portion of the community. The great mass of them are traders, mechanics, paupers, and pedlars.

Mr. President, I have been denounced by the abolition papers in my State, (and I regret to say that we have some of that caste in the slaveholding State of Missouri,) for voting for the amendment proposed by the Senator from Delaware; and it has been charged upon me that I was the author of that amendment, that I had used the honorable, the venerable, the distinguished Senator from Delaware, as a tool to effect this purpose. I disavow anything of the kind. That Senator and myself never consulted about it.

Mr. CLAYTON. Never.

Mr. ATCHISON. I knew nothing of his amendment until he proposed it. When he did propose it I voted for it, believing it to be right as a matter of policy. I still think so, and but for the reasons which I have assigned I should now vote for it.

Mr. CLAYTON. I desire to confirm what has been stated by my friend from Missouri. I have seen the allegation to which he has referred, in some of the public prints, charging him with having prompted or instigated me to move the amendment. In confirmation of what the honorable Senator has said, I only desire now to state that I never had any communication with him in reference to the subject before I moved the amendment in the Senate, nor do I remember to have spent a moment in conversation about it while it was under consideration.

Mr. ATCHISON. Never one word.

Mr. WALKER. Mr. President, I was gratified to hear the remarks of the Senator from Georgia; for there has evidently been a great deal of confusion of ideas in regard to this subject; and I perceive that the Senator from Pennsylvania has fallen into that error to a greater extent than any gentleman I have ever heard discuss the subject on the floor of the Senate. He set out by stating that the provisions of the bill as they now stand, coming from the House of Representatives, repeal the naturalization law of 1802. Now, I wish to ask the Senator to look at the distinction between the naturalization laws of the country and the rights of citizenship under the Constitution. He will find, as the Senator from Georgia has said, that an individual may be a citizen and yet be precluded from the exercise of the right of suffrage. This, in point of fact, is the case in many of the States already. Other qualifications may be imposed upon a citizen of the United States, with which the citizen in the State may not be able to comply, and consequently he cannot exercise the right of voting.

The exercise of the right of suffrage affects the Government of the United States, under the Constitution, in but three particulars. Now I should be glad to have the Senator from Pennsylvania point out to me, if he can, the provision of the Constitution having any reference whatever to the exercise of the right of suffrage which does not refer the whole matter to the States. He cannot point to the provision of the Constitution. Sir, it is denied that the Congress of the United States has the right to interfere with the subject of slavery in the Territories; and why? Because they are assimilated to the States. If the Territories are to be viewed in the same light as the States, and the right to regulate the matter of slavery was left as expressly to the States as is the right to prescribe the qualifications of those who are to vote, there would be no doubt, in my mind, that Congress could have no right to interfere in the subject. The first provision of the Constitution that relates to the matter at all is this:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

When you refer to the Constitution of the United States to ascertain the qualifications of an elector, so far as the exercise of the right concerns the Government of the United States, you find that you are to look at the State constitution. You are to consult the State constitution, and ascertain what are the qualifications of electors for the most numerous branch of the State Legislature; and when you find that, you have ascertained the qualifications of an elector for a member of the House of Representatives. Then not

only is this matter left to the States, because it is not delegated to the Congress of the United States, but it is expressly left to the States by the Constitution itself. Congress cannot, if they would, restrict the States in the exercise of this attribute, left to them not only impliedly, but expressly. Then we come to the next provision on this subject:

"The Senate of the United States shall be composed of two Senators from each State;"—

Chosen how? In a manner pointed out by the Constitution? Certainly. But it is left indefinite, to be regulated where? In the States:

"Chosen by the Legislature thereof, for six years."

This is the provision in regard to the qualifications of those who are to choose the Senators. We have already seen that the Constitution leaves the qualifications of the electors to the very persons who are to choose the Senators, the State Legislatures. The Constitution expressly refers the whole subject to the States.

The next provision is in regard to choosing electors of President and Vice President; and, in reference to that subject, it is provided that

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors," &c.

Thus, again, expressly referring the matter to the State sovereignties. Then, sir, when the Senator from Pennsylvania claims that we are, in any sense of the word, infringing either the letter or the spirit of the Constitution by the provisions of the bill as it now stands, he is very greatly mistaken. It is a matter entirely for the States; and if the Territories are to be assimilated to the States, if they are to be viewed as occupying the same position, you should leave the subject to them. The Territories are viewed by some of us, in regard to the subject of slavery, as occupying the same position as the States. If they are to be viewed in the same light in all respects, then unqualifiedly I would say Congress has no right to prescribe who shall or who shall not vote either at the first, or at any subsequent election; but it is a matter which should be left entirely to the Territories; and, in that point of view, even the limitations that are put in the bill as it comes from the House of Representatives may be considered an infraction, not of a principle of the Constitution, but of its express letter; for we do take upon ourselves now, to some extent, to prescribe the qualifications of electors in these Territories by this provision, which is contained in the bill:

"Every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly."

That would leave the Legislative Assemblies of the Territories unlimited in their power to qualify the elective franchise; but there is a further provision which goes beyond the Constitution, if we are to view the Territories in the same light as the States, and exercises a power which, in that point of view, we cannot exercise. That provision is this:

"Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act."

Suppose such a provision were incorporated in a bill in regard to a State, the State would treat it with scorn; and why? Because, appealing to the Constitution of the United States, the State authorities would see clearly that the whole matter had been left to them. This is the manner in which it would be viewed by a State sovereignty, and considering a Territory in the same light, it would seem that a Territory would have more right to revolt at such a provision in regard to the exercise of the elective franchise, than at any provision upon the subject of slavery. The reason is plain. It is because the assertion that we have no right to legislate on slavery is merely a matter of implication; but here the Constitution clearly leaves the right to the States. In regard to slavery, the power is left to the States by implication, because it is not delegated to the General Government. I think, then, that the Senator

from Pennsylvania presents the matter in a wrong point of view; and however correct his conclusions may be, most certainly the reason which he has assigned is incorrect and illogical.

Mr. PETTIT. Mr. President, I deeply regret that this proposition has been made in the Senate on the return of this bill. I regret it because of the necessary consequences that must follow if the amendment prevail. No Senator can shut his eyes to the fact that if we again incorporate this provision in the bill, all our labor, all our exertions, all our anxieties during the whole of this long session will have been nought, and fall to the ground, if this provision shall succeed. If that is to be the case, let me warn Senators that they must take the consequences upon their own heads. Let me warn Senators that it may not be possible again, for years to come, to get a body of men together in the two Houses of Congress with this exciting, fanatical question hanging over them, who will settle, as we have settled, the great and the only principle involved in this bill. You hurl back this whole question upon the American people, there to ferment, boil, bubble, and heave like a boiling cauldron. What body of men may be thrown here together under such circumstances? Nothing is plainer than that this provision cannot be concurred in by the House. It is a provision simply of policy, of expediency, and not of principle. By adopting it, you endanger the principle of self-government, the principle of putting all the Territories, and the rights of the people in all our Territories, upon the same broad basis of equality, and establishing their own local and domestic institutions for themselves. Is it thus to be endangered for the purpose of pandering to a mere question of doubtful policy or expediency?

Sir, I believe that this will not be done. Is all our labor, and toil, and suffering, not to say all our abuse and vilification, to be gone over with again? Or shall we now, when we have this bill in our hands, and at our disposal, harmonize and bury in oblivion the differences of opinion as to a mere question of policy, and settle the broad principle that your people may go to all the Territories of the Union with the same rights, the same political privileges, the same promises of establishing their own political institutions? Sir, the consequences of putting this bill in hazard now will be dire and calamitous. You may have not only the protestations and the anathemas of three thousand clergymen, but they may be trebled and quadrupled before another meeting of Congress. What is the result? Is it not plain? I will not conceal it. I need not. If you throw back this question so as to enter into the election of members of the other House, and one third of the members of this House, what will be the result? I speak what all men must know, when I say that ultra Abolitionists, moderate Abolitionists, Free-Soilers, contemners of right, and law, and justice, together with tender-footed or timid Democrats, will unite with Whigs upon any class of men to defeat those who are in favor of a sound and legitimate administration of the Government. Who does not know that that would suit the Senator from New York, [Mr. SEWARD,] and a few other Senators here? Who does not know that that would suit your three thousand clergymen? No man can answer for the consequences. But here now, by passing over and yielding a little question of expediency, you put to rest forever the great principle of equal rights in the Territories, and banish from Congress this exciting question, never, I trust in God, to return again.

Sir, at this point, let me say one thing that has not been said here, or in the country, heretofore; and I say it from the full conviction of my judgment, that if any section of the Union has a right to complain of the existence and continuance of what is called the Missouri compromise, or the restriction of slavery north of 36° 30', it is the northern and not the southern portion of this Union. Why? If you put it on the principle that men in the States south of that line are to migrate to the territory south of it, and those in the free States are to migrate to that portion north of it, what will be the result? South of that line you will have citizens of the United States, or citizens of the southern States, if they are to migrate there, who will have privileges which are forbidden to the citizens north of that line. You have said to those south of it: you may or may not establish slavery, as you please; we will not bind you in the

adamantine chains or the cords of congressional legislation. But you say to those north of the line: We will tie you in fetters, we will manacle you hand and foot, and forbid the exercise of your own judgments as to the rights and privileges you shall enjoy. Sir, as a northern and western man, I protest against any such inequality. I hold that, if I emigrate to a Territory, though it be one mile north of 36° 30', I ought to have the same rights and privileges there that my more fortunate neighbor has who emigrates a mile south of me. I repeat, then, it is the northern portion of this Union, and not the South, who are put under the ban; and it is for them that I claim that this obnoxious restriction shall be removed. The citizens of Indiana have the right now to make their own laws and establish their own institutions; and if they move to Kansas or Nebraska next year, will they be less qualified, or have less moral right to do so there? All will say, no! Why, then, seek to deprive them of it?

Mr. President, the consequences of a defeat and failure here I will not undertake to delineate at length. They rise up thick and numerous before me. They tower to the heavens. They plant themselves deep, extending to the center of the earth, and threaten the stability of the Union. They will stand an impregnable barrier over which, for years to come, no Congress will be able to get if we allow this opportunity to pass. The bill is now in the hands of the Senate of the United States to dispose of. Will they dare to be so recreant to the peace and the harmony of the Union, and to the justice which should mark our legislation, as now to let the opportunity escape for a paltry question of policy?

Sir, let me say to the Senator from Pennsylvania that he is totally mistaken. I agree, certainly, with the Senator from Georgia, and the Senator from Wisconsin, and perhaps I shall only use different words to express their ideas on this subject. The Senator from Pennsylvania is totally mistaken in supposing that the right of suffrage and citizenship are correlative terms, or that they are the same. They may have similarities in some respects. He who is a citizen may be entitled to vote, if the States allow him to vote, but not otherwise. Let me say to that Senator, further, that naturalization itself, as well as adding to the rights of the inhabitants of the country, takes away some rights. A foreigner in Pennsylvania has rights which the Senator, and no other native-born citizen of Pennsylvania can do. But, sir, while he has his right, and while, by virtue of citizenship, he will alienate it, and must drop it, and fall into the common level of his fellow-citizens, he has other and greater rights secured to him. Citizenship secures to him the right of protection abroad. When, after having staid with us for five years, he shall have taken the formality of the law upon him, and shall go abroad either for pleasure, for business, or for trade, the Constitution, with its manifold and ample protection, and the flag of your country, are over him. He has taken an oath renouncing allegiance to all foreign Governments, Potentates, and States, and has sworn eternal fidelity and brotherhood to you. He has sworn that he will stand side by side with you in council, and shoulder to shoulder in your battle-fields. You have, in return, taken upon you, as a Government, the solemn obligation of a sovereign that you will protect him as a citizen, go where he may. He cannot, in the language of the President of the United States, wander so far from home in the legitimate pursuit of pleasure or business but that the flag of his country is over him, and shall ever protect him.

Such, sir, is the proud position of the man who becomes a citizen of the United States. But not so with the resident alien; he has no such claim, and no such right upon the protection of the Government. I will not enter into any argument as to the point at which this right begins, and the time at which a foreigner ceases to be an alien, and commences to be a citizen and have the rights of citizenship attached to him; but when they do attach to him, then the protection of which I have

spoken attaches to him. That is the great, the darling, and the desirable object of citizenship. As a mere question of domestic protection, it is not so important; for a foreigner may go into the courts and obtain redress for an assault and battery to his person, or for a wrong to his property. But if a subject of Great Britain comes and domiciles with you for twenty years, or even for fifty years, if he lives here without becoming a naturalized citizen, and goes to Brazil, to Mexico, to the Barbary States, or to any other country, the flag, the laws, and the protection of the Union, are not over him, and do not follow him, because he has not entered into the solemn league. Naturalization is but a contract between individuals and the whole mass of the nation. The one says, if you will take upon yourself these obligations and stipulations, we will take upon ourselves to discharge towards you the duties and obligations of a sovereign to his subjects, or the duty of our Government to its native-born citizens, and protect you, as such, in all legitimate pursuits or wanderings at home or abroad. A heavy and grave responsibility on us, but glorious boon to him!

No greater error can be fallen into than to suppose that citizenship and suffrage are one and the same thing. This question was brought up, some years ago, in the House of Representatives, by innumerable petitions, abolition petitions, praying Congress to declare that free negroes in the States might be voters, and that foreigners might be restricted in that right. In that form the question was raised, and it was referred to the Judiciary Committee of the House of Representatives, of which I was a member, and was very fully and deliberately considered. I had not the honor of making the report upon the question, and if I had, I should have added but little to its weight. The report was made by a gentleman from New York, Mr. Rathbun. In it the whole question of the right of suffrage was fully and ably discussed. But, sir, if there had been no discussion, and if it were an entirely new question, could there be any difficulty about it? You say you are to look to the delegated provisions of your Constitution for all the powers that you have. Those which are not given there are reserved to the States, or to the people of the States. Where, in what page, what line, what section of the Constitution is to be found the delegation of power to you to create voters in the States? It is expressly said that electors of President and Vice President shall be chosen in such manner as the Legislatures of the States shall direct, and that the members of the House of Representatives shall be elected by those having the right to vote for the most numerous branch of the Legislatures in the different States. Many of the States have conferred that right upon Indians, and many, both North and South, have conferred it upon free negroes without property. Old Cave Johnson, of Tennessee, an honored and respectable gentleman, formerly Postmaster General, and for a long time a member of the other House, told me, with his own lips, that the first time he was elected to Congress from Tennessee, it was by the votes of free negroes, and he told me how. Free negroes in Tennessee were then allowed, by the constitution of the State, to vote, and he was an iron manufacturer, and had a large number of free negroes, as well as slaves, in his employ. I well recollect the number he stated. One hundred and forty-four free negroes, in his employ, went to the ballot-box, and elected him to Congress the first time he was elected. Did this Government settle the question of suffrage there? So plain is it that this is a matter which pertains alone to the States, that I may state that in New Jersey—the Senator from New Jersey can correct me if it is not so—a few years ago women voted, if they do not now.

Mr. CASS. Strong minded women. [Laughter.]

Mr. PETTIT. Strong minded women, the Senator from Michigan says. Well, sir, whether they were strong minded or not, it is a fact that they did vote. Each State then has reserved the right to settle the question of suffrage. The Senator from Pennsylvania [Mr. BRODHEAD] is one of those who do not agree with me that all power over the Territories is in our hands. I consider it as unnecessary, impolitic, and unjust to exercise it, and I hand it back to the people. I will not shirk from any constitutional or legal respon-

sibility when I am required to perform it; but I will not exercise the ultra power in my hands, when, in my judgment, it can better be exercised by the people. The Senator from Pennsylvania and myself do not agree as to the powers of this Government over the Territories. He holds, if I understand him, and I think I have so understood him through a series of years, that there is no power over the Territories in Congress; and indeed so far have some Senators, if not he, gone, that they say it is only from necessity they organize a Territory at all, and give them the outlines of a form of government, and pay their expenses for a few years. Sir, necessity forms with me no plea for a violation of the Constitution. If I did not believe we had the ample power, no plea of necessity should induce me to walk to the brink of the abyss of usurpation. If the power was not clear in my judgment, I should not attempt to exercise it. Why, sir, there is no absolute necessity for organizing Territories at all. All you have to do is to repeal your restrictive laws forbidding that people shall settle there. Let the people go. If I go with them, they may elect me Governor, or any other man they see fit. There is, therefore, no necessity which can justify any such thing; but it is a power and a duty which we have that we shall organize these Territories while they are in their incipient stages, and then for all other domestic purposes, turn them over to their own keeping and protection.

But, sir, the Senator from Pennsylvania says that you have not the power to settle the question of slavery in the Territories, but you have the power to limit the right of voting to citizens of the United States, and that you have no power to extend it further. I grant that we have the power, and I say we have the power to extend it further. What, then, does his reasoning lead to? Why, you cannot legislate upon the subject of slavery, but you must leave it to the Territory to settle that question, and you can limit the right of suffrage to one man from the South, or to citizens from the South, and say they shall have the entire voting, and shall settle the institutions of the country. So far as that is concerned, I know that no such thing is proposed, but if you have the power to fix the right of suffrage, you may limit it to any class; you have the power to limit it to men forty years old, or to any other class you please. The power, in my judgment, is clear, but expediency and justice are to be consulted.

We have proposed to leave this country, as it is said, a *tabula rasa*, as a clean naked sheet of paper, so far as law is concerned; we are to tell the people there, here is the stone on which you may engrave the twelve tables of law, but we give it to you naked. We do not hand it down to you with the rescript of order upon it that you shall obey. Go there and establish your own laws, write such rules as you and your successors are willing to be bound by, and change them from time to time, all of you being male settlers, twenty-one years of age, free and white, having the voice and the right to determine that matter.

Mr. President, suffrage and citizenship, as I have said, are quite different things, having no alliance whatever. Who does not know that in many of the States—I presume even now in South Carolina, if I am not incorrectly informed—all the citizens of the United States, though native-born, are not voters, or they are not for certain offices. They cannot vote for Governor or for members of the Legislature, as I understand, unless they hold certain property.

Mr. BUTLER. That idea seems to have prevailed very generally in relation to the State of South Carolina, which I in part represent. The honorable Senator from Texas [Mr. HOUSTON] upon one occasion thought proper to arraign the State—

Mr. PETTIT. I did not make the allusion for the purpose of arraigning that State.

Mr. BUTLER. I am aware of that, but I wish to correct the gentleman, and so far as the Senate may be interested in it, to correct the opinion which may be entertained by the Senate generally. In the State of South Carolina there is no restriction upon the right of voting, except the residence prescribed in the constitution; and there is no property qualification at all. Every free white man over the age of twenty-one years, primarily has a right to go to the ballot-box and vote for members of the Legislature, and for the Senators

of the different districts. Those members, in Legislature assembled, vote for Senators in Congress, as required by the Constitution, and they also vote for the Governor of the State and for electors of President and Vice President of the United States. Thus far the members of the Legislature, elected by the free people without any qualification so far as regards the right of voting, have a derivative right of voting for the different offices which I have indicated; but in all other respects the qualification of a voter in South Carolina is as plenary, I presume, as in Indiana or any other State. Of course the voter is required to be a citizen of the United States.

Mr. PETTIT. I am very glad to hear the explanation, but it was my understanding that it was not always so. In the State of Virginia, near by, it is but a few years since a general right of suffrage was allowed. Though a man were there, though his ancestors had been there from before "the old war," as they are in the habit of saying in Virginia, though he were of the older and even of the "first families of Virginia," he might have been, a few years ago, in such a condition as not to be a voter. Then the question of suffrage, and of naturalization or citizenship, are two distinct things. The two rights are conferred for a distinct purpose.

Now, Mr. President, allow me to detain the Senate for a moment, as to the dangers of this question. What are the dangers? I hold that the very best naturalization law you could give to a foreigner, which would operate like a charm and make him a better citizen the day he lands, would be, instead of requiring him to stay here five years, as under the present system, to give him an interest in the soil—immediately induce him to become an owner and cultivator of the soil. It is the best naturalization, and the germ will produce the growth and the fruit of love of country, and devotion and willingness to serve it, in preference to any and all others. Sir, take the Irishman; if you please, he who has suffered from the oppressions of the English Government, through himself and generations of his ancestors past, who has never been allowed to own a foot of land. It was beyond his means to acquire an acre, and it was not the policy of the Government to allow it. Transplant him to-morrow to your rich and fertile lands in the West, and give him a quarter section of land there, and who do you think he will serve? Where will be his ties? About whose Government and whose people will the fibers of his heart cling and its emotions beat? Will it be for the Government that has oppressed and driven him out from his native land, or for that Government which has treated him thus parentally and kindly? Sir, it would be a thousand fold better naturalization law than all the forms of your statute-books, and residence for five years in your corrupt and corrupting cities in the East.

The policy now incorporated in the bill, as it comes to us from the House, has been adopted in a number of the States. The State which I in part represent is one of them. We did not do it so early as some of our sister States. Illinois, Michigan, Iowa, and, I believe, Wisconsin, adopted the policy earlier than we did. Let me call the attention of the Senator who moves this proposition for a moment to the fact that you are getting now, at this period, a better class of foreign emigration than you formerly did. Many years ago—I do not speak of any particular period—no one came here but those whom abject poverty, and misery, and persecution at home sent here. This was because people abroad had very little faith or confidence in the form of Government, the climate, and the prospects before them here. But, sir, since that time, in more late years, our Government has a better credit and reputation abroad; our institutions are better known, their stable character has been developed; and now it is that you are drawing from abroad a better class of foreign emigrants, with capital, with means, with money in their pockets to invest here. You get, to be sure, with them a more worthless class. The States surrounding Indiana adopted this policy wisely and prudently before we did. They said, the sooner we open up to these foreigners—thinking, intelligent, men of learning and of wealth—the exercise of political rights, and give them an influence and a voice in taxing their property, the readier will they come into our States and settle with us. That was their policy. Indiana saw it in a very short time. We were getting the sedi-

ment, the dregs of that emigration. We were getting the heedless, who had no property to tax and no interest in legislation. They only looked to a place to dig on your canals or railroads, or something of that sort. The whole cream of the foreign population, those with wealth, with learning, with stability and character, passed directly through Indiana, and went to Illinois, to Michigan, and to Iowa, leaving us the sediment of that class of population. We, however, took the hint, and reversed our policy. We held a constitutional convention, and adopted the same provision as the States around us—and what has been the result? Why, sir, the valuable portion, the cream of the emigration, settles now with the sediment, and we have a mixture. We now get a portion of the better class and their money to help us to maintain and keep in order the more improvident portion of that population coming among us. We now have a mixture of the good and the bad, and it makes it altogether a much more desirable population.

But, sir, who fears the result of allowing foreigners to go to these Territories? No man will go to Kansas or Nebraska unless he wants to become a farmer, a cultivator of the soil. What injury, what danger is there in allowing such a man to vote? Will he vote to ruin himself? Will he vote to annihilate all his own rights, his own liberty, and his own hopes of prosperity and happiness? I repeat what I said before, on the 2d or 3d of March last, when this question was before us, that the foreigners who come here do not form distinct and separate parties, but they range themselves under the banner of one or the other of the great political parties of the day. They are either Whigs or Democrats, and not Abolitionists. Mostly, I grant you, their sympathies are with the Democratic party. The majority of them vote and act with us. Their sympathies were with us before they came here, and they find those sympathies doubly aroused and doubly strong when they get here, and see the course of treatment of the two parties towards them. No third party do they make. They come and vote with me, or else they vote with my friend from Maryland, [Mr. PEARCE.] If they follow his advice, and range themselves under the banner of his party, they swell the vote which brings a President into the White House, a Senator here, or a Representative to the other House. The consequence is, that if the addition of that vote ruins the country, or brings bad policy, the Senator would have brought it; if it had been in his power. They only vote for the same measures and the same men that he would have voted for. So, on the other hand, if they vote with me, and with the great Democratic party, which has mainly, and I trust will hereafter govern the country so long as it shall be a country of government. When they vote with me and my party, they swell the vote which causes a Representative to be sent to the other House, by adding a few votes more than he otherwise would have got. Has that endangered the liberties of the country? If it has, then the Democratic party would have ruined the country without the foreigner's vote. He votes with the native Whigs or the native Democrats of the country, and only swells the votes either would have given. He only carries out with greater force that policy which the one or the other would have adopted if it were in their power.

Mistake not yourselves, Senators, in supposing that every man who comes and resides here five years is better qualified to vote than than others are the day they land. A great many of the men who come here, come well educated, well-read, well-informed, and, indeed, know all the details of our own history, and of our own Government better than many Senators here know them. Then, sir, as a question of safety and strength to ourselves, give them at the earliest moment you can an interest in the country, and they will be Americans indeed, they will be Americans in heart as well as name. But keep them for five or ten years, deprive them of an early enjoyment of political privileges, and you tend to alienate them instead of attaching their affections to you, your people, and the country and its Constitution. Safety and prudence to ourselves, and justice to them, alike demand this policy, in my judgment.

Again, I say I regret that this question is here,

and if it shall return this bill to the other House, which will necessarily defeat it, I shall deeply deplore the consequences. Let me implore Senators to forego their objections to this minor question of expediency, and seize, with fraternal feelings, this opportunity of putting at rest forever the great principle involved in this bill.

Mr. BADGER. Mr. President, I voted for this amendment when it was proposed by my friend from Delaware, to the bill which passed the Senate. I thought the amendment right then; I think it right now; and I have listened to discover what reason there is why I should now vote against an amendment which I before voted for, because I thought it right, and which I still think to be right. Well, sir, what reason has been given to us? We have been entertained by disquisitions upon the subject of the Constitution. I concede that this is no constitutional question. With my views of the subject heretofore expressed in the Senate, that we have an ample and absolute power over these Territories, we of course have a right to model their governments as we think proper, to give the elective suffrage to whom we think proper, and in each, in every, and in all respects, to do with the Territory, and with the people who may choose to go there, as we think just, reasonable, and proper. This is, therefore, no constitutional question. If there were an express provision in the Constitution of the United States, that no man but a native born citizen of the United States should be entitled to vote in any one of the States, it would not in the slightest degree effect the question now under the consideration of the Senate, as far as power is concerned.

Then we have been told that a majority of the House of Representatives is opposed to this amendment. I ask where is the evidence of it? Was any vote taken in the House of Representatives upon this amendment? No, sir. Was an opportunity ever afforded in that House to take a vote upon this amendment? No, sir. We all know perfectly well that the House, having up a bill which had originated in that body, having passed through the ordeal of the Committee of the Whole, and having that bill reported to the House, the gentleman who was at the head of the Territorial Committee of the House immediately moved, as a substitute for the House bill, the bill which had passed the Senate, without the amendment adopted upon the motion of my friend from Delaware, and demanded the previous question. We all know, that question being demanded, and the demand being seconded, no amendment could be moved to the bill, no debate could be had upon the bill, no explanation could be given of the position of members with regard to this particular question, and nothing was left but to vote for or against the bill.

The fact that a majority of the members of the House voted to sustain the demand for the previous question proves not their opinions with regard to this amendment. If I had been a member of that House, I should have voted so myself. We all know the condition of things there. We all know the contest that had been waged. We all know that a protracted discussion had been engaged in, and all the parliamentary tactics, which the rules of the House directly or indirectly allowed, had been used for the purpose of preventing the judgment of the majority of the House being given on that bill. Therefore, if I had been a member of the House, important as I think this amendment to be, I would undoubtedly have voted to sustain the demand for the previous question, and thereby maintain the authority of the majority to determine upon the business of the House.

Hence, Mr. President, it is an assumption, without proof, to say that a majority of that House was opposed to the amendment now proposed by my friend from Maryland. I know gentlemen who concur entirely with me upon that subject, but who voted, nevertheless, to sustain the demand for the previous question, who voted for the bill without this amendment, who looked upon it as decidedly a matter of importance to obtain the amendment, but who, in the circumstances in which they were placed, felt themselves bound as I would have felt myself bound, by higher and loftier considerations even than the question of this amendment, important as it is, to sanction the call for the previous question, and have the judgment of the House upon the measure. Therefore,

when we are told that the majority of the House of Representatives is opposed to this amendment, we may be told so by gentlemen very sincerely; gentlemen may have the private expression of the opinion of individual members, and may thus for themselves collect the general sentiment of that House; but there has been no manifestation in the House of the judgment of the House upon it. And, therefore, also, it follows, that when the honorable Senator from Indiana tells us if we adopt this amendment the bill is lost, it is a conclusion founded upon no premises. It is a deduction warranted by no precedent matter. It is a mere opinion, entitled to no greater respect than if I should say, if you adopt this amendment, you will insure the support of the House of Representatives to it.

Well then, sir, believing, as I do, that the principle of the amendment is right, why should I not vote for it? If it be sent to the House of Representatives, and it becomes a question between the two Houses, it is one thing to insist upon such an amendment, to the loss of the bill, and another thing to give to the House of Representatives what, according to their rules, they have never yet had, an opportunity of saying whether they are for or against it. I do not make this amendment a *sine qua non*. I agree with my friend from Georgia, that there is a principle in this bill more important than is involved in the amendment. If the Senate vote down the amendment, I shall vote for the bill. If the House disagree to the amendment, I, for one, will never consent to lose the bill upon any such disagreement. But I think it is rather too much to ask me to vote against an amendment which I believe to be right, which I believe to be important, which I think contains the recognition of what is valuable, upon a mere hypothesis that the House is opposed to a measure upon which the House has never voted.

Mr. President, I can understand very well the position of a number of my friends in the House of Representatives. I cast no censure upon them, none at all. As I have said, if I had been there, I should have voted with them, and surrendered my particular views in regard to this amendment to the condition of things which made it necessary, to enable the majority of the House to decide upon the pending questions. In this body, thank Heaven, we are under no such necessity. We can here bring forward a question, discuss it, give ample time for its discussion, and when it has been discussed, we can have the judgment of the majority, without waiting days and nights in calling the roll of this body upon questions to adjourn, to adjourn over, and all imaginable technicalities which the rules of order can be made to supply. Therefore, I see no reason why we should not consider this amendment, and why we should not dispose of it.

Now, sir, what is the amendment? Is it unjust or unfair to anybody? It is to allow the citizens of the United States in these Territories to elect the legislative body, and then to determine upon the domestic institutions of the Territories. For one I am perfectly willing to leave it to the judgment of the citizens of the United States, who may be in the Territories, whether the institution of slavery is to be introduced into them or not. But I am not willing to leave it to those who are not citizens of the United States, to men who are poured fresh from the workhouses, from the ignorance, from the filth, from the debasement, which mark the lowest orders in the different countries of Europe; just landed upon our soil, ignorant of our institutions; ignorant, many of them, of everything except the performance of some mechanical operation in a particular trade, or except, perhaps, that one knows how to hoe, and another to delve; men who can neither read nor write; men whose associations have brought them into no contact by which the understanding has been developed; men who have no sympathies with us, or our country; men who are just landed, finding here a refuge from oppression, if you please, or from punishment, if you please, or from starvation, if you please, to determine the political condition of a Territory, which is hereafter to become a State of this Union.

Why, my friend from Indiana would seem, according to his argument, to imply that the longer these persons are here, the less reliable they are. He says, take them fresh, the moment they come here, and let them become proprietors of land.

Well, sir, if they are to wait until they become proprietors of land, I pray you what becomes of the principle of unlimited suffrage? But it is said you must give them the land. Well, how does that qualify them to know what the institutions of the new Territory should be? It may give them a desire that those institutions should be right; but to desire, and to know how to accomplish thing, are two very different qualities. It is true, as the honorable Senator says, that many persons come to settle in this country, who are men of character, men of intelligence, men who, at once, would be able to assume and discharge respectfully the functions of a citizen; but we must recollect that is not the character of the class altogether, nor the character of the class generally. Wherefore, I think, the wisdom of our forefathers was true and right. They required that foreigners should undergo a probation, should live among us, should signify their intention to become citizens; time should elapse afterwards; the eye of the community should be upon them; and evidence should be given finally to their upright deportment their good moral character, their exhibition of an attachment to the institutions of the country, before they were clothed with the character of citizens.

The Senator from Indiana says that citizenship and suffrage are not the same thing. Undoubtedly; but citizenship is the *status* which is presupposed to exist in every man before he is capable of receiving the right of suffrage. That was the notion of our forefathers. It is a discovery of modern times, that a man may be a political member of a community, so far as to exercise the powers of the ballot-box, to vote for legislators, to elect all the officers of the community, and yet that he should not have a citizenship in the country which he thus aids in governing. When the Constitution of the United States was framed, and it was said therein that the electors of the members of the House of Representatives should be those who, under the State constitutions, were entitled to vote for the most numerous branch of the State Legislature, the idea of unnaturalized foreigners voting had entered the minds of no people, of no State in the Union. I know it is past reach; but, according to my judgment, every provision in the constitution of any State in this Union, which now or hereafter may authorize an unnaturalized foreigner to vote, is in conflict with the spirit and principle of the Constitution of the United States. I know we had in the constitution of my own State, adopted in 1776, a provision which conferred all the rights of citizenship, the power of holding real estate, and the right of voting, upon foreigners who came there to settle, and who had resided twelve months, and taken the oath of allegiance. But we have always considered that from the moment the Constitution of the United States was adopted, conferring the power of naturalization upon this Government, *ipso facto* that provision of the State constitution was annulled.

Mr. President, although I concede that this is not a paramount matter with me, though I admit there is a high principle in this bill which I will carry out without this amendment if I cannot obtain the amendment; yet I see no reason why, believing the amendment to be right, I should not vote for it now, as I voted for it when it was proposed before, and when I then deemed it to be right. If it had been the case, that a decided and undoubted expression of the opinion of the House of Representatives had been obtained upon this amendment and found to be adverse to it, I should vote against it; but no such opinion having been expressed, no opportunity having been afforded for its expression, no evidence being furnished but that a majority of that House is for it, I wish to put the amendment here, and give the House an opportunity of saying, whether it meets their approbation or not. If it does not, I shall not be for losing the bill for want of the amendment.

Mr. BUTLER. Mr. President, I think it probable that my naked vote upon this subject, either one way or the other, would not be very well understood; and the occasion, perhaps, is one that requires of me to make a few remarks, by way of explaining the course I may think proper to pursue upon this subject. Justice to others, and justice to myself, require it.

The issues which have grown out of this bill scarcely leave any gentleman the right to consult his independent judgment. I am free to say so.

I may, *in limine*, say, that if I had been in the House of Representatives, I should have voted with the one hundred and thirteen, in favor of the bill without this provision. I will say, further, that whether the amendment be adopted or not, I shall vote for this bill. Nay, further, I do not know but that there may be such a change of circumstances, during to-day or to-morrow, as may require of me, rather than to put this bill in jeopardy, by sending it back to the other House, or putting it in a position where it will be subjected to the hazards of parliamentary proceedings, to waive the opinion—the very strong opinion—which I entertain upon this subject. I have already given a vote in favor of the amendment. It was not introduced at my instance; or on consultation with me or my friends. I believed it right, and I voted for it. I think I have gone very far in reconciling myself to vote for this bill, with some of the principles which have been attributed to it by those who are likely to vote for it. I have gone very far, when I admit that I shall vote for the bill, whether it contain this amendment or not.

Now, sir, we propose to bring into existence two sovereign States; and at this time, as far as our legislative Government goes, we are to influence their destiny. As has been said by my honorable friend from Indiana, we are about to give to the people of Kansas and Nebraska a blank piece of paper, or a stone, upon which they are to write the laws that are to influence the destiny of those republics. I am one of those who do not believe that any people settling upon our Territories have the right of self-appropriation. I do not believe in the principle that the transient population settling upon our Territories have the right of self-investiture of sovereignty, to shape out with their fingers what shall be the boundaries of this State or that State; or to assume, without the previous action of Congress, the right of forming themselves into a State, and forming such a constitution as they may think proper. Therefore, when I delegate to any people this very high office, this important function of making laws, and of doing more, of putting into existence institutions which are to influence the destinies of this Confederacy, I have a right to pause. In doing this I am not willing, for one, to give the right of suffrage or the right of voting, for those who are to make the laws, to any but those who are, by birth or by naturalization, American citizens.

I have been told that there are those who live abroad who would have equal capability with Senators here to form a system of laws. I shall not dispute it; and perhaps if, by my legislative choice, I could discriminate so far as to select this man or that man to be a citizen and make laws for me, I might be willing to assume upon myself the office of doing so. But, sir, it is a different thing when we are to invite foreigners to come here—foreigners who are unaccustomed even to the principles of the common law, the *magna charta* from which we derive all our notions, not red republicans from France or from Germany. When the selection is not to be confined to those who have in some measure been accustomed to the administration of the English law, either in Great Britain or Ireland, I would pause for a long time before I would devolve such an office on those who have been invited here, and especially after I have seen the demonstration that has been made by irresponsible crowds of foreigners not knowing what they are about. Have I not already seen that Abolitionists have invited this very class of persons to join them? Under their influence, they have met and have dared to burn in effigy one of the American Senators, for acting upon the grave responsibilities of his position here in this Senate house. If the option were given to me to allow such persons to come and vote, I would exclude them, whilst I might admit a very different class. I have, therefore, strong opinions upon this subject—not constitutional I grant. I admit the practice has varied. I have taken some pains to have a synopsis of your laws upon this subject prepared, and I will state it to the Senate.

NORTHWEST TERRITORY.—Ordinance 1787.

Qualification of Voters.—That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a Representative.

1798. MISSISSIPPI.—Same as the above; ordinance 1787.

1800. INDIANA.—Same.

1804. LOUISIANA.—Legislative Council.

1805. MICHIGAN.—Same as the ordinance 1787.

1809. ILLINOIS.—Same as the ordinance 1787.

1812. Additional legislation on the subject, as follows:

That upon the admission of the Illinois Territory into the second grade of territorial government, in conformity with the provisions of the act entitled "An act for dividing Indiana into two separate governments," each and every free white male person who shall have attained the age of twenty-one years, and who shall have paid a county or territorial tax, and who shall have resided one year in said Territory previous to any general election, and be at the time of any such election a resident thereof, shall be entitled to vote for members of the Legislative Council and House of Representatives for the said Territory.

[First departure from the ordinance 1787.]

1812. MISSOURI.—That all free white male citizens of the United States, above the age of twenty-one years, who have resided in said Territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the General Assembly of said Territory.

1817. ALABAMA.—Same as ordinance of 1787.

1819. ARKANSAS.—Same as Missouri, 1812.

1836. WISCONSIN.—[Freehold qualification first stricken out.]—That every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election, and shall be eligible to any office within said Territory: *Provided*, That the right of suffrage shall be exercised only by citizens of the United States.

1838. IOWA.—Same as Wisconsin.

1849. MINNESOTA.—Same as Wisconsin and Iowa, with the additional words in the proviso, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act.

From this statement of our laws on the subject it will be seen that our legislation has shown a great degree of indifference in regard to it, by those who have superintended it. At one time it would have been very wrong of Congress to require none but citizens to vote, when, in fact, the Territories were so remote that citizens could not very well get there. Hence, in the early settlement of the country, many persons did vote who were not citizens; but they were required to be actual residents, and a property qualification was imposed. In 1809 actual settlers, with one year's residence, were allowed to vote.

In view of this variation in our policy on this subject, I am free to say I have no constitutional scruples. My objection is broadly to the policy of devolving upon unnaturalized persons coming from abroad the right of shaping our territorial governments. I do not know what course I might have taken if this were a new question; but I have considered the subject, and I have brought my mind to this conclusion. I do not say that my objections are so insuperable that they may not be overcome; but at present I retain them, and they are very strong upon the subject.

Mr. PRATT. Mr. President, when this amendment was originally introduced by the honorable Senator from Delaware to the Senate bill, I voted for it; and it is known to that Senator, and to other Senators on this floor, that I had a right to expect that if his amendment were incorporated into the bill he would vote with me for it. But although his amendment was incorporated into the bill, he did not vote for the measure; and in that respect I was disappointed.

Mr. President, I made no speech upon the subject of this bill, nor do I design to make one. It has been my habit, when others on this floor have fully discussed the principles of any measure so that they could go to our common constituency, to rest myself satisfied with my vote in accordance with what I thought right. The friends of this measure have believed, I believe, that it contains one great principle which will prevent future successful agitation upon the subject of slavery, and that principle is that the people of the Territories,

irrespective of any congressional action, should regulate that matter for themselves.

Now, I can readily understand why my honorable friend from Delaware may very consistently press this amendment here, because, although it should be adopted, he would yet vote against the bill; and the very reason which deters me from voting as I did before for the amendment, is an apprehension of the defeat of the measure if it be adopted. That, however, would be an inducement to the honorable Senator to advocate and press the amendment, which has been again introduced. But my honorable friend from North Carolina says we have no evidence that the majority of the House of Representatives is opposed to the principle of the amendment of the honorable Senator from Delaware, because no vote was there taken upon it. Why, sir, I apprehend that my honorable friend should be aware that those who had the management of this measure in the other branch of the National Legislature, would hardly have pursued the course they did unless they were aware that the bill would be defeated if this amendment had been retained in it. But I submit to the Senate, whether the law of Illinois, as read by the honorable Senator who has just taken his seat, does not show conclusively that this amendment were contained in the bill it would lose very many votes which it obtained in the House of Representatives. By the constitution of that State, as read by the honorable Senator from South Carolina, every free white male resident, being of a certain age, is entitled to vote, provided he has paid taxes.

Mr. BUTLER. My friend from Maryland is, perhaps, laboring under a slight error. I did not read from the constitution of Illinois; nor do I know what her constitution is now so far as regards the qualification of voters; but I read from the act of Congress for the formation of the Illinois Territory, the provision that all persons who resided there one year, and had paid a county or territorial tax, should be allowed to vote.

Mr. PRATT. I only designed to bring to the view of the Senate, that not only Illinois, but other States of the Union, allow them to vote for all their State officers, and under the second section of the first article of the constitution, they are, *per se*, entitled to vote for all Federal officers; that there are other States besides Illinois which allow every person to vote. They are not particularly interested, except so far as the common welfare of our general country is concerned in this great principle which I have brought to your attention. Is it not more than we can expect, if this bill is sent back to the House of Representatives, that these gentlemen will vote to exclude very many of those persons who have put them in the seats which they occupy?

It is a matter, however, of details to which I have paid very little attention, but those who have, will readily see that this of itself would tend to detract from the bill very many votes which were obtained in the other House, and many more than would be sufficient to obtain its passage. Now, my friend from North Carolina supposes—and to that notion the honorable Senator from Delaware [Mr. CLAYTON] nodded assent as if he concurred in it—that if the amendment be adopted, the bill will go back to the House of Representatives, and the only effect will be for the House to say that they will or will not concur in the amendment, and that then it will come here, and we are to say whether we shall recede from it or not. Mr. President, that is not so.

Mr. BADGER. You are much mistaken.

Mr. PRATT. I am much mistaken, sir? I should be glad to be corrected, if I am mistaken. But as I understand it, the bill which passed the Senate has not passed the House; but they have taken up an original bill which was introduced into the House. Hence this is not a Senate bill, but it is a bill which has passed the House, so that if we pass it with an amendment, it goes back, and it is not only the amendment which comes under the consideration of the House, but the whole bill, and this whole subject of agitation is introduced anew into the House precisely as if it were first brought there to-day. That I apprehend to be so. Therefore the dangers which the honorable Senator seems to suppose exist only in the imagination of those who have spoken upon this side of the question, I humbly apprehend do in reality exist.

Mr. BROWN. I think the honorable Senator wholly misunderstands the rule of the House of Representatives. If the bill goes back to the House with this amendment, the simple question will be as to whether the House will concur in the amendment.

Mr. PETTIT. May they not order the bill to lie on the table, or refer it to the Committee of the Whole?

Mr. BROWN. If the opponents have the power they may, but they have shown that they have not the power. Have they not fought two or three weeks over it?

Mr. PETTIT. They can order it to lie on the table or refer it to the Committee of the Whole, and never get it out again. I have seen such things done there.

Mr. PRATT. Mr. President, I do not profess to be familiar either with the parliamentary rules of the House or of the Senate. It is a subject which has never very deeply engaged my attention; but I apprehend, sir, according to the common sense of the thing, if this bill goes back to the House in which it originated, that House may offer any amendment to the bill it pleases.

Mr. PETTIT. Certainly it may.

Several SENATORS. Oh no.

Mr. PRATT. You see there is a great difference of opinion. Some say "Oh yes," others "Oh no."

Mr. PETTIT. They must concur in the amendment.

Mr. PRATT. Yes, sir; and they can offer an amendment to the amendment; or introduce a bill in the shape of an amendment to the amendment.

Mr. BROWN. I understand that an amendment offered must be germane to this amendment, and they cannot amend the general provisions of the bill.

Mr. DOUGLAS. They can kill the bill by ordering it to lie upon the table.

Mr. BROWN. Oh yes; the Senator says they can kill the bill by ordering it to lie upon the table. So they may; and so they might have killed it at any time during the last six weeks or two months, but they have not done it.

Mr. PRATT. It is sufficient for my argument that they certainly will have the subject up again by a motion to lie on the table, if I am wrong—and I do not think I am—in the general proposition which I have submitted. Now, allow me to submit to the honorable Senator from Delaware, [Mr. CLAYTON,] who is not for the bill even if this amendment be adopted, and to my honorable friend from North Carolina, [Mr. BADGER,] who is for it whether the amendment be adopted or not, why does the Senator want his amendment? Is it to defeat the bill? He is against it even if the amendment be adopted. Why does he want it? I give him credit for supposing—for I really believe he wants it because he thinks—that it contains a great American principle, and one which ought to be adopted; and I agree with him. But is there no other way in which he can attain that object? Does the passage of his amendment upon this bill attain it? Why, sir, we have now in existence the territorial governments of Minnesota, Washington, Oregon, and perhaps others—but those three are enough to mention for my purpose—containing this very provision. Now, does he wipe out this stain, as he would term it, upon the government of the country, by making his amendment to this bill, and suffering the same principle to be retained in the territorial governments now in existence? If the object of the honorable Senator from Delaware be, as I suppose it to be, simply to have incorporated in the legislation of this country this great American principle, that none but American citizens should be allowed to rule in the country, let him introduce a general bill, altering all the territorial governments in that particular, and he will find every southern man who is here now, supporting this bill, and going against his amendment, going with him.

I submit to all those who have spoken, or who have not spoken upon this amendment, whether it would not be correct, in point of policy, for those who desire in reality the incorporation of this American principle, advocated by the Senator from Delaware, to introduce a bill here placing it in all the territorial governments of the Union? That would be the true plan, sir. The true plan

is not to place it upon this bill, and run the risk of having defeated a bill which has already produced so much agitation throughout the whole country, and to send it back to the House, where that agitation will be continued, because its incorporation here will insure no one isolated beneficial purpose. It still leaves in the legislation of our country the same principle; and you would then have to adopt a general law, as I propose the Senate shall do now.

Mr. President, I shall vote against the amendment, although I feel as deeply as the Senator from Delaware, or any other Senator upon this floor can feel, the want of policy in suffering foreigners to take upon themselves, before they are naturalized, the garb of American citizens. Although I feel it as strongly as any man here, and am prepared to resist it, yet I think its proper place is not upon this bill.

It is not for Congress, Mr. President, unless you can amend your Constitution, to initiate this proceeding. The remedy is with the people themselves. We find that that remedy has already commenced its career. We find that these separate foreign political organizations throughout the country, superinduced or not by the course indicated by the Senator from South Carolina, are raising an American spirit in the land, which is to answer the purpose of getting rid of this stain upon our escutcheon. It must be public opinion, sir, the public opinion of the native and naturalized citizens of this country which is to cure this evil; and it cannot be cured by putting the amendment on the bill which is now upon your table. I believe it will be cured. The spirit is now abroad. The people of this great country, native and naturalized, are not willing to see their birth-right subject to the foreign importations of those to whom the Senator has alluded, or of others who may come here voluntarily for their own interest. I have trespassed, Mr. President, longer upon the time of the Senate than I intended.

Mr. HUNTER. Mr. President, as an abstract question, I certainly should prefer the bill as it went from the Senate; that is, with the so-called Clayton amendment, to that which has been returned to us from the House, the two bills differing only, as I understand, in that respect. If I had to frame a bill myself, and to consult only my own judgment in reference to it, I certainly should prefer the Senate bill to that which is now under consideration. But, sir, I am not allowed to consider it in reference only to my own judgment; I must consider the circumstances under which it is returned to us. I believe that the effect of putting on this amendment will be to hazard the bill in the House of Representatives; and I do not choose to try such an experiment on a measure of so much importance. *Experimentum in vili corpore*. It must be upon some cheap substance that we can venture to try such experiments as these, and not upon a bill which may involve the peace and harmony of the whole country. I cannot demonstrate that the adoption of this amendment would destroy the bill in the House of Representatives. I cannot, perhaps, produce evidence that would satisfy my friend from North Carolina that it would even hazard it. But such evidence has been adduced to me as satisfies me that the adoption of this amendment to the bill will not only hazard it in the House, but may destroy it. There are various ways in which it might be destroyed. It might be laid on the table. I have seen such things attempted. It might be committed to the Committee of the Whole. At any rate, it would be a signal for the renewal of that agitation from which the country has already derived no good; and which I should be unwilling to see renewed merely for the sake of this amendment. I have no idea that it will be possible to pass the bill with the amendment; and I would rather have the bill without it than see the whole measure destroyed, and all the labors of the session, in regard to this exciting question, rendered abortive.

But suppose it was as the Senator from North Carolina imagines, that the only question was upon this amendment, that the House of Representatives would not consent to renew the agitation; that there would be no one there who would be so irritated as to move that the bill lie upon the table; that there would be none there who would seek to refer it to the Committee of the Whole; still it is to be considered what might be the effect and result of the question thus presented. It

would be upon this naked question of the amendment, and nothing else; if we can suppose all these propitious circumstances to exist in regard to the action upon it, who then would determine this question? Why, it might be that the enemies of the bill, with a small minority of its supporters, would fix that amendment upon it, and thus our northern friends, who have come forward to sustain the bill, and risk so much in order to repeal the Missouri restriction, a repeal which we value so highly, might have to go home and meet the responsibility of the measure with this obnoxious restriction upon it. Would that be fair, sir? We understand that the bill, as it is, was brought in and carried through upon a compromise between its northern and southern friends. Northern sentiment conceded something in repealing the Missouri restriction. Southern sentiment conceded something in agreeing to reject what was called the Clayton amendment. It seems to me that it is fair, and just, and proper for us to ratify that understanding, and to pass the bill as it came from the House. From these considerations I shall vote against the amendment; although I say, if I had nothing to consult but the simple suggestions of my own judgment, I should vote for it. But, under existing circumstances, I do not feel at liberty to peril the bill by affixing to it such an amendment. I shall therefore vote against it.

Mr. BELL. I desire to give an explanation of my vote on this subject before the question is taken. I do not wish now to occupy the attention of the Senate long. The honorable Senator from Illinois has intimated to me the desire to have the questions preliminary to the passage of the bill taken this evening.

Mr. DOUGLAS. Yes, sir; and debate it tomorrow on the question of its passage.

Mr. BELL. But, before I vote, I shall desire to make an explanation. I shall not detain the Senate long; but I wish now to reply to the honorable Senator from Virginia particularly, because my vote on this question will be regulated somewhat by the sentiment which has been expressed by various gentlemen who are friends of the bill. I am of the opinion, Mr. President, that if the bill goes to the House, the amendment will not be concurred in, if it shall be made by the Senate.

Mr. PETTIT. There is no possibility of it. Mr. BELL. It will not be concurred in. That is the opinion of the Senator from Virginia, also; and, therefore, he will not vote to ingraft it on the bill. I believe, however, that the honorable Senator voted for the amendment when offered by the honorable Senator from Delaware at the time the bill was formerly under our consideration?

Mr. HUNTER. I did.

Mr. BELL. And I understand the honorable Senator now to say, that if it were anything but a mere abstract question which was involved, he would vote for it now?

Mr. HUNTER. I did not say if it were anything but an abstract question; I said that if it were a mere abstract question I would vote for it now, if I had nothing to consider but the suggestion of my own judgment. I did not mean to say that it was not of importance, but that it was not of sufficient importance to hazard the bill upon it.

Mr. BELL. I understood the Senator to say that if it was anything but an abstract question, he would vote for it now, but there are considerations behind which will restrain him. He is of the opinion that it will not be concurred in by the House. Does the honorable Senator infer that the bill will be lost if the House does not concur in the amendment?

Mr. HUNTER. Does the Senator ask my opinion? I am assured by those who I think are good judges of the sentiment of the House, that the bill would be endangered. I received that assurance not ten minutes ago, from a friend of the bill.

Mr. BELL. But, although he is in favor of this amendment upon principle, he will waive it on the ground that he wants another greater and higher principle established. Various gentlemen on all sides have taken the same position. I presume I know what the opinions of many of these Senators are as to that point, but I do not remember that any of them distinctly stated what that higher principle was which they supposed would be established by the bill, and which would induce them, therefore, to waive all the opinions

which they held as to the expediency and importance of this amendment.

Mr. TOOMBS. I will tell the Senator, as far as I am concerned, that it was the repeal of the Missouri restriction which was the principle.

Mr. BELL. I understand that. I should like to hear from some of the gentlemen what they mean in regard to it. The honorable Senator from Virginia has also indicated that that is the great object. The honorable Senator from South Carolina, [Mr. BUTLER,] upon another occasion, stated significantly, and in expressive language, that he expected nothing else, but to take that thorn from his side. Am I wrong in attributing that sentiment to the honorable Senator? That is the great principle to be established.

Mr. BUTLER. If the honorable Senator alludes to me, I will still repeat, that I believe, if the northern people would voluntarily and in good faith repeal the Missouri compromise, and it were a contest upon a mere fictitious issue, whether it resulted to one or the other, it would withdraw a festering thorn from the side of the South. That was my opinion.

Mr. BELL. I understood it. It was a fine feeling and a patriotic one, according to his judgment, of the effect of the bill.

Mr. BUTLER. But in reference to this, if I should be reduced to the necessity of saying whether I would vote for this amendment or not, it would be, I am free to say, because I would not, in any vote which I could give, do injustice to my own friends from the South, and much less would I perform any office that would have the appearance of deserting my friends from the North.

Mr. BELL. I understand that, and I assure the Senator that I appreciate his feelings. I will say that I have considered seriously whether I could separate myself from my friends from the South when there seemed to be a generous tender from the North of the principle which is proposed to be established by this bill, but that is neither here nor there just now.

But another Senator who sits near me [Mr. BADGER] spoke also of the high principle, the higher and more important and fundamental principle, that will induce him to vote for this bill, though the amendment in support of which he has argued so ingeniously and ably, giving very strong and cogent reasons for it, to which many people of the country will respond, be not adopted. He has not stated what that principle is which he wishes to establish.

Mr. BADGER. I not only stated it, but I really thought if my friend from Tennessee had either heard my speech on the Nebraska bill, or read it, or heard of it, he would have known what it was. [Laughter.]

Mr. BELL. I want to know it now, if the honorable Senator will please to state it.

Mr. BADGER. The honorable Senator can send for a copy of the speech which I delivered, and see what it is.

Mr. BELL. I heard the honorable Senator make his speech; but I wanted to know whether he corresponded in sentiment with the honorable Senators from Virginia, South Carolina, and Georgia; and if it was his great object to remove that stigma from the legislation of the United States, or that violation of the Constitution rather.

Mr. TOOMBS. That is my great object.

Mr. BELL. That I understand. The honorable Senators will remember that I do not reproach them. I have not the slightest disposition to question their motives or the correctness of them. They have a perfect right to act on their principles; but I want to know the correspondence that exists between these honorable gentlemen now. The honorable Senator from Indiana [Mr. PERRIN] has another consideration which sways him; for he expects that the cauldron which is boiling, if we do not settle the question now, will continue to boil, and that there may be innumerable other influences set in motion at the North before the next Congress. He is of opinion that if the bill goes back to the House with the amendment, it will not carry; and if we do not pass the bill now, he says that the country will never again have an opportunity to establish this great fundamental principle.

Mr. PETTIT. I did not say "never." I said it would endanger it for years to come.

Mr. BELL. The honorable Senator drew a description of the country, at the North particu-

larly. Now, I was struck by his views. I do not know but that he is right in regard to the question, and whether it would not be for the interest of the country to settle the question now, if this great principle is to be established. That is what I say, if it is important to the welfare of the country, and to the Union of these States, that the principle should be, or can be, established by this bill. If that is so, I agree with the honorable Senator.

But I want to know what that great fundamental principle is which the honorable Senator from Indiana thinks so important to establish in this country; that if we do not get it now he does not know whether we can ever get it, because we do not know what will be the condition of the next Congress.

Mr. PETTIT. The fundamental principle to which I referred was substantially that stated by the Senator from Georgia—that is, the carrying of the same policy and the same political rights all over our territory, the giving to the people of the whole Union the same political rights over every foot of the territory, North and South.

Mr. BELL. Is that what the honorable Senator from Michigan means by the term "squatter sovereignty?"

Mr. PETTIT. No, sir.

Mr. BELL. I am at a loss again. Perhaps the honorable Senator from Mississippi [Mr. BROWN] can enlighten me upon this subject. What is the great fundamental principle to be established by this bill, which makes it so important that we should pass the bill without the Clayton amendment, and not hazard it a day in the House? Honorable Senators will understand me; I mean to conduct myself with perfect fairness towards them. They have expressed the greatest apprehensions that the principle will escape, and which the Senator from Indiana seemed to insinuate would escape forever if not established at this time. I want to know now whether that is the principle of squatter sovereignty? I do not mean to disparage the principle of the right of the people to govern their own concerns and establish their own domestic institutions. I do not mean to state anything inconsistent with the principles which I held on the legislation of 1850. I do not mean to involve myself in any inconsistency as to the doctrines that I held or practiced upon, but what I want to do is to see if I can reconcile the jarring opinions, or what seem to be the jarring opinions, of those honorable Senators who have expressed so great an interest on this question.

Mr. PRATT. Will the Senator permit me to interrupt him on this point?

Mr. BELL. If the Senator wants to answer any question, I will with pleasure.

Mr. PRATT. I desire to answer a question; but I will not interrupt the Senator.

Mr. BELL. Certainly; if that is all, I will yield.

Mr. PRATT. I desire to state for myself, you may call it "squatter sovereignty," or what you please.

Mr. BELL. I do not use that term.

Mr. PRATT. The principle of this bill, which I denominate the great principle, which we ought not to surrender, was, in the first place, that it struck out the Missouri compromise line; and, in the second place, that it adopted in its stead the principle that the people inhabiting the Territory should decide for themselves the Government under which they should live.

Mr. BELL. Well, I inferred as much as that, though I did not know that the honorable Senator had such an objection to the Missouri compromise. I thought it was another great principle which he had in view—the principle of non-intervention in the affairs of the Territories by Congress—which I have not heard mentioned to-day, that I remember. That great principle of non-intervention in the affairs of the Territory was the origin of this bill. That is the principle which I understood to be aimed at originally by the honorable Senator from Illinois. I did not think there was so much a disposition to set aside the Missouri compromise, because it was a hated thing in any section of the country, but only to give them liberty to get this *tabula rasa*, this plain sheet of paper, on which we could carry out the great doctrine of non-intervention.

Now, if I have done injustice to what were the opinions and views of the honorable Senators at

the outset of this argument, I beg their pardon; and I shall be ready to admit it when they explain. I thought it was the principle of non-intervention which was held to be so important. I thought that was the doctrine of the Senator from North Carolina at that time, and that he had no hostility particularly to the Missouri compromise. On the contrary, I thought that the honorable Senator held that it was perfectly constitutional, and that it was only necessary to repeal the compromise in order to give place to the principle of non-intervention.

In regard to this amendment, I mistook the Senator from Virginia, in the outset of his remarks, in relation to its being an abstract question. But I would ask that honorable Senator, and I will also ask the honorable Senator from South Carolina, if they have not yielded up, one after another, in the support of this bill, every principle contended for by the ultra State Rights party of the South, except the simple repeal of that compromise?—whether they have not made a general free-will offering and sacrifice to our northern friends?

Mr. BUTLER. Mr. President, I certainly would not undertake to be the exponent of the State Rights party from the South; but I do not know any constitutional principle that we have yielded.

Mr. BELL. Then I understand again. That is a new revelation. I understand that the honorable Senator thinks that the Constitution will protect slavery in these Territories, pass it when you will.

Mr. BUTLER. I understand, if you take away all restrictions, and give us a fair chance, we are as good as anybody else. [Laughter.]

Mr. BELL. That brings me to another question. I thank the honorable Senator, because it enables me to introduce a little more gracefully the idea I wanted to bring in, which it would otherwise have taken some circumlocution to get at. Why the necessity with those honorable Senators, who rely on the integrity and inviolability of the Constitution, of repealing the Missouri compromise?

Mr. TOOMBS. Will the Senator allow me to answer him?

Mr. BELL. Certainly.

Mr. TOOMBS. The principle which I understood I was supporting, was the amendment of the honorable Senator from Illinois, for which you voted, and for which I voted; for this repeal you and I both voted.

Mr. BELL. The repeal of the principle of the Missouri compromise.

Mr. TOOMBS. For the principle of the bill, and the amendment which the Senator from Illinois introduced, you and I voted, and agreed to in the caucus of his friends.

Mr. BELL. That is not a fair answer to the question which I put; and I would not have asked such a question of the honorable Senator, though I will not complain of it. I shall have occasion, perhaps, to explain it. With regard to the repeal of the Missouri compromise upon constitutional grounds, the honorable Senator says I voted for it when offered as an amendment. That is not an answer to the question, I respectfully submit. He says his great object is to secure the repeal of the Missouri compromise, because it was an unconstitutional act, and that is the great principle which he will not hazard by voting for the Clayton amendment. I do not know whether the honorable Senator voted for that.

Mr. TOOMBS. I was not here when it was voted upon. I shall vote against it now.

Mr. BELL. The honorable Senator says he will vote against it now, which implies very strongly, I think, that he would have voted for it then. That brings up what I want to state to the honorable Senators from South Carolina and Virginia. Suppose they are violating no principle, that they are making no sacrifice to the honorable Senator from Illinois, and to the northern gentlemen who have gone for this bill, because they consider they are shielded still by thategis of the Constitution which heretofore has protected the rights of the slaveholder in all the Territories since the Government of the United States was in operation over them by act of Congress, what I wanted to know was why the necessity of this bill, if the Missouri compromise act was unconstitutional? As I have already said, (not in this debate,) again and again, I thought there was no warrant in the

Constitution to authorize its passage. I have said out of the Congress of the United States, and before the people, perhaps a hundred times, that if the South saw proper to make an issue upon this slave question, it should have been done in those times when there was great agitation in the South upon this subject, and when these questions came up for consideration in 1820-'21. That was the time when the South should have stood by what they considered their rights, and should not have yielded. They were then strong. The North was not feeble, to be sure, but the South might expect to have stood successfully on that occasion. It would have been at some hazard, it is true, but then was the time to have made resistance to this measure.

Now, in regard to those gentlemen who contend that that act was unconstitutional, and therefore ought to be repealed, when it was proclaimed that this principle of non-intervention was an important one to be established in the country, or recognized by the Congress of the United States, why did not they rely upon the protection of the Constitution? I had intended to put the question, whether it was not intervention instead of non-intervention in fact? We know that the compromise acts of 1850 left New Mexico and Utah free territory. Well, what did the honorable Senators who hold these extreme opinions in the South then rely upon? What did those who agreed to that compromise rely upon? What did the honorable Senator from Georgia rely upon on that occasion when he supported those bills? It was, as I understand, the desire to stand on the Constitution, and to establish this principle of non-intervention, and to allow the people to settle and arrange their institutions under that Constitution? The Territories of Utah and New Mexico, when they came into the Union, were free Territories by the law of Spain and Mexico. The question was raised, whether that really was prohibitory; whether that was the condition of the country, and whether slaves could go there with safety? Those who were in favor of the compromise bills said, whether they can or not, we will risk the judicial tribunals in the decision of the question. Then why, if the principle of non-intervention was incorporated in this bill, as I thought it was at first, interfere or insist on now what seems to be a mere abstraction, the repealing of the Missouri compromise, after that principle was adopted by a large majority of the Senate? It was supposed, at that period of time, that slavery might go into Kansas and Nebraska, because it was slave Territory by the laws of the country from which we acquired it. They did not stop with the removal of the Missouri compromise, but they further went on to interpose or intervene by abrogating the effect of the treaty of 1803.

But, sir, I do not mean to go into an argument on this question. I mean to say now, that with regard to this proposition, I voted for it before. It was near the close of the debate in the Senate on the bill; and at that time, I understood that every southern Senator was in favor of it; and when that question was mooted about the House, it was believed that no bill could be carried through there; that southern members would not vote for it unless that amendment was incorporated into it; and when that was voted in, I did not believe the North would vote for it; so that the bill, as it was agreed to by the Senate, it was presumed, could not be carried through the House.

Mr. President, at that time, as well as now, I did not see that there is the same interest or importance involved in the question which the honorable Senator from North Carolina, [Mr. BADGER,] or the honorable Senator from Maryland [Mr. PEARCE] conceive to be in this proposition. Formerly it was understood that the bill could not pass the House. There was some question, perhaps, whether with the Clayton amendment in, if fully considered, it would not, at all events, diminish the vote in the Senate, but for the prospect of striking it out in the House of Representatives. I remember very well that I was struck by an argument used by an honorable Senator either from Iowa or Wisconsin, which was presented very briefly. It was asked, when the amendment was moved by the Senator from Delaware, why will you make this invidious and odious discrimination between the privileges of foreigners going into Minnesota and those going into Nebraska, which is just adjoining? It looks a little

unreasonable, and it is what these people can never understand or comprehend. It will create ill-feeling, and may lay the foundation of ill-feeling.

But with the principles of this bill now, as they stand incorporated in it, coming from the House without the Clayton amendment, or as we sent it from the Senate, it can be of no great importance whether these people be admitted to vote in that Territory or not. The difference is the time that must elapse between the declaration of their intentions to become citizens of the United States and the expiration of their terms. It necessarily implies those very feelings described by the honorable Senator from Iowa, [Mr. DODGE,] I think it was, before the bill passed from this body. If I considered that it was of such great importance as the honorable Senators from North Carolina and Georgia, and other Senators have stated, that we should risk nothing by the Clayton amendment, I would vote against it now. If I could be convinced that the condition of things described by the Senator from Indiana would arise at another session of Congress, and that the common sense or patriotism of the country, including the South as well as any portion of the North, would not forbear to press such a species of legislation as was calculated to produce an effect so appalling to every patriot, then I would not vote for it.

Again, if honorable Senators from the South have made up their minds that there is a principle of such high importance involved in this bill, a principle connected with the stability of our institutions, the integrity of the Constitution, and the preservation of the Union, I have nothing to say. They are right, according to their own judgment; and if I believed that there was the high principle alluded to by the honorable Senator from North Carolina, I do not think I would risk it there. But what I mean to say is, that if honorable Senators from the South hold these opinions, that there is great importance to be attached, as they say there is, to the passage of this bill, and so great and fundamental a principle is to be established by it, then I think they ought not to vote for this amendment, and, if I understood that was the sense of a clear majority of southern gentlemen on the subject, I should not vote for it myself; but, sir, I know of no means of drawing such a conclusion, that I can rest upon satisfactorily. If honorable Senators from the South have made up their minds to vote for this bill, without the amendment, whether it carries or not, I think there is a very decisive reason, which has not been stated yet by any gentleman, why they should so vote.

If the South shows a disposition to exclude these aliens until they become naturalized citizens under the laws of naturalization as they stand, when we know that some half a million are flowing in upon us every year, and that these new Territories, and not only these, but every other Territory in the northwest, is soon to be filled up with this class of population, they will go with the feeling that the slaveholding States of the Union would have excluded them if they could; that it was their purpose and disposition to do it, but they voted in vain because they were in a minority; and why would we, and why should we, implant such a feeling as that in the bosom of whole districts and counties of these German emigrants, to say nothing of the Irish who are likely to go there, unless we can do it with effect at all events? At the time when this proposition was made in the Senate the argument was that there was something more than a mere abstraction in this bill, and some few honorable Senators, not many of them, said to me privately that they thought there was a chance that slavery would go into the Territory of Kansas. That was one idea which honorable Senators may have had at that time in support of this bill.

Mr. President, I have stated my sentiments incoherently, because they have all occurred to me in the progress of this debate. I mean to say that if honorable Senators, and those from the South particularly, have made up their minds to vote for this bill, whether the Clayton amendment is attached to it or not, I consider it impolitic that they should do so. They ought not to show what their disposition was without power to execute any scheme of policy in relation to it. To be sure, it might all result in having no decided effect in that foreigners would go in, and it might never be

inquired what section of the Union was favorable to them, and what was not.

The honorable Senator from Virginia [Mr. HUNTER] spoke of the sacrifice of the South. He is disposed to give up certain notions of policy which he had, on account of the risk which northern gentlemen have incurred in supporting this measure. Well, sir, it is a generous principle and policy, and the avowal of it is frank and manly. It is on account of the northern friends of the South, who have gone in and risked whatever was to be risked at the North by going for the repeal of the Missouri compromise, that several Senators from the South have declared their determination to sacrifice their own opinions upon such questions as these of mere expediency, where they think no great principle is involved. I repeat, I think it manly and generous, at all events.

Sir, I shall vote for the amendment, although I do it with some hesitation, because I feel the weight of the remarks of the honorable Senator from Indiana. I do not know what the decision of the Senate will be; yet, sir, if there be a majority who will adhere to it, I believe the bill never can become a law.

Mr. TOOMBS. If the honorable Senator from Tennessee had confined his remarks to a defense of his own position, which I think needed it, rather than assailing that of other Senators on this floor, I should not have further participated in this debate. As to the advice which he gives to the friends of the bill, with reference to how they should act on this amendment, I presume they will be something like myself—a little tired of taking advice from such a quarter. The Senator complains that he does not understand the great principles which this bill establishes. I know no Senator who has had better opportunities of understanding them than he has had. I know that he met, upon a call of its friends, time after time; and that we discussed the clause of the bill in which these principles are contained which have agitated this country from one end of the Union to the other; and I know that when it was agreed upon by the friends of the bill, North and South, East and West, Whig and Democrat, he came here and recorded his vote for the clause as I and other friends of the bill did. The very question of the repeal of the Missouri restriction; the very question of taking this subject out of the Congress of the United States and giving it to the people of the Territories who are to be affected by it, is contained in it. Whatever this bill does in that way, is contained in the provision for which the Senator from Tennessee voted, which he aided and cooperated in establishing, and came here upon the responsibility of a Senator to help to put it upon your statute-book. I know, too, that that Senator, at a subsequent portion of the proceedings, met with its southern friends of his former party alliance, and was supposed to concur in a resolution disapproving the known organ of that party for opposing the great principle which he is now unable to see. I say he was supposed to concur in that resolution. I supposed he did concur in it, because he was present and did not object to it. Then, sir, on these occasions, the Senator had the benefit of public discussions, of party caucuses of the friends of the bill, Whig and Democrat, and of the consultations with his own peculiar party friends in their meeting upon this matter; and I know, too, that at the meeting of Whig Senators referred to, at which he was present, we, for fear we might be misrepresented or misunderstood, authorized the Senator from North Carolina to say that we concurred with him in the conclusions to which he came on the bill. Therefore I say the Senator has had the advantage of public discussions, of caucus consultations with the friends generally of the measure, and his particular partisan allies; and besides, he was sufficiently satisfied upon it to give his vote for it upon the test question in the Senate of the United States. Now he wants to know what the principle is. I trust he will excuse me, after this discussion, after his votes, after his speeches, and after his cooperation with the friends of the bill, from making the attempt to enlighten him on this great principle further than to refer him to the bill itself.

Mr. BELL. Remember, I wanted to know; because one principle was stated by one Senator, and another principle by another.

Mr. TOOMBS. That was the very object of the clause itself for which he voted, to reconcile

these conflicting opinions. That was the very reason why the friends of the bill met together, laying aside their partisan views, that they might reconcile their differences and defend great principles. We met, and consulted, and agreed, and came here and placed our action upon the statute-book of our country. Now, the gentleman says, let me see you reconcile it. Sir, the vote of the Senator from Tennessee is recorded; and if it needs explanation, it is needed from him both to the Senate and to the country. If it does not contain a principle—if this Missouri restriction ought not to have been repealed—if this great agitation to which he referred should not have been stopped, or if the bill is double-tongued or double-shot—if it contains anything hurtful to the Republic, I charge that the Senator from Tennessee has his full share of responsibility before the American people and the world. I am told now, but I do not know exactly for what reasons, the gentleman will vote against the proposed amendment.

Mr. BELL. I will vote for it.

Mr. TOOMBS. Well, for it or against it. [Laughter.] It is equally clear that the Senator's object was not so much to discuss the amendment, as to produce discord on other points among the friends of the measure. We adopted it on the principle stated by the Senator from Virginia. We look upon it as a principle, a great principle, that the Congress of the United States should no longer usurp this power to interfere with the domestic policy of the Territories, in the judgment of many of us against the Constitution—in the judgment of all of us against good policy—in order to restrict the equal rights of the free citizens of all the States in the common Territories of the Republic. We believed we would bring evil, and evil only, by legislating here in this manner for our remote dependencies; for the Territories are nothing else, at least upon the question of slavery. To establish this policy we planted it in the clause of the bill to which I have referred, and voted for it; and that clause had the assent of the Senator from Tennessee.

Now, the Senator offers, as an argument against his and our action, that we ought to rely upon the unconstitutionality of the Missouri compromise. A strange argument for an American Senator. The Constitution of my country and his, has thrown around itself a quadruple wall to protect it from violation. The members of the House of Representatives are sworn to stand by it. The members of the Senate are sworn to do the same. The President of the United States binds himself, by a solemn obligation, to do the same; and the judiciary are bound by the same ties. If a bill is brought before me, and I am satisfied that it is unconstitutional, I have no option but to vote against it. If it seeks to repeal an unconstitutional act, it is the highest reason you can give me for its repeal, for then I have no discretion. It may be a good law, it may be a wise law, in my judgment, it may be a beneficial law; but satisfy me that it violates the fundamental law of the land, and I cannot consider its wisdom and justice, though, in my judgment, it might shed boundless prosperity over this Republic.

But, the Senator says why not rely on the courts to declare it unconstitutional? Sir, I must do my duty to the Constitution whenever the question is presented to me; and I trust the judiciary will perform theirs if the question should ever get there. But it does not follow, as a matter of course, that their judges would agree with me on that subject when it went there. They must decide according to their judgment and their consciences. I must decide it according to mine. I assume the obligation of an oath on my conscience. Their judgment cannot protect me; and if they declare the exercise of a power to be constitutional, and have so declared it from 1789 until to-day, and, in my judgment, I believe it to be unconstitutional, and it comes here, I am bound to vote against it; and, upon the same principle, I am bound to repeal all unconstitutional laws that come before me, even if I have no other reason than their unconstitutionality. The Senator seems to suppose that remedies for unconstitutional laws belong exclusively to the judiciary. I do not concur in that opinion. The distinction between passing and repealing a law on this point is unsound. Why concern yourselves with the constitutionality of your action here in passing laws? There

are the courts. The rule would be as sound in the one case as in the other.

The Senator knows that attempts have been made to get up an excitement in this country on this subject. He knows that there are men who have lived upon its agitation, especially in the northern portion of the Union—men whose political existence is staked on this agitation—whose desires and hopes can only be realized by inflaming the public mind against, and defeating this measure. The Senator from Tennessee has become their ally, working to this purpose, aiding in the same result—to keep this prohibition on his own section, although high-minded, noble, generous, and patriotic men of the North feel and see its injustice, and labor for its overthrow. The distinguished Senator from Michigan [Mr. CASS] said it violated the Constitution of his country, and when the question was presented to him, he felt it to be his duty, for that reason, to wipe it from the statute-book. I did not vote for its repeal in order to get any advantage over any portion of this Republic. I would scorn myself if I sought an unjust advantage of any State in this Union. I claim no triumph over the North; I would have none. I claim it a triumph of the Constitution, and of right, equality, and justice to all the freemen of this great Republic, throughout its utmost limits, from ocean to ocean. I would ask nothing that I would not grant; I would take nothing from the people of the North that they ought not to yield; and, therefore, do not consider this bill a triumph of the South against the North. Neither northern right nor northern honor is violated by this measure. It is a victory over error, injustice, and wrong; a triumph of right, justice, and the Constitution. For this triumph the whole country is certainly not less indebted to the genius, the eloquence, the statesmanship of the North than the South; and happy is it for the country that it was thus achieved. This great fact will spread far, and wide, and deep, a feeling of brotherhood throughout this great Republic, and even more than the act itself, tend to perpetuate that sacred bond of true liberty, equality, and fraternity—the Constitution. This is my ardent desire, my earnest prayer.

Mr. BELL followed at great length, and spoke until five o'clock, when, without concluding, he gave way for a motion to adjourn; and

The Senate adjourned.

[See the Appendix for Mr. BELL's speech.]

HOUSE OF REPRESENTATIVES.

THURSDAY, May 25, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

RATES OF POSTAGE.

The SPEAKER stated that the business first in order was the consideration of House bill No. 330, "further to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' passed March 3, 1851, and the act amendatory thereto, passed August 30, 1852."

Mr. OLDS, by unanimous consent, submitted a substitute for said bill; which was received, and ordered to be printed.

POSTPONEMENT OF THE SPECIAL ORDER.

Mr. PHELPS obtained the floor.

Mr. STANTON, of Kentucky. I appeal to the gentleman to yield me the floor for one moment.

Mr. PHELPS. I merely desire to ask the unanimous consent of the House to submit a motion that the special order be postponed until to-morrow.

[Cries of "No objection!"]

Mr. PHELPS. There being no objection, I hope the motion will be entertained.

Mr. McDUGALL. I object to it. I will say to the gentleman from Missouri, who has charge of the deficiency bill, that if he will agree to make no attempt to take up the deficiency bill to-morrow, if it is not disposed of to-day, I will consent to the postponement of the special order. But if the consideration of that bill is to be continued during the whole of this week, I must object.

Mr. COBB. Wait till to-morrow, and object then.

Mr. McDUGALL. The Pacific railroad bill has been postponed too long already.

Mr. PHELPS. I will state for the information of the gentleman from California, and the members of the House generally, that if we will remain here for the ordinary time to-day, we can dispose of all the amendments to the deficiency bill, and report it to the House. Let us talk less and vote more.

Mr. WALSH. I object to the postponement of the special order.

PRINTING OF THE REPORT UPON BANKS.

Mr. STANTON, of Kentucky. The Secretary of the Treasury desires to have a few copies of his report on the subject of banks printed. I therefore submit the following resolution, that it may be referred to the Committee on Printing:

Resolved, That fifteen hundred extra copies of the annual report of the Secretary of the Treasury on the condition of the banks of the United States, communicated to the House of Representatives on the — instant, be printed for the use of the Treasury Department.

The resolution was referred, under the rule, to the Committee on Printing.

AFRICANIZATION OF CUBA.

Mr. DUNBAR, by unanimous consent, presented the resolutions of the Legislature of Louisiana, upon the subject of the Africanization of Cuba; which were referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. HAMILTON. I call for the regular order of business.

CASE OF CAPTAIN GIBSON.

Mr. ORR. Mr. Speaker, I ask the unanimous consent of the House to present the proceedings of two public meetings in my district, convened to give expression of opinion on the subject of the recent outrage committed by the Dutch authorities in the East Indies on the person and property of Captain Walter M. Gibson, late a citizen of South Carolina. He was seized in the Island of Java and thrown into prison at Batavia, upon pretense of having been guilty of sedition against the Dutch Government in their Indian possessions. He was thrice tried for the offense and acquitted by their judicial tribunals; but the Governor was dissatisfied with the result of these trials, and he was a fourth time tried by a star chamber court, where he was not allowed to confront his accusers, or be represented by counsel. He was convicted, and sentenced to death; but a day or two before the sentence was to be executed, he succeeded in making his escape. His vessel, the schooner *Flirt*, and its contents, were confiscated by the Dutch authorities, and all the earnings of his life sacrificed to Dutch injustice, intolerance, and cupidity.

The meetings were held at Pendleton and Anderson, and were composed of persons of high character and intelligence. The persons composing the meetings were acquaintances of Captain Gibson; they had known him many years, and they indorse his character, his integrity, and his worth. They ask this Government to demand and enforce full reparation for this outrage upon the person of one of their fellow-citizens. The resolutions at Pendleton were drafted and presented by my predecessor here, Hon. R. F. Simpson, himself a man of high character and intelligence, and contain the expression of opinion of Captain Gibson's former neighbors as to his worth, and the enormity of the outrage perpetrated on him.

Mr. KNOX. I object. I do not understand why the resolutions cannot be presented under the rules.

Mr. ORR presented the resolutions under the rule, and referred them to the Committee on Foreign Affairs.

DEFICIENCY BILL.

Mr. PHELPS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair.)

The CHAIRMAN. The House has resolved itself into the Committee of the Whole on the state of the Union for the purpose of considering the special order, upon which the gentleman from California [Mr. McDougall] is entitled to the floor.

Mr. PHELPS. With the permission of my friend from California, who yields me the floor for that purpose, I move that the further consideration of the Pacific railroad bill be postponed until to-morrow.

Mr. McDougall. I will state, with the leave of the committee, that I do not consent to this arrangement, except upon the express understanding that to-morrow we proceed to the consideration of the special order.

Mr. PHELPS. I make the motion to suspend the consideration of the special order with a view of finishing this bill to-day. I believe we can do it in the course of two hours.

The CHAIRMAN. It is moved that the further consideration of the special order of the day, which is the Pacific railroad bill, be postponed for the day, with the view of taking up for consideration the deficiency bill.

Mr. WHEELER. Upon that motion I demand tellers.

Tellers were not ordered.

Mr. DEAN. I rise to make an inquiry. I wish to know whether a majority can suspend the consideration of a special order, or whether it requires unanimous consent to do so?

Mr. WHEELER. I move a call of the House. There is no quorum here.

The question then being upon Mr. PHELPS's motion,

Mr. WHEELER demanded a division.

The House then divided; and the Chairman reported—ayes 78; but before the vote in the negative was declared,

Mr. PHELPS said: I withdraw the motion I made, for the purpose of submitting it in another form.

Mr. DEAN. I renew the motion that the consideration of the special order be postponed till to-morrow, and that the deficiency bill be now taken up.

Mr. MORGAN. I would like to know whether gentlemen have a right to vote on both sides?

The CHAIRMAN. There is no rule on that point.

The question being on the motion to postpone further the special order for the consideration of the Pacific railroad bill,

Tellers were ordered; and Messrs. CAMPBELL, and DAVIS of Indiana, were appointed.

The question was taken; and the tellers reported—ayes 91, noes 29.

So the special order was further postponed, and the deficiency bill was again taken up.

The forty-fourth amendment was reported, as follows:

For compensation of the judge of first instance in civil cases for the district of San Francisco, California, per appointment dated 21st of September, 1849, by the late General B. Riley, while Governor of that country, from the 1st October, 1849, to the 1st April, 1850, \$750.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that Senate amendment.

The question was put; and the amendment was concurred in.

The forty-fifth amendment was then read, as follows:

Strike out of the original bill the following:

For compensation for the discharge of United States consular duties at Constantinople, in conformity with the act of Congress approved August 11, 1848, \$3,594 50, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to such person or persons as may be entitled to the same, or any portion thereof.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that amendment.

The question was put; and the amendment was concurred in.

The forty-sixth amendment was then reported, as follows:

At the end of the bill add the following section:

SEC. 2. *And be it further enacted*, That all books, papers, documents, and records, in the Department of the Interior, may be copied and certified, under the seal of that Department, (which is hereby recognized as legal,) in the same manner as those in the other Executive Departments may now by law be, and with the same force and effect.

Mr. HAVEN. I desire to offer an amendment to the amendment. The amendment I propose is purely of a legal character, and involves the appropriation of no money. I send it to the Clerk's desk that it may be read.

The amendment was reported, as follows:

Add to the Senate amendment the following:

And in all cases where a seal is necessary by law to any commission, process, or other instrument, provided for by the law of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which the seal is necessary; which shall be as valid as if made upon wax or other substance.

Mr. COBB. That is the law now.

Mr. HAVEN. I have a word to say in reference to that amendment, and a word only. It has been decided repeatedly in the courts of the northern part of the Union, that a seal, properly speaking, is not such unless it is made by an impression upon wax, or upon some other adhesive substance. Difficulties have arisen in reference to seals of the different Departments of the Government of the United States upon commissions, in some of the northern courts of the United States, upon the very ground that the impression was directly upon the paper, instead of upon wax or other adhesive substance. I thought to avoid this difficulty in future by adopting the amendment which I have offered.

The question was then put upon Mr. HAVEN's amendment; and it was agreed to.

The question then recurring upon the Senate amendment, as amended, it was put, and concurred in.

The forty-seventh amendment was then reported, as follows:

SEC. 3. *And be it further enacted*, That hereafter the commissions of all officers, under the direction and control of the Secretary of the Interior, shall be made out and recorded in the Department of the Interior, and the seal of the said Department affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Mr. PHELPS. The Committee of Ways and Means recommend a concurrence in that Senate amendment.

The question was then put; and the amendment was concurred in.

The forty-eighth amendment was then reported, as follows:

SEC. 4. *And be it further enacted*, That before any payment shall hereafter be made to any invalid pensioner whose name shall have been upon the pension list two years, he shall produce to the agents for paying pensions, to whom he shall apply for payment, the affidavit of two surgeons or physicians, satisfactory to the Secretary of the Interior, stating, from personal examination, the continuance of the disability, describing it, for which the pension was originally granted, and the rate of such disability at the time of making such affidavit, blank forms of which shall be furnished by the Commissioner of Pensions to agents for paying pensions, for the use of pensioners; and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted, he shall only be paid at the rate stated in said affidavit. Said affidavit shall be filed by said agents, and carefully preserved, and copies thereof shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of said pensioner, respectively: *Provided*, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of a limb or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in that amendment. I think the matter is before the Committee on the Judiciary in this House. If I mistake not, a communication was referred to that committee yesterday. I think that it should undergo an examination before that or some other committee of this House. We have, therefore, recommended a non-concurrence in the amendment.

Mr. JONES, of Tennessee. I move to strike out after the word affidavit as follows:

"Said affidavit shall be filed by said agents, and carefully preserved, and copies thereof shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of said pensioner, respectively: *Provided*, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of a limb or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required."

Mr. Chairman, in my opinion, the adoption of the principle contained in this amendment will be tantamount to a repeal of your invalid pension law. It will, at least, so embarrass those who are entitled to them, as, in many cases, to make it impossible for them to get them. The invalid pension law operates mostly for the benefit of private citizens, who, in time of war, have volunteered in the service of the country. You have provided by that law, that, where they have become disabled in the service of the country, they shall receive a pension, sometimes two dollars a month,

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sometimes three dollars, sometimes four dollars, and for total disability, such as the loss of both eyes, or both arms, or both legs, or both arms and legs, they are allowed only eight dollars a month.

Now, it is proposed to require these persons not only to make out their papers to the satisfaction of the Department in the first place, but proposes to require them to go to the trouble and expense of going over the whole ground again every two years. Sir, from the very nature of the case, it will be impossible for many of them to comply with these conditions.

But it is only proposed to apply this principle to those who receive their pensions under the general laws. It does not apply to those who come here to Congress and get their pensions. Now, sir, I venture to say, those who are upon your pension rolls under the general laws, are, in nine cases out of ten, the most meritorious class of persons. If restrictions are to be imposed, there would be much more justice in imposing them upon those whose cases have not merit enough to make them entitled to pensions under the general laws, but who come here, and by sympathy, influence, or good will, obtain their pensions. Why do you not require these men to make out their cases every two years? Many of them have received their pensions in utter violation of the general laws, and yet receive larger sums than those who are regularly entitled to them. Now, sir, I repeat, that if you are to require these men for the little pittance you give them for their support when they are not able to support themselves by manual labor, to be at the expense of making out their papers once in two years, you might as well repeal your invalid pension laws at once.

Mr. HOUSTON. I did not intend to have said anything about this amendment; but as the gentleman from Tennessee, who has just taken his seat, evidently does not understand it, and as I am myself in favor of the principle of the amendment, I feel it my duty to state two or three facts in relation to it. Now, sir, it does not require that the pensioner shall have his papers made out anew every two years, it merely requires that a certificate of two surgeons shall be forwarded every two years to the pension agents. To whatever extent the disability remains according to the evidence, to that extent is the pension increased or diminished.

The gentleman says that there is no increase provided for. The increase follows as a natural result. The report of the surgeons making the examination will control the action of the Department. If the disability has been increased in consequence of wounds, the action of the Department will, as a matter of course, be to enlarge the pension.

Now, it was originally introduced into the Senate as the gentleman from Tennessee imagines it is now; but, on a very full discussion and examination, that body determined to strike out that portion which related to annual examination, and require only one solitary examination for the purpose of testing the principle, and allowing Congress and the country then to decide whether it was a proper one or not.

The gentleman says, point out any case where there is a fraud, and let that be examined into. Mr. Chairman, I suppose that the expense to be thrown on pensioners, under this section, would be nothing. The pensioners of the country are not charged anything for the authentication and preparation of their papers. You do not find your attorneys and agents charging for them, at least it is not the case in my country, and I am sure that it is not so in my friend's State.

Mr. JONES, of Tennessee. By the laws of Tennessee, the officers required to authenticate papers for revolutionary pensions are not entitled to fees; but there is no exemption from the payment of fees in the case of invalid pensions.

Mr. HOUSTON. In my country I have attended to a great many cases of the kind, and I have never charged a single cent. Nor have I ever heard of a cent being charged by anybody,

either by an attorney, agent, or justice of the peace, for the preparation of pension papers.

But admit that the expense may be a trifle. What is it? Here is but one solitary examination required, and that is asked for the purpose of enabling the Department to see what pensions are paid undeservedly, and to decide that where there was disability from wounds received in the service, to the extent of that disability should the party be pensioned upon the Government. If the disability exists, nobody desires to cut off the pension; but if it be true, as the Secretary of the Interior states to us in his communication laid upon the table, why should we propose to keep up the pension when the disability has ceased to exist, and when, if the party were to make an original application, he would not be entitled, under the law or action of Congress, to a pension?

The object is not to throw heavy expense on the pensioner. The object is not to deprive him of any kindness which the law has extended to him; but simply to make a test by a single examination. If it be a good rule to apply to this case, then it is within the discretion of Congress to continue it or not, as they please. If the party undergoing examination be found disabled, his pension will remain as it was. It is to be diminished or increased, according to the report of the examiners. I will occupy the time of the committee no further.

Mr. JONES. I withdraw my amendment, and ask for a vote on concurring in the Senate amendment.

The question was taken; and the amendment of the Senate was non-concurred in.

The forty-ninth Senate amendment was read by the Clerk, as follows:

SEC. 5. And be it further enacted, That the compensation of the special mail agent of the Post Office Department in California shall be \$5,000 per annum; such rate to take effect in virtue of this provision from July 1, 1853.

Mr. PHELPS. I do not propose to debate that amendment. I will only state that the Committee of Ways and Means recommend a non-concurrence in it.

Mr. OLDS. I admit that the difference between the pay proposed to be given to the special mail agent in California, and that given to the mail agents in the Atlantic States, appears to be very great. It raises it from \$1,600 to \$5,000. But you must recollect that you require a higher order of talent for mail service in California than elsewhere; and not only that, but the special mail agent in California is almost an Assistant Postmaster General. And then, the expense of living in California is treble what it is in one of the Atlantic States; and perhaps this \$5,000 would not be any higher compensation there than \$1,600 in one of the Atlantic States.

Now, I will say one word more with reference to this matter. The Postmaster General recommended to the Post Office Committee of the Senate an increase of this compensation to \$4,000. They have put it at \$5,000. I am authorized by the Postmaster General to say that he does not consider \$5,000, under all the circumstances of the case, at all too much to be given to this gentleman. It is very difficult to find the right sort of person to act as special mail agent in California; and the gentleman who now holds that position has taken it under a pledge from the Representatives of California that his compensation shall be increased to the amount proposed by this bill, so far as their influence extends to increase it. Sir, you need just such a man as you have got as special mail agent in California at this time. The reletting of your mail contracts has just taken place, and the new contracts are all to go into operation in California in a few days.

Mr. MATTESON. I would inquire if the gentleman from Ohio is in order? Is there any question before the committee?

Mr. OLDS. The question is on non-concurring in the amendment of the Senate, and I am speaking in favor of concurring in that amendment.

Let me give an illustration of the importance of this officer. A certain mail contract was held in

California—I will not specify it—under a previous letting, for \$8,000. A combination had taken place there by which the steamboats had been bought up, and those contractors put in a bid at the present letting for \$40,000. Now there were bids given by men, who were not in the steamboat interest, for \$8,000 and \$15,000, and an effort is made for the relinquishment of the low bids for the purpose of getting the \$40,000. Now, that matter will come before this special agent, and I am authorized by the Postmaster General to say, that to have such an agent as you have now will save to the Government twenty times as much as this increase of compensation will amount to. I hold that, under all the circumstances, the amendment of the Senate ought to be concurred in.

Mr. LATHAM. I desire to offer an amendment.

Mr. HAVEN. I wish to speak in opposition to the amendment offered by the gentleman from Ohio.

Mr. OLDS. I offered no amendment. I spoke in favor of concurring in the amendment of the Senate.

Mr. LATHAM. I move to amend the amendment of the Senate so as to increase the amount \$100.

I will state to the committee that the compensation of this officer, at the present time, is \$1,600 per annum. The responsibilities which devolve upon him are of no ordinary character. California being so remote from the seat of Government, it is absolutely impossible for the Postmaster General to make orders as he can do in the Atlantic States, and consequently a large degree of responsibility connected with the postal system has to rest upon this officer.

The gentleman who has the charge now of the mail agency in California accepted the office, not at his own solicitation, but at the earnest solicitation of the delegation now in Congress. We all feel that there must be placed in this office a man of ability, a man of integrity—a man whose character is unquestioned, and whose judgment is of the very highest order; and therefore it was that we solicited the man to take the position which he now occupies. I assert in my place, that there is not a man in that State of any degree of respectability whatever, and who is qualified to discharge the duties of the office, that would think an instant of accepting it at a salary of \$1,600. Why, you cannot get the service of a common sales clerk in that country short of \$150 a month, which would make \$1,800 a year. Yet the Government, notwithstanding the responsibility which rests upon this officer, gives him but \$1,600 a year.

The gentleman who holds this office gave up a lucrative and profitable business, in which he had to pay a clerk \$1,800 per annum, at the earnest solicitation not only of the delegation in Congress here, but also at the solicitation of the Postmaster General. That officer told me this morning in a conversation with him upon this very subject, that \$5,000 would not at all be too large a compensation for this mail agent. He stated that he could not get an officer sufficiently competent to discharge the duties of the office for a less sum; and he further stated, that had it not been for the fidelity, the integrity, and industry of this gentleman, manifested in the discharge of his duties, there would have been the most inextricable confusion in the postal system of that country.

The Postmaster General further stated, that he was exceedingly anxious, believing that Congress would make a liberal appropriation for that purpose, to secure the services of this gentleman, because, at the present time, as the gentleman who has preceded me has stated, new contracts are about to be entered into which render it necessary that the mail agent should be a man of judgment, integrity, and industry.

I think it is right to state that the Postmaster General recommended, in a letter to the Committee of Ways and Means, that the salary of this officer should be increased to \$4,000. He now desires that the salary should be raised to \$5,000, for the reason that when he sent in a recommendation for

\$4,000 salary, he was unwilling that any invidious distinction should be drawn between the mail agent and the postmaster at San Francisco, whose salary is \$4,000. The postmaster at San Francisco being here, and having expressed his entire willingness that the salary of the agent shall be increased; and further than that, that it was absolutely necessary that the services of such a man as we now have there should be secured, the Postmaster General does not hesitate to say that the salary now asked is nothing more than a fair remuneration for the labors of this office.

Mr. HAVEN. Mr. Chairman, I wish to oppose the amendment of the gentleman from California, [Mr. LATHAM,] and the suggestions made by the gentleman from Ohio, the chairman of the Committee on the Post Office and Post Roads, [Mr. OLDS.] If the statement of the gentleman from California made here to-day be correct, that the Postmaster General told him this morning, that although he informed the Committee of Ways and Means when the bill was before it, that \$4,000 was a proper amount to fix this agent's salary at, yet he now thought it ought to be \$5,000, then I am opposed to the Postmaster General, and I am certainly opposed to this amendment of the Senate. Sir, the Senate propose to increase the pay of this mail agent from \$1,600 per annum, where it is now fixed, to \$5,000 per annum; and this increased pay to commence on the 1st of July, 1853, when a competent and faithful man, I presume, who discharged the duties well for the former sum, was displaced; and the present incumbent, who is here to see about this increase of the salary, was put in. Why, sir, it is but little more than a month past that these amendments were before the Committee of Ways and Means, when the Postmaster General recommended \$4,000 for this salary; to-day he recommends \$5,000. It seems that if we are to follow his judgment, we are to run this salary up at the rate of \$1,000 a month until this bill is passed.

Mr. LATHAM. I beg the gentleman's pardon. Mr. HAVEN. The gentleman, sir, has but just told us that the Postmaster General recommended \$4,000 only when the matter was before the Committee of Ways and Means, and that to-day he told the gentleman himself it ought to be \$5,000. It occurs to me, sir, that here is a good and sufficient reason why the House acted wisely this morning in postponing the consideration of all other business, so as to dispose of this deficiency bill immediately; for the longer it lays on our table, the greater the deficiencies grow; and the imagination of the Postmaster General, and his recommendation too, have, in about one month's delay, swelled, on this officer's salary alone, \$1,000. These salaries, sir, seem to be growing large by degrees, and beautifully more magnificent. [Laughter.] Let us strike out the amendment at once, before it takes another rise.

I am opposed to the suggestions and views of the gentleman from Ohio, [Mr. OLDS.] Sir, if his business is to lavish public money upon the employees of the Government connected with the Post Office Department, I will give him the credit of doing it well, and of moving upon this House in that direction with great power and giant strides. He has raised their compensation, and that of the deputy postmasters, by a bill which he reported, and which has passed this House. He now seeks to raise the salary of this mail agent, and he also has a bill, reported by himself, and pending here, to levy an increased tax, or burden, upon the correspondence of the country, for the purpose of thereby further increasing the salaries of these officials. I repeat, I am opposed to all of this. California officers all, or nearly all, have double pay now. I agree, I concede she should have double pay. She has double ability and pertinacity on this floor, and in the other House; and it is but natural that she should have double pay, and double plunder, in all cases whatever. There, however, it ought to stop. They tell us in this case that the ordinary compensation to mail agents is \$1,000 a year, and to this agency \$1,600 the year. According to the rule then, sir, they should stop this man at \$3,200 for this office; but they are not satisfied with that, and a month ago demanded \$4,000; and now, the Postmaster General, following in the adventurous lead of the Senate, is ready to go, and actually recommends, as high as \$5,000. I object to it. I will not vote it. I may stand alone, but I will not vote for it. I hope this committee and

the House will put their mark of reprobation on the practice now too frequent, and sought to be carried out here.

I ask gentlemen seriously to look at this matter, and this tendency of things. There is another ground which makes this course of legislation very objectionable, and highly repugnant to a fair minded man. And that is, by the bill already passed providing additional pay to deputy postmasters, to which I before referred. Such increased pay commences, I believe, on the 31st of March, 1853, precisely the time when the Administration got fairly under way in removing competent men, who had always performed the business faithfully, without increased pay and without complaint, and in putting in their places men who, I fear, had followed its standard only because the whole command was but a baggage train and carried the plunder. It is a discrimination against old faithful officers who had done their duty, and in favor of new recruits who had never served together before, and who, when they enlisted, were promised pay, not, it is true, from the day of the enlistment, but from the earliest moment their commander could get control of the Treasury. This amendment of the Senate, which I am opposing, is placed upon the same principle; for it provides the increased pay is to commence back, on the 1st of July, 1853.

Now, Mr. Chairman, the gentleman from Ohio [Mr. OLDS] has another bill pending in the House, and which was up for discussion this morning, which proposes to increase the rates of postage—and for what? Why, sir, further to increase the pay of these deputy postmasters and officials; for remember, sir, their pay is graduated by the amount of postage collected. What a spectacle does this present; these additional burdens and charges placed upon the correspondence of the country, upon its commerce, its literature, its business; all to pay—no, not to pay, for that was done before—but to increase the pay and rewards of these officials of the Government. Why, it is not only a tax upon the commerce, literature, and general business of the country, but it stoops to plunder the poor servant men and girls of the country, who have to pay this increased postage upon the humble, but kind and necessary letters that they write home to their friends whom they have left behind upon the other side of the Atlantic, and upon the affectionate and kindly greetings and remembrances that pass between the honest, hard working, but separated citizens of our own country. All of this, sir, I repeat, to reward deputy postmasters and increase the pay of post office officials, and at the unblushing rate of running this agent up at one list from \$1,600, for which the duties have always been well done before, to \$5,000; and as the Senate amendment proposes the increased pay shall commence about a year back, it will be giving, in the aggregate, about \$10,000 to this officer, by this one enactment. Sir, I hope the committee will vote the amendment down.

Mr. LATHAM. If there be no objection, I will withdraw my amendment.

The amendment to the amendment was accordingly withdrawn.

Mr. WALSH. Mr. Chairman, I move to strike out the word "dollars" in the amendment under consideration. I have not the slightest doubt, sir, that this gentleman, whose salary is asked to be increased to \$5,000, does possess a very high order of capacity; according to the office-seeker's interpretation of the phrase "high order of capacity," which means a capacity and talent of an abstracting order.

Sir, I am opposed to this whole bill, from first to last; and I caution gentlemen on this floor who claim to belong to the same party that I do, to beware how they cut loose from the moorings of the Democratic party. [Laughter.] I contend, sir, that this deficiency bill, from first to last, is wrong; and I contend that this practice of the Senate in sending in various bills to us, under cover of one title, with amendment after amendment which are in gross violation and falsification of the character of the bill as set forth in the title, ought to be rebuked, and rebuked promptly, by this House. Now, the assayer at California only receives \$5,000 a year; and that office is ten times more important than that of mail agent.

Sir, my friend from California [Mr. LATHAM] says that the postmaster of California is here, and

recommends this increase of salary. This postmaster has got a salary of \$4,000 a year, and he recommends \$5,000 to be given to the mail agent. After the mail agent gets his salary increased to \$5,000, we will see another bill introduced drawing comparisons between the salaries of both officers; and we will hear arguments that when the mail agent receives \$5,000 a year, the postmaster should receive \$7,000. If the postmaster's business is arduous, I should like to know why he is loitering round Washington, instead of attending to his business in California. Will the gentleman from California be good enough to reply to that inquiry?

Mr. LATHAM. I will answer, if the gentleman from New York will permit me.

Mr. WALSH. With the greatest pleasure.

Mr. LATHAM. The gentleman is here for the purpose—as designated by the Postmaster General—of regulating the affairs of the postal system for California, and not at his own option or solicitation.

Mr. WALSH. And, sir, that gentleman has obeyed his instructions in the fullest sense. He has gone to the extent of the letter, and is determined to arrange the affairs of the post office to his own individual benefit.

Mr. McDUGALL. I desire to say a word in opposition to the amendment which was last offered.

I suggest to my friend from New York [Mr. HAVEN] that he is mistaken as to the relative importance of the duties performed by the officers of the assay office in California, and those of the special mail agent of the Post Office Department in that State. I say to him that there is not in the State of California an officer upon whom is devolved a higher responsibility than that which is imposed upon the special mail agent. That agent there does not occupy the same position, or perform the same duties, as do the mail agents of the United States generally. By the law regulating the Post Office Department, a large number of duties are charged upon the post office itself, which, in California, devolve upon the special mail agent. It is a more important office than the assay office. That officer is as important an officer as is the head of the customs in San Francisco, whose compensation is \$10,000 per annum.

Mr. WALSH. Will my friend from California permit me to make one remark?

Mr. McDUGALL. Certainly.

Mr. WALSH. I know gentlemen—I do not know as I ought to use that term here, as the persons to whom I refer do not belong to this body—I know individuals occupying the position of mail agents who are utterly incapable of earning a dollar and a half a day by any legitimate employment. In the first place, they are too stupid to earn it intellectually, and too lazy to earn it physically. [Laughter.]

Mr. McDUGALL. I will simply say to the gentleman, in reply to his remark, that the present special mail agent of the Post Office Department in California, is a man who was selected with special reference to his competency and integrity.

I wish to say to the gentleman from New York, [Mr. HAVEN,] who alluded to the compensation of previous mail agents, that a bill has already been passed by the Senate for the relief of the special mail agent appointed by the last Administration. That bill was sent to the House, was referred to the House Committee on the Post Office and Post Roads, and has been reported to this House by them, and it is now upon your Private Calendar. So it appears that there has been no disposition on the part of the majority of this House to provide for the present mail agent in exclusion of those who have heretofore served the Government in that capacity.

Mr. Fry, the present special mail agent for California, was not in the city of Washington when the appointment was made, but was engaged in private business at home. He knew nothing about the contemplated appointment, or that his name was connected with it. When it was announced to him that he had been appointed such agent, he thought that the compensation was altogether inadequate. The California delegation in Congress, after advising him that Congress would raise the rate of pay, sat down and pledged themselves in writing that they would exert all their influence in Congress to induce them to raise his compensation to \$5,000; and it was only in con-

sequence of that pledge, both by the Representatives and Senators from California, that he was induced to accept the office. I believed then, and I believe now, that Congress will allow to him that reasonable compensation, which the California delegation pledged they would secure to him from Congress. I think that some credit should be given to that delegation of understanding something about the necessities which exist in that State in reference to public affairs.

Mr. McNAIR. I move to reduce the appropriation contained in this amendment \$1,000. That will make it \$4,000, which I think is about a fair compensation. I am well aware that a special mail agent has a great many difficulties to encounter, and particularly in that State. I well know that he has a great many trials. I know that he has to be an "all sorts of a man," as an officer expressed himself to me the other day; that he has to be an industrious and persevering man; that he has to be a good lawyer, in order to understand the United States laws well; that he is charged with the duty of detecting depredators upon the mails in that country; that he has to go over the hills and valleys of California, in stages, by night and by day; that he has to be, or ought to be, almost omniscient and omnipresent. [Laughter.] He is required at all times to be present, ready at a moment's notice, to depart for any part of the country for the purpose of catching rogues. He has, of course, to expose himself to much danger. He is liable, perhaps, every week or two, to be shot down in capturing those who are endeavoring to plunder the mails in California. Every one knows that he is continually exposed to all kinds of dangers and hardships. Now, I think that such a man as that should be allowed a reasonable and a fair compensation.

Mr. WALSH. I ask the gentleman from Pennsylvania to permit me to ask a single question.

Mr. McNAIR. I will allow the gentleman with great pleasure.

Mr. WALSH. I want to know if the gentleman's fears in reference to the danger to which this man is exposed did not arise from his own experience last session when on the Committee on the Extensions of the Capitol? Because, in his efforts to detect the rogues who were engaged in executing that work, I understand he came near being assassinated several times. [Laughter.]

Mr. McNAIR. I am very thankful to the gentleman for informing me of the fact, though I assure him that I had no reference to any precedent. But, sir, I think that \$1,600 is entirely too little as a compensation for this man. I think \$5,000 is too much; and I think \$4,000 is just enough. I hope, therefore, that my amendment will be adopted.

Mr. LATHAM. I just wish to say one word in reply to the gentleman from New York, [Mr. HAVEN,] who, being a member of the Committee of Ways and Means, and speaking with great confidence upon this subject, his statements are worthy of a reply. Now, sir, I submit that no comparison can be drawn between the compensation proper to be paid to a mail agent in New York and one in California. Sir, we have no railroads extending like net-work over our country, by which a man may travel with the speed of lightning from one end of the State to the other. The duties of this officer in California require excessive exposure and involve dangers and hardships which have no parallel in the Atlantic States.

This gentleman is required to travel over a State three and a half times as large as New York. The only conveyance for him, as a general thing, is to ride upon a mule. He finds the cost of living, a great portion of the time, about four dollars per diem. I say, therefore, that it is absurd to talk of comparing the services of a mail agent in New York, or in any of the eastern States, or of comparing the compensation to which such mail agent is justly entitled, with that of the mail agent in California.

But, Mr. Chairman, I will state further to the House, that unless some provision of this character is put into the bill, the condition of my State, so far as its postal system is concerned, will be most lamentable. Why, sir, the gentleman from New York [Mr. WALSH] says there are many men too stupid to discharge the duties of this office, and who hold office simply because they are too lazy to go to work. Well, sir, it is to obvi-

ate this very thing that the delegation from California have agreed to advocate this amendment. They desire to furnish a compensation that will be sufficient to employ a man who is competent to discharge the duties which are devolved upon him; for no such man will undertake to discharge those duties in California for the compensation now provided by law.

Mr. WALSH. If the gentleman will allow me, I wish to say that I did not say these men were not competent to discharge the duties of that office.

Mr. LATHAM. The gentleman said they were too lazy to labor for their own support. Now, sir, I think that by adopting this amendment, you will accomplish a great saving to the Government. But I want to say another thing; it is just this: Unless the Government make some such provision as is provided for in this amendment; unless they provide a compensation that will employ a competent man, the Postmaster General will be compelled to send out some one there occasionally to regulate the affairs of the Department in that State. The compensation of such an agent, his traveling expenses, mileage, &c., the loss which will result to the Department, will be not \$5,000 merely, but five times five thousand dollars annually. If you reject this appropriation of \$5,000, which is a just and reasonable compensation, you will find that the increased expenditure which will be involved, will, instead of \$5,000, be \$25,000. I advocate this amendment, sir, as a measure of economy, and I hope the committee and the House will adopt it.

The Postmaster General thought that the salary of this officer should be \$5,000 per annum, and he would have recommended this in the first instance, had it not been that he was unwilling to draw any invidious distinction between his highest officer and this gentleman. As I remarked before, I am authorized to state that he has been always, and is now of the opinion, that the service of no gentleman of ability, integrity, and character can be secured for less salary than \$5,000 per annum.

Mr. SMITH, of Virginia. I would ask the gentleman to withdraw his amendment.

Mr. PHELPS. I hope that we may now vote on the question, as it has, in my opinion, been fully discussed.

The question was taken; and the amendment was disagreed to.

Mr. SMITH. I move to reduce the appropriation \$100.

Mr. Chairman, without any interest in this question other than that which appertains to the members of this House. I have no feeling in the question—none in the world; but I have some experience of California, having gone there to pursue my private fortunes, and having returned after a pleasant and agreeable trip. I say to this body, from personal knowledge, that it is indispensable, and perhaps more so in that country than in any other portion of the Union, that this officer should be a man of the very highest character. He has jurisdiction over contracts. He has a great power of collusion; and unless he be protected by a great deal of integrity out there, where every man goes to make his pile, and where it is honest enough to make money anyhow—

Mr. WALSH. You went to make your pile?

Mr. SMITH. I went to make my pile, but to make it honestly. A great many go there for a different purpose, and, as I know, especially from New York.

Well, sir, this being the case, it is necessary to secure a man of high character. You cannot do that for the present salary. In this particular case I desire the House to understand that there is no proposition to increase the per diem. A man here gets \$1,600 per annum, and \$2 per day for his traveling expenses. In this case he is to get \$5,000 per annum, and only \$2 per diem. The \$2 per diem will not pay for drinks. [Laughter.] I tell gentlemen that the man who is hearty there has to pay very high for his living. I have seen many a miner pay \$2 50 for his breakfast. You have to pay a quarter of a dollar apiece for eggs, a half of a dollar for a beef steak, seventy-five cents for a partridge; and when a fellow gets thirsty, he has to pay a quarter of a dollar for a drink, and short measure at that. What does the gentleman from New York [Mr. WALSH] think of that? [Laughter.]

Mr. WALSH. What kind of drinks?

Mr. SMITH. Good stiff drinks, and a quar-

ter of a dollar apiece. I mention these things to show that there is no comparison in point of importance—and I speak in sincere candor to the gentleman from New York—between this officer and the United States assayer at San Francisco. One sits in his room, performs light and easy duties, while the other has, to brave the tempests, bad roads, and all the dangers pictured a while ago by my friend from Pennsylvania, [Mr. McNAIR.] Five thousand dollars is not one cent too much. There are many officers, clerks of the Government, who get more. What do you think of the naval officer getting \$8,000 per annum? He is not nigh as responsible an officer as this one, judging from the incumbent.

Mr. HOUSTON. I was at first inclined to vote for this amendment; but if \$2 50 per day is required to furnish the officer with drinks, I am of the opinion that it had better be voted down. I shall vote against it.

Mr. SMITH. I am greatly surprised that any chairman of the Committee of Ways and Means could be found to give such a reason for his vote. The amendment was withdrawn.

The question now being on concurring in the amendment of the Senate,

Mr. McDOUGALL demanded tellers.

Tellers were not ordered.

The question was then put; and it was decided in the negative.

So the amendment of the Senate was not concurred in.

The fifth amendment was read, as follows:

SEC. 6. And be it further enacted, That from and after the passage of this act, there shall be, in addition to the clerks authorized by the third section of the act of March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," in the office of the Register of the Treasury, three clerks of class four, to include the clerk now authorized to take charge of the redemption of stocks; and in the office of the Commissioner of Pensions five clerks of class two, and fifteen clerks of class three; and said clerks shall be paid, according to the provisions of said section, out of any money in the Treasury not otherwise appropriated.

Mr. PHELPS. The Committee of Ways and Means have instructed me to recommend to the House to non-concur in that amendment of the Senate. But it is right that the communication from the Secretary of the Treasury with reference to the clerks in the office of the Register of the Treasury should be presented to the House. I therefore ask the Clerk to read it.

The Clerk read the communication, as follows:

TREASURY DEPARTMENT, March 20, 1854.

SIR: You will perceive, by my letter of the 10th of January last, I recommended for the First Auditor's office, one clerk of the fourth class; for the Third Auditor's office, five clerks of the fourth class; for the Treasurer's office, two clerks of the fourth class; and for the Register's office, two additional clerks of the fourth class.

These additional clerks in the Register's office are necessary for the better and prompt preparation of the statistics prepared in that office; and it is desirable, if Congress grants this additional force, that it should be done as soon as practicable, as the force is much needed in that office.

In the Sixth Auditor's office, the accounts of foreign postages under treaty stipulations, and otherwise, have accumulated to such an extent as to require a clerk of great capacity and efficiency; and the Department will not be able to retain such a one for less than \$1,800 per annum; and no one of the clerks of the fourth class can be spared for that position. I therefore respectfully recommend an additional clerk of the fourth class for the Sixth Auditor's office.

The clerk in the Register's office in charge of the stocks came in under the provisions of the act of 1846, revived by the act of March 3, 1853, classifying the clerks, and is only entitled to \$1,400, but was paid \$1,800 prior to 1st of July last, under an arrangement I did not feel at liberty to continue. The position is a confidential one, and will not continue after the debt shall be paid. In my opinion, he ought to have \$1,800 per annum.

I am, very respectfully, JAMES GUTHRIE, Secretary of the Treasury.

HON. R. M. T. HUNTER, Chairman Committee on Finance, United States Senate.

Mr. PHELPS. I now ask the Clerk to read a letter from the Secretary of the Interior, with reference to the clerks proposed to be created in the office of the Commissioner of Pensions, in lieu of the temporary clerks now employed. The Committee of Ways and Means have recommended a non-concurrence in this part of the amendment of the Senate; but I desire that the letter may be read.

Mr. ASHE. This is all out of order; and I object to the reading of the letter. It is consuming time uselessly.

Mr. WALSH. I object to the reading.

Mr. HENN. I think that the letter of the Secretary of the Interior ought to be read.

Mr. PHELPS. I am entitled to the floor; and I ask that it may be read as a part of my remarks:

DEPARTMENT OF THE INTERIOR.
WASHINGTON, March 17, 1854. }

SIR: Since our interview of this morning I have conversed with Judge Waldo, the Commissioner of Pensions, and examined the classification of the clerks in his bureau, as made by the act of March 3, 1853, and am satisfied that justice to the employees in his office, as well as a proper regard for the public interest, requires some change in the number of clerks assigned to each class.

As at present arranged, there are in the Pension Office, exclusive of the chief clerk, forty-nine clerks, classified thus: ten of the first class, thirty of the second, five of the third, and four of the fourth. It seems to have been supposed by the late Commissioner of Pensions that this number would be sufficient to discharge the duties of the office, although, at the time that estimate was made, there were about one hundred and forty permanent and temporary clerks employed in the bureau. But, it being found utterly impracticable to get along with that force, a sufficient number of temporary clerks were, of necessity, retained. The Commissioner is now of the opinion, in which I fully concur, that a permanent force of about sixty-nine clerks, exclusive of the chief clerk, is required for the prompt and efficient discharge of the laborious and important duties of that bureau, and that the increase should be made to the second and third classes; that is to say, five to the second and fifteen to the third. This would give ten clerks of the first class, as at present; thirty-five, instead of thirty, of the second class; twenty, instead of five, of the third class, and four of the fourth class, as at present. This change would make the classification of the clerks in the Pension Office correspond somewhat with that in the other Departments and bureaus.

Of all the clerks in the Executive Departments, embraced by the act of March 3, 1853, I find that about one fifth are of the first, one half of the second, one fourth of the third, and one fifteenth of the fourth class. The proportion of the several classes now in the Pension Office is about one fifth of the first class, three fifths of the second, one tenth of the third, and one twelfth of the fourth class. The addition of five clerks to class two, and of fifteen to class three, as now asked, would give to class one about one seventh, to class two, fourth sevenths, to class three about one fourth, and to class four about one seventeenth, which is as near an approximation to the general proportions as can well be obtained.

Many of the clerks now receiving the lower salaries are obliged to perform duties corresponding in responsibility and intricacy to those discharged by clerks in the other bureaus as well as their own, who receive the salary affixed to the grade or class next above them; and they perform their duties as faithfully and as well, and it is but just that they should receive the same amount of compensation.

I would, therefore, earnestly recommend that provision be made in the deficiency bill authorizing an increase of the number of clerks in the Pension Office of the second class from thirty to thirty-five, and those of the third class from five to twenty, as the Commissioner requests.

I am, sir, very respectfully, your obedient servant,
R. W. McCLELLAND, Secretary.
Hon. R. M. T. HUNTER,
Chairman Committee on Finance, United States Senate.

Mr. HENN. I propose to amend the section by striking out the following words:

In the office of the Register of the Treasury, three clerks of class four, to include the clerk now authorized to take charge of the redemption of stocks.

That will leave in the office of the Commissioner of Pensions five clerks of class two, and fifteen clerks of class three. I do not see any necessity for the increase of force in the office of the Register; but I think there is a great necessity for an increase of the clerical force in the office of the Commissioner of Pensions. I believe every man in this House has had more or less business to transact with that office. All who have had occasion to do any business there have found that the present Commissioner has succeeded in bringing his office from a state of great confusion to a condition of perfect simplicity and order. I believe every man who has had any business at that office is willing to concede that the Commissioner would not ask anything but what was absolutely necessary for the public service. So far as I have heard, he has, upon all occasions, given the most perfect satisfaction to all the members of this House; and I hope that the clerks he asks for will be provided by this bill.

Mr. PRATT. I fully concur with my friend from Iowa [Mr. HENN] in the remarks he has just made. I hope his amendment will prevail, and that the section, as amended, will pass.

The question was taken on the amendment to the amendment proposed by Mr. HENN; and it was agreed to.

Mr. HIBBARD. I move to amend the remaining clause of the amendment by striking out the word "fifteen," in the fifth line of page twenty-seven of the printed bill, and inserting in lieu thereof the word "sixteen," so as that there shall be sixteen clerks of class three.

Mr. JONES, of Tennessee. If the gentleman from New Hampshire [Mr. HIBBARD] will allow

me to offer an amendment, perhaps it will meet his approbation.

Mr. HIBBARD. I am very willing to allow the gentleman to do so, and for that purpose I ask to withdraw my amendment.

The amendment to the amendment was accordingly withdrawn.

Mr. JONES. I propose to insert after the word "pensions," in the fourth line of the twenty-seventh page of the bill, the following words: "in lieu of the temporary clerks now employed therein," so as to make the clause read as follows:

That from and after the passage of this act, there shall be, in addition to the clerks authorized by the third section of the act of March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," in the office of the Register of the Treasury, three clerks of class four, to include the clerk now authorized to take charge of the redemption of stocks, and in the office of the Commissioner of Pensions, in lieu of the temporary clerks now employed therein, five clerks, &c.

Several MEMBERS. That is right.

Mr. JONES. Then, Mr. Chairman, I will support this amendment of the Senate. The Committee of Ways and Means non-concurred with this entire amendment; but, upon reflection, and on a more thorough understanding of the subject, I am satisfied that the appointment of the regular permanent clerks asked for by the Commissioner of Pensions, in lieu of the temporary clerks now employed there, will be promotive of the dispatch of public business; and it will be economical and right.

Mr. STRATTON. I desire to ask the gentleman from Tennessee if it is proposed that these additional permanent clerks shall be selected from the different clerks temporarily employed there?

Mr. JONES. I should think that these additional clerks asked for will be selected out of the temporary force now employed in that bureau.

Mr. BRIDGES. I wish to ask the gentleman from Tennessee one question. How many temporary clerks are there now employed in the office of the Commissioner of Pensions?

Mr. JONES. I do not know exactly.

Mr. WALSH. All Democrats here are temporary clerks.

Mr. HIBBARD. I will answer the question asked by the gentleman from Pennsylvania. A week ago there were ninety-seven clerks employed in the bureau of the Commissioner of Pensions—fifty permanent clerks, and forty-seven temporary. And I would further say, that the previous Commissioner of Pensions had, in all, one hundred and forty clerks employed; and, without meaning to cast any reproach on that officer, I would say that the condition of affairs in the office when Mr. Waldo, the present Commissioner, entered on his duties, was six months in arrears, as I am informed, and that he has now brought it up. There are now, as I have said, forty-seven temporary clerks employed; or, at least there was that number employed when I obtained this information, a week or two ago. I trust, therefore, that the amendment of the gentleman from Tennessee will be adopted in lieu of that which I proposed. I, as a member of the Committee of Ways and Means, am of opinion that the report by that committee, unfavorable to this amendment, was founded on a misapprehension of the facts, and that it is a just and proper amendment, which I desire to see adopted.

Mr. STRATTON. I am in favor of allowing these additional clerks for the office of the Commissioner of Pensions. I desire, however, that the Commissioner may be allowed to classify and select them from the temporary clerks who are now employed in the office.

Mr. HAVEN. I have but a word to say to the committee on this subject. As a member of the Committee of Ways and Means, I thought it best not to concur in the amendment of the Senate. But a man is never too old to learn. Since that time I have conversed with the Secretary of the Interior. I believe I can be just towards men, and to the actions of men, everywhere; and I will state that I have always found that gentleman to be an honorable man. I have not, however, merely taken his word on this subject, but he laid before me the reasons which induced him to ask for an increase of his clerical force. I am satisfied that the proposition made by the gentleman from Tennessee, [Mr. JONES,] in his amendment, is an entirely proper one. I shall vote for it here, and

think that the committee will be right in voting for it. I think, also, that what was struck out by the gentleman from Tennessee is properly struck out.

The question was then taken on the amendment to the amendment offered by the gentleman from Tennessee; and it was agreed to.

Mr. JONES, of Tennessee. I want to propose another amendment to this section. I move to insert, in line sixth, after the word "section," the words "until the 30th of June, 1854." So that it shall limit the appropriation made by this act to the current year. It will then read:

"And said clerks shall be paid, according to the provisions of said section, until the 30th of June, 1854, out of any money in the Treasury, not otherwise appropriated."

This amendment is intended to prevent the making of a standing and indefinite appropriation for the payment of these clerks; and to require that the sum shall be appropriated for that purpose each year, in the same manner as is required in reference to the salaries of all other officers of the Government.

The question was then put upon the amendment of Mr. JONES; and it was agreed to.

The amendment as amended was then adopted.

The first-first amendment was then reported, as follows:

Sec. 7. And be it further enacted, That the portion of the seventh section of the act of the 26th of August, 1852, entitled "An act to provide for executing the public printing and establishing the prices thereof, and for other purposes," which provides "that when any documents shall be ordered to be printed by both Houses of Congress, the entire printing of such documents shall be done by the printer of that House which first ordered the same," is hereby repealed; and when there are different printers for the respective Houses, each shall do the printing which may hereafter be ordered by the House electing him; and so much of the printing for the Executive Departments and bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses.

Mr. NICHOLS here obtained the floor.

Mr. PHELPS. I ask the gentleman from Ohio to yield me the floor, in order to enable me to offer an amendment to that fifty-first section.

Mr. NICHOLS. I yield the floor.

Mr. PHELPS. I move to amend the amendment by striking out the words:

"And so much of the printing for the Executive Departments and bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses."

There is, in my opinion, Mr. Chairman, a necessity for the adoption of the Senate amendment, as proposed to be amended by the Committee of Ways and Means. It is well known that at this time a controversy exists between the public printers of the two Houses; as the House of Representatives and the Senate have each elected a different printer. That controversy, which is now being settled in the courts of this district, has arisen between them in reference to the printing ordered by the two Houses. The law, under which these printers are elected, provides that when any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same. In the debates which have taken place in this Capitol, in reference to the public printing, it has been intimated that there has been great haste on the part of the House, in ordering such and such documents to be printed, in order that the House printer might have the printing, not only of the quantity ordered by the House itself, but that subsequently ordered by the Senate.

Again, the law provides that whenever the same document shall be ordered to be printed by both Houses of Congress within three weeks of each other, but one composition shall be charged for the same document. We propose that that provision shall remain, so that if it should hereafter happen that both Houses elect the same printer, that printer will be entitled to only one composition. Now, in the debates which have been had upon this subject of printing, it has been stated that this double composition amounts to from \$12,000 to \$16,000 per Congress. That was the estimate which was submitted by the Superintendent of Public Printing. Here arises a difficulty in carrying out this last direction under the last provision of the section which we propose to strike out. Under the existing law the departmental printing is to be executed by the public printer. But there being two public printers the Department has the right to

select between the two elected by the different branches. Under the existing law the Executive Departments may procure all their printing by one of the printers, or they may make such division between the two as they may think proper. But under the section which the Senate propose to insert, and a part of which the Committee of Ways and Means propose to strike out, it is provided that so much of the printing for the Executive Departments and bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses.

Now, I want to call the attention of the committee to the confusion and difficulty that, it seems to me, must necessarily result in carrying out this provision, if it is practical to carry it out at all, so as to make an equal division of the matter between the two offices. It will give rise to endless difficulty. The heads of Departments, and the heads of bureaus, each have their own printing to be done, independent of that done by the others; and what rule are they to adopt by which the printing ordered by the Departments or bureaus shall be divided in equal quantities to the printers of the two Houses, or divided in such a manner as that each shall receive the same amount of compensation?

Mr. HENN. I wish to inquire if, under this section which the Senate have ordered to be adopted, every document that is ordered to be printed by the Departments would not have to be given to both printers, and whether we should not have to pay for composition at both offices?

Mr. PHELPS. That would depend upon the manner in which the division was made. If the law was so construed that every document ordered by a head of a Department, or by a head of a bureau, of which one thousand copies were to be printed, must be given five hundred copies to one printer, and five hundred to the other, we should, of course, have to pay the expense of double composition; for that is provided for in a preceding part of the section.

Mr. WALSH. I will suggest that, as far as the matter of double composition is concerned, it would be impracticable to carry it out in the manner suggested by the gentleman from Iowa. It is to be carried out as far as practicable, and that settles the whole matter.

Mr. NICHOLS. I agree with the gentleman from Missouri in what he has said upon the impropriety of adopting the amendment of the Senate. I do not see why any of it should be retained, and I therefore move to strike out the whole section.

The CHAIRMAN. It will be in order to oppose the amendment offered by the gentleman from Missouri, if the gentleman desires to make any remarks.

Mr. NICHOLS. I do not desire to speak upon the amendment of the gentleman from Missouri.

Mr. BAYLY, of Virginia. I do. I am glad to hear the gentleman from Missouri say that the Committee of Ways and Means have agreed to the first portion of the amendment of the Senate, which is to the effect that the printer of each House is to do the printing ordered by that House. It will lead to a little additional expense, to be sure, but then I consider that a matter of small importance when taken in connection with the much more important question which is involved. The importance of this amendment cannot be better illustrated than by what has already occurred since the election of two different printers by the two different branches of Congress. There is now a controversy going on between these printers in reference to the printing of the Patent Office report, and a controversy in respect to which it seems to me impossible that there can be two opinions. I have examined the matter carefully; but the Joint Committee on Printing have decided that they have no jurisdiction over the subject. One of these parties is a friend, the son of a friend, and the grandson of my grandfather, and I advised him to ask for a *mandamus* from the court, so clear did I consider the case. He went into the circuit court, and that court decided that the Committee on the Public Printing was the tribunal for the decision of the matter. The Committee on the Public Printing decided that it had no jurisdiction. The case has now gone to the Supreme Court; and there is no knowing what may be the decision of that Court. All of us who are lawyers know the difficulty of

getting a *mandamus*. It is an extreme remedy. There it is: the circuit court, one of the ablest courts in the country, saying that the Committee on the Public Printing has jurisdiction, and that committee saying that it has no jurisdiction; and you leave it to an employee of the Government to decide in matters of right, utterly irresponsible to anybody. You give him an amount of patronage in respect to the press relating to a large job that ought not to be intrusted to any irresponsible individual on the face of the earth, unless he wants to open the floodgates of corruption. It is better that a little more should be paid for printing than that this state of things should be permitted to exist. I agree with the Committee of Ways and Means in respect to that matter.

Now I come to the point on which I disagree with them, on which the Senate proposes that the Executive printing should be divided equally between the two printers. Well, it does not follow that when one thousand copies of a circular are to be printed, that five hundred copies are to be printed by one office, and five hundred by the other, and that both are to be paid for composition. The obvious meaning of the clause is, that there shall be an equitable distribution of the printing between the printers of the two Houses. Well, is not that right? Is not equality equity? Why, sir, do you mean, in a country where more depends on the purity and independence of the press than upon anything else on the face of the earth, to put it into the hands of the Departments to foster the printer of one House of Congress at the expense of the printer of the other House? When the two Houses, for political or other purposes, choose different printers, are you to put it into the hands of the Departments to crush one and to build up the other? Are you to put it into their power to hold a rod of terror over both presses?

Mr. STANTON, of Kentucky. I understand the amendment of the gentleman from Missouri is to strike out. I am instructed by the Joint Committee on the Public Printing to move the following amendment to what is proposed to be stricken out:

Provided, That composition in no case shall be paid for where the work is not actually performed.

The object of that amendment is simply to prevent the Government's having to pay for composition which is not actually performed; for instance, in cases where the headings and so forth are changed, and the same type is used to print documents for the Senate which have been ordered by the House, or for the House which have been ordered by the Senate.

Mr. PRATT. I am opposed to the amendment of the gentleman from Kentucky, and certainly there is no reason why I should not be opposed to the whole amendment of the Senate; for there is no more propriety in incorporating such a section in the deficiency bill, than there would be in incorporating a section to organize two companies of United States dragoons. It is entirely out of place. I hope the amendment of the gentleman from Kentucky will not prevail, and that the good sense of this committee will reject the section entirely.

The question was then taken on Mr. STANTON's amendment, and it was agreed to.

Mr. HAVEN moved a *pro forma* amendment, and said: Mr. Chairman, I desire to say a word or two in reference to this matter. It is true that the Committee of Ways and Means have recommended the course which has been stated by the gentleman from Missouri, [Mr. PHELPS,] but that committee will do me the justice to say, that I told them, in reference to this particular amendment, that I could not concur with them in that committee, in this committee, in the House, or anywhere else; and that I would consider myself at full liberty to oppose it here and everywhere.

I agree, Mr. Chairman, with the gentleman from Connecticut, [Mr. PRATT,] who has just addressed the committee, that this whole section ought to be stricken out of this deficiency bill. It has no business here; it has no business anywhere. The law that was passed at the first session of the last Congress, after great labor and much discussion, tribulation, and difficulty, answered our purpose very well. Since then our printing has been well done, and upon good paper, and, as it happens, upon not unreasonable terms. Whether it is wise or unwise that the two Houses should have power to elect different printers, is not a

matter which I propose now to stop to discuss; for the law gives them that power. But I do intend to say, that if the two Houses choose to elect different printers, I am opposed, and, in my opinion, sound policy is opposed, to any increase of the pay for the work.

Sir, what will the people of the country say of this Congress? Let us pause for a moment and see where we are, and what we are doing. There are bills upon your table in relation to all the organized Territories of the Union, proposing to separate the office of superintendent of Indian affairs from that of Governor, and to give additional compensation to the Governors; and an entirely new, independent, and additional salary to the superintendents of Indian affairs.

We have been making with a liberal hand new ports of entry, to make places for new custom-house officers and appointees. We have created new land districts and established new land offices, drawing after them new registers, receivers, clerks, and employees; and in the bill which passed this House the other night, (at the hour when burglaries are generally committed,) for the organization of the two Territories of Kansas and Nebraska, where the Commissioner of Indian Affairs, speaking from the spot, says that on the 11th of October last there were but three white men to be governed, you propose to make two new Governors, two superintendents of Indian affairs, two secretaries, six judges, two marshals, and two district attorneys, giving them all as high salaries as the officials in any other Territories receive; and I may be allowed to add, I hope, Mr. Chairman, by way of parenthesis, and as showing the beauties of non-intervention as contained in that bill, not one of this brood of officers are to be elected or chosen by the people of those Territories, (if there are any people there;) but they are to be selected, commissioned, and forced upon that people by a non-intervention Administration in this city of Washington—more than a thousand miles from the people to be governed—the people having not one word to say on the subject, and nothing to do with it but submissively to bow to this central Government. And the selection is to be made from the expectant and anxious men who are singing praises to the great doctrine, or principle, as they say, of non-intervention, and of allowing the people of the Territories to govern themselves in their own way. What fallacious reasons can be made satisfactory to men who can find none more substantial for perpetrating a great wrong.

In addition to all these new places, as a reward to faithful followers, you have on your table bills for the creation of the office of a new surveyor general for New Mexico, for Utah, and, I believe, for Washington and Minnesota, with a corps of clerks and employees to each. Sir, I will not go further with the enumeration now.

All of these places, and many more of like character, seemingly made for the occasion, are to be filled, and the officers are to be paid by this General Government.

Well, sir, this is by no means all; for here, in this bill, it is proposed to raise the salaries of officers in California, and now we have this proposition to increase the pay for the public printing. We cannot move a step in this House, without voting away money, money, and voting for patronage, patronage, and voting plunder, plunder, in every way and shape; we are fastened to this system of legislation, and cannot escape; we are like poor Mr. Pickwick, who had to lead his terrible horse round and round all day, and could not get rid of him. Now I would be liberal, and I would give money and patronage where the good of the country requires it. Nay, I have gone further, and voted it when there was any reason for it whatever; but I put my foot down here; I intend this House shall know, and I want the country to know, that all of this legislation is nothing, and means nothing but money, patronage, plunder, and jobs, and is only needed to stop the cry of hungry partisans, who can be quieted only in this way, and by these means.

Sir, if the Senate have seen fit to go into a foolish crusade for the purpose of getting up an additional office or printing establishment, so as to give additional pay, let them take care of their own children; let them provide for their own offspring. It is sufficient for my purpose to know that, under the law passed, through much difficulty, the printing business has so far worked well; and there is

no occasion, in my opinion, here or in the country, to have it disturbed for the single and simple purpose of putting money into the hands of men who have been appointed under the law as it now is, and entered upon their duties with a full knowledge of what that law contains.

Mr. BAYLY, of Virginia. Putting money merely into the hands of somebody! Into whose hands is money put by this bill? I am amazed at the argument made by the gentleman from New York, [Mr. HAVEN,] because I am conscious that the effect of this amendment is to take a terrific source of patronage from the hands of the Executive. Although I am friendly to the Executive, yet I do not think that the power ought to be vested in the Executive Department, or with an appointee of the President, to enable him, by his own will, by his own diction, to build up the organ of one branch of Congress at the expense of another. In comparison with the control of such a power as that gives, what is the sum of \$15,000 in a Government like ours? Taking the relation of the two Houses of Congress to each other—each electing its own printer, the editor of a paper—what is the sum of \$15,000 in comparison with the power and patronage you put into the hands of the Executive in controlling these presses. Divide the printing, and when the two Houses elect two printers, let the printer of each House do the work of the particular House to which he was elected. What could be more proper than that? Would it not be far better to do that, although you pay a little more extra compensation, than to have these parties in court, engaged in a controversy and strife about it? The court have decided that the Committee on Printing was the tribunal to settle this matter; but that committee say that they have no jurisdiction over the matter. I undertake to say, from my knowledge of the subject, that the merits of the case are against the position of the Superintendent of Printing; and though both tribunals, in the precise case that has gone before them, erred in the matter, each one decided they had no authority to correct it.

Is it not better that the printer of the House should execute the printing of the House, and the printer of the Senate the printing of the Senate, and that the printing of the Executive documents should be divided between them? I understand the position of my friend from New York, [Mr. HAVEN,] but I hope he is reckoning without his host. He thinks the next House of Representatives is going to be Whig, and that is the secret of his zeal about this matter. [Laughter.] I think he is mistaken. He desires to retain the printing as at present, knowing that the Senate will continue Democratic, so that a Whig printer may be elected for the next House of Representatives, and have the whole patronage of this body. But, I repeat, the gentleman is reckoning without his host.

The CHAIRMAN. The question now pending is the amendment offered by the gentleman from New York, [Mr. HAVEN.]

Mr. HAVEN. I withdraw it.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Missouri, [Mr. PHILPS.]

Mr. ORR. I renew the amendment offered by the gentleman from New York, [Mr. HAVEN.] Mr. Chairman, I concur with the gentleman from Connecticut, [Mr. PRATT,] as to the propriety of the amendment which he offered—

Mr. LETCHER, (interrupting.) I rise to a question of order. The amendment of my friend from South Carolina [Mr. ORR] has been defeated before.

Mr. ORR. No; it was withdrawn, and I renew it.

Mr. LETCHER. Well, still it is not in order.

Mr. ORR. It is in order, and I have a right to do it.

The CHAIRMAN. The amendment of the gentleman from South Carolina is in order.

Mr. ORR. I concur, Mr. Chairman, with the sentiment of the gentleman from Connecticut, that this amended section here is just as legitimate in this bill as if a section had been incorporated in it to raise two additional regiments of mounted volunteers. What is the title of the bill? It is "A bill to supply the deficiencies in the appropriation for the service of the fiscal year ending 30th June, 1854." And yet you have an independent

section here, the object of which is not to make the appropriation of a single dollar. No, not a single cent is appropriated in this section which proposes to repeal a material part of an act of Congress on a subject which is wholly different, and totally disconnected from the bill itself.

Now, Mr. Chairman, it has been very much the habit, during the last few years, to send back to this House, from the other wing of the Capitol, bills loaded down with matter illegitimate—which ought to be out of order in any deliberative assembly at all—with the expectation that this House will be forced, by combinations of the various matters introduced, to pass measures which otherwise would be objectionable.

Now, sir, we passed this bill to regulate the printing, as has been observed by the gentleman from New York, [Mr. HAVEN,] a year and a half ago. I believe, myself, that it has worked well. There has but one difficulty sprung up, and that is a controversy between the printers as to certain printing ordered by the two Houses. This is not, sir, in my judgment, a serious difficulty. It is not a difficulty which requires to be remedied by us. And, besides, Mr. Chairman, if this section be adopted in the way in which it came from the Senate, it will devolve on the Government an additional expenditure of not less than \$20,000 per annum. What is the necessity of this additional expense? Is it simply for the purpose of preventing the quarreling of the two printers? Does this quarreling affect us at all?

Mr. COBB. Oh, no; let them keep at it.

Mr. ORR. What, then, is the necessity of changing this law, and devolving this \$20,000 additional expense on the Government? It might have been proper at the outset. The bill should have provided against any difficulty arising. I think that the only arrangement which could have been made, was made in saving the extra cost of double composition in the work which the two Houses might order to be printed.

But, Mr. Chairman, if the first part of the section recommended by the Committee of Ways and Means should be adopted, there is no chance of a controversy arising. And the only excuse for making the change here, is, that the two printers may, if the change is not made, continue to get into controversies. But I think that it is time for this House and this committee to assert its independence. It is time that the committee should declare its opposition, its hostility to this system of legislation, which is to incorporate everything into a deficiency bill, whether legitimate or illegitimate, and which comprises propositions to repeal general laws, which, perhaps, if they were taken on their own merits, it would be impossible to get through the two Houses. I hope the section, in the first place, will be stricken out; and if this is not done, then I hope that the amendment recommended by the Committee of Ways and Means will be concurred in.

Mr. STANTON, of Kentucky. I am opposed to the amendment of the gentleman from South Carolina, [Mr. ORR,] and I simply desire to say a single word in reference to it. It is this: Some inconvenience and difficulty does ensue to the House in consequence of the controversy arising out of the different constructions of this law. A few weeks ago one of the printers to Congress made an application to the courts for a writ of *mandamus* to compel the Superintendent of Printing to discharge his duty in giving to him the printing of matter ordered by the House of Representatives. The court granted a temporary injunction, which tied up the two printers; and neither of them could do the work which was required, and which we were all clamoring for every day. The work which we wanted performed has thus been stopped by order of the court, because the printers were not allowed to proceed with it.

Mr. HAVEN, (interrupting.) And the gentleman from Virginia [Mr. BAYLY] says it was done on his advice.

Mr. STANTON. I do not know on whose advice the *mandamus* was applied for; I merely desire to show that, under the present law, some inconvenience and difficulty has ensued in the printing ordered by this House.

Mr. DEAN. I wish to ask the gentleman from Kentucky [Mr. STANTON] if the injunction of which he speaks has not been dissolved?

Mr. STANTON. It was dissolved; but the

injunction created a delay in the public printing of a week or more.

Mr. ORR. If there is no objection, I will withdraw my amendment.

No objection being made, the amendment was withdrawn.

Mr. BARRY. It seems to me that this is merely a contest and squabble between two public printers, in which neither this House nor the Senate have any interest; for, by whomsoever the printing is done, it is well done.

I submit this further proposition: If there is a suit pending upon the construction of a law which has been passed by Congress, whether it is competent for Congress to step in and settle the difficulty by passing another law, or giving a construction to the existing law? Rights have already accrued under the law as it was passed.

Mr. STANTON, of Kentucky, (interrupting.) That is not contemplated by this amendment. Its provisions are to apply hereafter.

Mr. BARRY. The reason alleged for passing this amendment is, that difficulties have arisen between the printers already elected; and I supposed the inference to be, that the object of the amendment was to settle those difficulties.

Mr. STANTON. Not at all. The object is to prevent future difficulties.

Mr. BARRY. Then there is no necessity whatever for the passage of a law. The sole purpose seems to be to pay \$25,000 for fear that the printers of the two Houses may have a contest—about what? About what they are to receive for doing the public printing. If they are so well paid that they can afford to spend a portion of their receipts in litigation, what business is that to the Senate and the House? It is admitted that, under the present law, their duties are well discharged. But it is said that the object is to prevent the possibility of future difficulties; and they are willing to incur \$20,000 additional expense for that.

Mr. BAYLY, of Virginia, (interrupting.) I would say to the gentleman that the printing of the agricultural part of the Patent Office report is hung up in the Supreme Court, and I do not believe that the matter can be decided at this term. Is not that an inconvenience to the House, the Senate, and the country? Is it not an inconvenience which ought to be avoided in future? The object of this amendment is to provide against the recurrence of such an evil.

Mr. BARRY. I do not know how Congress can prevent the printers of the two Houses, who are waxing fat upon the profits of that printing and that of the Departments, from spending as much as they please in litigation. If the object is to prevent the possibility of future litigation, I know of no way to accomplish that object, except by paying them so little that they will become so poor that they cannot litigate further.

Mr. ORR. I desire to make one additional remark. If there be a defect in the existing law, the Committee on Printing ought to be aware of the fact. They are specially charged with that duty. Let that committee bring in a bill to amend the law, wherever there exists a defect; but let us not attempt, in this side-bar sort of a way, to change the law, when we cannot have the opportunity to investigate the subject, and before the matter has been referred to the Committee on Printing.

Mr. HAVEN. And let me add to the remarks of the gentleman from South Carolina by saying, that by the rules of the House, a report from that committee is admitted at any time, and the report so made takes precedence of any other subject.

Mr. STANTON, of Kentucky. But that committee has no right to originate anything, but can only act upon matters which are referred to them. That is provided for by the law of the land, as well as by the rules of the House.

Mr. ORR. Would not this very thing give that committee sufficient grounds to report a bill?

Mr. STANTON. Not at all. We have no jurisdiction over it—none in the world.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Mississippi.

Mr. BARRY. If there is no objection, I will withdraw it.

There being no objection, the amendment was withdrawn.

The question then recurring upon the amendment offered by Mr. PHELPS, it was put; and the amendment was agreed to.

Mr. DEAN. I now move to strike out the remainder of the Senate amendment.

Mr. HOUSTON. The question is upon the non-concurring in the Senate amendment, as amended; and by voting in the negative, the gentleman will accomplish the object of his motion.

Mr. DEAN. That being the case, I withdraw my amendment.

Mr. STANTON, of Kentucky. I again propose the amendment to the section, as it now stands, which was previously submitted by me, and adopted, but which fell by the rejection of the section in which it was incorporated. I take this occasion, also, to say that I know the sentiments of the Committee on Printing upon this subject, and they are in favor of this portion of the section, with the amendment I now offer. I move the following:

Provided, That compensation in no case shall be paid where the work is not actually performed.

The question was then taken; and the amendment to the amendment was agreed to.

The question was then taken on concurring in the amendment of the Senate, as amended; and decided in the negative.

The fifty-second amendment was read, as follows:

SEC. 8. *And be it further enacted*, That so much of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes," as provides for compensation to the Spanish consul and others, for losses occasioned by violence at New Orleans and at Key West, in the year 1851, shall be so construed as to place Michael Papprenitza, a subject of Austria, on the same footing with the subjects of Spain.

Mr. PHELPS. The Committee of Ways and Means recommend a non-concurrence in the amendment of the Senate. The act referred to in this section provides compensation to the Spanish consul and other Spanish subjects, for property destroyed by a mob in New Orleans, about the time of the Lopez expedition to Cuba. It appears that this Michael Papprenitza, an Austrian subject, in some way also suffered losses by this same mob. We did not see any good reason, however, why a subject of Austria should be embraced within the provisions of this act, and we therefore recommend a non-concurrence in the amendment.

Mr. BAYLY, of Virginia. I will tell my friend from Missouri what is the propriety of including this Austrian subject within the provisions of this act. He comes precisely in the same category as the Spaniards who are embraced in the provisions of that act did. He was an Austrian, but he was mistaken for a Spaniard. He suffered in the same manner, by the same mob, that the Spaniards did. The law to which this section refers I drew myself, and I confined it to Spanish subjects. The law was put upon the ground that it was not right that innocent persons should suffer for the offenses of the Spanish Government. The outrages were committed because of certain acts of the Spanish Government in Cuba, and we did not think these persons ought to suffer for it. Well, now, sir, this Austrian subject presents a much stronger case than the Spanish ones did. His property was destroyed by the same mob, they supposing him to be a Spanish subject. It was purely through a mistake. But the law does not provide for his case. I really do think this is an amendment which we ought to adopt. I have looked into the case, and know all about it. It really presents a stronger case than that of the Spaniards.

Mr. HAVEN. I have not looked into this matter with any great degree of care. The gentleman from Virginia [Mr. BAYLY] says he has, and that it should be adopted. I have great confidence in his judgment as chairman of the Committee on Foreign Affairs, to which this case more properly belongs. But, sir, I will state to the committee the reasons which led me to come to the conclusion which I did in reference to it; and I think the Committee of Ways and Means came to the same conclusions, for the same reasons. We thought that if we undertook to pay this gentleman, who was not a Spanish subject, it would be recognizing a principle by which the Government would be made responsible for all the loss which was suffered by everybody on that occasion. This man had no connection with Cuba whatever,

nor with Spanish affairs, more than any of the citizens of New Orleans. The committee thought there was no principle upon which this claim could be allowed, and that it would be setting a dangerous precedent to allow it. I do not understand the claim itself, however, to be one of any very great moment. It involves only a small amount; and if the gentleman who is at the head of the Committee on Foreign Affairs says it is proper that it should be paid, I will yield to the confidence I have in his judgment. The committee recommended a non-concurrence because they thought it would be setting a dangerous precedent.

The question was taken; and the amendment of the Senate was non-concurred in.

The fifty-third amendment of the Senate was next read by the Clerk, as follows:

SEC. 9. *And be it further enacted*, That, for custom-houses and marine hospitals, and to complete the same, the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

For completing the custom-house at St. Louis, Missouri, \$100,000;

For completing the custom-house at Mobile, Alabama, \$65,000;

For completing the custom-house at Cincinnati, Ohio, \$40,000;

For completing the custom-house at Louisville, Kentucky, \$40,000;

For completing the custom-house at Bangor, Maine, \$20,000;

For completing the custom-house at Bath, Maine, \$20,000;

For completing the custom-house at Wilmington, Delaware, \$12,000;

For purchasing a site for a custom-house at Providence, Rhode Island, \$24,000;

For the purchase of a new site for the custom-house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if, in his judgment, the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom-house on the land reserved for said purpose, to the purchase of a building or buildings for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house;

For the erection of a custom-house at Portland, Maine, including rooms for the United States court, and for a post office, \$200,000;

To complete the marine hospital at Cleveland, Ohio, \$25,000;

To complete the marine hospital at St. Louis, Missouri, \$10,000;

To complete the marine hospital at Chicago, Illinois, \$8,000;

To complete the marine hospital at Louisville, Kentucky, \$12,500.

To complete the marine hospital at Paducah, Kentucky, \$5,000;

To complete the marine hospital at Evansville, Indiana, \$2,000;

To complete the marine hospital at San Francisco, California, \$44,000; and to construct a marine hospital at Burlington, Iowa, \$15,000.

Amend the title by adding at the end thereof—and for other purposes.

Mr. PHELPS. I merely rise to state the recommendation of the Committee of Ways and Means, and not to enter into a discussion of the subject. This matter was discussed when the deficiency bill was last before us.

Mr. WALSH. And rejected.

Mr. PHELPS. We recommend a non-concurrence in the amendment, which appropriates \$892,500.

[Cries of "Let us take the vote!"]

Mr. BRECKINRIDGE. By leave of my friend from Missouri, I would suggest that we have no discussion, no controversy on these items in committee, but to let them go by default. Let them be voted down. I doubt whether there is a quorum here. If the friends of the items desire to unite them to the bill, they can have the yeas and nays in the House.

[Cries of "That's right!"]

Mr. PHELPS. I am much obliged to my friend from Kentucky for his suggestion, and hope that it will be adopted by the committee.

Mr. HAVEN. Let me make a suggestion; I will not occupy a minute. I would like, though I do not know that it will meet with the approbation of the committee, to strike out all the amendments, with the single exception of the appropriation for the Providence custom-house.

Mr. WALSH. Providence will take care of that. [Laughter.]

Mr. McDougall. The appropriation for the California custom-house is the heaviest of the

entire amendments. While I shall support it, yet thinking that, for the expedition of business, this matter should not be discussed, I am willing to accept the suggestion of the gentleman from Kentucky.

[Cries of "That's right!"]

Mr. KNOX. I move to strike out the appropriation of \$65,000 for the custom-house at Mobile, Alabama.

Mr. Chairman, I submit the amendment for the purpose of expressing the reasons which will govern me in voting against this bill. If I were to wait until we got into the House, I should be deprived of an opportunity to do so by the previous question. I object to all these appropriations for custom-houses. I object to the whole bill, as commencing at the wrong end of legislation. What is the bill? Look at the first item in it. It provides for the pay of the Secretary of State; and if you look under all the headings into which it is divided, you will see that the first item under each is to provide for the pay of some high officer of the Government. The bill provides for the Government, and leaves the people to take care of themselves.

Mr. PHELPS. Does not the gentleman from Illinois know that at the last session of Congress the compensation of all the heads of Departments was raised?

Mr. KNOX. I do; but so much the worse. I cannot yield to the gentleman. I come now to the appropriations which I desire to have stricken out. What is the object of all these appropriations for custom-houses? It is to provide splendid palaces in your large cities, in which to exact your customs, which are collected from the whole country. There is not a word in this bill that looks to the interests of the great American people. It appropriates not one dollar for the improvement of the navigable waters of the country, over which is carried the commerce which is to create the necessity for these expensive custom-houses. It is upon this ground that I shall vote against these appropriations for custom-houses, and against the whole bill. It commences at the wrong end. It is the duty of the Representatives of the people here to look first to the interests of their constituents. We are not here to legislate for the Government or for large cities. I, for one, am not here to legislate for the exclusive benefit of the large cities and the high officers of the Government.

Mr. DEAN. I do not rise to discuss this matter. I hope the suggestion of the gentleman from Kentucky and others will be complied with, and that we shall come to a vote at once.

Mr. KNOX. I withdraw my amendment.

The question was then taken on concurring in the amendment of the Senate, and it was decided in the negative.

So the amendment was rejected.

Mr. PHELPS. I move that the committee do now rise, and report its action upon the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. CHANDLER) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the amendments of the Senate to the deficiency bill, in some of which they had concurred, in others non-concurred, and others they had directed him to report with amendments.

Mr. PHELPS. I demand the previous question upon the report just made.

Mr. KEITT. I simply desire to say, in connection with some remarks I made yesterday, that the commissioner, General Campbell, to whom I alluded, designed to be understood that the estimate sent to the House by the Secretary was ample for all the purposes contemplated, and that the \$10,000 appropriated in the deficiency bill was sufficient for the current expenses of the year.

The previous question was seconded.

Mr. LETCHER. I move a call of the House. There are but very few members present.

The SPEAKER *pro tempore*. It is too late, as the previous question has been seconded, and the question now is upon ordering the main question to be put.

The main question was then ordered to be put.

Mr. CHASTAIN. I move that the House adjourn.

Mr. ORR. I hope the gentleman from Georgia [Mr. CHASTAIN] will withdraw that motion, as I think we can get through most of the amendments this afternoon.

Mr. CHASTAIN. I withdraw the motion.

Mr. WALSH. I renew the motion to adjourn.

Mr. HOUSTON. I hope the gentleman from New York [Mr. WALSH] will not insist upon his motion. Let us go through with the bill, and agree to the amendments that are not controverted.

Mr. WALSH. I would prefer having the opponents of the bill present as well as its friends, who, by an express order, have been hunted up by the boys.

Mr. HOUSTON. There are some amendments upon which we can all agree.

Mr. WALSH. There is not one which I am in favor of.

The SPEAKER *pro tempore*. The amendments will all be read through; and if any gentleman desires a separate vote upon any amendment he will designate it, and then the House will proceed to vote on such amendments upon which a separate vote was not asked.

Mr. WALSH. I withdraw my motion that the House adjourn.

The SPEAKER *pro tempore*. The Clerk will report the amendments.

Mr. STANTON, of Tennessee. I desire simply to ask whether the same object cannot be attained with a great saving of time by gentlemen naming the amendments upon which they require a separate vote, without having them all read?

Mr. WALSH. I wish to inquire whether, in the first reading of the bill, if a vote is not demanded upon an amendment, it is considered as equivalent to passing it?

The SPEAKER *pro tempore*. The question is upon concurring with the amendments of the Senate as amended by the Committee of the Whole. They have been considered in Committee of the Whole, and reported to the House. The question now is in concurring or non-concurring with these various amendments.

Mr. TRACY. I desire a separate vote upon each one of these amendments.

Mr. KNOX. Has the previous question been seconded?

The SPEAKER *pro tempore*. It has been seconded, and the main question has been ordered to be put.

Mr. KNOX. I would inquire whether a motion to adjourn would now be in order?

The SPEAKER. That motion is in order.

Mr. KNOX. I move, then, that the House adjourn.

The question was taken; and the House refused to adjourn.

The first, second, third, and fourth amendments of the Senate (published in the proceedings of the Committee of the Whole on the state of the Union in yesterday's proceedings) were read consecutively, and severally agreed to.

The fifth amendment of the Senate, providing certain payments to John Bozman Kerr, was read.

Mr. LETCHER. Mr. Chairman, I ask the yeas and nays on that amendment.

The SPEAKER *pro tempore*. Is it the desire of the committee to take the question now, or wait till we have disposed of all the amendments to which there may be no objection?

Mr. HAMILTON. It is better for the committee to pass on now, and take the yeas and nays afterwards.

The SPEAKER *pro tempore*. If there be no objection that course will be pursued.

Mr. WALSH. I object.

Mr. HAMILTON. If the yeas and nays are called now we may not have a quorum.

Mr. WALSH. And is it proper to pass this bill without a quorum?

Mr. HAMILTON. I do not mean to intimate that; but—

Mr. WALSH, (interrupting.) I ask the chairman of the Committee of Ways and Means, or the gentleman who has charge of the bill, [Mr. PHELPS,] whether, if there is no objection to the proposal to pass on now, and let the yeas and nays be called afterwards, he will press a final vote on this bill to-day?

Mr. PHELPS. Not upon any controverted question. I hardly understand the gentleman's question. If objection be made to any amendment, and the yeas and nays be ordered, the ques-

tion will not be taken till to-morrow. I am desirous, myself, that there should be a full House to-morrow on passing the bill.

Mr. WALSH. Well, will you agree not to press the bill to a final vote to-day if I withdraw my objection?

Mr. PHELPS. Certainly.

Mr. WALSH. Then I withdraw my objection.

Mr. BAYLY, of Virginia. I rise to appeal to my friend and colleague [Mr. LETCHER] in reference to this matter of Mr. Kerr. It is a proposition which I believe to be just; and I beg he will withdraw his objection to it, and let it be agreed to. It is the first favor I have ever asked from my colleague, and if he grant this, I will never ask another from him.

The SPEAKER. The gentleman from Virginia [Mr. BAYLY] is not in order.

Mr. LETCHER. I have the greatest respect for my colleague, and I shall be very willing to comply with his request so far as I can; but there is an important principle involved in this amendment.

The SPEAKER *pro tempore*. All this is out of order.

Mr. LETCHER, (continuing.) And I know that if I do not, somebody else would call for the yeas and nays.

The yeas and nays were ordered.

The following Senate amendments, in which the Committee of the Whole recommended a concurrence, were agreed to by the House:

Nos. 6, 7, 8, 9, 11, 13, 15, 16, 17, 18, 19, 21, 22, 23, 27, 29, 30, 31, 32, 33, 34, 35, 44.

The following amendments, in which the Committee of the Whole recommended a non-concurrence, were rejected by the House:

Nos. 11, 12, 14, 20, 26, 48.

The following amendments of the Senate, in which the Committee of the Whole recommended a concurrence with amendments, were so concurred in:

Nos. 38, 39, 43, 46, 47, 50.

The following amendments of the Senate coming up in order for concurrence, were objected to, and the yeas and nays demanded on their adoption, as indicated below:

No. 10, by Mr. LETCHER.

No. 24, by Mr. McDougall.

No. 25, by Mr. LETCHER.

No. 36, by Mr. STANTON, of Kentucky.

No. 37, by Mr. BRIDGES.

No. 40, by Mr. TRACY.

No. 41, by Mr. McDougall.

No. 42, by Mr. LATHAM.

No. 45, by Mr. RUSSELL.

No. 49, by Mr. ———.

No. 51, by Mr. BAYLY, of Virginia.

No. 52, by Mr. MORRISON.

No. 53, by Mr. ORR.

Mr. PHELPS. The Clerk need not read the fifty-fourth amendment, as there will be a separate vote demanded upon it.

Mr. WALSH. I move that the House do now adjourn.

The question was put; and the motion was agreed to.

The House then (at a quarter to three o'clock, p. m.) adjourned until to-morrow at twelve, m.

IN SENATE.

THURSDAY, May 25, 1854.

Prayer by Rev. WILLIAM H. MILLBURN.

The Journal of yesterday was read and approved.

CREDENTIALS.

Mr. SEWARD presented the credentials of Hon. FRANCIS GILLETTE, chosen by the Legislature of Connecticut a Senator from that State for the unexpired term of Hon. Truman Smith, resigned.

The credentials were read, and the oath prescribed by law having been administered to Mr. GILLETTE, he took his seat in the Senate.

RAILROAD IN MISSISSIPPI.

Mr. BROWN. I have been waiting for several days to get an opportunity to introduce a little bill which is interesting and very important to a portion of my constituents, if to nobody else. I now ask the unanimous consent of the Senate to allow me to introduce, at this time, a bill further to

amend an act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," &c., approved September 4, 1841.

Leave was granted; and by unanimous consent the bill was read a first and second time, and considered as in Committee of the Whole.

It proposes further to amend the sixteenth section of the act of 1841, so as to give the consent of Congress to the change of the route of the railroad therein mentioned, authorized by the act of the Legislature of the State of Mississippi, entitled "An act further to amend the several acts incorporating the Southern Railroad Company," approved the 4th of February, 1854; and that the two per cent. of the sales of the public lands, relinquished by the act of Congress of 1841 to the State of Mississippi, may be applied to the construction of a railroad on the route adopted by that company, under said act of the Legislature of Mississippi.

Mr. BROWN. As I wish to have this bill passed now, I ask the Senate to indulge me for a moment in explaining it. It simply proposes to change the route of a railroad so as to avoid a very heavy grade—one which is found, upon survey, to be impracticable, but which, by the act of Congress making the grant of two per cent. on the proceeds of the public lands to the State of Mississippi, it is required to pursue. The State of Mississippi has asked for this; and I suppose no one else is interested in it. That is the whole bill, though it has a very potential title.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ADJOURNMENT TO MONDAY.

On motion, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

RESCUE OF LIEUTENANT STRAIN.

Mr. CLAYTON. I have been unanimously directed by the Committee on Foreign Relations to report back to the Senate the joint resolution introduced by me a few days since, "manifesting the sense of Congress towards Commander Edward Marshall, commanding her Britannic Majesty's ship *Virago*, and the officers and crew who were detached by his order for the relief of the surveying party under the command of Lieutenant J. G. Strain." I trust that, by the unanimous consent of the Senate, this resolution may now be considered and passed.

There being no objection, the Senate proceeded, as in Committee of the Whole, to the consideration of the joint resolution.

It proposes to request the President to procure gold medals, with suitable devices, one to be presented to Commander Edward Marshall, commanding the *Virago*; another to William C. Forsyth, first lieutenant; one to Dr. William Ross; and another to Paymaster W. H. Hills, as a testimonial of national gratitude for their generous and humane conduct, and well-directed efforts in extending relief to the surveying party of Lieutenant Strain, and saving thirteen suffering Americans from death.

It proposes, also, to authorize the President to cause to be paid to each of the boat's crew who were engaged in the rescue of the surveying party, the sum of one hundred dollars, as evidence of the high sense entertained by Congress of their generous assistance.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PETITIONS, ETC.

Mr. FISH presented two petitions of citizens of the State of New York, remonstrating against the repeal of the Missouri compromise; which were ordered to lie on the table.

Mr. SEWARD presented resolutions adopted at a meeting of the Cortland District Theological Society, of the Methodist Episcopal Church, held at Cincinnati, New York, protesting against the repeal of the Missouri compromise, or the organization of the Territories of Nebraska and Kansas, without a prohibition of slavery therein; which were ordered to lie on the table.

Also, a petition of citizens of the city of New York, remonstrating against a repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. FOOT presented documents in support of the claim of Sarah Movey, late the wife of James Movey, a revolutionary soldier, to a pension; which were referred to the Committee on Pensions.

Also, documents in relation to the claim of Francis Hutinack, a revolutionary pensioner, to arrears of pension; which were referred to the Committee on Pensions.

Mr. RUSK presented a memorial of the route agents of the Post Office Department, praying an increase of compensation; which was referred to the Committee on the Post Office and Post Roads.

Mr. NORRIS presented a memorial of the officers of the penitentiary of the District of Columbia, praying an increase of compensation; which was referred to the Committee for the District of Columbia.

Mr. BAYARD. I desire to present the petition of J. L. Collins. That gentleman called on me yesterday in reference to his claim on Congress, connected with the decisions of the recent board to examine the Mexican claims. It was a subject upon which my judgment, as a member of the special committee on that matter, was asked. The committee decided against the claim; but he thinks he has now such documentary testimony as will enable him to justify Congress in interfering in his behalf. I know nothing of the character of the individual, but I feel it my duty to present the petition, and I ask that it be referred to the Committee on Claims.

It was so referred.

Mr. WRIGHT presented the petition of Andrew Rankin, praying an extension of his patent for an improvement in the manufacture of hats; which was referred to the Committee on Patents and the Patent Office.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the report of the Secretary of the Interior, communicating a list of rejected applications for pensions, and recommending that the act of February 3, 1853, "to continue half pay to certain widows and orphans, be amended," submitted a report, accompanied by a bill extending the provisions of the act of February 3, 1853, to widows of officers, non-commissioned officers, seamen, and marines, who served in the Navy of the Revolution; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Margaret Chandler, mother of Walter S. Chandler, of the Army, who was drowned while in the discharge of his duty, praying a pension, submitted an adverse report; which was ordered to be printed.

Mr. PETTIT, from the Committee on the Judiciary, to whom was referred a bill for the relief of L. E. L. A. Lawson, sole surviving heiress of General Eleazar Ripley, deceased, submitted an adverse report thereon; which was ordered to be printed.

Mr. BENJAMIN, from the Committee on Private Land Claims, to whom was referred a bill for the relief of the Pine Grove Academy in Louisiana, reported it back without amendment.

He also, from the same committee, to whom was referred a bill to confirm the claim of William H. Henderson, and the heirs of Robert Henderson, to five hundred acres of land in the Bastrop grant, reported it back without amendment.

Mr. BENJAMIN. I am directed by the Committee on Private Land Claims, who made adverse reports on a bill to authorize T. H. McManus to enter, by preemption, certain lands in the Greensburg land district, Louisiana, and a bill for the relief of John Boyd, to move that they be recommended to that committee. There has been an error, for which I was in fault, and we desire to repair that error.

The motion to recommit was agreed to; and the order for printing the adverse reports in these cases was rescinded.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred a resolution of the Senate directing that committee to inquire into the expediency of making an appropriation for a marine hospital at Pensacola, reported a bill providing for the erection of a marine hospital building at Pensacola, in the State of Florida; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred a petition of ship-owners and others residing in Clinton and Westbrook, in Connecticut, praying that those towns may be annexed to the collection district of New Haven, reported a bill for that purpose; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred a memorial of citizens of Florida, praying the erection of a marine hospital at Appalachicola, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to whom were referred resolutions of the Legislature of the State of Texas, in favor of changing the port of entry from Point Isabel to Brownsville, and sundry memorials against the same, submitted an adverse report thereon; which was ordered to be printed.

NEBRASKA AND KANSAS.

On motion by Mr. DOUGLAS, the Senate, as in Committee of the Whole, resumed the consideration of the House bill to organize the Territories of Nebraska and Kansas; the pending question being on the amendment of Mr. PEARCE to the fifth section, to strike out the words:

"And those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act,"

—so that the proviso shall read:

"Provided, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States."

Mr. BELL resumed the speech in which he was interrupted by the adjournment yesterday, and spoke an hour and a half.

Mr. TOOMBS replied.

Mr. BELL responded.

The debate was continued by Messrs. CLAYTON, WADE, BROWN, BENJAMIN, SEWARD, CASS, MASON, MALLORY, and BAYARD.

Mr. WELLER called for the yeas and nays on the amendment, and they were ordered, and, after some observations from Messrs. JONES of Iowa, BUTLER, and JONES of Tennessee, at seventeen minutes past ten o'clock, p. m., were taken; and resulted—yeas 7, nays 41; as follows:

YEAS—Messrs. Bayard, Bell, Brodhead, Brown, Clayton, Pearce, and Thompson of Kentucky—7.

NAYS—Messrs. Allen, Atchison, Benjamin, Butler, Cass, Chase, Clay, Dawson, Dodge of Wisconsin, Douglas, Fish, Fitzpatrick, Foot, Gillette, Gwin, Hunter, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Norris, Pettit, Pratt, Rusk, Sebastian, Seward, Shields, Slidell, Stuart, Sumner, Thomson of New Jersey, Toombs, Toucey, Wade, Walker, Weller, Williams, and Wright—41.

So the amendment was rejected.

Debate was continued by Messrs. CHASE, BROWN, BUTLER, and WELLER.

The bill was reported to the Senate.

Mr. SUMNER next addressed the Senate, and was followed in explanation by Mr. MASON. Mr. TOUCEY also spoke, and Mr. DOUGLAS rose to close the debate. He spoke until one o'clock, a. m.

Mr. TOUCEY made a few remarks, in which he said he should not obey the instructions of the Whig Abolition Legislature of Connecticut, as to the vote he should give on this bill, for which he assigned reasons.

The vote was taken on ordering the bill to a third reading; and resulted—yeas 35, nays 13; as follows:

YEAS—Messrs. Atchison, Badger, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Dawson, Douglas, Fitzpatrick, Gwin, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, Weller, Williams, and Wright—35.

NAYS—Messrs. Allen, Bell, Chase, Clayton, Fish, Foot, Gillette, Hamlin, James, Seward, Sumner, Wade, and Walker—13.

The bill was then read a third time, and passed, at ten minutes past one o'clock, a. m.

The Senate then adjourned.

[The above debate will be found in the Appendix.]

HOUSE OF REPRESENTATIVES.

FRIDAY, May 26, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

TREASURY REPORT ON BANKS.

Mr. STANTON, of Kentucky. I desire to in-

troduce, from the Committee on Printing, a resolution, which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That fifteen hundred copies of the annual report of the Secretary of the Treasury on the condition of the banks of the United States, communicated to this House on the 11th instant, be printed for the use of the Treasury Department.

Mr. STANTON. I move the adoption of the resolution.

The SPEAKER. That can only be done by unanimous consent, as the House is acting under the previous question upon the amendments to the deficiency bill. No other business can be done, except by unanimous consent, while that matter is undisposed of.

Mr. STANTON. I hope the House will give its unanimous consent to its being put upon its passage.

Mr. LETCHER. What does the Secretary of the Treasury want with them?

Mr. STANTON. I suppose he wants them for the use of the Department.

Mr. LETCHER. If there is any necessity for having that number of extra copies printed, I should like to know what that necessity is?

Mr. DEAN. Gentlemen all over the country are sending for that report. It is to supply that want that these copies are needed.

Mr. LETCHER. The House, I suppose, prints enough to supply that demand. It prints some fifteen hundred copies, I believe.

The SPEAKER. Objection is made by the gentleman from Virginia, and the resolution cannot now be put upon its passage.

Mr. WASHBURN, of Illinois. I move that when this House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. On that motion I call for the yeas and nays.

The yeas and nays were not ordered, only sixteen members seconding the demand.

Mr. HENDRICKS. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. Cox and VAIL were appointed; and, on a division, the tellers reported—ayes fifteen; not a sufficient number. So the yeas and nays were not ordered.

The SPEAKER. The question is on the motion to adjourn over till Monday next.

Mr. JONES. I ask for a division on the question.

Mr. DRUM. I ask the unanimous consent of the House to propose a resolution.

The SPEAKER. There is a question pending which must be disposed of before the gentleman's resolution can be presented.

The question was then taken by division; and the Speaker announced 67 in the affirmative, and 32 in the negative; not a quorum.

Mr. WASHBURN, of Illinois. I move that there be a call of the House.

Mr. JONES. I call for tellers on the motion to adjourn over.

Tellers were ordered; and Messrs. Cox and VAIL were appointed.

The question was taken; and the tellers reported—ayes 80, noes 38.

So the House agreed that when it adjourns today, it adjourn to meet on Monday next.

Mr. DRUM. I send to the Clerk's desk a resolution, which I ask the unanimous consent of the House to introduce.

The resolution was read for information, as follows:

Resolved, That the several standing committees of the House having at this time in charge bills relating to private claims of whatsoever kind, be allowed to report the same respectively, by filing them with the Clerk, who will place them in their order upon the Calendar, and the same shall be printed.

Mr. JONES, of Tennessee. I call for the regular order of business.

Mr. DRUM. I hope the gentleman will withdraw his objection. We have our desks full of bills ready to report.

Mr. JONES. I am willing to set apart a time for making these reports in a legitimate manner, but I am not willing that they should be made in this wholesale manner.

Mr. DRUM. The gentleman will observe that this is only for those reports which are now ready to be made. It does not propose to change any rules.

Mr. JONES. Let them be made one at a time. I object.

Mr. LANCASTER. I ask the unanimous consent of the House to introduce one or two territorial bills for the purpose of having them referred.

There was no objection, and

Mr. LANCASTER introduced bills, which were read a first and second time by their titles, as follows, and referred as indicated:

A bill to establish the office of surveyor general in the Territory of Washington. Referred to the Committee on Public Lands.

A bill for the construction of military roads in the Territory of Washington. Referred to the Committee on the Territories.

THE DEFICIENCY BILL.

The SPEAKER stated the business first in order to be upon concurring with the Senate in the following amendment to the deficiency bill:

For payment to John Bozman Kerr, in addition to his salary and allowances as chargé d'affaires to Nicaragua, the amount of his expenses on the journey to San Salvador and Guatemala, and of his expenses at those capitals under his commissions to the Governments of those Republics, together with a full outfit as chargé d'affaires to the national representation of Central America.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a concurrence in the amendment.

Mr. PHELPS. I wish to know if the question cannot be taken directly upon concurring in the amendment? It seems to me we should save time by adopting such a course.

The SPEAKER. The question will be put in that form, if there be no objection.

Mr. JONES, of Tennessee. The yeas and nays were called upon that amendment.

The SPEAKER. The Chair has heard no call.

Mr. JONES. The yeas and nays were yesterday called upon every amendment which was not then disposed of.

The SPEAKER. The Chair hardly sees how the yeas and nays could be called upon propositions beforehand; but if that was the understanding, he will so regard it.

Mr. JONES. If there is any misunderstanding upon the subject, I call for the yeas and nays.

Mr. BAYLY, of Virginia. I hope the yeas and nays will be ordered. The amendment certainly ought to be adopted.

Mr. JONES. I think it ought not to be adopted. I ask for tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. TAYLOR, of Tennessee, and CLINGMAN, were appointed.

The House was divided upon ordering the yeas and nays; and the tellers reported twenty-seven in the affirmative, (more than one fifth of those present.)

So the yeas and nays were ordered.

The question was taken upon concurring; and decided in the affirmative—yeas 64, nays 61; as follows:

YEAS—Messrs. Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Banks, Benton, Bocoek, Chandler, Clingman, Cox, Cullom, Curtis, Thomas Davis, Dean, De Witt, Drum, Dunbar, Edmundson, Etheridge, Florence, Gamble, Green, Hamilton, Aaron Harlan, Hunt, Roland Jones, Kerr, Knox, Kurtz, Lamb, McNair, May, Middle-swarth, Millson, Morgan, Orr, Parker, Peckham Pennington, Puryear, Riddle, David Ritchie, Ruffin, Russell, Sapp, Shower, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Vansant, Walley, Ellihu B. Washburne, John Wentworth, Tappan Wentworth, Witte, and Yates—64.

NAYS—Messrs. James C. Allen, Barksdale, Barry, Belcher, Boyce, Breckinridge, Bridges, Caruthers, Chastain, Chrisman, Clark, Cobb, Cutting, John G. Davis, Dawson, Dowdell, Dunham, Eastman, Ellison, Flagler, Fuller, Giddings, Grow, Hendricks, Hill, Hillyer, Johnston, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Latham, Letcher, Lindsley, McCulloch, Maurice, Maxwell, Smith Miller, Morrison, Nichols, Norton, Andrew Oliver, Peck, Phelps, Powell, Pratt, Pringle, Shaw, Skelton, William Smith, William R. Smith, George W. Smyth, Snodgrass, Stratton, Straub, Tracy, Trout, Walsh, Wells, Wheeler, and Hendrick B. Wright—61.

So the amendment was agreed to.

Tenth amendment:

Page seven, after line one hundred and fifty-eight, insert the following:

For completing and keeping in order the grounds south of the President's House, \$9,770.

The SPEAKER. The Committee of the Whole recommend a concurrence in the amendment, with the following amendment to the amendment:

And for furnishing an additional number of settees in the President's and Capitol grounds, \$1,000.

Mr. WHEELER. I demand tellers upon the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

Mr. WHEELER. I demand tellers upon the adoption of the amendment.

Tellers were not ordered.

The question was then taken; and the amendment to the amendment was adopted—aye 70, noes 56.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed a bill of the House of the following title:

An act (No. 236) to organize the Territories of Nebraska and Kansas.

Also, that they had passed bills of the Senate of the following titles:

An act (No. 382) further to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved September 4, 1851.

A resolution (No. 16) manifesting the sense of Congress towards commander Edward Marshall, commanding her Britannic Majesty's ship Virago, and the officers and crew who were detached by his order for the relief of the surveying party under the command of Lieutenant J. G. Strain.]

The question then recurred on the tenth Senate amendment, as amended.

Mr. JONES, of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the affirmative—yeas 83, nays 59; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Thomas H. Bayly, Belcher, Bell, Bocoek, Boyce, Breckinridge, Bridges, Chandler, Clingman, Curtis, Cutting, Dawson, Dean, De Witt, Dowdell, Drum, Dunbar, Eddy, Edmunds, Thomas D. Eliot, Ellison, Everhart, Florence, Gamble, Giddings, Green, Hamilton, Aaron Harlan, Sampson W. Harris, Houston, Hunt, J. Glancy Jones, Roland Jones, Keitt, Kurtz, Lane, Latham, Macdonald, McDougall, McNair, Maxwell, May, Smith Miller, Milson, Orr, Peck, Peckham, Pennington, John Perkins, Phillips, Pratt, Preston, Richardson, Riddle, David Ritchie, Robbins, Seymour, Shannon, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John L. Taylor, Thurston, Upham, Vail, Vansant, Walley, Wells, John Wentworth, Tappan Wentworth, Westbrooke, and Hendrick B. Wright—83.

NAYS—Messrs. David J. Bailey, Ball, Barksdale, Barry, Caruthers, Chastain, Chrisman, Clark, Cobb, Cox, Cullom, John G. Davis, Thomas Davis, Dunham, Etheridge, Flagler, Haven, Hendricks, Henn, Hill, Hillyer, Johnson, Daniel T. Jones, George W. Jones, Knox, Lamb, Letcher, Lilly, Lindsley, McCulloch, Maurice, Middle-swarth, Morgan, Morrison, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Phelps, Powell, Pringle, Puryear, Thomas Ritchey, Ruffin, Russell, Sapp, Stratton, Andrew Stuart, Nathaniel G. Taylor, Tracy, Trout, Wade, Ellihu B. Washburne, Wheeler, Daniel B. Wright, and Yates—59.

So the Senate amendment was concurred in.

The Clerk next read the twenty-fourth Senate amendment, as follows:

For the transportation of Governor Stevens and his party, and for explorations made by him between the Mississippi river and the Pacific ocean, \$40,000.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence in the amendment.

Mr. LATHAM. I made the call for the yeas and nays yesterday, and, with the unanimous consent of the House, I now withdraw that call.

Mr. JONES, of Tennessee. I renew the call for the yeas and nays.

The yeas and nays were not ordered.

Mr. LATHAM. I demand tellers on the amendment.

Tellers were not ordered.

Mr. McDOUGALL. I would say to the House, that the friends of the amendment are willing that it should go to a committee of conference for correction.

The question was taken; and the amendment was not concurred in.

The twenty-fifth Senate amendment was next reported by the Clerk, as follows:

For continuing the works for bringing water into the city of Washington, \$500,000.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence in the amendment.

Mr. LETCHER demanded the yeas and nays; which were ordered.

The question was taken; and the amendment

was non-concurred in—yeas 47, nays 100; as follows:

YEAS—Messrs. Abercrombie, Thomas H. Bayly, Banks, Barry, Bell, Breckinridge, Chandler, Clingman, Cullom, Cutting, John G. Davis, Dawson, Dean, De Witt, Dunbar, Eddy, Edmunds, Edmundson, Thomas D. Eliot, Florence, Green, Hamilton, Wiley P. Harris, Hillyer, Hunt, Keitt, Macdonald, May, Morrison, Packer, Peckham, John Perkins, Phillips, Riddle, Russell, Sabin, William R. Smith, Alexander H. Stephens, John J. Taylor, John L. Taylor, Upham, Vansant, Walker, Walley, John Wentworth, Tappan Wentworth, and Westbrooke—47.

NAYS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barksdale, Belcher, Benton, Boyce, Campbell, Caruthers, Caskey, Chastain, Chrisman, Clark, Cobb, Colquitt, Cox, Curtis, Thomas Davis, Dowdell, Dunham, Eastman, Ellison, English, Etheridge, Everhart, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Haven, Hill, Houston, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Knox, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsley, Lindsley, McDougall, Maurice, Maxwell, Middle-swarth, John G. Miller, Smith Miller, Milson, Morgan, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Orr, Parker, Peck, Pennington, Bishop Perkins, Phelps, Powell, Pratt, Pringle, Puryear, Richardson, David Ritchie, Thomas Ritchey, Sapp, Seymour, Shannon, Shaw, Shower, Skelton, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Stratton, Straub, Nathaniel G. Taylor, Thurston, Tracy, Trout, Vail, Wade, Ellihu B. Washburne, Wells, Wheeler, Witte, Daniel B. Wright, Hendrick B. Wright, and Yates—100.

So the amendment was non-concurred in.

The thirty-sixth and thirty-seventh Senate amendments were next read by the Clerk, as follows:

For rent of paper warerom from the 1st of January to the 30th of June, 1854, at \$250 per annum, \$125.

For cartage of printing paper from warerom and office of the Superintendent of Public Printing to the printing offices, and labor, from the 1st January to the 30th of June, 1854, at \$550 per annum, \$275.

The SPEAKER. The Committee of the Whole on the state of the Union, recommend a non-concurrence in both amendments.

The question was taken; and both amendments were non-concurred in.

Fortieth amendment:

For completion of the bridge across the Potomac river at Little Falls, and painting thereof, \$75,000.

The Committee of the Whole on the state of the Union reported the following amendment to the amendment:

Provided, That the work shall be done, under the direction of the Secretary of the Interior, by competent civil engineers, and according to a plan, the whole cost of which, in no event, exceeds the sum now appropriated.

The question was taken on the amendment to the amendment; and it was agreed to.

Mr. BANKS. Mr. Speaker, I desire permission to correct a remark I made yesterday, in relation to the responsibility of the Government for the accident that occurred at this bridge.

Mr. JONES, of Tennessee. I object.

Mr. BARRY. I hope the gentleman from Massachusetts will be allowed to make the statement. He was led to do unintentional injustice in some remarks which he made, and he desires to correct it. It will take but a moment.

Mr. TRACY. I object.

The question now being on agreeing to the fortieth amendment of the Senate, as amended,

The yeas and nays were ordered thereon.

The question was then taken; and there were—yeas 44, nays 101; as follows:

YEAS—Messrs. Abercrombie, Aiken, Thomas H. Bayly, Ball, Banks, Bell, Bocoek, Bridges, Chandler, Chastain, Clingman, Colquitt, Cutting, Thomas Davis, Dawson, De Witt, Dunbar, Edmunds, Thomas D. Eliot, Farley, Goodrich, Green, Grey, Hunt, Lilly, Maxwell, Orr, Pennington, Powell, Preston, Riddle, Russell, Sabin, Seymour, William Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John L. Taylor, Thurston, Vail, Walker, Walley, and Yates—44.

NAYS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barksdale, Barry, Belcher, Boyce, Brooks, Campbell, Caruthers, Chrisman, Clark, Cobb, Cox, Cullom, John G. Davis, Dean, Disney, Dowdell, Dunham, Eastman, Eddy, John M. Elliott, Ellison, English, Etheridge, Flagler, Florence, Fuller, Gamble, Grow, Aaron Harlan, Haven, Hendricks, Hill, Hillyer, Houston, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kerr, Knox, Kurtz, Lamb, Lane, Latham, Letcher, Lindsley, Lindsley, McCulloch, McNair, Maurice, May, Mayall, Middle-swarth, John G. Miller, Smith Miller, Milson, Morgan, Morrison, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Bishop Perkins, John Perkins, Phelps, Pratt, Pringle, Puryear, Richardson, David Ritchie, Robbins, Sapp, Shannon, Shaw, Shower, Skelton, Gerrit Smith, Samuel A. Smith, George W. Smyth, Straub, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Tracy, Trout, Upham, Vansant, Wade, Walsh, Ellihu B. Washburne, Wells, Westbrooke, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—101.

So the amendment was disagreed to.

The forty-first amendment of the Senate was then read, as follows:

Page fourteen, line three hundred and twenty-eight, after the word "California" strike out "\$37,500," and insert in lieu thereof "\$42,000; and that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent."

The SPEAKER. The Committee of the Whole recommend a disagreement to this amendment.

Mr. LATHAM. I made a demand for the yeas and nays upon this amendment, but I withdrew it, and ask for tellers.

Tellers were not ordered.

The question was then taken upon the amendment; and it was disagreed to.

The forty-second amendment of the Senate was then read, as follows:

And the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issuing from said commission as are allowed to the sheriffs for serving similar processes by the higher courts of California; and the same mileage and per diem shall be made to witnesses as are allowed to witnesses by the State of California.

The SPEAKER. The Committee of the Whole recommend a non-concurrence with this amendment.

Mr. McDOUGALL. I withdraw the demand I made yesterday for the yeas and nays upon this amendment, and ask for tellers.

Mr. LETCHER. I renew the demand for the yeas and nays. I wish to see who will vote for this partial legislation.

The yeas and nays were not ordered.

Mr. McDOUGALL. I withdraw the demand for tellers.

The question was then taken on the amendment; and it was disagreed to.

The forty-fifth amendment of the Senate was then read, as follows:

Strike out from pages fourteen and fifteen the following: For compensation for the discharge of the United States consular duties at Constantinople, in conformity with the act of Congress approved August 11, 1848, \$3,594 50, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to such person or persons as may be entitled to the same, or any portion thereof.

The SPEAKER. The Committee of the Whole recommend a concurrence with this amendment.

The question was then taken; and the amendment was agreed to.

The forty-ninth amendment was then read, as follows:

Sec. 5. *And be it further enacted*, That the compensation of the special mail agent of the Post Office Department in California shall be \$5,000 per annum; such rate to take effect in virtue of this provision from July 1, 1853.

The SPEAKER. The Committee of the Whole recommend a disagreement to this amendment.

Mr. McDOUGALL. I withdraw the demand I made for the yeas and nays upon this amendment, and ask for tellers.

Mr. HAMILTON. I renew the demand for the yeas and nays.

The yeas and nays were not ordered.

Tellers were ordered; and Messrs. CUTTING and COX were appointed.

The question was taken; and the tellers reported—yeas 78, noes 53.

So the amendment was agreed to.

Mr. JONES, of Tennessee. Mr. Speaker, I move that the yeas and nays on this vote be entered on the Journal; and I ask the Speaker to have that provision of the Constitution read which authorizes that to be done by a vote of one fifth of the members present.

Mr. WHEELER. I move for a reconsideration of the vote just taken; and on that I call for the yeas and nays.

The SPEAKER. The gentleman from Tennessee [Mr. JONES] moves that the provision of the Constitution, in reference to spreading on the Journal the yeas and nays, be read. The Chair, in the mean time, and in advance, decides that the gentleman has no such right.

Mr. JONES. I hope, Mr. Speaker, that the provision referred to will be read.

Mr. DRUM. I object.

Mr. JONES, of Tennessee, then read the following clause of the Constitution:

"Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the Journal."

Mr. TAYLOR, of Ohio. But one fifth did not desire to have them entered.

Mr. JONES. I say the refusal at that time does not deprive a member of his right.

The SPEAKER. The Chair decides that a refusal to order the yeas and nays by one fifth does deprive a member of his right of having them entered on the Journal.

Mr. JONES. Then I appeal from that decision of the Chair.

Mr. ORR. Mr. Speaker—

The SPEAKER. The question must be taken without debate.

Mr. JONES. I call for the yeas and nays upon the appeal.

Mr. WHEELER. I rise to a question of privilege. I move to reconsider the vote last taken.

The SPEAKER. That motion will be entered, but it cannot be acted upon until the question upon the pending appeal is disposed of. The history of this matter is this: The yeas and nays were demanded by the gentleman from Tennessee, [Mr. JONES], and refused by the House. The gentleman repeats that demand, and says that under the Constitution he has the right to spread the yeas and nays upon the Journal.

Mr. BOGOCCK. How often has the gentleman the right to repeat that demand?

The SPEAKER. The Chair has not consulted the gentleman. Upon the appeal from the decision of the Chair the yeas and nays are demanded.

The yeas and nays were not ordered.

Mr. HAVEN. Did I understand the gentleman from New York [Mr. WHEELER] to move to reconsider the vote last taken?

Mr. WHEELER. I did make that motion.

Mr. HAVEN. Then I demand the yeas and nays upon the motion to reconsider.

The SPEAKER. The gentleman from New York made that demand, and it has been entered.

Mr. McDOUGALL. I move to lay the motion to reconsider upon the table.

The question then being "Shall the decision of the Chair stand as the judgment of the committee?" it was put; and decided in the affirmative.

So the decision of the Chair was sustained.

The SPEAKER. The gentleman from New York moved to reconsider the vote by which the amendment was adopted, and upon that proposition demanded the yeas and nays. The gentleman from California moves to lay the motion to reconsider upon the table.

Mr. BOGOCCK. Is it too late to inquire if the gentleman from New York voted in the affirmative?

The SPEAKER. The Chair presumes he did.

Mr. WHEELER. I did so vote for the purpose of moving to reconsider.

The yeas and nays were then ordered upon the motion to lay the motion to reconsider upon the table.

The question was then put; and decided in the affirmative—yeas 81, nays 74; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Banks, Barry, Bell, Benton, Bockock, Breckinridge, Brooks, Caruthers, Caskie, Chandler, Chastain, Chrisman, Clark, Colquitt, Cutting, Dawson, Dean, Disney, Dunham, Eastman, Eddy, Edmundson, John M. Eliot, Farley, Florence, Fuller, Gamble, Green, Henn, Houston, Hunt, Johnson, J. Glancy Jones, Roland Jones, Kerr, Kurtz, Latham, Lindsley, McDougall, McNair, May, John G. Miller, Smith Miller, Nichols, Norton, Olds, Mordecai Oliver, Orr, Parker, Peckham, Phillips, Powell, Pratt, Preston, Richardson, Riddle, Shannon, Shaw, Shower, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John J. Taylor, John L. Taylor, Vansant, Walker, Westbrook, Witte, and Hendrick B. Wright—81.

NAYS—Messrs. Belcher, Boyce, Bridges, Campbell, Cobb, Cox, Cullom, Cumming, Curtis, John G. Davis, Thomas Davis, Drum, Dunham, Edmonds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Flagler, Giddings, Goodrich, Grow, Hamilton, Aaron Harlan, Wiley P. Harris, Haven, Hendricks, Hill, Daniel T. Jones, George W. Jones, Knox, Lamb, Lane, Letcher, Lilly, McCulloch, Maurice, Mayall, Meacham, Middlesworth, Milson, Morgan, Morrison, Andrew Oliver, Peck, Pennington, Bishop Perkins, Phelps, Pringle, Puryear, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabine, Sapp, Skelton, Snodgrass, Stratton, Andrew Stuart, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Vail, Wade, Walley, Walsh, Ellihu B. Washburne, Wells, Tappan Wentworth, Wheeler, and Daniel B. Wright—74.

So the motion to reconsider was laid upon the table.

The fifty-first amendment was then read, as follows:

Sec. 7. *And be it further enacted*, That the portion of the seventh section of the act of 26th August, 1852, entitled "An act to provide for executing the public printing and establishing the prices thereof, and for other purposes," which provides "that when any documents shall be ordered to be printed by both Houses of Congress, the entire printing of such documents shall be done by the printer of that House which first ordered the same," is hereby repealed; and when there are different printers for the respective Houses, each shall do the printing which may hereafter be ordered by the House electing him; and so much of the printing for the Executive Departments and bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses.

Mr. HAVEN. Upon that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 33, nays 102; as follows:

YEAS—Messrs. Aiken, Ashe, Thomas H. Bayly, Bell, Bockock, Brooks, Caskie, Chandler, Colquitt, Cutting, Disney, Drum, Dunbar, Eastman, Edmundson, Grey, Hill, Keitt, Letcher, Maurice, Powell, Richardson, Riddle, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, John L. Taylor, Upham, Wells, Witte, and Daniel B. Wright—33.

NAYS—Messrs. Abramcrombie, James C. Allen, Willis Allen, David J. Bailey, Banks, Barksdale, Barry, Belcher, Benton, Bridges, Campbell, Caruthers, Chastain, Clark, Clingman, Cobb, Cullom, Cumming, Curtis, John G. Davis, Thomas Davis, Dean, Dunham, Eddy, Edmonds, Ellison, Etheridge, Everhart, Farley, Flagler, Florence, Goodrich, Green, Grow, Hamilton, Wiley P. Harris, Haven, Hendricks, Henn, Hillyer, Houston, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Knox, Kurtz, Lane, Latham, Lilly, Lindsley, McCulloch, Macdonald, McNair, Meacham, Middlesworth, John G. Miller, Smith Miller, Morgan, Morrison, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Parker, Peck, Pennington, Bishop Perkins, John Perkins, Phelps, Pratt, Pringle, Puryear, David Ritchie, Robbins, Rufin, Sabine, Sapp, Seymour, Shaw, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Stratton, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Vail, Vansant, Walley, Ellihu B. Washburne, Tappan Wentworth, Westbrook, and Hendrick B. Wright—102.

So the amendment was disagreed to.

The fifty-second amendment, in which the Committee of the Whole recommended a non-concurrence, was then read, as follows:

Sec. 8. *And be it further enacted*, That so much of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes," as provides for compensation to the Spanish consul and others for losses occasioned by violence at New Orleans and at Key West, in the year 1851, shall be so construed as to place Michael Pappenritza, a subject of Austria, on the same footing with subjects of Spain.

The question was taken; and the amendment was not agreed to.

The fifty-third amendment was then read, as follows:

Sec. 9. *And be it further enacted*, That for custom-houses and marine hospitals, and to complete the same, the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

For completing the custom house at St. Louis, Missouri, \$100,000;
For completing the custom house at Mobile, Alabama, \$65,000;
For completing the custom-house at Cincinnati, Ohio, \$40,000;
For completing the custom-house at Louisville, Kentucky, \$40,000;
For completing the custom-house at Bangor, Maine, \$20,000;
For completing the custom-house at Bath, Maine, \$20,000;
For completing the custom-house at Wilmington, Delaware, \$12,000;
For purchasing a site for a custom-house at Providence, Rhode Island, \$24,000;
For the purchase of a new site for the custom house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if, in his judgment, the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom house on the land reserved for said purpose, to the purchase of a building or buildings for a custom house and other public offices, and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom house;
For the erection of a custom-house at Portland, Maine, including rooms for the United States court, and for a post office, \$200,000;
To complete the marine hospital at Cleveland, Ohio, \$25,000;
To complete the marine hospital at St. Louis, Missouri, \$10,000;
To complete the marine hospital at Chicago, Illinois, \$8,000;
To complete the marine hospital at Louisville, Kentucky, \$12,500;
To complete the marine hospital at Paducah, Kentucky, \$5,000;

To complete the marine hospital at Evansville, Indiana, \$2,000;

To complete the marine hospital at San Francisco, California, \$4,400; and to construct a marine hospital at Burlington, Iowa, \$15,000.

Mr. PECK. Upon that amendment I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and decided in the negative—yeas 40, nays 104; as follows:

YEAS—Messrs. Bell, Benton, Thomas Davis, De Witt, Disney, Dunbar, Edmonds, Thomas D. Eliot, Ellison, Everhart, Farley, Florence, Giddings, Goodrich, Green, Aaron Harlan, Henn, Hill, Hunt, Johnson, Latham, Lindley, Lindsley, Macdonald, Smith Miller, Phillips, Preston, Riddle, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, John L. Taylor, Thurston, Upham, Wade, Walley, John Wentworth, and Tappan Wentworth—40.

NAYS—Messrs. James C. Allen, Willis Allen, Ashe, David J. Bailey, Banks, Barksdale, Barry, Belcher, Boycock, Boyce, Bridges, Campbell, Chastain, Chrisman, Clark, Clingman, Cobb, Colquitt, Cullom, Curtis, Cutting, John G. Davis, Dawson, Dean, Drum, Dunham, Eastman, Eddy, Edmundson, Etheridge, Flagler, Gamble, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Haven, Hendricks, Hillyer, Houston, Hughes, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Knox, Lamb, Lane, Letcher, Lilly, McCulloch, McNair, Maurice, Maxwell, May, Mayall, Middlesworth, Millson, Morrison, Nichols, Norton, Olds, Andrew Oliver, Orr, Parker, Peck, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Powell, Pringle, Puryear, Richardson, David Ritchie, Robbins, Ruffin, Russell, Sapp, Seymour, Shaw, Shower, Skelton, William Smith, George W. Smyth, Snodgrass, Stratton, Straub, John J. Taylor, Nathaniel G. Taylor, Tracy, Trost, Vail, Vansant, Walsh, Elihu B. Washburne, Wells, Westbrook, Witte, Daniel B. Wright, and Hendrick B. Wright—104.

So the amendment was not agreed to.

Immediately after the commencement of the call of the yeas and nays,

Mr. BENTON addressed the Chair, and said: I believe this is a vote upon the custom-house amendment?

The SPEAKER. It is.

Mr. BENTON. Then I desire a separate vote upon each appropriation.

The SPEAKER. It is questionable whether an amendment, coming to the House as a whole, is divisible. However that may be, it is too late to make the request, a response having been made to the call of the yeas and nays.

Mr. PRATT, pending the call, gave notice that he had paired off with Mr. HARRISON of Ohio, upon several questions, of which this was one; and that otherwise he should have voted in the negative.

Mr. HOUSTON. I rise to a privileged motion. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was taken upon the latter motion; and it was agreed to.

So all the amendments were disposed of.

SECRETARY'S REPORT ON BANKS.

Mr. STANTON, of Kentucky. I now offer the resolution which I desired to offer this morning.

The resolution was read, as follows:

Resolved, That one thousand five hundred extra copies of the annual report of the Secretary of the Treasury on the condition of the banks of the United States, communicated to the House of Representatives on the 11th instant, be printed for the use of the Treasury Department.

Mr. STANTON. I move to put the resolution upon its passage.

Mr. JONES, of Tennessee. I would ask the gentleman if the Secretary of the Treasury could not order it to be printed? This House has ordered it to be printed. The form is already up, and an appropriation is made every year to pay the expenses of printing for the Executive Department. I ask the gentleman whether the Secretary could not order the report to be printed, without coming here and having it ordered to be done by the House?

Mr. STANTON. The Secretary of the Treasury addressed a note to the Superintendent of Public Printing, requesting that this document should be published by him for the use of the Treasury Department. The Superintendent and the Committee on Printing thought that the Superintendent himself had no power to authorize a document of this kind to be printed for the use of this Department, or for any other Department; hence the necessity of referring the matter to the House. He had no right to order the republication of a document which has been ordered to be published by Congress. If he had, he could republish the President's message, or the Patent

Office report, or any other document which this House has previously ordered to be printed.

Mr. JONES, of Tennessee. I would inquire of the gentleman if he knows whether the forms for the printing of this document have been distributed or not; or whether it has been so long since we ordered it to be printed that we shall be obliged to pay again for its composition?

Mr. STANTON. You will not have to pay for its composition; for three weeks have not elapsed since the House ordered it to be printed. If ordered to be printed to-day, but one composition will have to be paid for.

Mr. JONES. Then I propose to modify the resolution by inserting a proviso, as follows:

Provided, That it shall not cost for second composition.

Mr. STANTON. There is no necessity for that, because the law now provides for the same thing.

Mr. LETCHER. I should like to know what particular necessity there is for having these fifteen hundred copies printed for the use of the Treasury Department? If there is no necessity for it, and the Treasury Department have authority to print their own documents, I do not think it is our business to supply them. What do they want them for?

Mr. ORR. I suppose for distribution.

Mr. LETCHER. Well, sir, I do not think it is our business to authorize the printing of these extra numbers for that purpose. I am opposed to it. If the law does not authorize them to do it at the Department, let it not be done.

I move that the House do now adjourn.

The question was put; and the motion agreed to; and thereupon,

At three o'clock, p. m., the House adjourned until Monday next, at twelve, m.

IN SENATE.

MONDAY, May 29, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a report from the Secretary of State, in answer to a resolution of the Senate of the 9th instant, directing him to furnish the Senate with a communication from H. S. Sanford, late chargé d'affaires at Paris, on the different systems of penal codes in Europe; and also a report on the administration changes in France since the revolution of 1848; which was read, and ordered to be printed.

A motion by Mr. JONES, of Tennessee, that one thousand additional copies of the message and documents be printed, was referred to the Committee on Printing.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented the memorial of A. S. Robinson, cashier of the bank of the State of Missouri, at St. Louis, praying the payment of a balance due to that bank for advances for the use of certain companies of Missouri volunteers called into service during the late war with Mexico; which was referred to the Committee on Military Affairs.

Mr. BADGER presented a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to secure to American citizens of every creed, their civil and religious rights while in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. BROWN presented a memorial of citizens of De Soto county, Mississippi, praying a repeal or suspension of the duty on railroad iron; which was ordered to lie on the table.

Mr. MASON presented a petition of inhabitants of the town of Wheatland, Virginia, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAY presented the petition of Sarah Griffin, praying compensation for the services of her father, Colonel James Williams, and the destruction of property during the revolutionary war; which was referred to the Committee on Pensions.

Mr. FITZPATRICK presented the memorial of the heirs and legal representatives of William Turvin, praying permission to enter, on any of the public lands subject to private entry, a quantity of land equal in value to certain lands claimed by them under a Spanish grant, and sold as Government lands; which was referred to the Committee on Private Land Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. MASON. The Committee on Foreign Relations, to whom was referred the memorial of John Randolph Clay, Minister of the United States at Peru, on the subject of affording relief to destitute citizens of the United States in foreign countries, have directed me to submit a report on the subject, accompanied by a bill "making provisions for the relief of destitute citizens of the United States in foreign countries."

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. MASON. The same committee, to whom was referred the memorial of G. M. Farnham, commercial agent of the United States at Port Lewis and the Mauritius, have directed me to make a report, accompanied by a bill to authorize the payment of his drafts. I desire to say to the Senate that these reports and bills were prepared by the Senator from Massachusetts, [Mr. EVERETT], who, I am very much concerned to say, has informed me that in consequence of the condition of his health, fears he cannot resume his place in the Senate. He was instructed by the Committee on Foreign Relations to report a bill in each of these cases, and I have taken his place by request. I must take occasion to express my own sincere regret at the loss of that very distinguished Senator, and I am sure I express in this the common sense of the Senate—I certainly do of his colleagues on the Committee on Foreign Relations.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the memorial of Francis A. Gibbons and F. X. Kelly, praying payment of their claim for the erection of certain light-houses on the Pacific coast, submitted a report thereon; which was ordered to be printed.

ADJOURNMENT SINE DIE.

Mr. GWIN submitted the following resolution for consideration, which he said he would call up to-morrow:

Resolved, (the House concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses *sine die* on Monday, the 3d of July next, at twelve o'clock, m.

NEBRASKA AND KANSAS.

Mr. ADAMS. I desire to say, Mr. President, that if I had been present on the night on which the Kansas and Nebraska bill was passed; I should have voted in favor of its passage. I did not expect that a final vote would be taken on it then; and the state of my health would not have justified me, unless I had deemed it indispensably necessary to remain up during the night, in consequence of which, knowing that the friends of the bill had a majority, I retired from the Senate. If I had been present, I should have voted for its passage.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the bill to organize the Territories of Nebraska and Kansas.

The PRESIDENT *pro tempore* thereupon signed the above named bill.

PERSONAL EXPLANATION.

Mr. BADGER. I desire to seize this opportunity to make an explanation in justice to my two friends from Pennsylvania, [Mr. BRODHEAD and Mr. COOPER.] It will be recollected by the Senate that some time ago, when we had under consideration the bill allowing a credit for a limited period for the payment of duties on railroad iron imported into the United States, in answer to an application made that the bill should be postponed until the two Senators from Pennsylvania should be present, I made jocosely a remark to the effect that I could hardly agree to the application; for it might be equivalent to an indefinite postponement.

It was suggested to me immediately afterwards, and I saw the propriety of it, that the remark was calculated to be misunderstood. I at once

requested that it should be left out of the official report of the proceedings; but, sir, it has got into the newspapers, and I have been excessively mortified to see that it has been quoted over and over again in the Pennsylvania papers, as if it had been intended to convey some serious reflection on those gentlemen as being causelessly absent, or otherwise inattentive to the public business, especially business in which their State is concerned. I have felt mortified that a joke (a poor joke it was) uttered by me at the time without any ill intention, should have been used for a purpose so far from my mind, and so exceedingly unjust to those gentlemen. I expressed to both the gentlemen at an early moment my exceeding regret for my indiscretion, and I have been looking for a convenient and proper time to make this statement in the Senate. It was very far from my thoughts to make any reflection on the gentlemen, and I am very far from believing that either of them is ever causelessly absent from the performance of his duties here, or negligent, or otherwise inattentive to them. I very sincerely regret that I ever made a remark capable of being used in an ill sense to either of them. I hope my honorable friends will accept this statement as the best reparation in my power, and pardon me for the remark which made this statement necessary.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the House bill "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1855."

Mr. HUNTER. The bill is open to amendment. If there be no proposition to amend the bill, the question is on ordering it to be read a third time.

Mr. WALKER. I had an amendment which I designed to offer. It was what is known as the Menomonee claim. But I am informed by the chairman of the committee, that he has received information from the Commissioner of Indian Affairs, that a treaty has lately been made with that tribe of Indians, in which some arrangement of this matter, or an arrangement of it to some extent, has been made. Not knowing to what extent the treaty goes, I shall, and the committee will also be, unable to give the necessary information to the Senate, to enable it to judge how far it could go, and yet not do injustice either to the Government or to the Indians. On this account, I shall, for the present, and upon this bill, withhold the amendment until we can see the treaty.

Mr. BROWN. I have the following amendment to propose from the Committee on Indian Affairs, as an additional section to the bill:

Sec. — And be it further enacted, That the Secretary of the Interior be authorized and required to investigate the claim of the Brotherton tribe of Indians against the United States, and report the facts to Congress at its next session, or earlier if practicable, together with a statement of such amount as may be found justly due to said Indians.

The amendment was agreed to.

Mr. BROWN. I now return the memorial of this tribe of Indians, and ask that the Committee on Indian Affairs be discharged from its further consideration, and that the Secretary of the Senate be instructed to transmit it to the Secretary of the Interior.

The motion was agreed to.

Mr. SEBASTIAN. Since the last discussion of this bill I have received from the Department of the Interior several estimates; and I have some amendments to propose in conformity with them. The first amendment from the Committee on Indian Affairs is to insert:

For payment of A. V. Brown and others, Chickasaw traders, for ransom of George W. and Meredith Wilson from the Caniache Indians, and to reward the services of persons engaged in that service, ——— dollars.

Mr. HUNTER. This is a private claim, as I understand it. There is no law and no treaty to authorize it, I believe.

Mr. SEBASTIAN. It is recommended by the Department.

Mr. BROWN. It ought to go into the bill.

Mr. RUSK. Certainly; it ought by all means.

The PRESIDENT. The Chair would call the attention of the Senator from Arkansas to the fact that there is a blank in the amendment.

Mr. SEBASTIAN. The sum of \$1,000 is

suggested by the committee as appropriate for the purpose of filling the blank.

The blank was so filled; and the amendment was agreed to.

Mr. SEBASTIAN. I am also instructed by the Committee on Indian Affairs to offer the following amendment, which is in pursuance of the estimates:

To enable the President to negotiate a treaty with the Indians in Michigan, \$10,000.

The object of this amendment is to place a fund of \$10,000 in the hands of the President, to enable him to treat with the Chippewa Indians, in Michigan, of whom there are some seven or eight thousand. We have a treaty with them which will expire in two years, when there will be suddenly thrown into their hands about a quarter of a million of dollars. It is very desirable that that fund shall be diverted from disposition among them, for the purpose of securing them a permanent home. For this purpose it will be necessary to make a new treaty with them.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment of the committee is to insert:

For salary of five Indian agents of the second class, according to existing laws, at the rate of \$1,500 per annum, inure, \$2,500.

The object of that amendment I will explain. By the act of 1851, reorganizing the Indian department, there were two classes of Indian agents allowed. The first class were to receive a salary of \$1,500, and the second class \$1,000. Five of the six agents were located in the proposed Territories of Nebraska and Kansas. In consequence of treaties lately made with all those Indians, the class of duties imposed on those agents, as I am advised by the department, is such as pertain to the duties of first class agencies. It is proposed, therefore, to put their salary on the same footing as their duties.

The amendment was agreed to.

Mr. SEBASTIAN. I have one other amendment. The last day, when this bill was under consideration, we rejected a proposition to give clerks to the superintendents of Indian affairs in Washington and New Mexico Territories. The committee have since had that subject under consideration. The result of their deliberations was that they were unanimously satisfied that there was a great necessity for allowing clerks in those two particular superintendencies. The reason of it is briefly this: Where the duties of superintendent and Executive are united, as in the persons at present incumbents of the office of Governor in these two Territories, it is obvious to every man that it is impossible for them, of themselves, to discharge the duties as they ought to be done without that clerical assistance which seems to be denied by existing laws. We propose to allow to the clerk in Washington Territory \$1,800, and in New Mexico \$1,000. The difference in the salaries arises out of the difference in the circumstances in each case. The services can be obtained for a much less amount in the one Territory than in the other, and that accounts for the difference between the salaries recommended.

The amendment was agreed to.

The amendments were then ordered to be engrossed, and the bill to be read a third time. The bill was read a third time and passed.

On motion by Mr. HUNTER, its title was amended by adding "and for other purposes."

DEFICIENCY BILL.

A message was received from the House of Representatives by Mr. McKean, its Chief Clerk.

Mr. PRESIDENT: I am directed to convey to the Senate, with the action of the House of Representatives on the amendments of the Senate thereto, the bill of the House to supply deficiencies in the appropriations for the service of the fiscal year, ending June 30, 1854.

Mr. HUNTER. I ask, by unanimous consent, that that bill be taken up for consideration now.

There being no objection, the Senate proceeded to consider the bill.

Mr. HUNTER. I move that the Senate insist on its amendments disagreed to by the House of Representatives, disagree to the amendments of the House to the amendments of the Senate, and ask for a conference on the disagreeing votes of the two Houses.

Mr. ADAMS. I hope not.

Mr. SLIDELL. I hope we shall not insist on all our amendments.

Mr. HUNTER. We had better have a committee of conference at once. That is the usual course.

The PRESIDENT put the question on Mr. HUNTER's motion; but it was found there was not a quorum voting.

Mr. STUART. I hope the Senator from Virginia will allow these amendments to be read. I do not know that I have objection to insisting on any of them, except one. There is one amendment, about which I said something when it was under the consideration of the Senate, and that is respecting the public printing. I think the Senate had better recede from them now.

Mr. JOHNSON. I have no doubt that there is a quorum present. I did not vote when the question was up, and I saw a number of others who did not vote on either side. I would suggest, therefore, that there be a recount. As to the mere matter of insisting or non-insisting upon every particular amendment, I suppose no gentleman is committed to that by the proposed motion. It seems to me, however, that the proposition of the Senator from Virginia is entirely proper. That course evidently saves time. A great many of these amendments will be conceded at once by the Senate committee of conference. As the course suggested by the motion of the Senator from Virginia saves time, and as it has been the usual practice of the Senate, I hope the motion will be agreed to. I ask for a recount.

Mr. ADAMS. The only reason why I objected to a committee of conference is, that I, as an individual, approve of every amendment made by the House of Representatives, and am willing to recede from every amendment made by the Senate which the House have not agreed to. If a majority should concur with me in opinion, as the amendments are read they can be disposed of, and there will be no necessity for any committee of conference.

Mr. PETTIT. If I understand this is the bill upon which we put the appropriation of \$500,000 for the water-works in this city, and the House has refused to concur in that amendment.

Mr. GWIN. And various others.

Mr. PETTIT. For one, then, I shall not vote to insist upon our amendments, for I am *toto calo* against that amendment. I will therefore vote against the motion of the Senator from Virginia.

Mr. HUNTER. I would simply refer to the past practice of the Senate. We have found that we can dispose of appropriation bills more readily and more conveniently by raising committees of conference at once instead of attempting to debate each particular amendment in the Senate. Imagine the points of difference will be arranged by the committee in a manner which will probably be satisfactory here. If not, the Senate can reject the report of the committee of conference.

Mr. STUART. Does not a motion to recede from that amendment take precedence of the motion of the Senator from Virginia?

The PRESIDENT. Such is the opinion of the Chair.

Mr. STUART. Then I submit the motion that the Senate recede from that amendment.

The PRESIDENT. The Chair will suggest the propriety of reading the amendments which have been disagreed to by the House, and then a vote can be taken on each proposition separately, if necessary.

Mr. STUART. That is the course I suggested at first.

The PRESIDENT. If there be no objection that course will be pursued.

Mr. JOHNSON. I object, if it is in the power of one member to do so.

Mr. BRODHEAD. It is unnecessary to read all the amendments.

Mr. WALKER. Has not any one Senator a right to demand that they be read?

The PRESIDENT. Certainly, any Senator has a right to demand it.

Mr. WALKER. Then I call for the reading of the amendments.

The Secretary read the first amendment which the House had amended, which was the fourth amendment of the Senate.

The House agreed to this amendment, which was to pay Thomas M. Johnson for his services as marshal at the port of Shanghai, with an amendment reducing the amount of the appropriation from \$1,798 91 to \$1,781 74.

Mr. ADAMS. If it be in order, I now move that the Senate concur in this amendment of the House to our fourth amendment.

Mr. HUNTER. I think all the amendments ought to be read before we take the question on any of them, and then the Senate can determine whether to pass upon all together or separately.

The PRESIDENT. The amendment is with the Senate to act upon.

Mr. GWIN. Can any one Senator force the question to be taken on a particular amendment?

The PRESIDENT. Any one Senator can demand that the amendment be read.

Mr. GWIN. I hope Senators will single out such as they wish read. It will take an hour to go through all of them.

Mr. WALKER. It will be an hour well spent. Mr. GWIN. I think not.

The PRESIDENT. The Chair is informed that it will take but a short time to read the amendments. The Secretary will proceed.

The House concurred in the following amendments with amendments:

No. 10, which was to insert the following:

For completing and keeping in order the grounds south of the President's House, \$9,770.

The amendment of the House was to add:

For furnishing an additional number of iron settees for the President's and Capitol grounds, \$1,000.

No. 38, which was to insert after the appropriation of \$50,000 for arrearages incurred in running the boundary line between the United States and Mexico, the following:

And the limitations imposed by the provisions contained in the act of 15th May, 1850, entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1850;" and the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," be, and the same are hereby, repealed.

The amendment of the House was to strike it all out, and insert:

And that the period limited for the appointment of commissioner, surveyor, and chief astronomer, by the act of May, 1850, shall be, and the same is hereby, extended to the 30th of June, 1855.

No. 39, which was to insert:

For engraving maps, views, sections, and natural history of the survey of the boundary between the United States and Mexico, \$10,000; to be expended under the direction of the Secretary of the Interior.

The amendment of the House was to add:

For wood cuts purchased by the Commissioner of Patents for illustrating the mechanical part of the Patent Office report of 1853-4, ordered by the House of Representatives, \$1,500.

No. 43, which was to insert:

That the Secretary of the Interior be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa for expenses of the United States district court which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that, prior to said time, the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same.

The amendment of the House was in the form of a substitute, as follows:

That the First Comptroller of the Treasury be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa, for expenses of the United States district court, which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that, prior to said time, the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated 19th of December, 1843, as construed in the report of said First Comptroller to the Secretary of the Interior, under date of 13th of October, 1853, in reference to said subject, should have been paid by the marshal of the United States for said Territory, he is directed to audit and settle the same.

No. 46, which was to insert:

Sec. 2. And be it further enacted, That all books, papers, documents, and records, in the Department of the Interior, may be copied and certified, under the seal of that Department, (which is hereby recognized as legal,) in the same manner as those in the other Executive Departments may now by law be, and with the same force and effect.

The amendment of the House was to add:

And in all cases where a seal is necessary by law to any commission, process, or other instrument, provided for by the law of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which the seal is necessary; which shall be as valid as if made upon wax or other substance.

No. 50, which was to insert as follows:

Sec. 6. And be it further enacted, That from and after the passage of this act, there shall be, in addition to the

clerks authorized by the third section of the act of March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," in the office of the Register of the Treasury, three clerks of class four, to include the clerk now authorized to take charge of the redemption of stocks; and in the office of the Commissioner of Pensions five clerks of class two, and fifteen clerks of class three; and said clerks shall be paid, according to the provisions of said section, out of any money in the Treasury not otherwise appropriated.

The amendments of the House were to strike out

—to include the clerk now authorized to take charge of the redemption of stocks,

—to insert after the words "Register of the Treasury,"

—"in lieu of the temporary clerks now employed therein,"

—and to insert after the word "section" the words

—"until the 30th of June, 1854."

The House non-concurred in the following.

No. 11, which was to insert:

For iron flagging in front of the old portion of the Patent Office Building, and altering windows and private stairway, \$5,730.

No. 12, which was to insert:

For altering streets and repaving in front of the east wing of the Patent Office Building, iron railing and flagging, and painting new saloon, \$14,250.

No. 14, which was to insert:

For completing the improvement of Pennsylvania avenue from Seventeenth to Twenty-sixth street west, \$9,000: Provided, That all appropriations herein made for repairs and improvements of the public buildings or grounds within the District of Columbia, shall be expended under the direction of the Secretary of the Interior.

No. 20, which was to insert:

For the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848, and for such allowances for the expense of adjusting the claims on that account as the Secretary of the Treasury may deem proper, \$75,000. But the said claims and accounts shall be settled and adjusted, at such place, and in such manner, as the Secretary of the Treasury may prescribe; and no claims shall hereafter be allowed on account of this war which are not presented within the next fiscal year.

No. 24, which was to insert:

For the transportation of Governor Stevens and his party, and for explorations made by him between the Mississippi river and the Pacific ocean, \$40,000.

No. 25, which was to insert:

For continuing the works for bringing water into the city of Washington, \$500,000.

No. 26, which was to insert:

For the payment of Richard H. Weightman, for mileage and per diem compensation as an agent claiming to be a Senator elect from New Mexico, \$2,464.

No. 36, which was to insert:

For rent of paper wareroom from the 1st of January to 30th of June, 1854, at \$250 per annum, \$125.

No. 37, which was to insert:

For cartage of printing paper from wareroom and office of the Superintendent of Public Printing to the printing offices, and labor, from the 1st of January to the 30th of June, 1854, at \$350 per annum, \$275.

No. 40, which was to insert:

For the completion of the bridge across the Potomac river at Little Falls, and painting thereof, agreeably to the plan adopted under the direction of the President of the United States, \$75,000.

Nos. 41 and 42, which were to amend the clause

For salaries and incidental expenses of the commission appointed under the act of March 3, 1851, for settling land claims in California, \$37,500,

—by striking out \$37,500 and inserting \$42,500, and by adding:

And that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent; and the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issuing from said commission as are allowed to the sheriffs for serving similar processes by the higher courts of California; and the same mileage and per diem shall be made to witnesses as are allowed to witnesses by the State of California.

No. 48, which was to add:

Sec. 4. And be it further enacted, That before any payment shall hereafter be made to any invalid pensioner whose name shall have been upon the pension list two years, he shall produce to the agents for paying pensions, to whom he shall apply for payment, the affidavit of two surgeons or physicians, satisfactory to the Secretary of the Interior, stating, from personal examination, the continuance of the disability, describing it, for which the pension was originally granted, and the rate of such disability at the time of making such affidavit, blank forms of which shall be furnished by the Commissioner of Pensions to agents for paying pensions, for the use of pensioners; and if in said affidavit the disability shall be stated at a rate below that

for which the pension was originally granted, he shall only be paid at the rate stated in said affidavit. Said affidavit shall be filed by said agents, and carefully preserved, and copies thereof shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of said pensioner, respectively: Provided, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of a limb or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required.

No. 51, which was to add:

Sec. 7. And be it further enacted, That the portion of the seventh section of the act of the 28th of August, 1852, entitled "An act to provide for executing the public printing and establishing the prices thereof, and for other purposes," which provides "that when any documents shall be ordered to be printed by both Houses of Congress, the entire printing of such documents shall be done by the printer of that House which first ordered the same," is hereby repealed; and when there are different printers for the respective Houses, each shall do the printing which may hereafter be ordered by the House electing him; and so much of the printing for the Executive Departments and bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses.

No. 52, which was to add:

Sec. 8. And be it further enacted, That so much of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes," as provides for compensation to the Spanish Consul and others for losses occasioned by violence at New Orleans, and at Key West, in the year 1851, shall be so construed as to place Michael Pappenzita, a subject of Austria, on the same footing with the subjects of Spain.

No. 53, which was to add:

Sec. 9. And be it further enacted, That, for custom-houses and marine hospitals, and to complete the same, the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

For completing the custom-house at St. Louis, Missouri, \$100,000;

For completing the custom-house at Mobile, Alabama, \$65,000;

For completing the custom-house at Cincinnati, Ohio, \$40,000;

For completing the custom-house at Louisville, Kentucky, \$40,000;

For completing the custom-house at Bangor, Maine, \$20,000;

For completing the custom-house at Bath, Maine, \$20,000;

For completing the custom-house at Wilmington, Delaware, \$12,000;

For purchasing a site for a custom-house at Providence, Rhode Island, \$34,000;

For the purchase of a new site for the custom-house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if, in his judgment, the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom-house on the land reserved for said purpose, to the purchase of a building or buildings for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house;

For the erection of a custom house at Portland, Maine, including rooms for the United States court, and for a post office, \$200,000;

To complete the marine hospital at Cleveland, Ohio, \$25,000;

To complete the marine hospital at St. Louis, Missouri, \$10,000;

To complete the marine hospital at Chicago, Illinois, \$8,000;

To complete the marine hospital at Louisville, Kentucky, \$13,500;

To complete the marine hospital at Paducah, Kentucky, \$5,000;

To complete the marine hospital at Evansville, Indiana, \$2,000;

To complete the marine hospital at San Francisco, California, \$44,000; and to construct a marine hospital at Burlington, Iowa, \$15,000.

Amend the title by adding at the end thereof—and for other purposes.

Mr. PETTIT. If it be in order, I will move that the Senate concur in the action of the House on our amendment appropriating \$500,000 for the water-works in this city.

The PRESIDENT. Then the motion will be that the Senate recede from that amendment.

Mr. HUNTER. If we intend to insist upon anything, the usual course is to insist upon all, and arrange the whole by a compromise, through a committee of conference. If we do not intend to insist upon anything, but concur in the action of the House, that motion might perhaps be proper enough. But, sir, I would suggest to the Senator from Indiana, that while some of us would be willing to give up the water-works if other things were also given up, we might not be willing to give up that appropriation if other things should be insisted upon. I, for one, am not dis-

posed to insist upon the amendments in relation to the water-works and the custom-houses. I am willing to get rid of them all; but I am not disposed to act upon them separately. I think the matter had better be arranged through a committee of conference, so that we may have a general view of all the amendments. I suggest that to the Senator from Indiana.

Mr. PETTIT. I suppose after the bill goes to a committee of conference, and they agree upon their recommendation, the two Houses will almost take their report and adopt it; and if this should come back, the House committee receding from their non-concurrence in the amendment, we should almost feel bound to take that amendment. I should not be satisfied with that. I believe, indeed, I would rather, under existing circumstances, and just at this time particularly—I need not name why—lose the bill than pass this appropriation.

Mr. MASON. The course of the Senate has certainly been, so far as I know, when the two Houses differ upon a proposition, to have a committee of conference. This appropriation was made by the Senate. The House has rejected it. It is to be presumed that the Senate voted the appropriation for reasons which will induce them to adhere to it, unless they find it may be a matter of expediency and propriety upon their part to adjust them by the course which is usual, namely: through a committee of conference. That committee of conference between the two Houses, we know very well, represent, as far as they understand it, the disposition of the two Houses to accommodate the difference, by yielding certain amendments, and insisting on others; and they recommend accordingly. Whatever report they may agree upon, may be adopted by the respective bodies; but it is not incumbent upon them.

In reference to this appropriation for the water-works, I was one of those who thought that economy in the expenditure of the public money would be subserved by making the appropriation now. Other gentlemen thought differently. I presume it will be found, if the House makes really a point about it, the committee will recommend receding from it, and endeavor to obtain it on some other appropriation bill. If we take up the amendments one by one, and take some and disregard others, in the way proposed by the Senator from Indiana, I think it will not be expediting the great object of bringing the bill to a conclusion.

Mr. PETTIT. If the Senator will allow me, I will withdraw the motion. It will be still in our hands to reject the report of the committee of conference.

Mr. ADAMS. If it be in order, I move that the Senate recede from all the amendments to which the House has disagreed, so as to get a general vote.

Mr. DAWSON. I hope the motion will not prevail. We have commenced the construction of these water-works, and it will be unjust to ourselves to stop them. It will, undoubtedly, be a saving of the public money to make the appropriation now. I cannot see why we should hesitate. I took occasion, on Saturday, to view the work; to see its magnitude and its character; and the work which has been done would be a mere monument if we stop now—to say the least of it—of the indiscretion of this body. Why, sir, look at it. An American who feels pride in the character of his country would be greatly gratified to see this work accomplished. As it has gone so far, I do not think, if this body would visit it that it would hesitate to carry it on. When we consider the amount of property belonging to the Union; when we consider, Mr. President, the structures which we have already erected in this city, and those which are now going on, and the necessity of water for their protection, as well as for the convenience and comfort of those who carry on the machinery of the Government, I cannot, for one, consent by any act of mine, to suspend this great work. If we stop to-day, what are we to do? The brick work, and all kinds of masonry, will be subject to inundation and to destruction; and if we ever undertake hereafter to carry the work through, the appropriation which has already been made will have been in vain, and the expense will be much increased. If the appropriation proposed be too high, cut it down to \$250,000, or any other amount which may be thought proper to carry the work forward. Why, we might as well stop the erection of the two

wings of our Capitol, and leave all that has been done to go to ruin. We must have water in the city. We all know it, and it is the duty of every patriot, while our Treasury is full, to ornament this city, to give it all the interest we can in the feelings of every one throughout the country, and make them proud of their national capital. By doing that, sir, we are strengthening the ligaments that bind the whole together. I fear that the intimation now is, that there is no telling how long the seat of Government will be here; whether it will not be changed, or whether other circumstances will not render it necessary to remove it. That is an idea which, I am sure, ought not to be indulged by any patriot for a moment. Then, the country asks, why stop the internal improvements at this period, while our Treasury is full? The character of the nation, the security of the public property, the health and prosperity of the city, and the health of the Representatives in Congress, and of the officers of the Government, are intimately connected with this work.

I did not wish to say anything upon this subject, but I consider this a vastly important work. Why should we stop it now? There are more than one hundred and fifty hands now engaged, and we have already expended more than \$100,000 upon it. If you withdraw the work for one winter, the cold will destroy the whole that has been done. All the machines, all the materials, all the instrumentalities which are necessary to carry it on, have already been purchased, and are there; and if the appropriation is refused all will be lost. I hope, instead of agreeing to the motion of the Senator from Mississippi, and thus at once yield up the amendment, we shall at least permit it to be discussed by a committee of conference. I hope, therefore, the Senator will withdraw his motion to recede from all the amendments rejected by the House, and that then a committee of conference will be appointed to consider the subject; and when they have reported to us, we can determine whether we will insist upon our amendment or not.

Mr. CLAYTON. I concur with the Senator from Georgia. If the question were a new one, whether we should make an appropriation to commence this work, it would be a different question; but we have begun it, and I am for going through with it according to the plan on which it has been commenced. Sir, I would have this city looked upon as a monument erected to Washington. I am for improving it; I am for improving it because our countrymen regard it as a sort of common property, and are proud of it. I would do nothing to diminish the feeling which exists in all parts of the country, in regard to it, but do all I can to increase it; so that when an American, from any part of the Union, comes here and sees the buildings which are in course of construction, and sees what has been done, and what is contemplated to be done, his bosom may swell with pride and pleasure. He does not look upon it as an improvement going on for the especial benefit of a particular section of the country. He sees great works going on which will redound to the honor of the nation. Sir, in progress of time, this work will become necessary at this seat of Government; and why should we now abandon it on the plan which has been proposed? On that plan it will answer for all time to come. We might draw water enough from Rock Creek, or some small stream, to supply the wants of the city at this time; but certainly, by and by, that will not be sufficient.

The PRESIDENT. The Chair will inform the Senator from Delaware that the Senator from Indiana has withdrawn his proposition.

Mr. CLAYTON. But the Senator from Mississippi moves to recede from all our amendments in which the House has not concurred, and that includes the amendment to which I am referring.

The PRESIDENT. The Chair is of opinion that the motion made by the Senator from Virginia is first in order.

Mr. CLAYTON. Is his motion to insist on our amendment, and ask a committee of conference?

The PRESIDENT. It is.

Mr. CLAYTON. Then my remarks will apply to that, as well as to the other motion. I am in favor of the motion of the Senator from Virginia. I am not for receding from our amendment without striking a blow for it, because the House has

refused to concur in it. I trust, therefore, that the motion of the Senator from Virginia will prevail, and that the chairman of the committee will not understand that we all agree with the Senator from Indiana.

The PRESIDENT. The question is on the motion of the Senator from Virginia, that the Senate insist upon their amendments, and ask for a committee of conference.

Mr. ADAMS. I have no objection to the vote being taken upon that question. My object in making my motion was to take the sense of the Senate upon the question of concurrence with the action of the House. If the majority of the Senate prefers to have a committee of conference, I have, of course, no objection. The only difference between the Senator from Delaware and myself is, that I prefer to excite the admiration and love of the country for the institutions of the country by the simplicity and purity of our free institutions, rather than by the magnificence of our buildings.

Mr. HUNTER's motion was agreed to.

Mr. BADGER. Did the Senator from Virginia move that the managers on the part of the Senate be appointed by the Chair?

The PRESIDENT. He did not.

Mr. BADGER. That is necessary; and I make the motion.

The motion was agreed to; and Mr. HUNTER, Mr. GWIN, and Mr. JONES, of Tennessee, were appointed.

PATENT OFFICE REPORT.

On the motion of Mr. STUART, the Senate proceeded to the consideration of the motion submitted by Mr. BROADHEAD, to reconsider the following order:

Ordered, That there be printed for the use of the Senate thirty-seven thousand five hundred additional copies of the agricultural portion of the Patent Office report, with the plates accompanying the same, two thousand five hundred of which shall be for the use of the Patent Office.

Mr. BROADHEAD. I made the motion to reconsider, and I will state, in a very few words, the reason why I did so. I find by the Journal of the House of Representatives, that they have directed the printing of the extra number of the agricultural portion of the Patent Office report desired by them to be done by the printer of the House. So it is entered upon the Journal, contrary to what I supposed was the spirit of the law. But it seems they have placed a construction upon the law, under which the printing of Congress is now done; and having done so, I desire to place a construction upon it, and to order that the printing of the agricultural portion of the Patent Office report which we desire, shall be done by the Senate printer. I will read from the Journal of the House, in support of the position which I assume. On the 21st of March, 1854, I find the following:

"Mr. MURRAY, from the Committee on Printing, on the part of the House, to whom was referred the resolution to inquire into the expediency of printing extra copies of the agricultural portion of the Patent Office report, reported the following resolution, namely:

"Resolved, That there be printed by the printer of the House, one hundred thousand copies of the agricultural portion of the report of the Commissioner of Patents, for the use of members of the House, and that ten thousand be for the use of the Patent Office, &c."

"The same being read, Mr. Murray moved the previous question, which was seconded, and the main question ordered, and under the operation thereof, said resolution was agreed to."

"Mr. Murray moved to reconsider," &c.

We there find, Mr. President, that the House of Representatives has placed a construction upon the act of 1852, under which the printing of Congress is now done, and has ordered the number of the agricultural portion of the Patent Office report, which they desire, to be printed by the printer of the House. I propose so to amend the resolution we have adopted, as to have the printing of the extra numbers that we desire, done by the printer of the Senate. I think the reason is a good one.

Mr. STUART. I must say that the proposition submitted by the Senator from Pennsylvania, seems to me to be very improper in principle, and one which I certainly hope the Senate will not adopt. The House of Representatives, if the statement be correct, have done at least a work of supererogation. I think it will not be going too far to say they have done what they had no right to do; but, sir, I am unable to conceive how that would justify the Senate in committing an error of the same kind. The law, in emphatic and clear terms, defines how this printing shall be done; and

if the Senate should now reconsider this resolution, and embrace in it such a clause as that proposed by the Senator from Pennsylvania, if it should produce any effect at all, it would be that the Senate had taken upon itself to order thirty-seven thousand five hundred copies of this report, extra. If it could have any effect at all, I repeat, that would be the effect. The law provides that the printer of the House, first ordering a document to be printed, shall do the printing of that document for the other House. It is conceded in this case that it was first ordered in the House. The resolution of the House might perhaps be excused upon that ground, if full knowledge were entertained by both Houses; but I am not disposed to excuse it, because the House could not know that it had not been ordered by the Senate. The utmost extent of the power of either House, is to order such additional number of extra copies, as that House thinks proper, of any document of this character, and there its duty and power ends, unless it sees fit to order an extra number to be paid for out of its own fund, irrespective of the provisions of law. If we want seventy-five thousand of these documents, we can reconsider the order, and adopt the amendment suggested by the Senator from Pennsylvania, because that will be its effect, if it has any effect at all.

But, Mr. President, I have another objection to it. If there is any subject respecting which difficulty is likely to grow up between the two Houses of Congress, it is this subject of the printing; and I submit to the Senate, respectfully, whether we had not better, on our part, treat the matter very discreetly, and not undertake to raise or perpetuate the issue. We have discharged our duty when we have directed a certain number of this document to be printed. The law is then to be executed by the Superintendent of Printing, according to its terms; and I submit that, to undertake to embrace in the Senate resolution a provision of this sort, would not only be against the provisions of the law, but it would be engaging in a contest with the House of Representatives, which, if it produced any result, would produce a very undignified controversy—such a one as I hope not to see.

Mr. HAMLIN. I hope the motion to reconsider will not prevail. The Senate has already adopted a resolution, and if the document is to be printed for distribution, it seems to me it should be in the hands of the printer, and the number which is to be printed should be known by us. I think the reasons which have been stated by the Senator from Michigan, render it very clear that no effect can follow the adoption of such a proposition as that which the Senator from Pennsylvania intimates he shall move as an amendment to the resolution, if the motion to reconsider prevails. If the law designates who shall print this work, our vote cannot change it; and the law clearly does designate it. There is, however, one construction which may be given to the action of the House which does not apply to the action of the Senate. This document was first ordered to be printed by the House. It was subsequently ordered to be printed by the Senate; and, after these two orders had been made, the Committee on Printing, with the full knowledge of the fact, reported to the House the resolution which the Senator from Pennsylvania has read, to wit: that an additional number should be printed for the House by the printer of the House. They were, therefore, but acting in accordance with the law in making their report; while, if we were to adopt such a resolution, it would be one directly in face of the law. It was an act of supererogation on the part of the House, I grant, because the printing of the extra number followed the printing of the original document; and that having been determined, it would go precisely, as the resolution directs it, without the words of the resolution. The House, therefore, might be justified in doing what they did; while the Senate would not be justified, because in one case it would be in accordance with the law; and in the other case, clearly adverse to the law.

Mr. FITZPATRICK. Have you the law?

Mr. HAMLIN. I have not it here by me, but it provides that the printer for the House first ordering the printing of the document shall do it for both branches. That is the idea of it. There is no dispute about what it is. The House had ordered this, the Senate had ordered it, and after both had

done it, the Printing Committee reported to the House a resolution that the printing of the extra number for the House should be done by their printer. I hope no further delay will be had in the case. If you were to reconsider the vote, and adopt the amendment indicated by the Senator from Pennsylvania, it would not change one single thing; it would only be a vote of the Senate, directly in violation of the existing law; and the officer now under oath, who is sworn to carry it out, I apprehend, however highly he might respect the opinion of the Senate, would not be quite willing to violate his oath of office.

Mr. BRODHEAD. I will make one additional remark. This is the second part of the Patent Office report. The first part was the mechanical portion. The Senate has ordered the printing of that part.

Mr. HAMLIN. The mechanical?

Mr. BRODHEAD. I mean the mechanical, and I am of opinion, that this part—the agricultural—is a portion of the report, and the Senate having first ordered the printing of the first part, this being the second part, follows it. And, sir, this may be the reason why the House of Representatives directed, in their resolution, that the second part should be printed by the printer of the House. I cannot conceive any other reason, than that the House wished to hand over to its printer the printing of the second portion, when there might be, at any rate, a question as to whether it did not properly pertain to the printer of the Senate. I think it did, and, therefore, we should be doing exactly what the Senator from Maine says the House of Representatives has been doing. He asserts that that House ordered this document to be printed by the printer of the House, because it was in accordance with the law. Now, we might do the same thing, and order it to be done by the printer of the Senate, because we believe he is legally entitled to do it, it being the second branch of the same report. For this reason, and another which I might perhaps add, and that is, that the Senate has already acted upon this question, and inserted a provision in the deficiency bill requiring all documents ordered to be printed by the Senate to be printed by the printer of the Senate, I hope the motion which I have made to reconsider will prevail, and that then the Senate will amend the resolution in the way I have suggested. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. PRATT. Before the vote is taken I should like to hear the section of the law read to which reference has been made, so that we may know distinctly what are its provisions.

The Secretary read the following:

"SEC. 7. And be it further enacted, That when any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same; and whenever the same person, or the same firm shall be printer for both Houses of Congress, and both Houses shall order the same document to be printed, then the cost of composition shall be charged but once for said document; and no sum shall be paid to said printer for altering the heads from the form in which he printed them first to the form or forms in which such document shall afterwards be printed."

Mr. PRATT. Having voted originally for this proposition, and intending to vote for the reconsideration, I am not willing that the argument of the Senator from Michigan should be unanswered. According to my understanding it is a plain, legal proposition. Under the law, when one of the Houses of Congress first orders a public document to be printed, the printing is to be done by the printer of that House. Now, assuming for the purpose of the argument, that the Senator from Michigan is right in his construction of this law, that it is to be printed for both Houses, if the Senate will look for a moment to the facts, I think they will find that the law, even as interpreted by him, requires that the printer of the Senate should print the whole of this document.

I understand the Patent Office report to be one document. I speak now from memory; but I have sent for the document of last year, and I think the mechanical portion is called Part No. 1; the agricultural portion Part No. 2; and that they are both marked on their face as one document, document No. so-and-so. Therefore, when this Patent Office report was originally presented to Congress, having been presented in this branch, and having been ordered to be printed by this

branch, under the true construction of the law, the whole document should be printed by the printer of this House; and therefore, as it appears to me, it is not a mere idle ceremony that we should indicate, in our resolution, that this printing should be done by the printer of this body. I think it is due to our printer that we should so indicate it, because the House, for the reasons assigned by the Senator from Michigan, have illegally declared that the printing of this document for that House should be done by their printer. Therefore, it is due to the printer of this body that we should say that he should execute the work now ordered by the Senate. That is my understanding of the position of the question.

Mr. BRODHEAD. Certainly.

Mr. PRATT. I shall vote for the reconsideration of the resolution for the reason which I have already assigned, and for the additional reason, that for the first time, by the reading of the extract from the House Journal this morning, I have ascertained that the House had directed one hundred thousand copies to be printed—ten thousand to go to the Patent Office. The resolution which we propose to reconsider, directs the printing of thirty-seven thousand five hundred—five thousand of which, I think, go to the Patent Office.

A SENATOR. Two thousand five hundred.

Mr. PRATT. My impression was that five thousand were to go to the Patent Office. I cannot imagine, valuable as this document may be considered by many of its advocates, why we should have five thousand copies of it printed to be placed in the Patent Office. The only argument that I have heard in favor of printing it at all is, that the agriculturists of the country want it, and I presume that the representatives of the agricultural interest would be the proper parties to distribute it. Why these five thousand copies should be printed at the public expense to be placed in the Patent Office, is really beyond my conception. For the only reason, therefore, of amending the resolution to prevent the giving five thousand copies to the Patent Office, I should vote for the reconsideration.

Mr. MASON. I have not looked at this thing at all; but the statement made by the Senator from Maryland, as I understand it, is in conflict with that just made by the Senator from Michigan. The law under which the printing is done, as has been read, clearly directs that the House first ordering the printing of the document shall have it printed by its own printer, and if the other House then orders the same document, it shall be printed by the printer of that House which first ordered it. The honorable Senator from Maryland says that this document, which consists of Part No. 1 and Part No. 2, was first communicated to the Senate, and first ordered to be printed by the Senate, but in making the communication the Department communicated the first part alone, not having the second part ready, I presume. But it is just as much one document as the President's message and accompanying documents. It is one document, although printed in two or three parts. This communication coming from the Patent Office, making a report of its proceedings, consists of two parts, one the mechanical, the other the agricultural, and it is printed in two volumes for convenience; but it is one document. Now, even if the House, in directing the agricultural part of it to be printed, have, as we have been shown by the Senator from Pennsylvania, undertaken to direct that that part of this document should be printed by their own printer, they seek the very collision which is deprecated by the Senator from Michigan. They seek the collision, if collision arises. Whether the Senate will entertain it, is another question; but, clearly, if we do not, admonished by the House, indicate the intention of the Senate to require that the law shall be executed so far as it has directed, in my humble judgment we shall have yielded to an apparent usurpation on the part of the House.

I think, therefore, without ascribing anything to the House, that this expression of theirs, that the documents which they have ordered shall be printed by their printer, is more than mere surplusage. It has a specific object, and if the Senator is right in his construction of the law, which I apprehend he is, the effect of it will be to violate this law, which requires the whole document to be printed by the printer of the House first ordering it. I trust, therefore, the Senate will vindicate

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cate its own right by reconsidering the resolution, and adopting the amendment suggested by the Senator from Pennsylvania.

Mr. HAMLIN. It is to me a matter of entire indifference who does the printing of this document; but it is desirable it should be done, and I think it is desirable that the Senate should vote understandingly upon the matter, or I would not again trespass upon its attention. Having been somewhat familiar with it, I beg to state in a very few words what is my view of the matter.

The law provides that when the printing of a document is first ordered in the Senate, and subsequently in the House, it shall be printed for both Houses by the Senate printer; and when first ordered in the House, and subsequently in the Senate, it shall be done by the House printer. Now, sir, the first part of the Patent Office report was communicated to the Senate early in the session. I have not before me the day, but it was early in the session. Subsequently, and long afterwards, the second part of that report was communicated to Congress. The first part of it was ordered to be printed in the Senate; the second part in the House. What is the true construction in relation to this matter? What is the law? What constitutes a document? That is the true question to be settled. By the law of 1837, it is made the duty of the Commissioner of Patents to make an annual report upon the arts and manufactures. That is all the law there is in existence which requires any report from the Commissioner of Patents. The law, therefore, is complied with when he sends here what we call his mechanical report. That is all the report he is required to make by law. That was ordered to be printed, first in the Senate, next in the House, and both editions were printed, or are in process of being printed, by the Senate printer. What number the document bears has no earthly connection with the subject. What the Senate vote, by its order, to make a document, is a document under the law. We vote to print the President's message and accompanying documents. It is subdivided into three or four parts, as the Superintendent of the Public Printing shall deem proper, but it makes but one document, because—and I beg Senators to bear in mind what I say—there is but one order of Congress in ordering it to be printed. What we order to be printed at this time, by this vote, constitutes a document, whether it is two, ten, or one hundred pages. That is, in the language of the law, a document; and the whole number of documents that we order to be printed must be printed by the printer of the Senate, if it is first ordered here. Now, sir, if the second part were the same document, only one vote was necessary in the House or Senate for the printing of both. You might want an additional vote for an additional number, but a vote to print the first part, if the two be one document in law, must necessarily have carried the printing of the second. What was the view of the Senate? They took no such view of it. We ordered, by a separate vote, the second part to be printed. The House did the same; and by its own order made it a document.

This, sir, is my view of the matter; and I think I could cite here a great many illustrations of it. We find the President's message and accompanying documents sent to us, but we find additional reports emanating from the Departments. I have one in my recollection now. I recollect very well that the Secretary of War, either this year or last year, stated in his report that there was a certain matter upon which he was not fully prepared at that time to report. Was it not in regard to the surveys for the Pacific railroad? I think it was. He therefore did not communicate them as a part of his annual report, because he had not them complete. What did he do? Subsequently, when he got them, he sent them in. What did we do? Printed them separately, and made, by our own order, a separate document of them. I hold, under this law, that the President may send in his annual message, accompanied by the annual reports of the heads of the different Departments;

and if the Senate should so choose, it is perfectly competent, under that law, to say that we would order the President's message and the report of the Secretary of the Treasury to be printed, and stop there; and by so doing we would make it a document. That is the language of the law. What we order to be printed is a document; and, taking the case which I have stated, if we take the President's message and report of the Treasury Department, and say that we will order them to be printed alone, and pass no vote in relation to the others, what would be the document? Why, it would be the President's message and report of the Treasury Department. Suppose we subsequently ordered the reports of the other Departments to be printed, the order of the Senate would make another document of them. If the order to print them was made at a different time from that when the first order was made, they would be another document, no matter what the number would be. That would not vary it, because it would be an order of the Senate to print a certain number at a certain time, while the other would have been another order, at another time, for an entirely distinct thing.

So it is in relation to this matter. While this report is by law a thing which has two parts, the one coming here under the direction and by the requirement of law, and the other under only an annual appropriation requiring the Commissioner of Patents to collect certain reports; and while they have the same number put upon them here, we stamp upon them the character of two documents by our own votes, and by our own distinct orders; I hold that notwithstanding the number, they are two distinct reports—one mechanical, the other agricultural.

I think that there is but one case to be found where the printing of the second part of a document has followed that of the first; and that was the document upon the exploration of the river Amazon. That report consisted of a first and second part, and the vote ordering the first part to be printed, also, at the same time, ordered the second part to be printed, and consequently the Senate at that time, although they both made one report, looked at them as two documents, drawing a distinction between a report and a document. There were two parts to a report, and the Senate made two documents of it; but to supersede the necessity of a subsequent motion to print the second part, which was the second document, the motion was made for the whole when the first part was printed. Now, if when the Senate ordered the mechanical portion of the Patent Office report to be printed, it had, at the same time, ordered the agricultural portion to be printed, one would have followed the other. But by its own action, by a distinct and separate order, it has made them two documents. It has made two documents, even if they were one report; though I deny that they are the same report. One is in relation to mechanics, and the other in relation to agriculture. This is the view I take of the matter; and it is in accordance with the uniform practice of the Senate. It is the opinion of the Superintendent of the Public Printing; and, in accordance with that opinion, I understand he has delivered the work to the public printer. It is a question for him to decide, and not for the Senate. I think, myself, that it was inappropriate for the House to declare that theirs should be printed by the printer of the House, because it was what was beyond their control, and what they could not do. You have a law placing that power in the hands of an executive officer; and that power he was bound to discharge under the sanction of an oath and under a bond. If he believed that one printer or the other, under the law, was entitled to it, he had nothing to do but to discharge his duty, and to discharge it as he understood the law.

I have nothing further to say upon the subject. If the Senate shall be disposed to reconsider and pass the order with the amendment proposed by the Senator from Pennsylvania, I can only say that I shall make no further objection to it; but I

will regard it as a vote directly in opposition to the law.

Mr. PRATT. While the Senator was speaking I referred to the law, and also to copies of the Patent Office report. To show that I was entirely right in the remarks which I made when I addressed the Senate, I shall read a sentence from the seventh section of the law:

"That when any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same."

There is no dispute in reference to this matter, that the mechanical part of the report was first presented to the Senate, and by the Senate was first ordered to be printed. If, therefore, the agricultural portion of the report constitutes a part of the same document, the Senator concedes that it comes within the letter of that clause of the seventh section of the act of 1852, which I have read for the information of the Senate. I hold in my hand the Patent Office report for 1852. Part first is the mechanical part, and the Commissioner says:

"I have the honor to transmit to you, as required by law, that portion of the report of this office, for the year 1852, which relates to arts and manufactures."

It is marked Document No. 55. I come to the agricultural portion of the same report; and the Commissioner goes on to say that he now has the honor to transmit that portion of the report relating to agriculture. It is marked Document No. 55, precisely the same as the other.

I think, therefore, that I have stated what must convince every impartial mind that this is one report, the whole and entire report, constituting one and only one document; and that, under this clause of the act of 1852, wherever a document has been ordered to be printed, it is to be printed entirely by the printer of the House in which it is first ordered. That is the proposition for which I contend. I know that the honorable Senator from Maine does not desire to do injustice to anybody; but it is a proposition which there is not a legal mind here—I venture to say my honorable friend from Michigan, who espouses the other side, cannot get up and say I am wrong—that does not see that, under this law, the printer of the Senate is entitled to the printing of the entire document. I know that neither my honorable friend from Maine nor any other Senator, desires to do injustice; but the effect of not agreeing to the amendment suggested by the Senator from Pennsylvania would be illegally to deprive our printer of the emoluments of the office to which he is entitled.

Mr. HAMLIN. I desire to state the fact that while each part of the Patent Office report has the same number, it is only and entirely our number. It comes here with no earthly number upon it. The Commissioner of Patents communicates his report separately and distinctly, at two different times, with no number upon it.

Mr. PRATT. But as one document.

Mr. HAMLIN. No, sir; not as one document. And then numbers are placed upon them by the Secretary of the Senate, when he sends them out, simply as an arbitrary method of designating them, not for the purpose of consolidating them or making them either one report or one document.

Mr. STUART. I think that if I can have the attention of the Senator from Maryland, we shall not disagree about this question; certainly, I hope not. I am not going to discuss the question as to whether this report is one or two documents. I will only suggest to the Senator and to the Senate, that it may very well be one report, and yet two documents, within the meaning of the law. But, for the purpose of my argument, that does not alter the question. I submit that the Superintendent of Public Printing is the agent, selected by the law to determine the question as to who shall do the printing. This being my view of the law—and I think the Senator himself will not dispute it—I submit again respectfully to the Senate that if the Superintendent disagrees with us, he will

disregard our resolution; and he ought to do so. It would be no excuse for him, if it did not meet his judgment, to say that the Senate had ordered it.

Then, sir, how do we stand? Either our construction of the law is right, and the Superintendent of the Public Printing will decide it to be right, and will give this printing to the printer of the Senate, or else the construction contended for here is wrong, and our resolution will be disregarded by the Superintendent, under his opinion of his duty under the law. Then how stands the Senate of the United States? The Superintendent of Public Printing is not an officer who we can control by our resolution. He is not an officer of the Senate. He is an officer of the law of the United States, and gives to it such construction as, in his opinion, the law demands. Then I ask Senators again, in what position will our action place the Senate of the United States? Why, sir, as seeking to control an officer over whom we have no control at all, and subjecting our action, therefore, to be set at defiance; or, if we are right, the resolution will be no more with those words in than it is now.

It seems to me that there can really be no two opinions about this matter; and in order that some Senator may answer, if he can, I will state my proposition again. I submit, that if the construction of the law which is contended for by the Senator from Maryland be the correct construction, this resolution now carries on its face all that it would carry if it were altered as suggested by the Senator from Pennsylvania; but if that be not the true construction of the law, then we subject ourselves to the humiliating position of having our resolution expressly disregarded by the Superintendent of Public Printing. In either case, the result arrived at, as to our action, is the same. The Superintendent is an officer whose action we cannot control. He will decide for himself as his oath and the law compel him to do. At best, then, according to the construction contended for by the Senator from Maryland, it is a work of supererogation to put in the words suggested; but if that construction be wrong, then, by adopting the suggestion of the Senator from Pennsylvania, the Senate of the United States will have undertaken a business which it has no right to transact. Therefore, the fact whether this be one or two documents does not at all alter the propriety of changing the terms of the resolution. As I suggested, I think it very probable that although this be one report, it may form two documents; but the Senate of the United States is not the body to decide that question; the law has expressly given its decision to another tribunal—the Superintendent of Public Printing.

Mr. BADGER. Mr. President, I intended, by the vote which I gave upon this resolution before, what I intend to make manifest by the vote which I shall give upon the present proposition; that is, that this printing should be done by the printer of the Senate. Now, the honorable Senator from Michigan says that we have no authority to direct the printing to be done by the printer of the Senate.

Mr. STUART. That is not precisely my statement; but perhaps the honorable Senator did not hear the remarks which I made a short time ago. I stated that the Senate could undoubtedly order a document to be printed, and have it printed by whom they chose; but that would be an extra document, outside of the law. I said further, that if this document should be printed under the law, the Superintendent would decide who should have it.

Mr. BADGER. Then I understand the Senator concedes we have a right to direct this document to be printed by our printer. That being so, if it is the wish and intention of the Senate that our printer should print it, it seems to me that every objection to modifying the resolution, as proposed by the Senator from Pennsylvania, is gone. I take it that, if we pass this order that this printing is to be done by the printer of the Senate, it will be done by him, or it will be done by nobody. I take it for granted, if we pass this order, the officers of this House will know that at least it is not their business to dispute our authority, and the Secretary will take care that the printing is done by the person whom we direct shall do it.

Now, sir, that is sufficient for me. The question may come up hereafter, whether it is print-

ing ordered beyond the scope of the law which regulates the public printing, or falls within it. I do not think it necessary to investigate the question now. I wish the printing done, and I wish it done by the officer of the Senate; and therefore I shall vote to direct that it be done by him.

There is a question, however, now pending, Mr. President, as I have collected from some statements I have seen in the newspapers, with regard to the construction of the printing law of 1852; and I understand the circuit court of the United States for this District, upon an application being made to them for some process in behalf of the printer of the Senate, have refused to grant it, not upon the ground that the Superintendent of Public Printing is, under the law, authorized to decide the questions with regard to printing which have created this difficulty, but that the ultimate power of decision belongs, under the law, to the Committees on Printing of the two Houses. I understand, further, that from that refusal an appeal has been prosecuted to the Supreme Court; so that what is the true construction of the law is now in a process of judicial interpretation. It may turn out that the opinion that the committees of the two Houses of Congress are the ultimate authority will receive the sanction of the highest tribunal of the country, who will decide that question calmly, and who can have no preference or feeling in the matter. But, in the mean time, we propose to print this document. We have power, it is confessed, to have it printed by our own printer, and the other question will arise hereafter.

Mr. PRATT. And this will not increase the expense.

Mr. STUART. I will state my position in a few words; for I am reluctant to detain the Senate. I insist that this is the construction of the law: If this body orders a certain number of documents to be printed, and, in the opinion of the Superintendent, the printing of them belongs to the House printer, he will print them. If this body incorporates in a resolution additional words, that that number shall be printed by the printer of the Senate, and the officers of the Senate carry out that resolution, he will print them, as the printer of the Intelligencer might print them, or any one else whom we might order. Thus we shall have thirty-seven thousand five hundred additional documents printed, and we shall have to pay for them out of our contingent fund.

Sir, we cannot change the law. The printer of the House of Representatives and the printer of the Senate have certain rights under the law, to be determined by the Superintendent of Public Printing. If we incorporate in our resolution an order that these documents shall be printed by the printer of the Herald, or the printer of the Star, or anybody else, we cannot take away the right which the law gives to the public printer. Then, if our officers go on and obey our resolution, the result is, as I said before, that we shall have an additional number of this document. We shall have seventy-five thousand instead of thirty-seven thousand five hundred; and we shall have to pay for thirty-seven thousand five hundred out of our contingent fund, in addition to paying for thirty-seven thousand five hundred from the Treasury. It is therefore a mistake to say that this will not cost us any more.

I take it that this position I assume cannot be disputed. This law, I repeat, confers rights upon the printers of both Houses. Those rights are fixed and determined, so soon as the Superintendent acts; and the terms of our resolutions cannot deprive any one of rights vested by law. If we order the document to be printed, the Superintendent determines who shall print it. We cannot change the law. It is not in our power to change it. But if the argument of the other side be right, there was no necessity for our amendment to the deficiency bill. We undertook by that amendment so to change the law as to pay for extra composition. Now we can as well change it, and do change it, by this resolution; and if the argument be sound, we do not need the concurrent action of the other House and the President of the United States at all, to change the law. That argument, therefore, it seems to me, cannot bear examination.

Mr. PRATT. I wish the Senator to answer this argument, if he can. The proposition submitted by the honorable Senator from North Car-

olina, and, as I understand, it was conceded by the honorable Senator from Michigan, is, that the Senate have a right to order any number of copies to be printed, and to direct that number of copies to be printed by whom they please. Now, the Senator says he number so printed under the order of the Senate would have to be paid for out of the contingent fund of the Senate. The Senator must further concede that it is not obligatory upon the Senate to order any number to be printed at all, and therefore if they do not take action under the general power which they have under the law of 1852, there is nothing for the public printer to do. They have ordered no part of the document to be printed which will come within that view. According to the Senator's own argument, if he is right in the law, (which I humbly conceive he is not,) the number we order for ourselves would be printed by our own printer, and we should have to pay for it out of this fund; but I say it would not be an additional number.

Mr. STUART. The Senator asks me to answer the argument if I can. Now, sir, I may be exceedingly confident—not in my own power, but in the reason of the case. I will, however, state my proposition in a few words; and I hope so clearly that the Senator cannot misunderstand me. The law of the United States has provided for the election of a public printer, and it has provided that when he is elected, he shall do all the printing for both Houses of Congress, and for the Executive Departments. That is the law. That being the law, I ask where the power rests—in the Senate, or the House of Representatives of the United States—to divert that printing to somebody else? Is there any such power?

Mr. BENJAMIN. Does the law say "all the printing?"

Mr. STUART. The law says that all the public printing shall be done by the public printer, and each House is to elect a public printer. The two Houses may elect the same printer, or they may elect different ones. If two are elected, these two are to do all the public printing. Now, do they not have a right to that printing, the moment the House orders any public printing, and the moment the Senate orders any public printing? Does it not go immediately to these persons under the law, and is there any power to divert it from them?

Mr. PRATT. Did not the Senator concede that we had a right to order whomever we pleased to print anything?

Mr. STUART. I have stated my proposition three or four times already, but I will state it again, so that I cannot be misunderstood. I say, that if the Senate, in ordering the printing of this document, goes on to say that it shall be printed by the printer of the Senate, it is an additional number to be printed beyond the provisions of the law. If the House printer is entitled to this printing, without these words being inserted in the resolution, he will print these thirty-seven thousand five hundred additional copies under that law, and it is not in our power to prevent him. Then, I say, if the Senate printer prints thirty-seven thousand five hundred also, he does it under the resolution of the Senate, and not under the law, and is to be paid for it out of the contingent fund of the Senate. It is not in the power of the Senate of the United States to direct printing to be done by anybody else, so as to affect the rights of the public printers under the law. Suppose we order ten thousand copies of a document to be printed by the printer of the New York Herald; the moment we order this, it gives to the printer of Congress a right to print the same number, because the law gives it to him. He can print it; he will print it; and it will be paid for out of the Treasury of the United States. We can have the same number printed by the printer of the Herald, and pay him for it also; and that is this case precisely. If the officers of the Senate, as suggested by the Senator from North Carolina, obey our resolution, and have this printing done through the medium of the printer of the Senate, and the Superintendent shall determine that he is not entitled to it, the House printer will take his pay for it under the law, and will print the document. We cannot avoid it by any action of ours. It is for this reason, and this reason alone, that I am opposed to the reconsideration; for, as between these printers, I beg leave to say now, once and forever, that I have no choice at all. I care not, individually, who does the printing; but I have

some care that we do not pay twice for printing a document when we do not intend to pay for it but once.

Mr. GWIN. What is the resolution? Is it proposed that the printer of the Senate shall print these extra numbers?

Mr. BADGER. The motion is to reconsider. Mr. GWIN. For that purpose?

Mr. BRODHEAD. To make this resolution read the same as the resolution of the House, only striking out the words "printer of the House," and inserting "printer of the Senate."

Mr. GWIN. Mr. President, on the 31st of March last the Senate ordered this document, about which so much has been said, to be printed, and after that order was issued it was transmitted, according to law, to the Superintendent of Printing, and handed by him to the printer of the House, and he has printed the document, so that it is entirely out of the control of the Senate. We have no further control over it. This is a motion to print an extra number of that document, which has already been printed by the printer of the House. That document has passed from the hands of the Senate. It is in the hands of the printer who is declared by the law to be entitled to it, and he is the printer of the House.

Mr. BRODHEAD. My friend from California, I think, is mistaken in regard to a matter of fact. The mechanical branch of the Patent Office report came here a long time ago, but the agricultural part did not come till recently, and therefore I take it for granted it cannot be printed already.

Mr. GWIN. I am not mistaken. The order to print this very document was made by the Senate on the 31st of March, and it is printed.

Mr. BRODHEAD. Not for the Senate.

Mr. GWIN. Yes, sir, for the Senate.

Mr. BRODHEAD. I will read the resolution of the House: "That there be printed by the printer of the House, one hundred thousand extra numbers of the agricultural report of the Commissioner of Patents," &c.

Mr. GWIN. That is an order for "extra numbers." I spoke of the printing of the document—the original document. We ordered that to be printed on the 31st of March.

Mr. BRODHEAD. Why, then, is this now proposed?

Mr. GWIN. It is now proposed to provide for the printing of extra numbers of that document; but it has already been ordered to be printed, and is in the hands of the printer of the House. If we order this printing to be done by any printer but he who has the original document to print, we shall have to pay both for it. The original document is out of our possession. It was, according to law, transmitted to the Superintendent, and by him delivered to the printer of the House, as he had a right to deliver it. The question is now whether we shall print an extra number of that document. That is the precise question. The document is printed. The original was handed to the printer of the House, set up, and printed, and now we are asked to print an extra number of that document. If we order any other printer to do it but the one who did the original printing, we do it outside of the law, because our power is exhausted. The document has gone to the hands of the printer. We have no control over it, and cannot have any control over it. If we order any one else to do it, we pay him out of the contingent fund, as the Senator from Michigan says, because the document has passed from our control. We may adopt as many resolutions as we please, but we cannot get hold of it, nor can the Secretary. If you were to ask him for it, he would tell you that it had gone long ago to the Superintendent of Printing, and been handed over by him to the printer entitled to it by law.

Mr. CASS. I wish to ask the Senator from California a question. He says that if we order this printing to be done by any one but the public printer, we must pay for it out of our own funds. I want to know how we can order it to be printed by anybody else? The printing must be done by the public printer. If we order it to be done by any one else we cannot pay for it.

Mr. GWIN. There are two printers, one for the Senate and one for the House. I say that if we order this printing to be done by any one but the printer to whom the document has already been transmitted by the Superintendent—the printer of

the House—we have to pay for it out of the contingent fund.

Mr. TOUCEY. I have myself given no attention to this question until the present moment; but I find by the seventh section of the act of 1852, it is directed, that when "any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same." Now, this document has been ordered to be printed by both Houses of Congress, as I understand. If so, the law is clear and unequivocal that "the entire printing of such document shall be done by the printer of that House which first ordered the same." Until this law be repealed, I deny that either branch of Congress can make an order for printing which is contrary to its terms. I do not understand that either branch of Congress can repeal a law, or make an order in opposition to a law while that law remains in force. It seems to me there is no room for any doubt on this question. Here is a document. Whether it is part of one report, or part of another, it is a document. It has been ordered to be printed by both Houses of Congress, and the law declares in the most unequivocal terms, by whom the printing shall be done. The law makes the order as long as it stands upon the statute-book unrepealed; and for one I hold the supremacy of the law over a resolution of either branch of Congress.

The question being taken by yeas and nays, upon the motion to reconsider, resulted—yeas 21, nays 16; as follows:

YEAS—Messrs. Atchison, Badger, Brodhead, Brown, Dawson, Fish, Foot, Gillette, Hunter, James, Jones of Tennessee, Mallory, Mason, Pratt, Rusk, Seward, Sumner, Thompson of Kentucky, Toombs, Wade, and Weller—21.

NAYS—Messrs. Adams, Allen, Benjamin, Cass, Clay, Dodge of Wisconsin, Evans, Fitzpatrick, Gwin, Hamlin, Norris, Pettit, Slidell, Stuart, Toucey, and Walker—16.

So the motion to reconsider was agreed to; and the question recurred on agreeing to the resolution, as follows:

Ordered, That there be printed, for the use of the Senate, thirty-seven thousand five hundred additional copies of the agricultural portion of the Patent Office report, with the plates accompanying the same; five thousand of which shall be for the use of the Patent Office.

Mr. BRODHEAD. I now move to amend the resolution by inserting, after the word "printed," the words, "by the printer of the Senate."

Mr. GWIN. Was there not a law passed at the last Congress, that one House should have no right to order the printing of a book to be paid for out of the contingent fund?

Mr. BADGER. Except public documents.

Mr. GWIN. Can we order a public document to be paid for out of the contingent fund?

Mr. BADGER. The provision of the act to which the Senator refers, is that neither House shall distribute to the member of that House any books, except public documents, unless an appropriation be first made.

Mr. GWIN. This is a document ordered without authority of law, if we order it to be printed by the printer of the Senate; and it is to be paid for out of the contingent fund. It is clearly out of the power of the Senate to order it to be done outside the printing act. I move to lay the resolution on the table, and I ask for the yeas and nays on that motion.

Mr. HAMLIN. I hope the Senator from California will withdraw that motion.

Mr. GWIN. I will withdraw it to accommodate the Senator; but I really wish to stop debate.

Mr. HAMLIN. I asked the Senator to withdraw the motion simply for this reason: I apprehend that this vote will of itself be a nullity, and be treated as such by the Superintendent of Public Printing. I have no doubt he will so treat it; and I have no doubt that if we do not pass the vote to print the extra number, we shall not have it. If we pass this resolution—which I will not vote for—ordering this additional number to be printed by the printer of the Senate, I apprehend the Superintendent of Public Printing will go on and execute the order just so far as it is lawful; and where it is unlawful I apprehend he will not violate his oath of office. We have ordered this document to be printed. It has been sent to the Superintendent of Printing, and he has sent it to the printer of the House, and it has been printed. Now, under the law, if we pass an order for print-

ing the extra numbers, the printer of the House will get it. I have no doubt the Superintendent will carry out the law; therefore I have no objection to the resolution being passed, but I shall not vote for it.

Mr. RUSK. I hope the Senator will allow the Superintendent to construe his own duty; and I hope officers of the Government will not be invited to disregard what action may be taken by the Senate, or the two Houses of Congress.

Mr. HAMLIN. I will say, then, that I understand the Superintendent to say such is his view of the law, and such will be his action.

Mr. BRODHEAD. Then I understand the Superintendent to deliver his judgment in advance, and have it announced here on the floor of the Senate to influence our votes.

Mr. HAMLIN. Not at all.

Mr. SLIDELL. I renew the motion which was made by the Senator from California, to lay the resolution and amendment on the table; and on that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 26; as follows:

YEAS—Messrs. Adams, Adams, Clay, Fitzpatrick, Gwin, Norris, Pratt, Slidell, Toombs, and Walker—9.

NAYS—Messrs. Allen, Atchison, Badger, Brodhead, Brown, Cass, Dawson, Evans, Fish, Foot, Gillette, Hamlin, Hunter, James, Jones of Tennessee, Mallory, Mason, Rusk, Sebastian, Seward, Stuart, Sumner, Thompson of Kentucky, Toucey, Wade, and Weller—26.

So the motion was not agreed to.

Mr. PRATT. I hope the Senator from Pennsylvania will consent to alter the clause giving five thousand for the use of the Patent Office, by reducing the number to two thousand five hundred. The House has already provided for giving ten thousand to the Patent Office. I do not see that they need fifteen thousand.

Mr. HAMLIN. They ask for twenty-five thousand.

Mr. PRATT. They might ask for one hundred thousand, but we should not be bound to give it to them.

Mr. BRODHEAD. Then I will move to strike out five thousand, and insert two thousand five hundred, if that be agreeable to the Senate.

Mr. GWIN. Let us have one amendment at a time. I ask for the yeas and nays on inserting the words proposed to be inserted by the amendment of the Senator from Pennsylvania.

The yeas and nays were ordered.

Mr. TOUCEY. I have given no attention to the controversy that has arisen, as to which printer is entitled to print this document. I have not investigated the subject, nor formed any opinion upon it. The vote I have given, and the vote I shall give, is upon the ground merely that the law which we passed in 1852, directs, unequivocally, by whom every public document, ordered to be printed by both Houses of Congress, shall be printed. This document is ordered to be printed by both Houses of Congress, and the law applies directly to the question who shall print it. I deny that either House has the power to direct it to be printed by any one else. When, therefore, without repealing that law, you undertake here to authorize anything to be done which is in conflict with it, I think the order is without authority, and is void. If I am right in my premises, I think my conclusion is inevitable; and I have not understood any Senator to state different premises from what I have. For this reason, I shall vote against the amendment. If the amendment directs the printing to be done by the officer who is entitled to do the printing, it is superfluous. If it directs it to be done by a printer who is not entitled to print it, then it is in conflict with this law. Now I confess, for one, that I deem it of the highest importance, not only in Congress, but in the country, that the laws should be obeyed.

The question being taken by yeas and nays on the amendment, resulted—yeas 23, nays 11; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Brodhead, Brown, Dawson, Evans, Fish, Foot, Gillette, Hunter, Jones of Tennessee, Mallory, Mason, Pratt, Rusk, Sebastian, Seward, Sumner, Thompson of Kentucky, Toombs, Wade, and Weller—23.

NAYS—Messrs. Adams, Cass, Clay, Fitzpatrick, Gwin, Hamlin, Norris, Slidell, Stuart, Toucey, and Walker—11.

So the amendment was agreed to.

Mr. BRODHEAD. If it be the general sense of the Senate that five thousand is too large a number to be given to the Patent Office for distribution

by it, I will move to reduce the number to two thousand five hundred.

Several SENATORS. Oh, no!

Mr. BRODHEAD. Several Senators around me say I had better leave it as it is; I will not, therefore, move the amendment.

Mr. STUART. I should like to have the resolution amended, so as to increase the whole number to be printed. It was the intention, I understand, of the committee, if the amendment of the Senator from Alabama [Mr. FITZPATRICK] prevailed, increasing the amount to be placed at the disposal of the Patent Office to five thousand, to ask that the whole number be increased to forty thousand. I move, therefore, to strike out "thirty-seven thousand five hundred" and insert "forty thousand."

The amendment was agreed to.

The question being on the adoption of the resolution, as amended:

Ordered, That there be printed by the printer of the Senate forty thousand additional copies of the agricultural portion of the Patent Office report, with the plates accompanying the same, five thousand of which shall be for the use of the Patent Office.

Mr. BRODHEAD called for the yeas and nays; and they were ordered, and taken with the following result:

YEAS—Messrs. Allen, Atchison, Badger, Brodhead, Brown, Dawson, Douglas, Evans, Fish, Foot, Gillette, Hunter, Jones of Tennessee, Mallory, Mason, Pettit, Pratt, Rusk, Seward, Sumner, Thompson of Kentucky, Wade, and Waller—23.

NAYS—Messrs. Adams, Benjamin, Cass, Clay, Fitzpatrick, Hamlin, Norris, Sidel, Stuart, Toombs, Toucey, and Walker—12.

So the resolution, as amended, was adopted.

GOLD COINAGE.

Mr. GWIN. I move to take up the bill which has been reported from the Committee on Finance, "to authorize the coinage of gold pieces of the value respectively of ten eagles and five eagles, and for other purposes." It is important that it should be acted upon at once.

Mr. STUART. I hope the Senator from California now, when we are engaged in this business of printing, will allow us to dispose of another resolution which is also pending on a motion to reconsider.

Mr. GWIN. We are wasting more time on these resolutions than they are all worth. The measure which I propose to take up is of some national importance to the country, and I hope the Senate will permit me to have it acted upon. The Secretary of the Treasury is anxious that it should be passed.

Mr. BADGER. Will the Senator from Michigan state what resolution it is he wishes to have called up?

Mr. STUART. It is in relation to the printing of a document called the Compendium of the Census. The resolution was passed by the Senate some three or four months since, but it has been tied up by a motion to reconsider.

Mr. GWIN. I think there will be no opposition to my bill; and I hope it will not take ten minutes.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It provides that there may be coined and issued, by the Mint of the United States, or by such of the branch Mints as the Secretary of the Treasury may direct, a gold coin of the weight of two thousand five hundred and eighty grains, of the value of one hundred dollars, and another of the weight of one thousand two hundred and ninety grains, of the value of fifty dollars; each of which coins shall be of the standard fineness now prescribed by law for the gold coins of the United States, and shall be a legal tender, and shall be received at their respective values, as established by the bill, in payment of all dues to the United States.

It also proposes to enact that the Director of the Mint, in the regulations he is authorized to make for the assay office in New York, shall place depositors of gold bullion in that office upon the same footing as depositors of gold in the Mint at Philadelphia and branches; and that it shall be the option of persons depositing gold or silver in bullion or in foreign coins at the assay office in the city of New York, to receive the Mint value of the same, either in refined bars or in bars made from the identical metal without refining; but in

either case to bear a stamp of the weight, fineness, and Mint value.

It further proposes to repeal all laws heretofore passed which authorize any foreign gold or silver coins to pass current as money and to be receivable in payment of debts.

It provides that the Director of the Mint may, under such rules and regulations, and upon such terms and conditions as the Secretary of the Treasury shall prescribe, provide for striking medals for such States, Territories, associations, societies, and individuals, as the rules shall include, and the Director, under like rules and regulations, shall acquire and keep a collection of all medals that have been or may be struck by the United States, or any of the States or Territories of the United States, and also of all such as may be struck at the Mint under the provision hereof: *Provided*, That all expenses incurred on account of the striking of such medals shall be paid by the said States, Territories, associations, societies, and individuals respectively, for which or whom they may be struck.

The bill is further designed to authorize the President, by and with the advice and consent of the Senate of the United States, to appoint an Assistant Director of the Mint, at an annual salary of \$2,500; and allow the clerks in the Mint an annual salary of \$1,800 each, at the discretion of the officers authorized by law to appoint, with the approbation of the President; and to allow to the clerks authorized to be employed in the branch Mint in California, \$3,000 a year each, to take effect from and after the first of July, 1854.

It also provides that all appointments of clerks and assistants authorized to be employed in the offices of the Assistant Treasurers of the United States, and in the offices of the Mint and branches shall respectively be made, with the approbation of the President, by the Assistant Treasurer, Director, Superintendent, and Treasurers of the Mint and branches, as the case may be, whose bonds are held at the Treasury Department in trust for the proper and faithful performance of their respective duties.

Mr. BENJAMIN. I am not disposed to give my vote on this bill at this moment. It was only reported on the 23d of May. It certainly appears to me to be a very important bill. I have been looking over some of its provisions, and I find that it makes a great change in the public policy of the country; and I should like to have some explanations of its provisions, in order to vote on it understandingly. I find, for instance, that the sixth section proposes to repeal all laws heretofore passed for authorizing any foreign gold or silver coin to be passed current as money, and be receivable in payment of debts. I do not know for what reason the Committee on Finance has reported that section. I find numerous other sections increasing the salaries of different public officers, making some changes in relation to the mode of appointment of clerks and assistants, and different provisions of the bill, which I have not yet had time even to read. The bill has only been five or six days printed. I am not prepared to vote upon it now. If, however, the Senator from California can explain it, and satisfy me in relation to it, I shall be quite pleased to withdraw my request for delay.

Mr. GWIN. All the provisions alluded to by the Senator from Louisiana were prepared by the Secretary of the Treasury, and at his request examined by the Committee on Finance, and reported unanimously by that committee. The original proposition referred to the committee, was only as to the propriety of authorizing the large coins, provided for by this bill. That question was presented by a memorial of bankers and merchants of San Francisco, asking for large coins for that place. The Secretary of the Treasury was of opinion that it was a proper time, and a proper occasion, to make these other and necessary alterations. The bill was prepared at the Department, and sent to the Committee on Finance, after full consultation with the Director of the Mint. The alterations stated by the Senator from Louisiana have been fully digested by the head of the Treasury Department, and approved by the Committee on Finance. I have no doubt that every provision in the bill is useful and important. There is no doubt that we ought to banish foreign coin from our currency. Gold is one of the products of the country. We produce a hundred millions of gold

annually. We have Mints all over our country. We have enough coin of our own. We do not want to drive any but foreign coinage out of the country. It is worn out, and not of its full value. The Mint has full capacity to coin enough for all the uses of the country. Every provision of the bill has been carefully examined by the Secretary of the Treasury, and sent to the committee for their approbation.

Mr. FISH. I hope the Senator will allow this bill to go over. There are some provisions in it which I should like to examine; but if he does not consent to have it postponed, I will now move an amendment to the fifth section.

Several MEMBERS. Let the bill go over.

Mr. GWIN. I have no objection now.

Mr. MASON. I move that the further consideration of this bill be postponed until to-morrow, with a view that we may proceed to the consideration of Executive business.

Mr. BRODHEAD. I should like to know whether it is to be the understanding that we are to go on to-morrow with this bill?

Mr. GWIN. Certainly; it will be the unfinished business.

Mr. HUNTER. I had supposed that to-morrow we should go on with the veto message.

Mr. GWIN. We can go on with this bill in the morning. It will not interfere with the veto message, of course.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, May 29, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

The SPEAKER stated that the business first in order was the consideration of a resolution reported on Friday from the Joint Committee on Printing.

Mr. FAULKNER. I ask the unanimous consent of the House to offer a resolution.

Mr. REESE. I rise to a privileged question. A motion was made on the 7th of last month, by the gentleman from New York, [Mr. HAVEN,] to reconsider the vote by which the bill from the Senate (No. 256) "for the relief of the West Feliciana Railroad and the Georgia Railroad and Banking Companies" was referred to the Committee of Claims. I desire now to call up that motion to reconsider, for the purpose of having it acted upon by the House. My object is to have the bill referred to the Committee on Commerce.

The SPEAKER. The gentleman from Georgia cannot take the floor from the gentleman from Virginia for the purpose of calling up that motion; not, at least, until the Chair has heard what proposition the gentleman from Virginia has to make.

FUGITIVE SLAVE CASE IN BOSTON.

Mr. FAULKNER. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the facts connected with the recent death of James Batchelder, a deputy marshal of the United States, who, it is alleged, was murdered on Friday last, whilst engaged in enforcing a law of the Union against a violent and treasonable mob in the city of Boston; and if they find, as reported, that he was killed whilst in the performance of this patriotic duty, and has left a widow and children, that they further be instructed to report a bill making some proper and liberal provision for their relief.

Mr. DEAN. I object to that resolution.

Mr. FAULKNER. I move to suspend the rules, and call for the yeas and nays on that motion.

Mr. JONES, of Tennessee. I ask the gentleman from Virginia if he has any information that the Administration cannot execute the law?

Mr. FAULKNER. The resolution is only to instruct the Committee on the Judiciary to provide for the widow and children of the deputy marshal who has been killed.

Mr. JONES. Well, I hope the rules will not be suspended.

Mr. GIDDINGS. If it is the intention of the gentleman to debate the resolution, I hope the rules will be suspended, and that we may all have a hand in the discussion.

The yeas and nays were ordered on the motion to suspend the rules.

Mr. FARLEY. I move that there be a call of the House.

Mr. LETCHER. Is that motion in order? The yeas and nays have been ordered.

The SPEAKER. That does not alter the case at all. The House have only determined that when they take the question they will take it by yeas and nays.

The question was then taken on Mr. FARLEY's motion; and it was disagreed to.

So the House refused to order a call.

[Mr. GREEN, from the Committee on Enrolled Bills, reported back as correctly enrolled the following bill; which thereupon received the signature of the Speaker: An act to organize the Territories of Nebraska and Kansas.]

The question was then taken on the motion to suspend the rules; and there were—yeas 55, nays 51; as follows:

YEAS.—Messrs. Aiken, James C. Allen, Ashe, Barry, Boccock, Boyce, Bridges, Caruthers, Chastain, Chrieman, Cobb, Cox, Cutting, Dunbar, Edmundson, John M. Elliott, Etheridge, Faulkner, Florence, Giddings, Greenwood, Wiley P. Harris, Henn, Hill, Hillyer, Roland Jones, Kerr, Lamb, Leicher, McDougall, McMullin, McNair, May, Mordecai Oliver, Orr, John Perkins, Phelps, Powell, Robbins, Ruffin, Seymour, Shaw, Shower, Singleton, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John J. Taylor, Vansant, Walbridge, Warren, Daniel B. Wright, and Hendrick B. Wright—55.

NAYS.—Messrs. Banks, Campbell, Chandler, Corwin, Cullom, John G. Davis, Thomas Davis, Dean, Dick, Disney, Drum, Eddy, Edmunds, Thomas D. Eliot, Ellison, Farley, Flagler, Fuller, Aaron Harlan, Hendricks, Johnson, George W. Jones, Knox, Latham, McCulloch, Meacham, Middleswarth, Smith Miller, Nichols, Norton, Parker, Peckham, Pennington, Pringle, Reese, David Ritchie, Russell, Sabin, Sapp, Gerrit Smith, George W. Smyth, Stratton, Andrew Stuart, John L. Taylor, Thurston, Trout, Upham, Vail, Walley, Tappan Wentworth, and Yates—51.

The SPEAKER. No quorum voting.

Pending the call of the roll,

Mr. LETCHER said: In voting to suspend the rules, I do not mean to be understood as committing myself in any way to the civil pension system, which the conclusion of the resolution indicates. I vote for it because I desire to ascertain, in a reliable form, the facts connected with the outrage.

Mr. JONES, of Louisiana, said: On the same principle upon which the gentleman from Virginia bases his vote I vote aye.

Mr. ABERCROMBIE, who was not in the Hall when his name was called, said: I do not know a resolution for which I would sooner vote.

Mr. CAMPBELL. Thinking the whole matter a humbug, I vote no.

Mr. HENN. I did not hear my name called, and I do not know whether I was in the bar or not. I would like to vote in the affirmative.

[Cries of "Agreed!" "Agreed!"]

The SPEAKER. There being no objection, the gentleman from Iowa [Mr. HENN] will be allowed to record his vote.

Mr. LETCHER. I desire to offer a resolution.

The SPEAKER. There is no quorum present.

Mr. LETCHER. I move, then, that the House adjourn.

Mr. ELLISON. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. FLORENCE. I ask for tellers upon the motion to adjourn.

The SPEAKER. The question now is on the demand for tellers upon adjournment.

Mr. DUNHAM. I called for tellers upon the yeas and nays.

The SPEAKER. The Chair did not recognize the gentleman from Indiana, nor did he hear him make the demand for tellers.

Mr. ROBBINS. Is it in order now to call for tellers upon the yeas and nays?

The SPEAKER. Only by unanimous consent. Objection was made by several gentlemen.

Upon the motion to adjourn tellers were ordered; and Messrs. CAMPBELL and CURTIS were appointed.

The question was then taken; and the tellers reported—yeas 37, nays not counted.

So the House refused to adjourn.

Mr. HOUSTON. Would it be in order to

move that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. It would not be, unless there is a quorum present. The Chair will proceed to ascertain whether there is a quorum.

After a count, it appeared that one hundred and twenty gentlemen were ascertained to be in the Hall.

Mr. LETCHER. I withdraw my motion that the House adjourn.

Mr. STANTON, of Kentucky. I call for the regular order of business.

The SPEAKER. The regular order of business, as announced by the Chair this morning, is the consideration of the resolution reported by the gentleman from Kentucky, from the Committee on Printing.

Mr. STANTON, (interrupting.) Then I hope that matter will be taken up now.

The SPEAKER, (continuing.) But notwithstanding the fact that that is the regular order of business, it is also in order to move to go into the Committee of the Whole on the state of the Union; and that motion has been submitted by the gentleman from Alabama, [Mr. HOUSTON.]

Mr. STANTON. I was not aware, Mr. Speaker, that that motion had been made.

The SPEAKER. The question immediately pending is the motion submitted by the gentleman from Virginia to suspend the rules for the admission of his resolution.

Mr. OLDS. I rise to a privileged question.

The SPEAKER. The gentleman from Ohio will state his privileged question.

Mr. OLDS. I move that when the House adjourns, it adjourn to meet on Thursday next.

Mr. ELLISON. On that motion I call for the yeas and nays.

Mr. HOUSTON. Let me say to the gentleman from Ohio, [Mr. OLDS], and to the House, that a joint resolution is proposed to be introduced into the Senate for a final adjournment of both Houses on the 3d of July; and if we go away this week, we will only have three weeks more left to transact all the business before us.

Mr. ORR. Oh, they have no notion of adjourning at this time.

Mr. HOUSTON. If we adjourn over, the deficiency bill cannot be got at till next week.

Mr. OLDS. Well, then, I withdraw my motion.

The SPEAKER. The pending question now is the motion to suspend the rules. On that motion the yeas and nays have been ordered, and will again be called.

The question was then taken; and it was decided in the negative—yeas 50, nays 67, (the Chair voting in the negative, and thus making a quorum;) as follows:

YEAS.—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Benton, Boccock, Boyce, Bridges, Brooks, Caruthers, Caskie, Chastain, Cobb, Cox, Cutting, Dunbar, Edmundson, John M. Elliott, Etheridge, Faulkner, Florence, Giddings, Greenwood, Henn, Hillyer, Kerr, Lamb, Leicher, McDougall, McMullin, McNair, Maxwell, May, Mordecai Oliver, John Perkins, Phelps, Phillips, Powell, Reese, Robbins, Ruffin, Seymour, Shaw, Singleton, William R. Smith, Richard H. Stanton, Alexander H. Stephens, Vansant, and Walbridge—50.

NAYS.—Messrs. Barksdale, Barry, Campbell, Chandler, Clark, Corwin, Cullom, Curtis, John G. Davis, Thomas Davis, Dean, Dick, Disney, Drum, Dunham, Eddy, Edmunds, Thomas D. Eliot, Ellison, Farley, Flagler, Fuller, Goodrich, Aaron Harlan, Hendricks, Johnson, George W. Jones, Knox, Latham, Maurice, Meacham, Middleswarth, Smith Miller, Morrison, Nichols, Norton, Olds, Orr, Parker, Peck, Peckham, Pennington, Pringle, David Ritchie, Russell, Sabin, Sapp, Shannon, Gerrit Smith, George W. Smyth, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Thurston, Trout, Upham, Vail, Walley, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, Hendrick B. Wright, and Yates—67.

So the rules were not suspended.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CAMPBELL. I wish to inquire whether a motion to suspend the rules for leave to introduce a resolution would not take precedence of the motion to suspend the rules for the purpose of going into the Committee of the Whole on the state of the Union?

The SPEAKER. Not according to the decision of the Chair the other day, which was, that the Chair should put privileged questions in the order of the time in which they were submitted.

Mr. MAXWELL. I desire the unanimous consent of the House, if the gentleman from Alabama will withdraw his motion for a moment, to take from the table the Senate bill for the relief of J. W. Perry, for the purpose merely of having it referred to a committee.

Mr. HOUSTON. The gentleman from California, [Mr. McDougall], who was accommodating to us all last week, desires that the House do now go into committee. I wish to say so to the House as a reason why I do not comply with the request of the gentleman from Florida, [Mr. Maxwell.]

The question was then taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Boccock in the chair.)

THE PACIFIC RAILROAD BILL.

The CHAIRMAN. The question before the committee is the special order of the House, being House bill No. 295, entitled "A bill for the establishment of a railroad and telegraphic communication between the Atlantic States and the Pacific ocean, and for other purposes."

Mr. OLDS. I move that the first reading of the bill be dispensed with.

It was so ordered; and the first section of the bill received a second reading.

The CHAIRMAN. The gentleman from California [Mr. McDougall] is entitled to the floor.

Mr. DRUM. I ask the gentleman from California to yield to me for a moment.

Mr. McDougall. I yield to the gentleman.

Mr. DRUM. With the consent of the gentleman from California, I desire to make some remarks to the House on the subject of the proposed recommendations of the Secretary of the Treasury to take off the duty upon salt.

[Mr. DRUM presented his remarks, consisting principally of statistics, which will be published in the Appendix.]

Mr. McDougall said the bill before the committee has been postponed from time to time with his consent; not, however, for the reason that, in his opinion, it was of less importance to the country than any other measure which had been presented to the consideration of the committee. The present measure was, in his judgment, and he believed in that of the country, the most important one that has claimed the consideration of this body, in peaceful times, since the establishment of the Federal Constitution. He therefore asked a calm and just consideration of a question of the first magnitude, and of the greatest national importance. There was not merely a political, but a commercial and general necessity for this work.

He then proceeded to state the character of the bill reported by the Select Committee. The committee met for two months, deliberating with great care on this measure. The measure matured by them was now under consideration. It was different in its features from any bill heretofore introduced in Congress in aid of the construction of a railroad to the Pacific. He repeated, the provisions of the bill, granting lands for this purpose, are altogether more guarded, and the interests of Government more securely protected, than in any other bill yet presented.

He argued to show that, even according to the strict construction school, grants of lands, as guarded in this bill, are constitutional. It is about two thousand miles from the Mississippi to the Pacific coast. At present, the General Government pays \$4,000,000 per annum for the transportation of its mails, troops, and military and naval stores to California. The bill now under consideration proposes to perform, not semi-monthly, or six or nine months trips, as now, but weekly trips, across the continent, at a maximum expense of \$1,200,000—for postal, military, and naval supplies. This Government will thus effect a great saving in money, to say nothing of the facilities afforded in the calamity of war. With the present means of communication, the Federal Government is unable to maintain or afford protection to the Pacific coast. If the Government means to protect that coast, it must build a railroad to the Pacific.

He showed the commercial advantages which would result by the speedy conveyance of merchandise from the Pacific to the Atlantic coast. Seventy millions of dollars are annually lost by

the present devious way to our possessions on the Pacific. He entered into a calculation of the benefits of a railroad to the Pacific, saying that when completed, there will be an immediate saving of over forty-eight millions of dollars per annum, equal to the entire annual expenditures of the General Government. In conclusion, he said that the entire country demand the construction of this road; social and political necessity demands it. Whether or not it shall be built by this Congress, the time will come when the road must be constructed.

Mr. YATES. I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman has not the floor for that purpose.

Mr. McDUGALL. I yielded to my friend from Illinois for that purpose.

Mr. YATES. I wish to offer an amendment, with a view to enable the gentleman from California to conclude his speech, and for no other purpose.

The CHAIRMAN. Under the circumstances, the amendment will be received.

It is as follows:

Strike out "fifteen," in the eighth line, and insert "sixteen."

Here the committee rose informally, and the Speaker having taken the chair, a message was received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, announcing that the Senate had insisted on its amendments to the deficiency bill, had disagreed to the amendments of the House to said amendments, and asked for a committee of conference upon the disagreeing votes of the two Houses.

Mr. PHELPS. I ask the unanimous consent of the House to submit a motion that the House insist on its own amendments, and on its disagreement to the amendments of the Senate; and that a committee of conference be appointed.

Mr. WALSH. I object.

Mr. PHELPS. Oh, I hope the gentleman from New York will withdraw that objection. It will avoid the necessity which I should otherwise be under, of moving that the committee rise, for the purpose of enabling me to submit the motion.

The objection was not withdrawn.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. McDUGALL took the floor.

Mr. PHELPS. I ask my friend from California to yield me the floor, that I may make a motion that the committee rise. I desire, when we get into the House, to submit the motion which I submitted informally a few minutes since.

Mr. McDUGALL. I must decline to yield. I shall be through in a few moments.

Mr. McD. then resumed, and concluded his remarks in favor of the bill.

Mr. SHAW addressed the committee on the subject of the distribution of the proceeds of the sales of the public lands, and replied to the remarks heretofore delivered by his colleague, [Mr. ROGERS,] which he said contained many untenable propositions. In much, however, of what his colleague said in regard to the common and equal right of all the States to the public domain, he fully concurred.

He knew that at a former period a claim was set up in favor of the new States to all the public lands within their limits. That claim, however, met with but little favor, even from the new States; and he was sure there was no gentleman here who would controvert the proposition that the public lands of this country are the common property of all the States, and should be disposed of for the common benefit of all.

He then contended that Congress, under the Constitution, possessed no power to dispose of the public lands, only so far as it could dispose of money taken from the Treasury, to carry out any of those legitimate purposes which the Constitution has authorized Congress to accomplish, and no more.

[His speech will be found in the Appendix.]

Mr. SMITH, of New York, obtained the floor, and said that he proposed to speak against the Pacific railroad bill, but as it was late, preferred that the committee should rise.

Mr. WRIGHT, of Pennsylvania. Then I submit the motion that the committee rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee [Mr. BOGOCCK] reported that the Committee of the Whole on the state of the Union, had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 295, being a bill to establish the Pacific railroad, &c., and had come to no resolution thereon.

DEFICIENCY BILL.

Mr. PHELPS. I obtained the floor for the purpose of moving that the House insist upon its disagreement to the amendments of the Senate to the deficiency bill; and as the Senate have appointed a committee of conference upon their part, also to move that a committee of conference be appointed on the part of the House.

No objection being made, the motion was agreed to.

RESOLUTIONS FROM NORTH CAROLINA.

Mr. ASHE. I ask the consent of the House to present some resolutions, in order that they may be laid upon the table and printed.

The SPEAKER. Are they resolutions from the State Legislature of North Carolina?

Mr. ASHE. They are not, but from a convention held in North Carolina.

Mr. JONES, of Tennessee. I would ask the gentleman if they are resolutions passed by a convention authorized by law, or of a political convention?

Mr. ASHE. They were passed by a convention representing a majority of the people of North Carolina. I received them from the Governor of that State, accompanied by a request that I would present them to the House for consideration.

Mr. JONES, of Tennessee. This is not usual, I think, unless the resolutions come from some State Legislature, or a convention called by authority of law in some State. This, it seems, was a voluntary meeting, and was not authorized by law.

Mr. ASHE. It was not authorized by law.

Mr. JONES. Then I object to the reception of the resolutions.

BRIG GENERAL ARMSTRONG.

Mr. PERKINS, of Louisiana, from the Committee on Foreign Affairs, by unanimous consent, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill for the relief of the claimants of the private-armed brig General Armstrong.

ADJOURNMENT SINE DIE.

Mr. WALBRIDGE. I ask the unanimous consent of the House to offer the following resolution:

Resolved, (the Senate concurring,) That the President of the Senate, and the Speaker of the House of Representatives, adjourn their respective Houses *sine die* on Monday, the 3d of July next, at twelve o'clock, m.

Mr. JONES, of Tennessee. I object.

Mr. WALBRIDGE. I move to suspend the rules to enable me to offer the resolution; but I will not ask for a vote upon that motion now, as there is such a thin attendance of members.

The SPEAKER. The motion will be entered.

Mr. JONES. I move that the House do now adjourn.

Mr. CAMPBELL. I move that when the House adjourns, it adjourn to meet on Thursday next.

Mr. HENDRICKS. I demand the yeas and nays on that motion.

Mr. CAMPBELL. Why, you will not have a quorum here to-morrow.

Mr. JONES, of Tennessee. I would remind the gentleman from Ohio that the House has already adopted a resolution that when it adjourns on Wednesday, it will be till Thursday morning, at eight o'clock, and that it will then adjourn until Monday next.

Mr. CAMPBELL. But it is very evident that there will be no quorum here to-morrow.

Mr. JONES. I think there will.

Mr. CAMPBELL. I know a dozen members who are going away to-night.

Mr. HENDRICKS. I withdraw the call for the yeas and nays.

The question was then taken on Mr. CAMPBELL's motion; and it was disagreed to.

The question recurring on Mr. JONES's motion, it was put; and decided in the affirmative.

And thereupon (at half past three o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, May 30, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

WASHINGTON AND ALEXANDRIA RAILROAD.

Mr. FOOT. I ask the unanimous consent of the Senate to permit me at this time to introduce a bill, of which I have not given notice. I will state the object of the bill, and then I presume there will be no objection to its introduction. The Legislature of Virginia, at its recent session, incorporated a company for the purpose of constructing a railroad from Alexandria, in that State, to this city, upon the plan of Colonel French. The object of this bill is to authorize this company to extend their road into the cities of Georgetown and Washington, under such rules, regulations, and prescriptions as the municipal authorities of those cities may prescribe.

There being no objection, leave to introduce the bill was granted, and it was read a first and second time by its title, "A bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia," and referred to the Committee for the District of Columbia.

PENSION FOR SERVICES IN EXECUTING THE FUGITIVE SLAVE LAW.

Mr. ADAMS. I wish now to introduce a resolution which I intended to introduce yesterday morning, and should then have brought forward but for the press of business urged upon us by the chairman of the Committee on Finance. I offer the resolution now. If there be any objection of course it will lie over. The resolution is:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of providing by law a suitable pension for the support of the widow and children, if any, of the late James Batchelder, of Massachusetts, who was killed while assisting the marshal of the United States, for that State, in executing an act of Congress."

Mr. SUMNER. Let it lie over.

The PRESIDENT. Objection being made to the consideration of the resolution, it must lie over until to-morrow.

ORGANIZATION OF THE NAVY.

Mr. MALLORY. I designed this morning to ask the Senate to indulge me with taking up, during the morning hour, the bill for the organization of the Navy. The honorable Senator from New York, [Mr. FISH,] however, informs me that he has some amendments to propose, which will be ready to-morrow. I therefore now give notice to the Senate that I shall ask, during the morning hour to-morrow, to take up that bill.

PETITIONS, ETC.

Mr. CHASE presented a petition of inhabitants of West Unity, Ohio, praying a reduction of the rates of ocean postage to two cents; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of New York, praying the recognition of the independence of the Republic of Liberia; which was referred to the Committee on Foreign Relations.

Mr. JONES, of Iowa, presented a letter of F. W. Lander, late locating and estimating engineer under Governor Stevens in his exploration of a route for a railroad to the Pacific, accompanied by resolutions of the Legislature of Washington Territory, in favor of an appropriation to compensate him for service rendered by him distinct from that required of him by Governor Stevens; which was referred to the Select Committee on the subject of a railroad to the Pacific.

Mr. PRATT presented the petition of Jane Moore, widow of Captain Stephen H. Moore, praying to be allowed a pension; which, together with certain papers on the files of the Senate in regard to the subject, was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SLIDELL, it was *Ordered*, That the documents relating to the claim of William Pumphrey, legal representative of Jacques Monton, be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. RUSK, it was

Ordered, That the petition of Rebecca J. Birdsell be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

BILL INTRODUCED.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill granting to the States of Louisiana, Mississippi, and Alabama, the right of way and a donation of public lands, in aid of the construction of a railroad from New Orleans to Mobile; which was read a first and second time by its title, and referred to the Committee on Public Lands.

GOVERNOR RAMSAY.

Mr. SEBASTIAN. I am instructed to ask the Senate to take up for consideration the resolution submitted by me in relation to printing certain additional documents in the case of Governor Ramsay. The Senator from Michigan, [Mr. STUART,] who objected to its consideration at that time, is now satisfied of the propriety of printing the documents.

The Senate proceeded to consider the resolution; and it was adopted, as follows:

Resolved, That in addition to the documents in the case of Alexander Ramsay, late Governor of the Territory of Minnesota, ordered to be printed on the 8th instant, all the papers on file, as well as the correspondence between the commissioners and the First Comptroller, be printed with Executive Document No. 61 of the present session.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the petition of Michael Hanson, praying to be allowed a pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the bill from the House of Representatives, to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization, reported it back without amendment.

He also, from the same committee, to whom was referred the memorials of Overton Love and John Guest, of the Chickasaw nation, praying remuneration for property taken by white persons within the jurisdiction of that Territory, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred a petition of the Lutheran Synod of Missouri, Ohio, and other States, praying that a grant of land may be made to the head of every family of Chippewa Indians residing in Michigan, and an appropriation for the support of schools among said Indians, asked to be discharged from its further consideration, on the ground that the prayer of the petition will be attained in the contemplated treaty with the Chippewa Indians; which was agreed to.

CHARLES D. ARFWEDSON.

On the motion of Mr. CLAYTON, the bill in favor of Charles D. Arfwedson was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to Charles D. Arfwedson, late consul of the United States at Stockholm, \$1,681 25, in full for the balance of compensation due him as acting chargé d'affaires of the United States near the court of Sweden, from the 24th of July, 1849, to the 22d of April, 1850.

Upon the recall of Mr. Ellsworth, late chargé d'affaires of the United States to Sweden, he was directed by the Department of State to place the legation in the hands of the United States consul at Stockholm. In compliance with that direction Mr. Ellsworth transferred the legation to Mr. Arfwedson, on the 24th of July, 1849. From that time until April 22, 1850, when Mr. Schroeder entered upon the functions of the office, Mr. Arfwedson, in conformity with repeated instructions from the Department, corresponded with the Swedish Government and his own, upon diplomatic subjects of a delicate nature, and in a manner entirely satisfactory to his Government, and his services during that period were of great value to the interests of his own Government.

He acted as chargé d'affaires for a period of

eight months and twenty-nine days; for which his compensation, at the usual rate of \$4,500 per annum, would amount to the sum of \$3,362 50. In the general civil and diplomatic appropriation act of August 31, 1852, provision was made for the payment of half that sum, leaving \$1,681 25 still due, for which he now appeals to Congress.

When this application was before the committee during the last Congress, it was believed that the consul fees, together with the amount then allowed, would be equivalent to the full compensation of a chargé, and hence the whole was not then allowed. But it now appears, from a certificate of the memorialist, that the whole amount of consular fees received by him from the 1st of April, 1849, to the 1st of April, 1850, was but \$89 75—a sum believed to be barely adequate to cover the expenses of the consular office itself.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PERSONAL EXPLANATION.

Mr. HAMLIN. I learn that what I said yesterday in the Senate, in relation to the Superintendent of Public Printing, was misapprehended. I think by several Senators, and I ask the indulgence of the Senate to say a word as to how, precisely, I meant to be understood. It had been stated in the Senate, by several Senators, that the Patent Office report had been referred to the Superintendent of Public Printing, and that, under the law, he had already decided to which printer it belonged. I so stated; I think the Senator from California so stated; and I think others so stated. When I made the remark that if any action of the Senate should be had it was the understanding of the Superintendent of Public Printing, that it would be his duty to act in accordance with the law, I meant to say only that such had been his decision. I did not mean to be understood as having any conference—as I had not—with him, in relation to the particular subject which was then before the Senate. But whilst I was a member of the Committee on Printing, I knew that he had carefully examined the subject, and after mature deliberation had come to the conclusion that such was the law. What I meant to say was simply that, acting under the law, in his judgment, and under his oath of office, such must necessarily be the direction which he would give it.

Mr. GWIN. I did not yesterday state that he so decided.

Mr. HAMLIN. I stated so.

Mr. GWIN. I asserted the fact that the Patent Office report had gone from his hands. I did not know what his decision was. I took it for granted it had gone there according to law. I know nothing of his action at all, except what I heard from Senators.

DEFICIENCY BILL.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that they had insisted on their amendments, disagreed to by the Senate, to the Senate amendments to the bill of the House to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1854; had adhered to their disagreement to certain amendments of the Senate; had agreed to a committee of conference on the disagreeing votes of the two Houses; and had appointed Mr. PHELPS, Mr. CHANDLER, and Mr. LETCHER, managers on their part.

ADJOURNMENT SINE DIE.

On motion by Mr. GWIN, the Senate proceeded to the consideration of the following resolution submitted by him yesterday:

Resolved, (the House concurring,) That the President of the Senate, and the Speaker of the House of Representatives, adjourn their respective Houses sine die on Monday, the 3d of July next, at twelve o'clock, m.

Mr. GWIN. I will state very briefly my reason for offering this resolution. It is my opinion that we can dispose of all the business that is now before the Senate and the other House, which is required to be acted upon during this session, by the time mentioned in the resolution. So far as the Senate is concerned, I believe there are but two questions which will lead to any lengthened debate. Those are the Pacific railroad bill and the homestead bill. Those two questions will take several days in the discussion of each. Following them will be the appropriation bills. It seems to me that if we fix a day of adjournment now, the two

Houses will go to work in earnest, and we shall dispatch the business by the time fixed. As a member of this body, I am anxious to bring the session to a close at as early a day as possible. No two Senators, I suppose, have more business before Congress than my colleague and myself; but I am clearly of opinion that the interests of the country can be properly taken care of by fixing the day of adjournment proposed in my resolution, if the two Houses will apply themselves assiduously to their duties. I hope, therefore, the resolution will meet the approbation of the Senate.

Mr. BELL. I would inquire of the Senator from California, if he has any information which satisfies him that there will be no bill making appropriations for the improvement of rivers and harbors during this session of Congress?

Mr. GWIN. When I spoke of the appropriation bills, I presumed that that bill would be one of them, though I have no knowledge of the fact. I said that the important measures to be disposed of were the Pacific railroad bill, the homestead bill, and the appropriation bills. I do not know whether the river and harbor bill will be one of the appropriation bills or not. I do not know whether it has been reported or not. I meant, however, to include all appropriation bills.

Mr. DAWSON. I was going to propose, by way of amendment, in connection with this matter, that we adjourn on the first Monday in July until the second Monday in October. That would be the better plan. By doing so, we should avoid the pressure of the heat here during the months of July and August, and would come back in the pleasant months of October and November, and transact the public business. I think we should do it more satisfactorily in that time than we can by hurrying matters now. I therefore propose that we amend the resolution by adding the words "from the first Monday in July until the second Monday in October."

Mr. EVANS. Say the third Monday in October. Our elections in South Carolina come off on the second Monday.

Mr. DAWSON. I will say the third Monday in October, if it be more acceptable. It would be more convenient for us all; for we discover that it is almost impossible on a hot day to keep this body together, and no great measure can be discussed thoroughly and a vote upon it fairly had.

Many of our members are old and distinguished statesmen of the United States, and it is wrong to oppress them during these hot months. [Laughter.] The younger men of us can stand it pretty well; but I think it is due to the interests of the country, and due to our own health, that we should pursue the course I have suggested. I have conversed with a great many Senators upon the subject. All seem exceedingly to desire it. They think it will best subserve the interests of the country; and they have come to the conclusion, that the plan that I have suggested in their behalf, and my own, would be the better one. I therefore hope the Senator from California will accept my proposition, and that we may agree unanimously to the resolution as amended. It would suit the convenience of nine tenths of both branches of Congress.

Mr. GWIN. My object is to bring about an adjournment on the first Monday in July. The distance which the members from California are from home is well known; and it is important that we should be at home at as early a period as possible. I am very willing, if it is agreeable to the Senate, to accept the amendment of the Senator from Georgia, to adjourn from the first Monday in July to the third Monday in October. That would give us some time to be at home.

Mr. CLAYTON. Like the young Senator from Georgia, I join with the other young members of the Senate, in generously tendering this amendment for the benefit of the older ones. [Laughter.] I think we shall gain by adjourning through the hot weather, until it shall become so pleasant that we can come here and sit for a proper length of time, in the transaction of the public business. This is not a new idea, sir. Congress has made various attempts similar to what is now proposed.

Many years ago, it was so apparent to gentlemen here, that during the long sessions, in the heat of the year, members of Congress were not able to perform their duty as they wished to do, and that the short session was too short, that an

attempt was made to equalize the sessions. In consequence of a difference between the Executive and Congress on that occasion, the bill for that purpose was vetoed; but there was a general and almost universal sentiment that the short session should, in some way, be made longer, and the long session in some way made shorter. This will effect that object. It will bring Congress together at a time of the year when it can act best; and I trust it will meet with general approbation. I am decidedly in favor of it, and hope that it will be adopted.

The PRESIDENT. The Chair will suggest whether it is not necessary, to effect the object, to propose a joint resolution.

Mr. TOOMBS. This is a joint resolution.

Mr. BRODHEAD. If we adjourn on the day indicated by the Senator from California, the first Monday of July, I take it for granted, we shall consider no other than the appropriation bills, and that the homestead bill and the Pacific railroad bill, will, of course, go over. I am willing that they should go over, not only until October, but that they should be postponed indefinitely. I take it for granted, in view of the condition of business in the House of Representatives, that that body will have quite enough to do, and so shall we, to properly consider the several appropriation bills.

If we are to consider, during this session, the Pacific railroad bill, we had better consider it in October, because then we shall have the reports of the different surveying parties fully before us. That might be an additional reason for adjourning to meet again in October. I confess I, for one, would like to avoid, if I could, the necessity of remaining here during the months of July and August; but I am quite convinced that if we consider all the measures indicated by my friend from California we must, of necessity, remain here at any rate until the first of September. For several years past we have not been able to adjourn until August.

Mr. GWIN. I differ entirely from the honorable Senator from Pennsylvania. He is an opponent of these two great measures, and I have no doubt he goes for an adjournment, to put them off. I entertain a different opinion from him. I believe they both can be considered by the time I have indicated. I have no doubt about that, if we fix the day of adjournment. But I am not going to be drawn into an argument. I think we ought to adjourn by that time. The oldest members of this body know the fact, that legislation done in the summer months is of a most imperfect character. I hope the resolution will be adopted.

The PRESIDENT. The resolution, as proposed to be amended, will be read.

It was read, as follows:

Resolved, (the House concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on the first Monday in July until the third Monday in October next.

Mr. PETTIT. I am as desirous to terminate this session of Congress as any Senator can be. My action here has shown it. The Senate has never been without a quorum on my account. I have not spent a day absent from here since the session commenced. If it can be shown that the proper and legitimate business of the country can be done by the first Monday of July, I shall be willing to adjourn. But what are the probabilities? You have before you an amount of business twice as large as all that we have accomplished so far. You have before you the veto message of the President of the United States upon the indigent insane bill, which we seem to be very loth to get at. That will necessarily occupy considerable time in its discussion. You have the Pacific railroad bill, which will occupy more time than remains from this until the 3d day of July in its discussion in the two Houses. The Senator from California shakes his head; but when he hears the bill discussed, he will find it so. You have the homestead bill—in my judgment a very important matter—not only to be discussed, but to be disposed of. You have various other bills. It was anticipated at the opening of this session that the whole tariff policy of the country would undergo a revision at this session. It is so expected by some Senators yet. I know not how the committee on that branch of the public service is getting along. I do not pretend to know. I am waiting their action to know their report and rec-

ommendation. I understand it is yet to come up to be acted upon. There is an immense amount of legitimate public business, therefore, not to say anything about the private business on your Calendar, and it is every day becoming accumulated and increased.

You propose now in a day or two to adjourn over for the purpose of renovating the Hall, taking up the carpets, and putting down matting; and, to my judgment, there will be no business of any consequence transacted until next Monday week, in the Senate or House. To-day and to-morrow may be dwindled away as though in session, but really little or no business will be done. You will then be advanced into June sometime before you are ready to commence business in earnest again. You will have less than a month to transact all this business in; and what will be the result? We leave the country with business merely blocked out, and not completed; not an expression of their representation in the two Houses upon the various questions of public importance will be had. To my judgment, this question ought to be postponed until we shall have had this renovation done—everybody understands it is to be done—and have come back again a little renovated. I expect to stay here myself. I understand others are going away. Some have already started. We shall then better be able to judge how soon we can get through with the public business. If it can be done in a day, I say again I shall be glad to see it so disposed of; but all experience shows us that it cannot be so done. It may be the convenience of Senators—no less, perhaps, mine than others—to go home, and be in our respective States for a while; but, sir, I am not disposed to quit or abandon a trust confided to me here, however short it may be, or abandon the faithful fulfillment or performance of it during the time that it may last, with the hope, or even with the certainty, that its abandonment here would secure a perpetuity or continuance of that position. I think the public service requires that we should not take this precipitate step now; and I therefore move to postpone the further consideration of the resolution until next Monday week.

Mr. GWIN. I have but a few words to say in reply to the Senator from Indiana. In regard to the dispatch of the public business, it is well known that four years ago, a question similar to one which has been discussed this session in both branches of Congress, was under discussion for months; and it was finally decided about the 9th day of September. It occupied the whole attention of Congress up to that period; and in three weeks following that, we dispatched the public business, adjourned, and went home. Now, we have got through a similar question, which absorbed the whole time of Congress during its discussion, and it has passed at an earlier period than the other was disposed of four years ago; and I propose to give a sufficient time for a discussion of the questions that it is necessary for us to act upon. We know the homestead bill has been discussed here for years past; and it has been finally acted upon by one House. We know that the Pacific railroad bill was last session discussed elaborately in this body, and was very near passing then. These questions are all before us and ready for our action; and if we will apply ourselves to business assiduously, I have not a solitary doubt that we can dispatch every one of those measures in which the country is deeply interested before the day I indicate.

But the Senator seems to have forgotten the fact that, by the proposition of the Senator from Georgia, we shall have a considerable time before the meeting of the next session of Congress to dispatch the business that may go over the 3d of July. And, Mr. President, it is well known that, according to the rules of the two Houses of Congress, what we do not act upon now comes up in order at the next session, as if we had not adjourned at all; so that we have continuously before us from this to the 3d of March, with a short interval of time, to dispatch the public business which is before the two Houses of Congress; and as it is the experience of members of this body, and of the other House, that in the midst of the summer months the discharge of business is very onerous and oppressive, if not dangerous to the health, it seems to me we shall be economizing the public time, and dispatching the public business by coming to a determination at once

as to when we shall adjourn. I oppose the motion to postpone; and hope we shall have a vote now.

Mr. PRATT. I do not claim to belong to that senior class of Senators referred to by my friend from Georgia; nor do I claim, therefore, the necessity of an adjournment during the hot weather on my own account; but I differ entirely from my friend from Indiana [Mr. PETTIT] in supposing it would be injurious to determine now, provided we are to determine at all, upon a recess. My experience has been that, when we know we are to adjourn at a particular day, every one will set to work to get passed those measures which, in his judgment, are most important to the country. It is palpable to us all, from our experience hitherto, that we shall get through a greater portion of business by having some day fixed, than we shall if no day is fixed. Witness the short sessions of Congress. It is known to you that then very much fewer days are lost in idle discussion, very much fewer days are lost in the discussion of questions not of great national importance than are lost during the long sessions.

Mr. President, there are many measures of deep interest to be acted upon now. Among them is the homestead bill; and my object in rising is to give notice to the Senate, and that it may go to the country, too, that my honorable friend from Georgia has prepared an amendment to that bill which will probably meet the sanction of the Senate, as I am sure it will meet with the sanction of the country, if any homestead bill is to be passed at all. By his amendment he proposes to give one hundred and sixty acres of the public lands to every free white male citizen of the United States above the age of twenty-one years. That is in lieu of the homestead bill which is now pending. It is one of equality. It is one of justice. It is one to which no man on earth can object on constitutional grounds, because it distributes to the people of the country the lands which belong to them. My principal object in rising was to give that notice to the Senate.

Mr. DAWSON. I beg to say to my friend that I had intended to add the widows. [Laughter.]

Mr. PRATT. I had some objections to widows. [Laughter.] However, I hope the vote will be taken at once on this resolution. Its postponement to Monday week will only result in discussion then on a further postponement, or, if it is the opinion of the Senate that we ought to have a recess, we should decide now when that recess is to take place.

Mr. DOUGLAS. Anxious as I am for an early adjournment, I cannot vote to fix the time at so short a distance off as would render it improbable that we could dispose, not only of the appropriation bills properly, but also of the homestead and the Pacific railroad bills. I think we ought to make our calculations with reference to getting through with those two great measures. The shortest time that will enable us to accomplish these two objects will suit my purpose; but I cannot fix so short a time as the 3d of July.

I will also remark that it has been my purpose, and I will be ready by to-morrow or next day to bring forward a bill to fix the annual meetings of Congress on the first Monday of October, instead of the first Monday of December, as a permanent law of the land, in order to more nearly equalize the length of the two sessions, making the short session five months instead of three months, as it now is, and as a consequence, that will bring the vacation in the heat of summer.

Mr. CLAYTON. Does the Senator recollect that, some years ago, a proposition somewhat similar was brought forward, and that President Jackson vetoed it on the ground which the honorable Senator has stated? I make the suggestion to the Senator, that he may look to the act of that day.

Mr. DOUGLAS. We may omit that question now. I thought, as we were now speaking of a definite adjournment, I would give notice that I intended to bring forward a general law upon that subject. In reference to the present adjournment, I hope that we will either give this resolution the go by for the present, or else fix a time which we will be sure will give us a sufficient opportunity for passing the great measures to which I have alluded.

Mr. TOOMBS. I am much in favor of an early day for our adjournment, and unless we appoint a

day certain, we shall make but small progress in the public business during the summer. I do not like the proposition to take a recess until October, and still less the proposition of the Senator from Illinois to lengthen the short session, unless his proposed bill will also limit the long session. The length of our sessions is becoming a great evil to persons in the public service. The doors of Congress are fast becoming like (Virgil, I think, describes) the gates of hell—forever open. If we could fix the duration of both sessions of Congress within reasonable limits, we should have sufficient pleasant weather in which to transact the necessary public business. We do the business of the country, sir, as well during the short session as the long session. From my experience here, I think it is rather better done at the short session. I am satisfied that four months would be sufficient to enable us to do the business at each session, and that would be a great relief to those who have anything to do when they are at home. As to meeting again in October, however, I think that would be too soon. If we take a recess at all, we ought to have some time to attend to our business at home. Coming here again in October, I think, would not suit many of us. I am disposed to fix the earliest day possible for the adjournment, and if I cannot get the first Monday in July, I will take the third Monday in July or the first Monday in August. That would give us ample time; but when we adjourn I want to adjourn to the time fixed by law—the first Monday in December.

Mr. JOHNSON. Mr. President, I shall favor the motion made by the Senator from California, but I suggest to him that he say the second Monday in July. That will give us a full month for the transaction of business. The criticism made by the Senator from Indiana, [Mr. PETTIT,] I think is correct; with the resolution as it stands, there will be something less than a month left to us. The Senator from California says he is willing to make his resolution read "the third Monday of July." That is ample time for us—there is no question of it—to get through with the whole business. It is ample time for us to consider the homestead bill, for the simple reason that, having passed the House of Representatives, it is now in this body; and in this body we have, and always shall have, more leisure, from the organization of the body, than they have in the House, to consider such a measure. If the House can get through with the appropriation bills, we can get through with the homestead bill also. The appropriation bills will not be here until the last moment; so that we shall have plenty of leisure time between now and the third Monday in July. But for an evidence of our ability to get through with our business, and of a fact which is familiar here without evidence—that is, that when a day is fixed we always work up to that day, and that we have worked up to it successfully heretofore—we have but to refer to the periods of adjournment of preceding Congresses.

In 1838, which was the Twenty-Fifth Congress, they adjourned on the 9th of July. In 1840, which was the Twenty-Sixth Congress, they adjourned on the 21st of July; and all the business was done in those years of the same character which we are required to do this year. We are now without any great absorbing, leading, national question that is to consume much time in debate. In 1842, the Twenty-Seventh Congress, they adjourned on the 31st of August. The cause of that is well known. The bank questions were up then, during Mr. Tyler's Administration; and that was the cause of that extraordinary long session lasting until the 31st of August. The tariff of 1842 was passed, also; and that aided in keeping Congress in session till so late a period. In 1844, the Twenty-Eighth Congress, they adjourned on the 17th of June—absolutely on the 17th of June! We propose now to give the additional time until the third Monday in July, if gentlemen do not prefer a shorter period. In 1846, the Twentieth-Ninth Congress, they adjourned on the 10th of August. In 1848, the Thirtieth Congress, they adjourned on the 14th of August. In 1850, the Thirty-First Congress, which was the compromise Congress, they were kept here until the 30th of September. The cause of that is well known. The compromise question consumed all the time, occupied the minds of all, and kept us here until the 30th of September. The votes upon the

compromise were not taken until the month of September. The last Congress, in 1852, sat here until the 31st of August. That was an unusually long time. There was no particular necessity for that extraordinary delay. It arose simply because the time was not fixed at an earlier period. They might just as well have adjourned a month or two months sooner, as to have delayed it to the length of time they did.

Now, if it be a pleasure to stay here through the dog-days, let it be so voted; let us stay. But the proposition made by the Senator from California concedes even to those who desire to stay here to the 31st of August, if necessary, all the time they want. There will be a delay of a very short time because we shall, under that resolution, commence again on the third Monday of October, and run on until the first Monday in December, when the regular session commences. Some may make an objection to one session being thus brought to run into another. The period of the year during which the resolution proposes we shall sit is better for the health of those who are here, as well as for the business of the country, than the months of July and August; and as to one session running into another, it is no objection. That is practically the case now; for there is a joint rule of the two Houses which declares that the business which is not disposed of at the long session, shall stand over to the short session, and take the position on the Calendar of the second session which it had on the first.

I would, sir, support the very shortest time of adjournment that could be given in which we could do the public business, even if we did not take a recess to meet again in October; but I am satisfied to commence again in October, and certainly that with sitting here to the third Monday in July will be ample time to give to the labors of this session. I hope sincerely that the third Monday in July may be adopted as the day of adjournment, as it seems to me to be far the most appropriate.

Mr. BAYARD. There necessarily must always be a diversity of opinion among Senators on the question of adjournment, arising both out of the matter of personal convenience, and from other causes. I presume that the only reason on which we could justify ourselves, and which I think does amply justify us, is, that during the hot months of our climate man is incapacitated for that attention to business which otherwise he could bestow upon it. The languor of the body necessarily produces indisposition to mental as well as physical labor. That being the case, it would seem to me that the rule of adjournment ought to be to adjourn from that period when the intensely hot weather commences until that period when it becomes sufficiently cool and agreeable for the purpose of our duties here without being oppressed by the heat of the weather. I should think we ought to look to that as the rule for a recess, if we are to have one; and to take, say the third Monday in June, by which time your weather here always becomes very warm. By that time you can dispose of those measures, and of those only, that ought to be acted upon immediately, such as the deficiency bill, and measures of that class. We might then adjourn from that time until the last Monday in September, or to the first Monday in October. Your weather then, throughout this climate, is always perfectly consistent with any species of exertion, mental or corporeal; and I think if the ground of the recess is the condition of the weather and climate during the hot months, you can justify the adjournment on no other principle than adjourning over that period during which the climate incapacitates you from mental exertion.

I therefore think, if a recess is to be taken—personally, to me the period would be an inconvenient one; but I endeavor to discard that entirely from my consideration—you should adjourn from the third Monday in June, which is the 19th, to the last Monday in September, or the first Monday in October at the furthest. You then will have ample time to dispose, during the existing session, of all the great measures alluded to as matters requiring the discussion of the Senate. You will not be asked to discuss or dispose of them now, with, perhaps, the exception of the deficiency bill, which certainly ought to be disposed of, and the bill which has been vetoed by the President of the United States, with some

other subordinate measures. You have a great many measures of importance; and, I am sorry to say, that the bill which is most important to the people of the country, seems to me to have escaped the attention of Senators altogether in looking at what their duties must be during the present and next session of Congress. I allude to the bill which proposes to reorganize the judicial system of the United States; one which certainly will involve differences of opinion; one which, though it will not give rise to excitement, and may not attract public attention to the extent which some other subjects do, is as vitally important to the people of the country as any or all the measures which so much press upon the attention of the Senate. It will take a long time, probably, in its discussion; but I think I afford ample time, and my object is to afford the recess during that period when the character of the climate incapacitates us from intellectual labor.

I hope, therefore, if the Senate determine to take a recess, it will be on the only ground on which it can be asked for, and that we shall take the earliest day after the hot weather terminates for the recommencement of our labors. The recess should commence earlier than July, for the weather is hot enough before that to justify it. That will give us ample time to dispose of all the measures which must be disposed of at once; and then by commencing again in the latter part of September, or the beginning of October, we shall have two months for the disposition of all the measures upon which we have to act during the present session.

Mr. BROWN. I am particularly opposed to the amendment offered by the Senator from Georgia, [Mr. DAWSON,] and chiefly for the reason that it would be to me a matter of very serious personal inconvenience, coming as I do from the extreme South. I do not want to be sent home in July and August. It is much more pleasant to stay here.

Mr. PRATT. Go to the springs. Mr. BROWN. But, then, when shall I go home? You bring me back in October, which is the only safe season for me to go home, and which is the only time when I can stay at home, without personal inconvenience, to transact my private business. You bring me back to Congress at that time, so that I have no chance to go home at all. I am opposed to it on that ground.

Then, sir, I do not see the reason which prompts gentlemen to insist on this sort of adjournment over. To my mind it is very obvious that there are certain questions which ought to be discussed here in the warm months. We had a proposition up some time ago in reference to water-works for this city. I cannot imagine anything more delightful than to talk about water-works in July and August; and I think gentlemen who have been opposing that measure heretofore if they could be got into the discussion of it on one of those hot days, when the thermometer is up to 95°, would receive the proposition much more kindly than they have done before. [Laughter.]

But, sir, I am opposed to the resolution itself. I have no idea that we can transact the public business by the time specified. All the appropriation bills are yet in the House of Representatives. The civil and diplomatic bill, the Army appropriation bill, and the Navy bill, are all yet in the House; not one of them has been sent here. Those bills will this year appropriate doubtless thirty millions of dollars, perhaps a larger sum. Shall we hurry the appropriation of that amount of money through here without any sort of consideration? Is it treating the public Treasury with justice to do so?

I know that during the short sessions you undertake to do little else than simply pass the appropriation bills. Those great measures which are discussed during the long session, such as the Nebraska bill, the Pacific railroad bill, the homestead bill, and other measures of that character, get no sort of consideration during the short session of Congress; and as long as you limit those sessions to three months, they never will get any consideration, because it takes the whole of that time to transact the necessary public business which is indispensable, and cannot by possibility be postponed.

Now, we have all the business of this session on our hands. I know of nothing that has been

disposed of finally but the Nebraska bill. If we are to hurry the business over without any consideration, we may adjourn in July. If we are content to postpone those measures which have been partly discussed, and simply take up the appropriation bills and pass them, we can get through in the time proposed. But if we are to discuss the homestead bill, who does not know, that it will take more time, than that mentioned in the resolution, to discuss that single bill in the Senate? If you had the same rules here, as they have in the House of Representatives, if you could apply the previous question, you might cut off debate; but you cannot do it. The discussion of the homestead bill alone in this body, I have said, will occupy more time than is given us by the resolution. I know what will be the consequence of passing the resolution. All these measures will be passed by. Perhaps gentlemen will say it is as well they should be; but I think differently. Therefore I want to have plenty of time for discussion. But I am more particularly opposed to the amendment offered by my friend from Georgia, than I am to the original resolution. I am utterly opposed to an adjournment over to October. If we can get through in July, very well, let us go home and remain there, until the regular time for the meeting of Congress.

Mr. CLAYTON. Generally, sir, when a discussion has arisen on a resolution fixing the day of adjournment, it has lasted for a long period, and consumed a great deal of the valuable time of the Senate. I hope we shall not imitate the example which has heretofore been set us.

Sir, I do not intend to suggest any additional reasons for adopting the resolution of the Senator from California except this: I desire to call the attention of the Senate to the fact that even now, at this stage of the session, we are very frequently left without a quorum. Why is it? It is generally to be attributed to the weather. If we continue during the months of August and September, we shall be found in that situation much more frequently than we have been heretofore.

The mode now proposed is the only way in which you can do anything towards equalizing the sessions of Congress. The effort which was made in 1836 to equalize the sessions I find, on examination, to have been this: A bill passed both Houses of Congress to commence the sessions on the first Monday of November, and extend both sessions until the second Monday in May. The President's veto was founded on the ground rather that it was unconstitutional to fix the term of adjournment in that manner by legislative act. But when that veto came in, then it was competent for Congress to start a plan which I should have preferred rather than to have gone on as before. I refer to the plan suggested by the Senator from Illinois, [Mr. DOUGLAS,] which is to pass a bill directing the sessions of Congress to commence on the first Monday of November or October. I did not think, myself, the veto was sustainable, under the Constitution, at the time. But this difficulty, I remember, was suggested in opposition: that, instead of that equalizing the sessions of Congress, it extended the long session only a month longer; because, if we commenced on the first Monday in November, we should continue in session just as long as if we commenced on the first Monday of December. For that reason, although Congress was almost unanimous in the expression of its wish that the sessions should be equalized, no plan was adopted, and I suppose it would not adopt that plan now for the same reason. The only plan that can be adopted, and incur no constitutional objection, is this, which is nothing more nor less than to have a recess for a limited period. It requires the consent of both Houses, being an adjournment for more than three days; but it is, in its nature, like an adjournment over to Monday, which we frequently have.

There is one consideration which I wish to throw out, while we are about to act upon this question. I am willing to vote for this resolution, and anxious that it should be adopted; but I should like to see, accompanying it, some legislative act, declaring or enacting that there should be no compensation received by members of Congress during the recess. We ought not to receive it; we are not entitled to receive it; but it is something of a question, as you will find on looking into the matter, whether you might not found a claim to compensation, unless you change your law. We

cannot do that by way of amendment to this resolution, because it can be done only by regular legislative act repealing a former act, and requiring the assent of the President. This resolution does not require the consent of the President at all. I throw this out for the consideration of gentlemen who take an interest in the matter.

I trust the resolution will be adopted, and that we shall then have the concurrent action of both Houses upon a bill, declaring or enacting that during the recess there shall be no compensation.

Mr. GWIN. I have a word to say in regard to the suggestion of the Senator from Arkansas; and it is this. If we take a recess at all, it is better to do it from the first Monday in July, which will give us a proper time to go home and return. I would adopt the suggestion to say second or third Monday in July, if this were a proposition for final adjournment; but this is merely for a recess. I hope the question will be taken.

The PRESIDING OFFICER. (Mr. WELLER in the chair.) The question is on the amendment of the Senator from Georgia.

Mr. GWIN. I accept that.

The PRESIDING OFFICER. Then the question is on the motion of the Senator from Indiana, [Mr. PETTIT,] to postpone the further consideration of the subject until Monday week next.

Mr. GWIN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and taken with the following result:

YEAS—Messrs. Bayard, Douglas, Norris, Pettit, Rusk, Stuart, and Walker—7.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Brodhead, Brown, Chase, Clay, Clayton, Dawson, Dodge of Wisconsin, Evans, Fessenden, Fish, Fitzpatrick, Foot, Geyer, Gillette, Gwin, Hamlin, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Pratt, Sebastian, Seward, Slidell, Sumner, Thompson of Kentucky, Toombs, Toucey, Wade, and Weller—34.

So the motion was not agreed to.

Mr. BROWN. I now move to strike out the latter clause of the resolution, which provides for a recess until October.

Mr. SEWARD asked for the yeas and nays on this amendment; and they were ordered, and being taken resulted—yeas 19, nays 24; as follows:

YEAS—Messrs. Brown, Chase, Dodge of Wisconsin, Douglas, Fessenden, Fish, Fitzpatrick, Hamlin, Mallory, Mason, Norris, Rusk, Seward, Shields, Stuart, Sumner, Toombs, and Weller—19.

NAYS—Messrs. Allen, Atchison, Badger, Bayard, Brodhead, Clay, Clayton, Dawson, Evans, Foot, Geyer, Gillette, Gwin, Johnson, Jones of Iowa, Jones of Tennessee, Pratt, Sebastian, Slidell, Thompson of Kentucky, Toucey, Wade, and Walker—24.

So the amendment was rejected.

The question then recurred on the original resolution as modified, as follows:

Resolved, (The House concurring,) That the President of the Senate, and the Speaker of the House of Representatives, adjourn their respective Houses on the first Monday in July, until the third Monday of October next.

Mr. BAYARD. I move to amend that by striking out the "third Monday of October," and inserting "first Monday of October."

Mr. STUART. If this matter is to be considered and determined to-day, it strikes me that we might as well have some little understanding about it. It seems that the object is to advance the convenience of Senators. I know not how it may be in the south and southwest, but I must say that a more inconvenient adjournment for gentlemen in the northwestern States could not be proposed. The elections in almost all those States take place on the first Tuesday in November. The election of members of the House of Representatives come off on that day; and many of those members, as a matter of course, will be candidates for reelection. Now, to bring those gentlemen back here on the first Monday of October, or at any other time in October, would be one of the most inconvenient things that could be done.

Now, sir, I submit that, as a general proposition, there has been as much injury done in undertaking to fix the time for the final adjournment of a legislative body, before there is a sufficient understanding of the condition of business to satisfy the body that it can be disposed of by the time fixed, as has been done in any other way. It is productive of more hasty and inconsiderate legislation perhaps than any other one thing. I have often heard it remarked that it is necessary to fix a time of adjournment and work up to it. I have found that work to consist in doing certain things

very improperly and not doing certain other things at all.

I have thought it necessary to say this much in justification of myself. I shall vote against this proposition. I shall vote against fixing at this time any day for the adjournment of this session of Congress, merely for the reason that at least three fourths of the business which ought to be done by this Congress is untouched.

Mr. SHIELDS. I agree with the honorable Senator from Michigan, that this would be exceedingly inconvenient for us, and I think very disadvantageous to the public business. In reality, we have done very little practical business at this session, and all the great practical measures are yet to be taken up and considered. Take the Pacific railroad bill for instance. Take the homestead bill, a measure very important and interesting to those who are in favor of it, and one which, whether it be passed or rejected, ought to be acted on at this session. Then there is the message of the President, vetoing the bill granting land for the indigent insane. Some of us were very severely censured here because we wanted a little delay in relation to that message. Gentlemen said it was due to the President, due to the subject, and due to the country, that we should take up the message, and proceed to consider it immediately. My excellent and honorable friend from Delaware, [Mr. CLAYTON,] though he did not exactly censure me, took occasion to admonish me that that was the old way of proceeding. Now, how have we been acting in relation to this message? We have been taking it up occasionally, and, as they say in the other end of the Capitol, it has been dilly-dally shilly-shally ever since. My opinion is, that it is wrong now at this stage of the session of Congress to undertake to predetermine at what time it is proper to adjourn; and for this reason, we cannot possibly tell what the necessity or exigency of the public service in that time may be.

Mr. BADGER. This is only to take a recess for a few weeks; that is the whole amount of it.

Mr. SHIELDS. A recess for a few weeks?

Mr. BADGER. During the hot weather.

Mr. SHIELDS. I shall be willing to take a recess, when we get through the larger portion of the necessary business of the session. I have been waiting all this session to have taken up some bills in relation to the Army, which are essentially necessary. I have been also waiting to press forward the homestead bill, but we have been kept back upon that. I think now that a movement of this kind will effectuate nothing but this, that there will be no further business done at this session, and all the bills which I have mentioned, will be passed over until the end of the session, and then carried into the ensuing session.

Mr. RUSK. Mr. President, I should vote against the motion to adjourn on the first Monday in July, if it were a proposition by itself; but I think that would be infinitely better than this resolution as it now stands. In the first place, I regard the passing of the resolution in its present shape, as worse than nothing; for after the facts stated by the honorable Senator from Michigan, it is unreasonable to expect that the House will concur in the resolution to take this recess. I have seen once or twice such recesses on a smaller scale than the one now proposed, and they amounted to nothing, so far as the dispatch of business was concerned; so it will be in this case. When we come here again in October, very little will be done, but a great deal of time will be lost in getting to business.

Now, sir, I apprehend that if the business on our table be looked into, it will be found to be larger than it has been at any previous session of Congress; and this resolution allows but a very short time—until the first Monday in July—to accomplish it. There is, in fact, between this and that day, not more than sufficient time to do justice to the appropriation bills themselves in the two Houses of Congress. One fact is very notorious, that these appropriation bills, so far as we have any experience of them at this session of Congress, are more stoutly resisted than they have ever been before. Why, sir, this is the month of May, and the deficiency bill is not yet passed. A committee of conference is now out upon the subject of that bill. A great many of the appropriations contained in it are palpably necessary to be made, but still the bill is not passed. The whole

time allowed, as I have said, is not more than sufficient to consider the appropriation bills.

There are a number of other very important bills. I shall not pretend to enumerate them all, but there are three before us of vast importance. One is the bill for the increase of the Army. Depredations are being committed daily by the Indians on our frontier, and they pass by unheeded. The War Department is called upon for the better defense of the frontier; but it has been unable to afford that defense, in consequence of the few troops at its disposal. Every mail brings me information of depredations committed on my constituents. We have a bill to increase the Army, which has been reported by the honorable Senator from Illinois, which has not yet been discussed, which has not been taken up, but which is very important for the public service.

Mr. CASS. Then there is the judiciary bill.

Mr. RUSK. The bill mentioned by the honorable Senator from Michigan is one of vast importance. Everybody admits that the judiciary system under which we are now laboring is wretchedly defective. It is partial in its operation, and does not answer the purpose intended by the Constitution. There is an important bill before us, which has been reported after great research, on that subject; and it will consume a great deal of time to consider it, as it ought to be considered, with deliberation and calmness. It is very necessary that it should be disposed of.

Then there is the homestead bill. Though I feel somewhat indifferent in regard to that, its friends consider it a matter of very great importance. I am inclined to think that it is. The subject will be before us until we do something; and the sooner we act judiciously and properly in regard to it, the better. In acting upon that bill, we should act with calmness and deliberation; and when we pass a bill upon the subject, it should be of proper character.

Again, here is the Pacific railroad bill, which I regard as a very important national measure. I know very well that it was not intended by the honorable mover of the resolution [Mr. GWIN] that it should operate injuriously upon that measure, or the one which I last mentioned. He is more anxious for one of them, the homestead bill, than I am; and is equally anxious as I am for the Pacific railroad bill. But my deliberate judgment is, that if this resolution be passed, and be agreed to by the House of Representatives, (which I do not apprehend will be the case,) the Pacific railroad bill, the judiciary bill, the homestead bill, and the bill for the increase of the Army, are dead.

Mr. SHIELDS. No doubt of it.

Mr. GWIN. I will not consume the time of the Senate in answering the arguments of the Senator from Texas, [Mr. RUSK], and the Senator from Illinois, [Mr. SHIELDS]. They have already been answered by the previous debate. But, sir, allusion has been made to the amount of business on our table. Allow me to say, that there it will remain until three weeks before the close of the session. I should like to know what we have done within the last three weeks? Nothing at all. There has been no legislation for three weeks past. Here we have had a bill of preeminent importance, so represented by Senators on this floor, to be acted upon at once, as a matter of courtesy to the President, and on account of the importance of the principles involved in it. I refer to the veto message. Now, have you, sir, ever seen as little desire to bring up that question, which was represented to be of such an important nature as to override every other question that we attempted to bring forward? Have you ever seen a question languish as that has in this body?

My experience here is very short indeed, but that experience teaches me that when we mature business in the committee, and bring it before the Senate, the members of those committees can present it in a few days as well as they can in a few weeks. Every measure that will be discussed before this Congress, if we should sit until November, has already been presented; except, perhaps, the river and harbor bill. There is not another question that can come up which has not already been reported upon. Every one of the questions which we are to consider can be discussed and acted upon, except one or two, in the last three weeks of the session, no matter when the end will be, in October, September, August, or July.

Now, Mr. President, so far as this House is concerned, what have we before us? We have no appropriation bills here. We have already passed three or four appropriation bills. The other House, so soon as the present special order is dispensed with—and the moment a day of adjournment is fixed that will be disposed of, for the question has been very much discussed—they will send us the appropriation bills. In the mean time we can act upon the Pacific railroad bill and the homestead bill. We shall have time enough to pass the immediate pressing legislation of the country. Then what can we do here, when we meet in October? We can take up the judiciary bill, and the other bills which have been alluded to, that are not of pressing necessity. I undertake to say, that there is no possibility of passing the bill to which the Senator from Illinois alluded, to increase the Army. It was distinctly understood, when the other bills introduced by that Senator in relation to the Army were passed, that the bill to which he has referred would not be acted upon during the session. The reason was, that there was a greater pressing necessity to have a retired list, and increase of compensation of the Army, than to have the other measure, and that we could not expect the whole of them at once.

Sir, I am as anxious as any person to discharge the business of the country. It is unnecessary for me to talk about my being here all the time. That is pretty generally known. I have not brought forward this resolution, on account of any desire which I have to postpone the public business, but because I want to dispatch it. I feel perfectly confident that before the first Monday of July we can act on every question which we shall act upon at all, if we remain until the last of August, except those measures which can be postponed, and should be postponed until October.

I hope the motion of the Senator from Delaware [Mr. BAYARD] to strike out the third Monday of October, and insert the first Monday of October, will be voted down. The Senator from Michigan [Mr. STUART] talks about the elections for members of Congress coming off in November. Why, sir, in many of the States the elections take place in October. The elections take place in Ohio and Pennsylvania, and various other States during that month. But it is unnecessary for members to be at home when the elections take place. There is a necessity for being there in advance. I confess, so that they can make their arrangements for the election; but there is no other pressing necessity for their presence. I hope the resolution in its present form will pass.

Mr. HAMLIN. Mr. President, the resolution as it now stands, does not meet my approbation. I should prefer a resolution simply authorizing the two Houses to be adjourned at a given day, and I would fix that day now. I would fix it for the reasons which, I think, have been so well stated by the Senator from Maryland, [Mr. PRATT]; reasons which conform to my experience here for the last twelve years. When ever you fix a day of adjournment you will work up to that day. Such will be the fact now I have no doubt. But the Senate have refused to modify this resolution, and I shall vote for it in its present form, because I believe both the convenience of the Senate, and the substantial wants of the country will be as well and better provided for, if we adjourn soon, than if we continue an interminable session during the hot season here.

Senators have alluded to various subjects which are of importance to the country. I concede all the importance which they attribute to them; but, without any fixed time for an adjournment, who supposes those bills will receive action, either favorably or unfavorably, by Congress before the first of October? I do not; and I believe they will receive the action of Congress almost as early if we adjourn over to October, as they would if we were to remain here without adjourning. In my judgment, there will be very little difference in the time when you will act upon them. In my opinion, the time fixed in this resolution is amply sufficient to enable us to discuss and act upon all these measures which are of pressing importance. The length of time that will elapse between the time for adjournment as fixed in the resolution, and the time we are to meet again, will be short, and then those measures which remain unacted upon can be taken up and disposed of.

I will, for these reasons, give my vote for the

resolution, though I would prefer it simply as a resolution of adjournment.

Mr. ADAMS. I shall vote against the proposed amendment of the Senator from Delaware, [Mr. BAYARD], for the reason that I am in favor of the earliest adjournment. If the resolution had been voted upon as originally proposed, I should have voted for it. As an individual, I think the country would lose nothing by failing to get, at this or subsequent sessions, the measures which have been alluded to by Senators who have objected to the adjournment. There is one bill, however, which I should like to see acted upon at this session, and if we should be so fortunate as to get it reported back from the Committee on Public Lands, I presume we could pass it any morning. I refer to the graduation bill, which is much more important to the country than the homestead bill.

As to the homestead bill and the Pacific railroad bill, they will do just as well at the next session as at this; and the country will be better off in my opinion, particularly in regard to the homestead bill, if they should never be acted upon. Sir, that bill is the first step towards agrarianism, towards dividing out the property of the rich among the poor; and if it should never be acted upon by this Congress, the country would sustain no loss by it.

But, sir, as the Senate has refused to adjourn over from the time fixed in the resolution until the next regular meeting, I shall vote for the resolution as it now stands. If we are to have a recess of some three months, and three months only, it occurs to me that the better time to take it is during the hot season of the year. That the fall season will be a better time for the performance of labor than the summer, it seems to me none can doubt. I will therefore vote for the resolution.

Mr. BADGER. I wish merely to say that my views upon this resolution and upon the amendment that is pending, will be discovered as soon as the yeas and nays are called. [Laughter.]

The amendment of Mr. BAYARD was rejected.

The question recurred on the resolution as modified.

Mr. SEWARD called for the yeas and nays, which were ordered; and being taken, resulted—yeas 26, nays 17; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Brodhead, Clay, Clayton, Dawson, Evans, Fessenden, Geyer, Gwin, Hamlin, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Pratt, Sebastian, Slidell, Sumner, Thompson of Kentucky, Toombs, Wade, and Weller—26.

NAYS—Messrs. Brown, Cass, Chase, Douglas, Fitzpatrick, Foot, Gillette, Hunter, Mason, Norris, Pettit, Rusk, Seward, Shields, Stuart, Toucey, and Walker—17.

So the resolution was adopted, as follows:

Resolved, (the House concurring,) That the President of the Senate, and the Speaker of the House of Representatives, adjourn their respective Houses on the first Monday in July, until the third Monday of October next.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

SCHOOL SECTIONS IN ALABAMA.

Mr. CLAY. Mr. President, as we are likely to adjourn very soon, I apprehend that local measures will all be given the go-by at this session, unless we can act upon them very soon. I hope, therefore, the Senate will indulge me in taking up the House bill "to authorize the selection of school districts, in lieu of the sixteenth sections, within the twelve mile square reservation, State of Alabama," which has been reported without amendment from the Committee on Public Lands, and which, I presume, will incur no opposition whatever.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. CLAY. I will state to the Senate, that this was an Indian reservation, and hence the people within those twelve miles square were excluded from the benefits of that portion of the act, admitting the State of Alabama into the Union, which granted the sixteenth sections to the inhabitants of each township, for the benefit of common schools.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THE SENATE DEBATES.

Mr. JOHNSON. I wish to give notice that I shall to-morrow call up, and ask the Senate to consider, the motion to reconsider the resolution in regard to the reporting of the debates. It is im-

portant to that branch of the service that the matter should be disposed of as quickly as possible, so that the reporter and printer of the debates may know what is to be done, in order that he may provide means to carry out the will of the Senate. I will call up the motion to reconsider to-morrow.

MEETINGS OF CONGRESS.

Mr. DOUGLAS. I desire to give notice that I will to-morrow bring in the bill to which I have referred, to fix the annual meeting of Congress hereafter on the first Monday in October.

WILLIAM BUTLER.

Mr. JONES, of Iowa. I ask leave to withdraw from the table of the Senate the adverse report of the Committee on Pensions in the case of William Butler. He believes he has sufficient testimony to authorize the allowance of the claim at the Pension Bureau, and the Commissioner of Pensions thinks it is probable he has. The object is to refer the matter to the Commissioner of Pensions.

There being no objection, it was so ordered.

INDIGENT INSANE BILL VETO.

On the motion of Mr. WALKER, the Senate resumed the reconsideration of the bill making a grant of land to the several States of the Union for the benefit of indigent insane persons, which had been returned by the President of the United States, with his objections.

The PRESIDING OFFICER, [Mr. WELLER.] The question is, "Shall the bill pass, the President's objections to the contrary notwithstanding?" The Secretary will call the roll.

The Secretary commenced the call, and Mr. ADAMS answered "nay."

Mr. CASS. I wish to make a short speech before the vote is taken.

Several SENATORS. It is too late, a Senator has voted.

Mr. ADAMS. I withdraw my vote.

The PRESIDING OFFICER. The Senator from Michigan cannot proceed, except by unanimous consent. The Senator from Mississippi has answered—

Mr. ADAMS. I withdraw my vote.

The PRESIDING OFFICER. If there be no objection, the calling of the roll will not be proceeded with, and will be considered as not having been commenced.

Several SENATORS. No objection.

Mr. CASS. I did not know this question would come up to-day. I thought there were other matters to be called up.

Mr. WALKER. The Senate having fixed a day for us to get through business, I mean, whenever I can get an opportunity, to make motions to take up the business which we have talked about.

Mr. CASS. I hope this subject will be postponed. We expect to adjourn over to-morrow. Besides, I understood the honorable Senator from California [Mr. GWIN] had a bill which he wished us to consider to-day or to-morrow. Therefore, I have not come prepared to speak to-day on this question.

Mr. BADGER. Then I move to postpone the further consideration of this subject until to-morrow.

Mr. CASS. The vote cannot be taken to-day. Half a dozen gentlemen wish to speak.

Mr. GWIN. Some one else can go on to-day. Perhaps the Senator from Virginia [Mr. HUNTER] is ready.

Mr. BADGER. Does the Senator from Virginia wish to go on to-day?

Mr. HUNTER. I do not wish to go on now. I have been engaged during the day in the conference on the deficiency bill. But I would go on now rather than have the vote taken immediately.

The PRESIDING OFFICER. The Senator from Michigan is entitled to the floor.

Mr. CASS. I will move an adjournment, if that be the wish of the Senate.

["No!" "No!"]

Mr. HUNTER. I hope the Senate will not adjourn now. We shall be able to receive the report of the committee of conference on the deficiency bill very soon.

Mr. CASS. Then I move to postpone the further consideration of this subject until Monday next.

Mr. HUNTER. I will suggest to the Senator from Michigan, that if he does not care to speak to-morrow I will go on.

Mr. CASS. Very well. Then I move to postpone the further consideration of this bill until to-morrow.

Mr. WALKER. I move to amend the motion by adding, "and that it be the special order for half past twelve o'clock, p. m."

Mr. MALLORY. I gave notice a short time since that one of the members of the Committee on Naval Affairs had some amendments to propose to the bill for the organization of the Navy; and for that reason, I did not call up the bill this morning. I notified the Senate, however, that I should ask the Senate to give me the morning hour to-morrow for the consideration of that bill. I hope, therefore, the Senator from Wisconsin will modify his proposition so as to say one o'clock, instead of half past twelve.

Mr. WALKER. Then I move to amend the motion to postpone the pending bill, by saying that it shall be the special order for to-morrow at one o'clock.

The amendment was adopted; and the motion as amended was agreed to.

ORDER OF BUSINESS—THE GENERAL ARM-STRONG CASE.

Mr. SLIDELL. The Senate appear to be embarrassed as to what business to consider. I move that they proceed to the consideration of the bill, for the relief of the claimants of the private armed brig General Armstrong. I think it will not take long.

Mr. JOHNSON. I wish to ask whether one o'clock to-morrow has been assigned for the consideration of the veto message.

The PRESIDING OFFICER. Yes, sir.

Mr. JOHNSON. I give notice, that I shall resist, with all the power I can, its being taken up, until we dispose of the business, which belongs emphatically to the Senate, and that is our reporting.

Mr. SUMNER. We can take that up at half past twelve, and the other at one o'clock.

Mr. BADGER. I think it is useless to take up the bill referred to by the honorable Senator from Louisiana at this period of the day. It must lead to a long discussion. It is a contested and complicated case; and surely there can be no idea of disposing of it to-day, when it is now two o'clock.

Mr. SLIDELL. The objection of the honorable Senator from North Carolina would amount to an indefinite postponement of the bill.

Mr. BADGER. Not at all; it can be taken up to-morrow morning.

Mr. SLIDELL. It will be impossible to obtain any one day during the session for the discussion of the bill. I have found, from experience, that it is idle to attempt to do anything on Friday, for there is seldom a quorum of the Senate here on that day. I do not think that the bill involves any very difficult or grave questions; and I believe we can dispose of it to-day; we can commence it at any rate.

Mr. GWIN. I will not object to taking up the bill proposed to be taken up by the Senator from Louisiana, provided I can make an arrangement which I wish to make with that Senator. I expect every moment that we shall receive the report of the committee of conference on the deficiency bill; and if the Senator from Louisiana will agree that this bill shall be laid aside when that report comes in, I shall have no objection to taking it up.

Mr. SLIDELL. I will agree to lay it aside for that purpose.

Mr. TOOMBS. I would suggest that if we are to do anything, we had better go on and do the business of the country. If so, I do not know of any bill which we could better afford to pass over than the one which my friend from Louisiana has moved to take up. It has been before Congress for twenty or twenty-five years. I believe we once referred the case to the French Government for regular arbitration, and they decided against us. I think, therefore, that bill might very well afford to lie over until we do some of the business of the country. I do not think it is exactly in such an attitude as to be pressed on the Senate under existing circumstances.

Mr. SLIDELL. I will say to my friend from Georgia that it is because this claim has remained

undisposed of for twenty or twenty-five years, that it should be disposed of now.

Mr. TOOMBS. I did not say it had been undisposed of. I think it has been disposed of very effectually.

Mr. SLIDELL. Without the consent of the claimants, and in fact, against their protestations, this claim was referred to the arbitrament of Louis Napoleon. It presents itself here under very peculiar circumstances—

The PRESIDING OFFICER. The question is on taking up the bill.

Mr. SLIDELL. I know that, sir; but I am responding to my friend from Georgia. I understand, however, that the committee of conference are ready to make their report on the deficiency bill, and, considering this question to be now before the Senate for consideration, I will consent to lay it aside temporarily.

The PRESIDING OFFICER. Does the Senator from Louisiana withdraw the motion to take up the bill?

Mr. SLIDELL. I do not; but I am willing to let it lay aside for the present.

The PRESIDING OFFICER. That motion must be disposed of before the report of the committee can be received.

Mr. SLIDELL. I suppose we can pass over it informally, by unanimous consent.

The PRESIDING OFFICER. Certainly; if there be no objection, the report of the committee of conference will be received.

DEFICIENCY BILL.

Mr. HUNTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854," having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate do concur in the amendments of the House to the amendments of the Senate numbered 4, 10, 38, 39, 43, and 46.

That the Senate concur with the amendments of the House, except the first amendment to the 50th amendment of the Senate, with which the House concurs with an amendment, by striking out the word "four" in line eleven, and in lieu thereof inserting "three."

That the Senate recede from its amendments numbered 11, 12, 14, 20, 25, 26, 40, 42, 48, 52, and 53.

That the House concur in the Senate amendments numbered 36 and 37.

That the House concur in the Senate amendment numbered 24, with the following amendment: Strike out all after the word "for," in the first line, to and including the word "him," in the second line, and insert "deficiencies for the railroad surveys."

That the House concur in the Senate amendment No. 41, with the following amendment: Strike out all after the word "dollars," in line three, and insert, "Provided, That there be allowed to the legal representatives of Robert Greenhow such sum, in addition to that received by him, as, together, will make his salary for the time he was employed as assistant law agent equal to that authorized to be paid to the land commissioners by the act of March 3, 1853, making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854."

And that the House concur in the amendment of the Senate No. 51, with the following amendment: Strike out all after the word "him," in the fifth line thereof.

R. M. T. HUNTER,

JAMES C. JONES,

WM. M. GWIN,

Managers on the part of the Senate.

JOHN S. PHELPS,

J. LETCHER,

JOS. R. CHANDLER,

Managers on the part of the House.

Mr. HUNTER. I think I can state, in a very few words, what has been the result of the conference. The Senate recede from most of the amendments to which the House disagreed. We recede from the amendment in relation to the water-works, and from the amendment in relation to the custom-houses and marine hospitals. We recede from the amendment in relation to the bridge over the Potomac river. The House recede from their disagreement to the amendment in relation to the Pacific railroad surveys, and agree to that amendment making an appropriation of \$40,000 to cover those deficiencies, of which \$25,000 are for the Stevens, and \$15,000 for the Whipple expedition. The House recede from their disagreement to the amendment in relation to the compensation of Robert Greenhow, with an amendment, which has been read. The House also recede from their disagreement to the amendment in regard to the printing, with an amendment. The committee of conference agree to the first portion of that amendment,

requiring the printing of each House to be done by its own printer, but strike out the part in relation to the Executive printing. That, I believe, is about the result of the committee of conference.

Mr. WALKER. I should like to ascertain, if I can, the condition of the amendment in relation to Robert Greenhow.

Mr. HUNTER. I ask the Secretary to read that portion of the report of the committee on conference.

The Secretary read it, as follows:

"That the House concur in Senate's amendment forty-one, with the following amendment: strike out all after the word 'dollars,' in line three, and insert, 'Provided, that there be allowed to the legal representatives of Robert Greenhow, such sum in addition to that received by them, as together will make his salary, for the time he was employed as assistant law agent, equal to that authorized to be paid to the land commissioners, by the act of the 3d of March, 1853, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854.'"

Mr. GWIN. That allows the same compensation as the land commissioners, \$8,000 a year.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 30, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER appointed the following gentlemen managers on the part of the House, of the committee of conference on the disagreeing votes between the two Houses on the amendments of the Senate to the deficiency bill: Messrs. PHELPS, CHANDLER, and LETCHER.

The SPEAKER stated that the business first in order was the consideration of the resolution reported on Friday from the Committee on Printing relative to the printing of extra copies of the annual report of the Secretary of the Treasury, on the condition of the banks of the country.

Mr. STANTON, of Kentucky. I hope that resolution will be disposed of now.

POST ROADS IN UTAH.

Mr. BERNHISEL, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Tooele city to Grantsville; from Great Salt Lake City, via Taylorsville, West Jordan, Gardner's Mill, and Bingham's, Canyon, to Cedar Valley; from Great Salt Lake City, via Neff's Mill, Mill Creek, Holladay's Settlement, Little Cottonwood, and Drapersville, to Mountaineersville, in the Territory of Utah, and that said committee report by bill or otherwise.

ROADS AND PUBLIC LANDS IN NEBRASKA.

Mr. HENN, by unanimous consent, and in pursuance of previous notice, introduced the following bills: which were read a first and second time by their respective titles, and referred as indicated below:

A bill for the construction of military roads in the Territory of Nebraska. Referred to the Committee on Military Affairs.

A bill to provide for the sale of the public lands in the Territory of Nebraska, and to establish a land office therein. Referred to the Committee on Public Lands.

WEST FELICIANA RAILROAD.

Mr. REESE. I desire to call up the motion to reconsider the vote in regard to the bill for the relief of the West Feliciana railroad and the Georgia Railroad and Banking Companies.

Reference was made of that bill, when it came from the Senate, to the Committee of Claims. A motion was subsequently made to reconsider that vote, and it has never been acted on. I desire the vote to be reconsidered now, that I may have the bill referred to the Committee on Commerce.

The question was taken on the motion to reconsider; and it was agreed to.

REPORT ON BANKS.

And then, on motion by Mr. REESE, the bill was referred to the Committee on Commerce.

The SPEAKER. The question is first upon the adoption of the following amendment to the resolution offered by the gentleman from Kentucky,

[Mr. STANTON,] from the Committee on Public Printing:

"*Provided*, That nothing herein contained shall authorize a charge for a second composition."

Mr. STANTON, of Kentucky. I desire to say in reference to the resolution, that this House have published no extra copies of the document in question. It is a very important document, containing information which was gathered at the request of this House by the Secretary of the Treasury in relation to the different banks throughout the Union. A great many of these banks have requested that the information be published, and they desire that they shall each be furnished with a copy. Two hundred and fifty copies, I think, will be a sufficient number to supply the different banks throughout the country.

Mr. LETCHER. I object to the adoption of the resolution. I think the amendment is right if the resolution is to be adopted. The printing of this document is, as I supposed it was, intended for the benefit of the banks throughout the country. This information has been published in the newspapers here, and has been generally disseminated in that way. The banks have had an opportunity to get it in that way; and it seems to me we have done all that is necessary in the case. If this House undertakes to publish information for a privileged class, for banking companies, or any other privileged class, the expenses of the Government will very soon run up to an enormous sum.

Mr. HOUSTON. I would suggest to the gentleman from Kentucky [Mr. STANTON] that the vote upon the resolution shall be passed over until next week, when members will return to their places, and allow me to move to go into the Committee of the Whole on the state of the Union.

The SPEAKER. Is it the unanimous consent of the House that the consideration of this resolution lie over? The Chair hears no objection; and it will be so ordered.

Mr. LETCHER. I desire that my motion to lay on the table shall be entered.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

JOHN W. KELLY.

Mr. ABERCROMBIE. I have been requested by Mr. MAXWELL, who is not now in his seat, to ask that the papers in the case of John W. Kelly be taken from the Speaker's table, for the purpose of reference to the Committee on the Post Office and Post Roads.

Mr. HOUSTON. If my colleague proposes to refer the bill to a committee, I have no objection.

The SPEAKER. The gentleman from Alabama asks the unanimous consent of the House to take from the table the following bill:

An act for the relief of John W. Kelly.

The motion was agreed to; and the bill having been read the first and second time by its title, was referred to the Committee on the Post Office and Post Roads.

PRESERVATION OF LIFE ON THE NEW JERSEY COAST.

Mr. PENNINGTON. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire whether any, and what measures, are necessary for the security and preservation of life and property in cases of wreck or other disaster of vessels on the coast of New Jersey, and report by bill or otherwise.

The question was then taken; and the resolution was adopted.

PRESERVATION OF DIES AND MEDALS.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House of Representatives of the 19th instant, a communication received by that Department from the Director of the United States Mint, on the subject of the condition of dies or medals struck by the authority of Congress, commemorative of patriotic services, and touching the propriety of establishing in the Mint a medal department, for the purpose of preserving such dies, medals, &c., together with a copy of the proceedings of the Pennsylvania Historical Society, to

which the said report refers, and a list of the dies now in the Mint.

The communication and accompanying documents were laid on the table, and ordered to be printed.

THE MINISTER AT CONSTANTINOPLE.

Mr. MAY. Mr. Speaker, I wish to obtain the unanimous consent of the House to present a resolution, which I send to the Clerk's desk. It calls for certain correspondence from the State Department.

There being no objection, the resolution was reported, as follows:

Resolved, That the President be requested to communicate to Congress, so far as, in his judgment, it may be compatible with the public interest, copies of the correspondence of our Minister at Constantinople, the Hon. Carroll Spence, and which has been transmitted to the Department of State.

Mr. MAY. I merely want to say a single word in relation to this resolution. I believe, Mr. Speaker, that our Minister to Constantinople has been very unjustly censured as to the speech delivered by him on his presentation to the Grand Turk. I think that when an authentic copy of that speech is seen, it will be found in consonance with the settled principles which govern the policy of the United States in its foreign relations. I desire that justice may be done to Mr. Spence; that an authentic copy of his speech may be seen. And I wish to add, that when the correspondence which he had with the Sublime Porte, touching the expulsion of the Greeks from Constantinople is published, he will be found to merit the approbation of his countrymen. I hope, therefore, the House will adopt the resolution of inquiry.

The question was taken; and the resolution was adopted.

FOREIGN COMMERCIAL REGULATIONS.

Mr. MACDONALD. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of extending the provisions of the act of the 16th August, 1842, requiring foreign regulations of commerce to be laid annually before Congress, and of making a permanent annual appropriation to enable the State Department to comply with said act; said committee to report by bill or otherwise.

There being no objection, the question was put; and the resolution was adopted.

CUSTOMS COMMISSIONS.

Mr. WELLS. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That the Committee on Commerce be hereby directed to inquire into the expediency of repealing so much of the fourth section of the act of 3d March, 1831, to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers, and for other purposes, as prohibits the receipt of commissions by officers of the customs on said frontiers upon duties or goods entered at their offices and paid thereat.

Mr. McNAIR. I object to the introduction of that resolution, inasmuch as I believe there is not a quorum at present in the House.

Mr. HOUSTON. For my part, I do not object to the resolution itself, but I think that it is made to take a wrong direction in its being referred to the Committee on Commerce. However, that is not of much consequence.

Mr. McNAIR. The only object I have in objecting to the resolution is to know whether there is a quorum in the House. I withdraw my objection.

The question was then taken; and the resolution was adopted.

Mr. HOUSTON. I now move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of resuming the consideration of the Pacific railroad bill.

FEES OF COLLECTORS.

Mr. WELLS asked and obtained unanimous consent, and presented a communication from John White, collector of the port of Milwaukee, Wisconsin, asking for the repeal of the fourth section of the act of the 2d of March, 1831, to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers, and for other purposes, as prohibits the receipt of commissions by officers of the customs on said frontiers upon duties on goods entered at their offices and paid thereat.

The communication was referred to the Committee on Commerce.

MESSAGE FROM THE SENATE.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, their Secretary, informing the House that the Senate had passed a bill of the House of the following title:

An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1855; with sundry amendments thereto, in which he was directed to ask the concurrence of the House.]

Mr. HOUSTON. As the Senate have added a very large amount of amendments to that bill, I would like the House to consent that it be referred to the Committee of Ways and Means.

Mr. ORR. I object to it.

Mr. HOUSTON. Then I insist upon my motion to go into committee.

Mr. CARUTHERS. I hope the gentleman from Alabama will not press that motion, as I desire to ask the unanimous consent of the House to introduce a resolution.

Mr. HOUSTON. I suppose that my friend from South Carolina will object to it, if I do not, and therefore I insist upon my motion.

Mr. ORR. The gentleman from South Carolina will object when it suits his convenience to do so.

The question was then put upon Mr. Houston's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Bocock in the chair.)

RAILROAD TO THE PACIFIC.

The CHAIRMAN. The subject under consideration before the committee is House bill (No. 295) to provide for the establishment of railroad and telegraphic communication between the Atlantic States and the Pacific ocean, and for other purposes; and upon that question the gentleman from New York [Mr. SMITH] has the floor.

Mr. SMITH, of New York, said that however the bill appeared to the contrary, it was for building a railroad to the Pacific by the Government, providing that the road shall be owned by the Government; and moreover, that the Government shall continue to be the owner of all that part of it which lies within the limits of our national territory. This, in his view, was to be the essential and controlling connection of the Government with this road; and because this was to be its connection, he rose to oppose this bill.

He need not say that he deeply desired to see a railroad to the Pacific; and what American did not desire to see it? Commerce, travel, the love of country, the love of each part for other part, the deep hope in every true American's breast that our country will always be one, that we shall always make up one country; all these, and numberless other considerations, unite in calling up feelings of this sort. We must have and should have this essential connection; this iron band between the East and the West, between the Atlantic and the Pacific. But, much as we have to hope for from this road, much good as would come of it, the evil which would flow from it, were it built by the Government, would largely overbalance all the good. He hesitated not to say we had better not have the road than have it built by the Government.

After explaining his views of civil government, he said its sole and legitimate province was the protection of persons and property. He glanced at and answered the arguments in favor of the bill, and then spoke in opposition to it, saying the building of this road, the repairs, and the use of it by the Government, would cost at least fifty per cent. more than if done by individuals and associations. It was highly probable there will be two or three railroads to the Pacific. In case one shall be owned by the Government, (he did not care whether by the Federal or the State government,) the Government will spare no means to sustain its road against the competition of other roads, and lavish money without stint to this end. And how oppressive and injurious would this be to individual owners of roads! Government should never array itself against any portion of its own subjects in these ways.

He would not undervalue the use of one of those roads in regard to Government protection. He

would cheerfully vote that this Government should give five or ten millions of dollars in aid of two or three roads, provided they were built on widely different routes. He did not say he would give five or ten millions of acres, for he was of the opinion that the Government does not own the land. He denied that Government has any more ownership in the public domain than Satan had in the kingdoms of the world with which he sought to bribe our Saviour. The land belongs to the landless.

He mentioned other objections against the bill, one of which was, that it would perpetuate the cruel and oppressive tariff system. Then farewell to all our hopes of honest and frugal government, bearing lightly on the poor.

Mr. PERKINS, of Louisiana, obtained the floor.

Mr. PHELPS. Will the gentleman from Louisiana yield me the floor for a moment?

Mr. PERKINS. As the gentleman from Missouri [Mr. PHELPS] desires to make a personal request of the House, I yield him the floor for that purpose.

Mr. PHELPS. I have obtained the floor for the purpose of submitting a motion that the committee do now rise. The object I have in making it is to enable the committee of conference upon the disagreeing votes of the two Houses upon the deficiency bill, to submit their report, that action may be had upon it now. I therefore submit the motion that the committee rise.

The question was then taken upon Mr. PHELPS's motion; and it was decided in the affirmative.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee (Mr. Bocock) reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 295, being a bill to establish the Pacific railroad, &c., and had come to no resolution thereon.

THE DEFICIENCY BILL.

Mr. PHELPS. Mr. Speaker, I am instructed by the committee of conference on the part of the House of Representatives to submit a report on the disagreeing votes of the two Houses on the deficiency bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 271) "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854," having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate do concur in the amendments of the House to the amendments of the Senate numbered 4, 10, 38, 39, 43, and 46.

That the Senate concur with the amendments of the House, except the first amendment to the fifteenth amendment of the Senate, with which the House concurs, with an amendment by striking out the word "four," in line eleven, and in lieu thereof inserting "three."

That the Senate recede from its amendments numbered 11, 12, 14, 20, 25, 26, 40, 42, 48, 52, and 53.

That the House concur in Senate amendments numbered 36 and 37.

That the House concur in Senate amendment numbered 24, with the following amendment: Strike out all after the word "for" in the first line, to and including the word "him," in the second line, and insert "deficiencies for the railroad surveys."

That the House concur in the Senate amendment numbered 41, with the following amendment: Strike out all after the word "dollars," in line three, and insert, "Provided, That there be allowed to the legal representatives of Robert Greenhow such sum, in addition to that received by him, as together will make his salary for the time he was employed as assistant law agent, equal to that authorized to be paid to the land commissioners by the act of 3d March, 1853, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854."

And that the House concur in the amendment of the Senate numbered 51, with the following amendment: Strike out all after the word "him," in the eleventh line thereof.

R. M. T. HUNTER,

JAMES JONES,

WILLIAM M. GWIN,

Managers on the part of the Senate.

JOHN S. PHELPS,

J. LETCHER,

JOSEPH R. CHANDLER,

Managers on the part of H. of Reps.

Mr. PHELPS. I desire, Mr. Speaker, briefly to explain to the House the recommendations of the committee of conference. The first amendment of the bill to which there is a disagreeing vote is Senate amendment No. 4, which is as follows:

For payment of the claim of Thomas N. Johnson for his services as marshal at the port of Shanghai, from the 9th

of December, 1851, to the 15th of September, 1853, the sum of \$1,798 91.

In this case the amendment is a mere verbal one. In the original amendment of the Senate, the name of Mr. Johnson is printed as Thomas M. instead of Thomas N. There is also a trifling reduction in the amount appropriated. In the Senate amendment, the amount was \$1,798 91, but in the House this was reduced to \$1,781 74. The Senate agrees to accept these amendments of the House.

The next amendment of the Senate on which there was a disagreeing vote was No. 10, which is as follows:

For completing and keeping in order the grounds south of the President's House, \$9,770.

The House adopted an amendment to this amendment, making an appropriation of \$1,000 for settees for the Capitol and President's grounds. This is concurred in by the Senate.

The next amendment of the Senate to which there was a disagreeing vote was No. 38, as follows:

Page fourteen, after line three hundred and twenty-five, insert as follows:

And the limitations imposed by the provisions contained in the act of 15th May, 1850, entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1850," and the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," be, and the same are hereby, repealed.

The House so amended the amendment as to strike it all out, and insert:

And that the period limited for the appointment of commissioner, surveyor, and chief astronomer, by the act of May, 1850, shall be, and the same is hereby, extended to the 30th of June, 1855.

The next amendment on which there was a disagreeing vote is Senate amendment No. 39, as follows:

For engraving maps, views, sections, and natural history, of the survey of the boundary between the United States and Mexico, \$10,000; to be expended under the direction of the Secretary of the Interior.

The House adopted an amendment to this amendment, providing for the payment of the cost of engraving the plates of the agricultural part of the Patent Office report. The Senate concurs in that amendment.

The next amendment on which there was a disagreeing vote was Senate amendment No. 43, as follows:

That the Secretary of the Interior be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa, for expenses of the United States district court which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that, prior to said time, the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same.

The amendment of the House was in the form of a substitute, as follows:

That the First Comptroller of the Treasury be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa, for expenses of the United States district court, which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that, prior to said time, the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated 19th of December, 1843, as construed in the report of said First Comptroller to the Secretary of the Interior, under date of 13th of October, 1853, in reference to said subject, should have been paid by the marshal of the United States for said Territory, he is directed to audit and settle the same.

The Senate concur in this amendment of the House.

The forty-sixth amendment of the Senate was to add to the end of the bill the following:

And be it further enacted, That all books, papers, documents, and records, in the Department of the Interior, may be copied and certified, under the seal of that Department, (which is hereby recognized as legal,) in the same manner as those in the other Executive Departments may now by law be, and with the same force and effect.

The amendment of the House was to add:

And in all cases where a seal is necessary by law to any commission, process, or other instrument, provided for by the law of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which the seal is necessary; which shall be as valid as if made upon wax or other substance.

In that amendment of the House the committee of conference recommend that the Senate concur.

The fiftieth amendment of the Senate is as follows:

Sec. 6. *And be it further enacted*, That from and after the passage of this act, there shall be, in addition to the clerks authorized by the third section of the act of March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," in the office of the Register of the Treasury, three clerks of class four, to include the clerk now authorized to take charge of the redemption of stocks, and in the office of the Commissioner of Pensions five clerks of class two, and fifteen clerks of class three; and said clerks shall be paid, according to the provisions of said section, out of any money in the Treasury not otherwise appropriated.

The amendments of the House were to strike out
—to include the clerk now authorized to take charge of the redemption of stocks,
—to insert after the words "Register of the Treasury,"
—"in lieu of the temporary clerks now employed therein,"
—and to insert after the word "section" the words
—"until the 30th of June, 1854."

The committee recommended that the Senate concur in these amendments of the House, with the exception of the first one, and that the word "three" be substituted for the word "four," so that the three clerks in the office of the Register of the Treasury shall belong to class three, with a salary of \$1,600 per annum, instead of class four, with a salary of \$1,800 per annum.

Mr. HOUSTON. I would ask the gentleman from Missouri [Mr. PHELPS] how many clerks that amendment gives to the Register of the Treasury?

Mr. PHELPS. Only two. The committee also recommend that the Senate recede from its following amendments:

No. 11, which was to insert:

For iron flagging in front of the old portion of the Patent Office Building, and altering windows and private stairway, \$5,730.

No. 12, which was to insert:

For altering streets and repaving in front of the east wing of the Patent Office Building, iron railing and flagging, and painting new saloon, \$14,250.

No. 14, which was to insert:

For completing the improvement of Pennsylvania avenue from Seventeenth to Twenty-sixth street west, \$9,000: *Provided*, That all appropriations herein made for repairs and improvements of the public buildings or grounds within the District of Columbia, shall be expended under the direction of the Secretary of the Interior.

No. 20, which was to insert:

For the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848, and for such allowances for the expense of adjusting the claims on that account as the Secretary of the Treasury may deem proper, \$75,000. But the said claims and accounts shall be settled and adjusted at such place, and in such manner, as the Secretary of the Treasury may prescribe; and no claims shall hereafter be allowed on account of this war which are not presented within the next fiscal year.

No. 25, which was to insert:

For continuing the works for bringing water into the city of Washington, \$500,000.

No. 26, which was to insert:

For the payment of Richard H. Weightman, for mileage and per diem compensation as an agent claiming to be a Senator elect from New Mexico, \$2,464.

No. 40, which was to insert:

For the completion of the bridge across the Potomac river at Little Falls, and painting thereof, agreeably to the plan adopted under the direction of the President of the United States, \$75,000.

No. 42, which was to insert:

And the marshals of the northern and southern districts of California shall have the same mileage and compensation for serving processes issuing from said commission as are allowed to the sheriffs for serving similar processes by the higher courts of California; and the same mileage and per diem shall be made to witnesses as are allowed to witnesses by the State of California.

No. 48, which was to add:

Sec. 4. *And be it further enacted*, That before any payment shall hereafter be made to any invalid pensioner whose name shall have been upon the pension list two years, he shall produce to the agents for paying pensions, to whom he shall apply for payment, the affidavit of two surgeons or physicians, satisfactory to the Secretary of the Interior, stating, from personal examination, the continuance of disability, describing it, for which the pension was originally granted, and the rate of such disability at the time of making such affidavit, blank forms of which shall be furnished by the Commissioner of Pensions to agents for paying pensions, for the use of pensioners; and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted, he shall only be paid at the rate stated in said affidavit. Said affidavit shall be filed by said agents, and carefully preserved, and copies thereof

shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of the pensioner, respectively: *Provided*, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of a limb or other cause which cannot be removed, either in whole or in part, the above affidavit shall not be required.

No. 52, which was to add:

Sec. 8. *And be it further enacted*, That so much of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes," as provides for compensation to the Spanish consul and others for losses occasioned by violence at New Orleans, and at Key West, in the year 1851, shall be so construed as to place Michael Pappenitz, a subject of Austria, on the same footing with the subjects of Spain.

And the fifty-third amendment, which was to add:

Sec. 9. *And be it further enacted*, That for custom-houses and marine hospitals, and to complete the same, the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

For completing the custom house at St. Louis, Missouri, \$100,000;

For completing the custom-house at Mobile, Alabama, \$65,000;

For completing the custom house at Cincinnati, Ohio, \$40,000;

For completing the custom house at Louisville, Kentucky, \$40,000;

For completing the custom-house at Bangor, Maine, \$20,000;

For completing the custom-house at Bath, Maine, \$20,000;

For completing the custom-house at Wilmington, Delaware, \$12,000;

For purchasing a site for a custom-house at Providence, Rhode Island, \$24,000;

For the purchase of a new site for the custom-house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if, in his judgment, the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom house on the land reserved for said purpose, to the purchase of a building or buildings for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house;

For the erection of a custom house at Portland, Maine, including rooms for the United States court, and for a post office, \$200,000;

To complete the marine hospital at Cleveland, Ohio, \$25,000;

To complete the marine hospital at St. Louis, Missouri, \$10,000;

To complete the marine hospital at Chicago, Illinois, \$8,000;

To complete the marine hospital at Louisville, Kentucky, \$12,500;

To complete the marine hospital at Paducah, Kentucky, \$5,000;

To complete the marine hospital at Evansville, Indiana, \$2,000;

To complete the marine hospital at San Francisco, California, \$44,000; and to construct a marine hospital at Burlington, Iowa, \$15,000.

The committee also recommends that the House concur in Senate amendments Nos. 36 and 37, which are as follows:

For rent of paper wareroom from the 1st of January to the 30th of June, 1854, at \$250 per annum, \$125.

For cartage of printing paper from wareroom and office of the Superintendent of Public Printing to the printing offices, and labor, from the 1st of January to the 30th of June, 1854, at \$550 per annum, \$275.

It was stated in debate, when this matter was under consideration by the House, that the Committee on Printing had instructed the Superintendent of the Public Printing to incur this expenditure. It was, however, urged that there was no necessity for incurring this expenditure; that by the contracts made with the persons who were to deliver the paper for the public printing, they were to deliver it at such places in the city of Washington as the Superintendent might direct. It is true there was such a provision in the contracts made with those who supply the paper for the public printing; but as the Senate and House of Representatives have each elected a printer, the course pursued by the former Superintendent of Public Printing could not now be pursued. When there was but one public printer all the paper was deposited in the Union office. General Armstrong, during the last session of Congress, rented a building especially for the purpose of storing the paper belonging to the Government of the United States, and the Superintendent went there and issued such quantities of paper as the public printer from time to time required. But there are now two public printers, and each office is unwilling to store paper for the other. It

becomes necessary, therefore, that there shall be some place where the paper can be inspected by the Superintendent, in order that he may ascertain whether it corresponds with the contracts, before issuing it to the different offices.

For these reasons the committee recommend a concurrence in that amendment.

The twenty-fourth amendment is as follows:

For the transportation of Governor Stevens and his party, and for explorations made by him between the Mississippi river and the Pacific ocean, \$40,000.

This amendment was adopted by the Senate for the purpose of covering a deficiency in the survey of Governor Stevens, and also to provide for additional surveys of the pass known as Noble's Pass.

At the time that amendment was adopted by the Senate, Lieutenant Whipple had not returned. It has been ascertained that there is a deficiency incurred by him of \$15,000, and by Governor Stevens of \$25,000. Those officers did not know, at the time they engaged in the surveys, that these deficiencies would occur. When it was ascertained that there was not a sufficient amount of money for the purpose of defraying the expenses, the question to be determined by them was, whether they should abandon the prosecution of those surveys and return to the States, or endeavor to reach the settlements upon the Pacific coast. They determined to go on, and these expenses have been caused by a contingency unforeseen by them. They are, in some instances, individually responsible for those expenses, and the Departments have recommended that provision be made for them.

The committee of conference recommend that the provision be so amended as that it will read:

For deficiencies for railroad surveys between the Mississippi river and the Pacific ocean, \$40,000.

Mr. COBB. Does that cover the whole?

Mr. PHELPS. That will cover the deficiency, so far as we are advised.

Mr. COBB. You do not propose to appropriate any more money?

Mr. PHELPS. Not by this bill.

The committee of conference recommend a concurrence in the forty-first amendment, which is as follows:

Page fourteen, line three hundred and twenty-eight, after the word "California," strike out "\$37,500," and insert in lieu thereof "\$12,000;" and that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent.

When the commission was established in California for the adjudication of land claims, it was provided that the salaries of the commissioners should be \$5,000 per annum, and that the same compensation should be paid to the law agent, and to the associate law agent. At the last session of Congress, however, a provision was made, by which the commissioners were to be paid \$8,000 per annum from the time of their employment, and that increase of salary was to apply to those who were then in office as well as to those who might thereafter be appointed. Under that provision of law, those commissioners who have been removed from office, and have ceased to act, have been paid their salaries at the rate of \$8,000 per annum.

During the time Robert Greenhow acted as associate law agent, it is stated that the law agent himself was absent from the country a great portion of the time; that at the time Mr. Greenhow reached California, the law agent repaired to San Francisco, which was in the fall of 1852, I think, and thence returned to the United States, having rendered no service whatever; and there was no law agent in California from October, 1852, until Mr. Howard repaired there last June, under the appointment made by the present Administration. The committee of conference adopted the amendment here suggested, that the salary of the associate law agent should be, during the period that the duties of both the law agent and the associate law agent were performed by Mr. Greenhow, at the rate of \$8,000 per annum.

Mr. WALSH. What was the salary of the law agent?

Mr. PHELPS. It was \$5,000.

Mr. WALSH. What was that of the assistant law agent?

Mr. PHELPS. It was \$5,000, the same with that of the law agent.

Mr. HOUSTON. I would like to hear the amendment agreed upon by the committee of conference read:

The amendment was then read, as follows:

Provided, That there be allowed to the legal representatives of Robert Greenhow, such sum, in addition to that received by him, as altogether will make his salary, for the time he was employed as assistant law agent, equal to that authorized to be paid to the land commissioner by the act of the 3d of March, 1853, making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1854.

Mr. HOUSTON. I understand that amendment to increase the salary of the law agent?

Mr. PHELPS. Only that of the associate law agent.

Mr. HOUSTON. I regard it as a permanent increase of salary.

Mr. PHELPS. It is not a permanent increase of salary at all. It only asks that the amount named shall be paid to the legal representatives of Robert Greenhow, during that period of time when he was employed upon his duties.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman from Missouri [Mr. PHELPS] if he can inform the House how long Mr. Greenhow was employed as assistant law agent?

Mr. PHELPS. Mr. Greenhow was engaged there thirteen months and a half in the discharge of his duties. I do not know the time of his death.

Mr. JONES. Is his salary by law \$5,000?

Mr. PHELPS. It is.

Mr. JONES. Does this bill propose to make it \$8,000?

Mr. PHELPS. It does.

Mr. WALSH. I will ask why the proposition is stated in such a round-about, circuitous, and mysterious manner? Why does not the amendment state the amount without referring us to another office?

Mr. PHELPS. I would prefer, myself, if the language was a little more explicit and definite. But in a committee of conference there must, of necessity, be mutual concessions.

Mr. WALSH. It looks very suspicious now.

Mr. PHELPS. I would have preferred myself that the amount should have been specifically stated. But I have stated to the House what would be the effect under it. I have no disguise about it.

Mr. LETCHER, (to Mr. PHELPS.) What is the question made by the gentleman from New York, [Mr. WALSH]?

Mr. PHELPS. He inquires why the amount to be paid to the legal representatives of Mr. Greenhow was not specified in so many dollars, instead of having been provided for in the manner in which it appears here?

Mr. LETCHER. Well, Mr. Speaker, my colleague on that committee [Mr. PHELPS] will recollect that we tried to get the amount clearly specified.

Mr. PHELPS. I have so stated.

The next matter in the report is, "that the House concur in the amendment of the Senate numbered 51, with the following amendment; strike out all after the word 'him,' in the eleventh line thereof."

The amendment will then stand as follows:

SEC. 7. And he it further enacted, That the portion of the seventh section of the act of 30th August, 1852, entitled "An act to provide for executing the public printing and establishing the prices thereof, and for other purposes," which provides "that when any documents shall be ordered to be printed by both Houses of Congress, the entire printing of such documents shall be done by the printer of that House which first ordered the same," is hereby repealed; and when there are different printers for the respective Houses, each shall do the printing which may hereafter be ordered by the House electing him.

This is the amendment providing for the public printing. The Committee of Ways and Means of the House of Representatives recommend that the House should concur in this amendment, with an amendment by striking out all after the word "him," in the eleventh line. I will read that portion of the Senate's amendment which will be struck out if the recommendation of the committee of conference should be adopted:

And so much of the printing for the Executive Departments and bureaus of the Government as is ordered by the said act to be done by the public printer, shall be equally divided between the printers of the two Houses.

This was an amendment which, when the matter was discussed in the Committee of the Whole, the Committee of Ways and Means urged should be adopted. It was adopted in Committee of the Whole; but, at the same time, the committee struck out the entire amendment. The effect of

adopting the recommendation of the committee of conference on this point will be this: that each House will control its own public printing as formerly; and, so far as the Executive printing is concerned, which is directed by the law regulating the manner of executing the public printing, and the prices to be paid therefor, it will be done by either of the public printers whom the Executive Departments may select. That portion of the Senate's amendment regulating this, on the principle of equal division, was impracticable, and could not be executed. That regulation could not be executed, because it required the departmental printing to be equally divided between the two public printers, for the purpose of avoiding all difficulty in relation to this matter; and they have already got into difficulty about it. The committee of conference have recommended to the two Houses a concurrence in the fifty-first amendment, amended by striking out that portion of it which I have last read. I understand that this recommendation is also acceptable to those engaged as the public printers.

Now, Mr. Speaker, I must ask for the previous question on the adoption of the report of the committee of conference. I am still ready, however, to give any explanation that may be asked for in connection with it.

Mr. MEACHAM. I want to know whether there can be a division of the vote on this question? There are some of these recommendations of the committee for which I can vote very cheerfully, and for some I cannot vote at all. But if we must take the whole report, and vote for or against the adoption of it, I will vote against it.

The SPEAKER. It must be voted for as a whole.

Mr. MEACHAM. Then I call for the yeas and nays on the acceptance of the report.

Mr. WHEELER. I move that there be a call of the House.

Mr. PHELPS. I have this to say to the gentleman from Vermont [Mr. MEACHAM] and to the House—and for the present I withdraw the call for the previous question. With reference to the report of a committee of conference, probably no member can go on such a committee and expect always to obtain his own wishes, or expect always to obtain that which might be considered as the desire of the House that he represents. The very object of appointing a committee of conference is, that there may be mutual concession between the two bodies disagreeing in their votes. And therefore, in this case, the committee of conference on the part of the House met the committee on the part of the Senate with a desire to carry out, not their own views, but the views which were indicated in the House of Representatives which they represented on that occasion.

But they could not obtain all they desired, and they therefore have recommended to the House certain concessions; and on the other side they have recommended that certain concessions be made by the Senate.

Mr. CLINGMAN. I wish to ask the gentleman from Missouri one question. I understand from the report, that in reference to most of the disputed amendments the Senate has given way, and that the House has accomplished nearly everything it desired, except some small matters.

Mr. PHELPS. That is so.

Mr. CLINGMAN. Then I think we had better accept the report.

Mr. STANTON, of Kentucky. I wish simply to inquire of the gentleman from Missouri if he did not labor under a misapprehension in specifying that the amendment in reference to the public printing left it discretionary with the different Departments of Government to send their printing to whichever one of the printers the Departments might choose?

Mr. PHELPS. As I understand the construction of that law, and as I understand its practical operation, all the departmental printing is printed by such public printer as the Executive Departments see fit to give it to.

Mr. STANTON. I desire to say in reply to that, that the gentleman labors under a misapprehension. The law itself requires that all the Executive printing shall be sent to the Superintendent of Public Printing, and he distributes it as he thinks proper.

Mr. PHELPS. How does he distribute it?

Mr. STANTON. He gives it all to one printer.

Mr. PHELPS. It amounts to the same thing, only I avoided using circumlocution to express the fact.

Mr. JONES, of Tennessee. I wish to say a word, to see whether I understand this report correctly. If we concur in this report of the committee, as I understand it, the appropriation to pay for surveying the two routes to California by Stevens and Whipple will be passed; the provision increasing the compensation of Greenhow will be passed; the provision for three clerks to the Register of the Treasury will be passed; and the provision with regard to printing will be passed, so far as relates to the printing of the two Houses; and that the Senate recede from their other amendments.

Mr. PHELPS. Not all of them. The House concurs in the Senate amendment in reference to the paper warehouse, the cartage, &c.

Before the gentleman from Missouri yields the floor, I desire to ask him a question. There is one part of this report in reference to which I wish to understand the facts. The provision to which I refer is this:

—"forty-two thousand dollars; and that \$5,000 of said sum be paid to Robert Greenhow, assistant law agent to said board, for services performed during the absence of the law agent."

This, as I understand it, makes his salary \$8,000 per annum.

Mr. PHELPS. I would remark to the gentleman that this language is precisely the same as that employed in the act of 1853.

Mr. HOUSTON. I am not commenting upon the language. I wish to ask the gentleman how long Greenhow acted as law agent?

Mr. PHELPS. A little upwards of a year.

Mr. HOUSTON. How long did he discharge double duties?

Mr. LETCHER. During nearly the entire period. The law agent left soon after his arrival in California.

Mr. PHELPS. I have the impression that he served as law agent twelve months, and that, during all that time, he discharged double duties. But I cannot tell exactly.

Mr. HOUSTON. This amendment does not confine the increase of salary to the time during which he discharged double duties. It gives him an increased salary for the whole time that he was law agent. Am I right in that construction?

Mr. PHELPS. Certainly, you are right.

Mr. HOUSTON. Then it occurs to me that it is an increase of salary, and even goes beyond the principle that the House overturned.

Mr. PHELPS. Well, I demand the previous question.

Mr. WHEELER. I move that there be a call of the House; and on that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken on Mr. WHEELER's motion; and, on a division, there were eighteen in the affirmative.

Mr. JONES, of Tennessee. Count the other side. I want to know if there is a quorum here.

The SPEAKER. The Chair will ascertain if there is a quorum present.

The Speaker then proceeded to count the House, when it appeared that there were only one hundred and five members present, being less than a quorum.

Mr. JONES. I move that the House do now adjourn; and on that motion I ask for the yeas and nays. I make the motion for the purpose of ascertaining if there is a quorum here. I shall vote against it myself, and hope it will be voted down.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 18, nays 93.

So the House refused to adjourn.

The SPEAKER. There is no quorum voting.

Mr. GREENWOOD. I move that there be a call of the House.

A MEMBER. How many do there lack of a quorum?

The SPEAKER. Six or seven.

Mr. GREENWOOD. I know where they are to be found if we have a call of the House.

The SPEAKER. The motion for a call is in order.

Mr. PHELPS. I ask that the vote may be taken by tellers upon this question. We shall

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then perhaps be able to ascertain if there is a quorum here.

Tellers were ordered; and Messrs. VAIL and GREENWOOD were appointed.

The question was then taken; and the tellers reported—ayes 60, noes not counted.

So a call of the House was ordered. The roll was then called, and one hundred and eighteen members answered to their names.

The following are the names of the absentees:

Messrs. James C. Allen, Appleton, Thomas H. Bayly, Ball, Barksdale, Belcher, Bennett, Benson, Benton, Bissell, Bliss, Breckinridge, Bugg, Carpenter, Chamberlain, Chase, Chrisman, Churchwell, Cook, Oraig, Crocker, Cullom, Cumming, John G. Davis, Thomas Davis, De Witt, Dickinson, Dowdell, Drum, Eastman, Edgerton, Thomas D. Elliot, English, Everhart, Ewing, Farley, Fenton, Franklin, Gamble, Giddings, Goode, Grey, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Haven, Hibbard, Hiester, Howe, Hughes, Ingersoll, Daniel T. Jones, J. Glancy Jones, Keitt, Kirtledge, Knox, Kurtz, Lamb, Lane, Lilly, Lindsley, Lyon, McCulloch, McNair, McQueen, Mace, Macy, Matteson, Meacham, John G. Miller, Smith Miller, Morgan, Murray, Noble, Oids, Packer, Powell, Pratt, Preston, Puryear, Richardson, Riddle, Thomas Ritchey, Robbins, Rogers, Rowe, Sabin, Sage, Seward, Simmons, Skelton, Samuel A. Smith, William Smith, William E. Smith, Snodgrass, Sollers, Alexander H. Stephens, Straub, David Stuart, John L. Taylor, Tracy, Tweed, Wade, Walbridge, Walker, Walley, Warren, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, Hendrick B. Wright, and Zollcoffer—113.

Mr. GREENWOOD. I move that all further proceedings under the call be dispensed with.

The question was then taken; and the motion was agreed to.

So all further proceedings under the call were dispensed with.

The SPEAKER. The question now is on seconding the demand for the previous question upon agreeing to the report of the committee of conference.

The previous question was seconded, and the main question ordered.

The question now being upon agreeing to the report of the committee of conference,

Mr. CAMPBELL demanded the yeas and nays. The yeas and nays were not ordered.

Mr. WHEELER demanded tellers upon the yeas and nays; which were ordered; and Messrs. EDMUNDSON and COX were appointed.

The House was then divided; and the tellers reported—ayes 36, noes not counted.

So the yeas and nays were ordered.

Mr. ASHE. Mr. Speaker, will it be in order to have the report of the committee of conference read now?

The SPEAKER. The report has been already read. If there be no objection, it will be again read.

Mr. PECK. I object.

The question was then taken; and decided in the affirmative—yeas 77, nays 41; as follows:

YEAS—Messrs. Abercrombie, Aiken, Willis Allen, Ashe, Banks, Bell, Bocock, Bridges, Brooks, Caruthers, Caskie, Chandler, Chastain, Clark, Clingman, Colquitt, Corwin, Cox, Curtis, Cutting, Dawson, Dean, Dick, Dunbar, Eddy, Edmunds, Edmundson, John M. Elliott, Farley, Faulkner, Florence, Fuller, Goodrich, Green, Greenwood, Wiley P. Harris, Hendricks, Henn, Houston, Hunt, Johnson, Roland Jones, Kerr, Kidwell, Latham, Leicher, Macdonald, McDougall, Maxwell, May, Mayall, Mordecai Oliver, Orr, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Ready, Reese, David Ritchie, Seymour, Shannon, Shower, Singleton, Gerrit Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Stratton, John J. Taylor, Upham, Vail, Wells, Westbrook, and Daniel B. Wright—77.

NAYS—Messrs. David J. Bailey, Barry, Benton, Boyce, Campbell, Cobb, Dent, Dunham, Ellison, Etheridge, Flagler, Aaron Harlan, Hill, Hillyer, George W. Jones, Knox, McMullin, Maurice, Meacham, Middleswarth, Millson, Morrison, Nichols, Norton, Andrew Oliver, Parker, Peck, Pringle, Ruffin, Russell, Sapp, Hestor L. Stevens, Nathaniel G. Taylor, Thurston, Tracy, Trout, Vansant, Walsh, Wheeler, Yates, and Zollcoffer—41.

So the report of the committee of conference was adopted.

Pending the announcement of the result of the vote,

Mr. RICHARDSON asked to be allowed to vote.

The SPEAKER. Was the gentleman from Illinois within the bar when his name was called?

Mr. RICHARDSON. No, sir; I was not within the bar, but I desire to vote on the question.

The SPEAKER. It can only be by unanimous consent.

Mr. PECK. I object.

Also, pending the announcement of the vote,

Mr. BENTON. Mr. Speaker, how many votes are necessary to make up a quorum?

The SPEAKER. There is but one vote more required to constitute a quorum.

Mr. BENTON. Well, Mr. Speaker, I was within the bar, and desire to vote. I find that one vote is worth a great deal more than I ever expected it was worth. I therefore vote no.

The SPEAKER. That makes a quorum.

Mr. PHELPS moved to reconsider the vote just taken by which the report was adopted, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

Mr. STANTON, of Kentucky. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

The House thereupon, at half past two o'clock, p. m., adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, May 31, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. BADGER. Mr. President, I have received, through the Governor of North Carolina, a report and resolutions adopted at a very large and respectable convention held in the town of Wilmington, in that State, respecting the condition of the navigation of the Cape Fear river, and particularly the bar at its mouth. I am requested by one of the resolutions to present them to the Senate. I do so in accordance with that request; and, considering the high position of the gentleman who presided over the meeting, (the Governor of the State,) and the importance and interest attached to that subject with them, I ask that, without reading, the papers may be printed, and laid on the table.

The motion was agreed to.

Mr. SEWARD presented the petition of Cynthia M. Clarke, praying indemnity for losses sustained by her father, Ethan Stillman, in the execution of his contract for supplying muskets for the United States, in consequence of the embargo laws and the war of 1812; which was referred to the Committee on Claims.

Mr. DODGE, of Wisconsin, presented a petition of citizens of Racine, Wisconsin, praying a reduction of the present rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENJAMIN presented a memorial of Joseph Grafton and others, settlers on the Bastrop grant, praying such relief for them as was granted to claimants under the Maison Rouge grant by the act of January, 1851; which was referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. RUSK, it was

Ordered, That the petition of Betsy W. Eve be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of William W. Cox be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

REPORT FROM A STANDING COMMITTEE.

Mr. CLAY, from the Committee on Pensions, to whom was referred the memorial of Frances Smith, submitted a report, accompanied by a bill granting an increase of pension to Mrs. Frances Smith, of South Carolina; which was read, and passed to a second reading.

The report was ordered to be printed.

EUROPEAN PENAL CODES.

Mr. JOHNSON. On the 29th instant the usual number of copies—which is one thousand four hundred—of a message of the President of the United States, communicating, in compliance with the resolution of the Senate, a letter from H. S. Sanford, late chargé d'affaires of the United States at Paris, on the different systems of penal codes in Europe, and also a report on the administrative changes in France since the revolution in 1848, was ordered to be printed for the use of the Senate. A motion was then made to print one thousand additional copies of the document, which was referred to the Committee on Printing. That committee have instructed me to report against the printing of any additional copies. The honorable Senator from Tennessee, [Mr. JONES,] I understand, wishes to say something upon the subject.

Mr. JONES, of Tennessee. I regret very much the decision to which the majority of the committee have arrived. I, of course, have not had an opportunity of examining the report carefully; because it has never been before us. But, from my knowledge of the gentleman who prepared it, his long residence abroad, his integrity, his intimate acquaintance with the subject, and his qualifications in every respect, I think it as important to the Senate and our Legislative Assemblies as anything that has ever come before the Senate since I have entered it; and I think, therefore, that the extra number should be printed. I am very solicitous that they should be printed. I ask but for a thousand copies, and I understand that the printing of one thousand additional copies of that part which relates to the penal codes will not increase the expenditure more than about \$100. As for the other part, I do not think it necessary; but I feel a just concern about the part relating to the penal codes, because I look upon it as being of great interest and utility to the whole country; and I do hope the majority, who are liberal, generous men, will see the propriety of printing one thousand copies in addition to the usual number, which will not cost more than \$100.

I am assured, though I cannot speak from my personal knowledge, as I have not had an opportunity to examine it, but from my knowledge of the man and the subject in dispute, that the report is worth publishing. You will remember that the late President of the United States, in his message, called attention to the importance of revising the judicial code of the United States, and it was in view of that suggestion that Mr. Sanford felt he was rendering a service to the country, by sending the Government an analytical sketch of the penal codes of Europe, which came within his personal knowledge, after a residence abroad of eight or ten years in the service of the country. He has no pecuniary interest in the matter; but if it is worth anything, as I am sure, from my knowledge of the man, it is, when we consider the importance of the subject, \$100 is a very small amount to be expended.

Mr. JOHNSON. This document may be divided into two parts. One part of it relates to the Government of France. It is very well described in the resolution referred to the committee, as relating to the administrative changes in France. It is a history of the complicated machinery of that Government. The committee were unanimously of the opinion that much of the communication was but of little value, and certainly not of sufficient value to authorize the publication of an additional number of copies. There is a great deal of minutiae in it relating to the various departments of France, and to the various departments of the Government of France, and to the revolutions which have taken place there, legislative as well as political, since 1848, which are of no particular use to us. The committee, as I have said, were unanimous in rejecting the proposition to print all that portion of the report which was received from the Department of State.

The remainder, of which the Senator from Tennessee speaks, is a compilation taken from the penal codes of the different States of continental Europe, or, at least, very many of those States,

including Germany, Austria, Prussia, France, Spain, and perhaps some other smaller States. The facts embraced in that portion of the report might be of interest to our State Legislatures, and might contain suggestions which would enable them to improve the penal codes of the different States. The experience derived from that portion of the document might be valuable in that respect, in order to enable them to shape and guide their action in reference to their own penal codes. The committee stood two to one, however, against printing any additional number. For my own part, I thought it would be as well to print one thousand extra copies of this portion of the report, that Senators might distribute them to members of their State Legislatures, for their information, as useful suggestions might be derived therefrom, for the improvement of our State legislation upon penal codes. The majority of the committee, however, considering the dissimilarity between those countries and our own, and the long experience we have already had on this matter, did not think that the benefit to be derived from the publication of an additional number would be worth the cost, and, therefore, they rejected the proposition.

The cost of printing the entire document as now ordered, that is, fourteen hundred copies for the use of the Senate, will be about \$550. The cost of printing the one thousand additional copies of the whole report, including both branches, would be about \$200. The cost of printing that branch of it relating to penal codes, would be about \$100 for one thousand extra copies. These are the facts in regard to the matter. I am not certain myself that the majority of the committee were not correct in rejecting the whole proposition, though my impression at the time was, that it would be prudent and wise, on the part of the Senate, to print one thousand extra copies of that portion of the report which the Senator from Tennessee particularly wishes to have printed.

Mr. FITZPATRICK. My colleague on the committee, the Senator from Arkansas, has given a very correct statement of the conclusions to which the committee arrived when they examined the work this morning. Like the Senator from Tennessee, I have had time only to make a very superficial examination of the work, but I am inclined to think that if the Senate had been apprised of its entire contents when they were giving the vote for printing it, it would never have been referred to the committee.

If I understand the matter, the state of the case is this: Our chargé at Paris, looking to the message of the President of the United States, found that he recommended a revision of the penal statutes of this country; and then voluntarily took upon himself to collect the penal code of France, and of many of the surrounding countries. He not only did that, but he set out—if I could glean anything from the index, and we had but a short time to scrutinize the work this morning—to give what purports to be the history of the complex government of France under the various revolutions that have taken place in that country within the last ten or fifteen years.

Now, sir, there is a question lying behind the expense. The simple pittance to which my colleague on the committee has alluded had very little influence with me, because, if I thought the work was valuable, and one which should go to the country under the sanction of the Senate, I would not have hesitated a moment in concurring in the resolution referred to us, and I would have been willing to gratify my friend from Tennessee by awarding the number of copies desired. But, I take the position that it is a dangerous precedent for this body to establish, to publish every work that any agent abroad may be disposed to transmit to the Departments. I hold that the Senate, as a body of American statesmen, ought to scrutinize every work before they give it the high sanction of the vote of this body. I will not undertake to say that this work does not do credit to the author; but I do undertake to say, that before it is sent to the world under the sanction of this body, it should undergo the rigid scrutiny of the Senate.

When we publish a book it is not like sending the work of an individual to the world. What right have we to take up a history compiled by any foreign agent, and publish it by our authority, and yield to it our sanction, for the purpose of giving it importance in the eyes of the community?

Why, sir, it is an invitation to every foreign agent who is possessed of rare faculties and of ability sufficient to compile a work of this character to do so, and to submit it to the President of the United States, or to any Department of the Government, and have it sent throughout the country, indorsed by this body. I repeat, that I believe, if this work were now before the Senate, and were to undergo the rigid scrutiny of the body, it is very questionable whether it would order its publication at all. The amount of money involved did not operate on my mind at all; and I will do my honorable colleague on the committee, the Senator from Maine, [Mr. Fessenden,] the justice to say that I think it had as little influence with him. The proposition to print extra copies of the first branch of the work, which gives a description of the Government of France, under the exciting scenes incident to that country in its numerous revolutions, did not meet with any countenance at all at the hands of the committee. There was a greater inclination to examine, with an anxious desire to recommend, if they could, the proposition to print an increased number of the penal codes submitted to us.

But, sir, where is the necessity of publishing a work of that kind? I believe there is but a solitary State in this Union where the civil code prevails, and that is the State of Louisiana. What sort of benefit can accrue to this country, or what sort of light can be shed on the country, by the publication by the Senate, of this report on penal codes? The work may or may not be creditable to the author. If it be creditable to him, if it be one in which he takes a pride, and which he thinks would give him fame, let him publish it at his own expense, and by his own authority; but let him not ask us to send it to the world as indorsed by the Senate of the United States.

For these reasons I am opposed not only to the publication of the first branch of the work, but also decidedly opposed to increasing the number of the second branch. I entertain the views which I have stated honestly, and with proper respect to the distinguished gentleman who has compiled the work; but, at the same time, my object is to guard the Senate from the indorsement of a work about which they know nothing, and about which the committee themselves at this time can know but little. I trust the Senate will concur in the report.

Mr. SEWARD. What is the amount of the appropriation?

Mr. FITZPATRICK. The regular printing which has been ordered of this report will cost about \$550.

Mr. FESSENDEN. As a member of the Committee on Printing, it is proper that I should say a word. The simple fact is, the diplomatic agent of the Government in France undertook to send to the Department of State a work compiled by him in relation to the different changes which have taken place in the Government of France since 1848. This was done on his own mere motion, without the instructions of anybody, or without a recommendation from any quarter calling for its preparation. He has also sent a sort of analytical digest, or *résumé* of the different penal codes of the several Governments of Europe, and that he predicated on a recommendation made, I think, by President Fillmore, that our penal code in the United States should be examined and revised. That was also of his own motion, grounded on the hint in the President's message.

If the Senate had understood originally what it was when it was communicated to the Senate, and when the motion was made to print the usual number of copies, I think the question of the propriety of printing it at all, might well have been considered. I doubt very much the propriety of a diplomatic agent abroad undertaking, on his own motion, to compile a work of this sort, to send to the country the products of his own labor, and then to have it sent to this body, and ordered to be printed at the expense of the Government, when it contains no information of any particular and immediate value to the country. And, sir, if I had been in the Senate when the report was presented and laid upon the table, and I had understood it, I should certainly have questioned decidedly the propriety of printing it at all.

The work consists of two parts. As to the first part, which is more curious than valuable, if I was for publishing the information that the

report contains, I should prefer to publish that, because we cannot so well get at it. But every Senator will see that it is not our business to collect information of this description from our diplomatic agents, and print it for the benefit of the country. With regard to the other part, if a commission should be raised to reform our penal code, they would derive very little information from a work of such a character as it is; they would go to the original codes to understand the subject, and could make but very little use of such an analytical index as this. With regard to both of them, my opinion was, and is, that the mistake was originally, and would be originally always, in reference to papers of this description, coming thus uncalled for, from any of our diplomatic agents in the printing of them at all for circulation.

In addition to that, I will refer merely to the little amount of money that is involved—\$100 for the additional copies, and \$550 for the original printing. That would be of no particular consequence in the matter, but the precedent is something. If we make ourselves merely a sort of committee here for the printing of the results of the labors of gentlemen abroad, in the diplomatic service of the country, upon matters which are not of public advantage, and contain information that can be had by anybody seeking for it from other sources, we shall have enough on our hands to do; and in this case we shall be setting a bad example that may work very injuriously.

This cannot be placed on the same ground as that on which commercial information is gathered, the results of which undoubtedly may be very beneficial to the country, and for that reason their publication by us may be justified. But information of this kind, which is merely professional and legal, could and would be studied and hunted out by political and legal gentlemen. The printing of this document, I think, would be adopting a course of procedure in reference to these things which we should not adopt. It has been said that it will cost only \$100; but the amount of cost is of no sort of consequence. The committee did not look at the expense. They looked merely at the thing itself; and we did not think we should be doing justice to ourselves or to the country, whose money we have charge of to a certain extent, by ordering the printing of an additional number of copies of a work, from which I can perceive very little advantage to be derived.

Mr. SEWARD. In regard to the setting of this precedent, I differ entirely from the honorable Senator from Maine. It is, of course, a precedent; but a precedent which will be of very little service. But what is precedent? The precedent is, that we print, at the expense of the Government, information deemed to be valuable, acquired by our Ministers residing in foreign countries. That is the extent of the precedent. Now, although we have a great many Ministers in various countries, all over the world, I think that the number of those who give their attention to such labors as those under consideration is very small. Mr. Sanford has devoted his attention to an important subject, and has attained an extraordinary mass of information, which, it was thought, would be useful in some of the Departments of our Government, and so has sent this report; and the question now is, shall we print it?

My mind goes back to the case when Mr. Jefferson sent home a great deal of valuable agricultural and political information, which he compiled when in France. It was published, though not by Congress, at that time. I am sure that the propriety of publishing at that day what Mr. Jefferson thus sent home has been admitted, because Congress has since ordered it to be published.

I recollect a second case, that of Chancellor Livingston, who sent home information of vast value, and which gave a new impulse to the true policy and interests of agriculture in this country. I am sure that all will now agree that it would have been better to have published that information at the time it was received.

Then I remember that the Hon. Mr. Wheaton, now deceased, has given us a history of the law of nations. No money could ever have been expended in the United States more profitably than would have been expended if that history had been published. I am sure, then, the publication of the information now in question will do no harm, while it may do some good; and I think, probably, much good, inasmuch as the attention of

Congress has already been directed to the subjects which are understood to be embraced in the report. Moreover, there is no probability that too many of our foreign representatives will devote themselves to labors of this kind.

Mr. BADGER. I hope the Senate will order the printing of one thousand additional copies of this report. It will be an increased expenditure of \$100. Now, I do not agree with my friend from Maine, [Mr. Fessenden,] that the consideration of the expense is not a material item in the inquiry. A work of this kind may have a certain value attached to it which will make it very proper to expend \$100 in the printing of it, but which certainly would not justify the expenditure of \$10,000. I think, therefore, the expenditure is a material item to be taken into consideration, in agreeing or disagreeing to the proposition to print.

The Senator from Maine says that this work, when published, will not answer the purpose for which it was suggested, in furnishing the aid necessary to assist in the compilation of our own laws, or the revising of our own system, because those persons who may be employed in the work, if they possess the requisite qualifications, will go to the original sources of knowledge. That they will go there may be true, but the inference which is drawn from that fact, that this work will be of no service, I think is a mistake. In every investigation of that kind, no matter what may be the qualifications of the men who are engaged in its prosecution, the possession of a full analytical digest, and specific reference to the different heads of subjects which they may desire to consult, may be of use.

At all events, this is but an expenditure of \$100 for the purpose of printing one thousand copies of this book, which may be of service, which may be of general interest to the country, which may accomplish good, and which, as I think the Senator from New York has justly said, can do no harm by setting a bad precedent. I hope, therefore, the Senate will agree to its printing. At all events, I would say that I think we had better dispose of the matter in some way or other, or we will spend more money in the value of the time which we consume debating it than it would take to do the printing.

Mr. FITZPATRICK. It is not the amount that I am contending for. But I simply wish to say, that the publication of the works of the distinguished gentleman who have been alluded to, made a great impression not only upon Congress, but upon the country; and the rare endowments of those gentlemen showed the propriety of perpetuating and handing them down to posterity. Now, I will ask the gentlemen who have discussed this question, if there is a solitary man in the Senate who understands what he is voting for when he votes to increase the number published? The honorable Senator from Tennessee says he has never read the work; nor have I. You have, however, the unanimous report of the committee against its printing; and I again ask the Senate, if there is a Senator upon this floor who understands what is contained in that work? The committee were at one time inclined to wait for the publication of the work, and examine it, before acting upon the proposition to print an extra number; and if we thought it creditable to the gentleman, and useful to the country, to agree to that proposition; but on further examination, the committee determined unanimously, although with some hesitation, not to recommend an increased number. That is the point. If gentlemen vote for the printing of the work now, they will be voting for that which they do not understand, and which the committee did not understand, except what they obtained from a glance at its index. The Senate has no information as to its real merits.

Mr. STUART. If there is no other way of getting rid of the subject, I move that it lie on the table.

Mr. WELLER. Let us have a vote.

Mr. STUART. If there is a disposition to vote, I withdraw my motion.

The question was taken, and the report of the committee was agreed to.

RENOVATION OF THE HALL.

Mr. STUART. I beg leave to submit the following resolution:

Resolved, That when the Senate adjourns to-morrow, it shall be until Monday next.

Mr. DAWSON. We had better not consider that resolution at present. If the House concur in the resolution which we passed yesterday, there will be no necessity for passing this.

The PRESIDENT. If there be objection, it cannot be considered at this time.

Mr. STUART. I hope the Senator will not object to its consideration.

Mr. DAWSON. My reason for it is this: If the House agree to the resolution which we passed yesterday, there will be no necessity for taking up these carpets.

Mr. GWIN. I hope the Senator from Georgia will not object to the resolution. There is no prospect of the House acting to-day on the one which we passed yesterday. They are in Committee of the Whole; and it will not be acted upon to-day. I hope, therefore, he will withdraw his objection. I desire to make a suggestion to the Senator from Michigan, that we shall adopt the same rule which was adopted in the House, that these heavy chairs be taken out, and that we have lighter and more convenient ones placed here for the summer.

Mr. DAWSON. I should have no objection to the resolution, unless the House should not concur in the resolution which we passed yesterday. If they do not concur, it would be proper for us to adopt such a motion as this.

The PRESIDENT. If there be no objection, the resolution will be considered. The question is on agreeing to the resolution.

Mr. STUART. I desire simply to make a suggestion in connection with the resolution, if there be no objection. It is not expected that there will be a session to-morrow, but that the officers will meet here and adjourn without any regular session. I submit also, to the Senator from California, that if he wishes his proposition adopted, he had better submit it separately.

Mr. GWIN. I hope that both will be considered together.

The PRESIDENT. That will be the effect of the resolution.

Mr. GWIN. Will the object which I desire be attained without making the proposition specially?

The PRESIDENT. It will.

The resolution was agreed to.

Subsequently, in the middle of the speech of Mr. For,

Mr. BADGER said: Mr. President, an order was made this morning that the Senate would adjourn over from to-morrow to Monday. Several gentlemen are going away—the Senator from Michigan among others—and I think we ought to have some understanding as to whether we are to meet on Monday for the purpose of doing business, or to adjourn over to the succeeding Thursday.

Mr. STUART. To adjourn over.

Mr. GWIN. I hope it will be understood that we meet on Monday to do business. The Secretary says he can have the Hall in perfect order at that time. He can have the carpets taken up and the Chamber prepared for us; and I hope it is not the intention of any Senator to be here, and not commence business on Monday.

Mr. BADGER. Is it understood that we shall meet to do business?

Several Senators. Yes! Yes!

Mr. BADGER. Suppose we should not have a quorum.

Mr. GWIN. Let us try that.

Mr. STUART. There is no prospect of having a quorum. Gentlemen may come here disposed to do business, and I will come here too. I will come with the expectation that we shall be obliged to adjourn without a quorum.

Mr. JOHNSON. Not only will there be no quorum, but those who are taking this little recess now—which is but a short one—will not anticipate being back, I am certain from what I have heard—and I have heard a number talk about it—until to-morrow week; and as the House has not acted on the resolution which we passed yesterday, it is not probable that this will make much difference in our proceeding with business.

Mr. BADGER. By way of ascertaining what is the sense of the Senate, I move that when the Senate adjourns on Monday next, it be to meet on Thursday next thereafter.

Mr. GWIN. I ask for the yeas and nays on the motion.

Mr. DAWSON. I will make one suggestion which it is proper should go out to the country. This body is at least six weeks in advance of the House of Representatives.

Mr. GWIN. We have the two great questions of the age to discuss.

Mr. DAWSON. And if we were to act on all the business before us it would still lie in a pile in the other House. If we take a little recess now for convenience and for comfort, in order to better dispatch the public business when we return, where is the impropriety? Why come here and do nothing; sit for an hour or two and then adjourn upon the ground that the other branch of Congress is behind us? Why not let us take a little recess at once to reinvigorate ourselves, and come back better prepared for business?

Mr. FITZPATRICK. It is with great difficulty we have kept a quorum for the last three weeks, or a month. I came here shyly after the commencement of the session, and since I came, I have been here at all times. I agree with the Senator from Georgia. I am satisfied from what has occurred between other Senators and myself, that it is out of the question to expect a quorum here on Monday.

Mr. STUART. There is no prospect of it.

Mr. FITZPATRICK. I am compelled to leave here for the north, and I cannot promise to be back before the close of the week. To those of us who have been here in season and out of season, and are literally fatigued and worn out, it is as little as ought to be extended to us, to give us permission to be absent for that short time. I have conversed with several Senators, and my decided opinion is, that we need not hope to have a quorum here on Monday. There are many important questions before the Senate. I have conversed with my honorable friend from California in regard to them. I am anxious to vote on every one of them; but, situated as I am, I am compelled to be absent, and I trust the understanding will be that we are not to expect a quorum on Monday.

Mr. GWIN. This is an extraordinary comment on what we heard yesterday from the Senator from Michigan, [Mr. STUART,] and the Senator from Indiana, [Mr. PETTIT,] that our tables were loaded down with business, that we were overwhelmed with business now ready for action.

Mr. PETTIT. So we are.

Mr. GWIN. I know there is business enough for us to commence on Monday morning at eleven o'clock, and work every day to the hour that a majority of this body has fixed upon for a recess. And I hope that in good faith, having indicated the day on which we shall take a recess, we shall act upon it. If I thought we were going to lose all the week—

Mr. STUART. I beg my friend to let me interrupt him. We had better either vote on this proposition or let the Senator from Vermont go on with his speech.

Mr. GWIN. If he will give way I will move to go into Executive session.

Mr. STUART. Let us have a vote.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) The question is on the motion, that when the Senate adjourns on Monday next, it be to meet on the Thursday next thereafter.

Mr. GWIN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken—resulted yeas 20, nays 16; as follows:

YEAS—Messrs. Atchison, Badger, Bell, Cass, Clay, Clayton, Dawson, Evans, Fish, Fitzpatrick, Fox, Johnson, Jones of Tennessee, Norris, Pratt, Rusk, Seward, Shidell, Stuart, and Sumner—20.

NAYS—Messrs. Adams, Brodhead, Brown, Dodge of Wisconsin, Douglas, Fessenden, Gillette, Gwin, Hamlin, Hunter, Mallory, Pettit, Sebastian, Toombs, Walker, and Weller—16.

So the motion was agreed to.

PENSION FOR SERVICES IN EXECUTING THE FUGITIVE SLAVE LAW.

The following resolution submitted yesterday by Mr. ADAMS, was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of providing by law a suitable pension for the support of the widow and children, if any, of the late James Bacheelder, of Massachusetts, who was killed while assisting the marshal of the United States, for that State, in executing an act of Congress.

PATENT OFFICE REPORT.

Mr. BADGER. It will be recollected that we passed a resolution on the 29th instant for ordering the additional copies of the agricultural portion of the Patent Office report for the use of the Senate, to be printed by the printer of the Senate. Since that time, the two Houses have agreed to a provision in the deficiency bill which relieves the subject of our printing from the complication which has heretofore been attached to it. In order to avoid, if necessary, any conflict, I think it better, perhaps, that the Senate should rescind the resolution adopted on the 29th, and by a new resolution order the printing of the additional copies, the consequence of which will be that they will be printed, of course, as directed by the amendment to the law contained in the deficiency bill. When the President has signed the deficiency bill, they will be printed, of course, by the printer of this body, without giving the special direction. I therefore lay these resolutions on the table, but do not ask for their consideration now, because they would be liable to the same objection, if adopted to-day, as if adopted on the 29th. I will call them up as soon as we shall receive notice from the President that he has signed the deficiency bill.

The resolutions are as follows:

Resolved, That the resolution for printing certain additional copies of the agricultural portion of the Patent Office report, agreed to by the Senate on the 29th instant be, and it is hereby, rescinded.

Ordered, That there be printed for the use of the Senate forty thousand additional copies of the same, with the plates accompanying it, of which five thousand copies shall be for the use of the Patent Office.

DEFICIENCY BILL.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that they had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854.

Also, that the Speaker of the House had signed the bill; which was thereupon signed by the President *pro tempore*.

STEAMER EL PARAGUAY.

Mr. HAMLIN. The Committee on Commerce have directed me to report back the bill from the House, to authorize a register to be issued to the steamer El Paraguay by a new name, without amendment, and to recommend its passage. I ask for its consideration at this time.

The bill was accordingly considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to issue a register to the American-built steamer El Paraguay, by the name of V. H. Joy, she having been condemned as unseaworthy, and sold in a Brazilian port, but is now lying at the port of New Orleans, and owned by an American citizen.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NOTARIES PUBLIC.

On motion by Mr. CHASE, the Senate, as in Committee of the Whole, resumed the consideration of the bill supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases."

The object of the bill is to confer on notaries public in the District of Columbia, the same powers as are conferred on notaries public in the States and Territories by the act mentioned.

Mr. CHASE. I offer the following amendment:

SEC. 2. *And be it further enacted*, That notaries public be, and they are hereby, authorized to take depositions, and do other acts in relation to evidence to be used in the courts of the United States, in the same manner and with the same effect as commissioners to take acknowledgments of bail and affidavits may now lawfully take or do.

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read a third time, and passed.

CONGRESSIONAL GLOBE.

Mr. BENJAMIN, during the pendency of the

bill last mentioned, said: I moved the other day a reconsideration of the vote of the Senate, adopting the resolution to subscribe for five thousand and twenty-two additional copies of the Congressional Globe and Appendix. It has been suggested to me by some gentlemen, that the reconsideration of that vote would probably be attended with the same result as before. Therefore, in order not to consume the valuable time of the Senate to no purpose, I have consented to withdraw the motion to reconsider, if the Senate will give me unanimous consent to do so.

Mr. CHASE. I hope that proposition will lie over for the present.

When the bill was disposed of, Mr. CHASE withdrew his objection; and Mr. BENJAMIN, by unanimous consent, withdrew his motion to reconsider; so that the resolution stands finally passed, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietor of the Globe for five thousand and twenty-two additional copies of the Congressional Globe and Appendix for the present Congress.

INDIGENT INSANE VETO.

On motion by Mr. GWIN, the Senate resumed the reconsideration of the bill entitled "An act making a grant of public lands to the several States of the Union for the benefit of indigent insane persons;" which had been returned by the President of the United States, with his objections.

Mr. HUNTER. I propose to say something on this bill. I can go on now if no other Senator wishes to proceed. If any other gentleman desires to speak, I will give way.

Mr. CASS. I design to say something on the bill. If the Senate are determined to vote at this time, I will say it now; but if not, I would rather not speak at present. I am entirely ready to proceed, and will do so now if the Senate wish to take the vote to-day. There are other gentlemen also, I believe, who intend to give their views on the subject.

Mr. GWIN. I wish to make this suggestion: That on Tuesday next, before we adjourn, we take the vote on this question. It has been before the Senate for weeks, and should be disposed of.

Mr. HUNTER. If the Senate will allow me two minutes to get some papers, I will go on to-day.

Mr. STUART. If the Senator from Virginia will yield me the floor, I will move to postpone the further consideration of this subject until to-morrow or Monday. It is not justice to the Senator, nor to the Senate, nor to the country, to go into the discussion of this question at the present time. There can be no particular haste about it. It is known to everybody that this bill cannot be passed by a two third vote. Whatever importance there is attaching to the discussion, therefore, is simply that which attaches to the importance a member may feel to deliver his own views on the question. At what time this shall be done, whether this week or next week, cannot be of much importance. After the temporary adjournment which we are about to have, the Senate will be full, and then we can go on with the discussion. There are several Senators who desire to express their views on this subject, and certainly it is desirable to have a full Senate to vote on it. I hope, therefore, the Senate will postpone its consideration until to-morrow or Monday. A day or two cannot be of much importance.

Mr. GWIN. The Senator from Michigan has given the strongest argument that could possibly be used why the Senator from Virginia should go on to-day. If this question is to be further discussed, why not discuss it now, when nothing else is pressing on us? I hope we shall have a speech to-day, and on Monday, or Tuesday at furthest, proceed to vote. The Senator from Virginia is ready to proceed, and in a few moments will be able to make his speech. He wants to put his views before the country, and he ought to have an opportunity of doing it now.

Mr. HUNTER. I have certainly no wish to speak to-day; but I do not wish to delay action on this bill. I have something to say; I can go on to-day or at any time.

Several SENATORS. Now! Now!

Mr. HUNTER. This bill has been so often delayed because gentlemen were not ready to proceed with its consideration that I feel bound, as I

was one of those who urged originally that it should have precedence over all other business, to go on to-day though under some disadvantageous circumstances. He then proceeded to deliver his views at large in opposition to the bill, and in favor of the doctrines of the President's veto message.

[The speech will be found in the Appendix.]

Mr. FOOT followed in support of the bill, and in opposition to the veto.

[The speech will be found in the Appendix.]

Mr. GWIN. I hope this subject will be passed over until to-morrow. I want to have an Executive session. I therefore move to postpone its further consideration until to-morrow.

The motion was agreed to.

REORGANIZATION OF THE NAVY.

Mr. MALLORY. I desire informally to submit several amendments to the bill for the reorganization of the Navy, which I reported from the Committee on Naval Affairs some days since. These amendments are offered at the instance of the committee. I offer them now for the purpose of having them printed.

They were ordered to be printed.

MARINE HOSPITAL AND MINT.

Mr. SLIDELL submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate what is the present condition of the building of the marine hospital, near New Orleans, and what sum will be necessary to put it into a perfect state of repair, and whether there be in his opinion such an inconvenience attending the present location of said marine hospital as to require the erection of a building for that purpose at some other point.

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate what is the present condition of the building of the United States branch Mint at New Orleans; what sum will be necessary to put the same in a proper state of repair; and whether there be any such damage in the original structure as would, in his opinion, consistent with wise economy, render it expedient to erect a new building on the present site of said branch Mint.

RAMSAY INVESTIGATION.

Mr. SEBASTIAN. I move to reconsider the vote by which the resolution was adopted in reference to publishing certain papers connected with the Ramsay investigation.

The PRESIDING OFFICER. The motion will be entered on the Journal.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 31, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by the hands of ASBURY DICKINS, their Secretary, informing the House that the Senate had agreed to the report of the conferees on the disagreeing votes of the two Houses on the bill to supply the deficiencies for the fiscal year ending June 30, 1854.

Also, that the Senate had passed an act (H. R. No. 318) entitled "An act to authorize the selection of school districts, in lieu of the sixteenth sections, within the twelve miles square reservation, State of Alabama."

Also, that the Senate had passed an act (S. 372) entitled "An act in favor of Charles D. Arfwedson."

Also, that the Senate had adopted a joint resolution that the two Houses shall adjourn from the first Monday in July to the third Monday in October.

THE DEFICIENCY BILL.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill; which thereupon received the signature of the Speaker: House bill No. 271, being "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854."

THE INDIAN APPROPRIATION BILL.

Mr. HOUSTON. Mr. Speaker, I ask that the Indian appropriation bill, with the Senate amendments thereto, be taken up, and committed to the Committee of Ways and Means. The gentleman from South Carolina, [Mr. ORR,] who objected to that disposition of the bill, is willing, I understand, to withdraw his objection.

Mr. ORR. I am desirous, Mr. Speaker, to withdraw my objection to that disposition of the Indian appropriation bill. I examined yesterday the precedents, and find that for fifteen years past it has been the practice to commit the Indian appropriation bill to the Committee of Ways and Means. Previous to that time, it was the custom to have it committed to the Committee of the Whole House; but I think it may be properly referred to the Committee of Ways and Means. I therefore withdraw my objection to that disposition being made of it.

The bill was therefore committed to the Committee of Ways and Means.

PAY OF POSTMASTERS.

Mr. OLDS. I desire to report back from the Committee on the Post Office and Post Roads a bill which passed this House almost unanimously. It has been returned from the Senate, with amendments; and I propose that the amendments be concurred in, as the committee recommends such concurrence. I suppose that the bill can be disposed of in a few minutes, as there will be no opposition to it.

Mr. LETCHER. Read the title of the bill, so as to let us know what the purport of it is.

Mr. CLINGMAN. Mr. Speaker, I would like to inquire, with reference to the Indian appropriation bill, which was before the House a moment ago, whether an order has been made as to the printing of the amendments adopted by the Senate?

Mr. HOUSTON. No order has been made on the subject. I ask for none. It is not usual in committing a bill to a standing committee that it should be printed. These amendments are very long, and it would be expensive to have them printed; but if the House desire that they should be printed, I shall have no objection.

Mr. CLINGMAN. Then I hope that the amendments will be ordered to be printed, so that the House may be able to act understandingly on them.

Mr. JONES, of Tennessee. I hope not. The gentleman from North Carolina [Mr. CLINGMAN] will see, that if the amendments are printed now, it will be necessary to reprint them when the Committee of Ways and Means shall report them back with recommendations. And the proper time to have them printed is when they shall be reported back.

Mr. CLINGMAN. I withdraw my objection.

Mr. OLDS. The bill which I desire to have disposed of now, is an act regulating the pay of deputy postmasters. The Senate have returned this bill with an amendment; and the Committee on the Post Office and Post Roads have instructed me to report an amendment to the Senate amendment.

The SPEAKER. If it be the pleasure of the House, the Senate amendment will be read for information.

The Senate amendment was then read, as follows:

Strike out all after the word "Provided," to the end of the bill, and insert in lieu thereof as follows:

That to any postmaster of a distributing office, at which the commissions, allowances, and emoluments, since the 31st day of March, 1853, have been insufficient to defray actual and necessary expenses, and afford the postmaster the annual compensation derived from commissions at the office before said 30th of March, the Postmaster General may, in his discretion, allow quarterly, from the date aforesaid, out of the postages collected at any such office, an amount sufficient to supply such deficiency: *Provided further*, That to any postmaster of a separating office, whose commissions, allowances, and emoluments may be found insufficient to provide the extra labor necessary to a prompt and efficient performance of the duties of separating and dispatching the mails passing through his office, the Postmaster General may make such quarterly allowance out of the postages collected at such office as he may deem sufficient to compensate such extra labor. This act shall take effect, and be in force, from and after the commencement of the next fiscal quarter after its passage.

Mr. OLDS. The Clerk will now read the amendment recommended by the Committee on the Post Office and Post Roads.

The amendment was read, as follows:

After the word "labor," in the Senate amendment, insert:

Provided further, That the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department:" *And provided further*, That the Postmaster General may, in his discretion, dispose of any quarterly returns of mails sent or received, which were made up previous to the first day of July, 1850, preserving the accounts current, and all vouchers accompanying such accounts, and use such portion of the proceeds thereof as may be necessary to defray the cost of separating and disposing of the same.

Mr. LETCHER. I hope the bill will be printed, so that we may have an opportunity to see what it is, and to compare it with the original bill. I have no idea of giving any such discretion as that mentioned in the amendments to any officer.

Mr. OLDS. If the House will allow me, I will explain the difference between the amendment of the Senate and the amendment proposed by the House Committee on the Post Office and Post Roads.

Mr. HOUSTON. There is not a sufficient number of members here to pass the bill now.

Mr. OLDS. As there may be some doubt of there being a quorum present, I will withdraw the bill for the present.

Mr. HOUSTON. Now, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. OLIVER, of Missouri. Will the gentleman withdraw that motion for a moment, to allow me to introduce a bill?

Mr. HOUSTON. I will, if he simply desires to introduce and refer it.

SURVEY OF PUBLIC LANDS IN KANSAS.

Mr. OLIVER then, by unanimous consent, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

A bill to provide for the survey and sale of the public lands in the Territory of Kansas, and to establish a land office therein.

IMPROVEMENT OF CAPE FEAR RIVER.

Mr. FULLER. If the gentleman from Alabama will allow me, I wish to make an adverse report from the Committee on Commerce, and to move that it be referred to the Committee of the Whole.

Mr. COBB. If the gentleman proposes to make a report, and to refer it to the Committee of the Whole, I think it would be proper that the committees should be called, and allow them an opportunity to report.

Mr. FULLER. I have half a dozen bills which I would like to report.

Mr. COBB. Then insist upon having a morning hour, and you can do it.

Mr. ASHE. I hope the gentleman [Mr. COBB] will withdraw his objection.

Mr. COBB. Oh, I will withdraw it.

The bill was then read by its title, as follows:

An act making further appropriation for the improvement of Cape Fear river, in North Carolina.

Mr. FULLER. The committee report adversely upon that bill, and I move that it be referred to the Committee of the Whole.

No objection being made, it was so referred.

ADJOURNMENT OF CONGRESS.

Mr. CUTTING. Before the gentleman from Alabama [Mr. HOUSTON] urges his motion, I should like to make a suggestion. It is this: I consider it of the highest importance, in reference to the public business, that we should now, if possible, fix upon some day for an adjournment. As respects myself it is somewhat a matter of indifference what day may be fixed upon. But until we do name the day, I am satisfied that there will be little, if any, business transacted. The moment that a day is fixed, there will be a great urgency in reference to the business before the House, and we shall always, probably, have a majority, and a very large number of members present. I think we can then dispose of all the business before the House which requires action within a reasonable time.

Mr. HENN. I object to any debate, unless all sides can be heard.

Mr. CUTTING. Agreed. Let us take the question up now.

Mr. HENN. I object to taking it up.

The SPEAKER. Does the gentleman from Alabama withdraw his motion?

Mr. HOUSTON. I do not. I should prefer that there should be a better attendance of members when the question is taken on the adjournment than there is at present. Besides that, the gentleman from Louisiana [Mr. PERKINS] yielded the floor yesterday that the deficiency bill might be taken up, and it is due to him that he should have an opportunity of speaking to-day. I therefore insist on my motion.

Mr. CUTTING. I hope it will be voted down.

Mr. BOCOCK. I ask for tellers on the motion of the gentleman from Alabama.

Tellers were ordered; and Messrs. ASHE and OLDS were appointed.

The question was then taken; and the tellers reported—ayes 96, noes 39.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOCOCK in the chair.)

PACIFIC RAILROAD.

The CHAIRMAN. When the committee last rose, they had under consideration House bill No. 295, being a bill to provide for the construction of the Pacific railroad, upon which the gentleman from Louisiana [Mr. PERKINS] is entitled to the floor.

Mr. PERKINS, of Louisiana said: I rise, Mr. Chairman, suffering from much physical debility, to discharge what I consider to be a duty. A few months since, at the request of Speaker BOND, I introduced an amendment originally moved by himself, to the land bill of the gentleman from New York [Mr. BENNETT] then pending before this House. When I offered it, it did not occur to me that it imposed upon me the responsibility of its discussion. I must say, however, that after an examination of its principles and the guards thrown around their application, I feel myself under obligation to the honorable Speaker for having directed my attention to the bill. There is a great deal in it that commands my respect, and nothing to which I can object. It is my purpose to-day to discuss this bill. I would have spoken on it last week had not its consideration been postponed.

The introduction of the subject of which it treats by gentlemen who have spoken in connection with the Pacific railroad, and the fact that the public lands are under discussion at this time in the other branch of Congress, and are, from peculiar circumstances, attracting attention throughout the country, must be my apology for speaking on the subject to-day.

There is imposed upon me, however, a higher duty which I must first discharge. I observed in the *Intelligencer* of this morning, an address, signed by some five gentlemen, members of this body, Representatives from the State of New York, with only one of whom I have any personal acquaintance, and only two of whom are known to me by sight. An address from a member of Congress to his constituents is ordinarily a document somewhat sacred in its character. The relation existing justifies a freedom in the treating of public measures that, under other circumstances, might provoke criticism. With the immunity of gentlemen in this respect I have no disposition to interfere. There are sentiments and statements, however, in this address which, coming from Washington, and published by request in a paper of so extended an influence as the *Intelligencer*, the national organ of a great party in the country, makes it necessary for me, a Representative from Louisiana, and having the floor on the morning of its issue, to say something. I will read that portion of the address upon which I intend to remark:

"Events daily transpiring constrain us to believe that the annulment of the Missouri compromise act of 1820 is the first of a series of measures, long premeditated and deliberately pursued, having for their object the formation of a great sectional or southern party, of which the present Executive designs to become the leader."

It proceeds:

"In order to win the South and propitiate the favor of her citizens, in addition to the repeal of the prohibition of slavery north of latitude 36° 30', it is designed to obtain, regardless of expense to the National Treasury, additional territory from Mexico. The Gadsden treaty, recommended by the President to the Senate for confirmation, stipulated

to pay Santa Anna the extravagant sum of \$20,000,000 for a mere fragment of territory, to supply additional resources to the slave States. This treaty, modified in many essential particulars, has been returned to Mexico, and is now in progress of negotiation."

If the address had stopped here, although regretting such a charge from such a source, I should not have noticed it. It continues:

"In pursuance of the same political scheme, it was determined, at an early day, to acquire Cuba, utterly reckless of consequences. To that end a gentleman was selected to represent this country at the Court of Madrid, whose appointment occasioned alarm in the minds of those who were acquainted with his disposition, manners, and political sentiments. Whether he attempted to open negotiations for the peaceable acquisition of Cuba, is not known, but it is certain that no success attended his efforts, if any were made. The seizure of the steamer Black Warrior by the authorities at Havana, afforded Mr. Soule, as we are credibly informed, the opportunity to address a communication to the Spanish Government so insolent in its tone, so peremptory in manner, and couched in language of a character so insulting, as to render compliance with his demands in the highest degree improbable."

Sir, this statement having appeared, and finding it before me on my desk, I could not, to-day, address the House on another subject without first alluding to it.

A MEMBER. Who are the persons signing it? Mr. PERKINS. Gentlemen will find the names of the persons signing it appended to it, in the National Intelligencer.

Sir, I know nothing of these measures, or of these efforts gentlemen speak of in connection with the formation of a great sectional party. Coming, as I do, from the extreme South, I have listened with deep attention to everything that has been said affecting southern institutions; and so far as my constitutional convictions would allow me, I have united in the efforts to secure, not a sectional advantage, but the enunciation of a great constitutional right. If that, sir, is one of the measures alluded to by gentlemen as designed to create a great sectional party, I must differ with them in opinion.

With reference to the additional territories to be acquired from Mexico "regardless of expense," I have nothing further to say than to point to the fact that instead of the sum of \$20,000,000 demanded by the Mexican Government having been agreed to, the amount has been reduced during negotiations by the President and his advisers from \$20,000,000 to \$10,000,000. This indicates some attention, at least, to expense.

But, Mr. Chairman, I proceed. The address says, that "in pursuance of the same political scheme, it was determined at an early day to acquire Cuba, regardless of consequences." What political scheme? A scheme to propitiate the South by the passage of the Nebraska bill; the purchase of Mexican territory, regardless of expense, and the acquisition of Cuba, regardless of consequences, in order to build up a great sectional party, of which President Pierce might be the head? Now, Mr. Chairman, I do not stand here as the special friend of this Administration, to laud General Pierce or any other man; but there is manifestly a very wide difference between these gentlemen and myself in our estimate of both General Pierce and his Administration. When the President acts in accordance with principles which I believe to be just and national, I give him my support. When he utters a sentiment which is noble and patriotic, I adopt it; and if it falls within my line of argument to do so, I repeat it, giving him credit for having uttered it. With the political opinions, however, of these gentlemen, or with their disposition towards the President, I have no concern.

But the address proceeds; and, speaking of a distinguished gentleman from my own State, engaged abroad in the service of his country, and necessarily precluded from making any defense for himself, arraigns before the country his disposition and his manners, as well as his political opinions.

Now, Mr. Chairman, of this I have something to say, and it is this: that I regard such an attack as neither manly, chivalric, nor in accordance with that courtesy towards persons in Mr. Soule's position, which I am led to believe has been the characteristic of gentlemen occupying prominent positions upon this floor.

Sir, I am not the particular friend of Mr. Soule. I am not in correspondence with him. I knew him at the New Orleans bar, as a younger member of the bar would know a man much older; distinguished by his talent, by his history, and in

the estimation of my State; and if remarkable for anything, by the admission of all for his amiable and courteous deportment towards all persons. As to his manners, I most certainly, sir, never heard them before made the subject of criticism. That gentlemen may differ with him upon political questions is natural, and such difference is altogether a proper subject of remark; but to go beyond this, in his absence, and under the peculiar circumstances in which he has been placed, I do not think in any degree just; nor do I believe it will be justified by the reflection of the gentlemen themselves.

But, sir, this address does not stop with this. After declaring Mr. Soule to be entirely unsuited for the position which he holds—a position in which they must excuse me for saying I think he has sustained himself in a manner calculated to reflect great credit upon his country—they declare they do not know that he has ever made an effort to acquire Cuba by legitimate and peaceful means, but they do know that he has made no advances toward success! Now, Mr. Chairman, I certainly, with as deep an interest in this subject as either of these gentlemen, and as a member of the Committee on Foreign Affairs likely to learn something of our diplomatic negotiations, know nothing that will at all justify me in asserting what these gentlemen have undertaken to assert. Sir, I deeply regret these allegations. An importance will be attached to them abroad that they do not deserve, and that it was never intended they should have. They, by implication, not only say that our Minister at Madrid was unfitted, by his known opinions, for the position he occupies, but that he has been, since his appointment to Madrid, personally inefficient and indisposed to negotiate for the interest of the country.

The address proceeds: "The seizure of the Black Warrior by the authorities at Havana afforded Mr. Soule, as we are credibly informed, an opportunity to address a communication to the Spanish Government, so insulting in tone, so peremptory in manner, and couched in language of a character so insulting, as to render compliance with his demand in the highest degree improbable." "We are credibly informed?" Now, how credibly informed? Can any of these gentlemen, if they are present, rise here and let us have the advantage of this credible authority. Who is he? It comes not from the Committee on Foreign Affairs. It comes not from the Secretary of State. Where does it come from? "We are credibly informed" of what? That our Minister has bid defiance to the common rules of good breeding? that he has disgraced himself, and inferentially, and as a natural consequence, reflected disgrace upon the country? "Credibly informed!" And all this, sir, is to go forth to the country with the weight and character which attaches to those gentlemen as members of this House. I say nothing in reference to their standing or their estimation. I have every respect for them as members of this House. I know nothing further of them. I deal with them only as I read their expressions in this address, and as I would deal with similar expressions, if uttered by any other members. They say that our Minister has been "insolent!"—a term which carries with it a mental idea. "Peremptory in manner!" "Couched in language so insulting as to render a compliance improbable!" Why, sir, to a reflecting mind, this sentence has within itself its own refutation. Castilian pride is a problem. It was only a few years since the representative of Great Britain left Madrid at two hours notice, under compulsion, and at night, after penning a letter which, by indirection, reflected upon the Spanish Government. And yet, sir, Mr. Soule, notwithstanding his "insolent" and "insulting" letter, I am assured still remains there. Perhaps gentlemen are "credibly informed" that he has received his passports!

But, sir, there is one other thing in this address to which I must allude. I will not read it to the House. It is extended through some twenty lines, and states that the Black Warrior difficulty gave occasion for this action of Mr. Soule, and that there is an intention, in order to add slave territory to the Union, to force the Government into a war with Spain, and that this purpose is so selfish, so entirely for southern aggrandizement, and to make capital for political traders, that they cannot unite in any such scheme; but that, under other circumstances, they would unite in acquiring Cuba.

Now, this is a very remarkable statement, in every aspect in which it can be viewed. That the Black Warrior difficulty gave occasion for this! Why, sir, what had the South to do with the Black Warrior difficulty? It was northern property that was seized. They were northern men who protested. I have in my possession letters from constituents of these gentlemen, copies of those they sent to Mr. Soule, urging him to immediate action, and to the most peremptory tone. And yet, sir, for doing what they asked him to do; for doing what his position required he should do, without a hearing, without waiting for information from the Government, without asking for it, without knowing but what it was ready to be given to them, they brand our Minister as inefficient and unqualified for his position.

Sir, I have nothing more to say upon this subject. If Mr. Soule had been my personal enemy, I would have felt bound to say what I have said; and yet, after what I have said, I feel very unfitted to discuss the question which I intended to discuss.

Mr. Chairman, I cannot conceal from myself that one of the measures referred to in this address, as intended for southern aggrandizement, is the Nebraska bill. Sir, I voted for that bill. I regretted that it consumed so much time. I am glad that it has passed, and that we have now an opportunity of directing our attention to matters of pressing practical importance. I say I voted for it; I gave for it a silent vote. But, as a matter of grace from the North to the South, I would have refused it as the measure of southern rights; I would have protested against it; but, as the interpretation of what was intended by the legislation of 1850, I was willing that it should be entered upon the records of the country. I could not and cannot, however, share in any elation at its passage. On the contrary, I left this House on the night of our final vote upon it with feelings of deep uncontrollable sadness; sadness, not such as sprang from a contrast of the fleeting nature of man, with the record of a great eternal principle about which chafe for the moment his fiercest passions and then subside; but sadness in the conviction that the South was indeed doomed if a measure intended as an interpretation of a great constitutional right, applicable to the North as well as to the South, and designed to restore equality between the States, was for that reason to be regarded as a southern triumph. Let me be not misunderstood. I appreciate the stern and manly sense of justice which prompted many men of the North to vote for that bill. I recognize in their conduct a disposition to do justice to the South. But, sir, as a southern man—as one born under southern institutions, and whose feelings and interests naturally first centre there, could I be insensible to the fact of our diminished influence in the legislation of the country, when we were expected to exult even at the disposition to do us tardy justice. There was a time, Mr. Chairman, when the Constitution of the land was our security and our justice, and Congress did not hesitate to grant protection to southern as well as to northern property.

Can Congress do so now? We are referred to the courts. How long think you this refuge will remain to us? Sir, I drop the subject. I am sick of this constant effort to place the South in a false position. Gentlemen have nothing to fear from southern aggrandizement.

I am glad the gentleman from California [Mr. McDougall] has brought before us the subject of the Pacific railroad, and has advocated it upon principles at once broad and statesman-like. I congratulate the country, too, that the reply made yesterday in opposition to it coming from the quarter it did, [GERRIT SMITH,] was accompanied, with no expression of sectional jealousy such as I regret to find characterising the address upon which I have commented. The Pacific railroad, as urged by the gentleman from California, is a great national measure, and I desire to have the General Government, aid in its construction. I think there are modes in which this aid can be constitutionally given, and I trust its construction will not be associated in any way with party or sectional feeling. The remark of the gentleman from New York [GERRIT SMITH,] that he would vote to purchase Mexican territory if necessary for its construction, even for the benefit of the South, was patriotic and statesman-like. I wish all our legislation could be done in this spirit.

Mr PECKHAM. I desire to say only a word in connection with the remarks made by the gentleman from Louisiana, [Mr. PERKINS.] I am one of the signers of this address; and so far as regards the remarks that have been made concerning Mr. Soule, it was not my intention, or that of any one of the gentlemen who have signed the address, to reflect, in any degree, upon his personal character and standing. And perhaps the word "manners" here, as introduced in the sentence speaking of "the disposition, manners, and sentiments" of Mr. Soule, might as well have been omitted. His manners are the manners of a gentleman, certainly. But, speaking of his political sentiments on that subject, proof might be adduced to support the allegation, if it were deemed at all important or necessary.

So far as regards his action at the Court of Spain, I do not mean to say anything further as yet, except to refer to that which is known to probably every gentleman in this House. Every gentleman in the House is aware of his action as published in the newspapers. There is no allegation here that this is personally known to us as a matter of fact. The statement is made from what we deem to be credible authority—from the information that has been derived on the subject from all the public papers, and which we have never seen contradicted. In regard to all these matters I shall hereafter, if I deem it proper, take occasion probably to present such facts as shall illustrate the true position of things.

So far as regards the efforts as to Cuba, it is not proper for me to take up the time of gentlemen now. What I know on that point I am very willing to state here, and to explain at length when an occasion may call for it; but this I must defer to another occasion.

Mr. PERKINS. I should like, Mr. Chairman, to hear the explanations of the gentleman from New York [Mr. PECKHAM] on this subject. I regret that I cannot give him more time, but he will have an opportunity when I am through with my remarks. His retraction of any intention to personally reflect upon our Minister at Madrid, is what I was led to expect from my slight acquaintance with the gentleman.

Mr. Chairman, I regret that the subject of Cuba, the acquisition of territory from Mexico, and the Nebraska question, should be coupled together in the minds of gentlemen as sectional measures. In the acquisition of Cuba, in the construction of a Pacific railroad, and in the opening of commercial relations with the South American States, I recognize three of the most practically important, and most national measures that can at this time engage the attention of American statesmen. I wish public attention throughout the whole country could be directed to them. If the entire South should unite in advocating any one of these measures, this circumstance should not awaken a sectional jealousy. I wish, indeed, it were possible to have the South so united, and that it could be made to feel that its influence in the Union, always greater from the philosophy of its politics than from numbers, requires now to be sustained by the development of her material resources. I would not have her abate any of her reverence for the Constitution; her security, as that of every minority, depends upon a rigid observance of its provisions. But there are energies in a people far beyond the influence of constitutional opinions, that should be made to tell upon the future. And is the South to be branded as selfish and sectional in her views, if she advocate for once a great practical measure? Sir, she will occupy a most peculiar position, if she does not support the Pacific railroad. Living under a Constitution designed to establish justice and promote the general welfare, we witness, every day, efforts on this floor, to use the whole power and moral force of the Government for the destruction of southern property. Asserting that taxation shall be uniform and equal, the South is, by indirection, paying much the largest portion of the income of the Government. Contending for an interpretation of the Constitution, which forbids the General Government becoming a mere moneyed machine, and applying the public funds for sectional objects, her interpretation is strictly applied only to herself, and practically disregarded towards all other portions of the Union. Under such circumstances, there is a necessity for the South to have united action not only out of this

Hall but in it. But such united action does not necessarily imply sectionalism. It may be required to prevent it.

Recollecting, Mr. Chairman, the influence of the South in the formation of this Federal Government, the guarantees of right which were intended to be secured her by the Constitution, and the gradual growth of a false public sentiment at the North, operating through that instrument each year with additional force to weaken these guarantees, and listening, at the same time, to the contrasts between the North and the South so frequently drawn of late by northern men in debate on this floor, and sent out from here by speech or address, as in the one from which I have just read extracts—sometimes terming the South aggressive, and sometimes condemning her political opinions as abstractions, and sometimes her social institutions as criminal—I could not but recall the remarks of an eloquent Frenchman, at a recent date, in defense of the humiliated spirit of France against the material development of England. But slightly paraphrased, the South may use them in no unkind spirit towards the North. "Are we not," said he, "the sons of those who, by the effort of a heroic nationality," did the world's work in establishing for every nation the gospel of equality in the Declaration of Independence?"

Did our fathers mean, by the fraternity expressed in that instrument, that vague, undefined sympathy which welcomes and loves everything; which mingles, bastardizes, confounds. Would it not be a marvel to see the people who but lately reared the beacon light of the future, to which the eyes of the world are turned, walking submissively, and without a murmur, under a sacrifice of right?

Well may northern gentlemen ask, with a smile, what are the results of southern activity, southern commotion, and southern political struggles? Behold the South, if you please, as you have described her, seated on the ground, like Job, and your northern States coming, one by one, to question, to comfort, or it may be, to taunt her. "Where are your ships and your machinery?" asks one. "Where your enterprises of industry?" asks another. "Where your literature and art?" asks another. "Kind sisters," says the French writer, "who come thus to question and comfort" the South, permit me to answer you. She is ill, you see, and there she sits with drooping head, unwilling to speak. Did you pile up all the blood—the gold—the efforts of every kind, disinterestedly expended by each for the advancement of the whole, the pyramid reared out of her would reach the skies; whilst all of sacrifice that could be piled up out of you would reach no higher than a child's knee.

Say not, then, how pale the South is. She has shed her blood for you. Say not how poor she is. For you she has given without counting; and having nothing more to give, she has given her soul, the latent heat of the Constitution; and it is on that you live. All that is now left her is what she has given to others.

Are you surprised that she reverences the Constitution, and that, trusting in it as her best security for the present, and her surest guarantee in the future, she is ready to protest against its slightest violation? It is in this spirit, and not in that of either a selfish fear or a narrow, calculating sectionalism, that the South has, with such a united front, aided the North to put down the dark spirit that, rising up in their midst, engendered by a gloomy fanaticism, has sought recklessly to strike at institutions in whose existence are involved the happiness and prosperity, not of one section, but that of the whole Union.

But I will leave this subject, hoping that the gentleman who has sought the floor will take an early opportunity to give that explanation which he has said will be given.

Mr. PECK. Will the gentleman give way for a moment?

Mr. PERKINS. I will with pleasure, for a moment.

Mr. PECK. I simply desire to say, that I refer the gentleman and the House for the political sentiments of Mr. Soule, to his speech in the Senate on Cuba.

Mr. MAURICE. Will the gentleman from Louisiana yield me the floor for one single observation?

Mr. PERKINS. I have prepared a speech,

filled with statistics, on the subject of the public lands, and I came to the House this morning, intending to speak on that subject, but as the gentlemen from New York appear desirous of replying to what I have said, I will, with the permission of the House, deliver at another time, or publish, as I may prefer, the remarks I intended to make. I now yield the floor with pleasure to the gentleman from New York.

Mr. MAURICE. Mr. Chairman, the remarks made by the gentleman from Louisiana, on an address purporting on its face, to be directed exclusively to our constituents, come, it seems to me, with a bad grace from a volunteer defender of an act which he says himself, he regarded with feelings of sadness when he left this Hall after its passage.

Mr. PERKINS. The gentleman will allow me to correct him. I did not regard the passage of that act with anything but satisfaction, or vote for it with feelings of sadness. What I regarded with sadness was the idea that we of the South should be expected to exult at it as a southern triumph. I did not desire that it should hereafter be considered as indicating the extent of southern rights, nor referred to, as the Missouri compromise has been referred to in recent debate, as a southern measure.

Mr. MAURICE. The gentleman is welcome to the effect of his explanation. It does not, it seems to me, present the matter in any very different light.

I did not come here to-day, sir, either prepared or intending to say one single syllable in defense of an act which our duty to our constituents imposed upon us as an act of necessity. If I had had an opportunity, during the progress of the debate, of expressing my sentiments in relation to the Nebraska and Kansas bill, I would, perhaps, never have troubled my constituents or the gentleman from Louisiana with any remarks in relation to that bill, in the form of an address.

The gentleman, after commenting in terms which I hope are satisfactory to him on one portion of the address, proceeded to say that if we had stopped there, although he could not subscribe to the sentiments expressed, he would not have felt it incumbent upon him to have drawn the attention of the House to the subject; but that as a Representative of the State of Louisiana—and permit me to say here, that I regard the members from the State of Louisiana, and particularly one gentleman representing that State, with higher feelings of regard and esteem than any other gentleman upon this floor, save those who come from my own State—as a Louisianian he felt it incumbent upon him to defend the present Minister to Spain from what he supposed to be uncalled for assaults upon that gentleman, and he even went so far as to say that they were neither "manly" nor "chivalric."

Now, I put it to the gentleman, whether there is one single word in all that we have said in relation to the Minister to Spain, that is not fully warranted by the truth? Did not his appointment as Minister to Spain awaken alarm and apprehension? Did not the known opinions and political sentiments of that gentleman induce a feeling of dread and apprehension that was not confined to the North? Did it not extend over the whole country? and has it not been fully justified by the results? The conduct of that gentleman since he has been at Madrid, has brought anything but honor upon the American name. I ask the gentleman from Louisiana, if it is not so? I should be glad to hear the gentleman in reply.

Mr. PERKINS. The gentleman from New York has asked me a question, and desires an answer. I will give him one, but I should prefer doing so after the gentleman has concluded his remarks.

Mr. MAURICE. I will proceed then. The next passage in the address, to which the gentleman from Louisiana chooses to take exception, is that portion wherein we allude to the fact, not as a matter coming within our personal knowledge, but of which we had credible information, that the Black Warrior at Havana afforded to Mr. Soule the opportunity of addressing a communication to the Spanish Court "so insolent in tone, so peremptory in manner, and couched in language of a character so insulting, as to render compliance with his demands in the highest degree improbable." The gentleman from Louisiana takes a

great deal of credit upon himself for being a member of the Committee on Foreign Affairs. Is he ignorant of the fact that such a communication was sent?

Mr. PERKINS. I did not hear the remark of the gentleman.

Mr. MAURICE. The gentleman stated that, being on the Committee on Foreign Affairs, he was entirely ignorant that such a communication was ever sent.

Mr. PERKINS. What communication?

Mr. MAURICE. The communication in relation to the Black Warrior, addressed by Mr. Soulé to the Spanish Government.

Mr. PERKINS. I never intended to say any such thing. I spoke of an insolent communication.

Mr. MAURICE. The great objection the gentleman from Louisiana takes to our address is, that we state that a communication, insolent in tone and insulting in manner, was addressed to the Spanish Government. I ask the gentleman whether it has not been published in all the newspapers from the London Times even down to the Washington Union? [Laughter.] Whether, in fact, the correspondent of the London Times did not publish a letter in which he describes almost every one of the demands, and gives us the language in which they are couched; and whether the gentleman from Louisiana, in his capacity as a member of the Committee on Foreign Affairs, could not go to the Secretary of State and receive information confirmatory of these facts? We do not state them as matters within our knowledge, but as matters of which we had credible information; and I believe as religiously as I believe any fact, that the gentleman has only to proceed from his seat in this Hall to the Department of State to derive the most convincing evidence of the truth of our assertions.

I did not propose when I rose to say anything more than simply to make a single remark, because I have made arrangements to go home this afternoon. When I return, at the meeting of Congress after the recess, I will take occasion, if it shall become necessary, to vindicate every sentiment and every word contained in the address.

Mr. PERKINS. As the gentleman from New York [Mr. MAURICE] seems to expect a reply, I will make one, although I do not conceive that one is required, for he has so modified what were positive, or what appeared to be positive, assertions into mere matters of opinion, that I am disposed to leave his remarks as the best explanation of the address.

Mr. MAURICE, (interrupting.) They are expressly stated in the address as on information.

Mr. PERKINS. Yes, "on credible information." When members of Congress, however, Mr. Chairman, issue from Washington an address to their constituents, stating as facts matters of which they "are credibly informed," something more is generally understood than mere newspaper reports. I certainly attached more importance to the statements of the address than I could possibly have done to any mere newspaper article; and I have no doubt that gentlemen will find that their dignity and character as representatives of New York will give to what they have asserted on "credible information" an importance throughout the country altogether beyond what it will have, when known to be only the repetition of something that the London Times has said.

One other word, Mr. Chairman. I wish the gentleman from New York [Mr. MAURICE] to know, that whether he designs it or not by his question, he will get no reply from me as a member of the Committee on Foreign Affairs which, by inference or in any way, will give information on the subject of this debate. If he addresses himself to the chairman of that committee, and he (the chairman) thinks it desirable or necessary that any statement should be made, he will, no doubt, make it. The gentleman refers me to the Secretary of State, if I desire to be thoroughly informed, on such and such a point, in regard to the course pursued by our Minister at Madrid. Sir, I do not wish to be obliged to go beyond the gentleman's own statement. I am not here as the special guardian of the character of our Minister at Madrid. I do not deal with men but with principles, nor do I discuss mere opinions; but I will say to the gentleman from New York, lest his pointed expression should have more weight than ought to be

attached to it, that passing by the Secretary of State's office this morning, on my way to the House, and just after having read his address, I inquired, in the proper quarter, if our Minister at Madrid had conducted himself in a manner to merit such language as has been applied to him; and the reply I received was, that information of no such conduct had been received at the State Department, nor had there been any thing stated by the State Department from which such conduct might be inferred. After this, sir, it may be supposed I was surprised to learn that the "credible information," spoken of in this address, was nothing more than newspaper report. An imagination has crossed my mind. The gentleman may consider my statement of it unkind, but it is not meant as unkindness, nor will I, by mentioning it, attribute the wrong involved in it to him or to either of the gentlemen who signed the address; but, Mr. Chairman, it must be known to this House and to the country that there prevails a very general impression throughout the country that England and France sometimes assume to represent the interests of Spain; and that information with reference to Cuba and with reference to our Minister at Madrid, is frequently disseminated through these sources, and by some unreflecting persons esteemed credible. It is clear that some such inference, as to the credible authority, might have been drawn from the representation of the gentleman who defends the address here to-day, had he not distinctly stated that his information was drawn from the London Times and other papers.

Mr. SMITH, of Virginia. Mr. Chairman, the reference made in this debate to the paper which has, for the first time, appeared this morning in the columns of the National Intelligencer, over the signatures of certain members from New York, certainly strips this question, altogether, of the local character which one of these gentlemen attempted to give it. It has been represented to this committee, by one of the gentlemen who have spoken in reference to it, that this address was designed for the constituents of the signers; and yet we see it paraded in one of the leading papers of this city, for the general reading of the whole country, and for the purpose of producing a general effect. Well, sir, I take this occasion to remark that I hope the gentleman will not any more attempt to intimate, either by direction or indirection, that in preparing this address they were merely actuated by the desire to reconcile themselves with their constituents. I hope that gentlemen will always act on the square, and come up manfully to the question, and not affect, for an instant, to desire to be thought that in their action they were desirous to limit its effect to their own constituents, and not to carry out a general object.

I say, sir, that this address was intended to have its effect upon public sentiment. I say it was designed to do injury, deep and vital, to the Democratic party. I wish it distinctly understood, and I wish the country to understand it, that the gentlemen who subscribed this paper can no longer hold themselves as a part and parcel of the Democratic party. [Laughter.]

Mr. PECKHAM. Oh, don't! don't! [Renewed laughter.]

Mr. SMITH. Gentlemen may laugh, but, as a distinguished gentleman once said, there are many sorts of laughter; and, my life upon it, if there is proper intelligence and patriotism among their constituents, theirs will be that kind of laughter which was happily denominated by a celebrated gentleman now no more, as the *sardonicus risus*.

I wish I had time to read to the committee the extraordinary statements of this paper. It is an open, direct, and most characteristic attack upon the Democratic party, as I contend, and upon the Administration as its chief. And not satisfied with that, it undertakes to rake up all the tattle and scandal of the country—all the Abolition tattle and scandal of the country—for the purpose of getting up a prejudice against the Democratic party, and against the friends of the Nebraska bill. But that is not all. It has assailed a distinguished representative of our country at a foreign Court—the Court of Spain. And here, in the face of the world, they say they justify themselves in so doing upon credible evidence. Now, sir, when a gentleman, upon the responsibility of his name, in dealing with his constituents, says he

does a thing upon credible evidence, he is bound, as a man, as a gentleman, and as a citizen, to be prepared to show that evidence, and to make it good. The only evidence upon this subject which they have, is that which has been stated here by the gentleman from New York, [Mr. PECK] and what is it? It is the sentiments which Mr. Soulé uttered in a speech which he delivered when he was a member of the Senate, and before his appointment as a representative abroad. That, then, is the evidence they have upon which to found these charges. That is the evidence, says one, while another speaks of evidence collected from the newspapers of the country. Upon this unsubstantial evidence—this evidence, as baseless as the fabric of a vision, gentlemen, gravely dealing with their constituents, with whom they ought to deal with candor, have relied to pamper the appetite and the unenlightened prejudice of those they represent.

We had it rumored, Mr. Chairman, rumored, I say—and those gentlemen, I suppose, will recognize the validity of that kind of testimony, of course—we had it rumored through this city that there was to be a great gathering of the political elements of this House opposed to the Nebraska bill; and it was rumored that the northern Whigs were inducing certain gentlemen, the "Softs," as they may be called, of the Democratic party—and I do not refer to the New York "Softs" by their late party designation, but to the term as properly descriptive of weak and feeble members of the Democratic faith—we had it rumored, I say, in the streets of this city, that there was to be a great gathering of all the elements of opposition, and that as many Democrats were to be drawn into the scheme as practicable, for the purpose of getting up a grand manifesto, a grand appeal to the country, thereby to crush all those who dared to assist in the passage of the Nebraska bill. Well, we heard a great deal about it and there was some impression made, but it had died away, as I supposed, when lo and behold! this address appeared this morning. *Motes parturitur, nascitur ridiculus mus!* It has all ended in the production of this address. Sir, these gentlemen have referred to mere newspaper rumors as testimony, and I will answer for it, although I do not pretend to speak by any sort of authority, that when the real facts come to be known, the opinion which they express in regard to the conduct of our representative at Madrid will be found to be utterly unfounded and unwarranted.

I must be permitted, sir, to express my deep regret that these gentlemen, in communicating with their constituents, should have thought proper to refer to such feeble and insufficient testimony as that upon which they rely. They could have had no purpose to enlighten their constituents by that address. Composed as it is of the most extraordinary statements and allegations, and of the most extraordinary array of testimony, I say that they could have had no purpose—none under the sun—to enlighten their constituents or to give them a true or proper conception of their relations to the South. The purpose is to excite their prejudices. The purpose is to do injury to the Democratic party. The purpose is to pull down the Administration, without which, of course, no successful Democratic policy could be carried out. That is the aim, and by the road which they are now traveling, they will be found, in a very brief space of time, in hearty fellowship with the various isms, and parties that are arrayed against the Democratic party.

Mr. MAURICE, (interrupting.) And with Mr. Cushing.

Mr. SMITH. I dare say you would be very happy to have him with you.

Sir, I will say that gentlemen who make war upon the Administration, and act with the Abolitionists, are bound to be of the opposition. I do not mean to use the term "Abolitionists" as a reproach with respect to some of them. There is one gentleman on this floor whom I respect with all my heart. He is a beautiful illustration of an erroneous sentiment. [Laughter.] He holds extreme opinions, but he never forgets that his position demands that here, and I presume everywhere, he should express his opinions in the language of a gentleman. I am most happy to take that gentleman ever and everywhere by the hand, because I am comforted by the beautiful sentiment of Mr. Jefferson, that "error ceases to be dangerous

when reason is left free to combat it." I will say, in reference to that gentleman, that it is really a comfort and a delight to me to talk of him, and to him, and in any and every circle. I should be glad to take him to the South, and to see him mix among us. I should be willing to hear him discourse eloquently and powerfully, as he can do, upon the subject of slavery, even in that region. I would promise him not only safety and protection, but respect, kindness, and hospitality. I say these gentlemen are really seeking to affiliate with the Whigs, Free-Soilers, and Abolitionists. When they act with the opposition, of course they must be of the opposition. Those who are not with us are against us. Every day and every year shows this to be true. In 1832 and 1833 we had a striking illustration of this fact. Many of my dearest friends, under the excitement of that time, broke off from Andrew Jackson, and, by familiarity with their new associations, soon became Whigs. This fact is still further illustrated, when we refer to the excitement attendant upon the removal of the deposits. One of Virginia's most brilliant sons, one of those who was looked up to for the succession, left the Democratic party, professedly on account of his dissatisfaction with the removal of the deposits, and he soon found himself in the ranks of the opposition. These gentlemen, five hopeful, promising representatives of the people—I speak it in no disparagement to them—have thought it proper to come out in a brief address to their constituents, in which they have given their former friends some hard blows, but under which we will be able to stand up, live, and conquer. They are going the way of all such flesh, and I commend them to the choice they have made. I have thought it proper to make these few remarks, and shall not touch at all the main subject under consideration before the committee, which, I believe, is the Pacific railroad bill.

Mr. MAURICE. I desire simply to express to the gentleman from Virginia, [Mr. SMITH,] and the committee, my acknowledgments for the very favorable notice he has given our address. The gentleman has given to it an importance and consequence beyond anything we could have hoped for. The address, permit me to say to gentlemen of the committee, will now be placed upon the desks of members, and I hope, after this very happy introduction of its merits by the gentleman from Virginia, that it will be perused by them with profit and advantage. [Laughter.]

Mr. SMITH. Gentlemen of the committee, I will only say, that most assuredly I would not have given any notice to the address, had it not been introduced here, and had it not been intended to operate beyond the mere constituencies of its signers and subscribers. But, inasmuch as there are those in the country who sympathize with these gentlemen, I have given their address the sort of notice I have, in order that the well meaning and true hearted, even of their own constituencies, may understand what these gentlemen are seeking to effect, and how eagerly they are desiring to mislead the public mind, under the garb and profession of Democracy.

Mr. STANTON, of Tennessee. I move that the committee rise.

Mr. JONES, of Tennessee. As it is not the wish of any gentleman to speak, I move that the bill be reported to the House.

Mr. LETCHER. With a recommendation that it be rejected.

The CHAIRMAN. The gentleman from Tennessee is aware that the bill must be read through before it can be reported.

Mr. COBB. I want to offer an amendment to the bill.

The CHAIRMAN. The gentleman from Tennessee, on the right of the Chair, [Mr. STANTON,] has made a motion which overrules that of his colleague, [Mr. JONES.] He has moved that the committee do now rise. That question will be put to the committee.

Mr. JONES, of Tennessee. Mr. Chairman, will it be in order to move to strike out the enacting clause?

The CHAIRMAN. That would be tantamount to the motion that the committee report back the bill with a recommendation that it do not pass.

Mr. CAMPBELL. Oh, that is the way of doing the thing now. [Laughter.]

The question being on the motion that the com-

mittee do now rise, it was put; and fifty-six voted in the affirmative.

Mr. FLORENCE. I call for tellers. Tellers were ordered; and Messrs. STUART, of Michigan, and VAIL, were appointed.

The question was taken; and the tellers reported—ayes fifty-seven, noes not counted.

So the motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore (Mr. JONES, of Tennessee) having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and especially House bill No. 295, being "A bill to authorize the construction of the Pacific railroad," and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

[A message was received from the President, by the hands of SIDNEY WEBSTER, his Private Secretary, informing the House that he had, on Tuesday, the 30th instant, approved and signed an act to organize the Territories of Nebraska and Kansas.]

Mr. LETCHER. I move that the House do now adjourn.

Mr. COBB. Oh, no; let us go to the business on the Speaker's table.

Mr. CUMMING. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

Several MEMBERS. Tellers.

Tellers were ordered; and Messrs. McDUGALL, and TAYLOR, of Tennessee, were appointed.

The question was then taken; and the tellers reported—ayes 55, noes 20.

So the motion was agreed to.

The House accordingly, at thirty-five minutes past one o'clock, adjourned until to-morrow at eight o'clock, a. m.

IN SENATE.

THURSDAY, June 1, 1854.

The Journal of yesterday was read and approved.

On motion by Mr. STUART,

The Senate adjourned.

Pursuant to a resolution passed yesterday, the Senate will not meet again until Monday.

HOUSE OF REPRESENTATIVES.

• THURSDAY, June 1, 1854.

The House met, pursuant to adjournment, at eight o'clock, a. m.

The Journal of yesterday was read and approved.

IMPROVEMENT OF CAPE FEAR RIVER.

Mr. ASHE. I move to reconsider the vote by which Senate bill, (No. 202,) entitled "An act making further appropriations for the improvement of Cape Fear river, North Carolina," was yesterday referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The motion will be entered.

Then, on motion by Mr. ASHE, at five minutes past eight o'clock, the House adjourned, pursuant to a previous order, until Monday next.

IN SENATE.

MONDAY, June 5, 1854.

The Journal of Thursday was read and approved.

On the motion of Mr. STUART, the Senate adjourned.

The Senate, in accordance with a resolution passed on Wednesday last, stands adjourned until Thursday next.

HOUSE OF REPRESENTATIVES.

MONDAY, June 5, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

The SPEAKER presented to the House a communication from the Treasury Department, transmitting therewith copies of such accounts as have been rendered by persons charged or intrusted with the disbursement or application of moneys, goods, or effects, for the benefit of the Indians, from the 1st July, 1852, to the 30th June, 1853,

inclusive—together with a statement containing a list of the names of all persons to whom goods, moneys, or effects have been delivered within the same time—specifying the amounts and objects for which they were intended, the amounts accounted for, and the balances (under each specific head) still remaining in their hands: prepared in obedience to an act of Congress of the 30th of June, 1834, entitled "An act to provide for the organization of the Department of Indian Affairs."

On motion by Mr. HOUSTON, the communication and accompanying papers were referred to the Committee on Indian Affairs, and ordered to be printed.

RESOLUTION TO ADJOURN SINE DIE.

The SPEAKER. The business first in order is the motion submitted by the gentleman from New York, [Mr. WALBRIDGE,] on Monday last, to suspend the rules, for the purpose of introducing the following resolution:

Resolved, (the Senate concurring) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses sine die on Monday, the 31st day of July next.

Mr. HOUSTON. As the gentleman from New York, who introduced the resolution, is not present, I suppose it will be proper, with the consent of the House, to allow the motion to pass over informally for the present, and proceed to the consideration of other business.

Mr. EWING. I desire to inquire whether, if the motion be passed over now, it will ever be reached again?

The SPEAKER. If the motion be passed over informally, by unanimous consent, it will come up first in order on Monday next.

Mr. EWING. Well, sir, I think we might as well act upon it now as at any other time. I object to its being passed over, and ask for a vote upon it.

Mr. JONES, of Tennessee. Upon the motion to suspend the rules I demand a division of the House. I want to know whether a quorum of members are present.

ADJOURNMENT UNTIL THURSDAY.

Mr. STANTON, of Tennessee. Is it in order to move that when the House adjourns, it adjourn to meet on Thursday next?

The SPEAKER. That motion would be in order.

Mr. STANTON. I submit the motion. Mr. CLINGMAN. I demand a division of the House. I think we have idled away time enough, and I do not wish the motion to pass unless there is a quorum here to pass it.

MESSAGE FROM THE PRESIDENT.

A message was here received from the President of the United States, by SIDNEY WEBSTER, his Private Secretary, informing the House that he did, on the 31st day of May last, approve and sign the bill of the House, No. 271, entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1854, and for other purposes."

Mr. STANTON. As a division has been demanded upon my motion to adjourn over, I will withdraw it.

The SPEAKER. The question then recurs upon the motion to suspend the rules made on Monday last by the gentleman from New York.

Mr. JONES, of Tennessee. If the House will allow that motion to pass over informally, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. Making speeches is the only business we shall be able to do to-day.

Mr. CAMPBELL. I move that the House do now adjourn. If we cannot do one species of business without a quorum, I do not think we can another.

Mr. ELLISON. I demand the yeas and nays upon the motion to adjourn.

The yeas and nays were ordered.

The question was then taken; and decided in the negative—yeas 4, nays 88.

So the House refused to adjourn, no quorum having voted.

Mr. CHANDLER. I move that there be a call of the House.

The question was put; and the motion agreed to—ayes 45, noes 28.

Mr. GREEN. I move that the House do now adjourn.

Mr. ELLISON. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered, only five members having voted therefor.

Mr. CLINGMAN. I demand tellers upon the motion.

Tellers were ordered; and Messrs. VAIL and BOGOCCK were appointed.

The question was taken, and decided in the negative; the tellers having reported—ayes 36, noes 62.

So the House refused to adjourn.

The Clerk then called the roll, and one hundred and six members answered to their names.

The SPEAKER. There is no quorum present. The officers of the House will close the doors.

Mr. CAMPBELL. Without a quorum no business can be transacted, and I now move that all further proceedings under the call be dispensed with.

Mr. STANTON, of Kentucky. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

Thereupon, the House (at a quarter to one o'clock, p. m.) adjourned until to-morrow at twelve, m.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 6, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

LIGHT-HOUSE APPROPRIATION BILL.

Mr. AIKEN. I have been instructed by the Committee on Commerce to ask leave to report a bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes; that it be ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

The SPEAKER. If there be no objection, the report will be received and the bill will be ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

There was no objection, and it was so ordered, the bill having been read a first and second time by its title.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Cries of "No!"]

Mr. OLDS. You may as well do it; there is no quorum present.

Mr. CAMPBELL called for a division.

The House was accordingly divided, and the Speaker reported only forty gentlemen rising in the affirmative, (not a sufficient number.)

So the motion was not agreed to.

The SPEAKER. It is quite apparent that there is not a quorum in the Hall.

CALLING COMMITTEES FOR REPORTS.

Mr. HOUSTON. There are a great many committees in the House who have reports ready to be made. I propose, then, that we proceed to receive to-day the reports which committees have ready and desire to present. There can be no objection, I think, to our receiving and referring them, and so letting them go upon the Calendar. We can occupy the day in transacting the business whether there be a quorum present or not. It is not contended that for this a quorum is necessary.

Mr. OLDS. I think the plan proposed by the gentleman from Alabama is a good one, and should be acted on.

Several MEMBERS. Yes; let us do that.

The SPEAKER. Then, by the unanimous consent of the House, the Chair will proceed to call committees for reports, with the understanding that all reports made shall be referred without debate.

Mr. OLDS, (interrupting.) And with the further understanding that when we recommence the calling of committees for reports, we do so where we will have left off to-day.

The SPEAKER. The Chair would imagine so.

Mr. JONES, of Tennessee. And also with the understanding that none of such reports so received be reconsidered and referred back to the committees reporting them, but be acted upon as may be directed by the House.

VOTING IN THE CITY OF WASHINGTON.

Mr. LETCHER. I ask the unanimous consent of the House to allow me to offer the resolution which I send to the Clerk's desk.

The resolution was reported, as follows:

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of so amending the charter of the city of Washington as to abolish the system of voting by ballot, and substitute the mode of *viva voce* voting therefor.

Mr. RITCHIE, of Pennsylvania. I object.

The resolution was, therefore, not received.

Mr. COBB. I feel a deep interest in the proposal made by my colleague [Mr. HOUSTON] to receive the reports of committees. But I wish to understand distinctly before I give my assent to that proposition, whether or not, if we proceed to call committees for reports, we will hereafter, when we resume that business, commence where we will have left off to-day?

The SPEAKER. The Chair is not informed as to the purpose of the motion made by the gentleman from Alabama, [Mr. HOUSTON.] That gentleman will please to answer the interrogatory of his colleague.

Mr. HOUSTON. The purpose which I had in view in making that motion was simply this: There are, as I have stated, a great many reports ready to be made by committees, to which there cannot possibly be any objection. I desire that such reports be received by the House to-day, and referred either to the Committee of the Whole House, or to the Committee of the Whole on the state of the Union. My purpose is, that the Chair should now proceed and call the committees for such reports. When we have got through them all, as we easily can to-day, why, then the committees will be just in the same order for future calls as they now are. That is my understanding of the proposition that I have submitted.

Mr. COBB. I am bound, from a sense of duty to myself and to my constituents, to object to that proposition.

The SPEAKER. The gentleman from Alabama [Mr. COBB] having objected to the proposition of his colleague, [Mr. HOUSTON], the Chair will now state the business first in order.

Mr. KNOX. I rise to a privileged question. Is it in order to move that there be a call of the House?

The SPEAKER. It is in order.

Mr. KNOX. Then I make that motion.

Mr. COBB. There is a general expression of a wish that I should withdraw my objection to the proposition of the gentleman from Alabama, [Mr. HOUSTON.] In accordance with that wish, I withdraw my objection.

The SPEAKER. There is a motion pending that there be a call of the House.

Mr. COBB. To that I have no objection.

The question was then taken on the motion of Mr. KNOX; and it was decided in the negative.

So a call of the House was refused.

Mr. HOUSTON. As my colleague [Mr. COBB] has withdrawn his objection to my proposition, I propose again to appeal to the House to allow reports to be made from the several committees, and have the bills reported, referred to the Committee of the Whole on the state of the Union, or to a Committee of the Whole House.

Mr. HUNT. As you will not allow a call of the House, I object.

Mr. HULLYER. The Speaker having announced that there is no quorum present, I move that the House do now adjourn.

Mr. HAMILTON. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the negative—yeas 13, nays 81.

So the House refused to adjourn.

Mr. HOUSTON. I move there be a call of the House.

Mr. JONES, of Tennessee. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 62, nays 41.

So a call of the House was ordered.

Mr. HUNT. I move that the House do now adjourn.

Mr. CLINGMAN. Let us have the yeas and nays upon that motion.

The yeas and nays were ordered.

Mr. HUNT. I withdraw the motion to adjourn.

The roll of the House was then called, and one hundred and eleven members answered to their names. The following is a list of the absentees:

Messrs. Abercrombie, Appleton, Thomas H. Bayly, Ball, Banks, Barksdale, Belcher, Bell, Bennett, Benson, Bissell, Bliss, Carpenter, Caskie, Chamberlain, Chase, Chastain, Churchwell, Craige, Cumming, Thomas Davis, Dean, De Witt, Dick, Dickinson, Drum, Dunham, Eastman, Eddy, Edgerton, Thomas D. Eliot, John M. Elliott, English, Etheridge, Everhart, Ewing, Farley, Fenton, Flagler, Florence, Franklin, Green, Grey, Grow, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Hibbard, Heister, Howe, Hughes, Ingersoll, Daniel T. Jones, Roland Jones, Keitt, Kerr, Kittredge, Kurtz, Lamb, Lane, Lilly, Lindsley, Lyon, McCulloch, McDougall, McNair, McQueen, Macy, Mattheson, Maurice, May, Middleswarth, John G. Miller, Morgan, Murray, Noble, Orr, Pecker, Peck, Peckham, Pennington, Phillips, Pratt, Preston, Puryear, Ready, Reese, Richardson, Robbins, Rogers, Rowe, Rubin, Sage, Seymour, Shower, Singleton, Skelton, William Smith, Snodgrass, Solters, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, John L. Taylor, Tracy, Tweed, Upham, Wade, Walbridge, Walker, Walley, Walsh, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Wheeler, Witte, Yates, and Zollicoffer.

Mr. MEACHAM. I move that all further proceedings in the call be dispensed with.

Mr. CLINGMAN. Oh, no. Let us go on with it.

Mr. JONES, of Tennessee. I call for the yeas and nays upon the motion.

Mr. DAVIS, of Indiana. Is it in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. DAVIS. Then I make that motion.

Mr. JONES, of Tennessee. I demand the yeas and nays upon that motion.

Upon a division of the House, the Chair announced that there was not a sufficient number to order the yeas and nays.

Mr. CLINGMAN. I ask for a count of the negative.

The SPEAKER. Upon a call of the House just now, only one hundred and eleven members answered to their names, and one fifth of that number has not demanded the yeas and nays.

Mr. JONES, of Tennessee. But some of the members may have gone outside of the bar.

The SPEAKER. Tellers could have been had, if called for, but they were not called for. The Chair decides that the yeas and nays were not ordered.

Mr. CLINGMAN. I call for tellers now. I think it is usual to count the other side.

The SPEAKER. The Chair thinks if the House desires to have the yeas and nays they should have the opportunity of ordering them, and he will, therefore, entertain the call for tellers.

Tellers upon the yeas and nays were not ordered, only seventeen having voted therefor.

So the yeas and nays were not ordered.

The question was put upon the motion; and it was decided in the affirmative—ayes 51, noes 37.

And, thereupon, (at five minutes before one o'clock,) the House adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 7, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. BRIDGES. I ask the unanimous consent of the House to report a bill from the Committee on Patents and the Patent Office, for the purpose of having it referred to the Committee of the Whole.

The bill was read for information by its title, as follows:

A bill for the benefit of Francis Petit Smith.

Mr. JONES, of Tennessee. I understand that is a bill for the renewal of a patent. I object.

Mr. HENN. I ask the unanimous consent of the House to introduce the following resolution of inquiry:

Resolved, That the Committee on the Post Office and Post Roads, be requested to inquire into the expediency of establishing the following post roads:

From Centerville, Iowa, by the way of Corydon on the State road, South Independence, and the county seats of

Ringgold and Taylor counties, to Clarinda, in Page county. From Council Bluffs, Iowa, in Winter Quarters, to Fort Calhoun, in Nebraska Territory.

From Magnolia, Iowa, to Fort Calhoun, Nebraska Territory.

From Nebraska City, Nebraska Territory, via Bellevue, to Omaha City, and Winter Quarters, to Fort Calhoun, in said Territory.

There being no objection, the resolution was considered, and agreed to.

On motion by Mr. HAMILTON, it was

Ordered, That the petition and papers of S. A. Kittlewell, civil engineer on Boundary Commission, be withdrawn from the files of the House, for the purpose of reference to one of the Departments.

Mr. HOUSTON. I ask the unanimous consent of the House for leave to introduce the following resolution:

Resolved, That from and after Saturday next, and until otherwise ordered, the daily hour of meeting of this House shall be eleven o'clock, a. m.

Mr. KNOX objecting, the resolution was not received.

Mr. EDMANDS. I ask the unanimous consent of the House for leave to submit several reports which I have here from the Committee on Pensions.

Mr. JONES, of Tennessee. In my judgment the best course for us to pursue is to call for reports from all the committees in their regular order.

Mr. HENDRICKS. I understand that the gentleman proposes to report back several matters that they may be referred to other committees.

Mr. JONES. I object, and call for the regular order of business.

The SPEAKER. The business first in order is the consideration of a resolution reported from the Committee on Printing.

On motion by Mr. McDOUGALL, it was

Ordered, That the petition and papers of J. Rutherford Worcester be withdrawn from the files of the House, for the purpose of introduction to the Senate.

Mr. DAVIS, of Indiana, by unanimous consent, introduced a bill, of which previous notice had been given; which was read a first and second time by its title, as follows, and referred to the Committee on Public Lands:

A bill granting the unsold public land in the Vincennes land district, in the State of Indiana, to aid in the construction of a railroad from Vincennes to Crawfordsville, and from Vincennes to Indianapolis, in said State.

Mr. DICK. I ask the unanimous consent of the House for leave to introduce the following resolution:

Resolved, That in view of the great commercial and national interests in the navigation of our northern lakes, the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy-yard, depot, and dry-dock, at some suitable point on said lakes, and report by bill or otherwise.

Mr. LETCHER objecting, the resolution was not received.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Bockock in the chair.)

The CHAIRMAN. The question before the committee for consideration is House bill No. 295, for the construction of a Pacific railroad. The gentleman from Tennessee [Mr. STANTON] is entitled to the floor.

Mr. STANTON. I will set an example to the committee. Desiring to see our business progress, I shall say nothing, except that I shall vote for the bill.

Mr. COBB. If nobody wishes to speak to the bill, I have an amendment which I will offer.

Mr. BRIDGES. I would say, Mr. Chairman, that I have prepared some remarks on the Pacific railroad bill, which, with the permission of the committee, that no time may be consumed in their delivery, I shall print as a portion of our proceedings. I am opposed to the measure on constitutional principles.

[This speech will be found in the Appendix.]

Mr. HENRICKS said he did not rise to advocate the passage of the Pacific railroad bill, but to speak with regard to the public lands. He would, however, remark, that as he now understood the

subject, he could not give to the measure his support. He was anxious that such a bill should be framed as would enable him to give to it his sanction. The bill assumes that Congress ought not to establish this route, but that it should be selected by the Executive Department. Until it shall be shown that the central route (concerning the section of country which he, in part, represents) is not the right one, he would not support the bill which excludes it.

With regard to giving lands, on easy terms, to settlers, and distributing them among the States, he was for the former proposition, and, as a consequence, against the latter. These two measures are incompatible, and cannot stand together.

He avowed his opposition to the bill granting lands for the benefit of the indigent insane, and to the bill introduced by Mr. BENNETT, proposing to distribute lands among the several States for internal improvement and educational purposes. The duty and power of Congress, he contended, do not extend to those subjects. Although he did not concur in all the views of the President in his recent veto message, he indorsed the veto. It would give the Administration a high position in the country.

[This speech will be found in the Appendix.]

Mr. DISNEY said that it was his purpose to avail himself of the present occasion to finish the speech commenced by him some three or four weeks ago, which he was prevented from concluding by the expiration of his hour.

He then resumed his argument against the land bill heretofore reported by Mr. BENNETT, from the Committee on Public Lands, and proceeded to show that, in all the donations made by the Government, the Government had not, in a single instance, omitted to make each grant inure directly and immediately to its own pecuniary advantage, and not to the benefit of the respective States.

He also argued that never, in the history of the Government, nor in the history of private ownership, was there so rigid an economy practised as had been pursued by the General Government in relation to its domain. Its course had ever been rigorous, exacting, and oppressive.

He also argued to show that of all the absurd ideas which had ever entered into the minds of men, the idea that the new States had been favored by grants of the public lands was preëminently and *par excellence*, the most absurd.

He then commented on the minority report on the bill which he was opposing, and declared that it did not contain a single truth.

[See Appendix for the speech.]

Mr. CHANDLER obtained the floor.

Mr. McDOUGALL. Will the gentleman from Pennsylvania allow me to make a personal explanation?

Mr. CHANDLER. I yield to the gentleman for that purpose.

Mr. McDOUGALL. I wish simply to correct an error into which the gentleman from Indiana [Mr. HENDRICKS] has fallen this morning, in regard to the character of the bill reported from the select committee. It was assumed by that gentleman that the Executive Departments of the Government would locate the line of road provided for by the bill. The gentleman misread the bill. It provides that the companies who undertake the work—whoever supplies the capital necessary to construct the road—shall have the location of its line.

I wish to make another remark here in behalf of the committee. Since this bill was reported to the House, the committee have agreed to change the limitation of the northern line in the South so as to accommodate, not merely the extreme northern route, but any one of the lines that may be found to be practicable between the Mississippi and the Pacific. I make this statement so that the bill may not be misunderstood, nor the action of the committee in regard to it.

Mr. HENDRICKS. Will the gentleman from Pennsylvania allow me a moment?

Mr. CHANDLER. Certainly.

Mr. HENDRICKS. In my remarks this morning, I did not undertake to read the bill. I undertook merely to give its general effect. The bill, as reported by the committee, authorizes the Secretary of War to contract for the construction of two lines of railroads. But it provides that the Secretary of War shall not accept of any contract for the construction of a road over the south-

ern route, north of 37° north latitude, and provides that the eastern terminus of the northern route shall be in the Territory of Minnesota. So that, under the provisions of this bill, the Secretary could not contract for the construction of any route terminating at St. Louis. I did not understand or misrepresent the effect of the bill. I am glad to hear the gentleman say that this objection to his bill, which I suggested, will be removed by the action of his committee. That will remove one very important objection which I have to the bill.

Mr. CHANDLER said he felt a deep interest in the Pacific railroad bill. Representing a commercial community, he naturally desired to extend commerce; but he believed this was not the time to discuss the subject. He hoped the measure was not dead, even if allowed to sleep.

He rose to discuss another matter, namely, the bill now pending relating to the proposed change in carrying letters and other mailable matter requiring pre-payment, and increasing the price of a single letter from three to five cents. He then opposed the bill at length, answering arguments which had been advanced in its favor.

Mr. PERKINS, of New York, did not doubt the constitutionality of the Government to grant sections of land for the purpose of building railroads, especially for one so national in its object as that which was to connect the great valley of the Mississippi with the Pacific ocean.

We already had, from the shores of the Atlantic to the Mississippi, every convenience for travel and transportation which the inventions of the age had supplied; and he understood that there was now in progress, and authorized by law, a railroad from St. Louis to the junction of the Kansas river with the Missouri river, which was likely to be completed in the course of two or three years. This was the position of the country. But the question was, whether this was a proper bill? Like his colleague, [Mr. SMITH,] he affirmed that this was to be a Government road, and nothing else, in substance. This he proceeded to prove, and on this ground he opposed the bill.

[The above speeches will be found in the Appendix.]

PERSONAL EXPLANATION—MR. GIDDINGS.

Mr. GIDDINGS. The committee may recollect, that on the 27th April the member from Virginia, over the way, [Mr. SMITH,] took occasion to assail the memory of a distinguished statesman, once a member of this body, Hon. John Quincy Adams. In the same speech he also took occasion to make an assault upon myself.

To these attacks I responded the next morning, by way of personal explanation, to which he replied. In his replication he made no attempt to prove the charges he had advanced on the previous day, but had recourse to so many other and new assertions, that I think justice to that member, as well as to myself and friends with whom I long served in this body, demands at my hands an exposure of his second effort to misrepresent matters of history. I am told that this is unnecessary, that the public will have the facts before them, and will look upon all attempts to misrepresent public men with the proper degree of reprobation.

But the member to whom I refer holds a seat in this Hall; and what he says will be regarded as coming from one acting in a high and honorable station; and if his statements go out to the country uncontradicted, many people will take them as true. Again I may say that his second attack will necessarily call out some historic facts not yet published, but which the present occasion appears to afford a suitable opportunity to make known.

In his speech on the 27th April, the member said:

“Did they not all know that a distinguished man, John Quincy Adams, had stepped down from the ‘Chief Magistracy and asserted this question, saying that sooner than stop agitation he would see five millions of southern hearths drenched in blood?’”

Conscious that Mr. Adams, on no occasion, spoke of agitation in connection with bloodshed, and feeling, as all who were acquainted with him must feel, that such a declaration was opposed to all his habits of thought, his course of reasoning, his language and mode of expression, I characterized the assertion as an “unmitigated misrepresentation.”

In reply, the member read from an address of Mr. Adams, delivered at Pittsburg many years since, the following paragraph:

"That slavery will be abolished in this country, and throughout the world, I firmly believe. Whether it will be done peaceably or by blood, God only knows; but that it will be accomplished, I have not a doubt; and by whatever means, I say let it come; yes, by whatever means, let it come."

Not a word is said in this extract about "agitation," or about "stopping agitation," nor of "five millions of southern hearths," nor of having them "drenched in blood." Not a sentence; not an expression; not a thought which the member asserted had been expressed by Mr. Adams, is proven by the quotation. But the member appeared to read this extract with a tone and emphasis which seemed to assert, that although Mr. Adams had not uttered a word or thought which had been attributed to him, yet he had said something else; and he proceeded to read from a speech delivered in this Hall some years since by Mr. Dillett, of Alabama, extracts which showed that that gentleman, being a slaveholder, was dissatisfied with the ideas which Mr. Adams had actually advanced. Now, sir, the member having, in this way, admitted his original assertion to have been unfounded I shall say no more on that point.

The member appeared to think I ought to have left the vindication of Mr. Adams to some gentleman from Massachusetts. Feeling the injustice of his attack upon one with whom I had long served in this body, and perhaps, I may say, whose friendship and confidence I had enjoyed, I thought it not my duty only, but the duty of every member who had served with Mr. Adams, to repel that assault upon his memory. Nor do I discover it to be very material to that member from what quarter the exposure of his misrepresentation comes. Truth will do him no injustice; and, in my opinion, it were more manly in him frankly to acknowledge its force than to complain of him who utters it.

In relation to his attacks on myself, it may be proper that I should refer to their origin. I understand the member to be a slave-breeder in Virginia, where he rears men and women for the market, and must, of course, feel a lively interest in the coast-wise slave trade. In 1841, the slave ship *Creole* cleared from Richmond, bound to New Orleans with a full cargo of fathers, mothers, children, husbands, and wives, for the barracoons of that city. While at sea, beyond the jurisdiction of Virginia laws, the people rose upon the slave dealers, asserted their right to freedom, took possession of the ship, after slaying one of the supercargoes, and landed at Nassau, where, of course, they found protection under British law.

Our Executive, sympathizing with the slave dealers, sent instructions to our Minister at London, directing him on behalf of the slave merchants to demand compensation for their loss of human flesh; and members of the Senate threatened war in case such indemnity were refused.

Against these attempts to involve the people of the free States in a war to support the slave trade my judgment and conscience revolted. I therefore prepared resolutions denying the constitutional power of this Government to involve them in such a disgraceful traffic. I presented them to this body for consideration, for which a resolution of censure was passed against me, and I was driven from my seat here. My constituents sent me back, instructed to maintain the position I had assumed. The member from Virginia voted for my censure, and probably felt the reproof of the people. He was then silent; but now, after twelve years have passed away, he attempts to misrepresent the history of those transactions in which we were both so deeply interested.

The member asserted that I introduced into Congress "resolutions declaring it lawful for negroes to slay the wives and children of their masters." In answer to this charge, I caused the resolutions which I introduced to be read at the Clerk's table. They contained not one thought, nor sentence, nor intimation, nor allusion which he had charged.* Nor did the member, in his

reply, pretend to argue that they contained a word or thought which he had attributed to them. On that point he remained mute. Indeed, he seemed to admit its fabrication. I read his own words on this point:

"Well, Mr. Chairman, the member from Ohio has read the resolutions for which the House condemned him. I shall not pause to comment upon them."

The member might well say he would not pause to comment on the resolutions. He appeared to think and feel himself convicted of gross misrepresentation on that point. He therefore let that pass without attempting to justify his charge in any degree. He then sought to cover his retreat by other misrepresentations and other fabrications so flagrant that I deem it my duty to place on the record of our debates a more full expose than I could do by way of personal explanation.

The member then quotes Mr. Everett's words, not to prove the truth of his own attack, but to show that Mr. Everett was dissatisfied with me for introducing the resolutions. Those who will look back to that period (1842) will find that northern men were then very sensitive on the subject of slavery. They looked upon it as a very delicate matter, the discussion of which would endanger the Union. Hence the gag-rules of that day. I cast no imputation upon the statesmen of that period; but all are conscious that men at that time generally thought that slavery must not be discussed, nor referred to, except on very extraordinary occasions, and then with great respect, lest a dissolution of the Union should follow. And any man who will consult the record, will find no intimation from Mr. Everett that my resolutions were not just and proper of themselves. Indeed, when introduced, he declared them to be "important, and therefore moved to lay them on the table for consideration." Failing in this, he moved a call of the House. That being voted down, and supposing the vote about to be taken before he had an opportunity to examine the resolutions, and feeling the vexation of his position, he asked to be excused from voting again, saying the resolutions were important, that he had no time to examine them, and on that account wished to be excused from voting. He then added the language quoted, saying he "abhorred the fire-brand course of the gentleman from Ohio." It was said under an excitement of the moment, and had reference to my course in bringing the subject before the body, and not to the doctrine of the resolutions, as represented by the member from Virginia; and this any man must see who consults the record. I desire to do justice to Mr. Everett. He was at that time an old member. I served with him long after the occurrence, and while, like all other statesmen, he was responsible for his sayings and actions, it is my duty to protect his memory from misrepresentation. For the hasty expression quoted he made every atonement in his power. Against the vote of censure he interposed his voice and influence. There stands the record of

the aforesaid power was delegated to the Federal Government, but was reserved by, and still pertains to, each of the several States.

"Resolved, That by the eighth section of the first article of the Constitution, each of the several States surrendered to the Federal Government all jurisdiction over the subjects of commerce and navigation upon the high seas.

"Resolved, That slavery being an abridgement of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the jurisdiction of the power creating it.

"Resolved, That when a ship belonging to the citizens of any State of this Union leaves the waters and territory of such State, and enters upon the high seas, the persons on board cease to be subject to the slave laws of such State, and therefore are governed in their relations to each other, by, and are amenable to, the laws of the United States.

"Resolved, That when the brig *Creole*, on her late passage to New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that State ceased to have jurisdiction over the persons on board said brig, and they became amenable only to the laws of the United States.

"Resolved, That the persons on board said ship, in resuming their natural rights of personal liberty, violated no law of the United States, incurred no legal penalty, and are justly liable to no punishment.

"Resolved, That all attempts to reenslave said persons are unauthorized by the Constitution, or the laws of the United States, and are incompatible with our national honor.

"Resolved, That all attempts to exert our national influence in favor of the coast-wise slave trade, or to place this nation in the attitude of maintaining a commerce in human beings, are subversive of the rights and injurious to the feelings and interests of the free States, are unauthorized by the Constitution, and prejudicial to our national character."

his vote, in the most emphatic condemnation of the resolution of censure, and of those who voted for it. The next morning, with great solemnity, he offered a resolution, as follows:

"Resolved, That five thousand copies of so much of the Journal of yesterday as relates to the action of this House in relation to the Hon. Joshua R. Giddings, be printed for the use of the members."

"Mr. CAMPBELL, of South Carolina, desired to be informed whether the motion of the gentleman from Vermont, [Mr. EVERETT] included the remarks made by that gentleman in relation to the course of the gentleman from Ohio?"

"Mr. EVERETT. I shall by and by ask the indulgence of the House to say a few words on that question."

The vote was then taken on Mr. Everett's motion to print extra copies of the Journal to be sent forth to the people, the name of the member from Virginia being recorded in the negative. He appeared unwilling to send forth such official report, though he now appears ready to give his misrepresentation of it. After that vote was taken,

"Mr. EVERETT rose, and said he desired to throw himself upon the indulgence of the House to say a word in reply to the gentleman from South Carolina, [Mr. CAMPBELL,] in relation to a remark he had made on a former day."

"Mr. HOPKINS objected; other members objected amidst cries of 'We have all personal explanations to make.'"

These facts are copied from the record of our proceedings. That shows that Mr. Everett regarded my resolutions as important, wanted time to examine them, moved that "they lie on the table," and then that there be a call of the House; that he voted against the resolutions of censure, and moved the printing of extra copies to be sent out to the people, and made efforts to explain the remark quoted by the member from Virginia, but was not permitted to do so. He is now dead, and the effort of the member from Virginia to press that isolated and hasty remark into his service, in order to make a second assault on me, is but another evidence of the desperation to which he was driven by the exposure of his original fabrication. Although I then felt and now feel that Mr. Everett did me injustice in the remark quoted, I know that he felt he had done himself a far greater wrong. I know his feelings and character, and will not silently permit the member from Virginia, nor any other man, to place his action in a false light.

But the member had recourse to the views of Mr. Botts, who, though a slaveholder, is a gentleman capable, when he takes time to reflect, of appreciating the views and sentiments of other members. He, however, is living, and able to explain his own actions and protect his own reputation. It is true, however, that he drafted the resolutions of censure, and no doubt entertained the views expressed in them. For it is a fact known to all who then mingled in the debates of this body, that the right of discussing the constitutionality of slavery, where it existed under the exclusive jurisdiction of the Federal Government, was not only denied by slaveholders, but by this House. We then transacted all our business under gag-rules, which were voted for and sustained by many northern members, as well as those from the South. Why, sir, as I said on a former occasion, the vote of censure was not passed on me because my resolutions contained any erroneous principle, or any doctrine that was not true; but I was censured for *daring to utter truth in this Hall*. That was the gist, the gravamen of my offense; an act which the member from Virginia still appears to regard as offensive and unconstitutional. And this feeling, indulged by Mr. Botts, is now cited by the member from Virginia—for what purpose? Certainly he could not suppose the resolutions or opinions of Mr. Botts in any manner proved or tended to prove the truth of his assertion; nor could he suppose any member would understand Mr. Botts's views as in any manner sustaining his declaration, that my resolutions "declared it lawful for negroes to slay women and children." No, sir, I suppose he intended this reference to Mr. Everett and Mr. Botts to cover his retreat from the gross misrepresentation he had uttered; but he shall not escape in that manner. I proceed to the next point.

The member, in his speech referred to, speaking of myself and my return to this Hall, used the following language: "At any rate, the gentleman did not get the resolution [of censure] repealed. He came back here, and had the grace actually to ask Congress to repeal its resolution." With astonishment at the utterance of such an audacious fabrication, I inquired from my seat in a distinct voice,

* The following are the resolutions referred to:

"Resolved, That prior to the adoption of our Federal Constitution, each of the several States composing this Union, exercised full and exclusive jurisdiction over the subject of slavery within its own territory, and possessed full power to continue or abolish it at pleasure.

"Resolved, That by adopting the Constitution, no part of

"Does the gentleman intend to make such an assertion as that on this floor?" to which he refused to listen, but added, "and, instead of getting the resolution repealed, the proposition was received with a loud laugh, and that was thought to be the last of it." Intending to put him on his guard, I from my seat distinctly announced that "I had offered no such resolution." To this he coolly responded, "No, the gentleman from Ohio did not make the proposition, but one of his colleagues did, I presume with his consent."

In answer to this aggregation of untruths, I could only say that "no such transaction ever occurred; no such facts ever existed; that neither myself nor any colleague ever presented any proposition of the kind; that no such thought ever entered my mind, or flitted across my imagination." To this strongest denial of his assertion I could possibly make I added the most direct and unqualified charge of wilful and corrupt misrepresentation upon the member which I could utter under parliamentary law. And, in order to do him justice, I will read such parts of his reply as have reference to this point. He used the following language:

"Well, sir, I said this member from Ohio offered a resolution to rescind the former vote of censure. Now, Mr. Chairman, I am one of those who never disregard or refuse to recognize the act of an agent. I am one of those who regard what is done by my agent as having been done by myself; and if it were necessary I could give you law and Latin to show that it is an established legal principle. I am not here to draw nice distinctions. I do not split hairs; not I. But the member from Ohio says he did not offer this resolution. Well, sir, he did not, but his colleague did."

The member was standing with the Congressional Globe open before him, and spoke as though he had the record of such a resolution. Well, knowing that no such resolution, that no such record existed, that this new fiction was an audacious attempt to deceive the House, to wade through his difficulty by new and unblushing fabrications, I spoke from my seat, and the following colloquy took place between us:

"Mr. GIDDINGS. Will the gentleman read the resolution?"

"Mr. SMITH. You may read it if you wish."

"Mr. GIDDINGS. Either read it or back out."

"Mr. SMITH. I have the resolution before me, and I will not back out."

"Mr. GIDDINGS. There is no such resolution."

"Mr. SMITH. No, sir; there is no such resolution in express terms, but it was designed indirectly to accomplish the purpose I have stated; for, if received by the House, that would revoke the censure, and that will explain what follows hereafter."

"Mr. GIDDINGS. Read it."

"Mr. SMITH. I will not read it."

Every member must have been struck with the audacity which could prompt a man to stand thus in the presence of this body, and assert that he had such a resolution before him, when he had nothing of the kind. Nothing holding any relation to such resolution. When driven to the wall he was constrained to resort to other and further fabrications, saying, "I have refused to read the resolution because the whole debate to which it gave rise, would have to be read in order to make it intelligible. I have the resolution before me, and the whole proceeding in connection with it." Now, sir, will it be believed that any man has found his way to this Hall, who could stand here and utter such audacious untruths in the face of this body? Yet when told that he had no such resolution, that he could not read it, that it never existed, he coolly admitted his own turpitude by passing on to other remarks. All present must have been conscious that he was guilty of these consecutive fictions. His manner, his tone, his countenance, bore testimony to the deep depravity of his intentions. He went on to say, "I recollect when he [Mr. Goode] got up and offered the resolutions, there was one general laugh throughout the House." I need not say to those who were then present, that Mr. Goode presented no such resolution; that the member from Virginia could, therefore, recollect no such transaction; that there was no laugh throughout the Hall at his presenting such resolution. All who witnessed the appearance, tone, manner, and countenance of the member must have been convinced that he had no such resolution, nor record; therefore he could neither read nor exhibit it.

A meeting of the people was held in the county where I reside, at which strong resolutions were adopted in reference to the censure passed upon myself in this body. The proceedings of that meeting were forwarded to Hon. Patrick G.

Goode, a member from Ohio, who, in accordance with the practice then and now followed, filed them as petitions with the Clerk. I need not say that proceedings of primary meetings were then treated as they now are, like petitions. The filing of these proceedings with the Clerk was done quietly, without any motion, and without notice by any other member. The next morning Mr. Botts, thinking the resolutions too strong in language, moved to amend the Journal; not, as the member from Virginia states, to strike out any portion of those proceedings. The motion prevailed by a vote of 88 to 75. Now, the whole relation which the member professed to give in regard to Mr. Goode's presenting a resolution to repeal the censure passed on me, the laugh which he says ensued, the motion to strike out a part of the proceedings, has no allusion to any real transaction. Nothing of that character ever took place.

But it is possible that I do not regard the statements of the member with proper charity; for he appears to have had no very clear perception of his own statements or turpitude. He says such was the loathsome, vile, miserable, contemptible character of the proceedings, that the House struck out the objectionable paragraph. He had previously made no reference to any proceedings whatever, except to those of this House; and I presume he did not intend to stigmatize those as loathsome, vile, and contemptible. He could hardly have termed the imaginary resolution of Mr. Goode, which, he says, was to repeal the resolution of censure proceedings. If, therefore, he had any real proceedings in his mind, they must have been those of the meeting to which I have referred, and which this House refused to place on the Journal, but which are recorded in the Congressional Globe of that day. Now, sir, after the lapse of twelve years, I will call attention to those resolutions of the people, of a constituency who sent me to represent them. And I submit to the judgment of the nation whether that people did not exhibit more knowledge of the principles on which our Government was founded a better appreciation of the duties of Congress, than did the ninety-eight members of this House who refused to listen to their views.

The following are the resolutions:

"Resolved, That our fathers, at the expense of much blood and treasure, established a representative form of government, in which the voice of the people was recognized as the controlling power."

"2. That the right of representation having been purchased by the best blood of our ancestors, can only be surrendered by the best blood of their offspring."

"3. That to the maintenance of our Government in its representative form we solemnly pledge our lives, our fortunes and our honor."

"4. That every attempt to abridge the right of the people to be heard through their representatives in our Halls of legislation is anti-republican incompatible with our institutions, subversive of American liberty, and revolutionary in its tendency."

"5. That the vote of censure passed upon the Hon. JOSUAH R. GIDDINGS on the 22d March, 1842, was a flagrant violation of our rights, and the rights of our State, subversive of the most important feature of our Government, and should be regarded as the commencement of an important revolution."

"6. That while those concerned in the slave trade upon the high seas, demand of the Federal Government protection for that traffic, the subject is a legitimate matter of discussion both in Congress and among the people."

"7. That we call upon the friends of representative government in this and in other States of this Union to express their views upon the late high-handed measure by which the rights of the people of this district have been grossly violated."

"8. That in a particular manner we call upon the people of the Richmond district, Virginia, to say whether they desire to deny to us the right of expressing through our Representative our views as to our obligations to maintain the slave trade, while they demand of us through the Federal Government to support such commerce, even at the expense of war."

"9. That the real issue before the people is, shall they be allowed to express their views upon questions of national policy, including those of peace and war?"

"10. That as brethren of the same republican family, we call upon those who voted to censure our Representative to declare whether they wish to maintain the slave trade upon the high seas with our wealth and our lives; and at the same time, to deny to us the expression of sentiments through our Representatives."

"11. That the question now proposed to the people of the nation, is one which should be considered paramount to all party considerations, involving the most vital principles of our Government, and demanding the united support of all patriots in support of the people's rights."

The tone and feeling, the doctrine, of these resolutions appear to be appropriate to the present time. I refer to them with pride. They express the views which that people entertained twelve years since, and to which they still adhere. Sir,

had the other portions of the free States then spoken as my constituents spoke, we should not have now seen the Missouri compromise repealed.

The member from Virginia must have referred to these resolutions, if he referred to anything, when he declared the proceedings loathsome, vile, miserable, contemptible. He was one who had attempted to control my action. He was one whose action was denounced by the people. I will not place his action in contrast with the tone and doctrine of the resolutions just read. I should be guilty of injustice to the men who composed that meeting were I to do that. But I do not hesitate to contrast their sound constitutional and statesmanlike views with those expressed by this body. Sir, the country has, with almost unanimous voice, approved the doctrines of that people, and condemned those of this body. The history of this transaction will long stand as one of the proudest monuments of popular intelligence, of popular independence, that has ever found a place in the history of this or of any other government. The member from Virginia has said that that people were worthy of me. Sir, the proudest epitaph I desire to be recorded upon my tomb will be that I was worthy of the people whom I represented.

But I do not blame the member from Virginia for refusing to read these resolutions. His error consisted in referring to them, in representing them as asking Congress to repeal its vote of censure. Sir, they ask nothing of Congress. Their language is that of dignified rebuke. They spoke as becomes a people when they address their servants. My constituents supplicate no earthly power. It was their independent intelligence which then thrilled the nation, and caused the members who censured their Representative to recede from their positions. It was this record which the member held before him when the colloquy took place between us, in which I said "Read it, or back out;" to which he replied, "I have the resolution before me." In saying this, the member could not have acted ignorantly. He must have been conscious at the time that he was uttering a deliberate misrepresentation. It is my duty to expose these fabrications. He has boasted that he was once Governor of the old Commonwealth of Virginia; he professes to be a leader of the slaveholding party in this House; he tells us of his devotion to the Democratic party and to slavery, as though they were identical; and it becomes my duty to hold up the mirror to him, that he may contemplate the light in which he stands, and that the country may know the claims which he possesses to public confidence.

I must pass over many points of trifling importance, in order to notice a few of the most prominent untruths put forth by the member. Tacitly admitting the falsehood of his original assertion, and of his various fictions, brought forth to cover a dishonorable retreat from disgraceful positions, he proceeded to assail me on another point. I give his words:

"But such was the howling storm of indignation in this entire Hall, such was the deep abhorrence of the vile and atrocious conduct of that member, that he, in view of that storm, and shrinking from it, asked if he had the power to withdraw his resolutions."

If the record of that event does not show that I met the "howling storm" to which he refers without shrinking, I must submit to the imputation. My mind dwelt, at the time, on the Constitution of our country; upon my rights; upon the rights of the people. I was not, indeed, conscious of the "howling storm" to which he refers. I had not dreamed that any one saw cause to shrink or tremble on the occasion alluded to. I have no ambition, however, to vindicate my reputation for courage. The bull-dog or wild boar possess as much of that as the member from Virginia; yet, sir, even at that point the member shall not escape from an exposure of his misrepresentation. I would give him to understand that mendacity, when exhibited even upon matters unimportant, cannot escape notice, if put forth by way of assault upon a fellow-member.

By referring to the history of our legislation in 1842, it will be seen that we were then acting under gag-rules, as already stated. That no member was permitted to assert his views as to the relation which the people of the free States held to the institution of slavery. I was perfectly aware of the irritation which would be called forth by the presentation of my resolutions. They set at defiance

the gag-rules, and all efforts to suppress the freedom of debate. They hurled defiance at the tyranny which then ruled this body, and repudiated all Executive dictation. I was anxious, however, to secure the support of as many members in favor of my positions as I could. I desired to lay them before the House for deliberate consideration, intending to call them up for action after they had been examined by the members. I therefore stated my object when I rose to present them. In proof of this fact, I quote from the *Congressional Globe*, of the 21st March, 1842:

"Mr. GIDDINGS said he had a series of resolutions upon a subject which had excited some interest in the other end of the Capitol, and in the nation. He desired to lay them before the country, and would call them up for action at the next opportunity."

But a political opponent, acting with the member from Virginia, moved the previous question on their adoption. This was what I desired to avoid. I was perfectly aware that, under the irritation of the moment—such as that exhibited by Mr. Everett, and others—gentlemen would commit themselves against doctrines which they would afterwards, in their reflecting moments, acknowledge to be correct. Mr. Everett, as already shown, deprecated hasty action. Others desired me to withdraw them, in order that they might receive a more deliberate consideration. Mr. Fillmore, late President of the United States, inquired publicly of the Chair whether it would not be in order for him to ask the gentleman from Ohio [Mr. GIDDINGS] to withdraw the resolutions? Mr. Fillmore was a political friend; so was Mr. Everett, and so were others who desired me to withdraw the resolutions, not on account of the "howling indignation" of the member from Virginia, or those who acted with him, but from a desire to consider the subject deliberately before voting upon it. I then distinctly inquired of the Chair, myself, if I had the right to withdraw them; he replied that I had. I quote from the *Globe*:

"Mr. GIDDINGS said that when he had risen to offer his resolutions he had distinctly stated that they were important, and that he merely laid them before the House."

"[Cries of 'Not in order! Sit down!']"

"The SPEAKER. The gentleman will either withdraw his resolutions or not."

"Mr. GIDDINGS. I was merely stating why I was about to—"

"The SPEAKER. It is not in order; the gentleman will either withdraw them or not."

"Mr. GIDDINGS withdrew his resolutions."

Now, sir, with this record before the country, the member from Virginia attempts to represent me as frightened into a withdrawal of the resolutions. Sir, I repeat what I said the other day, that none but paltrons suspect the firmness of those around them. Why, sir, suppose I had been the veriest coward living, does that prove the truth of his mendacious attack? Or does it change the doctrine, the constitutional views expressed in my resolutions? However great a coward I may be, it has been my desire that he should have no just cause of complaint against me on that account.

It is true that the member did offer me the personal insult which he states. In going out of the Hall, after taking leave of some personal friends, I passed the seat of Hon. Henry A. Wise, at that time a Representative from Virginia. The member now making this attack was engaged in conversation with Mr. Wise, with whom I exchanged those friendly expressions common among gentlemen. The member, as he intimated in his remarks, looked me in the face, and appeared to be interested in what was passing between Mr. Wise and myself. I had then very little acquaintance with him, and knew not but he had been bred among gentlemen, and instructed in the ordinary civilities of life. To have passed him rudely, without notice, would not only have been just cause of offense to him, but Mr. Wise, his colleague, and apparent friend, would also have had cause to complain. I therefore extended my hand to take my leave of him in the ordinary manner. He refused my hand, and returned my politeness by that coarse insult; and now he boasts of his vulgarity in refusing to respond to my courtesy. I have no regrets at having treated him decently. I do not think the man lives to whom I would offer an insult. It is related of a veteran officer of an hundred battles, that when an epauleted upstart, on a sudden offense, spat in his face, he coolly wiped it off, saying, "If I could wipe the stain of your blood from my soul as easily as I can this spittle from my face, your life should atone for the in-

sult." I would ever follow that example rather than administer a just chastisement upon one whose mind has never been trained to observe the moral duties of life. Indeed, I entertained no unkind feelings for the member. My emotions were those of pity for that education which could lead him to boast of an act of boorish malignity, for which I think any man bred in decent society would have sought to apologize on the first occasion.

The member, in his first attack, stated that I was reelected after my resignation by only a majority of two thousand votes, &c., and when I told him my majority was more than three thousand five hundred, he then said that was merely the *plurality* by which I was elected; that there were two candidates opposed to me. In this statement there is not one word of truth. There was but one opposing candidate. This fabrication is of no other importance, however, than to show his propensity to state matters which never existed. The member also attempts to alter the record by saying that my colleague [Mr. Goode] prevented me from attempting, while on trial, "to defend myself, although the opportunity was again and again tendered me." So far from being true, this statement is entirely contradicted by the record. Mr. Botts, of Virginia, originally introduced the resolution of censure, but being declared out of order, he handed it to Mr. WELLER, of my State. I quote from the *Congressional Globe*:

"Mr. WELLER rose in his place and offered the resolution of Mr. Botts."

"And the resolution having been read,

"Mr. WELLER moved the previous question."

And, after some inquiries of the Speaker, &c.,

"Mr. WELLER said he had moved the previous question when he offered the resolution."

"The SPEAKER said he was aware that the previous question was moved on the resolution, but to entertain it would certainly cut off the gentleman from Ohio [Mr. GIDDINGS] from speaking in his own defense."

The next morning Mr. WELLER made a short speech, at the close of which he said he would withdraw the demand for the previous question provided I would then go on with my defense, and with the understanding, also, that when I was through the vote should be taken. I now resume the account given in the *Globe*:

"[Cries of 'No understandings, we will have no understandings.']"

"The SPEAKER. The gentleman will either withdraw the demand or not."

"Mr. WELLER not withdrawing unconditionally the demand for the previous question,

"Mr. GIDDINGS rose and addressed the Chair."

"The SPEAKER said the gentleman was not in order, the House having reversed the decision of the Chair, and decided that the rules in relation to the previous question should be rigidly enforced."

And the demand for the previous question was taken, and decided in the affirmative.

I quote the record to show that the member who moved the resolution of censure demanded the previous question at the moment the resolution was read; that he refused to withdraw it when informed that it would cut me off from my defense. The member who did this, soon after wrote a letter, which was published in my district, with the evident purpose to defeat my reelection. In that letter he substantially asserts that I had the privilege of defending myself. This letter, written for electioneering purposes, has recently reappeared in the Executive organ of this city. The author is now a Senator in the other end of the Capitol, and is supposed to have furnished the letter in question to aid his friend, the member who now attempts to falsify the history of our past action. Sir, I repeat what I have already said, *there stands the record*. It was made up twelve years since, and no Senator or member of this body has power to alter it. No subterfuge, no evasion, no false representation, can modify or change it. Under the previous question my lips were sealed; the vote was taken, and the resolution of censure adopted.

There were propositions to suspend the rules in order to hear my defense; propositions to have me heard by unanimous consent; but not one of those motions was adopted by the House, nor was the question even propounded to the House on one of them. Yet these propositions of individual members have been seized upon, and represented to be offers *tendered by the House to hear me*; and when the Senator to whom I have referred, or the member who assails me, are driven to desperation on this point, they seek to cover up

their misrepresentations by referring to these propositions of individuals, who spoke for themselves alone; but it is my intention not to leave them even that subterfuge through which to make a dishonorable retreat. Just as the vote was about to be taken on the resolution of censure—I quote from the *Globe*:

"Mr. CAMPBELL, of South Carolina, said he would move, by general consent, that the gentleman from Ohio [Mr. GIDDINGS] be heard in his defense."

"Mr. BARNARD. I object."

"The SPEAKER. The motion cannot be entertained."

"Mr. PENDLETON asked to be excused from voting, and after assigning his reasons, he withdrew his motion."

"Mr. GIDDINGS then rose, and said: I stand before the House in a peculiar situation."

"MARK A. COOPER objected to Mr. GIDDINGS proceeding."

I felt no disposition to be trifled with; and I added a caption to what I had written and intended saying, and sent it to the reporter, who inserted it in his journal of the proceedings, from which I now read:

"TO THE REPORTER OF THE INTELLIGENCER.—When I rose so often during the confusion of the proceedings of the House this day, and was so often called to order, the last time by Mark A. Cooper, of Georgia, I had written out and desired to have stated to the House what follows:

"Mr. Speaker, I stand before the House in a peculiar situation. It is proposed to pass a vote of censure upon me, substantially for the reason that I differ in opinion from a majority of the members. The vote is about to be taken without giving me time to be heard. It were idle for me to say that I am ignorant of the disposition of a majority to pass the resolution. I have been violently assailed in a personal manner, but have no opportunity of being heard in reply. I do not stand here at this time to crave any favor, or to ask mercy at the hands of members; but in the name of an insulted constituency, in behalf of one of the sovereign States of this Union, in behalf of the people and of the Constitution, I demand a hearing, agreeably to the rights guaranteed to me, and in the ordinary mode of proceeding. *I accept of no other privilege. I WILL RECEIVE NO OTHER COURTESY.*"

I read this to show that I was not permitted even to demand my rights, nor to express my contempt for the insulting propositions of individuals to hear me by unanimous consent, while they voted for the previous question in order to seal my lips. Now, sir, if the member from Virginia, [Mr. SMITH], or the Senator from California, [Mr. WELLER], intended to say that the privilege of defending myself was tendered me by the House, or by any vote or action of that body, such assertion is most distinctly and emphatically contradicted by the record. If they intend to say that the vote which sustained the previous question did not by parliamentary rules cut me off from all defense, then I reply that such declaration is equally opposed to the record and to truth. Or if they intend to say that I could have been heard by unanimous consent, they are equally unfortunate in contradicting the record; for that shows distinctly that objections were made up to the moment of taking the vote on the resolution of censure. That I repeatedly attempted to speak, and was as often silenced. I feel constrained to meet all these unworthy efforts to falsify the history of that transaction. Gentlemen should understand that here men act not merely for the day, but for all coming time; we are hourly writing our own biographies; and as they are written they must descend to our successors.

The letter of the Senator [Mr. WELLER] is very long, and embraces many things of a personal character to which I feel no desire to reply; but I refer to this point, on which he attempted to change the record of facts. To his personal attacks the people responded at the time. It is sufficient to say that *I remained at my post here. He left*. He then appealed to the people of our State to elect him Governor. They did not sustain his appeal, and he left our State. In process of time he appeared in the other end of the Capitol from a distant State, and now furnishes the member from Virginia with a scurrilous letter to aid him in his work of mendacity.

But the member, again, tacitly admitting his original charge to have been a fabrication, which he could not explain or justify, has recourse to other misrepresentations—charging me with disobeying the instructions of my constituents. Well, sir, if true, it would appear that those constituents were the proper persons to complain, and not the member from Virginia. Indeed, such a complaint from him looks very suspicious. At the meeting of our people, to which I have referred, honorable B. F. WADE, now a Senator in the other end of the Capitol, offered the following resolution:

"Resolved, That the Hon. JOSHUA R. GIDDINGS, on his return to Congress, be, and is hereby, instructed, at the first moment after it shall be in order, to offer the identical resolutions over again which he before offered, and insist that the House of Representatives act upon them by a direct vote."

It was, I believe, unanimously adopted. It is true, however, that I did not present the resolutions, and the member from Virginia assails me in no gentle terms for failing to present them. But his language is so characteristic, that I prefer to give it verbatim. He says, speaking of myself:

"Instructed by his beloved constituents! Did he obey that instruction? No, sir; his white-livered heart skulked from it. He even disregarded the instructions of his dear and much loved people, who sent him here, with instructions to carry out his original purpose. Big, sir, with pride and consequence, and offended feeling, he left this Hall with a determination to do or die. He was backed up by his people at home, better men than himself, I have no doubt, yet when he came into the presence of the majesty of the Representatives of the American people, he quailed; yes, sir, he quailed before it, and did not obey his instructions, or carry out his original purpose."

Well, sir, I am not about to deny that I quailed before the majesty of such Representatives as the member who thus attacks me. Professors of courage, or denial of cowardice, are of little importance, whether uttered by him or myself. The record must bear testimony to the port and bearing of members here. But this attack demands that I shall bring to the notice of this body and the country an important fact hitherto unpublished. I returned to this Hall instructed as I have shown. The intention which I entertained was well understood by all, both friends and foes, as the member, when referring to me, said: "*It was understood that he would come back here and renew his resolutions.*" I could, however, only present them in order, when my State should be called for resolutions, under the rule which required the States to be called for that purpose on each alternate Monday. Yet the business of the House was under the control of the majority. That majority had voted to censure me for introducing my resolutions, and they knew that the first moment Ohio should be called I should again present them, and put gentlemen to the test of either censuring me again or of receding from the position they had taken.

Now, sir, I do not say that those one hundred and twenty-five members were held in fear by me, or that they trembled before me, but I do say that they evaded that rule which, if observed, would have permitted me to put them to the test which I designed. On each alternate Monday of that entire session I sat at my desk with my resolutions before me, hoping and desiring most ardently an opportunity to test the moral firmness of those who censured me by constraining them either to vote another censure, or to acknowledge their error before the world. There was no earthly consideration within my power that I would not have given for the privilege of thus exhibiting the statesmanship of those who attempted to dictate my course on this floor. But, sir, it was all in vain. The majority had control of the business, and they would not suffer the States to be called for resolutions. They were too wary to be placed in the dilemma which I contemplated. During that entire session, after my return to this body the rule to which I refer was violated, and no call for resolutions was permitted.

Nor was that an end of this singular exhibition of legislative evasion. We again assembled in the following December. The rules of the body required the States to be called for resolutions on each of the first thirty days of the session, and on each alternate Monday afterwards. During that whole session, too, I was prepared to test the firmness of the majority who had censured me. But during that entire period the House was not called for resolutions; the rules were again violated and wholly disregarded, and the presentation of my resolutions avoided. I repeat, *there stands the record.* It shows these violations of the rule, these subterfuges, these evasions by a majority of this body, in order to escape the necessity of maintaining the attitude they had assumed, or of backing out from the obvious error into which they had fallen.

And now, sir, after the lapse of twelve years, the member from Virginia, one of that majority, charges me with skulking from the presentation of my resolutions; with disregarding the instructions of my constituents. Let the record of that day declare *who skulked, who evaded, who dodged.* Certainly no member was afraid of me; no one

trembled before me; but they feared the force and power of truth—of justice—of the popular will. He says I quailed before the majority of the representatives of the American people. I do not retort, and say that the majority quailed before me. God forbid! But I say that member, and the majority of that Congress, quailed before the apprehension of being constrained to vote another censure, or receding from the position they had assumed.

I thank the member for affording me this opportunity of calling attention to a fact hitherto unnoticed in our public press. It was a rare exhibition of the influence which an humble individual may wield over a legislative body when he has truth, justice, and the Constitution on his side.

At the close of that Congress we separated. I bore with me no unkind feelings toward any of them. Few, very few, came back. Many retired to private life. Many have now gone to their final rest. To those who survive I would tender my best wishes, my prayers for their prosperity and their happiness.

The President and his Cabinet receded from the position they had assumed. They no longer demanded of Great Britain compensation for the people who obtained their freedom on board the Creole. The law of nature and of nations stood vindicated; the rights of persons to their liberty when taken beyond the jurisdiction of slave laws was acknowledged. The objects which I had in view when I presented my original resolutions were attained. The doctrines asserted in them now stand acknowledged truths.

These transactions have long since passed into history, the truth of which it is my duty and my pleasure to vindicate.

Mr. SINGLETON. I have not risen to address the committee at this time, but merely to secure the floor that I may have an opportunity of doing so to-morrow.

Mr. McDUGALL. With the permission of the gentleman from Mississippi, [Mr. SINGLETON,] I move then that the committee rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly House bill No. 259, being a bill to authorize the construction of the Pacific railroad, and had come to no conclusion thereon.

Mr. PERKINS, of Louisiana, by the unanimous consent of the House, introduced a bill to "remodel the diplomatic and consular establishments of the United States," which was read the first and second time by its title, and referred to the Committee on Foreign Affairs.

On motion by Mr. HAVEN, the House then (at five minutes before four o'clock, p. m.) adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, June 8, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Monday was read and approved.

EXECUTIVE COMMUNICATIONS.

THE PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, in compliance with a resolution of the Senate of the 3d of April, transmitting a report from the Commissioner of Indian Affairs, in reference to the manner in which the Government had fulfilled the stipulations of the treaty of October 26, 1832, with the Potawatomie Indians; which was referred to the Committee on Indian Affairs.

Also, a communication from the Second Auditor of the Treasury, in compliance with the act of Congress of June 30, 1834, transmitting copies of such accounts as have been rendered by persons charged or intrusted with the disbursement and application of moneys, goods, or effects, for the benefit of the Indians, from July 1, 1852, to June 30, 1853; which was ordered to lie on the table, and be printed.

ADJOURNMENT TO MONDAY.

Mr. SFUJART. Mr. President, when the Senate adjourned last week it was understood by Senators generally that no business of importance

would be done during this week. At the suggestion of several Senators, I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. ADAMS. I see no necessity in the world for adjourning over perpetually. We have had one week of recess. If we have nothing to do we had better adjourn finally and go home.

The motion was agreed to.

PETITIONS, ETC.

Mr. SEBASTIAN presented the memorial of John S. Watrous, late agent for the Chippewa Indians, praying indemnity for losses sustained by him in consequence of the burning of the Chippewa agency buildings; which was referred to the Committee on Indian Affairs.

Mr. GEYER presented the memorial of citizens of St. Louis, Missouri, praying the adoption of such measures as will insure to American citizens, in foreign countries, the enjoyment of the rights of conscience and religious worship; which was referred to the Committee on Foreign Relations.

Mr. FESSENDEN presented the petition of Ephraim Hunt, praying compensation for services rendered by him during the war of 1812; which was referred to the Committee on Claims.

Mr. SLIDELL presented the petition of William Duer, praying compensation for expenses incurred, and services rendered as consul in Valparaiso, in the case of William N. Stuart; which was referred to the Committee on Foreign Relations.

Mr. HAMLIN presented the petition of C. B. H. Fessenden, collector and superintendent of lights for the district of New Bedford, Massachusetts, praying an increase of compensation; which was referred to the Committee on Commerce.

Mr. MASON presented a petition of the inhabitants of Richmond, Virginia, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of the inhabitants of Gum Spring, Loudon county, Virginia, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. FISH presented the petition of Royal Phelps, attorney in fact of James, Earl of Selkirk, praying that a patent may be issued for certain lands granted to his father by the Hudson's Bay Company; which was referred to the Committee on Private Land Claims.

Mr. FESSENDEN presented the petition of citizens of the United States, remonstrating against the extension of Woodworth's patent for a playing machine; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of the inhabitants of Vassalboro', Maine, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of the inhabitants of Winthrop, Maine, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. FISH presented the petition of Abraham Cutler, praying the payment of a balance due him for his services as a lieutenant in the late war with Great Britain, and that he may be allowed a pension for injuries received while in the discharge of his duties; which was referred to the Committee on Pensions.

Mr. BROWN presented the petition of Dimity Canna, John B. Toulme, and Dudley R. Walker, praying the correction of an error in the location of certain lands in the State of Mississippi; which was referred to the Committee on Public Lands.

Mr. FOOT presented three petitions of citizens of the towns of Starkboro', Ferrisburgh, and Monckton, State of Vermont, praying a reduction of the present rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN presented a memorial of the directors of the Moravian Board of Missions, in behalf of the "Christian Indians," living on lands belonging to the Delaware, about being surrendered to the United States, praying compensation for their improvements; which was referred to the Committee on Indian Affairs.

REPORT FROM A STANDING COMMITTEE.

Mr. HAMLIN, from the Committee on Commerce, reported a bill for the better preservation of life and property from vessels shipwrecked on the coasts of the United States; which was read, and passed to a second reading.

ALDEN'S REEF, PORTLAND, MAINE.

Mr. FESSENDEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the purpose of building a light-boat, and maintaining the same on Alden's Reef, lying off the harbor of Portland, Maine, and substituting a steam whistle for the fog bell on Cape Elizabeth, Maine.

NEW MAIL ROUTE.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing, by law, a mail route from Danville, in Yell county, Arkansas, to Milton Gilbraith's, in Scott county, by way of Rover and Bluffton, and report by bill or otherwise

COMMITTEE ON FOREIGN RELATIONS.

Mr. CLAYTON. There is a vacancy in the Committee on Foreign Relations, which has been occasioned by the resignation of Mr. EVERETT, late Senator from Massachusetts. It is a committee of importance, and it is necessary that the vacancy should be filled. I hope that, by unanimous consent, the Chair will be authorized to make the appointment.

There being no objection, it was so ordered, and Mr. FISKE was appointed.

THOMAS FRAZER.

Mr. HAMLIN. There is a private House bill on the table for the relief of Thomas Frazer, which was indefinitely postponed by the Senate, but, subsequently, at our request, was returned to us from the House. A motion is pending to reconsider the vote by which it was indefinitely postponed. I ask the Senate now to proceed to its consideration.

The motion was agreed to.

The question was taken on the motion to reconsider; and it was adopted.

The PRESIDENT. The question is now on the motion to indefinitely postpone the bill.

Mr. WELLER. What is the bill for?

Mr. HAMLIN. I will state in a very few words what it is. As the law now stands, when a pension is granted by Congress to an invalid, and that pension is for half pay—four dollars a month—the Department has determined that it cannot increase that to a full pension, if the pensioner should subsequently become wholly disabled, because it is a pension granted under a special law. This case belongs to that class. The pensioner has a half pension. The evidence now is ample, coming from intelligent surgeons, that he is entirely blind. The House passed the bill to increase the pension to eight dollars a month. The Committee on Pensions of this body asked to be discharged from its further consideration, on the ground that they had reported a general bill covering the case. That general bill may never pass, and then this man will not get the benefit of it. If it does pass, it will only put him within its provisions.

Mr. CASS. Let us pass the bill.

The motion to postpone the bill indefinitely was not agreed to.

The bill was then considered as in Committee of the Whole; and no amendment being proposed it was reported to the Senate, ordered to a third reading, read a third time, and passed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 8, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. RIDDLE. Will the gentleman from Tennessee withdraw that motion for a moment, to allow me to offer a resolution?

Mr. HAVEN. I desire to make a privileged

motion. I wish, before the vote is taken upon the motion of the gentleman from Tennessee, [Mr. JONES,] to offer a resolution to close debate upon the Pacific railroad bill at two o'clock on Tuesday next.

Mr. HENDRICKS. That is too soon.

Mr. BENTON. I have to say that I desire to offer some remarks upon that subject, which I have yet to prepare, based principally upon the winter explorations of Colonel Frémont. Tuesday is the earliest day upon which I can present them to the House.

Mr. HAVEN. In looking about the Hall, I fear that if I were to press a vote upon the resolution now I might prevent the House going into the Committee of the Whole to-day. I am willing to change the day, so as to accommodate the gentleman from Missouri, [Mr. BENTON.] I will not ask the House to act upon the resolution now, but I will do so on next Monday, when the House meets.

The SPEAKER. The question now recurs upon the motion made by the gentleman from Tennessee, [Mr. JONES.]

Mr. GIDDINGS. I rise to a privileged question. I wish to call the attention of the House to the conduct of one of its officers. I refer to A. O. P. Nicholson, the editor of the Daily Union, and printer of this body. Without further remark, I ask the Clerk to read that portion of the article to which I invite the attention of the House.

The article was then read, as follows:

"In one word, protection and obedience are reciprocal and inseparable; and those who, like the Abolition incendiaries, Parker, Phillips, GIDDINGS, and others, are incessantly proclaiming their hostility to the laws and the Constitution, and stimulating men, women, and children to violate them as a sacred duty, in my opinion have no claim to the protection of those laws or that Constitution. They are the apostles of sedition, violence, and murder, they are *feræ naturæ*—wild beasts of the forest, knowing no law and no restraint but their wild, ungovernable instincts, and, like dastardly midnight prowlers, after firing the train, sneak to their holes, leaving their wretched dupes to become the victims of those acts which they themselves have stimulated. Is there no law that can reach these cowardly incendiaries, who, after throwing the fire-brand, skulk away in darkness to enjoy the blaze? And are those who, on the floor of both Houses of Congress, openly declare their disaffection to that Constitution they have sworn to support and maintain, worthy of a seat in the sacred halls of legislation when any act should emanate from that source?"

Mr. BOCKOCK. I wish to know how that article comes before the House?

The SPEAKER. The gentleman from Ohio [Mr. GIDDINGS] rises in his seat, and addresses the Chair, announcing that he has a privileged question to which he desires to call the attention of the House.

Mr. BOCKOCK, (interrupting.) Well, I do not see any question of privilege in all this.

The SPEAKER. He desired to have the article read; for what purpose the gentleman himself will state.

Mr. GIDDINGS. It is my intention to state very distinctly the purpose for which I have introduced the subject.

Mr. McMULLIN. I submit that there is no question of privilege in this.

Mr. GIDDINGS. I will, according to the established laws of this House, state my question of privilege, under the direction of the Speaker.

Mr. PARKER. I wish to ask the gentleman from Ohio a question. I have not read the article of which he complains; but from its reading by the Clerk, I hear a name announced which is familiar to me, and I wish to know whether a member of the House is spoken of under the name of Parker?

Several MEMBERS. Oh, no; it is Theodore Parker, a minister of the Gospel. [Laughter.]

Mr. GIDDINGS. I know my own name, Mr. Speaker, and believe there is no doubt that it was the intention of the author of this article to refer to me, when he said that "GIDDINGS and others are incessantly proclaiming hostility to the laws and the Constitution, and stimulating men, women, and children to violate them, as a sacred duty. In my opinion they have no claim to the protection of those laws, or that Constitution." This declaration comes from an officer of this body. It declares members of this House *outlaws*, beyond the pale of legal protection. It is a direct invitation to assassinate, to perpetrate violence upon members of this body. Now, sir, I know

very well that I am in a minority here, and that this attack upon me and others is to be sustained by a majority of the House, if sustained at all. But I merely desire to place this matter before them; and if they take the responsibility of maintaining and encouraging those who thus publicly invite to assassination and mob violence, the responsibility of doing so must rest with them—with the friends of the Administration. Sir, I have prepared a resolution which I proposed to offer on this subject, but I prefer to leave the matter entirely with the majority of the House, and so I now submit it to them.

Mr. OLDS. I would like to have the gentleman's resolution read. I might want to move an amendment to it.

Mr. JONES, of Tennessee. Without any intention of taking any part in this controversy, I submit to the Chair that there is nothing in the question made by the gentleman from Ohio [Mr. GIDDINGS] which partakes of the character of a question of privilege. If the editor of the paper in question has assailed any member of the House, he did so in a capacity different from that which he occupies as an officer of this body. He has not done thus as an officer of this House, but as a private individual, as the editor of one of the papers of the city. In that capacity alone he is, I think, responsible to the gentleman from Ohio for what he has published.

The SPEAKER. The Chair sustains the question of order submitted by the gentleman from Tennessee, [Mr. JONES.] The gentleman from Ohio, however, announced his purpose to introduce a resolution, and the Chair is of opinion that he has a right to submit his resolution, if it proposes to dismiss the printer, or any other officer of this House.

Mr. GIDDINGS. The Chair will permit me to make one suggestion as to the practice of the House on this point. The Speaker will recollect, by consulting precedents, that all these questions of privilege have been submitted to the House for their adjudication as to whether the questions presented are questions of privilege or not.

The SPEAKER. The Chair will follow that example.

Mr. GIDDINGS. In reply to the gentleman from Tennessee, [Mr. JONES,] I can refer him to a case in which he was himself concerned. I would remind him, and I think there is no member of this House who was here a few years ago but remembers the fact, that a few years since we expelled the reporters of the New York Tribune for an attempt to ridicule a member of this body. I think the gentleman from Tennessee [Mr. JONES] voted for that expulsion.

Mr. JONES, of Tennessee. I do not recollect how I voted, but I recollect that there was such a proposition made here. I recollect, also, that the reporters of the Union were once expelled from this House, or, at least, an attempt was made to expel them, since I have been a member of this body. But that was an action against them in the characters of "reporters" here. They were privileged here as "reporters." They were here under the special authority of the House, through the Speaker, as "reporters." I think, in neither of the cases to which I have referred, were the editors of those papers arraigned, but only the reporters. Then, if the gentleman has a proposition to make, it might, perhaps, be directed against the editor of the paper, and it might exclude him. But I do not see how he can make it a privileged question upon the printer to the House for what he does in another character—that of the editor of a public newspaper.

Mr. GIDDINGS. I assure the gentleman that I have consulted the precedents with which both you, Mr. Speaker, and myself are personally acquainted. My proposition is to exclude from this Hall all persons who are connected with that paper. I place the editor of the Union in precisely the same position in which I place all other editors and persons connected with a paper.

The resolution offered by Mr. GIDDINGS was then read, as follows:

Whereas, A. O. P. Nicholson, Esq., printer of this body, and editor and proprietor of the Washington Union, in his paper of this morning has published an article most evidently designed to excite unlawful violence upon members of this body: therefore,
Resolved, That the said A. O. P. Nicholson, and all other persons connected with the Washington Union, be expelled from this Hall.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

MONDAY, JUNE 12, 1854.

NEW SERIES.....No. 86.

Mr. OLDS. I understand my colleague as asking for the protection of this House, from the fact that he is threatened personally with violence. Perhaps the members of this House may have seen the effort made by my colleague not long since in the city of Boston—I am not able to say whether it was in Faneuil Hall, or where it was—in which he also intimates that he is afraid of being assassinated for the course of policy which he has pursued in reference to certain measures before this House.

But, sir, when he comes before this House to claim its protection, from the fear of being assassinated for what he has thought fit to do in the course of his official duty in this House, he ought to come with clean hands and a pure heart. If I recollect aright, in that very speech in Boston, the gentleman charged that his colleagues in this House have been bribed, and have cast their votes under a bribe.

Mr. HOUSTON, (interrupting.) I desire to know of the Chair whether he entertains this as a question of privilege; and if he does not, I object to the resolution, and to all debate upon it.

Mr. GIDDINGS. The gentleman has not the floor for that purpose. I yielded it only to my colleague, [Mr. OLDS.]

Mr. HOUSTON. I rose to a point of order, and I am entitled to the floor for that purpose.

Mr. GIDDINGS. I yielded only to my colleague.

Mr. HOUSTON. I inquire of the Chair if he entertains the matter as a question of privilege; and if he does not, I object to this discussion?

The SPEAKER. The Chair will refer to the House the question, whether there is any question of privilege involved in the resolution of the gentleman from Ohio?

Mr. GIDDINGS. I suppose I have a right to proceed and finish my remarks?

The SPEAKER. The Chair decides that the gentleman has no such right; because if it is not a question of privilege, discussion will be out of order.

Mr. GIDDINGS. I call for the yeas and nays upon the question.

Mr. STANTON, of Kentucky. I do not understand Mr. Nicholson as standing in that position which entitles him to the privileges of this Hall. He is a mere contractor. I do not understand that there is any rule of this House which authorizes him to be admitted here, and therefore a resolution expelling him would have no effect.

Mr. HOUSTON. That is precisely the point I proposed to make.

The SPEAKER. As printer of the House, Mr. Nicholson is entitled to the privileges of the floor, or, at least, to the privileges of the Hall.

The question now being upon whether the point raised was a question of privilege,

Mr. GIDDINGS demanded the yeas and nays. The yeas and nays were ordered.

Mr. HAVEN. If the Chair will pardon me for one moment—I do not wish to do anything hastily or rashly in reference to this matter—I wish, however, to say that the removal of the drapery in the rear of the Speaker's chair seems to have so affected the sound in the Hall as to make it wholly impossible for us in this direction to hear what is going on. Now, sir, whether this is a question of privilege or not depends very much upon the character of the article alluded to. I would like to have the article again read. But I desire to take this opportunity of calling the attention of the Speaker to the fact that exists in reference to the difficulty of hearing in the Hall. I think some measures ought to be taken to remedy it.

Mr. STANTON. Will the gentleman allow me to say that this is not an article from the editor; it is an article signed "Old Fogey."

Mr. GIDDINGS. I understand that. It is evidently from the pen of the editor.

Mr. CLINGMAN. I understand the question submitted to the House to be, to determine whether the case presented is what is commonly known as a question of privilege; and this, like any other

question, I suppose, is debatable. If it be, I want to make a suggestion upon the subject. I will not occupy much of the time of the House; but I submit this point to the Chair and the House—

Mr. COBB. I think this is not a debatable question. I raise that question of order.

The SPEAKER. The Chair would suggest that the article and the resolution be read in connection.

Mr. CLINGMAN. I desire first to state the precise point which I understand to be made. I understand the Speaker to decide that, under the rules of the House, the public printer is entitled to come upon this floor, and is entitled to certain privileges here. The gentleman from Ohio offers a resolution, the effect of which is to deprive him of these privileges. Now, whether the paper referred to is of such a character as to justify us in adopting the resolution, is a question I do not propose to go into.

Mr. HOUSTON. Does the Chair decide that this is a debatable question?

The SPEAKER. The Chair decides that it is debatable.

Mr. CLINGMAN. Well, Mr. Speaker, I say this: Where we give special privileges to individuals to come into the Hall, we put them, to some extent, on the footing of members and officers of the House, and therefore a proposition to deprive such of that privilege, to expel them from the Hall, is properly a privileged question. Having this view of the matter, and the gentleman from Ohio having submitted his resolution, I think that the House ought to entertain it. He comes forward, and upon his responsibility as a member of this House, proposes to deprive individuals of privileges which they now enjoy in this Hall.

Now, I beg leave to say that, from the reading of the article indicated, I do not see anything which would justify the adoption of the resolution of the gentleman from Ohio, [Mr. GIDDINGS.] If I correctly understood it, in my opinion, it is much less violent than many of the speeches made by the gentleman here against individuals and members of this body. At the same time I hold that while the gentleman from Ohio is apprehensive of personal attack, he has the right to ask the House to protect him; and, if he can make out a proper case, I will myself vote for furnishing him a guard for his protection while in the discharge of his duty. [A laugh.] If his object be to secure protection against violence, I shall be very much disposed to accord it to him, provided the facts stated make out his case. But I do not think that there is anything in the article which would lead him, you, Mr. Speaker, or me, to suppose that the gentleman is in personal danger. If, however, he apprehends that Mr. Nicholson, or any other person, at his instigation, intends to interfere with his personal safety, I would vote to protect him as readily as I would any other gentleman upon the floor, though I differ from him so much.

The SPEAKER. The Chair must confine the gentleman to the single point as to whether or not the question is or is not privileged in its character.

Mr. CLINGMAN. I hope my friend from Alabama will withdraw his objection. I think the gentleman's resolution is one which ought to be entertained.

The SPEAKER. The Chair indicated, when the gentleman from Ohio [Mr. GIDDINGS] remarked that he had a resolution of that character, that, in the opinion of the Chair, it would be a privileged question. The editor, or editors of the Union have the privilege of the Hall, but they have not the privilege of the floor. That paper has a number of reporters here, and they are here by law of the House, and under the direction of the Speaker. The gentleman proposes to expel them all, editors and reporters. The Chair is of the opinion that the question is a privileged one, and so decides.

Mr. MILLSON. I desire to make a simple suggestion on this question of privilege. It seems to me that there is some confusion arising from the mingling of questions. I understand the Chair

to decide that the proposition to expel the public printer is a privileged question. I presume there can be no doubt of it. I take it for granted that Mr. A. O. P. Nicholson, as an officer of this House, may be expelled from it. I think the Chair is right—indeed, I am sure that he is right—in the statement that the public printer is entitled to the privilege of the Hall, or admission to the Hall of the House as public printer; but I conceive that the public printer is not entitled to admission within this Hall as editor of the Union. I conceive, moreover, that the other persons who are proposed to be expelled by the resolution of the gentleman from Ohio as connected with the Union, are not entitled to the privilege of the floor, unless so entitled as the reporters for that paper.

The SPEAKER. They are in that character. And Mr. A. O. P. Nicholson is entitled, under an express law of the House, to the privilege of the Hall, as an ex-Senator of the United States. He is named in the resolution.

Mr. MILLSON. The questions ought to be separated. If it be proposed to expel Mr. A. O. P. Nicholson as an officer of the House, then it may be material for us to inquire whether he has done anything in that character which would subject him to expulsion. But I will not express my opinion on that point now. If, on the other hand, the object be to expel the reporters as well as the editor or editors of the Union, as persons entitled to the privilege of using the reporters' desks, and not as officers of the House, and the editor not as public printer, then it will become important for us to inquire whether any of them, the editor, or his associates in the Union, have done anything in their capacity as reporters to subject them to expulsion.

Now, I think that the resolution of the gentleman from Ohio [Mr. GIDDINGS] is drawn so vaguely and indeterminate as not to present to the House a question of privilege as it ought to be presented. I think that it is a question of privilege whether the public printer ought to be expelled. At the same time I do not know that the public printer, as public printer, ought to be expelled for the publication of an objectionable article in the Union newspaper. On the other hand, perhaps the reporters connected with the Union may subject themselves to censure by the publication of objectionable paragraphs in that newspaper, and they then incur the censure of the House, not as officers of the House, but as reporters. In the state of confusion in which the question is involved, I find it difficult to determine upon what grounds to present it.

Mr. HAMILTON. Is there anything before the House for consideration?

The SPEAKER. The resolution offered by the gentleman from Ohio, [Mr. GIDDINGS.]

Mr. HAMILTON. I move to lay the resolution upon the table.

Mr. OLDS. I suppose I have the right to the floor, as it was taken from me by the question of order.

Mr. PRESTON. I understand the question to be one of order, which the Chair has not decided.

The SPEAKER. The gentleman from Ohio [Mr. OLDS] was addressing the Chair when the suggestion was made by some gentleman upon the floor that questions of privilege were heretofore referred to the judgment of the House. The Chair acquiesced in that suggestion for a moment; but afterwards, however, determined that there was involved in this resolution a question of privilege, and that the gentleman from Ohio [Mr. GIDDINGS] had a right to move to expel from the Hall any officer of this House.

Mr. GIDDINGS. I yielded the floor to my colleague for explanation.

The SPEAKER. The Chair asked the gentleman from Ohio, [Mr. GIDDINGS], just as he was taking his seat, if he yielded the floor, and he said, "I yield it."

Mr. GIDDINGS. It was not my intention to yield it entirely, but merely to my colleague for the purpose of explanation.

The SPEAKER. The gentleman from Ohio [Mr. GIDDINGS] yields the floor to his colleague for explanation.

Mr. OLDS. I supposed I had obtained the floor by the decision of the Chair.

The SPEAKER. The gentleman from Ohio [Mr. GIDDINGS] positively states that he yielded the floor for explanation merely.

Mr. OLDS. I desire to make no personal explanation.

Mr. GIDDINGS. I will yield to my colleague one half of the time allotted to me.

Mr. OLDS. If the gentleman is entitled to the floor, he can occupy it, and I will try and get it afterwards.

Mr. GIDDINGS. I do not desire to occupy the attention of the House for any considerable time. I merely wish to repeat, that this question rests with the majority, and not with me nor my friends. That I may be understood as to the definite point upon which I rest the question of privilege, I again call attention to the emphatic language used in the article of the Union to which I refer:

"In one word, protection and obedience are reciprocal and inseparable, and those who, like the Abolition incendiaries, Parker, Phillips, GIDDINGS, and others, are incessantly proclaiming their hostility to the laws and Constitution, and stimulating men, women, and children to violate them as a sacred duty, in my opinion, have no claim to the protection of those laws or that Constitution."

Now, Mr. Speaker, here is a distinct, a palpable, an obvious invitation to assassins and mobocrats to perpetrate personal violence on members.

Mr. LANE, of Oregon, (interrupting.) I desire to ask the gentleman from Ohio whether he feels that he is in danger of personal violence, or of assassination?

Mr. GIDDINGS. My friend from Oregon will excuse me from answering that question, as I think he has no right to put it. I will say, however, that I fear for the dignity of this body, if not for my own safety. I entertain fears for the character of the American Congress, and for the maintenance and security of its rights?

Mr. LANE. Will the gentleman allow me to interrupt him again?

Mr. GIDDINGS. Certainly.

Mr. LANE. I did not distinctly hear the gentleman's answer, but I will say this to him, that I am certain he is in no danger of being personally maltreated.

Mr. GIDDINGS. I do not thank the gentleman for an assurance of that kind.

Mr. LANE. I am confident that nobody will hurt him. [Laughter.] Nothing truer has been ever said than that

"Conscience makes cowards of us all."

But there is no danger of my friend from Ohio. He will not be hurt. [Laughter.] I propose to go security for his safety. We may thus save time, and proceed to other business.

Mr. GIDDINGS. Mr. Speaker, I could not hear very distinctly the observations of my friend from Oregon, though I have no doubt that whatever he said was said in the kindest terms and with the best intentions. I understood him, however, to say that he would go security for my personal safety. I am much obliged to him, but I have not yet asked for that.

Now, Mr. Speaker, to resume the remarks which I was making when interrupted. I was saying that the editor of this paper has pronounced myself and others without the pale of the law, liable at any moment to be shot down by an assassin, whenever he shall please to perpetrate the work of murder on our persons. It remains, sir, for the Administration, whose organ this paper is, and for the supporters of that Administration, to say whether editors of this character shall be maintained by this body, and admitted to privileges in this Hall. If the Administration is to be sustained by braggarts and bullies, the country should know it.

In reply to my colleague, [Mr. OLDS,] when he talks of my speech in Boston, be it understood, in the first place, that I have served too long in this body to permit him or any other man to call me from the question before us to any newspaper reports of what I said in Boston. I spoke what I pleased, and am responsible for it in the proper mode; but what I may have said there does not authorize the assassin to enter this Hall to slay me or my fellow-members. My colleague has not the power to dictate to me what I shall say, and when

I shall speak, and what language I shall utter. I have been, as I said, somewhat too long in this body to allow gentlemen to rise here, and undertake to crack their whips over me in this style.

"Go tell your slaves how choleric you are,
And make your bondsmen tremble."

But do not assail freemen with such language as that, as though we were unacquainted with our rights, or did not know how to maintain them. The amount of his argument is this, that I said that which he deems wrong in Boston; therefore the printer of this House may call on rowdies and blacklegs to commit violence on my person; and tell them that I am beyond the protection of law.

No, Mr. Speaker, let it be understood that, whatever I may say, or wherever I may say it, I am responsible to gentlemen whom I assail and to the public, in the same manner that other men are; but I am not outlawed, and made the legitimate object of murder, on account of a speech in Boston, or here, or anywhere. I am a member of this body, by the grace of God, and by the aid of an enlightened constituency. And being here, it is my duty to maintain, as far as in me lies, the rights, the privileges, and dignity of this body. If gentlemen may pronounce me an outlaw, they may pronounce every other member an object of murder. Indeed, the question has already arisen whether members are to be driven from their propriety by editors who play the whipper-in, and attempt to hiss on their bloodhounds. Shall members here appear in their seats armed and prepared to protect their persons from violence? That now appears to be the question.

Now, Mr. Speaker, in reply to the gentleman from North Carolina, [Mr. CLINGMAN,] and the gentleman from Oregon, [Mr. LANE,] let it be understood that I do not call for protection for myself. But I seek protection for the dignity and rights of this House. I say in plain, distinct, and definite language, that I ask the body to protect itself, its dignity, its honor, and the purity of the representative character of the nation. Every member has the same interest in the subject which I have. They will be affected to the same extent, and, in voting, will incur the same responsibilities which I must meet. It is true I am the person particularly assailed. My name is used; but the act, the threatened violence, is intended to affect all, to affect the entire body, the whole nation.

My resolution asks no more protection for myself than for the body. It seeks to purify this Hall from the contamination of such editors.

And here let me say, that if I recollect aright, my colleague over the way [Mr. OLDS] voted to exclude the reporter of the Tribune. I am not certain about it, but speak from my present impression. And if my memory serves me aright, he voted to exclude from this Hall the correspondent of the Tribune, for holding up a colleague of ours to ridicule. And all persons connected with that paper were also excluded from this Hall by the same resolution. I have had no time to refer to precedent; I speak from recollection; but I am perfectly conscious that I speak accurately.

And here I will reply one word to the gentleman from Virginia, [Mr. MILLSON.] The resolution before the House is in the precise order, and in the exact language, I think; I drew it from memory, and I may have possibly varied in some words from the resolution which excluded the reporter, and all persons connected with the New York Tribune on a former occasion, and which was carried entirely by the votes of the Democratic party of this House. The gentleman from Virginia [Mr. MILLSON] insisted that the editor might be expelled, but not the reporters. I know not who the reporters of that paper are. They may be my warmest friends. But are the agents of this paper, a paper in which this assault is contained, through which it is communicated to the country, to be allowed the privileges of this Hall? The object of my resolution is to stamp the paper with our disapprobation; to say to the country we will allow no persons connected with such a paper to enjoy the privileges of this Hall. It is on account of the character of the paper, on account of the editor whose agents they are, that we would exclude them from the Hall.

I have no design to occupy the time of the House. All I ask is, that gentlemen shall place their names upon the record of yeas and nays, in this case, that each shall say, in distinct language, whether he will take upon himself the responsi-

bility of maintaining, of encouraging, an assassin like him who controls the Washington Union, or whether he will exclude such men from this Hall. I care not whether you are Whigs, or Free-Soilers, or Democrats, I desire each to express his own sense of moral duty, of self-respect. Let it be entered upon our records, and go forth to the people. Let gentlemen come up and place their names before the country, and let the people know whether we tolerate a man who puts forth such an article as that which has been read. Let each member speak to his constituents; let them and the country understand our action, our own sense of propriety.

Sir, I see my colleague [Mr. OLDS] is ready to speak upon this matter. I want him to express his views in relation to it, and I desire to hear his views in relation to it. I wish to ascertain whether he would sustain a man, as officer of this body, who invites assassination, because I or some other member has spoken severe things of members in Boston or elsewhere. Does he advocate the maintenance of rowdies and bullies here to prevent members from doing what they please? Why, sir, I said nothing in Boston that has not been substantially uttered in this Hall on repeated occasions. But I shall not enter upon that subject at this time. I will, on a proper occasion, meet my colleague on that subject; but I am not now on trial; Mr. Nicholson is the man now before us. We will try him, and then my colleague may arraign me if he pleases. But now, I will not permit myself to be drawn into a discussion of anything I have said in Boston, or here, or elsewhere; yet I will say that my colleague does not happen to possess the power to read me out of the pale of human society.

It has been suggested that the article complained of is not editorial; that it appears under another name. Why, sir, I shall not stand here to argue before the American people the question that an editor is responsible for matters he puts forth. The presumption is that he wrote it under another name for the very purpose of excusing himself before the public. He has placed it there, he has sent it before the American people, proclaimed it, and must be held to the same responsibility as though it were written by himself. Indeed, the presumption is that he wrote it.

Mr. OLDS here obtained the floor.

Mr. JONES, of Tennessee. Will the gentleman from Ohio permit me to refer to the case of the Tribune reporter?

Mr. OLDS. Certainly.

Mr. JONES. That case had nothing of a privileged character in it. Here is the record:

"Mr. SAWYER rose, and, by leave, made a personal explanation in reference to a letter from this city, which had appeared in the New York Tribune, purporting to be a description of some of the personal habits of Mr. S., and otherwise of a scurrilous and abusive character."

"The reason assigned by Mr. S. for bringing the matter before the House was not to ask any interference on its part, but to say that he had been unable to fix the letter on any individual; the one who was the reputed correspondent denying the authorship, and gave notice that in future when attacks of this kind were made upon him he should take the matter into his own hands."

The reporter does not go into explanation further than necessary to render intelligible the subsequent action of the House.

"Mr. BRINKERHOFF offered the following resolution: Resolved, That the reporters or letter-writers of the New York Tribune be expelled from this House."

"And Mr. B. demanded the previous question."

"Mr. WASHINGTON HUNT moved to lay the resolution on the table, but subsequently withdrew that motion, remarking that his only reason for making it was to give time for explanation to the editor of the New York Tribune."

"The previous question was seconded, and the main question ordered."

"And after a good deal of conversation, and some confusion, the resolution was adopted by the following vote."

The vote stands—121 yeas, 49 nays. Upon that resolution I voted in the affirmative, and the gentleman from Ohio voted in the negative.

The SPEAKER. The decision of the Chair, that this is a privileged question, is not based upon what appears in the Union newspaper. It is based upon the matter embraced in the resolution offered by the gentleman from Ohio, which is to expel from the Hall of the House the editors of the Union, who are entitled to the privileges of the Hall under the law of the House.

Mr. JONES. The editor of the Union is entitled to the privilege of the Hall, as I understand it, not as an officer elected by this House, but as one of those to whom, under a standing rule of

the House, the Speaker is authorized to assign seats within the Hall.

Mr. OLDS. My colleague has warned me that he has been too long a member of this House not to be acquainted with the privileges which he personally holds in consequence of being a member of the Congress of the United States; too well to allow himself to be called in question here for what he has pleased to say elsewhere. Mr. Speaker, I do not propose to call him in question. I do not propose to arraign my colleague before this House for saying in Boston that others of his colleagues had given votes upon this floor under the influence of bribery and corruption. But I think, and I will say, that it comes in bad grace from him, after having thus slandered his colleagues, to call in question A. O. P. Nicholson for what appears in this morning's Union. It comes in bad grace from one who could leave his colleagues with a friendly farewell, and then, when hundreds of miles distant from them, attempt to strike them, assassin-like, in the dark; to strike them, not in their person, oh, no; my colleague is a man of peace; but to strike them in their reputation; to strike them behind their back; to strike them before an audience of strangers, where he knew they could not be heard in defense; to strike them with accusations which he knew to be false, false in their inception, and false in their utterance—

Mr. GIDDINGS. Will my colleague allow me to ask him a question?

Mr. OLDS. I will.

Mr. GIDDINGS. Does my colleague speak for himself, or for others?

Mr. OLDS. Ay, Mr. Speaker, do I speak for myself, or for others? I tell my colleague that I speak for myself and for others.

Mr. GIDDINGS. That will do.

Mr. OLDS. I speak for myself and for others. I speak to my colleague and to others. What I say I do not say in the dark. I do not go to the city of Boston, where I can be surrounded by an Abolition mob, to protect me in what I say. What I say, I say here upon the floor of the American Congress, for my colleague to hear, and for the American people to hear; and I say that he who comes upon this floor and claims protection, under the fear of personal violence, should not be the man to go, and, assassin-like, seek to stab his colleagues in the dark. Sir, the man who says that he cannot be held responsible for slanders uttered elsewhere against his colleagues—slanders, I repeat, sir, false in their inception, and false in their utterance—slanders which had no existence except in the distempered imagination of my colleague—ought not to receive from this House protection either in his person or reputation.

But, sir, my colleague says that he does not speak from fear—fear of personal violence; he brings this matter before us that the House may take care of its own dignity. If I recollect, on a memorable occasion this House did try to take care of its dignity. Yes, sir, the House did undertake to preserve its dignity when the conduct of that colleague of mine was such that, under a vote of censure by this House, he thought fit to resign his seat upon this floor. A friend near me remarks that my colleague was not expelled, but only resigned his seat. Yes, sir, I so understand it. The House, to preserve its dignity, passed resolutions censuring my colleague; and he, like the man who was kicked down stairs, coolly remarked that he left before the row commenced. [Great laughter.] Perhaps the same course now would greatly tend to the dignity of this House.

I have already said that he who comes here to make accusation against his fellow-members, or against the officers of this House, ought to come with clean hands and a pure heart. Can the gentleman do so? I would ask whether, if those of the gentleman's colleagues whom he has vilified and slandered, who voted in opposition to him on a recent measure, felt the same personal fear of violence that he has manifested, they could not claim the protection of this body? I know they would scorn to do it. Like honorable men, they will and can protect themselves. Have they not been threatened with personal violence? Did not the organ of a fanatic party in this country call on the incendiary to apply his torch to this Capitol, that its inmates might perish beneath its crumbling ruins? Did the fanatics stop there? Let me read what the gentleman's colleagues—I

do not mean his colleagues upon this floor, but his colleagues in fanaticism—say on this subject. Here is what Cassius M. Clay says, speaking of gentlemen from the North who voted for the Nebraska bill:

"What, then, shall be done? 1. In the first place, punish the traitors, as an example for all future times. I honestly believe that every man of the free States who voted for the repeal of the Missouri restriction deserves death. But there is no legal way of inflicting the penalty—the halter, then, they must escape."

So thought Horace Greeley, and therefore he would have the incendiary apply the torch to the Capitol of the country, that its inmates might perish beneath its crumbling ruins. So think Cassius M. Clay, Wendell Phillips, Theodore Parker; and so think the strong-minded women of the North with whom they are associated. [Laughter.]

"The halter, then, they may escape. But one thing can be done—break them on the wheel of public opinion."

That is what my colleague undertook to do. He went to Boston to break them down on the wheel of public opinion. How did he undertake to do so? By branding them as bribed; by making charges which he knew, in giving them utterance, were false; as I said before, false in their inception, and false in their utterance. Break them on the wheel of public opinion! Yes, sir, by falsehood my colleague, and those associated with him, attempt to create public opinion, as he did against his colleagues in his Boston speech, and then break them down on its wheel! Sir, you cannot reach such men by law. They have not the courage to strike personally in the dark; but they have the courage to strike reputations in the dark. They have not the courage to apply the torch of the incendiary to the Capitol; but they have the courage to go to Boston, and there stab reputation in the dark, calling on the country to break honest men's reputations on the wheel of public opinion, and then to skulk into this House and claim that the printer of this House shall be expelled—for what? For having given utterance to the truth, so far as my colleague and those associated with him are concerned, in relation to this matter.

Mr. Speaker, I feel that I ought to ask pardon of this House and of the country for having said what I have said in relation to this matter. I feel that I have really done my colleague a service; for every attack made upon him in this House, every attack made upon him by the lovers of the Constitution, and upon the fanaticism of the party with which he operates, by either the Democratic or the Whig party, only helps to build him up, and return him constantly to occupy a seat on this floor. Talk about preserving the dignity of the House—what, after receiving a virtual expulsion, he can come back here year after year to hold a seat on this floor! Ay, and if I mistake not, he talked in Boston about attempting to kick the South into the support of right measures on this floor.

A MEMBER. Kick them into indignation.

Mr. OLDS. Well he knows how to do that. He knows, by personal experience, what it is to be kicked into indignation. [Laughter.] But, as I said before, every word uttered in relation to this matter only tends to make my colleague stronger; and perhaps that was his object in bringing the matter before the House. It is not personal violence that the member fears. His peace notions would protect him from that. He is not a war man. He never voted for a war measure; and if you had an altercation with him, it would be coffee for two instead of pistols for two. [A laugh.] Begging pardon of the House for thus noticing my colleague, I move to lay the resolution on the table.

Mr. GIDDINGS. I hope my colleague will withdraw that motion, so as to afford me an opportunity of replying to him.

Mr. OLDS. My colleague had better say what he has to say in Boston.

Mr. HUNT. I think the gentleman ought to be heard in reply to his colleague.

Mr. GIDDINGS. I hope my colleague will be as generous to me as I was to him, in affording me a moment's reply.

Mr. CAMPBELL. Give him fair play.

Mr. GIDDINGS. I ask for the yeas and nays on the motion of my colleague.

The yeas and nays were ordered.

The resolution was again read.

Mr. WARREN. I ask for the reading of the article in the Union to which the resolution refers. Several MEMBERS objected.

Mr. CAMPBELL. I suppose that if we vote down the motion to lay the resolution upon the table, we can have the article read again.

The SPEAKER. The Chair thinks that it would not be in order, if objection be made, both papers having been read. Does the gentleman from Ohio [Mr. CAMPBELL] ask a vote of the House upon the propriety of having the article read?

Mr. CAMPBELL. I do. I move that it be read.

The question was taken upon Mr. CAMPBELL's motion; and it was agreed to.

The article was again read.

The question was then taken on Mr. OLDS's motion to lay the resolution upon the table; and there were—yeas 77, nays 29; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, David J. Bailey, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Chrisman, Clark, Clingman, Cobb, Colquitt, Cox, Cullom, Curtis, Cutting, John G. Davis, Dawson, Dent, Dowdell, Dunbar, Edmundson, John M. Elliott, Faulkner, Goode, Greenwood, Hamilton, Wiley P. Harris, Hendricks, Henn, Hill, Hillyer, Houston, George W. Jones, Kidwell, Letcher, Lindley, Macdonald, McDougall, McMullin, Macy, Maxwell, John G. Miller, Smith Miller, Millson, Olds, Mordecai Oliver, John Perkins, Phelps, Powell, Preston, Riddle, Thomas Ritchey, Robbins, Ruffin, Seward, Seymour, Shannon, Shaw, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Nathaniel G. Taylor, Trout, Vail, Warren, Daniel B. Wright, and Hendrick B. Wright—77.

NAYS—Messrs. Appleton, Benton, Campbell, Cook, Corwin, Crocker, Dick, Edmunds, Everhart, Goodrich, Aaron Harlan, Haven, Howe, Hunt, Knox, Lindsey, McCulloch, Norton, Parker, Pringle, David Ritchie, Russell, Sapp, Skelton, Gerrit Smith, Upham, Walley, and Tappan Wentworth—29.

No quorum voting.

Mr. HAMILTON. I move that there be a call of the House.

The question was taken; and the motion was agreed to.

The roll was then called, and one hundred and twenty-four members answered to their names.

The following are the names of the absentees:

Messrs. Thomas H. Bayly, Banks, Bennett, Benson, Bissell, Bliss, Brooks, Buga, Carpenter, Caskey, Chamberlain, Chase, Chastain, Churchill, Craig, Cumming, Thomas Davis, Dean, De Witt, Dickinson, Disney, Drum, Dunham, Eastman, Eddy, Edgerton, Thomas B. Eliot, English, Etheridge, Farley, Fenton, Flagler, Florence, Franklin, Fuller, Gamble, Grey, Grow, Andrew H. Harlan, Sampson W. Harris, Harrison, Hastings, Hibbard, Hughes, Ingersoll, Daniel T. Jones, Roland Jones, Keitt, Kerr, Kirtledge, Kurtz, Lamb, Lane, Latham, Lilly, Lyon, McNaughton, McQueen, Mace, Matteson, Maurice, May, Meacham, Middlesworth, Morgan, Murray, Noble, Andrew Oliver, Orr, Packer, Peck, Peckham, Pennington, Phillips, Pratt, Puryear, Ready, Reese, Richardson, Rogers, Rowe, Sabin, Sage, Shower, Skelton, William Smith, Snodgrass, Solters, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, John L. Taylor, Tracy, Tweed, Wade, Walbridge, Walker, Walsh, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Westbrook, Wheeler, Witte, Yates, and Zolllicoffer.

The SPEAKER *pro tempore*, (Mr. Jones, of Tennessee, in the chair.) The Doorkeeper will now close the doors.

Mr. CLINGMAN. If we have a quorum present, I hope that all further proceedings in the call will be dispensed with. I make that motion.

The question was taken on Mr. CLINGMAN's motion; and it was agreed to.

So all further proceedings under the call were dispensed with.

The SPEAKER *pro tempore*. The question now is on laying the resolution of the gentleman from Ohio [Mr. GIDDINGS] upon the table; upon which the yeas and nays have been ordered.

The question was then taken; and there were—yeas 79, nays 31; as follows:

YEAS—Messrs. Abernethy, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Barry, Belcher, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Clark, Clingman, Cobb, Colquitt, Cullom, Curtis, Cutting, John G. Davis, Dawson, Dent, Dowdell, Dunbar, Edmundson, Ellison, Ewing, Faulkner, Goode, Green, Greenwood, Hamilton, Hendricks, Henn, Hill, Hillyer, Houston, George W. Jones, J. Glancy Jones, Kidwell, Letcher, Lindley, Macdonald, McDougall, McMullin, Macy, Maxwell, John G. Miller, Smith Miller, Millson, Olds, Mordecai Oliver, Bishop Perkins, John Perkins, Phelps, Powell, Preston, Riddle, Thomas Ritchey, Robbins, Ruffin, Seward, Seymour, Shannon, Shaw, Singleton, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Nathaniel G. Taylor, Vail, Vansant, Warren, Daniel B. Wright, and Hendrick B. Wright—79.

NAYS—Messrs. Appleton, Benton, Campbell, Cook, Corwin, Crocker, Dick, Edmunds, Everhart, Giddings, Goodrich, Aaron Harlan, Haven, Howe, Hunt, Knox, Lindsey, Mayall, Norton, Parker, Pringle, David Ritchie,

Russell, Fapp, Simmons, Skelton, Gerrit Smith, Thurston, Upham, Walley, and Tappan Wentworth—31.

No quorum voting.

Mr. BRIDGES. I move that the House adjourn.

Mr. HOUSTON. There are several members here who happened to be out when their names were called. We can get a quorum in a few minutes more.

Mr. ELLISON. I ask the yeas and nays on the motion to adjourn.

Mr. BRIDGES. I withdraw the motion to adjourn, and move that there be a call of the House.

Mr. RITCHIE, of Pennsylvania. I renew the motion to adjourn.

Mr. ELLISON. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question being taken on Mr. RITCHIE's motion, there were—yeas 32, nays 81.

So the House refused to adjourn.

Mr. HAVEN. Is there a quorum present?

The SPEAKER. There is not.

Mr. HAVEN. I intended to make a motion, if there was a quorum, to get rid of the business before us.

The SPEAKER *pro tempore*. The question now is upon the motion made by the gentleman from Pennsylvania, [Mr. BRIDGES,] that there be a call of the House.

The question was then taken; and the motion was agreed to.

Mr. CAMPBELL. I move that the House adjourn, and I hope the motion will be agreed to, with the understanding that we adjourn till Monday next. It is very evident that you cannot keep a quorum for five minutes at a time, and it is, therefore, of no use for us to stay here, as no business can be transacted without a quorum.

The SPEAKER *pro tempore*. Does the gentleman from Ohio make the motion that the House adjourn till Monday?

Mr. CAMPBELL. I do not. I make a motion to adjourn, with the understanding that we shall not come back here to-morrow, or the next day, without a quorum.

The SPEAKER *pro tempore*. The motion cannot be made with any such understanding.

Mr. CAMPBELL. I am aware of that; but I hope that will be the understanding.

Mr. HILLYER. Has the House done any business since the vote was taken upon the last motion to adjourn?

The SPEAKER *pro tempore*. A motion has been made and agreed to that there be a call of the House.

The question was then taken upon Mr. CAMPBELL's motion; and it was agreed to.

And thereupon (at ten minutes after two o'clock, p. m.) the House adjourned till to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 9, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Superintendent of Public Printing, submitting estimates of deficiencies in the public printing; which, on motion, was referred to the Committee of Ways and Means, and ordered to be printed.

LEGISLATIVE ACTS OF NEW MEXICO.

The SPEAKER also laid before the House a communication from William S. Messervy, Secretary of the Territory of New Mexico, transmitting, in compliance with the requirement of the fourth section of the organic law of that Territory, two copies of the laws passed by the Legislative Assembly of the Territory of New Mexico at its last session, begun on the 5th day of December, 1853, and closed on the 2d day of February, 1854.

Referred to the Committee on Territories.

DEATH OF HON. JOHN F. SNODGRASS.

Mr. FAULKNER then rose and said: Mr. Speaker, at the request of some of my colleagues, and with the concurrence of all of them, I rise to discharge the melancholy office of announcing to this House the death of Hon. JOHN FRATT SNODGRASS, late a Representative in Congress from the

eleventh district of Virginia. This painful and unexpected event occurred in Parkersburg, on Monday, the 5th day of the present month; it is said, while engaged in the trial of an important cause in court. The deceased left this city on the evening of the 30th of May, to pay a brief visit to his family, and to attend some of the courts of his district. He bade us adieu on that day, to all human eyes, certainly to mine, in a better condition of bodily health, than he had at any time enjoyed since he first assumed to discharge his duties in this Hall. This was a subject of remark and congratulation both by himself and friends on that day. And yet, in the brief space of one week, we were shocked by the intelligence that he, too, had contributed another trophy to the remorseless triumphs of the grave.

This, Mr. Speaker, is the fifth occasion, since the commencement of the present session of Congress, that some surviving member of this body has been called upon to perform that duty which I have risen to discharge to my departed friend. KING, ATHERTON, CAMPBELL, MULENBERG, and SNODGRASS, have all in the brief period of a few months passed from the fretful scenes of public life, leaving nothing behind them but the memory of their virtuous deeds. The North and the South, the East and the West, have each in their turn been called upon to contribute a victim to the common destroyer of our race, and to mingle their griefs at the fall of some lofty column that graced this temple of representative freedom. Sir, we have in all this much to admonish us of the vanity and emptiness of all human honors, and of all earthly aspirations—much to bring with impressive force to our minds, "what shadows we are, and what shadows we pursue"—and to chasten our thoughts for a higher, purer, and more permanent inheritance in regions beyond the grave.

Mr. SNODGRASS was a native of the county of Berkeley, and State of Virginia, born within two miles of the place of my own birth and present residence. He was one of an extensive family residing in that portion of Virginia—a family, whose ancestors were among the early settlers of that picturesque and productive valley, and some of whose descendants still occupy their ancestral homes, engaged in the quiet and ennobling pursuits of agricultural life. He was born on the 2d day of March, 1804, and was thus in the fifty-first year of his age at the period of his death.

My acquaintance with the deceased commenced at an early period of my life—immediately after my return from college. He had then finished his course of preparatory study, under the guidance and instruction of General Boyd, an eminently successful member of the Virginia bar; and he had commenced the practice of his profession as a lawyer. The cheerfulness and vivacity of his temper at that period of his life, before disease had prematurely furrowed his cheek, and saddened the expression of his face, made him a general favorite with all classes of persons; whilst the ardor and enthusiasm with which he dedicated himself to the labors of his profession, aided by an anxious circle of influential friends, soon gave him a commanding position in the practice of the courts. He pursued his profession in his native county some five or six years, when, contrary to the advice and wishes of his friends, he removed to Parkersburg, a prosperous town in Western Virginia, situated on the Ohio river, where he continued to reside to the period of his death.

In his new location in Western Virginia he rapidly achieved for himself an honorable professional fame. In those days, and I presume it is to a great extent so now, the life of a circuit court practitioner in that portion of Virginia, when in full business, was one of great endurance and toil. His theater of practice was necessarily large, few facilities for rapid and comfortable travel existed, and a large proportion of the most important causes involved the complex and recondite refinements of the law of real estate, rendered doubly and trebly obscure by the fluctuating and inconsistent statutory enactments of our State for the last seventy years. This field of practice reared a body of acute and subtle practitioners in the law of real actions, that might have done credit to the Court of Common Pleas in England, during the palmiest days of Hargrove or Fearn. Against this formidable array of intellect and skill, Mr. SNODGRASS determined to enter the contest for professional eminence and emolument.

And it is no mean praise to say that he maintained a high and elevated position amongst his rivals at the bar—rising daily in the confidence and esteem of his fellow-men, and realizing, by his arduous and unwearied labors, a fortune sufficient to relieve his widow and infant children from all dependence upon the cold and unfeeling charities of this world.

Mr. SNODGRASS had no fondness for the noisy and exciting scenes of political life. His nature instinctively recoiled from its bitter and senseless animosities, and he looked with horror upon its treacherous and deceptive quicksands. Eminently domestic in all his tastes, he found his greatest solace in the society of his own family circle, and in those holy cares of home education and instruction by which a parent best fulfills the obligations imposed by nature and by God. The law was his favorite field of usefulness and employment. With all its numerous and refined distinctions he had become familiar. In its unimpassioned contests it was his delight to mingle. To excellence in that department he had disciplined all his faculties; had fashioned all his habits of thought, and concentrated all the energies of his mind. There he felt himself at home, and there he found a premature grave. And yet, sir, notwithstanding his strong aversion to public life, occasions did occur, in which, from the confidence reposed in the soundness of his judgment and in the inflexibility of his principles, and in consequence of the strong appeals addressed to his sense of duty as a citizen, he was constrained to abandon, for a time, his favorite pursuit, and accept of service upon a higher theater of action.

The first of these occasions to which I allude, was the convention which assembled in Richmond in the fall of 1850, to frame a new constitution of government for the people of Virginia. The public mind of that State had long brooded in sullen discontent over the evils incident to the then existing government, and nothing short of a radical and fundamental change in its whole structure, could satisfy the progressive aspirations of a people who felt that their energies were held in subjection by artificial restraints, inconsistent with the true principles of republican freedom and equality. It was well known that great questions—embracing all the organic principles of popular government, with all the necessary safeguards for the protection of property—involving a sectional transfer of political power from the east to the west—would engage the deliberations of that body, and find a solution in its action. Mr. SNODGRASS was a member of that convention. I also had the honor of a seat in that body, and I will not revive by any review of its proceedings, those exciting and absorbing topics, which at that time so fearfully agitated the popular heart of that Commonwealth. Its result was one of the proudest triumphs of the principles of popular government which the records of history can attest. A revolution, as decided in its results as any of those which for the last century have deluged the monarchies of Europe with blood, passed off under the influence of the acknowledged principles of popular supremacy as quietly and tranquilly as the most ordinary county election. Mr. SNODGRASS was not distinguished as a speaker in that convention. I have no recollection of his appearance upon the floor, except upon one occasion, and then he was drawn from his habitual silence by some local distribution of representative power which he believed did injustice to his district. I well remember his effort on that occasion. It was earnest, emphatic, and forcible, and was followed at the time by the overwhelming triumph of his views. But, although not distinguished as a speaker, the soundness of his judgment and the unshaken fidelity of his course to those cherished principles of representative government in which his section of the State took so deep an interest, gave value to his counsels, and caused them to be eagerly sought after by those associated with him in action; and his friends may proudly point to the record of his votes in that body as evidence of the just discrimination, the clear-sighted sagacity, and of the inflexible adherence to principle which marked his opinions and conduct during all the trying scenes of that protracted and exciting struggle.

In May, 1853, Mr. SNODGRASS was elected a Representative in Congress from the eleventh district of Virginia. He reached this city at the opening of Congress in feeble health, which caused

him to be much absent from our deliberations; and it was only a few days ago, before he left this city for Virginia, that he seemed to realize the prospect of a speedy restoration to his usual state of health.

As a member of this body, his course is familiar to all who hear me. No one could fail to have been favorably impressed by his modest and unobtrusive deportment, by his courteous and gentlemanly bearing, and by the uniform kindness of his manner. If he has added nothing to the fame of Virginia by intellectual exhibitions upon this floor, he has detracted nothing from her pure and lofty escutcheon by his conduct in this Hall, or elsewhere. If not a conspicuous, he has, so far as his health permitted, been a useful and attentive member; and if Virginia holds within her limits, sons of higher eloquence and genius, she can point to none more true and loyal to all of her cherished principles than him whose loss from her public service we this day deplore.

Mr. SNODGRASS was not a brilliant man. His friends would scorn to dishonor the memory of one so distinguished for truth, by undeserved praise after his death, such as would not have been held to have been just, if pronounced while alive. But although not a brilliant man, he was eminently a good man; he was an honest man, scrupulous in the discharge of all of his public and private obligations, charitable and benevolent in his feeling, firm in his friendships, and faithful to all his associations. And, sir, when the places which know each and all of us now, shall know us no more, forever, on this earth, it will be a source of proud consolation to our children and friends, if we shall leave a record as free from blemish and reproach, as that which will universally be accorded to the late Representative of the eleventh district of Virginia.

Mr. Speaker, I offer the following resolutions:

Resolved, That the House has heard with deep regret the announcement of the death of the Hon. JOHN FRYATT SNODGRASS, late a member of the present Congress, and from a sincere desire of showing every mark of respect due to his memory, will wear crape on the left arm for thirty days.

Resolved, That the Clerk of this House be directed to communicate a copy of these proceedings to the family of the deceased; and that as a further mark of respect this House do now adjourn.

Mr. LETCHER said: The cordial intimacy and sincere friendship and confidence which has existed between my lamented colleague and myself, will prove a sufficient excuse, if indeed any be necessary, for adding a few remarks to the eloquent, appropriate, and deserved tribute which has just been paid to his character and his virtues.

Our acquaintance commenced in the year 1850, when we met in Richmond to enter upon the discharge of the important public duties which had been assigned to us, as members of the Virginia Reform Convention. In that body as in this we sat side by side; there as here we formed part of the same mess, and the acquaintance then formed soon ripened into an intimacy and cordial friendship that has strengthened with each successive year.

The sad news of the death of our colleague came upon us all most unexpectedly. Though he had been in ill-health for some time past, yet he had recently improved so rapidly that we cherished the agreeable hope that he would soon be restored, and that his friends, and family, and country, would enjoy the benefit of his sound judgment and practical wisdom for years to come. When he left this city, on the 30th of May, I know he fondly anticipated a speedy restoration to health, and an early return to his public duties with renewed vigor. When we parted, it occurred to neither of us that it was a final separation in this world. There was a buoyancy of spirits, and a gaiety and sprightliness in his manner and conversation, that I had rarely seen him exhibit before in our intercourse. Little did I then think that these indications were the bright flashes of a light so soon to be extinguished in death. But alas! such they were!

He was a man of great purity of character and singleness of purpose. There was nothing of that selfishness and cold calculation about him which is often, too often, visible in the conduct of the public men of our day and generation. Principle was the chart which regulated and governed his conduct and controlled his action. No man, either in his public or private action, was less in-

fluenced by what the cold, selfish, and calculating world has been pleased to designate as expediency or policy.

Among all my friends there was not one who possessed nobler traits of character. He was a man of generous and manly impulses—the sternest integrity, personal, professional, and political. In his friendships he was ardent, faithful, and sincere. In all the relations of life, as citizen, husband, parent, he was a true man, scrupulously exact in the discharge of the obligations due to his country, and the duties due to family, friends, and neighbors. He enjoyed in a most remarkable degree, the confidence, respect, and esteem of all who knew him, and particularly of that community in which he lived; as is strikingly illustrated in his professional and political success. He has never, I believe, been a candidate for office without being successful.

I feel that I have lost a devoted friend, whose confidence I enjoyed, and whose sound judgment and practical advice has often been of the greatest service to me in times of trial and embarrassment. No one can regret his death more sincerely than I do, and no one outside of his immediate family circle will feel his loss more sensibly. But he is gone, and we must bow in humble submission to that Providence which disposes all things wisely and well.

This sudden and unexpected death of one so universally esteemed, should admonish us of the uncertainty of life, and should lead our minds to solemn reflections.

"*Passing away*," is written in strong and legible characters upon the world, and all the world contains. Look around you, and wheresoever the eye rests, those startling words attract the vision, and admonish man that his days are few. We see generation follow generation in the sad and solemn march to the tomb. How quickly, how unexpectedly, the spell is dissolved, that binds us to those we love, respect, and admire for their virtues, their intelligence, their patriotism. The beauties of the year fade, and its bounties perish. The loveliest scenes of nature lose their power to charm and to delight. The religions of one age pass away, and are succeeded by others entirely different in character, in form, and in belief. The human governments of one day are exploded by others in rapid succession:

"Like bubbles on the sea of matter borne,
They rise, they break, and to that sea return."

We feel, therefore, that those solemn words, "*passing away*," are stamped with fearful distinctness upon everything around us, and upon all of us. Each day impresses upon our minds the stern reality, that there is but a step between us and the grave, yet we live, we move, we act as if the services in which we are now so busily engaged were never to have an end. We stand upon the grave of our fellow, and yet we seem not to realize the great truth, that we too must, in a brief space, slumber beneath the same sod!

Let us then strive to profit by the lesson which the sad, sudden, and solemn death of our colleague teaches. Let it admonish us,

"That man's uncertain life
Is like the rain drop, hanging on the bough
Amongst ten thousand of his sparkling kindred,
The remnant of some passing thunder shower,
That have their moments one by one to fall;
And which shall soonest lose its perilous hold,
We cannot guess."

The question was then taken; and the resolutions were unanimously agreed to.

And thereupon (at half past twelve o'clock) the House adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 10, 1854.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, at the hands of ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed a bill of the House for the relief of Thomas Frazer.

Mr. MILLSON. As there is probably not a quorum present, and as a vote on laying on the table the resolution of the gentleman from Ohio [Mr. GIDDINGS] might disclose that fact, and com-

pel a precipitate adjournment, with a view to save a day for the public business, now pressing, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOCCOCK in the chair.)

The CHAIRMAN. When the committee last rose they had under consideration the Pacific railroad bill, upon which the gentleman from Mississippi [Mr. SINGLETON] is entitled to the floor.

Mr. SINGLETON. I did not expect to address the committee to-day, and if there is any other gentleman who would like to do so, I will yield the floor with the understanding that I shall occupy it on Monday next.

The CHAIRMAN. Does the gentleman from Mississippi abandon the right to the floor?

Mr. CHASTAIN. With the consent of the gentleman from Mississippi, I would like to occupy a few minutes of the time of the committee.

Mr. SINGLETON. I have not troubled the House at all during this session, and I would be very much gratified if the committee would allow me to speak on Monday next.

The CHAIRMAN. It is not in the power of the Chair to say that, under any circumstances, the gentleman from Mississippi shall be entitled to the floor on Monday, for some other gentleman may occupy the chair. The gentleman from Mississippi, if he yields the floor, must take his chance with other gentlemen.

Mr. SINGLETON. I yield the floor, then, to the gentleman from Georgia, [Mr. CHASTAIN.]

Mr. CHASTAIN. Mr. Chairman, I desire to make a few remarks on a subject which, in my opinion, is second, in political and commercial importance, to none before the country. The recent seizure of the Black Warrior by the Spanish authorities at Havana, the many insults and wrongs imposed upon our merchants and shipping at that port for a series of years, together with the disposition manifested by certain foreign Powers to interfere in all that concerns our intercourse with, or policy in regard to Cuba, combine to make it essentially necessary that prompt and determined action should mark our diplomacy with Spain, in relation to the future possession of that island; in other words, and in plainer language, Mr. Chairman, whether Cuba is to remain the property of Spain, or whether, by fair and honorable means, it shall be transferred to the United States! If to remain the property of Spain, the time has arrived, sir, when our intercourse with that island should be regulated by treaty, guaranteeing to this Government privileges, in a commercial sense, the most liberal conceded by one Government to another; a protection of the rights of slaveholders there, (such as Spain, I fear, will never grant;) and providing for prompt indemnity, without a resort to the Spanish Court, whenever undue exactions, or wrongs, are inflicted upon either our shipping or our citizens. And if, sir, the contrary is to be the policy of our diplomacy in relation to Cuba—that is, if the "stars and stripes" are to wave where now the Spanish flag indicates whose property it is—then let it be upon a scale marked, not only by strict regard for national and personal rights, but let it be characterized by a liberality which shall show to the world, that while commercial and political necessity forces upon our Government the possession of another's property, the necessities or weakness of that other shall prove her protection against injustice.

Of the two policies thus indicated, sir, I am decidedly for the latter. The time has arrived, Mr. Chairman, when the great interests of the country demand that Cuba shall change hands. This is demanded as well by social as by commercial, agricultural, and political interests. Notwithstanding these, sir, I am aware that the proposition will be dissented from and opposed in certain quarters, with a zeal and spirit displayed often upon this floor in days long past, as well as on a more recent occasion. But what of this, sir? Opposition was made to the acquisition of Louisiana; opposition was made to the acquisition of Florida; opposition was made to the annexation of Texas; to the war with Mexico, the indirect or direct consequence thereof; and to the acquirement of California and New Mexico.

Let us look to the results of all this. Mr. Chairman, all who supported those measures look with pride to the fortunate and glorious results attending them, while those who so vainly opposed wonder at the progress which the country has made—at the prosperity resulting from each of those measures, the wisdom and importance of which are so clearly discerned and so universally acknowledged. Doubtless the United States would be a flourishing Republic, her limits still bound by the French and Spanish possessions on the Mississippi and the Gulf of Mexico; doubtless our Government would indicate an enviable prosperity without Oregon, California, Texas, or New Mexico. But, while admitting this, what aspect does she present to the world with her present limits? Look to the cane and cotton lands of what were once the French and Spanish possessions! Look to the soil of Texas, and the gold, silver, and other minerals and agricultural products of California and New Mexico! Look to Oregon, and then compare the original "Thirteen" and their possessions with the United States now and her possessions! Who so weak, Mr. Chairman, as not to perceive and acknowledge that the policy which brought about this change was that of wisdom? Who so skeptical as to doubt that it was what some term *destiny*, but which, in my humble judgment—and I say it with due reverence—was the work of an overruling Providence?

Sir, two hundred years ago, oppression drove to the American continent a people, whom force could not utterly subdue, but who sought in a land far from that of the oppressor, a home where peace should supplant strife, and liberty despotism. And is it not so even now? The oppressor's scourge is still driving from the Old to the New World a people who regard our political liberties as inestimable privileges, and Republican institutions with enthusiasm and reverence. Go to the wharves, sir, of our great commercial marts, and not, as in old times, by tens and by hundreds do they reach our shores, but by thousands and tens of thousands. From our already overgrown cities these people, Mr. Chairman, seek the far West, and not even the most distant Territory but evidences that the tide of emigration will soon make "the wilderness blossom as the rose." Cut off from resources such as the policy of territorial acquisition has provided, and what would now be the condition of things? On all sides of us, sir, save where the waves of the Atlantic roll, there would now be a population, and a growing one, recognizing crowned heads as their rulers, or a people contending with monarchs, for liberty of conscience, speech, and the press—at the best, a people, who, having thrown off the yoke of foreign oppression, have established Republics for themselves, thus dividing a power and prosperity now all our own. It might be, sir—and I call the attention of gentlemen who have been opposed to our acquisitions of territory to this particular remark—it might be, sir, that we should see a Confederacy of States organized with an eye to the protection of their peculiar agricultural interests and domestic institutions, having exclusive privileges of trade with foreign Governments, by which the great mechanical and manufacturing interests of the North would be greatly depressed. Mr. Chairman, in making these remarks, I wish to be distinctly understood as not desiring to witness such a state of things. I am, and have always been, a Union Democrat. As long as we of the South, and they of the North, can hold together upon rights guaranteed to each by the Constitution, I am here, there, and everywhere, ready to "pledge life, fortune, and sacred honor," in the maintenance of this Confederacy. But it is a great misfortune for gentlemen who have any regard for the existence of this Union, to suppose that such a feeling is to be used for the base purposes of the designing, or to countenance fanaticism. It can only be used, sir, to maintain our charter of rights—the Constitution of the United States—and when it ceases to do this, I am for such government as will most likely secure the prosperity and happiness of the people whom I and my colleagues of the South represent.

Well, sir, having, at greater length than I intended, referred to the policy of our acquisition of territory, and the glorious results therefrom, discernible to every eye, I come now to the consideration of some of the reasons which induce me to

urge upon this committee the acquisition of Cuba from Spain, by negotiation with her Spanish Majesty, at the earliest practicable period.

The Africanization of Cuba, Mr. Chairman, whatever may be said to the contrary, is contemplated. Yes, sir, here in the United States it is advocated; and it is doubtless designed by France and England. There is no time, on this subject, to dally or delay. Far be it from me, sir, to trifle on this matter, or to apply what may be conceived improper epithets, to Powers not represented on this floor. But, sir, this is the time to seize the "Bull" by the horns, and to show to the "tricolor" that the "stars and stripes" are destined to wave where either Spanish, British, or French influence dares to interfere with the principles and settled policy of our Government. Fanaticism may set its hand to stay this work—for what may it not do? But with regard to Cuba, ere the contemplated outrage shall be perpetrated, the blood of thousands upon thousands shall deluge that beautiful island, and the sons, and even sires of those who at Buena Vista, Vera Cruz, Chepultapac, and Cherubusco, achieved immortal renown, shall whiten the sands of her plains. Such an assault upon the social relations and domestic institutions of the South, as the Africanizing Cuba, even deliberation upon it by foreign Powers, should not be tolerated for a moment, North nor South. That it is contemplated, testimony is abundant; and such being the fact, it is time for those in this House, and elsewhere, who are devoted to the maintenance of this Confederacy upon just principles, to express their abhorrence and disgust of so obscene a violation of social life and domestic decency, and to act accordingly.

Mr. Chairman, the time for action is propitious. Look to the condition of affairs in Europe. France, England, and Turkey are at war with Russia. Harsh things have been said, sir, of this last named Power; but, in my humble opinion, it is more sinned against than sinning. At the outset I confess that my sympathies were with Turkey; but my judgment, the result of calm reflection, tells me to side with Russia. Our people, Mr. Chairman, have never suffered oppression at her hands. Our domestic institutions have never been assailed by her. Our diplomatic relations have ever been friendly, and marked by a due regard for the rights of each. Our commerce with that nation is at once extensive and profitable. From Turkey we have nothing to expect, and nothing to exact. Her firs we are willing to transfer to England, and her dates to France. Her rights as a nation we shall not infringe upon, nor to protect them would I consent that this Government should form any entangling alliance. In my mind, sir, the interference of France and England, to the extent which it has gone, between Russia and Turkey, requires justification. At any rate, it is my opinion that the cause of Russia should, by this Government, and by our people, be respected, if not supported. Show me the instance where Russian aggression upon our commerce has not been promptly atoned for. Show me the instance where complaint has not received respectful attention, and a just response. It is true, sir, that Russia is a despotism; but what better friends to American liberty are France, England, or Turkey, than is Russia? Whose population crowd our shores more than that of Great Britain, seeking shelter from oppression? Whose hard-earned dollars, by every steamer that leaves our shores are mailed, with religious punctuality, to relieve an oppressed people, but those of the Irish immigrant, who never forget father, mother, nor country? No, sir, our relations with Russia should be most friendly. It may be possible that ere long her enemies will be our open and declared foes. The continued agitation of the slavery question, in Great Britain, particularly, and the interference of that Power and France, with our relations with Spain, in all that concerns Cuba, admonish us to respect and maintain friendly relations with friends, and to guard against foes. And if, in our efforts to procure the cession of that island, we are to come into collision with either England, or France, or both, let the strife come, and the sooner the better. While the armies of the Czar are entertaining the French and English in the eastern, the United States will be prepared to tender them a banquet fit for heroes, in this western hemisphere. And I have no doubt, sir, that when it is all over, the *mind-your-own-business* policy will be admitted,

by all parties, to be the best for Governments, as it is for individuals.

Mr. Chairman, before I leave this subject, I desire to say a few words more in relation to the relative position which England and France bear to Russia in the war now progressing. It is charged, sir, that it is aggressive on the part of the latter. Whatever of truth there may be in this charge, it must be admitted that it is a policy equally aggressive that involves in it England and France. The true secret of their interference is commercial supremacy. These Powers, sir, are for supremacy on the land and supremacy on the seas. They can brook no rivalry, and having, as they anticipate doing, subdued Nicholas, they will undertake to cripple our commerce, and take Cuba into their own keeping. Shall we then suffer their one-sided statements of Russian aggression to prejudice the minds of our people, and the disclaimers of intended interference with Cuba, put forth by irresponsible sources, to blind us for a season, and until they have done with Russia? I hope not, sir. The public mind has already been led astray by the artifices of these two Governments. The war in which they are engaged is essentially one for their own aggrandizement. Sympathy for the Turks is of trifling import with them. Nor should sympathy, sir, blind us to the fact that Russia is now engaged fighting an enemy whose diplomacy is now, and has been for some time past, directed to the destruction of the domestic institutions of the South—the Africanization and ultimate possession of Cuba. It is time, then, sir, for our Government to be up and doing. It is time to banish all sickly sympathy, to extend the right hand of fellowship to friends, and to unsheath the sword for foes; to wish Nicholas success, and to France and England defeat!

I deem it, Mr. Chairman, unnecessary to present in detail the proofs which, for days past, have been multiplying relative to the diabolical scheme of Africanizing Cuba, entertained by Spain, France, and England. As far as circumstantial evidence can be received, even by the most incredulous, it has already been presented to the Senate; and is of itself sufficient to induce this Government to demand the cession of that island to the United States.

But our commercial interests demand this cession also. The Black Warrior case, Mr. Chairman, is but one among the many outrages perpetrated upon our citizens, and our commerce, by the authorities of Spain at Havana. The number and history of these would make a volume. In Executive Document, of the present session, No. 86, a volume of three hundred and seventy-eight pages, the Secretary of State, in communicating to the President sixteen cases of outrage upon our commerce and citizens at Havana, commencing with that of the Crescent City, says, that "Papers in reference to other cases are in the course of preparation, and will be laid before the President as soon as they are completed." Now, sir, is it not outrageous, in an age enlightened like this, that the peaceful pursuits of commerce are to be embarrassed, within a few miles of our own shores, by a Government like Spain? That citizens of this Republic are to be immured in cells, upon suspicion of wrong, by the most jealous nation under the sun? Think you, Mr. Chairman, that Spain would dare to act in this wise, did she not feel encouraged by a guarantee of some sort on the part of other Powers?—Powers, sir, envious of our prosperity, and who only bide their time to strike a blow for the possession of that same island! And are we tamely to submit to all this? For one, sir, I say, no! Better that it should be sunk in "the deep bosom of the ocean," than that it shall remain a barrier to our commerce, a place of refuge for our enemies within a few hours' sail of our own shores! Our policy, and our commercial enterprise, acknowledged to be beneficial to the whole human family, must not be restrained by crowned heads. We shall maintain this position, Mr. Chairman, or we shall neglect our own interests. We shall maintain this position, or we shall fail in the performance of a duty we owe to commerce and to ourselves.

Sir, the great interests of agriculture are also involved in this matter. The Africanization of Cuba will materially interfere with the domestic institutions of the South, and the culture of her great staples, cotton and rice. This, sir, would affect the West, upon which we depend, in the

main, for wheat, corn, and stock. All these interests would be affected by such a calamity; and years and years would pass ere the country, if it ever did, would recover from the shock such an outrage would produce.

Political considerations, Mr. Chairman, also demand prompt action on the part of our Government to secure the possession of Cuba. It is idle, sir, to waste words in connection with this branch of the subject. American policy must prevail on this side of the Atlantic. Spain must yield Cuba to the United States, and England and France must acquiesce. Such concession cannot but be for the benefit of the commerce of the world; and who will reap, of all Europe, greater advantages from it than these two Powers? If cupidity tempt them, however, to induce Spain to barter her rights to them, let them take the consequences! And should Spain be weak enough to refuse liberal compensation for Cuba, she also must take the consequences! It is necessity that demands the sacrifice on her part, and that sacrifice will redound to the benefit of the whole human family.

With these views, Mr. Chairman, I ardently hope that those to whom are intrusted our diplomacy with Spain, will direct their attention at once, and without delay, to the acquisition of Cuba. That there shall be no dallying, but a frank and open diplomacy; calling upon Spain to name her terms, and if within the bounds of anything like reason, to accept them. If not, to make her the most liberal proposition; and if that be refused, and nothing else will do, as a matter of self-preservation, I go for an undisguised, open war, for taking Cuba by force of arms!

Mr. WALBRIDGE. I do not desire to address the House to-day, and I therefore move that the committee rise.

The question was taken; and the motion was disagreed to.

Mr. WALBRIDGE. Then am I forced to go on?

The CHAIRMAN. The gentleman cannot be forced to speak unless he chooses to speak. It is not in the power of the House to force him to speak. [Laughter.]

Mr. WALBRIDGE. I did not expect to be called upon to speak to-day, and as I intend to speak from notes, I shall be under the necessity of relinquishing the floor. I ask the privilege of doing that, if it is according to custom.

The CHAIRMAN. The gentleman has certainly a right to relinquish the floor, but he will resume his position on the floor with other members, and must take his chance with others to get the floor again.

Mr. WALBRIDGE. Well, I should like very much to speak on this question early next week.

The CHAIRMAN. Unless some gentleman desires to address the committee, the Clerk will proceed to read the bill by sections.

Mr. LETCHER. To save time, I move to strike out the enacting clause of the bill.

Mr. STANTON, of Tennessee. It is very evident that if this motion is pressed to a vote, it will break up the committee. As soon as there is a division the fact will be ascertained that there is no quorum present; and it will be necessary that we adjourn or proceed only with our business by unanimous consent.

The CHAIRMAN. Does the gentleman from Tennessee move that the committee rise?

Mr. STANTON. I make that motion.

Mr. CARUTHERS. I hope the gentleman from Tennessee will withdraw that motion for a moment.

Mr. STANTON. I withdraw the motion.

The CHAIRMAN. The question now recurs upon the motion made by the gentleman from Virginia, [Mr. LETCHER,] to strike out the enacting clause of the bill.

The question was then taken; and the motion was disagreed to.

Mr. CARUTHERS. I have no desire to detain the committee at this time by making any extended remarks. I had desired upon some fit occasion to address the House upon the subject of donating public lands for the construction of railroads, and more particularly to the subject of a donation of public lands to the Iron Mountain Railroad Company, in which I feel a particular interest. I shall not detain the committee now

by discussing those questions. I would, if the committee had been in a proper humor, have endeavored to show that these grants of land are proper in themselves, and that it is peculiarly proper to make a grant of land to the Iron Mountain railroad, which runs through my district. I should have addressed the committee upon the subject of public lands generally, and endeavored to convince them that the public lands should be ceded to the States in which they lie, but I prefer writing out the remarks which I would have made upon that subject, and now ask the consent of the committee to do so.

The CHAIRMAN. There being no objection, the gentleman from Missouri [Mr. CARUTHERS] has the assent of the committee to publish his remarks. The question now recurs upon the motion made by the gentleman from Illinois, [Mr. YATES,] to strike out the word "fifteen" in the first section of the bill, and insert the word "sixteen."

Mr. LATHAM. I believe the gentleman from Tennessee [Mr. STANTON] made a motion that the committee rise.

The CHAIRMAN. The gentleman from Tennessee [Mr. STANTON] made that motion, but he subsequently withdrew it.

Mr. WALBRIDGE. I move that the committee rise.

The question was taken; and a division being had, there were—ayes 61; noes not counted.

So the motion was agreed to.

The committee then rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly House bill No. 295, being a bill to authorize the construction of the Pacific railroad, but had come to no conclusion thereon.

REPORTS OF COMMITTEES.

Mr. GREENWOOD. I ask the permission of the House to enable me to present a report or two from the Committee on Indian Affairs, with a view that they may be appropriately referred.

The SPEAKER. If there be no objection, the reports will be received.

Mr. COBB. I have had considerable complaint urged against me for the course I pursued the other day in objecting to reports being received from the various committees, with a view to their appropriate reference. I desire to ask pardon of the House for making an objection then; and I now make the motion that the House to-day consume an hour or two in receiving reports from committees, and giving them their appropriate direction. I propose that the committees shall be called on now for reports, and that such bills as do not give rise to debate shall be read a first and second time and referred.

Mr. HAMILTON. As the committee of which I am chairman—the Committee for the District of Columbia—is one of the first to be called, and as I have several bills to report which I propose to have put upon their passage, I must object.

Mr. COBB. Oh, withdraw your objection, and let us go on with business.

Mr. HAMILTON. Well, I desire to know whether, if the committees be called to-day so far as we go, we will, when we resume the calling of the committees on Monday, commence where we commenced to-day?

Mr. COBB. No, unless by unanimous consent.

Mr. HAMILTON. I do not speak of unanimous consent. If the course I suggest be not followed, I must object to calling the committees to-day, for I have some bills from my committee which I desire to have read and put upon their passage.

The SPEAKER. Is it the unanimous consent of the House, that in addition to the proposition made by the gentleman from Alabama, [Mr. COBB,] the Speaker will, on resuming the call of committees, commence where we now do.

Mr. COBB. There can be no objection to that. No objection was made.

The SPEAKER. Then reports are in order from the Committee on the Post Office and Post Roads.

Mr. UPHAM. I am instructed by the Committee on the Post Office and Post Roads to present to the House a joint resolution for the relief of John B. Colmoniel, for compensation for carry-

ing the United States mail from New Orleans to Louisville, in 1833. The committee have reported a joint resolution for his relief, which, together with the report accompanying it, I move may be laid on the table, and ordered to be printed.

The joint resolution was read a first and second time by its title, as follows:

Joint resolution for the adjustment of the accounts of John B. Colmoniel.

The SPEAKER. Does the gentleman from Massachusetts [Mr. UPHAM] desire that the resolution be laid on the table, or that it be referred?

Mr. UPHAM. My desire was, that the report from the committee, together with the joint resolution, should be printed and brought to the knowledge of the House, and that, with the consent of the House, it might be put upon its passage, as it is a joint resolution for the adjustment of accounts by the proper officer. I will, however, adopt the course which may be considered most proper and suitable. I therefore move that the joint resolution and report be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The motion was agreed to.

Mr. OLDS. I am very anxious to report back from the Committee on the Post Office and Post Roads a bill which passed this House, and which has been returned from the Senate with an amendment. I presume there will be no objection to it; and if the House will listen, they will probably concur in the amendment of the Senate. If there be any objection made, however, I will not attempt to report it now.

Mr. ORR. I think it better not to have it reported now. I object.

Objection being made, the bill was not reported.

Mr. DAVIS, of Indiana, from the Committee for the District of Columbia, made an adverse report upon the memorial of Professor J. C. F. Salmon, asking a charter for a company to supply the citizens of Washington and Georgetown with a supply of pure and wholesome water; which was laid upon the table, and ordered to be printed.

Mr. DAVIS also, from the same committee, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to amend an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington," approved August 23, 1842.

Mr. HAMILTON, from the same committee, reported the following bills; which were read a first and second time by their respective titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill granting certain additional powers to the corporation of Washington; and

A bill for the relief of William G. Howison.

Mr. HAMILTON also, from the same committee, made an adverse report upon the petition of one hundred and sixty-nine citizens of Niagara county, New York, for an act to remunerate Solomon Northrup for his services as a slave, and to punish kidnapping; also, to allow all persons, irrespective of race or color, to testify as witnesses in the courts of the United States; which was laid upon the table, and ordered to be printed.

Mr. DAVIS, of Indiana, from the same committee, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill authorizing the Washington Gaslight Company to increase the capital stock of said company.

Mr. SEYMOUR. I am instructed by the Committee on the Judiciary to report a bill more effectually to provide for the punishment of crimes against the United States.

The attention of the House was called to this subject by the message of the President of the United States at the commencement of this session, and, more recently, by a special communication from the same source. The bill relates to crimes against the Government, and, more especially, to frauds against the Pension Office. My object, at this time, is to report the bill, in order that it may be printed, and recommitment to the committee. I do not know whether such a proposition comes within the purport of the arrangement which has been made in reference to making reports.

No objection being made, the bill was read a first and second time by its title, as follows:

An act more effectually to provide for the punishment of certain crimes against the United States.

It was then ordered to be printed, and recommitted to the Committee on the Judiciary.

Mr. WRIGHT, of Pennsylvania, from the Committee on the Judiciary, reported back Senate bill (No. 147) "for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina," with a recommendation that it do pass. The bill was referred to a Committee of the Whole House.

Mr. PARKER, from the same committee, made an adverse report upon the petition of Joshua Shaw and others, citizens of the State of Ohio, praying for a change in the present system of surveying the public lands; which was laid upon the table, and ordered to be printed.

Mr. CUTTING, from the same committee, reported back sundry petitions from various parts of the Union, praying for a law more perfectly to prohibit the slave trade in the District of Columbia; also, sundry petitions from various parts of the Union for the repeal of the fugitive slave law; which were laid upon the table, and the committee discharged from the further consideration thereof.

Mr. CUTTING. Do I understand the order of the House under which we are acting to extend only to the reporting of those bills which are to be referred without explanation?

The SPEAKER. That is the order of the House.

Mr. CUTTING. I have a report upon a very important subject, which I would like to bring before the House. A Senate bill, authorizing the temporary lease of a building for a court-house in Boston, was referred to the Committee on the Judiciary. That committee have instructed me to report the bill back, with an amendment in the nature of a substitute, authorizing the President of the United States to purchase permanent sites in the cities of Boston, New York, and Philadelphia, and to erect buildings thereon for court-houses and post offices. It is an important subject, and I am anxious to bring it before the House at the earliest moment.

Mr. HAMILTON. That will involve discussion. I think it had better be referred to the Committee of the Whole on the state of the Union.

Mr. CUTTING. It is a bill which ought not to be referred. If its consideration be objected to, I think it had better be laid upon the table, where it may be called up at any time.

Mr. HAMILTON. I object to that.

Mr. CUTTING. Then I will withdraw the report.

Mr. ORR. I would suggest to the gentleman from New York, that he had perhaps better take the same course adopted a moment ago by the gentleman from Connecticut, [Mr. SEYMOUR,] and have his bill printed and recommitted to his committee.

Mr. CUTTING. I will take that course. I move that the Senate bill, as amended by the Committee on the Judiciary, be printed, and that the bill and amendment be recommitted to that committee.

The motion was agreed to.

Mr. WRIGHT, of Pennsylvania, from the same committee, reported back sundry petitions of citizens of western Pennsylvania, praying for the establishment of a United States district court at Erie, in the State of Pennsylvania; which were ordered to lie upon the table, and the committee discharged from the further consideration thereof.

Mr. DRUM, from the Committee on Revolutionary Pensions, reported a bill for the relief of Captain Nehemiah Stokely, for commutation pay; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Also, a bill for the relief of the heirs of Captain Matthew Jack, deceased; and

A bill for the relief of the widow and children of Ezra Chapman; which received the same direction.

Mr. D. also, from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of

the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed:

A bill for the relief of the heirs and legal representatives of Joseph Savage, deceased.

Mr. D. also, from the same committee, reported adversely on the petition and papers of Captain Tarpley White, and the petition and papers of William V. Heard; which were laid upon the table, and, with the reports, ordered to be printed.

Mr. MILLSON. I presume it is the general understanding that in all these cases where bills are reported and referred to the Committee of the Whole, there are to be no motions to reconsider the reference on Monday next.

Mr. COBB. That was the understanding.

Mr. HAMILTON. There are to be no motions to reconsider, of course.

The SPEAKER. Such a provision, to be sure, is not in the order; but, so far as the Chair knew, that was the understanding.

Mr. MILLSON. If a motion to reconsider be made on Monday, as it is a privileged motion, it may seriously obstruct and embarrass the public business. If it be denied that the understanding was as indicated, I shall submit motions now to reconsider the votes on references and lay upon the table.

Mr. COBB. My understanding in making the motion which I did was, that on Monday next there were to be no motions to reconsider references.

Mr. MILLSON. Very well.

Mr. CORWIN, from the Committee on Revolutionary Claims, reported two bills; which were read a first and second time by their title, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying reports, ordered to be printed:

A bill for the relief of the heirs of Thomas Park, deceased; and

A bill for the relief of William A. Duer, John Duer, and Beverly Robinson, trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Stirling.

Mr. CROCKER, from the same committee, reported bills; which were read a first and second time by their titles, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying reports, ordered to be printed:

A bill for the relief of the heirs of Gott Hall, deceased; and

A bill for the relief of the legal representatives of Henry Hoffman, deceased.

Mr. HILLYER, from the Committee on Private Land Claims, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of the heirs of John Rice Jones, deceased.

Mr. SMITH, of Tennessee, from the same committee, reported back Senate bills of the following titles, with a recommendation that they do pass:

No. 199. An act authorizing a patent to be issued to Peter Poncin, for certain lands therein described;

No. 234. An act for the relief of Conrad Wheat, junior, or his legal representatives; and

No. 154. An act for the relief of Richard King. The bills were severally referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. SMITH, of Tennessee, the Committee on Private Land Claims was discharged from the further consideration of the petition of James W. Marshall of California, praying Congress for a grant of land, in consideration of his being the first discoverer of gold in that State; and said petition was referred to the Committee of Claims.

Mr. WESTBROOK, from the same committee, reported back Senate bill of the following title, with a recommendation that it do pass:

No. 257. An act to confirm the claim of Dasuan de la Croix to a lot of land therein described.

Mr. NICHOLS. I am instructed by the Committee on Private Land Claims to report the following bill:

A bill for the relief of Lloyd Dorsey and others.

Mr. HILLYER. If my colleague upon the Committee on Private Land Claims will withhold the report in that case for the present, I would state that I found among the papers of the committee a document which it is very important to the committee to consider in relation to this claim before it is reported. I found the paper after the committee had ordered the bill to be reported.

The SPEAKER. If no objection is made, the report made by the gentleman from Ohio [Mr. NICHOLS] will be withdrawn.

Mr. NICHOLS, from the Committee on Private Land Claims, reported a bill for the relief of Robert McGuire, and Louisa, his wife, late Louisa Larney; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. ORR, from the Committee on Indian Affairs, made an adverse report upon the resolution of the House, asking an inquiry into the expediency of passing a law for the payment of claims arising out of the Black Hawk war of 1832, which was laid upon the table, and, together with the accompanying papers, ordered to be printed.

On motion by Mr. ORR, the same committee was discharged from the further consideration of the petition of James M. Coleman and wife, Cherokees, asking that the provisions of law of July 29, 1848, for the benefit of Cherokee Indians of North Carolina, may be extended to the Cherokees of Tennessee, and that said petition lie upon the table.

Mr. BALL, from the same committee, reported a bill indemnifying Moses D. Hogan for cattle destroyed by the Indians in 1842; which was read the first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. GREENWOOD, from the same committee, made an adverse report in the case of John Johnson, asking compensation as sub-agent for the Wyandott Indians in 1841 and 1842; which was laid upon the table, and ordered to be printed.

Mr. HOWE, from the Committee on Military Affairs, to which was referred Senate bill No. 162, being a bill "for the relief of Colonel Alexander G. Morgan," made an adverse report thereon, and asked that the bill be laid on the table.

The SPEAKER. Is there a written report accompanying the bill?

Mr. HOWE. No, sir.

Ordered, That the bill be laid on the table.

Mr. H., from the same committee, to whom was referred Senate bill, No. —, being a bill for the relief of Lieutenant Edward Cantwell, made an adverse report thereon, and asked that the bill be laid on the table.

It was so ordered.

On motion by Mr. HOWE, from the same committee, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the proceedings of a public meeting held some time since in Indianapolis, with reference to the obstruction of travel and commerce at Erie, in the State of Pennsylvania.

Mr. H., from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

Bill granting the same pay to officers of the Army who served in New Mexico as was granted by the act of September 28, 1850, to officers of the like grade serving in Oregon and California.

Mr. McDOUGALL, from the Committee on Military Affairs, reported the following bill and joint resolution; which were read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed:

Bill for the relief of Lieutenant George H. Page, of the United States Army; and

Joint resolution for the relief of Brevet Captain J. H. Landrum, of the United States Army.

Mr. McDOUGALL. Mr. Speaker, the chairman of the Committee on Military Affairs is absent, being unable to occupy his seat here to-day. The second gentleman on that committee [Mr. FAULKNER] is also absent. There are very many important bills which should be promptly reported by the committee, and I therefore move that the House do now adjourn.

[Cries of "Oh, no!" "No!"]

Mr. McDUGALL. Well, I withdraw that motion.

Mr. BOCOCK, from the Committee on Naval Affairs, to whom was referred Senate bill No. 128, entitled "An act for the relief of Hiram Paulding," asked that the committee be discharged from the further consideration thereof, and that it be referred to the Committee on Foreign Affairs.

It was so ordered.

Mr. BOCOCK, from the same committee, reported back, with a recommendation that it do not pass, Senate bill No. 114, "for the relief of Thomas Pember."

Ordered to lie on the table.

Mr. BOCOCK, from the same committee, reported back, with a recommendation that it do not pass, Senate bill No. 115, viz: "An act for the relief of Daniel Mickam."

Ordered to lie on the table.

Mr. MILLSON. I think in these cases, where Senate bills are reported back, courtesy requires that they should be referred to a Committee of the Whole House, with the recommendation of the committee.

Mr. BOCOCK. I have no objection to that disposition of them.

Mr. HOUSTON. I would inquire of the gentleman from Virginia [Mr. Boccock] if the adverse reports, in these cases, are accompanied by a written report?

Mr. BOCOCK. They are accompanied by the Senate reports.

Mr. HOUSTON. Are they printed?

Mr. BOCOCK. They are.

Mr. HOUSTON. Does the committee make any written report?

Mr. BOCOCK. Not at all.

Mr. MILLSON. If we had a quorum here I should have no objection to these bills and reports being laid upon the table. But as there is not a quorum present, to lay them upon the table is equivalent to their rejection. It is final action, and that, too, by less than a quorum.

Mr. BOCOCK. I have no objection to their being referred to a Committee of the Whole House, with the recommendation of the committee that they do not pass. They will then come up regularly for consideration.

No objection being made, the last two bills reported, with the recommendation of the committee, were referred to the Committee of the Whole on the state of the Union.

Mr. BOCOCK. There have been several memorials referred to the Committee on Naval Affairs asking for pensions as invalids. The committee considered them, and came to the conclusion that they did not legitimately belong to that committee; they therefore directed me to ask that the Committee on Naval Affairs be discharged from their consideration, and that they be referred to the Committee on Invalid Pensions.

The following memorials were accordingly referred to the Committee on Invalid Pensions, and the Committee on Naval Affairs discharged therefrom:

Petition of Charles H. Robinson, a naval pensioner, for increase of pension;

Petition of Eli Darling, for pecuniary aid, in consideration of the loss of his eyes while in the service of the United States, at the naval station of Brooklyn;

Petition of Benjamin Cressey, for a pension as an invalid seaman, from wounds received during the late war with Great Britain; and

Petition of William Gore, for a pension in consideration of injuries received while in the Dartmouth prison ship.

Mr. BOCOCK, from the same committee, reported back the Senate bill entitled "An act for the relief of passed shipmen George P. Welsh and Clark H. Wells," with a recommendation that it do pass.

Referred to a Committee of the Whole House, and ordered to be printed.

Mr. BOCOCK. I have in my hand a bill, in reference to which, before I make a report upon it, I desire to make an inquiry of the Chair. The House has agreed to receive the report of bills which do not give rise to debate. If a report elicits debate upon this occasion, it cannot be made to the House. I have a bill here which I wish to report to the House, and to move that it be referred to the Committee on Naval Affairs, and printed, and then let the motion lie over.

Mr. HOUSTON. Let it be referred back to the committee.

Mr. BOCOCK. I do not want it referred back.

Mr. HOUSTON. I object.

Mr. BOCOCK. Then, as there is objection, I report a bill entitled "An act to reorganize the Navy of the United States."

The bill was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. MACDONALD, from the Committee on Naval Affairs, reported back the following bills; which were referred to a Committee of the Whole House, and ordered to be printed:

S. No. 30. An act for the relief of Thomas Mars-ton Taylor;

S. No. 31. An act for the relief of purser Francis B. Stockton; and

S. No. 113. An act for the relief of the widows and orphans of the officers and seamen of the United States schooner Grampus, who were lost in that vessel in March, 1853, near the coast of the United States.

Mr. LANE, of Oregon. The chairman of the Committee on Territories is not present, and I do not know whether I shall succeed in the motion I wish to make. I do not know that this is a proper time to make the motion, but the object I wish to accomplish is an important one, and I hope the House will indulge me in it. I desire to set apart two or three days of next week for the consideration of Territorial business.

Several MEMBERS. Oh, no; do not do that!

Mr. BOCOCK. I would suggest to the gentleman from Oregon, that if he should succeed in his motion, he would accomplish nothing by it. The bill which is already a special order in committee would take precedence until it is disposed of.

Mr. LANE. I do not yield the floor to the gentleman. I want to talk a little. [A laugh.] There is much important territorial business yet undisposed of, and there is no prospect of our being able to reach it at all in its regular order during the present session. Now, sir, up to this time there has not been a single bill passed for the benefit of the Territory I represent. Not one. We have considered most of these bills in the Committee of the Whole, and they are now upon the Speaker's table; and unless there are some days set apart when we can be certain of their consideration, we shall have no further action upon them before the close of the session, or if there is action, it will be too late to secure the concurrence of the other House. I ask gentlemen to remember what they said to me some time ago; how they appealed to me not to press this business then, promising that a sufficient time should be set apart for the transaction of all the territorial business upon the Calendar. I hope the House will set apart the next week for that purpose.

The SPEAKER. The gentleman from Oregon must be aware that his proposition can only be entertained by unanimous consent. Unanimous consent would be required for various reasons, and among others for the reason that we already have a special order for the next week, which is not disposed of in committee.

Mr. HAMILTON. I want to know what is before the House?

The SPEAKER. Nothing.

Mr. HAMILTON. Is not the regular order of business the call of committees for reports? I object to everything else.

The SPEAKER. There is, however, a proposition made by the gentleman from Oregon, asking the unanimous consent of the House to set apart the next week for the consideration of territorial business.

Mr. HAMILTON. I object.

Mr. McDUGALL. I propose to ask the unanimous consent of the House to postpone the further consideration of the special order in the Committee of the Whole on the state of the Union, until the first Monday in July next. I will state to the House that my object in submitting this request is to secure for that measure a full and proper consideration. I will state further that the reports upon the various surveys will probably be ready in about a week from this time. These reports will present to the House the information which is desired, in order to determine upon the practicability and merits of the various routes upon which it is proposed to construct the road.

This information is of great importance, and is desired by members previous to action on the bill. For the purpose, therefore, of having the matter properly and satisfactorily understood by the House, I ask that the special order be postponed until the first Monday in July next.

Mr. LETCHER. We have been considering this bill for two weeks, and if its consideration is now postponed until the first of July, we shall in all probability have two or three weeks more discussion upon it. It was proposed the other day that the debate upon this measure should be closed some day early in the next week, and the House brought to a vote upon it. I think it should not be postponed, and the House would then be brought to action in regard to it.

Mr. McDUGALL. That was not proposed by a friend of the bill. The bill will have to be discussed, and that discussion, if continued now, will occupy sometime. Gentlemen are anxious to speak on it, and unless the course suggested be pursued they will proceed to address the committee on Monday next. Is it not best to have the discussion when all the facts are laid before us?

The SPEAKER. This discussion is irregular and out of order. The Chair must insist on gentlemen preserving order.

[Cries of "Withdraw the objection!"]

* Mr. LETCHER. I will not withdraw my objection. I cannot see why any one measure is entitled to all the consideration of this House to the exclusion of others.

The SPEAKER. Reports are in order from the Committee on Territories.

Mr. LANE, of Oregon. I am in hopes that there will be no objection to fixing a day for the consideration of territorial business.

The SPEAKER. Is the objection made to the gentleman's proposition withdrawn?

Mr. HAMILTON. I am indisposed to object to the gentleman's proposition; but he has time enough yet to make it. We already have a special order, and I, for one, am not willing to clog business by making special orders one on top of the other.

Mr. ELLISON, from the Committee on Revolutionary Pensions, reported adversely on the petition and papers of Sarah Chesley, and on the petition and papers of Mary Blakeney; which were laid upon the table, and, with the accompanying reports, ordered to be printed.

Mr. WASHBURN, of Maine, from the same committee, reported back the petition and papers of John Marsh and others, children of John Marsh, for compensation for the services of their father in the revolutionary war; which were referred to the Committee on Revolutionary Claims.

Mr. W. also, from the same committee, reported adversely on the petition of Elizabeth Martin; which was laid upon the table, and, with the accompanying report, ordered to be printed.

Mr. DENT, from the Committee on Invalid Pensions, reported adversely on the petition of John Russell, on the petition of Alpheus Hill, and on the petition of Mary R. Adrain; which were laid upon the table, and, with the accompanying reports, ordered to be printed.

Mr. D. also, from the same committee, reported back Senate bill No. 275, "for the relief of Andrew J. Dickerhoff;" which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. D. also, from the same committee, reported a bill "for the relief of Oliver Brown, of Chemung county, in the State of New York;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. D. also, from the same committee, reported a bill "for the relief of Edmund Mitchell;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. DENT. I am instructed by the Committee on Invalid Pensions to report the following bill:

A bill to provide a pension for George W. Torrance.

I desire to say that this is a particularly meritorious case. The individual for whose benefit this pension is intended is now in this city. I would ask that the bill be taken up and passed immediately, but seeing that it would be useless to do so, owing to the order of business, I would ask that the bill and report be printed, and that

they be recommitted to the Committee on Invalid Pensions.

The bill having been read a first and second time by its title, was then recommitted to the Committee on Invalid Pensions.

Mr. VAIL, from the Committee on Invalid Pensions, reported the following bills; which were read a first and second time by their respective titles, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

A bill for the relief of James Butler;

A bill for the relief of John H. Hicks, of Indiana;

A bill for the relief of John Brown, 2d, of New Hampshire;

A bill for the relief Mrs. Anne W. Angus, widow of the late Captain Angus of the United States Navy;

A bill for the relief of Betsey Nash;

A bill for the relief of Thomas Ellis;

A bill for the relief of Mrs. C. S. Westcott.

On motion by Mr. VAIL, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Lydia Prather, of Franklin county, Maryland, asking that the bounty land to which she is entitled, as minor heir of David W. Prather, may be allowed her, and that said petition be laid upon the table.

On motion by Mr. STUART, of Ohio, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Ezekiel Hook, for an invalid pension, and that it be laid upon the table.

Also, that the same committee be discharged from the further consideration of the petition of Sylvanus L. Henderson, and that it be referred to the Committee on Public Lands.

On motion by Mr. STUART, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petitions of citizens of Michigan, for an extension of the pension lands, and of Peter H. Willets, a soldier of the late war with Mexico, praying for an increase of pension for injuries sustained while in the line of his duty.

Mr. STUART, from the same committee, reported back, with an amendment, Senate bill No. 133, which was referred to a Committee of the Whole House, and ordered to be printed:

An act for the relief of Lavinia Taylor.

Mr. STUART, from the same committee, to which was referred Senate bill No. 192, "for the relief of Amos Knapp," made an adverse report thereon, and moved that it be laid on the table.

It was so ordered.

Mr. LETCHER. Is it a Senate bill on which the gentleman reports adversely?

The SPEAKER. It is.

Mr. LETCHER. Is it accompanied by a written report?

The SPEAKER. No; there is no written report presented.

Mr. LETCHER. And how can that committee expect us to know the merits of the controversy in regard to a question acted favorably on by the Senate, without a written report?

The SPEAKER. There is no written report in the case. This is a very fashionable mode of doing business now.

On motion by Mr. EDMANDS, it was

Resolved, That the Committee on Invalid Pensions be discharged from the further consideration of the following petitions, and that they take the direction designated below.

Petition of Lemuel Smith. Referred to the Committee on Revolutionary Pensions.

Petition of Margaret Bowne for bounty land. Referred to the Committee on Public Lands.

Mr. EDMANDS, from the same committee, presented adverse reports on the following petitions; which were ordered to lie on the table:

Petition of Chester Parish;

Petition of Eunice Morrison, for arrears of pay due her late husband, Lieutenant Joseph Morrison;

Petition of Orange Mansfield;

Petition of Henry Welch; and

Petition of Horatio Seymour, for amendment of the invalid pension laws.

Mr. EDMANDS, from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Thomas Bronough.

Mr. EDMANDS also, from the same committee, reported the following bills; which were

severally read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Anne E. Cook; and

A bill for the relief of Abraham Ausman.

On motion by Mr. CHRISMAN, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of Senate bill (No. 241) for the relief of James Wormsley, and that the same be referred to the Committee on Revolutionary Pensions.

Mr. PRESTON, from the Committee on Roads and Canals, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair.

Mr. RITCHIE, of Pennsylvania. As a member of the Committee on Roads and Canals, I have no objection to the reference which has been made of this bill. But to enable me to look into the matter, I desire to have a motion to reconsider the vote by which it was so referred entered.

Mr. COBB. Such a course is contrary to the understanding entered into this morning.

Mr. JONES, of Tennessee. I prefer that this matter should be disposed of now, otherwise it will be called up at some future time, and a motion made to put the bill upon its passage.

The SPEAKER. In the opinion of the Chair, a motion to reconsider is not within the spirit of the understanding this morning, and is not properly in order.

Mr. COBB. That was so understood.

The SPEAKER. The bill gives rise to controversy, and no bills were to be reported except such as should not give rise to debate.

Mr. PRESTON. I ask my colleague on the committee to withdraw his motion.

Mr. RITCHIE. I will withdraw it.

Mr. PRESTON. This bill was unanimously reported from the committee, and I think the reference had better be changed. I therefore move that it be referred back to the committee, and that it be printed.

Mr. JONES, of Tennessee. I object to that course being taken. I do not want this bill to have any advantage over any other. It was not the intention of the agreement this morning to place bills in that position.

Mr. COBB. But, if it goes back to the committee, it is in the same position as if it had not been reported.

Mr. JONES, of Tennessee. Well, let it go back without printing.

The SPEAKER. The Chair would suggest that several bills have been disposed of in this way in the course of the day.

Mr. DISNEY. I do not believe there is a man in the House to object. I hope the bill will go back to the Committee on Roads and Canals, and be printed.

The SPEAKER. That is the proposition before the House; but it can be acceded to only by unanimous consent.

Mr. JONES. I object to the printing. If it goes back to the committee, let them take it as it came from them.

Mr. COBB. I will say to the gentleman from Tennessee, that if he objects to the printing and reference, the bill will be brought directly before the House for consideration.

Mr. JONES. Oh, no.

The SPEAKER. The Chair thinks the objection comes too late. The bill was reported, and, by unanimous consent, referred to the Committee of the Whole on the state of the Union, and ordered to be printed. The gentleman from Pennsylvania [Mr. RITCHIE] then moved to reconsider the reference, and to re-refer it to the Committee on Roads and Canals. The Chair thinks the order to print would not be affected by the motion to reconsider.

Mr. JONES. Well, let it go; but gentlemen will find that it will come up to be put on its passage some day.

Mr. PRESTON. My own opinion is, that the gentleman from Tennessee will vote for it himself whenever it does come up.

The SPEAKER. The Chair desires the House to understand precisely in what form the matter now stands. The gentleman from Kentucky re-

ported the bill from the Committee on Roads and Canals under the order of the House made this morning. In the ordinary course of business, the Chair announced that, by unanimous consent, it was referred to the Committee of the Whole on the state of the Union, and ordered to be printed. The gentleman from Kentucky now proposes to change the order, and to re-refer the bill to the Committee on Roads and Canals. The Chair decides that it can only be done by unanimous consent.

Mr. JONES. I will withdraw my objection, and let it go.

So the bill was rereferred to the Committee on Roads and Canals, and ordered to be printed.

Mr. BRIDGES, from the Committee on Patents and the Patent Office, reported a "bill for the relief of Francis Pettit Smith;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. RIDDLE. I have no report to make from the Committees either upon Roads and Canals or Engraving, and I presume there are but few other reports to be made from the committees remaining to be called. I therefore take advantage of the opportunity now afforded to ask the indulgence of the House, and its unanimous consent, to present a memorial upon a subject in which at least three fourths of the people of the United States are interested, which is of great importance to my own constituents, and in which I am certain every member of the House will feel some interest. It relates, too, to a subject which has several times been brought to the attention of the present Congress, both in the Senate and House of Representatives, but upon which, as yet, no action has been taken. It is, sir, the memorial of the Agricultural Societies of Delaware, and of two thousand citizens of that State, praying the Government of the United States to effect some arrangement with Peru, by which, for a just and proper equivalent, the Peruvian Government will either cede to the United States one of her guano islands, or, by removing the existing restrictions upon American vessels engaged in the guano trade, place the trade in that article upon a more just and liberal commercial basis.

Mr. COBB. That may all be very proper, but let us get through with the call of committees first.

Mr. RIDDLE. My friend from Alabama knows full well that if objection be made now, I may never have such another opportunity. I therefore call upon him to withdraw his objection. The memorial could be presented under the rules of the House, but in that event it would necessarily go to either the Committee on Agriculture, or the Committee on Foreign Affairs. Without intending any disrespect to those committees, composed, as I know they are, of able gentlemen, and friends to the object of the petitioners, I must be permitted to say that the subject is one of such vast importance to the agricultural interests of all the States—interests which have never asked the protection of the American Congress, but which are eminently entitled to all it can give, as to demand particular and specific action unembarrassed by the action of a standing committee. I shall, therefore, move, before taking my seat, that a special committee be raised to take the subject in charge. If the House will gratify me in this particular, something may be done, either during this session or the next, and the lands upon the Atlantic slope, and, I may add, throughout the entire country, which are accessible from the coast, and which are now so poorly paying the grain and tobacco grower for his labor, may be enriched by the Peruvian guano, purchased, as it should be, at a moderate price, and not four times the cost of introducing it.

I am aware that the Peruvian Government derives a great portion of its revenue from this guano trade. I am equally aware that the United States and Great Britain are its best customers; but in all this I can see no reason why that Government should not, for a fair equivalent, remove the onerous restrictions imposed upon it, and particularly when demanded by the people of a friendly Power.

In an interview which I lately had with the Secretary of State upon the subject; that officer informed me he had had the same matter under consideration, and been in correspondence with the Peruvian Government, but that nothing had been definitely decided. If, under these circum-

stances, a special committee be raised, we shall, besides having a hope that something will be done, have the subject properly brought before Congress.

I move that such committee be raised, and consist of seven members. All the gentlemen around me I know to be in favor of such committee.

There was no objection.

The question was taken, and the proposition, that there be appointed a special committee of seven on the subject indicated, was agreed to.

Mr. CHANDLER, from the Committee on the Library, submitted a report on a resolution in reference to unsatisfied contracts for furnishing books, &c.; which was laid upon the table, and ordered to be printed.

Mr. C. also, from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed:

A bill for the relief of Titian R. Peale.

Mr. HENN, from the Committee on Enrolled Bills, reported back as correctly enrolled bills of the following titles; which thereupon received the Speaker's signature:

H. R. No. 343. An act to authorize a register to be issued to the steamer *El Paraguay* by a new name; and

H. R. No. 318. An act to authorize the selection of school districts in lieu of the sixteenth section, within the twelve miles square reservation, State of Alabama.

Mr. HOUTON, from the Committee of Ways and Means, reported adversely on the petition and papers of Sheonjashub Spooner, and on the presentment of the grand jury of the United States court for the district of Wisconsin, recommending an appropriation by Congress for the erection of a suitable building at Milwaukee, Wisconsin, to be used as a custom-house, United States court-room, and post office; which were laid upon the table.

Mr. HAVEN. I want as well the ear of the gentleman from California as that of the Speaker. The Committee of Ways and Means have had under consideration House bill No. 90, entitled "A bill to authorize and direct the payments of certain moneys into the treasury of the State of California, which were collected in the ports of said State as a revenue on imports since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union;" and have directed me to report it back, with the recommendation that it do not pass. I understood that the gentleman desired to be heard on the subject when the report was made; and if it be his pleasure, I will submit the report now.

Mr. LATHAM. I have nothing further to say in the matter. My speech has been printed and laid upon each member's desk. I am willing that the bill shall be reported, and referred to the Committee of the Whole on the state of the Union.

Mr. HAVEN reported the bill back, with the recommendation from the committee that it do not pass, and it was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. MILLER, from the Committee of Claims, reported back the petition of James W. Breedlove, late collector of customs at New Orleans, praying to be refunded the amount of a judgment obtained against him in his aforesaid capacity; which, with the accompanying papers, was referred to the Committee on Commerce.

Mr. M., from the same committee, also reported back the petition of George Mowry, Esq., of Pennsylvania, for compensation for services, &c.; which, with the accompanying papers, was referred to the Committee on the Judiciary.

Mr. M., from the same committee, made an adverse report upon the petition of Stephen Warner, of Niagara county, New York, asking compensation for property destroyed by the British and Indians during the late war with Great Britain; which was ordered to be laid upon the table, and be printed.

Mr. LETCHER, from the same committee, reported back the petitions and papers in the following cases; which were laid upon the table, and the committee discharged from their further consideration:

John Wilson, praying compensation for extra duty in the General Land Office;

Joseph D. Ward, praying compensation for services performed as a temporary clerk in the Clerk's Office, House of Representatives, in the years 1836 and 1837; and

James B. Estes, of Wisconsin, asking Congress to remunerate him for property destroyed during the Sac and Fox war of 1832, and to compensate him for services rendered during said war.

Mr. L., from the same committee, reported a bill "for the relief of Sylvester Humphrey, and the heirs of Alexander Humphrey, deceased;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and the bill and report ordered to be printed.

On motion by Mr. RUFFIN, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Ann E. Brough, and that it be referred to the Committee on the Judiciary.

Mr. FULLER, from the Committee on Commerce, reported back Senate bill No. 143, with an amendment, being "An act for the compensation of James W. Low and others, for the capture of the British private armed schooner *Ann*, during the late war with Great Britain;" which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. FULLER. I am instructed by the Committee on Commerce to report the following bill:

An act to amend the act requiring the foreign regulations of commerce to be laid annually before Congress, approved 16th of August, 1842, and for other purposes.

I ask that it be referred to a Committee of the Whole House, and that it be printed.

The SPEAKER. It is so ordered.

Mr. FULLER. I desire to reconsider the motion I made. It is a matter of some importance, and when the bill has been printed, and members shall have looked at it—

Mr. COBB. That is contrary to the understanding entered into this morning.

The SPEAKER. The gentleman from Alabama [Mr. COBB] objects to the motion for reconsideration being entered.

Mr. COBB. I am for adhering to what was the general understanding.

Mr. FULLER. I move that the bill be re-committed to the Committee on Commerce.

No objection being made, it was so ordered.

Mr. F., from the same committee, reported back Senate bill No. 112, making Brunswick, in Georgia, a port of entry, which was ordered to be printed and re-committed to the Committee on Commerce.

Mr. F., from the same committee, reported back Senate bill No. 200, "An act to constitute San Pedro, in the State California, a port of entry and delivery," and asked that it be ordered to be printed, and re-committed to the Committee on Commerce.

Mr. JONES, of Tennessee. This thing of reporting bills from a committee, and then re-committing them, is all wrong. The effect of it is to put all such bills in advance of all other bills that have been reported, and which have been referred either to a Committee of the Whole House, or the Committee of the Whole on the state of the Union; and it affords gentlemen an opportunity to put them upon their passage in the House. There is no opportunity of discussing or amending them in any particular, and you can do nothing but pass them under the operation of the previous question, or vote them down.

The SPEAKER. The Chair must rule, if objection be made, that the bill cannot be reported.

Mr. FULLER. I submit the point of order, that objection was made too late by the gentleman from Tennessee, [Mr. JONES.]

The SPEAKER. The Chair thinks that the objection is not made too late.

Mr. FULLER. With the permission of the Chair, and to quiet the feelings of the gentleman from Tennessee, [Mr. JONES.] I will say that the bills I have reported and asked to have re-committed involve no principle and no expenditure of money; they merely provide rules and regulations for the collection of the revenue.

The SPEAKER. The Chair repeats that, under the order of the House, the latter bill having

been objected to, and giving rise to debate, cannot be reported.

Mr. FULLER. Do I understand the Chair to say that the objection taken by the gentleman from Tennessee [Mr. JONES] was made in season in regard to the latter bill?

The SPEAKER. In regard to the latter bill only.

Mr. FULLER. Then I ask to withdraw that bill.

The SPEAKER. The ruling of the Chair will be that the bill was not reported at all.

Mr. FULLER. Oh, very well; that is satisfactory.

The SPEAKER. The Chair believes that was the understanding of the House. At all events, the Chair so understood it.

Mr. NICHOLS. I inadvertently omitted to report from the Committee on Private Land Claims a bill which I now ask to present.

The bill was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of A. B. Roman, of Louisiana.

Mr. WENTWORTH, of Massachusetts. I am instructed by the Committee on Commerce, to report bills to the House on behalf of my colleague from Illinois, [Mr. WENTWORTH.]

The following bills were read a first and second time by their titles, referred as indicated below, and ordered to be printed:

A bill making appropriations for the repairs, preservation, and completion of certain public works hereafter commenced under authority of law.

Referred to the Committee of the Whole on the state of the Union.

A bill for the relief of Jacob McLellan. Referred to a Committee of the Whole House.

A bill for the relief of Nathaniel Goddard and others. Same reference.

Mr. DUNBAR. I am instructed by the Committee on Commerce to report back Senate bill No. 67, being "An act to amend an act making appropriations for the improvement of certain harbors and rivers, approved August 13, 1852," with an amendment, and a recommendation that it do pass.

Referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. DUNBAR. I am also directed by the same committee to report back Senate bill No. 243, being "An act to establish a port of delivery on Lake Ponchartrain, and for other purposes," with a recommendation that it do pass.

Same order and reference.

Mr. DUNBAR. I am also directed by the same committee to report back Senate resolution for the relief of the owners of the steamer *Fanny*.

Referred to a Committee of the Whole House, and ordered to be printed.

Mr. HARLAN, of Ohio, from the same committee, reported back, with a recommendation that it do pass, Senate bill No. 240, being "An act to extend the limits of the collection district of Milwaukee, in the State of Wisconsin, and for other purposes."

Referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. H., from the same committee, reported the following bill, which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to constitute Keokuk and Dubuque, in the State of Iowa, ports of delivery.

Also, with an amendment, Senate resolution No. 3, "for the relief of the owners of the brig *Kate Boyd*;" which was referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. HENN, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of George Messersmith, for a patent to certain lands, and the petition of Robert W. Steel, asking to be relieved from the erroneous location of a land warrant, and that the same be laid upon the table.

Mr. COBB. I believe that we are now through with the call of committees. We have done a pretty good day's work. I find that there are many private bills upon the Speaker's table, and if it is the pleasure of the House, I move that the

House proceed to refer them to their appropriate committees.

Mr. LETCHER. I hope we shall get beyond the Committee on Public Lands, of which the gentleman [Mr. Cobb] is a member. I do not want to stop at that committee, as I am anxious to get to some other committees, which will not occupy the whole balance of the session.

Mr. JONES, of Tennessee. Call the next committee.

Mr. COBB. I hope the gentleman will not throw any reflection upon what I have done. We are through with the call of committees, according to the understanding this morning, and the Committee on Public Lands cannot be called until we meet again.

The SPEAKER. In order that gentlemen may understand each other, the Chair would state that the order made by the unanimous consent of the House this morning was, that the committees be called, beginning with the Committee on the Post Office and Post Roads, and that such matter should be reported as should give rise to no debate or vote, and that the same should be referred; and that when the Chair should again resume the call, he should begin with the Committee on the Post Office and Post Roads. The Committee on Public Lands immediately precedes the Committee on the Post Office and Post Roads. Therefore the gentleman from Alabama [Mr. Cobb] is not more interested in the proposition which he has made than any other member.

If there is no objection, the bills on the Speaker's table will be disposed of in the same manner, either generally, or if the House prefers, such as relate only to private business.

Mr. STANTON, of Tennessee. I ask the consent of the House to make a report or two. They are not of any particular importance; but I was not in the House at the time my committee was called.

No objection was made.

On motion by Mr. STANTON, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of certain petitions for the election of President and Vice President by the people, and that the same be referred to the select committee on that subject appointed some time since.

On motion by Mr. STANTON, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of certain petitions for the election of postmasters by the people, and that the same be laid upon the table.

Mr. STANTON, from the Committee on the Judiciary, also reported back "a bill declaratory of the second section of an act of Congress approved February 3, 1853, entitled 'An act to continue half pay to certain widows and orphans.'"

Mr. S. said the Committee on the Judiciary looked upon this bill as the enactment of a new law upon the subject of pensions, which does not come within the province of our committee; we therefore ask to be discharged from the further consideration of the bill, and that it be referred to the Committee on Invalid Pensions.

The bill was ordered to be so referred.

Mr. STANTON, from the Committee on the Judiciary, reported back a joint resolution providing for the election of United States Senators by the people; which was referred to the select committee appointed to consider that subject.

Mr. S., from the same committee, reported back a bill entitled "An act for the more effectual prosecution of land claims belonging to the United States."

Mr. S. said: I will state to the House that this bill is a proposition to purchase witnesses and prosecutors by giving them a portion of the property to be recovered. The Committee on the Judiciary considered it to be one very improper and injurious in its character. They have therefore instructed me to report it back to the House, with a recommendation that it do not pass. I move that it be laid upon the table.

The motion was agreed to; and the bill ordered to lie upon the table.

Mr. HAVEN. Some time since I gave notice of the introduction of a bill upon a subject of some consequence. It involves the expenditure of no money; and I now propose to throw myself upon the well known indulgence of the House, and ask leave to introduce it, simply for the purpose of having it referred to the Committee on Commerce.

There was no objection; and the following bill was introduced, read a first and second time by

its title, and referred to the Committee on Commerce:

A bill to amend the act entitled "An act to provide for recording the conveyances of vessels, and for other purposes," approved July 29, 1850.

Mr. DRUM. Among the papers of the member from Virginia, lately deceased, [Mr. SNODGRASS,] I find a bill and report from the Committee on Revolutionary Claims, of which he was a member. I ask leave to present it and have it referred.

There was no objection, and the following bill was reported from the Committee on Revolutionary Claims, read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and the bill and report ordered to be printed.

A bill for the relief of Charles J. Davis, administrator of Captain John Davis, an officer in the war of the Revolution.

BILLS ON THE SPEAKER'S TABLE.

The House, by unanimous consent, then proceeded to take up and dispose of bills upon the Speaker's table, as follows:

An act (H. R. No. 185) granting the right of way to the St. Louis and Iron Mountain railroad, through the arsenal, magazine, and Jefferson barracks tracks. Reported from the Senate with amendments.

Mr. COBB. I move to refer the bill to the Committee on Public Lands, and that it be printed.

Mr. MILLER. I move that it be referred to the Committee on Military Affairs. The bill was originally referred to the Committee on Public Lands, but subsequently that committee was discharged from its consideration, and it was referred to the Committee on Military Affairs.

Mr. COBB. With that explanation I withdraw my motion.

So the bill was referred to the Committee on Military Affairs, and ordered to be printed.

The following Senate bills received their first and second reading, and were referred as indicated:

An act (No. 245) to amend the provisions of the fifty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved the 2d day of March, 1799. Referred to the Committee on Commerce.

An act (No. 262) granting to the State of Alabama public lands, in alternate sections, to aid in the construction of a central railroad from some point on the boundary line of the States of Alabama and Tennessee to a point on the boundary line of the States of Alabama and Florida. Referred to the Committee on Public Lands.

An act (No. 348) to grant other lands in lieu of certain sixteenth sections heretofore disposed of by the United States for other than school purposes. Referred to the Committee on Public Lands.

An act (No. 355) to authorize the purchase of portraits of the first five Presidents of the United States. Referred to the Committee on the Library.

A resolution (No. 9) manifesting the sense of Congress towards the officers and seamen of the vessels and others engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers and crew of the steamship San Francisco, from perishing with the wreck of that vessel. Referred to the special committee on the subject.

An act (No. 178) to incorporate the National Hotel Company of Washington city. Referred to the Committee for the District of Columbia.

An act (No. 334) for the relief of François Cousin. Referred to the Committee on Private Land Claims.

An act (No. 358) to make compensation to Henry Cronchey for extra services. Referred to the Committee on Foreign Affairs.

An act (No. 352) extending in certain cases the provisions of the act entitled "An act to extend preemption rights to certain lands therein mentioned," approved March 3, 1853. Referred to the Committee on Public Lands.

An act (No. 64) for the relief of the legal representatives of John G. Mackall, deceased. Referred to the Committee of Claims.

An act (No. 175) for the relief of John Bronson. Referred to the Committee of Claims.

An act (No. 188) for the relief of Captain Langdon C. Easton, assistant quartermaster United

States Army. Referred to the Committee on Military Affairs.

An act (No. 203) for the relief of Thomas Snodgrass. Referred to the Committee on Military Affairs.

An act (No. 222) for the relief of John S. Wilson. Referred to a Committee of the Whole House, and ordered to be printed.

An act (No. 225) for the relief of Isaac Cook and others. Referred to the Committee of Claims.

An act (No. 231) for the relief of the legal representatives of John Metcalf. Referred to the Committee of Claims.

An act (No. 239) for the relief of Sylvester Pettibone. Referred to the Committee of Claims.

An act (No. 240) for the relief of James Edwards and others. Referred to the Committee on Military Affairs.

An act (No. 248) for the relief of William Harris, of Georgia. Referred to the Committee on Military Affairs.

An act (No. 252) for the relief of the personal representative of William A. Slacum, deceased. Referred to the Committee on Foreign Affairs.

An act (No. 290) for the relief of Rufus Van Brunt. Referred to the Committee of Claims.

An act (No. 291) for the relief of Horace Southmayd and son. Referred to the Committee of Ways and Means.

An act (No. 301) for the relief of the legal representatives of Thomas D. Anderson, deceased, late consul of the United States at Tripoli. Referred to the Committee on Foreign Affairs.

An act (No. 322) for the relief of Samuel Bray. Referred to the Committee on Commerce.

An act (No. 324) for the relief of Seneca G. Simmons. Referred to the Committee on Military Affairs.

An act (No. 329) for the relief of Thomas D. Jennings. Referred to the Committee on Private Land Claims.

An act (No. 330) for the relief of Juan M. Lucio and José L. Lucio. Referred to the Committee on Private Land Claims.

An act (No. 337) for the relief of Eliza M. Evans. Referred to the Committee on Revolutionary Pensions.

An act (No. 340) for the relief of Sarah Crandall. Referred to the Committee on Revolutionary Pensions.

An act (No. 374) for the relief of Sylvester T. Jerauld, assignee of the interest of Henry Richard. Referred to the Committee on Private Land Claims.

An act (No. 269) granting the right of way over, and depot grounds on, the military reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company. Referred to the Committee on Military Affairs.

An act (No. 88) for the relief of William G. Ridgley. Referred to the Committee of Claims.

An act (No. 377) regulating the time of holding the sessions of the district and circuit courts of the United States in the eastern district of Louisiana. Referred to the Committee on the Judiciary.

An act (No. 378) to establish an additional land district in the State of Florida. Referred to the Committee on Public Lands.

An act (No. 382) further to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved September 4, 1841. Referred to the Committee on Public Lands.

A resolution (No. 16) manifesting the sense of Congress towards Commander Edward Marshall, commanding her Britannic Majesty's ship Virago, and the officers and crew who were detached, by his order, for the relief of the surveying party under the command of Lieutenant J. G. Strain. Referred to the Committee on Naval Affairs.

An act (No. 372) in favor of Charles D. Arf-wedson. Referred to the Committee of Claims.

An act (No. 320) supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases." Referred to the Committee on the Judiciary.

An act (No. 373) to ascertain and adjust the titles to certain lands in the State of Indiana.

Mr. HENDRICKS. As the gentleman who has special charge of that bill is absent, I ask that it be left upon the Speaker's table, and that no action be taken upon it at this time.

The SPEAKER. There being no objection, the bill will remain upon the table.

Mr. HOUSTON. All the bills from the Senate on the Speaker's table having now been disposed of, let us take up the territorial bills.

The SPEAKER. The business first in order upon the Speaker's table will be the consideration of Senate bill No. 373, "granting to the States of Indiana and Illinois a portion of the public lands, to aid in the construction of the Indiana and Illinois Central railroad."

Mr. COBB. That goes to the Committee on Public Lands.

Mr. HENDRICKS. My colleague, who is also interested in this bill, is not here, and I will object to its consideration in his absence. Let it remain on the table.

Mr. LETCHER. What is the reason that that bill is not referred like others?

The SPEAKER. Because objection is made. The bill has been referred and reported back.

Mr. LETCHER. The object, I presume, in leaving it on the table now, is to have it passed without being referred.

The SPEAKER. For the information of the gentleman from Virginia, [Mr. LETCHER,] the Chair will state that the pending motion in regard to the bill is one submitted by himself to lay the bill upon the table; and on that motion the yeas and nays have been ordered.

Mr. MILLER, of Missouri. As my colleague from the St. Louis district [Mr. BENSON] is not here, I ask that the order referring the bill granting a right of way to the St. Louis and Iron Mountain Railroad Company be reconsidered, and that the bill be laid upon the table.

Mr. HOUSTON. If that motion be entertained, I will ask the Speaker also to entertain a similar motion in reference to a bill in which I have an interest.

The SPEAKER. If objection be made to the proposition of the gentleman from Missouri, [Mr. MILLER,] the Chair cannot consistently, with the order of the House, entertain the motion to reconsider.

Mr. MILLER. I only want that the bill may be reinstated in the position it was in, and laid on the table, as my colleague is not here.

Mr. HAVEN. I understand that the request of the gentleman from Missouri is not made for the purpose of allowing the matter to lie over, but simply that the bill may be left where it was, one of his colleagues who had charge of it, being absent.

The SPEAKER. Is it the unanimous pleasure of the House that the bill referred to be placed back on file on the Speaker's table?

There being no objection, it was so ordered.

POSTPONEMENT OF THE SPECIAL ORDER.

Mr. LETCHER. For the purpose of permitting the gentleman from California [Mr. McDougall] to renew his motion for a postponement of the special order, I withdraw my objection to it.

Mr. McDougall. Then I ask the consent of the House to postpone the special order on the Pacific railroad bill to the first Monday in July, for the reason that the reports of the engineers are about being completed, and will soon be before the House, so that it may understand the practicability of the route proposed.

Mr. JONES, of Tennessee. If the gentleman's motion be adopted, the special order will come up at a very bad time. It will come up at a time when we have all the other business of the House to perform. Besides that, we have not now a sufficient number of members present to make a disposition of this bill in any way. And I, for one, would prefer that there were no action taken on it until, at least, there were a quorum in the House.

Several MEMBERS. That is right.

Mr. McDougall. I wish it to be understood by the gentleman from Tennessee, that all the friends of the measure ask for it is a full and fair consideration, and we will insist on that.

Mr. JONES. Let us have enough members present to dispose of it properly.

THE HOOSAC TUNNEL.

Mr. GOODRICH presented the petition of the Troy and Greenfield Railroad Company for a grant of a portion of the public lands in aid of the construction of the Hoosac tunnel.

The petition states that the enterprise is one of

the boldest and most important yet commenced in America, running, as it does, fifteen hundred feet below the summit of the Hoosac, by a tunnel four miles and a half in length, materially reducing the distance, grades, curvatures, time, and cost of transportation between Massachusetts, Maine, New Hampshire, Rhode Island, Connecticut, and Vermont, and the States of New York, Pennsylvania, and the West; that it is a great national enterprise, essential to the foreign and domestic commerce of the country, to the carriage of the mails, to social intercourse, and of vast importance in time of war, and well entitled to the countenance of the Government.

The petition further states that the State of Massachusetts, although interested in another and rival enterprise, has granted to this company a loan of the State credit to be advanced as the work progresses, and has thus indorsed its value and importance; that its feasibility has been shown by careful surveys and scientific research, but still the magnitude of the work and time required for its completion demand the fostering care of the Government.

The petition closes by respectfully asking that Congress would give its countenance to this enterprise by granting to the company, or to the State of Massachusetts in aid of the same, a portion of the public lands, upon such terms with respect to the carriage of the mails and munitions of war, and with such other provisions, as shall be considered just and reasonable.

The petition was received, and referred to the Committee on Public Lands.

Mr. HAMILTON. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

The House accordingly (at three o'clock, p. m.) adjourned till Monday next, at twelve o'clock, m.

IN SENATE.

MONDAY, June 12, 1854.

Prayer by REV. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the enrolled bill to authorize the selection of school districts, in lieu of the sixteenth sections, within the twelve miles square reservation, State of Alabama.

DEATH OF HON. J. F. SNODGRASS.

The message also communicated to the Senate intelligence of the death of Hon. JOHN FRYATT SNODGRASS, late a member of that House from the State of Virginia, and the proceedings of the House in relation thereto.

The proceedings were read.

Mr. MASON. I discharge a melancholy office, Mr. President, in asking the Senate to unite with me in the customary resolutions of respect to the memory of a colleague, whose death has just been announced from the House of Representatives.

Truly, we cannot tell what a day may bring forth. But little more than one week ago, when the two Houses were to be for a few days in recess, my deceased colleague took (as we all then believed) a short leave of his friends, availing himself of that interval for a brief visit to his home in Virginia. His health, somewhat infirm in later years, seemed to have been regenerate with the advancing spring, and he left us buoyant with hope, and rejoicing in the prospect of a speedy reunion with those he loved best on earth—his wife and infant children. He but lived to reach his distant home, and once more to bless them with his presence.

Death, inexorable creditor of all that live, sped with him on this his last journey on earth—*Pallida mors æquo pede pulsat*. Yet how grateful is the recollection to those who survive, that he was spared a death amongst strangers, and that the devoted partner of his life shared his last look in death.

The subject of this brief tribute, Mr. President, JOHN FRYATT SNODGRASS, represented the eleventh congressional district of Virginia, in the House of Representatives. A native of the county of Berkeley, on the northern frontier of the valley of Virginia, he had removed in early life to the banks

of the Ohio, and established his home at Parkersburg, in the county of Wood.

His family are well known to me in his native county, occupying and cultivating their ancestral farms of more than a century, among the most respectable and respected of those whose occupation develops the full dignity of man in social position—those who plow and till the soil that it may bring forth the fruits of the earth, the immediate almoners of the Deity, who has chosen and sent them forth as the true benefactors of their race; for who does not feel with England's gifted philosopher, when he gave it for his opinion, "that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before, would deserve better of mankind and do more essential service to his country than the whole race of politicians put together."

Educated for the bar, Mr. SNODGRASS soon rose to eminence in his profession, sustained and borne forward to success by diligence, labor, and spotless integrity.

It was my fortune to have known him in early life, before he sought his new home in the West, but his progress and advancement there were marked by those from among whom he had gone forth to the world. The charm of life to him was in private station.

It would seem from his career that public employment, with all its seductions for many, had few attractions for him. I have been informed that he was never a candidate for office, in its proper sense, yet he was a man of fixed and stable opinion on the great measures of policy which divide the parties of the country—a republican of that Democratic school instituted by Jefferson, and in which Henry, Wythe, Roane, and other home bred statesmen of Virginia were the illustrious teachers.

At the solicitation of his friends and neighbors, he represented them, for the first time, in the convention of the State called to revise the constitution of Virginia, in 1850. Of that body he was what is usually termed a silent member; with the flippant, perhaps a designation of disparagement; yet Jefferson, whose commanding intellect moulded and gave being to all the great institutions of our popular Government, was himself always a silent member too. It is said, I think, of Mr. Jefferson, that, on even the greatest question before him, he seldom made a speech exceeding four minutes in duration. Fortunate in a plain and sensible mind, not unstored with the results of reading and reflection, my deceased friend and colleague was one of those who thought it safer, and perhaps not less seemly, rather to think and act without talking, than to talk and act without thinking.

At the close of the convention, he returned to the quiet of his unobtrusive life, until again, unsolicited on his part, he was returned to serve in the House of Representatives of the present Congress, and here, after an interval of some twenty years, I had the good fortune to renew my acquaintance with him.

He was a warm, liberal, and confiding friend, a sound, judicious, and informed statesman, and, above all, an upright and honest man.

I offer, sir, the following resolutions:

Resolved, That the Senate receives, with sincere regret, the announcement of the death of Hon. JOHN FRYATT SNODGRASS, late a member of the House of Representatives from the State of Virginia, and tenders to the relatives of the deceased the assurance of its sympathy with them under the bereavement they have been called to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. SNODGRASS, a certified copy of the foregoing resolution.

Resolved, As a mark of respect for the memory of the deceased, that the Senate do now adjourn.

The resolutions were unanimously agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 12, 1854.

The House met at twelve o'clock, m. Prayer by REV. WILLIAM H. MILBURN.

The Clerk commenced reading the Journal of Saturday, when

Mr. COBB (interrupting) said: I learn that there are about thirty-six pages of the Journal, all relating to the reception of reports from committees, and the reference of Senate bills, which occupied nearly all of Saturday's session. Cannot we

dispense with the reading of the Journal, when it contains nothing else, and the reading of which would consume from an hour to an hour and a half? In order that we may proceed to business, and save time, I move that the further reading of the Journal be dispensed with.

The SPEAKER. That can only be done by unanimous consent.

No objection being made, the further reading of the Journal was accordingly dispensed with.

ORDER OF BUSINESS.

The SPEAKER. The business first in order is the consideration of a motion to suspend the rules of the House for the purpose of allowing the gentleman from New York [Mr. WALBRIDGE] to introduce a resolution, offered by him some two weeks since, in reference to fixing the day for the final adjournment of Congress.

Mr. ORR. As that resolution is one of some importance, and with the view of having a full House for its consideration, I move that there be a call of the House.

Mr. MACE. I rise to a privileged question. I desire to make a partial report from the Committee on Rules, and I send it to the Clerk's table.

The SPEAKER. The Committee on Rules, under the rules of the House, can report at any time; but the present proposition is to suspend those rules, and therefore the report of the gentleman would not take precedence of the privileged question which is pending.

The question was then taken on the motion that there be a call of the House; and it was decided in the affirmative.

The roll of the House was then called, and one hundred and thirty-nine members answered to their names.

The following is a list of the absentees:

Messrs. David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Bell, Bennett, Benton, Bissell, Bliss, Chase, Churchwell, Craige, Culton, Cumming, Cutting, Thomas Davis, Deau, De Witt, Dickinson, Disney, Eastman, Eddy, Edgerton, Farley, Faulkner, Fenton, Flagler, Florence, Franklin, Grey, Grow, Sampson W. Harris, Wiley P. Harris, Harrison, Hibbard, Daniel T. Jones, Keitt, Kerr, Kidwell, Kirtledge, Kurtz, Lane, Lilly, Lindsley, Lyon, McCulloch, McNair, McQueen, Macy, Matteson, Maurice, Mayall, Meacham, Middleswarth, Morrison, Noble, Packard, Peckham, Bishop Perkins, John Perkins, Phillips, Powell, Pratt, Preston, Puryear, Reese, Richardson, Rowe, Ruffin, Sapp, Seymour Shannon, Shower, Simmons, Samuel A. Smith, Sellers, Straub, David Stuart, John J. Taylor, Tracy, Tweed, Vansant, Wade, Walker, Walsh, Ellihu B. Washburne, Wells, John Wentworth, Wheeler, Witte, Daniel B. Wright, Yates, and Zollieoffer.

Mr. ORR. I move that all further proceedings in the call be dispensed with.

The question was put; and the motion was agreed to.

The SPEAKER. The question recurs upon the motion to suspend the rules, for the purpose of introducing the resolution, which will be reported by the Clerk.

The resolution was read, as follows:

Resolved, (the Senate concurring.) That the President of the Senate, and the Speaker of the House of Representatives adjourn their respective Houses *sine die* on Monday, the third of July next, at twelve o'clock, m.

Mr. ORR. I would inquire of the Chair if that resolution will be amendable if the rules are suspended for its introduction?

The SPEAKER. It will be.

Mr. ORR. I then give notice that I shall move to amend it by striking out "Monday, the 3d of July next," and inserting in lieu thereof "Wednesday, the 9th of August."

Mr. HOUSTON. I cannot vote to suspend the rules for the admission of that resolution. I should like to have the gentleman who introduced it modify it before the question is put, and that he shall make the day of adjournment the 15th day of August. He has the right to do that.

The SPEAKER. The question is upon the suspension of the rules, and it is not debatable.

Mr. HILLYER. I merely wish to give notice that if the rules are suspended, I shall move to amend the resolution offered by the gentleman from New York, so as to make the present Congress adjourn on the first Monday of August next, and to fix the permanent day for the meeting of Congress hereafter the third Monday of October instead of the first Monday in December.

Mr. SKELTON. I ask for the yeas and nays upon the motion to suspend the rules.

Mr. ORR. Perhaps we can suspend the rules without the yeas and nays; and I hope the gentle-

man will withdraw the call until we take the question.

Mr. SKELTON. I withdraw my call.

The question being put, and there appearing only twenty-four members in the affirmative,

Mr. COBB called for the yeas and nays, and tellers upon the same.

Tellers were ordered; and Messrs. McMULLIN and VAIL were appointed.

The House was divided; and the tellers reported 29 in the affirmative, (more than one fifth of those present.)

So the yeas and nays were ordered.

The question was then taken on the motion to suspend the rules; and there were—yeas 104, nays 38; as follows:

YEAS—Messrs. Aiken, Willis Allen, Appleton, Ashe, Ball, Barry, Bell, Benson, Bridges, Brooks, Bugg, Campbell, Carpenter, Caruthers, Chandler, Chastain, Chrisman, Clingan, Colquhoun, Cook, Corwin, Cox, Crocker, Curtis, Cutting, John G. Davis, Dawson, Dent, Dick, Dowdell, Drugg, Dunbar, Dunham, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Everhart, Ewing, Fuller, Gamble, Giddings, Goodrich, Greenwood, Hamilton, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hendricks, Hiestler, Hill, Hillyer, Howe, Hughes, Hunt, Johnson, Knox, Lamb, Latham, Lindley, McDougal, Mayall, Meacham, John G. Miller, Smith Miller, Morgan, Morrison, Murray, Norton, Olds, Andrew Oliver, Mordcair Oliver, Orr, Packard, Pennington, Phelps, Pringle, Radey, David Ritchie, Thomas Ritchey, Robbins, Russell, Sage, Sapp, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stratton, John L. Taylor, Nathaniel G. Taylor, Trout, Walbridge, Walley, Warren, Israel Washburn, Tappan Wentworth, and Hendrick B. Wright—104.

NAYS—Messrs. James C. Allen, Belcher, Boeck, Boyce, Breckinridge, Caskie, Chamberlain, Clark, Cobb, Goode, Henn, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Leitcher, McMullin, Mace, Maxwell, May, Millson, Nichols, Riddle, Rogers, Ruffin, Sabin, Seward, Shaw, Singleton, Skelton, Gerrit Smith, Hector L. Stevens, Straub, Andrew Stuart, Thurston, Upham, and Vail—38.

So two thirds having voted in the affirmative, the rules were suspended.

Mr. WALBRIDGE. For the purpose of meeting the wishes of a large number of gentlemen around me, I now propose to modify my resolution by striking out the 3d of July and inserting the 17th of that month; and also to add that the two Houses convene again on the first Monday of November next.

[Cries of "No!" "No!" all over the House.]

Mr. WALBRIDGE. Very well, I will then leave it so as to provide for an adjournment *sine die* on the 17th of July.

Mr. ORR. I move to amend the resolution by striking out "the 17th of July" and inserting "Wednesday, the 9th day of August."

The SPEAKER. The Chair will suggest to the gentleman from New York, that it is scarcely in his power to modify his resolution after having been introduced by a suspension of the rules. He may accomplish his purpose by moving to amend it, but he has not the right to modify it.

Mr. WALBRIDGE. I then submit the proposition I have indicated as an amendment.

Mr. ORR. I then offer my proposition as an amendment to the amendment of the gentleman from New York. I move to strike out whatever day is there named, and to insert in lieu thereof "Wednesday, the 9th day of August."

Mr. HAVEN. I ask the gentleman from South Carolina to yield me the floor.

Mr. ORR. I ask the Speaker whether the resolution is debatable? If it is, I will yield to the gentleman from New York temporarily.

The SPEAKER. It is debatable.

Mr. HAVEN. I desired the floor for the purpose of submitting a proposition in reference to the resolution.

The SPEAKER. The Chair must remind the gentleman from New York that there are already two amendments pending—an amendment offered by the gentleman from New York, and an amendment to the amendment offered by the gentleman from South Carolina. No proposition further to amend will, therefore, be in order. The gentleman from New York proposes to strike out the 3d of July and to insert the 17th; and the gentleman from South Carolina moves to strike out the 17th of July and to insert the 9th of August.

Mr. HAVEN. Will the gentleman from South Carolina yield me the floor, so that I may submit an explanation, and such a motion as may be in order? I shall not occupy more than two minutes.

Mr. ORR. Will the gentleman please indicate what motion he proposes to submit?

Mr. HAVEN. It is one in reference to the resolution.

Mr. ORR. If I properly understand the state of the question before the House, no further amendment is in order. The gentleman from New York [Mr. WALBRIDGE] proposes to amend the resolution. I propose to amend the amendment. Another proposition to amend would be in the third degree, and therefore not in order. I do not perceive how the gentleman from New York [Mr. HAVEN] can subserve the purpose he has in view, even should I yield him the floor.

Mr. HAVEN. If I cannot make a motion that is properly in order, I shall at once yield the floor to the gentleman.

Mr. HOUSTON. I would make a single suggestion by the gentleman's permission. The resolution is now in a condition to prevent the submission of further amendments. I would like the gentleman from South Carolina to modify his amendment, so as to fix the time at 15th of August. My preference is for a later day, but still I am willing to compromise with the gentleman on the 15th.

Mr. McMULLIN. With the permission of the gentleman from South Carolina, I would inquire of the Chair whether the question is not divisible? Have I not the right to call for a division on the motion to strike out?

The SPEAKER. A motion to strike out and insert is not divisible by express rule.

Mr. ORR. If the resolution be adopted, modified as indicated, we shall have two months lacking a few days. In that time we can finish all business necessary and proper to be finished. I think that the time from now till the 9th of August is ample; and if there be a majority of the House concurring with me, it will sustain the demand for the previous question which I now make.

Mr. HAVEN. I would like to be heard a moment. Will not the gentleman from South Carolina withdraw his call for the previous question for two minutes so that somebody on this side of the House may be heard?

Mr. ORR. I withdraw my call for the previous question, temporarily, so that the gentleman from New York may make his explanation.

Mr. HAVEN. I shall not abuse the gentleman's favor. I desire to move as a substitute for the resolution, the joint resolution which has been sent down to us from the Senate. This one thing I will say in regard to the matter: The Senate has kindly offered us that resolution. It was, to some extent, *ex gratia* on its part. The condition of the appropriation bills is such that the Senate would have the right to complain if we undertook to send it a new proposition. We have not given it the time it ought to have to act on these bills. If we take the proposition sent in to us, it will not have the right to complain. We may take the proposition and say—gentlemen we take you at your word and will go to work, and between this and the third day of July, accomplish the same amount of work that would be accomplished, under the resolution of the gentleman from South Carolina, between this and the first Monday in August. Fix a time for the adjournment, and my word for it, all the necessary work will be done. I will only add, from what I have seen in my experience in these matters—I do not say it unkindly of the House—that I am inclined to think, from our past action, that the House has got into that condition of demoralization in reference to legislation in which we shall not effect any valuable purpose until we have separated and come together again at some future day. If it be in order, I move the Senate joint resolution as a substitute for the gentleman's resolution.

The SPEAKER. It is not in order to move as an amendment any bill pending before the House.

The resolution passed by the Senate is now before this House, and cannot be offered as an amendment, unless it is modified in some way by changing the day or week.

Mr. HAVEN. I see the propriety of the decision of the Chair. I will take the language of the joint resolution, and insert the 4th of July instead of the 3d.

The SPEAKER. Does the Chair understand the gentleman from South Carolina as yielding the floor to the gentleman from New York [Mr. HAVEN] to offer an amendment?

Mr. HAVEN. The gentleman from South Carolina yielded me the floor unconditionally.

The SPEAKER. The Chair understood the gentleman from South Carolina as yielding the floor temporarily.

Mr. ORR. I said, at the time, that I yielded the floor temporarily.

Mr. HAVEN. I would inquire if the gentleman from South Carolina intends to avail himself of the rule, so as to cut off my right to offer a substitute?

Mr. ORR. I will answer the question propounded by my friend from New York. The principal inducement that operated upon my mind to vote for a suspension of the rules, was to take up this resolution, with a view of avoiding the proposition that was sent to us from the Senate. I am myself opposed to the proposition that this Congress should take a recess; for such a thing is unprecedented in the history of this Government. I think we should pursue the usual course of fixing the day of adjournment, and that this would be the earliest day at which we could reasonably anticipate finishing the public business. It would not be proper for me to yield the floor for the purpose of enabling a proposition to come in which I desire to defeat.

I propose now to withdraw the modification which I submitted, and to offer the following resolution as a substitute, which proposes to fix, instead of the 14th of August, the hour of the day at which the House shall adjourn, an omission in the preceding resolution, which escaped my attention, and to which my attention was directed by the gentleman from Tennessee, [Mr. JONES.]

Mr. HILLYER. I hope the gentleman from South Carolina will yield me the floor for a moment.

Mr. ORR. I will yield the floor to the gentleman.

Mr. HILLYER. If it be in order, I wish to offer an amendment to the resolution now before the House. I do not intend to detain the House in discussing the substitute which I propose to offer. I apprehend the gentleman from South Carolina [Mr. ORR.] can have no objection to it, as it will not preclude a vote upon the resolution offered by him. The substitute which I propose to offer is the following.

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on the first Monday in August next, and that hereafter the day appointed by law for the assembling of Congress shall be on the third Monday in October, in each year, instead of the first Monday of December.

Mr. ORR. Before the House proceeds further in the disposition of this matter, I submit to the Chair this question of order: that the substitute proposed by the gentleman from Georgia [Mr. HILLYER] is not in order as a substitute to the resolution now pending. If this substitute were adopted, it would be necessary for it to be laid before the President for his sanction before it could be carried into effect.

The SPEAKER. The question of order made by the gentleman from South Carolina [Mr. ORR.] is well taken. If the substitute proposed by the gentleman from Georgia were agreed to, the resolution would have to go to the President for his approval. This, on reflection, would change the whole character of the original resolution. It is competent for the two Houses to pass a joint resolution fixing the day of adjournment of the present session of Congress; but it is not competent for the two Houses, without the approval and signature of the President, to change the period of the annual meeting of Congress.

Mr. HILLYER. Well, I hope that the resolution of the gentleman from South Carolina [Mr. ORR.] will be voted down by the House.

Mr. ORR. I ask the previous question on the resolution.

Mr. SEWARD. I move to lay the substitute of the gentleman from South Carolina on the table.

Mr. McMULLIN addressed the Chair.

The SPEAKER. Does the gentleman from South Carolina withdraw his call for the previous question, and yield to the gentleman from Virginia, [Mr. McMULLIN?]

Mr. ORR. I do not wish to be discourteous to the gentleman from Virginia. I therefore withdraw my call for the previous question temporarily, for the purpose of permitting the gentleman to make any suggestion he may desire.

Mr. McMULLIN. I merely want to make a suggestion.

It occurs to me, that if gentlemen will only consent, one and all, to go to work as we ought to do, and as we are capable of doing, we could do much more business than we can transact in this way, getting up or adopting resolutions of this kind fixing days for adjournment. My experience, in this respect, is, that whenever we fix a day for an adjournment, there is a constant rush by gentlemen who happen to have bills pending in which they are particularly interested, to get these particular bills disposed of.

Now, I beg gentlemen to recollect that we have occupied a vast deal of the time of this Congress in discussing a question of general character. I allude to the Nebraska bill. There is, however, now before the House a vast amount of business of a private character—business in which the interests of almost every State in the Union are involved. There are many bills of a local character pending. And we have not yet appropriated a single day to the consideration of these private bills. I do not agree with the gentleman from New York, [Mr. HAVEN,] that we owe anything to the Senate for making this proposition to us. I think the public interests would be better served if we should go to work really, and in earnest; and when we shall have placed the public business in such a condition as that it will justify our adjourning, then let us adjourn.

I intended at a proper time to move to lay this whole subject on the table. It would be discourteous to the gentleman from South Carolina, [Mr. ORR,] who yielded me the floor, to do so now; but I give notice that when the subject comes to that point where I may legitimately make such a motion, I shall move to lay the whole matter on the table.

The SPEAKER. The gentleman from Georgia [Mr. SEWARD] has submitted a motion to lay on the table the substitute proposed by the gentleman from South Carolina, [Mr. ORR,] This is the first motion to be disposed of.

Mr. SEWARD. I withdraw that motion.

Mr. ORR. I think, Mr. Speaker, that I have manifested quite enough of a disposition to accommodate all my friends on both sides of the question. I now demand the previous question. And if the House concur with me, they will second it.

The question was put on seconding the demand for the previous question. The Speaker announced forty-one members rising.

Mr. ORR demanded tellers.

Tellers were ordered; and Messrs. Cox and Orr were appointed.

The question was then taken; and the tellers reported—ayes 52, noes not counted; not a sufficient number.

So the previous question was not sustained.

Mr. HAVEN. I believe I may, with some confidence, appeal to gentlemen in all parts of the House, for my sincerity, when I say I have as strong a desire as any fair-minded member here, to see the business of the country properly transacted. I am willing to make as many personal sacrifices, and submit to as great inconvenience as any other gentleman, but, it is only upon the ground that I have been impressed with the idea, that if we set here, in most we do we shall but keep the country in a state of turmoil and uneasiness without making any advance whatever in the public business—that I am in favor of taking the earliest possible day for going home to our constituents, and, if necessary, of meeting again in a better business frame of mind in the fall. There is a propriety, yea, an absolute necessity for disposing of the appropriation bills, and if I had the matter in my own hand, I would fix the middle or the latter part of July as the time for adjournment. But that is not the question. The Senate have made us an offer. They have told us that their business is in such a condition that they can afford to adjourn at the time indicated in their resolution. They have told us that, with a knowledge upon their part of the condition of the appropriation bills and other business in this House. I think it right, and just, and fair, to meet them upon that ground, and to take them at their word. I for one am ready to do it. The public interest will not suffer, but I think will be promoted, by concurring in the resolution of the Senate.

It has been suggested that there is a large amount of private business on our Calendar, which

requires attention. I differ with gentlemen, if any such there are, who believe that from this day forward to the middle of August there will be any business of importance transacted upon the Private Calendar. Why, sir, before we had been jaded out by public service, during the fall, December and January, and the whole six and a half months which we have already consumed here, we have been upon the Private Calendar but two or three times, at most but a very few times. Now we are here, with this hot season upon us. Disease is approaching, and the cholera is abroad. Men have been home, and are going home, and if we shall have a quorum at all, hereafter, it will be a lean, rickety, and staggering one, obtained only by calls of the House, or scouring the city by the Sergeant-at-Arms of the House, for the purpose of bringing members in. I, for one, want to do the public work. My friends about me desire to do it. I tender my whole services to do it. I have labored faithfully to have it done; and I submit that the most feasible way of doing it, is the one which I have suggested; for no work will now be done, until a day of adjournment is fixed. You can, if you will give your attention to it, pass, between this and the 4th of July, the appropriation bills. The Senate will be satisfied with the time fixed. But fix another time, and you will hear from them again, and they will say that six and a half months have already passed, and you have not sent us the appropriation bills. Now that they have fixed a time, with a knowledge of the present condition of business in both Houses, let us put our shoulders to the wheel, transact the public business, and adjourn on the 3d of July. I ask the House to take the Senate resolution into consideration, and if not that, then the proposition suggested by me some time ago.

Mr. HENN. I desire to ask the gentleman from New York a question.

The SPEAKER. The Chair would suggest that the gentleman from New York should first submit his proposition to writing.

Mr. TAYLOR, of Ohio. I desire to make a single suggestion, with the consent of the gentleman from New York and the House. If the gentleman from South Carolina [Mr. ORR.] will so modify his proposition as to make the two Houses of Congress adjourn on the first day of August, I will cheerfully support the resolution in that form. I believe we can accomplish all the business which it is necessary for us to accomplish in six weeks, and go home. I am opposed to taking a recess, and I think the country is opposed to it. I hope no proposition for taking a recess will be agreed to by the House. I repeat, sir, that I think we can accomplish all the necessary business of the session by the 1st of August, and I hope we shall adjourn at that time, and go home.

Mr. HENN. I wish to ask the gentleman from New York, [Mr. HAVEN,] if his proposition, which I understand to be, in substance, the same as the resolution which has passed the Senate, is adopted, whether we shall not draw our *per diem* during the recess? I understand the Comptroller of the Treasury has so decided.

Mr. HAVEN. It is precisely for the purpose of correcting what I deem to be an erroneous impression upon that subject, that I have held the floor. I will occupy the time of the House but a moment. I wish to say that the resolution of the Senate is a resolution to adjourn, and not a resolution for a recess, and it seems to me clearly, will not carry with it the pay of the members from the time of adjournment until the next meeting. If I thought it would, I would add a provision to prevent such a construction.

Mr. HOUSTON. I would suggest to the gentleman from New York, that if the House adjourns *sine die* on the 3d or 4th of July, it will not meet again until the first Monday of December next.

Mr. HAVEN. That is the very thing that this proposition is designed to change. I offer it as a joint resolution for the purpose of enabling us to meet in October.

Mr. JONES. Then it must go to the President for his signature, must it not?

Mr. HAVEN. Well, sir, it will save all question on the subject, if it receives the signature of the President. One word more and I have done. I ask that the proposition which I have offered may be read.

It was read by the Clerk, as follows:

Resolved, (the Senate concurring) That the President of

the Senate and the Speaker of the House of Representatives adjourn their respective Houses on the 4th day of July next, at twelve o'clock, m., until the third Monday in October next.

Mr. HAVEN. That, sir, is the language of the Senate resolution with a single modification as to the day of adjournment, for the purpose of avoiding the question of order. It proposes to adjourn from the 4th day of July, until the 3d Monday of October. But, sir, it has been suggested that the proposition would carry with it the pay of the members during the recess. I repeat that I would not offer a proposition that would admit of such a construction, and it seems to me very clear that this will not. The same question has arisen in reference to the recess of the Legislature in my own State, and it was decided that it did not carry pay to the members during the recess. I think they are as sharp there for pay as anywhere. I do not think such a construction can be given to the resolution.

Mr. CAMPBELL. I should like to know why it does not carry pay just as much as does a proposition to adjourn over for a week, or to adjourn for three days. I would suggest, therefore, to the gentleman from New York, that he add a proviso to the resolution that the provision of law fixing the time for the meeting of Congress shall be changed from the first Monday in December to the third Monday in October, and that the phraseology of the resolution be so modified as to provide that the members shall not draw pay during the vacation. As the resolution now stands, there is no reason why the per diem should not be allowed.

Mr. HILLYER. The gentleman will allow me one word, and what I have to say will be in reply to the gentleman from Ohio. The difficulty in regard to members drawing pay during the temporary recess will be fully obviated if the House will act upon the substitute which I have proposed. And I think that will meet wholly the views of the gentleman from New York, [Mr. HAVEN.] I propose a final adjournment of this House on the first Monday in August; and the meeting on the third Monday of October will be the commencement of the next session of Congress; so that of course the members will draw no pay during the recess, and yet every legitimate purpose that gentlemen can have will be accomplished.

Now, I would suggest to the gentleman from New York, and to every member concurring with us, that the proper course for us to pursue in order to accomplish what we desire, will be to vote down the proposition of the gentleman from South Carolina; then to suspend the rules in order to take up the joint resolution of the Senate; and when that joint resolution comes before this body, it will be in order to amend it by changing the time of adjournment from the first Monday in July to some time in August, and changing the time for the meeting of Congress hereafter. Let us vote down, then, the pending motion of the gentleman from South Carolina, suspend the rules, and take up the Senate joint resolution, and the whole subject will be under the control of the House.

Mr. CAMPBELL. I move to add the following proviso to the resolution:

Provided, That no compensation shall be allowed members during the recess.

Mr. HOUSTON. Is the amendment of the gentleman from New York in order?

The SPEAKER. The gentleman from New York [Mr. WALBRIDGE] submitted an amendment to his original resolution. The gentleman from South Carolina proposes an amendment in the shape of a substitute. The amendment of the gentleman from New York, [Mr. HAVEN,] as the Chair understands, is to amend the substitute.

Mr. HAVEN. Yes, sir.

The SPEAKER. That is competent, if there be no further amendment to the original resolution.

Mr. HOUSTON. Does the Chair decide that on a resolution for adjournment it is in order to move amendment while an amendment to an amendment is pending?

The SPEAKER. The Chair decides that the original resolution, as the two propositions now stand before the House, is amendable. To the original resolution there is an amendment pending, which can only be amended at this moment. It is the amendment submitted by the gentleman from New York, the author of the resolution.

When the House shall have perfected the original resolution, then it will be in order to take up and amend the substitute offered by the gentleman from South Carolina. Both are amendable; first the original resolution, then the substitute. When you reach the substitute, you may amend it by striking out a part or all of its provisions, and then, as amended, vote it in place of the original resolution.

Mr. CAMPBELL. I would ask the gentleman from New York to accept, as a part of his resolution, the proviso which I have suggested:

Provided, That no per diem compensation shall be allowed members during the recess.

The SPEAKER. The gentleman from New York has not yet sent his proposition in writing to the Clerk.

Mr. HAVEN. I desire first to inquire of the Chair whether there is pending a proposition to amend by my colleague, the author of the original resolution?

The SPEAKER. There is; and it is only for a change of time of the adjournment. The original resolution is to fix a time for closing the present session. An amendment is now pending to change the time as fixed in the original resolution. The gentleman from South Carolina [Mr. ORR] proposes an amendment, in the nature of a substitute for the original resolution. The Chair states that it is competent for the House to amend the original resolution; and having done that, they may take up the substitute.

Mr. HAVEN. Do I then understand the Chair to decide that the amendment I offered would not now be in order?

The SPEAKER. It is only in order now to amend the amendment proposed by the gentleman from New York [Mr. WALBRIDGE] to the original resolution.

Mr. HAVEN. Do I understand the Chair to say that there is an amendment in the second degree now pending, upon which we shall have to vote before any further amendments are submitted?

The SPEAKER. If the House will give their attention, the two propositions will be read, so that there may be no misunderstanding between the House and the Chair. The original resolution reads as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses sine die on Monday, the third of July next, at twelve o'clock, m.

The gentleman from New York [Mr. WALBRIDGE] moves that the words "third of July" be stricken out of the resolution, and that the words "seventeenth of July" be inserted in their place.

The second proposition offered by the gentleman from South Carolina [Mr. ORR] reads as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on Monday, August 14, at twelve o'clock, m.

Mr. DISNEY. I desire to say but a word to the House in relation to this whole matter. In my judgment this discussion is premature, ill considered, and out of place. Gentlemen get up here and say in their judgment there is no doubt that the House would get through all its business at some time indicated by them. They do not mean by this that all the interesting and important business before the House can be disposed of at the time indicated, but they mean that all the business in which they individually feel an interest can be disposed of. This is what they mean.

All your committees are loaded down with matters which they desire to present to the House. My own drawer is full of bills upon the most important subjects. To be sure, they would not be of interest to my colleague, who spoke a moment since, but they are of deep and vital interest to many persons throughout the country, and many members of this House. I can understand the feeling which operates upon gentlemen, and engenders that impatience which manifests itself to get away from here at a very early day. But we were sent here to transact the public business, and not to consult our own pleasure or our own convenience. I say again, in view of the important matters pressing upon us for consideration, and awaiting our action, that it is ridiculous and absurd in the extreme for gentlemen to stand up here and say that, in their judgment, all these matters can be disposed of at a certain indicated

time. They may say, and truly, too, so far as they are concerned, and so far as they individually feel an interest in them, that they may be disposed of by such a time.

The gentlemen upon the Committee of Ways and Means think that there is no legislation necessary in Congress except that of passing the appropriation bills, and that when you dispose of them it is time for Congress to adjourn. The act providing for the payment of the clerks and Executive officers of the Government is, in their judgment, the *summum bonum* of all acts of legislation. So, too, with the gentleman from New York, [Mr. HAVEN,] and other gentlemen, who have no business to be transacted here of any particular importance to their constituents, and therefore think that there is no business before Congress, although there may be bills to be disposed of in which the mightiest consequences to the Republic may lie in embryo. What care they? These do not, they think, affect their constituents, and therefore there is no business of importance to be disposed of! What they mean by "business," is some particular thing in which their constituents are concerned; some matter of a local character affecting their own evanescent popularity, their own ephemeral interests, or those of the people whom they represent. That is what these gentlemen mean by the term "business."

Now, Mr. Speaker, I understand that we were sent here for a very different purpose from all this. I believe that we were sent here to protect and to advance the public interests. We were sent here, not to exhibit patience or impatience at the work which we are called on to perform, and to consult our own inclinations as to its performance, but to attend faithfully and diligently to the business matters that may be legally and legitimately submitted for our consideration, and to give them that calm and proper deliberation which they require.

Sir, entertaining these views, and knowing, as I do, the amount of matter which is pending before the committees, and which the committees desire to offer for the consideration of the House, I can state that this matter cannot be disposed of in the time indicated in this resolution. I cannot, and no man can, undertake, in advance, to say the precise time when Congress can properly adjourn, after giving the due consideration to those matters which they are entitled to receive at their hands.

I understand that this resolution is now pending before the House. If a motion to lay it on the table be in order, I now make that motion.

The SPEAKER. The gentleman from Ohio [Mr. DISNEY] cannot submit that motion unless by the consent of the gentleman from New York, [Mr. HAVEN,] who yielded him the floor for explanation.

Mr. DISNEY. I understood that the gentleman has been up all the morning; and I supposed that I was at liberty to make the motion to lay it on the table.

The SPEAKER. The Chair understood the gentleman from New York to yield the floor to the gentleman from Ohio for explanation only, and not to yield it absolutely.

Mr. HAVEN. I find that I have been damaging myself by allowing the floor to go to other gentlemen while I was entitled to it. I must not do so any further.

I could not hear very distinctly all that was said by the gentleman from Ohio; but I understood him to say that there is a large amount of public business which it is necessary should be performed. I think myself that there is business before the House which it is highly expedient should be transacted. But the question which I put to the House is, whether that business will be forwarded by our undertaking to prolong the time of our session. And let me ask the gentleman from Ohio himself, how much public business has been done or forwarded for the last two and a half weeks, while there has been no time fixed for adjournment? We have been waiting here day after day, and week after week, and have not had a quorum to vote on even a question of privilege, much less on questions of practical importance to the country. And such will continue to be the case until we come together again, after having separated for a time, and after having got into a more business state of mind.

Now, in regard to this matter, I am as desirous of performing the public business as any gentleman here can be; but this is not the way to do it. The

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Senate has tendered us the proposition indicated here; and if we take them at their word, they cannot complain. I am satisfied, too, that we should not do the business of the House in the intermediate time.

I desire now to ask the Chair whether the question to be first taken is on the amendment of my colleague [Mr. WALBRIDGE] to his own resolution?

THE SPEAKER. Yes; that is the first vote to be taken.

Mr. HAVEN. One question further. Is it in order for me now to submit a proposition?

THE SPEAKER. Yes, as an amendment to the substitute offered by the gentleman from South Carolina, [Mr. ORR.] which will be held in abeyance.

Mr. HAVEN. Then I desire to submit a proposition, and to let some other gentleman take the floor.

The proposition submitted by Mr. HAVEN was then read, as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on the 4th day of July next, at twelve o'clock, m., until the third Monday of October next; *Provided*, That no per diem compensation shall be drawn by members of the House and Senate for such recess.

Mr. JONES, of Tennessee. I believe that every gentleman upon this floor will, by his professions, manifest to the country his disposition to work and to dispatch the public business. But, sir, I submit to you, and to all those present, how many, by their acts, have manifested a disposition to do the public business during the present session? Sir, we have spent the last ten days in idleness. Three days we adjourned—from Thursday, the 1st day of June, until the 5th. From that time to this, during the whole of last week, there has not been a solitary day in which there was a working quorum to be found in the House. Upon one solitary occasion, upon a call of the House, a quorum answered to their names; and then, when the roll was called upon the pending question, there was less than a quorum, and the House adjourned in consequence.

Sir, it is time now, if we had worked up to the present time, that this session should have terminated, and we should have returned to our homes. But we have idled away the time thus far, and that is no good reason why we should now go off, without doing the important business of the session, and without the transaction of which the interests of the country must materially suffer. One attempt made upon the present occasion is, perhaps, like too many others made in this House, and that is, to do two things at once—to adjourn the present session of Congress, and provide for the meeting of the next. The Constitution provides "that Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day."

Now, the Constitution fixes a day of meeting; and if Congress wishes to change that day, they must do it by the enactment of a law. That law will require the approval of the President before it will be effective. A simple resolution of adjournment, or for closing the session, does not require such signature.

The resolution from the Senate is a mere proposition for a recess—that you shall adjourn in July, and meet on the third Monday of October. Now, the law of 1818, regulating and prescribing the compensation of members, provides that they shall receive eight dollars per day for each day they shall attend. When you take a recess of three days, the members receive that compensation. If, by joint resolution, Congress take a recess of one or two weeks, members draw their pay, and I understand it is the opinion of the controlling officer of the Treasury, that if this Congress shall take a recess until October, or for any other period of time, under the law members will be entitled to their per diem. If we adopt the Senate resolution to adjourn on the 3d of July,

and to meet again on the third Monday of October, it will be a continuance of this present session; and it will then be continued, I presume, until Saturday preceding the first Monday of December next.

It will be well for members to look to the law, and see what they are doing, before they adopt that resolution. There is a proviso to the law of 1818, which says:

"*Provided always*, That no Representative or Delegate shall be allowed a sum exceeding the rate of eight dollars a day from the end of one session to the time of his taking his seat in another."

If you adjourn, therefore, or take a recess from the 4th of July to the 3d Monday in October, the members of Congress, as I understand it, will, under the decision of the Comptroller of the Treasury, be entitled to their per diem during the recess. But I hope the proposition of the gentleman from New York will not be adopted. I hope the House will not take a recess, but that we shall adopt the substitute of the gentleman from South Carolina, [Mr. ORR.] and adjourn *sine die* on the 14th of August. I think it is probable that we can get through with most of the business of the session by that time; and if not, let us pass the resolution, and the Senate will have it in their power to extend the session to such time as will enable us to accomplish what it is necessary for us to do before we adjourn *sine die*. I shall, therefore, be willing, as far as I am concerned, to fix that day, and I hope the House will at least fix some day in August for bringing the session to a final close.

I repeat, sir, that I do not wish to take a recess. It will be setting a new precedent, which I think we had better not set. Let us fix the day for the final adjournment, and then if gentlemen desire to fix an earlier day for the meeting of the next session, or for the meeting of subsequent sessions of Congress, let a bill be introduced for that purpose; let it be passed through Congress, and let it go to the President for his signature. That, in my opinion, will be doing the thing as it should be done. Let us fix the day for adjournment by one resolution, and fix the day for the commencement of another session by a separate proposition—by a law introduced and passed through Congress in the regular form, as the Constitution requires, if it should be found desirable to meet at an earlier day than that fixed by the Constitution. For myself, I believe the first Monday in December is early enough for the meeting of the second session of a Congress. If we should meet on the third Monday in October, my opinion, based upon my experience, is, that we should transact no business until after Christmas, or after the 1st of January. You will do quite as much by meeting on the first Monday in December as on the third Monday in October.

Mr. HILLYER. I desire to ask the gentleman from Tennessee a question. I understood him to say, from experience, that Congress would do no more by meeting on the third Monday in October than by meeting on the first Monday in December. I ask that gentleman if he has ever had any experience in sessions that commenced on the third Monday in October?

Mr. JONES. No, sir.

Mr. HILLYER. Then the gentleman can have no experience of the fact of which he speaks.

Mr. JONES. My experience is, that Congress never does any business until after the Christmas holidays.

Mr. HILLYER. It is for that very reason that I want the session to commence earlier.

Mr. JONES. Well, sir, I think if we were to meet in the middle of October, the time until after Christmas would be spent in pretty much the same way that it now is from the first Monday in December. We should, perhaps, adjourn over every week from Thursday until Monday. How has it been during the present session of Congress? The House adjourned, if I recollect rightly, every week, before the 1st of January, from Thursday till the Monday following; and since that time we have adjourned every week from Friday till Monday, with two or three exceptions. The

House did set on two or three Saturdays while the Nebraska bill was under consideration; but, if my recollection serves me right, they are the only ones during the session. Nothing of less importance than that bill could induce us to remain in session upon Saturday.

A MEMBER. We sat last Saturday.

Mr. JONES. Yes, sir, and with about sixty or seventy members present. And why did you meet here last Saturday? Because you could not get a quorum on Thursday or Friday to adjourn over until Monday. [Laughter.] I hope that the proposition for a recess may be voted down, and that there may be fixed a day for adjournment *sine die*.

Mr. KEITT obtained the floor, and yielded to

Mr. EWING. Is it in order to move to lay the substitute and amendments to the substitute upon the table? If it be, that motion will bring us to a vote on the original resolution.

THE SPEAKER. It would not alter the position of the original resolution, and the amendments to it, if the House chose to lay the substitute and the amendments to it upon the table. Those matters would be before the body precisely in the shape they now are. It is in order to move to lay upon the table; but the motion would carry all—the original resolution, substitute, amendments, and all.

Mr. EWING. My object was to bring the House to a vote on the original resolution for an adjournment *sine die* in July. I do not think that we can accomplish anything considerable at least by remaining here until August. There are a thousand reasons affecting the House, and affecting members individually, which seem to me to render it impossible for us to accomplish any more business during this session. It may be very desirable that we should; but in the languor which succeeds an unusual excitement there is always an indisposition to labor—a want of interest in the every-day legislation of the country. Besides, members are looking, some of them anxiously, towards home about the next election. [Laughter.] They are consulting, as it is proper they should, their constituents—as some perhaps did not do so before the passage of the Nebraska bill—as to whether they did right in passing it. [Renewed laughter.] This is of interest to them; and if it happens to be more interesting than bills for land grants, or even bills for just private claims, we cannot help it. Such is the condition of things, and such is the inevitable feeling of members.

The gentleman from Tennessee has illustrated this strikingly. He has shown, or rather reminded us, that we have not been able recently to do anything; and I do not see much prospect of our accomplishing more than we have during the remainder of this session. If we determine to close the session in July, we shall feel the necessity of passing the appropriation bills, however desirable it may be, at least to a portion of the members, to pass bills for private claims, land grants, and divers other bills. We shall have to defer them to the next session of this Congress, or, possibly, to another Congress, which will come here, it is to be hoped, under different auspices, and more favorably inclined to practical legislation.

I believe, Mr. Speaker, that if we do not close this debate in some form or the other, that before the resolution is acted on we shall have to postpone the day of adjournment into September. Unless we close it, I do not think we shall get through with it before the day fixed arrives. [Laughter.] My object was, with this simple explanation, if practicable, to have closed debate by moving to lay the substitute, and the amendments to it, upon the table. As that is not practicable, I shall not further occupy the floor.

Mr. HILLYER. It is not my purpose to discuss the resolution further.

THE SPEAKER. Does the gentleman from Kentucky submit the motion that the resolution and amendments do lie upon the table?

Mr. EWING. No, sir. I would simply ask, however, as I owed the floor to the courtesy of the gentleman from South Carolina, whether the

gentleman from Georgia has not already spoken twice on this subject?

The SPEAKER. He has not spoken at all on the question. He has had the floor yielded to him merely for explanation.

Mr. KEITT. I have no objection to the gentleman from Georgia proceeding with his remarks.

Mr. HILLYER. I do not propose to consume the time of the House by further discussing the question. My object is simply to state, that I desire at some future day to submit the resolution I have already indicated; and for the purpose of enabling me to do it, I move to lay the resolution and the various amendments upon the table.

Mr. CLINGMAN. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered. The question was then taken; and there were—yeas 56, nays 97; as follows:

YEAS—Messrs. Aiken, James C. Allen, Ashe, Belcher, Bell, Boyce, Bridges, Caskey, Chastain, Clark, Cobb, Colquitt, Disney, Dunbar, Edmundson, Everhart, Fuller, Goode, Green, Henn, Hillyer, Hughes, Ingersoll, Roland Jones, Keitt, Lamb, Letcher, Lindsey, McCulloch, McMullin, Maxwell, Milson, Murray, Nichols, Parker, Bishop Perkins, John Perkins, Powell, Riddle, Thomas Ritchey, Rogers, Ruffin, Sabin, Seward, Shannon, Singleton, Skelton, Gerrit Smith, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, Thurston, Upham, and Vail—56.

NAYS—Messrs. Abernethy, Willis Allen, Appleton, Ball, Barry, Benson, Bocock, Breckinridge, Brooks, Bugg, Campbell, Carpenter, Caruthers, Chandler, Chrisman, Churchwell, Clingman, Cook, Corwin, Cox, Crocker, Curtis, Cutting, John G. Davis, Dawson, Dick, Dowdell, Drumm, Dunham, Edmunds, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Ewing, Gamble, Giddings, Goodrich, Greenwood, Hamilton, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hendricks, Hiestor, Hill, Houston, Howe, Hunt, Johnson, George W. Jones, J. Glancy Jones, Kidwell, Knox, Latham, Lindley, May, Meacham, John G. Miller, Smith Miller, Morgan, Morrison, Norton, Andrew Oliver, Mordecai Oliver, Orr, Pennington, Phelps, Preston, Pringle, Puryear, Ready, David Ritchie, Robbins, Russell, Sage, Sapp, Shaw, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, John L. Taylor, Nathaniel G. Taylor, Trout, Walbridge, Walley, Warren, Israel Washburn, Tappan Wentworth, Westbrook, Daniel B. Wright, and Hendrick B. Wright—97.

So the House refused to lay the resolution upon the table.

Mr. KEITT. I desire that the House shall adjourn at the earliest day compatible with the discharge of our public duties. My experience in legislative bodies at home, which runs over a good many years, advises me, that when a reasonable time is fixed, the labors and business of the session are adapted to the time appointed. I am therefore in favor of fixing a reasonable time for adjournment, a day within which the public business can be expeditiously transacted. Now, sir, let us see what we have to do. The appropriation bills are yet untouched, and none have ever yet passed without long debate and a protracted struggle. I cannot say that I regret this, because the money power in a Government is the most dangerous and absorbing of all powers. Then a very considerable portion of the session must be consumed in the discussion of the appropriation bills. Is there no other business of importance before us?

I understand, sir, that the Democratic party came into power with the principle of free trade inscribed upon its flag. Now, sir, what has been done to carry out this principle? Nothing, literally nothing. Should it not do something? Most certainly it should, unless its creed be only a delusion, and its only object be spoils. The Democratic party came into power by an overwhelming majority; and I wish to know, and, as far as my vote goes, I mean to know, if its professions about free trade are honest or not. Sir, if principles be with the party mere juggler's balls, to play a game of popular imposture with, then I desire the legerdmain to be understood, and the dupes to be only the juggler's dupes. Sir, if the Democratic party is based upon principles, let us see this by action. I am tired of mere professions. Let me say, also, sir, that no party, bloated by heterogeneous compounds, and corpulent with crude isms, can ever last long. Life waits upon health, and antagonistic elements carry death with them.

Sir, if the Democratic party is divided upon the great question of free trade, which was born here, and has subsequently carried its flag of triumph over almost all the globe, the country should know the fact. The Treasury is full to repletion;

our great staples are increasing almost incalculably, and our resources in every phase are quickened with an energy unknown by any other people or any other time. Sir, we have made discoveries in everything but the practical application of the principles of government. We have explored the arcana of physical science, laid bare its mysteries, swept over tremendous ravines, and made the lightning play postman to the nations of the earth; but in government we have pursued only the broad thoroughfare trampled by the footsteps of every nation which has gone before us, of centralization, financial aggrandizement, and the spoliation of weaker interests.

Sir, let us retrace our steps, and recur to the earlier principles of the Republic. Let us adapt the revenue of the Government to its proper wants, and secure an economical expenditure. This can only be done by an entire reformation of the present tariff. This the Democratic party is pledged to; and I mean, as far as my vote goes, to make it redeem its pledges, or distinctly refuse to do so. I do not mean, as far as I can prevent it, that it shall shirk the question by an adjournment. I prefer to fix the day of adjournment about the first of September; though I think we had better postpone the whole question for the present.

Sir, let us look this tariff question in the eye, and see who of us are for a reformation of the tariff, and who opposed to it. For thirty years my section has been borne down by an oppressive system of legislative plunder; and it is time we should fling it off. The Democratic party is pledged to this, and let it redeem the pledge. Whenever the tariff is reformed, or whenever the Democratic party in this House distinctly refuses to reform it, I am ready to adjourn. I will not vote to adjourn that it may shirk this issue. If it is to continue to manipulate the masses with professions, and, by skillful jugglery, to ensnare, seduce, and delude, it shall have no aid of mine for any of these purposes. Professions seduce men; principles rally them.

Mr. HAMILTON. If I understand the position of the question now before us, it is open to no further amendments, and it is useless to consume the time of the House in further debate. I apprehend every gentleman is prepared to vote; and without desiring to cut off the expression of opinion upon this subject by any gentleman, I demand the previous question, and I hope that the House will sustain it.

Mr. ORR demanded tellers on the second.

Tellers were ordered; and Messrs. OLDS and CAMPBELL were appointed.

The House was divided; and the tellers reported—yeas 75, noes not counted.

So the previous question was seconded.

The main question was then ordered to be put; being first on the amendment offered by the gentleman from New York [Mr. WALBRIDGE] to his own resolution to strike out the word "third" and insert "seventeenth," so as to make it read:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses *in die* on the seventeenth day of July next, at twelve o'clock, m.

Mr. ROBBINS. Is there not an amendment to that amendment pending, submitted by the gentleman from South Carolina, [Mr. ORR]?

The SPEAKER. There is an amendment to it, submitted by the gentleman from South Carolina, but it is in the nature of a substitute.

The question was taken on the amendment; and it was not agreed to.

The SPEAKER. The question is now on the amendment to the substitute offered by the gentleman from New York, [Mr. HAVEN], which is as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on the fourth day in July next, at twelve o'clock, m., until the third Monday in October next: *Provided*, That no per diem compensation shall be drawn by members of the House and Senate for such recess.

The SPEAKER. The Clerk will now read the proposition of the gentleman from South Carolina, [Mr. ORR].

The substitute was read, as follows:

Resolved, (the Senate concurring,) That the President of the Senate, and the Speaker of the House of Representatives, adjourn their respective Houses on Monday, August 14th, at twelve o'clock, m.

Mr. LETCHER. I would like to inquire of

the gentleman who offered that amendment, why mileage was not inserted in it as well as per diem?

Mr. JONES, of Tennessee. I would ask the Chair how that got in?

The SPEAKER. It got in under the ruling of the Chair at the time that it was in order to amend the substitute proposed to the original resolution. There were various questions before the Chair made the decision.

Mr. JONES. The ruling would be undoubtedly correct where the original proposition had been disposed of; but certainly, I think, the Chair will see that the amendment to the substitute was not in order while there could be still an amendment to the original proposition.

The SPEAKER. The Chair refers the gentleman from Tennessee to cases of this sort where the same decision as that made by the Chair in this case, has been made. There was such a decision made here this moment, when an amendment was offered to the substitute. In respect to the question whether an amendment to an amendment can be held in abeyance, the Chair decided that it could be so held; and so did Mr. Cobb and others of my predecessors decide.

Mr. DRUM. I ask for the yeas and nays upon the substitute, and not upon the amendment.

The SPEAKER. It is not in order to make that demand until the amendment is disposed of. The question now is upon the amendment.

Mr. LETCHER. Will it be in order to move an amendment to that—to add "mileage" after the "per diem"?

The SPEAKER. It will not, as the previous question has been seconded.

Mr. HAVEN. I ask for the yeas and nays upon the adoption of the amendment.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 46, nays 110; as follows:

YEAS—Messrs. Appleton, Ball, Benson, Campbell, Carpenter, Clingman, Cook, Corwin, Crocker, Dick, Edmunds, Everhart, Giddings, Goodrich, Greenwood, Aaron Harlan, Haven, Howe, Hunt, Ingersoll, Knox, Latham, McCulloch, McDougall, Mace, Mayall, Meacham, Morgan, Norton, Parker, Pringle, David Ritchie, Russell, Sabin, Sage, Seward, William R. Smith, Alexander H. Stephens, Andrew Stuart, Nathaniel G. Taylor, Thurston, Upham, Walbridge, Walley, Warren, and Tappan Wentworth—46.

NAYS—Messrs. Abernethy, Aiken, James C. Allen, Willis Allen, Ashe, Barry, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Bugg, Caruthers, Caskey, Chamberlain, Chandler, Chrisman, Churchwell, Clark, Cobb, Colquitt, Cox, Curtis, Cutting, John G. Davis, Dawson, Dick, Dowdell, Drumm, Dunbar, Dunham, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Ewing, Fuller, Gamble, Goode, Green, Hamilton, Andrew J. Harlan, Hastings, Hendricks, Henn, Hiestor, Hill, Hillyer, Houston, Hughes, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Lamb, Letcher, Lindley, Lindsey, Macdonald, McMullin, Maurice, May, John G. Miller, Smith Miller, Milson, Morrison, Nichols, OLDS, Andrew Oliver, Mordecai Oliver, Orr, Pennington, Bishop Perkins, John Perkins, Phelps, Powell, Preston, Puryear, Ready, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Sapp, Shannon, Shaw, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, John L. Taylor, Trout, Vail, Israel Washburn, Westbrook, Daniel B. Wright, and Hendrick B. Wright—110.

So the amendment was not agreed to.

The SPEAKER. The question now recurs upon the substitute of the gentleman from South Carolina, [Mr. ORR.]

Mr. DRUM. Upon that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. JONES, of Tennessee. I call for tellers. Tellers were ordered; and Messrs. Cox and VAIL were appointed.

The question was then taken; and the tellers reported—yeas 71, noes 69.

So the amendment was agreed to.

The question then recurred upon the adoption of the resolution as amended.

Mr. CAMPBELL. I move to lay the resolution upon the table.

Mr. BRECKINRIDGE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 64, nays 82; as follows:

YEAS—Messrs. Appleton, Ball, Belcher, Bell, Benson, Boyce, Campbell, Caskey, Chandler, Crocker, Dick, Disney, Everhart, Ewing, Fuller, Goode, Goodrich, A. Harlan, Haven, Henn, Hillyer, Hunt, Ingersoll, Roland Jones, Keitt, Knox, Lamb, Letcher, Lindsey, McCulloch, McDougall, McMullin, Mace, Mayall, Milson, Morgan, Murray, Norton, Andrew Oliver, Mordecai Oliver, Parker, Pennington, Bishop Perkins, John Perkins, Powell, Preston,

Pringle, Puryear, David Ritchie, Rogers, Sabin, Sage, Sapp, Seward, Shannon, Hester L. Stevens, Stratton, Straub, Nathaniel G. Taylor, Thurston, Upham, Vail, Walley, and Tappan Wentworth—64.

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Barry, Boock, Breckinridge, Bridges, Brooks, Bugg, Carpenter, Caruthers, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Corwin, Cox, Cutting, John G. Davis, Dawson, Dowdell, Drum, Dunbar, Dunham, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Gamble, Giddings, Greenwood, Hamilton, Andrew J. Harlan, Hastings, Hendricks, Hiestler, Hill, Houston, Hughes, Johnson, George W. Jones, J. Glancy Jones, Kidwell, Latham, Lindley, Macdonald, Maxwell, May, John G. Miller, Smith Miller, Morrison, Nichols, Olds, Orr, Phelps, Ready, Riddle, Robbins, Ruffin, Russell, Shaw, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, John L. Taylor, Trout, Walbridge, Warren, Israel Washburn, Daniel B. Wright, and Hendrick B. Wright—82.

So the House refused to lay the resolution upon the table.

The question again recurred upon the adoption of the resolution as amended.

Mr. INGERSOLL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 82, nays 68; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Barry, Bell, Boock, Breckinridge, Bridges, Brooks, Bugg, Caruthers, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Corwin, Cox, Curtis, Cutting, John G. Davis, Dawson, Dowdell, Drum, Dunbar, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Gamble, Greenwood, Hamilton, Andrew J. Harlan, Hastings, Hendricks, Hiestler, Hill, Houston, Johnson, George W. Jones, J. Glancy Jones, Kidwell, Latham, Lindley, Macdonald, Maxwell, May, John G. Miller, Smith Miller, Morrison, Nichols, Olds, Orr, Phelps, Ready, Robbins, Ruffin, Russell, Shaw, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, John L. Taylor, Trout, Walbridge, Warren, Daniel B. Wright, and Hendrick B. Wright—82.

NAYS—Messrs. Appleton, Ashe, Ball, Belcher, Benson, Boyce, Campbell, Carpenter, Caskey, Chandler, Cook, Crocker, Dick, Disney, Everhart, Ewing, Fuller, Giddings, Goodrich, Aaron Harlan, Haven, Henn, Hillyet, Howe, Hughes, Hunt, Ingersoll, Roland Jones, Keitt, Knox, Lecher, Letcher, Lindsey, McCulloch, McDougall, McMullin, Mace, Mayall, Millson, Morgan, Murray, Norton, Andrew Oliver, Parker, Pennington, Bishop Perkins, John Perkins, Powell, Preston, Pringle, Puryear, Riddle, David Ritchie, Thomas Ritchey, Rogers, Sabin, Seward, Shannon, Andrew Stuart, Nathaniel G. Taylor, Thurston, Upham, Vail Walley, Israel Washburn, Tappan Wentworth, and Westbrook—68.

So the resolution, as amended, was adopted.

Mr. ORR. I move to reconsider the vote by which the resolution was adopted. I desire to say that the words *sine die* are not incorporated in the resolution, because they are not at all necessary. It requires the action of the two Houses to pass the resolution. When the House adjourns on the day fixed it will require the concurrence of the other body for our meeting afterwards, until the time fixed for the meeting of Congress by the Constitution. I therefore move that the motion to reconsider be laid upon the table.

The question was taken; and the motion was agreed to.

HOOR OF MEETING.

Mr. HOUSTON. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That from and after this day, and until otherwise ordered, the daily hour of meeting of the House of Representatives shall be eleven o'clock, a. m.

Mr. STEPHENS, of Georgia. I object.

Mr. HOUSTON. I move that the rules be suspended for the purpose indicated.

The question was put; and sixty-two voted in the affirmative.

Mr. ORR. I call for tellers.

Tellers were ordered; and Messrs. VAIL and CHURCHWELL were appointed.

The question was again put; and the tellers reported—ayes 60—

Mr. COBB. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BALL. I move that the House adjourn.

Mr. WRIGHT, of Pennsylvania. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 60, nays 69; as follows:

YEAS—Messrs. Abercrombie, Ball, Bell, Benson, Boyce, Campbell, Carpenter, Chrisman, Clingman, Cook, Corwin, Dick, Disney, Dowdell, Edmunds, Thomas D. Eliot, Everhart, Ewing, Giddings, Goodrich, Greenwood, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Henn,

Hiestler, Hill, Howe, Hughes, Hunt, Ingersoll, Keitt, Knox, Letcher, Mayall, Morgan, Murray, Norton, Andrew Oliver, Parker, Powell, Pringle, Ready, David Ritchie, Sabin, Shannon, Gerrit Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Walbridge, Walley, Israel Washburn, and Tappan Wentworth—50.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Barry, Belcher, Boock, Breckinridge, Bridges, Bugg, Caruthers, Caskey, Chamberlain, Chandler, Churchwell, Clark, Cobb, Colquitt, Cox, Crocker, Cutting, John G. Davis, Dawson, Dunbar, Dunham, Edmundson, John M. Elliott, Ellison, English, Fuller, Gamble, Goode, Hamilton, Hendricks, Hillyer, Houston, Johnson, George W. Jones, J. Glancy Jones, Latham, Lindley, Lindsey, Macdonald, McMullin, Maxwell, May, John G. Miller, Smith Miller, Morrison, Mordecai Oliver, Orr, Bishop Perkins, Phelps, Puryear, Riddle, Thomas Ritchey, Robbins, Ruffin, Russell, Singleton, Skelton, William Smith, George W. Smyth, Hester L. Stevens, Stratton, Trout, Vail, Daniel B. Wright, and Hendrick B. Wright—69.

So the House refused to adjourn.

The **SPEAKER.** The question now recurs upon the motion made by the gentleman from Alabama, [Mr. Houston,] to suspend the rules for the purpose of introducing the resolution which has been read. Upon that motion the yeas and nays were ordered.

Mr. HOUSTON. As the House seems to be very thin, I would prefer that the motion should go over until Monday next.

The **SPEAKER.** Is it the pleasure of the House that the motion made by the gentleman from Alabama lie over?

Mr. STEPHENS, of Georgia. I would ask the gentleman from Alabama to withdraw his motion. He must be certainly convinced that his resolution cannot pass, and we can save more time by sitting late than by meeting at eleven o'clock, when we should rarely have a quorum here.

Mr. HOUSTON. The gentleman from Georgia must know very well that I am here both early and late. I presented the resolution because I believed that it ought to pass.

The question was then taken upon Mr. Houston's motion to suspend the rules; and there were—yeas 78, nays 45; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Appleton, Barry, Bell, Boock, Breckinridge, Bridges, Bugg, Carpenter, Caskey, Chamberlain, Chandler, Chrisman, Cobb, Colquitt, Cutting, John G. Davis, Dawson, Disney, Dowdell, Drum, Dunbar, Dunham, Edmundson, John M. Elliott, Ellison, English, Fuller, Gamble, Goode, Hamilton, Hendricks, Hillyer, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Kidwell, Latham, Letcher, Lindsey, McCulloch, Macdonald, Maxwell, May, John G. Miller, Smith Miller, Morrison, Mordecai Oliver, Orr, Bishop Perkins, Phelps, Puryear, Thomas Ritchey, Robbins, Ruffin, Russell, Sabin, Shannon, Shaw, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, William R. Smith, George W. Smyth, Hester L. Stevens, Stratton, Andrew Stuart, Trout, Vail, Daniel B. Wright, and Hendrick B. Wright—78.

NAYS—Messrs. Ball, Benson, Boyce, Brooks, Campbell, Clingman, Crocker, Dick, Edmunds, Ewing, Giddings, Goodrich, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Henn, Hiestler, Hill, Howe, Hughes, Hunt, Keitt, Knox, McMullin, Morgan, Murray, Norton, Parker, Preston, Pringle, Ready, David Ritchie, Sage, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Walbridge, Walley, Israel Washburn, and Tappan Wentworth—45.

So (two thirds not voting in favor thereof) the rules were not suspended.

Mr. MILLER, of Indiana. I ask the unanimous consent of the House to take from the Speaker's table, for the purpose of having it referred, Senate bill No. 373, being an act "to ascertain and adjust the title of certain lands in the State of Indiana."

Mr. KNOX. I object, and move an adjournment.

Mr. MILLER. I ask the gentleman from Illinois to withdraw the objection, and allow the bill to be read a first and second time by its title, and referred to the appropriate committee.

Mr. KNOX. I withdraw my objection.

The bill was then read a first and second time by its title, and referred to the Committee on Private Land Claims.

Mr. HILLYER. It is within the experience of every member of this House, that the short sessions of Congress do not afford sufficient time for a proper discharge of its legislation. I therefore move that the rules of the House be suspended, so as to enable me to introduce the following bill:

Be it enacted, That hereafter the day appointed, by law, for the assembling of Congress, shall be the first Monday in November of each year, instead of the first Monday of December.

Mr. HAMILTON. I move that the House adjourn.

Mr. DRUM. Upon that motion I demand the yeas and nays.

Mr. HILLYER. If the House now adjourns, what will be the position of my motion?

The **SPEAKER.** It will come up as the first business in order on Monday next.

Mr. DRUM. I withdraw the call for the yeas and nays upon the motion to adjourn.

The question was then taken on Mr. Hamilton's motion; and it was agreed to, and thereupon the House (at twenty minutes before four o'clock) adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, June 13, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. WADE presented the petition of Frederick Denio, an invalid pensioner, of Jefferson, Ohio, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Also, the petition of Oakley H. Wright, of Rensselaer, Indiana, praying to be allowed a pension and one hundred and sixty acres of land, for services rendered in the war with Algiers, and in the war of 1812; which was referred to the Committee on Pensions.

Also, the petition of Raymond Williams, of Lake county, Indiana, an invalid of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BROWN presented the petition of M. H. Beaver and sixty-eight other citizens of Mississippi, praying for a mail route from Beaver Dam and Maxville, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. FOOT presented a petition of citizens of Burlington, Vermont, praying an appropriation for the purchase of a site, and the erection of a building for a custom-house and post office at that place; which was referred to the Committee on Commerce.

Mr. SHIELDS presented the petition of Jane A. Brower, widow of Charles B. Brower, deceased, praying a pension for the services of her husband in the Mexican war; which was referred to the Committee on Pensions.

Also, the petition of A. S. Bender, praying compensation for his services as superintendent of the United States lead mines of the Upper Mississippi; which was referred to the Committee on Public Lands.

Also, the petition of Adolphus Allen, praying the extension of his patent for a water-wheel; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of Anne Royall, widow of Captain William Royall, of the Revolutionary Army, praying that she may be allowed and paid interest on the amount due her late husband, or for some other relief; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Adam D. Steuart and others, officers of the United States Army, praying to be compensated for extra services performed by them in Mexico, during the late war with that Republic; which was referred to the Committee on Military Affairs.

Mr. BELL presented the memorial of Jesse D. Carr, sutler to the second regiment of Tennessee volunteers, in the late war with Mexico, praying indemnity for property destroyed by the enemy; which was referred to the Committee on Military Affairs.

Mr. PEARCE presented the petition of James H. Smith and Charles Stevens, praying indemnity for the loss of schooner Drumscale and cargo, wrecked at the mouth of the Patapsco river by striking upon submerged iron piles placed there by the Government; which was referred to the Committee on Commerce.

Mr. BENJAMIN presented the petition of Charles Parsons, of Louisiana, praying the issue of a register to the brig Amelia, under the name of Abby Frances; which was referred to the Committee on Commerce.

Also, a memorial of owners and occupants of lands lying within the Bastrop grant, Louisiana,

praying to be protected in their rights; which was referred to the Committee on Private Land Claims.

Mr. RUSK presented a petition of citizens of the United States praying Congress to take such measures as will secure the liquidation of their claims against Mexico, arising from losses and damages sustained from the confiscation of merchandise by that Republic, in violation of treaty stipulations; which was referred to the Committee on Foreign Affairs.

Also, the memorial of Rachel Herbert, praying compensation for extra services performed by her late husband, Nathaniel Herbert, deceased, while an assistant messenger in the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

Mr. TOUCEY presented four memorials of persons engaged and interested in the navigation of Long Island Sound, and the adjacent waters, praying an appropriation for the erection of a fog bell at Saybrook light-house, in Long Island Sound; which were referred to the Committee on Commerce.

Mr. CASS presented the following memorials, praying the adoption of such measures as will secure to American citizens residing or traveling in foreign countries the enjoyment of their rights of conscience and religious freedom:

Memorial of ministers and elders of Madison Presbytery, and citizens of Rising Sun, Indiana;

Two memorials of citizens of Cincinnati, Ohio, and its vicinity;

Memorial of citizens of Louisville, Kentucky; and

Memorial of members of the General Assembly of the Cumberland Presbyterian Church, in session at Memphis, Tennessee.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of G. G. Cushman and the heirs of Thomas Bartlett be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. COOPER, it was

Ordered, That the petition of James A. Glending be withdrawn from the files of the Senate, and referred to the Committee on Claims.

CHEAP OCEAN POSTAGE.

Mr. BADGER presented a petition of citizens of Wilmington, Raleigh, and various towns in North Carolina, praying a reduction in the rates of ocean postage; also a petition of inhabitants of the town of Newbern, North Carolina; a petition of inhabitants of Guilford county, North Carolina; and a petition of the inhabitants of the town of Wilmington, North Carolina, in favor of the same object; which were referred to the Committee on the Post Office and Post Roads.

Mr. MASON. I am requested to present to the Senate the petition of certain inhabitants of the town of Union, Loudon county, Virginia, asking for the reduction of ocean postage. I heard the Senator from North Carolina [Mr. BADGER] present a series of similar petitions a few moments ago. I have presented one or two from the interior of my own State; and it is a singular fact that petitions on this subject should come from the interior. It so happens that the gentleman who sent me this petition, states in his letter to me that it had been sent to him by Mr. Elihu Burritt, with the request that he would get signatures, and send it to the Senate.

Mr. BADGER. That I understand to be the case in regard to those I presented.

Mr. MASON. I do not wish it to be inferred, in presenting these petitions, that I impliedly give any opinion upon the propriety or expediency of the proposed reduction of ocean postage. I ask that the petitions be referred to the Committee on the Post Office and Post Roads.

They were so referred.

Mr. GWIN. I have joint resolutions on the same subject, of more authority than the petitions presented by the Senators from Virginia and North Carolina. They are the joint resolutions of the Legislature of California, which passed both bodies unanimously, in favor of the reduction of ocean postage. I ask that they may be referred to the same committee, and ordered to be printed. It was so ordered.

Mr. COOPER presented a petition of inhabitants of Norristown, Pennsylvania, praying a reduction of the rates of ocean postage; which was

referred to the Committee on the Post Office and Post Roads.

Mr. GILLETTE presented a petition of inhabitants of the town of Wolcottville, Connecticut; and a petition of the inhabitants of the town of Bristol, Connecticut, praying a reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. EVANS presented a petition of citizens of Columbia, South Carolina, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. WILLIAMS, from the Committee on Pensions, to whom were referred documents in relation to the claim of Betsy Whipple, widow of Stephen Whipple, a soldier in the last war with Great Britain, to a pension, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Abigail Saunders, praying to be allowed bounty land as the widow of Joseph Davis, a soldier in the last war with Great Britain, submitted an adverse report thereon; which was ordered to be printed.

Mr. SUMNER, from the Committee on Pensions, to whom was referred the petition of Peter Amey, praying a pension on account of wounds received in the naval service of the United States, during the last war with Great Britain, submitted a report, accompanied by a bill for the relief of Peter Amey, (colored man;) which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom were referred the following petitions, submitted adverse reports thereon; which were ordered to be printed:

Petition of William B. May and others, citizens of Massachusetts, praying the enactment of a law authorizing certain invalid pensioners of the United States, living in that State, to draw pensions from the date of the injury received in the public service;

* Petition of Jane M. Rudolph, widow of Thomas C. Rudolph, late captain in the United States revenue service, praying for a pension; and

Petition of John R. Preshier, praying to be allowed back pension.

BILL INTRODUCED.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of the assignees or legal representatives of Jacques Moulon; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

NEW YORK ASSAY OFFICE.

Mr. FISH. I have been requested to present the remonstrance of the Chamber of Commerce of the city of New York, against any alteration of the existing law with regard to the assay office in that city, which may affect its present efficacy. A bill is on the table against which this remonstrance is particularly directed. I move, therefore, that the remonstrance lie on the table.

Mr. GWIN. I will take this occasion to say that there was an omission in that part of the bill against which this remonstrance is presented, which is the cause of the opposition to it. It is intended by the Committee on Finance to have that corrected when the bill comes before us again.

Mr. FISH. Then, do I understand the Senator to mean that when the bill comes up, the two sections which are excepted will be stricken out?

Mr. GWIN. I will state to the Senate that the principal objection to the bill is that it gives to the depositors in the assay office, in the city of New York, only the right to redemption in bullion—in bars. The object of the bill was to allow them to be paid in coin, or refined or assayed bars, doing away entirely with certificates, and paying them in coin at the New York assay office. That was the object of the bill.

Mr. FISH. This remonstrance will reach even the proposition which I understand the Senator now to indicate as that which the committee will propose.

The remonstrance was ordered to lie on the table.

THE NEBRASKA BILL.

Mr. WELLER. I ask leave to present joint resolutions which have been passed by the Legislature of California, upon the subject of the Nebraska bill. I may be allowed to say that it is exceedingly gratifying to the delegation from that State in Congress, to find that their action has been sustained by the representatives of the people in the Legislature. These resolutions affirm the propriety of that bill. They passed the House of Assembly with only ten votes against them, and passed the Senate with an opposition of only seven votes. This, I undertake to say, is one of the most decisive votes that has been given by the Legislature of any State since the agitation of the Nebraska question. As the subject has been disposed of by the Senate, I move that the resolutions be laid upon the table, and be ordered to be printed.

The motion was agreed to.

HOOR OF MEETING.

Mr. HOUSTON. I offer the following resolution, and hope that the Senate will unanimously consent to its consideration now:

Resolved, That the Senate will hereafter meet at eleven o'clock, a. m.

Mr. BRIGHT and others objected, and the resolution went over one day under the rule.

Mr. GWIN subsequently introduced the following resolution, and asked for its immediate consideration:

Resolved, That from and after Monday next, until otherwise ordered, the daily hour of meeting of the Senate shall be eleven o'clock, a. m.

Mr. FISH. Let it lie over.

The PRESIDENT. The Chair will suggest that the Senator from Texas has offered a resolution similar to that.

Mr. GWIN. Then I withdraw mine.

PATENT OFFICE REPORT.

Mr. BADGER. I submitted, a few days ago, the Senate will recollect, a resolution to rescind the order which we made for the printing, by our printer, of certain copies of the agricultural portion of the Patent Office report, with a resolution ordering the simple printing of the same number which was contemplated by the resolution which I propose to rescind, for the reason which I explained at the time, that the resolution might be passed by the Senate after the modification of our existing law, made by a provision agreed upon by the two Houses in the deficiency bill, so that we might get rid of the question of the printing being done by our printer. It will now be done by our printer without putting the words in the resolution. As the work ought to be now in progress, I hope the Senate will take up, and dispose of those resolutions.

The Senate proceeded to consider the resolutions; which were as follows:

Resolved, That the resolution for printing certain additional copies of the agricultural portion of the Patent Office report, agreed to by the Senate on the 29th instant, be, and the same is hereby, rescinded.

Ordered, That there be printed for the use of the Senate forty thousand additional copies of the same, with the plates accompanying it, of which five thousand shall be for the use of the Patent Office.

Mr. BADGER. It will be necessary to modify the resolution by making it read the "29th of May," as we have now got into June.

The resolutions, as modified, were agreed to.

MEETING OF CONGRESS.

Mr. DOUGLAS, in pursuance of previous notice, asked and obtained leave to introduce a bill providing for the annual meeting of Congress; which was read twice by its title.

Mr. DOUGLAS. I do not know that it is necessary to refer the bill to any committee. It makes the annual meeting of Congress to commence on the first Monday in October instead of the first Monday in December, so as nearly to equalize the two sessions of Congress.

Mr. GWIN. I suggest to the Senator that he let the bill lie on the table, and have it ordered to be printed.

The PRESIDENT. That order will be made, unless it be referred.

Mr. DOUGLAS. Let it go on the Calendar.

AMENDMENT TO THE RULES.

Mr. BRODHEAD. I offer the following resolution:

Resolved, That the 30th rule for conducting the business of the Senate, be amended by inserting after the word "standing," the words "or select;"

so that the clause will read:

—"or moved by the direction of a standing or select committee of the Senate."

I will read the whole rule:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments, and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law, or a treaty stipulation."

It seems to me the recommendation of a select committee is entitled to as much consideration as that of a standing committee. I hope, therefore, as the amendment is one which is so obviously just, the Senate will at once agree to the resolution.

The resolution was considered by unanimous consent.

Mr. ADAMS. I move to amend the amendment by striking out all of the rule after the word "law."

Mr. BRODHEAD. Is the amendment to the amendment proposed by the Senator from Mississippi in order? He does not propose to amend the resolution which I have offered.

The PRESIDENT. The Chair is of opinion that it is not in order.

The resolution was agreed to by a vote, on a division, of ayes 22, noes 12.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills:

A bill to authorize the selection of school districts, in lieu of the sixteenth sections, within the twelve miles square reservation, State of Alabama.

A bill to authorize a register to be issued to the steamer *El Paraguay* by a new name.

ELIJAH BEEBE.

Mr. SEBASTIAN. The Committee on Indian Affairs have had under consideration the House bill for the relief of the widow and heirs of Elijah Beebe, and directed me to report it back and recommend its passage. As it is for a small amount, as its payment has been so long withheld, and as the evidence is so very satisfactory, I ask for its consideration at the present time.

The Senate accordingly proceeded to consider the bill, as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to the parties mentioned, \$3,016—the amount of principal adjudged to be justly due, and owing to them from the confederated tribes of Sac and Fox Indians, by the Hon. Henry Dodge, Governor of Wisconsin Territory, and *ex officio* superintendent of Indian affairs, by his original certificate, numbered eight, given at the "superintendency of Indian affairs for the Territory of Wisconsin, Mineral Point, July 7, 1837."

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

BOOKS TO NEW MEMBERS.

Mr. FOOT. I move that the Senate proceed to the consideration of the resolution which was called up some days ago by the Senator from Iowa, [Mr. JONES,] not now present. It provides for the distribution of eight copies of the pension and bounty land laws to new members.

The motion was agreed to.

The resolution was agreed to, as follows:

Resolved, That the joint resolution of the 24th of February, 1854, for supplying new members of the present Congress with all such books of a public character, and in the same proportion as were furnished to members of either House during the last Congress, embrace Mayo and Moulton's edition of the Pension, Bounty Land Laws, &c., in the proportion of eight copies to each of said new members; and that the Secretary of the Senate shall so understand and execute the said resolution.

THE UNITED STATES MINT.

Mr. FISH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be required to communicate to the Senate copies of all quarterly or other accounts of the expenditures of the Mint, which have been returned since the 3d day of March, 1853; and also, a statement of the amount received or charged to depositors at the Mint at Philadelphia, since the 3d of March, 1853,

for refining, parting, wastage, or other charges, specifying the amount under each separate charge.

INDIGENT INSANE BILL VETO.

The Senate resumed the reconsideration of the bill making a grant of public lands to the several States of the Union for the benefit of indigent insane persons, which had been returned by the President of the United States, with his objections.

Mr. CASS addressed the Senate against the bill, and in support of the veto. [His speech will be found in the Appendix.]

Mr. CLAYTON. I purpose to reply to the honorable Senator from Michigan on this subject.

Mr. MASON. The Senator, I presume, does not desire to continue the debate to-day. I move to postpone the further consideration of this subject until to-morrow, with the view of going into Executive session.

The motion was agreed-to.

ADJOURNMENT SINE DIE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed a concurrent resolution, fixing the 14th of August for the adjournment, *sine die*, of the two Houses of Congress at the present session.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 13, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. DENT. As I am about to leave the city on account of ill health, I ask the unanimous consent of the House to allow me to report a bill.

Mr. HAMILTON. Is it for the purpose of reference?

Mr. DENT. I wish to have it referred, and placed upon the Calendar.

There being no objection, the bill was then received, read a first and second time by its title, as follows:

A bill for the relief of Mrs. Mary A. M. Jones.

Referred to a Committee of the Whole House, and ordered to be printed.

PACIFIC RAILROAD BILL.

Mr. HAVEN. On some day last week I introduced a resolution to close debate upon the Pacific railroad bill. I do not know whether it was entertained. If it was, I desire to amend it so as to close the debate to-morrow, at two o'clock.

The SPEAKER. The motion was not entertained. The understanding had by the Clerk was, that the gentleman withdrew it for the time being.

Mr. HAVEN. I then move the ordinary resolution to close debate on that bill to-morrow, at two o'clock.

The SPEAKER. The business first in order is the consideration of the question of privilege raised by the gentleman from Ohio, [Mr. GIDDINGS.]

Mr. CLINGMAN. There is evidently no quorum in the House at present; and I think it would be better to wait till there be a quorum, to dispose of that matter.

The SPEAKER. Then, by the unanimous consent of the House, that matter goes over for a moment. The motion of the gentleman [Mr. HAVEN] will be received.

Mr. HENN. I wish to appeal to the gentleman from New York not to interfere with the morning hour by making this motion at the present time. We have fixed a day for adjournment; let us, therefore, go on regularly with the business before us, and consume the morning hour in receiving reports from committees.

Mr. HAMILTON. The morning hour has not commenced yet.

Mr. HENN. But we ought to receive reports during the morning hour.

Mr. HAVEN. One thing at a time, gentlemen, and we will get on quite as well and as expeditiously. I propose the resolution to close debate on the Pacific railroad bill to-morrow at

two o'clock, p. m. And I would say, in addition, that I do not choose to interfere in the management of that bill, as gentlemen who are very competent on that subject have it in charge; but if its discussion is to be continued, then I think it right to have the debate limited in accordance with the terms of my resolution.

Mr. McDOUGALL. I ask the gentleman from New York to withdraw his proposition, as I purpose to-day, after the House has gone into the Committee of the Whole on the state of the Union, to have a final disposition made of the bill for the present, and perhaps for this session of Congress. I do not intend that it shall occupy further time of the House this session. Perhaps that will meet the views of the gentleman from New York, and other gentlemen.

Mr. HAVEN. My only desire in relation to this matter is, to keep the discussion within a reasonable compass, and to use the ordinary diligence in the transaction of business. This is a matter which can be readily disposed of. I had no desire to interfere improperly with the business of the gentleman from California. I therefore, for the present, withdraw my resolution, with the understanding that the gentleman from California will introduce a proposition for the final disposition of the matter.

Mr. McDOUGALL. I want to offer an amendment or substitute to the Pacific railroad bill; and to enable me to do so, I now move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HOUSTON. Will the gentleman from California allow me to make a suggestion?

Mr. McDOUGALL. I withdraw my motion for that purpose.

Mr. HOUSTON. If the gentleman from California desires to have a postponement of the special order on the Pacific railroad bill made by unanimous consent, the House is the proper place to have it done, and not the Committee of the Whole on the state of the Union. If the gentleman has an amendment or substitute to that bill which he wishes to offer, he wants to have it printed, of course. This he can have ordered by the House, and not by the committee.

Mr. McDOUGALL. Then I am authorized by the special committee on the Pacific railroad to propose the following amendment to the bill.

Several MEMBERS. Read it.

Mr. CLINGMAN. It is not necessary to have it read. Let it be printed.

Mr. McDOUGALL. I want to state the substance of the amendment. Its purpose is to limit the northern route by the same parallel of latitude which limits the southern route; that is, by the thirty-seventh parallel.

Now, Mr. Speaker, I ask the unanimous consent of the House to postpone the further consideration of this bill to the second Monday in December next.

Mr. PHELPS. I understand, Mr. Speaker, that the railroad surveys which have been made are not yet ready to be reported, and that, when they are presented, they will show the fact of the practicability of a route in which those I represent are interested, commencing on the border of the State of Missouri, and extending by the way of Albuquerque to the eastern border of California. I therefore hope the bill will be postponed until the report of the surveys already made shall be in the possession of the House.

The SPEAKER. If there be no objection to the motion of the gentleman from California, the postponement indicated by him will be ordered.

Mr. HOUSTON. And the amendment just offered be printed?

The SPEAKER. Yes, it is so ordered.

Mr. COBB. Now let us have the regular order of business.

Mr. CLINGMAN moved to reconsider the vote by which the special order was postponed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The SPEAKER. The first business is the consideration of the resolution offered a few days since by the gentleman from Ohio, [Mr. GIDDINGS.]

Mr. TAYLOR, of Ohio. I ask the unanimous consent of the House to make a report from the Committee on Public Buildings and Grounds, that it may be printed for the use of members.

Mr. HENDRICKS. I object.

Mr. COBB. Let us call the committees for reports, and we shall get to it directly.

Mr. TAYLOR. I desire to make the report merely that it may be printed. I hope the gentleman will withdraw his objection.

Mr. HENDRICKS. I cannot do it.

Mr. RUSSELL, by unanimous consent, and in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

A bill to extend the benefits of an act entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850; and of an act entitled "An act to make bounty land warrants assignable, and for other purposes," approved March 22, 1852, to those officers and soldiers who served twenty days, according to the provisions of said act.

Mr. COBB. I call for the regular order of business.

The SPEAKER. The business first in order is the resolution offered by the gentleman from Ohio, [Mr. GIDDINGS,] a few days since. If it is the pleasure of the House to postpone further the consideration of that proposition, then the consideration of the report made by the gentleman from Kentucky [Mr. STANTON] is first in order.

Mr. HAMILTON. I demand the question upon the first resolution.

The resolution was read, as follows:

"Whereas, A. O. P. Nicholson, Esq., printer of this body, and editor and proprietor of the Washington Union, in his paper of this morning, has published an article most evidently designed to excite unlawful violence upon members of this body: Therefore,

"Resolved, That the said A. O. P. Nicholson, and all other persons connected with the Washington Union, be expelled from this Hall."

The SPEAKER. The pending motion is to lay the resolution upon the table; and upon that motion the yeas and nays have been ordered.

Mr. GIDDINGS. I desire to modify the resolution by striking out the words, "and all other persons connected with the Washington Union," so that it shall refer only to A. O. P. Nicholson, the editor.

Mr. HOUSTON. The gentleman has no right to modify it.

Mr. CAMPBELL. It evidently is still within his control.

The SPEAKER. The pending motion is to lay upon the table, and the previous question has not been ordered.

Mr. HENN. I inquire of the Chair if the gentleman has the right to modify his resolution?

The SPEAKER. He has, as there has been no action upon it, further than ordering the yeas and nays.

Mr. HENN. I understand that the previous question has been ordered.

The SPEAKER. It has not been ordered.

The question was then taken on the motion to lay the resolution on the table; and it was decided in the affirmative—yeas 100, nays 33; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barry, Belcher, Bocoek, Boyce, Bridges, Brooks, Bugg, Caruthers, Caskey, Churchwell, Clark, Clingman, Cobb, Colquitt, Cook, Cox, John G. Davis, Dawson, Dent, Drum, Dunbar, Dunham, Edmundson, Ellison, English, Florence, Fuller, Gamble, Goode, Greenwood, Hamilton, Hastings, Hendricks, Henn, Hill, Hillyer, Houston, Hunt, Ingersoll, Johnson, George W. Jones, Kidwell, Kurtz, Lamb, Latham, Letcher, Lindley, MacDonald, McDougall, McMullin, Macy, May, John G. Miller, Smith Miller, Milson, Murray, Nichols, Olds, Orr, Peck, Phelps, Powell, Preston, Puryear, Ready, Reese, Riddle, Thomas Ritchey, Robbins, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walbridge, Walker, Wells, Westbrook, Witte, and Daniel B. Wright—100.

NAYS—Messrs. Appleton, Ball, Benson, Campbell, Carpenter, Chandler, Corwin, Crocker, Dick, Edmonds, Thomas D. Eliot, Everhart, Goodrich, Aaron Harlan, Haven, Howe, Knox, Morgan, Norton, Parker, Pringle, David Ritchie, Russell, Sabin, Sage, Gerrit Smith, Tracy, Upham, Walley, Israel Washburn, Tappan Wentworth, and Yates—31.

So the resolution was laid upon the table.

TREASURER'S REPORT ON BANKS.

The question then recurred upon the following resolution, reported by Mr. STANTON, of Kentucky, from the Committee on Printing:

Resolved, That one thousand five hundred extra copies

of the annual report of the Secretary of the Treasury, on the condition of the banks of the United States, communicated to the House of Representatives on the 1st instant, be printed for the use of the Treasury Department.

An amendment was pending to add at the end of the resolution the words—

Provided, That nothing herein contained shall be so construed as to authorize any charge for second composition.

Mr. HAVEN. I do not desire to debate the resolution at all, but it strikes me that the proviso to the resolution is in conflict with the law which was passed a few days ago. The law was, that the printer of each House should have pay for composition.

The SPEAKER. The Chair is reminded by the Clerk that the pending motion is to lay the resolution upon the table.

Mr. HAVEN. I did not intend to express any opinion upon the merits of this resolution, but it seemed to me that that proviso was in violation of the section of a deficiency bill which we passed the other day, in reference to the printers of the two Houses.

Mr. STANTON, of Kentucky. The gentleman from New York will permit me to say that that proviso will have no effect in the present case. The work has not yet been commenced, and, therefore, no expense has yet been incurred for composition.

Mr. JONES, of Tennessee. I will state to the gentleman from New York that that proviso was attached because the printer of the House had been ordered to do this work; and if the form had been distributed, the work was not to be republished.

Mr. STANTON. I will state that the work has not been commenced, and therefore no extra expense will be incurred for composition.

The question was taken; and the House refused to lay the resolution upon the table.

The question then recurred upon the adoption of the amendment; and being taken, it was adopted.

The question was then taken upon the resolution, as amended, and it was adopted.

RECEPTION OF REPORTS.

Mr. STANTON, of Kentucky. I was accidentally absent from the House on Saturday on business at one of the Departments, when the committees were called for reports; I have a report from the select committee appointed in reference to employing military officers upon civil works. I ask the unanimous consent of the House to make the report, merely for the purpose of having it printed and referred.

Mr. ORR. Will it give rise to debate?

Mr. STANTON. Certainly not. I merely wish to have it referred and printed.

There being no objection,

Mr. S. reported a bill; which was read a first and second time by its title, as follows, referred to the Committee of the Whole on the state of the Union, and, with the report, ordered to be printed:

A bill to restore the civil superintendence at the national armories.

Mr. TAYLOR, of Ohio. I understand that the gentleman from Alabama withdraws his objection to the report which I desired to make; I therefore propose to present it now.

Mr. COBB. Certainly, I withdraw my objection. I should not have objected at all if I had known the gentleman's object.

Mr. HENDRICKS. I want to know what the gentleman's object is.

Mr. TAYLOR. Simply to have it referred to the Committee of the Whole on the state of the Union. I have been anxious to make it for some time.

There being no objection,

The following bill was received, read a first and second time by its title, as follows, referred to a Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to authorize the Secretary of War to purchase of the proprietor the building now in the occupancy of the Government, situated at the corner of Seventeenth and F streets, in the city of Washington.

Mr. HENN. I now call for the regular order of business.

The SPEAKER. Then the Chair will consider objection as having been made to all further propositions for unanimous consent of the House.

Mr. ETHERIDGE. I wish to state to the

House that I was not in my seat on last Saturday, when, I understand, some reports were presented from the Committee on Military Affairs. If I had been here, I should have presented several Senate bills and reports, which I had then in my drawer. I have no personal interest in any of these bills; but it is perhaps due to the parties who are interested in them that I should ask the consent of the House to have them referred and printed.

Mr. FLORENCE. I wish to say that I am in the same situation, and that I desire to have the same indulgence extended to me.

There being no objection,

Mr. ETHERIDGE, from the Committee on Military Affairs, reported back bills, with the recommendation that they do pass; which were severally read a first and second time by their titles, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

A bill to provide for three months' extra pay to the third regiment of Missouri volunteers;

A bill for the relief of Charles A. Wilgus;

Senate bill (No. 229) for the relief of Thomas S. Russell; and

Senate bill (No. 308) for the relief of A. G. Bennett.

Mr. FLORENCE, from the Committee on Naval Affairs, reported back bills of the following titles, with the recommendation that they do pass; which were severally referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

Senate bill (No. 144) for the relief of Purser T. P. McBlair; and

Senate bill (No. 35) for the relief of M. K. Warrington and C. St. J. Chubb, executors of Captain Lewis Warrington and others.

Mr. HOUSTON. Has the morning hour commenced?

The SPEAKER. It has not.

Mr. HOUSTON. Then I ask that it now begin.

The SPEAKER. By unanimous consent, the House agreed that the several gentlemen who indicated their purpose to do so might make reports from committees, and the Chair has been acting upon that order.

Mr. HOUSTON. I make no objection to receiving the reports referred to. I yielded my assent to the proposition when made.

The SPEAKER. The Chair is now merely acting under the order of the House.

Mr. BROOKS. I move that the House proceed to the consideration of the business upon the Speaker's table.

The SPEAKER. It is not in order to do so at this time.

Mr. PRINGLE, from the Committee on Indian Affairs, reported adversely on the petitions of Charles A. Grignon and Joshua Vandruff; which were laid upon the table, and, with the accompanying reports, ordered to be printed.

Mr. ORR, from the Committee on Indian Affairs, reported back Senate bill No. 224, entitled "An act for the relief of the representatives of Joseph Watson, deceased, with the recommendation that it do pass; which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed.

The SPEAKER. The question before the House for consideration is a bill of the following title: "A bill granting lands equally to the several States to aid in the construction of railroads and for the support of schools." If the Chair recollects correctly, the gentleman from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. HAMILTON. The consideration of that bill was postponed for four weeks.

The SPEAKER. The gentleman is right, and the time to which the bill was postponed has not yet arrived. The question then first before the House for consideration is a bill of the following title:

PAY OF DEPUTY POSTMASTERS.

A bill further to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, and an act amendatory thereto, passed March 3, 1852. There is a motion pending to amend the bill.

Mr. OLDS. I presume, Mr. Speaker, there will be no objection to my reporting from the Committee on the Post Office and Post Roads "An act regulating the pay of deputy postmasters." It has already passed this House, gone to the Senate, and been returned with an amendment. The committee recommend a concurrence in the Senate amendment with an amendment.

There being no objection, Mr. OLDS then reported the bill.

The amendment of the Senate was read, as follows:

At page two, line twenty, strike out all after the word "provided," and insert in lieu thereof as follows:

That to any postmaster of a distributing office at which the commissions, allowances, and emoluments, since the 31st day of March, 1853, have been insufficient to defray the actual and necessary expenses, and afford the postmasters the annual compensation derived from commissions at the office before said 30th of March, the Postmaster General may, in his discretion, allow quarterly from the date aforesaid, out of the postage collected at any such office, an amount sufficient to supply such deficiency: *Provided further*, That to any postmaster of a separating office, at any such office, whose commissions, allowances, and emoluments may be found insufficient to provide the extra labor necessary to a prompt and efficient performance of the duties of separating and dispatching the mails passing through his office, the Postmaster General may make such quarterly allowances out of the postages collected at such office as he may deem sufficient to compensate such extra labor. This act shall take effect and be in force from and after the commencement of the next fiscal quarter after its passage.

The amendment proposed by the committee to the Senate amendment was read, as follows:

After the word "labor" insert the following:

Provided further, That the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department;" *And provided further*, That the Postmaster General may, in his discretion, dispose of any quarterly returns of mails sent or received which were made up previous to the 1st day of July, 1850, preserving the accounts current, and all vouchers accompanying such accounts, and the use of such portion of the proceeds thereof as may be necessary to defray the cost of separating and disposing of the same.

Mr. OLDS. It is necessary, perhaps, for me to explain to the House that the bill we sent to the Senate provided that the Postmaster General, in making extra compensation to the postmasters of the distributing and separating offices, should have reference to the amount that they received under the act of the 3d of March, 1851. The Senate struck out that provision, and inserted one leaving it discretionary with the Postmaster General to give them such increased compensation as will compensate them for the increased labor they perform. In striking out that provision of the bill, the Senate also struck out the proviso which had reference to the forty-first section of the general act regulating the Post Office Department, and which required the postmasters to return all over a certain amount of commissions to the general revenues of the Post Office Department. Our committee propose a concurrence in the amendment of the Senate, with an amendment restoring that proviso, making the deputy postmasters still subject to the forty-first section of the act regulating the Post Office Department. They do it for this reason: that although this amendment, if it becomes a law, may not repeal that provision, yet there is a doubt in the minds of the committee whether it does or does not. This amendment removes that doubt. The Committee on the Post Office and Post Roads in the Senate thought it did not repeal the provision; but it is the opinion of the committee of the House that it does repeal it. In order to place the matter in a clear light, it is now proposed to restore the provision. Mr. RUSK, of the Post Office Committee in the Senate, has agreed that it shall be restored, inasmuch as it removes all doubt. The effect might be this: if you do not restore the proviso making these postmasters subject to the forty-first section of the general act regulating the Post Office Department, the postmaster in New York may receive \$60,000 or \$70,000 commission a year. Under that section, he is compelled to return all over \$2,000 to the general revenues of the Post Office Department. For the sake of safety, the committee of the House recommend the restoration of this proviso.

Then there is an amendment made by the committee authorizing the Postmaster General to dispose of the quarterly returns, after they have been a certain time in his office.

You passed a law of this kind, permitting these

papers to be disposed of in the manner suggested, in the year 1845. It operated only up to that time. But they have again accumulated in the Post Office Department to such an extent that they have to be thrown into the entries and the hall, until they have become a nuisance and an obstruction. It is not necessary for me to say anything more on this subject; but I will send to the Clerk a letter from the Auditor of the Post Office Department, which explains the object of this amendment better than I can do it.

The letter was read from the Clerk's desk, and is as follows:

AUDITOR'S OFFICE, (P. O. D.) May 10, 1854.

SIR: Many thousands of postmasters' quarterly returns and accounts, made since 1st of January last, are lying upon the floors of the passages in this building, for want of room for them elsewhere. A like state of things existed in 1850, when Congress, in the act entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1851," approved September 16, provided as follows:

"And the Postmaster General is hereby authorized, in his discretion, to dispose of, to the best advantage, any quarterly returns of mails sent or received, which were made up previous to 1845, preserving the accounts current, and all vouchers accompanying such accounts, and to use such portion of the proceeds thereof as may be necessary to defray the cost of separating and disposing of the same."

In pursuance of that provision, the transcripts of mails sent and received were separated from the accounts and vouchers, up to 1845, and sold; thus making room for all quarterly returns received from the passage of that act to the first of the present year—and the sales amounted to about \$1,300. I am informed by those in this office who performed the work of separation on that occasion, that a like disposition of the transcripts returned up to 1850 would make sufficient room to file away the quarterly returns for three years from the 1st of January last, by the expiration of which period the building will doubtless be enlarged. I therefore respectfully suggest, for your consideration, the propriety and expediency of your asking, at this time, for a similar enactment to that of September 16, 1850, herein quoted.

I have the honor to be, with the greatest respect, your obedient servant,

WILLIAM F. PHILLIPS, Auditor.

Hon. JAMES CAMPBELL, Postmaster General.

Mr. OLDS. I want to add, further, Mr. Speaker, I have been inquired of by some of the members here to know how far back this bill proposes to allow the Postmaster General to go, and increase the compensation of the deputy postmasters of the country. All the deputy postmasters of the country, except those in distributing and separating offices, will begin to receive their increased compensation from the commencement of the next fiscal quarter. At distributing and separating offices the bill gives the Postmaster General power to go back to the 31st of March, 1853, and to give increased compensation to the postmasters of such offices for that time.

When this bill was up for consideration in the House before, I demonstrated to the House that the postmasters of distributing offices did not receive sufficient compensation, under the existing laws, to pay for their office rent and their clerk hire, and the incidental expense of their office, by appropriating every dollar of their commission, without receiving a single cent compensation themselves. This being the condition of things, it was thought advisable to permit the Postmaster General to go back to the 31st of March, 1853—the time when the last act reducing the compensation of postmasters went into effect.

Now, permit me to say a word to my friend from New York, [Mr. HAVEN,] who, the other day, it appeared to me, made an ungenerous attack upon me, and so much out of his ordinary course of courtesy towards the members of this House, that I could not help being somewhat nettled by it, coming, as it did, from him.

That gentleman charges me with an effort to increase the compensation of postmasters from the time you discharged the deputy postmasters of the last Administration, or, in other words, from the time this new bevy of postmasters, the "hangers-on," as he calls them, came into office. The gentleman must have known, if he has investigated the matter, that on the last day of the last session of Congress we passed a law diminishing the commissions of postmasters. That gentleman must know that deputy postmasters, under the late Whig Administration, received a larger commission than we propose to give them, even in this bill now under consideration before the House. Even if you pass this bill, which increases their compensation twenty-three and one half per cent., they will not then receive within

ten or twelve per cent. as much as they did under the late Whig Administration.

So far, then, from its being true that the increased compensation is proposed to be given to deputy postmasters because they are Democratic, precisely the contrary is true. I do not propose to give to these Democratic postmasters within ten or twelve per cent. as much compensation as was given to postmasters under the late Administration.

It strikes me that the gentleman, [Mr. HAVEN,] with his usual courtesy, should withdraw any such charge against the chairman of the Committee on the Post Office and Post Roads. He knows full well that during the two last years of the last Administration—a Whig Administration—I occupied the same position, as chairman of that committee, as I now do, and that I cooperated cordially with the head of the Post Office Department in carrying out all the reforms he desired to make. We gave him an increased number of clerks, and recommended an additional Assistant Postmaster General, although we knew that the recipients of those offices would all be Whigs, and not Democrats.

I say that under this state of things, those charges against me come with bad grace from my friend from New York. I might retort the charge if I thought fit to do so. But I will not do it. I explained this matter fully once before. I explained that under the law of March 3, 1851; you required the Auditor of the Post Office Department, in settling the quarterly accounts of the deputy postmasters, to go back to the year 1851, and see what their compensation had been during that year; and that, in fixing their compensation, he should be governed by what it had been prior to the taking effect of the act of March 3, 1851. That Democratic Congress, in its liberality, gave the power to a Whig Postmaster General to increase the compensations of deputy postmasters beyond what it was when the act of March 3, 1851, went into effect, by twenty per cent. Such was the liberality of a Democratic Congress. But it was found to be utterly impossible for the Auditor of the Post Office Department to have any reference to what the compensation had been prior to the taking effect of the act of March 3, 1851, and consequently each postmaster had the power to make out his own account, and the Auditor was compelled to allow it as so made out, right or wrong.

It was the recommendation of a Whig Postmaster General to change the law fixing the compensation; and, in accordance to that recommendation, the last Congress—a Democratic Congress—did change that compensation. But the estimates which were given to the Post Office Committee were fallacious—not intentionally so—and the consequence was, that, instead of fixing the compensation of postmasters as we desired to fix it—at what it had been prior to the taking effect of the act of March 3, 1851—we reduced it thirty-five per cent. below what it was under the Whig Administration.

The fact is, that instead of the Committee on the Post Office and Post Roads having made an increase of compensation for a swarm of hungry postmasters, occupying the places of the Whigs who had been turned out of office, we have merely restored that compensation, not to what it was under the old Administration, but within ten or twelve per cent. of what it was then. That is the whole fact of the matter; and if the gentleman from New York had looked at the subject with the acuteness with which he usually regards every subject; if he had exercised that candor and forbearance towards me which he usually exercises towards other members of this House upon every question, he would not have made so unjust an accusation against me.

Why, sir, as I said before, I did not agree with the last Whig Administration in many of the measures which they indorsed, but that did not prevent me from cooperating with them in fixing the compensation to clerks and deputy postmasters, at a reasonable and proper rate. But, sir, I say again that the action of the Post Office Committee is not what the gentleman has stated it to be. It is merely to restore a portion of thirty-five per centum, which, in consequence of erroneous estimates furnished to the Committee on the Post Office and Post Roads, was made by the last Congress in the compensation of deputy postmasters, and therefore the charge he makes against me is

not true. I am satisfied, from his usual candor and fairness in reference to all other subjects, that if he had looked at the matter a little further, he would not have so unjustly charged me with an effort to increase the commission of a hungry swarm of Democratic deputy postmasters.

But the gentleman says that letters written by servant girls and serving men, containing testimonials of their affection to their friends in the old country, through my desire to increase the commission of this hungry swarm of postmasters, must be taxed from three to five cents for the purpose of accomplishing that object—for the purpose of feeding these Democratic postmasters, who have been brought into office during the present Administration. Now, sir, if the gentleman from New York wanted to show his superior affection to these servant maids and the serving men of the country, I should have much preferred that he should have taken some other channel, some other mode of showing it, than by attacking the Administration and the chairman of the Committee on the Post Office and Post Roads upon this floor.

Sir, I think I may safely say that in every matter connected with the Post Office Department, during the present Administration, and during the last Administration, I have endeavored to steer clear of everything looking like partiality to the friends or the opponents of this Administration. Why, sir, no member of the Committee on the Post Office and Post Roads—and it is composed of both Whigs and Democrats—has dissented from a concurrence in the reports of that committee in relation to the measures which they have recommended to the House. We have had the utmost harmony in our action during the late Administration, and during the present Administration, among both Whig and Democratic members. Such has been our desire to make the administration of this Department a national administration, and to steer clear of all political considerations, that nothing can be more unjust than the charge of the gentleman from New York; and if he exercises the candor and fairness on this occasion, which it is his custom to exercise on all occasions, he will withdraw it fully and entirely.

Mr. HAVEN. I have but a few words to say in answer to my friend from Ohio. I think I may call him so. He is right when he says that he believes that I had no intention or desire to charge him unfairly. Certainly I have not intended so to charge him. Perhaps the language which I used on the occasion referred to by him may be regarded as rather strong. I intended it should be somewhat so; but the gentleman will do me the justice to recollect that the language was used on the occasion when he was advocating a proposition then before the Committee of the Whole, to raise the compensation of a mail agent—a mere agent—from \$1,600 per annum to \$5,000 per annum, and that, too, over the recommendation of the Postmaster General, who, in the exuberance of his fancy, and the security of his power, dare not recommend it to be raised to over \$4,000 per annum.

Let me state the whole case, so as to afford him all the strength which his position may gain by it—it may fortify him. The gentleman will recollect that I used the language referred to on the occasion, when he not only proposed that increase, but further proposed that it should go back one year, so that the agent was not only to get \$5,000 per annum for the future, but \$5,000 for the year which had gone by; thereby giving that single agent, that one man, \$10,000 as mail agent, while the incumbent under a Whig Administration had only received \$1,600 for one year, or \$3,200 for two years.

Mr. OLDS. If my friend will allow me, I shall make one word of explanation.

Mr. HAVEN. Certainly, sir; to be sure I will allow you; and we will settle this matter amicably.

Mr. OLDS. The committee has now before it a proposition from the former mail agent in California under the former Administration, a Whig agent, that he shall be remunerated for his services by the receipt of the same compensation proposed to be given the Democratic mail agent. We of the committee shall treat him precisely as we have treated the Democrat. We shall give the former mail agent, who has lost in the discharge of his official duties under the Post Office Department,

the same that we proposed in the deficiency bill for the Democratic agent.

Mr. McDOUGALL. Will my friend allow me a word?

Mr. HAVEN. Not now. I have only referred to this case of the mail agent incidentally, or, as they say in law, this is a kind of ancillary suggestion or proposition, pointing to the reasons why, on the occasion complained of, I had a right to feel a little indignant, and why I was betrayed into a somewhat warm expression of my feelings. The proposition to go from \$1,600 per annum up to \$10,000 came from the gentleman from Ohio. Let that be borne in mind, sir. Really, I did no more expect such a monstrous proposition from him than he did the remarks which fell from me, in the heat of debate, in answer to it. So far as expectations and surprise are concerned, then, he will allow me to say that he may set his off against mine, and it will leave a large balance in my favor. When I was talking on that subject at the time complained of, it was for the purpose of endeavoring to convince the Committee of the Whole that they ought not to entertain the gentleman's proposition. The committee, as well as the House, sustained the views which I entertained and advocated on that occasion, and we kept the proposition where I desired it.

Mr. OLDS. It was put on in the House by yeas and nays.

Mr. HAVEN. I was wrong, Mr. Speaker, when I said that the committee, as well as the House, sustained the views I advocated on that occasion. I remember, now, the committee voted with me to reject it, and reported against it to the House; and I thank the gentleman for the suggestion, for it reminds me of a little piece of small party machinery (I do not intend to speak offensively) when we went into the House, by which the gentleman and his friends succeeded in getting the appropriation back again into the bill the next day for their friend, the mail agent, without the responsibility of putting themselves on record by yeas and nays.

I hope my friend from Ohio will excuse me for these remarks now, as he has kindly done in reference to those on the former occasion. But the House will remember that my colleague from New York city, [Mr. WHEELER,] after the yeas and nays had been refused, by some sleight of hand trick on that mail agent item, moved a reconsideration of the vote taken on it by tellers, on which reconsideration I called for the yeas and nays, and they were ordered. On taking them, the motion to reconsider failed by two or three votes, which my Democratic friends screwed up their courage to withhold, as it was not a vote square upon the naked proposition to give the man the \$10,000. And it was by that kind of machinery that the amendment was inserted in the bill, and a direct vote on the record in reference to it avoided. It was on that occasion, and it was in reference to a transaction of that kind, that I was addressing the House when I made the remarks to which exception is now taken. Perhaps my remarks were a little fervid, slightly florid, more so than I desire to make them upon this occasion. I wish to know, Mr. Speaker, if I was not justified in my remarks then, under the circumstances, to the entire extent as the gentleman understood them.

I deem it best now, Mr. Speaker, to point out to my friend from Ohio the extent to which I think I was justified in what I said of postmasters and mail agents, and officers under the last and the present Administrations; and I will incidentally notice what he has now said on the same subject.

I do not propose to stop and discuss the matter here at any length. If there were abuses in the Post Office Department committed under the last Administration, which I deny, and which the gentleman has failed both to assert and to prove, I have nothing to say by way of extenuation. Sir, some of the members of the last Administration were my personal friends. Its distinguished head was, and is, an honest and a pure man. If Administrations that succeed that one shall be able to leave office with the country as prosperous, with the people as contented and happy, and with sentiments as firmly attached to the Union, with as few abuses in office, and as much general respect, it will, in my judgment, be happy for the country, and highly honorable to the incumbents. But, sir, I say if such abuses did exist, I did not

wink at them, nor did they have my sanction or my vote. I am willing to leave it to the gentleman from Ohio himself to pronounce judgment upon my votes in the last or the present Congress. I have voted for the right and against the wrong, to the best of my judgment, unawed and undisturbed by those about me.

Mr. Speaker, it was a Democratic House and Senate that passed the act of the 3d of March, 1853, to which the gentleman refers. Such a House and such a Senate had that matter under their control, and the gentleman will excuse me for reminding him of the fact. He says that that House and that Senate passed, at the close of the last Congress, a law which reduced the compensation to postmasters. I do not now stop to dispute or admit his allegation to be true, but I will assume it to be so, and that he is right in his statement. Now, sir, who passed the law? Under what cry was it done? What excuse was given to the country for doing it? Did not the gentleman have the benefit upon that occasion of crying extravagance against the Administration who so poorly paid its postmasters then, and is he not a little fearful that I shall raise the same cry against this unlimited increase of their compensation now? My friend says that his committee has agreed to report a bill to give the same compensation to the mail agent in California who preceded the present one, as has been given in the deficiency bill to the present agent.

Believing it wrong, as I most certainly do, to give the great increase of compensation which has been bestowed upon the present agent, I most certainly shall vote against giving a like largess to any preceding agent, Whig or Democrat; I beg the House to notice, however, that although the old agent's services were rendered before the present lucky incumbent came into power, yet under the adroit lead and generalship of my friend from Ohio, the present agent, good partisan as he is, has already pocketed his increase of pay, whilst my poor Whig friend has nothing better to live upon than the promise, future and contingent of a Democratic Committee on the Post Office and Post Roads, with my distinguished friend at its head. How strangely, Mr. Speaker, some things work; and how unfortunate that my friend from Ohio should have no means of staunching his bleeding sympathy for the old agent, except a liberal promise. All his ready means have gone to the new Democratic agent.

I again assure the gentleman from Ohio I have no desire to attack him, or speak unkindly of him, or of any other member of this House; but my friend seems desirous of having these things frankly talked down this morning, and I am glad to meet him in the spirit in which he has met me, for I believe there has always been good feeling between us.

Another thing the gentleman complains of. He says I charged the Committee on the Post Office and Post Roads with having recommended an increase of compensation, to commence from the time when the Democratic party, or the present Administration, came into power. If the charge is untrue, it is my desire to retract it; but, sir, I fear it is but too true. I will try the matter by the record, and that record is the gentleman's own proviso to this bill. I will read it from the bill itself:

"Provided further, That to any postmaster of any distributing and separating office, whose commission may be reduced below the amount allowed out of his office for the year ending 30th June, 1851, the Postmaster General shall be authorized, in his discretion, to allow such additional compensation as he may deem proper, such compensation to date and to be allowed from the 30th day of March, 1853."

Mr. OLDS. So I stated.

Mr. HAVEN. Yes, so the gentleman did state. And what he stated himself, is the very thing he complains of me for stating. For that is the very proposition I made, and I could not do otherwise; for it was so in the bill, and so the gentleman had to state it. Very well, Mr. Speaker, if the gentleman had reference to the bill before the House, and if he measures by the point of compensation referred to in the act of 1851, why does he begin the increase only after the 31st of March, 1853? Why, Mr. Speaker, if this increased compensation is just, why not extend it to the Whig postmasters who were in office prior to the 31st of March, 1853? I would like the gentleman to explain why he does not make the bill to go back in its operation to 1851 instead of to 1853? For beginning on the 31st of March, 1853, it will be noticed from thenceforth,

the Postmaster General is to have an unlimited discretion over the public funds of his office, and may give these distributing gentlemen any sum he pleases.

As I said before, the machinery for disposing of these poor Whig postmasters who had been quietly discharged from that date, without unlimited extra compensation from 1851 to 1853, the machinery, sir, for taking off their heads was well oiled, sharpened, and put in operation by the 31st of March, 1853, and inasmuch as heads began to fall then under its operation, my friend will excuse me if I say, for no other reason on earth, but that it was fixed as the time when this unlimited extra compensation should begin.

Now, as to the question of the consistency of the gentleman, there are a few other words which I wish to say for his benefit. My friend says that we reduced the compensation of postmasters last session. Now, I repeat, I have not the proper information to enable me to say whether their compensation was reduced or not. I know a bill was passed, and became a law on the 3d of March, 1853. I thought it did not reduce the compensation, but of that I am not quite sure. But I do know that after the close of last session, this compensation was not as high as this bill of the gentleman fixes it. The same chairman of the same committee, who, on the 3d day of March, 1853, came into this House, and persuaded the House to cut down that compensation, if that bill did cut it down, now comes to the House and asks to put it back again; nay, sir, not to put it back again, but, as I shall show to the House, to give a larger percentage—a greatly increased compensation. Yes, sir, it is much increased under this bill without reference to the increased rates of postage provided for by the other bill reported by the gentleman.

Now, Mr. Speaker, by the act of March 3, 1853, the compensation to postmasters per quarter was placed, on all sums not exceeding \$100, at fifty per cent. where the mail should arrive before nine o'clock at night, and not until after five next morning; and making it sixty per cent. where the mail should arrive in the intermediate time. This compensation is now put, by this bill of my friend from Ohio, at sixty per cent. in one instance, and seventy in the other, giving in each case ten dollars more compensation on every \$100 received by the postmaster. So when the compensation ranges over \$100, and is less than \$400 per quarter by the act of March 3, 1853, the percentage was fixed at forty; but by the bill of the gentleman from Ohio, and which, upon his recommendation and under his auspices, the House passed, it is raised from forty up to fifty per cent. On sums over \$400, and between that and \$2,400 per quarter, it was raised from twenty-five per cent. up to forty per cent., being fifteen dollars on each \$100. On all sums over \$2,400 per quarter, I believe the percentage was allowed to remain the same. Then the commissions on distribution was raised from ten to twelve and a half per cent.; and this came from the same committee which is now asking the House to give the distributing and separating postmasters, whom I have indicated, any sum which the Postmaster General is willing to see them receive, without any limit or restraint whatever.

Mr. Speaker, that is not all. I propose to go just a step further, and see what my friend from Ohio is doing; for I told the committee, on the occasion of which he complains, that what we then had under consideration was not the only difficulty nor the only wrong. I said that the gentleman from Ohio, having succeeded in increasing the percentage to postmasters on the sums they now receive, his next step was to introduce a bill for the purpose of increasing the rates of postage. And just in proportion as he increased the rates of postage, of course he would increase the compensation to postmasters, over and above what they will get under this bill so increasing their percentage. Well, sir, the gentleman told us, and satisfied the House, that in this bill under consideration, increasing compensation, the compensation which he proposed would be satisfactory this time to all the postmasters—nobody was to complain after that; even the most hungry postmaster was to be entirely gorged and satisfied: satisfied, at least, until my friend could find another opportunity to persuade the House to give them another lift.

Now, sir, the object of increasing the postage, he says, is to make up some two million of dollars deficiency in the revenues of the Post Office Department. It does not change the rate per centum of the postmasters, he tells us. Very well, sir, if it does not, then you give to the postmasters, under this new bill, increasing the rates of postage, if it is passed, a percentage again. Yes, sir, an additional compensation upon the two millions deficiency, dividing it among them according to the amount of revenue collected by each. Now, sir, I ask, is not this doing it strong? Sir, it amounts to more than it may appear to members of this House upon the first impression. For instance, take a post office which yields a revenue of \$300 under the present rate of postage, on which the postmaster receives sixty per centum, if the duties are performed during daylight, and seventy per centum if in the dark—for I notice that compensation goes up, with my friend, as you get in dark places, [laughter:] under this new bill, increasing the rate of postage from three to five cents, that post office will yield a revenue of \$500. So that, instead of getting sixty or seventy per centum upon \$300, the postmaster will get his sixty or seventy per centum upon the increased sum of \$500, which the post office yields.

Well now, although when I made those remarks upon the deficiency bill, of which the gentleman complains, for the purpose of satisfying the House that it was unjust and improper to increase the compensation of that mail agent for California, and although I then only glanced at these things incidentally, simply for the purpose of strengthening my position there, I submit to my friend himself, [Mr. Olds.] upon a brief review of them here, if they do not make out a perfect justification, at least a good, reasonable justification, of what I then said?

I do not propose to stop and enter into any argument with my friend as to whose interest it is likely to affect, if you increase the rates of postage. I am firmly and permanently opposed to an increase of it. The gentleman was rather inclined to be a little facetious upon me because upon that occasion I alluded to servant girls and servant men, as those upon whom this increased rate of postage would bear grievously and heavily, and he rather intimated that my affection and good will towards servant girls and servant men would have been better exhibited if I had gone to him, instead of taking care of them and their interest on this floor and in the face of the House. [Laughter.] I have nothing to do with them, which I am unwilling, sir, to do in the face of the House. [Laughter.] Can my friend say as much? Sir, I know he can, and I acquit him of all design to injure or oppress them.

Now, sir, what I said about servant girls and servant men on that occasion, I deemed very legitimate and proper. My friend behind me from South Carolina told me, at the time, that I had carried him with me in a part of that reference. [Renewed laughter.] But, to be serious, Mr. Speaker, I referred on that occasion to various classes on whom the change would be a great burden, and, among others, I mentioned servant men and servant girls, as deserving persons, upon whom this increase of postage would be a great burden that their little hard-earned means would scarcely enable them to support. Sir, I wanted the committee then to feel that there were other interests here besides steam, and railroad, and corporation interests, and grants of alternate sections, which that legislation might affect unfavorably, although such other interests could not be heard upon this floor, or advocated here with such zeal as the interests of these other classes. And I hope my friend [Mr. Olds.] will not seek, hereafter, to put forth any improper innuendoes against me, or "whistle me down the wind" because I choose to look to those humble interests, as well as to those of greater magnitude, whether political or pecuniary. This is the long and short of the whole matter. This bill, in my judgment, ought not to become a law. The amendment of the Senate is worse than the bill; and I am opposed to it. I desire to say now all I intend to say in reference to the suggestions which the gentleman has made, as to the course which I took upon the former occasion, already referred to.

In my judgment, the amendment of the Senate ought not to be passed by the House. It is an odious one, take whichever horn of the dilemma

you choose. If it is just, it should extend back to 1851. If it is unjust, it should not be enacted at all. I say the amendment ought to be rejected by the House, and the whole matter should be put in a shape where we can get at that proviso in the bill and strike it out, or the bill ought to be defeated.

I feel that I did not discharge my duty to the country in not rising to object to this provision when the bill was first before the House. I was on the point of doing it, and I recollect feeling unpleasantly because I did not, on leaving the House on that occasion. But the fact is, Mr. Speaker, the eloquence of my friend from Ohio quite overcame, for the time being, my disposition to oppose the measure, though my better sense returned to me as soon as I got into the open air. [Laughter.]

Now, sir, I object to this amendment of the Senate; and although I do not suppose twenty men in the House, and perhaps not ten, will stand by me, yet I will object to it, if necessary, and oppose it alone. I will vote against it, and will vote against every proposition of the kind that proposes to make such a discrimination in favor of the postmasters who have been appointed since the 31st of March, 1853, and stopping there. It is an unfair, and unjust, and, I believe, a very improper species of legislation.

First, the House increases the percentage of the postmasters; next in order, to increase the revenue of the Department sufficiently to meet these increased expenses, they raise the rates of postage, which has the effect of again increasing the compensation of the postmasters. Well, sir, having brought the House up to that point—and, really, there is nothing like training a House when a great purpose is to be accomplished—then it is proposed to go back and give this increased compensation to all the deputy postmasters, from and after the 3d of March, 1853, limiting it only by the limitless discretion of whoever may happen to be Postmaster General.

Sir, I object to all these propositions, and I object specially to this third one. I care nothing whatever about politics in reference to this matter one way or the other. I care not whether the discrimination will operate in favor of one party or the other. I have never allowed myself to be controlled by political considerations in my action upon measures of general importance. But, sir, I do object to this Senate amendment for the reasons I have stated, and I hope the House will not concur in it.

Then, again, I desire to call the attention of the House to another thing. This amendment vests in the Postmaster General enlarged, unlimited discretion, which ought not to be vested in that officer, with all his multifarious duties. The Senate amendment reads thus:

At page two, line twenty, strike out all after the word "provided," and insert in lieu thereof as follows:

"That to any postmaster of a distributing office at which the commissions, allowances, and emoluments, since the 31st day of March, 1853, have been insufficient to defray the actual and necessary expenses, and afford the postmasters the annual compensation derived from commissions at the office before said 30th of March, the Postmaster General may, in his discretion, allow quarterly from the date aforesaid, out of the postages collected at any such office, an amount sufficient to supply such deficiency: *Provided further*, That to any postmaster of a separating office, at any such office, whose commissions, allowances, and emoluments may be found insufficient to provide the extra labor necessary to a prompt and efficient performance of the duties of separating and dispatching the mails passing through his office, the Postmaster General may make such quarterly allowances out of the postages collected at such office as he may deem sufficient to compensate such extra labor. This act shall take effect and be in force from and after the commencement of the next fiscal quarter after its passage.

Now, I want the House to look once more at this mode of regulating the compensation of these officers. First you increase and regulate it up for those now in office, then you regulate and increase the rates of postage up, so as nearly to double the compensation first fixed. Then you propose to regulate it back to 1853 in favor of a favored few; and lastly, you propose to give the Postmaster General the power of regulating it, and increasing it up to any point he chooses. Sir, it seems to me that this is as far as human ingenuity can well go. We certainly ought not to confer this discretionary power upon the Postmaster General, or upon any Executive officer. We had better keep this species of power and discretion in our own hands.

But, sir, I had no intention of going into any

elaborate discussion of this measure. I did not intend to have said anything at all upon the subject of politics; and I should not, if the gentleman from Ohio had not, somehow or other, rather coaxed me on, and seduced me into it. I will not detain the House longer; but will close by again expressing the hope that this bill will not be allowed to become a law.

Mr. OLDS. I trust that the gentleman from New York gathered from the temper of my former remarks that I treasured up no ill will against him for anything he had said. What I said was said in the spirit of kindness, and I assure him now, as I have always assured him, that I have appreciated his many acts of kindness, and have awarded him a desire to further wholesome legislation for the country, not only under a Democratic but also under a Whig Administration.

But, sir, I could wish the remarks which I have made to-day would have the same influence on the gentleman, the same soothing and coaxing influence, that those of the other day had on him when the House unanimously passed the bill.

I do not want the gentleman to go away conscience-smitten in reference to any vote he may give; and I think I could convince him, if he would listen to me, that the faults he finds against this bill have no existence in fact—none whatever. His main charge is, that the bill gives discretionary power to the Postmaster General to increase the compensation of postmasters at the distributing and separating offices to those who do not now, under present commissions, receive an adequate reward for the labors which they have to perform. His objection is, that you permit the Postmaster General, in his discretion, to go back to the 31st day of March, 1853, and do not permit him to go back to the 30th day of March, 1851. Now, if the gentleman will turn to the act, of 3d March, 1851, he will find, in that very act, for which the gentleman no doubt gave his vote—the gentleman says he was not here—very well, then. In the act of 1851, I say, that the gentleman will find that we gave the then Postmaster General precisely the same power proposed to be extended to that officer of the Government by this bill. We then gave the power to the Postmaster General to increase the compensation, not of the distributing and separating officers, but of all the deputy postmasters of the country, and how? He was to give them as much commission as they received during the quarter ending 30th June, 1851. No, sir, we did not stop there; we not only gave the Postmaster General power to give such increased compensation as would make their commissions what they were for the quarter ending 30th June, 1851, but to exceed even that amount by twenty per cent. That is what we did, sir. Under that provision, in that act, all the postmasters from 1851 to 1853, received that increased compensation. Distributing and separating offices were not only included, as in this bill, but the increased compensation was provided for all the postmasters of the country. Their compensation was increased to what they received for the quarter ending 30th June, 1851; and, in the discretion of the Postmaster General was to be still further increased by twenty per cent. These officers did receive that increased compensation from 30th March, 1851 to 31st March, 1853; but under the act of 3d March, 1853, we repealed that discretionary power. Under that repeal, up to the present time, the Postmaster General has had no discretionary power, and deputy postmasters, consequently, have had no increased compensation, such as was allowed from 1851 to 1853. Does the gentleman still contend that this bill deals unjustly by such deputy postmasters as held office from 1851 to 1853? Will he still persist in such assertions, when he is told that they did receive this extra compensation from the Postmaster General? If he will turn to the accounts of the deputy postmasters, he will find that those of 1851, 1852, and 1853, received thirty-five per cent. more than those who have held the offices since the 31st day of March, 1853. It is to remedy the injustice done to deputy postmasters by the act of the 3d of March, 1853, that this bill has been introduced.

There is no injustice in this matter. If you permit the Postmaster General now to go back to the 31st March, 1851, and give increased compensation from that time, you will do injustice by twice giving increased compensation; and by giving it when it is not needed. What is there

strange in the fact that the same committee, that reported the act of the 3d March, 1853, should now be disposed to increase the compensation of these postmasters, whose commissions were reduced fully thirty-five per cent. by that act below what the committee and Congress intended? I state to the House, that the intention of the committee, the intention of the Postmaster General, and the intention of the Auditor of the Post Office Department at that time, was not to reduce the compensation of deputy postmasters, but to fix and establish it. Under the act of the 3d of March, 1851, the Auditor of the Post Office Department, with all his clerical force, could not settle the quarterly accounts of the more than twenty thousand postmasters. To remedy this evil, he recommended to the Committee on the Post Office and Post Roads to fix a compensation. He submitted his estimates. I said that these estimates proved his to be erroneous; and under those erroneous estimates we reduced the compensation of deputy postmasters full thirty-five per cent. below what it was prior to the 31st March, 1853.

In consequence of the erroneous estimates then furnished by the Postmaster General and the Auditor of the Post Office Department, we have been compelled to report this bill. I think, then, that I am sufficiently understood upon that point. The bill explains itself. I demonstrated to this House, when this bill passed the House the other day, that the large distributing offices, after paying clerk hire, office rent &c., were minus not only their whole commissions, but had to take their own money in order to meet the expenses of the office at the end of each quarter. I might take a post office in my own district, the one at Columbus, to illustrate. The deputy postmaster at that place, after paying his office rent and his clerk hire, and the incidental expenses of his office, found himself absolutely minus forty dollars at the end of the quarter, which he had to pay out of his own pocket, without receiving from the Government a single cent of compensation. It is to meet such cases that the Senate and House agreed to give the Postmaster General power to go back and allow postmasters in distributing and separating offices such compensation, to take effect from the 3d of March, 1853, up to this time, as will be reasonable and just. The gentleman from New York [Mr. HAVEN] seems to have fallen into an error in regard to this matter, from the fact that we do not propose to give this discretionary power to the Postmaster General in all cases.

I said this morning that the provision was to allow the Postmaster General discretion to give increased compensation, over and above the commissions fixed in this bill, to distributing and separating offices only. There are perhaps two or three hundred such offices out of twenty-three thousand post offices in the United States. This act does not take effect upon all deputy postmasters, except at distributing and separating offices, till after the commencement of the next fiscal quarter after its passage. It is retrospective only upon distributing and separating offices. Of the twenty-three thousand postmasters in the country, it acts retrospectively only upon such officers as have imposed upon them an increased amount of labor and diminished compensation, and where at the end of the quarter they are obliged to pay the expenses of the office out of their own pockets.

Well, now, I do not propose by this bill before the House to restore the commission to postmasters to what it was under the late Administration within ten or twelve per cent. The gentleman from New York will therefore permit me to say that his arguments do not apply. We are in this bill fixing the compensation of postmasters, but did not entertain the idea of thereby increasing the rates of postage; we leave the increase of compensation to the discretion of the Postmaster General, as heretofore.

Mr. HAVEN. As my friend from Ohio seems to be entering on another part of the subject, he will excuse me for one moment.

Mr. OLDS. Certainly.

Mr. HAVEN. I did not notice particularly what my friend said in relation to the discretion heretofore given to the Postmaster General, but I suppose he refers to the sixth section of the act of 1851 reducing the postage. I wish now to call the attention of the House to that section. I will read it, so that the House may understand the whole of this part of the subject. It will be found in vol-

ume 9 of the United States Statutes at Large, at page 590.

That section is as follows:

"Sec. 6. And be it further enacted, That to any postmaster whose commissions may be reduced below the amount allowed at his office for the year ending the 30th day of June, 1851, and whose labors may be increased, the Postmaster General shall be authorized, in his discretion, to allow such additional compensation as he may deem just and proper."

Now, notice this fact, Mr. Speaker, if the bill had stopped there, the compensation would have been left entirely to the discretion of the Postmaster General, as in the gentleman's [Mr. OLDS] bill. But it goes on and provides further, and here is where a portion of this great wrong commences. Notice now the proviso:

"Provided, That the whole amount of commissions allowed such postmaster during any fiscal year shall not exceed by more than twenty per centum the amount of commissions at such office for the year ending the 30th day of June, 1851."

Now, sir, the provision in the bill of the gentleman from Ohio takes away, leaves out all limit whatever to the discretion of the Postmaster General. It strikes out the twenty per cent. clause. If the pay under that law was sufficient when the discretion was limited to twenty per cent., why does this bill obliterate such limit? Why does it make such discretion boundless, and place the whole revenues of the Department under the control of the Postmaster General, to be paid out as he may see fit to these political favorites? Sir, I repeat it, in this bill the discretion of the Postmaster General is not limited, as it was under the sixth section of the act of 1851, to twenty per cent. Beyond that limit former Postmasters General could not go under that law. I undertook to demonstrate to the House, that if a new postage bill were passed, it would not only increase the income of postmasters to the extent of the additional percentage on the increased revenues or receipts, which I believe would greatly exceed their compensation under the old law, but that their compensation might also be increased by the Postmaster General up to twenty per cent. The matter, however, is much worse than I had supposed; for this proviso leaving out, as it does, the limit of twenty per cent., enables the Postmaster General to go without limit up to thirty, fifty, one hundred, or one hundred and fifty per cent. The whole matter is left to the unregulated discretion and political sympathies of the Postmaster General. Sir, this is bad legislation, and I enter my protest against it, from whatever party it may emanate.

Mr. OLDS. Mr. Speaker, I do not think that I am yet understood by my friend from New York, [Mr. HAVEN.] I must be very obtuse this morning, or I could succeed in making myself understood. This increased compensation has no proportion, from the fact that, out of the twenty-three thousand postmasters in the United States, it does not propose to give discretion to the Postmaster General in more than two or three hundred cases.

Mr. HAVEN. Read the section.

Mr. OLDS. The gentleman will find, by reference to the bill, that as regards these twenty-three thousand deputy postmasters, no discretion whatever is given to the Postmaster General, with the exception of those of the distributing and separating offices. But permit me here to say, for the benefit of my associates on that committee, that this was the very issue between the Postmaster General and the committee.

He wished that discretionary power should be left to him in regard to all the deputy postmasters, contending that this would save money to the Treasury. But the committee refused to give him discretionary power with regard to these twenty-three thousand deputy postmasters, restricting the discretion to those of separating and distributing offices. Now, sir, I will read again the sixth section of the act reducing the postage:

"And be it further enacted, That to any postmaster whose commissions may be reduced below the amount allowed at his office, for the year ending the 30th day of June, 1851, and whose labors may be increased."

Why, sir, the labors of all deputy postmasters have been increased by the reduction of postage, from the fact that more mail matter is transmitted, and has to be distributed and delivered, in consequence of such cheap postage. At least such is the construction given to it by the Department.

"The Postmaster General shall be authorized, in his discretion, to allow such additional compensation as he may deem just and proper."

This discretion, under a Whig Administration, applied to all the post offices. Now, we propose to restrict it to some two or three hundred out of the twenty-three thousand. If the gentleman saw no wrong in it under a Whig Administration when applied to the twenty-three thousand offices, surely he ought to be satisfied with it when we have restricted it to some two or three hundred offices.

Now, Mr. Speaker, I have explained the amendment to which the gentleman objects so much, and I think he will be willing to acknowledge that I have done nothing but what is reasonable and just, and that I have done just as I would have done, whether the Administration were Whig or Democrat.

One word in relation to my promise of what I will do in reference to the California agent. The bill had been agreed upon in committee. I was not aware that it had been reported to the House; but my colleague on the committee [Mr. McDougall] informs me that the bill has been reported to the House, and is upon the Private Calendar.

So far as the action of the committee is concerned, we have not "made a promise to the ear to break it to the hope." The gentleman says he will vote against it. If he does so, he will do an act of great injustice to a worthy man. He will do it from the very best motives; but the man who suffers in consequence of the gentleman's good motives, will impute it to the fact that the gentleman does not always feel disposed to do right, and, therefore, not always disposed to do justice. I will not trouble the House longer.

Mr. SKELTON here obtained the floor, but yielded it temporarily to

Mr. HAVEN, who said: One word, Mr. Speaker, by way of explanation and reply. I do not intend, now, further to trouble the question of increasing the postage; such a measure, in my opinion, would be unwise disconnected from the question of pay to postmasters. I hope it will not be further urged here; it would not comport with the public good.

But to the question between me and the gentleman from Ohio, [Mr. OLDS.] I called his attention to the sixth section of the act reducing the postages, passed in 1851. I did so for the purpose of showing that by that law, under which he tries to justify the discretion of the Postmaster General, the compensation was limited to twenty per cent.; beyond that point Congress thought it indiscreet to give him a discretion. The gentleman says, now, that the sixth section I have read, is parallel to a portion of his bill. Sir, after looking at both, I feel bound to say the gentleman has no warrant in either for his assertion. I ask him to point out any legislation in the act of 1851, which is an authority for giving this increased compensation, in any way whatever, beyond twenty per cent.

The bill of 1851 authorizes the giving of this increased compensation, to the limit of twenty per cent. to all postmasters, as the gentleman mentioned. But I call upon him to point out any authority to give it to these distributing or separating offices as a class. He made the declaration that they stood, under the law of 1851, as favorably as they stand now. Why, sir, this bill not only gives the additional percentage I have mentioned to the postmasters, but it also gives them this unlimited discretion in their favor, to be exercised by the Postmaster General. I repeat, the act of 1851 only gives the Postmaster General the right to increase the compensation twenty per cent. But the gentleman does not point out to me anything upon the subject, in reference to the distributing offices, in that act, or in reference to an unlimited discretion of the Postmaster General. If he cannot do so, then his proviso is an interpolation, and a new species of legislation that ought to be promptly met and rejected here.

Mr. HOUSTON. Now, Mr. Speaker, I think we had better go into the Committee of the Whole on the state of the Union.

Mr. OLDS. One word in reply to the gentleman from New York. I will not detain the House a minute. I only wish to say in reference to this discretionary power which is given to the Postmaster General, that the same discretionary power was given to that officer by the act of March 3,

1851, to increase the compensations of postmasters at distributing offices.

Mr. HAVEN. I understand that. The gentleman refers to the sixth section of the act of 1851, and that brings me back to the charge I first made, that this Senate amendment goes further than the act of 1851. It takes off all limitation. It increases the compensation of the postmasters too much in the first place by the first sections of the bill. And then, having got that compensation up to a point as high as this House is willing to go, it allows the Postmaster General to begin there, with his irresponsible hand, and run it up just as much further as he pleases. It allows him to level up illimitably from the highest point to which this House dare go. Sir, it takes off all limitation. I do not design these remarks in any offensive sense; but I thought myself bound to point out this bad legislation to the House.

Mr. OLDS. I ask the gentleman, if he would prefer the sixth section of the act of March 3, 1851, giving discretionary power to the Postmaster General to increase the pay of all postmasters?

Mr. HAVEN. I answer, that this bill puts their compensation too high, without conferring any discretion on the Postmaster General. But if it were not too high, I should by all means prefer the proviso to the sixth section of the act of 1851, and have it applied to these distributing or separating offices, for that proviso limits the increase to twenty per cent.

Mr. SKELTON. I do not propose to inquire what has been done, or what has not been done heretofore. And whether this is a Whig or a Democratic measure, in my opinion, has nothing to do with the question under consideration. The question presented for our consideration to-day is simply this: Is this measure calculated to promote the best interests of the country? That is the question to which the House should confine itself, and not to the consideration of what has or has not been done.

Sir, what is the duty of the House in reference to a question of this kind? I regretted that I was not present when this bill was originally before the House, that I might have given to the House the opinions I entertained in reference to the matter, and I am glad that I have the opportunity of doing it now. I regard this whole business as wrong. We have already passed two bills during the present session, changing to some extent our postal system. The object of both has been the same, both have been outside the great object for which they should have been framed—the interests of the country and the wants of the Department of Government to which they relate.

Now, sir, the question which we should decide is not how much we shall pay the postmasters, or whether they will be able to make a living or not, but whether we can best promote the public interest by the proposed change in the post office laws? But what has been the history of the matter? First comes a bill before the House increasing the compensation of postmasters; then comes another bill increasing the rates of postage, and thereby still further increasing the compensation of postmasters by augmenting the amount of receipts upon which they receive a certain percentage. Now, is this necessary, in order to subserve the public interest? Is it necessary to increase the compensation of these officers in order to obtain competent men to serve? Have not all of us been persecuted, day after day and night after night, by office seekers, anxious to take these offices with the pay already granted, and yet, day by day, you go on increasing their compensation.

The Post Office Department was established for the public interest, the public accommodation, and the dissemination of knowledge through the country. It has been a principle of policy that the Department should sustain itself. If that principle is to be maintained in practice, it is necessary that we should keep the expenditures down to the lowest possible point, and why? Because it is our duty to legislate for the interest of the public, and not for that of office-holders. On the contrary, it seems to me that these bills have been introduced for the interest of the latter. I would particularly call the attention of members to the fact, that we are to legislate for the public, and not for individual office-holders.

The Post Office Department is one of great importance in this country. Free dissemination of

ideas, and correspondence between the various sections of the Union, is calculated to promote harmony of feeling and concord of action. It is not only calculated to do that, but also to exercise a salutary influence upon the social condition of this great Republic.

It is important that the United States mail should be carried to as many points as possible. I have applied at various times for additional post offices in my district, and in the State I have the honor in part to represent; but I have been refused, and on the ground that the Post Office Department does not pay its expenses; that the expenditures are now so large that it cannot afford to establish any new offices, though the particular localities may require, and the public interest demand them.

Now, our present action, so far from reaching what should be our main object, would defeat it. The Postmaster General shows that his Department is largely indebted to the General Government. It does not clear one cent. Yet, while there are wanting additional facilities for the transportation of the mail in various sections, it is proposed here that we should increase the burdens of the Department, and thus defeat the great and leading object for which it was established. Why, sir, if Congress is to go on in this way increasing the compensation of postmasters, it is best that we should abolish the Department at once, and leave the transmission of the mails to private enterprise. Our correspondence can be cheaper and more rapidly transported at the present time by private expresses than through the post office. Notwithstanding this, members are constantly urging the House to increase the expenses of the Department, that office-holders may be fattened. Is this right? Is it right in principle? Is it calculated to promote the public interest? If it is calculated to promote the public interest, then we should sustain it. If, on the contrary, it is not so calculated, and I maintain that it is not, every honorable member on this floor should say at once that, by increasing the expenditures of the Post Office Department, we directly lessen the advantage designed by its organization, and do a great injury to the interests of the country.

Mr. COBB. I call for the previous question. The previous question received a second, and the main question was ordered to be put.

The question was then taken on the amendment proposed by the Committee on the Post Office and Post Roads to the amendment of the Senate; and it was agreed to.

The question recurring on the amendment of the Senate, as amended, it was taken; and said amendment was agreed to.

Mr. HOUSTON. I offer the usual resolution to close debate upon the civil and diplomatic bill on Thursday next, at twelve o'clock.

The question was put; and the motion was agreed to.

Mr. HOUSTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider do lie on the table; which latter motion was agreed to.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up that bill.

Mr. DAVIS, of Indiana. There are two or three bills on the Speaker's table, and the day is now (two hours and five minutes) pretty far advanced. I think the House could dispose of these bills in an hour, at furthest; and I therefore move that the House do now proceed to the business on the Speaker's table.

The SPEAKER. The motion of the gentleman from Alabama [Mr. Houston] having been regularly made, will take precedence of the motion of the gentleman from Indiana.

Mr. DAVIS. I was under the impression that a motion to go to the business on the Speaker's table took precedence of a motion to go into committee.

The SPEAKER. The gentleman from Indiana is perhaps right.

The question was taken on Mr. Davis's motion; and it was disagreed to.

The question recurred on the motion submitted by Mr. Houston.

Mr. SMITH, of Virginia. I would be very happy, Mr. Speaker, to be permitted to make a

brief personal explanation. I shall not occupy two minutes in doing so.

General assent was expressed.

DEATH OF MR. SNODGRASS.

Mr. SMITH. Mr. Speaker, the explanation which I am about to make is not a matter of much interest, except to myself and to those from my State. A few days ago, in the House of Representatives, the melancholy intelligence was announced of the death of one of my own colleagues. The telegraphic dispatch which was acted upon was addressed to me, and was in the following language: "The Hon. John F. Snodgrass died at half-past two o'clock, p. m., very suddenly. His friends desire you to announce his death to the House." In consequence of my absence, my colleague [Mr. FAULKNER] announced the death of Mr. Snodgrass; and stated that he did so at the request of his colleagues—meaning, of course, at the request of his colleagues who were present. That statement, Mr. Speaker, might convey the impression that I had refused to comply with the request of the friends of the deceased. That is my reason for desiring to make this explanation, that I was absent. For though I mourn—deeply mourn—a melancholy necessity of that announcement, yet, in performing the last office of friendship to one who was so much entitled to my respect and esteem, I would discharge that duty with cheerful but melancholy alacrity.

I will add one word more, Mr. Speaker, and hope the House will bear with me. It was my fortune to spend a few hours—a few hours only—with my deceased colleague, in very interesting conversation, just before he left this city; and I observed to him how remarkably well he looked. He replied that he had not been for many years in such fine health. And yet, in a few days afterwards, the fell destroyer struck him, and he succumbed to the blow.

I make this statement, Mr. Speaker, that his friends, and those in his section of country, should not suppose that I could refuse a request such as that made to me on his account.

MESSAGE FROM THE PRESIDENT.

The SPEAKER, by unanimous consent, presented to the House a communication from the President of the United States, transmitting a report of the Secretary of State, with accompanying documents, in compliance with the resolution of the House of Representatives of 20th December last.

Mr. WALKER. This communication from the President is in answer to a resolution of inquiry, which, the Chair will remember, was offered by me some months since, accompanying a memorial from the Chamber of Commerce of the city of New York, which I then presented. It relates to certain impositions on our commerce in the Baltic, laid by the Government of Denmark, and known as "sound dues." I move, sir, that the communication from the President be laid on the table, and printed.

It was so ordered.

COMMUNICATION FROM THE CLERK.

The SPEAKER also laid before the House a communication from the Clerk of the House, transmitting a letter, and accompanying explanation, in accordance with the request of the chairman of the Committee on Engraving.

The communication was referred to the Committee of Ways and Means, and ordered to be printed.

The question was then taken on Mr. Houston's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN. The business first in order is the consideration of the civil and diplomatic appropriation bill, and upon that the gentleman from Alabama [Mr. PHILLIPS] is entitled to the floor.

RAILROAD TO THE PACIFIC.

Mr. PHILLIPS being absent, the floor was assigned to

Mr. WALBRIDGE, who proceeded to speak upon a subject different from that before the committee, namely: the proposition for a railroad to the Pacific. He rapidly traced the inception and history of the land system, asserting that it was with-

in the power of the General Government to aid, by donations of public domain, the construction of such a means of intercommunication. He asked what is the probable extent of the contemplated Pacific railroad, that is, from some point on or near the Mississippi to the Pacific?

Assuming the initiative in the latitude of New York, 40° 42' north, and in longitude 91° west from Greenwich, the distance, in a direct line, would not exceed one thousand seven hundred and fifty miles; or, assuming another point, say from Fond du Lac, the west end of Lake Superior, in latitude 46° 30', to Puget's Sound, where there is a convergence of the continent, the distance would be about one thousand five hundred miles. Taking a southerly latitude, say in thirty-fourth or thirty-fifth parallel in a due west direction, and the distance would not exceed one thousand six hundred miles.

He discussed the subject in a social, commercial, and military aspect.

Mr. DAVIS, of Indiana, next addressed the committee upon the Pacific Railroad.

[The above speeches will be found in the Appendix.]

Mr. BROOKS obtained the floor.

Mr. HAVEN. Will the gentleman from South Carolina yield me the floor for a moment? I should listen with great pleasure to the gentleman from South Carolina; but the House has now been in session nearly four hours, and the members are somewhat fatigued. I hope that the committee will agree to rise, so that the gentleman who has the floor may have an hour in the morning to address the committee. With his permission, I move that the committee rise.

The question was taken on Mr. HAVEN's motion; and it was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly House bill No. 48, being a bill "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855," and had come to no conclusion thereon.

Mr. TAYLOR, of Tennessee. I move that the House adjourn.

The motion was agreed to; and thereupon (at twenty minutes to four o'clock) the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, June 14, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXPLANATION.

Mr. CLAYTON. I ask the indulgence of the Senate for the purpose of a brief personal explanation, and it is the first time, I believe, that I ever desired a similar favor.

I perceive in a morning paper, (the Union,) to which my attention has been directed since I entered the Capitol this morning, that the distinguished and much-honored statesman of South Carolina, [Mr. Calhoun,] with myself, is charged with the crime of mutability in having voted for the compromise bill of July, 1848. That bill, while it excluded in California and New Mexico the whole doctrine of what is now called squatter sovereignty, and gave no right to aliens to vote in those Territories, did confer that right on such as had declared their intention to become citizens in the then proposed Territory of Oregon. At the same time that compromise, which proposed to organize three vast territorial governments greater than were ever included in one bill before, offered peace to a distracted country on the principle of submitting the whole slavery question in the Territories to the judicial tribunals, and for the first time excluded the Wilmot proviso, and adopted for Oregon the boasted principle of non-intervention, which was afterwards copied into the compromise measures of 1850.

For this great measure of pacification both John C. Calhoun and myself voted, although known to every one who had thought our opinions worthy of consideration to be utterly opposed to the clause in that part of the bill organizing the government of Oregon, which allowed the vote of

aliens in any form or under any pretext. We entertained then the same opinions which we had both expressed in the debate on the Michigan bill in 1836, that a claim allowing aliens to vote was utterly and absolutely unconstitutional—an opinion which was shared with us by many of the most distinguished gentlemen in both Houses of Congress at that day. But to obtain the great blessings which we firmly believed the country would receive from the final settlement of the slavery question on the principles of that bill—a measure which the distinguished Senator from Virginia, [Mr. HUNTER,] in the late debate on the Nebraska bill, characterized as the very best compromise ever yet proposed—we both agreed, after full consultation together, to waive our objections to the single clause in the Oregon portion of the bill, to secure the passage of that great measure of peace.

While this measure was before the committee which reported that bill, Mr. Calhoun called at my lodgings, to consider with me the course we should adopt on this very question. We both stood fully committed to the country on the constitutional principle, that any act of Congress allowing aliens to vote in any State or Territory of the United States, was *pro tanto* an act of naturalization and unconstitutional, because it was partial and not uniform. But we were given to understand by others, that our compromise bill would inevitably fail in the House of Representatives, if the government of Oregon were organized without the fifth section of the bill, which was so obnoxious to us. The correctness of that opinion was fully demonstrated a short time afterwards, and after the failure of our compromise in the other House by a small majority, by the passage of a separate Oregon bill, containing that very section allowing the vote of aliens, which bill originated in that same House of Representatives, and became a law on the 14th of August, 1848. But for that bill neither Mr. Calhoun nor myself ever voted. Had we voted for that, or for any provision allowing the suffrage of aliens in any separate and distinct form, we might, indeed, have subjected ourselves to the censure of those who would rejoice in an opportunity of charging us with inconsistency. During the interview to which I have referred, we resolved to make the sacrifice in Oregon, to secure the principle in California and New Mexico, which not only avoided the alien vote in those Territories, but the Wilmot proviso, and the whole principle of squatter sovereignty. We thought, that in a difficult compromise, he who won the two best in three, had but little reason to complain. We thought, too, there was but little danger of alien suffrage in a territory so remote from the usual landing places of immigrants on the Atlantic, and so inaccessible as Oregon.

Sir, it has been said that when the framers of the greatest of all compromises (the Constitution of the United States) came out of the convention of 1787, there was not one man who was not dissatisfied with some one provision of that instrument. The Missouri compromise of 1820 was voted for by men who held the sixth section of it to be absolutely unconstitutional. The tariff compromise of 1833 contained the principle of the home valuation which, in the debates of that day, was pronounced unconstitutional by nearly every southern Senator, who afterwards voted not only for the passage of that compromise, but for the home valuation amendment itself; and that, too, on a call of the yeas and nays. These were concessions made by great and patriotic statesmen, to secure the blessings of peace and the safety of this Union. And if I, whose opinions against alien suffrage have never varied—if I who reported the provision excluding aliens from voting in the first act to organize the vast Territory of Wisconsin, then comprehending the present States of Wisconsin, Iowa, and half of Michigan, which Territory was organized by my efforts and those of the Judiciary Committee, of which I was at the time the chairman—I who also reported and voted against the clause allowing alien suffrage in the State of Michigan, can be charged with inconsistency for sacrificing something of my fixed opinions to secure the peace of my country and the safety of this Union in 1848, let those who delight to censure make the most of it.

PAY OF DEPUTY POSTMASTERS.

A message was received from the House of

Representatives, by Mr. FORNEY, their Clerk, announcing that they had concurred in the amendment of the Senate to the bill of the House "regulating the pay of deputy postmasters," with an amendment.

On motion by Mr. RUSK, the Senate proceeded to consider the amendments.

The amendment of the Senate was to strike out the following proviso:

"That, in any postmaster of any distributing or separating post office whose commissions may be reduced below the amount allowed at his office for the year ending the 30th day of June, 1851, the Postmaster General shall be authorized, in his discretion, to allow such additional compensation as he may deem proper, such compensation to date, and be allowed from, the 30th day of March, 1853: *Provided further*, That the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled 'An act to reduce into one the several acts establishing and regulating the Post Office Department'; and all acts, or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed; and this act to take effect, and be in force, from and after the commencement of the next fiscal quarter after its passage."

And insert:

That to any postmaster of a distributing office, at which the commissions, allowances, and emoluments, since the 31st day of March, 1853, have been insufficient to defray the actual and necessary expenses, and afford the postmasters the annual compensation derived from commissions at the office before the said 31st of March, the Postmaster General may, in his discretion, allow quarterly from the date aforesaid, out of the postage collected at any such office, an amount sufficient to supply such deficiency: *Provided further*, That to any postmaster of a separating office, at any such office, whose commissions, allowances, and emoluments may be found insufficient to provide the extra labor necessary to a prompt and efficient performance of the duties of separating and dispatching the mails passing through his office, the Postmaster General may make such quarterly allowances out of the postages collected at such office, as he may deem sufficient to compensate such extra labor. This act shall take effect and be in force from and after the commencement of the next fiscal quarter after its passage.

The amendment of the House to the amendment of the Senate was to insert after the word "labor," the following:

Provided further, That the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department;" *And provided further*, That the Postmaster General may, in his discretion, dispose of any quarterly returns of mails sent or received which were made up previous to the 1st day of July, 1850, preserving the accounts current, and all vouchers accompanying such accounts, and the use of such portion of the proceeds thereof as may be necessary to defray the cost of separating and disposing of the same.

The amendment of the House was concurred in, so that the bill is finally passed as thus amended.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented two copies of the laws of the Territory of New Mexico, passed by the third Legislative Assembly, in the city of Santa Fe, at a session begun on the 5th day of December, 1853; which were referred to the Committee on the Judiciary.

Mr. DAWSON presented a petition of the inhabitants of the city of Macon, in the State of Georgia, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. BELL submitted additional evidence in support of the claim of Sarepta Cleveland, daughter of Jonathan Skinner, deceased, to indemnity for losses sustained by him in the war of the Revolution; which, together with the papers on the files of the Senate, was referred to the Committee on Revolutionary Claims.

Mr. JOHNSON presented the following petitions, &c., praying the establishment of additional mail routes; which were referred to the Committee on the Post Office and Post Roads:

Two petitions of citizens of Arkansas, praying the establishment of a post route from Norristown to Fort Smith, in Arkansas;

Document relating to a post route from Pine Bluff to Brownsville, Arkansas;

Petition of citizens of Arkansas and Texas, praying the establishment of a mail route from Jefferson, in the State of Texas, to Fulton, in Arkansas;

Petition of citizens of Arkansas, praying the establishment of a mail route from Danville to Waldron, in said State; and

Petition of citizens of Arkansas, praying the establishment of a post route from Hurricane to Galley Rock, in said State.

Mr. DODGE, of Iowa, presented the petition

of Eli T. Tappan, praying the assistance of Congress in the publication of an edition of the acts of Congress, containing only those laws of a general nature which remain in force. The petitioner represents that the editions now published contain all the public acts, including those that are local, temporary, or obsolete, as well as those in force, and some editions contain also all the private acts. As all these acts are published in chronological order, it is frequently very difficult and laborious to discover what is the law actually in force; and it must remain so, even with the aid of the best indexes, so long as the laws are published in the manner described. In consequence of this, new laws are sometimes enacted which conflict with the old; and thus the difficulty of determining what is the law, is increased. The memorialist also states that those who consult the statutes of the United States usually do so to find some general law now in force; and that to all such persons such a volume would be a great saving of time, labor, and money, inasmuch as they could purchase, in a single volume, that for which they must now buy six or nine to obtain. The memorial was referred to the Committee on the Library.

Mr. HAMLIN presented the petition of the heirs-at-law of Benjamin Grover, a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also submitted the following resolution in reference to the above petition; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be directed to inquire into the propriety of allowing a sum to the heirs of Benjamin Grover, deceased, of Maine, equal to what was justly due the widow of said Grover, as a pension at the time of her decease.

REPORTS FROM STANDING COMMITTEES.

Mr. COOPER, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Captain Joshua Chamberlain, praying compensation for services during the revolutionary war, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of David A. Cameron, representative and heir of James Bell, late of Lower Canada, and assignee of the other heirs of said Bell, praying payment for advances made to the American Army during the revolutionary war, submitted a report, accompanied by a bill for the relief of the legal representatives of James Bell, deceased; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred a bill from the House of Representatives, making further appropriations for continuing the construction of certain roads in the Territory of Minnesota, in accordance with the estimates made by the War Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

He also, from the same committee, to whom was referred a bill from the House of Representatives, for the construction of certain military roads and wells in the Territory of New Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

Mr. SUMNER, from the Committee on Pensions, to whom was referred a bill from the House of Representatives, for the relief of James Walsh, reported it back without amendment.

Mr. PEARCE, from the Committee on Finance, reported a bill respecting the Executive Departments, and to distribute the settlement of claims and accounts among the accounting officers of the Treasury; which was read, and passed to a second reading.

NOTICE OF A BILL.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill to amend the judicial system of the United States by providing for the organization of an additional circuit.

BILL INTRODUCED.

Mr. DAWSON asked and obtained the unanimous consent of the Senate to introduce a joint resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armijo, José L. Perea, and James L. Collins,

the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a joint resolution of that body, approved the 17th of June, 1851; which was read a first and second time by its title, and referred to the Committee on Territories.

Mr. DAWSON. I wish to ask the chairman of the Committee on Territories to be kind enough to take that matter into consideration at his earliest convenience.

MEETING OF CONGRESS.

Mr. DOUGLAS. I offer the following resolution by way of amendment to the rules:

Resolved, (the House of Representatives concurring,) That the following shall be added to the joint rules of the two Houses:

Unless otherwise ordered by either House, the first regular session of every new Congress shall be terminated by adjournment on the first Monday of the month of May succeeding the commencement of such session; and that the President of the Senate and Speaker of the House of Representatives shall accordingly adjourn their respective Houses at the hour of twelve o'clock, meridian, of that day.

I will simply remark that this is to be in connection with the bill which I offered yesterday, to fix the first Monday in October as the day for the annual meeting of Congress.

The resolution lies over for consideration for one day under the rules.

LIEUTENANT MAURY.

Mr. GWIN, from the Committee on Naval Affairs, reported a joint resolution giving the consent of Congress to the acceptance by Lieutenant M. F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden; which was read a first and second time by its title, and considered as in Committee of the Whole.

It proposes to give the consent of Congress to Lieutenant Maury to the acceptance of a gold medal from the King of Sweden, in testimony of his high satisfaction with the zealous and unceasing efforts of that officer, as Superintendent of the National Observatory at Washington, for promoting the establishment of a universal system of meteorological observations to the advantage of navigation in general, and as an acknowledgment of the kind disposition shown by that officer to make the merchant navy of Sweden, in common with that of other nations, enjoy the benefit of the discoveries already made in this branch of science.

Mr. PEARCE. I will ask the Senator from California to consent to let this joint resolution lie over until to-morrow. I am in favor of giving the consent which he asks, but I wish to modify the form of the resolution. Let it lie over until to-morrow.

The further consideration of the joint resolution was postponed until to-morrow.

HOMESTEAD BILL.

Mr. WALKER. I have been authorized by a meeting of quite a number of the friends of the homestead bill, to give notice to the Senate that they will make an effort, and insist on it on Monday next, to take up that measure, make it the special order, and continue it from day to day until it is finally acted upon. They also have directed me to say, that they will endeavor to bring about the final action this week upon the bill which has been vetoed by the President of the United States, so they may not have that in the way next week to interfere with the consideration of the homestead bill.

Mr. GWIN. Inasmuch as I am a friend of the homestead bill, I hope the Senator from Wisconsin will call it up at an earlier day than that which he mentions. I think he might get it up the day after to-morrow as well as at any other time. The bill which has been vetoed can certainly be disposed of during to-day and to-morrow.

Mr. WALKER. I will say to the Senator from California, that if we should be so fortunate as to get rid of the bill which has been vetoed, it will certainly be the pleasure of many friends of the homestead bill to take it up earlier; but it was thought that it must depend upon the disposition of the vetoed bill which is under consideration, unless it should be unnecessarily protracted.

ADJOURNMENT SINE DIE.

The Senate proceeded to consider the following resolution from the House of Representatives:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representa-

fives adjourn their respective Houses on Monday, August 14th, at twelve o'clock, m."

Mr. GWIN. I move to amend the resolution by striking out the words, "Monday, August 14th, at twelve o'clock, m.," and inserting the words:

From twelve o'clock, m., on Monday, July 17th, until Monday, the 16th of October next."

I will give the reasons why I offer this amendment. When the resolution passed the House of Representatives, the special order before that body was the Pacific railroad bill, which it was expected would lead to a long debate. Yesterday, on the motion of the friends of that measure, it was postponed until the second Monday in December next. The House then took up the civil and diplomatic appropriation bill, and passed a resolution to stop debate on it to-morrow at twelve o'clock. They have now got their business in such a state that there is no doubt the appropriation bills and other important measures can be acted upon before the time mentioned in my amendment for taking the recess. It gives us nearly five weeks until the commencement of the recess, and all the appropriation bills, and other important matters can be disposed of by the two Houses by that time. There are other questions of great importance which ought to be acted upon during this session, but they can come up after the recess. I am confident in my own mind that we can dispatch the business better by adopting the amendment which I propose. I hope it will be agreed to.

Mr. HUNTER. I think the proposition of the House would be better than the amendment. It would be better to stay here until the 14th of August, and transact the business of the session, and then meet in December next. But, sir, I have some hopes that if we should let this resolution lie for the present, we might, perhaps, get ready to adjourn earlier than the time mentioned in it; and I am sure I should be very glad if that could be the case. I am unwilling, however, now, upon the instant, to change our practice, and to agree to the recess. I have no objection to changing hereafter, by a law, the time at which we should meet at what is called the short session of Congress. I think that that session ought to be lengthened, and the other session diminished; but that ought to be done after we have had notice, and after the business of the country is matured in reference to such a state of things. It seems to me that we had better pursue the old practice in regard to this session, and get through if we can by the 14th of August, or sooner if possible. But, in order to do this, I would suggest that it would be probably better to let the resolution lie upon the table for the present, and then if we see we can get through and adjourn at an earlier day, we can take it up and amend it by fixing such a day. I suggest that that would be a better course.

Mr. GWIN. There is a proposition now before the Senate to change the time of the meeting of the short session, and I have no doubt it will pass. As to the consequences that might hereafter result from this, I am of opinion that it cannot be a precedent if that bill should be passed, as I believe it will. I do not believe there is a member of the Senate who is not in favor of changing the time of meeting at the short session of Congress. There may be a difference of opinion as to when the session should commence, whether on the first Monday in October, or the first Monday in November; but I have no doubt in my mind that one or the other will command the votes of the majority of both Houses of Congress; and I think there will be no danger in the precedent.

It is well known to members of this body, that if we want work done we ought to fix the day of adjournment. I have no doubt that there is a great change in the opinion of the House since the passage of the resolution. They have got clear of the question of the greatest importance which was before them, and which would have led to a lengthened debate. We shall soon have the appropriation bills before us. We shall probably have them by the time that we get through with the discussion of the vetoed bill and the homestead bill. My amendment gives us nearly five weeks, including the present week, before the recess. Then there are great and important questions which can be taken up in October next, and can be better discussed than in the dog days. I hope the amendment will be agreed to. I am

certain that it will facilitate the public business, and it gives us a longer time than the resolution of the House. The time which it gives us is also a better time for working in.

Mr. TOOMBS. I should be very willing to get the recess asked for by the Senator from California, but I see no necessity for making it as an amendment to this resolution. If the Senator from California thinks the House would favor the proposition, after the change which has taken place, he might introduce a separate resolution.

Mr. GWIN. The Senator knows that in the House of Representatives they could only take up such a proposition on Monday, and it would require a two-third vote to do it. A simple majority could not control it. If we agree to this resolution, amended in the manner I propose, and the House disagree to it, they would ask for a committee of conference.

Mr. TOOMBS. Then they could not take this up again, except by a two-third vote. That is true in the one case as in the other.

As to the idea of the Senator from Virginia, I think it should not be entertained. If we now pass the resolution fixing a day of adjournment, and then find that we can get through with the public business before that day, the passage of this resolution will not prevent us from adjourning earlier; and my experience has been, as the Senator from California has said, that by fixing the day of adjournment we shall get through with the public business sooner. Unless the time be now fixed, everybody knows that we shall not adjourn until September or October; and, therefore, we had better take up the resolution, and pass it. If the House desires the amendment which the Senator from California suggests, they can take up a resolution containing the provision, and pass it. I am very willing to let this resolution go by the board, if the Senator from California thinks that the House will agree to such a proposition as his. If that is the case, let their resolution lie here, and let us send them another. But, while this is in our hands, I should be unwilling to let it go from us without adopting it.

Mr. RUSK. I move to amend the amendment, so that it may not be construed that the per diem should be allowed during the recess. With the amendment of the Senator from California the resolution might be possibly construed that per diem should be allowed. I am sure that with that opinion, the House of Representatives would not vote for it. I move that it be amended by adding a proviso that no per diem shall be allowed.

Mr. DAWSON. By the act of 1818, as I understand it, if the two Houses of Congress adjourn within ten days of the next regular meeting of Congress, mileage would not be allowed to the members. Now, I am sure that gentlemen in the House, living at a distance, who rely on mileage for compensation and for loss sustained in coming here, would be very unwilling to forego the mileage; and, therefore, the House would go strongly against the proposition of my friend from California as it now stands.

That proposition, then, cannot be concurred in; and, as I am very anxious to adjourn at the earliest practicable day, I think the better plan would be to concur in the resolution of the House with some amendment, let the House disagree to it, and let the two Houses meet together by way of a committee of conference, and agree upon some plan.

Mr. BADGER. I am in favor of the amendment proposed by the Senator from California, and I do not see that it involves any difficulty in the progress of the resolution through the House. If we agree to the amendment, and the House is opposed to any recess, they will of course disagree to that amendment, and then it will be in the power of the Senate to recede from it, and adopt the resolution as it came to us from the House. The only inquiry is this: Would the majority of the Senate prefer the recess, or prefer a final closing of the session at the time mentioned by the House? If the majority of the Senate prefers the recess and desires to obtain it, and the consent of the House can be obtained to it, the simplest proposition in the world is to agree to the amendment of the Senator from California. It will then go to the House as an amendment to their resolution. It will be considered by the House, as is the constant habit under such circumstances, and if they disagree so that we find a recess cannot be obtained,

we shall have but to recede from our amendment, and agree to the resolution without it.

The difficulty which it is suggested, would arise if the resolution should pass, is perhaps worthy of some consideration. I understand it is the opinion of some of the accounting officers, that if this recess be taken the per diem of the Senators and members of the House will continue. I do not know how that is, but for one, I do not think it would be a very great calamity if it should. I do not look upon it as such a great evil that we should put ourselves to an extraordinary difficulty to prevent it falling upon us, and certainly it would have no injurious effect upon those among us who live at a short distance from the Capitol, and to whom the mileage is a matter of very small consideration. However, sir, I interpose no objection if my friend from Texas insists upon it, to expressly providing that there shall be no per diem, although we are not so groaning in wealth, as I have said, that it should be considered a great evil. I am perfectly indifferent about it, and am willing to agree to such an amendment.

With regard to mileage, it may be that the result which my friend from Georgia suggests might follow, to wit: that gentlemen would not be entitled to their mileage at the next regular session, either because the adjournment of this session would take place within ten days of the commencement of the next, or because the session might run on, so as to lose itself in that regular session. Surely that would not be a matter of great inconvenience, either here or in the other House, because a simple proviso or declaration in one of the appropriation bills would settle that matter, by declaring that this should be considered a distinct session, for the purpose of allowing mileage. That is an amendment which would surely commend itself to the two bodies, because every one would be in favor of it. If anybody should be opposed to it, there would be no trouble here in seeing how we would vote; and if the yeas and nays should be taken, the proposition would certainly carry. For these reasons, believing that the best plan which we can adopt is to obtain what we consider the best, without putting in jeopardy what is next best to it, I shall vote for the amendment of my friend from California.

Mr. CLAYTON. I suggest to the Senator from Texas, that by an amendment to this resolution he cannot obtain the end he aims at. This resolution is nothing but a resolution of the two Houses for a recess; it is not a legislative act. It does not require the signature of the Executive; and therefore it could not repeal an existing law. If, then, it be true that, by an existing law, compensation would run to the members of both Houses during the recess, you cannot avoid it by amending the resolution. You must then, in order to obtain your end, put a provision in one of the appropriation bills, or pass some separate act of legislation for or against the compensation, as Congress shall see proper. I, therefore, submit to my honorable friend from Texas, that he withdraw the amendment for the present, because it would have no effect if agreed to.

Mr. RUSK. I distinctly announced at the time, in offering the amendment, that I should vote against the whole proposition. I heard the discussion in the House of Representatives upon this subject, and I was satisfied that it would be useless to send such a proposition as this, if the construction be placed upon it, that during a recess members would be receiving their per diem. If that construction be placed upon it, and such would be the fact, I feel very well satisfied that it would not pass the House; or, if it did pass, that it would be put in such a shape as to bring it back here for discussion again. In regard to the question of mileage, and as to what Congress will do, the honorable Senator from North Carolina may have some means of ascertaining exactly what the Senate and the House will do; but I am not so fortunate, I cannot tell what they will do until the votes are taken.

Mr. BADGER. I only presumed it, because I supposed both Houses would do what was right.

Mr. RUSK. That is rather a violent presumption, so far as the Senate is concerned. I do not know much about the House; but in looking at the proceedings of this body, it is a violent presumption. I am not able, like the Senator from North Carolina, as I have said, to foresee exactly

what will be done. As to a question of right gentlemen differ about it sometimes, but under all the circumstances I withdraw the amendment. I have no disposition to embarrass the proposition; for I shall vote against the whole of it. I am willing to vote for the House resolution to adjourn on the 14th of August. I feel very well satisfied that we cannot get through with the business before that time; and as to taking a recess and coming back here in October, the end of it will be that we shall do nothing until the short session commences.

Mr. WALKER. I think that this is not the proper time to fix a day either for adjournment, or for a recess. I think so for reasons which have already been urged, and for others. There are important measures under consideration. It is important that they should be acted upon, and it is important that they should not be embarrassed by the difficulty which might arise by fixing a day for the adjournment. Being opposed then, at present, to fixing a day, I move to postpone the further consideration of the resolution until a week from next Monday.

Mr. GWIN. I hope the Senator will allow us to have a test vote upon the amendment.

Mr. WALKER. That is what I do not want.

Mr. GWIN. If those who are opposed to the amendment are in a majority, of course it will be voted down. I hope we may dispose of it.

Mr. WALKER. I am willing to let the vote be taken upon this proposition; but I shall renew the motion to postpone, whether the amendment be rejected or adopted.

Mr. HOUSTON. I have not been so fortunate as to hear the reasons which have been rendered for the proposition of a recess; and I regret extremely—as no doubt those reasons were all sufficient—that I had not that opportunity; but I certainly can discover none for it. If we should fix an early day for the adjournment, I have no doubt it would expedite the business of Congress; and I am, therefore, decidedly in favor of the resolution as it came from the House of Representatives. If I can hear any reasons to the contrary, I will yield with a great deal of pleasure, if I think them sufficient; but at this time I am disposed to believe that the best course the Senate can adopt is to agree to the resolution as it came from the House of Representatives.

Mr. STUART called for the yeas and nays upon the amendment; and they were ordered.

Mr. PRATT. I desire to say a single word before recording my name in the affirmative on this proposition; but if that obligation had not been imposed upon me, I should have said nothing. Mr. President, the adoption of the amendment of the Senator from California, in its practical effect, will be to prolong the actual session of Congress fourteen days. By the resolution of the House, it is proposed to adjourn on the 14th of August: by the amendment it is proposed to take a recess from the 17th of July to the 16th of October, so that the difference is fourteen days, and the session is prolonged fourteen days by the amendment.

In reference to the pay, there is no earthly difficulty in having a bill introduced which, I imagine, would pass directly here, to accompany this resolution, if amended, to the House, so that when the resolution gets there, the House would be embarrassed of the difficulty which I understand my friend from Texas seems to think influenced their action—the necessity of receiving per diem compensation during the recess. I do not think there is any one here who does not believe that if we were to take a recess, and come back in October, our own minds, the public mind, the mind of every one, would be better prepared than now to go on with the important business of this session. I have no doubt of it myself. I have no doubt that it is the opinion of the country at large that it would be much better for the public interest that we should now adjourn.

For one, if the appropriation bills were through I would be perfectly willing either to adjourn tomorrow, *sine die*, or take a recess; but still I cannot help seeing that there are important measures partially matured, which would require a longer time than from the regular session in December, to the period of adjournment in March; and, therefore, I do say, that the people of the country have a right to expect that we should appropriate more of our time—God knows we are not paid for it—

in the discharge of our duty towards them, than would be done if we were to adjourn *sine die* as soon as the appropriation bills are passed.

I think the true course both for ourselves and the country at large, would be to adopt the amendment, and let it go to the House. If I understand parliamentary rule—and the Senators from North Carolina and Georgia, who are familiar with it, will correct me if I am wrong—if we adopt the amendment, and it goes to the House, they have no right to amend the resolution. They cannot fix any other day; they are either to reject the whole of our proposition or agree to it. They cannot fix any other day than the 14th of August, unless they agree to our amendment. They must either accept this or reject it, and let the resolution come back to us for an adjournment on the 14th of August. We are, therefore, relieved from all the difficulty arising from the supposition that we should not have the privilege to adjourn on the 14th of August at any rate; so that it is merely a trial on our part. We passed this proposition for a recess the other day by almost a unanimous vote. We believed then, and we believe now, that it is necessary.

Mr. RUSK. If we pass the resolution to take the recess on the 16th of July, there will be a scramble for the appropriation bills, and no other business will be done. There is no doubt that the appropriation bills will consume the rest of the time, with speeches to be made on abstract questions. Our time will be thus consumed until the recess; and, when we come back in October, we shall have but little more than a month—not more than six weeks—between that time and the commencement of the next session of Congress. It is very well known that a large number of the members of this body and of the other House are lawyers. October is the time for holding the fall courts, generally almost every where, and this is an objection to the amendment.

There is another reason which shows that we should do no business if we take a recess and come back in October. The elections in most of the States take place in that month, and the members of the House will be attending to them. There are some very important measures before Congress, some of vital importance, that might arise between this and the middle of August; and the end of it will be that no business, except the passage of the appropriation bills, will be done between this time and the recess; and then, with such members as are attending to the courts, and such as are attending to their elections in the States after the recess, we should find ourselves, up to the time of beginning the next session of Congress in December, almost without a quorum, and, in my judgment, nothing will be gained by it.

The question being taken by yeas and nays, resulted—yeas 27, nays 16; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Bright, Brodhead, Clayton, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Foot, Geyer, Gillette, Gwin, Hamlin, James, Johnson, Pearce, Pratt, Sebastian, Slidell, Sumner, Thompson of New Jersey, Weller, and Williams—27.

NAYS—Messrs. Adams, Chase, Evans, Fish, Houston, Hunter, Mason, Norris, Rusk, Seward, Shields, Stuart, Thompson of Kentucky, Toombs, Wade, and Walker—16.

Mr. WALKER. I move to postpone the further consideration of the resolution until Monday week.

Mr. BADGER. I hope at any rate we shall ascertain the sense of the Senate on the question. The sooner we ascertain the certainty of the case, and learn the decision of the House upon it, it will be better for those who oppose as well as for those who are in favor of the resolution as amended.

Mr. WALKER. It is just that very certainty that I do not want to incur, and for one, I hope that there will be more of the Senate, who will sympathize with my view than seem to do so by the vote which has been taken. If we vote on the resolution and it be adopted, we shall have fixed the day, when we shall take the recess. That, I do not wish to do; and as I remarked before, I hope there are more of the Senate who sympathize in that view of the subject than seem to do. I am opposed at present to fixing the time either to adjourn, or to take a recess, and therefore I make the motion.

Mr. HUNTER. If the Senate determine to take a recess we ought to decide at once, in order that we may prepare for the work before us. I

am against this proposition, but I hope the Senator from Wisconsin will withdraw his motion.

Mr. WALKER. My object does not seem to be understood. I think that if we take up the resolution next Monday week, it will do as well as now, and in the mean time we shall know to what extent we have gone in transacting the business which, for one, I wish to reach. My object is not to defeat the resolution. I will join with its friends in taking it up at the time mentioned. My object is simply to postpone it until that day, so that we may see what can be done in the mean time.

Mr. JOHNSON. I see no objection to voting. If there is a majority of the Senate in favor of the proposition of the Senator from Wisconsin, it will be carried; if there is not, it will be lost.

Mr. CHASE called for the yeas and nays on the motion; and they were ordered, and being taken, resulted—yeas 13, nays 30; as follows:

YEAS—Messrs. Bright, Chase, Gillette, Houston, James, Norris, Rusk, Seward, Shields, Stuart, Sumner, Wade, and Walker—13.

NAYS—Messrs. Adams, Atchison, Badger, Bayard, Bell, Brodhead, Clayton, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Hunter, Johnson, Mason, Pearce, Pratt, Sebastian, Slidell, Thompson of Kentucky, Thompson of New Jersey, Toombs, Weller, and Williams—30.

So the motion was lost.

The question recurring on the adoption of the resolution as amended,

Mr. WALKER called for the yeas and nays; and they were ordered.

Mr. STUART. I move that the resolution lie upon the table; and upon that motion I ask for the yeas and nays.

Mr. PRATT. I do not know anything about it, but I submit to the Chair whether, after the yeas and nays are called for and ordered on one proposition, they can be ordered on another, while that first proposition is pending.

The PRESIDENT. Certainly, that can be done even after the yeas and nays are ordered.

Mr. JOHNSON. What is the difference between taking a vote on passing the measure and killing it, and ordering it to lie on the table?

The question being taken by yeas and nays, resulted—yeas 15, nays 26; as follows:

YEAS—Messrs. Bright, Chase, Gillette, Houston, Hunter, James, Mason, Norris, Rusk, Seward, Shields, Stuart, Sumner, Wade, and Walker—15.

NAYS—Messrs. Atchison, Badger, Bayard, Bell, Clayton, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Johnson, Pearce, Pratt, Sebastian, Slidell, Thompson of Kentucky, Thompson of New Jersey, Toombs, Weller, and Williams—26.

So the motion was not agreed to.

The question being taken upon the adoption of the resolution, as amended, resulted—yeas 25, nays 16; as follows:

YEAS—Messrs. Atchison, Badger, Bell, Brodhead, Clayton, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Johnson, Pearce, Pratt, Sebastian, Slidell, Thompson of New Jersey, Toombs, Weller, and Williams—25.

NAYS—Messrs. Adams, Bright, Chase, Gillette, Houston, Hunter, Mason, Norris, Rusk, Seward, Shields, Stuart, Sumner, Thompson of Kentucky, Wade, and Walker—16.

So the resolution was agreed to.

HOURLY MEETING.

Mr. HOUSTON. I move to take up the resolution which I submitted yesterday, proposing an earlier hour for the meeting of the Senate—eleven o'clock, a. m.

Mr. SHIELDS. That will lead to discussion; and I think it would be better to take up the order of the day, on which the honorable Senator from Delaware [Mr. CLAYTON] is entitled to the floor.

Mr. MASON. I understand from the honorable Senator from Delaware, that the hour being late, and his health not being very strong, he would prefer, if such be the pleasure of the Senate, not to go on to-day with the remarks which he proposes to make on the subject referred to by the Senator from Illinois. Hence, if the Senate desire to take up any other business, it will be convenient to him that it should be done.

Mr. SHIELDS. I was not aware of that.

Mr. HOUSTON called for the yeas and nays on his motion; and they were ordered, and taken with the following result:

YEAS—Messrs. Adams, Chase, Clayton, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Gillette, Gwin, Hamlin, Houston, Hunter, James, Pratt, Rusk, Sew-

ard, Shields, Stuart, Sumner, Wade, Walker, and Williams—23.

NAYS—Messrs. Atchison, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Cooper, Fish, Foot, Johnson, Mason, Norris, Pearce, Sebastian, Slidell, Thompson of Kentucky, Thomson of New Jersey, and Toombs—19.

So the motion was agreed to; and the Senate proceeded to the consideration of the resolution, which is as follows:

Resolved, That the Senate will hereafter meet at eleven o'clock, a. m.

Mr. CHASE called for the yeas and nays on the resolution; and they were ordered.

Mr. BADGER. I wish merely to say, in explanation of the vote I shall give on this resolution, that I am ready to vote for appointing eleven o'clock as the hour of meeting when we arrive at that period of the session when it has been usual for the Senate to adopt that course. The Senate has not been in the habit heretofore at the long session of meeting at eleven o'clock, at least sooner than the month of July. Two years ago the resolution to meet at that hour was adopted on the 6th of August. We are all aware that the committees have now very considerable business before them, and it must be an inconvenience, either to the committees or to the Senate, now to advance the hour to eleven o'clock in the morning.

Mr. HOUSTON. In consequence of the adoption this morning of the resolution for a recess, I think an additional exertion is necessary on the part of the Senate to get on with the public business. The House of Representatives may adopt the amendment made this morning by the Senate to their resolution, and thus an early day will be fixed for us to adjourn. For that reason, I think, it is necessary that we should occupy as much time as practicable in forwarding business. At any rate, we ought to do as much as we can, until we know whether the House will concur in the action of the Senate or not. Hence, I think it is very proper that we should meet a little earlier than we have heretofore done.

Mr. PRATT. I shall vote with the honorable Senator from Texas for the resolution which he has proposed. In so doing, I am probably actuated, in some degree, by the same motive which I am sure actuates him in reality. Like him, I have been occasionally absent during the session, [laughter,] and I feel the obligation imposed on me, as I have no doubt he does on himself, to work myself, and get my friends in the Senate to work, by forcing them to meet an hour earlier, in order to get along with public business. [Renewed laughter.] I am sure that is the feeling with him; I shall go with him, because I have been absent from the Senate for one or two days of the session.

Mr. HOUSTON. Mr. President, I feel the force of the Senator's remarks, and perhaps I owe the Senate some excuse for my absence, to which he has alluded. I know very well that I was absent a good while; and as it will not be disrespectful, I may as well assign an apology on this occasion. I had been here for months. There was not any matter of great importance discussed, except one "great principle," that I did not understand. I knew, therefore, that it was a consumption of my time to remain here.

There was another reason. I did not consider it disrespectful to absent myself, but I did it in self-defense. I was afraid I should get a surfeit if I remained here, and I therefore thought it better to withdraw myself for a while. I knew there was sufficient ability, patriotism, and intelligence among the Senators here to manage the affairs of the nation very well, and I considered myself rather in the nature of a supernumerary, and not as essential to the conduct of the business of the body.

These were my only reasons. I intended no disrespect, I assure gentlemen. I left them with regret; I returned to renew my association with them with great pleasure; and, in order that I may increase that pleasure, I wish to see them for a longer time each day in the Senate Chamber. [Laughter.]

Mr. PEARCE. Mr. President, I am afraid the Senator from Texas is disposed to expiate his own sins by imposing penance upon others. [Laughter.] I do not see any reason for meeting at eleven o'clock. We very rarely sit beyond four o'clock. I doubt whether we shall continue in deliberation here more than four hours if we met at eleven, and if we should continue in ses-

sion more than four hours a day, I doubt whether the public interest would be benefited by it. We shall become exceedingly weary during the hot weather of a sitting of four hours. We have not as yet reached that period of the session when the committees are without business. Indeed, one of the committees of the Senate will be pressed with business from this time until the close of the session. We are yet to get the important appropriation bills from the House of Representatives, and they will require very close and attentive examination from the Committee on Finance, the members of which must be either absent from the sittings of the Senate, or must neglect the peculiar business of that committee.

But besides that, sir, I do not perceive that we shall accomplish anything which will expedite the public business by adopting the resolution of the Senator from Texas. I believe the Senate is now largely ahead of the House. I do not see, therefore, unless we should get behind the House in the transaction of the public business, that it is necessary to spur us up. I hope the Senator will be convinced with this patriotic display of his intentions, and let the Senate rest in peace a little while longer.

Mr. CLAYTON. One or two of the considerations mentioned by my friend from Maryland [Mr. PEARCE] will determine my vote. I find, by inquiry, that not only the Committee on Finance, to whose business he has alluded, but that many of the other important committees of the Senate, have a great deal of their business still before them not reported upon. They require an hour or two hours before the meeting of the Senate, to go on with the public business. By meeting at eleven o'clock we shall make no speed; we shall cut off the action of the committees, and actually obstruct the business of Congress. Desirous as I am to act with all reasonable dispatch upon the business of the country, I do not see that the resolution now before us will advance the public interests. My impression is that we had better continue to meet at twelve o'clock, and give the committees ample time to digest the measures upon which we shall be called to act.

Mr. HOUSTON. If the committees really have business before them—as I have no doubt they have, for it is so represented—I would suggest that their members can retire after business commences here, as the number of those thus called off would not be very large, we should probably have as near a quorum as we usually have. Senators on some of the committees could retire, or could postpone coming to the Senate for one hour, and allow the body to go on with the ordinary transaction of business. My resolution will add an additional hour to our deliberations here. Four o'clock I believe is the usual hour of adjournment, and my proposition is only to make an advance of one hour in the time of meeting in the morning. The sun now rises at four or five o'clock in the morning, and thus gentlemen will have six or seven hours from the rising of the sun until the time which I propose for the meeting of the Senate, which will afford ample time for all necessary preparation.

The question being taken by yeas and nays on the adoption of the resolution, resulted—yeas 20, nays 26; as follows:

YEAS—Messrs. Adams, Chase, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Gillette, Hamlin, Houston, Hunter, James, Mason, Pratt, Rusk, Seward, Shields, Stuart, Walker, and Williams—20.

NAYS—Messrs. Atchison, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Brown, Clay, Clayton, Cooper, Evans, Fish, Fitzpatrick, Foot, Geyer, Johnson, Norris, Pearce, Sebastian, Slidell, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, and Wade—26.

So the resolution was rejected.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 14, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a com-

munication from the Clerk of the House, transmitting estimates of additional appropriations for the expenses of the House of Representatives, made necessary by existing orders of the House and its committees, for the fiscal year ending the 30th June, 1855; which,

On motion by Mr. ROBBINS, were referred to the Committee of Ways and Means.

The SPEAKER. The business first in order is the consideration of the bill reported by the gentleman from Ohio, [Mr. OLDS,] from the Committee on the Post Office and Post Roads, to increase the rates of postage, upon which the gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor.

Mr. CHANDLER. Having some suspicion as to the time when this bill would again come up, I availed myself of an opportunity of expressing my views upon this subject when another bill was under consideration in Committee of the Whole, and I do not, therefore, desire to occupy the floor now.

Mr. ORR. The debate upon the civil and diplomatic bill is to be terminated, by a resolution adopted yesterday, to-morrow at twelve o'clock. There are several gentlemen who desire to speak, and I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HENN. I hope the gentleman from South Carolina [Mr. ORR] will not urge that motion, but allow committees to make reports during the morning hour. There are several bills besides the civil and diplomatic bill upon which gentlemen can make their speeches. Let us proceed to the regular order of business, and consume the morning hour in making reports.

Mr. ORR. We ought to go into Committee of the Whole for this reason, that those gentlemen who have prepared their speeches, and desire to make them, will not have an opportunity to do so for ten days, unless we go into committee now, as it will take that length of time to dispose of the civil and diplomatic bill.

The question was then taken upon Mr. Orr's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Orr in the chair.)

The CHAIRMAN. When the committee last rose they had under consideration the civil and diplomatic bill, upon which the gentleman from South Carolina [Mr. Brooks] is entitled to the floor.

Mr. BROOKS, after briefly stating the general outlines of the bill for the establishment of railroad and telegraphic communication between the Atlantic and Pacific oceans, proceeded to speak of the constitutional power to grant lands for that purpose, contending that the clause in the Constitution, in his opinion, contemplates that the lands shall be disposed of so as to inure to the benefit of all the States, and not to one, or a part of them only, the territory being the common property of all the States; and, therefore, he was opposed to the granting of lands in the manner proposed in that bill.

Mr. SINGLETON addressed the committee on our relations with Spain. He contended that Spain had no cause of complaint against us; for, in our intercourse with her, we had violated none of the principles of international law; we had faithfully fulfilled all our stipulations with her, and had always endeavored to cultivate and sustain amicable relations with that Power. On the other hand, Spain had committed a series of aggressions against us, which demanded the prompt action of our Government. He called the attention of the committee to various outrages committed by Spain on our citizens, and contended that the execution of Crittenden and his companions was in violation of treaty stipulations between the two Governments. In his opinion the Government of the United States should demand of Spain full reparation for all the injuries she has committed upon us; we should demand assurance that in the future Spain should use all reasonable efforts to prevent a recurrence of the wrongs she had perpetrated upon us, and insist upon it, as a *sine qua non*, that that Power should establish a tribunal, either upon the Island of Cuba or at a point near this Government, with full power to settle all difficulties which might arise between the two Governments. If Spain should refuse to

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accede to these propositions, so just and liberal in their character, he was for blockading every port of Cuba, and for taking possession of it, and occupying it, so long as our arms could hold it.

Mr. LATHAM, after referring to the course of debate, said that there are too many teachers, who slightly vary in the doctrines they would inculcate, therefore it was difficult to determine who are the orthodox teachers and who are not. He sketched the prosperous condition of the country, and then said he saw no reason why we should assert what we intend to do hereafter. If the world has not sagacity enough to see the tendency of our policy, it is not becoming in us to proclaim what we will do in our forthcoming strength. The misfortune is, that we have too many great men, whose prurient ambition stops at nothing, and whose longing after immortality is never satisfied till they see their names in print. He proceeded to speak in relation to the resolution heretofore offered with regard to the rights of neutrals. He saw no necessity for such a declaration, as those rights are perfectly well understood. We have ever acted up to our professions, and the world has given us credit for it. He had no doubt that our country will always stand up for her rights, and maintain them at all hazards. All we ask is a strict observance of our rights as neutrals.

As to another set of resolutions with regard to Cuba, he admitted that our relations with Spain are delicate. We have no idea of any other government holding Cuba but Spain. Cuba is a plantation badly worked for the proprietor. In course of time it must come under the hammer, and we can pay a sufficient amount to remove the mortgage. At the same time we have no idea that any other nation than ours shall bid for it. In case of the death of the owner, we shall enter as administrator of the estate. He did not mean to be understood as advocating a speedy ejection of the present owner. All peaceable means should first be resorted to; and we should not make use of force until we are compelled to do so; and when we do strike, let us not strike in vain.

Mr. CHANDLER. I have listened with great pleasure, as I always do, to the remarks that have fallen from the honorable gentleman from California, [Mr. LATHAM,] upon the other side of the House. If I could not approve every sentiment that sprung from his lips, I approve the spirit by which those sentiments were engendered. I was delighted to hear him speak of the early history of our country, and the Herculean vigor which has attended her onward course. I was gratified with the remarks of the honorable gentleman, when comparing our country to ancient Rome—with the vigor of her arms, and the energies with which she met the enemies of her Republic, and reduced them to the allegiance of her laws, morals, and customs.

While the gentleman was thus speaking of Roman vigor, intellect, and virtue, I also recollected something of Roman economy at the same time. I remember that while the consuls and military power of Rome were carrying abroad her eagles to alarm and conquer the world, the tribunes and people at home were contributing to the comfort, convenience, and healthfulness of the Roman people; and while the blood of foreign nations was poured out beneath the sword of her foreign leaders, from every square, every street, and every temple in ancient Rome, there gushed forth the pure, healthful, native element of water that taught them cleanliness; for the virtue of cleanliness, I am told, is next to godliness.

When the deficiency bill was before this House a few weeks since, there was a motion made for an appropriation to continue, not to commence, the construction of the water-works. I beg members who are kind enough to listen to me, to hear me not for any eloquence I may have, but simply to hear me for my cause, and to be silent that they may hear. [Laughter.] When the Committee of the Whole on the state of the Union had under consideration, a few weeks since, a proposition to make an appropriation for the continuation of the aqueduct, a strong argument was made upon this sub-

ject by the honorable gentleman whom I am glad to see in his seat, an argument which I desired to answer at that time; but being honored with a seat which you now occupy, I was deprived of that pleasure. Not believing that this question would so soon come up, or, in other words, not dreaming that the debate upon the report of the Committee of Ways and Means, the civil and diplomatic bill would so soon close, I neglected that preparation which is always useful to a man who would speak instructively to the House, and which is always respectful to such a body as is assembled here.

I do not desire to call the attention of the House back to the measure which was then under consideration. I desire, in the first place, to remark, that my object is to offer an amendment to the bill now under consideration, if the proposition is not already there, making an appropriation of \$500,000 to continue the aqueduct, already commenced, for the supply of the District of Columbia with pure and wholesome water.

Somebody, the honorable gentleman on my left, I think, [Mr. SKELTON,] I recollect, and some others, asked why Congress should do this, why the people of the city should not wash themselves; why they should not do their own work, and in their own way? Mr. Chairman, following the advice of the Father of his Country, the nation selected a site for a city, and invited to it none of the appliances of commerce, none of the conveniences of trade, none of the elements of manufactures, but intended it for a place where the representatives of the people should quietly assemble, beyond the noise and din of trade, beyond the influences of the larger commercial marts of the country, and enjoy the peace and repose necessary to that reflection on which laws are made, and not, sir, I trust, without the comforts and conveniences which every man in this country is entitled to.

Sir, that is one reason why Congress has always been called upon, or, rather, why it has always volunteered, to vote money for the improvement of this capital. The population of this city is composed, in a great degree, of clerks. It is generally a community of persons who are depending, day by day, for their daily support on the pittance allowed to them by Congress; and Congress has been always careful not to extend its liberality to such an excess as that those people should become independent of it, nor does it give them sufficient to raise them to that independence which we, who live in other parts of the country, hope to attain and preserve. That, I repeat, is one reason why Congress has always done the work necessary for this city—because it is their own city; and that is why, to prevent dust from flying into the eyes of congressmen, the avenue, which had been macadamized, was pebble-paved; and, to protect congressmen from the inconvenience of walking in the dark, we have lighted the avenues. I might say something about other reasons; but I fear that I should tread on some one's corns, [laughter,] and thus I shall say nothing about them.

But, Mr. Chairman, there is another reason why water should be supplied to this city. I say nothing of the great demands which we members of Congress have for that element of health, comfort, and strength, for drinking.

But the amount of property owned by the United States in public buildings here has great demands upon us for protection from fire; and, if for no other reason, we should carry out this plan of supplying the capital with water, this single reason is sufficient to enable us and to authorize us to make the appropriation which I shall ask you to make. I hope, sir, this Capitol is not destined to be burned again. I hope not; but I say to you, there is not a shanty within a hundred miles of this city which is such a complete tinder-box as is this Capitol. You may look around and see these massive pillars; you may look around and see these marble cornices; and you may look on the floor and see it laid in brick and mortar, and say that fire cannot reach them.

But, sir, there is a dome over the center building of this Capitol which invites fire. There is a nest of dry materials there, covered over with tarred paper, that seems almost to threaten conflagration without the use of the torch—a spontaneous combustion. When, two years since, the library of this House was destroyed for want of water—when \$200,000 were lost there for the want of a little water—then, sir, it was nothing but the accidental placing of a military force upon the spiral stairs of the House that kept the fire from reaching that dome. The whole roof, a gentleman on my right tells me, is of the same character. There is nothing in this House but the posts and the persons, but what is subject to conflagration. [Laughter.]

These are some of the reasons why we should make this appropriation. There is one thing which concerns our health very much; for I am making an argument *ad hominem*, and I am applying my remarks to myself, and to those who are here, the Representatives of the people. There is not a street in this city, not a narrow street running between the avenue, but is in a state so filthy as to engender miasma and disease. I know something of this matter. I understand it well. I was long engaged with the sanitary condition of a large city during the prevalence of an epidemic, and I know what it is that medical men consider as the leading cause of disease, and what is necessary to apply to remove those causes.

But I say there are narrow streets where the impurities are so great that nothing less than a large body of water, frequently turned into them, would suffice to clear them out. Let us, therefore, supply water for their cleanliness, and to promote their health. *Salus populi suprema est lex*. That is, it should be the first law of the land to keep the people healthy; and, most of all, should the Representatives of the people be in a healthy and sound condition of mind and body. Perhaps, sir, it would be as well for me here to give a short statement of what has been undertaken and done in the attempt to supply this city with water under the direction of Congress.

Its history is as follows:

Congress appropriated \$5,000 to enable the President to make the necessary surveys, projects, and estimates for determining the best manner of affording to the cities of Washington and Georgetown an unfailing and abundant supply of good and wholesome water.

A survey, under a small appropriation made by a previous Congress, assisted by an appropriation by the city, had been made in 1850 of Rock Creek, by Colonel G. W. Hughes. The means at his disposal did not enable him to make a survey of the Great Falls of the Potomac. His report and estimate were submitted to Congress, and the result was the appropriation of \$5,000 in 1852, before mentioned, for further surveys. Captain Meigs was directed by the orders of President Fillmore, on the 3d November, 1852, to make this examination. His report was transmitted by Mr. Fillmore to the Senate on the 21st February, 1853, and was printed in Ex. Doc. No. 48, 32d Cong. 2d Sess., (Senate,) and has been laid on the table of every member of Congress. In it three plans are examined and discussed. One is to obtain the water from Rock Creek by a larger reservoir and aqueduct than that proposed by Colonel Hughes. One to take it from the Little Falls of the Potomac, elevating it by water power, to reservoirs a short distance above Georgetown. The other is to take it by its natural flow, without any machinery, from the Great Falls of the Potomac, fifteen miles from Washington, and to bring it by a circular brick aqueduct, constructed precisely like the sewers of a city, to a large reservoir on the high ground near Georgetown, and thence by iron pipes through Bridge street, Georgetown, and Pennsylvania avenue, Washington, to the President's House, Capitol, Navy-Yard, and principal public buildings of Washington. The advantages and disadvantages of these three plans are set forth fully in the report, and the last is recommended for adoption.

The debate in the Senate, 28th February, 1853,

shows that this matter was perfectly understood, and Congress appropriated \$100,000 to begin the work, upon such plan as the President might adopt; provided, that if the water was to be drawn from any source within the limits of Maryland, the consent of that State should first be obtained. Maryland granted that consent, and the President, Mr. Pierce, with full information before him as to the various plans, with the careful and elaborate estimates of Captain Meigs, with the projects of Mr. Salomon, with the report and estimate of Colonel Hughes, on Rock Creek, felt it to be his duty, in execution of the trust imposed upon him by Congress, to adopt the aqueduct from the Great Falls of the Potomac, and to direct its commencement. Land has been purchased for the construction of some miles of it; the consent of Virginia to the purchase of land for the abutment of the dam, with cession of jurisdiction, has been obtained; the land in Virginia has been purchased, and is now the property of the United States.

All the land needed for the aqueduct between the Great Falls and the District line has been appraised and condemned under the law passed for that purpose by Maryland. The same would have been done ere this in the District, but the engineers are waiting the passage of a law by Congress to authorize this appraisal in the District. Such land as was needed for the parts of the work commenced has been paid for, and is the property of the United States.

The commencement of the work at the Falls, the deep cut by which its passes under the canal and leaves, within the first hundred yards, the shore of the river, has been made, and the brick arch which covers it is partly completed. Of the first tunnel, two hundred and one feet are done; of the second, one hundred and ninety-two feet; of the third, sixty feet. The rock excavation between the first and second tunnels is completed; between the second and third a considerable portion is finished; and one hundred and twenty feet in length of the brick aqueduct is completed. It is nine feet in diameter, circular in shape, and will supply sixty-seven million five hundred and ninety-six thousand four hundred gallons daily. A year's study of the plans, and a year's experience in its construction, have enabled the engineers so to improve the location at first made as to give a better work, entirely safe—as it leaves the river immediately, and entering a tunnel, passes many feet below the rocky summit of the hill, and out of reach of the highest floods of the river.

Captain Meigs, in his report, pages thirty and thirty-three, says that he had but three months to make his surveys and plans, but that the work, as then located, could be built for the estimate, and that further surveys would enable him to improve the location, and to reduce the cost. These surveys have been carefully made during the year which has since passed, and the result is a change in the first one and eight-tenths miles of the original located line, which reduces it to one and three eighths miles, lengthening the dam, getting rid of much heavy and costly masonry, of the iron pipes prepared for crossing the canal, and of a portion of conduit, at first located on the bank of the river, where it was liable to be overflowed in freshets. This is replaced by a deep cut on the back side of the canal, which is much cheaper in execution than the other, and is entirely out of reach of freshets, and by increased length of the first tunnel. This portion of the work was originally estimated at \$334,000, including the dam. The work, now partly constructed, is estimated, from the prices ascertained by experience gained in its partial construction, at \$252,000, making a saving in the original estimate of \$82,000 in the first two miles. Such a reduction cannot be expected in the rest of the work; for this at the Falls is the most difficult and expensive part of the whole; and elsewhere the work is plain, and will not be so much changed in location.

But enough has been seen to satisfy the engineers that the work can be built for the sum estimated. Offers have been already made to contract for the whole of it at the sum stated by the engineer, of \$2,300,000. A contract has been made for all the bricks for the work.

In the debate on this subject, when the deficiency bill was under consideration, some attacks were made upon the estimates. The honorable gentleman from Tennessee [Mr. STANTON] had heard practical gentlemen say Captain Meigs's plan

would cost \$7,000,000; but he did not seem to believe practical gentlemen, for he put it himself at \$5,000,000. Practical gentlemen often make mistakes when they guess at results; and no man could pretend to give the cost of a great work like this, embracing so many and so different items, without a very tedious and laborious calculation, founded upon accurate measures and surveys. These Captain Meigs has made, and he says the cost will be \$2,300,000 for a nine-foot aqueduct, capable of furnishing forever all the water needed for comfort, or beauty, or use, to this Government, and exceeded in the quantity of its supply by only one aqueduct in the world. That one is in Rome, and was built as long ago as the Christian era, and has been delivering ninety-six millions of gallons daily for one thousand eight hundred years, except when interrupted by enemies in war.

If gentlemen have looked out of the windows of this Hall, they must have seen in the quiet, and order, and industry prevailing in the new wing there erecting, since he has been placed in charge of it, evidence enough to satisfy them that Captain Meigs is not only a theoretical, but a practical man, and one who knows how to execute as well as devise.

The cost of excavating rock, \$7 50 per yard, was asserted, as though this result must be beyond the estimate. The only place where the rock excavation has cost this much is in the tunnels. Captain Meigs, knowing that he would find a very hard rock in these tunnels, and might find water, and rock liable to fall and break down the arch, sought for the most costly work as a standard by which to estimate. One of the tunnels on the Boston Cochituate aqueduct afforded this standard. There they had to contend against a very hard rock, and great influx of water, requiring expensive pumping. After breaking two or three sets of contractors, the final cost of this tunnel was fourteen or fifteen dollars per cubic yard. This price Captain Meigs took for his estimate, being determined to be safe. No water is met with, and the tunnels are being made at an average price of seven dollars per cubic yard, less than half the estimate. The rock proves to be firm enough and tight enough to stand without arching; and the cost of the brick arch, estimated at two feet in thickness, is therefore saved also.

In debate, this price of seven dollars per yard was applied to all the excavation, earth or rock, of the whole line; and the cost, at this rate, estimated at \$5,000,000; while the facts show that this price would suffice to build a tunnel through rock the whole distance, instead of excavating an open trench, putting into it a thin brick arch, and covering it over with earth, as is being done.

The price of the brick work was attacked also; and it was stated by Mr. STANTON, of Kentucky, from information furnished him by a practical bricklayer who had worked on the line, that the bricklaying cost \$7 89 per thousand for laying alone, and the bricks cost ten dollars. Hence he calculates an enormous cost for the work.

The facts are, that a contract has been made to deliver all the bricks along the line itself at \$8 75 per thousand, and that the real value of the bricklaying is about four dollars per thousand. A very few men have hitherto been employed upon it; and the very workman who gave Mr. STANTON his information, that a certain eleven days' work averaged only about five hundred bricks, told him that some other days' work had laid one thousand two hundred bricks. The fair average will be, with men accustomed to this somewhat peculiar work, one thousand bricks per day; and, at four dollars per thousand, this will yield a profit to the contractors; the price of wages stated by Mr. S. was twenty-five cents a day higher to masons, and twelve and a half cents higher to laborers, than were actually paid. Offers at four dollars per thousand have been already made to the engineer.

The determination of the cost of a work of this kind is a matter of calculation entirely; and the quantities of work to be done can be arrived at with great exactness and certainty. Prices are liable to fluctuations within certain limits. On looking at the detailed estimates in Captain Meigs's report, it will be evident that the quantities are carefully calculated. This is done from measurement, and will, doubtless, prove correct. When we find that, in his desire to make a liberal estimate, so as to be secure of building his work within it, he has allowed no less than twenty per

cent, one fifth of the whole, for contingencies, we have certainly reason to believe that no fluctuation of wages can carry the cost, if built according to the original designer's intention, above the cost estimated.

The honorable gentleman from Kentucky [Mr. STANTON] spoke of immense and heavy solid masonry, or concrete, to protect it from the weather! No such thing is necessary; the aqueduct is a sewer under ground, built in a trench excavated through clay, gravel, or rock. It is a hollow pipe filled with water, and covered with earth. We all know that water is lighter than earth, and that bricks are lighter than stone, and therefore, that the aqueduct full of water will be lighter than the earth or rock which originally occupied its place. As the solid earth sustained its original load, there is no reason, as in the walls of a lofty building, to fear any compression or settlement from the inferior weight put upon it, and therefore no need of masonry foundations to protect it from settlement, still less to protect it from the weather. From this it will be protected by a covering of three feet of earth, which will keep off frost. It is not supposed that rain could much hurt the bricks.

No doubt a contract could be made to build the whole work within the original estimate. But a great contractor would do nothing himself; he would sub-let it in small portions, reserving to himself a sufficient profit—while the engineers prefer to let the work directly to those smaller contractors, and to apply what would be the great contractor's profits in getting better work done, so as to build a permanent and substantial work, that will not require repairs. Any one who has seen the abundance of the supply of the city of Rome, and who knows the fact that this supply has been given for eighteen hundred years by aqueducts constructed by the ancients, will look upon the cost of this aqueduct, less than fifteen miles in length, as trifling when viewed in connection with the great benefits it will confer upon the Government and the people for so many centuries.

The estimate provides for pipes to the navy-yard, arsenal, and all the public buildings in Washington. It is supposed that the Government will allow the city to tap these pipes, and thus obtain water for the use of the citizens—the city laying down all the distribution pipes, except to public buildings, at their own expense. It is entirely within the power of Congress to allow this or to refuse it; to turn the care and charge of the whole work over to the city, or, as is most advisable, in my opinion, to retain the control of the aqueduct and mains constructed by itself, and to leave the distribution pipes only to the city.

The gentleman from Kentucky, [Mr. STANTON,] in discussing this question in the debate on the deficiency bill, used Captain Meigs's quantities of water in reservoirs &c., and the estimate of Colonel Hughes—while Colonel Hughes estimated for smaller reservoirs, and smaller conduit, and for no pipes to the public buildings. Adding the cost of these to his estimate, we get \$800,000 for his small supply instead \$500,000; but Rock Creek is not sufficient, as is shown in Captain Meigs's report; and the matter has already been settled by the President, to whom it was committed by Congress.

A remark was made by the honorable gentleman upon my right [Mr. STANTON, of Kentucky,] that there might be errors in the cost of the calculation of this aqueduct. The estimate was \$2,300,000. One gentleman said that it would cost \$10,000,000, another \$7,500,000, and one gentleman was so economical in his guess as to reduce it to \$5,000,000—though I believe he was laughed at for it.

Sir, calculations upon works of this kind are upon a formula almost as reliable as those of the multiplication table; and men habitually engaged in such works, men educated to those calculations, where the work is plain and simple, and rocks of an unknown character do not interfere, will give you a calculation for miles within a few hundred dollars; and the accuracy or inaccuracy of the calculation generally will depend upon the rise and fall of materials, and in the price of labor. The calculations were made for the whole work from the Upper Falls through this city, and it amounted to \$2,300,000. The only part of it in reference to which the engineer felt doubtful, was the calculation as to that part where he was to take the water by a tunnel through the rocks. In that calculation he did fail; and in the one and a

half miles which is finished, out of \$334,000 of the estimate he has saved \$82,000. So there was some inaccuracy in that. From the moment that he entered upon the excavation of the trench, without rocks, that moment he has plain sailing; and the calculations are upon so plain and simple a formula, that every engineer, who has been at all familiar with such work, can make the calculations.

The cost of the Philadelphia water-works, the honorable gentleman on my right states to have been three millions and a few hundred thousand dollars, from 1799 until this time. That is true. They have cost that amount; but in it must be included the erection of those water-works, the laying down of thirteen miles of wooden pipes, and the substituting them with iron pipes, and all the expenses which have been required to meet the growing wants of the people of that city. A part of this time the works were in operation at a cost of about eighty-four dollars a day for wood to carry on their steam machinery, until subsequently the application of the power of falling water was made. And, sir, these works have been in operation for these fifty-four years, at a cost for erecting and carrying them on amounting to something like what the honorable gentleman has stated. He urged that fact as he urges everything, because it was true; but it seems to me it is a fact which should go very strongly to sustain the calculations which have been made in reference to this work.

Mr. STANTON, of Kentucky. Before the gentleman passes the point he is now speaking to, I desire to say a word. I did not understand the plan to which I referred the other day in reference to Rock Creek, as contemplating the taking of the water from any point near the mouth of that stream, which would make it necessary to elevate it by mechanical force. On the contrary, the engineer who devised the plan, contemplated building a dam in the interior of the country, some six miles above the factories of which the gentleman speaks, by which twenty-one million gallons of water could be furnished per day. He proposed not only to take the water from the stream above where these impurities occur, but he proposed to take it so high up as to require no mechanical process for its elevation. The estimate of Captain Meigs was, that the entire cost would be about \$1,000,000. But, sir, Colonel Hughes, an equally eminent engineer, who had also surveyed the same route, and had devised a similar plan, stated that the entire cost would not exceed \$500,000.

My objections to the plan of taking the water from the Big Falls of the Potomac was on account of the extravagance, the magnitude of the work, and the great cost which would be involved by its construction. Captain Meigs himself acknowledges in his report that he had not given that attention to these surveys which the works themselves demanded. He spent only some two or three months in surveying the three works, while a whole year would have been required to have properly examined, surveyed, and estimated for any one of them. He therefore himself acknowledges that his calculations cannot be relied on, and this corroborates what I stated the other day.

Mr. CHANDLER. The gentleman tells the truth now, as he has always done. Let me add, the whole truth. [Laughter.] Captain Meigs did make his survey in too short a time; but, in order to avoid error, he placed the work at the highest price. He has since revised his surveys, altered his plans; and the tunnels now laid are in accordance with his revised surveys.

Mr. STANTON, of Kentucky. I will here interrupt the gentleman to say that I have not seen Captain Meigs's revised surveys.

Mr. CHANDLER. I have. Captain Meigs, finding it to be too costly to continue to supply water from the Little Falls, he made a survey of the Upper Falls. He found that, by extending a small dam (by small I mean not very high) across the river, obtaining the right to do so, as we have, from the State of Virginia, he could raise the water to a sufficient elevation to run it into this city at the level of the roof of this building in any quantity desired.

This, then, is the plan. By the law which has been passed, it was the plan of the President of the United States. The present President of the United States has approved of it, and appointed a person to superintend its execution. My remarks, therefore, I regard not as not made

to fix a plan, not to say that there shall be water-works, but to sustain the plan formed to carry on the works agreed on. It is proper I should add, since I am speaking of the purchase up there, that as advantages are often taken of the Government when it requires possession of certain lands, the director of this business has purchased the land on the other side, as well as on this side of the river. He has possessed himself of the large quarries of stone necessary for the work, and at the lowest rates. Thus it will be seen that the whole matter is in train of being completed. A large portion of the tunneling has already been done.

Mr. Chairman, I am not selfish in this argument. My feeling cannot be for myself. Before this aqueduct can be completed I shall be, perhaps, far below the foundations of any aqueduct. And you, sir, [Mr. ORR,] may be transferred from the chair you now occupy to that in the other end of the Capitol. You may then thank me, if you remember it, for the trouble that I have taken in producing those comforts which will illustrate your dignity.

Mr. Chairman, it is proposed that this aqueduct shall be large enough to supply the wants, not merely of those who daily use water, but to meet the accidents of any time. It is not enough that we shall get one gallon or two of water day by day. It is not enough that we shall be supplied with baths, and all the other conveniences which have now become necessities of refined life. We want in store millions of gallons of water against any act of the incendiary—any act by which the archives of our Union shall be endangered. As legislators, it is thus we should especially act. We should look that we not only legislate well, but that the records of our acts, as well as those of the Executive, and all the things which go to sustain our national honor in history, be saved from the incendiary. These things belong to the legislation which I urge upon you.

With regard to the estimated cost, I desire gentlemen distinctly to understand that there are, as I learn, parties now ready to undertake this work at the estimate made by the Engineer Corps, and to give ample and full security for the complete and faithful performance of it. If gentlemen, therefore, think we ought to have water, and if they think there are parties who will do the work at a less amount, let them say, while we keep our eyes upon the work, and have supervision of it, that we will at least free ourselves from the obligation of paying out more than \$2,300,000.

Should we retain the supervision of the work, it will be far better for the present to let out portions to small contractors, and thus to save to the nation the large profits which would accrue to the contractor for the whole; for no man who contracts for the whole of this work would ever think of executing it himself, but would be sub-letting it to others; and the profits which he would derive from this course would accrue as so much saving to the Government, if we let it out ourselves in portions. The honorable gentleman on my right [Mr. STANTON, of Kentucky] speaks of the powers of the corporation on fixing the plans. The first plan, I suppose, is, that the Government of the United States should bring the water through the main street. The articulating by pipes; the underlaying of all the streets by iron pipes; and the conveying water to the houses should be—if they want it—the work of the twin cities; and it would be one of the most profitable jobs they ever undertook. The gross income of the water-works of Georgetown and Washington would be not less than \$60,000 per annum, estimating the difference between the cost of water here and elsewhere on the difference that there is between the cost of gas here and elsewhere, and taking into consideration the amount of water that might be wanted for factory purposes.

It will be, therefore, for this Congress to consider whether it shall keep the distribution of the water in its own hands, and appropriate to itself the profits of such distribution, or whether, having brought the water into the city, we shall leave the two city corporations to distribute it at their expense and to their profit, Congress retaining in its own hands the general supervision of the whole work, and doing all the repairs that may be from time to time necessary. That will be a question, however, for us to consider hereafter. Whether this is the proper time to speak of it, I do not

know. But no one need have any fear that the income from the distribution of water through the city would not double the interest of the cost of it. And this is aside from all the comforts and conveniences and decencies and proprieties of life which are so dependent upon an abundant supply of water.

I do not wish to interfere with the business of corporations here. No taxes by them should enter into this matter. Nothing of that kind. What, tax a community of clerks, with here and there a rich man among them! The great mass of them are poor. The great mass of them are dependent upon your votes from year to year. They are men of great respectability and worth; men of entire usefulness, but men who, from the very fact of their lack of wealth, are placed in the situations which they now occupy. Why, then, should we levy a tax upon them? We should not do it at all. Let us make the water-works. Let us supply our own buildings, our public buildings, and insure safety to them against fire, which is consuming buildings all around every night, and which has once been over us. Other cities are providing against it.

I have placed before this committee the fact that a competent engineer has largely estimated the cost, and has gone beyond what will really be the outlay, and has given his estimate of it. I think we all shall confess that the public property in this city requires some means of safety of this kind. All of us must confess that there is a necessity for a greater purification of the streets than can be done now, or than has heretofore been done. There are not means in the city of purifying them, and of carrying off the dirt which accumulates in the rear of the houses. It is the fashion in large cities to spread out large avenues, to build large brick and free-stone houses, line their walks with trees, and spread out plans of taste; but go to the rear of these buildings, and decency lifts up its nose with horror. The yellow fever, and all those malignant diseases—yes, and the cholera, as a friend near me remarks—are found lurking there in the heaps of dirt, and in the murky tide which is poured into them from the rear of the dwelling houses. It hence becomes us, Representatives, as protectors of this city, and most cheerfully as the protectors of our own healths, to consider carefully and fully this matter.

I ask gentlemen to take these calculations contained in this report in reference to these surveys to their chambers, and carefully compare them, and then determine what course they ought to pursue. Let them not say that the city should take care of itself. Let them not say that Washington is a great city, and therefore should supply itself with water, the same that New York, Philadelphia, and Boston do. Sir, one poor man, one poor laborer, one clerk, depending upon your bounty, carried out from his family and friends a victim to the nauseous vapors which spring up in the alleys of the cities, or a victim to the water he has drank, peopled with newts and toads, and "such small deer," is of sufficient importance to induce you to furnish the city with a suitable supply of pure water. Sir, the water of the city is growing more and more impure every year, in consequence of the surface of the ground becoming more and more covered with buildings, and exposing less and less surface to the purification of the rains of heaven. I ask gentlemen to consider all these things; I ask them to consider their own health and comfort and convenience; I ask them to consider not only the comfort and convenience, but the lives of the wives and children of their servants here in their employ, and of those servants themselves.

But, sir, the benefits of this appropriation do not stop there. They go to beautify and adorn the metropolis of this great Republic. They go to preserve the archives of the Government from fire. They give dignity and character to the city.

Mr. COBB. I ask the gentleman from Pennsylvania to yield me a few minutes of his time.

Mr. CHANDLER. I will yield the floor to the gentleman for the remainder of my time.

Mr. COBB. Mr. Chairman, it is not my purpose at this time to make anything like a speech. I had intended to have submitted my views upon some matters which I supposed would come before the House; but, from the course of the House for the last several months, I am satisfied those matters will not come before us. It has been my

practice, ever since I have had the honor of a seat upon this floor, not to consume the time of the House unnecessarily; I have always felt it to be my duty to confine myself to the business of the House. But, sir, duty to myself and to those whom I represent, will be a sufficient apology for departing from that fixed rule upon this one occasion. I do not propose to occupy an hour, nor do I propose to say anything upon the question now before the committee. Nor do I propose to say very much upon the Cuba question. But when the time comes for action I am satisfied myself, and my constituents are satisfied with me, that we should act—act promptly, and act efficiently. But, sir, permit me to say, that when that action shall come, I shall endeavor to adhere upon this, as upon every question which may come before us, to the strictest regard to propriety, and to act in such a manner as to leave no sting behind.

In reference to the question of the acquisition of the Island of Cuba, I acknowledge that I am a Cuba man. I am dead opposed to any nation but our own acquiring it; but let Cuba fall as a ripe apple into our lap; let her come when she is ready; and the day when she will be ready is not far distant. We can and are to acquire the island; and, I am satisfied, in a fair and strictly honorable way. So believing, I this day enter my solemn protest against this Government or individuals seizing upon it by lawless expedition.

I shall speak of the repeal of the neutrality laws when that subject is before us. I shall be ready then to speak and vote on the subject. At present I pass it by.

The tariff is a question in which my people feel a deep interest. They hope that the present Congress will act on it. When it is introduced, I shall also be ready to speak and vote on it.

I am opposed to the repeal of the duties on railroad iron. Let the question be presented when it will, I shall be opposed to it, as I have always been. I shall meet it as I have done before, here and at home. However, I am in favor of a modification of the duty on railroad iron. I am in favor of the extension of the time for the payment of that duty. My opinion in this respect I demonstrated at an early day of this session, when I introduced a bill providing for the extension of the time for the payment of the duty on railroad iron to a certain period, if the parties paid six per centum per annum thereon, with the privilege also of payment in transportation of the United States mails, &c. That bill was referred to the Committee of Ways and Means. I am now in favor of that bill, and I am sorry that six months have elapsed of our session without my cherished bantling appearing before this body.

The committee are no doubt prepared to make apology for their conduct to my constituents and the country. Their apology no doubt will be satisfactory to the country; but nothing is so satisfactory to me and my constituents as early and complete action on the matter embraced in that measure. The entire country is interested in it. I cannot conceive how the representatives of iron manufacturers can, in justice and equity, oppose the principle involved. I have said to Pennsylvanians, that so far as the question was concerned, they would do well to compromise on the plan I have suggested. If they refuse to do so, I am not certain, Mr. Chairman, that I may not, with you and others, vote for the entire repeal of the duty on railroad iron. All know that we may be driven to extremes.

The next matter I shall notice is that of grants of public land for railroad purposes—a matter of public and private discussion. You are aware, Mr. Chairman, of the interest I have felt in these grants. We have labored hard together for two years on the Committee on Public Lands; and you, I am sure, are satisfied of my opinions on the subject. When Alabama was not interested—when I could in no degree be influenced by any desire of the State which I have the honor in part to represent, I arrived at the conclusion, and I believe it is a just one, that a proper appropriation of the public lands for railroad purposes would be fair, legitimate, and highly constitutional.

I am strengthened in that opinion principally by the various arguments that have emanated from distinguished persons, and especially from our Chief Magistrate. It is a question in which I feel a deep interest. I had expected, at the proper time, to have given my views upon this subject;

but that time has passed, and I will not avail myself of the opportunity to speak upon this question before it legitimately comes before the House for discussion. I will wait in patience, trusting not so much to the liberality as to the desire and exertion of the House to discharge the duties assigned to them in connection with the business of the country. The day may come, though it may be far distant, when the House may again hear from the Committee on Public Lands. That committee has been charged by gentlemen upon this floor, who are fond of making such allegations, with having delayed the business of the House for several long months by making their reports, when the record does not sustain such a declaration.

The Committee on the Post Office and Post Roads, I believe, was the next committee called after we were through making our reports. I would ask how far have you advanced with the public business since that time, and where do you now stand? Have you passed from the committee that immediately followed us? This fact alone proves that the charge made against us, of obstructing the public business of the country, is without a solitary particle of foundation. I pass from this subject now, but when the proper time arrives, I trust I will be able to give reasons satisfactory to myself, if to no other person, that grants of land should be made to the several States for the purpose of aiding in the construction of railroads. The object I had in addressing the committee at this time I have not yet accomplished. The remarks I have made, so far, are merely incidental. [Laughter.] I have the honor of being a member of the committee of thirteen that was appointed to investigate the subject of a railroad to the Pacific, and report a bill. The consideration of the bill reported by that committee has been postponed till the next session. If I was, however, to allow the subject to pass without notice on my part, it might be taken for granted that I approved of the bill in all its features. I have sundry amendments which I have prepared, and which I intend to offer when the bill comes up, in order to perfect it in such a manner as will enable me to vote for it.

As the bill stands now, I am satisfied that I could not vote for it, as there are many provisions in it to which I have objections. True, it may be amended in such a manner as that I could support it. But as it is, I say there are a sufficient number of provisions in it to which I object, as, unless amended, would prevent me from voting for this bill.

These views, Mr. Chairman, I thought it proper for me to state, inasmuch as, although the question is postponed for the present, there might be some trouble made for me at home, as well as elsewhere, if my views on the subject were not understood. For I have got demagogues in my district, [laughter;] and there are political aspirants there, who watch me in all directions, and who have watched me from the commencement of my political career.

Mr. EWING, (in his seat.) Oh, that does you good. [Laughter.]

Mr. COBB. My honorable friend from Kentucky states that that close watching does me good. I have no doubt that he is right, because latent faculties may be so obscure in a man that they would not be developed unless he were pressed to extricate himself from some small difficulties. Without that his worth or merit might never be known. [Renewed laughter.]

Well, sir, it is not my purpose at this time to enumerate the various objections that I have to this bill. At whatever time I may conceive it proper for me to do so, I will give my views on the subject, and make known the various objections which I have to it. At least, I may be put down as not opposed to the principle of connecting the two great oceans by railroad. I want to declare here, as I have declared at home; I want to take the responsibility to-day, as I shall always be willing to do whenever I conceive it to be proper, [laughter;] of stating that I am in favor of the general principle of the bill. I state here that I am in favor of the construction of the Pacific railroad, if it can be constructed on the principles of the Constitution, and if it be a practicable undertaking. As the grant of land for the purpose of aiding in its construction seems to be one of the important features of this bill, I want to state dis-

tingly, so that I may not be misunderstood, that I am in favor of granting alternate sections of the public lands for that purpose, on the same principle, and in the same manner, as we have made similar donations for other railroads to the respective States. As to the amount of compensation to be paid by the Government for the transportation of our troops, and munitions of war, and mails, on this road after it is in operation, I consider that the amount now fixed is too large, and therefore I object to it. At the proper time, I think I can clearly demonstrate that the sum fixed in this bill is too high. I am prepared, however, to vote for such a remuneration to be paid by the Government for these advantages, as I believe to be right and proper.

Mr. Chairman, I shall not now argue the constitutionality of this question. It will be sufficient for me to argue its constitutionality when I appear before my constituents, if they should happen to have any scruples in relation to it. I mean to state my views before them fully and fairly when asked to do so, though, to tell the truth, I will not have much time to talk to them about anything but their votes. [Laughter.] It was my pleasure, after my election to a seat in this House, to associate with my fellow-citizens in the different counties of the district, and I then told them that I believed this Pacific railroad bill was a question which would be before Congress this session; that I was prepossessed in its favor, and that I thought I saw no constitutional objection to it. I argued with them in this wise: that if the Constitution did not deprive the Government of the United States of the right of making military roads through the various territories; if the Constitution did not deprive the Government of the right to fell a tree, dig a trench, build a bank, make a way, prepare a road, level it, and put it in order for the travel of wagons, and for the transportation of troops, I could not conceive that there was any particular difference in laying a few pounds of iron on the road to facilitate such traffic and transportation.

Those are my views now. I cannot see the unconstitutionality. I shall, of course, hold myself open to conviction upon the subject. [Laughter.] I shall consult my constituents; for they may have some new lights upon the subject since I left them. When I left them, many of them had not any constitutional scruples upon the subject. I shall endeavor to convince those who have constitutional scruples about the matter that they are wrong, and that I, and those who think with me, are right. If I should not be successful after doing that, I should either have to resign or carry out the will of my constituents. [Great laughter.] But, in my opinion, my own views are clearly constitutional.

There are various minor provisions in the bill which I shall not allude to. When it comes up for consideration, should I believe then that anything I can say will aid its passage, after it is properly amended, I shall contribute my humble mite to that object. If it should never see daylight again; if I should not be here to meet it at the next Congress, I trust it will have friends enough to carry it through.

Allow me to say a word in reference to my confidence in the passage of this great enterprise when I first arrived in Washington city at the commencement of this session. For the first two months of this session I believed that a proper bill to construct a railroad to the Pacific could have been passed in this House. But, to use the language of one of my constituents, there has come over this House such a masterly inactivity that they are not disposed to consider any important question. Our numbers have dwindled down since the agitation upon the Nebraska question has passed away, and the balance seem little disposed to do anything at all. But I will give my views upon the question; and if I find that they are worth anything at all—

Mr. HAMILTON, (interrupting.) Will the gentleman allow me to interrupt him a moment? Mr. COBB. I do not want the gentleman to interrupt me; but if he desires to propound a question politely and properly, I have no objection. [Laughter.]

Mr. HAMILTON. I desire simply to make a remark or two. I also am a member of that select committee of thirteen to which this matter of the Pacific railroad was referred, and I am placed in the same position as my honorable friend from

the State of Alabama. He is apprehensive that, if this Congress adjourns without acting upon the matter, he might be placed in a false position, and that it might be supposed that he was in favor of the Pacific project now before this House. I am, as I said; a member of that committee, and I am gratified to know that that honorable gentleman is becoming right upon this subject, and that he is improving. By the time when we shall come here at the next session he will unite with us—a hopeless minority upon that committee; for I think there were but two—the gentleman from Virginia [Mr. KIDWELL] and myself—who did not agree with the majority, and who were hostile to the principles of the bill. I desired, as well as the gentleman from Alabama, to place myself right upon the subject, and I did not think it improper to mention it here and upon this occasion.

Mr. COBB. Such an explanation was not in the least necessary; for I believe the House and the country are perfectly satisfied, without any explanation, that the gentleman is hostile to every project which results in much good to the country. They are perfectly satisfied as to that. [Laughter.]

I am about closing, and will occupy but a few minutes more of the time of my friend, [Mr. CHANDLER.]

Mr. FLORENCE, (interrupting.) My colleague [Mr. CHANDLER] intimated that he would give me a few moments of his time, and I desire to improve the opportunity.

The CHAIRMAN. The time of the gentleman's colleague has expired; but the Chair recognizes the gentleman.

Mr. FLORENCE. I rise to a personal explanation. I think it very proper that I should make it at this time, and I am much obliged to the Chair for giving me the opportunity to do so.

During my absence from the city, there has been a good deal of concern—and strange enough too—about the course that I would pursue in reference to the appropriations for the District of Columbia.

Well, now, sir, while I do not care much what correspondents or editors of newspapers say of me—and they have said a good many things about me long ago, some of which I did not care to notice, and some of which I have replied to in my humble way, through the same medium—I say, while I do not care about the attacks of these persons, yet as this is a review of my official position here, while I acknowledge no responsibility upon the face of God's earth except to my constituents, and to what little sense of right, and convictions of right, I may have in my own conscience—

Mr. HOUSTON. How about the "Know-Nothings?"

Mr. FLORENCE. No matter about them. I say, while I acknowledge no responsibility to anybody else, yet this seems to me a fitting and a proper occasion, to say that I shall continue to vote for appropriations for the District of Columbia when they meet the convictions of my judgment.

A MEMBER. How if they do not?

Mr. FLORENCE. Then I will not vote for them. But, sir, especially in relation to the introduction of water into the city of Washington do I feel a deep interest. I have been a water-drinker for the last fifteen years, [a laugh,] and therefore, it concerns me a good deal that we should have pure water introduced into the city; and I shall cheerfully vote for an appropriation for that purpose, both for this reason, and for the reasons elaborately and eloquently urged by my colleague, [Mr. CHANDLER,] who has but a few minutes ago taken his seat.

I desire to state in general terms that, in my course with reference to all appropriations for the benefit of the District, nothing will influence my vote except a sense of right; and as this appropriation for the introduction of water does especially commend itself to my sense of right, I shall take pleasure in voting for it.

Mr. STANTON, of Kentucky, obtained the floor.

Mr. STEPHENS, of Georgia. Make your speech to-morrow.

Mr. JONES, of Tennessee. I desire to ask the Chair a question. Does not the debate close upon the bill under consideration to-morrow at twelve o'clock?

The CHAIRMAN. That is the order of the House.

Mr. JONES. Then if the committee rises now, the gentleman will not be able to make his speech to-morrow.

Mr. STEPHENS. I would suggest that the committee take a recess till seven o'clock.

Mr. STANTON. I would prefer to go on now. I wish to make an explanation in relation to the remarks of the gentleman from Pennsylvania, [Mr. CHANDLER.] I do not expect to occupy the time of the committee for more than fifteen minutes.

Mr. JAMES C. ALLEN. I ask the gentleman from Kentucky to yield me a part of his time.

Mr. STANTON. I would prefer to say what I have to say now.

Mr. EWING. I ask the gentleman to allow me the floor for a single moment, simply to ask the Chair a question. I have come into the Hall since this debate commenced, and I am told that an appropriation bill is under consideration to which an amendment will be offered making an appropriation for bringing water into this city. I desire to know whether this is the proper time to discuss that question, because I wish to say a very few words upon the subject at some time?

The CHAIRMAN. It is in order to discuss the subject to which the gentleman alludes.

Mr. TAYLOR, of Ohio. I will suggest that when we come to offer amendments to the bill under consideration, and this appropriation comes up, it will then be in the power of every gentleman to express his opinions in reference to it. I myself shall have something to say.

The CHAIRMAN. It can be done under the five-minute debate.

Mr. TAYLOR. Yes, sir, and I will say that, in my opinion, the five-minute debate is the most sensible debate we have in Congress.

Mr. JAMES C. ALLEN. It was my purpose to have addressed the committee on the subject of the Pacific railroad; but as it is growing late, and I do not desire to detain the committee, I shall, with their permission, publish my remarks.

[Cries of "Agreed!"]

Mr. STANTON, of Kentucky. Mr. Chairman, I had not the slightest expectation of participating in this debate when I came to the House; but the remarks of my honorable friend from Pennsylvania, [Mr. CHANDLER,] which seem to have been deliberately prepared as a reply to what I deemed it my duty to say upon a former occasion, make it necessary that I should occupy the attention of the committee for a short time.

I recollect very well when the appropriation which authorized the commencement of this stupendous project for supplying Washington and Georgetown with water was first introduced into this House. It came in the shape of an amendment by the Senate to the civil and diplomatic appropriation bill, and was promptly rejected by this body. It appropriated \$100,000, "to be expended under the direction of the President of the United States, for the purpose of bringing water into the city of Washington, upon such plans, and from such places, as he might approve." This, sir, was the proposition made in the last hours of the session, and by this House repudiated. The Senate adhered to its amendment, and upon the recommendation of a committee of conference it was agreed to, not because it was approved, but for the reason that, if again rejected, the fate of the whole appropriation bill might be endangered. I will venture to assert, that upon the naked proposition to appropriate \$100,000, with the understanding that it was but the commencement of an expenditure which would be counted by millions, not twenty votes could have been obtained in this House. Sir, no one who assented to the appropriation ever dreamed for a moment that the work would be projected upon so grand and magnificent a scale. What Democrat in this House could have faced his constituents, after giving his sanction to an appropriation involving the expenditure of several millions of the people's money for such a purpose?

It has been said, that by the appropriation of \$100,000 to commence the work, we approved the plan, and therefore cannot now repudiate it. I deny that we did any such thing. The plans were not before us. The report of the lieutenant of engineers, who made the surveys and devised the several projects from which the President subsequently selected, was only communicated to the Senate a few days before the adjournment, and

was not printed until after the members had left for their homes. The very amendment of the Senate making the appropriation authorized the President to select the plan, not restricting him to the schemes of the lieutenant of engineers, but giving him discretion to select any reasonable plan. Other surveys had been made by eminent civil as well as military engineers, and were before Congress. This body indorsed no plan, approved no plan; but left the whole matter to the President, in full faith that he would not transcend a reasonable limit in the exercise of that discretion with which he was invested. If he has been misled by plausible, but deceptive estimates; if he has been deceived by hasty surveys and well executed drawings, surely this Congress is under no obligation to ratify and affirm what he has done.

It will be remembered, Mr. Chairman, that the opposition which I made to this measure a few weeks ago, and which seems to have attracted attention, not only here, but elsewhere, was based upon the extravagance of the scheme, and the wretched policy of executing it under the management of an officer of the United States Army. I did not object to the project simply because it provided water for the District, but for the reasons I have given, and these alone. I avow now, sir, that I am willing to vote any reasonable sum of money for any efficient means of supplying the public buildings and public grounds of the District with an ample quantity of water. I will go so far as to say, that I regard the necessity of having an abundant supply of water so great, that I will not oppose even the plan of Captain Meigs, if I can be assured the work can be executed at a cost not to exceed his estimates. But I regard that as utterly impossible. My convictions upon that point cannot be shaken. While the work remains under the management of the War Department, while a military engineer is in charge of it, there is not the slightest hope that it can be completed for the sum estimated. While I have no faith in the accuracy of the estimates, I have infinitely less in the economical management of work by officers of the Army.

Mr. CHANDLER. My friend will allow me a single remark. I see what is the drift of his remarks. He knows how much I sympathize with him in his views. These parties are ready to fulfill the contract for the price.

Mr. STANTON. I was just reaching that point; and I am happy to assure my honorable friend, that if, when he offers his amendment, he will provide that the work shall be given to responsible contractors, who will bind themselves to complete it in all respects as designed by the engineer, and give bond, with ample security, for its faithful performance, at an entire cost not exceeding the estimate of \$2,300,000; and will also provide that the work shall be done under the direction of the President, or Secretary of the Interior, and supervised by a competent civil engineer, I will most cheerfully vote for the appropriation. With these provisions, the amendment of my friend will receive my cordial support. He knows well that I am not hostile to the interests of the District; and I assure him that he is not more friendly to the object of providing a copious supply of water for the two cities than I. At the same time, he must allow me to say, that while I know he has full confidence in his own belief in the practicability of having the work executed for the sum named, I do not believe that any responsible man, capable of doing it, will give bond, and undertake its execution. At any rate, the experiment can be tried, and if the friends of the measure have confidence in the estimates, let them support the proposition which I have indicated. They shall have my cooperation.

The honorable gentleman from Pennsylvania [Mr. CHANDLER] admits that my statement as to the cost of excavating the tunnel (\$7 50 per cubic yard) was correct; but he avoids the effect of it, by stating that the engineer's estimates were twice that sum. The data upon which the estimates are made, as exhibited in the report, are so meager and vague, that it is impossible to obtain from them any correct idea of the cost of any specific part of the work. How much is to be charged to the actual labor of excavating a cubic yard, and how much to the necessary expenses of making preparations, providing tools, removing debris, superintendence, &c., cannot be determined from the estimates. But, admitting

the estimate was fifteen dollars per yard, and the actual cost seven dollars and fifty cents, it only shows that he missed the true sum one hundred per cent. This may be considered near enough for the guess of a military officer; and if all his estimates are as wide of the mark as this, my worst fears as to the ultimate cost of the work may be realized. The *expose* I made on a former occasion, of the actual cost of laying a few thousand bricks in the conduit, as calculated by the workman who actually laid them, shows that if the engineer went above the actual cost of excavating, in his estimates, he fell far below it in estimating for the brick work. The excavation of the tunnels is but an inconsiderable portion of the work, compared to the brick masonry.

The honorable gentleman attests the accuracy of my statement in regard to the total cost of supplying Philadelphia with water for a period of fifty-four years. I set it down at \$3,200,000, and this he frankly admits to be correct. Now, sir, I appeal to the intelligence and good sense of the members of this committee to say, if the city of Philadelphia, with its immense, active population, has been supplied with water for all purposes for fifty-four years, at a total cost not exceeding that sum, the cities of the District, with scarcely one sixth of the inhabitants, ought not to be supplied at an infinitely less sum? So different are the ideas of the engineers of the army from those of the practical business population of Philadelphia, that what it has cost them to construct and reconstruct water-works, and keep them in operation for more than half a century, is deemed hardly sufficient to begin with in this District!

Something has been said in reference to the location of the dam at the Great Falls; and the impression is created that the engineer has obtained the right to build it without trespassing upon the rights of individuals. If I am not misinformed, the controversy has not been settled; and if the work is authorized to proceed, there will be embarrassment, if not a stoppage of the work, by the interposition of the courts. The engineer rejected all overtures for a compromise and settlement of these difficulties with the riparian proprietors at the Falls, and he has no power under the act of Virginia, or the law of Congress, to condemn property in Virginia, or trespass upon their water rights, reserved especially as they are by acts of both the Maryland and Virginia Legislatures. The law of Congress in reference to the water-works did not authorize the purchase of a foot of land in Virginia; and yet, the engineer, with a latitude I do not understand, has purchased, in the name of the Government, some ten acres of land above the Falls, and above the land owned by the contesting parties, on the Virginia shore, and proposes to construct a diagonal dam across the river to that point, not only thus increasing the expenses, but withdrawing from the proprietors of water rights at the Falls daily sixty-seven millions of gallons of the water, which, under the laws of Virginia and Maryland, too, they have a right to use undiminished. The Government has not yet asked or obtained from Virginia the right thus to use the property of her citizens, even by condemning and paying for it; and the engineer, if he persists in his purpose, will commit a high-handed wrong upon these citizens. The water in the Potomac, above tide-water, may be used by the public for purposes of navigation; but obstructions which affect either the navigation or the rights of riparian proprietors cannot, even by the power of this Federal Government, be placed in the river. The engineer says, in his report, that a portion of the water conveyed to the District by his aqueduct, and drawn from the dam above these proprietors, will be used for manufacturing purposes. Is it possible that this Congress will justify the wrong which this would do to the proprietors of the water-rights at the Falls? Of what value would be water-power there for manufacturing purposes, if the Government should give its revenues to bring it sixteen miles nearer to the point of business, where it could be obtained for nothing? In my judgment, these gentlemen have substantial rights, which are likely to be seriously interfered with; and it certainly is prudent and wise, before we make any appropriation to continue the work, to see that the existing controversy is settled, or at least know that the work at its initial point can proceed without embarrassment to the Government, or trespass upon the

rights of citizens. I am assured, sir, by the highly respectable gentleman to whom I have referred, that the whole difficulty could be arranged, to the mutual interest of both the Government and them, if a proper spirit were manifested by the engineer. I have read the correspondence between them and the engineer, commenced by the latter, and am constrained to say; that if published, would show a haughtiness of bearing and an arrogance of tone upon the part of the engineer, which leaves but little room to hope that through him any amicable arrangement could be made.

I did not expect, Mr. Chairman, to be drawn into this debate, and should have kept silent, but for the speech of my honorable friend, who has opened up a subject with which I am somewhat familiar, and to which I have given some attention. As I am on the floor, I will avail myself of the occasion to refer to the practice which has prevailed in the policy of our Government for many years, of assigning military officers to the construction of civil works and other duties of a purely civil character, and the enormous abuses which have grown up under the system. If time would allow, I think I could lay before this House such an array of facts as would induce every gentleman to unite with me in the effort which I am making, and shall continue to make while I have the honor of a seat on this floor, to destroy the system in its full extent—to break up the practice wherever it exists, and confine the operations of the War Department and the officers of the Army to those duties which, under the Constitution, rightfully and appropriately belong to them.

My distinguished and eloquent friend from South Carolina, [Mr. KERR], in a fervent and eloquent manner, announced to this House a few days ago that the Democratic party had come into power pledged to certain measures of reform which had not yet been accomplished, and appealed to the members not to adjourn until some adequate effort had been made to effect them. I concurred with him most heartily in both his declarations and his purpose. But, sir, a modification of the tariff, by which the burdens of taxation upon the people may be relieved, though important and much to be desired, is not the only measure of reform to which the Democracy, now in control of this Government, are solemnly pledged. A strict observance of all laws in the practice of Government officials, a just economy in all expenditures, proper respect for the rights of the citizen, and a complete subordination of the military to the civil power, are as much doctrines to which the Democratic party are pledged, as any others which form cardinal points in their political creed. If, then, abuses in these respects have crept into the practice of Government, no matter by what agency, it is as much the duty of the Democratic party to arrest them, as it is to adopt measures of reform in regard to the tariff, or any other subject of governmental policy.

That there do exist many abuses in the particulars to which I have alluded there can be no doubt. In the administration of affairs entrusted to military officers, there is not that regard paid to the rigid requirements of the laws that there is under civilians; nor is there the same economy in the expenditure of the public money, or the same regard to the rights of citizens. These truths, sir, I shall make clear in the course of my remarks; for they are no idle declarations. I speak from the record. The great abuse, however, of which I complain, and to which I wish to direct the attention of the people, is the extent to which the officers of the Army have been allowed to engross civil positions under the Government. My Democracy teaches me that the military power should be kept in strict subordination to the civil; but from the practice of the Government during the last twenty years, the military has become almost the controlling power of the Government. I disclaim any intention to attack the present Administration, or to hold it responsible for more than continuing a system which was in full operation before it came into power. While I do not intend by any means to charge those now in power with any agency in originating the practice of assigning military officers to civil duties, I may be allowed to say, that it would well become a Democratic President to set his face against and arrest it. I hope the present Executive will respect public sentiment on this subject, and refuse longer to sanction the practice.

The official testimony published by the House, which was taken before the select committee appointed to consider this subject, will show the number of military officers employed in the management of mechanics and others, in the construction of works of a purely civil character, and having no relation whatever to the military defenses of the country. Largely more than two thirds of the two Engineer Corps are so employed; while infantry, and other officers of the line, are away from their regiments, engaged in writing books, and performing mere clerical duties under other departments of the Government. I need not complain of the injustice which this does to other officers, who are not allowed to occupy such pleasant positions, but are kept upon the frontier, exposed to the hardships of the camp, and required to perform the duties which have been abandoned by others for more agreeable employment. Can any man tell why Army officers should be employed in the various bureaus of the War Department in preference to civilians? Is there no work for them to do elsewhere, and is this the purpose for which the Government educates them at West Point?

A young man who enlists in your Army, no matter how gallant and brave he may be, or what his genius and ability for military command, cannot, by the policy of this Government, rise from the ranks to a military commission. The thing is impossible for him, or any one else who has not passed through West Point, and received his patent from a military board. Those who go through that gate—those alone who can obtain, by the partiality of friends, the right to take that road—can, under the policy of this free, republican Government, reach a commission in the Army. Sometimes, under special acts of Congress, regiments are raised and commissions authorized, and then civilians obtain the appointments. But this is done only in certain emergencies, and form only a rare exception to the regular policy. The West Point men are thus allowed to hold a monopoly of the Army commissions, and the rest of the people are shut out and prohibited from reaching them. Is it right that they should also engross the civil places under the Government? Are your accomplished architects, engineers, armorers, and literary men in civil life to be kept from posts of honor and distinction under the Government that this monopoly in the hands of military men may be still further extended? Is the ambition of the young architect and mechanic of genius to be deadened and suppressed, at the very threshold of his efforts to qualify himself for honorable service under his Government, by the knowledge of the fact that its policy is to encourage the engrossing spirit of the corps it has educated and cherished, by thrusting them into the places which he might occupy with more advantage to the country? I trust this Congress will regard with a more liberal spirit what is due to this class of citizens, and open to them these avenues to distinction and honorable service.

The management of civil affairs by military officers is attended with evils which are not understood or appreciated by the public, because no one cares to examine the subject. I have given it much attention of late, and will, in the course of my remarks, refer specifically to some of them. Military officers are not trained to habits of economy. The very nature of their relations to Government, their education, and their military duties, deprive them of experience in financial matters. They are not brought in contact with the business world; they naturally know but little of the frugal and prudent expedients of business men. They know that the Government to which they are attached has great resources and great wealth, and they fear no embarrassments to its revenues. If extravagance and waste are the consequences of their management of the disbursements of the public money, it is more to be ascribed to these causes than to any other. That extravagance and waste in the public money is the consequence of its disbursement by military officers I am fully prepared to prove. The whole history of their connection with the public works of the country clearly shows it.

The engineer officers of the Army, no matter what civil service they may be called upon to perform, which requires the disbursement of public money, give no bond and no security for its faithful application, as civilians do. Here is the engi-

neer upon this Capitol, disbursing as much as \$1,000,000 per year without bond. I allude to him, sir, not for the purpose of implying even a breath of imputation against his integrity; for I would not, if I could, say one word to his discredit in that respect. He is said to be a gentleman of exalted moral worth; and however much I may oppose his views, and object to the position he occupies, I so regard him. But, no matter how honorable and high-minded and scrupulously careful he may be with the public money, I cannot see any good reason why he should be exempt from obligations which are always exacted from other citizens in like employment. We are told by the Secretary of War that there is no law requiring engineer officers to give bond when they are employed in disbursing the public money. No law, sir? Then one should be instantly passed. If you, sir, or any other civilians of high character, are not to be entrusted with the public money without involving your friends as a guarantee for your fidelity, in the name of all that is just why should not an Army officer? What entitles him to such a distinction above you and other citizens? Are Army officers a better order of men? Have they more integrity than other men? Certainly this cannot be claimed for them. If they cannot give bond as other persons in the employment of Government do, then they should not be allowed to handle the public money. There should be no such odious distinction made between Army officers and citizens. All officers may not be like Captain Meigs. There have been, and may be again, men in the Army who are not as faithful as he.

The law authorizing the extension of the Capitol, provided that the money should be expended under the direction of the President, "by such architect as he may appoint to execute the same." Subsequently, a proviso was attached to one of the appropriation bills, in these words:

"Provided, That so much of former appropriations for the extension of the Capitol as remains unexpended, and the appropriation now made, or which hereafter may be made for that object, shall be disbursed under such regulations as the President of the United States may prescribe; the accounts for such disbursement to be audited and paid at the Treasury, in the same manner as the accounts of other civil officers charged with the disbursement of the public money. And said disbursing agent shall report to the President his disbursements and proceedings, in time to be presented to Congress, at the commencement of each annual session, and at any other time when required."

These are the only laws which give power to the President over the Capitol extension. It will be seen that Congress required that the work should be executed by an architect, and at the same time directed that the money should be expended by him, under the direction of the President. Afterwards, it was thought proper to separate the disbursement of the money from the execution of the work, and a disbursing agent, who was, by the terms of the law, evidently intended to be a civilian, and not a military officer, was authorized to be appointed. The object clearly was to provide some check between the officer who designed and executed the work, who made the contracts, purchased material, employed the hands, and had the general supervision of the structure, and the Government. This was right and proper. But, instead of a mere disbursing agent, or paymaster, or cashier, as the law required, a member of the United States Corps of Engineers, who gives no bond, is not only made disbursing agent, but architect and superintendent, having complete control over every other officer, and every part of the work. He makes contracts with whom he pleases; he purchases materials when and where he chooses; he employs mechanics and laborers, and pays for all them by his own check or order. I cannot see the authority for all this. I look in vain for the law of Congress which authorizes it; and if I say that Captain Meigs occupies his position against the express enactments of this body, I give utterance only to what any candid man will believe who examines the subject.

Captain Meigs may be accomplished in his profession; he may know how to lay out the grounds for encampments and fortifications, to construct fortifications and military roads. These are the duties in which he has had experience, and for which the Government educated him. I will not deny him the merit of being a proficient in these duties; but that he was qualified for the intricate and elaborate architectural details of such a work as the Capitol, is beyond all reason. But few men

in the world are equal to such a work. Without the aid of the distinguished architect, Mr. Walter, or some one equally competent, he could no more have gone on with the work than he could model and cast such a statue as that of General Jackson. But how has he managed? I propose to say a few words on this subject. Although in 1852 we passed a law requiring all contracts for work or materials necessary for the Capitol, and other public buildings in this District to be advertised sixty days, and let to responsible bidders, we find him, under that latitude usually taken by military officers, rejecting all offers to furnish them here in this city, and sending to Baltimore, Philadelphia, and New York, to purchase them in open market. Several millions of bricks have been obtained in these cities, and transported to the Capitol, at a cost of a few cents less than eleven dollars per thousand. You may see them now in immense large piles standing in the streets and around this building. The Secretary of War has furnished the committee with the exact cost of them; and it amounts to ten dollars and ninety-one cents per thousand; when any quantity required could have been made here, of infinitely better quality, at seven or eight dollars. He also discloses the fact, that a larger portion of the bricks so purchased, are so small that it will take thirteen hundred of them to make the bulk of one thousand of those made in this city; a difference in size of thirty per cent, which increases the cost to that extent.

Mr. KEITT, (interrupting.) Will the gentleman from Kentucky permit me to ask him a question or two?

Mr. STANTON. Certainly.

Mr. KEITT, (to Mr. STANTON.) Was there not a contract made with certain individuals in Washington to furnish all the bricks necessary for the work? Did these contractors not fail to fulfill their contract? Was not the superintendent compelled to purchase these bricks in Philadelphia and New York, or else let all the employees out of work? Has not a bond been given by the contractor? And are not the parties to that bond responsible to the Government for the difference between the cost of the brick thus procured and the price originally agreed upon?

Mr. STANTON. I answer my honorable friend, emphatically no. To the extent to which his questions go, the facts implied are not true. Here is the plain history of the whole matter. Mr. Wendell, of this city, was the lowest bidder under an advertisement made before Captain Meigs obtained control of the work, and was awarded the contract for furnishing a portion of the bricks required for the Capitol, at the price of \$5 88 per thousand. In good faith he commenced the work, although the season was somewhat advanced, and furnished more than a million at that price. He would have gone on and furnished every brick required, and, as he alleges made money by the contract, if he had been allowed to do so. But, sir, for economy, he established a yard at Bladensburg, where wood and the means of living were cheaper than in this city, and furnished some of the bricks from that place, which were received and entered into the building. They are said to have been good bricks, and well made; but the place at which they were made was made a pretext afterwards for rejecting them. I cannot undertake to say what was the real motive for rejecting them, for I do not know. It, however, caused great loss and sacrifice to the contractor, and he was compelled to surrender his contract. Subsequently, however, when it was important to commence the work on the aqueduct, a portion of the very bricks thus rejected for the thick strong walls of the Capitol were purchased at a higher price for that work. My authority for this statement is Mr. Wendell himself, who told me they were sold to Captain Meigs and conveyed to the aqueduct. He assured me, that when summoned before the select committee, he would confirm his statement by his oath. I presume, sir, that neither the President nor Secretary of War are familiar with these details.

But why go elsewhere to buy bricks when they could have been made here of better quality, in great abundance, and at a cheaper rate? At the time Wendell took his contract there were fourteen bidders, many of them among the most experienced and responsible brick-makers in the country. Not one single one of them asked as

high as eight dollars. The statement of these bids, furnished by the Secretary of War, is in the committee room. Eleven of them are below seven dollars and fifty cents per thousand. About the same time a contract was made to lay the bricks at two dollars and forty-nine cents per thousand; but the contractor, before he had made a single effort to comply with his engagement, was released, and the work done by the day. The Secretary of War informs the committee that the laying of the bricks under this mode of management, costs, on each wing, an average price of five dollars and eight cents per thousand! There were twenty-one bids for the laying of the bricks, and of these but two were above five dollars. Now, here is good management for you under military rule with a vengeance! Every thousand bricks which go into that building costs this Government sixteen dollars per thousand, exclusive of lime, sand, and cement, which, at similar rates, could hardly make the total cost less than nineteen or twenty dollars. This is the boasted economy which military supervision brings to the country.

Mr. PERKINS, of Louisiana, (interrupting.) I have been very much interested in the gentleman's remarks, but have been at a loss to know how much importance to attach to the statements, other than his impression as to their truth. I should like to know if the facts which he has stated here are such as have been given in evidence before the committee of which he is the chairman?

Mr. STANTON. I want the honorable gentleman to understand them as facts, because they are facts, derived from official sources. With the exception of what I gave upon the authority of Mr. Wendell, all the other statements I have made in reference to bricks, and the work done in laying them, is derived from statements communicated to the select committee by the Secretary of War, in answer to interrogatories propounded to him at my instance, and which, in due time, will, I hope, be published.

Mr. PERKINS. Is Mr. Wendell's statement in evidence?

Mr. STANTON. It is not. The fact that he furnished a large number of bricks, over a million, in compliance with his contract, is stated by the Secretary. The other facts relating to the rejection of the bricks from Bladensburg, and their subsequent purchase and use for the aqueduct, rest upon the communication made to me by Mr. Wendell himself, and to which he avows himself ready to testify under oath. This is the authority I have for the statement; and I freely give it, that I may rest under no imputation of making statements which cannot be sustained.

The accomplished architect of the Capitol, who is well and intimately known to my honorable friend from Pennsylvania, [Mr. CHANDLER,] is not only a man of great experience and skill in his profession, but one whose genius and good taste, and high moral worth, make him an honor to his country. The design of the Capitol, in all its beautiful proportions and elaborate details, is his, and no one can take from him the honor of its conception. I know that when he made the original plans and estimates, he made them upon the most economical and prudent scale. His purpose was not to make the work, in any respect, more costly than was necessary. He was a civilian, and had an eye to the cost, as well as to the appearance and dignity of the edifice. The military engineer neither liked his plans nor his economy; and when he assumed control, he commenced a complete revolution in all things. Contracts were not only broken up, as I have before shown you, but the exterior and interior details all modified, changed, and revolutionized. The exterior marble blocks were regarded as too small, and the whole surface of the building nearly doubled in thickness. This brings with it, of course, increased expense. The plan of the interior was broken up, and massive foundation constructed, at considerable additional outlay of money, to sustain the new structure. The Halls of legislation are remodeled, the rooms in the basement darkened, and nearly the whole building deranged.

There are to be one hundred handsome columns in the porticos to the new wings. These columns were designed by the architect to be made in sections of about five feet in length. Such was the plan of the ancients in their splendid edifices, and by many they are thought to be more substantial

than columns formed of a single shaft. The engineer, however, had grander ideas than the ancients, and thought differently. He requires them to be quarried in a single piece. They must, therefore, be brought here in blocks about twenty-six feet long, and five or six feet square. The marble for them, in its rough state, would have cost about \$650 per each column, as originally designed by the architect; but, under the engineer's new idea, they will cost \$1,400 each! The value of marble increases rapidly with the increase of the size of the blocks, because of the great labor and difficulty of securing it in large masses. The columns are to be brought to this city from Massachusetts, and cannot be transported in ordinary vessels. The means must be created, and vessels adapted to the purpose built by the contractors. Yes, vessels absolutely constructed for the sole purpose must be obtained to transport these immense blocks of marble from Massachusetts to the city of Washington. Here, then, is an additional expenditure of over \$700 on each of a hundred columns made necessary by the magnificent ideas of the engineer. But this is not all. The working of these large blocks must also cost more, and for reasons which every gentleman can easily understand. They are more difficult to handle, and will be attended with great danger and expense in elevating them to their positions.

When the last appropriation was made for continuing the work on the Capitol, I offered an amendment to it, proposing to apply \$20,000 of the sum to employ Hiram Powers an eminent American artist, to execute a piece of statuary for the adornment of the wings of the Capitol. The House refused to sanction it. The honorable gentleman from North Carolina [Mr. CLINGMAN] changed the amendment, and offered it again; but it met with no better fate. The same amendment, or a similar one, was twice offered in the Senate, and twice voted down; so here were the two Houses of Congress, twice refusing to divert any portion of the money intended for building the wings of the Capitol to the procurement of statuary. And will it be believed that, after these emphatic expressions of both Houses of Congress against such an application of the appropriation, \$20,000 of it have been sent to Italy by the engineer to procure, not the statuary, but the mere designs and plaster models. The Secretary of War says to the committee:

"Mr. Thomas Crawford, a distinguished American artist, now in Rome, has been commissioned, at a cost of \$20,000, to prepare designs and plaster models for fourteen statues, and their accessories, to fill the tympanum of one of the eastern porticos, and to decorate one of the eastern doors. These it is intended to have sculptured in this city, and of American marble."

I need not comment upon this act, further than to say that, no matter under whose direction it was done, it shows but little respect for the will of Congress.

In regard to the alterations of the original plan of the building, there is no less disregard of that body shown. The law authorized the President "to adopt a plan" for the extension. Mr. Fillmore was then President, and under that law he acted. The plan was adopted, and the work had been prosecuted to a considerable extent under it. The law was, therefore, fully executed. It left no power to any subsequent President to adopt another plan, or materially to alter the original one; if so, there would have been no limit to the power, and the President would have the right to construct any description of building he chose, and to incur any expense he might think proper. Such was never the intention of Congress. But we are not left to conjecture as to who deserves the credit for these modifications of the plan, and upon whom will rest the responsibility for the blunders committed. The Secretary of War informs us in his report, at the beginning of this session, that these changes in the plan were proposed by Captain Meigs! They were adopted at his suggestion, with the indorsement of a board of scientific gentlemen.

Let us, Mr. Chairman, look, for a moment, at the most material change made in the plans. And it is a subject, gentlemen of the committee, to which you have given no attention. The original design located the Hall of the House of Representatives across the west end of the wing. It was exposed on the north, west, and south sides, to the light and air, and there were fifty windows by which ventilation could be obtained. You can

see from where I now stand the design. It was such as no one could oppose any reasonable objection to. I venture to say that time will test the truth of what I say, that so long as the building stands it will be a source of regret to all who occupy it, that this arrangement of the Hall was not continued. The present plan, as you will see, locates the Hall in the center of the building, and surrounds it with corridors and committee rooms. It is modeled after the Halls of the English Parliament Houses, and will prove as great an abortion. How is a room, thus pent up, in the center of a massive and complicated building, to be ventilated? I will read from the report of the engineer. I will let him speak for himself:

"As the warm air must ascend to the top of the room, I propose to let it do so in a large trunk outside of the apartment, pass into a space above the ceiling, and thence by numerous holes find its way, as through a sieve, into the room."

There it is. Light is not only to be brought in from the ceiling, but air obtained through auger holes, and pumped down upon us through "a maze of hot water-pipes" in winter, and "melted ice" in summer! This is the means of ingress. In what way does he expect to find egress for the vitiated and impure air? Hear him:

"The exit should be through numerous holes in the floor, perhaps through the carpet, or the risers of the platform on which are the members' chairs."

This is a specimen of military engineering, which will scarcely commend itself to you for the wisdom it displays. Does it not reverse all the principles of nature? Natural ventilation is by the ascending movement. The lighter air, instead of passing downward, ascends, while that which is denser passes up to supply its place. The air breathed through our lungs, and the emanations from the surface of the body, are at a temperature of about 90°, while that necessary for the comfort of members in the room should never exceed 65°. Can it be expected that this impure air will not ascend, and be forced down by the descending body of air pumped in from the ceiling to be re-inspired by the members? But the plan is not original with Captain Meigs.

The British Parliament Houses are built upon the same plan, and this identical scheme of ventilation was thoroughly tried, and thoroughly exploded, before the engineer submitted it to the scientific board which indorsed it. The truth is, the Houses of Parliament have never yet been successfully ventilated, and never will be, unless the whole structure is torn down and rebuilt. It was in proof, before a committee of Parliament in 1852, that \$1,500,000 had been expended in fruitless efforts to ventilate the Hall by mechanical contrivances. The witnesses who were summoned before that committee were among the most eminent practical and scientific men in Europe. It was shown that so great were the currents and eddies produced by the mechanical contrivances, that the members would sometimes sit with their feet in a temperature of 68½°, the centre of their bodies at 71°, while their heads would be in an atmosphere ranging at 73°. Thus their feet would be freezing while their heads were scorching. Mr. S. W. Daukes, an eminent architect, in testifying upon oath in regard to the very plan of ventilation proposed by Captain Meigs, thus speaks of the pumping down process:

"I think the system is opposed to the natural principles of ventilation, forcing the air contrary to its natural movement, and requiring the constant application of powerful machinery to obtain results that may be obtained by allowing the air to take its natural course."

Another distinguished gentleman, H. G. Price, who had devoted many years to the warming and ventilating of large buildings, gave testimony before the committee, and thus speaks of the same mode of ventilation:

"First of all, it necessitates artificial power, it will not act except under compulsion, then it brings the vitiated and breathed air, that ought to be carried away and not breathed over again, down to the lungs to be re-inspired. It also tends to subvert another natural law by keeping the head in the hottest medium and the feet in the coldest, and the ventilation is arrested altogether if the motive power is not kept in constant operation; whereas, in the greater portion of the year, nature will accomplish it, if allowed to do so."

Other equally eminent gentlemen denounced the plan as "a noxious fallacy," and the committee, before whom the testimony was given, commends to the attention of Parliament the testimony of Messrs. Daukes and Price, and thus speak of the plan of ventilation:

"The plan of forcing air into a building by mechanical power, to produce what is called plenum or plus ventilation, combined with the extracting power of a shaft, with furnace or steam jet, to effect what is termed vacuum ventilation, with ascending and descending current, for the supply of fresh, and the abstraction of vitiated air, is, in the opinion of your committee, a complicated system, and one which they are not prepared to approve."

The report and proceedings of the parliamentary committee, are to be found in the library of Congress, and which I respectfully commend to the attention of the members of this committee who wish to be further informed in relation to the cast-off plan of British ventilation, which the military engineer "in charge of the Capitol extension, the Washington aqueduct, and Fort Montgomery," has adopted for the American Capitol. The whole design in relation to the Hall is a ridiculous folly, and will be grievously felt by those who succeed us. Better had the whole work be taken down than permit such folly to be perpetuated.

But, sir, Captain Meigs is not the only military officer employed in civil service upon whose conduct in the management of the affairs intrusted to him I desire to comment, in illustration of the evils of the policy of appointing them to stations they ought not to occupy. The affairs of the national armories have been under examination before the select committee, and the testimony taken has been printed for the use of this House. Money appropriated for improvements at these establishments is spent with a most lavish and unsparing hand, and with but little regard to the objects for which appropriations are asked; and such is the mode of keeping their accounts, and making their returns to the Ordnance Department, that it is difficult, if not impossible, to determine from anything on record here the cost of any specific object of improvement upon which money has been expended. The present Congress is asked for money for certain enumerated objects of improvement at Harper's Ferry, said by the commandant to be absolutely necessary. He submits estimates for each item, with brief reasons for the appropriation. Congress relies upon these estimates, and grants the appropriations. It will be seen by the following extract from the testimony of a Mr. Kitzmiller, the clerk of the Harper's Ferry armory, how the military commandant manages at that establishment:

"Question. Did the military superintendents at Harper's Ferry, in the management of the armory and the expenditure of appropriations, observe rigidly the regulations laid down by the Ordnance Department?"

"Answer. There was, of course, a departure when they diverted funds from one appropriation to another."

"Question. What improvements were made last year and year before, for which appropriations are asked the present year; and upon what authority were these improvements commenced?"

"Answer. The cistern, for which an appropriation of \$1,000 is asked, the repairs to bell shops and boring mills, for which \$1,800 is asked, and the tilt hammer, for which \$1,300 is asked, under the head of appropriations for repairs, improvements, and new machinery, for the fiscal year ending the 30th of June, 1855, have been already built, and paid for out of the appropriation for repairs, &c., for this year. In 1846 there was an appropriation made of \$16,500 for building a new rolling mill and forge, which was drawn at the time and used for other purposes, with that latitude, heretofore explained, and not for the purpose for which it was made. The rolling mill and forge was not built until 1853, and the cost of them was taken from the appropriation for repairs, &c., for the present year. In 1848-'9, an appropriation for the purchase of lands and houses was made; but as they could not be bought at the time, that appropriation was expended for other purposes. The property was, however, bought, and paid for out of the present year."

"If the appropriations had been applied for the purposes for which they were intended, there would be no money wanting now. I state these facts to explain the embarrassment of the funds of the appropriation for repairs, &c., at the present time."

It will be thus seen that for objects already accomplished, paid for, and actually in use, Congress is asked to appropriate money. The money is not needed for these purposes, and the estimates do not disclose the real motives for which it is needed. The clerk, however, tells us, in another part of his testimony, that if the money is appropriated, they will use it to supply the place of money appropriated for other improvements, which have never yet been commenced, but the fund for which has been applied to other purposes. This system of misapplying the appropriations and misleading Congress, commenced in 1845, and the clerk exonerates the late superintendent, Colonel Huger, from all responsibility under it. But the abuse is one of some magnitude, and serves well to show the disregard of law and economy by military men in civil places.

I tell gentlemen around me that these are but a small sample of the evils which grow out of the practice of assigning them to civil duties. These evils are a mine in which it would be well for the country if members of Congress would burrow a little more. They will find greater latitude taken by these men in the discharge of their duties than is allowed by any other Government in the world, having any pretensions to be governed by the restraints of law.

Sir, the recent falling of the Little Falls bridge is another example of the bad management of military officers in charge of civil works. How the bridge fell, and what caused it, is well known. But I wish to refer to the money expended. We were asked to appropriate \$50,000 for that work. We gave \$30,000, and \$5,700 was borrowed from the corporation of Georgetown, all of which is expended; \$12,000 was paid to the contractor for the iron work of the bridge, every cent of which is lost; and what is left for the other \$23,000? Nothing but two stonepiers, containing, according to the statement of the engineer, two thousand perches of masonry, including a little patching on the Virginia abutment! Now, according to my calculations, this masonry, which ought not to have cost more than five or six dollars per perch, has cost the Government more than eleven, without taking into consideration the \$12,000 lost by the falling of the bridge. The engineer, however, estimates the cost at eight dollars per perch, but does not embrace any of the expenses for tools, scaffolding, and other objects connected with the work. These engineers have their own way of arriving at the cost of work. It is like the practice which prevails at the armories, by which they are enabled to show wonderful economy in the cost of the arms fabricated. It is something like this: they count the labor and materials, and such other items as they choose to make an element in the calculation, but take no account of the immense sums expended for handsome residences, (one of which is said to have cost not less than \$50,000,) beautifully improved grounds, and other objects not less extravagant, and for which the Government appropriates money every year. Oh, no! These do not enter into the cost of manufacture. "They are supposed to be worth their cost." And so it is with the engineers. Money expended in buying oxen, procuring facilities for executing the work, superintendence, mileage, &c., are not taken into the estimate of cost, although the Government pays it.

While these engineers are thus employed upon works for which they have little or no qualification, to the extent of two thirds of their whole corps, Congress is appealed to, to increase their numbers—and for what purpose? If those employed in civil service are needed in the duties belonging rightfully to their profession, why not dismiss them from civil employment, and restore them to their military occupations? The Senate has passed a bill, which is in this House, providing for sixty-two new cadets, to be appointed by the Senators from each State, and intended for the Engineer Corps. It cannot be possible that, under the existing state of things, this body will give its sanction to such a measure. The members of the committee, if they will take the trouble to examine the testimony before the select committee, will see names of the officers engaged upon civil works, and the respective positions which they occupy.

It is said these officers get no extra pay while in civil service—that the positions are not agreeable to them, and they would rather be employed in military service. Sir, it may be that all do not receive additional pay; but some of them do; and I cannot be convinced that they prefer other stations. They cling with too much tenacity to their comfortable places. They fight to retain them with too much ferocity for me to believe any such thing. It would be an easy matter for them to be relieved, if the positions were a burden, by inducing their friends in Congress to vote with me to forbid by law their employment in civil service hereafter, while they remain in the Army.

Captain Beauregard, an engineer officer, is in charge of the construction of the New Orleans custom-house. A law of Congress provided, that if a military officer should be appointed to that service, he was to have \$3,000 salary, less his regular pay, which was \$600. His allowances for fuel, quarters, servants, horses, forage, subsist-

ence, &c., which, I have no doubt, amount to three or four times his regular pay, are not deducted. I venture to say, that Captain Beauregard, instead of receiving \$3,000, less \$600, receives in all nearer \$5,000. No wonder, sir, these officers are sensitive about their positions. But this is not all. The engineer who is in charge of the Capitol has also under his superintendence the construction of the aqueduct, and a little fort somewhere in the northern part of New York. I cannot tell why this fort is hung on to him, or him to the fort, unless it enables him to travel occasionally at the rate of ten cents per mile, or affords him some other allowance. He certainly has his hands full here, and can give but little attention to the fort.

I have investigated the facts in relation to the allowances to Colonel Ripley, in command at the Springfield armory; and his pay for transportation from place to place amounts to a good round sum. His pay proper, for a period of about twelve years at the armory, amounts to \$8,786, while the total sum he received in the shape of allowances of various kinds, exclusive of this, is not less than \$25,000. While his subsistence allowance was only \$3,565 60 for this period, his longevity rations—one additional ration for every five years' service—are set down at \$5,418 60. Such, sir, is the way in which these allowances are eked out.

Now, sir, Captain Beauregard, of New Orleans, has not only the custom-house there to superintend, but he has several works of river and harbor improvements under his charge, and several military works. If allowed transportation while circulating between these points, his pay may be increased greatly beyond what I have estimated.

Mr. PERKINS, of Louisiana. Will the gentleman from Kentucky allow me to say a word or two here?

Mr. STANTON. Most certainly.

Mr. PERKINS. The officer of whom the gentleman from Kentucky speaks is known to me by character as a gentleman. He is known to me also as a very efficient—as one of the most efficient—agents the Government has ever had in the position which he occupies. And I should ask the gentleman from Kentucky—although he may not intend these remarks of his to be statements of facts—to forbear making suggestions in regard to him from which, in the minds of others, inferences may be deduced which he would not wish to aver as facts, and yet which will be received as such.

Now, sir, my reason for interrupting the gentleman in the first instance, was the absence of the gentleman [Mr. CRAIG] who is at the head of the Committee on Public Buildings, and who is particularly informed upon the subject—and perhaps, as the gentleman has said, he is the only one, except himself, who is thoroughly informed upon the subject. I know that gentleman, and I have often had conversations with him upon the subject, and his views are directly opposed to those which the gentleman has uttered. He holds the position of chairman of the committee, which the gentleman held last session. His sources of information are the same with those of the gentleman from Kentucky, and I ask the gentleman to forbear statements, which may not be intended as facts, but mere opinions, but which will have all the weight, before the country, as if they were statements made by the chairman of the committee, and also of the special committee, which has had these things under examination. It is known, also, that witnesses summoned before the committee have been examined under oath. I interrupted the gentleman before, because I could not discriminate between what he stated upon his own authority and that which he intended to state as the result of that investigation. I beg the gentleman's pardon, and that of the committee, for interrupting him; but the allusion which he made to Captain Beauregard gave me the occasion, which I was happy to embrace.

Mr. HOUSTON. I did not understand very fully the allusion of the gentleman from Kentucky [Mr. STANTON] to the superintendent at New Orleans, and I think it doubtful whether the committee understood it differently from myself. The law upon the subject, which, I suppose, is the law which governs the case, I will read:

"For continuing the construction of the custom-house at New Orleans, Louisiana, \$150,000, subject to the limitations and restrictions imposed on the appropriation made for the same object at the last session of Congress: *Provided*, That in case the superintendency of the building be confided to an officer detailed from the Corps of Topograph-

ical Engineers, the acting architect be dispensed with, and the said superintendent allowed a compensation not exceeding eight dollars a day."

I did not understand the gentleman as stating it in that way. I understood him to state that he was to have an amount not exceeding \$3,000, deducting his compensation as officer.

Mr. STANTON. Is there not another law?

Mr. HOUSTON. The law of the second session of last Congress is:

"For continuing the construction of the custom-house at New Orleans, Louisiana, \$324,000, subject to the limitations and restrictions imposed on the appropriations made for the same object, at the second session of the last Congress, as respecting the plan upon which the building is to be erected."

Mr. STANTON. Is there nothing said there about the salary of the officer?

Mr. HOUSTON. There is not.

Mr. STANTON. I may be mistaken; but if I am, I was led into the error by the statement made by the Secretary of War, or by some one of his officers, in which it is stated that his salary is \$3,000, less the \$600.

Mr. HOUSTON. I do not say that the gentleman is mistaken, but that is my impression.

Mr. STANTON. Eight dollars a day is about \$3,000 per annum.

Mr. HOUSTON. True, but here is no deduction. The statement of the gentleman from Kentucky went to show that the Government, or the Administration—whichever it was—was deducting a compensation clearly below the point intended by Congress. If the compensation of the officer was to be deducted from \$3,000, I suppose it would include the entire compensation, his rations, servant hire, horses, and everything; whereas, I understand the gentleman to say that the compensation deducted from \$3,000 is only his pay proper as an officer in the Army.

Mr. STANTON. I may be mistaken as to the allowance made by law to this officer; and if so, I will most cheerfully correct it. I have the letter of the Secretary of the Treasury, in which he refers to it, and by which I find that he receives the full amount of pay allowed by the act, eight dollars per day, and his Army pay and allowances in addition. In reply to the honorable gentleman from Louisiana, [Mr. PERKINS,] I have to say, that I have not the slightest disposition to do Captain Beauregard injustice. If he had heard my remarks, he would recollect that I professed only to have investigated critically the allowances made to Colonel Ripley, and not those made to Captain Beauregard. I have no idea that any of these officers are in receipt of one cent more than they are legally entitled to under our miserable system of laws.

Mr. PERKINS. It was because I did hear that remark, that I desired the gentleman to forbear remarks which would be taken as statements of facts, and not mere suggestions.

Mr. STANTON. Certainly not. I have stated as facts nothing but what are facts, and there are enough actual existing abuses under the system against which I am speaking to answer my purpose, without traveling beyond what I know, or are proved, to be facts. But I have spoken much longer than I had intended, and, indeed, have not much more to say. Popular sentiment is aroused upon this subject, and the time has come for Congress to interfere and break up the objectionable system. I am well convinced that the practice of placing military men over the citizen mechanics is odious not only to them, but to a large majority of other citizens. But few mechanics who are employed under military officers are satisfied with the practice. If all do not complain, it is only because complaint is regarded as insubordination, to be met with punishment by dismissal. Military men claim the right to act in such cases without question, and there is no appeal from their decision. To remonstrate would be discontent, in military language, while in American workshops it would only be the exercise of a civil right.

Hardships of great enormity are put upon the workmen at the armories, which would not go unredressed in civil life. It is in proof before the committee, that at Harper's Ferry the commandant was in the habit of depriving the workmen of a portion of their hard-earned wages, in the most arbitrary and cruel manner. The wages of piece workmen were regulated by fixed tariffs of prices, and the men earned much or little, as their industry and capacity would enable them. But, at the end

of the month, when their work was done, inspected, and approved, if the workmen had, by superior skill and industry, earned more than the military commandant considered a fair average month's wages, he would, without reason or justice, deduct a portion from the amount. This is proved clearly by several respectable witnesses, and cannot be denied. If these men complained, their complaints met with haughty disregard, or were looked upon as insubordination. What redress had the poor workmen? Complaints were idle, and only subjected the one who made them to some greater act of tyranny, if such a thing could be perpetrated. In civil life, the party so treated by his employer could call to his aid the strong arm of the law, and by that means recover what was honestly earned by him. But not so at the armories. He must submit quietly to the injustice, or lose his place.

I do not mean to say that all the officers who have had command of the armories have shown such arbitrary bearing and conduct. By no means. There are some exceptions; but for a greater part of the time these establishments have been under the control of the military officers, the officers in command have been arbitrary and tyrannical towards the men under them. The consequence of all this is, that the dissatisfaction has extended itself outside of the armories, and citizens from all quarters of the Union are memorializing Congress to restore the civil superintendency.

It is idle to say that civilians of proper qualifications cannot be had to fill these offices. I have no patience with those who assert that Army officers are better qualified for these places than other men. The history of the country, the experience of the Government, our own reason, teaches us that is not so. Then why not yield to what is manifestly the interest of the Government and the desire of the people, and forbid their employment in such service for the future?²⁸

Mr. KEITT. Mr. Chairman, I ask the indulgence of the committee while I make an explanation. I am on the Committee on Public Buildings and Grounds, to which the question of the Capitol extension has been committed; and also on the special committee raised for the purpose of examining into the superintendency of the national armories, the extension of the Capitol, the employment of military officers for the construction of custom-houses, and other cognate matters. I believe that the question of the extension of the Capitol has been thoroughly investigated by the Committee on Public Buildings and Grounds; but the continuous session of the special committee for the last three months, to which I have given attendance, has precluded me from joining in the investigations of the Committee on Public Buildings and Grounds on the Capitol extension question.

*NOTE.—The following card appeared in the National Intelligencer of Thursday morning:

WASHINGTON, June 14, 1854.

TO THE EDITORS: Will you allow me enough of your space to notice an assertion made by Mr. STANTON, in his speech to day, that I had rejected bricks offered by Mr. Wendell for the Capitol extension, under his contract, as unfit for that building, and afterwards bought from him the very same bricks to use in the aqueduct?

Whenever Mr. STANTON's informant swears to that statement, I shall produce Mr. Tait, the sworn inspector of the Government, who inspected and rejected Mr. Wendell's Bladensburg bricks, and who also inspected the bricks bought for the aqueduct, and he will swear to the contrary. Respectfully,
M. C. MEIGS,
Captain of Engineers.

In answer to the above, I will merely call attention to the subjoined letter of Mr. Wendell himself, which fully sustains me in the remarks made, to which Captain Meigs, in his card, takes exception:

WASHINGTON, June 15, 1854.

SIR: My attention has been called to a card of Captain M. C. Meigs, Superintendent of the Capitol extension, published in the National Intelligencer of this date, which would seem to make it imperative on me to put in writing the facts which were verbally communicated to you by me some short time since.

I asserted that Captain Meigs received from me bricks burnt at the Bladensburg yard; that afterwards, bricks from the same kiln were rejected at the Capitol, and subsequently to their rejection, were purchased by Captain Meigs at a higher price than I would have been paid, under my contract, and shipped from the yard for the aqueduct.

I repeat these assertions, and stand ready, at any moment, to substantiate them by testimony which cannot be doubted in this community.

Very respectfully, your obedient servant,

C. WENDELL.

Hon. R. H. STANTON, House of Representatives.

I desire now to say that the special committee has taken into consideration only the question of the superintendency of the national armories. My friend from Kentucky, [Mr. STANTON,] the chairman, has made a majority report. In a day or two I propose submitting a minority report upon that portion of the subject committed to us.

As to the disaffection alluded to by the gentleman, my recollection of the testimony is this: One or two of the witnesses who had been superintendents under the civil system, but had been dismissed, did speak feelingly and enthusiastically of disaffection; but when we brought it down to the cause, it was ascertained to be this: the disaffection was because the military superintendent refused to have the armory converted into a cabbage mart and pig sty. Yes, sir, as far as I remember, the disaffection grew out of the fact that the country people were not allowed to sell milk, butter, and various other commodities, to the men during the hours of work and in the armories.

I do not propose, however, to discuss the question. I shall submit a minority report within a short time, one almost entirely of facts and figures. I intend that it shall be a collation and digest of the laws, reports of various superintendents, and expenses under each, in the manufacture of arms, and the number and efficiency of the arms manufactured. Then the House will decide between the two systems.

As to the other matters, I desire to say that no testimony has been before our committee. It is true that answers were given to questions propounded to the Secretary of War; but beyond their application to armories I have not examined them; and I am not prepared to say that I could come to the same conclusions that my friend from Kentucky has come to. I am here, sir, the partisan of no man, and the blind advocate of no Administration. I desire to hold the scales evenly and justly; wherever the Administration is right I propose to sustain it; wherever it is wrong I shall oppose it.

In this matter, as in all others, whenever any man has been called to discharge a high public trust, I will regard him *prima facie* as having done his duty, and hence, without some reasonable testimony, without facts properly authenticated, I will not conclude that the President of the United States has violated the law, and that the Secretary of War has trampled down the enactments of this body. I mean to say, also, these military men are not anxious to be employed as they are. Major Huger, not unknown to fame for his military exploits in Mexico, who was the military superintendent at Harper's Ferry, told me that he, as well as other officers, would be glad to get rid of the duties connected with the superintendency of the national armories, because they had no additional compensation allowed them, and had onerous duties to perform. I am informed, also, by the highest authority, that the Secretary of War will not furnish the Secretary of the Treasury, or Secretary of the Navy, with as many military officers as they desire. These public men, these men with civil trusts confided to them, have, in the discharge of their duties, made application to the Secretary of War for an additional number of officers, which he has been compelled to refuse. I desire to say, also, in this connection, that I cannot concur in this idea of expelling military men from connection with the national armories. The Government, like an individual, should have the right to seek everywhere for the best talent, and for the best ability to carry out its purposes. Your armories fabricate the arms which are to be put into the hands of your own soldiers, when they go to defend the honor of their country upon the battle-field. Committed to them are the flag of the country and the lives of its citizens. I only ask that the Government shall have the right to do what an individual has the right to do—to seek the best scientific ability which it can find, in order to carry out its great purposes. I do not mean to discuss this question at this time. When the question of military superintendency comes up, I shall be prepared to present my views more fully upon this subject. I am unbiased—I desire to discharge a public duty, and I will not prejudice a great question; nor will I, where the blood of the people, and the honor of our flag are involved, turn the subject over to the struggles of partisan warfare, or the biddings of future political gamblers. When the public interests are at stake, I shall ask no ques-

tion about the complexion of the Administration.

Mr. HAVEN. I move that the committee do now rise.

The motion was agreed to.

The committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly House bill No. 48, being a bill "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855," and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. DICKINS, their Secretary, informing the House that they had passed, without amendment, a bill of the House of the following title:

An act (No. 51) for the relief of the widow and heirs of Elijah Beebe.

Also, that they had agreed to the amendment of the House to the amendment of the Senate to the bill of the House (No. 311) regulating the pay of deputy postmasters; and

That they had agreed to the resolution of the House providing for the adjournment of the two Houses, with an amendment.

Mr. FLORENCE. I move that the House adjourn.

The motion was agreed to; and thereupon (at twenty-five minutes past four o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, June 15, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

CREDENTIALS.

Mr. SUMNER presented the credentials of Hon. JULIUS ROCKWELL, appointed by the Executive of Massachusetts a Senator from that State until the next meeting of the Legislature, in the place of Hon. EDWARD EVERETT, resigned.

The credentials were read, and the oath prescribed by law having been administered to Mr. ROCKWELL, he took his seat in the Senate.

PETITIONS, ETC.

Mr. WALKER presented a memorial of residents of Calumet county, Wisconsin, and owners of land in the Stockbridge reservation, praying to be protected in their titles to said land; which was referred to the Committee on Indian Affairs.

Mr. SEWARD presented a petition of inhabitants of Oneida, in the State of New York, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAWSON presented the petition of P. C. Miles, a soldier in the war of 1812, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. PEARCE presented the petition of the heirs of Colonel John D. Thompson, late of Cecil county, Maryland, deceased, praying to be allowed the commutation pay and bounty land to which the said Colonel Thompson was entitled as an officer in the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. WELLER presented joint resolutions of the Legislature of the State of California, in relation to an appropriation for the removal of the wreck of the ship Aberdeen, in San Francisco harbor; which were referred to the Committee on Commerce.

Also, the memorial of J. Rutherford Worster, of the city of San Francisco, California, and other citizens of that State, praying Congress to make an appropriation for the removal of the wreck of the ship Aberdeen, in the harbor of San Francisco; which was referred to the Committee on Commerce.

Mr. SHIELDS presented a letter of J. C. Frémont, addressed to the editors of the National Intelligencer, communicating some general results of a recent winter expedition across the Rocky Mountains for the survey of a railroad to the Pacific; which was referred to the select committee

on the subject of a railroad to the Pacific, and ordered to be printed.

REPORTS FROM A STANDING COMMITTEE.

Mr. SUMNER, from the Committee on Pensions, to whom was referred the petition of Samuel Crapin, praying to be allowed arrears of pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred a petition of citizens of Scituate, Massachusetts, praying that a pension may be granted to Josiah Mann, in consideration of his services as a seaman in the Navy during the late war with Great Britain, submitted an adverse report thereon, which was ordered to be printed.

NEW POST ROUTES.

Mr. SLIDELL submitted the following resolution for considerations which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Stony Point to William Allen's, in Livingston parish, Louisiana, from thence by way of Duncan Blue and Edward Stamp's, to Springfield, in said parish of Livingston; and also a post route from Baton Rouge, by way of Robert Huston's, in Livingston parish, Coe's post office, the French settlement and Bayou Barbary post office, to Springfield.

REBECCA J. BIRDSALL.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred the memorial of Rebecca J. Birdsall, have instructed me to report a joint resolution for her relief. I ask for its consideration now as it is but a small matter which will involve no debate.

The joint resolution was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to direct the Postmaster General to cause to be paid to Mrs. Birdsall, widow of Ira Birdsall, deceased, late mail agent for the United States, the balance of pay for the current year's service, to which her late husband would have been entitled if he had lived.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

TEXAS DEBT.

Mr. PEARCE. Mr. President, I have been instructed by the Committee on Finance, to whom were referred several memorials on the subject, and also a bill to provide for the payment of certain creditors of the late Republic of Texas, to report that bill back to the Senate with an amendment, which I send to the Chair. I beg leave to say that the amendment which the committee recommends, in fact as a substitute for the bill referred to them, is not such a one as commands my entire approbation, but it was the only bill which the committee were enabled to agree upon, and it, at all events, furnishes the groundwork for such a bill as may be satisfactory to the Senate, and as may do justice to all the parties concerned.

WILLIAM DUER.

Mr. SLIDELL. I am instructed by the Committee on Foreign Relations, to whom was referred the petition of William Duer, to submit a report upon the case, accompanied by a bill for his relief. I ask that the bill be now put upon its passage. I think there can be no objection to it.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole. It is designed to direct the Secretary of State to audit, settle, and adjust an account of the expenses incurred by William Duer, while consul of the United States at the port of Valparaiso, in Chili, during the year 1852, in the support and defense of William N. Stuart, an American citizen, arrested and arraigned before the courts of Chili upon a charge of murder, and for the transportation of Stuart to the United States after his release, together with an equitable advance upon the amount thus ascertained for the use of the money during the interval.

Mr. WELLER. I move to amend the bill by inserting the words "necessary actual," before the words "expenses," so as to provide for the payment of the "necessary actual expenses incurred."

Mr. SLIDELL. I have no objection to the amendment suggested by the Senator from California.

The amendment was agreed to; the bill was re-

ported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read a third time, and passed. The report of the committee was ordered to be printed.

CHIPPEWA INDIANS.

On the motion of Mr. SEBASTIAN, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization.

It proposes to authorize the President to cause negotiations to be entered into with the Chippewa Indians, for the extinguishment of their title to all the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin. The treaties are to contain the following provisions, and such others as may be requisite and proper to carry them into effect:

First. Granting to each head of a family in fee-simple a reservation of eighty acres of land, to be selected in the territory ceded, so soon as surveys shall be completed, by those entitled, which reservation shall be patented by the President of the United States, and the patent shall expressly declare that the lands shall not be alienated or leased by the reserves, or their heirs and legal representatives, until otherwise ordered by Congress, and no change of location shall be made without the assent of the President of the United States.

Second. The annuities to which the Indians are entitled under existing treaties, with the consent of the Indians, together with such as may be allowed them for the cession or cessions under the provisions of the act, shall be equally distributed and paid them at their villages or settlements within the limits of the ceded territory; but the President shall be invested with power to cause the annuities to be commuted, from time to time, for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as in his discretion will conduce most to promote their comfort, civilization, and permanent welfare.

Third. All the benefits and privileges granted to the Indians shall be extended to and enjoyed by the mixed bloods belonging to or connected with the tribe, and who shall permanently reside on the ceded lands.

Fourth. The laws of the United States and the Territory of Minnesota shall be extended over the Chippewa territory whenever it may be ceded, and the same shall cease to be "Indian country," except that the lands reserved to the Indians, or other property owned by them, shall be exempt from taxation and execution, and that the act passed June 30, 1834, "to regulate trade and intercourse with the Indian tribes," &c., be inoperative over the ceded territory, except the twentieth section, which prohibits the introduction and sale of spirituous liquors to Indians.

Fifth. The President shall have power to prescribe and enforce such rules and regulations, not inconsistent with the provisions of the bill, as he may deem necessary for the effectual execution of the purposes of the act, which rules and regulations shall be annually reported to Congress.

For the purpose of defraying the expenses of the negotiations, the sum of \$10,000 is proposed to be appropriated.

Mr. PEARCE. I should be glad to know from the chairman of the Committee on Indian Affairs, the extent of territory which is proposed to be negotiated for, or what is the extent of lands held by these Indians. I should also like to know how much will be required to be reserved to them by the treaty which is thus authorized, and further what is the amount acquired by our last negotiations. I think we acquired some lands from them a year or two since.

Mr. SEBASTIAN. I did not hear distinctly the questions of the honorable Senator, but I am unable to state exactly the amount of lands which is now claimed by the Chippewa Indians in the State of Wisconsin and in the Territory of Minnesota. The amount claimed is very large, embracing mineral country around Lake Superior. The object of the bill is to open to settlement the country, which is very valuable for its varied mineral resources. The proposition does not design

to remove the Indians at all. The idea is to obtain the whole of our national domain there, and it is very large. Perhaps the Senators from Wisconsin can give more definite information as to the amount of land owned by the Indians, and which the bill proposes to procure to be ceded.

The terms of the bill require the President to secure a reservation of about eighty acres to each head of a family upon the ceded territory; so that there will not be a necessity for the removal of any portion of the tribe, nor will any expenses be entailed on the Government in consequence of the treaty. It secures to them all that is necessary for the permanent residence and accommodation of the Indian population, and throws the balance of the country open to settlement.

I believe I have now answered the questions of the Senator as far as I am able to understand him. I suppose the amount owned by the Indians is probably seven millions of acres, and in consequence of its being secured by treaty, the whole of it is excluded from settlement. It is very desirable that it should be opened, for it contains a great many copper mines around the lake.

Mr. PEARCE. I have not heard the bill read distinctly, but it seems to me there is something unusual in it. I do not recollect that we have been in the habit of passing bills, in which we provide that the Executive shall open negotiations, and also stipulate the terms of those negotiations. It rather seems to me that a legislative act of that sort is somewhat an interference with the treaty-making power. It also seems to me that if we were to pass this bill, and the Executive were to make a treaty in conformity with its provisions, making the stipulations which it contemplates, the Senate would not be bound to ratify it; and if not, it is irregular, and rather an encroachment upon the Executive authority to indicate the terms upon which treaties shall be made. I should be glad to be informed whether that view is incorrect.

Mr. SEBASTIAN. The Senator from Maryland is mistaken in supposing that this is without precedent. On the contrary we have taken the initiative in treating with the Indians always by an act of Congress. We have always had legislation directing the President to open negotiations. Many of the treaties which have been negotiated lately, and ratified by the Senate, with the tribes of Nebraska and Kansas, were authorized by an act of Congress two years since; and all negotiations are entered into generally under a law of Congress, not conferring upon the President the power, but directing him to open the negotiation, and providing the means for carrying it on.

As to the provision in the bill which prescribes certain features which shall go into, and form a part of the treaty, I would refer the Senator to a precedent which forms a very distinguished feature in the past Indian policy of this Government. It was the old act of 1830, passed during General Jackson's administration, by which the President was empowered to negotiate, upon certain stipulated terms, treaties with the Indians, which were to embrace particular features. And treaties were, to a great extent, negotiated between 1830 and 1836, in strict pursuance of the terms of that law. Everything relating to the Indian policy, and the powers of the Executive, and the Senate, and of Congress, in reference to these matters, was very fully discussed at that time. So far, then, as the precedent goes, that, sir, is full as to the propriety and power of Congress to take the initiative to the extent which we have proposed here.

Independent of the general power or constitutional propriety, there is a great necessity for the adoption of a law prescribing something like uniformity in Indian treaties, which are to be negotiated hereafter. If there has been heretofore, in our system of Indian policy, any evil unmixed, almost, with any good, it is the great diversity which has crept into the Indian treaties which have been negotiated. This bill proposes to rectify, to a certain extent, that difficulty, by prescribing certain fundamental conditions which shall form a part of every treaty to be negotiated hereafter. They are few and simple, and they do not take from the Executive the power to introduce any other provision which he may, in his discretion, deem proper to adopt. It only prescribes in this case, that the Indians shall not be removed from the territory, but shall be planted upon individual proprietary reservations which shall be inalien-

able; and it reserves to them those rights which are secured by former treaties.

With the solitary exception of that particular provision, I believe there is nothing substantial required by this bill to be incorporated in the treaties, which is not in other bills. It is because we desire some uniform policy for the government of our Executive in making our treaties, that it was thought proper to make it obligatory upon the President as the law of the land which he, as the Executive, is no more at liberty to disregard than is any other officer of the Government.

Mr. PEARCE. If the precedent to which the Senator from Arkansas has referred be as he supposes, it is, of course, in point; but I do not think that anything is due to its authority notwithstanding. It does seem to me to be altogether out of the competency of Congress to prescribe the terms of a treaty, and that is precisely what this bill undertakes to do. It says the President "is hereby authorized to cause negotiations to be entered into with the Chippewa Indians," "which treaty shall contain the following provisions," &c. It seems to me to be an attempt, by legislation, to control and mould a treaty, and to take, in substance and form, an authority which belongs solely to the Executive.

I know it is very common to insert in appropriation bills a clause appropriating money to enable the President to carry on negotiations, which are to result in Indian treaties. To that I make no manner of objection, but this seems to me to be a departure from the general principle, in spite of the one precedent to which the Senator has referred, and therefore a violation of the constitutional authority of the Executive to make treaties, for the bill provides the terms upon which we propose the treaty shall be made. As well might Congress pass upon and ratify the treaties themselves, as direct in advance the provisions which shall form a part of those treaties, and give to them their character.

This, therefore, as my friend from North Carolina [Mr. BADGER] suggests to me, is introducing the House of Representatives in a new character, to wit, the character of a part of the treaty-making power. They may alter and amend this bill, they may strike out any provision which is put in and insert another, and so the treaty to be made is to be made by the House of Representatives, which is no part of the treaty-making power. Practically this may be in itself of no great importance, but it is important that we should adhere to the forms and spirit of the Constitution, and we should not undertake to do, by a legislative act, that which properly belongs, and belongs solely to the Executive authority. I think, therefore, I shall not be able to give my assent to the bill.

Mr. WELLER. I hope this bill will be allowed to lie over until to-morrow. Some serious questions are presented in it, as it now stands. I regard it as a direct encroachment upon the Executive power. It will be, as the Senator has already said, the introduction of the House of Representatives into the treaty-making power. Under our form of government that power is vested exclusively in the Executive and in the Senate. I do not see how the President could approve of this act, because it is a direct encroachment on the part of the legislative branch of the Government upon the power vested, under the Constitution, exclusively in the Executive. I hope, therefore, the bill may be postponed, at all events until to-morrow; and I make the motion for the postponement of its further consideration until to-morrow.

Mr. SEBASTIAN. I have no objection to it. The motion was agreed to.

RED RIVER RAFT.

Mr. JOHNSON. In the last river and harbor bill which was passed, there was a provision made for the removal of the Red river raft. At a subsequent time, and during the same Congress, on the 7th January, 1853, it was thought that the appropriation could be so used as to secure the removal of the whole of the raft for that sum, and that it could be kept removed for a number of years, and application was made to Congress, which passed a joint resolution, which, as it is very short, I will read.

"A resolution explanatory of the act appropriating money for the removal of the raft of Red river.
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

so much of the act entitled "An act making appropriations for the improvement of certain harbors and rivers," approved August thirtieth, eighteen hundred and fifty-two, as relates to Red river, be so construed as to authorize the Secretary of War to award the contract for the removal of obstructions to the navigation of said river occasioned by the raft, to the person or persons who, for the amount of the appropriation, will agree to remove said obstructions, and keep said navigation free from the same for the longest period of time; said contract to be awarded after reasonable public notice."

Thus the contract was to be given to the lowest bidder who would keep the navigation clear for the longest period of time. That resolution was approved January 7, 1853. The contract was offered in that way; but, as it subsequently turned out, no one would bid for any contract to clear out the whole of that raft for the amount appropriated. The consequence is, that nothing has been done with the appropriation. No step has been taken towards the removal of the raft, or the improvement of the navigation at that point, in accordance with the provision in the river and harbor bill. I have a letter from the Secretary of War, in which he says:

"I would recommend that the terms of the existing appropriation for the removal of the raft should be so changed as to enable this Department to use the fund in the manner most conducive to the object for which it was granted."

I ask leave to introduce the following joint resolution.

A resolution relative to the raft of Red river:

Resolved, &c., That the joint resolution, entitled "A joint resolution explanatory of the act appropriating money for the removal of the raft of Red river," approved January 7, 1853, be, and is hereby, repealed; and that the Secretary of the Department of War be authorized to expend the appropriation in reference to the Red river raft in such a way and for such purpose as he may approve, having in view the improvement of the navigation of Red river in and around the said raft.

I ask the Senate, Mr. President, to consent to put the resolution upon its passage at this time.

Mr. SLIDELL. I will state for the information of my friend from Arkansas, as he may be ignorant of the fact, that in the House of Representatives a resolution of a somewhat similar character, in relation to improvements in Albemarle Sound, in which there was a similar restriction, now places the appropriation at the discretion of the Secretary of War. To that resolution which is now pending in the House, an amendment somewhat similar to this has been made by the Committee on Commerce, has been reported to the House, and is now pending. I do not by any means object to the consideration of this resolution, but I mention this to the Senator from Arkansas, lest he should not have perceived it.

Mr. JOHNSON. I was aware of that. This appropriation has been tied up now for some two years or upward, and the time is not very distant when it must revert to the Treasury unless something is done in regard to it. What may be the effect of such action by the House of Representatives as is indicated by the Senator, I do not know. I was aware of the effort being made there; but I will ask that this resolution, which is recommended by the Secretary of War, and which is so necessary to any disposition whatever of an appropriation that is already in existence, be put upon its passage.

Unanimous consent was given for the introduction of the resolution, and it was read twice by its title, and considered as in Committee of the Whole.

No amendment being proposed, it was reported to the Senate.

Mr. WALKER. The effect of this resolution will evidently be to leave the amount which is to be expended for the improvement of Red river unlimited. The idea entertained at the time the appropriation was made, was that it would complete the work. It was subsequently thought that it was more than enough to remove the raft, and that it would go far to superinduce the contractors to keep the raft out of the river, and the navigation clear.

We are now informed by the Senator from Arkansas, that it has been ascertained that the mere removal will not be undertaken for the amount appropriated. The resolution which has been introduced proposes to disembarass the appropriation, and put it entirely in the discretion of the Secretary of War, and to authorize him to expend it as he may deem most expedient for the accomplishment of the work sought by the appropriation. Then

we are brought to a pretty certain knowledge that the appropriation will not do the work; but we authorize it to be expended nevertheless. When this, then, is expended, more, of course, will be demanded. What that amount may be, we cannot now foresee. We are now establishing, however, the theory that whatever it may be, it shall be appropriated.

I make these remarks simply that the attention of the Senate may be called to it. I do not intend to make any opposition to the passage of the resolution, if that be the course which the Senate see fit to adopt in reference to this work. I think, however, that if, at the time the appropriation was made, it had been proposed to make it towards the improvement simply, Congress perhaps would not have voted it. But it was with the idea, and in fact, under the assurance given at the time that the amount would remove the raft, and make the navigation of the Red river practical, that it was agreed to.

Mr. JOHNSON. My honorable friend from Wisconsin, I am sorry to say, knew nothing about this thing whatever in the beginning, and I do not think he knows anything about it in any part of it. In the first place, at the beginning, there never was heard such a thing on the face of the earth as that this amount would remove the raft. The clause making the appropriation was a part of the river and harbor bill. It was made by a mere little item which was stuck into the bill, and the gentleman never heard of it, or if he did, it floated across his mind like some dream, and he knew nothing about the subject. Afterwards the members of this, and the other branch of Congress, from Arkansas, came forward and alleged in regard to this work—and we believed, too, from representations made to us—that the whole raft could be removed if we would put a restriction upon the appropriation, that we would get men bound by contract and compelled to remove the whole raft for the sum of \$100,000, by giving the contract to the lowest bidder who would keep it open for the longest time. This came up long after the appropriation was made; and the proposition of the Senator from Wisconsin, that the sum was originally appropriated in view of the fact that it would remove the whole raft is all a sheer error. That is the fact in regard to that.

Now, the alarm which the Senator expresses, lest any appropriation should hereafter be made upon this or a kindred subject, may be extended to every other appropriation which has been made. If he will so extend it, I am satisfied that he shall oppose this proposition. This has been a feature engrafted upon every bill from the beginning, which has had connection with the western waters. Sir, it is a fact demonstrated by the Bureau of Subsistence and another bureau, the name of which I forget, that the yearly expenses under our War Department have been greater, far greater, than would have been removed that raft years ago, if the money had been appropriated. Those great expenses have been produced entirely in consequence of that single obstruction there. I allude to the expenses for the supplies of the troops and forts in the West, and along upon the northern boundaries of Texas.

Now, sir, I see nothing in the world here that supports the view of this matter presented by the Senator from Wisconsin, with the solitary exception that the Senators from Arkansas during the last session of Congress, and the member of the other House, equally believed and represented that the whole raft could be removed for the amount, and upon their representations had a restriction put upon the appropriation. All the good which the restriction has done—we believed it would do much good—has been simply to prevent any expenditure or effort to make the improvement. It is necessary that the money which has been appropriated should be used for the object for which it was originally designed. Perhaps this is the only item in the river and harbor bill, which, in consequence of that restriction having been put upon it, lies within the power of Congress to control, and some compunction may act upon the minds of gentlemen, and lead them to say that they will prevent the appropriation of this item; but I beg them not to begin and seize this small item, the want of which will fall hard upon that portion of the country for which the improvement was to be made. Begin the war upon the whole bill, and do not ask me and the

people there to insure the fact that this appropriation shall remove the whole raft forever. We cannot do that. We can give you no actual assurance that you would accept, which was not demanded, or executed, or deemed necessary at the time the original appropriation was made; and I think it is late now to come forward and attempt to put upon it any restriction of that sort.

I am sorry to see my friend from Wisconsin take ground like that which he has taken, when it is entirely unauthorized by the fact. It falls hardly upon some of us, when we ask simply that the money which was long since appropriated by Congress may be used for the object for which it was appropriated. It seems to me it is but reasonable that we should ask this. It is out of my power entirely to see why it is that the Senator should feel so great an interest in this matter just at this moment, when the amount is lying in the Treasury, and must very shortly revert to the Treasury, and so be of no benefit at all, unless this proposition be agreed to. It is late to cut us off from it, sir; and I hope my friend from Wisconsin will not insist upon his objection.

Mr. WALKER. It is the misfortune of the whole of us, or at least of a large portion of us, that we can never say anything in the Senate but we must be replied to in a manner that would indicate that the persons replying had no sense of politeness themselves.

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. (Mr. Foot in the chair.) Does the Senator from Wisconsin yield the floor?

Mr. JOHNSON. I do not like to reply to that, sir. I have been pleased to me at all. Lectures from him I certainly do not like. Lectures upon politeness from him, I think, are but little called for, and I shall make no reply to them.

Mr. WALKER. I was going to remark, sir, that I have been charged with having interfered in a matter about which I was ignorant, and about which—if the terms were not used they were implied—I ought to have kept my mouth shut. I do not know, sir, but I hope not, that the language was applied intentionally in an offensive sense; but such remarks between gentlemen entertaining the cordial relations that are entertained, as I had supposed, between the Senator from Arkansas and myself, certainly sound unpleasant. However, I will endeavor to satisfy him that I am not so ignorant of this matter as he supposes.

I remember this transaction perfectly, and I remember when the bill came from the House of Representatives, and no one cooperated with the colleague of the Senator more cordially than I did in accomplishing what was finally done. The appropriation, as it came from the House of Representatives, was for a less amount than we appropriated; and upon the motion of an honorable Senator from Arkansas—I think of one who is not now a member of this body, Major Borland—it was increased, and he brought this argument to bear upon the Senate, that the amount included in the bill would be insufficient to complete the work, that it was useless to make an appropriation of that kind which would but commence the work, without any certainty of completing it; for, said he, it is a work of such a character as will, if it is not carried on to completion, immediately fall back to its original condition, and the whole amount expended will be lost. That was the argument used. It struck me forcibly. I concurred with the Senator from Arkansas when he proposed to increase the appropriation. I voted for it, and I believe there was no question entertained but that the appropriation would be sufficient to do the work. I believe bids were made, but were not complied with, to do it. I think Allanson Sweet, of Wisconsin, a man who is known well to myself and my colleagues, was a bidder for it, but for some reason, because he failed to give security, or something of that kind, the bid fell through, and he has not prosecuted the work. This is my recollection of the matter, and I will venture to say that it is the recollection and remembrance of most of the members of the Senate. In this way the appropriation was made.

It is true, as has been remarked by the Senator from Arkansas, that subsequently, for fear this matter might go, as matters of a kindred nature usually do, without limitation—that is, fearing that the contract might be let indefinitely, under which the fund would be expended, and the work

not completed, the members from Arkansas did feel some solicitude, and manifested it here to put a restriction upon it. But the restriction that was put upon it, at a future day, limiting the letting of the contract to the person who would keep the river open the greatest length of time, was made, as was then expressed, because it was supposed that the fund was more than sufficient to merely remove the raft and open the river, and that a portion of it might with propriety be assigned to the business of keeping the river open and the navigation clear. Hence it was that that restriction was put upon the appropriation.

But I am replied to as if I not only knew nothing about this matter, but was making opposition to it. Sir, I concluded my remarks by saying that I made them simply to turn the attention of the Senate to the fact of what I thought was the understanding at the time the appropriation was made, and I stated that I should not make opposition to it. With that remark, I concluded what I said. I think it is well in all these instances, to call the attention of the Senate to such a fact, and for this reason, if this limitation is taken off with a full acknowledgment of the fact, who hereafter, with propriety, can rise to his feet and resist a further appropriation to complete the work? Now, it is brought to the knowledge of the Senate that we are taking off all limitation, that we are entering upon the execution of this work, let it cost what it may; and for one, I shall stand by it, and I shall demand that the Senate hereafter shall stand by it, and that they shall make an appropriation sufficient—if I can enforce it—to complete the work. The Senator from Arkansas misunderstands me entirely, if he supposes that I am opposing it; for there are similar works in that section of the country in which I reside, where, after a small appropriation has been made, and before it has been renewed, the works have been subjected to dilapidation, loss, and decay. But I want the Senate to understand what they are doing when they make an appropriation, so that, if we now pass this appropriation, no one may hereafter rise and say that he was ignorant of what was the tendency of removing the limitation. Let it be removed, I say, with the understanding that we are going to complete the work; and let not Senators charge me further, not only with knowing nothing about it, but with opposing the appropriation, for I am doing no such thing.

Mr. RUSK. This appropriation, when it was originally made in the river and harbor bill, did not contain the restriction requiring the river to be kept open any length of time, but subsequently the resolution which has been read by the Senator from Arkansas, required not only that the raft should be taken out, but that the river should be kept open for navigation for a certain length of time. It was a matter somewhat uncertain, and under the uncertainty no one has been found to risk making the contract for \$100,000. With the exception of those mentioned by the honorable Senator from Louisiana, [Mr. SIDELL], this is the only appropriation, I believe, in the river and harbor bill, in which any such restriction as this was made.

I hope the Senate will, therefore, agree to this resolution, and I am glad to hear the Senator from Wisconsin say that he will vote for it. I hope the Senate will take off this restriction. It is a matter of very considerable importance to the Government, as has already been remarked, with reference to the transportation of troops and supplies, and more would be saved in a very short time, if the raft were removed than it would cost to remove it, because it would create a water transportation which would be several hundred miles nearer than it can now be made by land. Besides this, there is a treaty obligation with the Choctaw Indians, requiring the United States to keep open the navigation of the Red river. Under these circumstances, I hope this restriction, which has worked badly, and has not carried out the original intention of the appropriation, will be taken off, and that this object will be put upon the same footing as other objects.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

LEUTENANT MAURY.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution

giving the consent of Congress to the acceptance by Lieutenant M. F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden.

Mr. PEARCE. I desire to submit an amendment in the form of a substitute for the resolution, which the Senator from California will perhaps accept.

Be it resolved, &c., That Lieutenant M. F. Maury, of the United States Navy, be, and he is hereby, authorized to accept a gold medal recently presented to him by his Majesty the King of Sweden.

Mr. GWIN. I will accept that.

The amendment was agreed to. The joint resolution was reported to the Senate as amended, the amendment was concurred in, the joint resolution was ordered to be engrossed for a third reading, was read a third time, and passed.

INDIGENT INSANE BILL VETO.

On motion by Mr. WALKER, the Senate resumed the consideration of the bill making a grant of public lands to the several States of the Union for the benefit of the indigent insane persons, which had been returned by the President of the United States, with his objections.

Mr. CLAYTON addressed the Senate in favor of the bill. [See Appendix for his speech.]

Mr. SEWARD obtained the floor, and yielded to a motion to adjourn, which being agreed to, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 15, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. FULLER. I ask the unanimous consent of the House to allow me to have disposed of bill No. 242, "authorizing the purchase or construction of four additional revenue cutters, and for other purposes," which was reported by the Committee on Commerce early in the session, and referred to the Committee of the Whole on the state of the Union. I ask that the committee be discharged from the further consideration of that bill, in order to bring it before the House.

Mr. OLDS. I object.

Mr. DAVIS, of Indiana. I call for the regular order of business.

RATES OF POSTAGE.

The SPEAKER. The business first in order is the consideration of a bill, reported by the Committee on the Post Office and Post Roads, further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes, passed March 3, 1851, and the act amendatory thereto, passed August 30, 1852."

Mr. OLDS. If there be no gentleman here desirous to address the House on the subject of that bill, I will withdraw my motion to commit it, and move the previous question, that the bill may be disposed of.

Mr. SMITH, of New York. I request the gentleman from Ohio to withdraw his call for the previous question, as I wish to offer an amendment to the bill.

Mr. OLDS. I willingly yield the floor for that purpose to the gentleman from New York.

Mr. SMITH. I offer the following amendment:

SEC. 4. *And be it further enacted,* That this act shall continue in force two years; and that, at the expiration of that time, the Post Office Department shall be abolished, and individuals and associations shall thereafter be as free to carry letters as to carry anything else.

Mr. S. addressed the House at some length in favor of his amendment, and against the bill as reported by the committee, and the proposed substitute therefor.

Mr. CHANDLER. Not knowing that I should have an opportunity of expressing my opinions upon the subject of this bill when it came properly before the House, I availed myself of the opportunity to make some remarks upon the subject the other day in Committee of the Whole. I do not, therefore, propose to trouble the House with any extended remarks now. I desire, however, to ask the attention of the House for a very brief period, while I reply in two or three words to some remarks which have fallen from the gentleman who has just taken his seat, [Mr. SMITH.]

I remarked, some days since, that letters could be carried along the sea-coast from one city of the Atlantic coast to another, for a penny apiece, and money made at it. That remark I made in reply to what had been said by the chairman of the Committee on the Post Office and Post Roads, [Mr. OLDS,] charging the present postal system as ministering to the cupidity of the East. But, if I am to be taken at my word, and the mail carried by express, I shall ask that the arrangement shall be limited to the fat of the land; and that they shall not have to be called upon to carry letters and newspapers into the sparsely settled portions of the country, where it seems a rate of two cents, or of ten cents a letter, will not pay the expenses of carrying. These letters which pay the cost of transportation so well have nothing to do with that commerce of affection upon which the gentleman from New York so eloquently descants and so beautifully illustrates. There is nothing in them but a commerce of affection for business, and the results of that business. And if you deprive the West of the protecting care of the Government in the transmission of their letters, you throw upon them the burden of a taxation much larger than they are now subjected to, and in reference to which the honorable gentleman from Ohio [Mr. OLDS] complains.

But the gentleman speaks disparagingly of these things, because he says in some instances the Government does not accomplish as much as individuals could have accomplished. He also refers to the slowness with which the Government completes its works of improvement, such as railroads, canals, ships, &c., and then he brings up the mail, as if it belonged to the same category. Why, Mr. Speaker, individuals will construct their own railroads, and they will build their own ships for their own convenience, and just as fast as they are able to convey their own merchandise by railroads and ships, just so fast will the Government convey its mails by the same conveyance. The Government, therefore, will have all the advantages of private enterprise, so far as the rapidity of the transmission of the mail is concerned, and this, therefore, no argument in favor of turning the matter over to individuals.

But the honorable gentleman from New York takes the case of one brother in Massachusetts, and another in Nebraska, and asserts that the brother in Nebraska must pay more for his correspondence than the one in Massachusetts, forgetting that our whole system here is one of compromises, and that those who do most and have most, must make sacrifices to those who do least and have least. And again, if the work of carrying letters is to be abandoned as a public enterprise, and left to private enterprise, and the brother in Nebraska should ascertain that slaveholders were coming in there with their slaves, and desired to write to the other brother to send on Free-Soil emigrants, sir, there would be time enough to people the territory with blacks before a letter would reach the brother in Massachusetts. That would be one effect of adopting a system of carrying the mail by private enterprise.

But, sir, this system of postage did not, as the gentleman supposes, spring up from the intention of somebody to carry letters and newspapers. The very word itself shows that it did not. Everybody knows that it came from the habit of conveying persons by post-horses, and private ways and means; and the Government took the matter into its own hands, for the purpose of insuring safety, as well as expedition, in carrying persons, letters, and papers. Gentlemen who travel, at the present moment, in the mountainous parts of Europe, know that Government provides, at the foot of every mountain post, means of getting over—not exactly snorting horses of iron, or horses themselves—but good stout yokes of oxen, to take persons, papers, trunks, and all public documents up the hill. They will go down, fortunately, themselves there as well as here. [Laughter.]

The management of the post office and the postage belongs to the sovereignty of the country, because it is a way and means by which the Government itself directs its sovereignty to the uses and conveniences of those who cannot derive all the advantages that the thickly settled portion of our country has. While they do that, they impress upon it the sanctity of sovereignty. They give it safety, and secure all of rapidity and regularity that they can. These are considerations

of which we should never lose sight. As for abolishing the Post Office Department, I am not astonished at the proposition, since I have seen the attempts to make it a means of national profit. Let it alone. Let it be just as it is now. Do not let us ask for this or that condition. Do not let us talk anything about the franking privilege. I know how popular it is for members to get up and move its abolition. I saw yesterday how every man was ready to cry out that if we were to take a recess no member should be allowed per diem during it. Nobody wanted, nobody expected per diem; but every man wanted to say that it should not be granted. [Laughter.] So now every man who spends his hours in scratching his name on documents, is ready to say that we shall not have the right of franking.

I do not object to seeing my name on the corners of letters and documents, and in that way going down to posterity. [Laughter.] It may as well go in that way as any other. Every gentleman knows that that privilege is a tax upon our time and a larger tax upon our purses, while it is a great convenience to those who receive books and letters from us. And while we lay before the world the results of our labors and the multitude of our talking, while we people the atmosphere with our words, and fill the pigeon holes of our correspondents with the records of those words, we are perhaps letting fall something for the good of those who sent us here. I trust, therefore, that after the honorable chairman of the Committee on the Post Office and Post Roads has excused the bills which he has laid upon the table as far as he can, he will join with me and the rest of the House in efforts to postpone their consideration to a day when we can or shall not be here to deliberate action upon them. I have occupied more time than I intended and now take my seat.

Mr. HAVEN. Has any proposition been made for the disposition of this matter other than by considering the bill and substitute upon their merits?

Mr. OLDS. I desire that the House should take a vote on the bill.

Mr. HAVEN. I do not propose to occupy more than two or three minutes of the time of the House, unless some gentleman shall desire to make an explanation in reference to what I am about to say, whilst I retain the floor. From what I said the other day the House is aware that, in my judgment, the rates of postage ought not to be increased; on the contrary, if a change is to be made, it would better comport with the spirit of proper legislation to reduce the rates. That would be more acceptable to me. As I understand the bill and substitute now before us, and if I am wrong, my friend, the chairman of the Committee on the Post Office and Post Roads, will correct me, the original bill proposes an increase of the rates of postage, while the substitute provides for prepayment in all cases, and the abolition of the franking privilege. My friend nods assent, so I shall assume that as the main difference between the two propositions.

That being so, Mr. Speaker, I am under the impression that the House had better refuse to pass either of these bills. No great good will come of the passage of either. From everything I have seen and heard upon the subject, I think it will be quite as well to leave the subject precisely where it is. I am of the opinion that it would be better to adopt the substitute than pass the original bill, as the substitute does not propose to increase the rates of postage. It steers entirely clear of the question of compensation of postmasters, about which my friend from Ohio [Mr. OLDS] and myself had a discussion the other day, but the original bill would open up that question again. In reference to the franking privilege raised by the substitute, I think the substitute does not change the existing state of things. Let me say to the House, in this regard, that the substitute proposes simply, that an account shall be kept, and when members shall send their documents and letters free, that they shall be charged over to the contingent expenses of the House, and paid in that way. They go free now, without any charge or any account being kept, and the proposed new system will only create the necessity of new machinery and new clerks, for the purpose of keeping the accounts. The same documents and letters will continue to be transmitted, and the expense paid out of the Treasury, as if the charge

were not made. The keeping of accounts will not decrease the expense of transportation, and the new clerks required will therefore be a dead loss. Sir, if we meddle with the franking privilege at all, I submit we had better abolish it altogether, and leave every member, as well as constituent, to pay their own postage. I am, however, contented to leave that subject where it now is.

One word further upon the subject of increase of postage provided for in this original bill. I find, by looking at table D. in the documents accompanying the President's message for this year, volume three, at page 820, that the revenues of the Post Office Department are deficient about two millions of dollars. I wish to call the attention of the House to this table, not for any sectional purpose, but for the purpose of placing myself and some of my friends from the State of New York right with gentlemen from the South, in voting against an increase of postage. Sir, it appears from this table, carefully prepared by the Postmaster General, that that deficiency arises altogether from the condition of things in the States and Territories south of Pennsylvania and Ohio, excluding the State of Louisiana. There is collected in the State of Louisiana postages to the amount of \$128,170 18; and there is paid out for transportation of the mails in that State \$92,885 29. The General Government collects more money for postages in that State than it pays out for transportation of mails and in conducting all its postal operations there, by \$37,749 45.

Take my own State, the State of New York. According to this table, the General Government collects in that State, for postages, \$1,175,516 06; whilst she pays out for transportation of mails and all her other postal operations there, only \$455,019 76; so that this Government collected out of my own State, for postages last year, \$720,496 30 more than she expended in the whole mail and post office service there.

I ask the House to look at that, Mr. Speaker—\$720,496 30! Nearly three quarters of a million of dollars of postage is collected in New York beyond what is expended there, and yet there is a deficiency in the revenues of the Post Office Department of over \$2,000,000. Where does that deficiency occur? What part of the Union fails to pay its post office expenses? That is a pertinent question now, Mr. Speaker.

Mr. HOUSTON. The statements in the table read by the gentleman from New York will not be controverted, but I desire to remind him, that a great deal of the revenue collected from postage is derived from Alabama, Mississippi, South Carolina, and other States, through which the through mails pass. A large portion of the expense for the transportation of the mail from New York to New Orleans is charged to the States of Alabama, Georgia, and South Carolina, while the revenues are collected at the extreme end of the line in New York, Massachusetts, and Louisiana. These trunks of mail transportation, these great through lines, which cost the large amounts of money. The transportation of the mails by these lines is charged to the States through which they pass, while the revenue derived from their service shows itself as collected in other States. And, therefore, it is desirable that the House should look into this, and do justice to those States in which the expenditure is larger than the revenue received.

Mr. HAVEN. Mr. Speaker, the suggestion of the gentleman from Alabama [Mr. HOUSTON] is a very proper one, and seems to have been taken notice of, to some extent, by the Postmaster General in arriving at the results which I have been stating. Sir, the Postmaster General made up the table from which I have been reading. It is not an estimate of my own. He charges the amount paid for transportation within the limits of each State, and sets down here the amount of postage received within the limits of each State. Now, the gentleman from Alabama suggests that the postage is collected at the ends of the large lines. Well, sir, these lines, of course, have two ends. Those he speaks of have a southern end as well as a northern one. How does it happen in his hypothesis, that the southern end does not pay as well as the northern one? Sir, it is at the northern end that you collect these large revenues; but let me tell the gentleman that the stream of revenue is quite as large, nay, larger, upon the lines that run west and northwest, as it is upon those that run north and south.

The gentleman complains that we make a better show of revenue at the North, because we there pay, and this Government there receives the postages charged upon the letters written in the South, in his State and in his section of country. Why, Mr. Speaker, the very thing I am contending for, the very point of my objection to increasing the rate of postage is, that the men, or the section which pays the postage, ought not to be charged with increased rates. What I say is, that we pay the great bulk of the postages; and the gentleman contends it is a perfect answer to that for him to reply; true, you pay it, but we of the South write and send you the letters, on which you pay it. Now, sir, I grant you that is so; but still it is the money of the men at the north end of the line that pays it. If the gentleman's hypothesis is correct, let him and his constituents pay their own postage on their own letters, and if they do as much business as we, the next table will show a much better state of revenue at the south end.

Mr. HOUSTON. Will the gentleman from New York permit me to make a remark here?

Mr. HAVEN. Certainly.

Mr. HOUSTON. The gentleman from New York has just shown, by his own statement, that the State of Louisiana collects a large excess of revenue from postage beyond her expenditure for the mail service in that State. And so his reply to me is not correctly to the point, taking his own text for it. The two ends yield a larger amount of revenue than the cost of expenditure, even looking at that statement. I do not know what amount may be taken off by the way passage. And that statement does not show that New York pays the postage at both ends of transportation.

Mr. HAVEN. Mr. Speaker, I cannot knowingly be led to do injustice to my friend from Alabama. This is a business matter, and I am striving only for what I deem to be right; but if I had any inclination to do my friend injustice, I should fail in it; for he is one of that class of men who always takes care to demand his rights as we go along.

What he asserts in reference to Louisiana will not save him. Sir, the whole amount of post office revenues in Louisiana forms too light a foundation to sustain so heavy a superstructure of argument as he seeks to load upon it. The entire post office revenues of that State amount to only \$128,170 18. True, as my friend says, this is \$37,749 45 more than is paid out in that State for the mail and post office service there; but, sir, this is the only exception. It is a solitary case, standing amidst all the southern States, and the amount of excess, it will be noticed, is quite inconsiderable. Why, sir, contrast it with New York—the north end of the line where men pay postage on letters which they send as well as on those they receive—where, in other words, they pay their own postage. There alone, sir, three quarters of a million of excess is paid, which goes to give mail facilities to the South; and after that is exhausted, the gentleman's end of the line demands \$2,000,000 more from the Treasury to extinguish the deficiencies accruing there.

I beg to repeat, sir, that I do not refer to this in any unkind spirit, or to excite any sectional feeling. I mention it as a fact disclosed by this table before me, and from which I have read. Now, Mr. Speaker, if the rates of postage be increased so as to make the revenues of the Post Office Department pay the expenses of the transportation of the mails, it will be a tax simply of over \$2,000,000 upon the northern and New England States. Yes, sir, much more than \$2,000,000, because, under the provisions of the bill to regulate the pay of deputy postmasters, which the gentleman from Ohio and I were talking about a day or two since, from thirty to seventy per cent. of the money collected will go into the pockets of the deputy postmasters. Supposing you put the average compensation of the deputy postmasters at fifty per cent. on the increased rates, you will see that, to raise \$2,000,000 to pay the deficiency, you will have to add \$1,000,000 more to pay the deputy postmasters their commissions.

Sir, this is a bad business in whatever light it is viewed, and I hope this increase of the rate of postage will be avoided. The proper way, in my judgment, is to pay whatever deficiency there may be in the revenues of the Post Office Department out of the general Treasury. There is no reason why gentlemen should insist upon making this

Department a self-sustaining one which would not apply with equal force to the Army, the Navy, the Judiciary, or to our foreign relations. The moneys in the general Treasury belong equally to the whole country. If, after a faithful and economical administration of the Post Office Department, there is a deficiency of \$2,000,000, no matter whether that deficiency arises in one section or another, is it not fair to pay it from the general fund? But where it is obvious that deficiencies occur in the South, is it not fair in the North to consent to pay out of the general Treasury, and not ask to make it a sectional charge, or to withhold from the South those facilities for which her revenues are insufficient to pay? By raising the rate of postage, you charge it, to a great, and a very unfair extent, upon the North—the postage paying end of the line of my friend from Alabama.

I appeal to gentlemen of the South, I ask them if it is right? I believe they will not impose it upon us. I am sure, if the case was reversed, I would not think of imposing it upon them.

The North does not ask that her surplus postage revenues shall be paid into the general Treasury, or that she shall be relieved from paying them, and the South be taxed to make up its own deficiencies. No, sir; the North is willing to continue to pay these large surpluses, over and above the cost of her own facilities, and apply such surplus to the deficiencies of the South, and then the North only requires that the balance of southern deficiencies shall be paid out of the general Treasury, and not by a further increase of postage, which the table before me shows so clearly that the North must pay.

Why, Mr. Speaker, I observe by this table, that northern Territories, as well as northern States, yield more revenue to the Post Office Department than the transportation of her mail costs. The States which do not pay, that is, whose postage receipts do not pay, the cost of mail transportation, are Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, Kentucky, Arkansas, California, Tennessee, and Missouri; and Michigan and Illinois are exceptions amongst the northern and western States which pay.

There is collected in Michigan, of postages, \$96,757 19, and paid out in her limits, \$136,260 14. And in Illinois there is collected, \$175,346 83, and paid out \$181,611 19.

Mr. TAYLOR, of Ohio. How is it with Ohio?

Mr. HAVEN. Ohio yields \$375,759 72, and there is paid out in her limits \$363,182 37. The Territories of New Mexico, Utah, and Oregon, are deficient according to this table.

In strict justice, Mr. Speaker, to my friends of the South, and gentlemen from other sections, who were in favor of the passage of the Nebraska and Kansas bill, I ought to state, that it appears from this table, that the Territory of Nebraska yields \$520 18 postage, and it does not appear that there is any charge for transportation there whatever. She, therefore, is to be classed with the States which pay. [Laughter.]

Mr. VANSANT. The honorable gentleman is right in his statements, except upon one point, and that is this: that the State in which the number of the route is located is charged with the expenses of transportation. For instance, Maryland is set down in that table as one in which there is a deficiency. Well, now, Maryland is charged for the transportation of the mail from Baltimore to Wheeling, while more than one half of the route is in Virginia. She is charged for transporting the mail from Baltimore to Philadelphia, while but one half of that route is in the State of Maryland. She is charged, also, with the transportation of the mail from Baltimore to Harrisburg, while but one half of that route is in the State of Maryland. She is also charged with the transportation of the mail from Baltimore to Washington, while five miles of that route is within this District of Columbia. I cite this merely for the purpose of showing that the statements are not unerring.

Mr. HAVEN. I do not doubt that the gentleman from Maryland states the case as he understands it, and, for ought I know, he has stated it according to the facts. But this statement is not warranted by the table before me, and it is not sustained by the allegations of the Postmaster General; besides, sir, if he be correct, it would leave Virginia in a plight still worse than the table

shows her; for the gentleman claims that Maryland is now charged, in the table, with a portion of what Virginia ought to bear. I have looked at this table carefully, and I would not speak upon the subject without the documents before me; because, upon a subject which looks to different sections of the country, or to different States, and contrasts them with other sections and other States, I never speak in this House, except very reluctantly, and upon the authority of official documents or good vouchers. The table which I have before me shows the amount actually paid, for carrying the mails, by States and Territories, and the amount of postage collected in the same; and it may be true that in some instances routes which run into other States are charged to one State. Yet that thing regulates itself, for the converse of that proposition is equally true to about the same degree; and if it would not balance itself, it would be only a small disturbing force in the table, in that particular.

That part of the table which relates to the statements I have been making, reads as follows:

D.

The following table shows the amounts actually credited for the transportation of mails by States and Territories, and the amount of postages collected in the same:

States and Territories.	Total postages collected.	Transportation.
Maine.....	\$125,194 94	\$52,767 88
New Hampshire.....	81,703 53	31,999 45
Vermont.....	78,638 86	62,476 85
Massachusetts.....	453,966 80	130,117 13
Rhode Island.....	47,377 79	12,139 72
Connecticut.....	146,364 50	64,173 13
New York.....	1,175,516 06	455,019 76
Delaware.....	16,310 71	4,412 00
New Jersey.....	89,074 17	74,139 55
Pennsylvania.....	488,308 30	238,019 69
Maryland.....	152,158 11	191,586 20
District of Columbia.....	37,832 89	-
Virginia.....	183,472 19	313,234 72
North Carolina.....	60,751 51	175,630 59
South Carolina.....	89 985 75	127,169 19
Georgia.....	142,806 14	215,238 73
Florida.....	16,878 83	38,661 99
Alabama.....	96,091 85	178,543 35
Mississippi.....	73,108 21	115,924 92
Texas.....	47,164 46	139,362 19
Kentucky.....	118,542 60	139,038 15
Michigan.....	96,757 19	136,260 14
Wisconsin.....	73,570 83	46,608 00
Louisiana.....	128,170 18	90,420 73
Tennessee.....	85,701 10	142,855 29
Missouri.....	98,781 83	140,484 41
Illinois.....	175,346 83	181,611 19
Ohio.....	375,759 72	363,182 37
Indiana.....	137,339 43	109,392 96
Arkansas.....	25,165 89	80,459 15
Iowa.....	40,980 22	36,393 62
California.....	123,152 00	174,243 02
Oregon Territory.....	9,797 35	17,632 16
Minnesota Territory.....	3,329 56	2,386 28
New Mexico Territory.....	517 12	19,047 22
Utah Territory.....	950 66	3,299 70
Nebraska Territory.....	520 18	-
Washington Territory.....	534 89	-
	\$5,084,464 57	\$4,199,951 68

I have read, Mr. Chairman, so much only of the table as bears upon the question I have been considering. I may add, that from the preceding part of the Postmaster General's report, it appears that the accurate and entire deficiency in the revenues of the Department for the last fiscal year, including the operations of the Department in this city, is \$2,042,031 89.

I have made these suggestions, sir, to give a glance only of this view of the case, and to prevent any one from understanding from what took place the other day between the gentleman from Ohio [Mr. OLDS] and myself, that I am in favor of either of these bills. What was said then was in kindness on his part, I believe, and certainly it was in perfect kindness on mine.

We had best not sanction either of these bills; it is unnecessary and dangerous legislation. I cannot give it the sanction of my judgment. I am very clear in my convictions against the original bill; as to the substitute, I regard it as a much less evil. The gentleman may explain it, so that it may receive my approval. If the abolition of the franking privilege is its only advantage, the new mode it proposes does not show benefits enough to pay for the trouble of considering it.

It seems to me that to allow mail matters sent by members of Congress still to go free through the mail so far as they are concerned, but to charge the postage to the contingent funds of the two Houses, would be but making the whole matter more complex, require more clerks to attend to it

without accomplishing any practical result. For this reason and for others which have been urged by other gentlemen, and which I will not trouble the House by repeating, I think it will not be worth while to disturb the existing laws upon the subject. I shall, therefore, as at present advised, withhold my support both from the bill and the substitute, and at a proper time I shall move to lay both upon the table, unless discussion shall show me some virtue in them that I have so far failed to perceive.

Mr. OLDS. I hope the gentleman will not make that motion until I have had an opportunity to reply to the objections which have been urged to the bill.

Mr. HAVEN. Very well, I will not make the motion now.

Mr. COBB. I think the House are very well satisfied with the discussion that has taken place upon this bill, and I therefore move the previous question upon it.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has expired.

Mr. OLDS. I hope the gentleman will allow the question to be taken upon seconding the demand for the previous question.

Mr. HOUSTON. I will, certainly.

Mr. OLDS. I demand tellers on the second. Tellers were ordered; and Messrs CAMPBELL and ORR were appointed.

The question was taken; and the call for the previous question received a second, the tellers having reported—ayes seventy-five, noes not counted.

The main question was then ordered to be put.

[Mr. HENN, from the Committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles; which thereupon received the signature of the Speaker:

H. R. No. 57. An act regulating the pay of deputy postmasters.

H. R. No. 311. An act for the relief of the widow and heirs of Elijah Beebe.]

Mr. HOUSTON. The morning hour has expired, and as the bill now under consideration is in a condition that it will come up for action as the first business in order to-morrow, during the morning hour, I would like the House to resolve itself now into the Committee of the Whole on the state of the Union, to consider the civil and diplomatic appropriation bill.

Mr. HAVEN. We may as well yield to the suggestion of the gentleman from Alabama, as the chairman of the Committee on the Post Office and Post Roads desires to reply to what has been said on the bill.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SKELTON. I move that the bill be laid upon the table.

Mr. OLDS. Let me have my hour first.

The SPEAKER. The motion of the gentleman from Alabama [Mr. Houston] takes precedence of the motion of the gentleman from New York, [Mr. Skelton.]

The question was taken on Mr. Houston's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Orr in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN. The committee at its last session had under consideration the civil and diplomatic appropriation bill. The time has arrived for the termination of general debate, under the order of the House. The gentleman from Alabama, [Mr. Houston,] who reported the bill, is entitled under the rule to address the committee for an hour.

Mr. HOUSTON. It would be impossible, Mr. Chairman, to explain, within the space of an hour, the very large number of propositions of appropriations embraced in the bill. Even were it possible, I do not conceive that it is necessary I should do so. The bill provides for usual appropriations authorized and required by law to carry on the civil departments of the Government. There is nothing unusual in it. I shall explain the amendments which I am instructed by the Committee of Ways and Means to submit as I

present them. Waiving my right to address the committee, with a view to save time, I now call for the reading of the bill for amendments.

The Clerk then proceeded to read the bill by paragraphs, for amendment.

Mr. HOUSTON. A typographical error occurs in line sixteen, page two. In order to correct it, I move to strike out of the clause which reads as follows:

For compensation of the officers and clerks of both Houses of Congress, \$56,130,

"one," and insert in lieu thereof "seven."

The amendment was agreed to.

The following clause was then read:

For binding documents, \$70,000.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to move the following amendment: to strike out "\$70,000," and insert in lieu thereof "\$39,375."

This is a reduction made necessary by the fact that the House appropriated a part of this sum in the deficiency bill.

The amendment was agreed to.

The following clause was then read:

For furniture and repairs, \$3,000.

Mr. HOUSTON. I am instructed by the committee to offer the following amendment: after "\$3,000" insert "\$875."

The amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to propose an amendment, to come in at the thirty-ninth line of the bill.

The amendment was read, as follows:

Page three, after word "carriages," in the thirty-ninth line, strike out "\$2,920," and insert in lieu thereof, "\$4,745."

The clause, as amended, will read as follows:

For horses and carriages, \$4,745.

Mr. HOUSTON. This is an additional estimate which the Clerk of the House has recently sent to the Committee of Ways and Means. It is explained in a brief paragraph, which I have here, and which I will read, if the House desire it.

Several MEMBERS. Oh, no; agreed to.

The amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to propose an amendment to the forty-second line of the bill.

The amendment was read, as follows:

On page three, after the word "members," in the forty-second line, strike out "\$10,000," and insert in lieu thereof "\$12,500."

So as to make the clause read:

For newspapers for members, \$12,500.

Mr. HOUSTON. This amendment is made necessary by the fact that we have increased our newspapers this session.

The amendment was agreed to.

Mr. HOUSTON. I hold in my hand an amendment which has come to me informally from the Committee on Engraving. I am satisfied that it ought to be presented, although the Committee of Ways and Means have not acted on it previously. I submit it to the House as an amendment which ought to be agreed to. It is made necessary by our large amount of engraving this session.

The amendment was read, as follows:

Page three, after the word "lithographing," in the forty-third line, strike out "\$25,000," and insert in lieu thereof "\$70,000."

So as to make the clause read:

For engraving and lithographing, \$70,000.

The amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to move to amend the following clause:

For compensation of the First Auditor and the clerks, messenger, and assistant messenger in his office, \$29,700—

—by striking out "\$29,700," and inserting in lieu thereof "\$3,900."

The amendment was agreed to.

Mr. HOUSTON. I am also instructed by the same committee to move to amend the following clause:

For compensation of the Fifth Auditor and the clerks and messenger in his office, \$14,100—

—by striking out "\$14,100," and inserting in lieu thereof "\$13,300."

The amendment was agreed to.

Mr. HOUSTON. I now move to amend the following clause:

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, \$132,400—

—by striking out "\$2,000," and also by striking out "\$400," and inserting in lieu thereof "\$600."

The amendment was agreed to.

Mr. HOUSTON. I move to amend the following clause:

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, \$13,400—

—by striking out "\$13,400," and inserting in lieu thereof "\$12,500."

The amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment. It is merely the transfer of an appropriation from one head to another, at the request of the Department: In four hundred and sixteenth line strike out "five," and insert in lieu thereof "four;" and in the four hundred and nineteenth line strike out "four," and insert in its stead "five;" so that the paragraphs will read:

For blank books, binding, and stationery, \$300.

For miscellaneous items, including subscription to two daily Washington newspapers, \$400.

The amendment was agreed to.

Mr. McDougall. I offer the following amendment:

For surveying from Fort Laramie, by Noble's Pass, in the Sierra Nevada, into California and Oregon, and for completing the surveys for railroads between the Mississippi river and the Pacific, \$50,000, to be expended under the direction of the Secretary of War.

Mr. JONES, of Tennessee. I submit to the Chair whether that amendment is in order? There is no law authorizing that survey, I believe.

The CHAIRMAN. The first branch of the amendment is not in order. There is no law authorizing such a survey; and the gentleman from California, by referring to the rules, will at once understand the reason for the decision of the Chair.

Mr. McDougall. I will modify my amendment, so as to make it read "for completing the surveys for railroads between the Mississippi river and the Pacific, \$50,000; to be expended under the direction of the Secretary of War."

The CHAIRMAN. It is within the recollection of the Chair that there was a law passed at the last session authorizing those surveys.

Mr. McDougall. The House has just postponed the consideration of the bill for the construction of a railroad to the Pacific until the next session. The surveys already made are, in many respects, incomplete. The law authorizing the exploration of various routes to California is a general one. One of the most important routes has not yet been surveyed. The object I had in view in offering the amendment was to secure an examination of the Noble's Pass route, so that a report of the preliminary surveys could be presented here by December next, giving us valuable information as to a great central route. I suppose it is the disposition of the House seriously to enter upon the consideration of this subject for the purpose of action at the next session. The amount named in the amendment, according to the estimates of the Secretary of War, will be sufficient for that purpose, and sufficient, also, for the purpose of completing the surveys already commenced. For the purpose of bringing before the House at the next session, full information upon this subject, I ask that the amendment may be adopted, and upon it I call for tellers.

Tellers were ordered; and Messrs. VAIL and BUGG were appointed.

The question was taken; and the tellers reported—ayes forty-five; not a sufficient number.

So the amendment was not agreed to.

Mr. CHANDLER. Before we leave the War Department, I have an amendment to offer.

The amendment was reported, as follows:

For completing the works of the Harbor of Refuge on Reedy Island, in the river Delaware, \$30,000.

Mr. CHANDLER. Mr. Chairman, this work was undertaken—

Mr. JONES, of Tennessee. I submit that this is not the place for an appropriation for harbor improvements. This bill is for providing appropriations for a totally different class of cases, and the amendment is altogether out of place in it.

THE CONGRESSIONAL GLOBE.

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33D CONGRESS, 1ST SESSION.

FRIDAY, JUNE 16, 1854.

NEW SERIES.....No. 89.

Mr. HOUSTON. Certainly, the amendment is not in order here.

Mr. CHANDLER. The bill is as much for cases of this kind as anything else.

I beg leave to say, that this work was commenced last year, and it would be an immense advantage to have it completed.

The CHAIRMAN. The Chair would inquire from the chairman of the Committee of Ways and Means if there is not a section of the bill under which this amendment would appropriately come in?

Mr. HOUSTON. That amendment belongs entirely to another bill, and is not applicable to this.

Mr. CHANDLER. To a bill into which we are not likely to get it.

Mr. WENTWORTH, of Massachusetts. I believe that provision is made in the river and harbor bill for this very work.

Mr. HOUSTON. There is no such appropriation as that in this bill, according to my recollection. I believe I may say, further, that no such appropriation has ever been made in the civil and diplomatic bill. If that appropriation were allowed to go into this bill, what would be the use of a river and harbor improvement bill, or a fortification bill?

Mr. CHANDLER. I believe we could dispense with those bills.

Mr. HOUSTON. The amendment in question can be proposed when bills of that kind are under consideration.

Mr. CHANDLER. Certainly it could; but if this work be not completed now—

The CHAIRMAN, (interrupting.) The Chair rules the amendment out of order, on the ground that the committee is considering the civil and diplomatic appropriation bill. This item is in order, to a general appropriation bill, but it is not to the civil and diplomatic bill.

Mr. CHANDLER. The decision of the Chair, I suppose, is right, according to the letter of the rule; but I only say that we are losing more than \$30,000 for the want of an early appropriation.

The CHAIRMAN. That may be.

Mr. FLORENCE. I suppose that if unanimous consent is given, it can come in. I ask that it may be received by general consent.

Mr. JONES, of Tennessee. The gentleman is not in earnest about that, and I object.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to add to the clause under consideration, after the word "streets," the words "or such other buildings as the Secretary of War may select;" so that it shall read:

For rent of house on northwest corner of F and Seventeenth streets, or such other buildings as the Secretary of War may select, and warming all the rooms in it, \$21,875.

The object of the amendment is to authorize the Secretary of War, in the event that notice shall be given by Mr. Winder that he will require his building to be delivered up at the end of the fiscal year, to rent other buildings.

The amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer an amendment, to come in after the first clause of the bill, under the head of "Post Office Department." The amendment is rendered necessary by the recent lettings, which accumulated so much labor that temporary clerks had to be employed.

The amendment was reported, as follows:

For compensation to temporary clerks, necessarily employed from the 9th of May, 1853, to the 30th of June, 1854, \$1,450 98.

The amendment was agreed to.

When the following paragraph was read:

For contingent expenses of said Territory [Oregon] \$1,500.

Mr. LANE, of Oregon, moved to amend by adding the words:

That George L. Carry, Secretary of Oregon, be allowed and paid the salary of Governor for and during the time he discharged the duties of Governor in the year 1853.

Mr. L. said: In order that the committee may understand the amendment which I propose, I

will say that the Secretary of Oregon is, by law, allowed a salary of \$1,500 per annum for his services. That is the only compensation which he receives. But the law makes it his duty, upon the death or absence of the Governor, to perform the duties of that officer. Such happened to be the case in Oregon last year. I went out there as Governor, and entered upon the duties of my office; but after two days I resigned. The duties of Governor then devolved upon the Secretary of the Territory. He continued to discharge those duties for six months, at which time the gentleman who had been appointed to fill the vacancy occasioned by my resignation arrived. Now, sir, as the salary of the Secretary is very small, I hope he will be allowed to receive the salary of Governor during the time that he discharged the duties of that office.

The amendment was agreed to.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to move the insertion of the following, after the appropriations for Washington Territory:

TERRITORY OF KANSAS.
For salaries of Governor, three judges, and secretary, \$10,000.

For contingent expenses of said Territory, \$1,500.
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, \$20,000.

TERRITORY OF NEBRASKA.
For salaries of Governor, three judges, and secretary, \$10,500.

For contingent expenses of said Territory, \$1,500.
For compensation and mileage of members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, \$20,000.

I have but a word to say in explanation of the amendment. The sum proposed to be appropriated is the gross amount of the salaries provided for by the Nebraska-Kansas bill passed recently. The committee presumed that it was the wish of members to make the same appropriations for the contingent expenses of the Executive and Legislative Departments of these Territories as have been made for our other Territories.

The amendment was agreed to.

Mr. TAYLOR, of Ohio. At the request of the gentleman from Illinois, [Mr. RICHARDSON,] the chairman of the Committee on Territories, who is now absent, I move to insert after the amendments just adopted what follows:

That \$500 be, and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purchase of books for the territorial libraries for each of the Territories of Minnesota, Oregon, Utah, New Mexico, and Washington, to be expended under the direction of the Secretary of the Interior.

Mr. PHELPS. I hope the gentleman will also provide for Kansas and Nebraska.

Mr. TAYLOR. I have no objection, and so modify my amendment. Without detaining the committee, I will only say, that the amendment is recommended by the Committee on Territories.

Mr. HAVEN. I submit whether the amount is not too large for Kansas and Nebraska, until their population shall have increased beyond what it now is?

Mr. TAYLOR. The money is to be expended under the direction of the Secretary of the Interior, and he will judge whether it be too much.

Mr. ENGLISH. As the amendment now reads, gentlemen will find that it only provides \$500 for all these libraries, when the intention is to appropriate \$500 for each of them.

Mr. TAYLOR. I intended it to provide \$500 for each of the Territories.

Mr. HUGHES. I trust my colleague [Mr. HAVEN] will withdraw any objection to this appropriation; for although the inhabitants of those Territories are rather sparse, he will remember that all the laws of the United States have been made applicable there, and they will require this law library in order to understand them.

The question was then taken; and the amendment was agreed to.

Mr. LANE, of Oregon. I offer the following amendment:

Disbursements having been made from the appropriations for compensations and salaries of the members of the Legislative Assembly, officers, and officers' clerks, and the contingent expenses by the Secretaries of Oregon, Minnesota, and Utah, under the authority of territorial laws or resolutions, and the accounting officers of the Treasury having disallowed several payments, in settling the accounts with said Territories, because they were not authorized by the act of August 29, 1842, the Secretary of the Treasury is hereby empowered to cause credits to be given to said Secretaries for such disbursements so disallowed, as he shall find to be equitable and just.

Mr. HOUSTON. I do not know anything about this matter, more than I gather from the statement of facts here presented. I take it for granted that they are true; but I think that they ought not to form a part of the law. If an appropriation is to be made for the purpose asked by the gentleman from Oregon, would it not be better to make it directly, without stating the facts, in the law?

Mr. LANE. I am willing to strike out the things indicated by the gentleman from Alabama; but there are very good reasons why the amendment should be adopted. If it is not in the proper form, I will thank any gentleman to put it in shape. The secretaries of the Territory of Oregon have had some difficulty in getting their accounts settled. I have consulted the officers at the Treasury Department, and have received their advice in regard to this matter. I will say, further, that we ask no appropriation of money, for we have a surplus now, and have never used the appropriations heretofore made. There is an amount now due Oregon of some \$15,000 or \$20,000. Many of the accounts of the late secretaries of the Territory that ought to be allowed have been suspended. They have expended money which was not authorized, as the Secretary of the Treasury believes, by the law of 1842; but unless the law is made more plain that authorizes their accounts to be settled and allowed, they will be losers to a large amount that they have paid and honestly disbursed.

Now, no gentleman of this committee, I am sure, wants that to be the case. We want them to have credit for all the money which they have disbursed, and nothing more. An amendment like this is necessary for the settlement of their accounts, and I ask that it may be agreed to in some shape.

I have a communication here in relation to this matter from the Comptroller. I have been very careful in regard to it. I will send it up to the Clerk's desk, and let him read it for the information of the committee.

Portion of the communication was read; and is as follows:

"The amendment, if adopted, will not take any money from the Treasury.

"None of these Territories have expended all the money Congress has appropriated, from time to time, 'for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses.'

"The following balances stand to their credit on the books of the Treasury Department, to wit:

Oregon.....	\$31,467 39
Minnesota.....	2,950 51
Utah.....	45,568 40

"The accounts of the different secretaries of the Territory of New Mexico have been satisfactorily settled.

"No account from the secretary of Washington Territory has been received, and therefore no relief is necessary for them.

"The balances are given to show that the Territories have not exceeded the appropriations made by Congress, if all the disallowances were credited.

"Most sincerely yours, "ELISHA WHITTLESEY."

The question was taken; and the amendment was agreed to.

Mr. TAYLOR, of Ohio. I am requested by the Delegate from Utah, [Mr. BERNHISEL,] whom I do not now see in his seat, to offer an amendment to the bill under consideration. It is a joint resolution reported by the chairman of the Committee on Territories some time since, to pay the expenses of a board of commissioners, appointed under a legislative act of the Territory of Utah, to prepare a code of laws for the Territory. I think this is a proper place, and the only place, in the bill for its introduction.

The amendment was reported, as follows:

That the accounting officers of the Treasury be authorized to adjust the expense of a board of commissioners appointed under an act of the Legislative Assembly of the Territory of Utah, approved by the Governor thereof January 16, 1852, to prepare a code of laws and of practice for said Territory; and the just and proper compensation and expense found to have been necessarily incurred before the passage of this resolution, the evidence of which, with the laws drawn by said commissioners, shall be submitted in detail to said accounting officers, and the amounts so found, shall be paid from the balance of appropriations "for compensation and mileage of the members of the Legislative Assembly, officers clerks, and contingent expenses of the Territory of Utah," now standing on the books of the Treasury unexpended: *Provided*, That the authority to charge the expense on said balance is not an approval by Congress of the act of the Territorial Legislature of Utah creating a board for a term of years to report laws, from time to time, for the action of the Legislature of said Territory.

Mr. HOUSTON. We have passed that point in the bill where this amendment is in order; and as the amount is entirely indefinite, I ask the gentleman from Ohio to withhold it for the present, and see if he cannot ascertain the amount which it will be necessary for us to appropriate for this purpose. If the committee has observed the reading of the amendment, it has seen that it is wholly indefinite. We do not know whether under it we are appropriating fifty dollars or \$50,000. We simply authorize the settlement of expenses about which we know nothing, which were unauthorized when contracted for. As we have passed that part of the bill where it would be in order, I ask the gentleman from Ohio to hold it up, and get it introduced in the Senate, if it is just.

Mr. TAYLOR. I would have explained the amendment, so far as I could, to the committee, if I had supposed there would have been any objection to it. I had previously submitted to my honorable friend from Alabama [Mr. HOUSTON] the statement of the gentleman from Illinois, the chairman of the Committee on Territories, [Mr. RICARDSON,] who is now absent, when he reported, by order of that committee, this joint resolution.

I will say that it requires no appropriation of money. There is already appropriated and unexpended, as just stated in the letter of the Comptroller of the Treasury, which was sent to the Clerk's desk by the Delegate from Oregon, [Mr. LANE,] a large amount of money in the Treasury of Utah Territory. But the object of this amendment is to enable the Secretary of the Treasury, or his subordinates, to pay the board of commissioners who have prepared, under the direction of the Territorial Legislature of Utah, a code of laws enacted by that body. Those expenses had been heretofore paid in other Territories, and it is usual to do so in such cases.

I was informed by the Delegate from Utah this morning [Mr. BERNHUSEN] that this resolution was drawn up under the direction of Comptroller Whittlesey. I addressed a note to him as to the propriety of this resolution, and asking him to specify the amount necessary. I received from him the reply I hold in my hand, which I will send to the Clerk to read.

The letter was read, as follows:

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE, June 15, 1854. }

DEAR SIR: I return to you a copy of the joint resolution "authorizing the accounting officers of the Treasury to adjust the expenses of a board of commissioners appointed by the Territorial Assembly of Utah to prepare a code of laws." And, in reply to your inquiries, I say: First. The like power has been granted to the accounting officers to settle the like expenses in other Territories, and unless it should be granted in this case, no allowance can be made. Second. As to the amount of the expenses when Mr. Babbitt, the present Secretary of Utah came here, he presented the claim of the code commissioners for their services, amounting to \$2,428 10. He had paid on this claim \$2,000. On being informed that an allowance could not be made to him for this payment without authority from Congress, he withdrew the account.

It is proper to state, that the sum of \$2,428 10 included the compensation of the commissioners and clerk.

Most sincerely yours,

ELISHA WHITTLESEY.

Hon. JOHN L. TAYLOR, Chairman *ad interim* of the Committee on Territories.

The question was then taken on the amendment; and it was agreed to.

Mr. STANTON, of Tennessee. I desire to offer an amendment, to come in after line six hundred and forty-five.

The amendment was read, as follows:

Page twenty-seven, line six hundred and forty-five, insert:

For purchasing for the use of the State Department one hundred copies of Little and Brown's edition of the United States Statutes at Large, and the same number of the pamphlet laws of the Thirty-Third Congress, \$3,537."

Mr. STANTON. It is possible that I may have allowed the place to be passed by in which this amendment would more properly come in; but it is perhaps quite as well here as anywhere else.

The Secretary of State addressed to me a letter, some time since, in which he states that, in consequence of casualties by fire to the offices for which those books are to be supplied, it is necessary to furnish one hundred additional copies.

Mr. HOUSTON. I must object to going back, and offering amendments to parts of the bill which we have passed. If we do so, there is no telling when we shall get through with the bill.

Mr. STANTON. I do not propose to go back.

Mr. HOUSTON. But we have already passed the part of the bill in reference to the State Department.

Mr. STANTON. This is an amendment to provide for the purchase of books for their use; and I presume it is perfectly in order.

The CHAIRMAN. The Chair would remark that it would have been more regular at an earlier stage of the bill; but he will still hold it to be in order now.

Mr. STANTON. The Secretary of State asks for a small appropriation for the purchase of books, to supply the place of those which have been burnt, and which are necessary for offices to be furnished, and offices which have been recently erected. It seems to me it would be a very technical objection to say that this is not the proper place to insert the appropriation.

Mr. HOUSTON. The gentleman may suppose what he pleases about technicalities; but if he expects me to consent to go back in this bill to insert appropriations, he will find himself mistaken. If he had been present, and attended to the bill, he would have had no difficulty in offering his amendment at the proper place. The Chairman has, however, ruled this amendment to be in order, and I have nothing further to say.

Mr. STANTON. Then I shall have nothing further to say. I ask that the communication from the Secretary of State may be read.

The following letter was then read:

DEPARTMENT OF STATE,
WASHINGTON, May 25, 1854. }

SIR: I have to request that an appropriation be made by Congress of \$3,500, for the purchase of one hundred copies of Little & Brown's edition of the United States Statutes at Large.

It has become necessary to procure an additional supply of that work, partly in consequence of the losses occasioned in different parts of the country by fire, and partly by an increase of the number of officers of the Government, who are, by existing laws, entitled to receive the work from this Department.

An additional supply of one hundred copies of the pamphlet laws of the Thirty-Third Congress will also be required for distribution, rendering necessary an appropriation of seventy-five dollars.

I am, sir, respectfully, your obedient servant,
W. L. MARCY.

Hon. F. P. STANTON, Chairman Judiciary Committee,
House of Representatives.

The question was taken, and the amendment adopted.

Mr. PHELPS moved to amend in the six hundred and forty-second line by striking out "\$9,000" and inserting "\$9,400;" so that the paragraph, as amended, would read:

For compensation of the district attorneys, \$9,400.

Mr. P. said: I move this increase in order to embrace the district attorneys for the Territories of Kansas and Nebraska.

The amendment was agreed to.

Mr. PHELPS. I move, for the same reason, to increase the appropriation in the next paragraph from \$7,800 to \$8,200, in order to embrace the marshals for the same Territories.

The paragraph, as amended, would read:

For compensation of the marshals, \$8,200.

The amendment was agreed to.

Mr. DRUM. I move to amend by adding, at the end of the following paragraph:

For annuities and grants, \$750,

—the words:

And that the eighth section of the act of Congress approved the 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th of June, 1854," be, and the same is hereby, revived and continued in force.

Mr. HOUSTON. I will state to the gentleman from Pennsylvania that that was a usual provision when there were temporary clerks in the

Treasury Department. There are not such clerks, however, now. The classification which was provided for last year has dispensed with all the temporary clerks in the Treasury Department, with the exception of the Third Auditor's office, and they are provided for in the bill in another place. The amendment of the gentleman is therefore unnecessary. The classification made two years ago dispensed with all the temporary clerkships, and there are none now legally in existence.

Mr. DRUM. All I can say in reply is, that the act of 1842, creating these temporary clerkships, was revived in 1846, and again in 1853; and that the Secretary of the Interior and the Fourth Auditor recommend that it be again revived. If the matter be provided for in another part of the bill, as the gentleman from Alabama says that it is, I shall press my amendment no further.

Mr. HOUSTON. I spoke of the clerks in the Third Auditor's office. The temporary clerkships are all dispensed with, excepting those in the Third Auditor's office, which are given for the purpose of examining the rolls connected with the bounty land laws. The temporary force in the Pension office was discharged a few days ago, and a few additional permanent clerks substituted. The law of 1853 requires that the Treasury Department shall have a certain number of clerks. It takes up the Second, Third, Fourth, Fifth, and Sixth Auditor's office—all the Auditor's offices—classifies the clerks, and provides expressly that these offices shall have only the clerks specified therein. In this view of the case I make a point of order on the gentleman's amendment. There is no law for it; really it is against law.

The CHAIRMAN. The Chair sustains the point of order, on the ground that the amendment proposes a change of a general law. We are now considering an appropriation bill into which nothing can come in order but appropriations under laws, and directions for their disbursement.

Mr. PRESTON. After the heading "custom-houses," insert as follows:

For completing the custom-house at St. Louis, Missouri, \$100,000.

For completing the custom-house at Mobile, Alabama, \$65,000.

For completing the custom-house at Cincinnati, Ohio, \$40,000.

For completing the custom-house at Louisville, Kentucky, \$40,000.

For completing the custom-house at Bangor, Maine, \$20,000.

For completing the custom house, Bath, Maine, \$20,000.

For completing the custom-house at Wilmington, Delaware, \$12,000.

To purchase a site for custom-house at Providence, Rhode Island, \$24,000.

Mr. PRESTON. I dislike to trouble the House again with this amendment for the custom-houses, for they are old acquaintances, every one of which has been approved by this body upon the yeas and nays during this session; but I desire to recall to its memory the reason assigned by the Committee of Ways and Means for resisting the insertion of these appropriations in the deficiency bill.

When that was under consideration, they said that these appropriations should not be ingrafted as amendments upon it, but that it was proper they should be contained in a separate bill. The Committee of Ways and Means having, through its chairman, engineered the original bill until it was defeated, a younger member was authorized to report a second bill, accompanied by another providing separately for the custom-houses, and in this manner succeeded in getting through the last deficiency bill. The gentleman from Alabama, [Mr. PHELPS,] seduced by this proposition of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] together with some other of our friends, acted with this hope; and the consequence was, that we lost the custom-houses, which we had previously carried separately by ten or twelve votes. Now, the Committee of Ways and Means again tell us not to be impatient, and we will reach the separate bill for the custom-houses, which they have reported in the regular course of parliamentary resurrection. For my own part, I believe it a desperate hope. If we entertain it we will again be disappointed, and merit to be laughed at. I have seen a ludicrous out in one of Hood's works, of a fellow riding a donkey, who is seated so near his tail that there is barely room for himself, but laughingly invites a weary traveler to get up behind. [Laughter.]

The appropriations asked for the custom-houses in this amendment are in conformity with the estimates of the Secretary of the Treasury; they have been approved by this House each upon separate votes upon yeas and nays; they have met the sanction of the Senate, who ingrafted them upon the deficiency bill, and the only reason urged by the committee against that course was that it was not the appropriate bill to provide for them. The objection cannot now apply. Last year the custom-house appropriations were made in the shape of an amendment to the civil and diplomatic bill, and this, now asked, is the usual course. The Committee of Ways and Means have themselves set us the example, and in this very bill provide for continuing the construction of the custom-houses at Charleston and New Orleans, and elsewhere, and are ready also to provide by an amendment for an item not embraced in this bill when it was reported, being the money requisite to continue the custom-house at Richmond. Why, then, do they exclude us from having the other custom-house appropriations inserted in this bill? It is the place in which such provisions have always been made heretofore. Why should not this act contain the appropriations approved by the committee, and recommended by them in the separate bill, approved at both times by both Houses of Congress, and advised by the Administration as necessary.

So far as the appropriation for \$40,000 for the completion of the custom-house at Louisville is concerned, I can afford either to forego, postpone, or abandon it altogether, if the public necessity require it; but I see no reason for refusing to grant these estimates of the Administration, or for not inserting them in this bill, and therefore again, in behalf of its friends, once more submit the proposition to the committee.

Mr. HOUSTON. I do not want to engage in a discussion on the subject of the custom-houses. I presume the committee understand that subject perfectly. There is a very broad difference between the Richmond custom-house and the custom-houses included in this amendment.

Mr. PRESTON. Will the gentleman from Alabama answer me on this point; is there any difference between them, except that between western interests and Atlantic interests?

Mr. HOUSTON. The gentleman knows very little about my course on these custom-houses if he supposes that I am influenced by any such consideration as that which he presumes influences me. The gentleman seems to intimate that my consideration for locality directs my course in relation to some of these custom-houses.

No, sir; there is a difference between the Richmond custom-house and the custom-houses included in this amendment. It is, that in relation to the latter they have all got what, at the time, was said to be sufficient to complete them. And therefore I am unwilling to vote any more for them in this bill, or in any other bill. That is the ground I have taken all along in opposing further appropriations to them. I believe that the sums appropriated are sufficient to complete these custom-houses in the most approved plan as fire-proof buildings. In Richmond that is not the case. Richmond received an appropriation of \$100,000, while it collects a revenue from foreign imports to the amount of \$140,000 or \$150,000. Louisville collects some \$45,000 or \$50,000 of customs in the year while the labor is all done in New Orleans, and Louisville has got appropriations of \$178,000—within a very few thousand of the amount which the Committee of Ways and Means have proposed for the custom-house at Richmond.

Now, Mr. Chairman, there is no argument to show that the parallel between these cases holds in the most remote degree. It was contemplated to give Richmond more than it has got, and perhaps, in the amendment which I expect to offer hereafter, we will bring Richmond up to about the average of the custom-house appropriations. I believe it is now below the average of Mobile, Louisville, St. Louis, and Cincinnati. St. Louis has received \$227,000; Cincinnati \$212,000; Louisville \$178,000, and Mobile \$200,000. That is the condition of these appropriations. And we propose now to give to Richmond that which will make the custom-house appropriation for that port \$200,000. That is all. And when we shall have made this appropriation to Richmond, I shall be unwilling to increase it. As far as I am concerned,

I will place it in the same category with the others, and vote against all further appropriations to it. That is the difference which, in my opinion, exists between the custom-houses for which the gentleman proposes appropriations, and the custom-house at Richmond.

Sir, we have the evidence of the gentleman from the Louisville district, [Mr. PRESTON,] and from the Treasury Department, that, at the last session of Congress, they had appropriations to meet every bid that was then before the Department. They had appropriations to enable the Department to comply with the bids for the erection of a fire-proof building; and under no circumstances, therefore, would I be willing to vote further appropriations for Louisville or St. Louis, because there is evidence on record that there were bids in the Treasury Department proposing to complete the custom-houses at these points in the manner desired and for the money appropriated. I would like to know what became of these bids and that money?

Mr. DISNEY. I move to amend the amendment by increasing the appropriation for the Cincinnati custom-house one dollar.

Mr. Chairman, to me, I confess, the course pursued by the Committee of Ways and Means in regard to this custom-house matter is totally inexplicable. It is novel. That committee not only directly and openly disregard the recommendations of the head of the Department, who, from the necessity of the case, is familiar with the wants, character, and condition of those things which are necessary to promote the interest of the Government: I say that committee contemptuously disregard all the reasonings and judgment of that officer. They pay not the slightest regard to his estimates upon this or any other subject. Not only that, but, as is seen from the statement which the chairman of the committee has just made, they go further, and entirely disregard the solemnly recorded opinion of this House, over and over again, in relation to this matter. I ask why is it? What reason has this House heard from that committee which should influence it to sustain them in this course of which I have spoken—and spoken in proper terms, too?

Take the case of the Cincinnati custom-house. You have in the document, which is before me, the facts and reasons of the Secretary given; and I undertake to say, that no impartial and unprejudiced man can sit down and peruse its statements without being satisfied that the appropriation ought to be made. And yet it has no effect upon this Committee of Ways and Means. I again ask, why is it? Why do gentlemen stand up here, as the chairman of the Committee of Ways and Means has just done, and state that, in their judgment, proper and appropriate buildings, having regard to form, character, and dimensions, could be contracted for and constructed for the sum already appropriated? Such is not the judgment of the Secretary; and in reference to the Cincinnati custom-house he goes on and gives the facts. He says:

"The plans and specifications for this building were prepared and arranged with great care to meet the purposes contemplated in the act authorizing its erection, and with reference to the most economical construction in a fire-proof manner.

"Bids were solicited for its erection by advertisement of December 11, 1852, for sixty days, the lowest of which, on examination, were found to exceed, in the aggregate, the amount appropriated; but as the last appropriation was for the completion of the edifice, and there could be no reduction of the size of the building, no resource existed but to curtail the expense of its interior, and its fire proof quality, very much, however, to its injury in appearance and its safety.

"As the cutting down of the building in this manner would greatly injure it, and evidently be the very worst economy for the Government to pursue, the Department considered that when the subject was brought to the attention of Congress, the necessary additional appropriation to complete it in the manner it should be constructed, would be made.

"Accordingly, contracts were awarded and made in accordance with the plans and specifications, with the proviso, that should Congress not make the additional appropriation, the above alluded to alterations should be made, and the building cut down to the amount of the appropriation. Hence the \$40,000 asked for, which will complete the building agreeably to the plans and specifications."

The Secretary, believing Congress to be an intelligent body, supposed that when Congress should be placed in possession of the facts of the case, they would make the appropriation recommended. But whatever recommendations he may have made, certain it is that the Committee of

Ways and Means have disappointed them all. They interpose their judgment about the appropriations heretofore made, and believe them sufficient to erect a building of the proper sort and character. This judgment, too, is given in direct opposition to the mature judgment of the Secretary, founded upon a deliberate examination of all the facts by the experienced head of the Department, who has carefully looked into them all.

Now, sir, I again come back to the question originally propounded. Why is this? Have the Committee of Ways and Means given to this House an intelligent and satisfactory reason, in reply to the facts stated by the Secretary of the Treasury, in relation to the case of the custom-house at Cincinnati?

Mr. CASKIE. I should not take part in this discussion, but for some remarks of the gentleman from Kentucky, [Mr. PRESTON.] His allusion to the Richmond custom house perhaps calls for some notice from me. I do not propose now to enter upon the merits of the appropriation which it is understood will be recommended for that object. It is not now before this committee. When the proper time comes, I shall be prepared to say whatever is necessary and right about it. At present, I shall confine myself to that which alone has induced me to rise.

I think I have a right to complain of the way in which the Richmond custom-house has been drawn into this debate. When the deficiency bill was up, and gentlemen having custom-houses in their districts—appropriations for which were estimated as deficiencies—made their propositions, I voted on them without allusion or reference to Richmond. I did not attempt to put the Richmond building in that bill, and for the plain reason that the estimate of the Secretary in reference to it was not for a deficiency. It was his business to determine where he would make his estimate. He made it for the civil and diplomatic bill. I was content to take it up when we came regularly to the point at which he had placed it. Such has been my course, although I believe that if we could have sooner got the appropriation, we might perhaps have expedited the building. We certainly desired action at the earliest possible moment.

In voting upon custom-house appropriations, I have looked only to their claims. I voted when we were on the deficiency bill for such as were recommended by the Department, because I thought its recommendations were reasonable, so far as I could judge. Besides, although no one can condemn more strongly than I do the abuses which have occurred in past times, I was satisfied that at last the buildings I voted to complete would be faithfully finished for the amounts asked. Here I should like very much to present some general views in reference to these buildings; but my five minutes do not permit. Mr. Chairman, when my time, which I have quietly bided, shall come, I only ask gentlemen to do unto me as I have done unto them. I voted upon their propositions in advance of my own, and without reference to what might be its fate. If they did not succeed, it was not my fault. Now, let each case stand on its own footing, and be judged by its own merits. Let not the fact that the committee of Ways and Means have recommended an appropriation for the Richmond building, while they have refused to recommend appropriations for some others, operate with any gentleman against it. Let it come in its proper place, and be considered unembarrassed by such allusions as we have heard from the gentleman from Kentucky, [Mr. PRESTON.] I have a right to expect this, when my own action has been such as I have described; when, looking to nothing but the character of each application, I have always been willing to vote such amounts as I thought fair and right.

Mr. PRESTON. I beg to assure the gentleman that the remarks I made were in no spirit of hostility to the Richmond custom-house.

Mr. CASKIE. I did not suppose the gentleman had any hostility to that work. I spoke of his remarks which I thought had a tendency to excite some prejudice against it—that not unnatural prejudice which results from the idea that anything is unduly favored.

Mr. DISNEY, there being no objection, withdrew his amendment.

Mr. BRECKINRIDGE. We have progressed very rapidly with the bill to-day, and as it is grow-

ing late, the House is thin, and this is a very important amendment, I move that the committee do now rise. There should be a full House to act upon this question.

Mr. JONES, of Tennessee. Speeches are to be made on the question, and they may as well be made now as at any other time. I trust the motion to rise may not prevail.

Mr. BRECKINRIDGE. It is evident there is no quorum present.

Tellers were demanded, and refused on the motion to rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the civil and diplomatic appropriation bill, and had come to no resolution thereon.

Mr. BRIDGES. I move that the House do now adjourn.

The motion was agreed to.

Thereupon, at three o'clock, p. m., the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

FRIDAY, June 16, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives was received by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bills:

An act for the relief of the widow and heirs of Elijah Beebe;

An act for the relief of Thomas Frazer; and

An act regulating the pay of deputy postmasters.

Which were thereupon signed by the President *pro tempore*.

PRIVATE BILL DAY—ORDER OF BUSINESS.

Mr. STUART. Mr. President, this is private bill day, and I suppose it will require the unanimous consent of the Senate to do any other business. The bill which is immediately under consideration, as the first on the Private Calendar, it will be recollected, is one which I have more particularly in charge. On that matter the Senator from Wisconsin [Mr. WALKER] has the floor. I understand, however, that there is quite a unanimous desire in the Senate to proceed with the consideration of the veto message; and feeling very anxious myself that that subject should be early disposed of, I wish to say to the Senate that, so far as I am concerned, I shall waive all desire to proceed with the private bills to-day, if the Senate are disposed to go on with the consideration of the veto message.

Mr. BRODHEAD. Mr. President, it has now been about four or five weeks since private claims were considered by the Senate; and although we are greatly in advance of the House in the consideration of private bills, claimants are constantly besieging me, as chairman of the Committee on Claims, to insist upon the consideration of their bills, according to the rules of the Senate. I hope, therefore, sir, that unless it is contrary to the general sense of the Senate, or unless the Senator from New York, [Mr. SEWARD], who has the floor on the indigent insane bill, particularly desires to proceed with his remarks to-day, we shall go on and consider the Private Calendar.

I therefore submit two points for the consideration of the Senate: The first is the fact that we have done nothing with private claims for the last four or five weeks. The second is, that if the honorable Senator from New York does not particularly desire to go on with his remarks to-day, and if it is the general sense of the Senate, that we should proceed with the Private Calendar, I hope we shall do so.

Mr. GWIN. I hope that we can make an arrangement by which both ends can be accomplished. I would suggest, therefore, that we proceed with private bills until one o'clock. We can then take up the veto message, and the Senator from New York can address the Senate upon it. I presume he will not occupy more than an hour.

Then we shall have an hour more for other business.

Several SENATORS. Oh, no; let us go on with private bills.

Mr. GWIN. I am very anxious to have a claim acted upon to-day, which was before decided by the Senate, and sent to the House, but which, at our request, was sent back to us.

The PRESIDENT. In the opinion of the Chair, this discussion is altogether out of order.

Mr. HAMLIN. I call for the regular order of business.

MOORE AND HASCALL.

The PRESIDENT. The regular order of business is the consideration of bills on the Private Calendar. The first bill is one for the relief of Hiram Moore and John Hascall, which is now under consideration as in Committee of the Whole.

Mr. WALKER said: Mr. President, when I addressed myself to this subject before, I remarked that after hearing the Senator from Michigan [Mr. STUART] I might have something further to say, and might go to some extent into the proofs of what allegations I might make. I propose to do it now; and I ask the Senate, or as many of them as can possibly give me their attention, to do so, for I promise them that, while I was charged before with making very broad and unqualified assertions, I said nothing but what I feel myself now able to prove, and more than prove.

The question before us, I repeat, as I did then, is one of very great importance. It is one that should be well considered by the Senate. It ought not lightly to pass upon it, for I think that, after very full examination, if the Senate shall pass the bill, very great and serious detriment will result. I shall take up many points in the speech of the honorable Senator from Michigan, and endeavor to reply to them, with what success the result must prove, or the judgment of the Senate must determine.

He commenced his argument in reply to me by saying, what, if it amounted to anything, amounted to a charge against me of making the most unqualified assertions which were not based in fact or in reason. I will read from his remarks, for I intend to quote him correctly as I reply to him. He says:

"It perhaps is not the least difficult task for a man to undertake to answer an argument that is made up wholly of illimitable statements and declarations. I conceive that if a gentleman were to rise in his place to-day and tell the Senate of the United States that to-morrow, at noon, the sun would be extinguished, the earth would be annihilated, and the whole planetary system would be utterly and entirely destroyed, there is not a man in the world who could refute that argument by reason and logic. He could only say he did not believe it. Now, sir, I find myself very much in that position."

The comparison here could not be stronger. It compares the statement which I made to one so egregiously erroneous, and unfounded, and baseless, as that all nature was to go to wreck to-morrow. This, sir, is pretty strong language to use in reply. It implies a great deal; and if he has sustained that comparison against me he certainly has placed me not only in a very ridiculous position, but in one which is most false.

Sir, I shall use language upon this occasion about as strong as upon that; but I shall do to-day what I did not do then: I shall follow myself, step by step, with the proofs.

The next statement made by the Senator is:

"I trust the Senate will indulge me in saying that this whole transaction, from the time of its inception down to its completion, has been carried on in the county in which I reside, within twelve or fourteen miles of my own residence; and if there is any subject which I have had an opportunity to understand by observation and by examination from first to last, it is the subject which is now before the Senate of the United States; and when the Senator from Wisconsin tells me that I am here the advocate of a measure which carries upon its face, and in its effect, such perjury as he ascribes to this, when I know all about it, no other inference can be drawn from his language, however he may intend it, except that I am here in the dishonest advocacy of a very dishonest measure. This is a subject about which I cannot plead ignorance."

Again, speaking of Moore & Hascall, he says:

"They are men who claim for themselves to be meritorious; and they are men whom I claim, on my responsibility as a man and a Senator, to be meritorious. I speak from knowledge, for they are my neighbors. This thing has been done in my community. It has been done where I know all about it, if I know anything."

If, in the progress of what I shall say to the Senate, I shall prove that in every respect where he contradicts me I am right, I will leave it to the

Senate to determine how far he is mistaken in regard to his own knowledge, or to make what other inference it may please.

After comparing the statement which I made to a statement that the world was to become a wreck to-morrow, what is the first point he specifies as worthy the institution of such comparison? It is this. He says of me:

"He tells you that an attempt is made by this bill to give to Moore & Hascall, not that which they have invented, and to which they have a right, but all that they claim; and he says he knows they will claim everything that attaches to any reaping machine that has ever been invented, or is now in use."

If the Senator possesses the knowledge he claims for himself, he knows that Moore & Hascall will make no such claim. He knows that. I will ask the honorable Senator if he is acquainted with a gentleman in his own State by the name of Lakin Brown; and also another, of the name of A. Y. Moore?

Mr. STUART. It will probably be more convenient for the Senator and myself to answer his inquiries after he has got through with them. I know those gentlemen, and I believe, also, I know the statements to which he refers. I think I can satisfy the Senator that I know all about the matter.

Mr. WALKER. I wish to state that since I was arraigned, as it were, before the Senate the other day; and more particularly since the case of Mr. McCormick, now of Illinois, late of Virginia, was arraigned, and he was brought upon the stand as a man of fraud, as a man who usurped the right of others, he has furnished me with additional testimony not only to sustain my statements, but to sustain his own position. He has never sent an agent to me. I have never seen an agent of Mr. McCormick, never conversed with one, never knew that he had one. In the absence of all agents, when he was here advocating his own cause, as I have said before to the Senate, I gave him my ear often, and whenever a man comes to me with his own case, and presents it for himself, and does not send his hiring agents, I will listen to him. I feel it to be my duty to do so, and if what I notice after that is charged against me for so doing, I have an answer to make to it, and shall make it plainly.

Then the statement which the Senator arraigned me for first making is this, that Moore & Hascall designed to claim what was embraced in the patents of other claimants for reaping machines.

I find that in the testimony of two witnesses taken in the State of Michigan, in a suit pending between Mr. McCormick, and the infringers of his patent, this statement was made:

"Hiram Moore has repeatedly stated to me in conversation that all the main features in McCormick's reaper were his, said Moore's, invention; and he also stated to this deponent, that the reason why he had not prosecuted persons for an infringement of his patent was the fact, that he wanted to procure first his renewal of the patent for Moore & Hascall's harvesting machine."

That is the statement proved by Mr. Lakin Brown. Then we have the testimony of a man of the same name with one of the claimants, but whether a relative or not I do not know, to the same effect. Mr. Moore says:

"Hiram Moore has several times told him, this deponent, that said plaintiff, McCormick, and others, were using substantially his, said Hiram Moore's, invention in all the reaping machines; but that he did not intend to prosecute for an infringement of his patent, inasmuch as he wanted first to procure an extension or renewal of his patent by Congress."

Now I contend that this fully proves what I asserted, that Moore & Hascall do not seek an extension of this patent for the purpose of manufacturing, but solely for the purpose of coming down on those whom they may claim to be infringers of their patent, and levy black mail on them, and make them pay what will constitute a profit on the patent. I prove this by sworn testimony, certified under seal by the proper officers, and sworn to have come from the lips of Mr. Moore himself. That is not all. It not only proves that they claim what is contained in McCormick's machine, but this also lets out the motive why they have, up to this time, remained so peaceful, and not prosecuted infringers of what they claim to be their patent. That motive is admitted by Mr. Moore himself. It is that he wanted to get this patent extended, and then he says he will come down upon others and show that these people are all infringing his patent.

What did I say when I spoke before? I said

this was the object. I now prove it by sworn testimony. I said the object was not to manufacture the machines, but to get the community in such a position that they could not use machines which have already been bought from McCormick, without being subject to damages and to an injunction. Then the first charge which is brought against me, of having stated what is not so, falls to the ground, for I support my statement by proof.

Now, Mr. President, bear in mind another thing. I stated that, as this bill was now framed, it would enable Moore & Hascall to go back for eighteen years, and claim all they should allege they have invented within that time, and obtain a patent for it. The Senator from Michigan [Mr. Stuart] takes issue with me on that, and says, they only propose to go back fourteen years. Now let us see what he said about this matter. Speaking of Mr. Moore, he used this language:

"Looking abroad, sir, upon our prairies in 1832, he discovered at once that a single man, with a team, could, besides attending to his ordinary farming business, put in eighty acres of wheat; but he saw instantly that it required a great many men to harvest that wheat in the ordinary method, by a cradle. He therefore saw, either that a great portion of the western country, consisting of prairie land, must be comparatively idle and unproductive, or else means must be employed to provide for harvesting after the crop was in and ready to be harvested. He said to his neighbors, 'I believe I can invent a machine which will harvest this wheat perfectly.' As a matter of course, they all laughed at him. They did not believe him any more than a man would have believed, a few years before it was demonstrated, that intelligence could be communicated by telegraph. He went to work, however—to do what?"

Remember, this was in 1832.

"I wish to call the attention of Senators to the work which this gentleman set about. It was to produce a machine which would go into the field, and could thresh, clean up, and put into bags the wheat at the rate of three acres an hour. That was a pretty large undertaking. Has he succeeded? The report of the committee says he has; and as the matter has passed under my own observation, I know it to be so. Since he began, in 1836, to try his machine, I have seen it operate annually; and I tell you, sir, and I pledge myself to the Senate of the United States, that it does this work more thoroughly than it can be done in any other way. It is done with less waste. There is less loss of wheat by shelling. The farmer gets more bushels of wheat into his barn by this mode than any other which has yet been proposed."

In the bill in this case bear in mind there are two points. First, the patent is to be renewed. For what? For what was contained in the original patent? No, sir; but it is to be renewed for what was contained in the model, drawings, or specifications. When can we infer that he got up his model? The Senator tells us it was in 1832. If he can show that he made a model in 1832, when he commenced operations, that will carry him back not only eighteen years, but twenty-two years. Then it is the renewal of a patent for what is contained in this model, drawings, or specification; and I asserted he could go back eighteen years. I now go further, and prove, by the Senator's own admission, that he can go back for twenty-two years, if he can show that the first thing he did was to get up this model, which is, in all probability, the fact.

Then, what becomes of these broad denials of my assertions, when I prove from the statements of the Senator himself, that not only do these constituents of his claim what is contained in other reapers, but I show that they commenced in 1832, making twenty-two years that they can go back and prove they invented anything, by bringing up the dead body of this burnt model? How are they to get at it? The Senator tells you, in another part of his speech, that the model was burnt in 1836. It has, therefore, been burnt up for eighteen years. How are these men to bring to the knowledge of the Commissioner of Patents what was in that model? They are to do it by oral testimony. They are to fish around the country and find some man who will swear that so far back as 1836 or 1832, he saw a model containing such improvements as they now specify in their claim, and when they do that, and prove it, they get a patent for it. And what else do they get a patent for under the provisions of this bill? They are not only to go back to the utmost limit to which they can trace this model, but then comes in another provision of the bill, that for everything from the day of the issue of the first patent to the time mentioned in the bill, which is fourteen years, they are to have the patent extended for every particle of improvement. Every improvement which they can show they invented within that

time is to be included within the renewed patent. Then, I say, it is an enormity. It is such a proposition of legislation as perhaps never was submitted to the Congress of the United States before.

Sir, in ordinary cases what are the solemnities to be pursued? An inventor goes to the Patent Office, and files his claim and specification. What else? He has solemnly to avouch for the fact, that in his opinion, he is the true and original inventor. He files an affidavit of that. If any other person sees fit to come forward and contest the originality of his invention, he has a right to do so, and a contest for priority takes place, and it is decided on the proofs. But here this bill provides that these men shall go before the Patent Office and file their claim and specifications, and shall be entitled to a patent for whatever they can prove is embraced in their claim. I have shown, that according to the admissions of these men, they may go back not only eighteen years, but twenty-two years, and have a patent for all which they may allege was contained in the model, which was burnt long ago. Let me ask what security is there to the public.

The Senator from Michigan made a great deal of sport, as he supposed, in regard to what I said about stopping reapers on the western prairies. Why, sir, I can stand at my door at home in harvest time, and be within the sound of many reaping machines. Men on those prairies have incurred the expense of buying harvesting and reaping machines; but did they ever think of buying one of Moore & Hascall's machines? No, sir, they have not got one of them.

What is proposed, as is now shown by the testimony? It is proposed by Moore & Hascall themselves to lie still, to keep quiet, to allow other patentees to come in and perfect their patents and secure their rights, to say nothing about their own patent, to let people buy other reapers, and, at last, when they have secured an extension of their own patent, they will break in on the community, and without furnishing reapers themselves, will stop the operations of others, or levy black mail on them to a greater extent in value than they could ever realize by making and selling such machines as theirs. This is sworn to, as their intention; and yet I am told that when I said so before, I made an assertion as broad and unreasonable as would be an assertion that all matter would go to wreck to-morrow.

But, sir, there is something further upon the question, not only of what they claim, but of the intention with which they make their claim. In speaking of the machine, the Senator from Michigan said:

"It could only be tried in harvest time, and Senators who are acquainted with grain growing, will see it would only be tried while the wheat was fit to thresh."

Now, Mr. President and Senators, let me beg of you to take, in connection with what is here said, what I asserted before—that this machine was worthless, and never would be manufactured. I stand by the assertion, and will endeavor to prove it. But what is the statement here? The Senator further says:

"With the cradle you begin a week before the wheat is ready to thresh; but with this machine you cannot operate until the wheat is ready to thresh, because it cuts, threshes, and cleans up at once. For this reason the time during which the machine can be operated is reduced to ten days, or two weeks at the outside."

If there was no other objection to this machine than what is here mentioned by the Senator himself, it would be deemed by every farmer and miller in the country, who knows his business, to be utterly worthless. Who ever thought of putting off the harvesting of his grain until it is ready to thresh? If it must be ready to thresh before you can operate with the machine, all must be so ready. Suppose, now, that you have a field of one hundred acres upon which you are to enter; suppose it is all ready to thresh to-day—that is, it is dead ripe, ready to fall off; you set in with your threshing-machine, and you find that before you come to the last it will have fallen out. Notwithstanding this, the Senator asserts that the farmer gets more bushels of grain by this process of harvesting than he can in any other way. But he says that with the cradle you can commence before the grain is dead ripe. If the Senator does know anything about farming, I wish him to pay a little attention to this. If he ever owned a mill, or knows anything of milling, I wish he would pay attention.

Let him inquire of any flour merchant or miller in the world, whether he prefers wheat cut when it is dead ripe, or cut before that? The miller will tell him that he wants it cut before it is dead ripe, for then it makes better flour, and there is more of it. Besides that, everybody's common sense will tell him at once, that if wheat be dead ripe before you commence to harvest it, the last must be fallen out before the machine reaches it.

Take this in connection with what I said, and it shows clearly that this machine must be worthless, and that it is not the intention to manufacture it, but to fall back on claims contained in other reapers which are already in the hands of the farming community, and if these men can make them pay, it will be profit enough for them, without putting them to the annoyance and trouble of making machines. I have already said, and I shall prove it before I conclude, that it does require \$1,600 to build one of these machines, and does take sixteen horses to work one of them. Whatever may be the intention of the honorable Senator, and I do not speak of his motives, I ask, is it not apparent, from their own admissions, and from the facts in the case, that these men desire an extension of their patent in order to make money out of the investments of others, and not out of their own exertions? I said, when I was speaking on a previous day, that when it was first introduced into Congress, it did not contain a provision giving them what is given by the present bill, and I showed a copy of the bill to the Senate at that time to sustain that assertion. The Senator from Michigan, speaking on that point, said:

"The Senator says there is one portion of this bill that is wrong, because it seeks to renew whatever was contained in the 'model, drawings, or specifications,' instead of saying 'the model, drawing, and specifications.' I draw the attention of the Senate to this fact, because I want the bill understood. I want it to meet every objection, and I wish to have the judgment of Senators on this question after it is thoroughly tested and understood. If it will not bear the light of examination, far be it from me to ask them to pass the bill."

Sir, that is fair. The Senator says he is willing to submit the matter to examination, and if the bill will not bear the test of examination and scrutiny, he does not want to have it passed. Then I address this inquiry to the Senator: if what he says in a subsequent part of his speech is correct, that all these men seek by this bill is relief from any objection of abandonment which might be made on account of the time which has elapsed since they first presented to their case now, why, I ask, is this peculiar provision put in the bill at this time? Was it any less necessary at first? And why is it now incorporated into this bill? There is something about this matter that I wish to get at.

The Senator says he wants the fullest scrutiny. Well, I ask, why has the provision to which I have referred, been put in since the bill was first reported, if not for the purpose of resorting to oral testimony, which will not only go back eighteen years, as I said before, but twenty-two years, to enable them to show what was contained in the model, which has been burnt up for eighteen years? I can see no other reason why it should have been put there. I can see no other beneficial use which it could answer. It must be for some purpose, or else the Senator would be willing to have it stricken out. I can see no other purpose which it is to answer than the one I have mentioned. If the model by which Moore & Hascall are to be concluded in their claim was in existence, there would not be so much harm in it; but it is not in existence. Has it been exhibited to a member of Congress? Who has seen it? Who can tell what is in it? Can anybody else who has patented a reaping machine say whether the model these men are going to bring "from the vasty deep," contains important points in their machines or not? No, sir; it would, however, be the most convenient thing in the world for men who are lying low, as they say they are, and seeking an extension of a patent, to bring forward such a model as no mortal man ever saw, if they could only get some one to swear he had seen it twenty-two years ago, with these very important parts in it.

But the Senator, in his reply to me, says what I think is rather unjust. He charges me, by implication, with censuring the Commissioner of Patents, with declaring that he will act fraudulently, and will not be governed by the right

and justice of the case. Sir, there is no necessity for presuming any such thing against the Commissioner of Patents. I do not presume it. He has to decide according to the proof before him, whether it be false or true. If these men bring up testimony to show that in this dead model there were certain features, then this bill, if passed, will make it his imperative duty to take outstanding patents from everybody else, and to give the benefits over to Moore & Hascall; and if given to them, they can reap the benefit of them in a much more profitable way, by making others pay the cost, than by paying it themselves. The Senator from Michigan on this point said:

"The bill proposes to give them an extension for such improvements as they made in perfecting it. Why is this necessary? Without the provision, the extension is good for nothing."

If the bill did not give them the improvements they have made in the mean time, the Senator from Michigan says, it would be good for nothing. Now, let me inquire again, if the extension would be good for nothing, what is the reason for it? It is because their original machine was good for nothing. Then, to make it good for anything, they have made improvements in it, and consequently these improvements must have been much more important than the original machine. If they are so much more important, why did not these men go to the Patent Office when they got up any improvement of value, give the community notice, and obtain a patent for it, and then let the community have the benefit of the improvement by the use of the improved machine? But no, sir, they lay still during the whole time these improvements were running on—fourteen years—while others were complying with the law, who lived thousands of miles from them, and were going to the Patent Office and getting patent rights for their improvements.

I say they lay still for this great length of time, until rights were vested in others, saying in the mean time that they were waiting to have their own patent extended by Congress, and that then they would come down on those whom they considered infringers of it. It is true, then, that but for the improvements which are to be covered by the renewed patent, this renewal would be good for nothing to these gentlemen. That is admitted by the Senator from Michigan in his speech; and consequently they are to be relieved from abandonment of their rights, not only here but before the Patent Office. Now, Mr. President, we have, upon another important case, a report from a committee of the House of Representatives, in which a doctrine is laid down that touches this very point. Senators will recollect the celebrated Woodworth planing machine case. Congress was asked to renew the patent for that machine. In the report of the House Committee on Patents on that case, they hold this language in regard to the question of abandonment; I think it sound law, and consequently I quote it:

"Even if he had actually invented all that is embraced in the reissue, the omission to claim it at any time during the fourteen years was an abandonment to the public of all which he did not choose to embrace in his original patent."

Such is the doctrine laid down by the committee in that case, that whatever a patentee abandoned to the public during the term of his original patent was dedicated to the public, and could not be recalled. The Senator told us in one part of his speech that all these patentees asked was to be relieved from this difficulty of abandonment.

But, sir, in order to show that it was not by the fault of Moore & Hascall that the model was burnt, the Senator from Michigan said:

"The office took fire and burnt up, and in that burning these men's model was consumed. They, therefore, must produce another model, and must resort to parol evidence to show its identity. Is there any other way known by which they can secure other evidence. Certainly not. Then where is the danger? If you give men what they have actually invented—for the bill limits them to that—what they are the first and actually inventors of, has anybody else a right to it? I ask the question, has anybody a right to what these men invented?"

I say, yes. Others have a right to what they invented, if these men did not let the public know that they invented it. Suppose that nine, or ten, or fifteen years ago these men, living in Michigan, invented something, and a man living in Rockbridge county, Virginia, at that time should have come forward and patented a similar invention. Will you say he is not entitled to the benefit of his patent because they invented the same thing;

or will you, after a lapse of fourteen years, pass a bill to set aside the patent of the first patentee, and vest his rights in one who abandoned everything, which he could claim from his invention? Then I tell the Senator that there may be others who are entitled, even to the detriment of his own constituents; for if they have not followed up their rights, according to the law, they have abandoned them, and it is contrary to public policy that they should be permitted to take them back.

But, Mr. President, there is something more to be inferred from this language of the Senator. He says "they therefore must resort to another model, and must resort to parol evidence to show its identity." Is not this an admission of the uncertainty of what we are to rely upon under the bill? He says these persons must bring forward another model, and must resort to oral testimony to show its identity. Is it a safe course of legislation to depend upon the failing memory of man in regard to transactions which occurred eighteen or twenty years ago? Would the Senator act upon any such foundation as that in the prudent management of his own affairs? I think not; but still he asks Congress to do it, and it is for Congress, in its wisdom, to determine whether it will do it or not. Let me remind the Senator also, that he commits a great error when he supposes there is no other way to do this. He asks, "Is there any other way known by which they can secure other evidence?"

Yes, sir, let me tell him there was another way; and, if he will examine the patent laws, he will find that there was an act of Congress passed expressly to meet such cases, which enabled these gentlemen, as far back as 1837, to go forward to the Patent Office and deposit another model; and it was their duty to do it; but it does not seem to have suited their convenience. It appears to have been more convenient to them to let the matter be for fourteen years, to let the model go, and to act as if they did not care about it; and then, when McCormick and Hussey, and others, have made improvements, and have patented them, to come forward and say, "These are all Moore & Hascall's," and ask us to legislate them into their possession, and for their benefit, to the detriment of the community. Then I tell the Senator there was another mode by which his constituents could have supplied themselves with testimony which we could now look at; for if they had redeposited their model in the Patent Office, we could send for it, and have it produced here, and see what conflicts there were between that and other machines.

But, sir, the Senator said further:

"Here is another fact to which I will refer in this connection. If these men were of the character that the Senator from Wisconsin seeks to satisfy the Senate they are—mere blood suckers upon the producing community—they would have gone on and patented those little inventions for improvements as fast as they made them. They would have done what has been done by some others in this country, whom I could name, who are undertaking to get great *écât* before the community, and every two or three years are taking out patents for a part of the identical machine originally patented. But, sir, I can tell the Senator from Wisconsin that there is a wide distinction between these individuals and some others. They are honest men."

That is, Moore & Hascall are honest men, and there is a vast difference between them and others. To whom did he evidently allude? Mr. McCormick is referred to, and it is made a matter of censure against him that he redeemed the credit of his country at the World's Fair at London. While Moore & Hascall, like sloths, were loafing in Michigan, he was there struggling, with his money and his genius, trying to sustain the honor of his country. He was one of those who redeemed its name at that fair, and now the Senator censures him for having endeavored to get *écât* for a machine so useful as his. The Senator censures him for doing that for which the world considers him as entitled to their credit and esteem; the exertions which he made to perfect a machine which saves so much labor in the main pursuit of life, that of acquiring the bread of life. Yes, sir, an invidious distinction is made between him and Moore & Hascall. It is said that Moore & Hascall are honest men, and the Senator intimated plainly, if not distinctly said, that McCormick is a scoundrel.

What else did the Senator say in regard to him? He says he was one of that kind of blood-suckers who has been running every year to the Patent Office to obtain new patents for new improvements and inventions. Yes, sir, he has done that, and it is the first time I ever heard an honorable Sena-

tor censure one of his fellow-citizens for obedience to the law. Is it otherwise than commendable that he should have followed the law? Would the Senator have had him lie still, like his constituents, and go on and make improvements and boast to witnesses brought against him that he was only waiting for a renewal, to come down on those who were using other machines? Would that satisfy the Senator that he was a moral and honest man? Yet such is the category of men who are held up here in contrast with Cyrus H. McCormick, because he obeyed the law, and did not seek to obtain a dishonest advantage over the farming community, or over other inventors. He, according to the Senator, is a blood-sucker, while the very men who are lying by and endeavoring to suck the blood, not only of McCormick, but of the whole farming community, are honest! For my part, sir, I commend McCormick. I say the country owes him a debt of gratitude. If it had not been for him and Samuel Colt, and Stevens, Hobbs, and Powers, God only knows what would have become of the reputation of the country at the London Fair. Yet McCormick is denounced, is held up in comparison with other men who have done nothing for the community, and is considered as a dishonest man in comparison with them!

From the speech of the honorable Senator, men would be led to suppose that McCormick lived immediately in the neighborhood of Moore & Hascall, and that he was there prying into their movements, seeing what they invented from time to time, and then running off and securing patents for their improvements. Let the Senator be candid, and tell the Senate that McCormick lived in Rockbridge county, in the State of Virginia, when he obtained his patent. He first commenced to manufacture his machines in New York, and it was not until a recent day that he got to be a neighbor of Moore & Hascall. He is now manufacturing his machines at Chicago; and there it was that he heard for the first time that Moore & Hascall were in existence as the patentees of a reaping machine. McCormick was not their neighbor. He was not watching them. He was not endeavoring to steal or pirate from them what they were inventing. He was an inventor in Virginia as far back as 1834, and as late as 1845 he obtained his last patent. Never, up to that time, as I am assured, did he know there were such men in existence as Moore & Hascall.

It may be well for the community to take warning not to obey too strictly the laws, for it may be that hereafter the doctrine of the Senator will prevail, and that the greatest amount of disobedience to law will constitute the highest merit. Certainly if that should ever become the standard, these constituents of his can claim a high place, for they have paid no attention at all to the law, until others have made what are claimed to be valuable inventions, and then they come forward, by the mouths of sworn witnesses, and say that as soon as they can get the advantage, they will use it on these patentees, and the public.

Now, sir, we come to something very definite from the lips of the Senator himself. I hope I do not misunderstand him; and that I may not misinterpret him, I will give his own language:

"The Senator from Wisconsin may well tell the Senate that he is perfectly willing that their original patent shall be extended for the crude and imperfect machine for which they took out a patent in 1836. He may say so, because there is no claim that the original patent of 1836 interferes with certain other claims which, but for the agents of some men, would not trouble the Senate. I wish Senators to understand, that if Moore & Hascall simply asked for an extension of their original patent, men who have made \$300,000 or \$400,000 out of their inventions would not be here to-day, battling this bill as this is contested. There is the cause; there is the difficulty. I say these people may well say they do not object to the extension of the original patent."

Thus it appears now that it is proposed to renew a patent which does at present interfere with some other patent. The Senator says I may well say that I am willing that the patent of 1836 may be renewed, because that does not conflict with any other patent right; but he says that if we grant a renewal, so as to include the improvements for which the extension is sought, it will conflict with the rights of others; and he wishes to take away the rights of others and hand them over to Moore & Hascall. Sir, when did the Senate assume the right of deciding questions as to the priority of invention? When were they converted into a

court for such a purpose? There was a somewhat analogous case, known as the other case, brought before the Senate a few years ago. It was then proposed to make an appropriation for the use of the article by the United States to the individual who had a patent for that discovery, and who, so far as I know and believe, is the actual discoverer of anæsthesia. But so soon as a Senator [Mr. SMITH] rose in his place, and made it known that there was another claimant, the case immediately went out of the Senate, and was never passed upon in that form. The Senate would not for a moment take cognizance of the question of who was the original discoverer; and when the question came back again, the proposition was in the form of leaving it to a judicial tribunal to decide who was the original discoverer.

But the Senator says that is what is done here, that it is proposed to leave it to the Commissioner of Patents, or to the court to whom an appeal may be taken from his decision, to determine who was the original inventor. Sir, when the Commissioner is to decide, and when the appellate court is to decide, on such proof as we have seen must necessarily be the only proof that can be produced here, what security is there for the decision which they will give? What security is there to anybody—not only the makers of other reaping machines, but those who are the users of them? It appears to me that it is absurd to suppose that this would not interfere with other claims. And who would be the sufferers? Not only those whose claims are interfered with, but every person who is using one of these machines; for nobody would have a right to use them, unless he had obtained the right from Moore & Hascall, who are now to become the patentees.

The Senator, as I said before, makes sport of the idea of stopping reaping machines. He says there will never be such a procedure, and he vouches for Moore & Hascall that no such thing will be done. I am not aware of how he knows this, but certainly they have told a different story, as the sworn testimony shows; for it appears from that, that they were only waiting for this fortunate event to show what they would do. I will ask the Senator if he does not concede; and if he does not give me an answer, I will ask any lawyer in the Senate, that if this patent be renewed to Moore & Hascall, and the renewed patent is made to embrace the important parts of machines now in use, can they not institute proceedings against those using them, and such proceedings as will stop their use? If the Senator has ever commenced a suit for the infringement of a patent whilst the infringement was going on, I will venture to say he will admit that one of the first steps he took was to procure an injunction against the further use. In ordinary cases, after an injunction is obtained, if the stoppage of the business would involve great loss, a receiver is appointed; the business goes on; and the proceeds are paid over as the court may finally decree. Every patent lawyer knows that; and yet the Senator said to me the other day, and to the Senate, that no such procedure could be taken. If he knows what I believe he must have known, he was aware that it could.

I come now to some more specific denials of what I alleged the other day; and I wish the Senator to give it his attention, if he pleases. The next denial that he makes is of a most emphatic character. I asserted that this machine cost \$1,600 to manufacture it, and that it requires a team of sixteen horses to draw it. What says the Senator upon that subject?

"Again, the Senator says it costs \$1,600 to build one of these machines. So far from that being the case, it costs but \$500. There is a mistake of \$1,000, nearly two thirds of the calculation. I am speaking that which I know."

"This machine, so far from taking sixteen horses, takes but twelve; so far from costing \$1,600, it costs but \$500; and Mr. Moore is of opinion that improvements can be made in the manner of building it, so that he can build it at a cost of not over \$400; very little more than a single threshing machine now costs."

There is an emphatic issue between the Senator and me on an assertion of mine. I will ask him if he places any confidence in what a late colleague of his in the House of Representatives [Mr. Buel] says. I presume he does. We were in the habit of believing Mr. Buel; and I never heard his veracity called in question by any one; and I will venture to say that the honorable Senator from Michigan

will not do it. Let us see what Mr. Buel said when advocating this bill in the House of Representatives. He said:

"But this machine itself is very expensive, being worked by sixteen horses, and nearly \$30,000 have been expended in its operation."

But that is not all. The same witnesses, his own neighbors, who were sworn in the State of Michigan, give us testimony upon this subject. I bring to the attention of the Senate the testimony of one who, much as the Senator from Michigan does know, knows more than he does about the matter. I bring the testimony of the man who swears that he operated the machine for five years, I believe. However, I will read the testimony, and see what it is. Let us hear what the very man employed by Moore & Hascall to operate the machine says:

"This deponent has been familiar with all the operations of Moore & Hascall's harvesting machines in Michigan, and only five of said machines have been used in said State. This deponent further states, that the estimate placed on said machine by said Hiram Moore, when offering to sell the same, was never less than \$1,600. This deponent further states, that the machine aforesaid requires, in its operation, a team of sixteen horses."

Now, will the Senator from Michigan tell me again that I was mistaken? His denials brought forth the production of this testimony. I had heard that the facts could be proved, and I made the statement, though I did not refer to the testimony then; and the Senator was peculiarly unfortunate in taking an issue with me in the manner he did. Here is the proof of the very man who worked the machine:

"The machine operated for several years past by me, this deponent, is the most perfect in all its parts of all the harvesting machines that I have known constructed under Moore & Hascall's patent."

Before that he states:

"This deponent states that Hiram Moore, in the year 1836, cut for him, this deponent, three acres of wheat with the harvesting machine aforesaid, being the first acre that had ever been cut with said machine. This deponent has been familiar with said harvesting machine's operations. In the year 1843 I contracted with Hiram Moore to run, and did run, his harvesting machine through the harvest; and from that time to 1845 I run a harvesting machine or machines for said Hiram Moore; and in 1845 I built a harvesting machine for said Hiram Moore and myself, and have continued to run said machine every harvest up to the present time."

I will ask the Senator if he ever did as much as that? and yet he tells us that he knows all about it. He has seen it operate, and can tell us that it takes but twelve horses; and yet, at the same time, he tells us that it will take eight horses to operate a threshing machine. He tells us that it will cost but \$600. From the testimony of his own colleague we see that it is very expensive; and by the sworn witness who manufactured one, we are told that Moore never pretended to estimate it at less than \$1,600. The Senator then says:

"Talk about stopping reapers in the harvest fields of the country! That argument cannot be touched with logic, because there is no beginning and no end to it. These men expressly said in their original patent that they did not claim the invention of a threshing machine. Such machines have been used for years. Nobody holds a patent for them now. They do not claim it. They do not claim to be the inventors of a reaper. They do not claim to be the inventors of the cut-wheels by which this machinery is propelled. But they claim that they have combined these threshing powers and cleaning powers with certain cutting apparatus which they have invented, so as to secure a patentable machine. Why, sir, talk about stopping threshing machines, and stopping fanning mills, and stopping reapers! The thing is an absurdity."

The Senator, as a lawyer, knows that it could be done, if they could once arrogate to themselves these rights. He did not reflect when he said that it was an absurdity. If he ever brought a patent suit, I ask if he did not obtain an injunction to stop the machine? Every lawyer in the Senate, who has ever commenced a patent suit, knows that if he charges a machine with infringing a patent, he can stop its operation. Everybody knows that it is one of the simplest operations to obtain an injunction under the patent laws of the United States. Certainly he knows it. I repeat what I said then, that in the large fields of grain in the western country, no injury could be more calamitous than to the farmers in the midst of harvest. It would strike more terror and consternation into the mind of the public there than anything else could do. If such a thing could be enforced, it would do more real injury than anything else which could be done; but, sir, it could not be enforced; it would not be tolerated. I advise Moore & Has-

call, their agents, and their counsellors, and their attorneys, if they undertake that game, to come with the most potent force; for I tell them that they will meet with a force there hardy and stern in opposition; and they never can inflict this irreparable injury upon the agriculturists of the West, until the men there become baser cowards than they have yet shown themselves to be. Then the Senator makes use of this language:

"There is no doubt about one thing, and I do not seek to disguise it here; and, as the Senator has given me notice that he is going very extensively into this argument, I will say to him, that if he chooses to touch that branch of the question?"

What branch? Why that branch which treats of the conflict between Moore & Hascall and Mr. McCormick.

"—I shall be delighted to meet him, not on account of any particular prowess that I claim for myself, but because 'truth is mighty, and will prevail'; and is nowhere more certain to prevail than in the Senate of the United States. It is not denied that other individuals do claim, in respect to the cutting apparatus, what Moore & Hascall claim. Hussey does not claim it. As I said before, there is no collision with Hussey's machine."

Here is a bait thrown out, I suppose, to the Senators from Maryland to keep them quiet. They are not to make any fuss. They are to let Moore & Hascall get their patent. There is no conflict with Hussey; and, therefore, the Senators from Maryland are to lie perfectly still. Let them do so, and let this patent be extended, and they will see what will become of Hussey's rights. I will say there is no more conflict between Hussey and McCormick than there is between McCormick and Hussey and these men.

"As I said before, there is no collision with Hussey's machine; but there are persons in the country who have sought to obtain glory, reputation, and *éclat* over the inventions of Moore & Hascall, and Hussey. I will ask my friend from Maryland, [Mr. PEARCE] if he has time to look into it and he will find that Hussey is an original, true, and meritorious inventor, entitled to the thanks of the whole agricultural community."

I do not deny it. McCormick does not deny it.

"He will find Moore & Hascall to be of the same class. But, sir, he will find that the man who went to England, and sought to carry off everything by *éclat*, has never invented a machine of this character at all."

He has not named this gentleman. He has been alluding to him, though, as the man who was trying to get *éclat* in England. Then he goes on further to say:

"He has invented nothing. I do not seek to involve myself in any controversy about other machines; but I dare meet the Senator on this point. I speak on this question to my fellow-Senators here with a little feeling, for this reason: Moore & Hascall have expended \$30,000 in inventing the only machine that will operate. They are the sole inventors of the sickle applied as they apply it—in a manner that is worth anything. McCormick's machine will not work unless he can use Moore & Hascall's sickle."

There McCormick's name occurs for the first time.

Let me say to the Senator that I accept the challenge, and I will furnish him with the benefit of his patent. I have a correct copy of it, certified by the Patent Office. There [handing it to Mr. STUART] is a copy of the patent issued to Moore & Hascall in 1836. I ask the Senator to show me in that the sickle that is now claimed, and I will show it with more minute specifications in McCormick's patent, dated 1834, two years before. I will tell the Senator another thing. His man, Moore, in the Seymour & McCormick case, swore that he invented the sickle in 1835, and that it was included in his patent. When he swore that, the court forced him to produce the patent; and when it was produced, there was nothing of the kind in it. How do I prove that? I prove it by no less names than those of Samuel Stevens, of Albany, New York, by Charles M. Keller, by Samuel Blatchford, and others. They state, in a paper which I have in my hand, that Moore so swore; and that when his patent was demanded of him, it was apparent to the court that he had sworn to what was not contained in his patent. There it is. I submit it for the benefit of the Senator. But I have more evidence on the subject. A great deal has been furnished to me. I have here, besides, the models, on a small scale, of all the different cutting apparatus that have been used by any of these gentlemen, and not one of them is like that of McCormick's, and it cannot be shown that they are. And I will tell the Senator now, that he may claim the identical sickle, if he pleases, that they have, and he cannot cut a stalk of straw with it. He might just as well take a

knife and go through the field and attempt to cut it down without holding one end of the straw, as to cut with Moore & Hascall's sickle without McCormick's combinations. Such a thing was never in Moore & Hascall's; and their patent, when produced, showed that nothing was contained in it of the kind.

But the Senator comes now to sum up the case, as it were. He says:

"Now, sir, what do I ask in this bill? I ask, and I appeal to my fellow-Senators if it is not fair to these constituents of mine, that they shall have leave to go to the Patent Office, and file a specification of what they claim to be the original inventors of; that the Commissioner of Patents shall then give notice to the whole world that these things are claimed, so that Hussey, and McCormick, and Atkinson, and anybody and everybody, may come in, and see whether Moore & Hascall are the original inventors of this machine or not. And now let me inquire, what does the argument of the Senator from Wisconsin go to show? Either that there will be an investigation which will be fair, and will secure to these men what belongs to them, or else that the Senate has to come to the conclusion that the Commissioner of Patents and the judge of the court to whom the appeal may be taken, are not entitled to the common confidence of the community."

Did I ever take any such position? Never. It is an unfair inference from my argument. I stated that such proof might be produced that the most honest and astute man in the world, whether as Commissioner of Patents or judge of the court of appeals, would have to be governed by it to an extent that would amount to a fraud upon the community and other inventors.

"What room is there for these sweeping declarations and denunciations, when the bill is guarded?"

Wonderfully guarded, sir? They are to have all that appears in the model made as far back, the Senator intimates, as 1832; all that appears in a model that was burnt eighteen years ago, and which, though it might have been supplied seventeen years ago, they never have supplied. They are to have what was contained in that model, which he does not produce, which he does not show to the Senate, which he does not show to anybody, but which, after they get the bill passed, they will bring forward; and, if they please, they can bring it forward containing everything that goes to constitute any reaping machine, whether patented by anybody else or not.

The Senator says:

"I repeat, Moore & Hascall must prove, according to it, that they are the original inventors of everything they claim, or they cannot have the extension. What is the effect of it? I mean to be fair, and I will state it. It is to save all question of abandonment to these men while they have been applying to Congress; that is all."

Bear that in mind. Here is an assertion that all that is asked by this bill is to relieve these gentlemen from an abandonment from the time they made application to Congress up to the present. We shall see presently whether that is all.

He says, further:

"They have been since 1850 urging Congress to pass this bill; and it is therefore so framed as not to allow this time to be pleaded against them, and thereby to make out an abandonment of their inventions. That is the whole thing, and it is all there is of it. Is there any reason against it?"

We have seen whether this is all. We have seen that not only for the purpose of improvement can they have everything they have invented, whether patented by others or not, from the time of the invention up to 1850, but they can go back to the first existence of the model, and prove that by oral testimony, what was contained in that by way of original patent, and then upon the top of that all improvements made since 1836. The Senator says the object is to save all question of abandonment to these men while they have been applying to Congress. He says "that is all." Is that all? We shall see. Let us see what else he says:

"The only point in dispute is as to that sickle. I say McCormick holds a patent for it running for fourteen years from 1845."

That was nine years ago:

"We claim that he has no right to it. We claim that it is an invention of these men, and that they are entitled to it, and ought to have the emoluments growing out of it. The bill proposes to put them in a condition where they can contest that question. They cannot contest it now. Suppose some man has a suit with McCormick, and proves that Moore & Hascall invented the sickle; he defeats McCormick, but does not help Moore & Hascall."

We see whether the relief from an abandonment during the time they have been applying to Congress is the whole object. We see that, so far from that being all they ask, they want to go back nine years, and snatch and grab from the patent of McCormick, of 1845, the sickle. Do

not, then, let the Senator say that the going back to the time of their application to Congress is their whole object. He has admitted himself that it is to meet the abandonment of at least nine years in regard to that sickle. That we have from his own lips. There it is. It is in your speech, sir. It will be recorded in the Globe. It will go to the country that that is what you claim. The very least, in the time of the abandonment of that sickle for which you seek relief, is nine years. Yes, it is proposed to put them behind McCormick's nine years ago. Why, Mr. President and Senators, what has taken place in that time? How many hundreds and thousands have got these reapers within that time? That is the cutting machine of the country. Every man who finds a difficulty in procuring manual labor has one of these machines, or one of Hussey's; and while that is the case, it is proposed to let the modest Moore & Hascall, those men who are contrasted with others because they are honest, go behind a patent which was issued nine years ago; and yet the Senator who advocates the bill says it is only to meet an abandonment of the time during which they have been before Congress. This language is very emphatic. He says:

"The only point in dispute is as to that sickle. I say McCormick holds a patent running for fourteen years from 1845. We claim that he has no right to it."

Why did they not make that claim before the Patent Office, when McCormick was seeking to obtain a patent? Why did they not interfere with him then, and show that he had not the priority of invention. They were, forsooth, too modest. They were not blood-suckers. They were not such blood-suckers as to seek the protection of the law for their rights. They did not seek that; but they afterwards come into Congress for an extension to compete with men who had complied with the law. That is the argument. The Senator says, again:

"McCormick is making reapers under two patents, one of which he took out in 1845, and which, as I claim, is for the sickle that Moore & Hascall commenced using in 1836. But he took it out in 1845, and it has fourteen years from that time to run."

Will you bear that in mind, that he took out a patent in 1845 for a sickle which Moore & Hascall commenced using in 1836? From his own lips, then, here is an abandonment from which they are to be relieved, running through a period of eighteen years—a period not only of nine, but of twice nine. And is the Senate asked to pass such a bill—such a nefarious bill, as I say it is?

But there is an important matter, in conclusion, here, which is thrown out by way of argument; and, Mr. President, it would be a most admirable argument before a jury in the gorge of some mountain, by one who had never seen a law book, or heard a lawyer speak. The argument is this:

"They cannot contest it now. Suppose some man has a suit with McCormick, and proves that Moore & Hascall invented the sickle; he defeats McCormick, but does not help Moore & Hascall."

Why do they not help Moore & Hascall? Simply because Moore & Hascall do not manufacture the machines. If they invented the sickle, as far back as 1836, and had gone to work, as men of public spirit ought to have done, they would have manufactured the machine, and then let Mr. McCormick sue, as he would have done, I assure you; and then, I apprehend, if they had shown a priority over him of nine years, and if they had proved what the Senator said, that McCormick had no rights, they could go on and manufacture under their own rights. This argument, then, is fallacious. The simple reason why they cannot benefit themselves by a contest of this kind is, that they do not manufacture the machine themselves, but only step in as witnesses for others who are infringers and pirates. The Senator further says:

"Now, sir, after providing, as the bill does, for this renewal and extension, upon complete examination by witnesses before the Commissioner of Patents; after providing, as it does, for an appeal as in all other cases, suppose a patent be granted. The question is still left open, before the courts of the United States, whenever the parties choose to try it, between Moore & Hascall and McCormick, or anybody else, as to who is the original inventor. What injury, then, can be done by this?"

And I will say the question is open now. Let Moore & Hascall go to work, if they please, and manufacture this machine; and if they are sued, and can show priority, they will defeat the men who sue them. They can go on and manu-

facture the machine if they will establish their priority, which we all know is a sufficient defense upon a patent suit. Therefore, the argument in this particular fails. But they are not contented with the rights that they have. They must come here and ask Congress to set itself up as a judge, and decide who has priority, or at least relieve them from eighteen years abandonment, and give them a hearing before the Patent Office, to test the question with men who have had patents, undisputed upon the points named, for the last nine years.

I come now, sir, to where I wish to put a question to the Senator from Michigan. It is one somewhat personal to myself. I find this singular declaration in his speech:

"Now, sir, I ask—and I ask it with some sort of confidence, and not a little of feeling—if, when the Senate of the United States is presented with a bill which is simply to put these men on a footing with others, which is to give them a patent for what they shall actually prove, after notice and full hearing, that they originally invented, it can, with propriety, be characterized as an enormous proposition? Sir, I know something about this matter; I know a little about the agencies; I know a little about the propelling power; and, sir, I can say to you that I know on some subjects a little more than I wish to know."

Mr. President, the Senator told us a great deal about what he did know. He has at last come to something which he knows that he is sorry for. I wish to ask him this question: Does he intend, by that, that he knows anything in connection with myself and this matter that he imputes as dishonorable?

Mr. STUART. I will say to the Senator, as I said to him in the outset, that I do not propose to be catechised, and to answer his questions while he has the floor. When he gets through, if I think it necessary to reply, I will answer that among all his other questions.

Mr. WALKER. I have no right to presume that the Senator intended to make a personal insinuation. Cowards and knaves only do that. Men of courage and of honor speak out what they mean of a personal character. I class the Senator with the brave and magnanimous; and, consequently, have no right to infer against him that he meant a personal imputation; but this much I will say, as to every and any one beneath the canopy of God's heaven, such a charge cannot by implication or by express language be made without the perpetration of a most damnable falsehood; and by that, sir, I do not intend to refer to the Senator from Michigan specially; for I say I do not place him in the category of those who make such charges by insinuation. I have heard him on this floor often enough to know that, when he intends a personal insinuation, he will speak right out; and I far prefer it from him, or from anybody else, to a sly insinuation. I should not have put the question, but that I had heard some others wondering what Mr. STUART meant.

Now, in regard to these agencies, as I have already said, I have never seen an agent of Mr. McCormick. He has never sent one to me. If he had, he should never have spoken to me again himself; but having no agents, having no hirelings hanging about him, I have, from the commencement of this matter, given him a full opportunity to inform me in regard to his own rights, and to enlighten me in regard to my own and the rights of my fellow-citizens in Wisconsin. I have indulged him; and since the charges were made by the Senator the other day against him in so broad terms, denouncing me for trying to sustain him, and denouncing him for having obeyed the law, he has furnished me with the most ample proof to justify every opinion I had formed. I am proud to stand by his rights when assailed, as he has no position here to defend himself. I am prepared with testimony tenfold what I have brought forward to sustain that man, to sustain his action in favor of himself and in favor of his country; and if that be wrong, let the Senator herald it to the world. For my part, I say I am proud of it.

I now hand over to the Senator the testimony of the witnesses and the patent, which I say did not contain in 1836 as specific a claim for the sickle as is contained in McCormick's patent of 1834. I will furnish him with any other testimony which I have quoted. I will furnish him with a copy of his speech. I will furnish him with anything of the kind; and let him now reflect that, so far as I made any statements which he denied on a previous occasion; I have submitted the proof for them, and if it is not satisfactory to the Senate, I have some other.

Mr. STUART. I am very far from desiring to detain the Senate here with a discussion which might be very appropriate if the cause were on trial before a court, and with not a very intelligent jury to decide upon it, and I am perfectly willing that the question shall now be submitted to the Senate as to the engrossment of the bill, without saying one word. With all respect to the Senator from Wisconsin, I have heard nothing which makes it necessary to add to what I said before. I stated then what I state now, and I have the papers here to show that Moore & Hascall disclaimed in their patent, when they made their application, all right to an invention of a threshing machine, or for a fanning mill, or for anything of that sort. They simply claim to have invented a reel and sickle. I believe the Senate are disposed to take a vote at this time; I will, therefore, not detain them.

The bill was reported to the Senate without amendment; and on the question of ordering it to be engrossed for a third reading, Mr. WALKER called for the yeas and nays; and they were ordered.

Mr. DOUGLAS. If the vote is to be taken now, I have only a few words to say on the question. I have no feeling upon it one way or the other. I do not know the parties. I only regret that harsh things have been said of a constituent of mine, whom I believe to be a very worthy man—Mr. McCormick. I do not think imputations upon his character can be justly made. In regard to the controversy about the renewal of these patents, I do not see my way clear to vote for any of them when the patent has expired. My ground of objection is this: I see no power under the Constitution to reinvest in an individual a right which has been vested in the public. Before a patent expires, and while it is still private property, it is very probable that Congress has the power to continue it as such, under the provision in the Constitution which authorizes the securing of the right for a limited time to inventors; but when that period of time has expired, and the right to use it is vested in the public, every man then has a right to invest his capital in it, and when the public has thus become possessed of it, and manufacturing establishments have grown up for the manufacture of machines, and large amounts of capital have been invested, I doubt whether there is any constitutional power in the Government to divest that right and to render that capital valueless. I see no power under the Constitution to renew a patent which has expired, or to invest a right in an individual which has previously vested in the public. For that reason, on this constitutional ground, I feel compelled to vote against renewing any patent in any case where the period for which it was issued has expired. There are grounds of expediency connected with this, but I rest my vote on this one ground, without going into the argument.

The question being taken by yeas and nays, on the engrossment of the bill, resulted—yeas 12, nays 20; as follows:

YEAS—Messrs. Atchison, Badger, Cass, Foot, Hamlin, Houston, James, Johnson, Mallory, Norris, Thompson of Kentucky, and Williams—12.

NAYS—Messrs. Adams, Allen, Bayard, Benjamin, Brodhead, Clayton, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fessenden, Fish, Geyer, Hunter, Rockwell, Seward, Stuart, Wade, and Walker—20.

So the bill was rejected.

Mr. STUART first voted "aye," but before the result was announced, said: Inasmuch as I shall move to reconsider the vote, I change my vote and vote "no." I hope I shall be able to get Senators to understand the question.

The result having been announced,

Mr. STUART said: I move to reconsider that vote. If the Senate desire it, I will go into the discussion of the question now, and I am entirely prepared to do so, if it is desired; but I was in hopes that the Senate would have been fuller, and that there would have been a full investigation of the case.

The PRESIDING OFFICER, (Mr. Foot in the chair.) The question is on the motion to reconsider.

Mr. STUART. I say, if the Senate desire to reconsider that question I will proceed now, or I am willing to postpone its consideration.

Mr. HUNTER. Close it up now.

Mr. STUART. I suggest what I have already

said, that I consider this case to be one of the plainest, if the facts can be presented to the Senate and Senators will take occasion to look at them, that ever was presented anywhere upon a question of justice. I should like, when I proceed with my remarks on the subject, that it should be done with a full Senate. The Senate is very thin today. It was difficult to obtain a quorum on the vote which has just been taken.

Mr. BADGER. I suggest to the Senator either to move to postpone the consideration of his motion until to-morrow, or withdraw it now, and he can make it to-morrow.

Mr. STUART. I am aware that I can do that to-morrow, but I do not want to do anything that is not entirely fair and proper, and according to the wishes of the Senate. The subject is one in which I feel a great deal of interest, and which I conceive myself perfectly able to explain.

Mr. BADGER. I move that the motion lie on the table.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. WALKER. That motion can be ordered to lie on the table and be called up again, I suppose. I presume the motion of the Senator from North Carolina is, that the motion to reconsider lie on the table.

Mr. BADGER. Certainly.

Mr. STUART. That motion is not debatable, and if I were to propose to take it up, I might not be able to explain anything about it, as the Senate might refuse to take it up.

Mr. BADGER. Then I move to postpone the further consideration of the motion to reconsider until to-morrow.

Mr. DIXON. I have no objection to the postponement. I was at a loss how to vote on the question of the engrossment of the bill, because I had not heard the discussion upon it. I really desire to vote understandingly; and I shall be very glad to hear what may be said further on the subject. I think the suggestion made by the Senator from Illinois [Mr. DOUGLAS] is one which should bear with a great deal of force upon the question. The principle suggested by him as to the power to divest the people of a right which is already vested in them is one which should enter into the question.

The motion to postpone was agreed to.

GOLD COINAGE.

Mr. GWIN. I hope the Senate will proceed to consider the bill which was reported some time ago from the Committee on Finance, "to authorize the coinage of gold pieces of the value respectively of ten eagles and five eagles, and for other purposes." The objection of the Senator from New York [Mr. FISH] to it will be obviated by several amendments, which I am authorized by the committee to propose.

The PRESIDING OFFICER, (Mr. Foot in the chair.) It requires the unanimous consent to consider that bill to-day.

Mr. GWIN. I hope there will be no objection to it. The bill was laid aside the other day on the objection of a single Senator. The mail goes to California in a few days, and it is very important that our action upon the bill should be known there as soon as possible. It is desirable, for many reasons, that the bill should be acted upon at once.

The Senate, by unanimous consent, resumed the consideration of the bill as in Committee of the Whole.

Mr. GWIN. I am authorized by the Committee on Finance to move to amend the bill by striking out the fourth and fifth sections, as follows:

"SEC. 4. And he it further enacted, That the Director of the Mint, in the regulations he is authorized to make for the assay office in New York, shall place depositors of gold bullion in that office upon the same footing as depositors of gold in the Mint at Philadelphia and branches.

"SEC. 5. And he it further enacted, That it shall be at the option of persons depositing gold or silver in bullion or in foreign coins at the assay office in the city of New York, to receive the mint value of the same, either in refined bars or in bars made from the identical metal without refining, but in either case to bear a stamp of the weight, fineness, and mint value; and so much of any law heretofore passed as authorizes any other mode of payment or return for such deposits is hereby repealed."

Mr. HUNTER. I agree to the amendment, because I do not wish to embarrass that portion of the bill which meets with the general assent of the Senate, by connecting it with another subject; but, sir, this amendment relates to a subject which will

have to be acted upon, and in regard to which I shall probably move before the close of the session. I propose to do so upon one of the appropriation bills.

Mr. FISH. I understand that the amendment is to strike out entirely the two sections to which I excepted before?

Mr. GWIN. Yes, sir.

The amendment was agreed to.

Mr. GWIN. The next amendment of the committee is in the seventh section, to strike out the words:

"And the Director, under like rules and regulations, shall acquire and keep a collection of all medals that have been, or may be, struck by the United States, or any of the States or Territories of the United States, and also of all such as may be struck at the Mint under the provision hereof."

And to insert in lieu of these words, the following:

And the Director shall cause to be struck in bronze a duplicate copy of every medal struck at the Mint under the authority of this section, and shall transmit the same to the Library of Congress, to be there retained.

The amendment was agreed to.

The next amendment of the committee was in the ninth section, after the words "the annual salary of clerks in the Mint of the United States to be eighteen hundred dollars each," the words "from and after the 1st of July, 1854."

The amendment was agreed to.

The next amendment of the committee was in section eleven, to insert the words "and the assay office in New York" so as to provide that the appointment of clerks and assistants in "the offices of the assistant treasurers of the United States, and in the offices of the Mint and branches thereof, and the assay office in New York, shall respectively be made with the approbation of the President."

The amendment was agreed to.

Mr. BRODHEAD. I desire to offer an amendment to which I presume there will be no objection. It is to come in in the ninth section, which relates to the salaries of the clerks in the Mint. The increase provided for in that section, is to carry out the recommendation of the Secretary of the Treasury in his annual report, in which he said:

"The salaries allowed by law to clerks employed in the former," [the Mint at Philadelphia,] "have been found insufficient to retain the best, and recently two of the most skillful and experienced clerks left on that account."

It is entirely proper to increase the salaries of the clerks as proposed. I wish to have a further increase, by adding at the end of that section the following:

And from and after the first day of July, 1854, the salary of the director of the Mint at Philadelphia shall be \$5,000, and the salary of the treasurer thereof shall be \$3,000.

The treasurer now receives a salary of \$2,000, and \$1,000 for paying pensions, and two sums of \$500 for other duties, making \$4,000 in all. I propose, therefore, to raise his salary to \$5,000. When the salary of the director of the Mint at Philadelphia was fixed at \$3,500, which was done, I think, in 1837 or 1838, there were some three millions of dollars coined at Philadelphia annually. There are now nearly \$70,000,000 coined there. Since that time there has been added to the care of the director, the branch Mint in California, perhaps the branch Mint at New Orleans, and certainly the assay office in New York. Twice as much labor is thrown upon him as was in 1837, when his salary was fixed at \$3,500. The salary of the assistant treasurer at New York, who also has charge of the assay office there, is \$6,000. I wish to have something like equality among those officers. Surely if there is a necessity for raising the clerks' salaries in the Mint at Philadelphia, there is equal necessity for raising the salary of the principal officer, which was fixed at the same time as the other salaries were. I hope, therefore, that this amendment will be agreed to. Its effect will be to give to the director and treasurer each \$5,000 a year.

Mr. GWIN. I have not the slightest objection to that, but I think it was the opinion of the Committee on Finance that it would be better to provide for this increase of salary in the civil and diplomatic appropriation bill, where the whole subject could regularly come up. I do not oppose the amendment, but I think that if there be objection to it, it would be better for the Senator to withdraw it at this time. I am in favor of bring-

ing up the subject of increasing the compensation of these officers, not only in the Mint at Philadelphia, but elsewhere. Let it be done on the civil and diplomatic appropriation bill. I have no objection to the amendment, as I said before, but I hope the Senator will withdraw it now, if there is opposition to it, and not press it on this bill.

Mr. HUNTER. Mr. President, I am not disposed to go further now than we have gone in this bill. It was necessary to make some provision for the salaries of the clerks of the Mint, because they were leaving Philadelphia and going to New York. The difference in compensation between the two places was such that it was impossible to keep some of the best clerks in the Mint at Philadelphia with the existing salaries. But I was not disposed to go further; certainly not in this bill. I am not prepared to say that I would vote \$5,000 to the treasurer or Director of the Mint. I am not prepared to say that I would give those officers so high a grade of salary. The Senator from Pennsylvania refers to the assistant treasurer at the port of New York, who has custody of an immense amount of revenue. He is not a mere officer of the Mint, but one who is assistant treasurer at the port of New York, and who has the custody of the large amount of revenues collected there. Of course you have to give him large compensation, because he has to provide large bonds. His risk is great, and his responsibilities are large. I am not willing to vote this increase of salaries. When the general bill comes up I shall be willing to consider the subject. I do not, however, commit myself either way upon the subject of increased salaries here.

Mr. BRODHEAD. It is true the treasurer at New York has charge of a large sum of money; but has not the treasurer of the Mint at Philadelphia charge of quite as much, if not more? His bonds are \$300,000. Surely there can be no real objection to this increase. It will not embarrass this bill. It will strengthen it, I will venture to inform the Senator from California. This is so just and fair a proposition that it seems to me it cannot be resisted. It ought to go into this bill because it relates to the Mint. The salaries of the clerks in the Mint are increased by this very bill. Then why not increase the salary of the principal in the same bill? The director of the Mint at Philadelphia has charge of all the branch Mints, and thus a larger amount of labor is thrown upon him, more than was required at his hands when his salary was fixed at the present rate. In all probability this amendment will not embarrass the bill at all. I hope it will be agreed to.

Mr. HUNTER. The assistant treasurer at New York has now the custody of something like \$29,000,000. It is certain that his responsibilities are greater than those of the treasurer of the Mint can be. As I understand the statement of the Senator from Pennsylvania, the treasurer of the Mint now receives, in salary and allowances, something like \$4,000 a year. I am not disposed to increase this to \$5,000; nor am I disposed, from anything I have heard as yet, to give so large a salary to the director of the Mint. I think no reason has been shown why we should make this increase, unless we go on with the general subject of salaries, and increase them all. If we begin with this, I do not see why we shall not be forced to go among all the officers of the country, increase the salaries of the custom-house officers, and others, and make a general advance. Inasmuch as I am not prepared to vote for that, I am not willing to vote for this amendment on this bill.

Mr. DAWSON. I hope the amendment will be withdrawn; but if we are to go on the general subject of an increase of salaries, I desire to be heard. It is proposed to increase these salaries to a large amount; and it is urged that they should be increased because of the large bonds which the officers have to give. Now, we all know practically that a bond of \$300,000 amounts to nothing. The amount of the bond never regulates the amount of salary.

I hope, sir, the question will be postponed until we take up the subject of salaries generally. Why should we give \$5,000 to an officer of this kind? It is a salary almost equal to that of the head of one of our Departments, who is engaged here during the whole season. If we are to begin with this system, let us begin with the head, with the President, and come down and take in all the

officers, and not have an increase in detail in this way in a bill of this kind.

Mr. BRODHEAD. The objections urged by the Senator from Virginia and the Senator from Georgia apply to the bill now under consideration. It proposes to increase salaries. It provides for an increase in the salaries of the clerks in the Mint. Then, while we have under consideration the subject of the salaries of the different officers connected with the Mint, why not consider them all? There is a particular reason why the director of the Mint should have an increase of salary. Additional duties have been thrown upon him. His labors have been trebled, and the responsibilities of his office have been trebled since 1837, when his present salary was fixed.

Mr. SEWARD. I wish to suggest to my honorable friend from Pennsylvania a reason which, I hope, will be sufficient to induce him to withdraw his amendment. I am in favor of his proposition, and will support it when it properly comes up. But it is not exactly germane to this bill, and that is an objection which is very well taken against it by those who raise the objection here. To that he makes the answer that we do already, by this bill, increase the salaries of the clerks in the Mint. It is sufficient to reply to that, there is no objection, so far as that is concerned, and it does not hinder the passage of this bill. But the Senator will only embarrass the bill and endanger it, without effecting his object, by insisting on the amendment; whereas he will be sure of the support of all of us who agree with him in principle whenever the question can come up when it is germane and legitimate. I hope, therefore, he will withdraw the amendment, and allow the bill to pass.

Mr. DAWSON. I move to postpone the further consideration of this bill until to-morrow.

Several SENATORS. Oh, no!

Mr. DAWSON. I will not insist upon the motion if the amendment be withdrawn; but we were told, when the bill was taken up, that it would only occupy a few minutes.

Mr. BRODHEAD. If I had supposed there would be any objection to this amendment, I should not have consented to the consideration of the bill because I regard the passage of the bill, without the amendment, as a defeat of it entirely.

Mr. GWIN. I hope the Senator from Georgia will withdraw his motion. I think we can take a vote in a minute.

Mr. DAWSON. I do not desire to go into a discussion, but to gratify my friends, I withdraw the motion.

Mr. SLIDELL. I wish to state that if the amendment be pressed by the Senator from Pennsylvania, I shall be under the necessity of offering an amendment for an increase of the salaries of the officers of the Mint in New Orleans. It has always been my intention, at the proper time, to make such a proposition, but while I have no disposition to embarrass his amendment at all, I must say, the effect of its being pressed at this moment, will be to open the whole subject.

Mr. BRODHEAD. I can show that at New Orleans the officers have received more than those at Philadelphia, and yet the New Orleans Mint is a mere branch. But, sir, as it seems to be the general desire of the Senate that I should withdraw the amendment, I will do so.

The bill was reported to the Senate as amended, the amendments were concurred in, the bill was ordered to be engrossed for a third reading, and was read a third time.

THE PRESIDING OFFICER. The question is "Shall the bill pass?"

Mr. WALKER. I wish to make no other opposition to the passage of the bill than to record my vote against it, if the Senate will grant me the yeas and nays. I ask for them.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 13; as follows:

YEAS—Messrs. Adams, Allen, Badger, Benjamin, Brown, Clay, Douglas, Evans, Fish, Fitzpatrick, Foot, Gillette, Gray, Hunter, James, Johnson, Mallory, Norris, Pearce, Rockwell, Rusk, Seward, Shields, Slidell, Thompson of New Jersey, Toombs, Toucey, Wade, and Williams—29.

NAYS—Messrs. Atchison, Bright, Brodhead, Chase, Dawson, Dodge of Iowa, Fessenden, Hamlin, Houston, Stuart, Sumner, Thompson of Kentucky, and Walker—13.

So the bill was passed.

The bill as passed proposes to enact that there

may be coined and issued by the Mint of the United States, or by such of the branch Mints as the Secretary of the Treasury may direct, a gold coin of the weight of two thousand five hundred and eighty grains, of the value of one hundred dollars; and another of the weight of one thousand two hundred and ninety grains, of the value of fifty dollars, each of which coins shall be of the standard fineness now prescribed by law for the gold coins of the United States. It proposes to direct the Secretary of the Treasury to cause the necessary dies and other apparatus to be prepared, by proper and skillful artists, under the superintendence of the Director of the Mint at Philadelphia, for coining the above coins, with such devices, mottoes, and figures as may be approved by the President of the United States, the expense of which shall be defrayed from the ordinary appropriations for the expenses of the Mint and branch Mints of the United States. The coins provided for are to be a legal tender, and to be received at their respective values as established by this bill, in payment of all dues to the United States.

The bill also proposes to repeal all laws heretofore passed authorizing any foreign gold or silver coins to pass current as money and be receivable in payment of debts; and makes it the duty of the Director of the Mint to append to his annual report of the operations of the Mint a statement showing the average weight, fineness, and Mint value of such foreign coins as are usually imported into the United States, upon assay in the Mint.

It further authorizes the Director, under such rules and regulations, and upon such terms and conditions as the Secretary of the Treasury shall prescribe, to provide for striking medals for such States, Territories, associations, societies, and individuals, as the rules shall include; and he is to cause to be struck in bronze a duplicate copy of every medal so struck at the Mint, and to transmit the same to the Library of Congress, to be there retained. All expenses incurred on account of the striking of such medals shall be paid by the said States, Territories, associations, societies, and individuals respectively, for which or whom they may be struck. The President is authorized, by and with the advice and consent of the Senate of the United States, to appoint an assistant Director of the Mint, at an annual salary of \$2,500.

The seventh section of the act of January 18, 1837, is proposed to be so amended as to extend the limit for the annual salary of clerks in the Mint of the United States to \$1,800 each, after July 1, 1854, at the discretion of the officers authorized by law to appoint, with the approbation of the President of the United States; and the second section of the act of July 3, 1852, is to be so amended as to allow the clerks authorized to be employed therein, \$3,000 per annum each, from and after the 1st of July next. All appointments of clerks and assistants authorized to be employed in the offices of the assistant treasurers of the United States, and in the offices of the Mint and branches thereof, and in the New York assay-office, are to be made with the approbation of the President.

It is further provided that all laws now in force in relation to the coins of the United States, and the striking and coining the same, shall, so far as applicable, have full force and effect in relation to the coins now authorized, whether those laws are penal or otherwise; and whether they are for preventing counterfeiting or debasement, for protecting the currency, for regulating and guarding the process of striking and coining and the preparations therefor, or for the security of the coin, or for any other purpose. In adjusting the weights of the gold coins now authorized, the following deviations from the standard weight are not to be exceeded in any of the single pieces, namely: in the ten eagle piece and the five eagle piece, one half of a grain; and in weighing a large number of pieces together, when delivered from the chief coiner to the treasurer, and from the treasurer to the depositors, the deviation from the standard weight shall not exceed seven pennyweights in one thousand ten eagle pieces, or five pennyweights in one thousand five eagle pieces.

ABIGAIL STAFFORD.

On the motion of Mr. WALKER, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution explanatory of

an act entitled "An act for the relief of Abigail Stafford."

It provides that in making payment under the act of Congress entitled "An act for the relief of Abigail Stafford," the Secretary of the Treasury allow interest upon the sum appropriated, according to the principles of equity and justice; that is, at the rate which would have been allowed had the amount been subscribed under the funding system.

Mr. WALKER. I wish to propose an amendment to the joint resolution to strike out the words "interest upon the sum appropriated by said act, according to the principles of equity and justice; that is, at the rate which would have been allowed had the amount been subscribed under the funding system," and to substitute in lieu of them these words: "interest at the rate of three per cent. from the 4th day of July, 1778, to the day of the passage of said act." That is about the rate at which interest would be allowed under the funding system, if it had been provided for in the bill making the original appropriation. In that bill the words employed were that the claim should be paid according to the principles of equity and justice. The intention of the committee was, at that time, that the amount should be paid according to the terms proposed by my amendment; but when the matter passed under the revision of the First Comptroller of the Treasury, he decided that he would not pay interest, according to the intention of the committee. This resolution is explanatory of the original act, and is to give the claimant the interest at about the rate which would have been paid under the funding system. If the resolution be perfected in this form, I shall ask that the original report may be read, so that the Senate may judge what it is.

Mr. HUNTER. I should like to hear the report read.

Mr. WALKER. In the case of this explanatory resolution no report was made; but upon the original claim there was a report, which I ask may now be read.

The Secretary read the report referred to, from which it appears that Abigail Stafford was the daughter of Henry Smith, of Massachusetts, who enlisted on the 19th of April, 1775, and served in the ever memorable battle of Lexington, in which he was wounded. He afterwards served four years and eleven months during the war. On the 26th of December, 1775, at Dorchester, he received a certificate from the Secretary of State of Massachusetts as a soldier; and he was at the battle of White Plains, where he was stationed at an outpost.

Thomas Bacon, the uncle of the petitioner, served in the army, and was deprived of the use of his feet. The father of the petitioner died from wounds received in the service of the country, leaving her an orphan, her patrimony consisting of \$1,800 of Continental money, which, from its depreciation, became wholly useless. On the 18th of April, 1777, her grandfather guided the troops to the battle of Lexington, and had five sons and five sons-in-law in that battle. The report also states that there is testimony to prove that she furnished supplies to the army by carding, spinning, knitting, and making clothes for the soldiers.

The committee recommended that the claimant should receive a pension; but thinking that a sum in gross would better meet her wants, they reported a bill for that purpose.

Mr. BRIGHT. I should like to inquire how much was appropriated by the original bill.

Mr. WALKER. I think the amount was something like \$1,800.

Mr. BRIGHT. Then there is to be interest for seventy-five years, at three per cent., allowed on \$1,800. I do not wish to be considered as opposing the claim, but I shall vote against it. At the time I had the honor of being the chairman of the Committee on Revolutionary Claims, I examined and reported against it. I never could find facts to sustain the original allowance, to say nothing of interest.

Mr. TOOMBS. I have had no opportunity of looking into the facts, to see whether the original allowance was right or not; but if it was, I think this joint resolution is certainly right, though it is upon a principle which has not been very generally accepted on the part of some gentlemen here. It is precisely the principle of the Galphin claim—the allowance of interest on a demand

originating in the Revolution for the particular or general defense. There was a great clamor in regard to that claim made by small politicians, and I believe it is continued still in some pretty respectable quarters; and it is contended that interest ought not to be allowed on that class of cases. I hold that it ought to be allowed in such a case. I hold that it was just in that case, and I hold that it is so in this. But I desire to state the principle on which that case rested.

It was a debt assumed by one of the States of this Union for the particular or general defense during the Revolution, and on that ground it was contended that it should bear interest. I believe Virginia got one or two millions on the same principle by an act passed in 1832. If the original debt in this case be right—and of that I know nothing but from the fact of its allowance—it seems to have been a debt created for the general or particular defense of the United States during the Revolution. That is the basis of it; and if it be such a case, interest ought to be allowed. A great deal of clamor was raised about the application of the principle in the case to which I have referred. I believe that many gentlemen even in the public councils joined in it. Inasmuch as I consider the principle to be a sound one, I shall support this joint resolution, but I do not wish anybody to vote for it with a misapprehension of the principle upon which it is based.

Mr. BAYARD. The original bill, as I understand the report of the committee, (I heard nothing of it before,) rested on a state of facts, which are rehearsed by the committee. They recommended the granting of a pension to the daughter of a revolutionary soldier, and then they recommended, in lieu of that pension, that a gross sum should be allowed. That bill passed, and the sum, of course, is payable, and I suppose has been paid. Now the attempt is to allow interest on that sum from 1778 down to the time of the passage of that bill. Since I have been in this body, I have known, repeatedly, cases where the allowance of interest was rejected on claims quite as meritorious as this in every respect. This is not the case of a debt. It is a case where a pension was recommended to be allowed to a party, and it is purely a gratuity. I cannot see how, in such a case, there is any principle which would justify the allowance of interest for seventy-five years. I shall, at all events, ask for the yeas and nays on the passage of the joint resolution.

Mr. EVANS. I desire to say merely that the interest on this claim, as proposed to be allowed by the amendment of the Senator from Wisconsin, will amount to \$4,050. So far as I have had anything to do with these ancient claims since I have been here, I can say that interest has not been allowed.

Mr. WALKER. The Constitution of the United States provides that private property shall not be taken for public use except upon the payment of a just and adequate consideration. I cannot, for my life, see the distinction between depriving a citizen directly of a thousand dollars worth of property for the public use, and doing it indirectly, by using a sum which would, in interest, equal that amount through a given number of years. The report which has been read was made by a Senator from Rhode Island, [Mr. JAMES,] under the direction of the committee, some two years ago. The committee, in examining the case, found in its details some very peculiar circumstances attending it. There seemed to be a disposition on the part of this family to make sacrifices that actually left them destitute, as it were, of the means of support, for the time being. I think that the detail of the case will show that there was as great an amount of patriotism and devotion shown as could be exhibited in the Revolution. The advance of provisions, the manning of boats, the taking of provisions, everything of the kind entered into the case. No part of the money was paid until the passage of the bill which this resolution proposes to explain. Then I cannot see why we may not, in justice in this case, under all the circumstances, allow this small sum of interest, which would have been allowed if the debt had been subscribed, as it might have been, under the funding system.

Mr. BAYARD. Whether interest should be allowed on this claim or not, the committee give no reasons for the allowance of it. Take their report: it presents a state of facts which justified

the passage of the original bill, and no more; and that in the shape of a gratuity. The result of their judgment was that a pension ought to be allowed to the child of a revolutionary officer; but they substituted, in lieu of that, the recommendation of an allowance of a gross sum of money, and in that shape the bill passed. They give no reason why interest should be allowed. That question is not touched. In regard to the resolution before you, which claims the allowance of interest, I take it for granted that the reason ought to be given why no application was made to the Government before for a pension. You are now asked to allow interest for a period of nearly seventy-five years, without any evidence whatever on which to base it. Why did not the party apply before, during the whole of that period of time, for the payment of the money? The Government of the United States was amply capable of paying any sum, even if it were a gratuity. Surely there has always been ample disposition to extend to revolutionary soldiers and their descendants every relief which could be rightfully claimed for them. I have never seen any indisposition to do that. And if the neglect of the parties themselves prevented the application being made to the Government for the payment of the claim, either as a gratuity or a debt, on what principle can they come forward, and ask for seventy-five years' interest, while the money was lying in the Treasury, out of which they might have been paid, if it had not been for their own negligence? No reason is given on the face of the report why interest should be paid in this case.

The amendment was agreed to; the resolution was reported to the Senate as amended, and the amendment was concurred in.

On the question of ordering the joint resolution to be engrossed for a third reading, Mr. BAYARD called for the yeas and nays; and they were ordered, and being taken resulted—yeas 13, nays 25; as follows:

YEAS—Messrs. Dodge of Wisconsin, Foot, Gillette, Houston, James, Rockwell, Rusk, Sebastian, Thompson of Kentucky, Thomson of New Jersey, Toombs, Wade, and Walker—13.

NAYS—Messrs. Adams, Bayard, Benjamin, Bright, Brown, Chase, Clay, Dawson, Dodge of Iowa, Douglas, Evans, Fessenden, Fish, Fitzpatrick, Gwin, Hamlin, Hunter, Johnson, Norris, Pearce, Seward, Sidel, Stuart, Toucey, and Williams—25.

So the joint resolution was rejected.

ADDITIONAL CIRCUIT.

Mr. GWIN, in pursuance of previous notice, asked and obtained leave to introduce a bill in addition to an act approved March 3, 1837, entitled "An act supplemental to an act entitled 'An act to amend the judicial system of the United States;'" which was read, and passed to a second reading.

Mr. GWIN. The bill is to establish another judicial circuit, composed of the State of California, and the Territories of Oregon and Washington. Inasmuch as the Committee on the Judiciary have acted on the subject, I move that the bill be printed, and it can go on the Calendar. I give notice that I shall, at an early day, call it up for consideration.

The motion to print was agreed to.

JOSHUA CHAMBERLAIN.

On motion by Mr. WADE, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of the heirs of Captain Joshua Chamberlain, deceased.

It proposes to direct that there be paid to the heirs of Joshua Chamberlain, deceased, late a captain in the Army of the Revolution, an amount equal to the half pay of a captain from the end of the war to Chamberlain's death, on the first of January, 1812; and also to authorize the issue of a warrant to his heirs for such bounty land as they are entitled to in virtue of his services.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ADJOURNMENT OVER.

Mr. BAYARD. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. DOUGLAS. I trust not. I hope we may get through to-morrow with the discussion of the veto message, so as to go on with the homestead bill, and other matters of importance.

Mr. BAYARD. I make the motion, and ask for a vote upon it.

Mr. ADAMS called for the yeas and nays; which were ordered, and being taken resulted—yeas 22, nays 18; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Benjamin, Brodhead, Clay, Dawson, Evans, Fish, Foor, Geyer, Hamlin, Johnson, Norris, Pearce, Rusk, Sebastian, Slidell, Thompson of Kentucky, Toombs, Tancey, and Wade—22.

NAYS—Messrs. Adams, Brown, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fitzpatrick, Gillette, Houston, Mallory, Rockwell, Seward, Shields, Stuart, Sumner, Walker, and Williams—18.

So the motion was agreed to.

BENJAMIN ROWE.

On motion by Mr. HAMLIN, the Senate resumed the consideration of the House bill for the relief of Benjamin Rowe.

This bill was at first reported on adversely by the Senate Committee on Pensions, for these reasons: Rowe, in his petition, alleged that he enlisted in the twenty-first regiment, United States infantry on the 10th March, 1812-'13, and continued in the service until he was honorably discharged at Fort Erie, on the 12th of October, 1814; that he was taken prisoner, with his company, by the British, while on the march to Sackett's Harbor, and transported to Quebec, a prisoner of war; that in consequence of his hardships while a prisoner his health was broken, and he was put ashore from the prison-ship by order of the British surgeon; that he is now totally disabled (by ill health, resulting from his treatment while a prisoner) from procuring a support, and he therefore prays a pension. This petition was first presented to Congress in 1842, and had been several times reported against for want of sufficient evidence. Among the papers accompanying the bill, the committee could not find any evidence of an official or record character to prove his enlistment, service, or discharge, as a soldier of the United States, neither was the absence of such proof accounted for, or any indication shown in the papers that the case had ever been referred to the proper office for investigation. In the opinion of the committee, the alleged facts of enlistment and discharge could, if true, be proved by the rolls of the war office; and if not, some reason could be shown why it was necessary to resort to the fugitive certificates (not one of them properly authenticated) which accompany the petition.

The bill was subsequently recommittees with additional papers, among which the committee found the proof before wanting amply supplied in a copy of the discharge of Rowe, properly certified by Hon. F. Burt, Third Auditor of the Treasury; in which the facts of his enlistment, captivity, &c., are fully and satisfactorily stated. With this addition to the evidence, they were satisfied to concur in the views of the committee of the House, and recommended the bill pass.

The bill proposes to direct the Secretary of the Interior to place the name of Benjamin Rowe on the pension roll, at the rate of eight dollars per month, to commence January 1, 1854, and to continue during his natural life.

The bill was considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

BRIG GENERAL ARMSTRONG.

Mr. SLIDELL. I ask the Senate now to proceed to the consideration of the bill for the relief of the claimants of the private armed brig General Armstrong.

The PRESIDING OFFICER. No objection being made, the bill is under consideration, as in Committee of the Whole.

Mr. WALKER. When it was proposed to call up that bill before, some one said that it would lead to a lengthy discussion.

Mr. SLIDELL. If that be the case, it is a stronger reason for taking it up now.

Mr. WALKER. I merely made the suggestion because it is late in the day.

Mr. SLIDELL. Then I should prefer to have it first on the Calendar next Friday. I have no sort of objection, if that course should be preferred by the Senate, to have this bill continued until next Friday, if, by general consent, it be considered as first for discussion on that day.

Mr. BADGER. The Senator from Louisiana will allow me to suggest, that if I now move an

adjournment the bill will come up as the unfinished business on next Friday.

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole.

Mr. BADGER. We cannot get through with it to-day, and I therefore move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 16, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

REPORTS FROM STANDING COMMITTEES.

The SPEAKER. The business first in order is the consideration of a bill of the following title:

A bill further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851; and the act amendatory thereto, passed March 30, 1852.

The call for the previous question was seconded.

A motion was made that the bill and amendments be laid upon the table.

Mr. SKELTON, by unanimous consent, withdrew the motion to lay upon the table.

Mr. HOUSTON. I would ask the unanimous consent of the House for leave to report from the Committee of Ways and Means "a bill reducing the duties on imports, and for other purposes," that it may be referred to the Committee of the Whole on the state of the Union.

Mr. WASHBURN, of Illinois. I object.

Mr. KERR. Mr. Speaker, when reports were called for last Saturday I was absent, and I now ask the unanimous consent of the House for leave to report a private bill from the Committee on the Judiciary, that it may be referred to a Committee of the Whole.

There was no objection, and

Mr. KERR, from the Committee on the Judiciary, reported back, with a recommendation that it do pass, a bill of the following title; which was referred to a Committee of the Whole House, and ordered to be printed:

Senate bill (No. 146) for the relief of Samuel H. Hempstead.

Mr. JONES, of Louisiana, from the Committee on the Post Office and Post Roads, by unanimous consent, reported back Senate bill No. 300, being "An act for the relief of Thomas Rhodes," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

POSTAGE BILL.

The House then proceeded to consider the postage bill.

Mr. HAVEN. Will the gentleman from Ohio [Mr. OLDS] yield me the floor a moment?

Mr. OLDS. I will, if it does not come out of my time.

Mr. HAVEN. I ask the unanimous consent of the House to submit an amendment to the bill, otherwise I cannot do so, as the previous question has been called and seconded on the bill and amendments. In whatever I may have said in reference to this matter, I have been governed by a sense of the propriety of this legislation. I desire to move to strike out the first four sections of the substitute—that part relating to the franking privilege. The residue, as I read it since my remarks made yesterday, will then be acceptable to me.

Mr. OLDS. I have no objection to the entertainment of the gentleman's proposition.

There was no objection, and the amendment was submitted to be acted on in its order.

Mr. HENDRICKS. I would ask unanimous consent to move an amendment to those sections before the vote is taken on striking them out. I desire the first section carried out, and the franking privilege abolished.

Mr. OLDS. If this comes out of my time, I object.

The SPEAKER. It does.

Mr. OLDS. Then the gentleman must excuse me for not yielding further.

Mr. Speaker, I never felt in all my life the same necessity for being able to make a good argument as I do at this time, and on the bill under consid-

eration; for I think it is an important measure, demanded alike by the necessities of the Post Office Department and the exigencies of the mail service of the country. I am aware that the bill may not be perfect in all its parts. It may not be such a bill as will meet the wishes of every gentleman upon the floor. It is a difficult matter for a committee to frame a bill so perfect that gentlemen shall raise no objection to it. I was a little surprised, however, on yesterday, and, I must confess, a little mortified, to hear the learned gentleman from Pennsylvania, [Mr. CHANDLER,] when the gentleman from New York [Mr. SMITH] introduced the proposition to abolish the Post Office Department, say that he expected the tinkering of the postages by the Post Office Committee would lead to such a result.

What does the gentleman mean by tinkering with the postages of the country? The tinkering of the system commenced under Benjamin Franklin. It has continued to be tinkered with by just such men, from his day until the present time. It has been tinkered with, sometimes for good, and sometimes for evil, until it has become the commendation and the praise (as I shall show hereafter) of the most enlightened Government in the world. It has been tinkered with until it has become so perfect that it may be considered the boast and the pride of the nation. Still, I am free to admit that it has its defects, some of which the Committee on the Post Office and Post Roads seek to remedy by the bill under consideration.

Under the law of 1845, in which you fixed your rates of postage at five and ten cents, you had a good postage system. And you were enabled to give such mail facilities as the country demanded. During the six years continuance of those rates of postage, you accumulated a surplus of more than \$2,000,000.

In 1851 the gentleman from Pennsylvania [Mr. CHANDLER] and myself, for I plead guilty to the charge, voted for a reduction of postages; that tinkering has made the Post Office Department insolvent at this day. It was the tinkering at that time that has led to all the tinkering which has taken place since; and the gentleman from Pennsylvania [Mr. CHANDLER] must plead guilty to the charge of having tinkered the Department into insolvency. Under the five and ten cent postage system you accumulated a surplus of more than \$2,000,000. The moment you reduced your postages from five and ten cents to three and five cents, you brought your Post Office Department in debt. The estimated deficiency for this year was \$1,800,000. The actual deficiency will be over \$2,000,000. The estimated deficiency for the next fiscal year is over \$2,400,000. It is reasonable to suppose, judging the future by the past, that the actual deficiency will be more than \$2,500,000. This deficiency does not include, or only in part, the expenses of your ocean mail steamers. This does not include the sum of more than \$800,000 that you pay the Liverpool steamers; nor does this sum include the amount of nearly \$800,000 which you pay the San Francisco line of steamers. If you add the appropriations required for these two lines, it will make a deficiency in the revenues of the Post Office Department for the next fiscal year of more than \$4,000,000. The deficiency in the revenues of the Post Office Department, at the present rates of postage, is increasing at the rate of more than \$500,000 a year. The gentleman from Pennsylvania [Mr. CHANDLER] rightly apprehends the condition of the Post Office Department, as the following extract, which I read from his speech, will show:

"The cause of the deficiency, sir, is patent. We have agreed to pay, and have paid, more money for conducting the Department and conveying the mails than we have received for doing the work for those who employ us. This is the ordinary cause for insolvency."

The gentleman from Pennsylvania acknowledges the fact that the Post Office Department is insolvent, and this House will acknowledge, when they are called upon to appropriate two and a half millions of dollars to relieve the Post Office Department for the next fiscal year, that it is badly insolvent. Insolvent, sir, not through the bad management of the Postmaster General, but by the legislation of Congress.

Now, then, Mr. Speaker, is it not the duty of Congress to repair its legislation, and save this Department from insolvency? Was it not the duty of the Committee on the Post Office and Post

Roads to endeavor to do something which might restore this Department of Government to a healthy and solvent condition? And yet, because the committee have undertaken to do this, the gentleman says that the proposition to abolish the Post Office Department is the result of this tinkering with the postage of the country.

Let me read again an extract from the speech of the gentleman from Pennsylvania:

"Mr. Chairman, the scheme of the Post Office Committee for repairing the income of the Post Office Department, is one that does not reflect that credit on their sagacity which we all admit is so generally deserved by their propositions."

The proposition, then, of the Committee on the Post Office and Post Roads, or, in other words, the bill under consideration, in the judgment of the gentleman from Pennsylvania, is not sagacious. If the gentleman's sagacity can detect and point out our want of sagacity, he must be sagacious enough to point out a remedy for the insolvency of the Post Office Department. He has done so, and I will endeavor to run a comparison.

Now, what are the two plans that have been proposed to save the Post Office Department from insolvency; the one proposed by the Committee on the Post Office and Post Roads, which the gentleman says is not sagacious, and the one proposed by the gentleman from Pennsylvania, the sagacity of which is yet to be examined and made manifest? The committee proposes, in the first place, to abolish the franking privilege. True, it is not a direct abolition of the franking privilege, but it is that the Government itself shall pay to the revenue of the Post Office Department that amount of money which will be equal to the service performed by the Post Office Department in carrying that matter which the Government itself orders to pass through the mails of the United States. This is the first thing proposed by the Committee on the Post Office and Post Roads: It is, that everything passing through the mails of the United States shall pay the Department the cost of transportation and delivery, the same as letters, newspapers, and other mailable matter. The committee desire to make the revenues of the Post Office Department equal to what they would be if everything passing through the mails paid its proper tribute to that revenue. The gentleman from Pennsylvania, however, objects to this. He thinks the proposition wanting in sagacity. Let me read what he says on the subject:

"I am aware, Mr. Chairman, that since these remarks have been digested, the chairman of the Post Office Committee has presented another bill, which looks to the reduction of post office expenses, rather than an augmentation of its income; a retention of the three cent. postage, but an abolition of the franking privilege; it is all one scheme. The plan goes to deprive the people of certain advantages, in order that the Government may have an income from the Post Office Department. I will not speak of the franking privilege as a benefit to the Representative. You know, sir, every active member of Congress knows, it is only a burden cast upon him, in the labor and in the cost. It is not worth while to argue that point; you all know it, all feel it; but you also feel that the privilege is one secured to the people to enable you to correspond with your constituents, and to disseminate practical valuable information, and fill them with this broad of republican doctrine, to keep alive the spirit of national feeling and the uses of national knowledge; to circulate between his center and the vast extremities of the nation the vital fluid of truth; and thus enable the humblest to know and appreciate the action of Congress, and connect by the most effective ties the Representative with the present constituency, the future constituent here with the future Representative at home.

"I hoped to hear no more of this reform of franking privileges, or rather franking duties. We are Republicans, and in a representative democracy it is the right of the people to know promptly, and to know thoroughly, what it is their Representatives are doing; and this right of franking is the means, the true means, and the best means, by which that knowledge can be disseminated."

The gentleman from Pennsylvania, then, may be set down as opposed to the abolition of the franking privilege. The movement does not meet with his approbation, and he "hopes to hear no more of it."

But, Mr. Speaker, there happens to be another very sagacious statesman who differs widely from the gentleman from Pennsylvania. I refer, sir, to the truth-telling, the order-loving, the mob-hating, the Constitution and law abiding, the patriotic and the Union-loving Horace Greeley. He, too, abuses me for tinkering with the postages. As he has set up for a reformer, and has long been associated in party ties with the gentleman from Pennsylvania, I could really wish that they agreed in sentiment about this franking privilege; for

I should really like to have them both satisfied with all reforms in the Post Office Department. Then, sir, to say the least of it, this Capitol would be saved from the "torch of the incendiary," and we should not be called upon to surrender up our precious lives "beneath its crumbling ruins."

This great reformer has his peculiar notions of what should be done in order to save the Post Office Department from insolvency and ruin.

Let me read what Mr. Horace Greeley says upon the subject of the franking privilege. I read, sir, from the New York Tribune:

"Mr. O. told Congress that our present rates will not support the Department; that they must be increased, or \$2,000,000 taken from the Treasury to pay for mail service; but he willfully suppressed the fact that this apparent deficit is caused by the immense amount of matter carried free in the mails, mainly under the frank of members of Congress."

I stop reading this extract for the purpose of saying that this is utterly false. Every member will recollect that, early in the session, I avowed myself in favor of abolishing the franking privilege. At that time, and subsequently, I informed the House that \$1,500,000 in the deficiency was caused by use of the franking privilege. But I will continue my reading from the Tribune:

"The Post Office doesn't pay, simply because Congress diversifies its rightful sources of revenue to the aggrandizement of its own members; just as our business would not pay if we gave away one third of our issues to favorites. Make everything that enters the mails pay its own way, and there need be neither increased rates of postage, nor an annual deficit; but woe to that Congress which maintains the franking privilege, yet nearly doubles the charge for carrying letters to those who pay their way! Such partiality would not be tamely borne."

How in the world, Mr. Speaker, am I to please these two great reformers? The one says abolish the franking privilege, and the other says do not abolish it. I find myself in great difficulty in this matter. If I undertake to please both these gentlemen, I shall be in the predicament of the miller and his son; and if the House will pardon me, I will read from *Æsop's Fables*.

Several MEMBERS. Yes! Yes!

Mr. COBB. They are not orthodox.

Mr. OLDS. The gentleman from Missouri [Mr. BENTON] introduced them upon the Nebraska bill the other day, and I do but use the same authority.

"A miller and his son were driving their ass to a neighboring fair to sell him. They had not gone far when they met with a troop of girls returning from the town, talking and laughing. 'Look there!' cried one of them, 'did you ever see such fools, to be trudging along the road on foot, when they might be riding?' The old man, hearing this, quietly bade his son get on the ass, and walked along merrily by the side of him. Presently they came up to a group of old men in earnest debate. 'There!' said one of them, 'it proves what I was saying. What respect is shown to old age in these days? Do you see that idle young rogue riding, while his old father has to walk?—Get down, you scapegrace! and let the old man rest his weary limbs.' Upon this the father made his son dismount, and got up himself. In this manner they had not proceeded far when they met a company of women and children. 'Why, you lazy old fellow!' cried several tongues at once, 'how can you ride upon the beast, while that poor little lad there can hardly keep pace by the side of you.' The good-natured miller stood corrected, and immediately took up his son behind him. 'They had now almost reached the town. 'Pray, honest friend,' said a townsman, 'is that ass your own?' 'Yes,' says the old man. 'Oh! one would not have thought so,' said the other. 'By the way you load him. Why, you two fellows are better able to carry the poor beast than he you!' 'Anything to please you,' said the old man; 'we can but try.' So, alighting with his son, they tied the ass's legs together, and by the help of a pole endeavored to carry him on their shoulders over a bridge that led to the town. This was so entertaining a sight that the people ran out in crowds to laugh at it; till the ass, not liking the noise nor his situation, kicked assunder the cords that bound him, and, tumbling off the pole, fell into the river. Upon this the old man, vexed and ashamed, made the best of his way home again—convinced that by endeavoring to please everybody, he had pleased nobody, and lost his ass into the bargain."

Now, Mr. Speaker, I fear already that in my efforts to please these gentlemen, to reconcile everybody with my postage bill, I have placed myself in the unfortunate condition of the miller; and that, in the end, I shall find that I have pleased nobody, and lost my bill in the bargain.

Well, sir, I have, it seems to me, in the spirit of compromise—for that is the spirit which appears to pervade the country—split the difference between the gentleman from Pennsylvania [Mr. CHANDLER] and the gentleman from New York [Mr. Greeley.] I have not made a perfect abolition of the franking privilege, but have provided that the postages of members upon documents and letters received and sent shall be paid out of the contingent fund of the House.

I agree most cordially with the gentleman from Pennsylvania, [Mr. CHANDLER,] that the franking privilege is a tax upon members of Congress; and I would much rather see it abolished; for it would relieve us from much labor imposed upon us under its use. We would not have one half of the letters to answer, if those writing us understood that all letters received and sent by us were charged with postage. I repeat, sir, the very fact that we now have the franking privilege, induces our correspondents to send more letters, by one half, perhaps, than they would if all our correspondence was charged with postage. And as we are, most of us, faithful correspondents, and answer all our letters, it does indeed amount to a most serious tax on our time and our labor.

I am confident that more than two-thirds of the public documents published by order of the Government are not worth to our constituents what they cost the Government for sending them free through the mail. The gentleman says these documents give the book-makers employment. That is true; but the gentleman must remember that all documents worth the reading would still be published by the book-makers—the book-makers of the people, instead of the book-makers of the Government. The book-makers would still have the employment.

This bill requires that any member sending a document, or a letter, shall indorse his name upon it, the same as now. He must indorse it as official, and then it passes through the mail free to him as now; but the postage is charged to him, and paid out of the contingent fund of the House. It does not make any difference in its cost upon the Treasury whether the money is paid the Department in the way of postage, or whether it is appropriated direct from the Treasury to save the Department from insolvency. But if the Department must sustain itself, and it performs labor for the Government, and is paid for that labor, it gives the Department no excuse for denying such mail facilities as it can afford, and as the necessities of the country demand.

If the Government will pay to the Post Office Department the amount which it costs to carry the matter sent through the mails by the order of the Government, it will enable that Department to furnish such facilities as the proper revenue of the Department will warrant. It will also have the effect of showing to the country how much mail matter is sent through the mail under the franking privilege; and, in my judgment, it will result, in the end, in the final abolition of the franking privilege altogether. When the people of the country come to understand that they are to pay \$2,000,000 a year for the matter which passes free through the mail; when they come to understand that they are to be taxed indirectly, if not directly, for the payment of this amount, they will demand of their Representatives the abolition of this franking privilege.

The postmaster of this city has, at my request, furnished me with an estimate of the amount of mail matter which is sent out from this office under the franks of the members of Congress. The accounts are kept for one month, and upon these accounts an estimate is made for a year. It proves fully what I have repeatedly said about the amount of free matter passing through the mail.

CITY POST OFFICE,
WASHINGTON, D. C., May 27, 1854. }

Sir: In compliance with your request, I have the honor to inclose herewith a statement exhibiting the franked mail matter forwarded from this office during the month of January, 1854.

I am, very respectfully, your obedient servant,
JAMES G. BERRET, Postmaster.

To Hon. E. B. OLDS, Chairman Committee on the Post Office and Post Roads, House of Representatives.

Statement exhibiting the quantity of mail matter sent from this office during the month of January, 1854, upon which no postage is collected, and showing the amount of revenue that would accrue if the same was chargeable with postage and prepaid:

Number of letters franked by members of Congress,	77,727.
Weight of letters franked by members of Congress, 3,440 pounds.	
Amount of postage on the same if prepaid, \$1,653 62.	
Weight of public documents franked by members of Congress, 693,508 pounds.	
Amount of postage on the same if prepaid, \$110,961 20.	
Weight of letters franked by the Executive officers, 7,053 pounds.	
Amount of postage on the same if prepaid, \$6,782 40.	
Weight of newspapers, 111,002 pounds.	

Total amount for one month, \$122,407 22.

Total amount for twelve months, \$1,468,886 64.

Total amount if unpaid twelve months, \$2,931,049 20.

This exhibit shows that \$1,468,886 for free matter leaving Washington under the franking privilege would be added to the revenue of the Post Office Department, if the change contemplated by the bill be made. It is not unreasonable to suppose, sir, that, taking the whole free matter passing through the mails of the United States—the exchange of newspapers, and the franks of members during the recess of Congress, and during their absence from Washington city—that the revenue derived from the abolition of that privilege, or the payment by the Government, would be \$2,500,000.

The second proposition of the committee, Mr. Speaker, is to abolish so much of the act of 1853 as makes a deduction of fifty per cent. for the prepayment of postages upon newspapers and periodicals. The law ostensibly requires a newspaper passing through the mail to pay one cent postage; but, in fact, it pays only half a cent. Let me illustrate: Take the New York Tribune, which paper weighs two and a half ounces. Under the law of 1852 the postage on it going from New York to New Orleans, or San Francisco, is nominally one cent; but you have a proviso in the law that where prepayment shall be made at the office where mailed, or delivered quarterly or yearly, there shall be a reduction of fifty per cent. Under this proviso there is received as postage for carrying that paper from New York to New Orleans a half cent, and to San Francisco only a half cent. One half of this goes to the postmasters in the way of commission, and there is then left to the Government only a quarter cent for carrying the Tribune, weighing two and a half ounces, from New York to San Francisco. You pay for transportation across the Isthmus alone twenty-four cents per pound. Now, I ask, is this right? Is it right that you should only receive one quarter of a cent for carrying two and a half ounces, when you pay one and a half cents an ounce for transportation across the Isthmus alone. Now, if you do away with this reduction of fifty per cent. on newspapers and periodicals for prepayment, a revenue of \$500,000 would be brought into the treasury of the Post Office Department.

In order that I might speak by the book, and exhibit facts and figures on this matter, I requested the Postmaster General to write to the postmaster at New York city to furnish him with the circulation through the mails of certain of the papers of that city. The following is the reply of the Postmaster General, giving the information I desired:

POST OFFICE DEPARTMENT, May 8, 1854.

SIR: I herewith inclose the reply of the postmaster at New York, to the letter of inquiry of the 2d instant, requesting information as to the number of newspapers mailed at that office, accompanying which are statements furnished by the Times and Tribune offices.

I am, very respectfully, your obedient servant,
JAMES W. CAMPBELL.
Hon. E. B. OLDS, Chairman, &c., &c., House of Representatives.

POST OFFICE, NEW YORK, May 6, 1854.

SIR: In compliance with the request contained in your letter of the 2d instant, I directed Mr. Clark, of the newspaper department, to apply in person at the offices of the Tribune, Times, Herald, Express, and Courier and Enquirer, and to obtain, if possible, in a direct manner, the information desired by Mr. Olds, Chairman of the House Committee, &c. The proprietors of the Tribune and Times readily furnished such information as is inclosed, whilst the others gave no satisfaction in the premises, the "Herald" declining to give the information.

Respectfully, your obedient servant,
ISAAC V. FOWLER, Postmaster.
per Wm. CALDWELL, Secretary.
HORATIO KING, Esq., First Assistant Postmaster General, Washington, D. C.

Mr. Greeley, of the Tribune, and the publishers of the Times, furnished the information in reference to their papers; but the Herald, Courier and Enquirer, and Express refused to do so. Here is Mr. Greeley's statement:

OFFICE OF THE TRIBUNE, NEW YORK, May 5, 1854.

SIR: According to your request, we inform you that we send through the mails 5,350 copies Daily Tribune, 11,900 copies Semi-Weekly Tribune, 103,900 copies Weekly Tribune. Aggregate circulation through the mails, 121,150.

Very respectfully,

GREELEY & McELRAIR,

per S. SINCLAIR.

The postage on the above, for one year, at the present rate, half a cent each, is \$42,484.

THOMAS CLARK, Esq.

The circulation of the Tribune alone, through

the mails, under the present postage system, according to Greeley's own calculation at the bottom of his letter, yields a revenue to the Department of \$42,484. If the reduction of fifty per cent. be done away with, it would be increased to \$84,968. Mr. Greeley objects, however, to this. It comes too near home for him. Abolish the franking privilege, says Mr. Greeley, but do not touch newspaper postage. He says leave newspaper postage as it is now, and make everything which passes through the mails pay its proper expense for their transportation.

Is a charge of three cents upon a letter weighing half an ounce, and half a cent upon a paper weighing two and a half ounces, paying equally the cost of their transportation? Oh! Mr. Greeley! oh! Mr. Greeley! A charge of three cents upon his paper would bring \$500,000 revenue to the Department, provided the circulation should be the same as it is now.

A great deal has been said, Mr. Speaker, about the postages in England. Mr. Greeley constantly, when urging cheap postage, refers to it. We are constantly referred to the low postages existing in that country, and we are constantly asked to have the same rates established in this country. Do gentlemen understand that every newspaper passing through the mails of Great Britain pays the same postage that a letter pays? Yet this is so. Unless it is printed upon stamp paper, which pays a duty of a penny to the Government, it must pay a postage of a penny in passing through the mail. If you put Mr. Greeley's newspaper at the same rate of postage that they would charge upon his paper in England, the revenue derived from it would be \$168,000, instead of \$42,000. And yet Mr. Greeley himself says that everything passing through the mails should pay its proper proportion of the cost of transportation. Oh! Mr. Greeley! Mr. Greeley! In England a newspaper must not only pay a stamp duty of a penny, but even then it cannot pass through the mails within three miles of London unless it pays an additional postage stamp duty of a penny. Take one of the London papers printed upon stamp paper, and if it is mailed seven days after it is issued, it must pay an additional penny postage.

Now, I ask, why make this reduction of fifty per centum for the prepayment of postage upon newspapers and periodicals sent to actual subscribers, the free postage being below the actual cost of transportation and delivery? Is the Government so embarrassed that it must have this money three months or more in advance? Does the Government save anything in consequence of prepayment of postage by regular subscribers? Why is this reduction of fifty per centum made? Is it not a bonus given to these newspapers and periodicals which is not understood by the country? Was not the proviso sought to be repealed slipped into the postage law of 1853, almost unknown and clandestinely? Is a postage of one cent too much for a paper to be carried from New Orleans to New York? If it is not, do away with this reduction of fifty per centum, and you will thereby bring \$500,000 into the revenues of the Post Office Department.

The third proposition of the Committee on the Post Office and Post Roads, which the gentleman from Pennsylvania [Mr. CHANDLER] says is not sagacious, is, that all letters be prepaid. I think that it is sagacious, and recommends itself to the consideration of the House; because it establishes the most perfect system of checks and balances between the Post Office Department here and the deputy postmasters in the country that you can possibly devise. You have no system of checks and balances now. If all your postages were prepaid by stamps, then you would have a most perfect system—one that would at once detect the slightest fraud upon the revenues of the Department. The proposition possesses some sagacity also, from the fact that it will be a great saving of labor in the distributing offices, and, in fact, to all the deputy postmasters of the country. By this system you can do away with post-bills. This alone will be a saving of nearly one half of the labor of the deputy postmasters of the country. There is some sagacity in the measure from another fact, that you have now returned to the dead-letter office each quarter nine hundred bushels of dead letters, the greater proportion, fifty-two and a half per cent., of which are unpaid. It is a sagacious

proposition from another fact, that you get prepayment upon these dead letters, the unpaid postage upon which amounts to about \$100,000 annually. Is there no sagacity in that?

But, Mr. Speaker, there is another good effect to be derived from this prepayment of our postages. It is this: The moment you do away with the system of sending letters on which the postage is not prepaid, you can dispense with the duty of advertising dead letters, the cost of doing which is an enormous expense to the Post Office Department. There are very few dead letters taken out of the various post offices in consequence of being advertised.

A MEMBER. You mean *uncalled for*, not *dead letters*.

Mr. OLDS. Yes; there are few, I say, of those undelivered letters, which are advertised, ever called for. Letters are not technically *dead* until they are returned to the dead-letter office.

The law requires that at the beginning of every month every letter remaining in the post office is to be advertised. Suppose, as an illustration, that a letter reaches a post office on the 31st of March; it will be advertised as an uncalled-for letter on the next day, the 1st of April, at the expense of one cent to Government, equal to one third of its whole postage. I would be in favor of abolishing this advertisement of these letters which are not prepaid, from this fact, that those men who take and read newspapers, and who see the advertisements of uncalled-for letters, are the men who call regularly at the post office to get their mails; and those men who do not call regularly at the post office for their letters are the men who do not take the newspapers, and cannot see the advertisement.

Now, Mr. Speaker, these are the three improvements—or what we consider improvements—which the Committee on the Post Office and Post Roads desire to make to the postal laws of the country. These, sir, are the propositions which the gentleman from Pennsylvania thinks are not very sagacious.

Mr. CHANDLER. Will the honorable gentleman from Ohio allow me to make one remark? It is this: that so far as regards the prepayment of letters, I entirely concur with the committee, and am ready to vote for that part of the bill.

Mr. OLDS. I am very much obliged to the gentleman for restoring the committee thirty-three per centum of its sagacity.

Mr. CHANDLER. Oh, that is a very small quantity. [Laughter.]

Mr. OLDS. Measured, of course, in the gentleman's bushel. Now, what does the gentleman from Pennsylvania propose as a remedy for this insolvency of the Post Office Department? Let us contrast his sagacity with the sagacity of the Committee on the Post Office and Post Roads. The comparison, I trust, will not be injurious to the committee.

Fortunately for the committee and the country, the sagacious gentleman from Pennsylvania, in the plenitude of his wisdom, has discovered the *sine qua non*. It is to make the Department a charge upon the Treasury. That I may not misrepresent his sagacity, I will again read from his recent speech. He says:

"Are we then to visit the Post Office Department with censure and restrictions, because it has exceeded its special income, while we confess that public good has resulted from the extraordinary efforts of its officers, and the enlarged cost of their service? Or are we to say that since these measures of public good in the Post Office Department exceed in cost their direct returns, therefore we will tax the community directly for their support, while we refer the deficiency of the other Departments to the ingenuity of the Secretary of the Treasury? Shall we say, while the head of every other Department leans upon the ways and means of the Treasury, that Mr. Campbell and Mr. Guthrie shall have no intercourse?"

"Sir, the whole argument in favor of increasing the rates of postage is founded on the assumption that the Post Office Department must sustain itself. With your permission, Mr. Chairman, and the patience of the House, I purpose looking at that assumption, and I do it now because all the Postmasters General, as well as the Post Office Committees, seem to have taken it for granted that such should be the case. Why should the Post Office Department be called on to sustain itself more than any other Department of this Government? Why should Mr. Campbell be compelled to keep his official hands out of the Treasury more than Mr. Dolbin? And why should Judge Campbell's name and his Department be excluded from the benefits of the deficiency bill, while that of the Department under General Davis is amply and carefully provided for therein? That is the question."

The gentleman's sagacious proposition to re-

lieve the Post Office Department from insolvency is to fasten it on the Treasury of the United States. It is truly a wonderful discovery; one for which the gentleman is surely entitled to receive letters patent. I am now ready to acknowledge the corn, and say the gentleman is wondrous sagacious. But an undutiful son who, perhaps, expends five hundred dollars a year more than his father would allow him, might have the same sagacity, and still draw upon his father's funds to pay the deficiency, and save himself from insolvency. The gentleman's patent, I think, will meet with ready sale.

But, sir, the moment you fasten the Post Office Department upon the Treasury of the United States, what will be the result? The deficiency will increase just as they have in the Army and Navy Departments of the Government, until you run up the expenses of the Post Office Department, as you have those others, to more than \$10,000,000 a year.

But, sir, how is this deficiency to be met? We must have increased mail facilities for the country. We are a growing people. This very Congress has already added two Territories to the United States. And you must extend the mail facilities to them. In 1850 you had to extend them to California, and Utah, and New Mexico. We are a mighty and a growing people, and our mail facilities must increase as the population and commerce of the country increases. How is it to be done? The gentleman from Pennsylvania says fasten it upon the Treasury of the United States. But how is the deficiency to be met there? By a tariff, I suppose, will be the answer. The gentleman from New York [Mr. HAVEN] talked feelingly and affectingly the other day about the correspondence of the servant girls and servant men, and I might add, too, the laboring men of the country. Ay, it would not do, he said, to tax them. But fasten this system upon the Treasury, and the servant girl, when she goes to the store to buy a dress, must, under the tariff operation, pay indirectly a tax to supply the deficiency in the Post Office revenue? You fasten it upon the Treasury of the United States, and you fasten the taxes upon those who do not use the mails of the country. You fasten it, in spite of all your protestations, upon those articles of dress which the servant girls and servant men must use and have.

Mr. HAVEN, (interrupting.) I will say to the gentleman that if he had only allowed the Committee of Ways and Means to report the tariff bill this morning, he would have seen that we propose to raise our revenue upon iron, silks, and such articles, of which servant girls and servant men do not use much.

Mr. OLDS. Who write the letters of the country? Not the servant girls; who only, perhaps, now and then write a letter to make known their affections to parents in the old country. The same is true as to servant men. I repeat, sir, who write the letters, and carry on the large correspondence?

Again, sir, hear the gentleman from Pennsylvania [Mr. CHANDLER] upon that subject. He says:

"A gentleman of extensive correspondence says, in reply to a note from me: 'As for letter postage, I pay to the Department now certainly \$300 per annum more than I did when the postage was five and ten cents.'"

By this precious *morceau* we see that it is not the serving girls and serving men who use most extensively the mails of the country, but quite a different class of society.

The gentleman from Pennsylvania has a correspondent who pays \$200 more postage under the three cent rate, than he did under the five cent rate. What must be the amount of his correspondence, when compared with that of the servant girls and servant men of the country? And yet under his proposition, that very correspondent might not pay any more revenue, under the operation of the tariff, than that of the servant girl or servant man; perhaps not as much.

To illustrate it again, a little further. It is a notorious fact, that one of the messengers about this Hall has been asking the members of the House, for their document books, that he may obtain the list of names of those to whom we send documents. For what purpose is this? A gentleman in Baltimore pays him thirty cents a hundred for copying those names, with their post office

address. It is, sir, that he may know to whom and where to send his business circulars—perhaps a lottery scheme in the city of Baltimore. Thirty cents a hundred, sir, to get the names and the address of our constituents. Compare his correspondence with that of the servant man or girl; and yet he may not pay more revenue, under the tariff, than do these latter upon the goods they are compelled to purchase.

I must refer again to the remarks of the gentleman from Pennsylvania. In speaking of the bill, and the arguments urged in its support, he says:

"But, Mr. Chairman, if the plan is wrong—if the bill is unworthy the acceptance of Congress—still more is the leading portion of the argument of its able advocate unworthy his fame and his position."

"The honorable gentleman who is at the head of the Post Office Committee demands that the postage be raised from three to five cents prepaid, and this, among other reasons, upon the ground that the West, the agricultural regions, must otherwise be made to suffer by the cupidity of the commercial portions of the country, and be compelled to pay for the conveyance of the mail along the seaboard. Such an argument, or an argument thus founded, sounds strangely from the mouth of a statesman; and, conceding that character to the chairman of the committee, I profess myself astonished at the error into which his feelings have betrayed him."

Why, sir, it seems to me, if I understand myself, that the gentleman from Pennsylvania has entirely misunderstood my remarks. I do not suppose that the interests of the people of commercial New York, in respect to correspondence, are different from those of the agricultural portions of the West. I suppose the merchant in New York has just as much interest in having communication with the farmer in Ohio as the farmer in Ohio has in holding communication with the merchant in New York. They are equally interested in having mail facilities kept up between them, and you cannot, in this respect, separate the interest of one from that of the other.

My remarks were based upon the supposition that low postages must result in denying increased mail facilities; and that in the Atlantic States their mail arrangements were perfected; they needed no increase of mail facilities, but that in the West and South, in short in almost all the rural districts, we needed largely increased mail facilities; that consequently low postages operated against the interest of the South and West.

Again, the gentleman talks about the express carrying letters from Boston to Baltimore for a penny each, and that, upon every letter passing between these cities upon which three cents are paid, two cents are paid, for the establishment and maintenance of mail facilities for the West. Now, sir, I repeat, that the commercial men in New York, or Philadelphia, or Boston, or Baltimore, are as much interested in having mail facilities at the West as are the people of the West themselves; and therefore this two cents of which the gentleman speaks goes to maintain the mail facilities in which the man who pays them directly is interested.

Sir, the postal system of the United States is a system in which all are alike interested. New York is as much interested in having such mail facilities as will enable letters to pass from New York to Minnesota or Nebraska, as are the people of these Territories. The gentleman from New York [Mr. HAVEN] read from the report of the Postmaster General, to show that after paying for their own mail facilities, his State paid a large amount towards defraying the expenses of the Post Office Department in the sparsely settled regions of the country. Now, sir, I hold in my hand an exhibit, furnished me by the Auditor of the Post Office Department, showing the cost of transporting the mail, and the revenues of the Department collected in different States of the Union. The results differ most materially from those furnished by the gentleman from New York. They are of such importance that I will read them:

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT, }
May 2, 1854. }

SIR: In compliance with your request, I have the honor to send herewith a statement of that portion of the expenditures of the Post Office Department charged in the several States and Territories, and the amount of postages collected in the same, for the fiscal year ending June 30, 1853.

Very respectfully, your obedient servant,
WM. F. PHILLIPS, Auditor.

Hon. EDSON B. OLDS, House of Representatives.

For the fiscal year ended June 30, 1853.

States and Territories.	Total amount of expenditure.	Postages collected.
Maine.....	\$12,654 94	\$125,194 94
New Hampshire.....	67,310 33	81,703 53
Vermont.....	98,860 47	78,638 86
Massachusetts.....	294,366 56	453,966 80
Rhode Island.....	30,417 35	47,377 79
Connecticut.....	121,365 55	146,964 50
New York.....	829,421 34	1,175,516 06
New Jersey.....	109,913 91	59,074 17
Pennsylvania.....	414,043 85	468,306 30
Delaware.....	16,357 74	16,310 71
Maryland.....	239,853 54	152,158 11
District of Columbia.....	33,006 27	37,832 89
Virginia.....	393,769 32	163,472 19
North Carolina.....	204,806 14	60,751 51
South Carolina.....	157,573 29	83,985 75
Georgia.....	278,441 15	142,800 14
Florida.....	238,950 00	16,878 83
Alabama.....	225,830 56	96,091 85
Mississippi.....	151,423 91	73,108 21
Louisiana.....	141,953 02	128,170 18
Arkansas.....	166,692 06	85,103 89
Texas.....	161,149 96	47,164 46
Tennessee.....	134,909 67	85,701 10
Kentucky.....	191,114 68	119,543 60
Ohio.....	531,392 45	375,759 72
Michigan.....	182,873 60	86,757 19
Indiana.....	174,351 72	137,329 43
Illinois.....	264,233 92	175,846 83
Missouri.....	188,041 81	98,761 82
Iowa.....	55,335 24	40,980 92
Wisconsin.....	78,006 55	37,570 83
California.....	242,043 21	123,152 00
Oregon Territory.....	59,289 38	9,737 35
Minnesota Territory.....	3,848 56	3,329 86
New Mexico Territory.....	19,925 43	517 92
Utah Territory.....	3,633 54	955 66
Nebraska Territory.....	237 93	

Now, sir, if the gentleman would charge New York upon the same rule that he has charged the other States, he must charge her for the transportation of the mail from New York to Liverpool, which would make \$800,000 in one lift. Again: the transportation of the mail from New York to San Francisco should be charged to New York, which will give another lift to that State of \$800,000. When you come to place these charges to the account of that State, the gentleman will find that the balance is over the left—it is greatly against that State.

Sir, it is impossible to make any calculation by which the proper amount of debt and credit can be fixed for any one State. If a letter is to be sent from New York to New Orleans, the postage is paid in New York; but the expense of transportation through the State of New Jersey is charged to that State; the transportation through a portion of Pennsylvania must be charged to Pennsylvania, and in like manner through the States of Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Alabama, before it reaches New Orleans. These facts must all be taken into consideration in estimating the expenses and receipts of the Department in any one State. I say, therefore, that it is utterly impossible to arrive at anything like a correct conclusion in this respect. Neither is the solution of the question of the least practical importance. Our postal system is not a local, a State institution, but it is, in every sense of the word—in usefulness, in importance, and in interest—a national institution.

The exhibit of the Auditor shows some States and Territories in which but a tithe of the expense of the mail facilities is collected in such State or Territory. This, sir, illustrates the utter futility of abandoning the postal system to private enterprise, as proposed by the gentleman from New York, [Mr. SMITH.]

The carrying the mail must, from necessity, be a monopoly. Shall it be a Government monopoly, or shall it be individual monopoly? For one, sir, I prefer a Government monopoly. Government carries the mails where they do not pay, as shown by the letter of the Auditor of the Post Office Department. Private enterprise would not care for such regions of country. The Government does. That is the difference between a Government monopoly and private enterprise. When gentlemen talk about the destruction of our postal system, they talk about destroying that which is the admiration of the Old World. Let me read an extract from the London Morning News of May 17th, to which I call the attention of gentlemen:

"AMERICAN POSTAL STATISTICS.—Some time since a paragraph appeared in the Daily News on the American post office system, containing some interesting statistics, derived from documents presented to Congress. Since that other documents from the same source have been published, containing more particulars and charges against the British

Government of illiberality and unfairness. Nothing contributes to throw more light on the social progress of a nation than postal statistics, and in the United States these statistics are given with much greater fullness and clearness than they are in Europe. The reports of the American Post Office Department are, in fact, valuable State papers, not unworthy the attention of English statesmen, as they may see therein the sources by which national unity may be kept alive.

"Some idea of the rapid progress and increased extent of the great modern Republic may be formed from the fact that in 1853 nearly two thousand new post offices were established in the United States; that during that year the length of the mail routes had increased four thousand miles, and the annual transportation of mails to three millions of miles. We boast in England of the post-office accommodation we get, and of the gigantic machinery of our Post Office Department. On the first of December, 1853, there were twenty-two thousand six hundred and eighty-eight post offices in the United States, three times as many as there are in the United Kingdom. The number of miles the mails travel over railways in the United States is twelve times the number they travel over in this country, and in steam packets seven times the number. The United States Post Office Department has engagements with nearly six thousand contractors for conveying mails by coaches, steamboats, and railways; and the annual transportation of mails in that country is sixty-one millions eight hundred and ninety-two thousand five hundred and forty-two miles, two thirds the distance of the earth from the sun.

"The postal report says: 'The failure of the revenue from letter postage to recover, during a period of almost unexampled prosperity and commercial activity, with the same rapidity under the act of 1851, as it did under the act of 1845, may be accounted for upon the supposition that the latter act had already stimulated the correspondence of the country nearly to the highest point of which it was capable, and that therefore the act of 1851 afforded but little further inducement to use the mails.'

"Fifty thousand persons emigrate to the United States from the German dominions yearly. The best portion of the industrial population of the latter country has been escaping from the leaden and stupid despotisms there to get elbow room and breathe the air of liberty in the colossal western Republic. The vast tide of emigration emerges from Europe at Bremer-Haven, and the American Government have reduced the postage between the United States and Bremen, in consequence, to 5d. All the States of the German Austrian Postal Union have the advantage of this reduction, when their postage to and from Bremen for letters to and from the United States is 2d. a letter, or less. Austria, Prussia, and Saxony have made the requisite reduction to get the benefit of the five-penny rate, and the whole of the German States will, it is expected, soon come into the arrangement.

"The following paragraph, copied from the United States Postmaster General's report, deserves to be written in letters of gold for the sanction it gives to ocean postal reform, and for its consideration of the feelings and interests of emigrants:

"The reduction of the letter postage by the Bremen line to one half the former rate, offers greatly improved facilities for the correspondence to and from the continent of Europe. The propriety of this reduction will be apparent in view of the fact that the sea postage on all correspondence between this country and Europe has generally, and, in my opinion, most justly, been considered as quite too high. It is, moreover, as well our interest as our duty to extend to the large and increasing German population of the United States, and to their friends at home, the most liberal means of communication practicable."

"The complaints of the American Post Office against the British Government are, that the British packets are unduly favored with the carriage of the closed mails for Canada, &c., and that the British Government charge higher proportionate transit dues for the passage of American mails through England than the United States Government does for the passage of English mails through the United States territory. Moreover, the British Government has refused all the overtures from the American Post Office, to reduce the exorbitant rates on pamphlets and magazines. A final attempt to obtain liberality and fairness was to be made by submitting the whole matter again to Lord Clarendon.

"To the credit of the American Government, it manifests the utmost kindness and consideration for the Post Office officials, of whom there are upwards of thirty thousand. A large portion of these are in humble capacities, and cannot be afforded lucrative emoluments, but they can and do receive great attention and kindness as rewards for the exercise of intelligence and trustworthiness. The Post Office authorities in America seem to be fully aware that to carry out such a department of their own with advantage to the public, requires a cordial cooperation of the whole staff of officials, and that such cooperation cannot coexist with chronic discontent.

"The American Post Office documents reveal the rapid growth and amazing extent of the great modern Republic, and manifest great industry and administrative capacity of its subordinate Government officials. No matter how wide the territory or scattered the population of the United States, the Government of that country, taking the initiative promptly, bind all together by social advantages calculated to promote internal trade, general education, and affectionate intercourse. While looking abroad on Europe, and witnessing the misery arising from present and previous kingly ambition and dynastic quarrels, one cannot but envy the freedom from overburdening debt and trouble enjoyed by the United States Government."

While gentlemen are constantly referring us to the postal system of Great Britain, let me remind them that on the other side of the water our system is held up as a model system, worthy of ad-

miration, and as worthy the model Republic. In this country we have three times the number of post offices, and twelve times the amount of railway, and seven times the amount of steamboat transportation. Annually in the United States the mail is carried two thirds the distance of the earth from the sun. Truly, sir, our postal system may be called gigantic. Truly, it may challenge the admiration of the world. Notwithstanding all our tinkering, the management of our postal system calls forth the laudation of the mother country.

Adopt the recommendations of the committee—for they are also the recommendations of the Postmaster General—and our postal system, as a self-sustaining department of the Government, will continue to challenge the admiration of the world. Pass the bill introduced by the committee, and what do you do? You derive from the free matter passing through the mails more than \$2,000,000 of revenue to the Post Office Department. Pass this bill, and you derive from the postages upon periodicals \$500,000, making \$2,500,000 that can be appropriated to increase the mail facilities of the country. If you bring the railroad companies down to a reasonable compensation for the transportation of the mails of the country, you save \$600,000 more, making an increase in the revenues of the Post Office Department of \$3,000,000, without any increase of postage whatever.

These are some of the measures sought to be attained by the Post Office Committee, which the gentleman from Pennsylvania calls tinkering with the postages of the country. I feel that the committee has discharged its duty, and I feel that I have discharged mine. I have given much attention to this matter, and with what poor ability I possess I have presented my reasons to the House. My argument may not appear as perfect as it would, had I not endeavored to avoid any thing like a repetition of what I said at the time I introduced the bill in April last. I have convinced myself, at least, that the amended bill is one of vital importance to the country. I trust that the substitute may be adopted in the place of the original bill, and that it may speedily become the law of the land. But if, in my desire to please everybody, I shall be compelled to see my bill, like the ass of the miller, tumbled into the river, I shall console myself with the thought that I have discharged my duty, and that those who, after me, are placed at the head of the Post Office Committee, will be able to devise such plans as will be worthy the reputation bestowed by an admiring world upon the Post Office Department of the United States.

The main question was then ordered to be put.

The SPEAKER. The question is first upon the following amendment, proposed by the gentleman from New York, [Mr. SMITH,] to come in at the end of the bill:

And be it further enacted, That this act shall continue in force two years, and that at the expiration of that time the Post Office Department shall be abolished, and individuals and associations shall thereafter be as free to carry letters as to carry anything else.

The question was put; and the amendment was not agreed to.

The question recurred on the amendment proposed by Mr. HAVEN to the substitute for the bill.

Strike out the four first sections of the substitute, as follows:

That from and after the commencement of the next fiscal quarter after the passage of this act, the franking privilege be, and the same is hereby, wholly and entirely abolished; and the third section of the act of Congress, entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,' passed March 1, 1847," and all other acts, and parts of acts, granting and conferring upon any person whomsoever the right or privilege to receive and transmit through the mail, free of postage, letters, packets, public documents, newspapers, periodicals, or other matter, be, and the same are hereby, repealed.

Sec. 2. *And be it further enacted*, That all letters, packets, public documents, newspapers, periodicals, or other matter, sent or received through the mails, free of postage, under existing laws, by the several heads of Departments, bureaus, and offices, shall be charged with postage according to the rates now existing, or which may hereafter be established by law; and the postage so charged shall be paid quarterly, out of any money in the Treasury not otherwise appropriated, upon the requisitions of the Postmaster General made upon accounts audited and certified by the Auditor of the Treasury for the Post Office Department.

Sec. 3. *And be it further enacted*, That all letters, packets, public documents, newspapers, periodicals, or other matter sent or received through the mails, free of

postage, under existing laws, by members of the Senate and House of Representatives, and the Secretary of the Senate and Clerk of the House of Representatives, shall be charged with postage according to the rates now existing, or which may hereafter be established by law, and paid out of the contingent funds of the two Houses of Congress, upon accounts audited and certified by the Auditor of the Treasury for the Post Office Department.

Sec. 4. *And be it further enacted*, That, to entitle any letter, packet, public document, newspaper, periodical, or other matter to be charged upon the Treasury of the United States, or upon the contingent fund of either House of Congress, as hereinbefore provided, it must be addressed to or indorsed by the proper person or officer in the same manner as is now required by law to entitle the same to pass through the mails free of postage.

Mr. HAVEN. The first four sections of the bill relate, I believe, entirely to the question of franking, charging the expense of the transportation of franked matter to the Treasury. The other sections of the bill relate to the legitimate business of the Post Office Department, and should be, in my opinion, retained.

Mr. BENSON. Would it be in order to amend the amendment, which has been just reported, at this stage of the question?

The SPEAKER. It would be in order to amend only by the unanimous consent of the House. The previous question having been ordered, cuts off any new amendment. As the proposition of the gentleman from Maine would be in the nature of an amendment, it is not in order, unless by unanimous consent.

Mr. BENSON. Then I ask the unanimous consent of the House to allow me to move to amend the amendment, by striking out all that portion of the bill, or substitute, which does not relate to the abolition of the franking privilege simply, without charging it over to the Government. If I understand the amendment of the gentleman from New York, [Mr. HAVEN,] it is—

The SPEAKER, (interrupting.) It is proposed to amend the amendment, and this can only be done by the unanimous consent of the House. The gentleman from Maine will see that the House must determine whether or not his proposition will be entertained.

Mr. BENSON. I have asked the unanimous consent of the House to enable me to move to amend the amendment by striking out all of it except the first section, if I understand it right.

The SPEAKER. The gentleman from New York [Mr. HAVEN] proposes to amend the substitute by striking out the first four sections of it. It is now proposed to amend that amendment so as to strike out the second, third, and fourth sections of the bill, leaving only the first. That amendment can only be entertained by the unanimous consent of the House.

Mr. KEITT. I object.

Mr. ETHERIDGE. I move to lay the bill on the table.

Mr. PECKHAM. I demand the yeas and nays upon that motion.

The yeas and nays were not ordered.

Mr. SAGE called for tellers.

Tellers were ordered; and Messrs. CORWIN and BOYCCK were appointed.

The question was then taken; and the tellers reported thirty-nine in the affirmative, (not a sufficient number.)

So the House refused to lay the bill upon the table.

The question then recurred upon the motion of Mr. HAVEN to strike out the first four sections of the substitute.

Mr. BENSON. Is not that question divisible, so as to meet the object I desire to attain?

The SPEAKER. It is not, because to divide is to amend; and the previous question, which has been seconded, cuts off all amendments.

Mr. JONES, of Tennessee. I demand the yeas and nays upon the amendment?

The yeas and nays were ordered.

Mr. McMULLIN. I desire to know if the morning hour has expired?

The SPEAKER. It has; but the House has determined that the main question shall be now put; and it must be done, because it is the order of the House. It sets aside all others.

The question was then taken; and it was decided in the affirmative—yeas 79, nays 74; as follows:

YEAS—Messrs. Appleton, Thomas H. Bayly, Ball, Benson, Benton, Bocock, Boyce, Brooks, Bugg, Campbell, Carpenter, Caskie, Chandler, Cobb, Corwin, Crocker, Thomas Davis, Dawson, Dick, Dickinson, Disney, Eddy,

THE CONGRESSIONAL GLOBE.

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33D CONGRESS, 1ST SESSION.

MONDAY, JUNE 19, 1854.

NEW SERIES...No. 90.

Edmonds, Thomas D. Eliot, Etheridge, Everhart, Ewing, Flagler, Giddings, Goodrich, Aaron Harlan, Haven, Hill, Houston, Howe, Hunt, Ingersoll, George W. Jones, Kerr, Knox, Lamb, Lilly, Lindley, McCulloch, Mace, Mayall, Middleswarth, John G. Miller, Millson, Morgan, Murray, Norton, Parker, Peck, Peckham, Pennington, Pratt, Pringle, Puryear, Ready, David Ritchie, Robbins, Russell, Sabin, Sage, Shannon, Gerrit Smith, Samuel A. Smith, Richard H. Stanton, John L. Taylor, Nathaniel G. Taylor, Trout, Vail, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, and Tappan Wentworth—79.

YAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, David J. Bailey, Barry, Belcher, Bliss, Bridges, Chamberlain, Chastain, Chrisman, Churchwell, Clark, Colquitt, John G. Davis, Dowdell, Dunbar, Dunham, Edmundson, John M. Elliott, Ellison, English, Florence, Fuller, Goode, Greenwood, Hamilton, Wiley P. Harris, Hastings, Henn, Hillyer, Hughes, Johnson, Daniel T. Jones, Keitt, Kurtz, Latham, Lindley, McDougall, McMullin, Macey, Maxwell, May, Smith Miller, Nichols, Olds, Andrew Oliver, Orr, John Perkins, Phelps, Powell, Reese, Thomas Ritchey, Ruffin, Seward, Shaw, Shower, Singleton, Skelton, William Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Stratton, Straub, John J. Taylor, Thurston, Tracy, Tweed, Upham, Vansant, Walker, and Daniel B. Wright—74.

So the first four sections of the substitute were stricken out.

The question then recurring upon the substitute, as amended,

Mr. HAVEN demanded tellers; which were ordered; and Messrs. CAMPBELL, and JONES of Louisiana, were appointed.

The question was then taken; and the tellers reported—ayes 51, noes not counted.

So the substitute, as amended, was rejected.

Mr. WASHBURN, of Maine. I move that the bill do lie upon the table.

Mr. BENSON. Upon that motion I demand the yeas and nays.

The question was taken upon **Mr. WASHBURN's** motion; and it was decided in the affirmative—yeas 94, nays 51; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, David J. Bailey, Ball, Belcher, Benson, Bridges, Bugg, Campbell, Carpenter, Chamberlain, Chandler, Corwin, Crocker, Curtis, John G. Davis, Thomas Davis, Dawson, Dick, Dickinson, Disney, Drum, Eddy, Edmonds, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Everhart, Flagler, Giddings, Goodrich, Aaron Harlan, Hastings, Haven, Hendricks, Hillyer, Howe, Hunt, Johnson, Knox, Lilly, Lindley, Lindsay, McCulloch, Mace, Macey, Mayall, Middleswarth, John G. Miller, Morgan, Murray, Nichols, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Ready, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sage, Shannon, Shower, Skelton, Gerrit Smith, Samuel A. Smith, Straub, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, and Tappan Wentworth—94.

NAYS—Messrs. Abercrombie, Thomas H. Bayly, Barry, Bell, Boccock, Boyce, Caskie, Chastain, Chrisman, Churchwell, Clark, Cobb, Colquitt, Dowdell, Dunbar, Edmundson, Florence, Fuller, Goode, Hamilton, Wiley P. Harris, Hill, Houston, Ingersoll, George W. Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Latham, McDougall, McMullin, Maxwell, May, Smith Miller, Millson, Olds, Orr, John Perkins, Powell, Puryear, Reese, Ruffin, Shaw, Singleton, William Smith, George W. Smyth, Hester L. Stevens, David Stuart, and Daniel B. Wright—51.

So the bill was ordered to lie upon the table.

Mr. RITCHIE, of Pennsylvania. I move that the vote by which the bill was laid upon the table be reconsidered, and that the motion to reconsider do lie upon the table.

The latter motion was agreed to.

BOOKS FOR NEW MEMBERS.

Mr. CHANDLER. Some timesince there was referred to the Library Committee of this House a resolution which had passed both Houses of Congress, supplying books for new members, with a view of determining the proper construction of that resolution, as regards the understanding of the House. I am instructed by that committee to report back that resolution, with a recommendation that it be adopted by the House. As I presume the Committee of Ways and Means will desire to provide the ways and means for executing the original order in the civil and diplomatic bill now before the Committee of the Whole on the state of the Union, I ask the consent of the House to make the report now.

The resolution was read by the Clerk, as follows:

Resolved, That, in adopting the joint resolution from the

Senate, authorizing the distribution of books among the new members of the two Houses of Congress, the House of Representatives intended that when the publisher of any such books is unable to supply them, the Clerk of the House shall be at liberty to purchase them of any other person; and that when such works as have been distributed to members are not to be readily obtained, other books of a similar character may be supplied to them: *Provided*, That no more shall be paid therefor than has been paid for the books for which those shall be substituted: *Provided also*, That the new edition of the Opinions of the Attorneys General of the United States, contained in four volumes, and having an index, be substituted for the imperfect edition heretofore distributed, provided the cost thereof shall not exceed fifteen dollars per copy: *And provided also*, That no more than one copy of any one work shall be furnished for any member.

Mr. HENDRICKS. Is it competent for me to object to the reception of that report?

The SPEAKER. It is.

Mr. HENDRICKS. I object; and move that the House resolve itself into a Committee of the Whole House, with a view of taking up such cases upon the Private Calendar as are not objected to.

Mr. HAMILTON. I ask if this is objection day?

The SPEAKER. It is not.

Mr. CHANDLER. There must be some mistake in reference to this matter. This resolution does not propose to deprive members of their books. It proposes so to construe the law that no member shall receive more than one copy of the same book. The Senate have so construed it as to give members one hundred and sixty copies apiece of some of those documents. Nothing more is required than that the Clerk of the House may be allowed to take other books, if he cannot get the very ones the others had, and provided the expense is not greater than what it has been.

Mr. HAMILTON. That is all objected to. Before the question is taken on the motion to go into a Committee of the Whole House on the Private Calendar, I would move the usual resolution to close debate on the Meade case, which is now in the way in Committee of the Whole House of the consideration of all other private business.

Mr. CHANDLER. Let my resolution be reconsidered first. This, in my opinion, is no ordinary report. The matter was referred to us for investigation. Unless the resolution be adopted, the Clerk cannot go on with the business.

The SPEAKER. The resolution being objected to, the report is not in order.

Mr. CHANDLER. I move a suspension of the rules.

The SPEAKER. That cannot be done to-day.

Mr. DISNEY. I hope that the motion to go into a Committee of the Whole House on the Private Calendar will be withdrawn for the reasons which I now proceed to give. Territorial bills providing for the survey of the public lands in Utah and New Mexico, the creation of surveyor general, &c., have passed through the committee.

The appropriations to execute these objects ought to be in the civil and diplomatic appropriation bill. That they may be, it is necessary that these territorial bills should be passed in advance of the appropriation bill. It was my desire to embrace in these bills provisions to extend the surveys to Kansas and Nebraska, so as to open up these Territories at once to emigration; but in the present position of the civil and diplomatic appropriation bill, it is desirable and advisable that we should content ourselves with the present bills, and resort to the Senate for amendments, so as to extend the surveys to Kansas and Nebraska. Thus will be at once settled all questions connected with these Territories.

Now, what I desire is this: Let the gentleman withdraw his motion that the House resolve itself into a Committee of the Whole House, so that I may be enabled to ask the House to take up those territorial bills, and put them on their passage. Then I can offer an amendment to the civil and diplomatic appropriation bill making the necessary appropriation.

Mr. HENDRICKS. Private bills have not been considered by the House for months, and I

think that it is due that we should consider them to-day; therefore, I insist on my motion.

The SPEAKER. The motion to close debate has precedence. In what time does the gentleman propose to close the debate on the Meade case?

Mr. HAMILTON. In five minutes after its consideration shall be resumed.

Mr. CHANDLER. That will be doing great injustice to the case.

The question was taken on **Mr. HAMILTON's** resolution, and it was agreed to.

Mr. WASHBURN, of Maine. I demand tellers on going into a Committee of the Whole House on the Private Calendar.

Tellers were ordered, and Messrs. ELLIOTT, of Kentucky, and CAMPBELL, were appointed.

The question was taken; and the tellers reported—ayes 70, noes 61.

So the motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (**Mr. SKELTON** in the chair,) and proceeded to consider the bills thereon.

RICHARD W. MEADE.

The CHAIRMAN. The first bill in order is House bill (No. 58) "for settling the claims of the legal representatives of Richard W. Meade, deceased."

Mr. HAMILTON. I move that the bill be laid aside to be reported to the House, with a recommendation that it do not pass.

Mr. CHANDLER. I believe, Mr. Chairman, that the motion made to the House was, that debate upon this bill should close in five minutes after the Committee of the Whole should have proceeded to the consideration of it. As no gentleman seems to be disposed to occupy the floor for these five minutes I believe that I am placed in the predicament of making a motion that the committee do now rise, or else that it pass this bill over informally, and let other business come up, as I am unfortunately here without the papers on the subject. My design was, after the debate which, the Chair will recollect, occurred some months ago, to hear such objections as gentlemen might have to the claim, and then to be prepared, in my closing remarks, to respond to those objections as well as I could. I am now, by the motion that has been carried, placed in the awkward position of being here without the papers relative to this case.

Mr. JONES, of Tennessee. If the gentleman from Pennsylvania [**Mr. CHANDLER**] will yield to me his five minutes, and if five or ten minutes more be accorded me, I wish to make a few remarks in explanation of what I said on a former occasion; or rather in correction of some errors into which a gentleman who replied to me had fallen in his remarks.

Mr. CHANDLER. The gentleman from Tennessee will see at once what an awkward position I would be placed in. If the committee agree to pass this bill over informally, and let other business be taken up which can be acted on, I have no objection to complying with the gentleman's request.

Mr. JONES. There can be no objection to passing over the bill.

Mr. CHANDLER. Then I move that bill No. 58 be passed over informally, and that the committee proceed to other business.

Mr. COBB. Why not have this bill considered now? We have had it all the session, and it is time we were disposed of.

Mr. BRIDGES. I think it is time that this question were passed on. We are as well prepared to vote on it now as we ever shall be. I hope, therefore, the committee will not pass it over informally. I think it ought to be voted on at once.

The question was put on **Mr. CHANDLER's** motion; and it was agreed to.

SAMUEL COLT.

The CHAIRMAN. The next bill on the Calendar is House bill (No. 59) "for the relief of Samuel Colt."

Mr. SMITH, of Virginia. I understand that there is some difficulty about this case of Meade. Members do not seem to understand what has been done with it. I would be glad to know what has been the action of the committee upon it.

The CHAIRMAN. It has been passed over informally.

Mr. SMITH. Well, what does that mean? There has been no vote upon it.

The CHAIRMAN. There has been a vote taken upon it, and it has been passed over informally.

Mr. BAYLY, of Virginia. The meaning of that action is, that the bill will retain its place on the Calendar.

Mr. HOUSTON. There has been objection made, and I think the committee cannot pass it over informally, because the House had just made an order about it.

Mr. SMITH, of Virginia. Certainly; I was not aware that any vote had been had upon the question of passing it over.

The CHAIRMAN. The bill has been passed over, and bill (No. 59) "for the relief of Samuel Colt" is now under consideration.

The bill, which was read, provides that the Commissioner of Patents be authorized and directed to grant to Samuel Colt, his heirs, executors, administrators, and assigns, from the 25th of February, 1857, for the term of seven years thereafter, the full and exclusive right and privilege of making, constructing, using, and vending to others to be used, his improvement in fire-arms, a description and specification whereof are contained in the schedule annexed to letters patent issued to said Samuel Colt, on the 25th of February, 1836, and extended to the 25th of February, 1857, by the Commissioner of Patents: *Provided*, That the Government of the United States shall have at all times full right to make and manufacture the said fire-arms, according to said patent, in all of their own armories, for military and naval purposes.

Mr. PECK. I move to strike out the enacting clause of the bill.

Mr. JONES, of Tennessee. That is a debatable question, and a vote cannot be taken upon it, as long as any gentleman wishes to speak, until the House has ordered debate upon the bill to be closed.

Mr. THURSTON. I call for the reading of the report which accompanies the bill.

From the report, which was read, it appears that Samuel Colt made his invention before the year 1832; but from difficulties experienced in reducing it to successful practice, and from poverty, he was unable to procure a patent until 1836; that he, in the same year, assigned his patent to the "Patent Arms Manufacturing Company," of which he became the manager; that Mr. Colt devoted five years after the date of his patent to the object of establishing his repeating-arms, but that the company and he both failed, losing about \$200,000, and many years of time and labor. At this time the invention had fallen into such disuse that none of the arms were made in the country, and the whole thing was considered a failure. The Mexican war created a demand for the arms, and at once established them as the most valuable improvement in fire-arms which up to that time had ever been made. The patent, however, had been assigned to the Patent Arms Company, and Mr. Colt was very largely in debt, resulting from his former efforts to bring his invention into use. Under these circumstances, Mr. Colt applied to the court of chancery to settle the affairs of the Patent Arms Company, and the result was, that in 1850 his patent was assigned to him by a receiver in chancery. At the same time, the Commissioner of Patents extended the patent, so that Mr. Colt, in February, 1850, began to enjoy the privilege which the general act intended meritorious inventors to have, but which, for fourteen years, he had been deprived of by no fault of his own.

Mr. Colt, before the expiration of his patent, commenced himself to manufacture his arms. Their great success depends as much upon the manner in which they are constructed as upon the peculiarity of their organization. So complicated a machine can only be made valuable by great accuracy and perfection in its manufacture; and that can only be done by perfect and expensive machinery. To procure that perfection has been Mr. Colt's constant effort; and as rapidly as profits arose from the sale, he reinvested them to

increase and perfect his machinery. By this means he has brought his arm to great perfection, and at great cost. Mr. Colt is confident that an extension of seven years will enable him so to increase and perfect his manufactory, and so to subdivide and cheapen his processes, that at the end of that time he will be able to furnish the consumers the most perfect arm, which is capable of being made at so small a cost, that manufacturers of spurious imitations will not find the profit sufficient to encourage the business.

In order to protect himself from the destructive effects which would follow the introduction of these spurious arms into use in England, where he has no patent, and in Europe generally, Mr. Colt has established an armory in London, to which he has carried American machinery, and which is operated entirely by American mechanics, and where he is now engaged in the attempt to demonstrate the superiority of his arms over all imperfect imitations of them, in the hope that the European consumers will discourage the manufacture of any except such as are perfect. In that undertaking, however, it is evident that he can make no money, but must control the market for the present by supplying the demand at the same price that inferior arms can be sold for, even at a loss. Already the English armory has exhausted all the surplus which had been accumulated in this country, and is, even now, a constant drain on the resources and energies of the inventor.

The great object to be attained in the manufacture of fire-arms is perfect certainty under all circumstances; compared with that, the price is of no consequence. The public would not be benefited if such arms as these, manufactured in an imperfect and inaccurate manner, could be furnished gratuitously to every applicant; but the public will be greatly benefited by the supply of reliable, perfect, and effective weapons, at any cost. The experience of the past has demonstrated that Mr. Colt, above all others, has supplied the great desideratum; and the constantly diminishing price at which the arms are produced and sold proves that his anticipations are reasonable, and that he will be able to manufacture them at such rates as to exclude all arms constructed on the same principle, of an inferior quality, from the market, to the great advantage of the public.

The money which was lost during the first term of this patent, if applied to any ordinary business of manufacturing, would have given to Mr. Colt more than has ever been realized out of the entire proceeds of manufacture; and as all that has been realized has been invested in the manufacture itself, and must share its fate, the whole of the proceeds of the manufacture have been thus far invested, in this country and in Europe, in the machinery, tools, and property fitted exclusively to the production of fire-arms; and the perfection and expense of this machinery are exhibited by the fact that the separate parts which compose the arms are thrown promiscuously into heaps, and are so perfect, that, when assembled into a pistol, they exactly fit each other, and any other part to which they may be properly applied; so that in using these arms, new ones may be at once constructed out of the broken ones left on the field of battle without altering the shape or size of the parts.

He has made his plans for the purpose of constructing an armory at Hartford of such proportions and capacity as to enable him to manufacture these arms in their greatest perfection; but he hesitates to involve himself in so heavy an expenditure, unless he can be protected from the competition of inferior and worthless arms; and he would scarcely be able to finish his armory before the expiration of his patent. For these reasons, it is important to him, and to the whole country, that he should now receive the assurance of safety which the extension of this patent will afford him.

But in addition to this, the great service which Mr. Colt has rendered this Government, and which the people have derived from the use of these arms, as is evidenced by the common approbation of all the officers in the Army and Navy, and among all classes of our citizens who have used them, or seen them used; the truly American spirit and enterprise which Mr. Colt has exhibited in carrying this branch of manufactures into the heart of the great armory of the world; the high marks of consideration which the military governments and scientific bodies in Europe have shown him, en-

title him, in the opinion of the committee, to this evidence of the approval of the Government.

Mr. JONES, of Tennessee, obtained the floor. Mr. THURSTON. Not expecting that this case would come up to-day, I am not prepared to go on with it. I hope it will be passed over informally.

Mr. JONES. I do not propose to make an argument on this case; but I desire, in order to have it fully and fairly before the committee, that the Clerk shall read the decision of the Commissioner of Patents on the last application of this patentee for extension. It will be found, in my judgment, satisfactory and conclusive to the House that this patent, at least, ought not to be extended by special act of Congress. Mr. Colt, I believe, has had two patents for fourteen years; first, for his revolving pistol, and then for improvement in some part of it. In addition, he has had an extension of one of these patents for seven years.

Mr. THURSTON. I hope the gentleman from Tennessee will not interpose objection to the postponement of the bill, as we are not ready for its consideration at this time. The decision of the Commissioner of Patents to which he refers, it seems to me, would be better understood if its reading were delayed until discussion began on the whole matter.

Mr. JONES. The report of the committee has been read. Now let the decision of the Commissioner of Patents be read, and go out with our proceedings, and I shall have no objection to passing over the case for the present.

Mr. HENDRICKS. The gentleman from Rhode Island, who has reported the bill, desires the postponement of its consideration to another day. I hope that his request may be complied with.

Mr. JONES. I have no objection to the postponement after the decision of the Commissioner of Patents has been read.

Mr. HENDRICKS. I would rather hear the decision read when we are called on to vote. Then it would receive more attention.

Mr. JONES. I prefer its reading now.

The Clerk then read the decision, which is as follows:

Application of Samuel Colt for an extension of Patent.

In 1836 the applicant obtained a patent for rotary chamber for fire-arms. In 1839 a second patent was granted for improvement thereon, the most important of which was the loading lever. In 1850 the former of these patents was extended for seven years; and he now asks a like extension for the latter.

The statute requires the applicant in such cases to furnish a statement of his receipts and expenditures, "sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention." This requirement has not been duly complied with in the present case; but as the decision will turn upon another point, this defect will be no further considered.

The applicant avers "that he never has in any way, directly or indirectly, derived any reward for his said invention patented in 1839." This statement certainly grows out of a mistaken basis of computation.

The testimony shows that the applicant has manufactured upwards of one hundred thousand pistols, of various sizes. Taking into account the prices at which they have been sold, the cost of manufacture, and the commissions allowed for selling, the net profit on these pistols will not fall far short of \$1,000,000.

This testimony stands wholly uncontradicted. No opposing evidence was offered. Even the witnesses by whom these facts were proved, were not cross examined by the counsel for the applicant, although he was present at their examination. The fact, then, may be taken as conceded and indisputable.

Now, the expenses of the applicant, together with his losses, and the value of his time and services, are estimated by him at \$60,000, which certainly leaves a very handsome balance in his favor. But he takes the ground that all these profits are due to his first patent, and none to the second.

Therein consists the mistake. All the pistols testified to as above stated, were constructed with the improvements embraced in the second patent. Are these improvements of no value? If so, there is no ground for an extension. But if they are valuable, they certainly augmented the value of the pistols to which they were attached.

But it will be said that the price of these pistols was not increased in consequence of the addition of these improvements. This may be true, but it does not follow that they have been productive of no benefit. The vendor of a commodity often finds it advantageous to diminish its price in order to augment the amount of his sales. Adding to the worth of the commodity while the price remains unchanged produces the like effect.

At all events, the pistol, with all its improvements, was manufactured and sold as a whole. Large profits have been thereby realized. The applicant cannot be permitted to say these profits have all accrued from the manufacture and sale of the rotary chamber. They result from the whole pistol, as improved, with all its parts. The improvements embraced in the patent now sought to be extended gave an

enhanced value to the arm. This caused its general introduction, and enabled the patentee to dispose of the vast number, which has changed his early losses into such abundant profits. A reasonable share of these should be credited to his last invention.

Such a course will appear the more just, when it is recollected that the applicant charges the invention we are now considering, with the early losses to which he was subjected in the endeavor to bring his pistol into general use. He even goes back, in this reckoning, to a time anterior to the date of the present invention, and makes up an account, in the total of \$60,000, to cover his expenses, and losses of time and money. This debt accrued in the endeavor to introduce the whole pistol, including the subjects of both patents. But it would seem, further, as though the applicant intended the whole of this debt against the subject of the second patent. At all events, there is no doubt but he intended a full proportion of that charge to stand against the patent now sought to be extended. Why, then, should not the subject of this patent be credited with its share of the profits?

But the applicant avers, under oath, that the patent now sought to be extended has thus far been of no service, "and that for the purpose of his manufacture, and the profits thereon, he would have been as well off if the improvements described in the patent of 1839 had been public property. If this is correct, it furnishes a strong argument against the extension now sought.

The reasons given by the applicant for the conclusion above stated, are, that the patent of 1836 has till this time protected the improvements patented in 1839, and that therefore the whole benefit of those improvements could have been monopolized thus far without a patent.

Now, the patent of 1836 has been extended to 1857. If the first patent has protected the subject of the second up to this date, it will do the same thing—for aught that appears—for four years longer. The profits already received have all accrued within the last six years. From the increased extent of the manufacture and use of these pistols, the profits, in the four years to come, will probably equal those for the six years past; so that the aggregate amount of profits resulting from the inventions embraced in his two patents—even without an extension of the patent of 1839—will probably amount to near \$2,000,000.

The view evidently taken of this subject by the applicant is, that he is entitled to an extension of his patent unless he has derived from the patent already granted a sufficient compensation for his invention. Such is not the law. To justify an extension of this patent, the Commissioner must be satisfied that the applicant, without neglect or fault on his part, has failed to obtain "from the use and sale of his invention" reasonable remuneration for the time, ingenuity, and expense bestowed upon the same. [*Act of 1836, Section 18.*]

It matters not, then, whether the applicant has realized one dollar in consequence of the patent of 1839, provided the invention has given him a fair remuneration. If the patent of 1836, which has been extended to 1857, has protected the subject of the patent of 1839, and thereby enabled the inventor to reap the full benefit of this latter invention, he is no more entitled to an extension than though the whole advantage had grown out of the patent of 1839.

The burden of proof to show that a proper case for an extension exists is thrown upon the applicant. In this respect he has wholly failed. Neither his sworn statement, nor the testimony of the witnesses who were sworn in the case, shows that he has not received from his invention a sufficiently liberal compensation; but, on the contrary, a degree of success and prosperity is shown, which I can only wish were more generally realized by the authors of all other useful inventions.

The extension is therefore denied.

CHARLES MASON, Commissioner.
UNITED STATES PATENT OFFICE, August 29, 1853.

MR. STANTON, of Kentucky. I have here a reply to that document, being the correspondence between the chairman of the Committee on Patents and the Commissioner of Patents, which I desire to have read.

The Clerk read the correspondence, as follows:

WASHINGTON, January 7, 1854.

SIR: An application has been made to Congress, by Samuel Colt, for an extension of his patent, dated February, 1836, and a statement of the profits resulting from his manufacture has been laid before the Committee on Patents in the House, showing the fact that all of the profits which Colonel Colt has realized have been invested in machinery and tools for the manufacture itself. Since the committee reported to Congress, my attention has been called to a decision made by you, on the application of Colonel Colt, for the extension of another patent for some improvements to his original invention, last summer, in which you state, in substance, that Mr. Colt had realized a million of dollars out of his invention; and that this fact had been proved by witnesses in the presence of Mr. Colt's counsel, who virtually conceded the point.

As this statement differs entirely from that which Colonel Colt has now laid before Congress, and shows a profit of more than twice as much as now appears, and as the decision of the Commissioner of Patents carries with it the weight of judicial sanction, I have called upon the counsel of Mr. Colt for an explanation. He assures me that you have been deceived, by some means, into making the statements that the testimony was taken in the presence of counsel, and that the profits had been a million of dollars. He assures me that all the testimony which was taken on the question of profits was taken during his absence from New York, and entirely *ex parte*, and that he never knew of it till too late to correct it; and, further, that the evidence was given by workmen who had been employed in making cheap imitations of Colt's patent for a company which had been enjoined by him, and that their estimates were formed on the basis of their own spurious imitations, without any knowledge of the facts or cost of production. If this be so, as I have no doubt it is, justice requires that the error should be corrected. The facts are simple, and there

should be no confusion about them. Mr. Colt's counsel informs me that Mr. George Gifford, of New York, who is the counsel for Young and Leavitt, the opponents of Colt's extension, is now in the city, and knows the truth of the matter; and that Mr. Gifford's character is such that he would not hesitate to do justice to his opponent in any matter where wrong has been done. The most effectual way in which this matter could be set right would be to write to Mr. Gifford and request an answer to two questions: First, whether the testimony in the extension case relative to the profits of Colonel Colt was not taken *ex parte* entirely? and second, whether the estimates on which the decision was made were not given by workmen who had been employed in imitations of Colt's patent, and who estimated by the cost of producing imitation arms? And I respectfully suggest that an inquiry of this sort coming from you, whose decision is cited to prove what is thus solemnly denied, would be the proper way to arrive at the truth.

Respectfully yours,

B. B. THURSTON, Chairman.

HON. C. MASON, Commissioner of Patents.

UNITED STATES PATENT OFFICE, January 9, 1854.

SIR: Yours of the 7th was received this morning. I immediately inclosed it to Mr. Gifford, with a request that he would reply to the interrogatories therein suggested, and I herewith forward you his reply.

The statement made in my decision of the application for an extension of Colonel Colt's patent, was fully warranted by the testimony before me—the magistrate having certified that the applicant's counsel was present at the examination of the witnesses, and declined asking any cross interrogatories.

I will state further, that the counsel of Colonel Colt seemed to rest his case on the points of law alluded to in my decision. If these had been decided in his favor, it will readily be seen that the testimony would have been immaterial. He took no testimony on the point of profits, and apparently paid no regard to that subject.

I remain yours, very truly,

CHARLES MASON.

HON. B. B. THURSTON.

NATIONAL HOTEL,
WASHINGTON, January, 1854.

SIR: In reply to your letter of the 7th instant, I have to say that it will give me great pleasure to make any statement of facts which will prevent injustice to any one, and especially in regard to any proceeding in which I have been engaged as counsel. In relation to the matter on which you desire information, the facts are—that the testimony which was taken in that case, to prove the profits of Mr. Colt, was taken in the absence of Mr. Dickerson, Mr. Colt's counsel, and, therefore, without cross-examination. The proper and legal notice had been given to Mr. Dickerson to attend, but he was engaged in the argument of a cause out of town, and the time for taking testimony had so nearly expired as to not admit of postponement. A clerk from Mr. Dickerson's office attended the examination, and stated the fact of Mr. Dickerson's absence, and declined to cross-examine, as he said he knew nothing of the subject, and had no authority to do so.

In regard to the second question propounded, I have only to say, that I was informed that the witnesses which were examined on the cost of manufacture had been engaged in the manufacture of arms, which were adjudged by the courts to be an infringement of Mr. Colt's patent, and in consequence of which I considered them the better qualified to speak of the cost of production. Whether the arms which were made by them were as good or as expensive as those made by Mr. Colt, I do not know. My questions to these witnesses were based upon the assumption that they had all the proper machinery with which to operate, and on that assumption I inquired what, in their judgment, it would cost to make the arms.

Very respectfully yours,

GEORGE GIFFORD.

HON. CHARLES MASON, Commissioner of Patents.

MR. PECK. I understand that the chairman of the committee who reported this bill is not prepared to speak on the subject now; and he makes the request that I shall withdraw my motion. As an act of courtesy to him I do so.

MR. STANTON, of Kentucky. I move that the committee pass over the bill informally for the present.

The motion was agreed to.

CHARLES LEE JONES.

The next bill on the Calendar which came up for consideration was House bill (No. 63) "for the relief of Charles Lee Jones."

The bill, which was read, authorizes and directs the Secretary of War to cause the claims presented to that Department by C. Lee Jones, for expenses incurred and services rendered in raising, subsisting, and transporting three companies of volunteers mustered into the service of the United States, during the war against Mexico, to be settled according to the principles of equity, not to exceed \$2,000, and to be in full for said claims.

The report accompanying the bill was then read.

MR. MACE. I discover that Mr. FAULKNER, the gentleman who reported this bill, is absent. I therefore move that it be informally laid aside.

The motion was agreed to.

HENRY LEWIS.

The next bill in order upon the Calendar was House bill (No. 98) "for the relief of Henry Lewis, of Clinton county, Indiana."

The bill provides that Henry Lewis, of Clinton county, Indiana, be authorized to enter, free of cost, except the fees to the land officers, forty acres of land, out of any lands subject to private entry, at any land office in the United States, or the territories thereof, in full of his claim for money paid Charles Tyler, register of the land office at Crawfordsville, Indiana, on the 18th of January, 1837, being fifty dollars.

From the report which was read it appears that the petitioner, on the 18th January, 1837, went to the Crawfordsville land office for the purpose of purchasing the northeast quarter of the southwest quarter of section five, in township twenty-three, north of range one west; that at that time the office of receiver of public moneys was temporarily vacant; but the register of the land office, Charles Tyler, told petitioner to leave the money with him, and he would see that the land was duly entered so soon as the office of receiver was filled. The petitioner being not well versed in such things, and supposing one land officer as responsible as another, left his money with said Tyler, to wit, fifty dollars, and took from him a receipt, as follows:

CRAWFORDSVILLE, 18th January, 1837.

Received of Henry Lewis, fifty dollars, to be applied to the purchases of the northeast quarter of southwest quarter section five, twenty-three, one west, when the receiver is in commission.

CHARLES TYLER.

That said Tyler marked said land as entered on the plats in his office. The petitioner, believing that he had in fact purchased said land, took possession of it, and remained in possession, making valuable improvements, for ten years, when he was informed that his land had been purchased by one Rufus A. Lockwood. He then had a full investigation of all the facts, and found that said Tyler had pocketed his money, and that he had no title whatever for said land; but that the title was fully invested in said Lockwood, to whom he surrendered possession.

MR. MACE. If the committee will give me their attention for one moment, I will explain fully the nature of this case. A gentleman by the name of Lewis, a poor man, had accumulated the sum of fifty dollars, and went to the Crawfordsville land office for the purpose of entering forty acres of land. A vacancy had occurred in the office of receiver, in consequence of the death of that officer. The register of the land office, Mr. Tyler, told him to leave his money with him, and that the moment a receiver was appointed he would see that the forty acres should be entered according to his application. Lewis being an ignorant man, left his money with Mr. Tyler, supposing, as a matter of course, that his purchase would be made complete, and the title of the lands placed in his hands. Well, sir, he located upon the lands, and made improvements to the amount of \$700 or \$800. It was ascertained that his lands were still vacant, and, as is the practice, a resale took place. All the vacant lands in that district were resold, those purchased by Lewis included. He then came here and asked Congress to refund him the money paid by him to Tyler; and also to pay him for the improvements he had made. His petition was laid before the Committee of Claims during the last Congress, and again during the present session. We thought it would hardly do to pay him for the improvements; but inasmuch as a Government officer had defrauded him out of his money, we thought it would be proper to allow him to locate forty acres of land free of cost, upon any lands in the United States subject to entry, and we have reported a bill to that effect.

I move that the bill be reported to the House, with a recommendation that it do pass; and upon that motion I demand tellers.

Tellers were ordered; and Messrs. HENDRICKS and MILLSON were appointed.

The question was taken; and the tellers reported—ayes 79, noes 7; no quorum voting.

MR. BRIDGES. I move that the committee do now rise.

THE CHAIRMAN. The motion is not now in order. No quorum having voted, the roll must be called.

The roll was then called, the committee rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House had had the Private Calendar generally under consideration, and finding itself without a quorum, had caused the roll to be called,

and had directed him to report the names of the absentees to the House.

The following is the list of the absentees:

Messrs. Aiken, James C. Allen, Ashe, Thomas H. Bayly, Banks, Barksdale, Bell, Bennett, Benton, Bissell, Bliss, Boyce, Breckinridge, Bugg, Campbell, Caruthers, Chandler, Chase, Chrisman, Clingman, Cook, Cox, Craige, Culom, Cumming, Cutting, Dean, Dent, De Witt, Disney, Dunham, Eastman, Eddy, Edgerton, John M. Elliott, English, Etheridge, Ewing, Farley, Faulkner, Fenton, Florence, Franklin, Gamble, Green, Grey, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Henn, Hibbard, Hiester, Hill, Ingersoll, J. Glancy Jones, Roland Jones, Keitt, Kittredge, Kurtz, Lamb, Lane, Letcher, Lindley, Lyon, Macdonald, McDougall, McMullin, McNair, McQueen, Matteson, Maurice, Mayall, Meacham, Middleswarth, Morrison, Noble, Olds, Andrew Oliver, Mordecai Oliver, Packer, Parker, Peckham, Pennington, Phillips, Powell, Preston, Richardson, Rogers, Rowe, Sapp, Seward, Seymour, Shannott, Simmons, Singleton, Gerrit Smith, William R. Smith, George W. Smyth, Sollers, Hester L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Tweed, Walbridge, Walker, Walsh, Warren, John Wentworth, Westbrook, Wheeler, Witte, Hendrick B. Wright, Yates, and Zollicoffer.

The SPEAKER *pro tempore*. (Mr. JONES, of Tennessee.) The Chair reports only one hundred and fifteen members present—no quorum.

Mr. HAVEN. I move that there be a call of the House.

Mr. FLAGLER. I move that the House do now adjourn.

Mr. HOUSTON. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. WASHBURNE, of Illinois. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. HOUSTON. The motion is not in order. There was no quorum on the last vote.

The SPEAKER *pro tempore*. The motion is not in order. Less than a quorum cannot adjourn over.

The question was taken on Mr. FLAGLER's motion; and it was decided in the negative—yeas 32, nays 90; as follows:

YEAS—Messrs. Abercrombie, Bridges, Carpenter, Corwin, Curtis, Thomas Davis, Dawson, Dick, Flagler, Fuller, Giddings, Goode, Haven, Hill, Hughes, Hunt, Johnson, Knox, Murray, Norton, Peck, Pennington, Bishop Perkins, Riddle, Sabin, Skelton, William Smith, Richard H. Stanton, Thurston, Upham, Wade, and Walker—32.

NAYS—Messrs. James C. Allen, Willis Allen, Appleton, David J. Bailey, Thomas H. Bayly, Ball, Barry, Belcher, Benson, Bliss, Bocoock, Bugg, Caskie, Chamberlain, Chandler, Churchwell, Clark, Cobb, Colquitt, Crocker, John G. Davis, Dickinson, Dowdell, Drum, Dunbar, Eddy, Edmunds, Thomas D. Elliot, Ellison, Ewing, Goodrich, Greenwood, Aaron Harlan, Hastings, Hendricks, Hilley, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kerr, Kläwell, Lamb, Latham, Lindsey, McCulloch, McDougall, McMullin, Mace, Macy, Maxwell, May, Middleswarth, John G. Miller, Smith Miller, Morgan, Nichols, Peckham, John Perkins, Phelps, Pratt, Pringle, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Robbins, Ruffin, Russell, Sage, Seward, Shaw, Shover, George W. Smyth, Hester L. Stevens, Straub, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walley, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, and Daniel B. Wright—90.

So the House refused to adjourn.

A quorum being now present, the Committee of the Whole House resumed its session.

The CHAIRMAN. The motion pending is to lay aside bill No. 98, that it may be reported to the House, with a recommendation that it do pass. The tellers will resume their places.

Mr. MACE. I hope that by unanimous consent the motion will be agreed to without tellers. [Cries of "Agreed!"]

No objection being made,

The bill was laid aside to be reported to the House, with a recommendation that it pass.

CAPTAIN GEORGE SIMPTON.

The next bill in order on the Calendar was a bill (No. 99) "for the relief of Captain George Simpton, of Galveston."

The bill proposes to pay the petitioner in this case the sum of \$1,600 in full payment of his claim for indemnification for the loss of the schooner Alert, while he was engaged in the public service in the war with Mexico.

Mr. TAYLOR, of Ohio. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. MACE. I hope that some explanation will be given of this case by the gentleman who reported the bill.

Mr. MILLER, of Missouri. I do not know that I can make a more clear and succinct statement than is contained in the report accompanying the bill; but I will state as briefly as I can the facts of the case

believing myself most sincerely that the bill ought to pass. The claimant in this case, being the owner of the schooner Alert, was employed by the Government during the war with Mexico to transport supplies from Sacrificios to Camp Bagara, for the division of the Army under the command of General Twiggs. While he was thus employed, the French bark, Jeune Nelly, was captured as a prize by the United States steamer Hunter, commanded by Captain McLaughlin, while attempting to violate the blockade of Vera Cruz. After the capture, Captain Simpton, of the schooner Alert, who was a skillful and experienced pilot, and who was acquainted with the currents, was employed by Captain McLaughlin to take the Hunter with her prize into port. After he had been thus employed, and after the French bark had been taken in tow by the schooner together with the steamer, a severe "norther," common to the gulf, sprung up, and all three of the vessels were driven upon a reef by the violence of the storm, and entirely destroyed, the officers and men escaping with great difficulty. Captain Simpton, who was the owner of the schooner, asks that he may be compensated for his loss. From the proof before the committee, the vessel was estimated by witnesses to be worth \$3,000, but the committee thought the valuation too high, and agreed upon the sum of \$1,600 as an indemnity for the loss sustained by the claimant. I believe myself that the owner of the vessel ought to be allowed more than was reported by the committee.

Mr. GIDDINGS. I would inquire of the gentleman from Missouri whether this vessel was in the voluntary service of the Government, or whether it was pressed into the service?

Mr. MILLER. The claimant in this case was employed by the Government for the purpose of transporting supplies to our Army under the command of General Twiggs; and he was ordered to perform the service in which his schooner was destroyed by the officer in command of the steamer Hunter, that captured the French bark.

Mr. TAYLOR. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. WENTWORTH, of Massachusetts. I call for tellers on that motion.

Tellers were ordered.

Mr. ORR. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House on the Private Calendar had had under consideration bills Nos. 58, 59, and 63, which the committee had passed over informally, and bill No. 98, which the committee had ordered to be reported to the House, with a recommendation that it do pass.

A message was received from the Senate, by Mr. DICKINS, their Secretary, informing the House that they had passed a bill and resolutions of the following titles:

Resolution (No. 17) giving the consent of Congress to the acceptance by Lieutenant M. F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden;

Resolution (No. 19) for the relief of Rebecca Birdsall;

Resolution (No. 20) relating to the raft of Red river; and

An act (No. 401) for the relief of William Duer.

Mr. KEITT. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. On that question I ask for a division.

The House was divided, but before the announcement of the vote

Mr. KEITT withdrew his motion, and moved that the House do now adjourn.

The motion was agreed to; and the House thereupon (at twenty-five minutes past three o'clock, p. m.) adjourned to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 17, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN. The Journal of yesterday was read and approved.

BUSINESS BEFORE THE HOUSE.

The SPEAKER. The question before the House is on ordering the following bill to be engrossed and read a third time: House bill (No. 98) "for the relief of Henry Lewis, of Clinton county, Indiana." It is the bill reported from the Committee of the Whole House yesterday.

Mr. LANE, of Oregon. I desire to make a motion that the House proceed to the regular order of business.

Mr. FULLER. Will the gentleman from Oregon yield me the floor for a moment?

Mr. LANE. Certainly.

THE NICARAGUA LINE OF STEAMERS.

Mr. FULLER. Before proceeding to the regular order of business, I desire to report to the House, from the Committee on Commerce, a bill passed by the Senate, authorizing a new issue of registers to the steamers plying between New York and San Francisco. It is a matter of private business, and I hope there will be no objection to the passage of the bill.

There being no objection, the following bill was reported back:

S. No. 180. An act to authorize the issue of registers to vessels owned by the Accessory Transit Company.

Mr. FULLER. I ask to have the letter of the Secretary of the Treasury, which accompanies the bill, read by the Clerk. It is a short letter, and is explanatory of the object of the bill.

The letter was read, as follows:

TREASURY DEPARTMENT, January 25, 1854.

SIR: I have the honor to return herewith the petition which accompanied your letter of the 18th instant, and inclose a draft of a bill authorizing the issue of registers to steamboats and vessels owned by the Accessory Transit Company, with such conditions and restrictions as seem to me advisable for the protection of the interests of the United States.

I am, sir, very respectfully, your obedient servant,

JAMES GUTHRIE,

Secretary of the Treasury.

Hon. H. HAMLIN, Chairman Committee on Commerce, United States Senate.

The bill was then ordered to be engrossed for a third reading; and being engrossed, was read a third time, and passed.

TERRITORIAL BUSINESS.

Mr. LANE, of Oregon. I now move that the House proceed to the regular order of business, which is the consideration of bills on the Speaker's table, and that we take up such territorial bills as have been considered in the Committee of the Whole on the state of the Union, and reported to the House.

The SPEAKER. This being private bill day, the regular order of business is the consideration of private bills.

Mr. LANE. Then I withdraw that motion, and move to take up such territorial bills as were considered in the Committee of the Whole on the state of the Union some weeks ago, and as are now on the Speaker's table. I hope the House will indulge me in this motion.

Mr. HENDRICKS. I dislike very much to object to anything which the gentleman from Oregon asks; but this day is set apart by the rules of the House for the consideration of private bills. We have not acted upon them for some months, and it is but right that we should now insist on their receiving consideration.

Mr. WASHBURNE, of Illinois. I hope the gentleman from Indiana will withdraw his objection. There are but few territorial bills, and it will take but a few moments to pass them. I hope that, by general consent, they will be taken up and passed. They have all been agreed to by the Committee of the Whole.

The objection was not withdrawn.

Mr. LANE. Then I will ask the House now to set apart a day when they will consider territorial business.

The SPEAKER. If the Chair may be allowed a single suggestion, perhaps it may lead to an accommodation of all parties. If it be true that these territorial bills will give rise to no debate, it will take but a few moments to pass them. If it be the pleasure of the House, by general consent, to take up and pass such territorial bills as will not give rise to debate, the Chair will have those bills reported.

Mr. HENDRICKS. To that extent I withdraw my objection.

Mr. HOUSTON. And there is another reason which, perhaps, has not suggested itself to gentlemen. There are some two or three of those bills which apply to the extension of the surveys of the public lands in those Territories.

The SPEAKER. If not objected to, the Chair will first direct that the bill reported from the committee yesterday be taken up, and will then proceed to such territorial bills as have been reported from the Committee of the Whole, and which will not give rise to debate.

Mr. HAMILTON. I desire to have it understood that the proposition is confined to such bills only as have been reported from the Committee of the Whole, and shall not be extended to any other.

HENRY LEWIS.

The following bill, reported from the committee yesterday, was then taken up:

A bill for the relief of Henry Lewis, of Clinton county, Indiana.

The question being, "Shall the bill be engrossed, and read a third time?"

Mr. COBB called for tellers upon the question; which were ordered; and Messrs. WALKER and VAIL were appointed.

The question was taken; and the tellers reported—ayes 79, noes 50.

So the bill was ordered to be engrossed, and read a third time; and being engrossed, was accordingly read the third time, and passed.

SALARIES OF OFFICERS IN TERRITORIES.

House bill (No. 162) "to increase the salaries of the Executive and judicial officers in Oregon and New Mexico," coming up next in order, was read *in extenso*.

It provides for increasing the salaries of the chief and associate judges of Oregon and New Mexico to \$2,500 per annum; for increasing the salary of the Governor of New Mexico to \$3,000 per annum; and for increasing the salaries of the Secretaries of Oregon and New Mexico to \$2,000 per annum.

The Committee of the Whole on the state of the Union proposed to amend by including the judges of Utah and New Mexico at the same salary.

The amendment was agreed to.

The committee further proposed to amend by making the salaries of said judges \$3,000, instead of \$2,500.

Mr. HENN. I demand tellers upon that amendment.

Tellers were ordered; and Messrs. WALKER and VAIL were appointed.

The question was taken on the second amendment; and it was rejected, forty-four only voting in the affirmative.

The third amendment was read, and agreed to, as follows:

After the word "Oregon" insert the words "Washington and Utah," so that the paragraph will read: "And that of the secretaries of Oregon, Washington, Utah, and New Mexico, (be increased,) to the sum of \$2,000 per annum."

The fourth amendment was read, as follows:

And be it further enacted, That the annual salaries of the chief justice and associate judges of the Territory of Minnesota be increased to \$2,500.

Mr. WASHBURN, of Illinois. I demand tellers.

Tellers were not ordered.

Mr. PHELPS. I move to strike out "\$2,500," and in lieu thereof to insert "\$2,000," so as to make the salaries of the judges in Minnesota the same as those provided for the judges of Kansas and Nebraska, in the bill which we have recently passed.

The question was put on the amendment to the amendment; and, on a division, there were—ayes seventy-two.

Mr. WASHBURN, of Illinois. I demand tellers.

Mr. JONES, of Tennessee. There are some gentlemen, perhaps, who are laboring under the impression that the salary is now \$2,500 a year; as I understand it, the House have rejected the \$2,500 amendment proposed by the Committee of the Whole on the state of the Union, and if we reject the amendment moved by the gentleman from Missouri, the salaries of those judges will remain as at present.

The SPEAKER. The gentleman is in error in his understanding of the condition of the question. The House have not rejected the report of

the committee, who recommend \$2,500 as the salary. A vote has not been taken upon that proposition. The gentleman from Missouri [Mr. PHELPS] proposes to amend that amendment by striking out \$500 of the proposed salary.

Mr. JONES. I would ask the Chair if he did not put the affirmative of the question, and report the number rising in favor of the salary of \$2,500 to be twenty-one. Tellers were called for, and the Chair reported only thirteen rising in the affirmative, and then it was that the gentleman from Missouri moved his amendment.

The SPEAKER. The Chair had not announced the result, otherwise the amendment would not be in order.

Mr. JONES. There were twenty-one gentlemen voting in the affirmative.

The SPEAKER. The indication was very clear as to the result, but the vote was not announced.

Mr. BRIDGES. I would inquire what the salaries of the judges are now?

Mr. PHELPS. The salary of these judges is now \$1,800. The Committee of the Whole on the state of the Union recommended that the salary of the judges of the Territory of Minnesota should be increased to \$2,500. I propose that their salaries shall be \$2,000, making them equal to the salaries of the judges of Kansas and Nebraska. It is an increase of \$200 merely to each of the judges in Minnesota over what they now have.

Tellers were ordered; and Messrs. CAMPBELL and DAVIS were appointed.

The question was then taken; and the tellers reported—ayes 90, noes 27.

The Speaker voting in the affirmative, to make a quorum, the amendment to the amendment was agreed to.

The question being on the adoption of the amendment, as amended, the House was divided, and the Speaker announced seventy-six members voting in the affirmative.

Mr. JONES, of Tennessee. I demand the yeas and nays.

The yeas and nays were not ordered.

The negative vote was then counted; and the question was decided in the affirmative.

So the amendment, as amended, was agreed to.

The SPEAKER. The question is now on ordering the bill to be engrossed and read a third time.

Mr. COBB. I move to lay the whole matter on the table.

Mr. LANE, of Oregon. I know well that the motion to lay the bill on the table is not debatable; but I would ask the House to do justice to the portion of the country which I represent in this case.

Mr. COBB. I object to the gentleman's discussing the question, unless I be allowed an opportunity to answer him.

Mr. LANE. I am not discussing it, but I ask the House to pass the bill.

Mr. JONES, of New York. I ask for the yeas and nays on the motion of the gentleman from Alabama.

The yeas and nays were not ordered.

The question was then taken; and the motion to lay the bill on the table was not agreed to.

The question recurred on ordering the bill to be engrossed and read a third time.

Mr. HAVEN. I wish to say one word in relation to this bill.

The SPEAKER. If debate arises, the Chair decides that the bill must go over.

Mr. HAVEN. I wish to make one statement.

The SPEAKER. By the unanimous consent of the House, the Chair will allow it.

Mr. HAVEN. I do not want to debate it. I only desire to make a single statement.

The SPEAKER. That is debate; but the Chair hopes the House will indulge the gentleman.

No objection being made,

Mr. HAVEN said: I only desire to say that the salaries of all the Governors of the Territories are left at \$2,500 per annum, except that of the Governor of New Mexico, which is \$3,000. That ought to be changed to \$2,500, and I ask that the bill may be so amended, by unanimous consent; that is, so as to make the salaries of all the Governors the same. I propose to put them all upon the same level.

Mr. LANE, of Oregon. The gentleman is mistaken in the facts.

Mr. JONES, of Tennessee. I ask for the reading of the bill, as amended.

Mr. BRECKINRIDGE. I move the previous question.

Mr. McMULLIN. I desire to debate the bill. Mr. PHELPS. I will say to the gentleman from New York, [Mr. HAVEN,] that the salary of the Governor for New Mexico is fixed at \$2,500 in the bill.

Mr. HAVEN. I think that cannot be so, as I just came from the Clerk's desk, and there read the provision myself, and the Clerk also read it to me. But I shall vote against the bill any way, and against the previous question.

Mr. PHELPS. I was mistaken in my statement. I turned to the wrong section of the bill, and was misled thereby.

Mr. McMULLIN. I desire some information before I vote. I desire to know—

Mr. HENDRICKS. I object to debate.

The SPEAKER. Perhaps the gentleman from Virginia rises to a question of order. The Chair will hear what he has to say.

Mr. McMULLIN. I desire to know if all the Governors of the Territories get \$2,500 per annum, except the Governor of New Mexico?

Mr. COBB. I ask for the reading of the bill. The bill was accordingly again read.

The SPEAKER. The previous question is demanded.

Mr. ORR. If I understand the state of the matter, I rise to a privileged question. It is to move to reconsider the vote by which the House rejected the amendment reported from the Committee of the Whole. In that way we can accomplish the object which the gentleman from New York, [Mr. HAVEN,] and the rest of us, have in view.

Mr. TAYLOR, of Ohio. I understand that there is no objection to the amendment suggested by the gentleman from New York.

Mr. BRECKINRIDGE. I desire to ask the gentleman from Oregon if the salary proposed to be given to the Governor of New Mexico by this bill is not the same as that received by the Governor of Oregon?

Mr. LANE, of Oregon. I take pleasure in stating, in reply to the gentleman from Kentucky, that the salaries of the Governors of Oregon and Washington Territories are fixed at \$3,000 each per annum.

Mr. BRECKINRIDGE. I now desire to ask the gentleman another question. Is not the Governor of New Mexico also made the superintendent of Indian affairs for that Territory?

Mr. LANE. He is. In addition to the duties imposed upon him as Governor, he also discharges those of superintendent of Indian affairs for the Territory of New Mexico.

Mr. BRECKINRIDGE. And the Governor of Oregon does not discharge the duties of superintendent of Indian affairs?

Mr. LANE. He does not.

Mr. BRECKINRIDGE. Then I object to the reduction of the salary of the Governor of New Mexico to \$2,500.

Mr. ORR. The motion to reconsider is debatable, is it not?

The SPEAKER. The Chair decides that if the bill, or any proposition connected with it, be debated, the bill itself must go over. But aside from that consideration, the previous question has been demanded, which, of course, makes the proposition not debatable.

Mr. HAVEN. I now ask that the clause of the bill providing for the salary of the Governor of New Mexico may be read, and that the section of the bill in which it occurs may also be read, in order that the House may see the distinction between the salaries of these different officers.

The clause and section referred to were read.

The SPEAKER. The Chair must inform the gentleman from New York, that the salary of no Governor is provided for in this bill except that of the Governor of New Mexico.

Mr. HAVEN. Then I was laboring under a mistake, and withdraw my objection to it.

Mr. ORR. I withdraw my motion to reconsider.

The previous question was then seconded, and the main question ordered to be now put.

The bill was ordered to be engrossed and read

a third time; and being engrossed, was read a third time.

Mr. LANE, of Oregon. I demand the previous question on the passage of the bill.

Mr. McMULLIN. I propose to debate the bill.

The SPEAKER. The Chair has not recognized the gentleman. As a matter of duty, he has allowed the conduct of the bill to be placed in the hands of its friends.

The previous question was then seconded, and the main question ordered to be now put.

Mr. McMULLIN. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

The question was then taken; and decided in the affirmative—yeas 91, nays 49; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Banks, Barry, Belcher, Breckinridge, Bridges, Bugg, Campbell, Caskie, Chandler, Chastain, Chrisman, Churchwell, Clark, Clingan, Colquitt, Corwin, Crocker, Culom, John G. Davis, Thomas Davis, Dick, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Etheridge, Everhart, Fuller, Goode, Goodrich, Green, Greenwood, Andrew J. Harlan, Wiley P. Harris, Hendricks, Henn, Howe, Hughes, Hunt, Ingersoll, Lamb, Latham, Lilly, Lindley, McDougall, Macy, Maxwell, Smith Miller, Milson, Mordecai Oliver, Packer, Parker, Pennington, Phelps, Pratt, Ready, Reese, Riddle, David Ritchie, Rogers, Russell, Seward, Shower, Gerrit Smith, Samuel A. Smith, George W. Sinyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Upham, Vail, Walker, Walley, Ellihu B. Washburne, and Daniel B. Wright—91.

NAYS—Messrs. David J. Bailey, Boyce, Carpenter, Cobb, Dickinson, Ellison, English, Fenton, Flagler, Giddings, Hamilton, Hastings, Hill, Iliyer, Houston, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kidwell, Knox, Kurtz, Lindsley, McCulloch, McMullin, Mace, Middlewarth, Morgan, Murray, Nichols, Norton, Andrew Oliver, Orr, Peck, Peckham, John Perkins, Powell, Pringle, Thomas Ritchey, Ruffin, Sage, Shaw, Skelton, John J. Taylor, Tracy, Trout, Wade, Israel Washburn, and Witte—49.

So the bill was passed.

Mr. LANE, of Oregon, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. WASHBURN, of Illinois. I move to amend the title of the bill by adding the words "Washington, Utah, Minnesota," so as to make it read:

A bill to increase the salaries of the Executive and judicial officers of Oregon, New Mexico, Utah, Washington, and Minnesota.

The amendment was agreed to; and the title, as amended, passed.

EXPENSES OF THE CAYUSE WAR.

House bill (No. 232) "to settle and adjust the expenses of the people of Oregon from attacks and hostilities of the Cayuse Indians, approved August 21, 1852," coming up next in its order, was read by its title.

The Committee of the Whole on the state of the Union recommend to strike out all after the enacting clause, and to insert a substitute, which provides for authorizing the Secretary of the Treasury to settle and adjust the expenses incurred by the provisional government of Oregon, in consequence of hostilities of the Cayuse Indians, in the years 1847 and 1848, provided that the amount shall not exceed \$75,000; to make such allowances for adjusting claims from that amount, at a rate not exceeding five dollars per day; to pay so much as may be necessary of said amount for settling the claims awarded by the committees appointed for that purpose by the Governor of Oregon; and that no such claims shall be allowed which are not presented within the next fiscal year.

The second section provides "that all of said claims and accounts not heretofore adjusted shall be settled and adjusted at such place, and in such manner as the Secretary of the Treasury may prescribe; and the Secretary of the Treasury is empowered to reexamine any award that has been, or may be made of said claims, and to reduce the amount if, in his judgment, founded on proof, it should be too much."

The substitute was adopted.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read a third time, and passed.

Mr. HAVEN. I move to amend the title by substituting for the present one the following:

An act making appropriations in reference to the Cayuse war in Oregon.

The amendment to the title was agreed to.

SURVEYOR GENERAL OF NEW MEXICO.

The Clerk read the title of the next bill, as follows:

H. R. No. 315. A bill to establish the office of surveyor general of New Mexico, to grant donations to actual settlers therein, and for other purposes.

The first amendment of the Committee of the Whole on the state of the Union is as follows:

Strike out all after the word "Mexico," in the first section, and in lieu thereof insert the following:

Whose annual salary shall be \$3,000, and whose power, authority, and duty shall be the same as those provided by law for the surveyor general of Oregon. And he shall have proper allowances for clerk hire, office rent, and fuel, not exceeding what now is, or hereafter may be, allowed to the said surveyor general of Oregon. And he shall locate his office, from time to time, at such places as may be directed by the President of the United States, —so that the section will read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for New Mexico, whose annual salary shall be \$3,000, &c.

The amendment was concurred in.

The second amendment of the Committee of the Whole on the state of the Union was as follows:

Strike from the second section the following words:

"That, to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years," and in lieu thereof, to insert so that the section will read as follows:

"That to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, and who removed to, and was residing in, said Territory prior to the 1st day of January, 1853, there shall be, and hereby is, donated one half section, or three hundred and twenty acres of land, if single; but if married, one section, or six hundred and forty acres, &c., &c."

Mr. GREENWOOD. I demand tellers on that amendment.

Tellers were ordered; and Messrs. ELIOT, of Massachusetts, and HOWE, were appointed.

The question was taken; and the tellers reported—ayes 54, noes not counted.

Mr. JONES, of Tennessee, demanded the yeas and nays.

Mr. PHELPS. I am satisfied that if the House understood the amendment upon which the vote is being taken, there would not be any objection to it. The bill, as originally reported from the committee, provided for the donation of three hundred and twenty acres of land to each head of a family who had settled in the Territory within the time prescribed. The amendment reported by the Committee of the Whole reduced the quantity of land to be given to settlers from half a section to a quarter of a section, giving them one hundred and sixty instead of three hundred and twenty acres of land.

Mr. HAMILTON. Let us have a recount.

Mr. JONES, of Tennessee. I withdraw the demand for the yeas and nays.

The SPEAKER. There being no objection, a recount will be had, and the tellers will again resume their places.

The tellers resumed their places, and the House having been again divided, the tellers reported—ayes eighty-seven, noes not counted.

So the amendment was agreed to.

The third amendment was reported, as follows:

In the fourth line of the second section strike out the words "removed to and."

The section, as amended, will read:

That to every male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who was residing in said Territory, &c.

The amendment was agreed to.

The fourth amendment was reported, as follows:

In the second section, after the word "three," in the sixth line, insert the following words: "and who may be still residing there."

The section, as amended, will read as follows:

That to every white male American citizen of the United States, or who has declared his intention to become such, over the age of twenty-one years, who was residing in said Territory prior to the 1st day of January, 1853, and who may be still residing there, there shall be, and hereby is, donated, &c.

The amendment was agreed to.

The fifth amendment was reported, as follows:

In the sixth line of the same section strike out the word "half," and insert the word "quarter;" and in the seventh line strike out the word "three," and insert "one;" and strike out the word "twenty," and insert "sixty;" in the seventh and eighth lines strike out the words "if single;" but, if married, one section, or six hundred and forty acres."

The section, as amended, will read as follows: There shall be, and hereby is, donated one quarter section, or one hundred and sixty acres of land.

The amendment was agreed to.

The fifth amendment was reported, as follows:

In the ninth line of the same section strike out the word "each" and insert the word "every;" after the word "male" strike out the word "American;" after the word "citizen" insert the words "of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, and."

The section, as amended, will read as follows:

And to every white male citizen of the United States, or every white male above the age of twenty-one years who has declared his intention to become a citizen, and who shall have removed, &c.

The amendment was agreed to.

The seventh amendment was reported, as follows:

In the fourteenth and fifteenth lines of the same section strike out the words "if a single man; or, if married, one half section, or three hundred and twenty acres."

The section, as amended, will read as follows:

There shall, in like manner, be donated one quarter section, or one hundred and sixty acres, on condition of actual settlement, &c.

The amendment was agreed to.

The eighth amendment was read, as follows:

In the first line of the third section, after the word "of," insert the word "the," and in the second line strike out the word "as."

The section, as amended, will read as follows:

That on proof of the settlement and cultivation required by this act, &c.

The amendment was agreed to.

The ninth amendment was read, as follows:

In the sixth section, line seven and eight, strike out the following words: "And to be disposed of as said Legislature shall direct."

The section, as amended, will read as follows:

That, when the lands in said Territory shall be surveyed as aforesaid, a quantity of land equal to two townships shall be, and the same is hereby, reserved for the establishment of a university in said Territory, and in the State hereafter to be created out of the same, to be selected, under the direction of the Legislature, in legal subdivisions of not less than one half section.

The amendment was agreed to.

The SPEAKER. There being no further amendments to be disposed of, the question is on ordering the bill to be engrossed and read a third time.

Mr. HENN. At the request of the Committee on Public Lands, I propose to offer an amendment to this bill, providing for the making of surveys through the Territories of Kansas and Nebraska. I will send the amendment to the table to be read.

The amendment was reported, as follows:

And be it further enacted, That the President of the United States shall be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a surveyor general for the Territories of Nebraska and Kansas, who shall locate his office at such place as the President of the United States shall, from time to time, direct, and whose duties, powers, obligations, responsibilities, and compensation shall be the same as those of the surveyor general of Wisconsin and Iowa, and who shall be allowed the same amount for office rent, fuel, incidental expenses, and clerk hire, as is allowed to said surveyor general of Wisconsin and Iowa.

SEC. — And be it further enacted, That said surveyor general shall cause the necessary surveys to be made in said Territories, of standard meridian, base, and parallel lines, and of township and subdivision lines, under such rules and regulations as shall be prescribed by the Commissioner of the General Land Office.

SEC. — And be it further enacted, That all the lands to which the Indian title has been, or shall be extinguished, within said Territories of Nebraska and Kansas, shall be subject to the operation of the preemption acts of 4th September, 1841, and under the conditions, reservations, and stipulations therein mentioned: *Provided, however,* That where unsurveyed lands are claimed by preemption, notice of the specific facts claimed shall be filed within three months after the survey has been made in the field; and on failure to file such notice, or to pay for the tracts claimed before the day fixed for the public sale of the lands by the proclamation of the President of the United States, the parties claiming such lands shall forfeit all right thereto: *Provided,* Said notice may be filed with the surveyor general, and to be noted by him on the township plats, until other arrangements shall have been made by law for that purpose.

SEC. — And be it further enacted, That the public lands in the Territory of Nebraska, to which the Indian title shall have been extinguished, shall constitute a new land district, to be called the Omaha district; and the public lands in the

Territory of Kansas, to which the Indian title shall have been extinguished, shall constitute a new land district, to be called the Pawnee district: the offices for each of which districts shall be established at such points as the President may deem expedient; and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of public moneys for each of said districts, who shall be required to reside at the site of their respective offices; and they shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land officers of the United States; and the President is hereby authorized to cause the surveyed lands to be exposed for sale from time to time, in the same manner, and upon the same terms and conditions, as the other public lands of the United States.

Mr. JONES, of Tennessee. That, sir, is a new bill of itself. It creates several offices, and provides for the survey of lands in a very extensive region of country. It has never been printed; and this is the first time that it has been presented to the House. In order that we may have an opportunity to examine it, and to propose amendments, if any should be desirable, I move to recommit the bill, with the proposed amendment, to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. DISNEY. I trust the gentleman from Tennessee will withdraw the motion he has just made. To carry out this system of survey, it will require an expenditure of money; and in order to make that appropriation, a clause must be inserted in the civil and diplomatic bill. Consequently, this bill ought to pass in advance of that bill, as I stated yesterday.

Pass this bill now, and the Committee on Public Lands will then be prepared, when the civil and diplomatic bill comes up, to offer an amendment to appropriate the sum necessary to carry out the provisions of this bill in regard to extending these surveys.

The gentleman from Tennessee, [Mr. JONES,] and the House generally, well understand that the Territories of Kansas and Nebraska must remain a sealed book, practically, to the people of the United States; and all this commotion about the organization of those Territories will exist, in point of fact, upon paper only, unless you pass this provision, which is now before the House. These provisions are necessary, in order to open up the country to emigration.

The SPEAKER. The Chair feels compelled to remind the gentleman that, if debate arises, the bill goes over.

Mr. DISNEY. I am aware of that, and I do not desire to debate the proposition, but only to make the remarks I have, to call the attention of the House to the fact of the importance of passing this bill before the civil and diplomatic bill is disposed of.

In regard to the amendments to which the gentleman from Tennessee [Mr. JONES] referred, I say that there is not a provision in those amendments except such as are already existing upon the statute-book in relation to the survey of the public lands—not a word.

Mr. JONES, of Tennessee. There is one, at least.

Mr. HENN. I desire to make a single statement in reply to the gentleman from Tennessee. This bill was reported in lieu of two bills which were referred to the Committee on Public Lands. It was framed after consultation with the Commissioner of the General Land Office. They have adopted this plan in order to have it disposed of before the passage of the civil and diplomatic bill, that the proper appropriation may be inserted in that bill.

Mr. JONES. I do not doubt the correctness of the gentleman's statement; but I wish to have the amendment printed, in order that we may examine it, and ascertain what its provisions are. I do not believe that it is wise for us, in all cases, to vote for laws similar to those now upon the statute-book. There is one provision which struck my ear whilst the bill was being read, which I should be very much pleased to have altered, notwithstanding there are similar provisions upon our statute-books in reference to the other Territories.

I should be pleased to see that portion of our general laws in reference to the public lands, which requires them to be put up at public sale, to the highest bidder, stricken out. I should be glad to see a provision adopted by which the public lands, when surveyed, and brought into market, should be subject to entry by actual settlers in limited

parcels, by actual cultivators, and no other persons.

The SPEAKER. The Chair must again announce to the gentleman from Tennessee, that if discussion arises, the bill must go over.

Mr. DISNEY. I desire to make a single statement in regard to the provisions of this amendment.

The SPEAKER. The gentleman cannot debate the bill.

Mr. DISNEY. I will not debate the bill. I wish to state a solitary fact, and will not say one word by way of argument. I wish to say that this amendment contains nothing but these provisions:

First, that the lands in the Territories of Nebraska and Kansas shall be surveyed;

Second, that the office of surveyor general in those Territories shall be created, and the officers appointed;

Third, that the arrangements for the disposal of the public lands in the said Territories shall conform to existing laws; and

Fourth, that a land office shall be created.

These provisions are all the amendment contains.

The question now being upon the motion to recommit the bill to the Committee of the Whole on the state of the Union, it was put; and the motion was disagreed to.

The question was taken on the amendment; and it was agreed to.

Mr. STEPHENS, of Georgia. I demand the previous question on the passage of the bill.

Mr. ORR. I ask for tellers upon seconding the demand.

Tellers were ordered; and Messrs. CORWIN and VAIL appointed.

The House was divided, and the tellers reported—ayes 94, noes 37.

So the previous question received a second.

The main question was then ordered to be now put.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and passed.

Mr. HENN. I move to amend the title by adding the words "Kansas and Nebraska."

The amendment was agreed to.

Mr. HENN moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. McMULLIN. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The SPEAKER. It was the unanimous understanding of the House, and, therefore, tantamount to a suspension of the rules, that the territorial business reported from the Committee of the Whole on the state of the Union that did not give rise to debate should be disposed of.

Mr. McMULLIN. I withdraw my motion.

SURVEYOR GENERAL OF OREGON.

The bill next in order was House bill (No. 316) "to amend the act approved September 27, 1852, to create the office of surveyor general of the public lands in Oregon, &c., and also the act amendatory to the act amendatory thereof, approved February 19, 1853," reported from the Committee of the Whole on the state of the Union, with two amendments.

The first amendment was as follows:
At the end of the third section add the following proviso:

Provided, That no sale shall be deemed valid, unless the vendor shall have resided four years upon the land.

The amendment was agreed to.

The second amendment was as follows:

In section four strike out the word "granted," and insert in lieu thereof the word "reserved;" and strike out the words "and applied to," and insert in lieu thereof the word "for;"

So as to make it read:

That in lieu of two townships of land reserved to the Territory of Oregon by the tenth section of the act of 1850 for universities, there shall be granted to each of the Territories of Washington and Oregon two townships of land, of thirty six sections each, to be selected in legal subdivisions for university purposes, under the direction of the Legislatures of the said Territories respectively.

The amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

SURVEYOR GENERAL OF UTAH.

The following bill was reported by the Committee of the Whole on the state of the Union, with a recommendation that it do not pass:

A bill to establish the office of surveyor general in Utah, and to grant donations to actual settlers therein, and for other purposes.

Mr. DISNEY. I desire to make a statement of facts in regard to this matter.

The SPEAKER. Is it the pleasure of the House that the gentleman from Ohio [Mr. DISNEY] be allowed to make a statement to the House. Objection was made.

Mr. DISNEY. I desire, on behalf of the Committee on Public Lands, to offer some amendments to this bill, which are precisely the same as those which have been adopted to the bill that has just passed the House. The House will see the importance of passing on so much of this bill as provides for the survey of lands in the Territory.

The SPEAKER. Will the gentleman from Ohio send up his amendments, that they may be read?

Mr. DISNEY. They are in the precise terms of those adopted to the bill which has just passed the House.

Mr. WALLEY. I object to the bill, and propose to debate it.

The SPEAKER. Then, according to the order of the House, the bill must go over.

Mr. DISNEY. I desire simply to submit to the House the reasons which induce the committee to endeavor to have these amendments adopted by the House.

The SPEAKER. The gentleman from Massachusetts [Mr. WALLEY] objects to the consideration of the bill, and proposes to debate it. That being the case, it is the duty of the Chair, under the order of the House, to pass the bill over.

Mr. WALLEY. There is one provision in the bill to which I object; and if the gentleman from Ohio will consent to have that provision stricken out, and if the House consent to it, I will withdraw my objection.

Mr. DISNEY. What provision does the gentleman from Massachusetts refer to?

Mr. WALLEY. To the provision with regard to polygamy.

Mr. DISNEY. I would state to the House the necessity that there is for the House to pass this bill in advance of the civil and diplomatic bill, in order that an appropriation may be made in that bill for paying the expenses of the survey of this Territory; and hence the postponement of the bill at this time is equivalent to its defeat. Well, now, the House has got into this condition with regard to this matter, that if they will not permit me to make an argument or explanation on the subject, but pass over the bill, that action involves the destruction of the bill.

The SPEAKER. The Chair will be compelled to pass the bill over, being objected to, unless under the operation of the previous question, if the House should choose to vote that way.

Mr. TAYLOR, of Ohio. I wish to appeal to the gentleman from Massachusetts to withdraw his objection to the bill, simply for the reason that there is actually no difference between it and other similar territorial bills. We ought not certainly to abandon the public lands which have been entrusted to our charge; and the great object sought by the chairman of the Committee on Public Lands is to provide for the appointment of a surveyor general of Utah.

Mr. WALLEY. I will withdraw my objection if the provision as to polygamy be stricken out of the bill.

Mr. DISNEY. I find that there is a wrong impression on the minds of members in reference to this matter; the question of polygamy has no connection whatever with this bill. I have already stated to the House that the Committee on Public Lands have cautiously avoided all participation in, or connection with, this question. Nor does the bill, in my judgment, at all affect, in one way or other, this institution of Mormonism. If gentlemen object to granting donations of land to settlers in the Territory of Utah, let them make a proposition to strike out that part of the bill, and I shall not oppose it. But I appeal to the House to pass so much of the bill, at all events, as provides for the survey of the lands of the Territory of Utah.

Mr. WALLEY. If the gentleman from Ohio agree to strike out the proposition about polyg-

amy, I will make no objection to the consideration of the bill at this time.

Mr. COBB. If the gentleman from Massachusetts will allow me, I think I will be able to show how we may get on with the bill. The bill, as reported from the Committee on Public Lands, makes an exception to this Mormon institution of polygamy; that is, it excepts those who are husbands of more than one wife from a participation in the benefits of the public lands. If we desire to pass the bill with this exception in it, all that we have got to do is to disagree to the report of the Committee of the Whole House on the state of the Union rejecting the bill, and then, when the bill comes up for consideration, we can vote for its adoption, if we are so inclined.

A MEMBER. What is the exception in the bill?

Mr. COBB. The exception is that a man having more than one wife shall not be entitled to a grant of land as donated in the bill.

Mr. STEPHENS, of Georgia. What is the question now before the House?

The SPEAKER. It is upon a bill, reported from the Committee of the Whole on the state of the Union, with a recommendation that it do not pass. The gentleman from Ohio [Mr. DISNEY] submits a series of amendments which have not been read. He states, however, that they are precisely such as were attached to, and passed with the bill, in reference to New Mexico, this morning.

Mr. STEPHENS. Then the first question is upon agreeing.

The SPEAKER. If it is insisted upon, the first vote must be upon the recommendation of the committee, that the bill do not pass.

Mr. STEPHENS. I submit that whether the bill be passed or not, we ought to act upon it before the civil and diplomatic appropriation bill; and I ask the House to take the question without debate.

Mr. COBB. I object to the consideration of the bill.

The SPEAKER. Both upon the right and left gentlemen object to the consideration of the bill, and the Chair must pass it over.

Mr. TAYLOR, of Ohio. I would inquire of the Chair if it is not the duty of the House to pass upon the recommendation of the committee, whether objection is made or not?

The SPEAKER. Objection is made upon the right and left, and—

Mr. TAYLOR. But, notwithstanding, is it not the right of the House to pass upon the recommendation of the committee?

The SPEAKER. The Chair has, for half an hour, endeavored to bring the House to action without debate; but he has indulged gentlemen in their disposition to debate, beyond the limits prescribed by the understanding this morning.

Mr. JONES, of Tennessee. I call the previous question.

Mr. COBB. I propose to debate the bill; but still, if the House will take it in the shape in which it came from the committee, I have no objection.

The SPEAKER. The question arises whether the gentleman has the floor for that purpose.

Mr. COBB. I raised my objection some time ago, and before the previous question was called.

The SPEAKER. If, then, the gentleman proposes to debate the proposition, the bill must go over.

Mr. DISNEY. I desire to suggest to the House, that they should vote down the recommendation of the committee.

The SPEAKER. But the gentleman from Alabama [Mr. Cobb] rises in his place, and says he has objections to the bill, and proposes to debate it, if acted upon at all.

Mr. DISNEY. I was about to make this suggestion, that—

Mr. RITCHIE, of Pennsylvania. I submit that the gentleman from Ohio is out of order.

Mr. DISNEY. I am not aware that I am out of order.

The SPEAKER. The Chair thinks the gentleman is debating the proposition.

Mr. DISNEY. I do not offer any argument.

The SPEAKER. The gentleman from Alabama [Mr. Cobb] proposes to debate the bill, and the bill must go over; and the Chair further decides that the bill has gone over. [Laughter.]

PRE-EMPTION LAWS IN MINNESOTA.

The bill next in order was House bill (No. 335,) "to extend the right of preemption over the unsurveyed lands in Minnesota, and for other purposes.

Mr. RICE. I move the previous question.

The previous question was seconded, and the main question was ordered to be now put.

The bill was read *in extenso* by the Clerk.

It was then ordered to be engrossed and read a third time; and having been engrossed, was accordingly read the third time, and passed.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

LANDS OF THE SIOUX INDIANS.

A bill (H. R. No. 338) to authorize the President to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes, coming up next in order, was read *in extenso* by the Clerk.

Mr. RICE. I move the previous question upon the engrossment of the bill.

The previous question was seconded; and the main question ordered to be now put.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, was read the third time, and passed.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MILITARY ROAD—ROGUE RIVER WAR.

Bills of the following titles, reported from the Committee of the Whole on the state of the Union, without amendment, were next read, severally ordered to be engrossed, and read a third time; and being engrossed, were read the third time, and passed:

H. R. No. 119. A bill to provide for the continuation of a military road from Myrtle Creek to Scottsburg, in Oregon; and

H. R. No. 339. An act to authorize the Secretary of War to settle and adjust the expense of the Rogue river war.

MILITARY ROAD IN UTAH.

The bill next in order was House bill (No. 340) "to provide for the construction of a military road in the Territory of Utah."

The bill was read through.

Mr. JONES, of Tennessee. We do not know what kind of a road this is to be—whether a turnpike or railroad.

Mr. BERNHISEL. It is to be a military road.

Mr. JONES. Yes, sir, a "military road." I move that the bill be laid upon the table.

Mr. BERNHISEL. I hope that motion may not prevail. The road is very much needed.

The question was taken, and the House refused to lay the bill upon the table; there being, on a division—ayes 24, noes not counted.

Mr. McMULLIN (unanimous consent being given) said: I would like very well to have some explanation of this bill.

Mr. WASHBURN, of Illinois. I demand the previous question on the passage of the bill.

The SPEAKER. The gentleman from Virginia has the floor by unanimous consent.

Mr. McMULLIN. I understand from the Delegate from Utah that it is a wagon road. I am not disposed to make opposition; but it seems to me that we ought not to pass a bill in this way, without any kind of explanation.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was read the third time.

Mr. JONES, of Tennessee, demanded the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 83, nays 55; as follows:

YEAS—Messrs. Abernethy, Aiken, James C. Allen, Willis Allen, David J. Baily, Ball, Banks, Belcher, Bell, Benson, Benton, Breckinridge, Bug, Campbell, Chamberlain, Chastain, Clark, Clinman, Corwin, Crocker, Curtis, John G. Davis, Dawson, Disney, Dunbar, Eddy, Edmunds, Thomas D. Elliot, Etheridge, Ewerhart, Ewing, Florence, Goodrich, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Harrison, Haven, Hendricks, Henn, Hill, Howe, Hughes, Hunt, Ingersoll, Lamb, Latham, Lindley, Lindsley, McDougall, Macy, Maxwell, Mayall, Middlesworth, John G.

Miller, Smith Miller, Nichols, Mordecai Oliver, Parker, Preston, Ready, Reese, David Ritchie, Robbins, Sabin, Shower, Skelton, Gerrit Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Walker, Walley, Elihu B. Washburne, Israel Washburn, and Westbrook—83.

NAYS—Messrs. Bocoock, Boyce, Bridges, Carpenter, Caskie, Christian, Churchwell, Cobb, Dick, Dowdell, Dunham, Edmundson, John M. Elliott, Ellison, Flagler, Goode, Greenwood, Hamilton, Hastings, Hillyear, Houston, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kidwell, Knox, Kurtz, Lilly, McCulloch, McMullin, Mace, Milson, Morgan, Murray, Orr, Peck, Pennington, Bishop Perkins, Phelps, Powell, Pratt, Thomas Ritchey, Rogers, Ruffin, Russell, Sage, Seward, Shaw, Samuel A. Smith, John J. Taylor, Tracy, Trout, Witte, and Daniel B. Wright—55.

So the bill was passed.

INDIAN HOSTILITIES IN UTAH.

The next bill that came up for consideration was "A bill to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities."

The bill was ordered to be engrossed and read a third time; and having been engrossed, it was subsequently read the third time, and passed.

SURVEYOR GENERAL IN NEW MEXICO.

The SPEAKER. The business next in order is Senate bill No. 220, being "An act to establish the office of surveyor general in New Mexico, to grant donations to actual settlers therein, and for other purposes."

Mr. HENN. I presume it is unnecessary to take any action upon this bill, as we have already passed a bill of a similar character. I move that it be laid upon the table.

The motion was agreed to.

CIVIL OFFICERS—MILITARY GOVERNMENT OF NEW MEXICO.

The bill next in order was House bill (No. 294) "for the payment of the civil officers employed in the Territory of New Mexico while under military government;" which was reported by the Committee of the Whole on the state of the Union, with amendments.

The first amendment was then read, as follows: At the end of the first section, add the following proviso:

Provided, That under the provisions of this act no compensation shall be made to any officers of the Army of the United States, for discharging the duties of any civil office in the Territory of New Mexico.

The amendment was agreed to.

The second amendment was to strike out the following section:

Sec. 2. *And be it further enacted, That the Secretary of War be, and he is hereby, authorized to pay to such agent as may be appointed to receive the same on behalf of the Territory of New Mexico, the sum of \$12,098 64, the amount advanced from the treasury of said Territory in part payment of the salaries of the civil officers aforesaid.*

The amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was subsequently read the third time, and passed.

UTAH BILL AGAIN.

Mr. COBB. I dislike the one-man power. I have been always opposed to it. And as I have had the power, perhaps, to impede or stop the progress of legislation on a certain bill here—I mean the bill which proposes to grant land and establish the office of surveyor general for the Territory of Utah—I desire now to correct what I have done in that regard. By my objection to the consideration of that bill, I have, perhaps, defeated it; and I propose now to withdraw my objection, provided I can do so. The bill, I believe, as amended, provides that the benefits of the act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife. Now, as I am desirous that the majority shall always govern, I am willing to withdraw my objection, provided the House will take a vote on concurring in the recommendation of the Committee of the Whole on the state of the Union, which is adverse to the bill. That being done, then let some gentleman make a motion to strike out that provision. If it be the desire of the majority of the House to strike out the objectionable provision, why, then we ought to yield to the majority. That is my opinion.

The SPEAKER. Then, if there be no objection, the vote will be first taken on the report of the Committee of the Whole on the state of the

Union; which is, that the bill referred to be rejected.

Mr. MILLSON. I rise to a point of order; and I premise by saying, that it is not as to this particular case I raise the point; but it is a question which frequently comes up, and ought to be definitely settled. When a bill is presented to the House, and objection is made to its consideration, and when the House passes from the consideration of such bill because of the objection, it is not competent, I contend, at a subsequent period, for the gentleman making the objection to withdraw it.

The SPEAKER. The Chair at once comprehends the force of the gentleman's point of order. The gentleman is certainly correct with regard to the rule. A bill so objected to, and passed over, cannot be considered, except by the unanimous consent of the House. Hence, the Chair, in putting the question, used the words "if there be no objection;" by which he meant that it required the unanimous consent of the House.

Mr. MILLSON. That is, so far as the bill is concerned. But my point goes a little further. What I contend for is this: There may be twenty gentlemen in the House intending to object to a bill, and when one of them objects, the rest may leave the House, assured that the question cannot come up again, and may be absent at the time the first objector withdraws his objection.

The SPEAKER. The Chair thinks that fact does not affect the principle; for it is competent for the House to set aside its rules by unanimous consent. Hence, in this case, the Chair decides that if it is the unanimous pleasure of the House, the bill may be taken up; and in that case the first vote will be upon the report of the Committee of the Whole.

Mr. DISNEY. My desire is to avoid all difficulty. I anticipated the objection, and I concur in the view presented by my colleague upon the Committee on Public Lands, [Mr. Cobb.] But there is a difficulty yet in the way which I desire to get rid of. If this bill should be taken up, under the arrangement made by the House this morning, and debate should arise, it must go over. The bill is upon the Speaker's table, and there are but a few bills ahead of it. In order to accomplish the object I have in view, and the common object of all, I move that the House proceed to the business upon the Speaker's table. That will bring up the matter.

The SPEAKER. In reply to the remarks of the gentleman, the Chair states that it is the duty of the Chair, no motion being made, to go to the Speaker's table, and dispose of the private bills upon it, this being private bill day. It is the regular order of business.

Mr. WASHBURN, of Illinois. Are there not some other territorial bills to be acted upon?

The SPEAKER. There are not.

Mr. WASHBURN. I understand that at the last time the House had under consideration territorial business, there was a bill reported making a grant of land to aid in the construction of a railroad in one of the Territories.

The SPEAKER. It was not reported from the Committee of the Whole at all.

Mr. WASHBURN. There certainly was such a bill before the House.

The SPEAKER. There is such a bill upon the Speaker's table; but it belongs to the morning hour. It is not a private bill, however, and would not come up during the morning hour to-day, this being private bill day.

Mr. DISNEY. I make the motion that the House proceed to the business on the Speaker's table.

The SPEAKER. It is not necessary to make the motion, as that is the business before the body.

SENATE BILLS.

The following Senate bills were then taken from the Speaker's table, read a first and second time by their respective titles, and referred as indicated below:

S. B. No. 400. An act for the relief of William Duer. Referred to the Committee on Foreign Affairs.

S. R. No. 19. An act for the relief of Rebecca J. Birdsall. Referred to the Committee on Post Office and Post Roads.

S. R. No. 17. A resolution giving the consent of Congress to the reception, by Lieutenant M.

F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden.

Mr. ORR. I ask that the last reported resolution may be put upon its passage.

The resolution was read.

Mr. SKELTON. I desire to inquire of those better acquainted with the proceedings of Congress than I am, whether this resolution is not in contravention of the Constitution of the United States?

Mr. ORR. It is to remedy that very difficulty that the resolution is introduced. He cannot accept the medal without the consent of Congress.

Mr. SKELTON. Can the majority of this House, or of Congress, authorize an act in violation of the Constitution of the United States?

The SPEAKER. The language of the Constitution is, if the Chair may be permitted to state it, "without the consent of Congress." It is therefore competent for Congress to give their consent. There can be no doubt of that fact.

Mr. HAVEN. I hope the resolution will be passed without further objection.

The resolution was then read a third time, and passed.

Mr. HENDRICKS. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole for the purpose of considering bills upon the Private Calendar.

WITHDRAWAL OF PAPERS.

Mr. LILLY. I ask the consent of the House to withdraw from its files the papers in the case of Mary R. Adrian.

Several MEMBERS. For what purpose?

Mr. LILLY. If the House will permit me, I will state the reason. The papers were presented here for the purpose of perfecting the proof in the case. The application for relief, however, has been rejected by the committee to which it was referred. The applicants do not, so far as I am aware, intend to renew the claim; but these papers are valuable family relics, and it is for that reason that they wish to have them withdrawn.

Mr. JONES, of Tennessee. I think copies had better be left with the House.

Mr. LILLY. Certainly; that will be done.

There being no objection, leave was granted for the withdrawal of the papers.

Mr. HAVEN. I would like to inquire what is the next bill in order upon the Speaker's table?

The SPEAKER. It is the Senate amendment to the resolution for an adjournment.

Mr. HAVEN. I hope that resolution will be taken up and disposed of.

The SPEAKER. A motion is pending to go into a Committee of the Whole House, which must be first disposed of.

The question was then taken on Mr. HENDRICKS's motion; and it was disagreed to.

Mr. JONES, of Tennessee. I think this House has done as much business as can be profitably performed to-day, and I move that the House do now adjourn.

The motion was not agreed to.

Mr. CAMPBELL. I move that the House proceed to the consideration of the business on the Speaker's table.

The SPEAKER. That motion is not in order, from the fact that the morning hour has not commenced.

Mr. JONES. Then I insist that the morning hour shall now commence.

WEEKLY MAILS TO THE PACIFIC COAST.

The SPEAKER. The consideration of a bill of the following title is the first business in order during the morning hour, which has now commenced:

H. R. No. 333. A bill to provide a weekly mail service between the Atlantic States and San Francisco.

Mr. CAMPBELL. Is it in order to move that the House now proceed to the consideration of the business upon the Speaker's table?

The SPEAKER. It is not, and it will not be in order until the morning hour has expired.

The bill was then read through.

Mr. McDOUGALL. It will be remembered by the House, that some six weeks ago the gentleman from Tennessee [Mr. CHURCHWELL] brought forward a proposition for weekly mail service to California. At that time it seemed to be the almost unanimous wish of members to secure that weekly

mail service to the Pacific coast, which so much needed it. No objection was made, except to the terms of the gentleman's bill. After discussion on the measure, the Committee on the Post Office and Post Roads took the subject under consideration. They prepared a bill—the one now before us—to meet the express views of the body, which they unanimously directed me to report.

I will state that the Postmaster General, in his annual report, said that this service was required. It is known, and it is unnecessary to debate the question, that the present mail service to California is inadequate to the necessities of the country. Between the Atlantic cities we have a daily mail service; between the Pacific and those cities there is only a tri-monthly mail. It is true that a large amount is about being expended for the purpose of carrying a semi-monthly mail to California. The call for this weekly mail service is not only made by the people of the Pacific, but it is also made by the people of the Atlantic States. It is essential for proper intercourse between the two sections of the Union. I shall not discuss the question. My only object is to have the measure understood.

The bill now presented simply proposes that the Postmaster General shall advertise for proposals, and that he shall give the contract to the lowest bidder. I will not consume the time of the House by discussing the bill further at this time.

Mr. FULLER. I wish to ask the gentleman from California what proportion of the expense now incurred by the Government is reimbursed by the vessels already organized for the mail service?

Mr. McDOUGALL. I cannot state exactly. I will say that the amount of letter carriage is nearly double by the Panama route that carried by the Collins line to Liverpool.

Mr. TAYLOR, of Ohio. I wish to ask the gentleman from California, whether the bill which he proposes, and which is now under consideration, will interfere with the present mail contracts between the eastern cities and California?

Mr. McDOUGALL. Not at all.

Mr. TAYLOR. I have no objection to the bill then, and hope it will pass.

Mr. McDOUGALL. I demand the previous question.

Mr. CHURCHWELL. I hope the gentleman from California will withdraw the demand for the previous question so that I may offer an amendment.

Mr. McDOUGALL. I understand the amendment of the gentleman from Tennessee, and I would like to oblige him very much, but I cannot withdraw the demand for the previous question. His proposition has already been considered and voted down.

Mr. CHURCHWELL. I hope my friend from California will allow the amendment to be read for the information of the House.

The SPEAKER. The previous question having been demanded cuts off all amendments; but if no objection is made the amendment of the gentleman from Tennessee will be read for information.

Mr. CHURCHWELL. I hope the amendment will be entertained by unanimous consent. I desire it to come in at the end of the sixteenth section.

The amendment was then read, as follows:

Provided, That the contract shall be according to time, and not to exceed fourteen days from port to port.

Mr. WASHBURN, of Illinois. I object. The previous question was seconded; and the main question ordered to be now put.

The question then being on ordering the bill to be engrossed and read the third time,

Mr. TAYLOR, of Ohio, demanded tellers; which were ordered; and Messrs. CHURCHWELL and VAIL were appointed.

The question was taken; and the tellers reported—ayes 68, noes 53.

So the bill was ordered to be engrossed and read a third time; and having been engrossed, it was subsequently read the third time.

The question being on the passage of the bill, Mr. JONES, of Tennessee, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BRECKINRIDGE. As the previous question has not been moved on the passage of the bill, it is in order, I presume, to make some remarks upon it.

The SPEAKER. The previous question has not been moved, and the gentleman from Kentucky has a right to address the House.

Mr. BRECKINRIDGE. I desire to ask the gentleman from California, [Mr. McDougall], if he is able to answer me, for my own recollection is not very accurate on the subject—what is the amount which we now pay for the transportation of the mails between the Atlantic coast and California?

Mr. McDUGALL. We pay about \$384,000 on this side of Panama, and \$342,680 on the other side.

Mr. BRECKINRIDGE. What is the whole amount?

Mr. McDUGALL. About \$716,000.

Mr. BRECKINRIDGE. I am a friend to this bill, and will give a single reason for my being so. We are paying now about \$716,000 annually for the transportation of the mails between the Atlantic coast and California, and that is for a semi-monthly mail. This bill proposes to double the service, making it a weekly mail, which I think is little enough between the Atlantic and Pacific coast, and to pay therefor \$250,000 per year. We would thus get double as much mail service for \$250,000 as we now get for \$716,000, which shows the advantage of putting out these contracts to the lowest bidder; for I presume that the gentlemen from California, [Messrs. McDougall and Latham,] who are chiefly interested in this arrangement, are confident that the service can be performed at that price.

Now, I believe that we ought to have a weekly mail service between the Atlantic and Pacific coast, and I am willing to vote for this bill *per se*. But I call the attention of the House to the fact, that consequent on the passage of this bill, we ought to break up the existing arrangements for the bi-monthly transportation of these mails, and put that service up to the lowest bidder, so that we may get the service which now costs us something about \$716,000 annually, performed for \$250,000. By this means, we will get the weekly service at a good deal less than that which we now pay for the bi-monthly service under the old arrangement.

Mr. LATHAM. I wish to say a word in reply to the gentleman from Kentucky, [Mr. Breckinridge.] There is a bill now pending before this body contemplating the rescinding of the present mail contract via the Panama route. This bill was introduced by the chairman of the Committee on the Post Office and Post Roads, [Mr. Olds,] and will no doubt be acted upon this session. I am in favor of such rescinding, provided it can be done with justice to the contractors, and in accordance with the dignity of our Government. I would not be in favor of the Government doing anything which she would not be compelled to do by strict legal and equitable principles. But if it can be done honorably to all parties, then this contract ought to be annulled. The mail can be carried, in my opinion, weekly, for half a million per annum. That would give us a weekly mail service for \$300,000 less than is now paid for a semi-monthly service. I believe, at this time, the present company which has the large contract, if the bids were to be received again, would carry the mail weekly for \$500,000 per annum. And I further believe that there would be competition among the different companies. While here, let me say that, when this subject was up a few days since, in considering the bill of the gentleman from Tennessee, [Mr. Churchwell,] I said that the Nicaragua line was far more expeditious than the Panama line, and that the latter was invariably behindhand from three to five days. I am satisfied I did the Panama line injustice; and I have a table here which shows correctly, as I am informed, the time made by these two routes since September, 1853:

Comparative Statement.

Nicaragua Steamer.	Arrived at New York.	Panama Mail Steamer.	Arrived at New York.
Star of the West, Sept. 9, '53	Illinois, Sept. 10, '53	Crescent City, Oct. 5, '53	Star of the West, Oct. 9, '53
Northern Light, Sept. 26, '53	Illinois, Oct. 10, '53	Star of the West, Oct. 27, '53	Illinois, Oct. 28, '53
Star of the West, Nov. 9, '53	George Law, Nov. 9, '53	Prometheus, Nov. 29, '53	Illinois, Nov. 28, '53
Star of the West, Dec. 13, '53	George Law, Dec. 14, '53	Illinois, Jan. 5, '54	Star of the West, Jan. 8, '54
Star of the West, Jan. 24, '54	George Law, Jan. 25, '54	Northern Light, Jan. 29, '54	Star of the West, Feb. 9, '54
Northern Light, Feb. 23, '54	Empire City, Mar. 4, '54		

Star of the West, Mar. 13, '54
Northern Light, Mar. 25, '54
Star of the West, April 9, '54
Northern Light, April 25, '54
Star of the West, May 9, '54
Northern Light, May 25, '54

* Caused by the break-down of the Georgia.
† Loss of the Winfield Scott on the Pacific, immediately replaced by another steamer, brought six days later news.
‡ Accident to the Georgia.

New York, May 31, 1854.

This table was given to me by a gentleman connected with the Panama route, who vouched for its correctness; and I feel bound in honor to correct my previous error.

I feel deep anxiety in this bill, Mr. Chairman, as do my colleagues and our constituents. There has been no bill before Congress of so much importance to the present commercial prosperity and wants of the Pacific coast as the one now under consideration. Sir, if there had been a weekly mail between the Atlantic and Pacific coast, much of the ruin and commercial prostration which has occurred from the trade between the same would have been obviated. The supply and demand in trade between the Atlantic cities and San Francisco has been almost always disproportionate, and great loss has necessarily ensued. Every member within the sound of my voice has constituents who are interested in this matter in a greater or less degree, and I do trust they will cooperate in carrying out this measure.

This bill stands on its own merits, and should not be made to rest on the merits or demerits of a contract made in 1849, when it was difficult to get any one to accept a contract to carry the mail between New York and San Francisco. It was difficult to find the capital, and still more difficult to find men willing to hazard it in an enterprise at that time fraught with danger and vicissitudes. These things should be considered. And it also should be considered that the present people of California, and the commerce of that country, had nothing to do in making the present contract, and ought not to suffer from bad legislation, over which they had no control. I sincerely trust the bill will pass, and an act of simple justice be done to California. I yield to the gentleman from Mississippi, [Mr. Barry.]

Mr. BARRY. I entirely agree with the gentleman as to the importance of a frequent mail communication between the two oceans. But we have a contract already on hand, by which we pay \$750,000 for a semi-monthly mail. It is proposed to let that stand, and add \$250,000 for another semi-monthly mail.

Mr. OLDS, (interrupting.) We pay \$738,000, besides the Isthmus transportation, which amounts to over \$100,000, which makes it \$838,000.

Mr. BARRY. Then it will all amount to over \$800,000. Now, sir, I am not anxious to reduce the mail facilities between the Atlantic and Pacific coasts one particle. On the contrary, I would vote to give them every dollar they now have, if we could not get the mails transported without it. But we can provide California with a semi-monthly mail for \$250,000, by rescinding this contract. Therefore we ought, before we vote one dollar more to increase the burden of the Post Office Department, to rescind the contract already in existence. It would be unjust in the last degree to pass this bill in the present state of the finances of that Department of the Government, without the certainty of the rescission of the other contract. If you can rescind that contract, you can get, for the \$850,000, a communication between the two oceans, not only by a semi-monthly, but, perhaps, by a semi-weekly mail.

We all know that contracts never go backwards. The Collins line, while making a fortune by its contract with the Government, obtaining interest beyond what could be obtained by any other investment in the country, came here and asked an increase of that compensation, and Congress nearly doubled it. These railroad and steamship companies cannot be restrained by this House, except by keeping them where they now are, and getting from them all we are entitled to, before listening to their demands. They have an influence upon this House which will overwhelm it, unless resisted; and as you have them not in your power, you cannot induce them to yield one dollar of the money which they have extorted from you, either by fraud, persuasion, or in any other manner. Un-

less you have them in your power, it is an absolute absurdity to expect it.

If there is a way by which we can abrogate this \$750,000 contract, then I think we had better delay the passage of this bill until we can act upon that proposition. Let us dissolve this contract at once, and the question will arise as to how much we shall pay a new contractor. If that be done, I repeat, that I do not see any necessity for diminishing the amount paid for this service. I am willing that this amount should be paid for securing proper mail facilities with California, and I think by adopting this course the gentleman from California will be able to secure a better bargain than he will get by this bill. I am willing and anxious to see the expenses of the Post Office Department reduced in many particulars, but not in this. I do not think the public interest requires that any reduction should be made in this instance. I would like to have it ascertained what power we have over this company. If, therefore, this bill be laid aside informally for the present, I will vote for abrogating the present contract, if it is in our power to do it. Let us dispose of that matter first, and then I will vote for appropriating the same amount of money to secure a proper mail service to that State. I would be willing to accede to such a proposition, and I believe a majority of the House would so vote.

Mr. MACE. I will say to my friend from California, inasmuch as this bill has been connected with the other mail service to California, which the committee, of which I am a member, have under consideration, that I am decidedly in favor of it. It will be recollected that near the commencement of the present session, the House raised a special committee to inquire into the expenses and frauds growing out of our mail steamer service. In consequence of the business in which the House has been engaged, we have been unable to bring our report before them for their consideration; but, sir, I will state to the House that investigations have been prosecuted by that committee sufficiently to enable them to understand the true condition of that service. We shall be enabled to present to the House in a few days—especially if the House should grant us a clerk for the committee—some astounding facts in reference to the frauds and swindles which have grown out of this whole service from its inception down to the present time. After that shall have been done—and I pledge myself that it shall be done most effectually—the very proposition which that committee will present to the House will be the means of enabling the gentleman from California to pass this bill perhaps without a dissenting voice.

And I will say to the gentleman from California, further, that if the Collins steamer system shall be continued, so far as the service between New York and California is concerned, I undertake to say that this House will not appropriate \$250,000 in addition, as is contemplated in this bill, for this service. As a friend of the bill, therefore, I would suggest that it be passed over informally for the present, and let the House investigate this subject, which they have referred to our committee, to the bottom. Let them ferret out all the frauds which have been perpetrated from the inception of this mail service down to the present time. It will be shown that these companies have constantly been receiving money from the Government outside that which they properly receive under the contract, for which they have never accounted to the Government.

Mr. ORR. I would ask the gentleman from Indiana, who is the chairman of the committee to which he refers, whether that committee has considered how the Government is to be relieved from the existing contract with this company for carrying the mail between New York and California? As I understand the law, the original contract was made for ten years, and the price stipulated to be paid was to be continued for that time, unless the Government took the vessels belonging to the company at a valuation. There were certain prerequisites which it was necessary should be complied with by the company. The company were to build a certain number of steamers of a particular description. I desire to inquire of the gentleman from Indiana, whether his committee have investigated the question as to how far the contractors have complied, on their part, with the contract? I take it, that if they have not complied with it, we may at once rescind the contract. If

they have complied with the contract, then the only way in which we can get clear of it is by taking the steamers at a valuation.

Mr. MACE. I take great pleasure in informing the gentleman, that with no requirement of the contract has the company complied, neither as to the tonnage of the steamers, the time of service, nor anything else. In no particular has the law been complied with, from its enactment down to the present time.

Mr. HOUSTON. I should like to ask the gentleman a question at that point. Has not the Government accepted all the vessels, and thus waived any rights it may have had in consequence of a non-fulfillment of the requirements of the contract?

Mr. MACE. In answer to the gentleman from Alabama, I will remark, that so far as the action of Congress is concerned, I find nothing of acceptance. I find a commodore, lieutenant, or captain, has made acceptance, but I do not think that acceptance binds the Government.

Mr. HOUSTON. I do not understand that the contracts are required to be submitted to Congress. It is submitted to the Navy Department. If the steamers are built in conformity to the law and the contract, the Secretary of the Navy reports as to that fact, and then the Postmaster General does or does not make acceptance.

Mr. MACE. In regard to that point I will inform the House that propositions were made to the Government of the United States to construct steamers of certain dimensions, for the performance of certain mail service. The first contracts expressly specified that the requirements one and all, should be fulfilled by the contractors. Some modifications were made afterwards, and the Collins Steamer Company was relieved from a certain portion of their original contract. As I have already remarked, if I had time, I could most conclusively show that in almost every essential, as to size of the vessels, tonnage, value, commencement of mail service, number of trips, &c., these companies have all violated the law every six months, since the making of the contracts down to the present time. I can demonstrate, I think, beyond all controversy, and to the satisfaction of the House, that Congress has the indisputable right to annul all these contracts, and at any time.

Mr. BARRY. I would ask permission of the gentleman to submit an amendment. When he concludes I may not be able to get the floor.

Mr. MACE. I yield to the gentleman for the purpose indicated.

The SPEAKER. The bill having been ordered to be engrossed, amendment is not now in order. The amendment will be read, by unanimous consent, for information.

There was no objection, and it was read, as follows:

Add the following proviso:
Provided, That this act shall not take effect until the present contract for carrying the mail between New York and California is rescinded.

Mr. BARRY. If there be no objection, I presume the amendment can be received.

The SPEAKER. It can be received by unanimous consent only.

Mr. McDOUGALL. I object.

Mr. MACE. I would again remark that it would be an advantage to the Pacific mail service not to press the consideration of this bill at the present time. I do know that there are facts connected with this service which should be laid before the House and country. When we are in possession of those facts, and ascertain the ground upon which we stand, there will be no difficulty in affording California much better facilities than she now has. I feel as deep an interest in affording increased mail facilities to that region of country as any gentleman possibly can; but I think it entirely premature to appropriate \$250,000 for that service at this time. I think that such an appropriation, under the circumstances of the case, would be wrong; and I do not believe that the bill ought to pass at present.

Mr. McDOUGALL. I wish to reply to the gentlemen who have made objections to this bill, and to give the reasons why I have thought it prudent and wise to bring the measure forward now, without waiting for the action of Congress upon the measure abrogating the present contract. I took pains to ascertain whether, if those contracts were abrogated, we could then contract for a weekly

service to California; and I find that no one of the companies organized and now running steamers to Aspinwall or San Juan, can do more than make bi-monthly trips, and there can be no competition. A weekly service would require four trips a month both ways, and therefore it would be necessary, if this contract were abrogated, to provide for two bi-monthly contracts. If we are to have weekly service, it will in no respect interfere with existing contracts, or the making of new ones. No contract can be made for weekly service with any company except the Pacific Mail Steamship Company; they have both ships, capital, and power to perform such service. We propose now a bi-monthly service; and, on the abrogation of the present contract, a new contract providing also for bi-monthly service; thus providing weekly service.

Now, I want to say to the House, that the existing contract was made some years since. California was not then a State of this Union, and had no Representatives upon this floor. If that contract is not a wise and provident one, the Pacific coast is not responsible for it. We are entitled to this service. We ask it as a matter of right. It was the duty of this Government to furnish us with proper mail facilities. You have not done it. This weekly mail service is demanded alike by the entire commercial interests of the Atlantic coast as of the Pacific coast. We are in no sense responsible for the mal-legislation of Congress years ago, and before we had any voice in this Capitol. But, because an improvident contract was made by a previous Congress, we are told by gentlemen, Representatives here, that our rights are to be withheld from us—our necessities overlooked. I think that it would be an injustice to us. The decision is unjust, and the reasoning unsound.

Mr. Speaker, we of California are not principally interested in this question. The great commercial interests of the Atlantic seaboard are more deeply interested in it than ourselves. That we should have intercommunication between the Atlantic and Pacific is of the first importance to these commercial interests. Now, gentlemen say to us, we must wait till the existing mail arrangements are canceled. But, I ask, why wait till the law passes abrogating the present contract? Who is there on this floor that has the right to say that that contract can or will be abrogated? There is, first, the tribunal of this House for the question to pass, and there is then the tribunal at the other end of the Capitol, and then there is the President, and after all there is an appeal by this company to the courts of law. Sir, I have examined this contract, and I am not very clear, from the present state of facts, that it can be abrogated in one year, or in two years. And are we still to have only this bi-monthly mail service to California up to the year 1859? For the reasons that are alleged now against this bill will hold as good all that time as they do to-day.

Gentlemen say that individually they are in favor of this abrogation of the existing contract. They wish to see it abrogated if it can be justly done, but for my part I am not certain that we have the power to abrogate it; and moreover I do not believe that any law abrogating that contract will pass Congress. If it pass this body I believe it will not pass the body at the other end of the Capitol. No one will deny that it would be an injustice, where the necessities of commerce call for these increased mail facilities, to compel us, because we cannot pass a law abrogating these contracts, to wait till its expiration. Now, I wish the House to understand that this bill in no way interferes with the existence of this contract or with its abrogation. The bill provides that the contracts for the weekly mail service are to be let to the lowest bidder for cash. The contracts for the bi-monthly service have not been made in this manner. At any rate, if the present contracts are not fulfilled new ones have to be made. There is no difficulty about passing this law whether you sustain or abrogate the present contract.

Mr. BRECKINRIDGE. I made some remarks just now in a spirit friendly to this bill, but at the same time looking to the abrogation of the existing contract. The House is indebted to the gentleman from California [Mr. McDOUGALL] for the candor with which he expressed his opinion with regard to the existing contract. And I now make a suggestion to him and the House, still in

a spirit of friendship to this measure, and to the proposition for additional mail facilities between the Atlantic and Pacific coasts. I tell my friend from California that I believe it is hopeless for him to expect the House to vote this \$250,000 a year for additional mail facilities between the two coasts unless there is a pretty distinct and clear understanding that the existing contract will be abrogated. Because while we now pay some \$740,000 annually for semi-monthly mail service, the House will not be willing to add an amount which would make it about \$1,000,000, especially after having made the discovery that the same sort of service can be got weekly, at \$250,000 per annum, less than one third of what is now paid for semi-monthly service.

I believe that the existing contract can be abrogated. The slight examination that I have given the subject, leads me to that belief. And I make this suggestion to the gentleman from California and the House, as well for the benefit of the country as for that of the gentleman's constituency. I suggest to him that he move to postpone this question to a day certain, and that he make arrangements, in the mean time, to connect with this bill a proposition for abrogating the existing contracts, and to put the mail service on a permanent footing by which we will be able to get weekly service for \$500,000 per annum, instead of getting it, as under this bill, and the other contracts, for upwards of a million of dollars; which would thus cut down the expenditure of the mail service between the Atlantic and the Pacific, more than half a million of dollars, and give them exactly the same service which they expect to get under this new contract. I believe, if the gentleman does that, he will succeed in getting the facilities which he desires. If my friend declines to do it, I take the liberty of saying, I do not think this bill will pass.

Mr. OLDS. I believe we ought to have a weekly mail service between the Atlantic and Pacific coast; and the only question at this time is this: whether the proposition of the committee shall be postponed until you abrogate the existing contract, or whether you will give these additional mail facilities without reference to the existing contract.

The Committee on the Post Office and Post Roads reported a bill some months since, not only abrogating the existing contract for the transportation of the mail between New York and San Francisco, but also the contract for the transportation of the mail between New York and Liverpool. They are connected in one bill.

Now, I believe we have the power, under the contracts, and by their terms, to abrogate them. It is true, sir, that the steamships put upon the line between New York and Panama, and also between Panama and San Francisco, have been accepted by the Secretary of the Navy. But notwithstanding they have been accepted, the very terms of the contract, it appears to me, permit us to abrogate them by taking the ships at an appraisement, one appraiser to be selected by the company, one by the Secretary of the Navy; and if those two cannot agree, they are to select a third.

Perhaps it will be recollected by the members of this House, that some two months ago the president of the Aspinwall and Pacific Coast Mail Steamship Company—I am not sure that such is the title, but it makes no difference—placed upon the tables of the members of this House, a memorial in which he claims that we have no power to abrogate this contract. We have the power, he says, to take the ships, if demanded for the service of the United States; but he claims that the power to take those ships does not give the power to abrogate the mail contract. He says they have other ships, and that if we take the ships now in service, they will still perform their contract for carrying the mail. He also claims that there is no power given in the contract itself to abrogate it. He predicates that upon a modification of the contract, in which he says Congress reserved to itself the power to abrogate it by a certain time. It seems to me that he wholly misapplies the terms of the second contract, in that it does not have reference to the abrogation by Congress of the contract itself, but an abrogation within a certain time or a certain portion of the services.

A bill has been reported by the committee, and

I believe we have the power to take those vessels. We are paying over a quarter of a million of dollars more annually for a semi-monthly mail service than we should be required to pay, if this contract were abrogated, for a weekly service. We could get a weekly service for half a million of dollars, while we are paying more than half a million for a semi-monthly service. Although the United States might lose by taking these ships at an appraisalment, yet I think the Government had better take them, even if they had to sink them in the ocean, and bring the contract to an end.

I know the feeling seems to be that it would be better first to act upon the proposition to abolish the existing contract. But, sir, independent of that proposition, I think we should have a weekly mail service between the Atlantic and Pacific coasts. I am in favor of establishing that service, whether the original contract is abrogated or not.

Mr. STEPHENS, of Georgia. I have but one word to say. Some gentlemen, in the course of this discussion, have told us that we had better abrogate the existing contract before we act upon this bill to establish a new one. Now, sir, to my mind there is a very clear reason why we should act upon this measure before we take any steps toward the abrogation of that contract. If we take the latter step without first entering into a new one, we shall find ourselves without any provision for the transmission of the mail to California, and the result may be that we shall be compelled to pay a much higher price for doing the same service, to either the same company or a new one, than we now pay. Let us commence, therefore, with a semi-monthly mail, and then abrogate the old contract, and we shall be as well off as we were before.

Mr. McDUGALL. I wish to ask the gentleman from Kentucky, [Mr. BRECKINRIDGE,] who wishes us to make the passage of this bill dependent upon the abrogation of the old contract, whether the mail service for California does not require the establishment of a weekly mail?

Mr. BRECKINRIDGE. I will answer the question with pleasure. I think the increased communication between California and the eastern States is such, that a weekly mail ought to be established; but I did not say at any additional expense.

Mr. McDUGALL. Now another question. If the wants of the service require the establishment of a weekly mail, is the fact that there has been previous mal-legislation any good reason for denying that weekly service?

Mr. BRECKINRIDGE. I repeat that I think we ought to have a weekly mail between California and the Atlantic coast, and a daily mail between the important cities of the United States; but I am not prepared to say that it should be established at any cost. That is an element that should be taken into consideration. I am willing that a liberal compensation should be allowed; I would not be willing to pay five or ten millions a year for that service. Suppose we were paying \$10,000,000 for a semi-monthly mail, and the gentleman from California should come forward and ask for \$300,000 or \$400,000 to establish a weekly mail, would not the amount we were already paying be a good reason for not appropriating more? The admission that the service is needed, is not an admission that we should pay whatever may be demanded for it.

Mr. McDUGALL. The gentleman has not replied to my last query. Suppose that, in procuring the establishment of a mail to California, we had sunk in the sea \$5,000,000 five years ago, would that be any good reason why we should not now have a proper mail service for California? And if, for the last five years, by improvident legislation, you have drawn heavily on the Treasury, that is no reason why we should not have proper mail facilities.

I would say, further, to the gentleman from Georgia, [Mr. STEPHENS,] that I think his suggestion is a very pertinent one. If we commence by abrogating this contract, we shall then be thrown without service, and a larger amount may be exacted than that now paid. You say that this Congress has the power to abrogate these contracts. Very well. Then, as a matter of course, whenever Congress sees fit to abrogate them, the Government will be absolved from all obligations in respect to them.

But I protest against this legislation being made

dependent on that abrogation. It is not, in my judgment, just or right to do so. I wish as well as others to see these contracts abrogated. I desire to see the present burden removed; but there is no justice or right in making the proper mail service required by the country dependent on the abrogation of bad legislation of past times.

As it seems to be the disposition of the House, I move that this bill be postponed till next Tuesday week, when it can be better considered. Then I shall insist that it shall not be dependent on anything but its merits. The persons who have control of these other matters may, if they choose, bring them forward in the mean time. If they do so, very well.

The question was taken; and Mr. McDUGALL's motion was agreed to.

So the further consideration of the bill was postponed to next Tuesday week.

Mr. STEPHENS. I move that we now proceed to the consideration of the business upon the Speaker's table, so that action may be had on the resolution fixing the time of the final adjournment of this session.

Mr. JONES, of Tennessee. Has the morning hour expired? If it has not the gentleman's motion is not in order.

The SPEAKER. The morning hour has not yet expired. There are still two or three minutes left of it.

Mr. ORR. I move that the House do now adjourn.

Mr. TAYLOR, of Ohio. I demand tellers. Tellers were ordered; and Messrs. PARKER and VAIL were appointed.

The question was put; and the tellers reported—ayes 68, noes 70.

Mr. ORR demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 77, nays 68; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, David J. Bailey, Barry, Belcher, Bell, Benton, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chamberlain, Chastain, Churchill, Clark, Cobb, Colquitt, Curtis, John G. Davis, Dawson, Disney, Dowdell, Drum, Dunbar, Dunham, Eddy, Edmundson, John M. Elliott, English, Florence, Fuller, Goode, Hamilton, Wiley P. Harris, Hastings, Hendricks, Jenn, Hill, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Lilly, Lindsay, McMullin, Macy, John G. Miller, Milson, Nichols, Olds, Orr, John Perkins, Pratt, Ready, Riddle, Robbins, Rufin, Seward, Shaw, Shower, Singleton, Skelton, Gerrit Smith, George W. Smyth, Hester L. Stevens, John J. Taylor, Vail, Walker, Wells, and Daniel B. Wright—77.

NAYS—Messrs. Abercrombie, Appleton, Ball, Banks, Benson, Campbell, Carpenter, Chandler, Chrisman, Corwin, Thomas Davis, Dick, Dickinson, Edmunds, Thomas D. Eliot, Ellison, Etheridge, Everhart, Ewing, Flagler, Giddings, Goodrich, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Hillyer, Howe, Hunt, Daniel T. Jones, Kerr, Knox, Lamb, Latham, Lindsey, McCulloch, Mace, Middlewirth, Morgan, Murray, Norion, Mordecai Oliver, Parker, Peck, Pennington, Bishop Perkins, Preston, Pringle, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Samuel A. Smith, Frederick P. Stanton, Richard L. Stanton, Alexander H. Stephens, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Ellihu B. Washburne, Israel Washburn, and Witte—68.

And thereupon (at ten minutes before four o'clock, p. m.) the House adjourned till Monday at twelve o'clock, m.

IN SENATE.

Monday, June 19, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, made in compliance with a resolution of the Senate, in relation to the establishment of a naval depot at or near the town of Beaufort, in the State of North Carolina; which was ordered to lie on the table.

Also, a report of the Secretary of the Interior communicating information, in compliance with a resolution of the Senate, in relation to the employment of Luther Blake to remove the Indians from Florida; which was ordered to lie on the table, and be printed.

Also, a report of the Secretary of the Navy, made in compliance with a resolution of the Senate, in relation to the establishment of a naval depot at Newport, Rhode Island; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

Mr. SEWARD presented the memorial of Stewart Sanderson, of Watport, New York, proposing a plan for harbor defense by means of a floating battering ram, thirteen of which he says would be capable of guarding the coast of the United States from Maine to Texas against all the fleets of Europe, without firing a gun or losing a man; which was referred to the Committee on Naval Affairs.

Mr. HUNTER presented a petition of citizens of the United States professing the Jewish religion, praying that measures may be taken to secure to American citizens, of whatever creed, traveling or residing abroad, a just degree of civil and religious freedom; which was referred to the Committee on Foreign Relations.

Also, a petition of inhabitants of Portsmouth, Virginia, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of John Freeman and others, of Portsmouth, Virginia, praying relief from Congress, in view of sacrifices by reason of having been incarcerated in Dartmoor prison during the last war with Great Britain; which was referred to the Committee on Claims.

Mr. FISH presented resolutions of the corporate authorities of the city of New York, remonstrating against the repeal or a material change in the plan of the assay office in that city, now established by law; which was ordered to lie on the table.

Mr. JONES, of Tennessee, presented a memorial of citizens of Memphis, Tennessee, praying the repeal or suspension of the duty on railroad iron; which was referred to the Committee on Finance.

Mr. DODGE, of Iowa, presented the petition of J. J. Dyer and others, trustees of the Dubuque Female College, Iowa, praying a grant of land for the endowment of that institution; which was referred to the Committee on Public Lands.

Mr. BENJAMIN presented a memorial of owners and occupants of lands within the Bastrop grant, in Louisiana, praying to be protected in their titles to said lands; which was referred to the Committee on Private Land Claims.

Mr. THOMPSON, of Kentucky, presented a petition of inhabitants of Newport, Kentucky, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WADE presented the proceedings of a large meeting of citizens of Columbus, Ohio, in favor of a reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented a memorial of inhabitants of the counties of Monroe and Livingston, New York, praying the exclusion, by the constitutional power of Congress, of slavery from the District of Columbia, and the Territories of the United States, and the repeal of the fugitive slave law; which was ordered to lie on the table.

Also, a petition of citizens of New York, praying that the public domain may be granted in limited quantities to actual settlers; which was ordered to lie on the table.

Also, a memorial of citizens of Sandusky, Ohio, and a memorial of citizens of Bridgeport, Michigan, praying an appropriation of public land for the construction of a ship canal around the Falls of Niagara; which was referred to the Committee on Commerce.

Also, a petition of Gabriel Denton, praying that further relief may be extended to the soldiers of the war of 1812; which was referred to the Committee on Pensions.

Mr. BELL presented the memorial of James Selkirk, praying the settlement of his claim against the Mexican Government, for the forcible seizure and destruction of his vessel by the authorities of that Republic; which was referred to the Committee on Foreign Relations.

Mr. FITZPATRICK presented the memorial of J. R. Powell, mail contractor in Alabama, praying compensation for extra services; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. CASS, it was

Ordered, That the memorial of Edmund M. Evans be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. BRODHEAD, it was Ordered, That Gibbons & Kelly have leave to withdraw their petition and papers.

On motion by Mr. MALLORY, it was Ordered, That Ann Dudy and Margaret Chandler have leave to withdraw their petitions and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Agriculture, to whom was referred the memorial of Townsend Glover and others, praying Congress to purchase Glover's collection of artificial fruits, now on exhibition at the United States Patent Office, submitted a report on the subject; which was ordered to be printed.

Mr. SUMNER, from the Committee on Pensions, to whom was referred the bill from the House of Representatives, for the relief of Jesse R. Faulkner, of Missouri, reported it back without amendment.

He also, from the same committee, to whom was referred the petition of John Reddin, late a soldier in the Army, and discharged on account of a disability, praying a pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred a resolution of the Senate instructing that committee to inquire into the expediency of creating an additional collection district in the State of California, reported a bill creating a collection district in the State of California; which was read, and passed to a second reading.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred five petitions of widows of officers of the Army who have died in the service since the war with Mexico, and most of them of disease contracted during the war, praying to be allowed half pay for five years, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

BRIDGES ACROSS THE POTOMAC.

Mr. BRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of discontinuing all further appropriations for the erection or repairs of bridges across the Potomac river on the sites heretofore recognized as such, and of fixing upon some one or two sites, either of which would better accommodate all of the parties benefited by the existence of a bridge across that river within and opposite the said District, and report to this body at the earliest day practicable, such site or sites, and the requisite plans for the erection of such bridge or bridges, and the expenses thereof, respectively, as would combine safety, suitability, permanency, and ultimate economy to the public Treasury.

E. A. F. LAVALETTE.

Mr. MASON. I am directed by the Committee on Foreign Relations, to whom was referred a bill from the House of Representatives for the relief of Captain E. A. F. Lavalette, of the United States Navy, to report it back, and recommend its passage. I ask the unanimous consent of the Senate to have the bill considered now. It is to refund to this officer \$246 which he paid while civil and military Governor at Mazatlan, during the Mexican war, to an interpreter whose services were necessary. I think there can be no objection to it.

By unanimous consent, the Senate proceeded to consider the bill as in Committee of the Whole. No amendment being proposed, it was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ABIGAIL STAFFORD.

Mr. BROWN. I move to reconsider the vote by which, on Friday last, the joint resolution explanatory of an act entitled "An act for the relief of Abigail Stafford" was rejected. I will not ask for the consideration of the motion now, but merely that it be entered on the Journal.

The PRESIDENT. It will be so entered.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. McKean, Chief Clerk, announcing that they had passed the joint resolution of the Senate giving the consent of Congress to the acceptance, by Lieutenant M. F. Maury, of the Navy, of a gold medal from His Majesty the King of Sweden, and the Senate bill to authorize the issue of registers to vessels owned by the Accessory Transit Company.

Also, that they had passed the following bills, in which they request the concurrence of the Senate:

Bill for the relief of Henry Lewis, of Clinton county, Indiana;

Bill to increase the salaries of the Executive and judicial officers of Oregon, New Mexico, Utah, Washington, and Minnesota;

Bill making appropriations in reference to the Cayuse war in Oregon;

Bill to establish the office of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes;

Bill to extend the right of preemption over the unsurveyed lands in Minnesota, and for other purposes;

Bill to authorize the President to cause to be surveyed the tract of land in the Territory of Minnesota, belonging to the half-breeds or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes;

Bill to provide for the continuation of a military road from Myrtle Creek to Scottsburg, in Oregon;

Bill to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war;

Bill to provide for the construction of a military road in the Territory of Utah;

Bill to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities;

Bill for the payment of the civil officers employed in the Territory of New Mexico while under military government; and

Bill to amend the act approved September 27, 1850, to create the office of surveyor general of the public lands in Oregon, &c., and also the act amendatory thereof, approved February 19, 1853.

IMPROVEMENT OF THE NAVY.

Mr. MALLORY. I ask the indulgence of the Senate to take up this morning the bill reported from the Committee on Naval Affairs "to improve the naval service." It is a brief bill, and I think we can readily get through with it before the morning hour is finished; and unless it be taken up in this way I doubt very much whether we shall be able to get it before the Senate.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole.

The bill originally reported from the Committee on Naval Affairs, prescribed the number and pay of the officers in each grade, provided for a retired and furloughed naval list, for an increase of the Marine Corps, for the establishment of a Bureau of Equipment, Orders, and Detail, and for the appointment of a judge-advocate for the naval service. It also made provision for the details necessary to carry out these objects.

Mr. MALLORY, on the 31st of May, by direction of the committee, submitted an amendment to strike out all of the original bill after the enacting clause, and insert in lieu thereof the following:

That the grade of flag officer is hereby established, and that there shall be twenty flag officers, sixty-eight captains, and seventy commanders in the naval service, and the pay of flag officers shall be as follows: On sea service the same as now allowed to the senior captain. All other pay allowed them shall be the same as that of other captains.

SEC. 2. *And be it further enacted*, That no appointment of masters not in the line of promotion shall hereafter be made; and the grade of passed midshipman shall be abolished. One hundred and seventy-five of the masters now in the line of promotion, and of the passed midshipmen, shall be commissioned as masters. Midshipmen and acting midshipmen, including those at the academy, shall not exceed three hundred and thirteen, of whom one shall be appointed from each congressional district and Territory of the United States, upon the recommendation of the Representatives and Delegates thereof respectively; two from each State upon the recommendation of the Senators thereof respectively, and ten shall be appointed by the President at large.

SEC. 3. *And be it further enacted*, That before any change of the grades aforesaid shall take effect, the Secretary of the Navy shall cause each captain, commander, lieutenant, medical officer, and purser, to report, under such regulations as he may prescribe, the officers of their respective grades who are qualified to perform efficiently all their duties ashore and afloat; and from his scrutiny of such reports as may be filed in the Department within six months after notice issued to said officers, the Secretary, with the approval of the President, shall retire, or permanently furlough, or drop from the service, all officers who, in his judgment, are not so qualified. And of the officers so furloughed or retired, those on the retired list only shall be entitled to wear the naval uniform. Retired and permanently furloughed officers shall, from the date of their retirement and furlough, be out of the Navy, and their places shall be supplied by regular promotion by seniority

of rank. The Secretary of the Navy may, upon the application of any officer of the Navy, place him upon the retired or permanent furlough list, if, in his judgment, he deem it consistent with the interests of the service.

SEC. 4. *And be it further enacted*, That it shall be the duty of every officer in command of any vessel of the Navy of the United States, upon the termination of his cruise, to make a special report to the Secretary of the Navy upon the general conduct of the petty officers, seamen, ordinary seamen, landsmen, and boys, under his command on said cruise, and to designate by name those who are entitled, from their good conduct, to special notice; and, upon such reports, the Secretary of the Navy may annually select ten of said boys who may appear to him most deserving, and send them to the Naval Academy for education as midshipmen. And to each petty officer, seaman, ordinary seaman, landsman, and boy, so reported for good conduct, (provided that the number so reported from each ship shall not exceed one tenth of the crew thereof,) the Secretary shall cause to be issued a certificate of conduct and character, in such form as he may prescribe, which certificate shall entitle every petty officer to three months' extra pay, and an appropriate medal, to be devised by the Secretary, and every seaman, ordinary seaman, landsman, and boy, to three months' extra pay, provided he shall reënter within three months.

SEC. 5. *And be it further enacted*, That an increase of ten hundred men shall be made to the Marine Corps.

SEC. 6. *And be it further enacted*, That, in addition to the bureaus now attached to the Navy Department, there shall be a bureau to be called the Bureau of Orders and Equipment, to which shall be assigned the duties of equipping the vessels, and of supervising, registering, and detailing the officers and men of the naval service, and such other duties pertaining to the service as the Secretary of the Navy may direct; and the orders of such bureau shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such, and all the duties of said bureau shall be performed under his authority and supervision.

SEC. 7. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint a judge-advocate for the naval service, who shall not be a naval officer, who shall be learned in the law, and who shall be attached to the Bureau of Equipment, Orders, and Detail, and who shall receive for his services three thousand dollars per annum and his traveling expenses; it shall be his duty to prepare, under the direction of the Secretary of the Navy, all charges and specifications of charges to be preferred before naval courts-martial and courts of inquiry, and to keep accurate records thereof; to prepare specific instructions in each case to the acting judge-advocate to be designated by him, under the direction of the Secretary of the Navy; to codify and arrange all the laws of Congress, and the rulings and decisions of the district, circuit, and Supreme Courts of the United States, touching courts-martial and courts of inquiry; and to compile and submit to the Secretary of the Navy general instructions, forms, and principles applicable to them, and the manner of conducting them, and to preserve perfect records of all such courts, and of the cases heard or tried before them: *Provided*, That nothing herein shall preclude commanders of squadrons on foreign stations from ordering such courts, when, in their opinion, the exigencies of the public service may demand them, under such rules and regulations as said judge-advocate general, with the approval of the Secretary of the Navy, may prescribe.

SEC. 8. *And be it further enacted*, That the chief of the bureau established by this act, be allowed the same franking privilege as that conferred by law on the chiefs of the other bureaus; and the President of the United States, by and with the advice and consent of the Senate, may hereafter appoint as chief of any bureau attached to the Navy Department, excepting the Bureaus of Provisions and Clothing, and Construction, and of Medicine and Surgery, any officer at his discretion.

Mr. MALLORY. The substitute was prepared by the committee, under the eye of the Secretary of the Navy. I am directed by the committee to offer some amendments to it. The first is to strike out the second section of the substitute, and insert, in lieu of it, the following:

And be it further enacted, That no appointment of masters not in the line of promotion, shall hereafter be made; and the recognition of passed midshipmen as a distinct class or grade is hereby abolished, and so much of all acts or parts of acts as recognizes such distinction, or allows to passed midshipmen any different pay than that of midshipmen is hereby repealed, from and after the time when the provisions of the next section hereof shall be carried into effect. The masters now in the line of promotion, and the passed midshipmen who shall remain in the service and not be promoted to the rank of lieutenant after the retirement provided by the next section, shall be commissioned as masters according to their present rank; and if there thus remain more than seventy-four such officers, no new master shall be commissioned until the number shall be reduced below seventy-four, which number shall thereafter constitute the said grade of master. The duties of the said grade shall be such as the President of the United States shall prescribe. The number of midshipmen and acting midshipmen, including those at the Naval Academy, shall be determined as follows, to wit: one shall be appointed from each congressional district of the United States on the recommendation of the Representative thereof, two from each State on the recommendation of the Senators thereof respectively, ten to be appointed by the President at large, and those authorized by this act to be selected from the boys of the Navy.

The next amendment was to insert in the third section of the substitute, after the provision that the officers on the retired list shall be entitled to wear the naval uniform, the words "and shall have their names borne on the Navy register, but

as out of the line of promotion and of command, and shall not be counted as the number limited by law of their respective grade."

The next amendment was so to alter the following provision, "retired and permanently furloughed officers shall, from the date of their retirement and furlough, be out of the Navy, and their place shall be supplied by regular promotion by seniority of rank," as to make it read, "permanently furloughed officers shall, from the date of their furlough, be out of the Navy, and the place of retired and permanently furloughed flag officers, and other officers, shall be supplied by regular promotion by seniority of rank."

The next amendment was to add at the end of the third section the words:

The Secretary of the Navy, with the approval of the President, shall also retire or drop from the service the masters, passed midshipmen, and midshipmen who, in his judgment, are not qualified to perform efficiently all their duties.

The next was to insert, as a new section, after section three, the following:

And he it further enacted, That officers on the retired list shall receive three fifths, and those on the permanent furlough list shall receive two fifths of the sea-service pay to which they were entitled when retired or furloughed, and that the pay of the masters authorized to be commissioned by the provisions of this act shall be the pay of sailing masters as established by the "act to regulate the pay of the Navy of the United States," approved March 3, 1835.

The next amendment was in the fifth section in the provision authorizing the Secretary of the Navy to select ten boys from the vessels of the Navy as midshipmen, to strike out "ten" and insert "not exceeding five;" and, also, to insert after the word "boys" the words "not over sixteen years of age."

The next amendment was in the same section in the provision allowing the Secretary of the Navy to issue a certificate of good conduct to those reported from each ship as deserving it, to insert after the word "certificate," "provided the person to whom the same shall be issued, shall reenlist in the Navy within three months from the date thereof," and to strike out a similar proviso in another place.

The next amendment was in the seventh section, to strike out the words "Order and Detail" wherever they occur, so that the bureau there provided for shall be "the Bureau of Equipment."

The next amendment was to insert after the provision allowing traveling expenses to the judge-advocate of the Navy the words "as allowed to officers of the Navy;" and to strike out the words "to be designated by them," occurring in a subsequent part of the section.

The next amendment was to strike out the proviso—

"Provided, That nothing herein shall preclude commanders of squadrons on foreign stations from ordering such courts," [courts of inquiry and courts martial,] "when, in their opinion the exigencies of the public service may demand it, under such rules and regulations as such judge-advocate general, with the approbation of the Secretary of the Navy, may prescribe."

And to insert in lieu of it the following:

Provided, That nothing herein shall preclude commanders of squadrons on foreign stations from ordering such courts as now authorized by law.

These amendments to the amendment reported by the committee as a substitute were agreed to, and that amendment as amended was adopted.

The bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

Mr. HAMLIN. I ask that the question on the passage of the bill be not put at this moment. There is an amendment which I wished to have incorporated in it. I am very sure it has been made, but still I desire to look at it; and I wish the Senator from Florida to consent to allow the question on the passage of the bill to be postponed until to-morrow. It can then be passed during the morning hour.

Mr. MALLOY. Very well.

So the further consideration of the bill was postponed until to-morrow.

ANNUAL MEETING OF CONGRESS.

The bill to appoint a day different from the first Monday in December for the annual meeting of Congress, was read a second time, and on motion by Mr. DOUGLAS, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to enact that after the expiration of the present Congress, the annual meeting of Con-

gress shall commence on the first Monday in October.

Mr. HUNTER. It seems to me, Mr. President, that the first Monday in October is a little too soon for our meeting. I will suggest to the Senator from Illinois whether the first Monday in November will not be better.

Mr. DOUGLAS. I think that would not equalize the sessions enough. We should hardly get through with our business by the summer holidays. By meeting on the first Monday in October, we should be able to get through with our business by the holidays, without increasing the time which is now taken up by the two sessions. A great deal would be gained by it; and I think we had better adopt the time I have indicated; however, I wish to submit the question to the Senate.

Mr. HUNTER. In many of the States of this Union the month of October is a very busy month both with farmers and lawyers, who constitute a large proportion of the members of both Houses. It seems to me that it would be better to meet on the first Monday in November instead of the first Monday in October, and I propose an amendment to that effect.

Mr. CLAYTON. I think, sir, there is probably not a month in the year in which lawyers are not busy, and as to farmers, they are occupied in November as well as in October. The object of the bill, I suppose, is, as far as possible, to equalize the sessions of Congress—to make the long sessions shorter, and the short sessions longer. I think that object would be better attained by the bill of the Senator from Illinois as it stands. I would prefer October to November. In that way you could gain two months, virtually, to the short session; and I suppose there is no other object for which the bill is intended.

Mr. MASON. I should prefer very much the first Monday in November to the first Monday in October; but I am utterly unprepared to meet at an earlier day than now fixed by law. I fear that the only effect of it would be to prolong the short session, without at all diminishing the duration of the long session. It is the theory of our Government—and the practice of it—that our labors here at Washington are not to interfere seriously with our private business.

The compensation which is given to members of Congress, everybody knows, cannot be increased. I think it would be idle to attempt it. Everybody equally knows that what they now receive is not a remuneration for their services. Why, then, I respectfully ask, should we run any risk of prolonging the time of our services here? We all have our occupations, and we are all obliged to abandon them to a very great extent. Certainly gentlemen who come here from a great distance have to abandon them almost altogether.

Now, we know that the experience of the Government is—and it may be a very proper experience—that members of both Houses of Congress indulge themselves in most protracted debates, either upon matters relating to the public policy or upon matters which tend to diffuse information which the people probably could not well gather from other sources than from the public debates. The debates last here, and must continue to last, upon interesting topics, not for weeks only, but for months, and nothing drives us home at last at the long session, but an utter physical inability to continue here longer.

I fear, therefore, if we adopt an earlier day for our meeting at the long session, we shall remain here just as long as we should if we met on the first Monday of December, and we know—the practice of both Houses of Congress proves it—that all the business of the session, if we mean by business the legislation, the actual voting—is, either at the long or short session, crowded into the last two or three weeks. I do not think, therefore, any practical good will result from meeting at an earlier day, and for one, I would be gratified if the Senator who has introduced this proposition would reconsider it, or the Senate reject it.

Mr. DOUGLAS. The Senator from Virginia has evidently overlooked another proposition, which is intended to be a part of this, and which meets the objection which he presents. It is a proposition which I submitted at the same time that I introduced this bill—to fix the adjournment of the long session of Congress by a joint rule, on the first Monday in May.

Mr. MASON. I do not understand that we

have the power to limit the term of Congress by law. The day of adjournment is fixed at any time during the session which is most convenient to a majority. I ask the Senator how he is to limit the term, because the Houses of Congress may at any time, during the long session, pass a joint resolution fixing a day of adjournment?

Mr. DOUGLAS. We have no power, I am satisfied, to limit the term of the session of Congress, by law. I am inclined to think that the objection which was taken by President Jackson to the bill which passed during his administration was valid—that we could not fix the time of adjournment by law; but we can fix it by a joint rule of the two Houses, subject to the disapproval of either House. If we adopt a joint rule fixing the time of adjournment on the first Monday in May, we shall then come here with reference to adjourning at that time. We shall arrange our business for that adjournment.

The day will be fixed during the whole session, unless there are special reasons at the end of the session for changing it; and it is not probable that it would be changed by a vote of either House, unless some emergency arose at the time rendering it absolutely necessary to prolong it. In such a case the power ought to exist.

If there should be an emergency, some stern necessity arising just at the end of the long session of Congress, and requiring the prolongation of the session, of course it would be made longer in order to cover that necessity; but unless such an emergency did arise, it is evident that we should adjourn on the day fixed by the joint rule of the two Houses.

Looking, therefore, at the two propositions together, it will amount to this: We shall meet on the first Monday in October, and the first session will adjourn on the first Monday in May, and the second session on the 4th of March. That would make the short session about five months long, and the long session about seven months, which would be less than we now have.

My object is to shorten the session, and at the same time do the public business. I believe we can accomplish much more by this arrangement than we can do now by meeting three months at one session, and nine months at another session, and then we avoid the hot weather of the summer months by it. I bring forward the proposition for the purpose of inviting the attention of the Senate to it. Whatever disposition is made of it of course will be acceptable to me. If another day than the first Monday of October suits the Senate better, I shall be entirely willing to acquiesce in it, although I think the first Monday in October will be the best time.

Mr. BENJAMIN. I ask the Senator from Illinois, what he supposes would be the effect of the joint rule, in relation to the time of adjournment, in the event, at some future Congress, of one House passing a resolution changing the day of adjournment, and the other House not receiving it?

Mr. DOUGLAS. Of course it would stand precisely then as if there were no joint rule of the two Houses to that effect. The two Houses must concur in such a case in another day of adjournment, or, in the event of their disagreeing, the time must be determined by the President.

Mr. ADAMS. I shall vote for the amendment of the Senator from Virginia, and then, if that succeeds, I shall vote against the bill. In addition to the consideration that I am of opinion that as much public business is done at the short session as at the long session, the convenience of the State which I have the honor, in part, to represent, is a matter which will control my vote on this question. We elect our Representatives upon the first Monday in November, in reference to the meeting of Congress as fixed by law at this time, and as it existed at the time of the adoption of our Constitution.

The effect of this law would be to deprive Mississippi of her representation in the other branch of Congress entirely until some two months after the two Houses met. This would place her in such a condition that her Representatives would have no chance to be put upon the committees of the other House. It would be effectually disfranchising her in the other branch of Congress, or forcing her to change her constitution so as to bring on the election at an earlier day. Her people have not thought proper to do so, and I should

not feel authorized to vote for bringing on the session of Congress a month before the election of her members for that Congress.

But I am convinced that, by meeting on the first Monday in October, no more business will be done in five months than is now done in three. We do no more in the nine months of the long session than we do in the three months of the short session. If we should fix the time now to adjourn in the middle of July, we should do as much, according to my observation, as we should by sitting to the first of September. Until the time of adjournment is fixed, somehow or other—no body is disposed to delay, but we do nothing until the last days of the session.

I do not think any practical effect would result to the country from the change proposed by the bill, but great inconvenience would result to the State which I have the honor in part to represent, as well as to other States. There are others in which their Representatives are not elected in time to meet on the first Monday in October. They would, therefore, be required to change their constitutions, or they would in effect be disfranchised in the other branch of Congress for some time after its meeting.

Mr. BAYARD. If I supposed that this bill were calculated to equalize the sessions of Congress and produce an earlier adjournment, I would cheerfully vote for it; but it seems to me it does not meet the source of the evil. By the bill you propose to extend the length of the short sessions, but it would never curtail your long sessions.

As to the idea of the honorable Senator from Illinois to pass a joint rule providing that Congress shall adjourn on the first Monday in May, at the long session, such a rule would be perfectly nugatory, if either House were to differ from it. I do not suppose that it would have any practical effect at all; but my objection to it would be that the Constitution evidently intends, and the character of the business to be transacted implies it—that each Congress shall determine the time of adjournment for itself. The public business of each Congress may differ, and the subject is evidently left, in my mind, to each to determine for itself when it shall adjourn. I do not think it is properly a subject for a joint rule by a preceding Congress at all. I object to it, therefore, on principle.

But I do not think it would have any practical effect; because on the terms of any such rule, or of any law which should be passed, either House of Congress, without assigning any reason, could refuse to adjourn on the day fixed, and Congress then would not stand adjourned on that day. There is no power by which you could impose any obligatory terms upon them to stand adjourned, if either House chose to dissent from it.

I do not think, therefore, that the object of equalizing the sessions would be accomplished by this bill. I believe, however, you may accomplish that object. I believe you may reach the result of diminishing the length of time during which Congress may continue in session. I believe you can do it in but one way, and that is by changing your per diem compensation into an annual salary.

Do that, and Congress will not sit beyond the first Monday in May. Do that, and all the public business will be transacted as well in three months as it would be in a session of five months, or as it is now done in your sessions of nine months and three months. You will have to do that before you reach this evil connected with the prolonging of the sessions of Congress. You may, by this bill, in this way, lengthen the short session, but you would find that in the long session, you would not adjourn by the middle of July, and it would gradually creep up as it has been in former times, until you would get into the first of September, which has been the ordinary time of adjournment for several sessions past. As long as the per diem compensation exists, which is the source of the evil, you will find that you cannot shorten the session of Congress, but there will be an eternal tendency to prolong it.

There will be no difficulty about it if the per diem is changed into an annual compensation. Interest—I speak of the masses, not of individuals—lies the other way; and the object will then be to transact the business and go home. Therefore, it being the interest of members of Congress to do that, according to all reasonable inferences of human action, they will necessarily do the business sooner. I have no doubt of the capacity

of Congress to transact all its business within a far less period of time than it does now. There are a great variety of ways in which the sessions of Congress might be shortened, if that rule were adopted as to the compensation of members, and it is the only way in which you can accomplish it.

A much higher result which would be derived from that, independent altogether of shortening the sessions of Congress, would be that in order to shorten them, all the mass of private claims which are foolishly heard here—probably foolishly is a strong term, but certainly not properly investigated here—would, by a general law, be placed before a proper tribunal by which justice would be done to all properly and speedily, and Congress would disburden itself of a class of business which it is incompetent to investigate and decide upon.

You would accomplish, therefore, in my judgment, an immense benefit to the country, independent of shortening the sessions, for, in order to shorten them, a vast amount of cases which are kept up here, and which otherwise would not be kept up, would be transferred to another tribunal, where the public and the individual would be represented, and where there would be notice and publicity in regard to the case, and something like evidence would be received. I think you can reach that result; I do not think you will reach it, by establishing such a tribunal, until you do abolish the per diem compensation. Unless that be done, I do not believe the result will be reached, but when it is done, I have no doubt that the effect will follow, because, in point of fact, the period of time which we occupy in matters really of public importance—I do not speak of private bills merely—is but little indeed.

My own belief is that Congress would transact all its business in three months in each year under the system of annual compensation to its members; and it would get rid of a vast mass of business which is not proper to it; and what is proper to it would be done far better than it is now done. It is true we might not have the same lengthy speeches made that are now made; it is true that we might not have a political excitement in every Congress—but I think the general interests of the country would be subserved by that course of action. I hope that at some day, at all events, Congress will adopt the principle of annual compensation. I am very sure, in reference to the particular matter now before you, the sessions will never be shortened until that principle is adopted.

Mr. FOOT. I hope the Senator from Illinois will consent to the postponement of this question until to-morrow, in order that the Senate may now proceed to the consideration of the special order, which is the bill returned to the Senate by the President of the United States, with his objections.

Mr. DOUGLAS. If it is the desire to go on with the special order, I have no objection to letting this go over until to-morrow.

The further consideration of the bill was accordingly postponed until to-morrow.

INDIGENT INSANE BILL VETO.

The Senate resumed the reconsideration of the bill making a grant of public lands to the several States of the Union for the benefit of the indigent insane persons which had been returned by the President of the United States with his objections.

Mr. SEWARD addressed the Senate for more than an hour in support of the bill, and in reply to the objections made thereto by the President. His speech will be found in the Appendix.

Mr. CLAY. I wish to address the Senate on this subject.

Mr. SEBASTIAN. If the honorable Senator from Alabama will give way, I will move to postpone the further consideration of this subject, with a view to an Executive session.

Mr. CLAY. I am willing to accommodate myself to the pleasure of the Senate.

Mr. SEBASTIAN. Then I move to postpone the further consideration of the subject before the Senate until to-morrow.

The motion was agreed to.

ISSUE OF A REGISTER.

Mr. BENJAMIN. If the Senator from Arkansas will defer his motion for an Executive session, I should like to make a report from the Committee on Commerce. That committee have

instructed me, upon the petition of Charles Parsons, to report a bill "to authorize the issuing of a register to the brig *Amelia* by the name of *Abby Frances*;" and I wish to ask the unanimous consent of the Senate to put the bill on its passage now. I will say, in a word, that this is a foreign vessel on which it is proposed to add repairs equivalent to three fourths of the valuation of the vessel. The general law provides for issuing an American register under those circumstances where a vessel has been wrecked. This case does not come within the letter, though it does come within the spirit of the law. The vessel is a foreign vessel, requiring repairs to the extent of three fourths its value, although it has not been wrecked.

By unanimous consent, the bill was read a first and second time and considered as in Committee of the Whole. It proposes to authorize a register to be issued, under the direction of the Secretary of the Navy, for the Russian-built brig named, if it shall be proved to his satisfaction that the cost of repairs made in the United States since its purchase, is equal to three fourths of the value of the vessel at the time of the repairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

COMPENSATION OF PENSION AGENTS.

Mr. BELL. I hope the Senate will allow me—I am sure my friend from Arkansas will not object to it—to call up the bill which has been reported from the Committee on Military Affairs, "making provision to compensate agents for paying pensions, and prescribing the time and manner of settling their accounts." It is to compensate a class of pension agents who served the public for a long time without any remuneration whatever. I am sure there is no Senator who has heard of the subject, that is not fully convinced this is an act of justice. I hope the bill will be taken up and passed now. I move that the Senate proceed to its consideration.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It authorizes the Secretary of the Interior to make suitable compensation to agents for paying pensions, (in no case exceeding three per centum on the amount of moneys annually disbursed by each agent,) to be paid out of the fund appropriated for the payment of revolutionary pensioners. This compensation is to be in full for all services and contingent expenses of the agency, except for books, printing, and stationery. The amount allowed to any one agent is not to exceed \$1,500 a year. Each agent is to state his account quarterly and transmit it to the proper accounting officer of the Treasury for settlement, and a duplicate to the Commissioner of Pensions. He is also to transmit semi-annually to the Commissioner the names of all pensioners on the lists in his agency at the commencement of each half year, to whom he is liable to make payments, the names of such pensioners as have been inscribed on the lists, or transferred to his agency during that time, and the names of those he has paid, those who have died, those whose pensions have terminated, those who have not demanded their pensions for fourteen months, those who have been transferred to other agencies, and the names of the female pensioners who have married.

The Secretary of the Interior is to regulate the remittances of funds to the agents for the payment of pensioners, in such manner and at such times as to prevent any accumulation of balances in their hands.

It further provides that the provisions made by the bill for the compensation of pension agents shall be extended to those persons who served as pension agents prior to February 20, 1847, and subsequent to April 20, 1836, when no compensation was provided by law for such services.

Mr. HUNTER. I would ask the chairman of the committee that reported this bill, whether there is really any necessity for it? whether there is not an existing provision of law for the compensation of pension agents?

Mr. SHIELDS. There is a system of payment now in operation. This bill regulates that system according to the recommendations of the Department; and it also provides for payment to those pension agents who performed the duties for a number of years without any compensation.

The bill itself states distinctly on its face what is to be its operation.

Mr. TOOMBS. I hope this bill will not be passed. I take it that the provision in the last section of the bill will allow compensation for alleged services rendered twenty years ago. Oftentimes, I know, officers of banks in different States took upon themselves the duty of paying these pensions for the purpose of getting the deposits in their banks of the money for that purpose. They took the office without compensation, with that understanding for their own advantage. Now, it is proposed to go back and pay people who rendered service in that way twenty or twenty-five years ago. It does seem to me that it is one of the most unreasonable and unnecessary wastes of the public money which could possibly be conceived of. The fourth section of the bill, if I understand it, provides for payment to all persons who served as pension agents before 1847, and who were not compensated. If that be the provision, we may have to go back forty years perhaps, and we may have accounts rendered under that provision to the extent of how many millions we can have no knowledge.

Mr. HUNTER. I hope the bill will be laid over, so that we can look into it.

Mr. SHIELDS. There is a report accompanying the bill which explains the whole matter. I do not take any particular interest in it, but I hope the bill will be passed.

Mr. BELL. The interest which I feel in it is, that there is a very worthy gentleman, who was a faithful officer of the Government, and acted in this capacity for a number of years without any compensation. He is not, and never was a political friend of mine; but I should like to see him paid for his services. If the Senator from Georgia will look at the bill, he will find that the provision about which I feel most concern, goes back only to 1836. I do not distinctly perceive whether it includes the deposit banks or officers of those banks who assumed the duties of paying pensioners in place of the old United States Bank. Its benefits are intended for a class of agents who were appointed in different parts of the country, especially where there were no deposit banks, when the United States Bank went down, and the pension moneys were withdrawn from that institution. Those men actually served for a number of years without the slightest compensation whatever. I always attributed it to the difficulty which the party then in power felt in making compensation to these agents, because it had been alleged and argued in favor of sustaining the United States Bank, that that institution acted as the agent of the Government in every quarter of the country, without any extra compensation, and they did not wish to create any feeling in favor of that institution.

Mr. TOOMBS. The Senator will find that this bill covers banks as well as individuals.

Mr. BELL. If it be proposed to pay the deposit banks subsequent to 1836 for disbursing these moneys, from the use of which they derived large profits, I should wish to have that portion of the bill stricken out, because they were amply compensated for any duties of that description by the advantage which they received from the Government deposits. But in Nashville, where there was a deposit bank, I know that bank did not act as pension agent, but there was a distinct agent, to my recollection, from that time forward, and he continued to labor on without compensation under the assurance which he received from time to time, that by-and-by the Government would see that he was paid. He was a very faithful man—my colleague knows him very well—Mr. Joel L. Smith. As I have already stated, I considered that the point of difficulty with the then Administration in not coming forward and proposing to give compensation to these agents, was that it had been an argument in favor of upholding the old United States Bank, that there was a vast amount of service rendered to the Government in the disbursement of the public moneys, and the payment of pensions in every portion of the Union, without any extra compensation from the Government—that they did it merely in virtue of being the depositaries under the United States Bank law of the public moneys, and considered the circumstance of holding the public moneys in their vaults, as sufficient compensation for the services of the clerks, and officers employed by

them for the Government business. Now, sir, what can be more equitable and just, than to go to 1836, and make compensation to the agents who were employed to pay pensions after the United States Bank went down. I do not care for paying any of the banks.

Mr. SHIELDS. The report gives the law and the whole facts of the case. From the report, it appears that on the 20th of April, 1836, Congress repealed the law which authorized the Bank of the United States to pay pensions, and at the same time enacted that all such payments should thereafter be made by such persons or corporations as the Secretary of War might direct, and that no compensation or allowance should be made for such service. Soon after the passage of this act, the report says, many of the pension agents tendered their resignations, but were induced to withdraw them on the assurance that Congress would speedily compensate them for their services. Numerous efforts were made from time to time to fix their compensation, but nothing was done in the matter until February 20, 1847, and then a general law was passed, and they have received compensation according to its terms ever since. There is, therefore, but a short period to which the provisions of the last section of the bill will apply. But after all, the Senator from Georgia is correct in one particular, and I think it would be better to insert a provision that that section should not apply to banks. It was not intended to include them; but in order to avoid all difficulty, it would, perhaps, be as well to insert an amendment of this nature:

Provided, That no compensation shall be allowed where banks acted as such agents.

Mr. HUNTER. I wish to suggest to the Senator from Tennessee and the Senator from Illinois, that they had better give us a little time to examine this subject. The amendment suggested by the Senator from Illinois will not reach the evil, because in old times there was a technical discrimination taken in the departments between private bankers and incorporated banks. The amendment of the Senator would reach incorporated banks but would still leave private bankers, who had all the benefit of the deposits, to charge a commission.

Mr. TOOMBS. Frequently an officer of the bank was made an agent, and not the bank itself.

Mr. BELL. If the bill be postponed, will the Senator from Virginia agree to take it up on some morning?

Mr. HUNTER. I only ask a day or two to look into it, and when I have examined it, I shall be willing to take it up and dispose of it.

Mr. DODGE, of Iowa. I hope the Senate will dispose of this bill now. It strikes me as being eminently just and proper to be passed; but in order to obviate the objection raised by gentlemen, as respects the compensation to be allowed to the banks who acted as agents, I will move this amendment:

Provided, That no payment be allowed, under the provisions of this act, to any bank or bank officer, agent, or attorney.

Mr. HUNTER. That would not reach the case, which I suggested, of an unincorporated bank or a private banker.

Mr. DODGE, of Iowa. Then I will agree to add to my amendment the words of the honorable Senator: "unincorporated bank or private banker." I will take it as a favor, if the Senate will pass the bill now.

Mr. HUNTER. I asked to have the bill postponed, but now I move that it lie on the table.

Mr. BELL. Would it not be better to postpone it?

Mr. STUART. If it be ordered to lie on the table, it can be taken up at any time.

Mr. BELL. Very well.

The motion was agreed to.

URBAN STOLL.

The bill for the relief of Urban Stoll was read a second time, and, on motion by Mr. HAMLIN, the Senate proceeded to consider it as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to pay to Stoll, now a pensioner of the United States, a sum equal to seventy-two dollars per annum, from July 4, 1845, to the time when his present pension was allowed.

Stoll, who was a soldier of the regular Army, and served faithfully and with distinction in the

Florida war, and was disabled by a serious wound in the thigh, in the battle of Whitlacoochee, in July, 1845, made application to the Pension Office for an invalid pension, and forwarded to the office certificates of Captain Drane and Surgeon Abadie, showing his services and disability. Hearing nothing from his application, he went in person to the office, and was informed that no such papers as those he had forwarded could be found, and that it would be necessary for him to send duplicates, and make a new application. Owing to the distant service and circumstances of his former officers, he was not able to obtain duplicates until within this year, when, upon a re-examination of his case by a medical board, he was placed on the pension rolls, at the rate of six dollars per month. He claims that he was deprived of his pension, to which the late action of the Pension Bureau proves he was entitled, by the carelessness of the clerks or employees of the office, in 1845, and from that year to the present time. The fact of his papers having then been duly forwarded in 1845, is proved by affidavit of John Hammond, accompanying the papers, and that upon those papers, if properly examined, he would have been allowed a pension, is proved by the recent action of the Pension Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

REFERENCE OF HOUSE BILLS.

The bill from the House of Representatives for the relief of Henry Lewis, of Clinton county, Indiana, was read a first and second time by its title, and referred to the Committee on Claims.

The House bill, to authorize the President to cause to be surveyed the tract of land in the Territory of Minnesota, belonging to the half breeds, or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes, was read a first and second time by its title, and referred to the Committee on Indian Affairs.

The following House bills were read twice by their titles, and referred to the Committee on Public Lands:

Bill to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes;

Bill to extend the right of pre-emption over unsurveyed lands in Minnesota, and for other purposes; and

Bill to amend the act approved September 27, 1850, to create the office of surveyor general of the public lands in Oregon, &c.; and also, the act amendatory thereof, approved February 19, 1853.

The following House bills were read twice by their titles, and referred to the Committee on Military Affairs:

Bill to provide for the continuation of a military road from Myrtle Creek to Scottsburg, in Oregon;

Bill to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war;

Bill to provide for the construction of a military road in the Territory of Utah;

Bill to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities; and

Bill for the payment of the civil officers employed in the Territory of New Mexico while under military government.

The House bill to increase the salaries of the Executive and judiciary officers in Oregon, New Mexico, Utah, Washington, and Minnesota, and House bill making appropriations to defray the expenses of the Cayuse war, were severally read twice by their titles, and referred to the Committee on Territories.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 19, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Saturday was read and approved.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

TUESDAY, JUNE 20, 1854.

NEW SERIES.....No. 91.

The SPEAKER. The business first in order is the motion made by the gentleman from Georgia [Mr. HILLIER] to suspend the rules for the purpose of introducing a bill "to change the day for the annual assembling of Congress."

Mr. CHURCHWELL, by permission of the House, then made a personal explanation, growing out of a speech made by Senator BELL, in reference to the Nebraska question. [The speech will be found in the Appendix.]

Mr. CAMPBELL. I ask the consent of the House to make a personal explanation.

There being no objection,

Mr. CAMPBELL proceeded. Mr. Speaker, in the course of my five years' service I have never before asked the consent of the House to make any personal explanation. Grievances of a purely personal nature have always seemed to me better settled outside this Hall. But, sir, I am induced this morning to change my usual policy, because there is, perhaps, a pertinency in my doing so just now, the gentleman from Tennessee having brought before the House matters connected with his speech on the Nebraska question.

I shall bring to the notice of the House some remarks personal to me, which purport to have been made by the honorable gentleman from Tennessee, [Mr. CHURCHWELL,] upon this floor, on the subject of the Nebraska bill. It is with great regret that I feel it necessary to advert now to any of the occurrences which took place during that memorable struggle. So far as any personal difficulty which I may have been connected with during that struggle is concerned—I am very happy to say to the House that I had only one—to use the stereotyped expression, "which has been amicably adjusted on terms, I believe, entirely consistent with the honor of both parties!" [Laughter.]

But I hold in my hand the speech of the gentleman from Tennessee, who has just taken his seat. I find that I am alluded to in that speech as an "Abolitionist." Now, sir, I listened to that speech with great attention, and I did not hear my name mentioned at all. I will read the extract, and then I will ask the honorable gentleman whether he uttered these remarks upon the floor of the House, or whether he followed the somewhat usual custom in the House, and inserted them in revising the notes for the purpose of perfecting his argument? He says:

"So, it will be seen by this vote, that both the Whig Senators from Tennessee [Messrs. JONES and BELL] voted for the repeal, while four of my colleagues [Messrs. CULLOM, EVERIDGE, TAYLOR, and BUGG] in this end of the Capitol are found voting with such Abolitionists as GIDDINGS and CAMPBELL, and with the Free-Soilers, against it."

Now, Mr. Speaker, I ask the gentleman whether he uttered this language upon the floor of the House or not?

Mr. CHURCHWELL. My recollection does not serve me whether I used those words in the Hall or not; but I am responsible for them.

Mr. CAMPBELL. Yes, sir; I have no doubt the gentleman is responsible. I have no question of his responsibility at all. The interrogatory I propounded was this: Did you utter that language on this floor? The gentleman evades the question, and says he is responsible.

Mr. CHURCHWELL. Will the gentleman yield me?

Mr. CAMPBELL. Not unless the gentleman can answer my question. That is the purpose I am driving at.

Mr. CHURCHWELL. Then the gentleman will allow me to answer?

Mr. CAMPBELL. Certainly.

Mr. CHURCHWELL. My colleague [Mr. SMITH] tells me that he heard me use the language referred to.

Mr. CAMPBELL. Then I have to say, Mr. Speaker, the gentleman has done me injustice, and thereby, I think, he has done injustice to his colleagues. I do not care what position the gentleman may give me where his speech will be circulated. I care but little for the name, whether the gentleman calls me an Abolitionist or Free-Soiler,

Whig or Democrat, in Tennessee. I have always avowed here, sir, on all proper occasions, without fear, I think I may be permitted to say, my principles in relation to the institution of slavery, and every other great question which came before this House.

And I have this to say—and I say it in connection with another passage of the gentleman's speech, to which I will call his attention in a moment—that I know a very great effort was made on the eve of the last presidential election to brand the supporters of General Scott as Abolitionists throughout the South; and as it was well known that the gentleman's colleague [Mr. CULLOM] and myself united in his support, on the eve of that election there was published in this city, in the organ of the Administration, the Union newspaper, a base and infamous forgery over my signature, in which it was alleged that I knew, from private conferences with General Scott, that, if elected, he would use his influence to repeal the fugitive slave law. I know that that document thus published, that forgery thus issued from this city and that press, over my name, was circulated broadcast throughout the State of Tennessee; and I appeal to the gentleman from Tennessee [Mr. ZOLLICOFFER] whether such was not the fact?

Mr. ZOLLICOFFER, (in his seat.) That is true.

Mr. CAMPBELL. I discovered the fact but a few days before the presidential election, at my home in Ohio; and I immediately telegraphed to all the leading Whig papers in the South that the paper was a forgery. Among other gentlemen, I think that I telegraphed to the gentleman from Tennessee, [Mr. ZOLLICOFFER.]

Mr. ZOLLICOFFER, (in his seat.) That is true.

Mr. CAMPBELL. Having thus created the impression, by this forged document, in the South, that I am an Abolitionist, the gentleman comes here and assumes that I am such, and classifies his colleagues with me in order that they might be affected by it in Tennessee. And it is not on my own account, sir, as I said before, that I make this correction; but for the reason that I am unwilling any friend or foe of mine shall have injustice done him by means of this kind, if I can prevent it.

Mr. CHURCHWELL. Will the gentleman allow me a moment?

Mr. CAMPBELL. Of course.

Mr. CHURCHWELL. If I mistook the gentleman's position, I presume it is for him to define now what his position really is. I do not desire to misrepresent the gentleman. If I misunderstood him, I would be glad to know where the misunderstanding was. I judged of the gentleman by his associations on this floor, and by his votes; finding him always voting with the Abolitionists, I think I had a right to view him as such.

Mr. CAMPBELL. I wish to correct the gentleman. I am not charging that he has made a willful misrepresentation; but I am charging that by these statements, and by this particular association, he has done gross injustice to his own colleagues. Now, sir, my antecedents and my principles are known here, and you may call them what you please.

My antecedents are these: My first vote was given for Henry Clay. I voted for him always when he was a candidate, and used all my energies and power, and not a little money, to secure a triumph for him. My last vote upon the presidential question was given for General Scott, and in the meanwhile I never voted any other than a Whig ticket.

Mr. CHURCHWELL. Will the gentleman allow me to ask him a question? Did he not vote against the fugitive slave law?

Mr. CAMPBELL. Did I not vote against the fugitive slave law? To be sure I did, and so did every Whig from the North upon this floor, except three. I might say in relation to the measures of 1850, that a great many southern men voted against the admission of California. I now come to another part of the gentleman's speech, and to

which I wish to invite the attention of the gentleman from Tennessee. In speaking of the speech of his colleague [Mr. CULLOM] upon the Nebraska bill, and of those who had congratulated him, he says, "such men as GIDDINGS, of Ohio, did so."

I desire to ask my colleague [Mr. GIDDINGS] whether, at the time the gentleman from Tennessee [Mr. CULLOM] made his speech upon the Nebraska bill, he did come up and congratulate him?

Mr. GIDDINGS. I cannot speak as to the time the gentleman from Tennessee [Mr. CULLOM] made his speech, otherwise than by reports in the newspapers. At the time the gentleman made his speech upon the Nebraska bill I was in Ohio.

Mr. CAMPBELL. Did you congratulate him by telegraph?

Mr. GIDDINGS. I did not. I knew nothing of the speech till some time afterwards, and could not have had any communication upon the subject.

Mr. CAMPBELL. Again, he says GERRIT SMITH congratulated him. I would ask the honorable gentleman from New York [Mr. SMITH] whether he came up on that occasion and congratulated the gentleman from Tennessee?

Mr. SMITH. I did not.

Mr. CAMPBELL. It seems, then, that neither of these gentlemen congratulated the gentleman from Tennessee. Now comes the point to which I ask the gentleman's particular attention. He says that "Mr. CAMPBELL, who is of the same stripe with these gentlemen, did congratulate the gentleman from Tennessee," [Mr. CULLOM.] I sat in my seat closely observing and listening to the debate between the two honorable gentlemen from Tennessee, and I never heard a syllable of the statement which the gentleman has published. I now ask the gentleman from Tennessee whether he uttered those remarks upon the floor of the House, or did he print them subsequently in his speech, merely?

Mr. CHURCHWELL. The gentleman from Ohio is indeed jealous of the reputation of my honorable colleague.

Mr. CAMPBELL. Not at all. He is able to take care of that himself.

Mr. CHURCHWELL. When I made allusion to the fact that my colleague was congratulated by the Abolitionists of the North, I had no idea of making any personal allusion, or indulging in any personal disrespect to the gentleman. Nor did I know before that the gentleman considered it disrespectful to be congratulated by such men as the gentleman from Ohio. My object was to show who seemed to admire most the sentiments uttered by my colleague.

Mr. CAMPBELL. I have not said that it was.

Mr. CHURCHWELL. I referred to these honorable gentlemen congratulating my colleague, because they were the most prominent men on that side of the question. I believe I said, in the first instance, that men of such stamp as GIDDINGS, of Ohio, congratulated him. I did not say he (GIDDINGS) congratulated him, and I repeat the same now. I alluded to the gentleman from New York, [Mr. SMITH,] as next in my mind upon the Abolition side of the question. I referred to the gentleman from Ohio [Mr. GIDDINGS] first. I now accept the correction, but I believed that the gentleman from Ohio [Mr. CAMPBELL] congratulated my colleague [Mr. CULLOM]; it matters not, others of the same stripe did.

Mr. CAMPBELL. The point is, did the gentleman from Tennessee say that?

Mr. CHURCHWELL. My recollection is that I did. It is here in the speech.

Mr. CAMPBELL. I do not ask anything more than the gentleman's recollection.

Mr. CHURCHWELL. But one thing more. I ask the gentleman from Ohio whether he considers himself an Abolitionist or not? Did he not say in a speech made by him at the last session of Congress "That if a law were passed respecting the fugitive slave law, General Scott, if elected to the Presidency, would not veto it?"

Mr. CAMPBELL. The gentleman shall not find me either evading any question that he pro-

pounds, or going afterwards and inserting in my printed speech any other remarks than those which I actually make use of when thus interrogated.

Mr. CHURCHWELL. Nor will the gentleman find any remarks in my speech for which I will not hold myself responsible.

Mr. CAMPBELL. That is another thing; I am not questioning the gentleman's responsibility at all. It was as to a matter of fact that I inquired. Did he utter this sentence on the floor?

First, then, I have never voted the Abolition ticket; and I reply to the gentleman's question that I did say that I believed General Scott was a Whig—that he entertained Whig doctrines in regard to the exercise of the veto power; and that I believed, if he were elected President, and if the Congress of the United States should repeal the fugitive slave law, he would not veto the bill; and I believe so still. If the gentleman desires to know anything further on the subject of my opinions of the fugitive slave law, I can tell him that I not only voted against that law, but I "spit on platforms" which approved its details, and I am opposed to it now. He will see by this confession that there is no evasion of the question on my part.

But, Mr. Speaker, I propounded the question to the gentleman as to whether he made use of the terms which appear in his printed speech? He says his impression is that he did. Now, I would appeal to the honorable gentleman, his colleague, [Mr. CULLOM,] who was watching every remark that he made at that time, as will be seen by his response I did myself, whether he [Mr. CHURCHWELL] did make this remark, and charge in his speech, when he delivered it, that I had congratulated him?

Mr. CULLOM. In relation to the question raised by my honorable friend from Ohio, [Mr. CAMPBELL,] touching the discussion on the Nebraska bill, in which my colleague from Tennessee [Mr. CHURCHWELL] took part when that question was pending, it will be seen, by reference to the speech of my colleague, that he referred to me, making certain accusations against me, and that the main thread of the speech turned upon the positions which I had taken in my speech on this question, and the course of my honorable colleague in the Senate, [Mr. BELL.] In the course of his speech, my honorable colleague said that my speech was received with much *éclat* by northern Abolitionists, and announced that, on the conclusion of it, I was congratulated by the Abolitionists of the House. I was met, he said, by such Abolitionists as GIDDINGS, of Ohio. I then rose and said to my friend that that was untrue; and that Mr. GIDDINGS never had congratulated me, but was in the State of Ohio when my speech was delivered.

Mr. CHURCHWELL, (interrupting.) When my colleague rose on the occasion he refers to, I said—as the House will recollect, and as my speech will show—"such men as GIDDINGS, of Ohio." I repeat the same now.

Mr. CULLOM. He charged me, as I understand it, with having been congratulated by avowed enemies of our institutions, such as GIDDINGS, of Ohio. I then told him I was not congratulated by him. Then he said that he meant men of that stamp; GERRIT SMITH and others, congratulated me. I told him that he was equally unfortunate in that charge; that Mr. SMITH had never congratulated me upon the speech, from that day to this. Then he said that I was congratulated by men of such stamp; but did not mention the name of my friend, [Mr. CAMPBELL, of Ohio;] and had he done so, I should have told him that he was also, in that charge, incorrect, because he never congratulated me upon this floor in reference to my speech.

Mr. CHURCHWELL. The honorable gentleman from Ohio, [Mr. CAMPBELL,] who raises this question of veracity, is very jealous of the reputation of my colleague, and perhaps thinks him not capable of defending himself. He calls upon men directly interested, and makes witnesses of them, to state what was said. Now, I have a colleague here who says he heard me in every remark I made; and he says I did make the remarks in my printed speech.

Mr. CULLOM. The remark of my colleague, when I told him that Mr. GIDDINGS did not congratulate me, was that Mr. GERRIT SMITH did. I told him he was in fault in that. Then he said

that gentlemen of like political sentiments did, without specifying any name.

Mr. CHURCHWELL. "Of that stamp" were the words. Such was the fact, and I repeat it now.

Mr. CULLOM. I told my colleague those gentlemen did not congratulate me, and that Mr. SMITH did not.

Mr. CHURCHWELL. Did not the Abolitionists congratulate you upon the occasion?

Mr. CULLOM. I am glad my colleague has asked the question. I have seen it charged, in the Union newspaper of this city, that I was congratulated by Mr. GIDDINGS and the Abolitionists, who hung around me like a cloud. I say here, in my place, that if any Abolitionist upon this floor congratulated me upon the occasion I do not know him as such to-day, nor did I then. But men of both political parties, and both sections of the Union, did congratulate me in great numbers, as all saw and know, among whom were extreme southern men, announcing that though they differed with me in opinion upon the question, they congratulated me upon the effort. Among them was the distinguished gentleman from Kentucky, [Mr. PRESTON,] and my worthy friend from Virginia, now no more, [Mr. SNODGRASS,] Governor Aiken, of South Carolina, Mr. REESE, of Georgia, Mr. KERR, of North Carolina, several of my own colleagues; and many other gentlemen, whose names I need not repeat, who differed with me in reference to the bill, would, if necessary, do me the justice to say the same thing.

Mr. CHURCHWELL. They did not congratulate you upon the sentiments of the speech.

Mr. CULLOM. Of course not; but I felt it was the greater compliment. I positively deny that I was congratulated by a single Abolitionist upon the occasion; and the gentleman should learn to be a little more particular in making those sweeping and random charges, intended to affect others, without the semblance of truth or fact to sustain them. Being untrue, these charges all fall to the ground.

Mr. OLDS. I rise to a question of order. I submit that the adjournment of Congress is now under consideration, and that this debate is not applicable to that question.

The SPEAKER *pro tempore*. The gentleman from Ohio asked, and obtained leave, to make a personal explanation. And therefore, what he is saying is in order.

Mr. CAMPBELL. I do not intend to have my attention diverted from the issue that is made. I assert that, although I paid the closest attention to the honorable gentleman during the delivery of his speech, I did not hear him make any allusion to me. His colleague [Mr. CULLOM] says he did not hear him. I now ask his other colleague on my right, [Mr. TAYLOR,] whether he heard him say any such thing.

Mr. SEWARD. I rise to a question of order, I want to know what is the question before the House?

The SPEAKER *pro tempore*. The question before the House is the personal explanation of the gentleman from Ohio, for which the House have given unanimous consent.

Mr. SEWARD. Well, sir, I object to his proceeding upon the ground that this is not personal explanation.

Mr. CHURCHWELL. I hope the gentleman will not object to my colleague answering the question which the gentleman from Ohio has put.

Mr. SEWARD. I do object. This is not the place to settle matters of this kind. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair overrules the question of order, and decides that the gentleman has not the floor to make the motion to adjourn.

Mr. CAMPBELL. I now ask the gentleman from Tennessee, [Mr. TAYLOR,] to say whether he heard his colleague use the language to which I have referred.

Mr. HILLYER. I rise to a question of order, and I place it upon a ground which I think will be sustained by the Chair. The gentleman from Ohio has the floor to make a personal explanation, but I hold that consent does not give him the right to interrogate members about the House in relation to a controversy respecting the speech of a brother member. That does not come within the privilege which has been extended to him by the

House. I ask that he may be confined to the privilege allowed him by the House to make a personal explanation.

The SPEAKER *pro tempore*. The Chair will state that the House, by unanimous consent, gave the gentleman from Ohio the privilege of making a personal explanation, and that he must be the judge, to a very great extent, of what that explanation shall be.

Mr. TAYLOR, of Tennessee. Having been called upon to state what is my recollection as to the point of difference between the gentleman from Ohio, [Mr. CAMPBELL,] and my colleague from Tennessee, [Mr. CHURCHWELL,] all that it is necessary, I presume, for me to say is, that my recollection of what occurred between my colleagues, [Messrs. CHURCHWELL and CULLOM,] on the occasion referred to, is precisely as stated by my colleague, [Mr. CULLOM.] That is my recollection.

Mr. CHURCHWELL. Now, I hope the gentleman from Ohio will ask the same question of my other colleague near me, [Mr. SMITH,] who was close by me when I made the remarks alluded to.

Mr. CAMPBELL. Now, Mr. Speaker, I wish to bring this matter to a close.

Mr. CHURCHWELL. I hope the gentleman will allow my colleague [Mr. SMITH] to make a statement in justice to me.

Mr. CAMPBELL. Very well, propound the question to him yourself.

Mr. CHURCHWELL. No, sir; I will not ask it, but in justice to myself I ask you, sir, to propound it.

Mr. SEWARD. I now renew my point of order. The House will perceive that this is not a proper personal explanation.

Mr. CHURCHWELL. I hope the gentleman will not insist upon his objection until my colleague has made his statement.

Mr. CAMPBELL. I apprehend that the gentleman from Georgia cannot prevent the statement from being made.

Mr. SEWARD. I insist upon my question of order. The object of this discussion is evidently to arraign the gentleman from Tennessee upon the charge of falsehood. [A laugh.]

Several MEMBERS. "Oh, no!"

Mr. CHURCHWELL. I do not so understand it.

Mr. CAMPBELL. Certainly I have no such purpose.

Mr. SEWARD. Well, sir, this is a question in which the gentleman from Tennessee is only concerned. I want to know how the gentleman from Ohio is personally interested in the matter?

The SPEAKER *pro tempore*. The Chair overrules the question of order raised by the gentleman from Georgia.

Mr. SEWARD. Then I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The House unanimously permitted the gentleman from Ohio to make a personal explanation. The gentleman from Georgia raises the question of order that the gentleman from Ohio is not confining himself to that explanation. The Chair overrules the question of order, and from that decision the gentleman from Georgia takes an appeal. The question now is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. CHURCHWELL. I hope, in justice to myself, that the gentleman from Ohio may be allowed to proceed.

Mr. SEWARD. At the suggestion of the gentleman from Tennessee, [Mr. CHURCHWELL,] I withdraw the appeal.

Mr. CAMPBELL. I am very far from arraigning the gentleman from Tennessee on the charge of falsehood. I wish that understood. What I do undertake to say is, that there are things printed in that speech which, whether said or not, are not true. I do not say that the gentleman from Tennessee has wilfully and deliberately uttered untruth; but he has uttered, if what is printed was uttered, an untrue statement of several things.

Mr. CHURCHWELL. Point them out.

Mr. CAMPBELL. Whether they were said or not the allegations are not correct, the first that is untrue, and the gentleman will understand me to use the term in no disrespectful sense, is that his

colleague was congratulated by my colleague, Mr. GIDDINGS.

The SPEAKER *pro tempore*. The Chair thinks that the gentleman must, in his explanation, confine himself to the portions of the speech referring to himself.

Mr. CAMPBELL. So closely am I associated in all these matters that I cannot explain without referring to them.

The gentleman is next mistaken as to the gentleman from New York, [Mr. GERRIT SMITH;] and thirdly, as to the charge that I congratulated the gentleman's colleague [Mr. CULLOM] upon this floor, I know that it is not correct. The gentleman will so recollect himself. It is untrue, and I know it, and so pronounce it, for the reason which I shall now proceed to give. I purposely and studiously avoided turning my face to the gentleman when he was delivering his speech, and I purposely and studiously avoided going to him, shaking hands and congratulating him, as the distinguished gentleman from South Carolina [Mr. Aiken] and others did. I did so for the reason that I believed an effort would be made in some quarter or another to put these personal friends of mine [Messrs. CULLOM, ETHERIDGE, TAYLOR, and BUGG] in a false position at home. Now, I say, in the face of God and the country, that the gentleman is mistaken when he says in this speech that I did go up and congratulate his colleague.

I have but a word more to say. I am actuated in this matter by no unkind feeling towards the gentleman from Tennessee, [Mr. CHURCHWELL,] for I think that a harsh word has never passed between us since the commencement of our intercourse here. I did not rise because I felt that any injury was done me by classing me with the distinguished gentlemen to my right, [Messrs. GIDDINGS and SMITH;] not at all; for I do not know but what they have been more in the right than I have. I have never acted with their party. I arose for the purpose of correcting this matter, for the benefit of the gentleman's colleagues, supposing that, by reason of the forged papers which have been used heretofore to stigmatize me in Tennessee, and the means used to associate these gentlemen with me now, their constituents might be led to indulge in erroneous opinions in relation to their associations and their action here upon great national questions.

Mr. CHURCHWELL. I ask but a word in reply.

Mr. HILLYER. I must object. We have already taken up a full hour with this matter, and I object to the gentleman's proceeding.

Mr. CHURCHWELL. I hope the gentleman from Georgia will allow me to reply to what the gentleman from Ohio has said.

Mr. CAMPBELL. I hope the gentleman from Tennessee may be allowed to proceed with his remarks.

Mr. ORR. I move to suspend the rules for the purpose of enabling the gentleman from Tennessee to go on.

Mr. HILLYER. At the earnest request of the gentleman from Tennessee, I withdraw my objection.

Mr. CHURCHWELL. I am indeed thankful for the speech just closed by the honorable gentleman from Ohio, [Mr. CAMPBELL.] The point which he rose to make was, that I had said that the Abolitionists and Free-Soilers had congratulated my colleague, [Mr. CULLOM]—men of such stamp as Mr. GIDDINGS, of Ohio, Mr. SMITH, of New York, and Mr. CAMPBELL, of Ohio. The direct point which the honorable gentleman makes is,—and he says he means it in no disrespect,—that I used his name in connection with men of such stamp as GIDDINGS and SMITH as congratulating my colleague. I have been informed by several gentlemen, particularly by my colleague, [Mr. SMITH,] that I made use of the language contained in the speech, as published by me. If I was then incorrect, the gentleman from Tennessee [Mr. CULLOM] should have corrected me. There was a crowd of northern Free-Soilers around my colleague, [Mr. CULLOM.] I may have been mistaken as to Mr. CAMPBELL being among them—I am not mistaken as to the point of fact, that he was congratulated by Free-Soilers and Abolitionists.

There is one thing about which there is no mistake: that the speech of my colleague contained sentiments which made it popular at the North.

I find Abolition names upon the record, or list of those who subscribed for the honorable gentleman's speech—SUMNER, SEWARD, and others of like stamp.

Mr. SEWARD. Say SEWARD, of New York. [Laughter.]

Mr. CHURCHWELL. With pleasure, sir; all know it is the Abolitionist I allude to.

Mr. CULLOM. A much larger number of my speech was circulated at the South than at the North.

Mr. CHURCHWELL. I do know that fifteen thousand of this speech, which the gentleman from Ohio [Mr. CAMPBELL] rises here and attempts to justify, were circulated at the North, and that five thousand were subscribed for by one gentleman, [Mr. MATTESON, of New York,] who is, I believe, a known Abolitionist, and known to be an intimate friend of SEWARD, of New York. The gentleman's own statement makes a worse case for my colleague than anything said by me. What does the gentleman from Ohio [Mr. CAMPBELL] say to-day? He assigns as the reason why he did not congratulate my colleague, that he was afraid that it would do him an injury.

Mr. CAMPBELL. I hope the gentleman from Tennessee will not misstate what I said. I was then alluding to the assertion which the gentleman made, that I did congratulate his colleague, [Mr. CULLOM.] I said I did not congratulate him, and I gave as a reason for it that I had understood from other sources that I was charged with having made an effort to sway the opinions of the gentleman from Tennessee, [Mr. CULLOM.] I purposely and studiously, therefore, avoided congratulating him, because I did not desire to have any suspicion of that kind entertained by gentlemen.

Mr. CHURCHWELL. I understand the gentleman from Ohio to say that he studiously avoided congratulating my colleague for fear that he might do him an injury with the people of Tennessee. And why, why, I would ask, was he under that apprehension?

Mr. CAMPBELL. I will answer the gentleman why it was. It was for the reason which I have given—that I knew tens of thousands of forged documents, purporting to have been written by me, and over my signature, had been scattered over the State of Tennessee, charging Abolition sentiments, and so forth, on me. That is the reason why I feared to injure him with the people of Tennessee.

Mr. CHURCHWELL. It is the first time, since the honorable gentleman from Ohio [Mr. CAMPBELL] has been a member of this House, that I have ever heard of the fact that he has attempted to defend any gentleman who it might be thought would be injured by an association with him. The honorable gentleman need not get up and tell the people—because they all believe it—that he entertains Abolition notions. They know that he is an enemy to the fugitive slave bill. What better evidence do they want of his being an Abolitionist? Why, he answers that by saying that all the Whigs of the North are equally Abolitionists. This makes his case still worse, and is, indeed, poor palliation!

But I shall detain the House only a few moments longer. I have been astonished at the extraordinary position assumed by these gentlemen this morning. It was a deep-laid scheme that was laid to entrap me, in which the honorable gentleman from Ohio [Mr. CAMPBELL] set the triggers, which my colleague from Tennessee was to pull. Beautiful association that, [Mr. CULLOM and Mr. CAMPBELL.] It will make my colleague popular in Tennessee!

Mr. CAMPBELL. I expressly stated that I did not mean to charge that the gentleman from Tennessee [Mr. CHURCHWELL] had made his misstatements willfully, or for the purpose of misrepresenting me. What I stated emphatically was, that the remark of the gentleman was not true, was not correct; that the gentleman was mistaken in saying that I had congratulated his colleague; and I have proven that he was mistaken.

Mr. CHURCHWELL. I accept the gentleman's explanation. He has a right to correct me; and I accept his correction. But I hold to what I did say, that my colleague was congratulated by Abolitionists. He [Mr. CULLOM] does not deny that, but he says that gentlemen alike from North and South, congratulated him; and he mentions

the names of some two or three southern men who did so. But, sir, I am well satisfied that those gentlemen congratulated the ability, and not the sentiment of his speech.

Mr. CULLOM. Of course.

Mr. CHURCHWELL. Of course—the gentleman says.

Mr. CULLOM. Let my colleague state the Abolitionist on this floor who congratulated me on that head.

Mr. CHURCHWELL. I said that Free-Soilers and Abolitionists congratulated him.

Mr. CULLOM. I say that not one Abolitionist or Free-Soiler congratulated me, as far as I know.

Mr. CHURCHWELL. So far as the gentleman knows of.

Mr. CULLOM. I deny that they did, and I require proof of the fact.

Mr. SAGE. Give the names.

Mr. CHURCHWELL. I would name you first.

Mr. SAGE. As the gentleman from Tennessee [Mr. CHURCHWELL] has made allusion to me as one of those who congratulated the gentleman from Tennessee, [Mr. CULLOM,] and as being a Free-Soiler, I want to state that the gentleman is mistaken.

Mr. CHURCHWELL. I did not say that you did. I stated that the gentleman from New York approved of the sentiments of that speech.

Mr. SAGE. I will state to the gentleman my position. I have ever been a Whig of the Henry Clay school, and one of the few who supported him in the Philadelphia convention, until General Taylor was nominated, and that, too, when a portion of the Kentucky delegation voted against him.

Mr. CHURCHWELL. I wish to ask my colleague if Messrs. MATTESON and MORGAN did not congratulate him?

Mr. CULLOM. I presume they did. I cannot speak with certainty; but I presume they did. I do not know the fact whether they did or not.

Mr. MATTESON. Did the gentleman ask whether I congratulated him?

Mr. CHURCHWELL. I did.

Mr. MATTESON. I was at Utica, New York, at the time the speech was made; but had I been here I should have done so.

Mr. CHURCHWELL. Then nobody congratulated the gentleman. [Laughter.]

Mr. MORGAN. Will the gentleman allow me to answer?

Mr. HUGHES. I rise to a question of order. It is this: whether, when any question arises in the House, it is in order for any one member to poll the members of the House?

Mr. BAYLY, of Virginia. Has the morning hour expired?

The SPEAKER. It has not yet commenced.

Mr. MORGAN. I will now answer the gentleman's question. I am called upon to state whether I did not congratulate the gentleman's colleague [Mr. CULLOM] at the close of his speech? I thank God I had the opportunity of congratulating a good and honest man from the South.

Let me say to the gentleman, that I never belonged to a Free-Soil or Abolition organization, but always to the old-fashioned Whig, Henry Clay school, until he [Henry Clay] abandoned us on the fugitive slave law. [Laughter.]

[A message was here received from the Senate, by the hands of ASBURY DICKINS, their Secretary, informing the House that the Senate had passed bills of the following titles:

S. R. No. 390. An act to authorize the coinage of gold pieces of the value respectively of ten eagles and five eagles, and for other purposes; and

S. R. No. 398. An act for the relief of the heirs of Captain Joshua Chamberlain, deceased, in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed bills of the House of the following titles:

House bill No. 178. An act for the relief of Benjamin Rowe; and

House bill No. 266. An act for the relief of Captain E. A. F. Lavalette, of the United States Navy, severally without amendment.]

Mr. CHURCHWELL. I have at last ascertained that he was congratulated by at least one Abolitionist, [Mr. WASHBURN, of Illinois.]

Mr. WASHBURN, of Illinois. I did congratulate the gentleman, and I shall ever congrat-

ulate such noble sentiments, by whomsoever uttered.

Mr. EWING. I should like the gentleman from Illinois to state whether he, too, is of the Henry Clay school? [Laughter.]

Mr. WASHBURN. I am. I will state that I was a member of the convention at Baltimore, and helped to nominate Henry Clay, in 1844.

Mr. CHURCHWELL. One word, and I will close. The points, and, as I understand it, the only points which have been made by the gentleman from Ohio upon me, is simply whether I used the expression to which he has referred in my printed speech, in my remarks in the House, and whether he did congratulate my colleague upon his speech. The gentlemen have presented their evidence. Now, sir, I come in with rebutting testimony. I will present affirmative evidence. I ask my colleague, [Mr. SMITH]—and I might bring other witnesses to back him, if necessary—to state to the House whether he did not hear me use the language contained in my printed speech to which the gentleman from Ohio has referred?

Mr. SMITH, of Tennessee. It will be recollected that I occupied a seat near my colleague during the delivery of his speech. At the portion of his speech now in controversy, I was handing my colleague an extract which he had desired me to turn to for him, and as I handed it to him, he turned to me, and while finishing a remark, I distinctly heard him use the name of Mr. CAMPBELL. I do not think he said it loud enough to be heard by the House generally, but I heard him distinctly.

Mr. CHURCHWELL. Now, I think that matter is settled; and now I want the gentleman distinctly to understand that I accept his correction, but that he has not entrapped me, as was premeditated, and as he desired. I have done.

Mr. STANTON, of Kentucky. I now rise to a question of privilege.

Mr. CULLOM. I ask the gentleman to allow me to say a word. I will not occupy the time of the House but a moment.

Mr. STANTON. It seems to me that enough has been said upon this matter; but as the gentleman desires to make an explanation in reference to himself, I will yield to him, hoping that he will make his remarks as brief as possible.

Mr. HILLYER. I must object to any further personal explanation. I gave notice some time since that I would.

HON. MIKE WALSH—CONTESTED ELECTION.

Mr. STANTON, of Kentucky. On Saturday last there was presented to this House a petition signed by George W. Isaacs, of the city of New York, and others, protesting against the right of the Hon. MIKE WALSH to hold a seat upon this floor. As that memorial is short, I send it to the Clerk, and ask that it may be read.

The memorial was read by the Clerk, as follows:

To the Honorable the House of Representatives:

The petition of George W. Isaacs and others, whose names are hereunto appended, of the city of New York, respectfully sheweth:

That early in the present session, a petition was presented to the House, alleging, and offering to sustain by evidence, the fact that Mike Walsh, now holding a seat in the House, from the fourth congressional district of the State of New York, was incapacitated to retain the same, by reason of his being an alien. The petition was reported back by the Committee of Elections, because no proofs accompanied it. A further petition was subsequently presented, with two affidavits annexed, of respectable witnesses, taken before a United States Commissioner, establishing the fact of Mr. Walsh's ineligibility, with an offer to produce additional testimony in support thereof, in such manner as the House or its Committee of Elections might order and direct. Repeated efforts have been made by personal correspondence with some members of the committee, to obtain a hearing of the matter; but thus far it has been without success. We now desire to bring this question directly to the attention of the House, and to ask, as we respectfully do, that some order shall be promptly made, by means of which your petitioners shall be enabled to lay before you their proofs, which we are ready to adduce whenever an opportunity shall be afforded to us; and in such manner as shall be directed by you.

And your petitioners will ever pray.

G. W. ISAACS,

JOHN GRIFFIN, 192 Hester street.

WILLARD PHELPS, No. 16, First avenue.

PATRICK HURLEY, No. 823 Chatham street.

WILLIAM P. POWERS, 76 Prince street.

JOHN KETCHUM, 271 Elizabeth street.

New York, May 30, 1854.

Mr. STANTON. The memorial just read was sent to the Speaker of this House, accompanied by the letter which I hold in my hand, with the

request that it be read to this body. The letter to the Speaker goes on to say that the first memorial to the House was sent at the commencement of the session, to Mr. EWING, one of the Committee of Elections, who "has played the traitor and coward in stifling its contents from the country."

The SPEAKER *pro tempore*, (Mr. JONES, of Tennessee, in the chair.) The gentleman had better have the letter read from the desk.

Mr. STANTON. I do not intend to have the whole of the letter read. I only wish to refer to those parts which cast censure very unjustly, I think, upon members of the Committee of Elections.

Mr. PENNINGTON. I claim that the whole paper ought to be read.

Mr. STANTON. Very well; if that be the wish of the House, it must be so; though I prefer it should not be done.

The Clerk then proceeded to read the letter as far as Mr. STANTON had stated its contents.

Mr. ORR, (interrupting.) I object to the reading of a document which reflects in the manner this does on a member of this House.

Mr. EWING. I ask the gentleman to withdraw his objection, and let the letter be read. It would be doing me great injustice to stop its reading now.

[Cries of "Read it!"]

The SPEAKER. The paper will be read. Connected with the right of a member to a seat in this body, and introduced on a privileged question, it must, in the opinion of the Chair, be read, if desired.

Mr. ORR. I do not assent to the correctness of the proposition that everything submitted here as a question of privilege must, of necessity, be read. The gentleman from Kentucky asks me to withdraw my objection. In justice to him I do so; but I think that the paper ought not to have been presented when it reflected in the manner it does on a member of this House.

Mr. STANTON. I have no desire that the paper should be read. I intended simply to read a few lines of it, in order to show to the House that the Committee of Elections have been very much censured in consequence of their not having, as these persons suppose, taken proper action on their petition. These letters are addressed, one to the Speaker, and the other to the honorable gentleman from New York, [Mr. SMITH,] and reflect on the committee and the honorable member whose claim to a seat here is contested, in very gross and vulgar language. My object in obtaining the floor this morning, was simply to present this matter to the House, and to ask it to take some action on the subject, which I shall indicate in proper time. I hope that the further reading of the papers will be dispensed with, and that I may be allowed to go on with my statement.

[Cries of "Read!"]

The SPEAKER. Does the gentleman move to dispense with the further reading of the papers?

Mr. STANTON. I merely suggested that their further reading be dispensed with, on account of the nature of their contents; and as that seems to be the desire of some gentlemen, I submit the motion now to dispense with the further reading, if that be necessary to get rid of the reading.

Mr. EWING. I would ask it now as a favor from the House that the letter be read. I think, in justice to me, that its further reading should not be dispensed with.

Mr. BAYLY, of Virginia. Enough has been read to make the reading of the remainder necessary.

Mr. HUNT. I think that the entire letter ought now to be read. It brings a charge of dishonor against a member of this House. The whole letter, when read, will show the temper in which it has been communicated to the body. As an act of justice to the gentleman from Kentucky, it ought to be read.

Mr. STANTON. Permit me to say, that the remarks inclosed in brackets are only those which relate to the committee. The balance of the letter refers to the honorable gentleman from New York, [Mr. WALSH,] and treats him quite as badly, if not worse, than the committee.

Mr. PRESTON. I hope the letters will be read.

The question was then taken whether the letters should be read, and it was decided in the affirmative.

The letters were then read through by the Clerk.

Mr. STANTON. It will be seen that the author of these letters refers to former memorials which have been sent to this House, one of which was sent to my honorable colleague, [Mr. EWING,] and by him regularly presented to the House, and referred to the Committee of Elections. The committee met, and took up the question; but found that there was no proof submitted by these memorialists which would justify their taking any action on the subject; and, after waiting a reasonable time, they reported the memorial back to the House, and asked to be discharged from the further consideration of the subject.

Subsequently another memorial—the one which I hold in my hand—was presented to this House. I believe by myself, at the request of one of the parties. It contains two affidavits, which purport to be the proof on which this whole charge against the honorable gentleman from New York rests. One of these affidavits states that on a certain occasion the affiant met the Hon. Mr. WALSH either in Albany or in New York, and that in a conversation with him, the Hon. Mr. WALSH said he would not acknowledge himself to be an Irishman born, because at some future day he might be called upon to become President of the United States, [laughter;] and the Constitution, said he, would forbid him to occupy that position.

The next affidavit is that of a person who calls herself Charlotte Malony. She says she was once on a visit to Ireland, or happened to be in Ireland, when she met the mother of the Hon. Mr. WALSH, and her son Mike, who was then a child of six or eight years of age; and that when there the mother told her that Mike was born in Ireland. That subsequently she had met the mother and child here in New York, and recognized Mike as the same one she had seen in Ireland. That is the whole of the testimony presented by this memorial, and which has come before the committee. Some time after the memorial was referred to the committee, I received the following letter from the gentleman who signed it:

NEW YORK, May 9, 1854.

SIR: Can I ask the favor to be informed if any proceedings are likely to be soon taken by the Committee of Elections, in reference to the petition of myself and others in your possession, or in that of the committee?

I dislike to be troublesome; but your prompt and courteous reply to my former note warrants me in again calling your attention to the subject. Those who have united with me in this matter have been daily expecting to receive some notification from your committee, and are constantly importuning me with inquiries.

Respectfully, your obedient servant,

G. W. ISAACS,
No. 141 east 27th street.

HON. RICHARD H. STANTON.

When I received that letter, (which is from one of the persons whose names are attached to the memorial presented on Saturday,) I called the Committee of Elections together. I laid the matter before them; and, under their instructions, I replied to the letter, assuring the gentleman who wrote it that the Committee of Elections would take up the matter whenever the papers and proof substantiating the case were laid before them; that the testimony then before them was not sufficient to justify any action on their part; that it scarcely made out a *prima facie* case; and that the committee could go no further, unless they were put in possession of more and stronger testimony. I said to him, also, that if he and his friends desired to produce more testimony on the point before this committee, it was for them to have it taken in the city of New York, and sent here to some member of the New York delegation, so that it might be presented to the House, and regularly referred to our committee; and that when they made out a case in this way, the committee would be prepared to act upon it, and to act promptly. At least such is my recollection of the contents of my reply, as I kept no copy of the letter.

I am satisfied, from the correspondence which I have had with this gentleman, and from the letters which have been presented here to-day, that this whole crusade against the honorable gentleman from New York, grows out of some personal ill-will entertained towards him by, at least, some of the persons who have signed the memorials.

I am satisfied that the matter ought not to engage the attention of this House further; and for this reason I intend to move, before I close my

remarks, that the Committee of Elections be discharged from the further consideration of the subject.

I omitted to say that in my letter to Mr. Isaacs, I stated to them, as well as I now remember, that the Committee of Elections had no power to send to New York to have testimony taken, or to go there for that purpose. They seemed to think from their letter to me previously to the one that I have just read, that the committee would come to New York and sit there and take testimony, or else send a commission for that purpose. I informed these gentlemen that, under the rules of the House, the committee had no such power; and now, if the House think that the matter ought to be further considered, let them, instead of voting affirmatively on my proposition that the committee be discharged from the further consideration of the subject, reject that proposition, and give the committee the power to send for persons and papers, or to send a commission to New York; and I am sure there is not a single member of the committee who will not discharge his duties in the premises promptly. These persons have no right to complain of the course of the committee, as every disposition has been shown to hear and consider whatever testimony might be furnished them; and the committee had no power to take or consider any testimony which did not come to them through the House by regular reference. The fact that they did not send further testimony, and pursue the course which I indicated, is not explained by their last memorial, in which they censure the committee. I move that the committee be discharged from the further consideration of the memorial.

Mr. BAYLY, of Virginia. I will suggest to the gentleman from Kentucky, [Mr. STANTON,] that in my opinion the proper course to be taken in this matter is to suspend the rules, so as to enable us to reconsider this vote by which these papers were referred to the Committee of Elections. They were so referred; but they never ought to have been; and I am sure it was a matter of inadvertence on the part of the Speaker, that they were so referred; because the reference of them was in direct violation of one of our standing rules. They are not respectful to this body, or to its members.

Mr. STANTON. The letters which I read were not referred to the committee.

Mr. EWING. I wish to ask the gentleman from Virginia to withhold his proposition in reference to this matter until I can make a very few remarks.

Mr. BAYLY. I shall finish my remarks in a moment, and then the gentleman will have an opportunity to submit what he has to say.

I suggest to the House that the appropriate mode of getting rid of this whole matter is to reconsider what has been done. My own opinion is, that the proper course is not to receive these papers at all. They are disrespectful to the House, and I am sure, as I said before, it was an inadvertence on the part of the Speaker that the papers were ever referred to the committee.

A MEMBER. They have not been referred.

Mr. EWING. I did not suppose that I should be called upon to make any personal explanations this morning. I was overtaken by this necessity in unconscious innocence. The House seems to have been abundantly satisfied, and even to be satiated with them. But I may, perhaps, as well begin my explanation in the usual form used this morning; and will state, therefore, that I have been a Clay Whig all my life; but I have never been congratulated by an Abolitionist, [laughter;] and that Henry Clay never did abandon me, as he was unkind enough to do with the gentleman from New York, [Mr. MORGAN;] but adhered to me in all the vicissitudes of my changeable life.

In reference to this very grave matter, which has been brought before this House—with all due respect to the gentleman from Kentucky, [Mr. STANTON,] and with a conviction that his motives were perfectly correct—I must say, I think he erred in bringing it before the House at all; and I think he further erred, if he will allow me to say so, in laying it before the House, without giving me some notice that he was going to do so, and without exhibiting to me those documents so interesting to me. [Laughter.]

Mr. STANTON. I will say to the gentleman from Kentucky, that I did not do it solely upon

my own suggestion. It was first suggested in a conversation with the Speaker of this House, and I afterwards consulted some members of the Committee of Elections, and from the result of such consultation I determined to do it.

Mr. EWING. I do not intend to find fault with the course which has been pursued; but I will only say, that it is my opinion, as I have a right to say, interested as I am in it, being a grave political controversy, which may perhaps result in my political death, [laughter,] I will say I think he erred.

Well, they say I have smuggled this matter out of the way. I may, perhaps, be allowed to say, that I did not think it proper to have it brought before the House. It may be proper to state in a few words the reasons which have influenced my course upon this matter; and I do not suppose that any gentleman upon this floor will think that I have not acted upon good reasons.

An ex-member of the last Congress, an eminent and worthy gentleman, asked me if I would present a petition or memorial of the character referred to, from the city of New York, if signed by respectable gentlemen in that city. I told him I would not hesitate to do so, as the gentlemen who should sign it were constituents of the member whose seat was sought to be contested, and must seek some other organ of communication to the House. Upon that assurance the memorial was sent, and it was referred to the Committee of Elections. I did not read it before it was so referred. The memorial was shown to the gentleman from New York most interested in it, and he told me the character of each and every signer of that paper; and he painted their character in by no means favorable colors.

Subsequently, in confirmation of his representations, we received a most delectable document, somewhat similar in its character to those which have entertained the House at my expense. I hold in my hand a letter from the same gentleman—for it seems to be in the same hand writing, and written by one—but signed "*more than one Irishman.*" It is an anonymous letter. Here is the letter, (holding it up before the House.) The characters seem to swell and grow larger, as the writer swelled in indignation; and by the time that he reached the close of the page, he makes such characters as I have no doubt the Speaker can see from his chair. He says, in such swelling characters, "*If he has papers, let him show them.*"—in characters large enough to make a sign for a wholesale commission store. [Laughter.]

I, of course, could make no reply to that, and I showed it to my friends. From these, in connection with other facts, taking in view the fact that it was couched in unusual terms, and asked that a committee be sent to New York, and that it was unaccompanied by any proof, we waited some little time; the committee met; I was not present; but they determined to ask the House to discharge them from the further consideration of the memorial. The chairman came to me and requested that I should make the report of the committee. I did so, having originally presented the memorial, concurring, as I did, in the conclusion of the committee.

I afterwards received another document, even more interesting than either of the others, abusing me and the committee in the most delectable orthography, taking great liberties with our good names and characters, and still greater with the Queen's English. It seems to me that if anything is to be done in this matter, the first step ought to be taken by her Majesty the Queen of Great Britain. I have been waiting for her to first avenge the outrage which has been committed upon her Majesty's language. When that insult has been settled or avenged, when their differences have been amicably adjusted, I may then feel myself called upon to hunt up Mr. John Griffin, and hold him responsible for charging me with lying. [Laughter.] He ought not to have done it. It is simply a question of veracity between him and myself. He says I lied in my throat; I say I did not. [Laughter.] I hope the matter will be amicably adjusted. [Renewed laughter.] But he takes greater liberty, even, with my friend from New York than with myself. He calls him a rask-i-l, [great laughter,] and of the superfine stamp.

A MEMBER. Read it.

Mr. EWING. No, I will not read the letter. His language is, that "Mike is a superfine ras-

kil." He signs himself, "A Hard Shell Democrat." Now, sir, I confess, to the charge the gentleman—as my colleague upon the Committee of Elections [Mr. STANTON] is pleased to call him—a gentleman, I suppose, by way of a joke, [laughter]—I confess to the truth of the charge that I did wish to "smuggle" the matter from the House; or, rather, to be more accurate in the expression, I did not think it worthy to occupy the attention of even one member of the House. The whole affair seems to be founded in malice, from the fact that, in the first communication it is said that they would not have published this—that is, that Mike was an Irishman—but for the fact that, in a private correspondence, Mike had given them an insult. He says he would "sometimes say, 'Never mind; it takes us (meaning us Irish) to come the shy over the Yan-k-e-y-Softs.'" [Laughter.]

It seems from this letter that if there were any fraud, these people were confederates in the fraud; and now they want to turn State's evidence, and revenge themselves upon the honorable member from New York on account of some fancied or real insult. [Cries of "That's clear! That's clear."] Of course, I had no other interest in the matter except that I should very much regret to lose so useful and industrious a member from this House. He is, I believe, now present, as he almost always is, as well as my friend from South Carolina, [Mr. KERR,] and myself. [Laughter.] I say the services of so industrious a member could not well be dispensed with; and I could, therefore, of course, have no feeling in common with those gentlemen who wish to pursue this prosecution. I have no other explanation to make further, save that I wish it borne in mind that I am a Whig of the Henry Clay school, and that he did not forsake me when the slavery question came up, as he did the gentleman from New York. With these remarks, sir, I will not trouble the House further with an affair so unimportant. I do not doubt that you will concur with me in the propriety of pursuing the course I did.

Mr. ORR. I agree with the honorable gentleman from Virginia, [Mr. BAYLY,] that this matter should never have been brought before the House. But, upon subsequent inquiry, I learn that these letters were never sent to the Committee of Elections at all. I regret exceedingly that I did not adhere to my original purpose, and insist that these papers should not be read. But I think the House ought now to dispose summarily of the matter. A motion has been made to discharge the Committee of Elections from the further consideration of the memorial. In order to close debate, I will move to lay the memorial upon the table. The motion of the gentleman from Virginia would accomplish the purpose, but we would have to go a round-about way to accomplish it. It would require a suspension of the rules; and there is a motion to suspend the rules already pending; and as the memorial was presented and referred under the rule, there may be some doubt as to whether we have the right to reconsider the reference. I think, with the gentleman from Virginia, that it should never have been received; but the best way we can dispose of it now is to discharge the committee from its further consideration, and lay it upon the table.

Mr. BAYLY, of Virginia. My friend from South Carolina will allow me to say a word. The remarks which I made were predicated on the supposition that these letters had been referred with the memorial. Otherwise I could not conceive why they were brought here. My remarks, I distinctly say, were predicated on the supposition that those matters had been referred. If they had not been referred, then I adhere to my former remark that they were introduced through inadvertency, but very improperly.

The SPEAKER *pro tempore*. The Chair understands that the letters were not referred, either in the House or under the rule, and that the memorial was the only paper referred.

Mr. BAYLY. I have no further suggestion to make.

Mr. LETCHER. I hope that there will be unanimous consent to exclude these letters from the Congressional Globe. They have come improperly before the House, and I do not think that they should be allowed a place there.

Mr. HOUSTON. The gentleman from Ken-

tucky uses them as part of his speech; and he has the power to suppress them, if he chooses.

Mr. STANTON, of Kentucky. The House will recollect that I did not desire the reading of more than a single paragraph of the letters—no more than four or five lines—and that portion going to censure the Committee of Elections. I shall not publish the letters, as a matter of course, in my printed remarks.

Mr. HOUSTON. Then no motion is necessary.

The question was taken; and the committee was discharged from the further consideration of the memorial.

Mr. ORR. I move to lay the memorial upon the table.

The motion was agreed to.

TIME OF MEETING OF CONGRESS.

The SPEAKER. The pending question is on a motion made by the gentleman from Georgia, [Mr. HILLYER,] that the rules be suspended in order that he may introduce a bill to change the time for the meeting of Congress.

Mr. HILLYER. The bill is short, and I would ask its reading.

The bill was read. It provides that hereafter the day appointed by law for the meeting of Congress shall be the first Monday in November of each year, instead of the first Monday in December.

Mr. HILLYER. I demand tellers on the motion for suspension of the rules.

Mr. BRIDGES called for the yeas and nays, but subsequently withdrew the call.

Mr. JONES, of Louisiana. I renew the demand for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 115, nays 58; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Banks, Belcher, Bell, Benson, Benton, Bliss, Boeck, Boyce, Brooks, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chrisman, Clingman, Colquitt, Corwin, Crocker, Curtis, John G. Davis, Dawson, De Witt, Dick, Disney, Edmunds, Everhart, Farley, Faulkner, Fenton, Flagg, Fuller, Giddings, Goodrich, Green, Greenwood, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Haven, Hendricks, Henn, Hillyer, Howe, Hughes, Ingersoll, Johnson, Keitt, Kerr, Kidwell, Knox, Lamb, Latham, Lindley, Lindsey, McCulloch, Matteson, May, Middleworth, John G. Miller, Smith Miller, Millson, Morgan, Nichols, Norton, Olds, Mordecai Oliver, Orr, Parker, Pennington, Bishop Perkins, Preston, Pringle, Puryear, Reese, Riddle, David Ritchie, Thomas Ritchey, Russell, Sabin, Seward, Shannon, Shower, Samuel A. Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Vansant, Wade, Walker, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, and Zollieffer—115.

NAYS—Messrs. Barksdale, Barry, Bridges, Caskie, Churchwell, Clark, Cobb, Cox, Cullom, Dickinson, Dowdell, Dunham, Eastman, Eddy, Edmundson, Thomas D. Eliot, Ellison, Etheridge, Florence, Goode, Hamilton, Wiley P. Harris, Hill, Houston, Hunt, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Kurtz, Leitcher, Lilly, McMullin, Murray, Noble, Andrew Oliver, Packer, Peck, Peckham, Phelps, Powell, Ready, Robbins, Ruffin, Sapp, Shaw, Singleton, Skelton, Gerrit Smith, George W. Smyth, Hester L. Stevens, David Stuart, John L. Taylor, Vail, Wheeler, Witte, and Daniel B. Wright—58.

So, two thirds not voting in the affirmative, the rules were not suspended.

MODIFICATION OF THE TARIFF.

Mr. HAVEN. I want the ear of the chairman of the Committee of Ways and Means, while I have that of the Speaker. I ask for the unanimous consent of the House to enable the chairman of the Committee of Ways and Means to report a bill reducing the revenue and adjusting the tariff.

Mr. RITCHIE, of Pennsylvania. I object.

Mr. HAVEN. I move to suspend the rules for the purpose indicated.

Mr. ROBBINS. As a member of the Committee of Ways and Means, I desire to submit a minority report. If one report be submitted, so ought the other. Will the gentleman include in his motion the minority as well as the majority report?

The SPEAKER. The minority report would come in more regularly after the majority report had been submitted.

Mr. HOUSTON. I presume the gentleman from New York will not object to the suggestion made by the gentleman from Pennsylvania.

Mr. HAVEN. I accept the modification.

Mr. HOUSTON. I hope that the gentleman from Pennsylvania [Mr. RITCHIE] will withdraw his objection. The bills are merely asked to be received for reference, and that they may be printed.

Mr. PENNINGTON. I demand the yeas and nays.

Mr. FLORENCE. I demand tellers on the yeas and nays.

Tellers and yeas and nays were both refused.

The question was then put, and (two thirds voting in the affirmative) the rules were suspended.

Mr. HOUSTON, from the Committee of Ways and Means, reported the following bill; which was then read a first and second time by its title, as follows:

A bill reducing the rates of duty on imports, and for other purposes.

Mr. ROBBINS. I wish to state that I have accompanied the substitute drawn up by a minority of the committee with a report, which I desire to have printed with the bill.

The bill and substitute were then referred to the Committee of the Whole on the state of the Union, and, together with the report presented by the minority of the committee, ordered to be printed.

TIME OF MEETING OF CONGRESS.

The SPEAKER. The Chair is informed by the Clerk that there was a mistake upon the former vote upon the motion made by the gentleman from Georgia [Mr. HILLYER] to suspend the rules. The vote being 115 to 57; and that being two thirds, the rules are suspended.

The bill was then read a first and second time by its title, as follows:

A bill to change the day for the annual assembling of Congress.

The SPEAKER *pro tempore*. The question now will be upon ordering the bill to be engrossed and read the third time.

Mr. HILLYER. I do not intend to make a speech to the House in support of the bill I have introduced; and I only desire to say just one word in reply to the remarks made by the gentleman from Tennessee, [Mr. JONES,] the other day, in relation to the proposition that Congress should meet prior to the first Monday of December. The position taken on that occasion by that gentleman was, that Congress, upon assembling on the first Monday of December, would do nothing until after Christmas; and if Congress assembled at an earlier day than the first Monday of December, that still no business would be done until after the Christmas holidays were passed. I merely wish to say, by way of reply to the position taken by that gentleman, that the very object I had in view in introducing this bill was to avoid the force of the gentleman's objection. I know it has been the general practice of Congress to do but little business before Christmas, for the obvious reason that the first week of the session, and even more than that, is consumed by the members in drawing their seats, in the organization of the House, the appointment of committees, in providing themselves with rooms, and in making arrangements to remain here during the winter.

After these necessary preliminary arrangements are completed, we are come to the middle of December, and are approaching the Christmas holidays; and generally but little business has been transacted before the expiration of that time. My object, then, is, that the House should meet earlier, at least about the first Monday in November, thereby adding another month to the short session, so that members could make the necessary arrangements, &c., and then proceed to the business of the session in good earnest—thus giving us time to act upon the vast amount of the business of the long session that may remain undisposed of. And also to act more judiciously and properly upon the questions appropriately arising for our consideration during the short session. It is within the experience of every man that has any experience on this subject, that three months is too short a time to be allotted to the short session of Congress. It ought to be extended at least one month.

I shall not pursue the discussion of the subject any further, but yield the floor for the purpose of enabling the gentleman from New York [Mr. PECKHAM] to make a motion to amend.

Mr. PECKHAM. I move to amend the bill by striking out "the first Monday in November,"

and insert in lieu thereof "the first Monday in October;" and upon that I move the previous question.

Mr. HAMILTON. Will the gentleman from New York withdraw his call for the previous question, and allow me to say one word?

Mr. PECKHAM. Certainly; I withdraw the call for the previous question.

Mr. HAMILTON. I would state to the House, that unless they fix the day of meeting on the second Monday in November, the State of Maryland cannot be represented in this House at the commencement of the next Congress. By the constitution of Maryland, the day of the general election for that State is fixed on the first Wednesday in November. We must therefore either have a special election for members of Congress, or we must at times be unrepresented in the organization of this House, or we must elect a year in advance; all and either of which will be wrong and injurious in operating upon us.

I think it wrong, and I think that the people of Maryland will consider it wrong to resort to the latter alternative, believing that Representatives should be elected as soon before the convening of Congress as they well can; because then will they more likely reflect the sentiments of their constituents, and then they are more immediately responsible to public sentiment.

Mr. GOODE. What is the time of the assembling of Congress provided for in the original bill? And what would be the effect of the previous question?

The SPEAKER *pro tempore*. The bill as it now stands, as introduced by the gentleman from Georgia, [Mr. HILLYER,] provides that the future meetings of Congress shall take place on the first Monday in November. The gentleman from New York proposes to strike out the words "first Monday in November," and insert in lieu thereof the words "the first Monday in October." If the previous question be demanded and sustained, it will bring the House first to vote on the amendment of the gentleman from New York, and then on the engrossment of the bill, and ordering it to a third reading.

Mr. GOODE. I desire to say that the original bill proposes to lengthen each session of Congress one month, so as to add sixty days to the legislation of the country, and sixty days additional expense to the country. It proposes thirty days addition to each session, which will be sixty days for the two years.

The amendment proposes to double this additional time, by adding sixty days to each session. Let the country understand that fact. The object is, or, at least, the result will be, to prolong the sessions of Congress. The tendency is—and the fact has been declared frequently by distinguished statesmen—to make our sessions of Congress perpetual. Sir, the evil of this age is excess of legislation, and we are providing, by this bill, to add to that evil. These remarks are designed simply to justify my vote in opposition to this bill, and I desired to have my grounds of opposition recorded.

Mr. BARKSDALE. By the provision of the constitution of the State of Mississippi, our State elections are required to be held on the first Monday and day following in November. The act of the Legislature passed in 1833, providing for the election of members of Congress, conforms to this provision in our constitution; and since that period our State and congressional elections have been held at the same time—on the first Monday and day following in November. The Legislature of the State convened on the first Monday in January last, and adjourned in March; and will not meet again until January, 1856.

The constitution also contains the following provision:

"Whenever two thirds of each branch of the Legislature shall deem any change, alteration, or amendment necessary to this constitution, such proposed change, alteration, or amendment shall be read and passed by a majority of two thirds of each House, respectively, on each day for three successive days; public notice thereof shall then be given by the Secretary of State at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment; and if it shall appear that a majority of the qualified electors voting for members of the Legislature shall have voted for the proposed change, alteration, or amendment, then it shall be inserted, by the next succeeding Legislature, as a part of this constitution, and not otherwise."

The House will see at once that the period for

holding our State election is fixed by the constitution, and cannot be altered unless in the manner prescribed by it, according to the above clause. The bill under consideration provides that Congress shall meet on the first Monday of November, the very day of our election. The Legislature may alter the time of electing our members of Congress without any change of our State constitution; but the Legislature will not meet again until January, 1856, two months after the meeting of Congress, according to the time specified in the bill.

The Governor would be compelled then to call an extrasession of the Legislature, at considerable expense to the State, to provide for the election of members of Congress, or the State of Mississippi would be disfranchised by this bill for an entire month, because it would require at least that length of time for the members to reach the capital after the election. It would also require us to separate our State and congressional elections, until our constitution could be altered so as to unite them again.

The act of our Legislature, prescribing the time for electing members of Congress, was passed in conformity to the Constitution of the United States, fixing the time of the meeting of Congress on the first Monday of December; and I contend, sir, it would be palpably unjust and oppressive now to change it, without giving all the States due notice of your intention to do so. Sir, I do not believe that this law should be imposed on any State in this Union, when its effect will be to disfranchise that State from any portion of the session of Congress. During the period when the Representatives from Mississippi could not be here, questions deeply affecting her rights and interests may be before this body, and she would have no voice in their decision. I am opposed to the passage of this bill. It was introduced to-day, and is being hurried through the House, without any time whatever for reflection or deliberation upon it.

Mr. BAYLY, of Virginia. I do not rise either to advocate or oppose the passage of this bill, but I do mean to say a word or two in reply to the argument of my friend from Maryland, [Mr. HAMILTON,] and others, in respect to the effect of the State constitutions upon the mode and time of electing members of Congress.

Mr. HAMILTON. I ask the gentleman from Virginia to allow me to explain in reference to the provisions of the constitution in the State of Maryland. It says nothing about the election of members of Congress. That is left for the Legislature to provide for. But a law has been passed specifying the time of the election; and unless this bill is altered, there will have to be a special election called before the commencement of the next Congress.

Mr. BAYLY. What I was proceeding to say was, that so far as the State constitutions which contain provisions in reference to the mode and time of holding elections for members of Congress are concerned, paradoxical as the remark may appear, these constitutions are unconstitutional; for the Constitution of the United States, which is the supreme law of the land, any constitution or law of any State to the contrary notwithstanding, provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof;" and not by their constitutional conventions, or by any provisions of fundamental law. It goes on to say: "But the Congress may, at any time by law, make or alter such regulations, except as to the places of choosing Senators."

Only the first part is applicable. The whole authority in fixing the time and place of the election for members of Congress is committed by the Constitution of the United States to the Legislatures of the States, and not to their conventions.

Well, as to the present Congress, its members are already elected; and the Legislatures of the States have nothing to do with the time for the meeting of Congress, nothing whatever. Their next election will take place at a period subsequent to the expiration of this Congress; and the Legislatures in the mean time will have ample opportunity to change their laws; not their constitutions, because their constitutions on this point, as I have already said, are unconstitutional.

Mr. HAMILTON. With the gentleman's per-

mission, I will make one remark. The constitution of Maryland fixes the first Wednesday in November as the time of our general State election. The same time is fixed by the Legislature for the election of members of Congress; and thus the gentleman will perceive that we must have a special election, or want Representatives here for a short time.

Mr. BAYLY. I commenced what I had to say by stating that I did not rise to support this bill. The case which the gentleman from Maryland states is one of the strongest I have heard. I do think, and have always thought, that the elections for members of Congress ought to be separated from all the State elections, whether they be for Governor, sheriff, constable, or anything else; because it breaks up all chance of combinations of parties. They ought to be elected by themselves. I have always thought that that would be the best mode of legislation.

What the gentleman has stated would be good argument, so far as his State was concerned, for changing the law; but I am not arguing in favor of this law. If that thing could be done which General Jackson thought could not be done, and in respect to which I believe that he was right, though I am sorry such is the law; if by law we could limit in advance the first session of Congress and prolong the second, so as to equalize the two sessions, I think that it would be one of the wisest things that we could do. But I agree with General Jackson, that you have not the power by law in advance to limit the first session of Congress. And the question before the American Congress is, whether we cannot approach equalization of the sessions of Congress under the pressure of hot weather in summer, with the prospect of a five-months session ahead?

Mr. JONES, of Louisiana. I am opposed to the bill introduced by the gentleman from Georgia, because its provisions conflict with the time fixed for the elections in my State. Our elections come off the first Monday of November. That time was fixed because experience in that State has shown that elections cannot be held there before that time, so as to secure a full expression of the public sentiment. Formerly we had our elections in Louisiana during the dog-days, and the consequence was that, owing to the sickness which prevails in that State, and upon our streams in the southwest, a very large proportion of gentlemen who were away could not get back to attend the elections. It is well known, I presume, to a very large number of gentlemen here, that the yellow fever prevailed there last year very early in the spring, and quite late in the fall—so late that it is known to some of my friends here that I was detained at home twenty days after the session commenced, because of the sickness of my wife, who was prostrated by the yellow fever. The elections in Louisiana have been fixed in November, as the earliest period in the season at which citizens would return to their homes to deposit their votes. I say it would be doing injustice to the State of Louisiana to fix the time for the commencement of the sessions of Congress at an earlier day, and thus force her to hold her elections for members of Congress twelve months in advance. I believe that no elections for members of Congress take place in December in any part of the United States. In nearly all the months preceding December, elections for members of Congress take place in some of the States of the Union. I appeal to gentlemen to give us a chance in Louisiana, in Mississippi, in Maryland, and elsewhere where elections are held in November, so that we may go home, and defend ourselves, if necessary, and not compel elections to be held twelve months before the term of service commences.

Mr. McMULLIN. My colleague [Mr. BAYLY] has satisfied this House that it is perfectly competent for every State in the Union to fix the time of its elections by law. I would remind the House, and my worthy friend from Mississippi, [Mr. BARKSDALE,] of the fact, that they can, in that State, elect their members of Congress as they do in Pennsylvania, New York, and Ohio, so that the argument of my friend must fall to the ground.

But, I desire to call the attention of the House to the fact stated by my friend from Louisiana, [Mr. JONES.] He has told the House that they could not hold their elections in that State, unless in the fall of the year, because of the sickness;

and that was his objection to the earlier meeting of Congress. Let me tell that gentleman that his State can change the time of their elections. They can hold them in the month of April, or May, as we do in Virginia, to avoid the sickly season of the year.

But, Mr. Speaker, I desire to notice very briefly, and to answer the argument of my friend from Virginia, on my left, [Mr. GOODE.] We have been told by that gentleman, that we have too much legislation. I ask my honorable colleague, if the work of thirty-one States can be done as easily as that of thirteen? This Government consists of thirty-one States, while originally—and when the terms of holding sessions of Congress were fixed—it consisted of but thirteen; and, of course, a greater amount of legislation is required. Now, what are the facts as to the business before this Congress? There have been before this House a number of bills, both of a public and private character, which have been here for years, and have not been disposed of, because you have had legislation on subjects which have agitated, not only the minds of members of Congress, but which have agitated the minds of the people. I particularly refer to the negro question which is continually brought forward, and, in the discussion of which, the time of the American Congress is unnecessarily and improperly consumed, until it has become the cry of the presses throughout the country that we do not attend to the business in which the private interests of the community, and their private fortunes are invoked. And yet we are told by my colleague, that we have too much legislation. I grant you that we have too much legislation of an improper character; but it is necessary, it is absolutely necessary, with a view to the consummation of the public business, that there should be more time allotted for the consideration of the business of the country.

And while I am opposed to our taking a recess for this session, for I am not prepared to say here to-day that I shall be a member of the next Congress, and certainly if much reliance is to be placed on the threats of the party designated by the significant cognomen of Know Nothings, I would seem to have but little chance of returning here, I am in favor of the principle of this bill. I know the fact that there are bills of a private character in which my own district is interested, which have been before Congress for many years. There is a bill from western Virginia in reference to the judiciary, which was reported five years ago, and which cannot be reached this Congress. The bill is simple in its character, proposing to allow the judge to hold his terms in western Virginia, and to increase his salary. That bill, I say, cannot be reached, and the same is true of an immense mass of private matter, and yet the gentleman, my colleague, [Mr. GOODE,] says to the House and the country, that we have too much legislation. I agree with him that we have, but it is of an improper character. Let us equalize the length of the two sessions, and for that purpose let us pass this bill, and my word for it, if gentlemen will go home and present the facts to their constituents, they will be borne out in their action. I hope the House will pass the bill.

Mr. TAYLOR, of Ohio. I will not delay the House by any extended remarks. I simply wish to express my opposition to the bill, as also to the amendment, for the reason that, in my humble judgment, it is entirely unnecessary. "And why?" I say here, that notwithstanding we have exhausted so much of the present session in discussing a question which has touched the heart of the nation, if members will agree this day, to meet at eleven o'clock, for a month hence, and sit five hours each day, we can act upon every important bill presented to the House. I, for one, am willing to take that course. If gentlemen will content themselves with short and sensible explanations of the matters before us, business can be dispatched with great rapidity. I think we ought to confine our remarks to five minute speeches. They are quite as effective as longer ones. I think it unwise to extend the length of what is called the short session. The Constitution prescribes the first day of December as the day upon which the sessions of Congress shall commence, unless changed by a law of Congress. The fourth section of the first article of the Constitution declares:

"That Congress shall assemble at least once in every

year, and such meeting shall be on the first Monday in December, unless they shall by law, appoint a different day."

I think the long session of Congress ought never to last beyond the first of July; and, in my humble judgment, from seven years' experience here, there is no necessity for it. I can name to you a single measure, and one which ought to be adopted by Congress, which would curtail the length of the long session at least one third. I mean the establishment of a board of accounts, to pass upon private claims. That measure was presented in the Senate a few years ago, by a distinguished gentleman from Virginia, [Mr. HUNTER,] and it was recommended to our consideration. You cannot act upon private claims in so large a body as this. If you should establish a board of accounts, you would find no necessity for a longer session than four or six months at a time.

I am opposed to a recess of Congress, and still I do not wish to stay here during the months of August and September of this year. The cholera prevails all over the country, and is said now to be in our neighborhood; and I do not think there is any necessity of our remaining later than the 20th of July, or the 1st of August. By meeting at eleven o'clock daily, we can do all our business by that time. We can take up the Calendar, and go through with it from the beginning to the end, and pass upon every bill upon it, if members will meet at an early hour, and content themselves with making five-minute speeches in explanation of them. I trust the House will not pass the bill.

Mr. GIDDINGS. It appears to me, as I view this subject, that there can be but one sentiment. The question is, whether we will sit here in dog-days or in November. The whole matter resolves itself into that. At the commencement of our Government the three winter months afforded abundant time for the legislation of Congress. We then had five millions, or less, of population. We now have twenty-three millions; and we all know that business has increased in proportion to population.

Now, sir, I would not, as one member of this body, urge anything which would promote a disregard or inattention to business here; but we know that, for ten years, we have sat here during the dog-days at great inconvenience to ourselves, and with but little advantage to public business.

By adding one month at the beginning of a session, you would take off at least a month at the close of the first session of a Congress in the hot weather, when we do not, and cannot, labor as we do in cooler weather. Gentlemen will not attend to business during the dog-days. They have not the energy to do it. Their health will not permit of it. We all of us feel disinclined to labor during the hottest of the summer months.

Now, why not meet on the first Monday in November instead of December? I can see no reason why it shall not be done. It is a better time for ourselves, and for our own convenience, as well as for our constituents. When I say "ourselves," I speak of members of Congress generally; for we ought to legislate as though we were to be here forever; we ought to do by those who are to come after us as we would ourselves be done by. It seems to me there is every consideration in favor of our meeting at that time.

As to the objections of the gentleman over the way, [Mr. BARKSDALE,] it is very evident that the elections in the States can be made to conform to the time fixed by Congress for our meeting. It is very easy for them to take the necessary action to accomplish that end.

I am very happy to say that I most heartily approve of the bill which is now under consideration. I approve of it in every respect in which I have been able to view it. I desire to say that, as one member of the House, I am willing to take all the responsibility that may attach to it. I repeat, sir, that I wish to throw no responsibility upon the majority of the House. I am willing to take my portion of it. I do hope the majority will give this to us at an early day, so that it may apply to the present session, and so that we may adjourn without the necessity of continuing this session into the dog-days. I am willing to assume my portion of the responsibility at once.

Mr. WASHBURN, of Maine. I do not propose to make a speech at this time. I move the previous question.

Mr. LETCHER. I move to lay the bill upon

the table; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 71, nays 104; as follows:

YEAS—Messrs. Abernethy, James C. Allen, Barkdale, Barry, Benton, Bliss, Bocoek, Breckinridge, Bridges, Bugg, Caskie, Chamberlain, Churchwell, Clark, Cobb, Colquitt, Cox, Cullom, John G. Davis, Dowdell, Dunham, Eastman, Eddy, Edmundson, John M. Elliott, Ellison, English, Etheridge, Ewing, Goode, Hamilton, Wiley P. Harris, Haven, Hendricks, Hill, Houston, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Kurtz, Letcher, Lilly, Matteson, Maxwell, Smith Miller, Murray, Noble, Orr, Packer, Phelps, Powell, Pratt, Robbins, Rufin, Sapp, Shaw, Shower, Singleton, Skelton, Gerrit Smith, George W. Smyth, Alexander B. Stephens, Hester L. Stevens, David Stuart, John L. Taylor, Nathaniel G. Taylor, Vail, Vansant, Wheeler, and Daniel B. Wright—71.

NAYS—Messrs. Aiken, Willis Allen, Appleton, David J. Bailey, Thomas H. Bayly, Ball, Banks, Belcher, Bell, Benson, Boyce, Brooks, Campbell, Carpenter, Caruthers, Chandler, Corwin, Crocker, Thomas Davis, De Witt, Dick, Dickinson, Disney, Edmonds, Thomas D. Eliot, Everhart, Farley, Faulkner, Fenton, Flagler, Florence, Fuller, Giddings, Goodrich, Green, Greenwood, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Henn, Hillyer, Hughes, Hunt, Ingersoll, Daniel T. Jones, Keitt, Kerr, Kidwell, Knox, Lamb, Latham, Lindley, Ludisley, McCulloch, McMullin, Mace, Macy, May, Middleswarth, John G. Miller, Mulson, Morgan, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Russell, Sabin, Sage, Seward, Shannon, Samuel A. Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Straub, John J. Taylor, Thurston, Tracy, Trout, Uphan, Wade, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, and Zollicoffer—104.

So the House refused to lay the bill upon the table.

The question recurred upon seconding the demand for the previous question.

Mr. KEITT. I ask the gentleman from Maine to withdraw the demand for the previous question.

Mr. WASHBURN. For what purpose does the gentleman wish it withdrawn; for the purpose of discussion, or to move an amendment?

Mr. KEITT. I wish to move an amendment, and merely to explain its effect to the House.

Mr. WASHBURN. If the gentleman does not wish to make a speech, I will withdraw the demand for the previous question, and allow him to move his amendment.

Mr. KEITT. I desire, Mr. Speaker, if this bill is to pass, that it may be amended, and put in such a shape that it shall not go into operation until the various State Legislatures shall have an opportunity to so modify their laws as to provide for the election at the proper time of members from such States as would otherwise be disfranchised, or be under the necessity of ordering special elections. In South Carolina the time of election is fixed at such a day that we should suffer no inconvenience from the proposed change—members of Congress are elected fourteen months before their term of service commences.

That, however, is no reason why I should press this on other States where such is not the case. We are now in session twelve months of the twenty-four. I apprehend that we shall be in session hereafter no longer, if we pass this bill fixing the meeting of Congress at the first Monday of October or the first Monday of November. The only difference will be that we shall be in session during the winter instead of the summer months. It will be practicable for us to do more business than we do now. In other words, we shall be in session thirteen months instead of twelve, thus enabling the House to do more business, and at a time more propitious for its consideration. This is the reason of my desire for the passage of this bill.

Now, sir, I find in the Constitution a provision requiring Congress to assemble the first Monday of December of each year; also, a provision authorizing the State Legislatures to fix the time for the election of members of Congress. The various State Legislatures have fixed the time accordingly; and if you pass this bill, you come in conflict with their laws passed in obedience to the requirements of the Constitution of the United States. I desire to see the bill so amended as to be adapted to the machinery of State legislation. In order to do so, I move to amend the bill so as to postpone its operation to the first Monday of October, or November, which ever may be hereafter adopted, 1856. I now renew the call for the previous question.

Mr. HILLYER. I ask the gentleman to withdraw the call for the previous question?

Mr. KEITT. My friend from Maine has it in charge.

Mr. HILLYER. As I introduced the bill, it would be but courtesy to allow me a word of reply to the gentleman from South Carolina.

Mr. WASHBURN, of Maine. I withdraw the call, if the gentleman will renew it.

Mr. HILLYER. I will renew it. The gentleman from South Carolina moves to amend the bill by postponing its operation to a day so distant as not to affect the present Congress. I see no reason for this postponement; and the arguments which have been urged by the gentlemen from Mississippi, Louisiana, and Maryland, in opposition to the bill, have, on my mind, strong and powerful force in support of it. The Constitution of the United States authorizes the President, when, in his opinion, the public interest may require, to convene both Houses of Congress in extra session. The official term of every member expires on the 4th March next. I hold, then, Mr. Speaker, that it is the intention of the Constitution and the policy of the Government, that members of the next Congress should be elected prior to the 4th March next. In other words, that members of Congress should be elected prior to the day at which their term commences, so that if an extra session should be required, a Congress, or rather a House of Representatives, would be in existence, to assemble on the call of the President. The constitutions of the States of Maryland and Mississippi, and the laws of Louisiana, which require their elections to be held a few days or weeks prior to the meeting of Congress, and long after the time at which their official term commences, are in contravention of the policy of our Government and the meaning of the Constitution.

Now, it will be perceived that if the bill which I have introduced should pass, one of its great and salutary effects would be to bring the legislation of the whole country within the meaning of the Constitution and the policy of our Government. The States of Maryland, Mississippi, Louisiana, and I may add Georgia, perhaps, will be required to alter their laws in relation to the election of members of Congress. This alteration will be salutary, and will have the effect, in the event of the call of an extra session by the President of the United States, that Congress can assemble at any time, and every State will be fully represented, which is not the case under the present legislation of the different States. The position of the gentleman from Virginia, [Mr. GOODE,] that the tendency and effect of this bill will be to make the session of Congress perpetual, can be replied to by the simplest statement. Under the law, as it now stands, this House, and every subsequent House, can prolong the first session of each Congress just as long as they choose. That is all that the House can do under the bill now under consideration. And this is a power, of which, under the Constitution, the House cannot be deprived; so that the only effect of this bill will be to add one month more to the short session; and leave the House with the same power which it now has, and which, under the Constitution, it must have, to regulate and determine, by joint resolution, the length of the first session. This view of the subject, to my mind, is a conclusive reply to every objection which has been urged by gentlemen who have argued in opposition to this bill. I renew the demand for the previous question.

Mr. JONES of Louisiana. I hope the gentleman from Georgia will withdraw the demand for the previous question.

Mr. HILLYER. The day is already so far advanced that I most respectfully decline to withdraw it.

Mr. ORR. I move that the House adjourn. The motion was disagreed to.

Mr. JONES, of Louisiana. I demand tellers upon the previous question. Tellers were not ordered.

Mr. JONES, of Louisiana. I move that the House adjourn.

The SPEAKER *pro tempore*. That question has just been taken, and no business has been done by the House since.

The House was then divided on the demand for the previous question; and there were—yeas 105, noes 29.

So the previous question was seconded.

Mr. JONES, of Louisiana. I move that the House adjourn.

The motion was disagreed to.

The main question was ordered to be now put, being first upon the amendment of the gentleman from New York, [Mr. PECKHAM,] to strike out the "first Monday of November," and insert in lieu thereof "the first Monday of October."

Tellers were called for and ordered; and Messrs. PENNINGTON and BOCKOCK were appointed.

The House was then divided; and the tellers reported—ayes 79, noes 77.

Mr. FLORENCE demanded the yeas and nays.

Mr. ORR demanded tellers upon the yeas and nays.

Tellers were ordered.

Mr. JONES. I move that the House do now adjourn.

The motion was not agreed to.

Messrs. DAWSON and McMULLIN were then appointed tellers.

The House was divided; and the tellers reported thirty-six in the affirmative, (a sufficient number.) So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 59, nays 110; as follows:

YEAS—Messrs. Willis Allen, Benson, Bugg, Campbell, Carpenter, Corwin, Thomas Davis, De Witt, Disney, Everhart, Farley, Fenton, Flagler, Florence, Fuller, Giddings, Green, Grow, Sampson W. Harris, Hastings, Henn, Hughes, Ingersoll, Daniel T. Jones, Keitt, Kerr, Latham, Lilly, McCulloch, McMullin, Mace, Matteson, Morgan, Orr, Parker, Peckham, Pennington, Bishop Perkins, Pringle, Puryear, Ready, Riddle, Sabin, Shannon, Skelton, William Smith, Frederick P. Stanton, Richard H. Stanton, Straub, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Walker, Walley, Elihu B. Washburne, Israel Washburn, and Tappan Wentworth—59.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Appleton, David J. Bailey, Banks, Barksdale, Barry, Belcher, Bell, Benton, Bissell, Bliss, Bockock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Chamberlain, Chandler, Chrisman, Clark, Cobb, Colquitt, Crocker, Cullom, John G. Davis, Dawson, Dick, Dickinson, Dowdell, Dunham, Eastman, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Ewing, Faulkner, Goode, Goodrich, Greenwood, Hamilton, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Harrison, Hendricks, Hill, Hillyer, Houston, Hunt, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Kidwell, Knox, Kurtz, Lamb, Letcher, Lindley, Lindsley, Mace, May, Middleswarth, John G. Miller, Smith Miller, Millson, Murray, Nichols, Noble, Norton, Olds, Mordecai Oliver, Packer, John Perkins, Phelps, Powell, Pratt, Preston, Reese, David Ritchie, Thomas Ritchey, Ruffin, Russell, Sapp, Seward, Shaw, Shower, Singleton, Gerrit Smith, George W. Smyth, Alexander H. Stephens, Hester L. Stevens, David Stuart, John L. Taylor, Trout, Vail, Vansant, Wells, Witte, Daniel B. Wright, and Zollicoffer—110.

So the amendment was rejected.

The question then recurred upon the amendment offered by Mr. KEITT.

A MEMBER. I understand that amendment has been withdrawn.

Mr. KEITT. I would most cheerfully withdraw the amendment, if the members from Mississippi had not told me that my amendment meets their case exactly. Therefore I cannot withdraw it.

The SPEAKER. The gentleman has not the power to withdraw it, as the main question has been ordered.

Mr. ENGLISH. I call for the yeas and nays upon its adoption.

Mr. CHAMBERLAIN. I ask for tellers upon the yeas and nays.

Mr. STEPHENS, of Georgia. If the House now adjourns, will not this be the first business in order to-morrow morning?

The SPEAKER *pro tempore*. The Chair is not prepared to say. This comes up under a suspension of the rules; and, as it has heretofore been held, the Chair thinks that business coming up under such circumstances goes over until next Monday.

Mr. STEPHENS. Will it not be the first business in order on Monday next?

The SPEAKER *pro tempore*. It will.

Mr. STEPHENS. I move that the House do now adjourn.

Mr. HILLYER. I understand that where the previous question has been ordered, it is the first business in order upon the succeeding day.

The SPEAKER *pro tempore*. If the House should adjourn now, that question will be for the Speaker to decide to-morrow. The Chair admits the correctness of the position of the gentleman from Georgia, but states that it has heretofore been held that business coming up under a suspension of the rules on Monday, and the House adjourn-

ing without disposing of it, goes over until the next suspension day. This does not come before the House by a report of a committee, or as business from the Speaker's table.

As to the motion of the gentleman from Georgia, [Mr. STEPHENS,] that the House do now adjourn, the Chair will state that no business has been done since the last motion adjourn, and consequently it is not in order.

The question being first upon the demand for tellers upon the yeas and nays, tellers were refused.

The yeas and nays were also refused.

The question was then taken upon the amendment; and it was disagreed to.

Mr. ABERCROMBIE. I move that the House do now adjourn.

Upon that motion tellers were called for, and ordered; and Messrs. JONES, of Louisiana, and ETHERIDGE, were appointed.

The question was taken; and the tellers reported thirty-one in the affirmative, a further count not being demanded.

So the House refused to adjourn.

Mr. LETCHER. I move to lay the bill upon the table.

Mr. JONES, of Louisiana. I call the yeas and nays upon that motion.

The yeas and nays were not ordered.

The question was taken; and the House refused to lay the bill upon the table.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. CHAMBERLAIN. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ORR. I desire to inquire whether the bill has been engrossed?

The SPEAKER *pro tempore*. The Chair is not able to inform the gentleman. He will, however, remark that the House have not yet ordered the bill to be engrossed.

Mr. DAWSON. I move that the House do now adjourn.

The motion was disagreed to.

The question again recurred upon ordering the bill to be engrossed and read a third time; and being taken, was decided in the affirmative—yeas 89, nays 81; as follows:

YEAS—Messrs. Aiken, Willis Allen, Appleton, Ball, Banks, Belcher, Bell, Benson, Boyce, Brooks, Campbell, Carpenter, Caruthers, Chandler, Crocker, Thomas Davis, Dawson, De Witt, Dick, Disney, Edmunds, Everhart, Farley, Faulkner, Fenton, Flagler, Fuller, Giddings, Goodrich, Green, Greenwood, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Henn, Hill, Hillyer, Hughes, Ingersoll, Kerr, Kidwell, Knox, Lamb, Lindley, McCulloch, McMullin, Mace, Mace, Middleswarth, John G. Miller, Millson, Norton, Olds, Mordecai Oliver, Packer, Parker, Peck, Bishop Perkins, John Perkins, Pringle, Puryear, Reese, David Ritchie, Thomas Ritchey, Russell, Sabin, Seward, Shannon, Gerrit Smith, Samuel A. Smith, William Smith, Richard H. Stanton, Straub, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, and Zollicoffer—89.

NAYS—Messrs. Abercrombie, James C. Allen, David J. Bailey, Barksdale, Barry Benton, Bliss, Bockock, Breckinridge, Bridges, Bugg, Caskey, Chamberlain, Chrisman, Clark, Cobb, Colquitt, John G. Davis, Dickinson, Dowdell, Dunham, Eastman, Eddy, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, English, Etheridge, Ewing, Florence, Goode, Grow, Hamilton, Wiley P. Harris, Haven, Hendricks, Houston, Hunt, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kurtz, Latham, Letcher, Lilly, Lindsley, Matteson, Maxwell, May, Smith Miller, Morgan, Murray, Nichols, Noble, Andrew Oliver, Orr, Peckham, Pennington, Phelps, Powell, Pratt, Robbins, Ruffin, Shaw, Shower, Singleton, Skelton, George W. Smyth, David Stuart, John L. Taylor, Vail, Vansant, Wheeler, Witte, and Daniel B. Wright—81.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

CALIFORNIA MAIL SERVICE.

Mr. COBB. I rise to a privileged question. I move to reconsider the vote by which the bill providing facilities for the mail service to San Francisco was postponed. I do not desire to call up the motion now, but merely to have it entered.

The motion to reconsider was entered, and the consideration of the bill changing the time for the meeting of Congress again resumed.

Mr. HILLYER. I move the previous question upon the passage of the bill.

The previous question was seconded.

The main question was ordered to be now put.

Mr. HAMILTON. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

Mr. MATTESON. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair decides the motion to be out of order. The House have just refused to adjourn.

The question was then taken upon the passage of the bill; and it was decided in the affirmative—yeas 81, nays 77; as follows:

YEAS—Messrs. Aiken, Appleton, Ball, Banks, Belcher, Benson, Brooks, Campbell, Carpenter, Caruthers, Crocker, Thomas Davis, Dawson, De Witt, Dick, Disney, Edmunds, Everhart, Farley, Faulkner, Fenton, Flagler, Fuller, Giddings, Goodrich, Greenwood, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Hastings, Henn, Hill, Hillyer, Hughes, Ingersoll, Kerr, Kidwell, Knox, Lamb, Lindley, McCulloch, McMullin, Mace, Mace, Middleswarth, John G. Miller, Millson, Norton, Olds, Mordecai Oliver, Parker, Bishop Perkins, John Perkins, Pringle, Puryear, Reese, David Ritchie, Thomas Ritchey, Russell, Sabin, Seward, Shannon, Gerrit Smith, Samuel A. Smith, William Smith, Richard H. Stanton, Straub, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, and Zollicoffer—81.

NAYS—Messrs. Abercrombie, James C. Allen, David J. Bailey, Barksdale, Barry, Bell, Bliss, Bockock, Bridges, Bugg, Caskey, Chamberlain, Chrisman, Clark, Cobb, Colquitt, John G. Davis, Dickinson, Dowdell, Dunham, Eddy, Edmundson, Thomas D. Eliot, Ellison, English, Etheridge, Ewing, Florence, Goode, Grow, Hamilton, Wiley P. Harris, Haven, Hendricks, Houston, Hunt, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kurtz, Latham, Letcher, Lilly, Lindsley, Matteson, Maxwell, May, Smith Miller, Morgan, Murray, Nichols, Noble, Andrew Oliver, Packer, Pennington, Phelps, Powell, Pratt, Robbins, Ruffin, Shaw, Shower, Singleton, Skelton, George W. Smyth, Hester L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Vail, Vansant, Wheeler, Witte, and Daniel B. Wright—77.

So the bill was passed.

Mr. HILLYER. I move that the vote by which the bill passed be reconsidered, and that the motion to reconsider lie upon the table.

Mr. LETCHER. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. KEITT. I move that the House do now adjourn.

The question was taken; and the motion was not agreed to—ayes 40, noes 95.

So the House refused to adjourn.

The motion to lay upon the table the motion to reconsider was then agreed to.

Mr. LETCHER. I move to amend the title of the bill by substituting for the present one the following:

An act to add thirty days to each session of Congress.

Mr. McMULLIN. I move to substitute the following:

An act to equalize the sessions of Congress.

A MEMBER. Is the latter amendment in order?

Mr. McMULLIN. I withdraw it.

The question was taken on Mr. LETCHER's substitute, and it was rejected.

The title was then agreed to.

Mr. WASHBURN, of Maine. I move to reconsider the vote by which the title was adopted; and that that motion be laid upon the table.

The latter motion was agreed to.

MARTHA WASHINGTON CASE.

Mr. BLISS. I ask the unanimous consent of the House for leave to introduce a bill of the following title:

A bill to authorize the Secretary of the Treasury to appoint an agent to investigate and bring to justice certain offenders against the laws of the United States, and making appropriation of \$15,000 for that purpose.

Mr. HAVEN. I object.

Mr. BLISS. I would ask the gentleman to withdraw his objection until I make a short explanation.

Mr. HAVEN. I have no objection to the explanation, but I cannot withdraw objection to the introduction of the bill.

Mr. BLISS. I move a suspension of the rules for the purpose I have indicated.

Mr. WASHBURN, of Illinois. I move that the House do now adjourn.

The motion was agreed to.

Thereupon (at twenty minutes past four o'clock) the House adjourned till to-morrow at twelve, m.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 20, 1854.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

H. R. No. 266. An act for the relief of Captain E. A. F. Lavalette, of the United States Navy; and

H. R. No. 178. An act for the relief of Benjamin Rowe.

The SPEAKER. The business first in order is the consideration of "A bill granting lands equally to the several States to aid in the construction of railroads and for the support of schools." The pending motion is to recommit the bill to the Committee on Public Lands, on which the gentleman from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. PERKINS, of Louisiana. The gentleman from Maryland, in consequence of the absence of the author of the bill, [Mr. BENNETT,] yields the floor, that I may submit a motion that its further consideration be postponed to this day two weeks.

The question was taken; and the motion was agreed to.

JUAN M. LUCO AND JOSE L. LUCO.

Mr. HILLYER. I hold in my hands Senate bill No. 330, being a bill for the relief of Juan M. Lucó and José L. Lucó, which has been referred to the Committee on Private Land Claims. Unless the bill passes this session of Congress, the petitioner will lose his right. It is full of merit; and if any gentleman objects to the passage of the bill, I pledge myself to withdraw it at any moment. In order to do justice to the parties interested, and prevent irretrievable wrong, I ask the unanimous consent of the House that I may be permitted to report this bill.

Mr. DAVIS. Has the morning hour commenced?

The SPEAKER. It has.

Mr. DAVIS. I must object, because there are a thousand bills that ought to receive consideration.

On motion by Mr. WELLS, it was

Ordered, That the Committee of Claims be discharged from the further consideration of Senate bill No. 239, "for the relief of Sylvester Petition," and that the same be referred to the Committee on the Judiciary.

Mr. COBB. I insist upon the regular order of business.

FULLER'S SURVEY OF THE OHIO RIVER.

Mr. BALL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to cause to be furnished to this House, as soon as practicable, a copy of Fuller's survey of the Ohio river, made in 1853, at, and in the vicinity of Marietta, together with any reports, estimates, explanatory notes, or other papers on file in his Department adapted to illustrate the same; also, with a copy of any papers emanating from the City Council of Marietta having reference to the improvement of the Ohio river at that point.

Mr. STEVENS, of Michigan. I demand the regular order of business.

Mr. CHAMBERLAIN. I ask the unanimous consent of the House simply to change the reference of two propositions that have been pending before the Committee on Public Buildings and Grounds. I am instructed by that committee to make the following report:

The Committee on Public Buildings and Grounds, to whom was referred the memorial and bill of this House for the erection, in the city of Indianapolis, in the State of Indiana, a United States circuit court-house, have directed me to report the same back to the House, and recommend its reference to the Committee on the Judiciary.

Mr. JONES, of Tennessee. I object.

Mr. CHAMBERLAIN. I have another request of the same kind to make.

The SPEAKER. This proposition is objected to also.

Mr. HENDRICKS. I ask the Chair by whom is objection made?

Mr. JONES, of Tennessee. I object; the regular order of business is the call on committees. When the committees have been called, then the

gentleman from Indiana can report back the bills, and give them the right direction. It will take up less time in this way than asking unanimous consent.

Mr. CHAMBERLAIN. It will not take one minute to have them referred as I desire. And I therefore hope that the gentleman from Tennessee will withdraw his objection.

The objection was not withdrawn.

MINNESOTA LAND BILL.

The SPEAKER. The business next in order is the consideration of the following bill:

Bill to aid the Territory of Minnesota in the construction of a railroad therein.

The SPEAKER. Objection was made to the second reading of the bill; and on the question whether the bill be rejected, the previous question was demanded. The question now is on seconding the call for the previous question.

Mr. ORR. And on that I call for tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and Cox, were appointed.

The House was divided; and the tellers reported—ayes 75, noes not counted.

So the previous question was seconded.

The main question was ordered to be now put; which was, "Shall the bill be rejected?"

Mr. STEVENS, of Michigan. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LETCHER. I hope that the bill will be read for information; for if I understand it aright, it is the same old bill that was rejected here before. It is the same—

[Cries of "Order!" "Order!"]

Mr. STEVENS. It is not the same old bill.

The SPEAKER. Debate is not in order. The bill will be read.

The Clerk read the bill in *extenso*.

The question was then taken; and it was decided in the negative—yeas 65, nays 95; as follows:

YEAS—Messrs. Aiken, Ashe, David J. Bailey, Belcher, Boeck, Boyce, Bridges, Bugg, Carpenter, Caskie, Chastain, Christian, Cox, Cruge, Curtis, Dick, Dickinson, Edmundson, John M. Elliott, Etheridge, Ewing, Faulkner, Fenton, Fuller, Giddings, Goode, Grow, Hamilton, Hastings, Haven, Hill, Hillyer, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kuriz, Leicher, Lilly, McCulloch, Middlesworth, Millson, Murray, Peck, Packham, Bishop Perkins, Powell, Puryear, Ready, David Ritchie, Rufin, Shaw, Slower, Skelton, Gerrit Smith, Samuel A. Smith, John J. Taylor, Nathaniel G. Taylor, Trout, Vansant, Witte, and Zollcoffer—65.

NAYS—Messrs. James C. Allen, Willis Allen, Appleton, Ball, Banks, Barksdale, Barry, Benson, Bliss, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Churchwell, Clark, Clingman, Cobb, Corwin, Crocker, John G. Davis, Thomas Davis, De Witt, Dowdell, Dunham, Eastman, Edmunds, Thomas D. Eliot, English, Farley, Florence, Goodrich, Greenwood, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Hinn, Houston, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindley, McMullin, Mace, Macy, Matteson, Mayall, John G. Miller, Smith Miller, Morgan, Nichols, Noble, Norton, Olds, Mordcaid Oliver, Orr, Packer, Parker, Pennington, John Perkins, Phelps, Pratt, Preston, Pringle, Reese, Riddle, Thomas Ritchey, Russell, Sahin, Sapp, Seward, Singleton, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, Daniel B. Wright, and Hendrick B. Wright—95.

So the House refused to reject the bill.

Mr. JONES, of Tennessee. Mr. Speaker—

The SPEAKER. The gentleman from Michigan [Mr. STEVENS] is entitled to the floor.

Mr. JONES. He had the floor before the yeas and nays were called, but has not now.

The SPEAKER. The Chair decides otherwise; and the gentleman from Michigan is entitled to the floor.

Mr. JONES. The gentleman from Michigan does not seek the floor.

The SPEAKER. Then the Chair recognizes the gentleman from Tennessee, [Mr. JONES.]

Mr. JONES. I now move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. STEVENS, of Michigan. I believe I am entitled to the floor.

The SPEAKER. The Chair paused to hear the gentleman, but he did not respond at all, and he then recognized the gentleman from Tennessee, [Mr. JONES,] who made the motion to commit the bill to the Committee of the Whole on the state of the Union.

Mr. STEVENS. I understood that I had the floor, but I was taken up for a moment in conver-

sation. I was about to make a motion in reference to the bill, and I hope I have not lost the opportunity of doing so.

The SPEAKER. The history of the matter is this: Before the bill was read the second time the gentleman from Michigan addressed the Chair. The bill was read a second time, and, without the gentleman from Michigan again addressing the Chair, the Chair announced that he was entitled to the floor. The gentleman from Tennessee [Mr. JONES] addressed the Chair, and claimed that he was entitled to it, for the reason that the gentleman from Michigan addressed the Chair before the bill was read a second time, and was not entitled to it after it was read. The Chair decided differently, and that the gentleman from Michigan was entitled to the floor. The gentleman from Michigan was engaged in conversation with some gentlemen, and the Chair twice, he thinks, certainly once, with great distinctness, and considerable pause after it, said that the gentleman from Michigan had the floor. The gentleman did not respond, and the Chair then recognized the gentleman from Tennessee, [Mr. JONES,] who made the motion to commit to the Committee of the Whole on the state of the Union. The Chair thinks he cannot alter the state of the case.

The gentleman from Michigan is now recognized as having the floor, if he desires.

Mr. CHURCHWELL. Will the gentleman from Michigan [Mr. STEVENS] yield me the floor for a moment?

Mr. STEVENS. I will.

Mr. CHURCHWELL. I desire to make a personal explanation.

[Cries of "Oh, no!"]

Mr. HENDRICKS. I object.

Mr. CHURCHWELL. I ask the unanimous consent of the House to allow me to do so.

Mr. BRIDGES and others objected.

Mr. CHURCHWELL. I will state simply what it is for. The point made upon me yesterday was, that I had inserted—

[Cries of "Object!" and "Order!"]

The SPEAKER. Objection is made, and the Chair is bound to enforce the rules.

Mr. CHURCHWELL. I hope, at least, gentlemen will hear me state the point, without entering into its discussion.

[Cries of "Object!"]

Mr. CHURCHWELL. Gentlemen would not object if they could hear the circumstances.

Mr. BRIDGES. I object.

The SPEAKER. Objection is made, and the gentleman cannot proceed.

Mr. CHURCHWELL. What gentleman objects?

The SPEAKER. The gentleman from Pennsylvania, [Mr. BRIDGES,] and two or three others, object.

Mr. STEVENS, of Michigan. I now move the previous question.

Mr. CHURCHWELL. I appeal to the gentleman from Michigan to allow me a moment of his time.

The SPEAKER. The gentleman from Michigan cannot do that, for the reason that he is not now upon the floor—he having moved the previous question, which cuts off all debate.

Mr. STEVENS. I withdraw the previous question, if the gentleman will renew it.

Mr. CHURCHWELL. I will renew it. I feel compelled to throw myself upon the charity of the House for one moment. It will be recollected—

Mr. BRIDGES. Is that in order? I object to the gentleman's proceeding, upon the ground that the matter he wishes to introduce is irrelevant to the bill under consideration.

Mr. McMULLIN. Has not the gentleman from Tennessee the right to proceed, the gentleman from Michigan [Mr. STEVENS] having yielded him the floor?

The SPEAKER. The gentleman from Michigan is not entitled to the floor. The gentleman from Tennessee is, however, entitled to the floor to speak upon the bill under consideration.

Mr. McMULLIN. I hope the gentleman from Tennessee will allow me one moment. I ask the Speaker whether it is not competent, upon motion submitted to the House, and acquiesced in by the House, for the gentleman from Tennessee to proceed with his personal explanation?

The SPEAKER. It is not competent, under

the rules, to submit any such motion, unless it be a question of privilege affecting some member of this body, or the body itself.

Mr. CHURCHWELL. I consider this to be a question of privilege. I do not know how the House will consider it.

Mr. WASHBURNE, of Illinois. I hope the House will allow the gentleman from Tennessee to proceed, because, provided that privilege is accorded to him, I wish to ask him a question arising out of the debate of yesterday, as reported in the Globe of this morning, in which he speaks of me as an Abolitionist.

Mr. HENDRICKS. I call the gentleman to order.

The SPEAKER. The gentleman from Tennessee is entitled to the floor, and has the right to address the House upon the subject of the bill before the House. The gentleman, however, was proceeding to submit remarks which, in the opinion of the Chair, are not in order; and being called upon to enforce the rule, he decides that the course of remark indicated by the gentleman from Tennessee is not in order, and cannot at this time be pursued.

Mr. CHURCHWELL. I ask the Speaker whether I can have a better opportunity to make this explanation any other day than to-day?

The SPEAKER. The gentleman from Tennessee must be aware, the Chair presumes, that it is competent for the House to indulge these personal explanations at any time, by unanimous consent, but that they are not in order except by unanimous consent.

Mr. CHURCHWELL. I have but one single object in view. It is not to speak upon the Minnesota bill; it is to reply to a point made upon me in this House, in the course of that peculiar debate. Afterwards my colleague [Mr. CULLOM] inserted, in the report, language which he did not utter in the House, and which I pronounce false—infamously false—

The remainder of the sentence was lost amidst shouts of "Order!" and the confusion which immediately ensued.

Mr. CULLOM rose from his seat and rushed towards Mr. CHURCHWELL with threatening gestures. Members crowded around both gentlemen and interposed between them. Amidst loud shouts of "Order!" and the greatest confusion, Mr. CULLOM was heard to exclaim, "It's a lie."

The SPEAKER. The Sergeant-at-Arms will restore order.

The Sergeant-at-Arms thereupon proceeded with the mace of the House to the scene of the difficulty, and after some minutes succeeded in partially restoring order.

Mr. SEWARD. I move that the House do now adjourn.

The SPEAKER. The Chair will not hear any motion until order is restored in the Hall.

Mr. CHURCHWELL. Mr. Speaker—

The SPEAKER. The gentleman will resume his seat.

Many members still standing in the area and around Messrs. CHURCHWELL and CULLOM.

The SPEAKER. Can it be possible that the Chair must so often admonish gentlemen to resume their seats and preserve order?

Order being restored,

Mr. CHURCHWELL said: In compliance with my promise to the gentleman from Michigan, I renew the call for the previous question.

[Cries of "Order!"]

The SPEAKER. In calling for the previous question, the gentleman from Tennessee is in order.

Mr. CHURCHWELL. I prefer, Mr. Speaker, to yield the floor to the gentleman from Michigan, that he may call for the previous question.

Mr. STEVENS. Then I demand the previous question?

Mr. HAVEN. I desire to submit an amendment to the bill, and I hope that the demand for the previous question may not be seconded.

Mr. STEVENS. I demand tellers on seconding the call for the previous question.

Tellers were ordered; and Messrs. CAMPBELL and HOUSTON were appointed.

The question was taken; and the demand for the previous question received a second, the tellers having reported—ayes 77, noes 52.

Mr. JONES, of Tennessee. I demand the yeas

and nays on ordering the main question to be now put.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 93, nays 74; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Barry, Bell, Benton, Bliss, Breckinridge, Brooks, Campbell, Caruthers, Chamberlain, Chandler, Clark, Clingman, Cobb, Corwin, Crocker, John G. Davis, Thomas Davis, De Witt, Disney, Dowdell, Eastman, Eddy, Edmunds, Ellison, Farley, Florence, Goodrich, Greenwood, Wiley P. Harris, Harrison, Hendricks, Henn, Hobson, Hughes, Johnson, Roland Jones, Knox, Lamb, Latham, Lindsey, Mace, Macy, Matteson, Mayall, John G. Miller, Smith Miller, Nichols, Noble, Norton, Olds, Mordecai Oliver, Parker, Pennington, John Perkins, Phelps, Reese, Riddle, Thomas Ritchey, Russell, Sabin, Sapp, Seward, Singleton, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Tweed, Upham, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Hendrick B. Wright—93.

NAYS—Messrs. Ashe, David J. Bailey, Thomas H. Bayly, Belcher, Benson, Boyce, Bridges, Bugg, Carpenter, Caskey, Chastain, Chrisman, Colquitt, Cox, Craige, Dick, Dickinson, Edmundson, John M. Elliott, Etheridge, Faulkner, Fenton, Flagler, Fuller, Goode, Grow, Hamilton, Aaron Harlan, Hastings, Haven, Hill, Hillyer, Howe, Hunt, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kurtz, Letcher, Lilly, McCulloch, McMullin, May, Middleswarth, Millson, Morgan, Murray, Andrew Oliver, Peck, Peckham, Bishop Perkins, Powell, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Rufin, Shaw, Shower, Skelton, Gerrit Smith, William Smith, John J. Taylor, Trout, Vail, Vansant, Witte, and Zollcoffer—74.

So the main question was ordered to be now put, being upon the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. HAVEN. Upon that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 72, nays 97; as follows:

YEAS—Messrs. Ashe, David J. Bailey, Thomas H. Bayly, Belcher, Bocock, Boyce, Bridges, Bugg, Carpenter, Caskey, Chastain, Colquitt, Cox, Craige, Curtis, Dick, Dickinson, Edmundson, John M. Elliott, Etheridge, Faulkner, Fenton, Flagler, Fuller, Giddings, Goode, Grow, Hamilton, Aaron Harlan, Hastings, Haven, Hill, Hillyer, Howe, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kurtz, Letcher, Lilly, McCulloch, Matteson, May, Middleswarth, Millson, Morgan, Murray, Andrew Oliver, Peck, Peckham, Bishop Perkins, Powell, Pratt, Puryear, Ready, David Ritchie, Rufin, Shaw, Shower, Skelton, Gerrit Smith, William Smith, John J. Taylor, Trout, Vail, Vansant, Witte, and Zollcoffer—72.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Barry, Bell, Benson, Benton, Bliss, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Clark, Clingman, Cobb, Corwin, Crocker, Cullom, John G. Davis, Thomas Davis, De Witt, Disney, Dowdell, Dunham, Eastman, Eddy, Edmunds, Ellison, Ewing, Farley, Florence, Greenwood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hughes, Johnson, Roland Jones, Knox, Lamb, Latham, Lindsey, Mace, Macy, Mayall, John G. Miller, Smith Miller, Noble, Norton, Olds, Mordecai Oliver, Orr, Parker, Parker, Pennington, Phelps, Preston, Pringle, Reese, Riddle, Thomas Ritchey, Russell, Sabin, Sapp, Seward, Singleton, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Tweed, Upham, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Hendrick B. Wright—97.

So the motion was disagreed to.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

Mr. CHAMBERLAIN. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 97; as follows:

YEAS—Messrs. Aiken, Ashe, Thomas H. Bayly, Belcher, Benton, Bocock, Boyce, Bridges, Bugg, Carpenter, Caskey, Chastain, Chrisman, Craige, Curtis, Dick, Dickinson, Etheridge, Faulkner, Fenton, Flagler, Fuller, Giddings, Goode, Grow, Hamilton, Aaron Harlan, Hastings, Haven, Hill, Hillyer, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kurtz, Letcher, Lilly, McCulloch, Matteson, Middleswarth, Millson, Morgan, Murray, Nichols, Andrew Oliver, Peck, Peckham, Bishop Perkins, Powell, Puryear, Ready, David Ritchie, Rufin, Shaw, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, and Vansant—66.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Barry, Bell, Benson, Bliss, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Clark, Clingman, Cobb, Corwin, Crocker, Cullom, John G. Davis, Thomas Davis, De Witt, Disney, Dowdell, Dunham, Eastman, Eddy, Edmunds, Thomas D. Eliot, Ellison, English, Farley, Florence, Goodrich, Green-

wood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Houston, Howe, Hughes, Johnson, Roland Jones, Knox, Lamb, Latham, Lindsey, Lindsey, Mace, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Noble, Norton, Olds, Mordecai Oliver, Orr, Parker, Pennington, Phelps, Pratt, Reese, Riddle, Thomas Ritchey, Russell, Sabin, Sapp, Seward, Singleton, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John L. Taylor, Thurston, Tracy, Tweed, Upham, Walker, Walley, Elihu B. Washburne, Wells, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Hendrick B. Wright—97.

So the House refused to lay the bill upon the table.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. I then move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*, (Mr. JONES, of Pennsylvania, in the chair.) The Chair will state, that the main question having been ordered to be now put, it must be disposed of before that motion can be entertained.

Mr. HOUSTON. Does the Chair decide that my motion is out of order?

The SPEAKER *pro tempore*. The present incumbent of the chair is informed that the practice has been such as he has stated.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time.

Mr. HAVEN. I rise to a question of order. I object to the reading of the bill, unless it has been engrossed.

The SPEAKER *pro tempore*. The bill has been engrossed, and has been already ordered to a third reading, and read a third time. The Chair, therefore, overrules the point of order raised by the gentleman from New York, [Mr. HAVEN.]

Mr. JONES, of Tennessee. I would like to know how the Chair can tell whether the bill is engrossed? Certainly, there has not been time to compare it with the bill since it was ordered to be engrossed.

Mr. ORR. Oh, it is just the same with this bill as with bills which we pass every day.

Mr. JONES. That may be the custom; but it is not proper.

The SPEAKER *pro tempore*. It was engrossed before the House met this morning.

Mr. STEVENS, of Michigan. I move the previous question.

Mr. HAVEN. But as to the question of order which I raised: I am not through with it yet. I have not been heard fully. I do not want to debate it. I raised the question of order previously to the reading of the bill. The Chairman overruled it, on the ground that the question came too late. Now, I desire to have that corrected; for I addressed the Chair previously to the Clerk reading the title of the bill the third time; for I had the subject in my eye all the while.

As to the question of fact as to whether the bill has been engrossed or not, I, of course, am uninformed; but a moment or two ago I saw the bill unengrossed.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from New York, that at the time the Chair heard his point of order raised he was informed by the Clerk that the bill had been engrossed.

Mr. JONES, of Tennessee, (interrupting.) But when has it been engrossed?

The SPEAKER *pro tempore*. And being so informed, the Chair overruled the point of order raised by the gentleman from New York.

Mr. JONES. Time ought to be taken to compare the bill as engrossed with the original, and to see whether the engrossment is right or not. I now ask whether the decision of the Chair has not been made on a false assumption?

The SPEAKER *pro tempore*. The Chair was informed by the Clerk that the bill was engrossed before the House met to-day. Such was the information the Chair had on the subject, and on that he made his decision.

Mr. HOUSTON. Is it now in order to move that the House resolve itself into the Committee of the Whole on the state of the Union? If so, I wish to make that motion.

The SPEAKER *pro tempore*. The previous question has been called for.

Mr. HAMILTON. Before the question is put

on seconding the call for the previous question, I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CLINGMAN. I rise to a point of order. I hope that we will have a uniform rule of practice in transacting the business of the House. The previous question has been demanded on the passage of the bill, and, besides, a motion is now made to go into the Committee of the Whole on the state of the Union. Now, it will be recollected by the House, that some time ago, when I had occasion to look up the precedents in this body, I made the point to the Speaker, when we were considering the Nebraska bill, that I had found decisions of his in the last Congress—with which he was satisfied—that when the previous question had been demanded, and when subsequently a motion was made to go into the Committee of the Whole, the question on seconding the call for the previous question would have to be first put, before the motion to go into the Committee of the Whole was disposed of. I can turn to these precedents. The Speaker became satisfied with them. I hope that a uniform rule of practice will be established on this point. I do not care what the rule is, but I do think it ought to be a uniform one.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from North Carolina, that the temporary occupant of the chair must be governed by what he is informed have been the decisions of the Speaker; and his information is, that the Chair has held, that when the previous question has been called for, and when, at the same time, or subsequently, a motion is made to go into the Committee of the Whole on the state of the Union, the latter question is one of higher privilege than the former, and takes precedence of it.

Mr. CLINGMAN, (interrupting.) I can show decisions the other way.

The SPEAKER *pro tempore*. And from that information, the temporary occupant of the chair decides that the motion of the gentleman from Maryland [Mr. HAMILTON] is in order, and must take precedence of the demand for the previous question.

Mr. CHANDLER. Before the question is put on the motion to go into the Committee of the Whole on the state of the Union—which I suppose will lead to the consideration of the civil and diplomatic appropriation bill—I ask permission to present to this House a report from the Committee on the Library, in the form of a resolution, which was referred to that committee for a construction of the joint resolution of the two Houses touching books for new members.

The SPEAKER *pro tempore*. By unanimous consent the gentleman can do so.

Mr. STEPHENS, of Georgia. I object. I want to vote down the motion to go into the Committee of the Whole on the state of the Union, in order that we may pass this bill.

Mr. HOUSTON. I hope the House will go into committee now. Let the morning hour have its own business, and let the other business of the House have the balance of the time. I will vote for the bill in the morning hour, but I am unwilling that it should rule out everything else.

Mr. COBB. If the House goes into committee now, does not the bill go upon the Speaker's table?

The SPEAKER *pro tempore*. In the opinion of the Chair it does.

Mr. COBB. Very well; I want the friends of the bill to understand that.

Mr. HAMILTON. I call the gentleman from Alabama to order.

The question now being upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union,

Mr. HAMILTON demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 70, nays 99; as follows:

YEAS—Messrs. David J. Bailey, Thomas H. Bayly, Beaton, Boveck, Boyce, Bridges, Bugg, Carpenter, Caskie, Chastain, Chrisman, Colquitt, Cox, Craig, Curtis, Dick, Edmundson, John M. Elliott, Etheridge, Faulkner, Fenton, Flagler, Fuller, Giddings, Goode, Grow, Hamilton, Aaron Harlan, Hastings, Haven, Hill, Hillyer, Houston, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt,

Kerr, Kidwell, Kurtz, Letcher, Lilly, McCulloch, Matteson, Middleswarth, Millson, Murray, Andrew Oliver, Peck, Peckham, Bishop Perkins, Powell, Preston, Pringle, Puryear, Ready, David Ritchie, Ruffin, Shaw, Shower, Skelton, Gerrit Smith, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, and Zollicoffer—70.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Barry, Bell, Benson, Benton, Bliss, Breckinridge, Brooks, Campbell, Caruthers, Chamberlain, Chandler, Clark, Clingman, Cobb, Corwin, Crocker, Cullom, John G. Davis, Thomas Davis, De Witt, Disney, Dowdell, Dunham, Eastman, Eddy, Edmands, Thomas D. Eliot, Ellison, English, Ewing, Farley, Florence, Goodrich, Greenwood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Howe, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindley, Lindsley, Mace, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Morgan, Nichols, Noble, Norton, Olds, Mordecai Oliver, Orr, Parker, Parker, Pennington, Phelps, Pratt, Reese, Thomas Ritchey, Russell, Sabin, Sapp, Seward, Singleton, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, David Stuart, Thurston, Tracy, Tweed, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, and Daniel B. Wright—99.

So the motion was disagreed to.

The previous question was then seconded, and the main question ordered to be now put, being upon the passage of the bill.

Mr. HAVEN demanded the yeas and nays; and they were ordered.

The question was then taken; and it was decided in the affirmative—yeas 99, nays 71; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Banks, Barksdale, Barry, Bell, Benson, Benton, Bliss, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Clark, Clingman, Cobb, Corwin, Crocker, John G. Davis, Thomas Davis, De Witt, Dick, Disney, Dowdell, Dunham, Eastman, Eddy, Edmands, Thomas D. Eliot, Ellison, Farley, Florence, Goodrich, Greenwood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Houston, Howe, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindley, Lindsley, Mace, Macy, Maxwell, Middleswarth, John G. Miller, Smith Miller, Noble, Norton, Olds, Mordecai Oliver, Orr, Parker, Pennington, John Perkins, Phelps, Pringle, Reese, Riddle, Thomas Ritchey, Russell, Sabin, Sapp, Seward, Singleton, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, David Stuart, John L. Taylor, Thurston, Tracy, Tweed, Upham, Walker, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, and Daniel B. Wright—99.

NAYS—Messrs. Aiken, David J. Bailey, Thomas H. Bayly, Belcher, Boveck, Bridges, Bugg, Carpenter, Caskie, Chastain, Chrisman, Colquitt, Cox, Craig, Curtis, Dickinson, Edmundson, John M. Elliott, Etheridge, Ewing, Faulkner, Fenton, Flagler, Fuller, Goode, Grow, Hamilton, Aaron Harlan, Hastings, Haven, Hill, Hillyer, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kerr, Kidwell, Kurtz, Letcher, Lilly, McCulloch, Matteson, May, Millson, Morgan, Murray, Nichols, Andrew Oliver, Peck, Peckham, Bishop Perkins, Powell, Pratt, Puryear, Ready, David Ritchie, Ruffin, Shaw, Shower, Skelton, Gerrit Smith, William Smith, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Witte, and Zollicoffer—71.

So the bill was passed.

Pending the call of the yeas and nays,

Mr. BOYCE stated that he had paired off with Mr. MAYALL upon the bill, and that otherwise he should have voted against it.

Mr. STEVENS, of Michigan. I move to reconsider the vote by which the bill was passed, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The title of the bill was then agreed to.

Mr. WASHBURN, of Illinois. I move to reconsider the vote by which the title was adopted, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

BOOKS FOR MEMBERS.

Mr. CHANDLER. I desire now to offer the resolution which I have made several attempts to bring before the House; and with a view of having settled a question which proposes to prevent a large expenditure.

The resolution was then read, as follows:

Resolved, That, in adopting the joint resolution from the Senate, authorizing the distribution of books among the new members of the two Houses of Congress, the House of Representatives intended that when the publisher of any such books is unable to supply them, the Clerk of the House shall be at liberty to purchase them of any other person; and that when such works as have been distributed to members are not to be readily obtained, other books of a similar character may be supplied to them: *Provided*, That no more shall be paid therefor than has been paid for the books for which those shall be substituted: *Provided also*, That the new edition of the Opinions of the Attorneys General of the United States, contained in four volumes, and having an index, be substituted for the imperfect edition heretofore distributed, provided the cost thereof shall

not exceed fifteen dollars per copy: *And provided also*, That no more than one copy of any one work shall be furnished for any member.

Mr. HOUSTON. I object.

Mr. CHANDLER. I trust the gentleman will not object. We cannot get on with the appropriation bill without having something of the sort done. Its passage will save \$25,000.

Mr. HOUSTON. The general appropriation bill certainly has nothing to do with that resolution.

Mr. CHANDLER. Unless this resolution be passed, it is the duty of the Clerk to purchase immediately one hundred and sixty copies of Hickey's Constitution for each new member of the House.

Mr. HOUSTON. I will withdraw my objection.

There being no objection, the resolution was received.

Mr. SEWARD. I move to amend the resolution by striking out the last proviso, which is as follows:

Provided also, That no more than one copy of any one work shall be furnished to any member.

I now call upon the gentleman from Pennsylvania to explain the necessity of that proviso.

Mr. CHANDLER. The gentleman from Georgia calls upon me to explain that proviso. I will do it. In the joint resolution which passed some time since, it was provided that the members of each House should be furnished with all those books which had been previously furnished to the new members by other Congresses. The Senate decided that the resolution must be so construed as to give each new member of each House one hundred and sixty copies of the Constitution which now lies upon your table. That construction would involve a cost of \$25,000. That part of the resolution seemed to the committee as plain as any other portion of it, but because it has been construed differently, they have reported this resolution.

Mr. SEWARD. The object which I have in view in making the motion to strike out this proviso is, that the new members of this House may be entitled each to one hundred and sixty copies of the Constitution, the same number as is given to Senators. That is the construction which has been given in the Senate. That is the construction which has been given it by the Clerk of the House, and that is the construction which I think should be given to it. If this proviso should be adopted, the effect would be that the Senators would get one hundred and sixty copies each for distribution, and the members of the House will be denied the same number which we should be entitled to by a similar construction.

Mr. STANTON, of Kentucky. I would ask the gentleman from Pennsylvania whether the old members of this House have ever received more than one copy of this work? It has never been furnished to them for distribution. If the construction which is provided for in this resolution be given, each new member will receive one copy as heretofore. If not, each new member will receive one hundred and sixty copies.

Mr. SEWARD. In answer to the gentleman, I have only to say this: If the old members do not think proper to take care of their rights, and provide themselves with the same number of copies under joint resolution that Senators take, it is not the fault of new members. So far as I am myself concerned, I propose to take care of my individual rights, and the rights of my constituents, in the distribution of copies of the Constitution. Old members have legislated for themselves heretofore, and I cannot go back on the record to correct the mischief which may have been done. I hope that the new members here will protect themselves and get what Senators take.

Mr. LETCHER. I move to amend by striking out the following words:

And that when such works as have been distributed to members are not to be readily obtained, other books of similar character may be supplied for them: *Provided*, That no more shall be paid therefor than has been paid for the books for which those shall be substituted.

The SPEAKER. There is an amendment now pending to strike out that last proviso. The Chair will, however, entertain the amendment of the gentleman.

Mr. LETCHER. It seems to me that this provision of the resolution ought not to be here, even if the House determine to adopt the balance.

Heretofore, the House has supplied members as they come into the body with books, or so many as had been received by their predecessors on this floor. When they are exhausted, it is proposed to go into the market, at the instance of the member himself, and to select literary or miscellaneous books of one sort or the other, in order that he may supply to himself the amount of books prescribed by the resolution. In other words, he may go there and purchase a literary library, so far as the expenditure of Congress will enable him to do so, for his own private use. I hope that portion of the resolution may be stricken out.

The SPEAKER. The amendment of the gentleman from Georgia, to strike out the last proviso, being first made, is the first in order.

Mr. LETCHER. Well, sir, the object of presenting these books to members, in the first instance, was to supply them with political works connected with the discharge of their duties here, to afford them facility in acquiring the requisite knowledge to enable them to discharge those duties in a satisfactory, or at least a more satisfactory manner to their constituents and the public. Now, it seems to me that the portion of the resolution to which I refer can have no such effect; on the contrary, it can be regarded in no other light than as a matter of personal favor to members, by which their personal interest and their convenience are alone to be consulted. I hope that we shall not enlarge the rule at any rate; but that we shall confine the distribution of books to the limits heretofore assigned.

Mr. JONES, of Tennessee. The matter in reference to which the Committee on the Library now report, was a joint resolution of the two Houses to furnish the new members of the Senate and House of Representatives of the present Congress such books as had heretofore been distributed to members. It was understood at the time to be one copy of each of the works which had been heretofore distributed for new members use. And why, sir, was it necessary to pass the joint resolution? Heretofore the Senate have adopted a resolution for the distribution of books among its members. The House have also adopted a similar resolution in reference to its members; but at the last Congress, with an appropriation to pay for the books then directed to be distributed by the respective Houses, it was enacted that thereafter no other book should be distributed, except such as should be ordered by the Senate or the House. Then, sir, in order to distribute books similar to those usually distributed, it was necessary to pass a repealing law to be approved by the President.

Congress, I believe, have never authorized, by joint resolution, any number of books to members of either House for distribution. If you now pass the resolution giving to each of the new members of this House one hundred and sixty copies of Hickey's Constitution, you give them a greater number of books than any members of the House have ever heretofore received. The House of Representatives have never distributed, or authorized to be distributed to its members, Hickey's compilation of the Constitution, other than one copy for each of its members. The House passed a joint resolution, and estimates were submitted to the committee, in order to make an appropriation for the payment of these books, and a list of such books as each member is entitled to accompanies those estimates.

Mr. HENDRICKS. I would ask the gentleman from Tennessee, [Mr. JONES,] if we do not pass any resolution now explanatory of the joint resolution, what construction will the Clerk give to it?

Mr. JONES. The Clerk puts this construction upon the joint resolution, that each member is entitled to but one copy of the Constitution. The Clerk has submitted his estimates under that joint resolution of the cost of books for the new members, and he makes the cost of a full set of books for each member \$1,043 85. If you say that the true construction of the resolution is that he shall purchase one hundred and sixty copies of the Constitution for each member, it will make \$1,202 00 as the cost of books to be distributed to each new member at this session.

The Senate have at different times ordered copies of the Constitution for distribution through the country, sometimes a larger and sometimes a smaller number; but the House have never ordered

more than one copy of the work for each member. I do not believe the House would have passed this joint resolution, if they had believed at the time that it was intended to order books for general distribution by members of the House. It was merely intended to give to each member one copy of such works as have heretofore been distributed to members for their own use. I do not know what proportion of these books can now be had. The editions of many of them have been exhausted, and I believe, in every resolution heretofore passed by this House, there has been a clause inserted that nothing in the resolution should be construed to authorize the reprinting of any of these works; but now it is proposed that the works that have been exhausted shall be supplied by an equal amount in value of other works, to be selected by the member himself. I will in this connection read the estimate submitted by the Clerk:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES, }
June 14, 1854.

SIR: I have the honor to transmit, herewith, estimates of additional appropriations for the expenses of the House of Representatives, made necessary by existing orders of the House and its committees, for the fiscal year ending 30th June, 1855.

J. W. FORNEY,
Clerk of Ho. of Reps. United States.

Hon. LINN BOYD,
Speaker of Ho. of Reps. United States.

Amended Estimates of Appropriations for the contingent expenses of the House of Representatives for the year ending 30th June, 1855.

For furniture and repairs, three thousand eight hundred and seventy-five dollars. \$3,875 00

The above is in lieu of the \$3,000 now in the printed bill. The addition of \$875 is made necessary by the order of the House for a new set of light chairs for summer, the contract price of which is \$875.

For horses and carriages, four thousand seven hundred and forty-five dollars. \$4,745 00

This is in lieu of the \$3,920 in the printed bill, the addition of \$1,825 being made necessary as follows:

Additional mail carriage, allowed by the Committee on Accounts	\$730
Horse and wagon for heavy documents, allowed by Committee on Accounts	730
Carry-all of Sergeant-at-Arms, omitted in former estimate, for six months	365
	<u>\$1,825</u>

For newspapers for members, twelve thousand five hundred dollars \$12,500 00

This is in lieu of the \$10,000 in the printed bill. The addition is made necessary by the resolution of the House which allows to each member \$50 for newspapers, instead of \$40, as heretofore.

For books voted to the new members of the House of the Thirty-Third Congress, one hundred and fifty-one thousand nine hundred and forty-nine dollars and eighty-seven cents. \$151,949 87

The foregoing estimate is made up as follows: There are in the present House one hundred and fifty-four new members, of whom one hundred and forty-three are entitled to full sets of books, and eleven to partial sets. The following list gives the cost of a full set of books for one member:

Register of Debates	\$145 00
Revised Statutes and Index	35 00
Globe and Appendix	155 00
Contested Elections	5 00
Senate and Laws	10 00
Constitution	1 00
Elliott's Debates	16 00
American Archives, (9 vols.)	151 60
Diplomatic Correspondence	15 00
American State Papers	235 00
Opinions of the Attorneys General	15 00
Finance Reports	24 00
Annals of Congress, (40 vols.)	200 00
Adams's Works	20 00
Hamilton's Works	15 75
	<u>1,043 85</u>

143 full sets, at \$1,043 85.	\$149,270 55
11 partial sets	2,679 32
	<u>151,949 87</u>

For Annals of Congress for the House Library under resolution of the House of September 28, 1853, one hundred sets of each volume, from the twenty-third to the fortieth, both included, in all seventeen hundred volumes, at five dollars per volume, eight thousand five hundred dollars. \$8,500 00

For Annals of Congress for one hundred and forty three members of the Thirty Second Congress entitled to them under the resolution of July 26, 1852, one hundred and forty three sets of twenty-four volumes each, from the

sixteenth to the fortieth, inclusive, in all three thousand four hundred and thirty-two volumes, at five dollars per volume, seventeen thousand one hundred and sixty dollars. \$17,160 00

The resolution, it seems to me, was certainly framed with the design of giving to each new member one copy of each work which I have read from that estimate submitted by the Clerk; and this thing of including one hundred and fifty-nine copies of Hickey's Constitution, to be distributed to the new members, is, in my opinion, an afterthought for the benefit of the author or compiler of that work. And, to say nothing about the wrong in itself, it would be doing injustice to those districts—not to the members themselves, but to their districts—which have been represented on this floor, and whose Representatives have never received one solitary copy of that work for distribution among their constituents. This work has never been taken by the House since it was first compiled. It has never been ordered since. And it was, in my opinion, clearly not the intention or understanding of this House, at the time this resolution was adopted, that they should go beyond the copies for the members of the works that are now in use.

Mr. BOYCE. I merely wish to say that I think the resolution introduced by the gentleman from Pennsylvania [Mr. CHANDLER] a very proper one. The object of buying these books, if I understand it, is that members may have the means of informing themselves upon political subjects. What then do they want with more than one copy of any one work before them? This whole thing of the distribution of books is one upon which the country is somewhat sore. Let us proceed, then, with some degree of regard to public opinion. If there is any doubt of the meaning of the original resolution, let us adopt the resolution of the gentleman from Pennsylvania, which is designed to explain it.

Mr. UPHAM. I understand that the present difficulty arises from the circumstance that the original joint resolution, was so interpreted in the other branch of the National Legislature as to give a large number of one of the books to the new members of that body. I also understand that if that joint resolution shall receive the same interpretation here, it would give the same large number of books to each of the new members of this House. I understand that the old members of this House never received that large number. I learn, also, from the statement made by the chairman of the Committee on the Library, [Mr. CHANDLER,] that the Opinions of the Attorneys General, in the edition which he proposes to provide for new members, are in a form and shape vastly more valuable than in the previous edition, which edition the old members received.

I rise, therefore, to give notice that if the motion of my friend from Georgia [Mr. SEWARD] to strike out the last proviso of the resolution of the gentleman from Pennsylvania shall prevail, I propose to move an additional proviso, as follows:

And provided further, That the members who have not received the books contemplated herein, shall be provided therewith.

The object of the proviso is, that the old members of this body may have an equal number of the work upon the Constitution to circulate in their districts, and among their constituents; and, also, that the old members may have the advantage of the very superior recent edition of the Opinions of the Attorneys General.

Allow me to say, Mr. Speaker, that I do not at all sympathize with my friend from Tennessee [Mr. JONES] in the argument which he has made to the House in enforcing his views, that this resolution operates, and ought to, exclusively to the personal benefit of members. I should rejoice to have the resolution, in its final form, assume such a shape that it will be valuable, not only to us, but to our constituents. And I maintain, sir, that there is no book which we order, in large numbers, more appropriate to be circulated among our constituents than that book on the Constitution. It is a book which we should rejoice to be able to deposit in every county, in every town, and in every village in our respective districts.

With these views, I shall offer the proviso which I have read to the House.

Mr. SEWARD. If I understand the gentleman from Massachusetts, [Mr. UPHAM,] he pro-

poses to offer his proviso in the event that my motion is adopted.

Mr. UPHAM. Yes; and I shall offer it in case the motion of my friend from Georgia fails, if it will be in order to do so.

The SPEAKER. It is in order to move to strike out and insert.

Mr. SEWARD. I will not object to that.

Mr. SMITH, of Virginia. I myself have never been in favor of the policy of publishing books by Congress for circulation, either among members or their constituents. But, sir, the policy has long prevailed, and I suppose that this resolution involves a simple construction of a resolution heretofore adopted. It is true the discussion has been extended to embrace the general policy of voting books to members; but the objections which have been urged to the resolution of the gentleman from Pennsylvania have been confined to the ordering of but one copy of this particular work for distribution by the members.

Now, if I understand it, it has long been the practice to distribute largely many works; for instance, the report of the Secretary of the Treasury and the Patent Office report. Well, sir, what is the object in ordering large numbers of these works printed? Undoubtedly it is that members may act as trustees for their distribution. Every member who receives these books is bound to distribute them among his constituents in the manner best calculated to promote the object in furnishing them to him. No member has the right to sell or dispose of them for his own personal advantage. No member, I am sure, will so dispose of them.

The Constitution of the United States, it is true, is all over the country. It is contained in the editions of the constitution and laws of most of the States. It may be found in many of the school books. It is found in all the books containing the laws of the country. But the gentleman from Massachusetts thinks that it is not sufficiently circulated. Well, sir, I concur with him in the opinion that a proper knowledge of it is wanting in many portions of the country. I dare say that he speaks knowingly when he makes the observation. I have no doubt he has seen a manifest want of it in the State which he so ably represents upon this floor. We have had a startling illustration of the utter want of knowledge of the provisions of this instrument on a recent occasion, in carrying out the laws of the Federal Government, in the far-famed city of Boston.

I have no doubt the honorable gentleman speaks from what he has seen, and that the circulation of the Constitution is really necessary in that portion of the country from which he comes. I have generally voted against the largest number of these publications, but I am almost constrained, in this particular instance, to go against the construction advocated by the gentleman from Pennsylvania, and in favor of that of the Senate. I do not know that I will vote in favor of that proposition, but I shall be strongly inclined to do so. I hope, sir, that this question will be brought to a close without further discussion.

Mr. SEWARD. I have only one remark to make. I am very sorry the gentleman from Virginia has thought proper to allude to the want of the Constitution in Massachusetts. Sir, we need it as much at the South as anywhere. It is needed North, South, East, and West; our whole people need it. I hope the amendment will be adopted.

Mr. UPHAM. I desire to offer a single sentiment in reply to the remarks which have fallen from the honorable member from Virginia, who has just taken his seat, bearing upon myself and upon my State—the venerable, enlightened, and illustrious Commonwealth which I have the honor in part to represent upon this floor. The gentleman from Virginia says, if I understood him—my attention having been to some degree interrupted—that the State of Massachusetts needs to have the Constitution of the United States circulated among its people.

Sir, the Representatives and the faithful and patriotic citizens of that State intend that the Constitution of the United States shall be kept fresh in the minds of the people of every generation; that in every school district every child shall grow up with its principles engraven deeply on his heart. The people of Massachusetts do not intend that lapse of time shall render it necessary to have their minds reformed in reference to the Constitution.

There may be portions of this Confederacy, which took a great part, too, in the formation of that Constitution, where its original and fundamental principles need particularly to be reënfined, and among whose people they need to be repeated and revived. And, in reference to such portions of the Confederacy, I would particularly suggest to my honorable friend from Virginia, it surely is of even greater importance that every member on this floor should be provided with the means of conveying to his constituency a correct knowledge of the Constitution, so that errors which may have grown up, and heresies which may have thriven in the minds of the people they represent, may be corrected and removed; and that they may be brought back to the knowledge of those primitive sentiments and truths in support of which the fathers of Virginia and the fathers of Massachusetts were united. And if we do our duty, and recall those who have strayed into error, to the grounds on which the Constitution was established, their sons will again come together, and be united in the maintenance of those same great first principles.

Mr. SMITH, of Virginia. I am happy, really very happy, sir, to agree with the gentleman from Massachusetts in the opinions which he has expressed. In all sincerity, from very slight acquaintance with that gentleman, I entertain for him really a great respect. I speak this now as *con amore*. I did not venture to say that the people of Massachusetts needed additional information on the subject of the Constitution. I remarked, it will be remembered, that I supposed it was in all their school books. But I was very much gratified at the testimony of the honorable gentleman from Massachusetts on this subject, which was very much strengthened by a recent circumstance which occurred in Boston, from which it would seem, in fact, that additional information on this sacred instrument was necessary. I am told that it is in every common prayer-book.

I admit that Virginia and Massachusetts once united cordially in the construction of this instrument. They moved together harmoniously for a season, but they soon diverged; different constructions prevailed in the two Commonwealths—wisely I will not say as to both; for I could not say so; but patriotic as to both I am willing to admit. Still, sir, they have differed; they at present differ; and I am sure that the gentleman from Massachusetts will admit that a want of knowledge of the Constitution—for it is not to be supposed that there is want of patriotic purpose to observe its provisions—has been strikingly manifested in the great emporium of New England.

As the gentleman understands the subject well, and thinks that there ought to be an additional circulation of the Constitution among his constituents, I bow in submission to his opinion. I agree with him in opinion, and may perhaps unite with him when we are called on to vote. I do not promise, however, to do so.

Mr. SEWARD. I call for the previous question.

The previous question was seconded; and the main question was ordered to be now put.

Mr. JONES, of Tennessee. I ask for the yeas and nays, and tellers upon the yeas and nays.

Tellers were ordered; and Messrs. JONES, of Tennessee, and PERKINS, of New York, were appointed.

The House was then divided; and the tellers reported only twenty gentlemen voting in the affirmative.

So the yeas and nays were not ordered.

Mr. STUART, of Michigan. I move that the House adjourn.

The motion was disagreed to.

Mr. MILLSON. I wish to anticipate another motion to adjourn, and therefore I take this opportunity to give notice to the House that on tomorrow I shall call their attention to a question of privilege connected with the recent violation of the order and decorum of the House.

[Cries of "Good!" "Good!" and "That's right!"]

Mr. GOODE. I ask the Chair whether a division of this question is in order?

The SPEAKER *pro tempore*, (Mr. PHELPS occupying the chair.) Under the rule of the House a motion to strike out and insert is not divisible.

The question now being on the adoption of the amendment,

Mr. JONES, of Tennessee, called for tellers.

Tellers were ordered; and Messrs. WHEELER and CHAMBERLAIN were appointed.

The House was divided; and the tellers reported—yeas 90, noes 47.

So the amendment was adopted.

Mr. LETCHER. I now present to the House the amendment to which I called the attention of the House some time ago, and which is on the Clerk's desk.

The SPEAKER *pro tempore*. The House has sustained the demand for the previous question, and ordered the main question to be now put. The present occupant of the chair was not presiding when the amendment of the gentleman from Virginia [Mr. LETCHER] was offered; but as he is informed, it was not entertained by the Speaker.

Mr. LETCHER. It was entertained and debated for some time; and then the Speaker remarked that he must give priority to the proposition of the gentleman from Georgia, which was first made.

Mr. JONES, of Tennessee. I would state one fact to the Chair, that exactly the same occurrence took place yesterday on the bill of the gentleman from Georgia, [Mr. HILLIER.] There was a motion submitted to strike out the day at which the session of Congress should commence. Then another gentleman moved to amend the prior part of the bill, by inserting a provision as to when the act should take effect. The previous question was called, and sustained. The question was then taken upon the amendment first offered, and which was to come in at the latter part of the bill. Then the question was taken upon the amendment last offered, and which was to come in at the first part of the bill.

Here the SPEAKER resumed the chair.

The SPEAKER. When the gentleman from Virginia [Mr. LETCHER] first submitted his amendment, as it was to come in at the first or second proposition in the resolution, the Chair did indicate to him, at that moment, and for that reason, that he would entertain it. The Chair afterwards corrected it, and said—no doubt, correctly—that the amendment of the gentleman from Georgia, [Mr. SEWARD,] having been first made, the motion of the gentleman from Virginia was not in order until the amendment of the gentleman from Georgia was disposed of.

Mr. LETCHER. Then the Chair decides now that the previous question cuts off my amendment?

The SPEAKER. It cuts off all amendments.

Mr. LETCHER. Then I move to reconsider the vote by which the main question was ordered, that we may get back to my amendment.

Mr. KERR. I move to lay the motion of the gentleman from Virginia upon the table.

Mr. LETCHER. How did the gentleman get the floor to make that motion? [Laughter.]

The SPEAKER. No doubt the gentleman has the right to the floor, because nobody can make a speech, and—

Mr. LETCHER. Not upon a motion to reconsider?

The SPEAKER. The gentleman from North Carolina [Mr. KERR] moves to lay the motion of the gentleman from Virginia upon the table. Neither motion is debatable, and therefore the gentleman from North Carolina was in order in making his motion.

Mr. LETCHER. I was upon the floor, and made the motion to reconsider.

The SPEAKER. But the gentleman could not retain the floor, because he had no right to debate his motion.

Mr. LETCHER. No right to debate a motion to reconsider?

The SPEAKER. A demand for the previous question is not debatable. The question of reconsidering the main question is not debatable; and the gentleman from North Carolina was in order in moving to lay the motion of the gentleman from Virginia upon the table.

Mr. LETCHER. I have no desire to delay the action of the House, or to embarrass the House in any way. I offered the amendment in good faith, and desire to have a vote upon it. I hope the Chair will have my amendment read for the information of the House.

The SPEAKER. The Chair will state the proposition correctly. The gentleman from Georgia [Mr. SEWARD] submitted the amendment which has already passed. Afterwards the

gentleman from Virginia [Mr. LETCHER] submitted his amendment, which was to come in at an earlier part of the resolution, and, at the moment, the Chair said he would entertain it. Very soon thereafter, however, the Chair stated that the amendment of the gentleman from Georgia was first in order, and, until it was disposed of, the amendment of the gentleman from Virginia was not in order.

Since that time the Chair understands that the House has ordered the main question to be now put. The gentleman from Virginia moves to reconsider the ordering of the main question by the House. That is the proposition under consideration. The gentleman from North Carolina moves to lay the motion to reconsider upon the table.

Mr. LETCHER. I have asked that my amendment may be read to the House, in order that members may know what it is.

The SPEAKER. If it is not objected to, it will be reported to the House.

Mr. CHAMBERLAIN. I object.

The question then being upon the motion to lay the motion to reconsider upon the table, it was put; and the motion was agreed to—ayes eighty-eight, noes not counted.

The question was then upon the passage of the resolution, as amended.

Mr. HENDRICKS. I demand the yeas and nays.

Mr. DAVIS, of Indiana. I move to lay the resolution upon the table; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken upon Mr. Davis's motion; and it was decided in the negative—yeas 47, nays 107; as follows:

YEAS—Messrs. Abercrombie, Thomas H. Bayly, Barksdale, Barry, Benton, Bocock, Boyce, Caskie, Churchwell, Clingman, Cobb, Colquitt, John G. Davis, Eddy, Edmundson, Ellison, Ewing, Faulkner, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Hendricks, Henu, Gillyer, Houston, Daniel T. Jones, George W. Jones, Kidwell, Letcher, Smith Miller, Millson, Murray, Orr, Bishop Perkins, Phelps, Puyear David Ritchie, Ruffin, Shaw, Singleton, Skelton, Gerrit Smith, William Smith, David Stuart, Tracy, and Trout—47.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, David J. Bailey, Banks, Belcher, Bell, Benson, Bliss, Brooks, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chastain, Chrisman, Clark, Corwin, Crocker, Culloh, Thomas Davis, De Witt, Dick, Dickinson, Dowdell, Eastman, Edmonds, Thomas D. Elliot, John M. Elliott, Etheridge, Farley, Feuton, Florence, Giddings, Goodrich, Greenwood, Harrison, Hill, Howe, Hughes, Hunt, Johnson, Roland Jones, Keiti, Kerr, Knox, Lamb, Latham, Lilly, Lindsey, McCulloch, McMullin, Mace, Macy, Matteson, Maxwell, May, Mayall, Middlesworth, Morgan, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Pennington, Powell, Pratt, Preston, Pringle, Ready, Reese, Riddle, Thomas Ritchey, Russell, Sabin, Sapp, Seward, Shower, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Upham, Vansant, Walker, Walley, Elihu B. Washburne, Wells, Tappan Wentworth, Westbrook, Wheeler, Witte, and Hendrick B. Wright—107.

So the House refused to lay the resolution upon the table.

[Mr. DE WITT, from the Committee on Enrolled Bills, reported as correctly enrolled a bill and joint resolution of the following titles; which were signed by the Speaker:

An act to authorize the issue of registers to vessels owned by the Accessory Transit Company; and

A resolution giving the consent of Congress to the acceptance, by Lieutenant M. F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden.]

Mr. HILLYER. I move that the House do now adjourn.

Mr. SEWARD. I appeal to the gentleman to withdraw the motion.

Mr. HILLYER. I cannot.

The motion to adjourn was not agreed to.

The question then recurred upon the passage of the resolution, upon which the yeas and nays had been demanded.

The yeas and nays were not ordered.

The question was then taken; and the resolution was passed.

Mr. WHEELER. I move to reconsider the vote by which the resolution was passed; and that that motion be laid upon the table.

The later motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that the Senate had passed bills of the following titles:

S. B. No. 404. An act to authorize the issue of a register to the brig *Amelia*, by the name of Abby Francis; and

S. B. No. 357. An act for the relief of Urban Stoll.

CORRECTION OF THE JOURNAL.

Mr. FLORENCE. I ask the unanimous consent of the House for leave to have the record corrected with regard to my vote. The other day, when the bill on the subject of postage was under consideration, I voted against laying the first four sections upon the table. At that moment I was called from my seat by a gentleman who desired to communicate with me. On my return the yeas and nays were being called. The question I presumed was on the fifth section of the bill. I voted, as I understood, against laying that section upon the table. By examination of the record, however, it will be seen that the question was on the bill originally introduced by the chairman of the Committee on the Post Office and Post Roads. I desired to vote to lay that bill upon the table, because I was opposed to an increase of the present rate of postage. I ask that the Journal may be corrected.

There was no objection; and the correction was accordingly ordered to be made.

MARY P. FRANCISCO.

On motion by Mr. EDMUNDSON, it was Ordered, That the petition and papers of Mary P. Francisco be withdrawn from the files of the House, for reference to the Pension Office.

CHANGE OF REFERENCE.

Mr. CHAMBERLAIN. I ask unanimous consent for leave to change the reference of two bills now before the Committee on Public Buildings and Grounds.

Mr. LETCHER. I object; and move that the House do now adjourn.

Mr. INGERSOLL. I rise to a privileged question.

The SPEAKER. There can be no higher privileged motion than that to adjourn.

Mr. INGERSOLL. I wish to make a correction of the Journal, and hope that the gentleman will withdraw the motion to adjourn, so that I may be allowed to do so.

Mr. LETCHER. I insist on the motion to adjourn.

The SPEAKER. The question arises whether or not the gentleman from Connecticut has not the right to submit his motion, at least, this being the only day during which he can do so; but not to interrupt the House in its disposition to adjourn.

Mr. LETCHER. I withdraw the motion to adjourn.

CORRECTION OF THE JOURNAL.

Mr. INGERSOLL. I find myself recorded as voting against laying upon the table the bill reported from the Committee on the Post Office and Post Roads. I intended to vote, and I believe that I did vote, in favor of laying it upon the table. I wish to have the Journal corrected.

The SPEAKER. The gentleman can only effect his object by unanimous consent.

Mr. INGERSOLL. I hope the House will grant it to me.

There was no objection; and the correction was accordingly ordered to be made.

Mr. LETCHER. I move that the House do now adjourn.

The motion was agreed to; and thereupon the House adjourned (at four o'clock, p. m.) till tomorrow at twelve o'clock, m.

IN SENATE.

TUESDAY, June 20, 1854.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. WADE presented a memorial of inhabitants of Ohio City, Ohio, praying a reduction of the present rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented the petition of Thomas W. Mather, of New York, and William R.

Glover, of Kentucky, merchants trading in Mexico, praying indemnity for property forcibly seized by officials of that Republic; which was referred to the Committee on Foreign Relations.

Mr. MASON presented the memorial of John S. Pendleton, praying compensation for services on a special mission to negotiate a treaty with the Oriental Republic of Uruguay, in 1852 and 1853, under instructions received from the President of the United States; which was referred to the Committee on Foreign Relations.

Mr. NORRIS presented the memorial of a committee appointed by the corporation of Georgetown, to represent its interests before Congress, praying the erection of a bridge across the Potomac river at the point known as "The Three Sisters," according to the plan of Charles Ellet; which was referred to the Committee for the District of Columbia.

Also, twenty-three memorials of citizens of Washington and Georgetown, District of Columbia, and counties of Alexandria, Loudon, and Fairfax, in the State of Virginia, praying the erection of a bridge across the Potomac river, on a site near Georgetown, known as "The Sister Islands;" which were referred to the Committee for the District of Columbia.

Mr. DIXON presented a memorial adopted at a meeting of the inhabitants of Louisville, Kentucky, praying a reduction of the present rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAWSON. I have had placed in my hands the petition of the Friends Aid Society of Washington, District of Columbia. They state that their object is to establish Sunday schools in this District, which has been partially done; and that they desire to establish free day-schools within the limits of the District. They state that they do this with the concurrence of every denomination, there being nothing sectarian at all connected with it. They say they also wish to establish an asylum, providing employment for the idle and instruction for the ignorant; and a house for the protection of females who deserve the interference and support of the better portion of creation, in order to rescue them from certain habits calculated to bring evil upon society. I present the petition, and ask that it be referred to the Committee for the District of Columbia. I hope that committee will take it into consideration, and if possible make a report which will carry out these worthy purposes.

The petition was so referred.

Mr. THOMPSON, of Kentucky, presented the memorial of Edward D. Tippet, praying that an appropriation may be made to enable him to test the cold water safety steam engine, of which he is the inventor; which was referred to the Committee on Commerce.

Mr. SEBASTIAN presented the proceedings of the fourth anniversary of the White River Arkansas Baptist Convention, held in Izard county, Arkansas, in favor of the adoption of measures for securing to American citizens in foreign countries the same degree of religious liberty that is enjoyed by the citizens of those countries emigrating to the United States; which were ordered to lie on the table.

A motion by Mr. SEBASTIAN to print the above proceedings, was referred to the Committee on Printing.

HOOSAC TUNNEL.

Mr. SUMNER. Mr. President, I present the memorial of the Troy and Greenfield Railroad Company, a corporation of Massachusetts, which represents that they are engaged in the enterprise of tunneling the Hoosac Mountain, on the air line between Troy and Boston, and on the most direct route between the great West, New England, the British Provinces, and Europe; that this tunnel will advance the value of the public lands by rendering them more accessible, their occupants more prosperous, and their productions more valuable; that it will strengthen the bonds which hold the Union together, and will secure the speedy transmission of the public mails, will facilitate the quick transmission of fresh fish from the sea-coast to the interior, promote intercourse, stimulate commerce, and contribute to the defense of the country. They further represent that this is not merely a State work, for it lies near the junction of three States, Massachusetts,

Vermont, and New York, and will facilitate the commerce not only of New England, but of New York, Canada, Pennsylvania, and the West. They conclude, Mr. President, by asking Congress to grant to them, or to the State of Massachusetts, in aid of the tunnel, one million acres of public land, or its equivalent in land scrip, upon such terms as shall seem to Congress just and proper. For precedents in this matter they refer to the liberal grants made by Congress for the canal around the falls of the Ohio; for the canal at the Sault Saint Mary; for removing impediments in the Ohio, Wisconsin, and Mississippi rivers; for the Aroostook and National roads; for artificial harbors and breakwaters, both on the lakes and the sea-board. I ask the reference of this memorial with the accompanying papers, to the Committee on Public Lands; and I beg leave especially to commend it to them, as entitled to their best attention, from the eminent worth of the gentlemen from whom it comes, and from the character of the enterprise in which they are interested—an enterprise which, in its very conception, reflects credit upon our age, and which, if accomplished, will constitute an epoch in the achievements of science.

The petition was referred to the Committee on Public Lands.

REPORTS FROM STANDING COMMITTEES.

Mr. WALKER, from the Committee on Revolutionary Claims, to whom was referred the petition of Moren Moore, praying to be allowed the difference between the pensions paid his father and mother, and that to which they were entitled, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Rebecca P. Stansbury and others, children of Thomas Peters, deceased, praying to be allowed an amount of money equal to the pension their father and mother would have been entitled to for the services of the former during the war of the Revolution, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. TOOMBS, from the Committee on Indian Affairs, to whom was referred a report of the Secretary of the Interior, as to the fulfilment, on the part of the Government, of the stipulations of a treaty made with the Pottawatomies on the 26th of October, 1832, asked to be discharged from its further consideration; which was agreed to.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom were referred the following bills from the House of Representatives, reported them back without amendment:

Bill to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota, belonging to the half breeds, or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes; and

Bill to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war.

Mr. JAMES, from the Committee on Patents and the Patent Office, reported a bill to amend the several acts now in force relating to the Patent Office; which was read, and passed to a second reading.

Mr. WILLIAMS, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Stephen Morrell, submitted a report, accompanied by a bill to pay the heirs of Stephen Morrell, deceased, the amount due their father for a pension; which was read, and passed to the second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the bill from the House of Representatives for the relief of Henry Lewis, of Clinton county, Indiana, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

NOTICE OF A BILL.

Mr. SEWARD gave notice of his intention to ask leave to introduce a bill to regulate navigation to the coast of Africa, in vessels owned by citizens of the United States, in certain cases.

IMPROVEMENT OF THE NAVY.

Mr. MALLORY. I move that the bill for the improvement of the naval service, which was yesterday ordered to its third reading, be now taken up for consideration.

The motion was agreed to.

Mr. HUNTER. Is that bill now open to amendment?

The PRESIDENT. It is not. It has been ordered to be engrossed for a third reading.

Mr. HUNTER. Then I must submit a motion to reconsider the vote by which the bill was ordered to be engrossed for a third reading. I think the bill requires some amendment. I think it requires amendment in various particulars. It creates an additional bureau. I see no necessity for that. I am opposed to this provision. Besides, the bill virtually gives the appointment of officers of the Navy to members of Congress, and I doubt whether we have any right to do that. I know some such provision crept into one of the appropriation bills last year, but it was the first of the kind, and I believe it was improper. I think we should retrace our steps in that regard.

Nor is that the only particular in which the bill may need amendment. It certainly requires explanation to my mind. It proposes two retired lists—one to receive one grade of pay, and the other another—one to wear the naval button, the other to be refused that privilege. If I understand it, upon one of them a sort of stigma is to be cast, and that is to be done at the mere discretion of the Secretary of the Navy. Now, sir, I admit the propriety of one list, and it may be that when I hear the explanation I shall feel the force of the proposition to have two; but from all I have as yet heard I am not satisfied that this distinction and discrimination should be made. I think there is danger that injustice may be done by it. Suffering may be occasioned, and for that reason I am disposed, unless I can hear some good reason for it, to reduce the two lists to one. I therefore move to reconsider the vote by which the bill was ordered to be engrossed.

Mr. MALLORY. I am very glad that my friend from Virginia has made these remarks, because they render the explanation which I was prepared to give, more pertinent and proper; and I should dislike to see the bill pass without securing for itself, not only his approbation, but that of every member of the Senate.

The bill comes before this body at so late a period of the session that it is incumbent on the committee to explain the delay, and to show that it has not been un mindful of the important duties devolved upon it. At an early day of the session, as early as February last, it had a conference with the corresponding committee of the House, and with the Secretary of the Navy. The result of that conference was an agreement upon certain important principles, and upon many details of a thorough naval organization. The Senate had, at its previous session, passed a bill for the organization of the Navy, which had gone to the House and was there lost. Expediency, therefore, seemed to dictate, that on this occasion, the bill should emanate from the House; and the able and accomplished chairman of the Committee on Naval Affairs there [Mr. BOCCOCK] undertook to bring it forward. Circumstances, however, which I am not able to explain, but which arose, perhaps, as much under the rules of the House as from the pressing character of the business which has so long and earnestly engrossed its attention, have deferred the introduction of that bill until within a day or two; and as yet I have not been able to get a copy of it.

Under these circumstances your committee, unwilling to permit the session to close without an attempt to obtain some legislative action where so much is manifestly necessary, has deemed it proper to bring forward this brief bill, embracing a few provisions, and such only as are deemed of special moment to the service. They have been prepared under the eye and with the aid of the Secretary of the Navy, whose general concurrence in them I feel at liberty to state. They by no means embrace all which the service requires; but I am convinced that much improvement must be the work of time and detail. Among other features which the committees of both Houses regarded as essential, was that of the establishment of the relative rank of the several grades of the service. The committee of the House is in

possession of its details, and I trust they will be engrafed upon this bill, believing as I do, that they are generally acceptable, and that they will have a beneficial influence upon the intercourse, and consequently, upon the efficiency of the whole corps. It seems to be no less expedient than just, that the rights and privileges, no less than the duties, of every officer should be clearly defined.

Though many important additions might be made to this bill, the committee did not suppose that it contained a single provision liable to serious objection. It aims only at the improvement of the personnel of the service; and depend upon it, sir, that if the present state of things is permitted to continue—while the naval Powers of the Old World are straining every nerve to attain the highest state of naval efficiency—we may build and equip the finest ships that float, but the time will come when their guns will but serve to salute the triumphs of their adversaries. Sir, I will not occupy the time of the Senate with remarks of my own upon the policy and national importance of sustaining and fostering this great branch of the public service; but it may not be unprofitable to recur to the counsels which the fathers of the Republic have solemnly and impressively left us, under circumstances which give them peculiar interest. Washington, in his eighth annual message, in reference to the Navy, says:

"To an active external commerce, the protection of a naval force is indispensable. This is manifest with regard to wars in which a State itself is a party. But, besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force, organized and ready to vindicate it from insult and aggression. This may prevent even the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party as may first or last leave no other option. These considerations invite the United States to look to means, and to set about the gradual increase of a Navy. Will it not, then, be advisable to begin, without delay, to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience, so that a future war of Europe may not find our commerce in the same unfortunate state in which it was found by the present?"

General Jackson, in his memorable farewell address, speaking upon the same subject, says:

"But no nation, however desirous of peace, can hope to escape collisions with other Powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of sea-coast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in the season of peace, and with an overflowing revenue, that we can, year after year, add to its strength, without increasing the burdens of the people. It is your true policy. For your Navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible, by any line of fortifications, to guard every point from attack against a hostile force advancing from the ocean and selecting its object, but they are indispensable to protect cities from bombardment; dock yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships or weaker squadrons when pressed by superior force."

Such, sir, were the views of these illustrious men; and let us see how the actual condition of our naval service accords with them.

Naval strength, (or weakness,) from the character and design of the service, is altogether relative, and must ever be measured by that of its probable adversaries; and in determining what the condition and strength of our service should be, we have first to ascertain those of the only naval Powers whose ability to contend with us upon the sea is unquestioned.

Perhaps the following comparative view may best illustrate the relative force of our Navy in 1846, (see Sen. Doc. 187, 20th Cong., 1st sess.,) before the three great Powers of Europe had put in commission many of their ships, which have since been sent to sea:

Great Britain, for every 100,000 tons of commerce, had	adroit and efficient.....	588 guns.
France had.....	1,063 "	
Russia.....	2,466 "	
And the United States had but.....	97 "	

The British Navy has at no period been so formidable as at this moment, as will appear from a glance at Steel's list of the Royal Navy for 1853. It is stated at 545 effective ships, mounting 13,754 guns, many of them of the heaviest character.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, JUNE 22, 1854.

NEW SERIES.....No. 92.

The list of screw steamers gives: 2 of 120 guns; 1 of 101 guns; 5 of 90 guns; 2 of 80 guns; 8 of 50 to 70 guns; 6 of 21 to 40 guns.

The screw steamers in course of completion were: 3 of 100 to 120 guns; 6 of 90 guns; 3 of 80 guns; 1 of 50 guns.

The application of the screw to the ordinary ship of the line, giving her an auxiliary speed of from four to seven knots, is the salient improvement where the British have excelled the French. Even while we are writing, we learn that the *Cressy*, a ninety-gun ship of the Baltic fleet, was driven from her moorings, and only saved from going ashore on the Swedish coast by her screw.

Some idea of the formidable character of the British Navy may be obtained by a glance at the following force, which sailed from Spithead on the 11th of April last, and which constitutes only the first division of the Baltic fleet:

SCREW LINE-OF-BATTLE SHIPS.

Ships.	Guns.	Men.	H. P.
The Duke of Wellington.....	131	1100	780
The Royal George.....	120	990	400
The St. Jean d'Acre.....	101	900	600
The Princess Royal.....	91	850	400
The <i>Cressy</i>	80	750	400
The Edinburgh.....	60	600	450
The Blenheim.....	60	600	450
The <i>Hogue</i>	60	600	450
The Ajax.....	58	600	450
The Imperieuse.....	51	530	360
The Eurymachus.....	51	530	400
The Arrogant.....	47	450	360
The Amphion.....	34	320	300
The Dauntless.....	33	320	250

PADDLE-WHEEL.

The Leopard.....	18	300	560
The Dragon.....	6	300	560
The Valorous.....	16	220	400

Total: 17 ships—1,017 guns—9,870 men—7,570 horsepower.

I will not institute a comparison between our naval force and those of the maritime Powers of Europe. I design only to state enough to show that the subject is fruitful in suggestions of the gravest national consequence. It is not our interest, it has never been our policy to maintain an expensive naval establishment; but I submit to the consideration of this body, whether the condition of the Navy, as disclosed by the Secretary's late report, is adequate to the wants, or consistent with the honor and character, of the country. But, sir, in rising upon this occasion to speak for the Navy, I designed not to refer at any length to its ships, its ordnance, or any of its material; for legislation upon these points is not contemplated by the bill; but I came here to speak of its soul, its spirit, by which the service moves and has its being; and for these—for the men who sustain your flag, and represent your spirit upon the sea, who hold their lives in their hands whenever her interests or the honor of their country demand their sacrifice: who, from Decatur, Somers, Wadsworth, and Israel, to Stewart, Stockton, Morris, and Ingraham, have identified themselves with your growth, your glory, and your greatness—for these sir, in behalf of the committee, do I invoke your action.

And, sir, disposed, as this body ever is, to be just, nay, to be generous, I know that I have but to direct your attention to the Navy, to secure for it your cheering and sustaining hand. In doing so, then, sir, let me briefly remind you that, though inseparably connected, as it is, with national character, national rights, and even national greatness, disclosing, as it does, so many heroic deeds and memorable examples of devotion to country, it has received less attention from the fostering legislation of Congress than any other branch of the public service.

Let me remind you, sir, that the gallant spirits who composed our Navy at the beginning of the present century, curbed the barbarous princes of Northern Africa, compelled them to respect our flag and its commerce, abolished the tribute, planted the stars and stripes for the first time upon a fortress of the Old World, and drew from the then existing Pope the declaration that infant America had done more for Christianity in one year than Europe had done in a century. And let me

remind you, too, sir, that our Navy, feeble in ships, arms, and men; feeble as it was in every thing but character, courage, discipline, and devotion, was the first that ever dispelled the charm of British invincibility upon the sea, and taught their country the fact—a fact whose moral power transcends all armies and navies—that in an equal contest with any people upon earth the honor of our flag might safely be intrusted to the Navy.

Sir, in one hour after his official notice of the declaration of the war of the 18th of June, 1812, Commodore Rodgers, with his squadron at New York, was under weigh. With his own hand he fired the first gun of the war, which, ominous of success, struck the enemy, and the triumphs which followed in quick succession not only cheered and animated our own people, and awakened a public spirit of confidence and enthusiasm hitherto unknown, but did more to elevate our character abroad and enforce respect to our just pretensions than we can now readily understand. No single combat on land or sea ever produced happier results to a just cause than did the action between the *Constitution* and *Guerrier*.

Our inability to cope with Britain upon the sea had been regarded as an axiom that it was folly to question. It was commonly said that France built and equipped ships and sent them to sea only to fall into the hands of England, and that we should profit by her example; and hence we see that from the reduction of the Navy in 1801 to the war of 1812, during which period scarcely a day passed without some insolent violation of our neutral rights, not a single frigate was added to our Navy; and it is questionable whether it was as efficient as it had been in the Tripolitan war.

It seems that the Administration relied but little upon it in the contemplated struggle with Great Britain; for when war was declared, not only were our few ships so scattered as to be unable to act promptly and vigorously against the enemies' commerce before it should have had knowledge of hostilities, but there can be little doubt that it had determined to dismantle our ships and retain them in port, and that this policy was only averted by the interposition and earnest arguments and representations of two naval officers.* Happy was it for the country, sir, that this policy was averted; for had our ships—instead of that bold and dashing career upon the sea which won the admiration even of their gallant foes—been ignominiously dismantled and moored under the guns of our forts, and suffered to rot in cowardly inaction, the moral power awakened by its achievements, and the vast resources of our country as a naval power, might still have remained undeveloped.

Sir, some of the naval men who figured in your Tripolitan war, and in the war of 1812, still adorn the service, linking it with its past glories, and their own deeds and renown; men who, to all that forms the skillful, bold, and finished seamen, unite rare capacity and judgement, ripened, but unimpaired by years; men upon whose acknowledged ability and courage the country would instantly call in any naval emergency.

Sir, such men make themselves the property of the nation; and I feel that in my place here, I can speak as justly as I can impartially of Stewart and of Morris, having never seen the one, and having but slight personal acquaintance with the other, and looking at our public records alone. To Stewart's personal and earnest intercession with the American Cabinet in 1812, no less than to his brilliant courage and matchless coolness during the war—more than to any living man—do we, in my judgment, owe the character which the service won; and whether we regard Morris in a hand-to-hand struggle with the Tripolitan gunboats, or as one of the forlorn hope so gallantly led by Decatur, and the first to reach the deck of the *Philadelphia*, or as the Executive officer of the *Constitution*, who, in her memorable action with the *Guerrier*, lashed the enemy's ship to his own, we cannot but regard him as a man whose rare

merit has enabled him to carve out of every responsibility devolved upon him, an honor for his country, and a leaf upon her records for his own fame. And who does not see with pleasure these men still maintaining their places at the head of their profession, performing its active duties with warm hearts, zealous industry, and unclouded intellects?

In this brief mention of these gentlemen I trust it is unnecessary for me to disclaim any invidious discrimination against others. I cite them not exceptions to, but rather as types of, those gallant spirits who freely shed their blood to sustain the honor of the country in the war of 1812, while thousands of their countrymen, in security at home, were denouncing it.

Sir, we cannot, at this day, review the declaration of war of 1812 without regarding it as one of the most heroic acts of any age. We made it against greater odds, infinitely greater odds, than opposed Napoleon when Europe was arrayed in arms against him; when our foe had annihilated his gigantic navies; when Duncan at Camperdown; Howe on the 1st of June, 1794; Nelson at the Nile; Cochran in Basque Roads; Parker at Copenhagen, and Nelson again at Trafalgar, had filled the world with Britain's fame, and united its belief in her invincibility. The naval flags of Europe were at her feet; she emphatically "ruled the waves," and her post captains were the high constables of the deep. Against such a foe, and in the exultant hour of her unexampled triumph, our naval men sallied out upon the sea to strike for its freedom. They went out, as Mr. Rush has expressed it, with but a sling in their hands. And well did they demean themselves in the unequal struggle. In all latitudes, at all times and places they sought the enemy. Traversing the East and West Indies, the Atlantic and Pacific oceans, and even the British channel, they not only captured or destroyed thousands of her merchant tonnage, but some of her ablest captains in her finest ships, in equal combat, lowered to the stars and stripes of the untired Republic that banner which Britain proudly boasted had braved unconquered, for a thousand years, "the battle and the breeze."

It is difficult, as I have said, at this distant day, to comprehend fully the bearing of such a naval career upon our national character. While our own people, with one universal acclamation hailed it with surprised and exultant gratitude, Europe—that Europe whose cause we were also sustaining, and which had gazed with folded arms upon the unequal contest, anticipating our destruction—yielded its astonishment and admiration. Even Great Britain, when she found her merchants complaining of the countless tons of shipping destroyed or captured, her insurance policies commanding exorbitant premiums, her West India trade cut up, her wharves nearly annihilated, and her ships of war sunk in equal contest, no longer spoke, through her public prints, of our "boards nailed together for ships, sailing under a bit of striped bunting;" but with that noble instinct which ever impels the Briton's heart to do justice to the courage and conduct of a gallant foe who stands squarely up to the fight, she too confessed and admired the true character of our Navy, finding some balm for her wounded pride in the declaration that if she had sustained defeat, it took her own children to accomplish it.

From the war of 1812 to the present moment, there is no sea on the globe visited by our commerce, that has not witnessed the services of our naval officers in the protection of the life and property of our people. Educated and trained for war, still their noblest conquests are achieved in times of peace; and as pacificators, negotiators of treaties, and protectors of our citizens and commerce in distant seas, our naval men are constantly called upon to perform duties of national moment. Every American naval officer of rank who has performed his due routine of sea service, I will undertake to say, could furnish from his own experience, instances of the kind alluded to, many of which are of public notoriety, and others are

*Stewart and Bainbridge.

only known to the files of the State or Navy Department. Commodore McCauley, at Valparaiso; in 1851; Commodore Downs, at Qualla Batou; Commodore Jones, at the Sandwich Islands; Commodore Reid, at Canton, in 1839, when the American and other foreign residents were barricaded in their houses, amidst a general popular tumult, and all intercourse and trade with the Chinese were suspended; and Commander Glynn, at Japan, in the recovery of fifteen American seamen from long and painful captivity—all rendered important services, which were acknowledged by the country at the time. And, sir, at this very moment, intelligence is reaching us that another energetic officer, in the execution of a most important and peaceful mission, has impressed our national character upon the rulers of Japan, and opened to American enterprise a trade for which the Old World has vainly struggled for two centuries.

I have deemed it but just to the Navy to advert, even though thus briefly, at its great public services, and its important agency in creating and maintaining our national character. But, sir, let me here state what must be evident to all who will look at its past history, that not only the maintenance of the character and *esprit du corps* of the Navy, but its mere existence has been due, not so much to our legislation as to the Navy itself. Though the war of 1812 was declared in June, so little confidence had Congress in the ability of the Navy to sustain itself, that nothing of moment was done for it throughout the year; and from that day to the present hour it has always been found necessary for naval men to demonstrate, from fact to fact, its ability to maintain the honor of the country, and to apply the means intrusted to it properly, before Congress would confide to it the necessary means.

Ready as we have been to legislate, and sometimes to legislate unduly, for all other important public interests, the Navy seems to have escaped our attention; and the consequence is, that, with a corps of officers greater in number and eminently superior in mental training and culture to those of the war of 1812, and fully equal to them in zealous devotion to the flag, our Navy is far less efficient at this moment, in comparison with those of Great Britain and France, than it was to the Navy of Great Britain at the close of that war.

In saying this, I do not refer to our ships, nor to officers or men as individuals, but to the corps as an organization. Our ships, our ordnance, and our naval officers, as individuals, are equal to any upon earth; but Congress has failed to array and organize these elements in the most judicious and efficient manner. I will now, sir, briefly state the provisions of the bill reported by the committee, and the objects which they are designed and expected to accomplish; and in doing so, I will frankly say, in the first place, that, though it reduces the aggregate number of officers now in the grades of captains and commanders by seven, the committee does not deem it expedient to reduce the higher grades beyond this.

Complaints, based, perhaps, upon a partial knowledge of the Navy, are frequently made, that a certain number of these officers is always to be found unemployed on shore; and it is contended that this number, be it what it may, is superfluous, and should be dispensed with. In reply to this, it may be said that a naval officer on a three years' cruise, not only does duty every day and night of those three years, but that throughout this period, he is separated from his country, his home and his family; and that it is not only just to the officer, but it is wise and just for the country, that at the termination of his cruise, he should have relaxation from duty. A military profession which implies constant absence from country, and precludes the holiest affections which cluster around the heart, must be unworthy the ambition of honorable minds.

The true interests of the Republic, looking alone at the greatest efficiency of the officer, require that he should, in common with her citizens, nourish the ties which cling around the family altar, and feel, upon whatever distant sea or service he may be, that his home and his affections are in his own loved land, and that like a fettered prisoner, however far he roams, he can but drag a greater length of chain. Teach your naval officer, sir, that he cannot wander so far but that sympathizing hearts and watchful eyes are tracing his track upon the

deep; teach him that when he strikes, not only the honor of his flag and the interests of his country, but the welfare, nay, perhaps, the liberties, of wife, children, and friends are in every blow, and you will have done all that human wisdom can do to render him invincible. This I deem sufficient in refutation of a position which would result, if adopted, in reducing the naval officer to the condition of a wandering Arab.

The first section creates the grade of *flag officer*, and limits its number to twenty. The propriety of this measure is apparent to every Senator who has given much attention to the intercourse of our naval men with those of foreign services; and who will not hesitate to acknowledge that their usefulness must always be more or less modified by their ability to mingle with and meet them upon equal terms in all official intercourse. Foreign services have several grades, higher in official rank than our grade of captain, each of which has its appropriate flag, designation, rights, and privileges; and although an American captain, in command of a squadron, holds a position equivalent to that of a British, French, Russian, Dutch, or Spanish admiral—for it is the highest grade known to his service—still it is ever found difficult, and often impossible, to obtain a recognition of such equality in those particulars, which a military officer is not permitted to disregard; and painful embarrassments, really impairing the usefulness of the service, have been, and must continue to be, the frequent result.

We are all familiar with the nautical title of commodore; a title which is unrecognized by law, and which we have borrowed from the British service, where it is applied to temporary commands only, and never signifies more than a captain temporarily in command of more than his single ship.

The designation of *flag officer*, it is believed, will obviate all uncertainty and embarrassment, and convey to foreign services the idea of a grade equivalent to the highest of their own.

The second section of the bill, the one to which the honorable Senator from Virginia has adverted, provides for the appointment of midshipmen. I will say here, Mr. President, in explanation, that in 1842, if I remember correctly, midshipmen were regularly distributed among the congressional districts of the United States. That is, it was directed that they should be taken from each district, in rotation, as justly as possible, as appointees to the Academy might be wanted. This went on for sometime, until the members of the House of Representatives finding, as they supposed, or as I understood they supposed, that Congress, in giving the appointments of midshipmen to the districts, designed that they should be made upon the recommendation of the Representative from the district, tacked on to an appropriation bill, a provision that when a midshipman went to the Academy, he should go there upon the recommendation of the Representative of the district only.

I, among others, disapproved that provision at the time. I did not believe that the power of appointment to the Academy could rightfully be taken from the Executive. I do not believe it now. But it seems that a large majority in the House of Representatives favors this state of things; and upon reflection I have considered that, as the Representative of the district is the organ through which its people may best make their wishes known, we have a chance, perhaps, of getting a better class of youths in the service by permitting the Representatives to appoint them than we should have if the appointment were intrusted to the Executive patronage at large. It multiplies watchfulness and the means of getting a better cadet from each congressional district; and, sir, the rule has worked sometimes in this way: In some particular district the son of indigent parents displays peculiar precocity; he becomes distinguished by studious habits, and gives evidence of aptitude for sea service. A generous community comes forward and unanimously gives up its preference for others, and asks the appointment for that youth to the Naval Academy. Under ordinary circumstances such a youth would not be chosen. He would have scarcely a chance of going to the Academy when political interests constitute the only element by which he could approach the Executive power. Thus, under the working of this clause in the appropria-

tion bill, I have no doubt the Academy is much better supplied with the requisite talent than it otherwise would be. This bill proposes an amendment to this manner of appointment. We find that, in the present condition of the Navy, there are too many midshipmen; the Academy is becoming crowded, and in a short time they will have to be reduced to perhaps half their present number.

This amendment does not, as the Senator from Virginia supposes, confer the appointment of the officers on Congress, but it gives to Senators a voice in the selection of some of the midshipmen from their respective States. It reduces the appointment of midshipmen from two in each congressional district to one, and then provides for the appointment of two from each State, upon the recommendation of the Senators from that State respectively. This was supposed by the committee to introduce a just modification of the present system of appointment. I have no expectation that the House will ever recede from its position, though I trust it may agree to this modification.

I will now, sir, reply to the objection made by my honorable friend from Virginia to the provision for two retired lists; and first let me say, sir, that I regard all legislation for the Navy, without a retired list, as radically wrong. All improvement in the service must date from this important feature; and in advancing this opinion, which is the result of some reflection and observation, I believe that I but express the convictions of the great majority of your efficient officers. In fact, I have never yet heard an officer express a dissenting opinion upon this point.

The naval services of Europe all provide and sustain retired lists; and the British Naval Register for February, 1854, gives, besides the two thousand one hundred sea officers, from admirals to lieutenants inclusive, the following list of *inactive* officers:

Reserved admirals.....	48
Retired admirals.....	119
Retired captains.....	226
Retired commanders.....	507
Retired lieutenants.....	737

Total.....1,727

The mighty ocean castles which our officers control, constructed as they are of variant materials, of unequal strength and durability, require frequent examination and repair to preserve them in the highest condition of efficiency; and thus the *personnel* of the Navy, composed as it is of every variety of mind, character, and qualification, modified by age, experience, length of service, and physical ability, requires thorough scrutiny to discriminate between the useful and the worthless; and this scrutiny must be instituted periodically, or as circumstances may dictate.

I am aware, sir, that there are those who oppose the retirement of naval or military officers upon pay, in all and every form; those who would tax the brains and the sinews of their fellows for a bare subsistence, just as long as the limited powers of nature would enable them to be worked, and, when worn out, and no longer able to labor for the country, or to sustain themselves, turn them adrift to beg or starve. I envy not the humanity, the justice, of any gentleman entertaining such views. If practiced upon, it is easy to foresee the effects upon the Navy, and to understand the class of men who would seek to wear its livery. The faithful devotion of youth, manhood, and all the useful years of life to his country's service for a mere support, deprived of the opportunity of providing for his declining years, imposes upon the country the duty of sustaining the old age of the naval servant.

But, sir, my friend from Virginia [Mr. HUNTER] desires me to explain why the bill provides for the permanent furlough, as well as for the retirement of officers; and he fears that men placed upon the former may be regarded as having a slight cast upon them. The motive of the committee in framing this provision, was to draw a distinct line of demarcation between the gallant old seaman whose soul is still in his profession, whose heart beats but for his country, but who, by long, faithful, and honorable service, or by wounds or disease contracted in the active discharge of his duty, is disqualified for further service, and the man who has uniformly and ingeniously contrived to evade his sea duties, and devolved them upon

others; who has succeeded by political influence, or other resorts to which his noble profession should be a stranger, in passing the best of his days upon shore; the man, in short, who has become unserviceable from his own unworthy conduct, or who never had any merit.

I concede to the Senator from Virginia that placing an officer upon permanent furlough would be a slight; and I maintain that the country should not place the two classes of men to which I have thus adverted upon the same level in her public estimation; and I trust that my friend will recognize the distinction, and the necessity of preserving it.

The necessity for retiring officers will appear with much force from an examination of our Naval Register, where so many of the older officers are shown to be unemployed on shore, receiving large pay, while their juniors are performing their appropriate duties afloat upon less pay. A principle which should never be lost sight of is, that as the importance, the hazard, and responsibilities of naval enterprises increase, the chances of obtaining the necessary talent, energy, character, and ability, should also increase. But our system produces results the very opposite; and the longer a man has been in the service, the more do his chances for such commands increase. I do not wish to be understood as indicating that inability to command is the necessary consequence of age; for I conscientiously believe that we have old post captains who would adorn any service, and who are equal to any naval emergency; and that we have lieutenants who could hardly put a ship in stays, or conduct her routine of duty twenty-four hours.

I regard seniority of rank as the only and the rightful element in naval promotion; and Heaven forbid that, under our institutions, I should ever see this principle surrendered; but, in saying this, I say, at the same time, that the Navy should be rigidly and frequently scrutinized, and that retirement and the Executive's power to furlough and dismiss must be promptly used, to the end that every commissioned officer shall be fully competent for all and every duty which the country may devolve upon him.

The services of Europe promote not alone by seniority; but family, rank, connection, wealth, or favoritism, are permitted to have their due influence; and a youth of small experience not unfrequently commands the veteran officer whose life has been passed upon the sea in all its perils and vicissitudes. Suppose we attempt to introduce "merit" as an element of promotion, who is to judge of merit? It must be dependent upon the judgment of those having the power to promote; and this judgment, in a Government like ours, will be too often guided by the character of the political microscope through which merit may be scanned. Why, sir, do we not profess to fill our multitudinous offices by the claims of merit? And do we not too often see dullness and stupidity, vice and imbecility, occupying public places? We are all meritorious men, sir, quite enough so for promotion. I am not aware that seniority of rank, as the sole element of promotion, has ever been departed from, except in the two instances of Decatur and Morris; and these, though in reward of the conspicuous gallantry of the men, have ever been considered of doubtful propriety.

Instances of personal gallantry, or conduct especially conspicuous in the face of an enemy or otherwise, where every member of the corps is equally ready and anxious to gain a laurel, are frequently rather the result of accident than of merit. I would reward an officer who thus renders himself conspicuous, and such has been the policy of the Government; but I would not promote him over the heads of his less fortunate peers, to whom the chances of war have denied a golden opportunity.

At this time we have sixty-eight captains, the youngest of whom is fifty-six years of age; ninety-seven commanders, seventy-four of whom are between fifty and fifty-five, and the youngest of whom is forty-six; three hundred and twenty-seven lieutenants, from thirty to fifty; one hundred and ninety-eight passed midshipmen, from twenty-one to thirty-seven years of age; and after carefully examining the rates of promotion in the several grades, and the average age of officers, we find that, under the present system, lieutenants, when promoted to commanders, will be fifty-three,

and commanders, when promoted to captains, seventy-four years of age.

The second section secures an act of justice to the passed midshipmen by providing a commission and increased pay. Their present pay, which was barely sufficient for their support when established, is now, under the great increase of all the expenses of living, wholly inadequate; and many of them have families to maintain upon it. Among other means designed to promote the *esprit du corps* and efficiency of the Navy, a provision is introduced for rewarding naval seamen, ordinary seamen, landsmen, and boys with extra pay, and the petty officers with extra pay and a medal, for good conduct; and the Academy is opened to the naval boy whose conduct and character may entitle him to the distinction.

I am anxious to conclude these remarks, sir, to enable my friend from Alabama, who has the floor, to proceed; but before doing so, I deem it but an act of justice to a young officer of the most distinguished merit, Lieutenant Dahlgren, to say, that under his zealous and scientific researches and attention, our naval ordnance at this time is unsurpassed by any in the world; a fact which gentlemen may satisfy themselves of by a visit to his station at this navy-yard.

I desire, sir, to append to these remarks a paper which I will not occupy your time by reading, but which is an official explanation, of the correctness of which I feel satisfied, of the circumstances under which the brig Perry sailed from the United States, the vessel alluded to in the first draft of the Naval Committee's report. It is due to the present chief of the Bureau of Ordnance to say that he was in no wise responsible for the circumstance, which occurred before he assumed charge of it. The account, as given in the committee's report, was from an officer of the Navy in every respect reliable, but whose subsequent account is modified by more detailed information.*

Mr. HUNTER. I hope the bill will be permitted to go over until to-morrow. We cannot dispose of it to-day. The hour has arrived at which the special order comes up, on which the Senator from Alabama [Mr. Clay] has the floor.

Mr. BADGER. I would suggest to the Senator from Florida, that I think it would be better to let the question be taken on the motion to reconsider the vote ordering the bill to be engrossed for a third reading. I make this suggestion the more readily because I am a friend of the bill, and wish it to pass.

Mr. MALLORY. I have no objection to that,

*The vessel referred to in the paragraph of the first draft of report of the Naval Committee of the Senate, as having been sent to sea with thirty-two pounder guns and forty-two pounder shot, was the brig Perry, carrying thirty-two pounder guns and carronades.

This vessel sailed from Norfolk for Chagres in May, 1846, (when Mr. Bancroft was Secretary of the Navy, and Commodore A. S. Wadsworth chief of the Bureau of Ordnance,) with a bearer of dispatches communicating to the squadron in the Pacific the existence of war with Mexico. She was fitted out under an order from the Navy Department to be ready to sail the day after the receipt of the order; and, in compliance with that order, did receive on board all her shot, powder, provisions, and other stores, and hauled into the stream the day after its receipt. She, however, received on board two thirty-two pounder carronades the day after. Immediately after getting to sea, all her guns were loaded, and in doing this a very few shot were found rather too large; but this fact was not considered sufficiently important to require any general examination of the shot, or any official report, and no difficulty occurred with the shot at any other time during the cruise.

After landing the bearer of dispatches at Chagres, the Perry visited Port Royal, in Jamaica, for the purpose of filling up her water before joining our squadron off Vera Cruz, and not with any reference whatever to the condition of her shot. During her stay there, the commander of the Perry availed himself of the offers liberally made, to obtain a small number of additional shot to meet any possible wants.

These appear to be all the material facts connected with this subject, and are derived from the files of the Department, the log of the Perry, and the recollections of the commander.

but I ask my friend from Virginia, whether his objection to the bill, in view of the explanation I have given in answer to it, still remains in his mind?

Mr. HUNTER. I am not satisfied in regard to it. I should like to have a chance to make some motion to amend the bill. I think it requires amendment.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The question is on the motion to reconsider the vote by which the bill was ordered to be engrossed for a third reading.

Mr. BADGER. Let that motion be agreed to by unanimous consent.

The motion to reconsider was agreed to.

The further consideration of the bill was then postponed until to-morrow.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, stating that the House had passed a bill to change the day of the annual assembling of Congress.

The message also announced that the Speaker of the House had signed sundry enrolled bills.

INDIGENT INSANE BILL VETO.

On the motion of Mr. HUNTER, the Senate resumed the consideration of the bill making a grant of public lands to the several States of the Union for the benefit of the indigent insane persons, which had been returned by the President of the United States with his objections.

Mr. CLAY addressed the Senate at considerable length upon the subject of the Presidential veto. [See Appendix for his speech.]

Mr. TOUCEY. I move that the further consideration of this question be postponed until to-morrow.

Mr. STUART. I hope we shall go on to-day with this bill. If we are ever to dispose of this question we ought to spend more than an hour a day upon it.

Mr. HUNTER. It has been postponed for other gentlemen. The Senator from Connecticut [Mr. Toucey] desires to speak on it to-morrow, and I hope it will be postponed for him.

Mr. BELL. I hope this bill will be postponed. We are every day discussing, while it is under consideration, principles which relate to other bills behind this, as, for example, the 'homestead bill. I take it that whatever discussion is had now upon points involved in this question will apply to that; so that, in fact, by continuing this subject we are not materially postponing other measures. I trust the Senate will agree to the motion of the honorable Senator from Connecticut, and give him time to speak to-morrow.

Mr. STUART. I do not make objection because I wish to interfere with the courtesy due to a Senator. I simply wish to have this question proceeded with to-day. If the Senator from Connecticut is not ready to go on with his remarks now, some other gentleman undoubtedly is. I submit, too, that the question ought to be disposed of. It consumes the whole time of the Senate. We hear a speech of half an hour, or three quarters of an hour, or an hour upon it, and then adjourn from day to day. There is other business before the Senate that ought to be disposed of, and in order to reach it we should get rid of this.

Mr. TOUCEY. If any other gentleman desires to address the Senate now, I will yield.

Mr. CASS. It is rarely that the Senator from Connecticut makes known his sentiments to the Senate, and still more rarely that he asks a courtesy. I for one am not only willing but anxious, that he should have an opportunity of presenting his views upon this question, whilst at the same time I am as desirous as my colleague to bring the discussion to an end. If any Senator is ready to go on now, I trust he will be permitted to do so; but if not I hope we shall accede to the proposition of the Senator from Connecticut.

Mr. TOUCEY. If there is an indisposition on the part of any gentleman in the Senate to have the subject postponed, I will proceed to-day, and say now to the Senate what I wish to say.

Several SENATORS. I hope not.

Mr. HUNTER. I hope the subject will be postponed until to-morrow.

Mr. TOUCEY. I will not be involved in any question with any gentleman with regard to the propriety of postponing any business before the

Senate. I regret, sir, that it has fallen to my lot to address the Senate at so late a period in this debate, and at so late an hour in the day; but I have to perform a duty—one that I regard as an urgent duty, and which I cannot permit myself to forego—

Mr. MASON. I submit to the honorable Senator that he had better not proceed now. It is against the usage of the Senate, and that usage ought to be preserved. There is now an abundance of other subjects before the Senate that can be brought up. I move to postpone the further consideration of this bill until to-morrow.

Mr. DAWSON. Mr. President, this is a very fit occasion to make a few observations in relation to the manner in which we dispose of the public time. The Senate of the United States is not a debating body, as we all know. Now, it seems we are to have the usage of the Senate established as the custom of the country. What is that usage? A separate day is taken for every gentleman in the Senate, who chooses to do so, to deliver his views upon a subject. When one is done, another rises and makes a motion to postpone the further consideration of the pending subject, and some other gentleman says, "I hope the subject will be postponed till to-morrow;" and so it goes on. Sir, I intend to vote for this postponement, because I think it would be unkind to my friend from Connecticut, under the circumstances, not to do so; but I fear we shall go on in this way, and we shall never hear any discussion on any single point, but shall have presented to us general views upon the Constitution of the country; and when the people read the whole of the arguments connected with the discussion of any question, they can come to no conclusion, for it will take them hours to read two speeches, between which there is scarcely any conflict. They are presented in such a manner that it is very difficult for the people to ascertain the points of difference between us. But if we had a running debate, the case would be different. Then a Senator, with the powerful mind of the Senator from Connecticut, could rise up at once and reply or add to the speech of the Senator from Alabama as he chose. The public mind would see what we were at; as soon as he got through, gentlemen anxious to meet him, on the points he wished to present to the country, would rise and go on. That is not the case now. As things are now conducted, speeches here are essays. I have had something like eighty essays upon the Nebraska and Kansas bill laid on my table. I can hardly find discussion between any two members of the House of Representatives, or the Senate, upon a single point involved in it. I have had to read through a number of pages to ascertain the character of the speeches, and I found they covered the whole subject of power over the Territories, the Constitution of the United States, and the nature of the Government generally.

Now, sir, for one, I know I have not the capacity to write these long speeches, and make these constitutional arguments, and quote from every speech delivered from the foundation of the Government to the present time. I want to be taught. I wish to see the Senate act from principle, and discuss the questions before them. I want to prevent, if I possibly can, this body being turned into a mere machine by which periodicals are to go out to the country. I know of six gentlemen, I think, who desire to express their views upon this subject. Each one of them will consider himself as not having occupied as full a share of the attention of the body, and as profound a position as others, if you do not give him a day. How many more may spring up I do not know. Then, when will you end the debate? Now, we are in the 20th day of the month of June, and we have passed, as yet very few bills of importance. What is the reason? It is because of the kind of discussion into which we have fallen. When we have heard a speech, a motion is instantly made to adjourn, or to postpone; and we have a very good way of getting out of the responsibility of an adjournment before the country, by moving to go into an Executive session, and then closing the doors, and very soon going out of Executive session into the Avenue.

I make these observations with no purpose in the world to complain, but merely for the purpose of bringing ourselves to the true grounds which we occupy, and which the country should understand. All the fault grows out of the fact that

we do not debate the questions which are before us, but write essays upon them.

Mr. MASON. I will suggest to the Senator from Georgia, that there is a very attractive subject which is lying upon our tables, one upon which I am sure there will be a running debate and a running debate only. It is the interesting question as to when we shall meet hereafter. We received a short time ago a bill from the House of Representatives relating to that subject, and we have a bill of our own of a similar nature. I will therefore, with his permission, if the Senate will pass over the present subject, call up that bill, and we can have a running debate on it.

Mr. DAWSON. Very well; let us have a running debate.

Mr. RUSK. I think, Mr. President, that it is proper to pursue the usual course of the Senate; but it does not follow that we need waste time by doing so. I have had an experience of a few years here, and I believe nearly as much time has been consumed by gentlemen delivering their views as to how time was to be saved, and the business to be done promptly, as we have in the long discussions, which I admit are perhaps too long; but that is a matter of taste, and if it be an evil it is one which will correct itself. As soon as the people of the country are not satisfied with reading what the Senator from Georgia chooses to designate as essays, that soon they will pay no attention to them, and then the evil will correct itself, and we can go on with the running debates which he desires. It seems to me that we have spent just about as much time in debating propositions to save time and do business quickly, as we have in listening to long speeches.

Mr. BROWN. Mr. President, after having been indulged by the Senate with an opportunity of delivering my own views on this question, I certainly shall not insist upon compelling any gentleman to address the Senate when he is not entirely ready; but some of us feel an anxiety to have the homestead bill taken up, and I simply wish to say now to the Senate that, if there is a proposition to-morrow, or at any subsequent day to postpone the further consideration of this bill, I shall insist on taking up the homestead bill and discussing that. I know there are a number of gentlemen who desire to be heard upon that question. I wish to be heard myself; and I would as soon speak in the evening as at any other time. I would perhaps do so now, if I were prepared to go on to-day. To-morrow I will be prepared; and if the postponement of this question is then further insisted upon, I will call for the consideration of the homestead bill, and make my speech on that.

Mr. WALKER. Can we not now come to some understanding among ourselves as to when we shall take the vote on the bill under consideration? I feel very anxious that we should have some understanding on the subject, that we may know when it is to be decided. The custom of the Senate has been spoken of by the Senator from Virginia. I think it has become equally a custom in the Senate that we never do come to any determination upon an important matter without "sitting it out," as it is termed. Now, for one, I am prepared to fix any early period when we shall take the vote on this bill. I am willing, with others, to sit it out and obtain a vote. I am willing to do so to-day, if others are, or I should be willing to to-morrow or any other time.

Sir, like the Senator from Mississippi, I am anxious to take up the homestead bill, and have that discussed—to have either a running debate or set speeches upon it, I do not care which—and as soon as we get out a reasonable quantity of that commodity, I hope we shall sit that bill out and dispose of it. I trust an early day may be fixed when we may take a vote on this bill, and get it out of the way. I believe it is not anticipated that it will be passed. This discussion, therefore, is all unprofitable. It is to no practical end. We may take the vote sooner or later and not pass the bill. There cannot be found in the Senate a constitutional majority for it. The debate upon it is simply for the sake of debate, whilst the homestead bill, or the bill mentioned by the Senator from Virginia, has in it something practical.

I merely make these observations that we may, if we can, individually, and at last collectively, come to a conclusion that we shall end the debate

upon this bill at some time, and at an early period, and that we may then take up something of practical utility and importance.

Mr. SEWARD. Mr. President, this is a very interesting question. It is exactly of that class of questions which the honorable Senator from Georgia suggests as the most proper ones to exercise the talents and powers of the members of this House, and it is one upon which all members ought always to be ready, and I call him now into this race which he has got up. I call him up. I want to see him run. [Laughter.] I wonder why he holds back? The drum beats, but he does not appear at the race. I want to know his views on this subject.

Mr. DAWSON. I do not enter into a race among kept nags. [Laughter.] I should like to see a general race, and no doubt the Senator could enter into that. There are various terms on which we have to run. Perhaps the Senator is more qualified than myself to run a race of this sort. But what I meant to do when I was up before—and all that I said was in perfect good humor towards the body—was, to bring gentlemen's minds to the necessity of closing the argument at some time. I knew the suggestion would have to be made when some one was entitled to the floor, and I thought this was the most appropriate way in which I could do it, by calling the attention of the body to the propriety of debating, instead of regular essay writing or speech making. Now, sir, since I made the suggestion, the Senate have shown a wonderful capacity for a running debate, and have demonstrated that they can very well engage in it. I have thus shown all that I wanted, and I am now satisfied to let them go on in any way that they may desire.

Mr. STUART. I wish to say now what I tried to say some time ago to the honorable Senator from Connecticut, but I was then prevented by two or three Senators, that if he desires to speak to-morrow, and not to-day, I will waive any objection I might have had. If that is the Senator's desire, I will not object to a postponement of this question until to-morrow. But, sir, I will take this occasion to say something in respect to the method in which business has been treated.

A long time ago—almost so long as to have passed out of my memory—on a Monday, I moved to postpone the consideration of this bill to the following Wednesday. I was then told by several Senators that it would be out of all parliamentary custom and order to do so. I was told that this was a message coming from the President of the United States, and must be disposed of at once, to the exclusion of all other business. That was several weeks ago.

Now, when to-day I simply suggest that we ought to be able to devote more than one hour in a day to the consideration of this subject, which it was said five or six weeks ago was so important that it ought to be disposed of at once, it is said to be entirely out of all order that has ever been established in the Senate. Sir, I confess myself to be utterly unable to follow all these senatorial customs. We cannot consider the homestead bill, because the President's veto message must take precedence; and we cannot consider the President's veto message because it is not entirely convenient for us to do so! But no one Senator is to blame. No gentleman wishes to talk to empty benches, and yet I do not believe there is a gentleman in the Senate who, on this subject, can secure twenty-five senatorial hearers, although the best talent in the country is here in some individuals.

Having said thus much, let me add to what has been said by the Senator from Wisconsin that there are many Senators on this floor who are desirous to have this question disposed of, and who would be very glad if the Senate, by common consent, would set apart a day when we should take a vote and end the matter. Many of us are particularly anxious to do this, because we wish to consider the other subject which has been referred to, (the homestead bill,) which is a special order, and was made so before this veto message was brought here, and have that also disposed of.

Now, sir, what have we been doing? Just precisely what the honorable Senator from Virginia suggested. One day we spend an hour in considering the President's message; and then, on the next day we consider whether we shall take a recess, or whether we shall adjourn without day.

Every other day we devote to business, and the intermediate days we devote to considering whether we shall do anything or not.

Mr. ADAMS. Will my friend allow me to ask him what Senator has made all the motions for the various recesses which we have recently taken at this session?

Mr. STUART. I know what the Senator from Mississippi means, and I will reply to him. There was a common understanding a few weeks ago, that the Senate should take a recess for the purpose of cleaning out the Hall, taking up the carpets, and changing the winter for the summer arrangements; and it was the general understanding that there should be no business done during the succeeding week. Nobody objected to it but my friend from Mississippi, and he called for the yeas and nays; but the Senate agreed to take the recess. Senators all around me—the Senators from New York, the Senator from Virginia, [Mr. MASON,] and I think I can say half the Senate—applied to me personally, for what reason I know not, to ascertain whether I would be here, and whether the understanding that, during the following week there should be no business of importance done, would be really carried out? In obedience to that general understanding I made the two motions for adjourning over to which the Senator refers.

Mr. ATCHISON. And I seconded them.

Mr. STUART. As the honorable Senator from Missouri says, he seconded the motions. Now, I may fairly ask, if I am chargeable with neglect of duties in the Senate? I have made no visits to my home; I have not been out of the city during the session. I claim no particular credit for it. I only wish to justify myself against the inference that might be drawn from the remark of the Senator from Mississippi. I have been found always in my seat and never in a hurry to adjourn.

Mr. ATCHISON. I move that the Senate do now adjourn.

Mr. WALKER called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 23, nays 21; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Brodhead, Cass, Clay, Dawson, Dixon, Fessenden, Fish, Fitzpatrick, Foot, Hamlin, Johnson, Mason, Norris, Rockwell, Rusk, Sebastian, Seward, Toombs, and Wade—23.

NAYS—Messrs. Adams, Allen, Benjamin, Brown, Chase, Dodge of Wisconsin, Dodge of Iowa, Evans, Geyer, Gillette, Houston, Hunter, James, Jones of Tennessee, Pettit, Pratt, Shields, Stuart, Sumner, Walker, and Williams—21.

So the motion was agreed to; and the Senate adjourned.

IN SENATE.

WEDNESDAY, June 21, 1854.

Prayer by REV. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT signed the enrolled bills yesterday received from the House of Representatives, for the relief of Benjamin Rowe; and for the relief of Captain E. A. F. Lavalette, of the United States Navy.

PETITIONS, ETC.

Mr. EVANS presented the petition of Robert Mills, in relation to a central route to the Pacific ocean; which was referred to the Select Committee appointed on the subject of the Pacific railroad.

Mr. DODGE, of Wisconsin, presented the memorial of Mary Kinner and Mary E. McCoy, praying indemnity for losses sustained by them in the depreciation of their property, in consequence of delays interposed by the land officers in perfecting their titles; which was referred to the Committee on Private Land Claims.

Mr. BELL presented the petition of Henry F. Ryan, and twenty-two others, citizens of Knox county, Tennessee, praying that the soldiers who served in the Creek war of 1814, may be placed on the same footing as to pensions and bounty land with the soldiers engaged in other wars of the United States; which was referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the petition of P. C. Miles, praying to be allowed an increase of pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom

was referred the petition of Frederick Denio, an invalid pensioner, praying to be allowed back pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. TOOMBS, from the Committee on Indian Affairs, to whom was referred the petition of George Stealey, praying compensation for his services, and remuneration for his expenses in visiting the Indians in California, under the direction of the commissioner of Indian affairs for that State, submitted an adverse report thereon; which was ordered to be printed.

Mr. SUMNER, from the Committee on Pensions, to whom was referred the petition of Sarah Harmon, formerly widow of Timothy Murray, who was killed in the military service of the United States during the last war with Great Britain, praying to be allowed half pay and bounty land, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of the children and heirs of Uriah Jones, a soldier in the Revolutionary war, praying a pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. FESSENDEN, from the Committee on Patents and the Patent Office, to whom was referred the petition of Cyrus H. McCormick, praying the extension of letters patent granted him on the 21st June, 1834, for improvements in the machine for reaping all kinds of small grain, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom were referred the following petitions, &c., asked to be discharged from their further consideration; which was agreed to:

Petition of steamboat officers and engineers at Cincinnati, praying that measures may be taken to make Evans's safety-guard against the explosion of boilers free to the public, by the purchase of his patent right, or otherwise;

Petition of steamboat inspectors, engine builders, and others, citizens of Pittsburgh, Pennsylvania, representing the importance of Evans's safety-guard for preventing the explosion of steam-boilers, and praying the purchase of the patent right, or the adoption of some other means of making the same free to the public;

Memorial of owners of tug or towing steam-boats, employed in the revenue district of New York, praying that all such boats not carrying passengers may be exempt from the inspection required by the act of August 30, 1852;

Petition of citizens of Alabama and other southern States, praying that restrictions in regard to the transportation of turpentine and the various other products of the pine tree, on board of steam-boats, may be repealed;

Petition of Hammond Howe and others, praying that the late law providing for the better security of the lives of passengers on board vessels propelled in whole or in part by steam, may be amended; and

Petition of John Thomas, praying an appropriation to enable him to test certain improvements made by him in the inclined-plane ox mill.

Mr. DAWSON, from the Committee for the District of Columbia, to whom was referred the memorial of William Gunton and others, praying a further allowance for the bridge across the Eastern Branch of the Potomac river, near the Navy-yard, sold to the Government, asked to be discharged from its further consideration; which was agreed to.

NOTICES OF BILLS.

Mr. SUMNER gave notice of his intention to ask leave to introduce a bill making a grant of land warrants to the State of Massachusetts to aid in the construction of a tunnel under the Hoosac mountain, and providing for the conveyance of mails, troops, and munitions of war through the same free of toll.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce a bill to provide for the transportation of the mails.

FALLS OF NIAGARA.

Mr. SEWARD. The Committee on Commerce, to whom were referred sundry memorials from citizens of the United States, praying for an appropriation for the construction of a ship canal around the Falls of Niagara, or in aid of that

object, have instructed me to state, that while they approve of the object and purpose of the memorials, and think the proposed work a very important one, yet that there is a division in the committee, in part as to the expediency of action at the present time, and in part on the ground of the constitutionality of the modes of action suggested, and therefore, they have not been able to agree on any bill, and have instructed me for these reasons to ask that they may be discharged from the further consideration of the memorials.

The motion was agreed to.

AFRICAN SLAVE TRADE.

Mr. SEWARD. In pursuance of notice given yesterday, I ask leave to introduce a bill to regulate navigation to the coast of Africa, in vessels owned by citizens of the United States in certain cases. It becomes necessary, in my judgment, that such a bill should be brought to the consideration of the Senate. After giving the notice yesterday, I learned that the honorable Senator from Delaware, [Mr. CLAYTON,] at some time during my absence, had expressed a purpose to introduce such a bill, and I learned also, informally, that he had been instructed by the Committee on Foreign Relations to report a bill to that effect. I merely ask leave to introduce this bill, and have it laid on the table, as my object is not to embarrass him but to coöperate with him.

Leave to introduce the bill was granted, and it was read a first time, and ordered to a second reading.

AMENDMENTS OF THE STEAMBOAT LAW.

Mr. HAMLIN, from the Committee on Commerce, reported a bill supplementary to an act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board vessels propelled in whole or in part by steam, and for other purposes,' approved August 30, 1852;" which was read, and passed to a second reading.

Mr. HAMLIN. It is desirable that this bill should receive an early passage; and as I apprehend it will meet with no objection I ask the unanimous consent of the Senate to have it acted upon at this time.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole.

It provides for the appointment of an additional supervising inspector, to comprehend that portion of the United States lying upon the Pacific ocean, who is to receive a compensation of \$3,000 per annum, and a like allowance for expenses of travel, as is provided for the other supervising inspectors. It also provides for two local inspectors, for the collection district of Puget's Sound; one as the inspector of hulls, and the other as inspector of boilers—at an annual compensation of \$500.

It further proposes to enact that the operation of so much of the ninth section of the original act of 1852, as requires the use of alloyed metals fusible by the heat of steam, shall be suspended until the 3d of March next; and that so much of the act of July 7, 1838, as authorizes the appointment of persons to make inspections of steam-boats and boilers, and receive compensation therefor, shall be repealed; and that the inspections required by that act shall be made by the inspectors provided for by this bill, and by the act to which it is a supplement.

Mr. HAMLIN. The first section of this bill provides that the State of California and the Territories of Oregon and Washington shall compose a district for the inspection of steamboat hulls and boilers. They now constitute a part of the same district with Louisiana and Arkansas. They are so remote, however, that it is found utterly impracticable for the supervising inspector who resides at New Orleans, to discharge the duties of that office. It therefore provides for a new district upon the Pacific coast. The second section of the bill provides for the suspension of the ninth section of the original act, which provided that a certain kind of alloy should be used in the construction of all steamboat boilers. The supervising inspectors are now making experiments by which it is believed greater security will be attained in the construction of steamboat boilers. The proposition is to suspend the absolute provision of that section until the 3d of March next. I think no further explanation is necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JAMES DIXON.

Mr. DAWSON. The Committee on the District of Columbia, to whom was referred the petition of James Dixon, praying compensation for extra work done on the court-house in the city of Alexandria, District of Columbia, have directed me to submit a report, accompanied by a bill making an appropriation to the petitioner. I will state to the Senate that Mr. Dixon is an old man. He did the work many years ago, and has never been paid for it. The subject has been referred to the committee for several years, and has been reported upon favorably. I will ask the Senate to take it up, and consider it at this time.

The bill was read twice by its title, and considered as in Committee of the Whole.

It proposes to pay James Dixon \$487 23 for the work done by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

IMPROVEMENT OF THE NAVY.

Mr. MALLORY. I ask the Senate now to take up the bill, which was under consideration yesterday, to improve the naval service, for the purpose of putting it upon its passage after making several amendments which have been agreed upon. The Senator from Virginia [Mr. HUNTER] has consulted the Secretary of the Navy, and some amendments have been agreed upon. I believe there is now no objection from any quarter upon the subject, and with the permission of the Senate I will read the several sections of the bill as they are proposed to be amended.

The Senate accordingly proceeded to the consideration of the bill.

Mr. MALLORY. In accordance with the suggestions of the honorable Senator from Virginia, I move to strike out of that part of the second section, which relates to midshipmen, the words "on the recommendation of the Representative thereof," and the words "on the recommendation of the Senators thereof, respectively." This obviates the objection made yesterday, which presupposed that it vested the power of appointing the officers in Congress instead of the Executive.

Mr. BADGER. I will ask the Senator what effect that amendment will have on the law already in force?

Mr. MALLORY. It will have no effect upon the law as it is.

Mr. BADGER. Then I am opposed to the amendment. I do not see why there should be one set of midshipmen appointed upon the nomination of the members of the House and another set not appointed upon their nomination. I was opposed to this system at first; but having adopted it, we ought either to carry it out and extend it to this body, as well as to the House, or abolish it altogether. I hope the Senate will not agree to that amendment.

Mr. MALLORY. The law as it is now explained here is an amendment to an appropriation bill, and gives the nomination of midshipmen to the Naval Academy to the Representatives from the particular congressional districts, and withdraws those nominations from the Senate. Now, the House when it adopted that amendment did not consider the midshipmen as officers, but as cadets only, and got rid of the constitutional objection by that means. The committee were not disposed, in this matter, to pronounce any opinion upon that at all. I hold that it is a mere matter of Executive regulation. The Executive may sanction that course or he may not. I propose, therefore, in this section, not to legislate upon that subject, but simply to say, that instead of there being two cadets from each congressional district, there shall be one, and that there shall be two at large from each State without saying upon whose recommendation they shall be appointed. I understand the Senator from North Carolina objects to that.

Mr. BADGER. I object to it for the reason I have given. I think the members of both Houses ought to be on an equal footing.

Mr. FISH. They are both placed upon the same footing by the bill. If the Senator from Florida will read the section as he proposes to amend it, the Senator from North Carolina will

observe that both Senators and Representatives are put upon the same footing.

Mr. MALLORY. They are put upon precisely the same footing. It makes no difference.

Mr. BADGER. But they are not upon the same footing as to the midshipmen directed to be appointed.

Mr. FISH. They are as to all hereafter to be appointed.

Mr. MALLORY. I will read that part of the section as it will stand if amended:

"The number of midshipmen and acting midshipmen, including those of the Naval Academy, shall be determined as follows, to wit: one shall be appointed from each congressional district of the United States, two from each State, ten to be appointed by the President at large, and those authorized by this act to be selected from the boys of the Navy."

These will constitute the midshipmen of the Navy, and both Houses in this respect stand alike. This is the first amendment proposed.

The next amendment, suggested also by the honorable Senator from Virginia, contemplates the striking out of the bill the retired list, called the "permanent furlough list," and leaves but two modes of getting rid of officers; one to place them upon the retired list, and the other to drop them from the Navy entirely. The third section is made to conform thereto, by striking out the words "or permanently furlough," and the words "and of the officers so furloughed or retired, those on the retired list only shall be entitled to wear the naval uniform;" and the words relating to such a list wherever they occur.

The third and last amendment, which the honorable Senator from Virginia suggested—and I understand he suggests it now at the instance of the Secretary of the Navy—is to strike out all of the seventh section after the word "assigned," as follows:

"The duties of equipping the vessels, and of supervising, registering, and detailing the officers and men of the naval service, and such other duties pertaining to the service as the Secretary of the Navy may direct; and the orders of such bureau shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such, and all the duties of said bureau shall be performed under his authority and supervision."

And to insert the words,

—such duties as pertain to the equipment of vessels and detailing of officers and men as shall be prescribed by the Secretary of the Navy.

I think that is a mere verbal amendment, which is of no importance either way. These are all the amendments suggested by the Senator from Virginia yesterday. There was one which I desired to offer upon the subject of the assimilated rank of the Navy. It was agreed upon in a conference of the committees of the two Houses, but I was unable to obtain a copy of its details until this morning. I now propose it with a slight alteration. The assimilated rank, I will remark here, has been a subject of very considerable vexation in the Navy, and it is highly important that every officer in the service should have not only his rank and duties but his privileges all distinctly legislated upon and fixed. The amendment which I propose is to add the following:

SEC. 10. *And he further enacted*, That the assimilated rank between the line and staff officers of the Navy, shall hereafter be determined by the following provisions:

1. Surgeons, pursers, chaplains, professors of mathematics, and chief engineers of over twelve years standing in their respective grades, shall rank with commanders.
2. Surgeons, pursers, chaplains, professors of mathematics, and chief engineers, under twelve years' standing, shall rank with lieutenants.
3. Passed assistant surgeons shall rank with commissioned masters.
4. Assistant surgeons and first assistant engineers shall rank next after commissioned masters.
5. Second assistant engineers shall rank with midshipmen, and third assistant engineers next after midshipmen.
6. This assimilated rank shall in no case confer on a staff officer the right to command.
7. Commanding officers of whatever grade shall take precedence over all staff officers attached to their command while on military duty; under other circumstances, precedence shall be regulated by length of service, as heretofore set forth.

I will observe, in regard to the third provision, that the words "commissioned masters" are put in, because it is contemplated by the bill to confer a commission upon the rank of passed midshipmen. The Senator from Maine asks me if we have chaplains in the assimilated rank? The first provision reads:

Surgeons, pursers, chaplains, professors of mathematics, and chief engineers, of over twelve years standing in their respective grades, shall rank with commanders.

Mr. PRATT. I will inquire of the Senator, if the amendment which he has just proposed does not conform to the bill of the House which we have seen printed in some newspapers, with the single exception pointed out by him? I understand it does.

Mr. MALLORY. I understand distinctly that it does. My design was to make it so. The exception is this: There was found in the published report of the bill of the House a provision that on trials by court-martial, at least one third of the members composing the court should be of the grade of the officer arraigned for trial. I consider that an anomaly in military practice. I believe it does not exist in any military service.

Mr. PRATT. I will further inquire of the Senator, if I understood him correctly in our interview, that the privileges of staff officers in the Army are similar?

Mr. MALLORY. That is my understanding. The chairman of the Military Committee, perhaps, has better information than I have on the subject. By the unanimous consent of the Senate I propose that the question be taken on the first three amendments which I have offered, and separately upon that which relates to the assimilated rank.

The question was taken on the first three amendments, and they were agreed to; and then, on the last amendment, and it was agreed to.

The bill was ordered to be engrossed for a third reading.

It was read a third time; and passed by a vote, on a division—ayes 24, noes 11.

TEXAS DEBT.

Mr. GWIN. A bill was reported the other day from the Committee on Finance in regard to the Texas debt. It does not meet with my approbation. I am sure it does not meet with the approbation of that committee, and I therefore move to recommit it, because I believe we can so frame a bill and bring it before the Senate as to meet its approbation. I move to take up the bill so that I may submit the motion to recommit it.

The motion to take up the bill was agreed to, and, On the motion of Mr. GWIN, it was recommitted to the Committee on Finance.

HALF PAY TO SURGEONS' MATES.

Mr. PRATT. I desire to offer the following joint resolution:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the resolution of the 17th of January, 1781, regulating the allowance during life, in lieu of half pay to the officers of the hospital department and medical staff, shall be so construed as to extend to surgeons' mates, who shall be entitled to receive the same pay as by said resolution is allowed to hospital physicians and surgeons.

The resolution of the 17th January, 1781, provides as follows:

"*Resolved*, That all officers in the hospital department and medical staff hereinafter mentioned, who shall continue in service to the end of the war, or be reduced before that time as supernumeraries, shall be entitled to, and receive during life, in lieu of half pay the following allowance, viz:

"The director of the hospital equal to the half pay of a lieutenant colonel.

"Chief physicians and surgeons of the Army and hospital, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half pay of a captain."

Notwithstanding this broad language used in that resolution, I understand that the accounting officers of the Treasury, following the rule which was established shortly after its passage, have determined that it does not include surgeons' mates; so that all the surgeons' mates of the Revolutionary war have not received that compensation which it was the manifest design of Congress to allow them by this resolution of 1781.

I state further, that in every case in which application has been made to Congress by surgeons' mates, and where Congress has acted definitively upon them, they have had allowed the compensation which is here allowed to the hospital surgeons. The resolution, then, which I have the honor to propose, is merely to direct the Department so to construe the original resolution as to make it extend to surgeons' mates. I may say that I am sure there will be no difficulty as to it in the mind of any one here; and, therefore, I ask that the resolution may now be considered and passed.

Mr. BAYARD. I must move the reference of the resolution to the appropriate committee.

The PRESIDENT. That motion is not now in order. The resolution cannot be introduced except by unanimous consent. After it has been introduced and read twice, that motion can be made.

Mr. BAYARD. I object to its consideration, unless for the purpose of reference.

Mr. PRATT. I ask for the reference of the resolution, if one objection be sufficient to prevent the consideration.

The PRESIDENT. If there be no objection, the joint resolution will have its second reading.

Mr. BAYARD. I object, unless the second reading is for the purpose of reference.

Mr. PRATT. That is the object.

Mr. BAYARD. Then I withdraw my objection.

The joint resolution was read a second time, and, on motion by Mr. PRATT, referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that they had passed a bill to aid the Territory of Minnesota in the construction of a railroad therein.

INDIGENT INSANE BILL VETO.

Mr. STUART. I move that the Senate proceed to the consideration of the special order—the bill making a grant of land to the several States of the Union for the benefit of indigent insane persons, which has been returned by the President of the United States, with his objections. I think we can dispose of that question to-day.

The motion was agreed to; and the Senate proceeded to reconsider the bill.

Mr. TOUCEY delivered his views in opposition to the bill, and in defense of the President's veto message.

Mr. BELL followed in support of the bill and in opposition to the veto.

[These speeches will be found in the Appendix.]

Mr. MASON. If the Senator will give way, I desire to move for an Executive session. With his permission, I will move that the further consideration of the subject be postponed until to-morrow.

Mr. BELL. I intended to conclude my remarks to-day, but if the Senator desires it, I will yield.

The further consideration of the subject was postponed until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 21, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. HOUSTON. I beg leave to report back to the House the amendments of the Senate to the Indian appropriation bill, that they may be referred to the Committee of the Whole on the state of the Union, and printed.

There being no objection, it was so ordered.

BOOKS FOR MEMBERS.

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

CLERK'S OFFICE, June 21, 1854.

Sir: The action of the House of Representatives yesterday, reported from Library Committee, explanatory of the joint resolution voting books, &c., approved 24th February, 1851, makes it obligatory upon the Clerk to construe the latter so as to furnish to the new members of the present House, in addition to the books estimated for in my communication of the 14th instant, the same number and description of books as were voted to the members of the Senate in the last Congress, and not heretofore voted to the members of the House. These books, and the numbers of them so voted in the Senate, are as follows: Hickey's Constitution, one hundred and sixty-one copies; Mayo & Moulton's Pension and Bounty Land Laws, eight copies; Mayo's Treasury Regulations, two copies.

The last proviso to the resolution of the House of the 30th instant, votes these books in the same numbers to the old members as well as to the new members of the House.

There will, therefore, be needed for the purchase of

books, in addition to the estimates transmitted to the House on the 14th instant, \$45,171.

The details of the above amount are as follows:

For Hickey's Constitution.

239 members and delegates.

161 copies to each.

38,479 copies at \$1 per copy.....\$38,479

For Mayo & Moulton's Pension and Bounty Land

Laws.

239 members and delegates.

8 copies to each.

1,912 copies at \$3 50..... 6,692

\$45,171

I therefore beg leave to recall my estimate for books transmitted on the 14th instant, and to substitute the following:

For books to the members of the House of the Thirty-Third Congress, by the joint resolution, approved on the 24th of February, 1854, and by the resolution of the House of 30th June, 1854, \$199,510 87.

There will also be needed to comply with the resolution of the House of the 28th of September, 1850, the following: For Congressional Globe and Appendix of the Thirty-Third Congress, for the House library, one hundred sets, at nine dollars per set for the Congress, \$900; and for binding the same, 600 volumes, at sixty cents per volume, \$360. Respectfully,

J. W. FORNEY, Clerk Ho. Rep. U. S.

Hon. LINN BOYD, Speaker House of Representatives.

On motion by Mr. JONES, of Tennessee, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

PER DIEM AND MILEAGE TO MR. SNODGRASS.

Mr. LETCHER. I ask the consent of the House to offer the following resolution:

Resolved, That the Speaker be authorized to direct the payment to the widow of the Hon. John F. Snodgrass, deceased, late a member of this House from the State of Virginia, the per diem and mileage due to him at the time of his death.

The resolution was received by unanimous consent.

Mr. ELIOT, of Massachusetts. I desire to present a resolution of the same character in relation to my predecessor, the Hon. Zeno Scudder.

The resolution was read, as follows:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund to the Hon. Zeno Scudder his per diem and mileage as a member of the Thirty-Third Congress, to the day of his resignation.

Mr. JONES, of Tennessee. Why, the gentleman [Mr. Scudder] never performed the travel, and I suppose is not entitled to mileage.

Mr. WHEELER. He never was able to come here.

Mr. JONES. I believe it is the custom of this body—

Mr. PRATT, (interrupting.) I was about to inquire of the gentleman from Massachusetts whether Mr. Scudder ever took his seat in this House? If not, I doubt whether he is entitled to mileage; not that I have any doubt of his being entitled to receive compensation for his time.

Mr. JONES. It is the custom, I believe, and perhaps the law, that a member who has been detained from his seat in consequence of sickness, shall receive his per diem allowance. That, I think, is the law. But it certainly is not the law, nor the practice of the House, to pay mileage when a member elect never comes here, never makes his appearance in the House, and never performs the travel. This will be a new precedent, if the resolution be agreed to, and it will be one which I think ought not to be set.

Mr. LETCHER. I hope that the gentleman from Massachusetts will not encumber my resolution with his, which is leading to debate. It is a distinct matter altogether, and I hope the House will proceed to take a vote upon my resolution.

Mr. CAMPBELL. There may be a separate vote taken by division, I suppose.

The SPEAKER. Then the vote will be first taken on the amendment.

Mr. ELIOT. I shall be glad to have an opportunity to reply to the inquiry proposed by the gentleman from Connecticut. [Mr. PRATT.]

Mr. STEPHENS, of Georgia, (interrupting.) Will the gentleman from Massachusetts allow me to ask him a question for information?

Mr. ELIOT. Certainly.

Mr. STEPHENS. The inquiry I wish to make is this: Whether Mr. Scudder was not detained from his seat by an injury received in coming here?

Mr. ELIOT. Yes, sir; he was.

Mr. STEPHENS. I understand that Mr. Scudder was coming to take his seat here, but was prevented by injury received on the way. He was thus detained at home for some time, and finally concluded to resign his seat in Congress. I trust, therefore, that the House will pass the resolution submitted by the gentleman from Massachusetts. Whether it will or not encumber the resolution offered by the gentleman from Virginia, is another question.

[Cries of "Question!" "Question!"]

Mr. ELIOT. I wish to say to the Chair that I did not offer my resolution as an amendment to that of the gentleman from Virginia, but as an independent resolution.

The SPEAKER. Then the resolution of the gentleman from Massachusetts is not in order at this time; and is not before the body.

Mr. ELIOT. I withdraw my resolution with pleasure, until that offered by the gentleman from Virginia is acted upon.

The SPEAKER. The Chair first understood that the resolution of the gentleman from Massachusetts was proposed as an amendment to that of the gentleman from Virginia. That is the only form in which it can be considered at this time. The question, then, is on the resolution offered by the gentleman from Virginia.

The question was put; and the resolution was agreed to.

Mr. ELIOT. I now ask leave to offer my resolution.

The SPEAKER. The gentleman from Maine [Mr. FULLER] was on the floor, and yielded it through courtesy to the gentleman from Virginia, [Mr. LETCHER.] The gentleman from Maine is still entitled to the floor.

Mr. FULLER. I yield the floor to the gentleman from Massachusetts.

PER DIEM AND MILEAGE TO MR. SCUDDER.

Mr. ELIOT. I now ask leave to offer the resolution which has been read a few moments since from the Clerk's table.

Mr. LETCHER, (suggesting.) Strike out the words "contingent fund."

Mr. ELIOT. I have no objection to adopt the suggestion made to me by the gentleman from Virginia, who is better acquainted than myself with the form in which the resolution should be proposed.

The SPEAKER. In what form is the modification proposed?

Mr. ELIOT. It is to make my resolution the same as the other; that is, to strike out the words "contingent fund."

The SPEAKER. The resolution, as amended, will read as follows:

Resolved, That there be paid to the Hon. Zeno Scudder his per diem and mileage as member of the Thirty-Third Congress, to the day of his resignation.

Mr. HILLYER. I desire to make an inquiry of the gentleman from Massachusetts, [Mr. ELIOT.]

The SPEAKER. Will the gentleman from Georgia allow the Chair to interrupt him for a moment? The Chair would inquire out of what fund he is to order this money to be paid?

Mr. STEPHENS, of Georgia. Out of the fund appropriated to pay the mileage and per diem of the members of this Congress.

Mr. JONES, of Tennessee. In the same way as the present members are paid.

Mr. STEPHENS. The fund is already appropriated; and if Mr. Scudder had come here, he would have drawn his pay from that fund. It should be paid in the same manner as if he had been here.

The SPEAKER. The Chair doubted, at the moment, whether the fund could be drawn from in that way.

Mr. STEPHENS. I do not think there is any doubt about it.

Mr. HILLYER. I did not hear, and I am sure that many others on this side of the House did not hear, the response made by the gentleman from Massachusetts [Mr. ELIOT] to the inquiry of my colleague, as to the reasons why Mr. Scudder never appeared here to take his seat? My colleague inquired if Mr. Scudder was hurt, or was taken sick upon the road. I heard no response to that interrogatory, and I think it is important.

Mr. ELIOT. I will reply to the remarks of

the gentleman from Georgia, by saying to the House that after Mr. Scudder had left his home, on his way to Washington, he stopped at a town in Barnstable county, where he met with an accident which has detained him there in a public house from last December until this moment. He is still there.

[Cries, "That is enough!" and "Question!" "Question!"]

The question was then taken on the resolution; and it was agreed to.

ADDITIONAL REVENUE CUTTERS.

Mr. FULLER. I ask the permission of the House for a moment to permit me to call up bill No. 242, relating to revenue cutters. I wish to state to the House—and I invite the particular attention of the gentleman from Alabama [Mr. COBB] to my apology for calling the attention of the House to this matter now—that, at a very early day of the session, the Committee on Commerce reported a bill—which is the bill in question—authorizing the Secretary of the Treasury to purchase or contract for four additional revenue cutters; one for the Charleston station, to supply the place of the Hamilton, which was unfortunately lost; one for the Texas coast, and two for the Pacific coast. The committee are in possession of information which they regard it their duty to lay before the House, and which shows that the public interests of the country are suffering now for the want of these cutters. It will necessarily take a good deal of time to prepare them before the commencement of the fall season, and for these reasons I desire to have the attention of the House to the bill at this time. The public service requires it.

Mr. COBB. I should have no objection to it, if its consideration did not come out of the morning hour. The committees want to report, and they have reports in which the public is as much interested as they are in those revenue cutters.

Mr. FULLER. I wish to say to the gentleman, that for three months I have been making ineffectual efforts to get the bill before the House.

The SPEAKER. Objection is made, and the bill cannot be taken up.

REPORTS FROM COMMITTEES.

On motion by Mr. CRAIG, it was

Ordered, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the petition and papers of Charles Wilkes and others for damages to certain lands; and also from the petition and papers of certain citizens of Indianapolis, in reference to a court-house in which to hold the United States courts, &c.; and that the same be referred to the Committee on the Judiciary.

Mr. OLDS. I am directed by the Committee on the Post Office and Post Roads, to report back Senate bill (No. 344) for the relief of James Jeffries and Jeremiah M. Smith, with a recommendation that it do pass.

The bill was referred to a Committee of the Whole House, and ordered to be printed.

Mr. COBB. I will withdraw my objection to the proposition of the gentleman from Maine.

Mr. FULLER. I am glad the gentleman from Alabama has become satisfied of the importance of this matter.

Mr. COBB. I do not withdraw the objection for any such reason, but as a matter of courtesy to the gentleman from Maine.

Mr. OLDS. I object to the gentleman's proposition.

Mr. O. then, from the Committee on the Post Office and Post Roads, reported back Senate bill (No. 365) for the relief of John W. Kelly; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. EWING. The bill for the relief of James Jeffries and Jeremiah M. Smith, which has, on motion of the gentleman from Ohio, been referred to a Committee of the Whole House, is one which was before the House some months ago, and upon which there is a necessity of immediate action.

Mr. OLDS. I would suggest to the gentleman that the course I have given to the bill will accomplish his object. Next Friday is objection day; and as it is a plain case, there will be no objection to it.

Mr. EWING. I do not agree with the gentleman as to this being the best disposition of the bill. I move to reconsider the vote by which it was referred to a Committee of the Whole House. I do not propose to call up the motion at this time, but to have it entered. It will be recollected,

that when the bill was before the House, many of the members were for its immediate passage. The question then came up whether it should go to a Committee of the Whole House, or to the Committee on the Post Office and Post Roads, and it was decided in favor of the bill that it should not go to a Committee of the Whole. But, sir, by the direction which has now been given it, it will be placed in a still worse position than if it had then been referred to a Committee of the Whole. After having gone through an investigation by the Committee on the Post Office and Post Roads, and by their direction referred to a Committee of the Whole, it will be placed lower down on the Calendar, and, therefore, in a worse position than if it had been so referred when it was, on a former occasion, before the House.

Mr. DAVIS, of Indiana. I rise to a question of order. I submit that this debate is not in order.

The SPEAKER. The gentleman from Kentucky has the right to submit the motion to reconsider, and have it entered; but not the right to take the floor from the gentleman from Ohio to speak upon the motion. The Chair desires to know whether the gentleman from Ohio gives up the floor for that purpose?

Mr. OLDS. No, sir; I prefer to finish the reports I have to make. I am instructed by the Committee on the Post Office and Post Roads to report back Senate resolution (No. 19) for the relief of Rebecca Birdsell.

The resolution was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. OLDS. I am instructed by the Committee on the Post Office and Post Roads to offer the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be allowed a clerk from the 6th day of May last, at the usual compensation allowed to clerks of Committees.

I wish to state to the House that, from the date mentioned in the resolution, I have not had an opportunity to offer the resolution. Upon consultation at the Post Office Department—and I think it will strike the good sense of the House in the same way—our committee have determined to bring up the existing post routes which are scattered through the laws from the time of the establishment of the Post Office Department down to the present time, and to reenact them all in one bill, so that when an application for the establishment of a new route is presented, we shall not be compelled to go over all the laws to find out whether it has been before established. We propose to have them arranged in alphabetical order, and a clerk from the Post Office Department is now employed upon that work. Such things are continually occurring. Why, sir, a single route in the State of Indiana has been at least seven times enacted.

Well, now, we propose, for the convenience of the Post Office Department and that of the Committee on the Post Office and Post Roads,—and it will be but little trouble,—to have them enacted in one bill in alphabetical order for each State. We should need the clerk even were we not to do this; but having the clerk, we can do it also.

Mr. JONES, of Tennessee. With the gentleman's permission, I will make an inquiry. I understand him to say that there is one route which has been enacted seven times. Did they put a mail on that route for every time a law was passed?

Mr. OLDS. No, sir; your law requires the Postmaster General to advertise every time these routes are made; and, as a matter of course, before he put on the service, it was ascertained that service was already on the route, but there was expense of advertisement every time the route was enacted. If there was some such plan as that now proposed by the committee, and recommended by the Department, all that trouble and expense would be saved. In addition, I wish to say that if we did not propose this new arrangement, still we would have need for the clerk.

Mr. COBB. I wish to suggest a modification of the gentleman's resolution. I am, and always have been, opposed to giving these clerks to committees. If it were necessary, I could give the House satisfactory reasons for that opposition. Let me only ask why committees of this House should have clerks when the condition of business is such that these committees are standing here

for months, waiting opportunity to report? While thus waiting, the clerks can have nothing to do.

The point to which I rose is, to suggest that the gentleman should fix in his resolution the time at which the clerk is to be dismissed. I think it highly improper to allow standing committees of this House clerks from the beginning to the termination of Congress. Many of them do not perform one hour's service during a month. I say that such a system is wrong. It is growing into a system, and unless we put a stop to it by the limitation of time for which clerks shall be allowed, and let committees discharge their duties and then their clerks, we shall, in less than five years, have a clerk for each and every committee of this House. I was opposed to the system from the beginning. I believe that it is wrong. In my judgment, the country is suffering from the wrong. I am here now, and always, to oppose it.

Mr. OLDS. I call the gentleman to order. I do not permit the gentleman to ask me a question, and then to answer it himself. Now, as I claim to be a Yankee by birth, I will answer the question of the honorable gentleman of the Committee on the Public Lands, by asking him when that committee proposes to discharge its clerk?

Mr. COBB. I would do to-day. I am ready to answer all such questions.

Mr. OLDS. Let me say, Mr. Speaker, that it is not out of the usual course to ask for a clerk for the Committee on the Post Office and Post Roads. In the last three preceding Congresses, the committee had a clerk. Indeed, sir, I might have come here at the commencement of this session and been justified by precedent in asking for this clerk; but I have delayed to do so for five months, because we did not need him. It is only at this late day when we so need his services, that we come forward and ask for him; and are we, because we have not asked for the clerk until we need his services, to be met with opposition from the gentleman of a committee which now has a clerk, but which never had one before this session of Congress—a committee which has not one fourth the business for a clerk that our committee has.

The gentleman asks when is our clerk to be discharged? Why, when are clerks for committees generally discharged? When our post route bill is completed we shall have no further use for a clerk, and I am willing then to discharge him.

Mr. COBB. I think that I can settle the difficulty between us. I believe that the gentleman's committee ought to have a clerk to make up this post route bill. It will not require longer than a week to do so, and for that time I am willing to allow a clerk.

This alphabetical matter is all humbug, the whole of it.

Mr. OLDS. The gentleman may have some spiritual clairvoyance which I have not. His information may come to him in that way. I am not supposed to have such spiritual manifestations. I act from sober reality, and say that this matter is no humbug. We need a clerk. If the House give it us, we shall be grateful; and if it does not, I shall employ one at my own expense. I now demand the previous question on the resolution.

Mr. JONES, of Tennessee. Will the gentleman yield to me for a moment?

Mr. OLDS. The matter has been sufficiently discussed, and I think that I had better adhere to the demand for the previous question.

Mr. JONES. I move that the resolution be laid upon the table.

The question was taken upon Mr. Jones's motion, and it was decided in the negative.

So the House refused to lay the resolution upon the table.

The question now being upon the demand for the previous question,

Mr. OLDS demanded tellers; which were ordered; and Messrs. Cox and GREENWOOD were appointed.

The question was then taken; and the tellers reported—ayes 75, noes 43; no quorum voting.

Mr. OLDS. It would be better, perhaps, to have a recount, than to have a call of the House.

Mr. WHEELER. I object to a recount.

Mr. HOUSTON. I ask that there be a call of the House?

A call was not ordered.

The SPEAKER. The Chair will ascertain whether there is a quorum present.

After a count, the Speaker announced that there were one hundred and fifty-eight members in their seats; and the tellers resumed their places.

The question was again taken; and the tellers reported—yes 92, noes not counted.

The previous question was seconded, and the main question ordered to be now put.

Mr. WHEELER. I call for the yeas and nays upon the passage of the resolution.

Mr. COBB. I call for tellers upon the yeas and nays.

Tellers were ordered; and Messrs. PERKINS, of New York, and MATTESON, were appointed.

The question was then taken; and the tellers reported twenty-nine in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

THE OCCURRENCE OF YESTERDAY.

Mr. CHURCHWELL. I rise, Mr. Speaker, to offer to this House an apology for a breach of decorum, and of its rules, yesterday. I believe, sir, that those with whom I have been associated for the last three years as a member of this body, will bear testimony that I have, at least, tried to be respectful in all my intercourse with its members, and to have a proper regard for the rules of this House; and I hope I shall always be found among those who desire, and make an effort to preserve, the order and decorum of this body.

Mr. CULLOM. I regret, Mr. Speaker, that the unexpected and unprovoked attack made upon me yesterday may have precipitated me into any violation of the rules and order of this House.

I have endeavored, during my service here, to maintain kindly relations with the members of the House, and to observe punctiliously the rights of all, and the honor and integrity of the body of which I am a member.

Circumstances yesterday, over which I had no control, and which I had contributed nothing to provoke by word or deed, elicited from me language which, perhaps, I should not have uttered. If I have violated the rules of this body, I ask the House to be assured that it was out of no disrespect to this high forum. But, Mr. Speaker, the ebullition which I displayed upon that occasion was elicited by the exhibition of a deadly instrument, which was exhibited in connection with the remarks that were made, and I felt constrained to pursue the course which I did.

Mr. McMULLIN. I do not wish to interrupt the gentleman from Tennessee, but I rise to a question of order.

The SPEAKER. The gentleman from Tennessee has resumed his seat.

Mr. McMULLIN. Then I withdraw my question of order.

Mr. MILLSON. The announcement which has just been made by the two gentlemen from Tennessee was somewhat unexpected to me; though I do not mean to say that I had not indulged the hope and expectation that both these gentlemen would see that it was due, as well to their own character and honor, as to that of the House, that they should tender to the House the apologies which they have just made for the disorder of yesterday. But, as I have given notice of my purpose to call the attention of the House to a question of privilege in connection with this matter, it is due to myself that I should indicate the course I had intended to pursue; and that my remarks may be perfectly in order, I beg leave to present the following resolution:

Resolved, That a select committee of—be appointed to investigate the disorder which occurred yesterday in the House, in the use of warm words and threatening gestures, between Mr. CHURCHWELL and Mr. CULLOM, members of this House, and to report thereon to the House.

No one, Mr. Speaker, can regret more than I do the scenes of yesterday. No one would feel more than I the unpleasantness of the necessity for bringing the subject to the notice of the House. But, sir, holding, as I do, very friendly relations towards both these gentlemen, I feel that I could do so without subjecting myself to the suspicion of being moved by any unworthy considerations.

That the use of warm words and threatening gestures is a breach of the privileges of the House cannot be doubted. Sir, it is of the greatest importance, not merely to this body, but to the country at large, that debate here should be perfectly free, and that all those gentlemen who are capable of shedding light upon our deliberations—and there are many such here—should be en-

couraged to offer their views. There are, doubtless, occasions when gentlemen of sensitive minds would be restrained from an expression of their judgment upon matters before us from an apprehension that they may be involved in heated debate, and subjected to contumely.

It was well said by a member of the British Parliament, that a blow struck in the House of Commons was a blow struck at the whole Commons of England, and everything that is at all calculated to prevent freedom of debate, to destroy the consciousness, the assurance, that discussion may be full and free, without subjecting the member engaging in it to personal risk, or to reproachful epithets, is a wrong done to the whole people of the country.

While, then, sir, it is clear that the use of such language as was employed yesterday is a breach of the privileges of the House, and ought not to be passed without notice, there is more embarrassment, perhaps, in determining as to the precise manner in which these violations of order and privilege should be treated by the body. I find, on a very cursory examination made this morning, some cases in the British Parliament, occurring nearly two centuries ago, where disorderly conduct upon the floor of the House was brought to the notice of the body, and the parties offending required to make atonement. In the parliamentary debates I find that where hot and provoking discourses and gestures occurred between Lord Cavendish and Sir John Hanmer, the matter was ended by requiring every member to proceed no further in anything that had happened in the unfortunate disorder in the Grand Committee.

In another case, it appears that Lord O'Brien and Sir Thomas Chickley were ordered into the custody of the Sergeant-at-Arms for a quarrel that had happened between them, on a division of the House, in which blows were given. In another case, in the year 1678, blows passed between Sir Jonathan Trelawney and Mr. Ash. The Speaker having observed the blows, promptly called the attention of the House to the matter. After discussion, in which propositions were made to send the offending parties to the Tower, and to expel them from the House, Sir John said: "I humbly ask the pardon of the House for it." Mr. Ash said: "I do acknowledge that I have done a great fault, and I humbly ask the pardon of the House." Another case occurred in 1690. Sir Thomas Mompesson, in his place, asked pardon of the House for assaulting Mr. Okedon, in the lobby; an account thereof being given by Mr. Piper and Colonel Trelawney, members of the House, and the Sergeant-at-Arms and Doorkeeper; and the Speaker acquainted Sir Thomas Mompesson "that the House had considered that he was an ancient member, and therefore were very indulgent to him by their resolution, which he acquainted him with, and required him to ask pardon accordingly, which he did do."

It will be observed, then, Mr. Speaker, notwithstanding the diatribes of our transatlantic friends against the American Congress, and other legislative bodies in the United States, on account of these disorderly occurrences, that they would not look in vain for such precedents of disorder in their own parliamentary history. In these cases it will be observed that the House was satisfied with the tender of apology by the offending members. In our own Congress, too, I observe that there are several similar cases in which no further proceeding was had after the tender of apology by the parties charged with the offense. A case of the kind referred to occurred between two members from Tennessee in the year 1838, and a resolution was introduced that these gentlemen do apologize to the House for violating its privileges and offending its dignity. After the introduction of the resolution requiring the tender of this apology, both gentlemen rose in their places and made ample acknowledgments.

A case of like character occurred between a member from Virginia and a member from North Carolina, in the year 1841. Finding then that, in similar cases, the House has forborne to take any further action after the tender by the offending members of ample and satisfactory apologies, for the violation of its order and rules, I had, after deliberation and consultation with friends around me, come to the conclusion to withdraw the resolution upon the tender of apologies. I am not unaware of the importance of preventing the

recurrence of these disorderly scenes. I do not know that any alteration or amendment of the rules of the House is necessary to secure this desirable end. If it be, I trust it will be soon made. I observe that the Manual—

Mr. ORR, (interrupting.) Will the gentleman from Virginia allow me to suggest an additional rule, which I hold in my hand, as necessary to be adopted by the House? It will settle a controverted question, and will be the means hereafter, in collisions between members upon this floor, if they should unfortunately occur, of bringing the question directly before the House, and investing the Speaker, beyond a doubt, with sufficient power to suppress the difficulty upon the floor. The Speaker does not possess that power, certainly, now. I ask the Clerk to read the rule which I suggest for the adoption of the House.

The rule was then read, as follows:

If any member, in violation of the rules of the House, shall refuse to obey the order of the Speaker, made in conformity therewith, it shall be the duty of the Speaker to order the member so offending into the custody of the Sergeant-at-Arms, to be dealt with as the House may direct.

Mr. ORR. I would suggest a modification of the rule which I have offered. It is, that the Speaker shall be "authorized," instead of that "it shall be his duty."

Mr. BAYLY, of Virginia. Will my colleague allow me to ask the gentleman from South Carolina a question? Can it be possible that there is any doubt that that is the law now?

Several MEMBERS. None at all.

Mr. BAYLY repeated his question.

Mr. ORR. There is a very serious doubt on the subject; so much so, that the present, and, I believe, the former Speakers, have not felt themselves authorized to direct the Sergeant-at-Arms to arrest a member violating the rules of order and decorum. The Chairman of the Committee of the Whole House certainly has no such power, and it is extremely doubtful whether the Speaker has. When there is disorder of this sort, and the member refuses to obey the order of the Presiding Officer, it is the duty of the House to take the power of ordering his arrest into its hands; but there should be a more summary remedy.

Mr. BAYLY. I do not think so.

Mr. MILLSON. I was on the point of stating to the House that I do not know that any amendment to the present rules is necessary. According to the Manual, which, by one of our rules, is made the law of the House in all cases in which it does not come in conflict with the standing rules and orders,

"Whenever warm words or an assault have passed between Members, the House, for the protection of their members, requires them to declare, in their places, not to prosecute any quarrel; or orders them to attend the Speaker, who is to accommodate their differences, and report to the House, and they are put under restraint if they refuse, or until they do."

I am inclined to think, then, that under the existing rules, and under the law of the Manual, the Speaker and the House may now exercise this authority.

But, however this may be, I have a reason, which the gentleman from South Carolina [Mr. Orr] will appreciate without my indicating it, why I prefer that the resolution which he has just now introduced should not be considered to-day.

The SPEAKER. The Chair would like to understand whether or not the gentleman from Virginia [Mr. MILLSON] yielded the floor to the gentleman from South Carolina, for the purpose of allowing him to introduce his resolution, and whether, therefore, the proposition of the gentleman from South Carolina is now to be considered before the body?

Mr. MILLSON. No, sir; I stated that I yielded to have the resolution read for information.

The SPEAKER. Then the proposition of the gentleman from South Carolina is not before the body.

Mr. BOCK. The gentleman from South Carolina could not, even with the consent of the gentleman from Virginia, present a proposition to amend the rules of the House.

Mr. MILLSON. I gave notice to the House yesterday that I would call its attention to this subject to-day. It was my purpose, however, after conferring with gentlemen of ability and experience, to withdraw the resolution which I intended to offer, if the two gentlemen should do

what they have done—tender suitable apologies to this House.

I have not thought it necessary to say anything in reference to the merits of the original controversy between the two gentlemen. I know nothing about it, and the House has nothing to do with it. We should confine ourselves to what occurred in our presence, and not inquire into the merits of any controversy which may unfortunately exist between these gentlemen.

Considering, then, Mr. Speaker, that heretofore legislative bodies in this country and in England have seemed to be satisfied with the atonement offered by the members offending; in view of the fact that similar cases of disregard of the rules and order of this House have occurred even in the present Congress, and have been passed by altogether unnoticed by this House; in the hope, too, that some means may be soon devised by which these occurrences may be prevented in future, and by which members may be apprised of the responsibilities they may incur, and in consideration of the fact that both these gentlemen have tendered apologies, which I must regard—

Mr. WHEELER, (interrupting.) I wish to ask the gentleman a question. I understand from one of those gentlemen that deadly weapons were drawn yesterday. Has that ever been done before?

Mr. MILLSON. I know nothing personally of the fact. I will, however, state, as the gentleman asks me the question whether it was ever done before, that—

Mr. WHEELER, (interrupting.) Have you found any precedent of that kind?

Mr. MILLSON. In some of the cases which I have already alluded to, some of the parties drew their swords on the floor of the House of Commons.

I beg leave to withdraw my resolution.

Mr. McMULLIN. I object to the withdrawal of the resolution.

The SPEAKER. The gentleman has the right to withdraw it.

Mr. McMULLIN. Then I beg leave to renew it.

Mr. JONES, of Louisiana. I rise to a question of order. I desire to inquire of the Chair how this resolution got before the House? I understand the resolution has been withdrawn by the gentleman from Virginia, [Mr. MILLSON;] and if it is not in order for the gentleman [Mr. McMULLIN] to introduce it again, I object to the introduction of it, and insist upon the regular order of business.

The SPEAKER. The resolution itself involves a question of privilege, and it is in order.

Mr. CHAMBERLAIN. I rise for the purpose of inquiring whether the resolution was presented to the House, or whether it was only read at the Clerk's desk for information? I did not understand that it was presented to the House.

The SPEAKER. The gentleman from Virginia presented the resolution, and withdrew it, as he had the right to do.

Mr. MILLSON. My own purpose in offering it was to enable me to address to the House, in order, my remarks, which would otherwise have been out of order.

The SPEAKER. The gentleman from Virginia stated that his purpose, in offering it, was that he might address the House in order. The gentleman from Virginia [Mr. McMULLIN] has the floor.

Mr. ORR. If the gentleman from Virginia will allow me, I would say that I hope he will not renew the resolution. The scene of yesterday was a painful one; but the gentlemen have come forward this morning and tendered an apology to the House, and I think, looking to the precedents set many years ago, that the House would perhaps be chargeable with treating those gentlemen harshly, if it were to carry this investigation any further.

I think the House is disposed to let the matter rest at the point at which it has now arrived. I shall on Monday make an attempt to introduce a rule, which, if adopted, I think will operate, to a certain extent, as a corrective in future in reference to the occurrence of such difficulties. I hope my friend from Virginia will not press his resolution at this time.

Mr. McMULLIN. I am not clear as to the correctness of my views upon this question. I am free to confess that I did not hear—although,

perhaps, I did not hear what the gentleman said very distinctly—that explanation which was sufficient to satisfy my mind in reference to this matter. I think it was due to both these gentlemen that the matter should have been referred to a committee for investigation. I confess, very frankly, sir, that I am not entirely satisfied with the explanations which have been made by these gentlemen. I am the last member in this House who would desire to see the rules of this House violated.

I am free to admit that I am liable, from the impulsiveness of my nature, to become involved in such difficulties as much as any other member of the House; but, sir, if I violate the rules of the House, I desire to be dealt with by the House in the same manner that I wish to see any other members dealt with.

But, sir, I find there is a difference of opinion among the members around me in reference to the policy of withdrawing the resolution first offered by my colleague from the Norfolk district, and now renewed by me. Many gentlemen concur with me in the opinion that the matter between the gentlemen from Tennessee ought to go to a committee. But I will not consume the time of the House longer by any further remarks. Having expressed to the House my views upon the subject, I will relinquish my purpose of pressing a consideration of the resolution, and, at the instance of the gentleman from South Carolina, withdraw it.

Mr. BROOKS. I ask the House to allow me a single moment. I wish to give notice that if the resolution which my colleague [Mr. ORR] has indicated, is introduced, I shall offer the following as an amendment:

Resolved, That any member who brings into the House a concealed weapon shall be expelled by a two-third vote.

Resolved, That the Sergeant-at-Arms shall cause to be erected a rack in the rotunda, where members who are addicted to the carrying of concealed weapons shall be required to place them before entering this Hall, and that they shall be exposed to the inspection of the curious as long as the men are employed in legislation.

The reading of the resolutions was greeted with much applause and laughter.

ANOTHER PERSONAL EXPLANATION.

Mr. WASHBURNE, of Illinois. I ask the attention of the House for a single moment to a matter of personal explanation.

Mr. HOUSTON. I object to any further personal explanations.

Mr. WASHBURNE. Just one word.

Mr. SEWARD. I object.

Mr. WASHBURNE. I trust the gentleman will do me the justice to withdraw his objection.

Mr. SEWARD. No, sir; I do not withdraw my objection.

[Cries of "Oh! withdraw it!"]

Mr. SEWARD. I withdraw my objection, if the House seems curious to hear the personal explanation.

Mr. CHASTAIN. I renew the objection.

Mr. WASHBURNE. By whom is objection made?

The SPEAKER. The gentleman has no right to put such an interrogatory to the Chair.

Mr. CHASTAIN. I make the objection, sir; and for good reasons.

SUPERINTENDENCE NATIONAL ARMORIES.

Mr. KEITT, by unanimous consent, from the special committee on the superintendence of the national armories, submitted a minority report on the subject; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

CLERK FOR POST OFFICE COMMITTEE.

The SPEAKER. On the resolution allowing the Committee on the Post Office and Post Roads a clerk, the main question has been ordered to be now put. The yeas and nays have also been ordered on its adoption.

The question was taken; and it was decided in the affirmative—yeas 96, nays 51; as follows:

YEAS—Messrs. Abernethy, James C. Allen, Willis Allen, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Bennett, Breckinridge, Bridges, Caruthers, Chamberlain, Chandler, Chastain, Churchwell, Clark, Clingman, Cook, Curtis, Dawson, De Witt, Dowdell, Drum, Eddy, Edmunds, Edmondson, Thomas D. Eliot, Everhart, Farley, Florence, Giddings, Goode, Goodrich, Greenwood, Grow, Wiley P. Harris, Hastings, Hill, yer, Howe, Hughes, Hunt, Daniel T. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Lamb, Latham, Ludley, McDougall, Macy, Maxwell, Millson, Noble, Norton, Olds, Mordecai Oliver, Orr, Packer, Par-

ker, Powell, Puryear, Reese, David Ritchie, Thomas Ritchey, Rowe, Shaw, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, David Stuart, John J. Taylor, Thurston, Tweed, Upham, Vail, Walker, Walley, Ellihu B. Washburne, Wells, Witte, Daniel B. Wright, Hendrick B. Wright, Yates, and Zollicoffer—96.

NAYS—Messrs. Belcher, Bocock, Boyce, Campbell, Carpenter, Chrisman, Cobb, Colquitt, Corwin, Cullom, Cumming, John G. Davis, Thomas Davis, Dunham, Eastman, Ellison, Etheridge, Flagler, Fuller, Hamilton, Aaron Harlan, Andrew J. Harlan, Hagrison, Haven, Hendricks, Hemi, Ingersoll, George W. Jones, Knox, McCulloch, McMullin, Mayall, Middleswarth, Morgan, Peck, Pennington, Phelps, Pratt, Pringle, Ready, Rutten, Russell, Sapp, Seward, Skelton, Nathaniel G. Taylor, Tracy, Trout, Vassant, Tappan Wentworth, and Wheeler—51.

So the resolution was adopted.

Mr. BENTON, by unanimous consent, from the Committee on Military Affairs, reported a bill, which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the accompanying report, ordered to be printed:

A bill for the relief of Don Juan Vigil, of New Mexico.

Mr. HOUSTON. I move that the rules be suspended; and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Here several messages were received from the President of the United States, by Mr. SIDNEY WEBSTER, his Private Secretary.]

Mr. HOUSTON. I suppose these messages ought to be disposed of at once, and I therefore withdraw the motion to go into committee.

THE GADEEN TREATY.

The SPEAKER, by unanimous consent, then laid the following message before the House:

To the House of Representatives:

I have received information that the Government of Mexico has agreed to the several amendments proposed by the Senate to the treaty between the United States and the Republic of Mexico, signed on the 30th of December last, and has authorized its Envoy Extraordinary to this Government to exchange the ratifications thereof. The time within which the ratifications can be exchanged, will expire on the 30th instant.

There is a provision in the treaty for the payment by the United States to Mexico of the sum of \$7,000,000 on the exchange of ratifications, and the further sum of \$3,000,000 when the boundaries of the ceded territories shall be settled. To be enabled to comply with the stipulation, according to the terms of the treaty relative to the payments therein mentioned, it will be necessary that Congress should make an appropriation of \$7,000,000 for that purpose, before the 30th instant, and also the further sum of \$3,000,000, to be paid when the boundaries shall be established. I therefore respectfully request that these sums may be put at the disposal of the Executive.

I herewith transmit to the House of Representatives a copy of the said treaty.

FRANKLIN PIERCE.

WASHINGTON, June 20, 1854.

Mr. HOUSTON. I move to refer the communication to the Committee of Ways and Means, and that it be printed; and upon that motion I demand the previous question.

The previous question was seconded, and the main question ordered.

The question was then taken upon Mr. Houston's motion; and it was agreed to.

EXPULSION OF THE GREEKS FROM CONSTANTINOPLE.

The SPEAKER then laid before the House a message from the President of the United States, transmitting a report from the Secretary of State, with accompanying documents, in compliance with a resolution of the House introduced the 30th ultimo, and containing the speech of the American Minister at Constantinople upon his presentation to the Grand Turk, and the correspondence of the Minister touching the expulsion of the Greeks at Constantinople.

The communication, on motion, was referred to the Committee on Foreign Relations, and ordered to be printed.

FOREIGN INTERVENTION.

The SPEAKER also laid before the House a message from the President of the United States, transmitting a report and accompanying papers, from the Secretary of State, in answer to a resolution of the House introduced the 24th of April last, requesting the President to communicate to the House, if, in his judgment, not incompatible with the public interests, the instructions referred to by President Monroe in his annual message, as to the right of foreign nations to interfere in the affairs of this continent.

The communication, on motion, was referred to the Committee on Foreign Relations, and ordered to be printed.

CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON. I now renew my motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of House bill No. 48, "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855."

The CHAIRMAN. The pending question is upon the following amendment offered by the gentleman from Kentucky, [Mr. PRESTON:]

For completing the custom-house at St. Louis, Missouri, \$100,000.

For completing the custom-house at Mobile, Alabama, \$65,000.

For completing the custom house at Cincinnati, Ohio, \$40,000.

For completing the custom-house at Louisville, Kentucky, \$40,000.

For completing the custom-house at Bangor, Maine, \$20,000.

For completing the custom-house at Bath, Maine, \$20,000.

For completing the custom-house at Wilmington, Delaware, \$12,000.

To purchase a site for the custom-house at Providence, Rhode Island, \$24,000.

Debate on the amendment having been exhausted when the committee was last in session,

Mr. BENTON moved a *pro forma* amendment to increase the appropriation one dollar, and said:

This amendment, Mr. Chairman, containing these various items of appropriation, has been before the House several times; and I think the objects of the appropriations are well understood by the House. They come recommended by as many titles as have ever been given in favor of any appropriations put into any bill. In the first place, they come recommended by the Government, in the annual message to Congress. In the next place, they have received the sanction of the House in separate and distinct votes. They have also received the sanction and the vote of the Senate; and they have likewise received the approbation of the Committee of Ways and Means. But we have been very unfortunate in not finding a suitable place in which to put this amendment. We are like the guest whom every one is willing to see brought to the feast, only that there is no chair for him. Let him sit down in whatever chair he may, he finds that the place is preëngaged.

At last we have got now to the civil and diplomatic bill; and that is precisely the place where the original appropriations were made, and is also the place in which they have been sometimes continued. We wish, then, to save this chance of putting the appropriations into this bill where they originated; and if we lose this chance, we are defeated altogether. We can hardly expect to get a separate bill through for this purpose at this late period of the session. I have only to say, Mr. Chairman, that it requires almost forty-one pages of printed matter to comprise these appropriations for all parts of our America, except the great valley of the Mississippi—except the Mississippi river itself—with these custom-houses which are now yielding more revenue than is collected in some of the custom-houses of the Atlantic board, for which large appropriations are made without the slightest hesitation.

We hope, Mr. Chairman, that we will not lose this last chance of doing a little for this great Mississippi river, which, in the present improved state of navigation, is actually a prolongation of the sea; actually a communication with all parts of the world, in carrying our foreign commerce, as well as our domestic commerce. We hope that that consideration will be sufficient to induce the committee to legislate these appropriations, which have so often received the deliberate judgment of the House and of the Senate.

Mr. HOUSTON. Mr. Chairman, I did not hear the gentleman's amendment read, nor do I know what it is. I am, however, opposed to any amendment putting in these custom-houses. The matter has been discussed so thoroughly here, that I presume the House understands the merits of it

as completely as it is possible for it to do. I am exceedingly anxious to get along with this bill, and therefore I hope the House will come to a vote on this matter as soon as possible.

Mr. BENTON, by unanimous consent, then withdrew his amendment to the amendment.

The question recurring on the adoption of the amendment offered by the gentleman from Kentucky, [Mr. PRESTON,]

Mr. JONES, of Tennessee, demanded tellers.

Tellers were ordered; and Messrs. PRATT and CASKIE were appointed.

The question was then taken; and the tellers made reports by installments, understood to be—ayes 68, noes 66.

Mr. HAMILTON. I call for a recount, if there is any doubt as to how the vote stands.

Mr. PRATT, (one of the tellers.) There were sixty-eight in the affirmative and sixty-six in the negative, as near as I can make it out.

Mr. PECK. I understand the tellers do not report positively.

Mr. PRATT. I will say to the House that it is impossible for tellers to keep a correct account, so long as members, after the votes in the affirmative and negative are announced, continue to come up and vote, one in the affirmative, another in the negative, and a dozen at a time; some on one side, and some on the other. No man can keep an account under such circumstances.

The CHAIRMAN. The Chair desires to inquire of the tellers if they are able to report?

Mr. PRATT. I say that, as far as I can make it out, there were sixty-eight in the affirmative, and sixty-six in the negative; but I cannot swear to it. [Laughter.]

Mr. PRESTON. I ask the Chair if the tellers have not reported?

The CHAIRMAN. They have made an equivocal report. [Laughter.]

Mr. CASKIE, (one of the tellers.) I will state to the Chair that we did agree in our count; but that, in consequence of the confusion, we were not so absolutely certain as we should otherwise have been.

The CHAIRMAN. Then the vote stands sixty-eight in the affirmative, and sixty-six in the negative.

So the amendment was agreed to.

Mr. LATHAM. I offer the following amendment:

For purchasing a lot on which to build a custom-house in San Francisco, California, \$150,000.

Mr. Chairman, I will say, in advance, that it is a matter of great economy for the General Government to buy a lot on which to build a custom-house in San Francisco. The Government is now paying \$117,600 per annum for rent of the custom-house in San Francisco—as follows: for custom-house proper, we pay \$2,000 per month rent, for appraiser's office, \$1,800 per month, and for three warehouses we pay \$6,000 per month, amounting in all to \$9,800 per month, or \$117,600 per annum in the way of rent, to collect the revenue in San Francisco.

Now, then, Mr. Chairman, there has been some difficulty connected with the title to the lot in San Francisco on which it was proposed to build the custom-house. I am pleased to say that such difficulty is now removed, and the General Government can secure a valid title to it by paying \$150,000 to the State. The State set up a title to it, and I think there is no doubt entertained by any one that she had a large interest in it. The Legislature of California have recently passed an act ceding its interest to the General Government, upon the payment of the one half of its assessed value. Well, sir, the United States appraiser general, and the president of the board of State land commissioners, have fixed the value of the entire block proposed to be ceded as follows: The value of entire block at \$500,000; the value of the leasehold interest of the United States at \$200,000; and the interest of California at \$300,000. Upon this question of the value of this block, let me call the attention of the House to the following message of the Governor of California, and two assessments inclosed to me by the Governor:

EXECUTIVE DEPARTMENT,
BENICIA, January 16, 1854. }

To the Senate and Assembly of California:
I have the honor herewith to transmit a copy of a communication from the Board of California Land Commissioners, in relation to the present actual value of certain

property in the city of San Francisco, known as the "Custom House Block."

The commissioners, it will be seen, estimate the value of the property, on which the General Government desire to erect a custom-house, at \$500,000.

It is proper here to state that this estimate is deemed by many well informed citizens as very reasonable, and that the property at any time would command a greater amount in cash at public sale.

Five hundred thousand dollars is certainly a large amount to be at this time diverted from the means relied upon to liquidate the debt of the State, and relieve our people from burdensome taxation, and I therefore hope that the State's interest in this valuable property will not be released by her agents, until it can be done without prejudice to the credit of the State of California and welfare of the people.

In view, also, of the fact that this property, by solemn acts of the Legislature, stands pledged for existing State indebtedness, it is at least questionable whether, in justice to the creditors of the State, it can be donated to the General Government until the debt for which it has been pledged shall have been paid.

A large amount of the existing debt, as is well known, was incurred by the State in defending her people in the years 1850 and 1851 against hostile Indians, the annual interest upon which now amounts to the sum of \$67,495 69.

This debt, principal and interest, it is maintained, should, in justice to California, be assumed, in some form, during the present session of Congress.

The assumption of the war debt and the restoration of the "civil fund" would, it is believed, place the finances of the State in a condition to justify the donation of this property to the General Government, and still preserve inviolate the pledged faith of the State.

But should Congress fail or refuse to sanction the just claims of the State, the agents of California, although anxious in this matter to favor the General Government, and facilitate the erection of public buildings, will be compelled to carefully husband and judiciously apply all her resources until her entire indebtedness shall have been paid.

It is true that other States of the Confederacy have unconditionally released to the General Government their title to property for similar purposes, but there is no evidence that the property so released, as in this case, was of great value, or that circumstances existed imperatively requiring the State to guard carefully her sources of revenue, and to apply the proceeds in payment of liabilities previously incurred.

The history and condition of California are, indeed, peculiar. Her exigencies have hitherto been without parallel; and in legislating for her wants, it is, therefore, clear that we cannot be guided, in all cases, by precedents established in the common course of events, in the other States of the Confederacy.

It is deemed proper, in this connection, to state that the correspondence from the Secretary of the Treasury, in regard to the property in question, addressed to the Executive, as stated in a communication presented to the Senate on the 13th instant, has never been received by me.

JOHN BIGLER.

SAN FRANCISCO, CALIFORNIA, January 18, 1854.

SIR: General Douver's favor, of date 16th January, is received, and we take pleasure in replying.

Judging from the prices offered for similar property to the block bounded by Washington, Jackson, Sansone, and Battery streets, in this city, we think that block, with title undisputed and the immediate possession, would be well worth from five hundred and fifty thousand (\$550,000) to six hundred and fifty thousand (\$650,000) dollars.

We are, sir, very respectfully, your obedient servants,
PALMER, COOK & CO.

Hon. JOHN BIGLER, Governor of State of California.

SAN FRANCISCO, January 16, 1854.

SIR: In answer to your inquiry as to the value of the block in this city bounded by Jackson street on the north, Battery street on the east, Washington street on the south, and Sansone street on the west, we have to say, that, from actual sales, with perfect titles, around this property, it is worth at present, in round numbers, six hundred thousand dollars. Of course, if sold now, it would not bring the State that amount, in consequence of the lease of Palmer, Cook & Co. Remove all conflicting claims, and it will readily bring the above-mentioned sum.

Very respectfully,
SELOVER & SINTON,
Real Estate Auctioneers.

From these communications, it will appear that the assessment of the appraiser general of the United States, and president of California land commission, is not at all large or extravagant. A more liberal donation has not been made by any State of the Union to the General Government for building a custom-house. Why, sir, in 1832 the General Government paid \$19 35 per square foot for a lot on which to build a custom-house, in the city of New York; in Boston \$17 85 per square foot was paid, in 1837; and in Charleston, for the same purpose, in 1839, there was paid \$6 68 per square foot. But in this instance the State of California gives to the General Government a valid title to a lot for building a custom-house, at the rate of less than two dollars per square foot. Why, but recently, for purchasing an assay office in New York city, we paid \$535,000 for a lot but thirty-five feet on Wall street by eighty-five feet deep, or at the rate of \$118 per square foot. Now, then, here is a lot in the very heart of the metropolis of the Pacific, amounting to an entire block, and facing on four important streets, and in

the very midst of the business portion of that city, for which the Government will have to pay less than two dollars per square foot. In a few years it will be worth to the Government \$3,000,000 or \$4,000,000. Will this House refuse to pay this small, beggarly sum to the State of California, for its interest in this lot, so generously conceded by the terms of its legislative act to the Government? Why, we pay now a larger revenue in the Treasury than any State of the Union, excepting only New York. It is probable that Massachusetts may exceed us, but I doubt it. Is the Pacific coast, then, to be denied this custom-house, because California will not give all its interest to the General Government, after the lucid statement made of the case by the Governor in his message. You have already expended near \$100,000 in piling this block; and, in addition to this loss, the General Government must continue to pay \$117,600 per annum rent to collect the customs in San Francisco. Let us see if even this sum will be denied us.

Mr. JONES, of Tennessee. It seems to me that it would be better for the gentleman to modify his amendment so as to direct the Secretary of the Treasury to ascertain whether a lot in San Francisco can be purchased or not. The difficulty, I understand, in erecting a custom-house there, has been in procuring a site for it. Until we do know what it is we can do, it seems to me that we are acting in the dark in making this appropriation for a site. The information, I suppose, could be obtained by the next session of Congress, which is now very close at hand. When we receive it, we can act understandingly. It is important that there should be a custom-house there, and there will be one there, no doubt, on a pretty large scale.

Mr. LATHAM. We can act advisedly now, because the Legislature of California has passed a law ceding all interest in the lot to the General Government on payment of \$150,000. That law has been signed by the Governor, and is now in the hands of the Secretary of the Treasury. Therefore it was I made this motion of amendment. The interest in the lot can only belong to the General Government, or the State, because it is below high water mark. It comes within purview of the law of Congress ceding overflowed lands to the State. There is no doubt of title in the world.

Mr. SMITH, of Virginia. I move to reduce the appropriation five dollars.

Mr. Chairman, I know something of this subject. This particular lot is one about which there is not the slightest difficulty, so far as the title is concerned. It was recently appraised, by persons appointed for the purpose, at \$300,000. The committee will understand that the State government of California has had some little difficulty about the title to this site. It was claimed by some that that State ought to give the General Government a site for the erection of this edifice. California could not see any justice in that claim; nor do I; but the Legislature, after fixing the title to the lot selected, agreed that the Federal Government should have it. It was appraised, as I have said; and to show the liberality of that State, the Legislature agreed that the General Government should have the lot for half its appraised valuation.

Is California to have no custom-house? Already an attempt to purchase a lot for the purpose of building a custom-house there has resulted in heavy loss, in consequence of defective title. Now, when everything is perfect and complete; when the sum is half the valuation of the property; when it is indispensable to public uses that there should be an establishment of this description there above all other places in the country, will this committee refuse to appropriate the sum requisite to secure the site?

I will state, further, that the Federal Government at this particular time is paying for buildings for its necessary uses an amount of rent which would in two years complete this establishment. As a matter of economy and finance—I speak advisedly, as having been there, and as having daily knowledge of what was passing there—it is important that we should make disposition of this matter. I do trust that this committee will not hesitate to adopt the amendment of the gentleman from California; and I desire to withdraw the amendment which I have submitted.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman from California if the Secretary

of the Treasury desires the purchase of this lot, or that this appropriation should be made? Has he, in any communication made to the House, expressed such a desire?

Mr. LATHAM. I will state, in reply to the gentleman from Tennessee, [Mr. JONES,] that I am not authorized by the Secretary of the Treasury to make any statement in regard to the matter. I have had several conversations with the Secretary of the Treasury in relation to this subject, and it was in pursuance of my understanding of these conversations that I have offered this amendment. In a conversation which I had about two months since, in connection with my colleague, with the Secretary of the Treasury, upon this subject, he expressed the desire at that time that the State should relinquish her interest, in order that we might go on with the building of a custom-house at San Francisco, if Congress would make the appropriation. Since that time the Legislature of California has passed a law ceding its interest to the General Government, upon condition that she receives \$150,000. The law has been approved by the Governor, and I received an official communication by the last steamer that such is the fact.

Mr. JONES, of Tennessee. I do not choose myself to throw any obstacles in the way of the erection of a suitable custom-house at San Francisco. But I do think, that we should proceed upon some recommendation, some data furnished to us by the Treasury Department, as to what they can do, and what it is desirable they shall do. It is desirable at least that we should have something by way of data from the Secretary, upon which to base our action, that might go into the documents of the country.

Mr. SMITH, of Virginia. I now withdraw my amendment.

The question recurring upon Mr. LATHAM's amendment,

Mr. LATHAM demanded tellers; which were ordered; and Messrs. DAVIS, of Indiana, and PERKINS, of New York, were appointed.

The question was taken; and the tellers reported—ayes forty-eight; not a majority of a quorum. [Cries of "Count the other side!"]

The CHAIRMAN. The Chair, pursuing the precedent set him, will ascertain whether there is a quorum in the Hall or not.

Mr. STEPHENS, of Georgia. That is not the legitimate way of doing so. The roll should be called.

[Cries of "Count the other side!"]

The CHAIRMAN. The tellers will resume their places, and take the vote.

The tellers proceeded with the count, and reported—ayes 59, noes 46; no quorum voting.

The CHAIRMAN. The Clerk will call the roll.

The roll was called; and the Speaker *pro tempore* (Mr. JONES, of Tennessee) having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the civil and diplomatic appropriation bill, and having found itself without a quorum, had ordered the roll to be called, and directed him to report the following list of absentees:

Messrs. James C. Allen, Willis Allen, Ashe, David J. Bailey, Ball, Banks, Bissell, Bockock, Boyce, Brooks, Bugg, Carpenter, Caskie, Chase, Clingman, Craig, Cullom, Cutting, Dean, Dent, Dick, Disney, Dowdell, Drum, Dunbar, Dunham, Edgerton, Edmundson, John M. Elliott, Etheridge, Franklin, Fuller, Gamble, Green, Grey, Grow, Sampson W. Harris, Wiley P. Harris, Hendricks, Hubbard, Hiestler, Howe, Johnson, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Kittredge, Lamb, Lane, Leitcher, Lilly, Lyon, Macdonald, McNair, McQueen, Maurice, Maxwell, Meacham, Morgan, Morrison, Nichols, Olds, Packer, John Perkins, Phillips, Richardson, Robbins, Rogers, Sage, Seymour, Shannon, Simmons, Samuel A. Smith, Sollers, Alexander H. Stephens, Stratton, Andrew Stuart, David Stuart, Tweed, Vail, Wade, Walbridge, Walsh, Warren, Israel Washburn, Wells, John Wentworth, Yates, and Zollicoffer.

One hundred and forty-eight members having answered to their names, the committee resumed its session.

Mr. LATHAM. I ask the unanimous consent of the House to permit me to alter the verbiage in the amendment which I offered.

The CHAIRMAN. The gentleman from California has a right to modify his amendment.

Mr. LATHAM. I also ask leave of the House to have the letter of the Secretary read, which I send up to the Clerk's desk.

Mr. HOUSTON. I think the better plan will be to allow the amendment to go in, and let it be voted upon in the House.

Mr. JONES, of Tennessee. Here is a letter from the Secretary of the Treasury to the Finance Committee of the Senate which I ask may be read.

Mr. HOUSTON. I hope the gentleman will allow the amendment to go in, and have it acted upon in the House.

The amendment proposed by Mr. LATHAM was then read, as follows:

For purchasing a site for the custom-house at San Francisco, California, a sum not exceeding \$150,000.

The letter of the Secretary of the Treasury was then read, as follows:

TREASURY DEPARTMENT, June 12, 1854.
SIR: I have the honor to inclose, for the information of the Committee on Finance, copies

1. Of a letter from Governor Bigler, of California, with a certified copy of an act of that State, providing for the relinquishment to the United States, on certain conditions, of the title of the State to the square of ground in San Francisco which had been selected for the site of the new custom-house, and on which a large sum has been expended by the United States to prepare the ground for said building.

2. A letter from R. P. Hammond, collector of the district of San Francisco, on the subject of the expediency of the Government's taking the property on the terms demanded by the State, and paying the sums necessary to quiet the title and obtain immediate possession.

3. A letter from S. J. Bridge, general appraiser for the Pacific coast, and also one of the arbitrators named in the act of the State, giving his opinion of the value of the square, and of its adaptation to the uses of the Government.

In this connection I must ask your attention to my letter to you of the 22d March last, in which I alluded to the large outlay already made on this ground; the doubt existing as to the title, under which the work was directed to be suspended; the delay which thereby results to the contractor, for which he may claim compensation, and the annual rents now paid in San Francisco, for Government purposes. Under the impression, at the date of that letter, that California would not release her title to this property, I suggested the propriety of an appropriation sufficient to enable the Department to purchase another property, with buildings already upon it, for the accommodation of the custom-house, and other public establishments. The two propositions are now before the committee, and they will be able to determine which it will be most judicious to adopt.

The condition in the act of California which subjects the ground to perpetual appropriation as the site of the custom-house and other Government buildings, and forfeits it to the State if otherwise disposed of, or sold, is a grave objection to the terms prescribed, and would, moreover, prevent the Department, under the joint resolution of 11th September, 1841, from making the purchase unless special authority be given for such purchase. Looking, however, at the subject in every point of view—the delay which has already taken place, the need of the accommodation proposed, and the perhaps larger expenditure which must be incurred if the Government abandon the contract, and goes elsewhere, I feel bound to say that I think it will be for the public advantage, notwithstanding the objectionable restriction referred to, to accede to the terms demanded, and go on with the custom-house as it has been commenced.

I must refer, also, to my letter to you of the 29th December last, which inclosed a letter from Messrs. Hammond and Bridge, recommending an appropriation of \$75,000 for building an appraiser's store on the custom-house lot.

It will be perceived that Mr. Hammond recommends an appropriation for the purpose of compromising with certain persons who claim title to or occupy portions of the lot, and thereby quieting the title and obtaining present possession. But I cannot think—as these claimants are merely leasees, and the terms of the lease will expire in November next—that anything more is necessary than to pay for the improvements of those who may have taken possession without claim to title.

I have the honor to be, very respectfully,
JAMES GUTHRIE,
Secretary of the Treasury.

Hon. R. M. T. HUNTER,
Chairman Committee on Finance, U. S. Senate.

Mr. JONES, of Tennessee. I withdraw all objection to the amendment.

The question was then taken upon Mr. LATHAM's amendment; and it was agreed to.

Mr. SINGLETON. I offer the following amendment:

For building a marine hospital at Vicksburg, State of Mississippi, \$55,000.

Mr. HOUSTON. I hope the gentleman will withdraw that amendment until we get through with the custom-houses. I believe there are three more items yet to be disposed of. Let us get through with them first.

Mr. SINGLETON. I withdraw the amendment for the present.

Mr. PRESTON. I desire to move an amendment, but before doing so I will, with the consent of the committee, state its substance. It is a proposition reported by the Committee of Ways and Means in their bill recommending appropriations for custom-houses, and placing guards around the expenditure of the money contained in the said appropriations, making certain rules and

regulations to be observed in such expenditures. I have no desire to prevent these guards from being thrown around these appropriations; but, on the contrary, I desire to see the proviso reported by the Committee of Ways and Means added to the amendment which has just been adopted, by which these custom-house appropriations have been ingrafted on the bill. I presume this amendment will meet the views of the chairman of the Committee of Ways and Means, because I understand he has been instructed to report such a proviso to the appropriation for the Richmond custom-house. I myself see nothing objectionable in this proviso, and I therefore offer the amendment which I send to the Clerk's desk, and ask to have read.

The amendment was read as follows:

Provided, That none of the moneys appropriated for any building in and by this act, or by any former act, and now remaining unexpended, shall be used or applied for the purposes mentioned in this act by the Secretary of the Treasury, until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State in which such building is to be completed shall in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building; and shall also duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof. And that none of the said moneys appropriated for any building by this act, or heretofore appropriated for the purposes mentioned, and now remaining unexpended, shall be used or applied for the purposes for which they are appropriated, unless the same shall be sufficient in each case to complete the building in such case fully, and entirely accomplish the object for which the appropriation in this act is made. And the Secretary of the Treasury is hereby prohibited from using or applying any of the moneys aforesaid in any one case, until he shall have made a contract with such security as he shall approve for the completion of the entire building and work in such case, at a sum not exceeding the sum of the moneys appropriated and unexpended in such case. And the said Secretary of the Treasury shall enter into no contract, either conditional or final, for the purposes mentioned in this act, which shall involve an expenditure in any one case beyond the sums appropriated and remaining unexpended for such case; and in all cases where such unexpended appropriations shall be insufficient to complete the entire work in such case, the said Secretary of the Treasury shall suspend all action in reference thereto, and shall report to Congress on the first day of its session, the condition of the work in such case, and shall at the same time lay before Congress such plans and estimates as, in his judgment, shall be proper for the completion of the building and work in such case.

The amendment was agreed to.

Mr. SEWARD. I move to amend the bill by adding as follows:

For improving and repairing the room in the custom-house at Savannah, used as the post office, \$1,000.

Mr. S. said: In explanation of the amendment, I ask the reading of the letter which I send to the Clerk's desk.

The Clerk read the letter, as follows:

POST OFFICE DEPARTMENT, June 19, 1854.

SIR: In answer to your note transmitting a letter from the postmaster of Savannah, Georgia, I have to state, that it has, as I am informed, been usual in fitting up buildings to serve the double purposes of custom-houses and post offices, to finish the interior portions designed for each purpose, and to place in them all the permanent fixtures suitable for each branch of business, including desks, counters, tables, and letter and paper cases. The part of the building assigned to the post office in Savannah, so far from having been furnished with the permanent fixtures above-mentioned, was not even floored, and it is now without a floor, although all the rooms occupied by the custom-house have been floored. This, the postmaster has justly complained of, and it has not been in the power of the Department to aid him.

The only fund provided by law for the administration of the respective post offices, is derived from commissions and box rents. At Savannah, these are insufficient to afford the maximum compensation to the postmaster which the law permits; and he could not, therefore, floor and fit up his office, without diminishing his compensation to the extent of his outlay. He estimates that one thousand dollars would be sufficient for the purpose, and I think it just and reasonable that that amount should be reappropriated out of the unexpended balance of the appropriation for the Savannah custom-house, which passed into the surplus fund.

I am, very respectfully, your obedient servant,

JAMES CAMPBELL,

Postmaster General.

Hon. JAMES L. SEWARD, House of Representatives.

The Clerk proceeded with the reading of the bill.

Mr. HOUSTON. I move, by instruction of the Committee of Ways and Means, to amend by inserting after the custom-house appropriations the following:

To complete the custom-house at Richmond, Virginia \$150,000.

The balance of the amendment is similar to the

amendment of my friend from Kentucky, which has been adopted by the committee.

Mr. PRESTON. I suggest to the gentleman that, by unanimous consent, his amendment might be inserted before the proviso just adopted.

Mr. JONES, of Tennessee. It is not necessary to repeat the conditions of this amendment with the other also in the bill, but let the same conditions apply to each.

Mr. HOUSTON. My friend from Tennessee will see that this is a distinct amendment, and requires a distinct vote in the House, and I have therefore reported it as the committee instructed me.

Mr. PRESTON. I think that we had better not repeat the amendments in the same language.

The question was then taken upon Mr. Houston's amendment; and it was agreed to.

Mr. RITCHIE, of Pennsylvania. I offer the following amendment:

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to apply such sum as in his opinion may be necessary to complete the building for the custom-house, post office and court house in the city of Pittsburg, Pennsylvania, to furnish such building in a manner appropriate to its uses, and to the improvement of the grounds attached to said building; and also to pay the two commissioners who superintended the construction of the said building such compensation as the said Secretary shall deem just, not to exceed three dollars a day each, provided that the sum as aforesaid to be so expended by the Secretary of the Treasury shall not exceed the sum now remaining unexpended of appropriations heretofore made on the said building.

This amendment has passed the committee every time it has been introduced hitherto. It asks no additional money whatever.

Mr. SMITH, of Virginia. Does it give the Secretary of the Treasury power to expend as much money as he pleases?

Mr. RITCHIE. It confines the Secretary within the original appropriation; and after all this has been done, there will still be a large balance left in the Treasury unexpended.

The question was taken upon Mr. Ritchie's amendment; and it was agreed to.

The following clause was then read:

For the annual repairs and fixtures of custom-houses of the United States, \$25,000.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to offer the following amendment: After the word "States," to strike out "\$25,000," and insert in lieu thereof "\$30,501 59;" and, at the end of the clause, to insert the following:

For alteration and repairs of the custom-house at Baltimore heretofore made, and for rent of rooms during the repairs on said building, such sum as may, by the Secretary of the Treasury, be deemed reasonable and proper, said amount not to exceed \$5,501 59.

The amendment I have offered explains itself. It is to pay for repairs that were made upon the custom-house at Baltimore, and to pay for rent of a room used while repairs were being made upon that building.

The amendment was agreed to.

Mr. HAVEN. I propose to offer an amendment, for which, however, I have not the sanction of the Committee of Ways and Means. All that I desire to say in regard to it is, that it is for the purchase of the assay office in the city of New York. I have no particular desire about it, but I think it right that it should be disposed of along with these custom-houses that are before the committee. I desire to offer my amendment now, without making any argument about it, one way or the other.

Mr. HENN. Before the gentleman from New York offers his amendment, I would ask him to yield me the floor, to enable me to offer an amendment, which it is proper should come in along with the custom-houses.

Mr. HAVEN. I withhold my amendment for a moment.

Mr. HENN. Then I propose the amendment which I send to the Clerk's desk.

The amendment was reported, as follows:

To complete the marine hospital at Cleveland, Ohio, \$25,000;

To complete the marine hospital at St. Louis, Missouri, \$10,000;

To complete the marine hospital at Chicago, Illinois, \$8,000;

To complete the marine hospital at Louisville, Kentucky, \$12,500;

To complete the marine hospital at Paducah, Kentucky, \$5,000;

To complete the marine hospital at Evansville, Indiana, \$2,000;

To complete the marine hospital at San Francisco, California, \$40,000; and

To construct a marine hospital at Burlington, Iowa, \$15,000.

Mr. HOUSTON. I raise a question of order so far as this amendment is concerned. It is this: the latter part of the amendment of the gentleman from Iowa applies to the commencement of a new marine hospital. Therefore, it is not in order in this bill, there not being authority of law to initiate such works.

The CHAIRMAN. That being the state of facts, the Chair decides that the amendment of the gentleman from Iowa is out of order. This committee has no right to originate the building of any new marine hospital.

Mr. HENN. I would reply that this is merely an amendment containing appropriations passed by the Senate in the deficiency bill.

The CHAIRMAN. Will the gentleman from Iowa state whether there is any new building provided for in his amendment?

Mr. HENN. I must confess there is.

The CHAIRMAN. Then the Chair rules the amendment out of order.

Mr. HAVEN. I desire now to offer my amendment.

Mr. SINGLETON addressed the Chair.

The CHAIRMAN. The gentleman from New York [Mr. HAVEN] has the floor. He only yielded it temporarily to the gentleman from Iowa.

Mr. HAVEN. If the amendment which the gentleman from Mississippi [Mr. SINGLETON] desires to present has reference to custom-houses, it is proper that he should have the floor first.

Mr. SINGLETON. It relates to a marine hospital.

Mr. HAVEN. The gentleman's amendment does not relate to custom-houses. Therefore I desire to offer my amendment here.

Mr. HENN. I understand that the Chair has entertained a motion just now which provides for the purchase of a lot at San Francisco to build a custom-house thereon. There was no provision of law previously to this time for the purchase of that lot. Now, I want to know by what authority, under the rules, that amendment was presented and entertained, while that submitted by me is ruled out of order?

The CHAIRMAN. It is sufficient for the Chair to state in reply to the question of the gentleman from Iowa, that there was no question of order raised on the amendment submitted by the gentleman from California, [Mr. LATHAM,] but that there has been a question of order raised on that introduced by the gentleman from Iowa.

Mr. HAVEN. I now submit my amendment.

The amendment was reported, as follows:

"For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon belonging, the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts, one with each of said banks, for the leasing and right to purchase the same, bearing date the 19th of August, 1853, \$530,000: *Provided, That before the said purchase is completed, the State of New York shall cede to the United States jurisdiction over said land and property, and shall by law exonerate the same, and the property of the United States thereon, from all taxes, levies, and assessments thereon, whilst the same remains the property of the United States.*"

Mr. HAVEN. I think that the committee understands this matter sufficiently well, without any suggestions from me. It is, therefore, unnecessary that I should take up the time of the committee in relation to this matter. It is fully explained in the report of the Secretary of the Treasury, who has asked for the appropriation. The committee has not forgotten what has taken place heretofore on the subject, nor has the committee, I presume, overlooked what is stated in the little book which is on the table called "Finances." I understand that the granting of this appropriation will be a clear gain to the Treasury of some two or three hundred thousand dollars. The rent we are now paying, \$56,000 a year for the two houses, is more than the interest at six per cent. upon the amount here proposed to be appropriated.

Mr. CHANDLER. I would ask the gentleman from New York if the Committee of Ways and Means have recommended this appropriation?

Mr. HAVEN. In answer to the question, I

will say that I stated to the House when I first rose, that I was charged with the recommendation from no committee, although, when it was offered to the deficiency bill, I was instructed to do so.

Mr. CHANDLER. It does not belong to this part of the bill.

Mr. HAVEN. That is for this committee to judge. It is in order as an amendment to this bill, if it is in order to legislate upon the subject at all.

Mr. CHANDLER. I asked the honorable gentleman from New York whether the amendment was recommended by the Committee of Ways and Means? He answers that it was not. I think the matter had better be passed over, as no inconvenience will result from doing so.

Mr. HAVEN. I appreciate the advice of my friend from Pennsylvania, and have no doubt it is well intended, but I much prefer to follow the dictates of my own judgment.

Mr. CHANDLER. I was not advising the gentleman, but the House. [Laughter.]

Mr. ROBBINS. I entirely concur with my colleague, [Mr. CHANDLER.]

Mr. FLORENCE. And I apprehend that this committee will do so too.

Mr. DE WITT. I move to amend the amendment by reducing the amount five dollars. I have listened to the debate upon this subject with a great deal of attention, but, thus far, in silence. Sir, I regret only the necessity of this debate, because I regret that there is a custom-house upon the face of the earth. But still, sir, while it is the policy of this Government to raise its revenues by imposts, I shall vote for the erection and maintenance of suitable custom-houses, wherever they are necessary. I have learned that when the act was passed at the last session of Congress for the establishment of an assay office in the city of New York, and which was approved by the President a year ago last March, the Secretary of the Treasury was authorized to carry that act into effect. I confess I have admired the skill, care, and economy which was manifested by that officer in carrying that act into effect, and, as a practical man, I am at a loss to understand why the appropriation is withheld. Certainly economy does not prompt it.

To what part of the city of New York can you go where you will find a location so well fitted for the purpose of an assay office as this which has been selected by the Secretary of the Treasury, and for so little money? If an assay office is to be established in the city of New York at all, the location chosen is a good one. I wish the assay office were to be located in this city. But Congress has thought proper to locate it elsewhere; and, therefore, I do hope, from motives of economy, and in view of the wants and condition of the great commercial city of New York, and in view of the benefit which is to accrue to the people who have so much to do with the assay office, that this appropriation will be made, and that the great work will be carried forward.

I admire the location; I admire the plan proposed by the Secretary of the Treasury, because it saves money. Sir, we are paying much more than the interest upon the money it is proposed to expend in the purchase. The rent which you are paying would, in the fifteen years, amount to much more than the cost of the site. The property will sell at any time; it would sell to-day at a profit. I took the pains, the last time I was in the city of New York, to go and see this location; and I think the Secretary of the Treasury has done right in making the selection. I hope the amendment will be adopted.

Mr. HAVEN. Did I understand the gentleman from Massachusetts as being in favor of the adoption of my amendment?

Mr. DE WITT. Yes, sir.

Mr. HAVEN. Then I will not make any remarks in opposition to the gentleman's amendment.

Mr. SMITH, of Virginia. I am opposed to the amendment of the gentleman from Massachusetts, because I do not see any necessity of reducing this appropriation.

The CHAIRMAN. The Chair must state to the gentleman from Virginia that the gentleman from New York has approved the amendment of the gentleman from Massachusetts.

Mr. SMITH. I think the Chair is mistaken. The gentleman from New York rose to oppose

the amendment; but when he found the gentleman from Massachusetts was in favor of the original amendment, he did not oppose it.

The CHAIRMAN. The Chair must decide that no further debate is in order. The gentleman from New York rose in opposition to the amendment of the gentleman from Massachusetts, and it was not necessary that he should have spoken five minutes to have exhausted the privilege of debate under the rule.

Mr. SMITH. I understood the gentleman from New York as being in favor of the amendment.

Mr. HAVEN. The amendment of the gentleman from Massachusetts was to reduce the appropriation, and certainly I was opposed to it.

Mr. DE WITT, by unanimous consent, then withdrew his amendment.

Mr. SMITH. I now move to amend, by increasing the appropriation one dollar.

Mr. Chairman, I have made up my mind to go for the amendment of the gentleman from New York; and as I shall probably have no opportunity to state why I have thus made up my mind in the House, because I suppose the matter will be disposed of there under the operation of the previous question, I take this opportunity of stating now the reasons why I shall go for it.

We have a very large amount of money on hand in the Treasury, which is lying unproductive—paying us no interest whatever. Now, sir, under the contract which I understand has been made, for the lease of this property for fifteen years, we shall pay annually interest equal to ten per cent. upon the money necessary to purchase the property. If this amount be appropriated, the property is purchased, and the interest is at once extinguished, instead of paying ten per cent., as we are now doing. As a financial measure, therefore, whatever may have been my opinion as to the propriety of the original contract, I hold it to be our duty to support the amendment. Looking at the matter in this light, I shall vote for the amendment, and I hope it will be adopted.

Mr. McMULLIN. I am not disposed to attack the Administration, or any member of it. I confess, however, that I am opposed to my colleague's amendment, as well as to the custom-house amendment which has been adopted by the committee. I am perfectly willing to vote legitimate appropriations to Cincinnati, Louisville, and St. Louis; but I cannot yield my assent to appropriations for the construction of buildings merely to beautify and adorn those cities. Let me tell the committee a fact within my own knowledge. There was made an appropriation of \$50,000 to purchase a site, and erect a custom-house at Norfolk, and that amount was amply sufficient for the purpose.

I am told by the chairman of the Committee of Ways and Means that the whole amount appropriated to the Norfolk custom-house, was \$110,000. The last appropriation was \$50,000. Perhaps I may be in error; but the argument is the same. If \$110,000 be sufficient to purchase a site, and construct a custom-house at Norfolk, why is it necessary to appropriate \$200,000 each to Cincinnati, Louisville, and St. Louis for custom-houses?

Gentlemen have the idea that it is necessary your custom-houses should be built fire-proof. Let them be fire-proof; but to make them so it is not necessary that they should be built of fine marble, at an enormous expense. Fire-proof buildings can be constructed of brick, and there is no necessity for the hauling from a great distance of marble, or granite, for their construction.

But I must say, in all candor, that I think the Secretary of the Treasury, in his estimates on these custom-houses, has far exceeded what was required for the completion of buildings. Go to the custom-house at St. Louis. The foundation has not been laid, and there is only an excavation there; yet Congress is called on to make most exorbitant appropriations, more extravagant than ever before made, in reference to this particular class of buildings. My word for it, that gentlemen on this side of the House, who support these appropriations, will perceive, when it is too late, that they are held responsible for them.

I hope when we are called to vote on these appropriations in the House, that they may be voted down. Their adoption will hazard the bill, and thus stop the wheels of the Government. I for one am willing to shoulder the responsibility of

defeating the bill, if it is to be loaded down with these amendments. Gentlemen around me say that they are willing to do so also. This legislation does not suit me or my constituents. When gentlemen come to give a record vote, I think these appropriations will all be voted down. They defeated the deficiency bill; and they will jeopardize the passage of the one under consideration, if adopted. I hope on the record vote every gentleman may be in his place. With a full House we can vote them down, and with a full House I hope we may do so.

Mr. SMITH, of Virginia, then withdrew his amendment.

Mr. FLORENCE. I move that the committee rise.

[Cries of "Oh, no!"]

Mr. FLORENCE. I move then to reduce the appropriation one dollar.

I do not desire to make factious opposition to this large appropriation. The sentiment of this committee, and of the House itself, has been expressed already this session against this amendment. I made a motion that the committee rise, and I desire the committee to understand that my object in doing so was, that we might take up this subject to-morrow morning, when we may have a fuller expression by the committee upon this subject than we can get at this time. I would have greatly preferred that the appropriation had been submitted under a recommendation of the Committee of Ways and Means. That is another reason, independently of the reasons before given, with which this House and committee are familiar, why this appropriation ought not to be made.

Mr. HOUSTON. I hope the gentleman from Pennsylvania [Mr. FLORENCE] will not submit the motion that the committee rise. If gentlemen do not take up the time in offering too many amendments, we may be able to get to a vote upon the bill by yeas and nays to-morrow morning. The Committee of Ways and Means at one time recommended the amendment now offered by the gentleman from New York, [Mr. HAVEN,] and at that time I voted for it. I believe it is the best of the alternatives presented, but I do not intend to move it again in this bill.

The question was then taken upon Mr. FLORENCE's amendment; and it was rejected.

Mr. HUGHES. I propose to increase the appropriation one dollar.

It was not my intention to have made any remarks upon the subject of this appropriation. I should have left it for gentlemen representing the city of New York to speak upon this subject. Living, as I do, far in the interior, and in a remote district of that State—one of those districts in which residents of the city of New York say the citizens scarcely know enough to dodge the omnibuses that thread the streets of New York, I feel no immediate or particular interest in this appropriation. I am eminently national, so far as my feelings are concerned; and if gentlemen of the city of New York do not see fit to take care of their interests in this particular, I am willing to aid them in doing so.

I do not see the necessity of the overweening anxiety manifested upon the part of my friends from Pennsylvania upon this subject. I cannot understand it at all. Every time any one has spoken in favor of this assay office in New York, gentlemen from Pennsylvania have seen fit to object. Is there to be a monopoly in these matters? If there is, it is time the country knew it, and it is time that New York knew it, and acted accordingly. I, for one, am willing, in all the great interests of Pennsylvania, not to call upon the gods for assistance, but to put our own shoulders to the wheel and assist her in the matter, and extend to her the same kindness and courtesy which I would see exercised towards the State of New York.

It has been said that this amendment does not come as a recommendation from the Committee of Ways and Means. But this matter is not brought before the committee now for the first time. It was recommended to this committee by the Committee of Ways and Means. It was acted upon and received the indorsement of the House, as it has also received the recommendation of the Secretary of the Treasury. It has been called an eminently wise and just appropriation. Why, then, do the gentlemen of this committee hesitate in approving it? Is it because Pennsylvania puts

in a protest against it? In whose name, and by what right, does Pennsylvania protest against this appropriation?

This building for the assay office in the city of New York is now held by lease. It is an object of wisdom and economy that the Government should own it; own it not only for the purposes of this assay office, but also for other purposes connected with the interests of the Federal Government. Economy points the way, and the question is, will this committee follow? Or will they use the misguided judgments of those who, I fear, for selfish ends, seek to have an assay office in Philadelphia, and in Philadelphia alone?

I call on this committee, then, to look upon this matter as one which has been recommended by the Committee of Ways and Means, and which has been recommended by the Secretary of the Treasury. Look upon it in the light of a wise economy, and pass this appropriation.

Mr. CHANDLER. I rejoice, Mr. Chairman, for the sake of his people, that the honorable gentleman on my right [Mr. HUGHES] has uttered, on this floor, the word "economy," "true economy." He says there seems to be a monopoly for Pennsylvania. A monopoly! Why, sir, the money which is spent by the National Government on the city of New York would have realized the promise of the Incas of Peru to the Spanish conqueror; it would have paved Broadway with gold ingots from the harbor up to its extreme point.

And while they talk of this monopoly, Pennsylvania has voted that the city of New York should have an assay office. Pennsylvania does not ask to recall the vote which the last Congress gave for the assay office; but she asks gentlemen of this House, she asks gentlemen who speak here as national Representatives—as my honorable friend [Mr. HUGHES] says he does—to look a little to economy.

We were told, on the floor of this House, that this building should not cost more than \$100,000; and when it was stated that the Mint in Philadelphia—a large marble building—had cost \$250,000, we were sneered at as a sort of spendthrifts. An appropriation of \$100,000 was asked for this New York assay office; and the Secretary of the Treasury—whose economy has been lauded by my friend on my left, [Mr. DE WITT], and hinted at by my friend on my right, [Mr. HUGHES]—has gone and taken the ground—though he has not yet built the house—at an annual expense of the interest of more than two millions of dollars. And we are talked to of economy, of monopoly, of national feeling!

Sir, I say let them keep what they have got; let them keep their assay office, and all that pertains to it; but let the Secretary of the Treasury of the United States know that this Congress does not sit still without expressing one word of reproof, or what is more for a man of feeling—without a silence which condemns such an assumption of power; that they cannot sit still and thus appear not to rebuke him for his interference in behalf of a monopoly which should pour the treasures of the nation, as it does the influence and patronage of the nation, into the lap of one city. I come here to ask nothing for Philadelphia; I ask nothing for her; but I ask not to be sneered at, when millions of the public treasure are wasted on that city.

And we are told that the question of economy is involved in this measure. I should blush upon the floor of this House if I could stand here, or sit here, and hear such sentiments as those offered, and not denounce them in tones such as my feeble voice can give utterance to. We should let the Secretary of the Treasury of the United States know that Congress is not to be made the mere recorder of his will and contracts. Nothing can take away the establishment of the assay office from New York; and no one desires to do it. But men on this floor do desire to say to that public servant, "You have gone far beyond the law, far beyond the customs of the Department, far beyond what was spoken of by the friends of the measure, or denounced by its enemies, far beyond what you were authorized to do by Congress." And now, sir, I say let the matter rest for a time as it is; let the amendment be rejected; let things stand as they are; let the country see that a wrong has been done, and though we cannot stop it now, though we cannot

undo the work, we can prevent an extension or repetition of the evil. There must be some limits to this extraordinary exercise of power. We can say, "Thus far shalt thou go, and no further."

The question was then taken on Mr. HUGHES's amendment; and it was not agreed to.

Mr. ROBBINS. I desire to offer an amendment in the shape of a proviso.

The amendment was reported, as follows:

Provided, however, That no part of this appropriation is to be used, until the Secretary of the Treasury has entered into a negotiation with the lessors of the lot in question to get rid of said lease, and also has ascertained upon what terms said lease can be disposed of, and has reported the result of said negotiation to the next session of Congress.

Mr. ROBBINS. I do not desire to discuss this question in an improper spirit. I will only state, what is well known to this body, that at the last session of Congress \$100,000 was appropriated for the purpose of establishing an assay office in the city of New York. Not only has that sum been expended, but a contract was made to expend \$560,000 more for the purpose of purchasing buildings and grounds.

The object proposed to be accomplished by my amendment is to require the Secretary to inquire and see if he cannot dispose of this contract, and purchase a site somewhere else at a much more reasonable rate. If that proviso is adopted, it will save some two or three hundred thousand dollars to the Government.

I wish to say that it is not from any selfish feeling in reference to New York that I have offered the amendment, but because I desire to save this money to the Treasury of the United States.

Mr. CUMMING. I do not consider this a subject for the display of eloquence upon either side; for gentlemen will have better opportunities for that purpose. For my own part, I do not uphold the Secretary of the Treasury in the lease which he took in New York. I think if we can get rid of it we ought to do so. But it is a mere matter of dollars and cents.

This lease, of which so much has been said, is for fifteen years, at an annual rent of \$56,000. At the end of the fifteen years, according as the matter stands now, we would have neither the land nor the buildings we might put upon it. If we should purchase this property for \$520,000, which, I believe, it is offered for, we shall not only have it for fifteen years, but we shall have it for all time to come. If the appropriation be not made, we shall not only pay more than we are asked to appropriate now, but at the end of fifteen years we shall have to pay hundreds of thousands of dollars more to secure the property. It is a mere matter of dollars and cents; and I do not see how any man who wishes to consult economy can object to the amendment.

Mr. DAWSON. But the Secretary had no authority to make the contract.

Mr. CUMMING. The Secretary of the Treasury had full authority to lease a lot of ground for the purpose of an assay office.

Mr. DAWSON. For how long?

Mr. CUMMING. For an unlimited time, or at least for fifteen years.

Mr. ROBBINS. I ask for tellers upon my amendment.

Tellers were ordered; and Messrs. DAWSON and CAMPBELL were appointed.

The question was taken; and the tellers reported—ayes 63, noes 56.

So the amendment was agreed to.

Mr. JONES, of Louisiana. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the civil and diplomatic appropriation bill, and had come to no resolution thereon.

[A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed bills of the following titles:

S. No. 376. An act to improve the naval service;

S. No. 408. An act supplementary to an act entitled an "Act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board vessels propelled in whole or in

part by steam, and for other purposes,' approved August 30, 1852;" and

S. No. 410. An act for the relief of James Dixon. In which he was directed to ask the concurrence of the House.]

Mr. MURRAY. I move that the House do now adjourn.

The motion was agreed to; and thereupon the House (at half past three o'clock) adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, June 22, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented a petition of the half and mixed breed Miami Indians, praying that their annuities, which have been discontinued, may be restored to them, with the arrearages which have accrued; which was referred to the Committee on Indian Affairs.

Mr. CLAY presented a petition of inhabitants of Huntsville, Alabama, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON presented resolutions passed at a meeting of citizens of New Castle county, Delaware, remonstrating against the ratification of any treaty with Great Britain, by which the agricultural interests of the country would be sacrificed; which were ordered to lie on the table.

Mr. GWIN. I present the memorial of John Charles Frémont, representing that he furnished certain beef, in 1851, for the use of the Indians in California, for which he has never received any compensation, and praying that a law may be passed authorizing the settlement of his accounts therefor, upon principles of equity and justice. I move that it be referred to the Committee on Indian Affairs; and as it gives a very succinct account of a matter of great importance to him, and requires immediate attention, I move, also, that it be printed.

Both motions were agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom were referred documents in support of the claim of Sarah Morey, late the wife of James Morey, a soldier in the revolutionary war, for a pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. EVANS, from the Committee on Revolutionary Claims, to whom was referred a bill to amend the act approved August 31, 1852, entitled "An act making further provision for the satisfaction of Virginia land warrants," reported it back without amendment, together with a report thereon; which was ordered to be printed.

Mr. CLAY, from the Committee on Pensions, to whom were referred five petitions of widows of officers of the Army who have died in the service since the war with Mexico, praying to be allowed half pay for five years, asked to be discharged from their further consideration, on the ground that a general bill had already been reported, which would embrace all their cases. It was so ordered.

Mr. SEWARD. I am instructed by the Committee on the Post Office and Post Roads, to whom were referred a bill to establish a line of steamships from San Francisco, via the Sandwich Islands, to Shanghai, in China, and also a bill to provide for the transportation of the United States mails, in steamships, between San Francisco, California, via the Sandwich Islands, and China, and for other purposes, to report them back with an amendment in the form of a substitute. I am also instructed by that committee to say that, on Monday next, during the morning hour, they will ask for the consideration of the bills.

Mr. RUSK. I am directed by the Committee on the Post Office and Post Roads, to whom was referred a bill to provide for the transportation of the mails of the United States upon railroads, to report it back with an amendment. As this is a very important bill, I desire to give notice that at an early day I intend, during the morning hour, if convenient at no other time, to ask for its consideration of the Senate.

Mr. FITZPATRICK, from the Committee on

Military Affairs, to whom was referred the petition of Jesse D. Carr, a sutler in the second regiment of Tennessee volunteers, in the war with Mexico, praying compensation for property destroyed by the enemy on the 24th of February, 1847, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. JONES, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives, to provide for the construction of a military road from Great Salt Lake City, in the Territory of Utah, to the eastern boundary of the State of California, reported it back without amendment.

He also, from the same committee, to whom was referred the bill from the House of Representatives, to provide for the continuation of the military road from Myrtle Creek to Scottsburg, in Oregon, reported it back without amendment.

He also, from the same committee, to whom was referred the bill from the House of Representatives, for the payment of the civil officers employed in the Territory of New Mexico, while under military government, reported it back without amendment.

He also, from the same committee, to whom was referred the bill from the House of Representatives to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war, reported it back without amendment.

He also, from the same committee, to whom was referred the bill from the House of Representatives, to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities, reported it back without amendment.

He also, from the same committee, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of allowing the States to return the flint-lock guns distributed by the law of 1808, to the Government, and take others in their stead, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill from the House of Representatives providing for the distribution of arms to the several States and Territories, reported it back without amendment.

Mr. WILLIAMS, from the Committee on Pensions, to whom was referred the petition of Catharine Dickerson, widow of John Dickerson, a revolutionary soldier, praying a pension under the act of 1838, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. EVANS, from the Committee on Revolutionary Claims, to whom was referred the memorial of Phineas M. Nightingale, legal representative of General Nathaniel Greene, praying indemnity for losses sustained by General Greene becoming security for an Army contractor in the Revolution, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

AFRICAN SLAVE TRADE.

On motion by Mr. SEWARD, it was

Ordered, That the bill to regulate navigation to the coast of Africa, in vessels owned by citizens of the United States, in certain cases, be printed.

BILL INTRODUCED.

Mr. SUMNER, agreeably to previous notice, asked and obtained leave to introduce a bill making a grant of land warrants to the State of Massachusetts to aid in the construction of a tunnel under the Hoosac mountain, and providing for the conveyance of mails, troops, and munitions of war through the same free of toll; which was read a first and second time by its title, and referred to the Committee on Public Lands.

FUGITIVE SLAVE LAW.

Mr. ROCKWELL. Mr. President, I present the petition of two thousand nine hundred citizens of the State of Massachusetts, asking, in the most brief and direct terms possible, for the repeal of the law known as the fugitive slave law of 1850. This petition is signed by persons of all professions and occupations, principally from the city of Boston and its vicinity. It is subscribed also by a large number of persons who have been in favor of the compromise measures of 1850. By

reason of the altered position of those questions, on account of the passage of the Nebraska and Kansas bill of the present session, they have come to Congress with this petition for the repeal of the fugitive slave law. I ask, sir, that it may be referred to the Committee on the Judiciary, which, I believe, is the appropriate committee.

Mr. DIXON. I hope the vote will not be taken now on the proposition to refer the petition, which has just been presented by the Senator from Massachusetts, to the Committee on the Judiciary. I desire myself to make some remarks upon the proposition which is contained in it, and I know that there are some other Senators here who desire also to be heard upon it. I hope its further consideration will be postponed until to-morrow.

Mr. ROCKWELL. I have no objection.

The PRESIDENT. If there be no objection, the further consideration of the petition will be postponed until to-morrow.

Mr. SUMNER. I would suggest that the petition take the ordinary course, and be referred now.

Mr. SEWARD. Let it lie over until to-morrow. A Senator wishes to speak on it.

The PRESIDENT. If there be objection, the Chair will put the question on the motion of the Senator from Kentucky, to postpone the further consideration of the subject until to-morrow.

Mr. SUMNER. I am very anxious to give the Senator from Kentucky every opportunity to discuss the question, but it seems to me the natural course with regard to this petition, is to refer it according to the motion of my colleague.

Mr. DIXON. I do not object to the reference; I merely wish to have the question on it postponed until to-morrow.

The motion to postpone was agreed to.

ALEXANDRIA AND WASHINGTON RAILROAD.

Mr. MASON. Mr. President, I am instructed by the Committee on the District of Columbia to report back the bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia. I am directed by the same committee to ask that the Senate will, by unanimous consent, consider and pass the bill now, the great object being to get legislation upon the subject at this session, in order that this road may be constructed.

I will say to the Senate, in a few words, that there is now, as is probably known to most gentlemen here, a continuous railroad communication between Alexandria, which lies six or seven miles below Washington, and the city of Richmond, in Virginia, and from Richmond to the extreme South. This interval of six or seven miles between Alexandria and Washington is the only part of the communication between the North and South that is now required to be filled up by a railroad. The Legislature of Virginia, at its last session, granted a charter to construct a road from the town of Alexandria to some point to be designated, opposite to the city of Washington; and I am informed that the company formed under that charter has obtained the means, and is prepared to construct a road. But to construct a road to terminate on the opposite side of the river, opposite to the city of Washington, would not be by any means to form an intercourse by railroad between the town of Alexandria and the northern cities, or between the extreme South and the extreme North. That company, therefore, asks permission, by this bill, to lay a temporary railroad across the Long Bridge, as it is called, and from the Long Bridge a like temporary railroad through the city of Washington to connect with the depot of the Baltimore and Washington railroad, in this city, to pass through such streets in the city, and to construct their depot in such a place as the authorities of the city of Washington may agree upon.

I am further informed, and believe, that if this bill is passed at this session of Congress, that road, which will be but six or seven miles long, will be completed by the close of the year. It is therefore desirable that the law should be passed.

I would further state to the Senate that, although this charter was granted at the last session of the Legislature of Virginia, during the last winter, the presentation of this bill has been delayed up to this time, because the Virginia company have been endeavoring to get some bill agreed upon in the House of Representatives, which would be satisfactory to the corporations of Georgetown

and Washington. The town of Georgetown, it seems, is opposed even to laying a temporary track across the Long Bridge, or to bringing in the road to the city of Washington; but the committee of the House of Representatives at last agreed upon a bill which they are prepared to report to that House as soon as the rules of the House will permit the report to be made. The bill which I now report back to the Senate from the Committee on the District of Columbia is a copy of that House bill.

The bill proposes further that this, which is intended to be a temporary arrangement, shall not be understood to commit the action of Congress in any way as to any future structure that may be authorized across the Potomac river, by which a permanent communication can be had between the North and South. It is, so far as the passage of the river is concerned, strictly temporary in its character.

Now, with all my respect for the town of Georgetown, which is really very great, I cannot but consider it a little unreasonable in that town that it should object to this temporary arrangement under the apprehension—for it seems to be under that apprehension alone—that if this temporary track be laid upon the existing Long Bridge, it will give some air of durability to that bridge. The Long Bridge has been there for more than forty years. It has been a source of serious annoyance and of serious injury and loss to the town of Georgetown, and yet it remains. Whether it will ever be deemed wise, on the part of Congress, to remove it, I do not know; but I am sure the Senate will agree with me that it would be extremely unwise to defer this most important communication between the North and South until we can decide between the District cities as to whether that bridge shall remain or not.

This bill was read twice, and referred to the committee. I now report it back without amendment, and ask that it be put upon its passage. At the same time, at the request of the Mayor of Georgetown, I ask leave to present a memorial on the subject, and to have it read with the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Alexandria and Washington Railroad Company, incorporated by the Legislature of Virginia, on the 27th of February, 1854, to construct a railroad from Alexandria to Washington, to extend their road from any point on the Virginia side of the Potomac river into the District of Columbia, and to lay their railroad track or tracks over the Potomac bridge, and up to such point or points in the city of Washington, connecting with the Baltimore and Washington railroad by the most direct and practicable route, through such streets or avenues as the corporate authorities may provide, with the understanding that the permission thus granted may be revoked by Congress at pleasure, and is not to be considered as an expression of opinion by Congress that the present location of the Potomac bridge is the proper one.

It further proposes to authorize the company to construct a bridge over the Potomac river, on or above or west of the aqueduct of the Alexandria Canal Company, but if it be built on or over the piers of that aqueduct, it must be done with the consent of the Alexandria Canal Company, and in constructing the bridge and crossing the Chesapeake and Ohio canal, the bridge and railroad shall be so constructed as not to injure or obstruct the use or navigation of the canal.

It also authorizes the company to extend their road from the point where it shall cross the Potomac river, to such point or points within the cities of Washington and Georgetown as may be respectively approved of by the corporate authorities of these cities, and makes other provisions which are usual for carrying on the business of railroad corporations.

Mr. MASON. At the request of the Mayor of Georgetown, I now ask that the memorial, to which I have referred, be read.

The memorial was accordingly read.

Mr. MASON. That memorial was put into my hands a few moments before I reported the bill. I looked into it, but did not read it through. I learn now for the first time its character, and I think that these gentlemen of Georgetown, who have signed it, when they come to reconsider what they have done, will find that they have done really an unfortunate act—an act unfortunate to the interests

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of their town. Sir, the statement in that memorial that this application is insidiously made, is one that ought not to have come from Georgetown. I do not know whether it is aimed at the Virginia company, which proposes to construct the road, or at the assumed rival of Georgetown, the city of Washington. But let it be aimed at either, it is uncandid, and unfortunate that it was made.

The foundation for the charge of insidiousness contained in the memorial is, that it is not to be expected—I think, in the language of the memorial—that men who knew the value of money, would expend the amount required to construct a railroad eight miles long for purposes only temporary. Now, sir, that is uncandid, because all who know the country, know that a railroad coming to Washington city across the Potomac, with a view to unite with the Baltimore and Ohio railroad, must, for the far greater portion of its length, go in the same direction, whether it crosses the river opposite to the city of Washington, or whether it crosses it at Georgetown; so that it is uncandid to declare that the alleged purpose of this bill is to make a temporary road from the city of Alexandria to the city of Washington. What I stated was, that it was intended to make it temporary, to diverge from the main stem to connect with the Long Bridge, and then to come to the city of Washington. I am informed that a railroad passing from Alexandria across the Potomac will, whether it comes to Georgetown or comes into the city at the Long Bridge, go across some mile, or little more than a mile, of these cities.

I do not mean to be at all harsh in any strictures upon Georgetown; but this will not tend to conciliate opinion, when the question really pending between the two cities comes to be determined by Congress, whether the bridge shall be constructed where the water is broad, or where the water is narrow.

I suppose, upon the question of economy, that if it is for convenience and fitness to construct a road to pass through Georgetown, they will adopt it, because it would require a shorter bridge, the water there being narrower. They would be very unlikely to construct a bridge opposite the city of Washington, where the river is a mile or more wide, at a proportionate increase of expense. But the object to be attained by the present bill, is to enable this company to bring their road at once into connection with the Baltimore and Ohio railroad, and they can only do that by means of a bridge that is made; and the attempt on the part of Georgetown is to prevent that great public convenience being adopted at once, lest in doing so they should give an air of support to the existing bridge between the two sides of the river.

I am free to declare that my sympathies always have been with Georgetown in this matter; because the Long Bridge, erected at the expense of Government, as I stated, has been one of serious loss and injury to that city. It has obstructed the channel and filled the river with mud and flats, so that at low tide it is difficult to tell where the channel is, or whether there is any channel at all. I believe it is due to that city, in some way, that the nuisance to them should be removed; but I say again, that they have not come here with this memorial in a form likely to conciliate public opinion, when it charges insidious motives on the proposition.

Mr. PRATT. I understand the honorable Senator, in the speech which he has made, to state the fact that the bill is to give an air of permanence to the Potomac bridge.

Mr. MASON. The allegation of the memorial is that that is their apprehension.

Mr. PRATT. Well, sir, that is not an apprehension which they unreasonably indulge. The Senator has correctly said, that the existence of this bridge is of great detriment to the commerce of Georgetown; and we all know that to a great part of Washington it is also very detrimental, inasmuch as disease is produced in that part of the city, occupied by the President's House, and the vicinity, coming within reach of the miasma occasioned by some seventy acres of land being

exposed to a hot sun, an exposure which is made consequent upon the existence of this bridge.

Mr. President, I understand the Mayor and the citizens of Georgetown have held, or intend to hold, a public meeting upon this subject, and their papers connected with it have been given in charge to the honorable Senator from North Carolina, who is not now in his seat; and it is the desire of the Mayor of Georgetown, if it meets with the approbation of the Senate, that the Senate should consent not to vote upon the bill to-day, so that their views upon the subject may be expressed intelligently to the body.

In reference to this matter, as a question of practical importance, I will ask the attention of the Senate, and the honorable Senator from Virginia, to what I state. There is a railroad, as we all know, from Baltimore city to within sight of the Capitol. The object is to make a railroad connecting the Virginia road with the Baltimore road at that point. How is that connection to be formed? Not by locomotives passing through the streets of Washington, but by simply substituting railroad cars drawn by horses, for the omnibuses which now carry the passengers from the depot to the Virginia road.

I cannot imagine that that is a question of great public convenience which should induce the Senate to pass the bill against the unanimous desire of the people of one of the cities of the District under our exclusive legislative jurisdiction. I do not suppose we will act upon this bill precipitately, when the convenience to be answered by it is the simple substitution of railroad cars, drawn by horses from one part to another, in the place of omnibuses or carriages which are now supplied for the convenience of the public. Indeed, I do not know but that it is just as convenient a way for the people, who are traveling from one point to another, to be transported from one depot to another in omnibuses, as in the way proposed by the bill. This does not present, then, that case of great public interest or importance which should induce the Senate, representing, as we do, the whole power of legislation over the part of the District which is unanimously opposed to it, to pass the bill to-day without permitting them to have their views presented to the Senate. I move, therefore, that the bill lie upon the table.

Mr. DAWSON. Mr. President—

The PRESIDENT. That motion is not debatable.

Mr. PRATT. I will withdraw the motion, if, after the remarks which I have made, the Senator desires to submit his views now. I have said that the Mayor of Georgetown sent his papers, with the information which that corporation desire to present to the Senate, to the honorable Senator from North Carolina who is not now in his seat; and my only object was to ask the postponement of the subject until that Senator should be present.

Mr. DAWSON. So I understand.

Mr. PRATT. I withdraw the motion.

Mr. DAWSON. As one of the Committee on the District of Columbia, to which this subject was referred, I desire to say that we have had it under consideration, and as far as the Mayor and Aldermen of Georgetown were concerned, they were before us yesterday, and we appointed to-day to hear them in relation to the passage of this bill. After the granting of that application the request has been withdrawn, and, instead of the papers necessary to communicate the information to this body being still in the hands of the committee appointed to take charge of the interests of the District, they have been submitted to a gentleman having nothing to do with the committee; and now, in consequence of his absence, they claim a postponement, and thus indirectly to prevent action upon the bill.

Now what is the proposition here? No man, Mr. President, can have a stronger desire to sustain the rights and interests, in every point of view, of Georgetown, than I have. What is the proposition now presented? It is whether the right of way shall be granted to connect the rail-

road from Washington city to Baltimore with Richmond, Virginia, and the entire South, by passing over the Long Bridge, and making a depot here, to connect with the Baltimore depot?

The objection presented by Georgetown is this, and no more: that they fear, if you suffer the railroad to be run over that bridge temporarily, it will be a reason why the bridge shall be made perpetual; and their object is to have that bridge removed, and one constructed at Georgetown. That is the object; and the question now presented is this: whether this great public convenience, this connecting link, shall be suspended so as to prevent its being executed before the winter shall come on? The railroad companies from Boston, round to New Orleans, are exceedingly anxious to have this link filled up; and the only reason which is given why it should not be filled up, is this argument against the Long Bridge.

I have proposed to the city of Georgetown and the city of Washington, that, at the proper time, a motion should be made to destroy the Long Bridge, and build another in a different place; but Georgetown says "No, notwithstanding that, we do not want the public to be benefited by filling up this link, for fear that the bridge will not be removed hereafter." Shall this apprehension of Georgetown postpone this great convenience to the public from one end of the Union to the other?

My friend from Maryland puts it upon this ground: Where is the difference between a connecting link across the bridge by omnibuses or by railroad cars? My friend well knows that the connecting link in the city of Baltimore and in the city of Philadelphia, is all by railroad cars drawn by horses. Now, he says, what is the difference? Why, sir, I pass through this place frequently as an individual coming to this city, and I land upon the other side of the water in a storm, when rain or snow is descending. I must get out there, find an omnibus, carry my baggage from place to place, and be exposed in every form and shape. If there was a railroad there, the baggage would be brought over according to the plan adopted at Baltimore and Philadelphia, and we should all get into the cars and come secure to the other depot, without getting into A, B, C or D's omnibus, at nine, ten, or twelve o'clock at night, or four in the morning.

I consider this attempt of Georgetown as a most extraordinary effort to go against public convenience, and not for the benefit of a single individual of the country. It is to suspend the public convenience merely to prevent an apprehension on the part of Georgetown that it may operate as a reason wherefor the bridge shall not hereafter be removed. Sir, the bill says that this is merely a temporary arrangement; and those who undertake to fill up this link say that it shall be done by the next session of Congress. Georgetown would consent to the bill for the railroad as soon as the bridge was removed. And what was the reply of the committee? I believe the reply was unanimous—my friend happened to be absent at the time—that we will have the road built now, not for the purpose of transporting produce, but as a mere temporary arrangement to test the practicability of this form of railroad going over hill and dale without grading. The bill says that when Congress says it shall be stopped, it shall be stopped. If this can be done by the time Congress meets again, and the railroad cars can be drawn by horses and pass through the city without obstructing anybody's rights, how can it injure Georgetown? It cannot do it. Georgetown contends for a new bridge above, and she says that, if one should be built below, it would destroy the channel. In reply to that, I say that I will move to remove the Long Bridge at the proper time. They say we cannot consent to this. I submit to Congress whether the North and South—whether the public convenience—the convenience of every man traveling from the North to the South, and from the South to the North, shall be suspended upon such a consideration, and whether the bill shall be postponed after the papers have been withdrawn from the Committee on the Dis-

trict of Columbia, and put into the hands of an individual Senator, who is to appear partially, in all probability, to argue the question as a lawyer?

In opposing this practical measure, which ought to be granted under the circumstances, Georgetown is going against her own interests. My friend from Indiana [Mr. BRIGHT] and myself, both, whenever we have had an opportunity, have declared that we should be willing to go for a bridge at the "Three Sisters." We have done all that men can do. But Georgetown is now going against her own interest in thus opposing the public convenience. I hope the bill will not be ordered to lie upon the table.

Mr. PRATT. I was very unfortunate in the remarks which I made, or certainly my friend from Georgia did not correctly understand them, and has not replied to them. He distinctly admits, as does the Senator from Virginia, that he is in favor of removing the Long Bridge as a nuisance in point of health to the citizens of Washington, and as a great inconvenience and positive injury to the citizens of Georgetown. They are both in favor of removing the bridge. Now, their proposition is to authorize a railroad to be made over it. I apprehend, Mr. President, that it would be a better policy to suffer the present mode of communication to continue as it is, in view of their own opinion that the bridge ought to be removed. If it be a nuisance in point of health to the people of Washington, if it be an injury inflicted by the legislation of Congress upon the people of Georgetown, it ought to be removed at once, and we ought not to give to the public the idea that the bridge is to be continued, by authorizing a railroad to be made over it. My friend from Georgia, as well as my friend from Virginia, points to the great importance of having the road constructed. I ask the attention of the honorable Senator from Georgia, and I ask the attention of the Senate to what I stated before in reference to this question of convenience. Where is the public importance of this connection? My friend from Georgia says that in Baltimore they have, through the streets of the city, a connection by railroad cars, and that they have the same in Philadelphia. My friend is undoubtedly mistaken with reference to both those places. They go in omnibuses from the terminus where the passengers are carried in railroad cars, both in Philadelphia and Baltimore, a longer distance than they are now carried in omnibuses between the two points here.

Mr. MASON. I ask the Senator whether both in Baltimore and Philadelphia, for several years, the cars brought to the city by locomotives were not taken into the city by horse power, until they were enabled to perfect an arrangement to carry their locomotives into the city? That is the very thing which is proposed to be done here—that the company shall be allowed to bring the same cars across the bridge into the city of Washington, to connect with the Baltimore road, by horse power, until the two cities and Congress can agree where they will build a permanent bridge to bring the locomotive in.

Mr. PRATT. Prior to the recent change of the depot in Baltimore, the railroad cars were drawn by horse power down Pratt street from the intersection with Light street, in the center of the city. That depot was changed; and I say now, from all the business portion of the city, from that portion of it to which my friends from Georgia and Virginia go to their hotels, they are obliged to go in omnibuses or carriages just as far as passengers coming now from the North would be obliged to go to this bridge to connect with the southern railroad in Virginia. As I understand, it is the same at Philadelphia; it is certainly so in Baltimore to my own knowledge.

Mr. DAWSON. I would inquire whether passengers going to Philadelphia do not go through the city, from the Washington depot to the Philadelphia depot, in cars?

Mr. PRATT. Going to Philadelphia?

Mr. DAWSON. Certainly. I am speaking of the passengers going to Philadelphia.

Mr. PRATT. That may be so in going to Philadelphia; but I speak of going from this point here. My honorable friend from Georgia spoke of the delay and inconvenience which is caused to the traveling community here. I ask any gentleman whether he would not prefer, after riding for

a day in a railroad car, the change from the cars into a carriage or omnibus, to travel a mile or half a mile. I certainly should. It is a matter of taste; but there is certainly no great public convenience involved in it. The use of the horse cars does not make the passengers go more rapidly from one depot to another. The cars are undoubtedly to be drawn by horse-power alone, and they will not go any faster from one depot to the other than the omnibuses or carriages drawn by the horses will go. Public convenience, therefore, whether on account of the mails or of the passengers, exists. I humbly apprehend, only in the taste or imagination of my honorable friend.

Mr. RUSK. I shall vote against ordering the bill to lie on the table, and shall vote for the bill very cheerfully. I shall do so on two grounds. One is, that it proposes to make an experiment, without any cost to the Government, of a new invention, by which great grades can be overcome with safety. There are many persons who believe this can be effected by the plan proposed by the gentleman who is to build this road. After investigation, I happen to be one of those who think it will be successful; and if it should turn out to be so on this experiment, without cost to us or damage to anybody, it will be a matter of vast importance to the public generally in reference to railroads.

There is another reason why I shall vote for the bill. It is for the benefit and convenience of the traveling public. I think that one of the greatest mistakes which railroad companies have made, and one of the greatest abuses to which travelers by railroads are subjected, is the influence that particular cities and towns have in being made stopping places. It is the cause of the loss of time and money. Every inducement is held out to the passengers for the purpose of inducing the spending of money.

The question, in my mind, presented by the bill, is between a great public benefit on the one side, and the interests of Georgetown on the other; and if you will accomplish only the great public benefit, and throw in not only the interests of Georgetown, but the interests of Washington, and the interests of Baltimore, and half a dozen other cities, I think we should look to that benefit which will result from it, in preference to a local benefit to a particular city.

Mr. WALKER. I do not think I shall be able to vote for this bill; and I wish to state the reasons why I shall not. I do not think that these railroad companies would have any great desire for the connection, unless it were a benefit to themselves. I feel entirely indisposed, in the first place, to extend a benefit to any such monopoly as that which constitutes the road from here to Baltimore. I think there is no greater imposition upon the community than that which it is enabled to practice. Until very recently, we had to pay for traveling from this city to Baltimore, on this railroad, the very highest rate of stage fare. For a long time, the fare was six and a fourth cents per mile, and more recently, we have had to pay four and a half cents a mile. The company then reduced the fare to \$1 25; but, when one of the Senators from Delaware and myself had occasion to pass over the road, not long since, and when we made application for our tickets, we found, if not to our gratification, at least to our surprise, that the company had been so gracious as to pop the fare up to \$1 50, making it three and three-fourths cents per mile to Baltimore. If there is any way to restrict that company in that species of oppression and imposition, and they can be brought to it, I shall be willing to give them favors; but I am not willing to extend to them favors for practicing such egregious impositions.

This road may not be the one particularly interested in this connection, but it is evidently interested to a considerable extent. When that corporation is willing to do right, it may then, with clean hands and with better grace, ask that Congress may extend favors to it. But let us look at this matter again. This road is to be permitted to pass through Washington city. It is to pass up the streets, across Pennsylvania avenue, and then to the Baltimore depot. Any person who is acquainted with the topography of the city in the vicinity of the Long Bridge, will know that to construct a railroad there, one street of the city at least must be ruined as a street, for there will have to be a deep cut made. They cannot over-

come that grade in any way, unless it is by some new plan which has been discovered.

Mr. RUSK. A plan has been discovered.

Mr. WALKER. It has been discovered then by the person of whom the Senator speaks; but, in my opinion, the cut will have to be made there, and continued from that point until you reach the canal, thus utterly ruining that street. You will then have to cross Pennsylvania avenue. Any one who will take the least trouble, if he does not already know it, to inform himself of the topography of the city, will see that what I say must be the result.

But, sir, suppose the cars stop at the further end of the Long Bridge, the transportation by omnibus would not then, I believe, exceed one half the distance which the passengers in Philadelphia in the evening train at least, have to travel to go to the New York depot, as they take the omnibus at the Broad street or Schuylkill depot, and are taken clear up to Kensington, I believe, about six miles.

Mr. CHASE. Five miles.

Mr. WALKER. Five, the Senator from Ohio says. That is the way Philadelphia manages. When you get to Baltimore, you stop at the Washington depot, within sight of the city, to leave the cars and pass into horse cars which take you clear from the city limits to the Philadelphia depot, where you again take the cars. Either of them is a greater distance, I should think, certainly that at Philadelphia is nearly twice as great, than the distance from the Baltimore depot in this city to the further end of the Long Bridge. Then, taking into consideration these three points, the injury to the streets of the city, the gratification it will afford to an already turbulent and overbearing corporation, and the fact that the mode of conveyance through the city now subjects the passengers to no greater inconvenience than they experience anywhere else, I shall vote against the bill.

Mr. BRIGHT. The question of maintaining the Long Bridge has been a subject of debate in this body for years past. I have uniformly voted against appropriations to maintain it, on the ground that I regard it as a public nuisance. I recollect that some two years ago we voted down a proposition to repair it, on the ground that it was a public nuisance, and that, in justice to the citizens of Georgetown and others interested, it ought not to be maintained. Subsequently, however, the vote was reconsidered, and an appropriation made, which prepared the bridge for travel for the time being. Sir, I am familiar with this question, for I speak as a member of the Committee on the District of Columbia. When we met yesterday morning four were present; three of whom were in favor of this proposition, and one against it. I opposed it on the ground that if this company should have the privilege proposed to be granted under the bill, it will, to a certain extent, exclude the ordinary travel of the country. That bridge is insecure now for the ordinary travel of the country. I submit it to the commissioner who lately repaired it, whether it is not an unsafe bridge, saying nothing about the additional wear and tear which will be put upon it by giving a railroad company the privilege of passing their cars across it. You cannot give that company the privilege without, as it were, excluding, to a certain extent, the travel which goes over it now. It is not wide enough, or strong enough, to admit both.

There is another insurmountable objection in my mind. Why give to this company privileges which we do not extend to others everywhere? Why should we, out of the public Treasury, furnish to this company a bridge? There is no reason for it. The practical view of this subject in my mind is this: A bridge may be built at a point above Georgetown, where the distance will not exceed three hundred or four hundred yards at the furthest, and the Long Bridge is something like a mile in length. By passing to a point three miles above this, a bridge can be had that will answer the wants of this road, and the wants of the company. If the company are willing to deal fairly, if they are anxious about a permanent bridge, I have no doubt that the public Treasury could be employed in defraying a portion of the expenses. The railroad would be accommodated, the ordinary travel of the country would be accommodated, and we could do what we ought to

have done a long time ago—remove the Long Bridge which is, and has been for years, a nuisance.

The objection presented by the honorable Senator from Georgia, amounts, in my mind, to no objection. No greater inconvenience or embarrassment exists here than in Pittsburgh. There the western cars go to Alleghany City, cross a bridge nearly as long as this, penetrate to the heart of the city, or, indeed, go to the eastern limits of the city, before they reach the depot of the eastern roads. The case is similar in Philadelphia, and also in Baltimore. From the western depot, in Baltimore, the passengers are carried in omnibuses to the eastern depot, for New York.

A SENATOR. By cars.

Mr. BRIGHT. I say there are no cars from the western depot. I speak of the depot connecting with Pittsburgh, not the depot of the Baltimore and Ohio Railroad Company. From the western depot, connecting with the Pittsburgh road, passengers are carried by omnibuses to the eastern part of the city, for the New York train. So it is in the cities all over the Union. No greater inconvenience exists or results here, than exists at various other points; and there is no reason, in my mind, why this nuisance should be kept up. One of the principal objections to the passage of the bill is, as I stated before, that it will be maintaining, for the time being, a bridge that ought to be removed; and in proportion as you give it consequence now, and throw around it railroad influence, which is generally potential, so far as regards legislation, in that proportion it will be maintained from time to time. For that reason I am against any further appropriation, saying nothing about my unwillingness to give up the streets of this city for railroad purposes.

Mr. MASON. There need be no hesitancy in passing the bill in its present shape. The honorable Senator who has just taken his seat says that he can do nothing which will give countenance, or even apparent countenance, on the part of Congress, to the continuing of the present bridge. Why, sir, at the present session, when that bridge was injured by fire, it was repaired, and cost some four or five thousand dollars, and I have no doubt the Senate is prepared to vote the appropriation necessary to defray that expense. Within the last two years it was broken down by a freshet, and both Houses voted an appropriation to repair it; and so they will continue to do until they shall determine to substitute some other bridge in place of it. The honorable Senator, and those who act with him, ask that we shall wait to form this connection between the North and South by means of the railroad, until this litigated question between the two cities, as to where a permanent bridge shall cross the river, shall be decided. I submit, most respectfully, it is a little unreasonable. I have said, and I repeat, I believe Georgetown has great cause of complaint because of the construction of that bridge; but I am not prepared to say, as the honorable Senator is, that I should vote to-morrow to remove it. Public convenience is too deeply interested in having a bridge communication across the river, to remove that bridge until another is substituted for it. I am satisfied that public opinion on both sides of the river will sustain me in that view. Although it be injurious to Georgetown, you must construct some other bridge before that is removed.

All that is asked by this bill is, that you will enable this company, which is about to construct a railroad between Alexandria and one or other of the District cities, to use that existing bridge as a temporary mode of crossing the river until you determine where you will make a permanent one. Suppose the policy of the Senator should be adopted, what would be the result? From year to year, for five, ten, or twenty years, the question would be debated between the two cities, as to where the permanent bridge should be constructed; and in the mean time, this gap, highly inconvenient and injurious to the community, would be left between the District cities and Alexandria. As to the experience of other cities, we know that they have been employed from year to year in endeavoring to overcome the inconvenience of having a gap between two roads that ought to connect. Take the city of Baltimore. Until within the last two years, I think, the cars went from the outside of the city limits into Baltimore by horse power; but they found the public con-

venience was implicated and would be promoted by changing the route of the railroad to carry it nearer the city. The honorable Senator said they go in omnibuses in passing from the North to the South. He is mistaken. They have adopted there what we ask the Senate to adopt here—from where the railroad stops with its locomotives, to allow a track to be made to bring the same cars, by means of horse power, to communicate with the other depot; and all that is asked in the world is that, until the important question to the two cities, as to where the permanent bridge shall be built, is decided, the railroad company may be allowed to use the existing bridge for temporary purposes. That is the whole of it.

As to what is said by the honorable Senator from Wisconsin [Mr. WALKER] about interfering with the streets of Washington, I will not give an opinion. He has given an opinion. He says that anybody familiar with the topography of the place will find that, to carry out the purpose of the bill, it will be necessary to cut down and destroy one of the streets. I do not know that fact. I have been informed here by somebody, that Maryland avenue is already graded and cut down suitably for this road. How the fact is, I do not know. I do not aver it. It is said to be so. But I do know that the ingenuity of engineers, when it is important to make a railroad, will overcome any obstacle, and without serious injury to the adjacent country. The bill provides that the company shall bring their road through such streets as the city of Washington shall allow; and it provides the further safeguard that Congress may, at any time, revoke this legislation. I do not want to detain the Senate, but I trust the bill will not be ordered to lie upon the table, but will be acted upon at once.

Mr. BADGER. Mr. President, some years ago, when a portion of the Long Bridge was carried away by a freshet, and it was proposed to make an appropriation for its repair, I entertained and expressed the opinion which I have entertained since, for I have heard nothing as yet to change it, that so long as Congress should make appropriations to patch up that bridge, we never should be relieved from the nuisance which it now presents to the river, and the unjust encumbrance and obstruction which it offers to the commerce of the neighboring city; that so long as the bridge was patched up, we should get no other bridge; and I then expressed the wish, which I still entertain, that the freshet, instead of carrying away a part, had swept from the river the whole of the structure. So far, we have seen nothing done towards the erection of a new bridge. There stands the old structure; years have passed away; another accident has destroyed it partly, and it has been repaired without application to Congress, or without taking the judgment of Congress upon the question whether they were willing to make a further appropriation for its repair.

This bill, if I understand it—for I knew nothing about it until I came to the Senate this morning, some time after the discussion commenced—proposes to give to a railroad company the right to run its cars across the river on that bridge, and also to give to the company the right to run its cars through some of the streets of Washington.

Mr. MASON. By horse power.

Mr. BADGER. By horse power. Now, I am for conceding neither. I object to granting them the privilege of transporting their railroad cars across this bridge. I do not see any reason why it should be conferred; but I see, according to my view of the case, a strong reason why it ought not to be conferred. The more appliances that are employed to make that nuisance serviceable to anybody, or in any respect, will tend still more to perpetuate it—to put further and further off the time, which I hope to see, when it shall be removed, and a suitable bridge erected.

In the next place, I would not give my consent to authorize the running of railroad cars across that bridge, because it must be manifest that it was not made for such a purpose. It is not adapted for such a purpose. I cannot see how it could be otherwise than throwing out a trap, on the part of Congress, to railroad travelers, to trust their lives on a structure which was not designed for the end for which it is now urged to be used.

Then, Mr. President, I am not disposed to grant the privilege of running railroad cars, with horses, through the streets of Washington. I am not for conferring upon the corporation of the city

the power to grant any such privilege. Sir, I recollect that when, some years ago, I was passing by railroad to the North, we used to be carried, at Baltimore, from the depot, a little way out of town, by horse power, to the interior of the city, and thence by horse power through the city; and the cars, after leaving the city, were attached to the locomotive. I find this changed. I find that, as soon as we reach the first depot in the city, we have to take a hack or carriage to bring us to the other depot. I find that neither in the city of Richmond nor in the town of Petersburg, on the railroad on which I am in the habit of traveling to and from this place, any such privilege is accorded. We have to pass through there in omnibuses. There must be some reason why this privilege is refused; and why, having been once granted in one place, it is withdrawn in another. I am not prepared to make such an experiment. I want to see introduced no additional dangers to the persons moving about the streets of Washington; and I am, therefore, not prepared to confer this privilege by an act of Congress directly, or to give the authority to the city of Washington to confer it.

I have seen nothing to satisfy me that the arrangements which we have made for the temporary patching of this bridge, from time to time, have done anything else than to retard the accomplishment of a great good for the sake of preventing a small, inconsiderable evil. I will say to the Senator from Virginia that I am not disposed to let this question rest until Georgetown and Washington settle it; not at all. I do not want ten years to pass away while they are settling the question where the permanent bridge shall be made. I wish to confer the power upon the President of the United States to select the location. I wish to make an appropriation to erect a bridge. I wish him to select the plan. I wish him to select the place, and have it constructed in such a manner as he shall deem best for the general good of the country. Certainly, Mr. President, under the present circumstances, I cannot feel disposed to vote for this bill.

Mr. ADAMS. I desire to move to postpone the further consideration of this subject until to-morrow, for the purpose of proceeding to the consideration of the special order, which is the indigent insane bill, and upon which the Senator from Tennessee [Mr. BELL] has the floor. It is now past the usual hour for taking up the special order, and I therefore submit the motion to postpone.

Mr. BELL. I have no anxiety about having the subject postponed for my convenience.

Mr. STUART. I hope that will be done. The Senator from Tennessee has the floor on the indigent insane bill, and it is certainly desirable that we should dispose of that bill to-day. There is also another advantage which will result from postponing this subject. We shall have the bill printed, and can look at it and see what its provisions are. I hope, therefore, the Senate will agree to the postponement.

The PRESIDING OFFICER, (Mr. PETTIT in the chair.) The question is on postponing the further consideration of the subject until to-morrow.

Mr. PRATT. And let the bill and memorial be printed.

The motion to postpone was agreed to; and the bill and memorial were ordered to be printed.

HOUSE BILL REFERRED.

The bill from the House of Representatives, to aid the Territory of Minnesota in the construction of a railroad therein, was read a first and second time by its title, and referred to the Committee on Public Lands.

ANNUAL MEETING OF CONGRESS.

The bill from the House of Representatives to change the day for the annual assembling of Congress, was read a first time, and passed to a second reading.

PENSION LAWS.

Mr. HAMLIN. I move that the Senate take up the joint resolution relative to the administration of the pension laws, for the purpose of having it recommitted to the Committee on Pensions.

The motion was agreed to; and the joint resolution was recommitted.

SURGEONS' MATES OF THE REVOLUTIONARY ARMY.

Mr. DAWSON. The Committee on Military

Affairs, to whom was referred the joint resolution introduced yesterday by the Senator from Maryland, [Mr. PRATT,] "in relation to surgeons' mates of the Army of the Revolution," have unanimously directed me to report back the resolution, and request its immediate passage. It contains a principle which has been long established, and it merely seeks to destroy the distinction between a surgeon's mate and an assistant surgeon, which at present exists, according to the construction now placed on the law. I ask for the consideration of the resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

No amendment being proposed, it was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PORT OF DELIVERY AT MADISON, INDIANA.

Mr. HAMLIN. The Committee on Commerce, to whom were referred two memorials of citizens of Madison, Indiana, praying the establishment of a port of entry at that place, have directed me to report a bill "constituting Madison, in the State of Indiana, a port of delivery."

Mr. BRIGHT. I ask for the immediate consideration of that bill; it will take but a moment.

The bill was read a first and second time by its title, by unanimous consent, and considered as in Committee of the Whole.

Mr. HAMLIN. The bill is in the usual form of all the bills creating ports of delivery; and I move, therefore, to dispense with its reading.

The motion was agreed to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

INDIGENT INSANE BILL VETO.

The Senate resumed the reconsideration of the bill making a grant of public lands to the several States of the Union for the benefit of the indigent insane persons which had been returned by the President of the United States with his objections.

Mr. BELL resumed and continued the speech which he commenced yesterday.

Mr. BRODHEAD. Mr. President, it is now pretty late in the afternoon. The industrious Senators, I confess, are all here, and therefore, this would be a very proper time for me to make my speech on this subject, because I can now address my peers.

Mr. BADGER. I will suggest to my friend from Pennsylvania, that as those of us who are industrious are here, it is not worth while that the really useful men of the country should be broken down by too much labor. I wish, therefore, that he would allow me to move an adjournment. The country will have need of him hereafter.

Several SENATORS. Move a postponement.

Other SENATORS. Let us adjourn.

Mr. BRODHEAD. I will yield to the wishes of the Senate. I understand that there are many Senators desirous to know what is contained in the Executive message, which has just been received from the President of the United States. Perhaps that will be more interesting than to hear my speech, but I confess I would rather proceed this afternoon. There are so few Senators present, and so few persons in the galleries, that I could proceed without interruption.

Mr. CASS. The Senator from Pennsylvania evinces so rare a feeling, that I think we ought to indulge him with going on now.

Mr. NORRIS. I move to postpone the further consideration of this bill until to-morrow.

Mr. BRODHEAD. I understand that to-morrow is private bill day; and perhaps, therefore, I had better say now what little I have to say.

The PRESIDING OFFICER, (Mr. PETTIT,) being about to put the question on the motion to postpone—

Mr. STUART. The Senator, I understand, is willing to go on.

Mr. ATCHISON. I think that is a very unreasonable proposition. Although the Senator may be willing to proceed, we are not willing, at this hour of the day, to listen to him. We prefer to listen to him at a more propitious time; and, therefore, I move an adjournment.

The PRESIDING OFFICER. There are several Executive messages on the table.

Mr. ATCHISON. Then I hope the motion to

postpone will be agreed to, and that we may have an Executive session.

The motion to postpone was agreed to.

SURVEYORS GENERAL IN OREGON AND WASHINGTON.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands, to whom was referred House bill "to amend the act approved September 27, 1850, 'to create the office of surveyor general of the public lands in Oregon,' &c., and also the act amendatory thereof, approved February 19, 1853," to report it back with an amendment, and recommend its passage. This bill is one of great interest to the people of Oregon and Washington Territories; and on that account, and because it will have to go back to the House if the amendment of the committee be adopted, I hope the Senate will now act upon it.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. STUART. The bill has been prepared at the General Land Office; and the Senator from Iowa can state the objects in a much shorter time than it will take to read it. I hope he will do so for the information of the Senate.

Mr. DODGE, of Iowa. The most important provision, and that which requires the return of the bill to the House, is the amendment which the Senate committee report. It provides a surveyor general's office for the Territory of Washington, which was inadvertently omitted by the House. The provisions of the bill, as it comes from the House, make some amendments to the donation laws which were passed for the benefit of the Territory of Oregon, now composing the Territories of Washington and Oregon. The bill is long, but if there is any objection it can be read. Perhaps it would be better to have it read, as it is an important bill.

Mr. STUART. It certainly is not necessary to read the bill at length. I move to dispense with its reading.

The motion was agreed to.

The amendment of the Committee on Public Lands was to add the following additional section:

SEC. 7. And be it further enacted, That the Territory of Washington shall be erected into a separate surveying district; and the President of the United States is hereby authorized to appoint a surveyor general for the same, who shall hold his office at such place as the President may direct; and the location thereof may be changed from time to time, if, in the judgment of the President, the public interests require it; and the powers, duties, obligations, responsibilities, and emoluments of the said surveyor general shall be the same as are now prescribed by law for the surveyor general of Oregon.

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed, and the bill to be read a third time; and the bill was read a third time, and passed.

It provides that the donations hereafter to be surveyed in Oregon and Washington, claimed under the provisions of the act of September 27, 1850, shall, in no case, include a town site, or lands settled upon for purposes of business or trade, and not for agriculture; and that all town sites shall be subject to the operations of the act of May 23, 1844, "for the relief of the citizens of towns upon lands of the United States, under certain circumstances." It also proposes to extend the preemption privilege, granted by the act of September 4, 1841, to lands in Oregon and Washington, whether surveyed or unsurveyed, not rightfully claimed, entered, or reserved, under the provisions of the bill or the act to which it is amendatory. It further proposes to grant to each of the Territories of Oregon and Washington, two townships of land, in legal subdivisions for university purposes, in lieu of the two townships granted to Oregon by the act of 1850.

EXECUTIVE SESSION.

On motion by Mr. STUART, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 22, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the call of committees for reports.

MEXICAN TREATY.

Mr. HOUSTON, by unanimous consent, from the Committee of Ways and Means, reported a bill; which was read a first and second time by its title, as follows, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic of 30th December, 1853, as amended by the Senate of the United States.

Mr. FULLER obtained the floor, but yielded to

Mr. HOUSTON. By the gentleman's permission, I will submit a proposition to the House, and it is this: To-morrow is private bill day, and being objection day, as I understand, it will be proper for us to give that business some attention when we can do so much good work. If the civil and diplomatic bill is not concluded to-day, the presumption is that its consideration will go over to next week. If gentlemen would agree to it, I would like that the morning hour of to-day be devoted to the consideration of that bill in committee. If the proposition be agreed to, we may finish the bill before our adjournment.

Mr. OLDS. With the permission of the gentleman from Maine, I wish to say a word. I desire that committees should have the morning hour, during which they may submit reports regularly. When it has terminated, we can go into committee, and there remain until we can bring the civil and diplomatic bill out with us.

Mr. HOUSTON. I do not ask more. I do not want to interfere with the regular business of the morning hour. All I desire is to have the civil and diplomatic bill finished to-day.

Mr. BENTON. Mr. Speaker, I propose to bring forward a question as to the privilege of this House in reference to the bill which has been reported this morning from the Committee of Ways and Means. I want an opportunity to plead the privilege of this House before we vote on that bill. I am not ready this day. The matter comes all of a sudden and by surprise on me; and I want opportunity of pleading the privileges of the House, the Constitution of the United States, and the people of the United States, before we pass to that appropriation. I ask it, sir, in the name of the Constitution, of the House, and of the country.

The SPEAKER. Does the gentleman submit any distinct proposition for the action of the House?

Mr. BENTON. I propose that we do not consider that appropriation until we shall have an opportunity of inquiring whether the privileges of the House have been invaded in the negotiation of that treaty. This I will be ready for to-morrow.

Mr. HOUSTON. The gentleman misunderstands the condition of the bill. It is a distinct bill to be taken up and considered in Committee of the Whole, and is there open to debate. There is no proposition to incorporate it with the civil and diplomatic bill. Indeed there is an express rule which requires all bills appropriating money to carry out treaties to be referred to and discussed in the Committee of the Whole on the state of the Union. I did not propose to take up the bill to-day.

ADDITIONAL REVENUE CUTTERS.

Mr. FULLER. I desire, before the House proceeds to the business of the morning hour, to ask the unanimous consent of the House to take up bill No. 242, relating to revenue cutters, which I brought up yesterday morning.

Mr. JONES, of Tennessee. I object.

Mr. STANTON, of Kentucky. I rise to a privileged question. I move to reconsider the vote by which the report of the minority of the select committee on the superintendence of national armories was yesterday referred to the Committee of the Whole on the state of the Union, and ordered to be printed. I do not propose now to take it up, as the gentleman who presented it is absent; but I ask that it may be entered.

REPORTS FROM COMMITTEES.

The SPEAKER. Reports are in order from the Committee on the Post Office and Post Roads. On motion by Mr. JAMES C. ALLEN, it was

Ordered, That the Committee on the Post Office and Post Roads be discharged from the further consideration of the petition for a mail route from Hudsonville, Illinois, and Bel-Air. Also, for a mail route from Marshall to Charlestown; and also from Greville to Charlestown, and also from Charlestown to Sullivan.

[The object of Mr. A. is to lay them before the Post Office Department.]

MODIFICATION OF THE POSTAGE LAWS.

Mr. OLDS. I am directed by the Committee on the Post Office and Post Roads to report the following bill:

A bill further to amend the act entitled "An act to reduce and modify the rates of postage of the United States, and for other purposes," passed March 3, 1851.

The bill was read a first and second time by its title, and was then read by the Clerk *in extenso*.

Mr. OLDS. I desire merely to say to the House that this is the fifth section of the substitute for the postage bill, acted on by the House the other day. It makes the postage of letters for distances under three thousand miles three cents, and requires prepayment, and that that prepayment be by stamps. It puts ocean postage at five cents for distances under three thousand miles, and at ten cents for distances over three thousand miles. That postage is now ten and twenty cents.

Inasmuch as I do not propose to say a word myself in reference to this subject, supposing that the bill is perfectly understood by the House, I propose now to move the previous question on its passage; and let the bill be either lost or passed.

Mr. HAVEN. I desire to ask the gentleman from Ohio to withdraw his motion, simply for the purpose of enabling me to ask him a question in reference to this bill, to which I have no hostility?

Mr. OLDS. Certainly.

Mr. HAVEN. I wish to know if this is what was left of the substitute the other day after the House had stricken out the sections respecting the franking privilege, and that which proposed to increase the postage on newspapers?

Mr. OLDS. This is the fifth section of the substitute. It contains nothing about newspapers or the franking privilege. It is precisely the fifth section of that bill.

Mr. HAVEN. The gentleman from Ohio will excuse me for making another observation. To me this bill is entirely unexceptionable, as I think that the prepayment of postage at the rate of three cents is a desirable thing, and it will save a great deal of intricate machinery in the Post Office.

Mr. OLDS. I now move the previous question on the passage of the bill.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, that we may, if possible, get clear of the civil and diplomatic bill to-day; and on that motion I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and PARKER, were appointed.

The question was taken; and the tellers reported—ayes 75, noes 54.

Mr. OLDS. I call for the yeas and nays. But if the gentleman from Tennessee [Mr. JONES] will withdraw his motion for a moment, to allow me to make a motion to recommit the bill, and that it be printed, I am willing that it should go over until to-morrow morning.

Mr. JONES, of Tennessee. I cannot withdraw the motion.

Mr. OLDS. Otherwise the bill will go to the Speaker's table and be lost. I therefore ask the yeas and nays upon the motion.

Mr. HAMILTON. I hope the gentleman from Tennessee will allow the motion to recommit to be entertained.

Mr. JONES. You have already voted it down. It was done the other day.

The yeas and nays were then ordered.

Mr. STEPHENS, of Georgia. Will the Chair allow me to make an inquiry? If the House resolve to go into the Committee of the Whole on the state of the Union now, what will be the condition of the bill of the gentleman from Ohio?

The SPEAKER. It will go upon the Speaker's table.

Mr. STEPHENS. If a motion is made now to recommit the bill, will it not come up to-morrow morning?

The SPEAKER. It will come up during the morning hour.

Mr. STEPHENS. Then I hope the gentleman from Tennessee [Mr. JONES] will withdraw the motion.

Mr. JONES, of Tennessee. I have no objection to the gentleman's making the motion.

Mr. OLDS. Then I move to recommit the bill to the Committee on the Post Office and Post Roads, and that it be printed.

The motion was agreed to.

PERSONAL EXPLANATION.

Mr. BROOKS. I rise to a privileged question. I desire to make a personal explanation in connection with the resolution which I offered yesterday; and I desire the consent of the House to do so before the House resolves itself into the Committee of the Whole on the state of the Union.

No objection being made,

Mr. BROOKS proceeded. To guard against misapprehension, misrepresentation, and misreporting, I have put what I desired to say in writing. What I have to say is this:

It has been intimated to me that the resolutions of which I gave notice on yesterday might be fairly construed by some, and designedly so by others, into a censure upon my friend from Tennessee, [Mr. CHURCHWELL.] I now declare that to censure that gentleman, even by implication, was no part of my design. No one knows better than himself, that my sympathies were with him because of political association; and many with whom I am most familiar, know that, impressed as I was with the belief that there was a concerted plan by some of the opponents of the Nebraska bill to embarrass the gentleman, I had avowed my purpose to sustain him under every circumstance, and had made animated efforts to produce in them a like determination.

They also know that it was my intention to move to lay on the table the resolution of which notice was given by the gentleman from Virginia, [Mr. MILLSON,] and which I, in common with others, fancied, at the time, to be a maneuver of a combination.

In regard to the action of the gentleman from Virginia, I have to say, I am now satisfied that I was in error, and did him injustice by the suspicions I entertained. I now know that they were unfounded.

In respect to my resolutions I have this to say. It had been openly asserted on the floor, in reply to a manly and tasteful apology for violating the decorum of this body, that a "deadly instrument" had been angrily exhibited in this House. This announcement would go to the country; and without intending to support or deny the assertion as to the exhibition of a weapon, it occurred to me that there was a manifest propriety in tempering so grave an announcement, by coupling with it an assurance to the public that this House would reprobate, whenever it might occur, conduct so at variance with its decorum, and detracting from the dignity of the American Congress.

The first of the resolutions I presented is founded in propriety, in honor, and in wisdom, and I shall insist upon its being added to the rules of the House.

The other was intended to ridicule an unmanly and pernicious habit, and to restore by a jest the harmony of the House, which was fast becoming excited and divided.

Mr. CAMPBELL. I ask the gentleman from South Carolina to allow me a single word.

Mr. BROOKS. With pleasure.

Mr. CAMPBELL. I desire to say, in connection with the remarks submitted by the honorable member from South Carolina, in relation to his impression that there was a preconcerted plan to embarrass the honorable gentleman from Tennessee, [Mr. CHURCHWELL,] that it is due to others, and especially to those involved in the trouble, that I should say, as I do now, that there was nothing like a preconcerted plan on my part with others in bringing up the matter which I brought before the House connected with the explanation of the honorable gentleman from Tennessee [Mr. CHURCHWELL] on Monday. And, sir, I avail myself of the courtesy of my friend from South Carolina, because I have understood from other sources that it has been asserted that I had made a prearranged or premeditated combination for the purpose of putting him in a false position.

It is especially due to the colleague of the gentle-

man [Mr. CULLOM] now before me, that I should say, as I do now, to the House and the country, that he had nothing to do, directly or indirectly, with the personal explanation which I made before the House on that day, in relation to the use of my name in the speech of the honorable member [Mr. CHURCHWELL] on the Nebraska bill. He had no knowledge of my design to do so at that time. And let me say, that I had no intention of bringing the matter up at the time, when I entered the Hall on Monday morning. I did not think of such a thing until the gentleman from Tennessee himself brought the matters connected with his speech before the House.

It is certainly due, Mr. Speaker, to all parties, that I should here, in this open way, before the House, acquit all those who participated in the discussion of Monday last of anything like a combined or premeditated design to assail, in any way, the honorable gentleman from Tennessee, [Mr. CHURCHWELL.]

Mr. BROOKS. I am unwilling, sir, to hold to the belief expressed in my previous remarks, after the assurance of the gentleman from Ohio. When I am assured, as has been done by the gentleman on his honor, that no such combination existed, I am, as a gentleman, bound to believe that none existed. I do so believe, and am glad of having given the opportunity to the gentleman from Ohio for explanation. I knew that suspicion of combination was entertained. I knew that it was entertained generally; and gentlemen on that side must admit that there were circumstances of a suspicious nature connected with the matter.

Mr. MILLSON. I desire to say a single word.

The SPEAKER. Is there unanimous consent to the gentleman's proceeding with his explanation?

Mr. RUSSELL. I object.

Mr. MILLSON. I have the floor by the consent of the gentleman from South Carolina.

The SPEAKER. The Chair was under the impression that the gentleman from South Carolina yielded up the floor altogether.

Mr. BROOKS. I yielded for explanation to the gentleman from Virginia.

Mr. MILLSON. One word only. It is matter of surprise to me, sir, that any gentleman in this Hall would suppose that, in introducing the resolution yesterday, I could have been influenced by any other motive than to vindicate the dignity of the House. I wish only to say, that whatever have been the impressions of the gentleman from South Carolina, either in his original suspicion or his present belief, they have been derived from no word that I have uttered to him; for I have had no conversation with him on the subject.

Mr. HUNT. I desire to call the attention of the honorable member from South Carolina, whom I know to be a man of honor, to an expression of a general character made use of in his remarks. He said: "And many with whom I am most familiar know that, impressed as I was with the belief that there was a concerted plan by the opponents of the Nebraska bill to embarrass the gentleman," &c. As a gentleman, I am incapable of doing wrong to any man. When offended on just cause, I will hold the wrong-doer to an account. I knew that the gentleman never meant to apply such an observation to me. As the expression was general, however, I felt bound to bring it to his attention.

Mr. BROOKS. I have not the slightest objection, Mr. Speaker, to insert in my remarks the word "some." I acknowledge that I entertained suspicion; but I do not now. With the consent of the House, I shall insert the word "some."

CIVIL AND DIPLOMATIC BILL.

On motion the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

The CHAIRMAN stated that when the committee last rose, they had under consideration the amendment of the gentleman from New York, [Mr. HAVEN,] which is as follows:

For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon belonging, the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts, one with each of said banks, for the leasing and right to purchase the same,

bearing date the 19th of August, 1853, \$530,000: *Provided*, That before the said purchase is completed, the State of New York shall cede to the United States jurisdiction over said land and property, and shall by law exonerate the same, and the property of the United States thereon, from all taxes, levies, and assessments thereon, whilst the same remains the property of the United States.

And that said amendment was, on motion of the gentleman from Pennsylvania, [Mr. ROBBINS,] amended by the addition of the following proviso:

Provided, however, That no part of this appropriation is to be used, until the Secretary of the Treasury has entered into a negotiation with the lessors of the lot in question to get rid of said lease, and also has ascertained upon what terms said lease can be disposed of, and has reported the result of said negotiation to the next session of Congress.

Mr. PECKHAM. I wish to offer the following substitute for the amendment of the gentleman from New York, [Mr. HAVEN:] to insert after the words "land and property" the following:

Reserving the right of the State to serve civil and criminal process.

Mr. HAVEN. Do I understand my colleague that he desires to offer my amendment precisely over again, with the addition of the words he suggests?

Mr. PECKHAM. I mean to offer what I have sent up to the Clerk's desk as a substitute for the whole amendment and the proviso.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. PECKHAM] is not in order.

Mr. JONES, of Tennessee. Upon what ground does the Chair rule that the amendment is out of order?

The CHAIRMAN. Upon the ground that it is proposed to strike out and insert the very same matter already contained in the amendment.

Mr. JONES. I had supposed it to be different matter.

The CHAIRMAN. It is precisely the same matter. The change which the gentleman from New York desires to make he can make by proposing it in the form of an amendment to the amendment offered by his colleague, but not as a substitute.

The question was then taken upon Mr. HAVEN's amendment, as amended; and it was agreed to.

Mr. FARLEY. I offer the following amendment:

To complete the custom-house at Waldoboro', in the State of Maine, the sum of \$13,000, which, in addition to the sum heretofore appropriated, shall constitute the entire cost of the purchase of the site, and the erection and completion of the building.

Mr. HOUSTON. Is that amendment in order in this place?

The CHAIRMAN. The Chair thinks it is.

Mr. JONES, of Tennessee. Has there been a site of a custom-house got there yet?

The CHAIRMAN. So far as the place in the bill is concerned at which this amendment comes in, it is in order. The Chair would inquire of the gentleman from Maine [Mr. FARLEY] if any appropriation has yet been made for the erection of a custom-house at this place, or if there has been any law heretofore passed authorizing the construction of a custom-house there?

Mr. FARLEY. There has been. If I can have the attention of the committee for a few moments, I will endeavor to explain the matter to their satisfaction. In the general appropriation act of 1852, an appropriation was made in the following language:

"For purchasing a site, and the construction of a suitable building at Waldoboro', Maine, for custom-house, post office, and other offices of the United States, and furnishing the same, \$12,000: *Provided*, That said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Maine: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building and furnishing the same, at a sum or sums which shall not, in the whole, exceed the sum of \$12,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States."

In pursuance of this appropriation, and under the direction of the Secretary of the Treasury, an agent of the Department selected a lot at Waldoboro', the title of which was secured. The cost of the lot and charges amounted to \$2,247. That was in the fall of 1852. In May, 1853, the Secretary of the Treasury writes as follows to the com-

missioners appointed to superintend the erection of this custom-house:

TREASURY DEPARTMENT, May 21, 1853.

GENTLEMEN: The supervising architect of this Department, after examining the proposals received for erecting the Waldoboro' custom-house, reports that after making such modifications in their amounts as they require, he finds the lowest bid to be \$22,816 95, while the amount of the appropriation (to which by the law the whole building and furniture is restricted) now available, is only \$9,753, consequently no contract can now be awarded on the proposals; but as the present design for the building is appropriate for the purpose, instead of resorting to an inferior one, which could be erected for the funds at the disposal of the Department, it has been decided to suspend action in the matter until the meeting of Congress, when the facts will be reported to it, and an appropriation recommended sufficient to meet the cost of construction.

Very respectfully, your obedient servant,

JAMES GUTHRIE,
Secretary of the Treasury.

MESSRS. JOHN G. BROWN and WILLIAM A. SCHENCK, Commissioners, Waldoboro' custom-house.

Under that letter from the Secretary of the Treasury proceedings on the building were suspended. This Congress assembled. The Secretary of the Treasury did not send in a report upon this subject, for the reason, which does not appear in the papers, that it had been suggested that it would be better to change the port of entry in that district; and that if the change should be made, it would appear, in the report of Judge Barrett, to be made under the law of the last session of Congress, for revising the revenue laws of the United States. The Department, however, has come to the conclusion to let the port of entry remain at Waldoboro', because it is a central point. That is the reason why no report was made of the facts by the Department at the commencement of this session. I to-day called upon the Secretary of the Treasury in relation to the matter, and I have a letter from him, which I ask may be read.

The letter was read, as follows:

TREASURY DEPARTMENT, June 22, 1854.

SIR: In reply to your letter of this date, I have the honor to state that of the sum of \$12,000 appropriated by the act of August 31, 1853, for building a custom-house at Waldoboro', \$2,247 were expended in the purchase of a site, and other incidental charges, leaving a balance of \$9,753 applicable to the erection. A suitable plan of the building was devised, and proposals invited, the lowest of which was for \$22,816 95. The Department, under the law, was unable to proceed upon this bid, and is indisposed to put up such a building as can be constructed for the \$9,753. The subject has, therefore, been suspended, until Congress shall determine upon the expediency of appropriating the further sum necessary, namely, \$13,000.

I have the honor to be your obedient servant,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. E. W. FARLEY, House of Representatives.

Mr. FARLEY. I do not ask for this appropriation on the ground that a large amount of revenue is collected in the district of Waldoboro', an objection which I anticipate will be made; but for the reason that the business of the district, independent of foreign importations, requires the erection of a permanent fire-proof building. Gentlemen living remote from the sea-board districts, are, perhaps, not familiar with the duties imposed by law upon the officers of the customs, and which are yearly increasing, from the growing tonnage of this and other districts in Maine. All vessels built have to be measured and furnished with the papers required by law—those under license have a yearly renewal of their papers. The duties required by your hospital laws; the recording of bills of sales; the prevention of smuggling; the monthly returns to the Treasury Department, besides other duties, too numerous to mention, and entirely disconnected with the collection of revenue, require a force of officers sufficient to discharge them, and suitable buildings for the preservation of papers and records. The performance of these duties is attended with expense, it is true, but it is so trifling that it should not be mentioned in connection with the importance of the great commercial interests intended to be protected by our revenue laws.

I say, further, that the Government is interested in having suitable buildings erected at the ports of entry of the important collection districts in Maine, whether large amounts of revenue are collected at them or otherwise. The Secretary of the Treasury has taken an intelligent view of this subject, and recommends an application of the policy of the Department in this instance.

I present this subject as an independent measure, free from the objection of being connected with any schemes of a log-rolling character, and desire to have it decided upon its merits.

This district of Waldoboro' has a population of about forty-five thousand inhabitants. Within its limits were built, in 1853, forty thousand tons of shipping; during the present year there will be built fifty thousand tons of the first class. What is true of the Waldoboro' district, in this respect, is equally applicable to most of the other districts in Maine, in proportion to their population and capital. Of the total amount of tonnage owned within the several collection districts of the United States, Waldoboro' ranks as the ninth. During the year 1853, there were built in the State of Maine, as I ascertain from sources not official, yet of a reliable character, one hundred and seventy thousand tons of shipping, worth at least \$10,000,000. A portion of the tonnage yearly built is retained by her. The remainder is sold to citizens of other States. She builds nearly one half of the tonnage of the sea-going vessels of the country. Every dollar the Government has expended for custom-houses in Maine, and aids to navigation along her coast, has been well invested, and has been returned over and over again. She is the great ship-building State of the Union; and our foreign commerce, to which Maine contributes so important an element, is doing more to spread a knowledge of our institutions and government throughout the world, and giving an influence to the American name in other lands, than perhaps any other great interest of our country.

Mr. HOUSTON. I would inquire if that letter is dated to-day?

Mr. FARLEY. It is.

Mr. HOUSTON. It is very singular, for there is no estimate for it at all.

Mr. LETCHER. If the House can stand this custom-house, I shall begin to despair; and I think they will then be ready to swallow anything which may be proposed here for the expenditure of the public money.

Now, sir, at this place called Waldoboro', in the State of Maine, there is collected revenue amounting to \$1,740, and that at a cost to the Government of \$4,871. Now, in that state of the case, the Secretary of the Treasury comes here with a letter, and states that he cannot build this custom-house with the \$9,000, which is the balance of the appropriation; but that he must have \$22,000 to expend upon that point, where the expense of collecting exceeds the revenue by \$3,131.

Now, sir, I ask if this House is prepared to stand that? If they are willing to uphold, by their action, recommendations of this sort, and to make expenditures of money upon works of this kind, wherever and whenever people choose to come forward and ask for appropriations, there will probably be found a dozen other places where the Government collects revenue, and where the disparity between the amount collected and the cost of collecting it is not so great as it is at the place under consideration, where they could, with equal propriety, make an expenditure of \$20,000 to build custom-houses, court-houses, and post offices. I hope the House will put a stop to this thing; and if the Secretary of the Treasury is disposed to make such expenditures, that they will give him to understand that he cannot get the money here to carry out the plan.

Mr. FARLEY. I would inquire if I can move to increase or reduce the amount of my amendment, in order to enable me to reply to the gentleman?

The CHAIRMAN. The gentleman cannot do that.

Mr. FARLEY. Cannot I withdraw it?

The CHAIRMAN. Only by unanimous consent.

Mr. LETCHER. I object.

Mr. FARLEY. I ask for tellers.

Tellers were ordered; and Messrs. Cox and Churchwell were appointed.

The question was taken; and the tellers reported—ayes 64, noes 55.

So the amendment was agreed to.

Mr. TAYLOR, of Ohio. I offer the following amendment:

To complete the marine hospital at Cleveland, in the State of Ohio, \$25,000;

To complete the marine hospital at St. Louis, in the State of Missouri, \$10,000;

To complete the marine hospital at Chicago, in the State of Illinois, \$8,000;

To complete the marine hospital at Louisville, in the State of Kentucky, \$13,500;

To complete the marine hospital at Paducah, in the said State of Kentucky, \$5,000;

To complete the marine hospital at Evansville, in the State of Indiana, \$2,000;

To complete the marine hospital at San Francisco, and to inclose the site and drain the same, and for the necessary out buildings, \$44,000.

I offer the amendment at this point to expedite the progress of the bill. I find that the amendment was submitted some time since by the gentleman from Kentucky, [Mr. BRECKINRIDGE,] from the Committee of Ways and Means. The committee will recollect that some weeks ago each of these items of the proposition was fully discussed here, and adopted by the House. Each and every one of these items has been recommended by the Secretary of the Treasury. They have also obtained the sanction of the Committee of Ways and Means; and my only object in offering it now is to expedite the progress of the bill.

Mr. HOUSTON. I am opposed to the amendment. The subject has been so fully discussed, that it is hardly worth while to say anything now. We are now expending on these marine hospitals, in the purchase of sites, double what we collect from seamen. Besides appropriations for building these marine hospitals and keeping them up, our expenditures annually double the amount of our receipts from the tax on seamen's wages. If we are to continue the system of building these houses, it seems to me those places which have received appropriations of \$50,000 and \$100,000, ought to stop, and let those places which have received nothing at all get as much before they go further. The buildings are substantially completed now. All that is needed is fencing, or the fixing up of the lot. The appropriations are not for the substantial comforts of the hospitals, but for decoration; so I think that we had better vote them down. If we are to keep up the system, let those points for which no appropriations have been made, or, if any, small ones, get enough to build hospitals suitable for the care of sick seamen.

Mr. PRESTON. I move *pro forma* to reduce the appropriation five dollars.

Mr. Chairman, so far as the hospital lying in my district is concerned, and which is included in the amendments submitted by the gentleman from Ohio, I have a letter from the resident physician there, which goes to show the remarks of the chairman of the Committee of Ways and Means have no application to it. He said these appropriations were only for ornamental work. In this case the appropriation is to furnish necessary furniture for the establishment. The resident physician writes as follows:

UNITED STATES MARINE HOSPITAL,
LOUISVILLE, KENTUCKY, April 2, 1854.

DEAR SIR: You are, perhaps, aware that the Government hospital and grounds at this point are in a condition that calls loudly for an appropriation by Congress, and I respectfully ask of you the favor to interest yourself, as I doubt not it will be your pleasure to do, in getting the requisite sum allowed, if possible, at the present session. The honorable Secretary of the Treasury, some time since, called for estimates for the improvements judged to be necessary, which were duly made out and forwarded. The amount called for was about \$12,000. A less sum, I am sure, would be altogether inadequate upon the most economical figures, if it be desirable to have things appear at all decent.

With your permission I will state what is the condition of things, and leave you to form your own opinion as to what may be needful to be done in the premises. The house itself will do, save that the supply of furniture is very inadequate, both as regards amount and quality, the beds, and bedding excepted. For instance, on coming here, I was under the necessity, as my worthy predecessor had been, of furnishing, in principal part at my private cost, the apartments assigned to, or set apart for, the resident medical officer, which was never contemplated by the laws regulating our hospitals. Not only so; I have to some extent supplied tables, chairs, &c., for the public part of the house, rather than do without. There is not, I may say, a dozen good chairs, or seats of any kind, in all the wards of the hospital. The number of chairs originally furnished was very limited, and the quality very inferior, indeed, inasmuch that, with ordinary usage, nearly the whole of them are now fallen to pieces. I could go on thus to particularize, but must come to the main point, which is the state of the grounds. We have a nine acre lot; and, if we except the hospital building, with the indifferent pavement about it, a cistern, a couple of dry wells, and a crazy board fence that furnishes no protection against the hogs and cattle that graze on the common around, the lot is wholly without improvement. The grounds are ungraded; no walks of any kind; no shade trees, except an old locust or two; no shrubbery; no gateway or entrance of any kind, in front or rear—in short, nothing but heaps of unworked stone, and abundance of mud in winter, and a luxuriant growth of unsightly weeds in summer. Every one who visits the premises has something to say about the sad lack of useful improvement, and all agree that the state of things is disgraceful to the Government that allows it, and a perpet-

ual eye-sore to all passers-by. I hope, then, Colonel, that you will give your efficient aid in procuring the necessary appropriation to put things in something like a decent fix. Of the amount originally appropriated for supplying this hospital with furniture, as I learn from Mr. Taunehill, the steward, some \$1,000 or upwards were returned to the Treasury. I imagined that the like allowance for other hospitals was not found too large. It is very certain that there was need here for the whole of it. If there was not at first, there is great need of it now, I assure you. Personally, of course, I can have little interest in this matter; but really, for the credit of the Government and of our town, I should like to see things here wear a less repulsive aspect. I see there is a bill pending in Congress concerning custom-houses and hospitals, which, I suppose, provides for our institution. I hope it will not fail to pass; and it certainly cannot, if all the items embraced are as defensible as this of ours.

I am, very respectfully, your obedient servant,
J. N. HUGHES,
Resident Physician United States Hospital.
Hon. W. C. PRESTON.

Mr. JONES, of Louisiana. I rise not so much to reply to the gentleman from Kentucky, [Mr. PRESTON,] as I do to answer some of the arguments urged by the gentleman from Alabama, [Mr. HOUSTON.] I do not pretend to say that I am in favor of the general amendment that has been offered to this bill. When the time comes for voting upon the distinct proposition, I shall then choose the position which I wish to occupy. The gentleman from Alabama urges as an argument against these appropriations, that the number of persons in the hospitals is very little proportionate to the amount of money invested in them; or in other words, that the expenditure upon these hospitals is very largely in advance of the money received from the seamen. Suppose it is, what shall we do? What does the gentleman from Alabama propose to do? Shall we break down all our marine hospitals, because the money expended upon them is so greatly disproportionate to the amount received from seamen, and which I might say is wrong from them? What are we to do with them? Shall we turn these seamen adrift upon the cold charities of the world? Does the gentleman from Alabama propose to repeal the tax levied upon seamen?

Mr. HOUSTON. If the gentleman from Louisiana will allow me I will tell him; and if he had paid attention to my speech, he certainly would have discovered that I was in favor—and I expressly said I was—of stopping the appropriations upon these buildings, upon which enough already had been expended, and to apply them to those buildings upon which very little money had been expended.

Mr. JONES. How are we to determine in regard to this matter except upon estimates from the proper officers, or from individuals acquainted with the facts, whether these points have received sufficient appropriations or not? Shall we apply to the gentleman from Alabama, or to the Secretary of the Treasury, or the gentlemen who represent the particular localities where these hospitals are situated? Are we to leave them in a dilapidated condition, and only half built, because the expenditures upon them have been heretofore extravagant? Shall we permit them to go to decay? And are these seamen who may be left at these points, to be thrown on the charity of the community because these hospitals, which have cost so much money, are not in a condition to receive them?

Now, Mr. Chairman, the Red river, the district watered by which I have the honor to represent, almost entirely, from the point at which it enters into the State of Louisiana, to the point at which it enters into the Mississippi river—the Red river, with a magnificent navigation of twelve hundred miles—the Red river, through whose mouth nearly one fourth of the whole cotton crop of the United States passes to market, has not a single marine hospital from its mouth to its source. And these seamen, who have to pay this tax, are deprived of all the advantages which should result to them from that tax. I have introduced a bill here this session to supply this want. It is now before the Committee on Commerce, but as yet the committee have not reported it, and I fear they may not report it. But it is nothing but simple justice to my section of the country that they should do so. But because this bill has not been reported, and because there is no law establishing a marine hospital on the Red river, I am debarred by the rules of the House from offering an amendment which I should offer to this bill, were I not so prevented; giving \$25,000

or \$30,000 for the establishment of a single marine hospital for the whole coast of the Red river.

Mr. PRESTON, by unanimous consent, then withdrew his amendment.

The question recurred on Mr. TAYLOR's amendment.

Mr. WADE. I propose to amend the amendment by adding to the appropriation for the marine hospital, at Cleveland, five dollars.

I offer that amendment for the purpose of calling the attention of the committee for a single moment to the condition of this hospital, which I had the honor, at an early part of the session, to bring before the notice of the House. I want to say only that I have got here a letter from the Register of the Treasury, showing the amount of money that has been collected from seamen at the port of Cleveland, and the amount of revenue and imports collected at the port of Cleveland. I have also the statement of the collector of the port of Cleveland, showing the number of seamen who entered into that port during the last season. There were forty-six thousand seamen who entered the port of Cleveland during the last season, and an equal number who sailed from that port in the same time, making the number of seamen who entered and cleared ninety-two thousand. The amount of money which has been collected—hospital money as it is called—from seamen entering the port of Cleveland for the last four years, as appears from the Register's letter, was upwards of \$1,200 per annum.

It has been said here that we are paying away much larger sums for this purpose than we are receiving. But there will be an end to these appropriations after a little time, when these hospitals shall have been finished, while the collections for seamen will continue through all time; and as the numbers of these seamen increase, as they are yearly increasing on the lakes, it will be found that there will have been collected from the seamen at that port more, immeasurably more, than the buildings will have cost. And now the Government of the United States possesses a plot of ground in Cleveland, lying in one of the most beautiful parts of that beautiful city on the lake shore, which, by the increase in the value of property, is worth more than all that has been expended on the hospital. That hospital is in a condition which is absolutely a disgrace to the Government of the United States. It is reared up, and some portions of the gables have been left open; some portion of the roof is tinned, and some portion is left untinned; the cornices are left open in some parts, allowing the storms to drive in, and some portions of the wards are left unfinished.

There has been an average of seamen in this hospital of twenty-eight during the year before this; and there has been an average of more than forty-eight during the last season. That is the average of every day. And yet, Mr. Chairman, at this season, indicating, as it does, a season of great sickness and calamity to seamen, there is no opportunity at all to receive the number that apply there for reception; and there are little advantages, therefore, to the seamen, and no chances of sustaining them in comfort at that point.

Now, it seems to me, that if this House is not disposed to take the position of the gentleman from Alabama, the honorable chairman of the Committee of Ways and Means, which is to leave these works in a state of dilapidation, and allow them to go to decay, as a monument of the folly of this Government in throwing away its money in this manner, then we have nothing to do but simply to make these appropriations and finish all these buildings, thereby giving to the poor seaman the opportunity for some little comfort in the course of a life which, at best, is one of discomfort, adventure, and much suffering on his part.

Mr. WADE, by unanimous consent, then withdrew his amendment.

The question was then taken upon the amendment of Mr. TAYLOR, of Ohio; and it was agreed to.

Mr. SINGLETON. I offer the amendment which I send up to the Clerk's desk.

The amendment was read, as follows:

For the construction of a marine hospital at Vicksburg, in the State of Mississippi, the sum of \$55,000.

Mr. SINGLETON. Mr. Chairman, the appropriation asked for by this amendment commends itself to the favorable consideration of the House for several important reasons, which I will endeavor to state briefly. In the first place, the last Congress, after due consideration, determined that Vicksburg, from its position and commercial importance, was a proper point at which, for public convenience, a marine hospital should be located; and with a view to carry out that opinion, an appropriation of \$10,000 was made, by way of beginning the work. Of that amount, \$4,000 has been expended in the purchase of a lot as a site for said hospital, the remaining \$6,000 still being on hand. The managers of the work thought it better to await the further action of Congress upon the subject, in making suitable appropriation to carry it on, than to commence it upon a magnificent scale, and attempt to force Congress afterwards into heavy appropriations for its completion. In this course I think they have acted with prudence and good sense, and with an eye to the interest of the public.

In the next place, the amount asked by this amendment is precisely the amount estimated for by the Secretary of the Treasury, in his letter to the Committee of Ways and Means, of the 4th of January last. I do not desire to transcend the estimate made by that officer, whose peculiar province it is to investigate the situation of these several works, and the amounts necessary to carry them on. I suppose him to have had correct information on the subject, and therefore think his opinions entitled to consideration. In the third place, Mississippi, under the operations of the present tariff, is one of the largest tax-paying States of this Union; and but few, and very small favors, have been dispensed to her in the way of appropriations by the General Government. If money is to be appropriated for objects of this kind, there can be no good reason why a part of it should not be expended in her borders. Did this appropriation redound alone to the interest of the citizens of Vicksburg, or even of the State, I doubt whether she would have ever made application to Congress for any amount; for our people feel fully able to take care of themselves without gratuities from Government. But, sir, Vicksburg is a place of vast commercial importance upon the great thoroughfare of the southern and southwestern States, where boats are ascending and descending the Mississippi; continually land their sick and dying, who never fail to meet with proper attention at the hands of the generous and humane citizens of Vicksburg.

New Orleans, and all the cities below Vicksburg, are annually, I may say, visited by destructive epidemics; and at such times the citizens, as well as Government employees, officers of the Navy, sailors and others, seek a higher latitude. Many of them land at Vicksburg, and become a charge to its citizens, bringing with them diseases which spread and carry off many of her most valuable citizens. See with what violence the yellow fever prevailed there last year, and witness with what liberality her citizens, and the surrounding country, met the wants of the afflicted who were attacked in their midst. See with what personal hazard, and, in many cases, with the loss of estimable citizens, unremitting attention was given to the sick. Is it right, because they would not see the stranger and the poverty-stricken suffer and die for want of attention; because their hearts were touched with sympathy, and their purses open to relieve, that the whole burden of this thing should fall upon their shoulders? I think not. There is certainly no paramount obligations upon them to do so. Build a marine hospital for the stranger, for our sailors, and others who may be in the employment of the Government, as you have done elsewhere. Again, I see, in looking over the letter of the Secretary of the Treasury above referred to, that he enumerates the appropriations already made to eight different marine hospitals, besides Vicksburg, as follows, viz: to Cleveland, Ohio, \$71,909 38; to St. Louis, Missouri, \$82,274; to Chicago, Illinois, \$49,712; to Louisville, Kentucky, \$50,000 33; to Paducah, Kentucky, \$51,625; to Evansville, Indiana, \$45,000; to San Francisco, California, \$180,000; to Portland, Maine, \$30,000; to Vicksburg, \$10,000. I do not intend to find fault with the appropriations made to those different works; for if I had ever supposed any objections could be

made to the action of Congress in these matters, it is new too late.

But what I wish to say is this: there can be no good reason offered why Congress should give liberally to others, and dole it out with such a miserly hand to Vicksburg. I hope a spirit of liberality will prompt the House to make this appropriation, and thus place Vicksburg upon the same footing with other places having no larger claims upon Government.

Mr. HOUSTON. The amendment offered by the gentleman from Mississippi is one which I had in my mind in the remarks I made some little time since. The Committee of Ways and Means, however, agreed to strike it out, with others, from the appropriations. My own impression is—and I so voted in committee—that the marine hospital at Vicksburg ought to be built. The committee, however, concluded to strike it out of the appropriation; and one of these reasons was, I recollect, that there are already a large number of marine hospitals upon the Mississippi and Ohio rivers; perhaps enough to accommodate all the sick seamen upon those rivers. I will also state that we have made a general appropriation for taking care of sick seamen at places where there are no marine hospitals. These are the reasons why the committee refused to recommend the appropriations.

The amendment was adopted.

Mr. DISNEY. I offer the following amendment:

To provide accommodations for sick and disabled seamen at Cincinnati, \$60,000.

Mr. HOUSTON. I rise to a question of order. I ask if that amendment is in order?

The CHAIRMAN. The Chair decides that it is not in order.

Mr. DISNEY. Upon what ground?

The CHAIRMAN. Upon the ground that it is not embraced in the class of cases indicated in the 81st rule, with which the gentleman is, no doubt, familiar.

Mr. HOUSTON. There is no law authorizing the appropriation. There is a general appropriation in this bill, providing for taking care of sick seamen where there are no marine hospitals. But there is no law authorizing this appropriation.

Mr. DISNEY. I still do not understand the point upon which the Chair rules this amendment out of order. I desire to be advised upon that point.

The CHAIRMAN. The Chair referred the gentleman to the 81st rule, and remarked, as he now remarks, that it is not embraced in any one of the three classes of business indicated by that rule.

Mr. DISNEY. I would like to have that rule read.

Mr. TAYLOR, of Ohio. I would like to present, for the consideration of the Chair, the fact that this appropriation has been recommended by the Secretary of the Treasury. It will be found upon page 11, Ex. Doc. No. 5. He there proposes to establish a marine hospital at Cincinnati.

The CHAIRMAN. The Chair understands the rule of the Senate to be to incorporate into a general appropriation bill any item which has been recommended by any Department of the Government, whether there is a previous law authorizing it or not. Such, however, is not the rule of the House. The 81st rule says:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto for any expenditure by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Under this rule the Chair decides the amendment to be out of order. Does the gentleman from Ohio appeal from the decision of the Chair?

Mr. DISNEY. I appeal from that decision, and I desire to submit one word.

The CHAIRMAN. The appeal is not debatable. The gentleman can only state the grounds upon which he takes it.

Mr. DISNEY. Why is it not debatable?

The CHAIRMAN. Because general debate is closed under the order of the House.

Mr. DISNEY. Debate, then, is limited.

The CHAIRMAN. No debate at all can be allowed on the appeal.

Mr. DISNEY. I desire to state a fact. There is no law on the statute-book specially authorizing the construction of any marine hospital in this

Union; nor is there any law on the statute-book specially authorizing the construction of any custom-house within the limits of the Republic; yet everything has been constructed by appropriation.

The CHAIRMAN. The gentleman is not in order. He is making an argument on the appeal. If the gentleman will consult the legislation on the subject, he will find that all these appropriations have been inserted in the other end of the Capitol, and not here. That is so at least since the present occupant of the chair has been in Congress.

Mr. DISNEY. My recollection of the facts is as I have stated it.

The question was taken; and the decision of the Chair was sustained.

Mr. SKELTON. I move to amend by inserting the following after the seven hundred and forty-ninth line:

For the better protection of life and property from shipwreck on the New Jersey coast by the establishment of station houses, life-boats, and other apparatus, and to employ suitable persons to take charge of such property, and to see that the object named is faithfully executed, \$10,000.

Mr. HOUSTON. I present the same question of order in reference to that amendment.

Mr. SKELTON. The Chair will perceive that the amendment is proposed to be inserted after appropriations for similar objects.

The CHAIRMAN. Is there any law authorizing such an appropriation?

Mr. SKELTON. There have been appropriations heretofore made for this object; and life-boats are on that coast now rotting for want of some person to take charge of them.

The CHAIRMAN. The Chair thinks that the amendment in its present shape is not in order.

Mr. SKELTON. I must take an appeal from that decision, for humanity demands this appropriation. My constituents and the country demand that I should appeal.

The CHAIRMAN. The question then is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. SKELTON. I would like to ask the Chair one question.

The CHAIRMAN. The Chair will suggest to the gentleman that debate is not in order.

Mr. SKELTON. I do not want to debate, but merely to ask a question of the Chair.

The CHAIRMAN. That is debate.

The question was then taken on it; and the decision of the Chair was sustained.

Mr. BRIDGES. I offer the following amendment:

At the end of line eight hundred and fourteen insert the following words:

For office rent for the consul at Zurich, Switzerland, \$100.

The amendment is merely for office rent for the United States consul at Zurich, Switzerland. I hope there will be no objection to it.

Mr. HAVEN. I submit to the Chair that that amendment is out of order here. It should come from the Committee of Ways and Means.

Mr. BRIDGES. I will say to the gentleman that this consulate was established in 1852. The present incumbent was appointed in 1853; and I presume that the Committee of Ways and Means were not aware of the existence of that consulate. The sum of \$100 has been appropriated for office rent in Basle, and the amendment only asks the same appropriation for Zurich, which is a more important consulate than that at Basle. There is more business transacted at Zurich than there is at Basle, and I therefore hope that the committee will not refuse to appropriate this sum of \$100. I may also add that the consulate at Basle will soon be abolished by the President, as it is considered to be altogether unnecessary.

The CHAIRMAN. The Chair is of opinion that the amendment is in order under the last clause of the 81st rule, as it is "for continuing and carrying on the several departments of the Government."

Mr. BRIDGES. It is as much in order as the appropriation of \$100 for office rent for the consulate at Basle.

Mr. HAVEN. I would, however, submit to the Chair, that I do not know why custom-houses should not be considered in the same category. They are certainly for carrying on the revenue department of the Government. If appropriations for them are in order, I would like to take a hand at them. [A laugh.]

The CHAIRMAN. The Chair thinks that the amendment of the gentleman from Pennsylvania is in order, on the ground that he has stated.

The question was taken; and the amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment:

After line eight hundred and twenty-nine, insert the following words:

To defray the expenses incurred, and to be incurred, in complying with the resolution of the House of Representatives of the 14th December, 1853, calling for a statement of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, and a table exhibiting a comparative statement between the tariff of other nations and that of the United States, \$10,000.

To enable the Secretary of State to pay to the persons employed to protect the property and persons of citizens of the United States at San Juan de Nicaragua, \$12,000, or so much thereof as may be necessary to defray the expenses so incurred.

Here is a detailed statement of these expenses, if the House desire to have it read. The necessity for the appropriation of the first \$10,000 arises in pursuance of a resolution of the House; and the expenditure could not be avoided. The appropriation of \$12,000 is for an amount contracted by the Minister to Central America, the necessity for which is explained by the papers which I send to the Clerk's desk. If the House desire to know further about it, they can permit the papers to be read.

[Cries of "It is not necessary!"]

The amendment was agreed to.

Mr. BAYLY, of Virginia. I am instructed by the Committee on Foreign Affairs to offer several amendments to this part of the bill. I send the first amendment to the Clerk's desk.

The amendment was read as follows:

For the payment to James B. Hollmans, for services rendered as secretary of legation in Santiago, in the discharge of clerical duties left unperformed by his predecessors, \$500.

Mr. BAYLY. The facts of this case are these. There were two secretaries of legation appointed before Mr. Hollmans, and there was an accumulation of business upon the hands of the minister. When this gentleman went there as secretary of legation, he had to do more than to keep up the current business of the legation. He had to bring up the arrears of business, and we have appropriated to him a sum less than those who had preceded him would have received, had they arrived at their places and performed their duties. The Committee on Foreign Affairs were unanimous in the recommendation.

The amendment was agreed to.

Mr. BAYLY. I have another amendment, which I will send to the Clerk.

The amendment was reported as follows:

For the payment to Henry Savage, at the rate of \$1,500 per annum, for diplomatic services rendered to the United States during the several periods he has been in actual correspondence with the Government of Guatemala and with the Department of State of the United States, \$15,750, or so much thereof as may be necessary for that purpose.

Mr. BAYLY. The Committee on Foreign Affairs did not undertake to ascertain the precise amount which ought to be appropriated to this gentleman; but we recommend to appropriate an amount that will certainly cover the recommendation of the Secretary of State. Mr. Marcy addressed a letter to the committee, in which he inclosed a letter of Mr. Buchanan, showing that this gentleman had rendered most meritorious services to the country, and recommending, in the strongest terms, the remuneration named in the amendment. We have put in a sum which will certainly cover it, and we leave it to the State Department to adjust the precise time during which he was acting in a diplomatic character. It is recommended by the Department of State.

Mr. McMULLIN. I desire to inquire of my colleague, if this proposed compensation is in addition to that which is allowed to him as a foreign representative? It is a subject, which I confess I do not understand.

Mr. BAYLY. This gentleman, Mr. Savage, was not officially in the employment of the Government. That is, he had no commission from the President, and confirmed by the Senate. But he was in constant correspondence with the State Department, from Mr. Buchanan's time down to the present time. The Secretary of State recommended an allowance of \$2,000 per annum; but the Committee on Foreign Affairs placed it at \$1,500. If I could read the letter which I have

before me from the Secretary of State, which I have not time to do under the five minutes rule, I could show, upon the authority of the Secretary of State, that this gentleman performed the most meritorious services, and that both Mr. Buchanan and Mr. Marcy recommended in the strongest terms that he should be remunerated. I said he was not in the official employ of the Government; but he was an intelligent, enlightened American citizen, who performed important diplomatic service, for which he ought to be paid. That is not only the opinion of the Executive, but it is the unanimous opinion of the committee of this House over which I am proud to preside.

Mr. McMULLIN. I have the utmost confidence in the judgment of the committee over which my colleague presides. But, sir, it seems to me that this is rather a novel proposition. This gentleman was not officially employed by the Government; and how do we know that he was not there upon his own private business, and, at the same time, carrying on a correspondence with the Government, thus "killing two birds with one stone." I am not disposed to make opposition to this amendment; but it seems to me that it is setting a bad precedent. I think we had better not sanction any Secretary of State, whether Mr. Buchanan, Mr. Marcy, or anybody else, in clothing any individual with diplomatic authority in violation of law; and, therefore, notwithstanding the confidence which I have in the judgment of the Committee on Foreign Affairs, I hope this amendment will not be adopted.

Mr. BAYLY. I hope my colleague will allow me to have the letter of the Secretary of State read.

Mr. SEWARD. I object.

Mr. McMULLIN. I will give my time to my colleague for that purpose, certainly.

The CHAIRMAN. The gentleman from Virginia [Mr. McMULLIN] had concluded his remarks, and yielded the floor.

Mr. JONES, of Tennessee. I want the five minutes rule to be strictly enforced.

The CHAIRMAN. Then the letter cannot be read.

Mr. BAYLY. Oh, I hope the gentleman will not object.

Mr. JONES. If there is any gentleman on this floor whom I would accommodate, it is the gentleman, but I do not want the rule to be violated.

Mr. BAYLY. I then move to increase the appropriation one dollar.

The CHAIRMAN. The gentleman cannot move to amend his own amendment.

Mr. TAYLOR, of Ohio. I move to increase the appropriation five dollars.

I offer this amendment for the purpose of giving me an opportunity of asking the gentleman from Virginia a question. I ask the gentleman what is the amount of the appropriation?

Mr. BAYLY. Fifteen thousand dollars. I now ask for the reading of the letter of the Secretary of State.

The Clerk read the letter, as follows:

DEPARTMENT OF STATE, }
WASHINGTON, February 13, 1854. }

SIR: I have the honor to reply to that portion of your letter of the 8th instant, which refers to Mr. Henry Savage's claim for compensation for diplomatic services in Guatemala, since 1830, by the following statement:

From early in 1830 until toward the close of 1833, Mr. Henry Savage corresponded with this Department, in a diplomatic character, and as, during that period, there was no chargé d'affaires of the United States to that Republic, he assumed the functions of that agent.

It also appears, that from the spring of 1842, say April or May, until the 17th November, 1848, Mr. Savage acted as chargé, in the absence of any accredited agent, to Central America.

He has also corresponded with this Department from the 10th May, 1850, until the present time, during which period there has been no accredited representation of the United States to the Republic of Guatemala, and the archives and property of the former legation in Guatemala have been almost constantly in his care. The only communication on record addressed to him in relation to his diplomatic correspondence, is by Mr. Buchanan, under date of June 3d, 1848, which acknowledges the receipt of letters from 18th June, 1842, to 20th March, 1848, and adds: "These letters have furnished the Department with most acceptable information upon the subject of Central American affairs, within the periods mentioned, for which I offer you my hearty thanks."

It may be proper to state further, that the information communicated to the Department by Mr. Savage, has always been interesting and important. In view of these facts, and of the services rendered by Mr. Savage to the interests of the United States, and of their citizens, the Department, though not prepared to recommend that these services should be remunerated at the rate of a chargé's

salary, is still of the opinion that an allowance, at the rate of \$1,500 or \$2,000 per annum, might, with entire propriety, be made for Mr. Savage's diplomatic services during the several periods he has been in actual correspondence with the Government of Guatemala, and with this Department.

The memorial of Mr. Savage's representative is herewith returned.

I have the honor to be, sir, very respectfully, your obedient servant,

W. L. MARCY.

HON. THOMAS H. BAYLY,
Chairman Committee Foreign Affairs,
House of Representatives.

Mr. BAYLY. It will be perceived, Mr. Chairman, that, although the Secretary recommends that this gentleman be paid during the time he was actually employed, from \$1,500 or \$2,000 a year, the Committee on Foreign Affairs have taken the smallest sum. They have taken \$1,500, and leave to the State Department to adjust the time he was actually employed in the diplomatic service of the country. Here are two Secretaries in succession approving his services and recommending this compensation. I cannot conceive how there can be a doubt about the propriety of the amendment.

Mr. SEWARD. It seems to me that the amendment is a most extraordinary one. Here is a gentleman who assumes the authority of our Minister abroad, representing the sovereignty of this Union, and corresponds with the Secretary of State; and we are now called on to compensate him for so doing. If he were entitled to pay at all, I think the amount named is a little too much for this Congress to appropriate.

I am opposed to the principle recognized by this Congress of making the Representatives of the people the mere machines of the heads of Departments. It is becoming a fixed fact in the legislation of this country, that no money can be appropriated unless a man dwarfs himself into a sycophant, and makes appeals to the heads of Departments to recommend appropriations. It is an outrage on the rights of the people, and I want to see it arrested.

This claim goes back to 1833. I do not know that it is dishonorable sometimes to plead the statute of limitations against these claims.

Mr. McMULLIN. With the gentleman's permission, I would inquire whether, this being a first claim, it ought not to have gone for consideration to the Committee of Claims?

Mr. SEWARD. I did not yield the floor to the gentleman to make a speech. It is no claim at all. This man was not in the employ of the Government. The Secretary of State had no right to make the employment. If he did so we should repudiate all such contracts.

When public functionaries overleap their powers, and act in violation of the Constitution of the country, by recognizing those as foreign ministers who have not been appointed by the President and confirmed by the Senate, we ought to repudiate their acts.

Mr. TAYLOR, of Ohio. I withdraw my amendment.

Mr. BAYLY, of Virginia. I renew it.

Mr. HOUSTON. I make the point of order, if it is not too late, that this is a private and individual claim. The party to whom the money is to be paid, was not in the employment of the Government and was not a public officer, and in no respect then can this claim be considered other than as a private claim.

Mr. BAYLY. Upon that point of order I beg leave to say, that the chairman of the Committee of Ways and Means assumes what the papers show to be an error. The gentleman for whom this appropriation is asked was in the employment of the Government.

The CHAIRMAN. The Chair thinks that the point of order raised by the gentleman from Alabama [Mr. HOUSTON] does not come too late, and the Chair decides that the amendment offered by the gentleman from Virginia [Mr. BAYLY] is not in order, upon the ground that it is a private claim. The Chair will state this, that wherever amendments are recommended by committees of the House, it is his practice, if he has any doubts upon the subject, to rule them in order; but he applies the rule more strictly when amendments are offered by individual members. The Chair, in this case, has no doubt that the amendment offered by the gentleman from Virginia is a private claim, and therefore rules it out of order.

Mr. BAYLY. It has been the universal rule here that one committee cannot overrule another.

The Committee on Foreign Affairs recommended the adoption of this amendment, and the Committee of the Whole on the state of the Union cannot rule an amendment out of order which another committee has recommended.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. BAYLY. With all respect to the Chair, I must appeal from that decision; because one committee cannot overrule another upon a point of order.

The CHAIRMAN. The question of appeal is not debatable. If the Chair had any doubts about the matter, he would decide that the amendment was in order. Any claim which had undergone an investigation by a committee of this House comes with more to recommend it to the consideration of the House than any claim offered by an individual member. The Chair has no doubt that the amendment embraces a private claim, and therefore rules it out of order. From this decision the gentleman from Virginia appeals; and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. PRESTON. Can I be indulged in making a single statement to the committee?

The CHAIRMAN. Only by unanimous consent.

Mr. PRESTON. I would refer the Chair to the case of John Bosman Kerr, where money was superadded in the deficiency bill.

Several MEMBERS. The question is not debatable.

Mr. HOUSTON. I object to this statement.

The CHAIRMAN. Debate is not in order. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision was sustained.

Mr. CHANDLER. I am instructed by the Committee on Foreign Affairs to offer the following amendment:

To Peter Parker for services as chargé d'affaires in China, from May 24, 1853, to January 24, 1854, the day of the arrival at Canton of the Hon. H. Marshall—eight months and seven days—\$1,370 78.

Mr. CHANDLER. Mr. Parker is in China as secretary of legation, and in the absence of the commissioner, who is the minister there, he assumed diplomatic relations, as he had done frequently before.

Mr. LETCHER. I rise to a question of order. I ask whether that is not a private claim? Is there any law authorizing that appropriation?

Mr. CHANDLER. It is a claim which has been frequently admitted in this kind of bill, and it comes to us sanctioned by the State Department. I was only induced by the request of the chairman of the Committee of Ways and Means to withdraw this amendment when I offered it to the deficiency bill. He said it belonged to this bill, and there is no doubt that it does.

Mr. LETCHER, [to Mr. CHANDLER.] Was Peter Parker ever appointed chargé d'affaires by the United States Government?

Mr. CHANDLER. He was.

Mr. LETCHER. Then why did he not get payment before this time?

Mr. CHANDLER. He comes here now for him. There has been no appropriation made for him.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Pennsylvania, if this individual was appointed minister? Is there any law appointing him?

Mr. CHANDLER. It is the custom of the country, and it has always been so, for secretaries of legation to discharge the duties of ministers, in their absence. This gentleman was appointed secretary of legation in China, and the minister went away and left him in charge of the legation. I am instructed by the State Department that this is the invariable custom. I believe that this gentleman has been so left in charge several times; and he has been invariably paid in this way, by a special appropriation.

Mr. BAYLY, of Virginia. Will the Chair allow me a remark at this point, because it will refer to other amendments. It is in relation to these things being authorized by law. We have not only a law, a statute on the subject, but we have the Constitution, which authorizes the President to institute missions, to appoint commercial

agents, to appoint every description of foreign representatives. That is the law. And the only necessity for coming to Congress at all, in relation to foreign missions, is for an appropriation to pay them.

There are many other amendments here involving the same principle. The law authorizes the appointment of ministers by the President, with the advice and consent of the Senate; and the only thing that the House has to do with the question at all, is to provide the appropriation to pay for their services. The question does not pertain to the House at all.

The CHAIRMAN. In the case before the committee for consideration—the one brought forward by the gentleman from Pennsylvania [Mr. CHANDLER]—the services have been rendered. No appropriation had been made up to the time of the execution of those services. The case, therefore, in the judgment of the Chair, cannot be otherwise than one of a private claim against the Government, and on that ground the Chair rules it to be out of order.

Mr. CHANDLER. The Chair will allow me to take an appeal from that most strange decision. I wish to say that—

The CHAIRMAN. Remarks are not in order.

Mr. LETCHER. Before the question on the appeal is taken, I desire to have a clause in the appropriation bill of the last Congress read. It relates to Peter Parker.

The CHAIRMAN. Debate is not in order.

Mr. LETCHER. I do not propose to debate the matter, but only desire a clause of a former appropriation bill read.

The CHAIRMAN. The Chair looks upon that as debate.

Mr. HENDRICKS. I object to the reading.

Mr. TAYLOR, of Ohio. I have no objection to hearing the clause read, if the gentleman from Virginia will allow me to make a suggestion.

The CHAIRMAN. No debate is in order.

The question then being, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. INGERSOLL called for tellers.

Tellers were ordered; and Messrs. MIDDLESWORTH, and HARRIS of Alabama, were appointed.

The question was taken; and the tellers reported—ayes 74, noes 46.

So the decision of the Chair was sustained.

The CHAIRMAN. The Chair will state, in addition to what he has already stated, that this amendment would properly come in as an amendment to a deficiency bill, but not as an amendment to the civil and diplomatic appropriation bill.

Mr. BAYLY, of Virginia. I have another amendment, which I am instructed by the Committee on Foreign Affairs to offer. It is as follows:

For compensation to Joseph Graham, while acting as chargé d'affaires at Buenos Ayres.

Mr. LETCHER. I raise the same question of order in reference to this amendment.

The CHAIRMAN. The Chair decides that the amendment is not in order for the same reason as the last.

Mr. BAYLY. Is not the question of order debatable?

The CHAIRMAN. It is not.

Mr. BAYLY. Well, sir, will the Chair allow me, who have had some experience in this House, to make a single explanation in reference to it?

The CHAIRMAN. The Chair will be very happy to hear the gentleman, if there be no objection.

Mr. SKELTON. I object, as the same privilege was denied me just now.

Mr. BAYLY. Well, sir, I am exceedingly embarrassed by these proceedings—

The CHAIRMAN. The Chair must interrupt the gentleman. The question of order is not debatable, and objection has been made to his proceeding.

Mr. PRATT. I appeal to the gentleman to withdraw his objection to the explanation of the gentleman from Virginia.

Mr. SEWARD. I want to know whether it will throw this question open for all of us to discuss?

Mr. JONES, of Tennessee. This question of order, as I understand it, is not debatable under the five-minute rule. I must object.

Mr. BAYLY. Well, sir, I shall offer no more

amendments from the committee over which I have the honor to preside, though there are a good many which I have been instructed to offer. This decision is in violation of the whole course of proceeding in this House—

The CHAIRMAN. The gentleman from Virginia is not in order.

Mr. BAYLY. Well, sir, I appeal to the gentleman to allow me to say a single word upon the question of order.

Mr. JONES. If there is any one in this House I would do it for, it is the gentleman from Virginia; but, sir, if we commence this discussion where is it to stop? I think we had better adhere to the rules, and confine ourselves to debate upon questions on which it can legitimately take place.

Mr. BAYLY. Mr. Chairman, as the gentleman from Tennessee has been permitted to make remarks upon this question, I presume the Chair will not rule me out of order in replying to him.

The CHAIRMAN. The Chair did not understand the gentleman from Tennessee as debating the question of order; he only stated the reasons why he would not withdraw his objection.

Mr. BAYLY. Well, sir, I shall offer, as it is my duty to do, the amendments which have been intrusted to my care by the Committee on Foreign Affairs, and let them be ruled out of order, if that is the decision of the Chair. I offer the following amendment:

For the payment to Anna S. P. Chew, executrix of William W. Chew, for his outfit as chargé d'affaires to Russia, \$4,000.

Mr. LETCHER. I make the same point there.

The CHAIRMAN. The Chair makes the same decision.

Mr. BAYLY. I offer the following amendment:

For the payment to Charles D. Aspendson, while he acted as chargé d'affaires at Stockholm, \$1,681 25.

Mr. LETCHER. I raise the same point of order on that amendment.

The CHAIRMAN. The Chair makes the same decision.

Mr. BAYLY. I offer the following amendment:

For the payment to Ferdinand Coxe, for his services as chargé d'affaires at Brazil, \$672 95.

Mr. LETCHER. I raise the same point of order there.

The CHAIRMAN. The Chair makes the same decision.

Mr. PRESTON. I appeal from that decision.

The question was put on sustaining the decision of the Chair; and, on a division, there were—ayes 61, noes 39.

Mr. JONES, of Tennessee. I demand tellers. Tellers were ordered; and Messrs. WHEELER and ASKE were appointed.

The question was taken; and the decision of the Chair was sustained, the tellers having reported—ayes 67, noes 54.

Mr. BAYLY. I have one more amendment to offer:

For compensation to Francis Daines for the discharge of the United States consular duties at Constantinople, from the 16th of May, 1849, to the 20th December, 1852, in conformity to the act of Congress approved the 11th August, 1848, \$3,794 50.

I desire to say, in respect to this amendment, that I hold in my hand the Congressional Globe, from which it appears that this was offered as an amendment to the deficiency bill, and entertained by the then Chairman of the Committee of the Whole on the state of the Union. It was passed by this House, and stricken out of the bill in the Senate solely upon the ground that it did not belong to the deficiency bill, but to the civil and diplomatic bill. I say, after an examination of the subject, that the law provides for the payment of this sum to this man, and the only reason upon the face of the earth why it has not been paid, is, that there is no appropriation provided for that purpose. In that respect it stands precisely upon the same footing with the other amendment.

Mr. LETCHER. If this money is actually due to this man, and Congress ought to pay it, why does not the chairman of the Committee on Foreign Affairs introduce a bill here, accompanied by a report, showing the fact, and let that bill be considered upon its merits?

The CHAIRMAN. Does the Chair understand the gentleman from Virginia [Mr. LETCHER] as raising a point of order upon the amendment?

Mr. LETCHER. I do make the point of order, that it is a private claim.

Mr. STEPHENS, of Georgia. I will answer the question of the gentleman from Virginia, [Mr. LETCHER] It is the duty of the Committee of Ways and Means to report a bill making appropriation for all that is due under existing laws. If they omit anything, as in this case, it is necessary that some other committee should offer an amendment.

Mr. LETCHER. This is a case which originated in the year 1839.

The CHAIRMAN. Debate is not in order.

Mr. HOUSTON. I desire to say to my friend from Georgia that this is not in pursuance of law as I understand it, at least it is not an estimate that was ever before the Committee of Ways and Means.

Mr. BAYLY. I undertake to say, after an examination of the case, that it is made in pursuance of law and of a recommendation of the Department of State. There is no difficulty about the payment, except that we want the appropriation necessary.

The CHAIRMAN. In deciding the question of order raised by the gentleman from Virginia, the Chair adheres to the decision which he made, and which has been twice affirmed by the committee, that the bill which is now under consideration is a bill making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th June, 1855, and that these amendments are not in order to it. The Chair states that if he had been presiding over the committee at the time when the deficiency bill was under consideration, he would have entertained these amendments, believing them to belong to the deficiency bill; but he cannot do so to the civil and diplomatic bill.

Mr. SEWARD. I offer the following resolution:

For books voted to the members of the Thirty-Third Congress by the joint resolution of 24th February, 1854, and by the resolution of the House of 20th June, 1854, \$199,510 87.

Mr. HOUSTON. I have an amendment to offer, which is connected with the paragraph preceding that to which the gentleman from Georgia proposes his.

Mr. SEWARD. I have no objection to hearing the gentleman's amendment read.

Mr. HOUSTON. My amendment comes in after line eight hundred and ninety-seven.

Mr. SEWARD. I object, then, to his amendment being offered now.

The object of my amendment, as the House will perceive, is to provide the necessary amount of money to pay for the books we have ordered for the new members, in addition to the one hundred and sixty copies of Hickey's Constitution. It is not necessary for me to make any remarks upon the subject, as the House is familiar with the question. The amount I proposed to appropriate covers the entire cost of the books for the new members, and the one hundred and sixty copies for the old members. The amendment is drawn up in conformity to the resolution which has been passed by this House.

Mr. JONES, of Tennessee. I offer the following as an amendment to the amendment:

And it shall be the duty of the Clerk of the House to purchase of any person offering the same at publishers' prices, any of the works herein appropriated for, which cannot be furnished by the respective publishers.

Mr. HOUSTON. I wish the gentleman from Georgia would withdraw his amendment, and allow it to come in under the next head—miscellaneous. It properly comes in under the head "miscellaneous." I have an amendment which I desire to offer, and which is connected with the survey of the public lands.

The CHAIRMAN. The Chair understands that the amendment of the gentleman from Georgia comes in after the first clause, under the head "miscellaneous."

Mr. HOUSTON. I did not so understand it. If that is so, I have an amendment which I am instructed by the Committee of Ways and Means to offer before the head "miscellaneous" is taken up.

The CHAIRMAN. The Chair was misled as to the place where the gentleman desired to have his amendment come in, from the fact that he indorsed it to come in at line eight hundred and ninety-eight instead of line eight hundred and ninety-seven. The amendment is properly in

order before the amendment offered by the gentleman from Georgia.

The amendment of Mr. HOUSTON was then read, as follows:

For the salaries and incidental expenses of the commission appointed under the act of March 30, 1851, for settling land claims in California, \$105,500.

The amendment was agreed to.

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. JONES] to the amendment of the gentleman from Georgia, [Mr. SEWARD.]

Mr. DISNEY. I desire to offer an amendment before that amendment is acted upon, to come in before the head "miscellaneous." It is in pursuance of the estimates made by the Commissioner of the Land Office, to carry out the provisions passed a few days since for extending the surveys of the public lands.

The amendment was read, as follows:

For surveying the necessary base, meridian, standard, parallels, township and section lines, in New Mexico, \$30,000.

For surveying the necessary base, meridian, standard, parallels, township and section lines, in Kansas and Nebraska, \$50,000.

For the salary of the surveyor general of New Mexico, and clerks in his office, \$7,500.

For salary of the surveyor general of Kansas and Nebraska, and clerks in his office, \$2,000.

For office rent, fuel, and incidental expenses, in New Mexico, \$3,000.

For clerk hire, office rent, fuel, and incidental expenses, in Kansas and Nebraska, (\$6,000 being allowed for office rent, fuel, and incidental expenses,) \$14,300.

Mr. DISNEY. I simply desire to say that this amendment is offered by direction of the Committee on Public Lands. It has been prepared in accordance with estimates furnished by the General Land Office. It is necessary to carry out the provisions in the various territorial bills providing for the survey of the public lands in these Territories.

The amendment was agreed to.

The question then recurred upon Mr. JONES's amendment to the amendment offered by Mr. SEWARD.

Mr. JONES, of Tennessee. Mr. Chairman, this amendment, if adopted, will have no influence and no effect upon the books that members are to receive; but it is merely applicable to the Clerk, who is charged with the duty of purchasing these books. If the publishers have these books, he will take them at the publishers' prices; but if they do not have them on hand, and cannot furnish them, the Clerk then, under the present arrangement, may procure them of other persons, at any price he can get them for, and furnish them to us at the publishers' price. The sole object which I have in offering this amendment, is to prevent the Clerk from purchasing these books of other persons at less than the publishers' price, and thus making the Government pay for them at the publishers' price.

Mr. SEWARD. I am somewhat surprised that the gentleman from Tennessee should undertake to provide for such an emergency as he speaks of, and which he seems to contemplate. Sir, if the gentleman from Tennessee were to have the management of the matter himself, I imagine the members would be deprived of their books altogether; for I understand him to be opposed *in toto* to this whole appropriation.

Mr. JONES. I am.

Mr. SEWARD. The gentleman from Tennessee believes the whole system to be wrong. Well, sir, I am not disposed to argue that question with him at this time. I might do it, if the original proposition were now before the committee. I will simply say that the furnishing of these one hundred and sixty copies of the Constitution to each member is a matter of no personal concern to the members themselves. They are furnished for distribution, and not for the members themselves. But, sir, I think the gentleman has some ulterior object in offering his amendment which he has not disclosed. I hold that the Clerk of this House is not compelled to go into the market and purchase the books at any given price. He is to purchase them for whatever they are worth, and furnish them to the Government at the price he pays for them. But I do not believe this is what the gentleman from Tennessee desires to accomplish. He has some ulterior purpose, that does not appear upon the face of the amendment, which he has not the frankness to disclose.

Mr. JONES. The gentleman from Georgia is

mistaken *in toto*. No such purpose exists, except in the imagination of the gentleman. The amendment is plain and simple. It speaks for itself.

Mr. SEWARD. Then why is it that the gentleman insists upon this amendment? Is it because he thinks the Clerk of the House will purchase these books at one price, and sell them to the Government at another price?

Mr. JONES. I want the Clerk to procure them at the publishers' prices, and the Government to pay for them at the publishers' prices.

Mr. SEWARD. Certainly. It is to prevent the Clerk from practising a fraud upon the Government. Under the resolution, as it now stands, it is the duty of the Clerk to purchase the books upon the best possible terms, and subvert the interests of the Government as best he can. I think the amendment unnecessary, and I hope the committee will vote it down. I ask for tellers.

Tellers were not ordered.

The question was taken; and the amendment was rejected; there being, on a division—ayes 47, nays 80.

Mr. JONES, of Tennessee. I move to reduce the amount of the amendment of the gentleman from Georgia, \$99,000. I have no hope of the adoption of the motion for reduction; but I move it simply for the purpose of making a brief explanation.

The gentleman from Georgia said that members were not interested in the copies of Hickey's Constitution, ordered yesterday. I concede that they are not, beyond a very slight electioneering distribution of them.

Mr. SEWARD. Has not the gentleman been in the habit of electioneering in that way ever since he has been in Congress?

Mr. JONES. I have distributed what books were voted me among my constituents.

I was going to remark, that there is one individual who is peculiarly interested in this matter, and he is the compiler of Hickey's Constitution. There have been furnished the Senate heretofore, with those now ordered, thirty-nine thousand eight hundred and sixty-six copies of that book, at a cost of \$40,366. The first two thousand were at \$1 25 per copy, the rest at \$1 each.

Mr. SEWARD. I rise to a question of order. I think that the gentleman ought to confine his remarks to the character of his amendment. He is discussing the general question.

Mr. JONES. Yes, sir; I have moved to reduce the appropriation.

The CHAIRMAN. The remarks of the gentleman from Tennessee will be in order, if he proposes to apply them by showing that the appropriation should be less than that contemplated, because the books can be purchased cheaper.

Mr. JONES. The House has had furnished it heretofore four hundred and ninety-six copies, which it is reported to me from the Clerk's office cost two dollars each. The first of them did cost two dollars; but I ask the House—

Mr. SEWARD. I call the gentleman to order. He is not in order in talking of the past transactions of the Clerk of the House in reference to the purchase of these books.

Mr. JONES. I am going on to show, Mr. Chairman, that these books ought not to cost as much as is proposed.

Mr. SEWARD. Let the gentleman confine his remarks to the present cost.

The CHAIRMAN. If the gentleman's object be as he states, the Chair is of the opinion that he is in order.

Mr. JONES. The four hundred and ninety-six copies heretofore furnished the House, at two dollars each, would amount to \$992. The number ordered for the present House is thirty-eight thousand six hundred and twenty-two, which, at one dollar, will cost \$38,622; making, with what the Senate have taken, \$79,970. It is estimated, I believe, by those who know something about what the cost of this work is, that it can be published at a cost of forty cents a volume, leaving some sixty cents clear profit upon each volume. If that estimate is right, the whole amount paid to Mr. Hickey will be \$79,970; the profit derived by him from the sale of the work will be \$47,982; and he is all the time in the employment of the Government as one of the officers of the Senate, and his salary has been increased within the last year to \$1,800 or \$2,000. If we strike out the amount named in the amendment, and have these

books printed by the public printer, they would cost us about forty cents per copy, and it would save some \$25,000 to the Government.

Mr. SEWARD. I would inquire of the gentleman whether Mr. Hickey has not secured the copy-right of this work?

Mr. JONES. I do not know, indeed. It is the Constitution of the United States, Washington's Farewell Address, the Declaration of Independence, and some few other things of that kind. [Laughter.]

Mr. SEWARD. I understood the gentleman from Tennessee, yesterday, to take the position that these books, when published, are put into the market, and that they are sold for a price less than the publisher's price. I do not see how it is possible that these books can be sold for a less price than the Government pays Mr. Hickey for them, unless the gentleman intends to make a general charge against members of Congress that they intend to take the one hundred and sixty copies of the Constitution and put them into the market. I hope the gentleman will state where these books are to be found, what private individuals have them in their possession, and how they can get into the market? If the publisher can sell more than he has published, to the Government, as that amendment contemplates, I desire to know how it is that private individuals can get them at sixty cents a volume.

Mr. JONES. The amendment which I offered before, about the purchasing of books, could not apply to Mr. Hickey's book, because he can furnish you as many as you want.

Mr. SEWARD. I understood the amendment as contemplating that the Clerk could make the purchase of the books for less money from private individuals. I desire to know how these books get into the hands of private parties, so that they can sell them for a less price than the publisher. I have heard it said in private circles that members of Congress sell the books they receive from the Government. I hold it to be the duty of Congress to expel any member who shall be guilty of such a thing.

Mr. JONES. As I before stated, Mr. Chairman, it is these books which are out of print, in the hands of the publishers, and not Mr. Hickey's work on the Constitution. It is your "American Archives," your "State Papers," and some others; and I ask if they are in the hands of the publishers? If so, why put into the resolution yesterday that provision, that if any of these books cannot be procured they may buy other books in lieu of them to the same amount? That is the provision of the resolution; and I would ask again if many of these books which are distributed have not been redistributed, by being purchased, and given out again and again? There have been more copies of them distributed by Congress than ever were printed in the country.

Mr. SEWARD. If that be true, all that I have to say in relation to it is, that if the gentleman from Tennessee has information to that effect, he ought to place it before the House.

Mr. JONES. I can tell the gentleman from Georgia that one of his colleagues told me here that he had bought, some years ago, a full set of books, which had been voted to a member of Congress, costing some \$500 or \$600, at \$125.

Mr. TAYLOR, of Ohio. I understand the gentleman from Tennessee to object, because these books are sometimes found in the hands of individuals to whom they were not assigned by Congress. But if a member of Congress die, what use would his family have of his statutes, or of his law library, or of his congressional documents? They may, of course, in such a case, be sold.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee.

Mr. JONES. I would wish to alter that by reducing the appropriation to \$38,000.

Mr. SEWARD. The gentleman cannot modify the resolution.

Mr. JONES. I can modify my own proposition. I move to reduce the appropriation to \$38,424.

Mr. SEWARD. I object to it.

The CHAIRMAN. The gentleman can modify his proposition under the rules of the House, though he cannot withdraw it.

The question was taken on the motion to re-

duce the appropriation to \$38,424; and it was not agreed to.

Mr. BARRY. I propose to offer the same amendment as that offered by the gentleman from Tennessee, [Mr. JONES,] a few moments since, with the alteration of a word or two.

Mr. SEWARD. I object. If it is the same amendment as that offered by the gentleman from Tennessee, it has already been decided by the House.

The CHAIRMAN. It would not be in order to offer the same amendment. The Clerk will read it, that the committee may decide whether it is the same.

The amendment was read, as follows:

And it will be the duty of the Clerk of the House to purchase from any person offering the same, at not more than publishers' prices, any of the books herein appropriated for, which cannot be furnished by the respective publishers.

The CHAIRMAN. That amendment is in order.

Mr. BARRY. The object of my amendment is simply this: It is well understood that after the order for the distribution of these books has been made by the House, the publishers send round the country and buy the books as best they can, at one half, one quarter, and even sometimes at a less proportion of the original price. They then bring these second-hand books and sell them to the Congress of the United States at the original price at which they were sold. The amendment which I offered will, if adopted, enable those who possess books which we desire to procure to offer them to Congress at less than publishers' prices. This will prevent publishers from having a monopoly, as they have under the present system. This thing, as everybody knows, has grown into an outrageous abuse. Every man here is aware of it, although it is not susceptible of proof. There is not a gentleman on this floor who would question or dispute the fact that books which have been voted to members of Congress are sold half a dozen times over, and may again be sold half a dozen times over. Members of Congress die, whose libraries are sold as private property. Members of Congress dispose of these books, or they fall into the hands of those who dispose of them; and then publishers buy them again.

There is no excuse and no palliation for the course of voting these books to members to such a large amount, except the single fact that former members of Congress have received these books, and now they must be voted to new members, as they had been voted on former occasions to old ones. Thus it goes on in constantly increasing proportion; and there will be no limit to it but the continuance of the Government and the want of means by Congress to buy these books. It originated, as abuses generally do, in a small beginning. It set out, at the start, with voting to members a few books which they could not purchase, which were only published by the Government, and which, consequently, could not be had by those even who were willing to spend their money for them. The next step was to add books which every man could buy, and which every man, who needed a library, was bound to buy. Thus it was that the Congress of the United States placed itself in the condition of voluntarily going into the market and purchasing books for themselves. For this there is no apology except their own feelings of economy, and their desire to save their own money and to spend the money of the people.

Now, the one hundred and sixty copies of Hickey's Constitution, which you have voted to yourselves, will not go to the people who are not able to purchase them for themselves, but they will be sent by members of Congress to their particular friends throughout the country, who are men of influence, activity, and energy, and who will use them to aid these members of Congress in their canvass. I say they will not go to individuals who want the information, but are destitute of the means to purchase it. They will go to those who can purchase the book; and the appropriation of the books will turn out to be a mere gratuity to men of character and fortune throughout the country. Every man must know this. You will find in the next canvass this Hickey's Constitution, sent by members of Con-

gress, on the center tables, and in the most expensive libraries—

Mr. SEWARD. I rise to a question of order. The gentleman is not debating the merits of the question. The gentleman talks about distributing these books for the benefit of individual members. It must be that the gentleman intends to distribute these one hundred and sixty volumes for his own benefit.

Mr. BARRY. If I were to do it, I should have illustrious precedents; and it would only be doing what forty-nine out of fifty members will do.

The CHAIRMAN. The Chair thinks the gentleman from Mississippi is taking a great deal of latitude in his remarks.

Mr. BARRY. It may be; but I am illustrating the abuse of this system; and my amendment proposes to remedy that abuse, so far as it can be done. I propose to enable the Clerk of the House to purchase those books from any man who will sell them to him, provided he does not ask more than the publishers' prices. The resolution, as it passed the other day, requires him to give the publishers' prices, although they may be second or third-hand books.

I understand there was a resolution offered some years ago, that each member's name should be put upon every volume voted to him, so that it could not be resold, without its giving evidence of the source from which it came. Such a course ought to be adopted now; and if adopted, there would be an end of all this reselling of books by members.

Mr. CHANDLER. All which that amendment contains is in the resolution as adopted.

The imputation which the honorable gentleman has cast upon members of Congress may be deserved or may not be deserved. Self-respect will lead us all to suppose that each man upon our right and upon our left is as pure as ourselves. I trust, therefore, that no resolution will be adopted of the kind which implies that members of Congress are, instead of being honorable, dishonorable gentlemen; instead of being in the reception of valuable documents for the purpose of distribution, are vending out their wares to clerks or somebody else. If such a misfortune should befall any of us, it will be time enough then for gentlemen to come forward and make personal explanations.

Mr. JONES, of Tennessee. I do not wish gentlemen of the committee to suppose that I make any imputation upon them for selling their books.

Mr. HENN. I rise to a question of order. The gentleman is not arguing against the amendment.

Mr. JONES. The gentleman from Pennsylvania [Mr. CHANDLER] was, and I am speaking in his time. I believe that when the House votes books to a member he takes them as private property, and he has as much right to sell them in market, and to do what he pleases with the money, as he has to appropriate his per diem and mileage as he chooses.

Mr. CHANDLER. The only remark I shall make in reference to that amendment is, that all of it that is valuable is contained in the resolution introduced a few days since explanatory of the joint resolution. We cannot alter that resolution with propriety; and it is hardly necessary for us to undertake it.

The amendment to the amendment was not agreed to.

The question then recurred upon the adoption of the original amendment offered by Mr. SEWARD; and being taken, the amendment was agreed to.

Mr. MURRAY. I am instructed by the Committee on Printing to offer the following amendment:

To enable the Clerk of the House of Representatives to purchase from the publishers, Messrs. Lippincott, Grambo & Co., two hundred copies of the second and third volumes of Schoolcraft's History, &c., of the Indian tribes of the United States, to complete the sets of new members of the House of Representatives, at three dollars and fifty cents per volume, \$1,400: *Provided*, That the said volumes shall be of the same style and quality of those heretofore furnished.

The amendment was adopted.

Mr. MURRAY. I am instructed by the Committee on Printing to offer the following:

1. For the completion of the printing of the first session of the Thirty-Third Congress, \$20,000;

2. For the purchase of paper for the completion of the printing of the first session of the Thirty-Third Congress, \$43,000;

3. For deficiency in the estimates heretofore submitted for the printing of the second session of the Thirty-Third Congress, \$10,000;

4. For two additional clerks in the office of the Superintendent of the Public Printing, authorized by the joint resolution approved February 6, 1854, at \$1,500 each, \$3,000;

5. For rent of wareroom for the year ending the 30th of June, 1855, \$250;

6. For cartage and labor, in storing and transportation of paper from wareroom and office of Superintendent to the offices of the public printers, \$550.

Here is a letter from the Superintendent of Printing, which will explain the necessity of the appropriations, which I ask the Clerk to read.

The letter was read, as follows:

"Items 1 and 2.—These two items are rendered necessary by the largely increased orders of both Houses of Congress for additional numbers of the usual annual documents, as well as their increased size; by the reprinting of large editions of documents which had been printed at the preceding session; by the order for a large edition (one hundred and fifty thousand copies) of a Compendium of the Seventh Census; and also by the clause in the deficiency bill, just passed, amending the printing act of 1852, by which the composition of all documents heretofore ordered by both Houses of Congress is to be paid for twice instead of but once, as heretofore. This office was aware, during the preparation of the deficiency bill, that a considerable deficiency would occur in the appropriations for the printing and paper for the present session of Congress; but, at that early period of the session, it was impossible to make an approximate estimate of the extent of the orders for printing.

"Item 3.—An addition of \$10,000 to the estimates heretofore submitted for the printing of the two Houses of Congress (\$5,000 to each) is made necessary by the amendment to the printing act of 1852 above referred to."

Mr. HOUSTON. The last two items, for the rent of room, \$250, and for cartage and labor, \$550, were contested here, and rejected when the deficiency bill was under consideration. They were ultimately agreed to, on the ground that the Committee on the Public Printing of the two Houses had authorized the Superintendent to provide for these objects. The argument used there does not apply here. This is an appropriation for another year. There is no necessity for these two items, in my opinion. That is the opinion of the committee, who have given them thorough examination. Contracts with the paper manufacturers have been heretofore, and ought to be hereafter, that they should deliver paper in such quantities and at such places as the Superintendent designated. That I may vote for the amendment offered by the gentleman, I move to strike out the last two items.

Mr. STANTON, of Kentucky. I move an amendment.

The CHAIRMAN. No further amendment is in order.

Mr. STANTON. I move to amend what is proposed to be stricken out. I wish to add one dollar to the appropriation. Cannot I do that?

The CHAIRMAN. The Chair thinks that would be an amendment in the third degree.

Mr. STANTON. My amendment has precedence. I have the right to amend any portion proposed to be stricken out before the question is taken on striking out.

The CHAIRMAN. The gentleman will proceed.

Mr. STANTON. I desire to reply to the gentleman in reference to the necessity for these two items. The same necessity exists now which existed at the time the Joint Committee on the Public Printing gave its assent to the Superintendent. It grows out of the fact that an immense amount of labor is thrown on the hands of the Superintendent. It is true that the contractors are required to deliver the paper wherever he directs. In the absence of a warehouse, he would direct that it be sent to the printers. The printers say that they have not room for it. It is not a part of their duty, they allege, to take care of this property, and to insure its safety. All they want is a sufficient quantity to do the various jobs that are sent to them.

Mr. PRATT. Will the gentleman from Kentucky [Mr. STANTON] allow me to ask him a question. Is not the surplus paper stored within this building, and is there not room for ten times as much as is ever on hand at any one time?

Mr. STANTON. A very small portion of the paper intended for printing is stored in the room occupied by the Superintendent of the Public Printing. But the gentleman asks if the surplus paper is not stored within this building.

Mr. PRATT. It is stored in this building, and is seen as we are passing through it.

Mr. STANTON. Where?

Mr. PRATT. Just below the rotunda.

Mr. STANTON. Does not the gentleman know that the paper to which he refers is that used for packing and folding? There is not room enough in this building for storing the paper used for printing. I withdraw the amendment I offered.

Mr. PRATT. I object to the withdrawal of the amendment. I consider this proposition to be on a par with a good many others that are made here, the object of which is to procure appropriations of money by the General Government for the benefit of private individuals. I mean to attribute no improper motives to the Committee on Printing, or to any gentleman upon this floor. But I do know that there are individuals prowling about this Capitol who manage to sponge money from the General Government, and they do it in a manner which I cannot approve. I do not believe that it was proper to make the appropriation we did for last year for storing and carting paper, and all that kind of thing. I do not believe, because we concluded to pay the expenses of last year incurred in this way, that it is any reason why we should do it another year. I am opposed, in fact, to the whole proposition.

The question was then taken on Mr. STANTON's amendment; and it was rejected.

The question then recurring upon Mr. HOUSTON's amendment, it was taken; and the amendment was rejected.

The question was then taken on Mr. MURRAY's amendment; and it was agreed to.

Mr. DISNEY. I am instructed by the Committee on Public Lands to offer the following amendment:

For compensation to draughtsmen and clerks employed on the maps of the public lands, under the resolution of 4th May, 1848, \$7,500.

It is hardly necessary for me to state to the committee that the amendment is to provide compensation to the clerks and draughtsmen employed on the maps of the public lands, in pursuance of the order of the House.

The amendment was agreed to.

Mr. SMITH, of Virginia. I offer the following amendment:

For the completion of the bridge at the Little Falls, in the District of Columbia, \$75,000: *Provided*, That no part of this appropriation shall be expended except in fulfillment of a contract which the Secretary of the Interior is hereby required to make, if in his power to do so, for the completion of said bridge for the amount hereby appropriated; and it shall be, and is hereby declared to be, the duty of said Secretary to require the contractor or contractors to give bond with ample security for the fulfillment of his contract.

Mr. SMITH. The subject has been so much before the committee that it is hardly necessary for me to speak upon it. This Government has exclusive jurisdiction over the District of Columbia, and it is bound to promote its interests. I would state, however, that originally the bridge at the Little Falls was owned by a joint stock company, and that their interest in it was purchased up by the Government. The improvement for which this appropriation is proposed, is necessary to the commerce and trade of the surrounding country. A large sum has been already expended on the bridge; and I suppose Congress will not allow what has been erected to go to ruins.

This appropriation, according to the evidence which I have here, will put it in a complete condition; and I hope, therefore, it will be the pleasure of the committee to pass it.

Mr. TAYLOR. I move to increase the appropriation \$100.

I make this motion simply with a view to state that all of us here who have listened to the debate some time ago in relation to the bridge above Georgetown, and the manner in which it happened to fall while being raised under the supervision of the gentleman designated by the gentleman from Kentucky, on my right, [Mr. STANTON,] must have a desire to see the people of this District accommodated with a bridge above Georgetown some way or other.

I understand, from the remarks of the gentleman from Virginia, [Mr. SMITH,] that this \$75,000, if appropriated, would complete that bridge, under the direction of the Secretary of the Interior. And I also understand from him, and from various other persons, that this crossing of the Potomac

is one of the main thoroughfares to this city, by which the people from the surrounding country, hundreds of miles round, bring their produce to the market, in the cheapness and good supply of which we are all interested.

Therefore, as a member of Congress, I feel myself called upon by the sixty thousand people in this District who are without a vote, for a member of Congress, without the privilege of voting for a President, while we are their exclusive legislators; I feel myself bound, I say, to take care of their interests as far as I can.

I think it is a public duty we owe to them, and I cheerfully vote for this appropriation, under the assurance that a bridge can be built there, substantially and properly, under the supervision of the Secretary of the Interior, or under his direction, which will greatly promote the interests of this District and neighborhood, and that of the public men who are obliged to assemble here.

Mr. SMITH, of Virginia. The gentleman from Ohio proposes to increase the amount contained in this amendment \$100. Well, sir, I am opposed to that. I object to increasing it, because it is wholly unnecessary. Of course, I am very much obliged to the gentleman for his support of the particular views which the amendment involves; but, inasmuch as \$75,000 will accomplish all the objects I have in view, I think an increase is unnecessary.

Mr. TAYLOR. Then I will withdraw my amendment.

Mr. SMITH. Oh, no, no! I beg the gentleman's pardon. That is the foundation of my speech. [Laughter.] I want to make some remarks in opposition.

I beg this committee to understand that the amendment which I have offered does not bind the Secretary of the Interior to go on with the plan heretofore adopted. I drew it up directly with a view to avoid that consequence, because there are gentlemen upon this floor who are opposed to iron bridges. Believing that, and keeping in view, also, our recent experience with another iron bridge, I leave it entirely to the judgment and intelligence of the Secretary of the Interior to make such a contract as he may see fit.

I say to this committee that, with the stone piers which are already up, \$75,000 will give us a noble structure, one that will be a credit to the District, and fully and completely satisfactory to the wants of the District.

Mr. STUART, of Michigan. Where is the bridge?

Mr. SMITH. It is across the Potomac at the Little Falls, some ten or a dozen miles from here.

Mr. JONES, of Tennessee. Four miles.

Mr. STANTON, of Kentucky. If the gentleman will allow me to interrupt him a moment, I will merely state, in order that the gentleman may indicate the fact to the House, that at this point there has been a bridge, which was carried away by the flood.

Mr. SMITH. I have already stated to the committee that forty years ago there was a private toll bridge there. I stated, also, that Congress bought out the proprietors, upon the ground that it was their duty to provide a bridge for the use of the people of the District and the neighborhood. I stated that there was a chain bridge there which was swept away by the flood.

Mr. TAYLOR, of Ohio. Will the \$75,000 fully complete this bridge?

Mr. SMITH. Certainly; entirely complete it.

Mr. TAYLOR. Let us vote it, then.

Mr. SMITH. I hope and trust the House will pass it.

Mr. FLORENCE. With the gentleman's permission, I will say that I am acquainted with a party of gentlemen who have a very excellent plan of a bridge which can be put up for \$75,000.

Mr. PECKHAM. Philadelphians?

Mr. FLORENCE. No, but Washingtonians.

Mr. BARRY. I understand the gentleman from Virginia to say that this bridge can be completed for \$75,000. I suggest to him, while I do not intend to vote for the proposition, that he had better incorporate in the amendment a provision that the work shall not be undertaken unless a contract shall be entered into that it shall be constructed for that sum.

Mr. SMITH, of Virginia. All that is expressly set forth in the amendment.

Mr. CUMMING. I shall vote for the appro-

priation for this bridge. But I desire to inquire of the gentleman if he knows what has become of the last iron bridge which was constructed there?

Mr. SMITH. It is lying there now.

Mr. CUMMING. I am going to vote for the amendment. I only wished to know what had become of that bridge.

Mr. SMITH. Oh, it is all there.

Mr. BARRY. I move *pro forma* to increase the appropriation fifty dollars. I move it for the purpose of giving me an opportunity of explaining to the gentleman from New York, and to the committee, the condition of that bridge, and the circumstances connected with its fall, which were not explained, or not understood, when the matter was before the committee on a former occasion. The gentleman who attempted to build this bridge did it on a specific private contract. He contracted with the Government to build it at a specific price; and he being the contractor, the Government had no more control over the work, except to see that the material used in its construction was sound and proper, than it has over the work of any other private contractor. And when it was proposed to raise the bridge, the contractor said he would do it upon his own responsibility. He made the attempt, and the bridge fell, but not in consequence of any defect in the iron of which it was constructed, but because of the breaking of some straps or of some portion of the machinery used in raising it. When it had been raised six inches, it fell and broke all to pieces.

The breaking of the bridge, under these circumstances, was no indication that it was not constructed of the proper material. The same thing happened in raising the bridge across the Menai Straits, in Great Britain, under the supervision of Mr. Stephenson, the first civil engineer in the world. Some part of the machinery broke, and it fell one inch, destroying the whole bridge, because a structure of that length cannot bear such a jar without great injury, if not entire destruction.

But, sir, this gentleman did receive money from the Government as the work progressed, as I believe is usual in such cases, and at the same time he gave security to the Government upon property in this city. The security, I believe, amounts to about \$4,000. I understand the wrought iron and other materials, the remains of the bridge, are worth, perhaps, as much as \$4,000 more; so that there is reason to believe that there is security to the Government to the amount of about \$8,000 for the \$12,000 which had been paid by the Government. The contractor agreed, for the consideration which he was to receive, to complete the bridge; but the money paid by the Government will be a total loss, with the exception of the security given by the contractor—Mr. Rider, I believe—and the fragments of the bridge—the wrought iron, &c., which remain.

Mr. SMITH, of Virginia. If I understood the gentleman from Mississippi, who has just taken his seat, he has gone into a calculation to see how much money the Government can make out of this contractor—this meritorious contractor in the city of Washington.

Mr. BARRY. If the gentleman will allow me, I will state my purpose in doing it. When this matter was before the committee some time ago, the objection was made that no one could tell how much had been lost on the other bridge. No member then could furnish the information; and since that time I have taken the trouble to inquire into the matter.

Mr. SMITH. Well, sir, I hope the House will give us a bridge.

Mr. BARRY, by unanimous consent, withdrew his amendment.

Mr. SKELTON. I move to reduce the appropriation to \$38,000.

Mr. Chairman, I make the motion for reduction in good faith, and to test the sense of this committee on the important question involved in the amendment as to the construction of bridges. The bridge proposed to be constructed is of as much interest and advantage to Virginia as to the District of Columbia. I doubt the propriety of making such appropriations even for the District of Columbia. It is asserted that we ought to make these appropriations, because we are the guardians of this District. I think it is hardly proper to make such appropriations for the State of Virginia. If the amendment be adopted, I shall move to require the State of Virginia, before the

money is expended, to make an equal appropriation for the same purpose. The bridge extends from the District to the Virginia side. That State being as much interested and advantaged, should pay half the expense.

Mr. SMITH. Will the gentleman permit me to ask him a question?

Mr. SKELTON. The gentleman will have chance for reply. I object to these appropriations for another reason. We annually expend millions of dollars for this District. I should not be inclined to find fault with them, were it not that they so impoverish the Treasury that it cannot afford \$10,000 to save four hundred human lives on the coast of the State of New Jersey. They exhaust the Treasury, and prevent the provision of \$10,000 to save those shipwrecked on our coast. In the latter appropriation the whole country is deeply interested. For this, and various other reasons, which I shall not now detain the committee by repeating, I have moved to reduce the appropriation.

Mr. PECKHAM. It seems to me that this is a grave and good point on which to rise. I make the motion.

The motion was agreed to; there being, on a division—ayes 66, noes 39.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the civil and diplomatic appropriation bill, and had come to no resolution thereon.

Mr. LETCHER. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at half past three o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

Friday, June 23, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*, by unanimous consent, this being private bill day, presented a report from the Secretary of the Treasury, in answer to the Senate's resolution of the 13th instant, communicating copies of the quarterly and other accounts of the expenditures of the Mint; which,

On motion by Mr. FISH, was ordered to lie on the table, and be printed.

WITHDRAWAL OF PAPERS.

Mr. ALLEN. I wish to ask the consent of the Senate to allow me to withdraw from the files of the Senate the papers of John O'Leary, a pensioner. Among those papers is a certificate on which he draws his pension. Without it, he cannot receive the money. The papers are on the files of the Senate, and he is, therefore, not able to draw his pension. I move that he have leave to withdraw the papers.

The motion was agreed to.

BRIG GENERAL ARMSTRONG.

The Senate, as in Committee of the Whole, resumed the consideration of the bill—reported from the Committee on Foreign Relations—for the relief of the claimants of the private armed brig General Armstrong.

By the bill the Secretary of State is authorized and directed to examine and adjust the claims of citizens of the United States growing out of the destruction of the private armed brig General Armstrong, belonging to the port of New York, destroyed by a British force in the neutral port of Fayal, in September, 1814, and to settle the same upon principles of justice and equity.

On the 26th and 27th of September, 1814, the American private armed brig General Armstrong, commanded by Captain Samuel C. Reid, while at anchor in the neutral port of Fayal, belonging to the dominions of Portugal, was attacked by the gun-boats of a large British squadron, commanded by Captain Lloyd, in violation of the laws of neutrality. The squadron consisted of his Britannic Majesty's vessels, the ship-of-the-line *Plantagenet*, of seventy-four guns, the frigate *Rota*, of forty-four guns, and the brig *Carnation*, of eighteen guns. The General Armstrong

carried but seven guns and ninety men. After a defense unparalleled in the history of naval warfare, the Americans sustained a loss of but two killed and seven wounded, while the loss in killed and wounded on the part of the enemy was between two and three hundred. The squadron was detained ten days at Fayal in repairing damages. They were occupied three days in burying their dead. The sloop-of-war, the *Thais* and *Calypso*, which arrived a few days afterwards, were taken into requisition to carry home the wounded men. The latter sailed for England on the 2d, and the former on the 4th of October, 1814.

On the representations afterwards made of the facts of the case by the Portuguese Governor of Fayal to his Government, the Prince Regent of Portugal, on the 22d December, 1814, instructed his Minister at London to demand an apology and indemnification from the English Government for the outrage committed. England promptly replied by an apology for the loss of Portuguese property occasioned by the firing of the British vessels, but refused to pay for the destruction of the brig General Armstrong.

On the 14th of March, 1818, Mr. J. Q. Adams, Secretary of State, called the attention of the Portuguese Minister at Washington to the claim, and urged its payment by his Government. It seemed to have been overlooked for a period of sixteen years afterwards; and in 1834, Mr. McLane, Secretary of State, informed Captain Reid that the situation of Portugal was such as to render that an unsuitable time for presenting any claim, however just, against that Government. On the 20th of May, 1835, Mr. Dickens, acting Secretary, and on the 14th of April, 1840, Mr. Forsyth, Secretary of State, instructed our chargé at Lisbon to urge the claim. Under President Tyler's administration, Mr. Webster renewed the demand, and a reply in writing was received from the Portuguese Minister, Señor de Castro, in which the liability of Portugal was for the first time denied, and it was boldly asserted that the Americans and not the British had violated the neutrality of the port of Fayal. Under the administration of General Taylor, Mr. Clayton, Secretary of State, strongly urged the claim; and in the final instructions to Mr. J. B. Clay, then chargé at Lisbon, on the 8th of March, 1850, a peremptory demand was made on the Portuguese Government, and twenty days allowed for a reply. The demand was backed by the presence of an American fleet in the river Tagus. In these instructions, Mr. Clayton said that a reference of the claim to arbitration would never receive the sanction of the President. The Government of Portugal, instigated by that of England, continued to resist payment; and on the 11th of July, 1850, Mr. Clay demanded his passports, and left the country. In the mean time, the Portuguese Minister here urged an arbitration; but it was peremptorily declined by our Government.

During the administration of President Fillmore, the claim was, without the knowledge of the claimants, on the proposition of Portugal, submitted to the arbitration of Louis Napoleon, President of the Republic of France. The claimants were not allowed to submit an argument in the case. On the 29th of November, 1852, (more than a year after the case was submitted,) the arbitral decision was rendered, and it was transmitted to the two Governments interested, through their Ministers in France, without our Minister, Mr. Rives, having received any intimation of its nature, and without his having been permitted to make any statement in behalf of the claimants to the arbitrator. It is, in the opinion of the committee, a well-settled principle of law, that the tolerance by a neutral Power of such a violation of its territory, as took place in this case, renders it responsible to the Government, whose citizens have suffered, not only for apology, but for pecuniary indemnity. This Government having submitted the case to arbitration against the remonstrance of the claimants, is responsible to them, for they had a right to expect from the previous conduct of our Government, that it had no doubt of the justice of the claim, and would press it until paid.

The bill was reported to the Senate without amendment; and the President put the question, "Shall the bill be engrossed, and read a third time?" and the noes appeared to have it.

Mr. SLIDELL. Mr. President, I had supposed that the mere reading of the report in this case would be sufficient to command for the bill almost the unanimous sanction of the Senate. I must think that perhaps it has not been listened to or read by a large portion of Senators who are present, because I think, if the facts of the case were understood, and the principles involved in it were examined, it could not fail to commend itself to the favorable consideration of a large majority of the Senate.

It is unnecessary for me to recapitulate the facts which are stated in the report of the committee, but I will trespass on the indulgence of the Senate for a few moments, to make a very brief statement of them, and to state what I consider ought to have some influence on the deliberations of the Senate in connection with this case. It was very fully investigated by the Committee on Foreign Relations, and I am authorized to state that the report and the bill which accompanies it, meet the unanimous sanction of that committee. It was under their consideration at more than one session, and although some of the members of the committee approached the case with great doubts as regards the correctness of the principles on which the liability of the Government was sustained, these doubts yielded to a more mature examination of the question.

Sir, I am very far from contending that it is under ordinary circumstances the duty of a Government to enforce even all the just claims of its citizens by war, or that, in the event of its declining to have recourse to belligerent measures for the purpose of enforcing those just claims, a responsibility is thrown on the Government, and it is bound to pay the citizen that which it failed to exact from the foreign nation. In the report which I have had the honor to make on this subject, I have rested the rights of the claimants upon the peculiar circumstances of the case. I will state them very briefly.

During the war of 1812-'15, the brig General Armstrong was lying in the neutral port of Fayal, and entitled to the protection of that neutral port. She was there attacked by several British cruisers, and after a most gallant defense, was destroyed. I think it was one of the most brilliant achievements of that war. Certainly, the annals of naval history cannot show anything more heroic. The Government of Portugal, at that time, recognized the fact that there had been a gross violation of the rights of neutrality, on the part of the British Government, and it remonstrated in earnest terms against that violation. Application was made by our Government for redress.

It is useless to recapitulate the various negotiations and correspondence which have been had on the subject. Suffice it to say, that at one time, I believe under the administration of General Taylor—but the Senator from Delaware [Mr. CLAYTON] can state under what Administration—a peremptory demand was made for satisfaction.

Mr. CLAYTON. It was under the administration of General Taylor, and I think there was something similar before.

Mr. SLIDELL. A squadron was then sent to the Tagus, for the purpose of enforcing this claim. In the mean time, in consequence of the death of General Taylor, the Fillmore administration came into power. The belligerent ground was thereupon abandoned, and recourse was then had to negotiation. A proposition which had previously been made by Portugal, and rejected, for the submission of the claim to the arbitration of a third Power, was accepted. I am authorized to state, and I can state it without fear of contradiction, that this acceptance of arbitration was made without the knowledge or consent of the claimants. The arbitrator chosen was Louis Napoleon, who, at that time, was President of the French Republic. The case was pending some time before him, and at the period of his decision he had made himself Emperor. The parties immediately interested in the case had not only complained that the reference to a third Power was made without their knowledge and assent, but that they had no opportunity of advocating their rights, or pleading their cause before the arbitrator.

He evidently made a gross mistake in point of fact in the decision of the cause. His decision is based upon the presumption that, in the conflict which resulted in the destruction of the General Armstrong, the crew of that privateer were the

aggressors; and this idea rests upon the presumption of the collateral fact that the crews of the boats who approached the General Armstrong in the night, were not armed. The fact of their being armed is abundantly demonstrated by the circumstance of the first lieutenant and two or three of the officers and crew of the General Armstrong having been killed or wounded in the *melee*.

I think, and the committee thought, that great injustice was done to the claimants in this case in the first instance, in submitting their claims to the arbitration of a third Power without their knowledge or assent, and next a still grosser injustice was committed in depriving them of the means of advocating their case properly before that tribunal.

It appears from the statement of the claimants, that they never were consulted or advised in regard to the prosecution of their claim before the arbitrator. If that opportunity had been afforded to the parties, if Mr. Reid had been authorized to make a *resumé* of the testimony in the case, and to urge its application on the Ministers to whom the Prince President deputed the examination of the facts—for I presume he did not attend to it personally—I think no such great error would have been committed as was committed by Louis Napoleon in the decision. The error to which I allude, is the statement on which he bases his decision, as follows:

"Considering that if it be clear that on the night of the 27th of September, some English long boats, commanded by Lieutenant Robert Fausset, of the British Navy, approached the American brig General Armstrong, it is not certain that the men who manned the boats aforesaid were provided with arms and ammunition. That it is evident in fact, from the documents which have been exhibited, that the aforesaid long boats having approached the American brig, the crew of the latter, after having hailed them and summoned them to be off, immediately fired upon them, and that some men were killed on board of the English boats, and others wounded—some of whom mortally—without any attempt having been made on the part of the other boats to repel at once force by force."

This is a most extraordinary presumption. In the first place, if it were not refuted by the facts in the case, which are proved beyond all contradiction, the presumption that boats in time of war, at night, would approach an armed vessel of an enemy for the purpose of *reconnaissance*, without being armed themselves, is one that no reasonable man could entertain. But we have something more than a counter presumption in this case. We have the fact that these boats approached so closely as to invite the fire of the General Armstrong. The first lieutenant, as I said before, and some three or four of the crew of the General Armstrong, were wounded by a fire, coming from what quarter? It could come from no other quarter than those boats; consequently the crew of the boats must have been armed; and, therefore, the whole ground on which the decision of Louis Napoleon was based, is falsified by the testimony in the case—uncontradicted testimony, in regard to the facts, admitted on all sides by the Portuguese Government, in its dealings with this Government, ever since the inception of the affair.

I will state further, that every Administration of our Government, on all occasions, under all circumstances, from the time of Mr. Madison down to that of General Taylor and Mr. Fillmore, until the case was finally decided by arbitration, asserted, in the most unqualified terms, that we had an absolute right to call on Portugal for indemnity.

Now, I come to the question in this case which in fact is the only legal question involved. I say this, admitting that the Government may, if it please, not assert the right of its citizens by arms, after all attempts at peaceable negotiation have failed—I say that, although the Government may not be under obligation to have recourse to that sovereign remedy in vindication of the rights of its citizens, yet it has no right to submit them to the arbitrament of another power unless with the consent of the parties.

They have another remedy, and a very simple one, and that is a remedy which the administration of Mr. Fillmore ought to have applied in this case—time. They should have waited until a more auspicious opportunity occurred to have urged this claim upon the favorable consideration of the Portuguese Government. They thought proper to pursue another course; and I say the effect of the pursuance of such a course, without

having at first obtained the consent of the claimants in the case, or without subsequently having received their assent and permission to the action of the Government, put the Government of the United States in the position of Portugal towards the claimants, and made it liable for all the damages they sustained.

I submit to the Senate that it is very clear that if Captain Reid and his crew had not defended the General Armstrong, but had suffered themselves to be captured by the British cruisers in the port of Fayal, no doubt would have been entertained of the necessity of the Portuguese Government making a remuneration for their losses. Shall they, then, be in a worse position because they defended themselves? That is the sole ground upon which the case rests. The arbitrator says, and says, as I think I have shown, without any warrant for such an assertion, that the commander and crew of the General Armstrong were the aggressors in the case. He bases that upon the other assertion, that the boats of the reconnoitering frigates were unarmed. I think that that is proved very conclusively not to have been so; and after all, there is but one question in this case. It is a question which, perhaps, may have some light thrown upon it by drawing an analogy from law.

A Government has the right to enforce, in the ordinary way, the rights of its citizens, and may not then be liable for the non-user or mis-user of its rights; but it has always been understood that a principal, unless he have some express authority, has no right to transact for his client. I consider that the Government of a nation occupies an analogous position. It may have recourse to all ordinary usages and remedies to enforce the claim of its citizens; but the moment it travels out of the beaten track, the moment it attempts to compromise, and transact, and refer to arbitration, then, I say, failing in that arbitration, it makes itself liable to its client—the citizens, in this case—for any damages which they may have sustained, and which the Government, by its act of submitting to arbitration, made itself liable for. These people have no claim now on the Government of Portugal. They have lost their claim on that Government, I think, by the *laches* and *torcs* of their own. They come now to this Government to get relief. I trust it will be granted.

The honorable Senator from Delaware [Mr. CLAYTON] is much more familiar with the facts of this case than I am. He had it under his control while in the Department of State, and I hope that he will give to the Senate the advantage of his information on the subject.

Mr. CLAYTON. I hold in my hand, sir, the report of the Committee on Foreign Relations of the House of Representatives, made at this session on this claim. It appears that the committees of both Houses agree that the claim should be paid. The report of the committee in the House is unanimous. I will not read it. The main points which are enforced in it have been well presented by the honorable Senator from Louisiana, and are there well enforced by some authorities.

I rise, sir, for the purpose of stating very briefly the grounds on which, as I think, the Government should pay the claim of these claimants for the loss of this vessel at Fayal, in September, 1814. There was nothing in the annals of the last war with Great Britain, there has been nothing in the annals of the naval warfare of the United States, there has been nothing in the annals of the naval warfare of any other nation, that has ever exceeded the gallantry and bravery of the men in charge of the brig General Armstrong at the time she was attacked.

The privateer, mounting only seven guns, with a crew of ninety men, went into the harbor of Fayal, about the 20th of September, 1814, for the purpose of obtaining water. While lying under the guns of the Portuguese battery, a part of the British expedition which was intended for the capture of New Orleans, appeared off the port, consisting of the Plantagenet of seventy-four guns, the frigate Rota of forty-four guns, and the brig Carnation of eighteen guns. They were to rendezvous at Jamaica, with the other portion of the expedition. They were detained ten days, at least, as appears from the testimony, in consequence of the attack which they made on this brig; and they, by reason of that very attack, failed to reach New Orleans until a very considerable time

after the day on which it was intended they should have reached there. Indeed, sir, a critical examination of this affair—an examination of the time at which that portion of the expedition that made the attack on this brig in the harbor of Fayal arrived at Jamaica, and the time when General Jackson arrived at New Orleans with the troops necessary for the defense of the city—I think will satisfy you that it is highly probable that the city may have owed its safety on that occasion to the very circumstance of the attack on the privateer. Various estimates are made of the loss of the British on that occasion. Two or three hundred men, at all events, were killed or wounded. On the next day after the battle, two ships-of-war—the *Thais* and *Calypso*—arrived on the station, destined also for Jamaica, and they returned with the wounded, amounting to more than one hundred and fifty men, to England. So much of the expedition for New Orleans was cut off in their arrival at Jamaica, and the others were delayed for a long period.

I shall not dwell on this longer. It is very well worthy the curious examination of the historian. But I now come to the merits of the matter.

In my judgment, sir, on high principles of State policy this claim ought to be paid. I do not wish to go into an examination of all the negotiations in regard to the claim, on the part of the Government. I assume—and I suppose every man will admit it—that the Government of the United States owed it to the brig to make a demand against Portugal for the loss sustained by the brig while it was under the protection of Portugal in her neutral port. Portugal admitted her liability with all dispatch to Great Britain, and demanded within two or three months, at least, after the vessel was captured, satisfaction for the violation of her harbor. For a period of twenty years the claim was neglected, and various reasons operated upon the Department of State to lead the gentlemen at the head of that Department not to interfere at particular times. But, at last, when the claimants were expecting that the Government of Portugal would pay the money, it was referred to arbitration, as it appears, without their consent, and without their knowledge. It further appears that no representations whatever were made in their behalf before the Prince President of France, who was the arbitrator. Mr. Rives shows that he made none. It does not appear that he received instructions to make any. The claimants, then, never had an opportunity to present the justice of their claim to the arbitrator; and the result was, what I think every man will be surprised to find, that the facts as admitted by the Government of Portugal herself, and as always understood by the United States, were misrepresented or misunderstood. In the award, the arbitrator assumes the fact that the attack was commenced by the American privateer. If you will look at the correspondence of the Governor of Fayal, you will see that for many hours before the attack was made, he was perfectly apprised that the fleet intended to make that attack on the privateer; and letter after letter, (which are all published,) remonstrating against such an outrage upon a Portuguese port, and demanding, in the name of the law of nations, that it should not be made, were sent by the Governor; but they all met with a most contemptuous answer from the British admiral, who, when the night came on, prepared for the attack first with four boats; and the pretext is set up that the privateer, with only ninety men, commenced the attack upon the boats of this British squadron, composed of all these ships, for the purpose of getting up a fight in a neutral port.

Sir, the privateer had demanded of the Governor of Fayal his protection. What motive or interest under heaven could induce the Americans to commence the attack? It is, to my mind, the most preposterous idea that I ever heard advanced by any arbitrator, that the privateer should commence an attack upon that fleet, an attack which would necessarily result in her destruction. My opinion, sir, is, that it was the most absurd decision that could have been made.

Look at the facts. If you will not believe the American sailors, who all swear that these boats were armed, that they hailed them, that the boats refused to keep off, that they were coming down so closely that they could easily have boarded the brig if they had got alongside the privateer, and perhaps have captured her before her guns could

have been brought to bear upon them, if you even reject the testimony of these American sailors, there is other evidence which is conclusive that the alleged ground on which the decision of the arbitrator rested, is absolutely false.

Under these circumstances, you do not, by paying this claim, decide that your Government is bound to pay a claim when it has in good faith prosecuted that claim for one of its citizens, and has by consent of the party, who should always be consulted in such a case, referred his case to arbitration, or even has referred it without his consent if he unreasonably refuses to give it, but has granted him an ample opportunity of being heard before the arbitrator. This case can never furnish a precedent for any claims of that sort. In cases of that kind, the Government would not be bound to pay; but here what would be the effect of refusing to grant this paltry sum of money to these gallant men? The effect of paying it will be to stimulate our countrymen, in all future wars, to imitate the gallantry and heroism of the men who fought for the honor of the American flag on that night. There was not, I have already said, and I repeat it, anything in the history of the war to equal the daring and courage evinced by Reid and his men on that night.

There was a second attack by the British, and the Governor of Fayal gives a most extraordinary account of it. He says that, for the space of a quarter or half an hour, the American brig was a perfect sheet of flame. The British crowded up her painter, her stern, and every part where a vessel could be assailed. The American seamen stood by with their cutlasses, and cut off the hands and arms of the assailants as they climbed up the side of the brig, and those who reached the deck, reached it only to fall in a hand-to-hand struggle with our brave men. Both the attacks made that night were repulsed. Several hundred men were killed and wounded on the part of the British, and they drew off.

There is another fact in this case which ought not to be forgotten. There were over thirty American seamen in the port of Fayal at the time. When they found their countrymen were about to be attacked, and that the Portuguese batteries did not intend to defend them, they sent a deputation to the Governor, and begged that they might be permitted to go on board the American brig to assist in the defense of their countrymen. He refused to permit them to go. They stood on the shore during the fight. They were not allowed to participate in the struggle where the odds were ten to one against their countrymen. But in the spirit of true American sailors, they witnessed the whole battle, and whenever a British boat, wrecked in the struggle, reached the shore, they stood by, prepared with their hatchets and axes to cut it to pieces. The refusal of the Governor to allow them to go on board that night was an instance of enforcing the neutrality of the port. The neutrality was enforced against us, but not against the British. Not a gun was fired against them. Our countrymen were not permitted to go on board and assist the crew of the *General Armstrong*; but the British were permitted, without the slightest demonstration of force to repel them, to make the attack again and again.

The attack was renewed the next morning. At that time the brig *Carnation* was worked in near enough to bring her guns to bear against the privateer. A final desperate struggle was made by Reid and the men who were left on board not wounded to defend her still. After two or three discharges from their cannon, they shot away her main topmast, and disabled her so that she was compelled to retire. The struggle then appeared hopeless. A consultation was held, and it was determined, as there was no longer any possible chance of getting relief from the batteries under which they were lying, that they would scuttle their ship and go on shore. They put the long gun down in the hold, and then retreated to the shore. The British boarded the brig, and set her on fire.

Our men went upon the island, but they were persecuted there. Reid retreated with his men (for the British threatened to take them on the island) to a convent and fortified it, and defied the British in the convent with his sailors. Some of them, however, were captured, not by a bold, manly attack on them in the convent, but they were captured straggling about the island, and

were carried to Dartmoor, and there they underwent great hardships, as we all know. I saw one of them who was shot through the neck cloth in the Dartmoor prison, after having been captured at Fayal.

Sir, as I said before, I do not base my vote in favor of this bill upon the ground that this Government has not the right to dispose of the claims of its citizens when they are intrusted to it; but I say that when the Government does undertake the charge of a claim like this, if it will refer the case to arbitration without the citizen's consent—and I very much doubt its power to do so—it is bound, at least, to give him an opportunity to be heard in his defense, or in defense of his claim. That was not furnished here.

Again, sir, without reference to any technicalities, I should hold that we could not better dispose of this amount of money in the Treasury than by paying this claim. It will teach our naval officers and sailors, in future wars, that they shall have the protection of neutral ports; that this Government will enforce it from neutral powers; or, if it fails to do that, will pay the damages itself. Sir, I need not quote the authorities which are cited in the report. Any gentleman who will look into the subject will find them amply sustained. It seems from them, though I have not investigated them with any degree of care, that this question has been decided in favor of the claim; but without any reference to what anybody else has decided, I must act on my own feelings of true State policy.

Mr. TOOMBS. Mr. President, I have, with some care, looked over the report in this case, and I have listened attentively to the speeches of the Senator from Louisiana and the Senator from Delaware in support of the claim; and I have come to the conclusion that there is not a single principle on which the Government is bound to pay this claim. The Senator from Delaware has entertained the Senate with high and well-deserved encomiums on the bravery displayed by the crew of the *General Armstrong* at Fayal. I think it is clear that the attack was made on them by the British. There appears, however, to be some doubt on that point, and I do not wish to pass on the fact. I have merely stated my own impression.

The English committed an aggression upon the neutral rights of Portugal, but it is upon an exceedingly doubtful principle that even Portugal is bound to pay at all for the damage. She has a right to demand reparation from the nation making the aggression. She had a right to make war for this violation of her sovereignty and rights. Portugal might have compelled England, who did this wrong, for she committed the attack, to do justice to these people. But when the neutrality of a weak Power is violated by a strong one, it is a very hard rule, and it is not consistent with natural justice, that she should pay at all. I know England has enforced such principles occasionally. But in this case Portugal did us no wrong at all. England, a powerful nation, violated her neutrality, attacked one of our vessels in her neutral port, and yet we called on Portugal to pay for it! I think it is a hard rule to make her pay for it in any event. But we have held her to the rule that she should go and compel England not only to make an apology, but to pay the damages, and that if she did not do it, she should pay them herself. We went to Portugal and demanded reparation. She could not get it from England. She refused our demand on two grounds, one was that she was not bound by the law of nations to pay us damages, and the other was that the American brig was the aggressor.

The American Government, from time to time, fairly and honorably prosecuted this claim in behalf of the claimants. We were injured by the action of the British, but when the treaty of peace took place with England, we demanded no satisfaction from her; we could not afford to do it. She had committed the outrage, and she was liable for the damages; but when we made a treaty of peace with her, we did not demand payment.

This Government, after pursuing the rights of these citizens for years, after forty years had passed away, referred the case to arbitration. That was a legitimate, just, and proper mode of deciding it. The arbitrator has decided the question against the claimants, and now we are called upon to pay them their claim. I do not wish to see the principle of settling national difficulties by

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arbitration, particularly in regard to money matters, discouraged. I would rather see it encouraged. As the Senator from Delaware admits, we were not bound to go to war with Portugal on account of the claim. He says we might demand it, and it was a just cause of war, but not a sufficient cause of war. A nation, owing to peculiar circumstances, may or may not enforce these private claims of citizens at the cannon's mouth. Generally, and, in fact, always, it is unwise, if the nation who has made the aggression is willing to refer it to fair arbitration. After pursuing the claim for forty years, as I have said, we referred it to the then President, and now Emperor, of France. He decided that the claimants were entitled to nothing from Portugal; and now they come to Congress and ask us to pay them, although this Government pressed the claim for forty years, although it threatened to withdraw our Minister at Portugal, and went to the very brink of war; for the Senator from Delaware very nearly came to that point when he was Secretary of State. A subsequent Administration agreed to refer it to a third Power, of eminent ability in Europe, which was a wise, a just, and proper course. Now, these people say it was done without their knowledge and consent. If they did not like it, they made no protest against the reference. They stood by. Again, they say they wished to be heard, but were not heard. These are mere pretenses; they are not reasons. We referred the case to an arbitrator, and he decided that the claimants were entitled to nothing. I hold that arbitration is a proper and just way for settling such difficulties among nations. The umpire decided against the claimants; and now they have the effrontery, for I can call it nothing else, to come here and say the American Government is liable. I want to know the principle on which we are liable. The Government has done its full duty, and has taken a legitimate and proper mode of enforcing the claim. It has been decided by the arbitrator that the claimants have no rights in the premises; and in the face of this decision they turn round and call upon the American Government to compensate them in damages. It is unjust. There is no principle of international law; there is no principle of national justice, which authorizes them to call on the Treasury of the United States for the payment of this claim.

Mr. CLAYTON. Mr. President, if the honorable Senator from Georgia were perfectly correct in all his facts, I should have nothing to say as to his inferences; but he discusses the case without reference to the facts. Is it true, does the testimony show that this Government did its whole duty in this case? Why, sir, the report shows that, for a period of twenty years, the case was utterly neglected, in despite of all the efforts of the claimants to call the attention of the Government to it. Was that performing the duty of the Government? Did the Government owe no better protection to its citizens than that?

Again, sir, the report and the testimony show the fact, not only that the matter was referred without the consent of the claimants, but that they never had an opportunity of presenting and enforcing their claim before the arbitrator; while, on the other hand, the agents of the Portuguese Government, and the British Government, were both active up to the last moment, when they procured the decision. Was that doing justice to the claimants? Have they, indeed, under these circumstances, no right to complain of their Government? I differ from the honorable Senator entirely on that point.

There is another point on which I differ from the honorable Senator. He says that we have made a treaty of peace with England; that she was answerable to us for the damage, and not Portugal; and that we turned from a strong and powerful nation to a weak one. Sir, England never was answerable for these damages. The damages committed by her were committed in open war against us. She was answerable to Portugal, but never answerable to us for one dollar of the claim. We had no right to look to

her for its payment. There were no circumstances to justify us when making the treaty of Ghent, nor at any time after the treaty of Ghent, in asking England to pay one dollar for the loss of this privateer. We closed all accounts with her at the end of the war. We might as well have undertaken to claim damages for the loss of the frigate Chesapeake, or any other capture which the British made in the course of the war, or for taking any privateer, or any of our merchant ships. All these things were settled in the general treaty of peace, and we had no claim on England, nor had she any claim on us, for all those ships of hers that—thanks to the gallantry of our Navy—were destroyed during that war. No such thing as rights after the war exist for damages done during it. But, sir, we had a right to insist that the neutral Power of Portugal should perform its duties, and that that Government should pay us what it was bound to pay us for the loss of this vessel; and then it would have had a clear right to demand the amount from the British Government; and that demand, under the laws of nations, they would not have dared to resist.

Why, sir, the British paid them a part of the claim. In firing into the privateer they fired into the town, and did a great deal of damage. All that was actually paid for; but they determined to avoid the question of paying for this privateer. By paying for the damages done to the town they acknowledged that they were bound to pay Portugal for the privateer; but they urged Portugal—and they always had immense influence with her—not to pay for the vessel. They were engaged in exerting themselves in prevailing on Portugal, up to the last moment, not to pay us. If Portugal had been compelled to pay us, does any man doubt that England would have had to pay her? Certainly not.

Sir, it was always believed by those who understood this question best, that there was a perfect assurance on the part of the British Government that this claim should be paid to Portugal whenever Portugal should pay us. Indeed, it was believed by many at one time, that England had actually paid her part of the claim for this vessel, but how that was I never knew. Surely, there is nothing in the idea that we had a claim on England. No, sir, we enforced against England all that we ought to have enforced, and we made a final treaty of peace, which settled all disputes between her and us.

A word now in regard to the principle which the honorable Senator announces, that Portugal was a weak nation, and therefore we should not make a claim on her. If that is our rule, what will be the consequence? If we should ever have another war with Great Britain, she would treat us constantly as she did during the last war. Take, for instance, the case of the Essex, which ran into the harbor of Valparaiso, belonging to a weak nation. According to this idea, we shall obtain no damages for that or any other case of the same sort; and if any of our ships, in a future war, run into the harbors of a weak nation, and the world is full of weak nations, we can never enforce the neutrality of its ports.

Sir, although England would not have had to pay us out of her own pocket, if we had succeeded in making Portugal pay, the blow we aimed was at England, and we knew she would be compelled to pay Portugal; but if we are to pursue the principle, that, because a nation is weak, when our ships run into the ports of that nation, we will not hereafter enforce payment for the damages done us by the failure of that nation to enforce its neutrality, we shall have no protection at all against British cruisers in any future war. I am not disposed to press this case any further. I have submitted my views in regard to it. I am satisfied of its justice, and I shall cheerfully vote for the bill.

Mr. TOOMBS. Mr. President, I supposed that the Senator from Delaware was going to correct me on some point of fact, from the manner in which he commenced his remarks. It seems, however, to result in a mere difference of opinion between us, as to whether this Government has

done its duty. It appears from the report on the table, which the Senator appears to have read carefully, for his speech is very much a recital of the facts stated in the report, that we attempted, immediately after the occurrence, to obtain compensation from Portugal. It is true the claim was not continuously pressed. There were various circumstances, which are disclosed in the report, why it was not continuously urged. The condition of the House of Braganza, the emigration to this continent of the royal family, and the internal troubles of Portugal, are some of the reasons given in the report, why the representatives of our Government did not persist in enforcing the claim at all times. It seems, in the end, that there was nothing to press. The result of the transaction has been that there was no claim.

The Senator lays down the principle of national law, I presume, much broader than he intends. I hold that it is one of the legitimate objects of war to get reparation for all the damages done to the private property, or public property of the nation forced to go to war. I take issue with the gentleman on that point. I say that this is one of the most uniform and best established laws of nations; which has been recognized from the foundation of the world. The party in the wrong is bound, according to natural justice and the laws of nations, to compensate for all damages done in the war. If the injured power is strong enough, it makes the other do this. It is a principle very well known. That is the object of war, as laid down by all the publicists; and this ought to be the only object, to make the party in the wrong pay the damages. Whenever you have a war with the Indians you make them do this. Why, sir, the other day we had a claim before the Senate, the foundation of which was the supposition that General Jackson, took a very unreasonable amount of the lands of certain Indians, as indemnity for the expenses of the war.

I deny that the Senator has laid down the sound principles of national law in the speech which he has made on this question. We ought to have made England pay the damages. She committed the wrong, and there was natural justice in compelling her to pay for it, and it was against natural justice to make Portugal pay. A wrong was done to Portugal, and to us, in the ports of Portugal. She had a right to make war with England for that cause; but I say there is no natural justice in making her pay damages for an act which was itself a violation of her rights, and from which she derived no benefit.

Suppose that, in the war raging between Russia on one side, and Turkey and her allies on the other, a Russian vessel should happen to be in one of our ports on the Chesapeake, where we have no naval armaments, and no vessels of war; suppose two or three vessels of the other side came into the same port, engaged in contest with the Russian ship, and destroyed it—I would not pay Russia for it. I am not bound to pay her for it. It is not natural justice. I have done her no wrong, but the nation at war with her has done me wrong, and has done her a wrong, and I might unite with her in obtaining justice from the other nation, if public considerations allowed it, but I would not pay Russia to-morrow in such a case. It would not be sound morality or sound international law, to require me to do it; and, therefore, I say Portugal ought not to have paid the claim in this case. She might have paid it, and might have demanded damages from England, but we had no right to go to war with her because of it.

I think, as I said before, that this Government did its whole duty towards these claimants. I wholly disapprove the mode in which the negotiation was carried on by the honorable Senator himself, as Secretary of State. He was carrying his notions of rights of war and national law to an extent which could not be maintained. The administration of Mr. Fillmore, in abandoning the ground which he assumed, and submitting the case to arbitration, did what was just and humane. We ought not to have gone to war for any such cause. Why, sir, at this very moment we have

claims for injuries done to our citizens by the British Government, which are being settled by a commission in England; and we have provided for an umpire to settle differences which arise between the respective commissioners. I suppose that if we allow this claim, those of our people whose claims are decided against by that commission will come to the House of Representatives and the Senate, and get their claims paid here. I say that this Government must assert the claims and rights of its citizens in such a manner as to it seems most wise, just, and proper. We have a great many interests to look after, and we are not to go to war because some one imagines he has been cheated out of \$10 or \$10,000 by a foreign Government. We have a right to go to war for such a cause, but we are not bound to do it. In this case, we have gone on and submitted the claim to arbitration. This was a legitimate, just, and humane mode of settling it, and one which ought rather to be encouraged than discouraged; and, therefore, on that principle, I think this claim ought to be driven from the Congress of the United States. We referred the claim to an umpire, a man of ability, and he decided against it.

There is a paucity of facts in support of the claim. We are not told why the claimants did not go and argue the case. The Senator states what does not appear in the case, when he says the British and Portuguese were there arguing before the arbitrator. I find nothing of that sort substantiated by the report. The facts on which I have been arguing this case are in the report. I take what is there stated to be true. I say, from what there appears, that this Government has taken a legitimate and proper mode for adjusting the claim; and it has been decided that the claimants have no rights against Portugal, and could have had none. Of course, we might have made England pay; but, as the Senator properly states the rule of international law, the treaty of peace with England in 1815, closed up all grievances against her.

Mr. CLAYTON. Mr. President, the Senator has twice said that which is entirely destitute of foundation, when he has said that, under the negotiations which I was conducting for the recovery of damages for this vessel, we were going to war. There is nothing to justify that assertion in any part of the correspondence which I had, or which was had by General Taylor during his time, or by anybody under his authority. There is nothing of the kind. The only thing which he contemplated doing, was this: In the event of the refusal of Portugal to pay the claim, he intended to submit the whole facts for the consideration of Congress, with an assurance to the Portuguese Government that he would abide any decision which Congress should choose to make in regard to the matter. I know very well what is stated in the report; but I say there is nothing in the correspondence to show that there was a determination on the part of this Government to go to war without the consent of Congress. It was only intended that the Executive should transmit to Congress all the correspondence connected with the subject, and should abide the decision which Congress might make. We did it. So far as related to myself, I am proud to say I would not have hesitated at all to enforce this claim against Portugal, and compel her to pay it if we possibly could. It was a most outrageous piece of conduct on the part of Portugal. She always has been the ally of England. Her wishes and feelings have always been with England, and on that occasion she took sides with England in the controversy about this privateer. She enforced her neutrality against us, but she did not attempt to enforce it against Great Britain.

With regard to what the gentleman said as to England being responsible to us for all the damages of the war, I have nothing to say. He admits that when the treaty of peace was made, there was an end of all our claims upon England. It would have been a rare thing, indeed, if the negotiators at Ghent had sat down to make an estimate of the damages suffered on both sides, and of every ship and vessel captured in that war. They never thought of such a thing. We could have made no peace on such terms. Neither party contemplated making a peace on the basis of mutually compensating each other for all the damages that were done. It was agreed on both sides that we had done them about as much damage as

they had done us; and then, on certain high principles long connected with the subject of peace and war, the treaty of peace was made and ratified.

I trust, sir, that the Senate will not lightly reject this claim. The effect of doing so, in my judgment, will be to say to our citizens hereafter, in all cases of this description, when they seek protection under the guns of a neutral port, and they fail to obtain it, "we will not demand and not enforce it; and ceasing to demand, or certainly to enforce, we will not pay the damages ourselves." These men owed obedience to the laws of their country, and were compelled to observe them. Their country owed to them protection in return. Their country has not given them the protection which it was bound to give.

The honorable Senator contends that the Government has done all it could. Why, sir, if you will look to the facts, you will find, as I said before, that, for a period of fully twenty years, nothing was done in regard to the claim. It was entirely overlooked, and why? Part of the time, it was said by one of our Secretaries, because of the embarrassing circumstances in which Portugal was then placed; this prevented our Government from enforcing the claim. The Government of Portugal was then distracted by internal dissensions, and we, therefore, did not press this demand. This Government was undoubtedly at liberty, on considerations of this kind, to assume this high ground; but it should do it at its own expense. You could afford to be magnanimous, but you ought not to be magnanimous at the expense of those citizens who had just claims.

Sir, I say again, that in my humble judgment the expenditure of this amount of money from the Treasury could not be better made for the interests of the country than by paying this claim. You need not pretend that this will set a precedent. You have never had such a case before; you will never have such a one again. You may have, in future wars, instances of gallantry and devotion to the country as great as we find here; you may have as much true American feeling manifested; you may have a vessel cut out under the guns of a neutral, or even a hostile fort; but you will not have such a case as this again presented to you. Here, after having referred the matter—with or without the consent of the parties, I care not—the Government furnished the claimants with no opportunity whatever to vindicate their claim. Whenever a case of that sort presents itself distinctly to the honorable Senator from Georgia, I trust he will concede that the Government is bound to pay it. In this case it appears to me the Government is bound to pay, because it has not done its duty, in not furnishing the individual with ample opportunity of obtaining remuneration. Mr. Reid says that he was not allowed to lay his grounds before the arbitrator; and it does not appear that our Minister at Paris was instructed to make any representations whatever upon the subject to Louis Napoleon. Nothing was done, I believe, but to send a Mr. Shattuck with the papers to France. I think that while the British and Portuguese Ministers were laboring with Louis Napoleon, we, if our own Minister did not labor the case with him, should at least have given notice to the claimants that they stood defenseless before the arbitrator. If they had appeared before the arbitrator, is it possible that he could have rested his decision on such a ridiculous pretext as it is rested upon in his report, that the Americans, and not the British, commenced the attack?

Mr. PRATT. Mr. President, I do not know that I very correctly apprehend the principle involved in this bill; but if I do, I think the arguments of my learned and distinguished friends from Louisiana and Delaware will present very anomalous results. The honorable Senator from Louisiana contends that this Government could neither treat, negotiate, nor arbitrate in reference to this claim without the assent of the claimants. The honorable Senator from Delaware contends that if our Minister should treat, without giving to the claimant an opportunity to present the facts upon which his claims are predicated, this Government becomes answerable. The result of either proposition is the same; it places in the hands of the claimant the power of making war, or imposes upon this Government the obligation to pay the claim. I think I can make this palpable to the common-sense view of every member of the Senate.

I concede, for the purpose of this argument, the law of nations to be, that a neutral nation is obliged to protect the vessels of a friendly belligerent within its port from the attacks of an enemy. That is the extent for which either of the honorable Senators has contended. Conceding that to be sound international law, it imposed upon Portugal, provided this attack was made without justifiable provocation on the part of our vessel within a neutral port of Portugal by the vessels of Great Britain, the obligation to pay. That is the argument of the Senators. Now, I concede, for the sake of the argument, these two principles. The obligation to pay, according to Senators' argument, would depend on the fact whether this attack was made with or without sufficient cause. If we made the first attack, as was contended by Portugal, then, undoubtedly, the British vessel had a right to resist, and, if the stronger, had a right to take our vessel, without any violation of the neutrality of Portugal, so far as we were concerned. That is clear.

Then, sir, we negotiated in reference to this claim. Failing to obtain a successful result by negotiation, we referred it to arbitration, and the referee has actually decided that the first attack was made by our people, and that consequently there was no offense against the principle of international law contended for by the honorable Senators. They had a right to make the attack; they had a right to take the vessel, according to the decision of the referee, because our people made the first attack upon the crews of the British boats.

Now, Mr. President, I ask the attention of my honorable friend from Louisiana, and also of my honorable friend from Delaware, to answer this proposition. Assume this to be the law. Then, although an arbitration has taken place, although the referee has decided that our people made the first attack, and that consequently there was no offense against the law of nations in the conduct of the British; although that has been the decision, they say we are answerable, because, according to the argument of one, the claimants did not consent to the arbitration; and, according to the argument of the other, because the Minister of the United States neglected his duty in not giving notice to the claimants, that they might bring forward their arguments.

Mr. SLIDELL. Will my honorable friend from Maryland permit me to explain?

Mr. PRATT. Certainly.

Mr. SLIDELL. I certainly did not advance any pretension so utterly untenable as that which my friend from Maryland has done me the honor to ascribe to me. I admit, unequivocally, that if that fact were conceded, if it were true beyond dispute that the first attack emanated from the crew of the General Armstrong, I should say that the claimants here presented themselves without any just claim. I would beg leave, however, to refer the Senator from Maryland to the fact which appears, perhaps, not in the report, but certainly does appear on the papers on file, and which I assert cannot be contradicted, that, in the first instance, the Government of Portugal expressly recognized that there had been a gross violation of the neutrality of the port of Fayal on the part of the British squadron, and remonstrated against it in the most earnest and indignant terms, and demanded satisfaction. After the lapse of many years, a change came over the spirit of their dream. They found they could obtain no satisfaction from England. Their relations with England, as the Senator well knows, were of the most amicable character. After the lapse of years, their game was entirely changed. They then, far from admitting that the attack proceeded from the British squadron, attempted to prove directly the reverse of what they had admitted on all previous occasions, and asserted that the attack had been made, in the first instance, by the crew of the General Armstrong.

If the case were unfounded, I should say that the claimants had sustained no damage by the decision of the Emperor of France in the merits of the case; but I assume this principle: that where a citizen does not assent to the reference of his claim to a third Power, and when that third Power decides his case upon the assumption of a false statement of facts, if I may use that expression; and when the party, not only never assented to such a reference, but never had an opportunity of being heard in support of the principles he advo-

cated; then, I say, these facts being affirmatively proved, they take such a claim out of the ordinary principle that the citizen is bound by the act of his Government, and place the Government of the United States in the same position in which Portugal was before—responsible for this act, and bound to indemnify the sufferers.

Mr. PRATT. Mr. President, I understand the principle, as explained by my honorable friend, to be the same which I stated it to be before. This is a question of fact as to the liability of our Government. He says that if our Government treated without giving these parties notice, and without having the facts before them, they were answerable to the claimants; and he also says they would be answerable if they referred the case to arbitration without having the facts which the claimants could bring to the notice of the arbitrator, brought before him. The Senator states, and no doubt correctly, that the arbitrator has decided against the weight of the evidence. He says the arbitrator has rejected the claim against the weight of evidence. That may be so; but still the broad principle contended for is, that our Government, having made a reference, and having made that reference in good faith, because the decision of the arbitrator is against the claim, we are answerable for it! That, at last, is the broad proposition. We are not bound to go behind that arbitration for the purpose of inquiring into the facts. The question of obligation upon us cannot depend upon the existence of any state of facts whatever, provided we had the right to make the reference; because, if we had power to make the reference without the agreement of the claimant, the decision of the referee is binding on the claimant, and binding on us, and imposes no obligation on us to pay the claimant, if the decision was wrong.

I think the doctrine assumed by the Senator from Delaware is still more untenable. We have Ministers abroad intrusted by our Constitution with the conduct of negotiations between this Government and foreign nations; and he contends that this Government is unanswerable to all private claimants for the consequences, if one of our Ministers does not present such arguments as the claimant may think ought to be presented, or if he does not present such facts as the claimant could have produced if he had been notified. The doctrine of the honorable Senator is, that the neglect of the Minister so to act would impose on the Government an obligation to pay the private claimant, or go to war for it; and that if you do not get his claim paid, or do not go to war for it, you will be obliged to pay it yourselves. I cannot concede this.

Mr. SLIDELL. Will the Senator permit me to explain again?

Mr. PRATT. I have finished.

Mr. SLIDELL. The report expressly admits that the citizen has not a right to call on the Government of his country to pursue the extreme remedy for the enforcement of his rights. It may abstain from war. What is complained of in this case is, that the Government, when it had the faculty and the right of folding its arms and remaining idle, chose, without the knowledge or assent of the claimant, to submit the claim to arbitration.

Mr. SEWARD. Mr. President, the honorable Senator from Georgia has argued this question, and so have others, as if it were altogether a question whether the Government was bound to pay this claim, and, arriving at the result that the Government is not bound to pay it, they express, in emphatic language, their opinion that the claim ought to be driven out of Congress. Now, I am sure that almost the first lessons which those honorable Senators, like myself received in the history of the country, was the contemporaneous fact of the brilliant achievement of Captain Reid, in the command of the privateer General Armstrong during the last war. Remembering that, I think they will agree with me that the light in which we ought to view the question is rather this: not whether we are bound to pay this claim, but whether it is right to pay it. If they shall come to the conclusion that it is not right to pay it, even then, instead of driving it out of Congress, I hope they will dismiss it, if obliged to do so, with regret and sorrow. I certainly come to the question in that spirit.

I do not intend to go into a full review of all the facts. The report is very full, very express,

and very ample; and the argument of the Senator from Louisiana, and of the Senator from Delaware, is entirely complete and sufficient on the whole case. I shall only dwell upon a single aspect or two of the facts.

It seems to be discussed as if this were a mere case of an ordinary private claim of a private citizen, who had had a vessel lying in the harbor of Fayal in a time of war, which the public enemy had assailed and destroyed. Then, upon that assumption of facts, that this is a mere private case of private property destroyed by a public enemy in a neutral harbor, it is argued that we have done all that we were obliged to do, and all that was just and necessary to do, when we prosecuted that claim against the neutral Power. Sir, this was a privateer, an armed vessel, a belligerent vessel, called into service as a part of the naval power of the country, to prosecute the war in which we were engaged against England. She necessarily provoked the very hostilities by which she suffered, which hostilities she would have escaped if she had been the ordinary property of a private citizen, and not a belligerent vessel.

Now, then, when a private citizen, at the invitation of his country, embarks his property in a public war, I think that citizen has a right to expect that the Government of the United States will insist, for his protection, upon the observance of the laws of nations by neutral Powers. If she, by her belligerent demonstrations, exposes herself to attack in the port of a neutral Power, he has a right to expect that the Government will enforce protection so far as it is due by the law of nations.

If this vessel had been a public vessel, the Government of the United States would have had no question about it, but could have released the neutral Power from any claim for damages which were sustained. But this is private property, and private property which the Government procured to be used for its own safety. I think, then, it was bound to exercise peculiar diligence in the prosecution of this claim. I think that the moment the nation failed to compel respect, by a neutral Power, to the laws of nations, and so to enforce the protection which was due to this vessel, from that time this privateer became entitled to relief from the Government of the United States directly. The Government has neglected, and has refused to grant this relief. It has contented itself with referring the question to arbitration. An award has been obtained against these citizens. The question is now asked, whether that is not a discharge of the obligation of the Government to them. I answer that it is, if the award is just and right upon the merits of the case; but if it is not, then the claim of the citizens upon this Government remains, because it is a claim which was good and perfect, in the first instance, against the Government. The Government sought for its indemnity by reclamation upon Portugal. It had a right, and I think it would have been just, to make good the damage to those of its citizens before seeking reparation from Portugal.

Mr. FESSENDEN. I wish to ask the Senator from New York a question. Suppose this Government had gone to war with Portugal to obtain redress, and for want of power had failed to get it, would it then have been bound, would it have been under any obligation of morality or justice to pay the claim? If not, why should it be so after having submitted to arbitration?

Mr. SEWARD. It would depend altogether upon the ability of the Government in that case. The Government having resorted to war for arbitration, does not change the nature of the case at all. It was bound to pay, if it was able. If it was not able to pay, these individuals must suffer, in common with all the other individuals who suffer by war; but if the Government was able to pay, it was bound to pay in the first instance, and its resort to war or arbitration does not affect the case.

The Government now pleads the award; but the award is founded upon a state of facts which the Government itself admits is false. If, then, the award is founded upon a false state of facts, it is unjust, and the Government cannot be thereby discharged from its obligations. It is true, the argument is enforced very strongly by the consideration that the Government, without the consent of the parties, undertook to refer to a foreign Power the question whether it would pay the claim. In doing so, it chose a Power which was

not to be addressed by the citizen, and before whom it failed to present the claim, but left the decision to be made in error, either from gross mistake or partiality on the part of the arbitrator. It strikes me, therefore, that there are abundant reasons why we can rightfully pay this claim. That is all I contend for, and that is enough for me.

Mr. BAYARD. Mr. President, my sympathies lead me to vote for this claim, and I am not sure that I shall not be compelled to do so. There is but one ground, however, on which I suppose the claim can be sustained, and that is a question on which my mind has not been brought to bear at all, and, therefore, I do not yet feel certain as to the result at which I ought to arrive.

I have no doubt that the Government of the United States, acting on behalf of a citizen, and in order to prosecute a claim against a foreign Power, has a right to enter into a reference, if it see fit so to do, with or without the consent of that citizen. When they represent him, everything must be left to their discretion. The doubt which arises in my mind as to the non-liability of the United States is this: The claim was referred to a foreign Government, and the decision was against the claimants; but in making that reference, the United States entered into no stipulation whatever that the citizens or the Government of the United States should not be heard before the arbitrator. It would have been contrary to the first principles of justice if they had entered into any such stipulation as that the arbitrator should take the case, and decide it without any hearing whatever, either on the part of the Government of the United States or the individual claimants.

I have looked at the words of the treaty by which the arbitration was agreed to be made, and I find nothing to restrict the right of the party to be heard, if his Government chose to adduce further proof or further argument. The claimant in this case, after this treaty had been ratified by the Senate, applied to the Secretary of State in order to have a written argument in support of his claim go before the arbitrator—before the Government selected to make the decision as to the liability of Portugal.

Of the liability of Portugal on the facts stated by the committee, I can entertain no doubt. Of the error of the decision of the Emperor of France, I have no doubt. The only question in my mind as to the liability of the Government, is, whether the act of the Government of the United States, in refusing either to let the party, who wished to be heard, have a hearing through his own written argument before the arbitrator, or in neglecting themselves to instruct their own Minister to make proper representations before the arbitrator so that the case might be fully heard, and not be decided either on a careless or an *ex parte* examination, does not amount to such gross negligence on the part of the Government, after having chosen to enter into this arbitration, that we have a right to look behind the award, and if we are satisfied the award was wrong, then to say that we ought to make the claim good.

I am not disposed to push too far the principle of the liability of the Government on account of such negligence; but the refusal of the then Secretary of State, distinguished as he was and able as he was, under the terms of that treaty, either to forward the written argument of the party to the arbitrator who was to decide on his rights, and on his rights alone, or to instruct our Minister to attend to the matter, seems to me to be extraordinary. Recollect, this was a peculiar case; it was not the case of the Government referring a class of general claims to an arbitrator. They settled everything else, and referred the individual case of the brig General Armstrong to the then President, and subsequent Emperor of France. They referred this case by itself. There was, then, peculiar propriety in asking that the party, who alone stood interested in the decision, should be heard. Under these circumstances, he applied to our Secretary of State, the proper person, and he submitted to him his written argument, and the Secretary of State declined to let that argument go before the arbitrator, on the ground that the treaty prevented it. I can find no such provision in the treaty. On the contrary, the treaty requires all the previous correspondence between the two Governments to be laid before the arbitrator. There is no exclusion of the right of hearing; and I cannot

conceive it possible that the Senate of the United States, in such a case, acting on behalf of a citizen, on a proposition relating to his single claim alone, would refer the decision of that claim to a foreign Power, and provide in the convention that he should not be heard in support of his rights.

There is no such provision in the treaty; and, therefore, I think there was a plain mistake in law, a gross mistake in law, on the part of the Secretary of State of the United States when he refused either to instruct the Minister of the United States to appear and urge the claim before the arbitrator, and vindicate the right of his own fellow-citizen, or, in lieu of that, to suffer the argument which that citizen had drawn up in support of his claim, to go before the arbitrator. Under these circumstances it does look to me like a case of gross negligence on the part of the Government of the United States, in prosecuting the right of a citizen after it had referred it to arbitration. For this reason, and as I have strong sympathies with the claim otherwise, and as there is a great deal more than this to commend it to allowance; and as I believe, beyond all question, that this is a case in which, owing to that neglect, the party has lost his claim, I believe I shall vote for the bill. I entertain no shadow of doubt as to the liability of Portugal; and hence I say, that but for the negligence of this Government, the decision might have been different.

It has been said here that Portugal was a weak nation, and that, therefore, she ought not to have been held responsible. I hold the doctrine that if a nation is strong enough to exist as a nation, and to claim the rights of a nation, she is bound by the obligations of a nation. She is bound to protect the neutrality of her own ports, and if she cannot protect them she is bound to pay the damages which are incident to her own want of ability to do so. And there can be no other doctrine under the laws of nations. I hold, therefore, that Portugal was unquestionably liable. This has never been doubted in any of the correspondence on any pretext whatever, except on the ground alleged by Portugal, for the first time in 1843, that the American vessel had herself, by her own conduct, been the cause of the attack of the British.

This assumption is against the whole facts of the case. It is against the admission of Portugal and the conduct of Great Britain at the time when the transaction took place, and subsequently to that time. The claim was then undoubtedly admitted as a matter of right; and at the time of the transaction no pretense was set up by Portugal that the American vessel was the aggressor. On the contrary, a demand was made by Portugal on Great Britain, never on this country, on the ground that Great Britain had violated the neutrality of Portugal, and, therefore, was responsible to her; and as far as Portuguese interests went, Great Britain admitted that it was so. The path for Portugal to pursue would have been plain if this assumption were correct. If the American vessel had been the aggressor, Portugal would have come here and said, "the Government of the United States caused this aggression; the Government of the United States by the act of one of their private armed vessels caused all the difficulties which arose here by making an attack on the boats of the British squadron, and, therefore, we look to you for reparation." Instead of doing anything of this sort, Great Britain admitted her liability to Portugal, so far as regarded Portuguese interests; and I say the admission of that liability is absolutely inconsistent with anything else than the fact that the British boats were the aggressors upon the American cruiser.

I have a strong and absolute conviction that the decision of the President of France was wrong, and perhaps under all the circumstances, you could hardly have expected anything else from him; but I think there was also a neglect of duty on our part—not merely a slight neglect, but a gross neglect of duty. We violated the first principles of justice when we suffered the case to be decided by a foreign Power without a hearing and without a representation on the part of the claimant, who alone was interested in it, when he had preferred to us his argument in support of his claim. On that ground, and on that ground alone, (and still not with positive certainty that it amounts to sufficient negligence to make the Government liable,) but with a strong inclination of opinion that way, I shall be compelled to vote for this bill.

Mr. CLAYTON. I rise now only for the purpose of bringing one fact connected with this matter to the attention of the Senate. It appears that there was a controversy between the friends of Admiral Lloyd and Admiral Cochrane in relation to this very transaction. A gross charge was made against Lloyd, who commanded the British squadron off Fayal, of malfeasance, improper conduct, and a gross violation of his duty in delaying the advance of his squadron to the aid of the Jamaica fleet, which was about to take New Orleans. In the progress of the controversy, a fact, which I will mention, appeared as a justification of Lloyd. It was said on one side that the game was not worth the candle; that he lost several hundred men, and crippled the expedition so that finally the attack on New Orleans failed. It was said that this was a thing for which Lloyd ought to be answerable. In his defense, it was stated that the object of attacking the privateer General Armstrong was, to capture her without destroying or crippling her, in order that she might be used, in consequence of her light draft of water, in the Mississippi, for purposes for which the other vessels they had would not answer. That was the reason why this vessel was attacked in the way she was. An attempt was made to carry her by boarding. They knew she had ninety men, or less than a hundred, and only seven guns, and they supposed they could capture her in a few minutes. They failed; and there was nothing in the annals of naval warfare, ancient or modern, to exceed the glory of this transaction. Sir, I do hope that the Senate of the United States will reflect upon the consequences which will flow from the payment of this small sum out of the Treasury, and its effect on the men who shall hereafter fight the battles of the country.

Mr. CHASE. Mr. President, the argument submitted by the Senator from Delaware, [Mr. BAYARD,] if it were valid, would subject the Government to responsibility in all cases in which the Secretary of State of the United States should form a wrong opinion upon a treaty stipulation between this and a foreign Government, and in consequence of it a loss should be sustained by a private citizen. That is the principle of his argument. It seems to me that it would be going very much too far to sanction a principle which would be fruitful of such consequences. On a cursory examination of the report and the clause of the treaty, it would seem to me that the submission of this claim to the arbitrator, was in the nature of a submission, or an appeal to a superior court, that the whole case might be reexamined, but not on new arguments or new testimony; so that, in my judgment, the late Secretary of State, Mr. Webster, to whose opinions upon the construction of treaties, and upon all legal questions, every member of the Senate will be disposed to bow with very great deference, was not erroneous in the opinion which he gave.

Upon the other points in this case, the argument of the Senator from Maryland [Mr. PRATT] seems to me to be entirely unanswerable. There are three modes in which satisfaction for private claims can be obtained from a foreign Government. One of those modes is by negotiation and treaty, resulting in satisfaction or a compromise; another of those modes is also by arbitration; and the third is by war. Now, sir, if we cannot arbitrate without the consent of the claimant, we cannot compromise; we can make no adjustment that does not secure to the claimant everything that he claims, and the whole extent of the indemnity which he requires. If we cannot compromise, and cannot arbitrate without the consent of the claimant, then it irresistibly follows, as was shown by the Senator from Maryland, that the private claimant has in his hands, in every such case, the question of peace and war between this and foreign nations, or an abandonment of his claim. We are driven to that necessarily. In every case we must either abandon the claim, or else we must resort to war in its enforcement, at the will of the claimant himself.

Sir, it is by no means clear that these doctrines would not involve a still further consequence. If we cannot resort to arbitration without the consent of the claimant—if we cannot resort to the mode of compromise without the consent of the claimant—how can we resort to the great last remedy without his consent? and if we cannot do that, the result will be that, in the event of our

actually going to war in defense of his claim, and concluding a treaty without reference to it, this Government would still be responsible. It is only sufficient to state these propositions to see the consequences to which they lead, and to secure, I trust, the judgment of the Senate against them.

The Senator from New York [Mr. SEWARD] seemed to feel the weakness of all arguments drawn from law and usage, in defense of this claim, and he placed it upon the simple ground of some general equity—that this vessel was a privateer, a part of the naval force of the country; that she had sustained injuries as part of the naval service, and that we were therefore bound to indemnify her owners. That may be an appeal to patriotic feeling; but if we acknowledge such appeals, there is no limit to the demands which they would create on the Treasury. I do not feel disposed to detain the Senate on this question; but as it is one of very considerable importance, I ask for the yeas and nays upon the question of ordering the bill to be engrossed for a third reading.

The yeas and nays were ordered.

Mr. BAYARD. Mr. President, the honorable Senator from Ohio and myself agree as to the points in this case, except in one respect. We differ in opinion as to the plain intent of the third article of the convention between Portugal and the United States, by which this claim was submitted to the arbitration of the late President, now Emperor of France. I admit he has the authority—and very high authority it is—of Mr. Webster in support of his construction. I can only account for what I consider the palpable mistake in the construction of that article, made by the Secretary of State, because of the multiplicity of the transactions to which his mind was drawn, and the probable fact that this being a case relating simply to the affairs of a private individual, did not receive from him that consideration which he would otherwise have given it. I will read the language of the article:

"So soon as the consent of the sovereign potentate, or chief of some friendly nation, who shall be chosen by the two high contracting parties, shall be obtained, to act as arbitrator in the aforesaid case of the privateer brig General Armstrong, copies of all correspondence which has passed, in reference to the said claim, between the two Governments and their respective representatives, shall be laid before the arbitrator, to whose decision the two high contracting parties hereby bind themselves to submit."

I cannot understand that this is more than a stipulation that the correspondence between the two Governments shall be produced. I cannot sanction the idea that, in defiance of what is the only principle of justice for all purposes, whether between nations or individuals, that the party has a right to be heard before a decision is made against him, this article excludes his right to be heard, or even the right to adduce testimony beyond this correspondence. When an argument in support of the claim was presented by the sole party in interest to the agent of his own Government, a refusal to present it to the arbitrator was given, on the ground of the treaty not allowing it. In this case, if we examine the facts, we find that the decision is manifestly—I had almost said atrociously—wrong on the part of the arbitrating Power. In view of all the circumstances, I must impute that erroneous decision to the neglect on the part of the Government in letting the case be properly presented before the arbitrator.

I hold to the responsibility of the Government, therefore, but not on the ground imputed to me by the honorable Senator from Ohio, that in every case of slight mistake, of difference of opinion as to whether one course or another, or one argument or another would have been more advisable in sustaining the claim of an American citizen on a foreign Government: not on any ground like that do I place the liability of our Government in this case; but on the ground that there was here—and every lawyer understands the term—a plain mistake in law, a gross mistake in law. In consequence of this mistake, the great principle of justice, that every party shall be heard, was refused in this case, when the claimant's rights alone were under arbitrament. It is on that ground of gross mistake in law, which deprived him of the highest right of man, to which he should be always entitled in transactions of this kind, that my opinion in favor of this claim is founded.

Mr. BELL. Mr. President, I am strongly inclined to vote for this bill; and I rise for the purpose of throwing out a few suggestions in support

of my views. I believe the argument in opposition to the bill, on the ground of obligation, is sound; except, perhaps, the exception taken by the honorable Senator from Delaware, who spoke last, [Mr. BAYARD,] in regard to the omission or neglect of the Government in not permitting the parties to be heard, or in not providing that they should be heard before the arbitrator. I am not sure that some neglect may not be fairly attributed to the Government on that ground; but that is not the principle on which I base my support of this claim.

I think the argument against the obligation of the Government to pay the claim is complete and sound; but this case is one of peculiar features, and it seems to me, in some other respects, it has peculiar grounds for allowance on the part of the Government. I do not mean to go into any argument as to the system of privateering; but I will merely suggest, that in the case of any contingency likely to arise early in this Government with powerful maritime nations, such as France or England, or both united, I am not certain that it would be good policy in us to abandon this right arm of our defense; at least for many years after we shall engage in a war, if such an event shall unfortunately happen.

Well, sir, there is not a pretense that the resistance offered by the brave commander of this privateer and his gallant seamen at the port of Fayal, was made upon any mercenary motive whatever. They could scarcely have any hope of ultimate success. What could have animated them, under the circumstances, but the sense of pride, and chivalry, and bravery, which should always actuate the commander and seamen of an American private or public armed ship? According to the law of nations, they had a right to carry on private war, but they were also placed in such circumstances as required of them to exhibit that degree of gallantry and chivalry which would show that the United States of America could contend successfully against the extraordinary superiority of the British power, especially on the ocean.

The Senator from Delaware [Mr. CLAYTON] has thrown out some suggestions in regard to the possible accretion of force which was intended to be acquired for the attack in New Orleans, by the violation of neutral rights in this transaction. I leave that entirely out of view, and I look to the extraordinary gallantry and daring that these men displayed, without hope on their part of making any prize, and in a contest the inevitable result of which they must have known, particularly when they found they would not be protected by the guns of the neutral Power in whose port they were anchored. It is an exhibition which I regard as extraordinary, if the facts stated in the report be true, and I believe they have not been denied.

Mr. CLAYTON. No one ever doubted them.

Mr. BELL. Sir, it cannot often happen that neutral rights will be invaded in the daring manner in which they were invaded on this occasion; but they are liable, it is true, to be so invaded whenever an inferior maritime Power is engaged in war with a domineering, arbitrary Power, such as Great Britain, who feels the consciousness of her superiority on the sea. Sir, I look at the spirit, the noble gallantry and daring displayed on this occasion, to the total exclusion of any idea of mercenary results; for there could have been no expectation of making a prize of an enemy's ship, either a war vessel or a merchantman. Our men stood upon their own defense, and exhibited a daring and bravery seldom equaled in the course of that, or any war, which ever took place. Then I say this is not likely to be a precedent. I am not disposed to put the case on the ground of obligation; but as this is not likely to be drawn into a precedent, and as it is not likely that it will lead to any drafts on the Treasury of the United States, I am inclined to vote for the bill.

Then, Mr. President, I want to know—although there is no strict obligation on the part of this Government to vote this appropriation under the circumstances—may we not consistently and properly do it? Why, sir, on what principle do we grant numerous pensions and bounties? Hundreds of thousands of acres of the public lands have been granted in bounties to men who never heard an enemy's gun. Take the late war with

Mexico. To troops who were merely mustered into the service, or accepted—volunteers, and others—we have granted bounties. They performed no service; but, merely because they were accepted into the service of the United States, we made the grant. On what principle have you granted bounty lands or pay to them? There was no obligation, for they did not serve; they were only prepared to serve. What is the difference in principle between that case and this? Here is the same principle; and here is an extraordinary and noble example and exhibition of gallantry under peculiar circumstances; and when you know you have voted to volunteers hundreds of thousands of dollars, or what is equivalent to them, bounties in land, and that for a war in which a large portion of those volunteers did no service—on that principle, as the Senator from Delaware has said, on a principle of State policy, as an encouragement to gallant conduct, as a gratuity, as a bounty to stand upon the records of the Government of the United States, given under such circumstances, how can you refuse this? That is the query I make.

I concede the correctness of the argument of gentlemen against the bill on the ground of obligation; but I consider that we are under just as much obligation to pass it as we were to grant gratuities of hundreds of thousands of dollars' worth of property, as has recently been done without any opposition being made to it. It cannot be drawn into a precedent. It can form no great draft on the Treasury; and I think, under the circumstances, it will be an acknowledgment of the estimation in which the Government and the country hold meritorious and gallant services. It is in the exercise of the war power to encourage the spirit of gallantry, chivalry, and devotion to the honor, and character, and interests of the country, in our troops and soldiers, and in our seamen and marines, in time of war. I know honorable gentlemen cannot justify the extraordinary pension system which we have reared up in this country without any previous obligation, except on that principle for which I contend. On an occasion of this kind, when it is not likely to be drawn into a precedent, or form any great draft on the Treasury at any time, why may you not, in the same spirit, in the exercise of the same privilege, under the grant of the war power in the Constitution, vote in favor of this claim? That is my inclination, feeling, and sympathy, without disputing at all the correctness of the argument of the Senators who have said that we are under no strict obligation to pay it.

Mr. MALLORY. The honorable Senator from Tennessee has alluded to the encouragement which the payment of this claim will give to the gallantry and bravery of the seamen. I ask him, for information simply, whether the seamen who fought the battle on board the General Armstrong will receive any money under this bill?

Mr. CLAYTON. Yes, sir.

Mr. BELL. I do not know anything about it. I have read the report of the state of the case merely.

Mr. SLIDELL. It is for the officers and crew.

Mr. MALLORY. Are they mentioned?

Mr. SLIDELL. Yes, sir.

Mr. CLAY. I understand there is a letter of the Secretary of State, Mr. Marcy, on file, on this subject. I should like to hear it read, and I should like to ask a question for information; for I do not rise to make a speech. I want information to direct my vote. According to the remarks of the honorable Senator from New York, [Mr. SEWARD] all the advocates of the bill, if he presented correctly the positions assumed by them, concede that there is no obligation on the part of the Government to pay the claim. He said that it was admitted, as I understood him, that the Government was not bound to pay it, but that it was right to do so? I should like him to explain to me what that means; for I confess I do not comprehend its force. I have always supposed that right and obligation were reciprocal; and if the party had a right to make this claim, the Government was bound to pay it. But the Senator has refined in ethics or law beyond my comprehension, by saying that we were not bound to pay it, but it was right to do so.

Mr. SEWARD. I think I can satisfy my honorable friend. There was once a trial before a court in Ohio, when it was a new State. The

plaintiff made out his case, which was a claim for a considerable amount of money. After the plaintiff's proof had been given in, the judge said to the defendant's counsel: "This seems to be all right; shall we order a verdict?" "No, if your honor pleases; I have a defense to make." "Oh! you have a defense; what is it? Let us hear it." "Well," said the counsel, "if your honor pleases, our defense is, that the defendant was a minor when this account was rendered." "That is your defense, is it?" said the judge, "that the defendant was a minor—an infant?" "Yes, and I believe," said the counsel, "that that is a good defense in this court, is it not?" "Oh, yes," said the judge; "I think it is a good defense; but I must say, at the same time, that it is a very mean one." [Laughter.] So, if the honorable Senator had my note, which was given six years ago, I might plead the statute of limitations. Then I would not be bound to pay it; but still I should have a right to do so, and it would be right for me to do it. And so I think with regard to this. Whatever it is right for a man to do, he should do, whether he is legally bound to do the right or not.

There is a moral right and a moral obligation resting on the Government to pay, at least to the amount of indemnification, for extraordinary services performed, and extraordinary losses incurred, in the defense of the country, at extraordinary risks, and with extraordinary sacrifices. I know no other reason upon which I could ever have voted for the bounty land bills, for which I have voted, to give extra compensation to all the soldiers of the last war with Great Britain, to all the soldiers of the Mexican war, and to all the soldiers of all former wars. I was under no legal obligation, Congress was under no obligation to do it; but I had a right to do that which was equitably and morally just. Now, I do not know any reason why we should pension officers and soldiers of the Army over and above paying them in full of their compensation, and give them bounty lands besides; and when a privateer, consisting of officers and crew, as brave and true, and patriotic as any others, come here and represent to us that they were ruined in the most gallant naval exploit of the whole war, say that we are under no obligation to pay them for the losses they sustained.

Mr. CLAY. I now understand what the honorable Senator meant; and I discover, as I supposed from the beginning, that my embarrassment resulted from a misapplication of words. He meant to say, as I suppose, that the party had not a legal right—that is, a right existing by virtue of public law, or by treaty, or by constitutional law—but a moral right; and that there was a moral obligation on the part of the Government to pay, but no legal obligation, in the common acceptance of the word "legal." I wish to know if that is the position assumed by the other advocates of this bill?

Mr. SLIDELL. Most assuredly not. If my friend from Alabama had read the report of the Committee on Foreign Relations, (which, I now repeat, was a unanimous report, made after very full investigation of the subject, and very mature reflection upon it, and after various consultations,) he would have seen that they considered that on grounds of right—I am not speaking of any appeal to the generosity of Congress—there was a legal obligation existing on the part of the United States to compensate these men for the losses they sustained by the destruction of the privateer General Armstrong. In addition to that, the Senator from New York, with great force, and with great truth, has urged grounds appealing to our equitable considerations.

Gentlemen may very well vote for the bill on either principle. I can vote for it on both. I think it is one of the most meritorious claims that ever has presented itself to Congress. I think it appeals more strongly to the chivalry of the nation, to the generosity of Congress, than almost any other I have ever heard made. But putting that aside entirely, I can vote for it on purely legal grounds. I think the course of conduct of the Government of the United States has been such as to substitute itself for the Government of Portugal, to place it in exactly the same position towards the claimants of the brig General Armstrong which the Government of Portugal was in before the rendition of the arbitral decision by the Emperor of France; and it is fully bound to

pay the whole amount of the loss sustained by the claimants.

Having lost their recourse to the Government of Portugal by what I conceive to be, if not the illegal, at least the very injudicious act of the Government of the United States, I think they appeal now to Congress on legal grounds which, to my mind, are impregnable. I regret that I cannot convey the same conviction to the minds of honorable Senators. I can vote for the bill on both grounds mentioned. Stripped of all legal grounds, I could vote for it on the ground of a compensation for the gallant men who served their country.

Mr. SEWARD. I ought, perhaps, to explain to the honorable Senator that I forbore entering into the other views of the case because they were entered into fully by other honorable gentlemen. I stated that there were other views which presented themselves to my consideration; but I agreed with those gentlemen in the grounds they took.

Mr. CLAY. Now, I should like to have the letter of Mr. Marcy on this subject read. I understand it is here.

The Secretary read it, as follows:

DEPARTMENT OF STATE, }
WASHINGTON, February 11, 1854.

Sir: Your letter of the 7th instant, requesting that the Committee on Foreign Relations may be furnished with any evidence on file in this Department going to show that the case of the General Armstrong was referred to the arbitration of the President of the French Republic, either against or without the consent of the claimants, together with any suggestion which I may think proper to make in relation to the justice of the claim, or the propriety of its being allowed, has been received.

From an examination of the files of the Department, it appears that, pending the negotiations which terminated in the convention with Portugal of 1851, two letters were addressed to the Secretary of State on the subject of the reference of the Armstrong claim to the arbitration of a third Power, one dated August 26, 1850, by S. C. Reid, "late commander of the privateer General Armstrong," and the other dated September 5, 1850, by S. C. Reid, Jr., "sole and only authorized agent of the claimants" in the case. Copies of these letters, and of the replies thereto, are herewith inclosed.

There are several other letters from the last-named gentleman, on the same subject, and of subsequent dates, among the files of the Department, from which it would appear that the claimants in the case had acquiesced in the decision of their Government to agree to refer their claim to arbitration. If a different opinion was entertained by them, it is, at least, certain that their authorized agent did not, in any letters to this Department, protest against that decision, or intimate doubts as to its propriety or expediency.

Regarding the claim above alluded to as definitely settled, so far as this Department is concerned, by the decision of the arbitrator to whom, by mutual agreement of the contracting parties to the convention of 1851, it was referred, I conceive that I cannot, without neglecting very important and pressing business, devote sufficient time to the case to enable me to understand all the facts in regard to it.

I cannot countenance the principle, that where this Government is called on by a citizen of the United States to interpose for the purpose of recovering claims against any other Government, proceeds in good faith for that purpose, and fails in its object, or obtains what may be regarded as an inadequate indemnity, it places itself in a situation to be called on to pay the claims, or to satisfy the expectations of claimants. Our Government is not an agent in such cases; and unless it acts against the expressed or known wishes of those who have invoked its interposition, it does not, as I conceive, incur any liability whatever to the claimants.

I have the honor to be, sir, very respectfully, your obedient servant,
W. L. MARCY.

HON. J. M. MASON, Chairman of the Committee on Foreign Relations, United States Senate.

Mr. CLAYTON. I wish merely to make one remark in regard to that. This acquiescence, as it is termed—that is to say, the not remonstrating—occurred after the treaty was made. After the reference, the matter had been settled and decided by the Government, and it was not within the power of the claimants to resist any longer. The arbitration was made without their consent. After the Senate of the United States had ratified the treaty, and the arbitrator had been appointed, they addressed the Department; and what they said in the address then I suppose must constitute the "acquiescence" from which the inference is drawn that they accepted it. No such conclusion, I think, can be drawn.

The question being taken by yeas and nays on ordering the bill to be engrossed for a third reading, resulted—yeas 12, nays 21; as follows:

YEAS.—Messrs. Atchison, Bayard, Bell, Brown, Clayton, Dodge of Iowa, Foot, Gwin, James, Pettit, Seward, and Slidell—12.

NAYS.—Messrs. Allen, Chase, Dawson, Dixon, Dodge of Wisconsin, Evans, Fessenden, Fitzpatrick, Geyer, Gillette, Hamlin, Pratt, Rockwell, Stuart, Sumner, Thompson of

Kentucky, Toombs, Toucey, Wade, Walker, and Williams—21.

So the bill was rejected.

ADJOURNMENT TO MONDAY.

On motion by Mr. JONES, of Tennessee, it was Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday next.

ENROLLED BILLS.

A message having been heretofore received from the House of Representatives, announcing that the Speaker had signed a joint resolution giving the consent of Congress to the acceptance, by Lieutenant M. F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden; also, a bill to authorize the issue of registers to vessels owned by the Accessory Transit Company, they were signed by the President *pro tempore*.

DAVID MYERLE.

Mr. GWIN. A bill passed the Senate some weeks ago for the relief of David Myerle, and was sent to the House, but on the motion of the Senator from Indiana, [Mr. BRIGHT,] we requested its return to us, and a motion is now pending to reconsider the vote by which it was passed. I hope that motion will be considered, and the bill finally acted upon now. This is probably the last day this session on which we shall act on private bills. I therefore hope it will be taken up and voted on.

Mr. STUART. The Senator from California will see that the Senator from Indiana, who made the motion to reconsider, is not present.

Mr. GWIN. He made it at the request of another Senator. He does not wish to participate in the discussion.

Mr. STUART. That is a very different statement from what the Senator gave me. He stated to me that he moved the reconsideration with a view to oppose the bill.

Mr. GWIN. He voted for the bill, and moved the reconsideration.

Mr. STUART. I know he did.

Mr. GWIN. Some years ago, he made one of the best speeches in favor of the claim that I ever heard; and I do not think he is a gentleman who generally speaks on both sides. I wish to have the question decided. I wish to have the bill sent to the House at this session. My colleague upon the Committee on Naval Affairs, who reported the bill, [Mr. THOMSON, of New Jersey,] who is now absent, requested me to call it up, and have it acted upon. I have not a word to say upon it. It is well known to the Senate.

Mr. STUART. I really hope the Senator from California will not press his motion in the absence of the Senator from Indiana. I am certain, from a conversation I had with him, that he desires to say something concerning the bill.

Mr. GWIN. The Senator from Indiana is not absent from the building. I will send to his committee room for him. I move that the motion to reconsider be taken up.

Mr. STUART. Then I shall have to move that the Senate adjourn.

Mr. GWIN. I ask for the yeas and nays upon that motion. Here is a question that has been discussed time and again in the Senate. Reject the bill or pass it; it is not material with me which. I hope the yeas and nays will be given on the adjournment.

The yeas and nays were not ordered.

Mr. GWIN. I call for a division then.

The question being taken, it was decided in the affirmative by a vote, on a division, of yeas 23, nays 11.

And the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 23, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. HENDRICKS. After the consideration of the private bills upon the Speaker's table, I intend to move to go into a Committee of the Whole House on the Private Calendar. This is objection day, and the only private bill day upon which we can do anything to advantage.

Mr. HOUSTON. I wish to inquire of the Chair if to-morrow is not objection day, and if we

cannot postpone the consideration of private bills till then?

The SPEAKER. The rules recognize Fridays only as objection days.

Mr. HOUSTON. I am exceedingly anxious to get through with the civil and diplomatic bill this week. It being objection day, I shall not object to the consideration of private bills, but shall try and get a meeting of the House to-morrow, so that we may finish the civil and diplomatic bill.

Mr. HENDRICKS. I ask the unanimous consent of the House that gentlemen having private bills may report them for the purpose of reference, and if reached to-day, considered in the Committee of the Whole.

The SPEAKER. The gentleman from Indiana [Mr. HENDRICKS] proposes that reports of private bills, such as will give rise to no debate, be received now.

Mr. LETCHER. Is it intended to put the bills so reported upon their passage to-day?

The SPEAKER. The Chair remarked that such bills only as gave rise to no debate would be received.

Mr. HENDRICKS. I would say to the gentleman from Virginia that this is objection day, and we cannot consider bills to which objection is made.

BILLS REFERRED.

The following bills were then taken from the Speaker's table, read a first and second time by their title, and referred as indicated below:

An act for the relief of the heirs of Captain Joshua Chamberlain, deceased. Referred to the Committee on Revolutionary Claims.

An act to authorize the issue of a register to the bark Amelia, by the name of Abby Frances. Referred to the Committee on Commerce.

An act for the relief of Urban Stoll. Referred to the Committee on Revolutionary Pensions.

An act for the relief of James Dixon. Referred to the Committee of Claims.

Mr. HENN. I ask the unanimous consent of the House to introduce the following resolution in reference to the establishment of some post routes in the State of Iowa.

Resolved, That the Committee on the Post Office and Post Roads be requested to inquire into the expediency of establishing the following post roads in the State of Iowa:

From Dubuque, via Fort Dodge, to Sargent's Bluffs;
From Adell, via Panora and the county seats of Audubon and Shelby counties, to Magnolia;
From Quincy to Clarinda;
From Lewis to Clarinda;
From Booneboro, via Homer, to Fort Dodge;
From Booneboro to Adell;
From Fort Des Moines to Marietta;
From Quincy to Adair.

Mr. HENDRICKS. I object.

On motion by Mr. PHELPS, it was

Ordered, That the pension certificate in the case of Thomas Bronaugh, on application for increase of pension, be withdrawn from the files of the House, for the purpose of being returned to the petitioner.

REPORTS FROM COMMITTEES.

Mr. HENDRICKS. I would inquire if all the bills on the Speaker's table have been disposed of?

The SPEAKER. Yes; and now, by the unanimous order of the House, reports of a private character, not giving rise to debate, will be received.

The Speaker then proceeded to call committees for reports of private bills, beginning with the Committee of Ways and Means.

Mr. FENTON, from the Committee on Commerce, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

A bill to remit the duties upon certain goods destroyed by fire in the cities of New York and San Francisco.

Mr. DICK. I am instructed by the Committee for the District of Columbia to report a bill for the incorporation of an insurance company in the city of Washington.

Mr. LETCHER. Is that a private bill? I think it is not.

Mr. HENDRICKS. I object to the report.
Mr. HAMILTON. This is a local bill, and in order.

The SPEAKER. The Chair does not know what is in the body of the bill. If it is for the benefit of a company, it is in order.

Mr. HAMILTON. It is for the benefit of a company.

The SPEAKER. The Chair thinks it can hardly be regarded as a private bill, in the sense in which the rule is understood; but if there is no objection, it will be received.

Mr. LETCHER. I object.

The SPEAKER. Then it cannot be received.

On motion by Mr. STANTON, of Tennessee, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the memorial of the State of Wisconsin, asking for the payment of a certain claim for arresting and keeping a United States prisoner, together with the accompanying papers, containing an extract from the records of the United States court in the case; and that the same do lie upon the table.

Mr. CORWIN, from the Committee on Revolutionary Claims, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Thomas Underhill, executor of Thomas Underhill, deceased.

Mr. STANTON, of Tennessee, from the Committee on the Judiciary, reported a bill for the relief of Stephen Lutz; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. STANTON. The Committee on the Judiciary have instructed me to report back Senate bill No. 153, "to relinquish the reversionary interests of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter."

This bill, I suppose, was referred to our committee upon the idea that it involved a question of law. The committee are of the opinion that the claimant has no legal claim to the title. It may be consistent, however, with the policy of the Government, in disposing of the public lands, to permit him to enter the lands. This question, however, does not come within the jurisdiction of the Committee on the Judiciary, and we ask therefore to be discharged from its further consideration, and that it may be referred to the Committee on Private Land Claims. I make that motion.

The motion was agreed to.

Mr. SHOWER, from the Committee on Revolutionary Claims, reported the following bills; which were severally read a first and second time by their respective titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of the legal representatives of Everard Meade;

A bill for the relief of the heirs of Larkin Smith; and

A bill for the relief of the legal representatives of Lieutenant Willes Willison.

Mr. S. also, from the same committee, made adverse reports on sundry petitions, and moved that said petitions be laid upon the table and printed.

[A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that the Senate had passed, with an amendment, the bill of the House (No. 316) "to amend an act approved September 27, 1850, to create the office of surveyor general of the public lands in Oregon," &c.; and also the act amendatory thereof, approved February 19, 1853.

Also, that the Senate had passed a bill and resolution of the following titles:

A bill (No. 413) constituting Madison, in the State of Indiana, a port of delivery; and

A resolution (No. 21) in relation to surgeons' mates of the Army of the Revolution.]

Mr. LETCHER. The cases on which adverse reports are made without written reports, I hope may be sent back to the committee, so that we may have written reports. We ought to have the reasons for the adverse reports, so that other committees may not be worried at the next session.

The SPEAKER. Does the gentleman submit a motion to recommit?

Mr. LETCHER. I do submit that motion with regard to adverse reports unaccompanied by written reasons. I hope they will be sent back. I think that it is due to the House the committee should accompany their reports with their written reasons.

The SPEAKER. The motion to lay upon the table takes precedence of the motion to recommit.

Mr. HENDRICKS. I rise to a question of order, and it is this: I understand that the order

of the House was, that reports of bills should be received. I did not understand that adverse reports were to be received to-day. I thought it was the purpose to get bills on the Calendar.

The SPEAKER. The understanding was, that committees were to report only such matters of a private character as would not give rise to debate. There can be no debate on this proposition; for a motion is made to lay upon the table. If the House refuses to lay upon the table, and debate arises, the Chair will order the memorials back to the committee. In every case where there is a written report the Chair will order it to be printed.

Mr. SHOWER. Is there any rule of the House requiring written reasons for adverse reports?

The SPEAKER. There is no such rule. Still, if the House refuse to lay upon the table, it will be competent for it to recommit.

Mr. COBB. I demand tellers on the motion of the gentleman from Maryland.

Tellers were ordered; and Messrs. FENTON and Cox were appointed.

The question was taken; and the motion to lay upon the table was agreed to, the tellers having reported—ayes 68, noes not counted.

Mr. MAY, from the Committee on the Judiciary, made adverse reports in the cases of Pierre Merod and Joseph Bogy, heirs-at-law of Joseph Placy; which were laid on the table, and ordered to be printed.

Mr. MAY also, from the same committee, reported bills for the relief of Henry Gardner and George Mattingly; which were read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed.

Mr. SHOWER, from the Committee on Revolutionary Claims, reported a bill for the relief of Nathaniel Reddick, administrator of Richard Taylor, deceased; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. HUGHES, it was

Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of John Biding, and that the same be referred to the Committee on Invalid Pensions.

PRIVATE BILLS.

Mr. HUGHES, from the Committee on Private Land Claims, reported bills for the relief of John McVeigh and John F. McNeeley, and for the relief of William Curran; which were read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed.

Mr. HILLYER, from the same committee, reported back the following bills; which were read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Enoch S. More;

A bill for the relief of Patrick Gass;

A bill for the relief of Rosale Caxillo;

A bill for the relief of A. S. Laughery;

A bill for the relief of Conrad Wheat and his legal representatives; and

A bill for the relief of Sylvester J. Jerould, assignee of the interest of Henry Richards.

Mr. HILLYER, from the same committee, to whom were referred the following bills of the Senate, reported them back with a recommendation that they do pass; and they were referred to a Committee of the Whole House, and ordered to be printed:

Bill (No. 23) to confirm the claim of William H. Henderson and the heirs of Robert Henderson to five hundred acres of land in the Bastrop grant;

Bill (No. 373) to ascertain and adjust titles to certain lands in the State of Indiana; and

Bill (No. 26) for the relief of Ira Baldwin.

Mr. H. also, from the same committee, made an unfavorable report in the case of the petition of Benjamin C. Cook.

Ordered to lie on the table, and be printed.

Mr. H. also, from the same committee, reported back Senate bill (No. 297) for the relief of Sylvanus Culver, with a recommendation that it do not pass.

Laid upon the table, and, together with the report, ordered to be printed.

Mr. H. also, from the same committee, reported back the following Senate bills, with a recommendation that they do pass; which were referred to a Committee of the Whole House, and ordered to be printed:

S. No. 329. An act for the relief of Thomas D. Jennings; and

S. No. 330. An act for the relief of Juan M. Lucio and José L. Lucio.

Mr. H. also, from the same committee, to which was referred the petition of William J. McElhenry, E. P. Mathews, and Laurence Kribben, reported a bill for their relief; which was read a first and second time by title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. SMITH, of Tennessee, from the Committee on Private Land Claims, reported back the following Senate bill, (No. 23,) with a recommendation that it do pass:

An act confirming certain land claims in Louisiana in the Bastrop grant.

Mr. JONES, of Louisiana. I ask the indulgence of the House to make a statement of this claim, which statement will not occupy more than five minutes. The Committee on Private Land Claims have recommended to the House that this bill be now put upon its passage. I wish to make a statement to the House to show the importance of immediate action in regard to it.

The Bastrop claim, in the State of Louisiana, was a grant made by the Spanish Government, when it owned that territory, to Baron DeBastrop, upon certain conditions; and among them was one requiring him to people that territory with a certain number of citizens. He went upon the grant, and fulfilled the condition. Those persons who are now asking for relief are the persons who hold under the people whom the Baron De Bastrop carried there under this agreement with the Spanish Government.

It will be recollected that the Government of the United States authorized a suit to be brought by the claimants of the British grant against the Government for this claim; that the Supreme Court of the United States very lately decided this claim to be illegal, and that the land belonged to the Government. A bill has been passed for the relief of the actual bona fide settlers upon the grant. Congress authorized by law, in 1851, commissioners, composed of the receiver and the register of the land office, at the town of Monroe, to examine the title of these people, and report upon it, Congress laying down certain principles by which they should be governed. The commissioners have made their report. They have recommended, under the principles authorized by law, the confirmation of certain claims.

The object of this bill, which has passed the Senate, is to confirm the report of those commissioners. The effect of it will be to enable the Government to confirm such titles as the commission have reported favorably upon, and bring the remainder of the lands into market. That is the only object; and permit me here to say, that I have examined the testimony presented in the report of the commissioners, and I have no doubt that every one of them ought to be confirmed, under the provisions of the act of Congress of 1851. A great many of the claims were rejected because they did not come within the provisions of that law.

I have no doubt that this bill ought to pass at once, because it will enable the Government to convey those lands to the claimants, and to bring the others into market. These lands are located in the richest portion of Louisiana, and will therefore become very valuable to the Government.

Mr. SMITH, of Tennessee. I will not detain the House further than to confirm the statement of the gentleman from Louisiana. This bill has passed the Senate, and should be passed by the House at once. I move the previous question.

Mr. HAMILTON. I want to know how this bill came before the House for debate?

The SPEAKER. The House indulged the gentleman from Louisiana in making a statement in reference to the bill.

Mr. HUNT. I hope the gentleman from Maryland will not object to the bill. It is for the benefit of a community which is entitled to relief. We have full and sufficient information in reference to it, and I hope there will be no objection to its consideration.

The previous question was seconded, and the main question was ordered to be put.

The bill was ordered to a third reading, and was read a third time.

It was then read by the Clerk *in extenso*.

The bill was then passed.

Mr. JONES, of Louisiana. I move to reconsider the vote by which the bill was passed; and that that motion be laid upon the table.

The latter motion was agreed to.

Mr. NICHOLS, from the Committee on Private Land Claims, reported the following bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of the inhabitants of school township forty-five, range one, in Warren county, Missouri.

Mr. N. also, from the same committee, reported back bills of the following titles; which were referred to a Committee of the Whole House, and ordered to be printed:

H. R. No. 299. A bill for the relief of the Pine Grove Academy, in Louisiana;

S. No. 167. An act for the relief of Joseph Canpan; and

S. No. 296. An act for the relief of Manuel Hernandez.

Mr. MILLSON. I move to reconsider the order of the House referring the bill reported by the gentleman from New York, [Mr. FENTON], to remit duties on certain goods destroyed by fire in the cities of New York and San Francisco, to a Committee of the Whole House, that the bill may be committed to the Committee of the Whole on the state of the Union. It is a bill of a public and very important nature. It has heretofore been referred to the Committee of the Whole on the state of the Union, and ought now to take the same direction.

The SPEAKER. The Chair will rule, according to the order of the House, which was unanimously made, that if the motion to reconsider give rise to debate, it must lie over until another time.

Several members proposed to debate it.

Mr. HENDRICKS. I object to all further debate.

Mr. MILLSON. I should have objected in time, had I known what the bill was.

The SPEAKER. The motion to reconsider will be entered; it must lie over for the present.

Mr. MILLSON. I do not know that it comes within the order by which the House allowed private bills to be reported.

The SPEAKER. The bill having been disposed of under the order of the House, the Chair thinks that it can only be reached by reconsideration. The motion to reconsider will be entered, and may be called up to-morrow, or any other time except the present.

Mr. FENTON. I reported the bill under the impression that it was merely of a private character. I am still of the same impression.

The motion to reconsider was entered on the Journal.

Mr. MAXWELL, from the Committee on Indian Affairs, reported adversely on the petition of Simeon Buckre; which was laid upon the table.

Mr. FAULKNER, from the Committee on Military Affairs, reported back bills of the following titles, with the recommendation that they do pass; which were referred to a Committee of the Whole House, and ordered to be printed:

S. No. 170. An act for the relief of Helen Mackay, administratrix of Lieutenant Colonel Eneas Mackay, late a deputy quartermaster in the United States Army;

S. No. 189. An act for the relief of Mrs. Celia F. B. Cochrane, widow of the late Lieutenant Colonel C. E. Cochrane, United States Army; and

S. No. 206. An act for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the Army of the United States.

No. 250. An act for the relief of William Claude Jones; and

No. 285. An act for the relief of the heirs of Brigadier General Richard B. Mason.

On motion by Mr. FAULKNER, the Committee on Military Affairs were discharged from the further consideration of the memorial of the Legislative Council of New Mexico, asking the reestablishment of Fort Atchison; and it was laid on the table, and ordered to be printed.

Mr. ETHERIDGE, from the Committee on Military Affairs, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

A bill to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849.

Mr. LINDLEY. I desire to put the bill just reported upon its passage.

The SPEAKER. The Chair has already announced its reference. By unanimous consent the bill will be put upon its passage.

Mr. HENDRICKS. Unanimous consent is not given.

Mr. FAULKNER. I would inquire whether the proper destination of that bill is not the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair had doubts as to whether it would properly come under the head of private bills.

Mr. PHELPS. An improper direction has been given to this bill, and I move to reconsider the vote by which it was referred to a Committee of the Whole House.

The SPEAKER. By unanimous consent the bill may be returned to the committee.

Mr. JONES, of Tennessee. I think the proper direction would be to refer it to the Committee of the Whole on the state of the Union, and have it printed, so that we may see what it is.

The SPEAKER. The bill was received and referred to a Committee of the Whole House. Some gentlemen propose to return the bill to the committee that reported it, upon the ground that it is not a private bill. Others suggest, that it should be referred to the Committee of the Whole on the state of the Union, and that it be printed. Is it the pleasure of the House that the bill be referred to the Committee of the Whole on the state of the Union?

Mr. COBB. I object to that reference.

The SPEAKER. Then it can be reached only by reconsideration.

Mr. ETHERIDGE. I know nothing myself about the bill, as it is one which I reported at the instance of Colonel BISSELL, and which he handed to me before he fell sick. As he is now unable to be in his seat, and as, perhaps, in view of some suggestions made by the friends of the bill, it would be better to have it re-referred to the committee, I ask the unanimous consent of the House, therefore, to have it so returned.

There being no objection, it was so ordered.

Mr. ZOLLICOFFER. I am instructed by the Committee on Naval Affairs to report back the following bill from the Senate, with a recommendation that it do pass:

A bill for the relief of Joshua Gonder, jr., and John Duff.

Mr. FLORENCE. This bill involves merely a question of equity. I hope, therefore, it will be now put upon its passage.

Mr. JONES, of Tennessee. I object. It involves the question of non-compliance with a contract.

Mr. FLORENCE. I beg pardon, but the circumstance is a simple one.

The SPEAKER. Debate is not in order.

The bill was referred to a Committee of the Whole House, and ordered to be printed.

Mr. DISNEY. On behalf of the Committee on Public Lands, I desire to ask the unanimous consent of the House to take up a bill, which has been returned from the Senate with an amendment, for the purpose of having it disposed of.

Mr. HENDRICKS. That would be a deviation from the rule; and I object to it.

Mr. DISNEY. It is merely a land bill in relation to the Territory of Oregon.

The SPEAKER. It is objected to by the gentleman from Indiana; and the bill cannot now be taken up.

Mr. STANTON, of Kentucky. In the absence of the gentleman from South Carolina, [Mr. KEITT,] who a few days ago presented a minority report from the select committee, I yesterday made a motion to reconsider the vote by which that report was ordered to be printed and referred to the Committee of the Whole. My purpose in making that motion was simply to afford the honorable gentleman an opportunity of

withdrawing a paper which he had filed and made part of the report inadvertently. I understand that he desires to withdraw the paper in question; and if unanimous consent be given to him for that purpose, I will withdraw my motion to reconsider.

There being no objection, the gentleman from South Carolina was allowed to withdraw the paper referred to.

Mr. STANTON. Then I ask to withdraw my motion to reconsider the vote by which that minority report was referred.

There being no objection, the motion to reconsider was withdrawn.

Mr. WASHBURN, of Maine, from the Committee on Revolutionary Claims, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Rebecca Baggerly, widow of David Baggerly, deceased.

Mr. W. also, from the same committee, reported back, with a recommendation that it do pass, the following Senate bill; which was referred to a Committee of the Whole House, and ordered to be printed:

S. No. 108. A bill for the relief of Rebecca Freeman.

Mr. CHURCHWELL, from the Committee on Revolutionary Pensions, reported back, with a recommendation that they do pass, the following Senate bills; which were referred to a Committee of the Whole House, and ordered to be printed:

S. No. 241. A bill for the relief of James Wormsley.

S. No. 223. An act for the relief of Mary Carlton; and

S. No. 340. An act for the relief of Sarah Crandall.

Mr. C. also, from the same committee, reported the following bills; which were read a first and second time by their respective titles, referred as indicated below, and ordered to be printed:

A bill for the relief of the legal representatives of Lieutenant Francis Ware. Referred to a Committee of the Whole House.

A bill in addition to an act entitled "An act to continue half pay to certain widows and orphans." Referred to the Committee of the Whole on the state of the Union.

A bill for an act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States. Referred to the Committee of the Whole on the state of the Union.

Mr. ROWE, from the Committee on Revolutionary Pensions, made an adverse report upon the petition and papers of Mary Boyd, asking a pension as the widow of John Boyd, a revolutionary soldier; which, with the report, was ordered to lie on the table, and printed.

Mr. EDMUNDSON, from the Committee on Revolutionary Pensions, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of James Capers.

Mr. E. also, from the same committee, made adverse reports in the following cases; which were laid upon the table, and ordered to be printed:

The petition of Martha Scott, widow of Samuel Scott;

The petition of Samuel Ross, of Ohio; and
The petition of the children of Robert McNeil and Sarah his wife.

On motion by Mr. EDMUNDSON, it was also Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of Julian Belenger's heirs, praying for bounty land under resolution of Congress of August 14, 1776, and resolution of May 15, 1778, and that the same be referred to the Committee on Revolutionary Claims.

On motion by Mr. MIDDLESWARTH, it was Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of John Sherburn, heir of Sherburn Horton, of Portsmouth, New Hampshire, for a pension, and that the same do lie upon the table.

Mr. CULLOM. I was not present when the Committee for the District of Columbia was called, and I ask the unanimous consent of the House to report from that committee a bill to incorporate the Washington and Georgetown Railway Company, in the District of Columbia.

Mr. OLDS. That is not a private bill.

The SPEAKER. It can only be received by unanimous consent.

There being no objection, the bill was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. PARKER. I was not present when the Committee on the Judiciary was called. I ask the unanimous consent of the House to report a bill for the relief of Thomas Ap Catesby Jones, surety for a former postmaster of Norfolk, Virginia.

There was no objection, and the bill was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. GOODE. I ask the unanimous consent of the House to report from the Committee for the District of Columbia a bill "to prevent mischief, and to protect property in the District of Columbia."

Mr. HENDRICKS. That is not a private bill. I object.

Mr. GOODE. I hope the gentleman will withdraw the objection. I only desire to have it referred to the Committee on the Judiciary.

Mr. HENDRICKS. Well, sir, I will withdraw the objection in this case; but I give notice that I will not in any other of a like character.

There was no objection, and the bill was accordingly referred.

Mr. TAYLOR, of New York. I ask the unanimous consent of the House to report from the Committee for the District of Columbia a bill to incorporate the mutual Fire Insurance Company in the District of Columbia.

Mr. HENDRICKS. That is not a private bill. I object to its reception.

Mr. McMULLIN. I object to anything that is not in the regular order of business.

On motion by Mr. LINDLEY, it was

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the memorial of the heirs of Epaphras Ripley, of Vermont, an insane applicant for a revolutionary pension, and that the same lie upon the table.

Mr. HENDRICKS, from the Committee on Invalid Pensions, reported a bill which was read a first and second time, by its title, as follows, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed:

A bill for the relief of James Wright, jr., of the State of Tennessee.

Mr. H. also, from the same committee, reported adversely on the following petitions and memorials, which were laid upon the table:

Petition of James Chambers, of Pennsylvania, praying for the correction of an error in the date of the commencement of his invalid pension;

Petition of Charles H. Robinson;

Petition of Isaac Plummer;

Memorial of William Guinard, who was a seaman in the service of the United States, engaged in the war with Mexico, praying that an increase of pension may be granted to him, having lost his right arm from the premature discharge of a cannon on board the United States schooner Taney;

Petition of Benjamin Cressey, praying for a pension as an invalid seaman, from wounds received during the late war with Great Britain;

Petition of Eli Donlevy, praying for pecuniary aid in consideration of the loss of his eyes, while in the service of the United States, at the naval station of Brooklyn;

Petition of Stephen Connor, praying to be paid arrears of pension;

Petition of Mathew Wieford, for increase of pension;

Petition of William Young, for additional compensation for injuries received in the war of 1812;

Petition of F. W. Raborg, of Captain Walker's company of Mounted Rifles, who was wounded in the battle of Huamantla, Mexico, for increase of pension;

Petition of Major William Keller, of Maryland, for an increase of pension;

Petition of Washington Porter, for invalid pension;

Petition of Edward Taylor, of Tennessee, praying Congress for back pension; and

Evidence in support of William Wilson's application for an increase of his pension as an invalid.

Mr. H. also, from the same committee, reported back bill of the following title, with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed:

S. No. 281. A bill for the relief of William Miller.

Mr. ASHE, from the Committee on Naval Affairs, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed:

A bill for the relief of Lewis E. Simonds.

Mr. VAIL, from the Committee on Invalid Pensions, reported bills, which were severally read a first and second time by their titles, as follows, referred to a Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill for the relief of Daniel Morse, of Essex, Chittenden county, Vermont;

A bill for the relief of Ira Call; and

A bill for the relief of Isaac Sigler.

Mr. V. also, from the same committee, reported adversely on the following petitions; which were laid upon the table, and, with the accompanying reports, ordered to be printed:

Petition of Samuel Cleveland; and

Petition of George Blake, of Niagara county, New York, a soldier in the war of 1812, for invalid pension.

Mr. EWING. I wish now to call up the motion to reconsider the vote by which the bill "for the relief of James Jeffries and Jeremiah M. Smith" was referred to a Committee of the Whole House.

The motion to reconsider was agreed to.

The SPEAKER. The first question in order will be, "Shall the bill be committed to a Committee of the Whole House?"

Mr. OLDS. Have I the power to withdraw the motion to commit?

The SPEAKER. The gentleman has not. If no objection is made, the motion to commit will be withdrawn.

Mr. OLDS. The reading of the report made upon the bill in the Senate will explain the whole matter.

The report was read by the Clerk.

Mr. OLDS. The whole matter is stated very simply and briefly in the report just read. These gentlemen bid for several routes in Texas. Among the number of routes which they received were three routes, which proved to be about fifty miles longer than they were advertised at, in consequence of which they refused to perform service upon them. The Department withheld payment for their services upon other routes because they did not perform services upon these three routes.

Mr. GROW. I move that the bill be referred to a Committee of the Whole House.

Mr. HENDRICKS. I call for the previous question.

The previous question was seconded, and the main question ordered to be put; being "Shall the bill be referred to a Committee of the Whole House?"

Mr. HENDRICKS. On that question I call for tellers.

Tellers were ordered; and Messrs. Cox and Wheeler were appointed.

The question was taken; and the tellers reported—ayes 53; not a sufficient number.

[Cries of "Count the other side!"]

Mr. JONES, of Tennessee. There is not a quorum present.

The SPEAKER. The Chair will ascertain whether there is or not.

Mr. PERKINS, of New York. I call for a vote of the other side.

Mr. HENDRICKS. If it is in order, I move that the House do now resolve itself into a Committee of the Whole on the Private Calendar.

The SPEAKER. The motion is not in order.

After a count, the Chair announced that there were one hundred and twenty-one members in their seats.

Mr. JONES, of Tennessee. All those who sit still in their seats, and do not vote at all, are counted for the negative. That is not right. Members may be in their seats, and not vote at all.

Mr. GROW. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EWING. I do not know that there would be this contest were it not for my motion; and as I am extremely unwilling to cause it, I could in one moment, if permitted, explain to the House the nature of the motion. Half the House seems to misunderstand the matter, and if no gentleman objects, I will briefly explain it. I simply wish to remind the House that the House, as many will remember, referred this bill, because they desired to have it investigated. The question was, whether it should go to the Committee of the Whole, or to the Committee on the Post Office and Post Roads. Those who were present will remember that the House desired only that the Committee on the Post Office and Post Roads should examine it and make a report, there then being no report. It was a Senate bill, and had passed that body twice, but was lost in the last Congress in consequence of delay of business. The House decided that it should go to the Committee on the Post Office and Post Roads, instead of to a Committee of the Whole House. Well, now, while I was absent the chairman of the Committee on the Post Office and Post Roads had it referred to a Committee of the Whole House. Being informed of that, I made a motion to reconsider that reference, which was agreed to, and, by unanimous consent, leave was given for the withdrawal of the motion to refer. The friends of the bill would still be defeating their own purposes if they were now to refer it to the Committee of the Whole House, after first sending it to the Committee on the Post Office and Post Roads.

I have had no conference with that committee, or with any member upon it. I left the proof in their hands, and they considered that there was no valid objection to the bill; and I simply wish the House now to carry out the general understanding then had, and to act upon the bill now. It makes no appropriation, but only provides for the remission of a fine.

Mr. GROW. I wish to ask the gentleman if this is the same bill which the House defeated once this session?

Mr. EWING. I have tried for two Congresses to get the House to act upon it in some shape or other; but there are a few gentlemen who seem to persist in putting it off.

Mr. GROW. Is it the same bill to which Mr. SAGE made objection some time since?

Mr. EWING. It is the same bill; but the gentleman will recollect the history of that matter, and that, contrary to my wish, it was referred to a committee, the House refusing to refer it to the Committee of the Whole. I had rather have the paternity of half a dozen Nebraska bills than one private bill for the remission of a fine. It passed through the Senate twice, and has come here. I have been laboring for no other purpose than, after having it investigated by the committee, to get the House to act upon it. But it is moved now to recommit it to a Committee of the Whole House; but I hope it will not be recommitment.

Mr. COBB. I wish simply to say, that Mr. SAGE, who seemed to understand this matter when it was under discussion before, had a letter from the Postmaster General read. Perhaps that letter might throw a little light upon the subject.

Mr. EWING. In answer to the gentleman, I will say, that those who compose the Committee of the Whole House are the same individuals who are now here. Gentlemen will remember that this bill was thoroughly discussed when it was last before us, and occupied more of the attention of the House than I desired. That letter was then read; and I will state to the House its contents, as briefly as possible, if the gentleman will allow me; and I shall thereby save the time of the House. The Post Office Department advertised the routes shorter than they proved to be. The gentleman from New York [Mr. SAGE] goes to the Department, and gets some information from the clerks, and also gets a letter from the same Department. The letter states that, according to the then present information of the Department, the routes are not so long as the proof in the case shows them to be; but it allows that they are a good deal longer than was stated in the advertisement. That is the substance of the letter. The gentleman from Pennsylvania [Mr. GROW] was kind enough, on a former occasion, to call the previous question upon the matter, after he

had made a speech, and thereby cut me off from making an explanation.

Mr. GROW. It is true that when this bill was up some time ago, I had a word to say upon it.

Mr. JONES, of Tennessee. Before the gentleman from Pennsylvania submits his remarks, I desire to suggest an amendment to the gentleman from Kentucky: to strike out, in the second line, the words "and directed," and insert "in his discretion." It now reads:

That the Postmaster General be, and he is hereby, authorized and directed to cause James Jeffries and Jeremiah M. Smith, &c.

If amended, it will read:

That the Postmaster General be, and he is hereby, authorized, in his discretion, to cause, &c.

I ask the gentleman from Kentucky to accept that amendment.

Mr. EWING. I ask the gentleman from Tennessee if that will remove all objection to the bill?

Mr. JONES. If that amendment be made, I will not then object to the bill.

Mr. EWING. Then I will accept the amendment.

The SPEAKER. The Chair will state that the gentleman from Kentucky has no power to accept an amendment; and that, at this stage of the proceedings, it can only be made by the unanimous consent of the House.

Mr. JONES. I take it for granted that if the gentleman from Kentucky does not object, no one else will. If the Postmaster General thinks the petition ought to be granted, I have no objection.

There was no objection; and the amendment was accordingly inserted in the bill.

Mr. GROW. Now, Mr. Speaker, I have a single word to say.

Mr. HENDRICKS. I object to all further debate.

Mr. GROW. I thought I had the floor by the consent of the House.

The SPEAKER. The Chair thinks the objection of the gentleman from Indiana comes too late, so far as the gentleman from Pennsylvania is concerned.

Mr. GROW. There are a large number of cases upon the Private Calendar of at least equal merit with this.

Mr. EWING. How does the gentleman from Pennsylvania obtain possession of the floor?

The SPEAKER. The House accorded it to him by unanimous consent.

Mr. EWING. Well, sir, if I had been aware of the fact at the time, I should have objected. The gentleman made a speech against the bill the other day, and then moved the previous question, although I requested him to withdraw it. If it is in my power to object, I do so.

Mr. WHEELER. Then I shall move to lay the bill upon the table.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor, and it is too late to object.

Mr. GROW. When this bill was before the House on a former occasion, the gentleman from Kentucky made a speech, and then called the previous question upon it. I appealed to him to withdraw it for a moment in my favor, and I promised to renew it. He refused; but when I had obtained the floor, and had called the previous question, he asked of me the same courtesy that he had refused to extend to me. So that if there is any complaint to be made, I think it is I who should make it.

But, sir, I can see no reason why this bill should be taken out of the usual course of proceedings. It has no more merit in it than a great many other bills upon your Private Calendar. If these contractors have suffered, it is their own fault, and not the fault of the Government. They knew, or they should have known, what service was required before they took the contract. But I do not propose to argue the merits of the claim. My great objection is to taking this bill out of its regular order upon the Calendar, and giving it preference in our action upon it over other bills there of equal merit.

Mr. EWING. Just one word. This bill is not upon the Private Calendar. It is before the House, and upon its passage. The remarks of the gentleman are therefore wholly irrelevant and inapplicable.

Mr. JONES, of Tennessee. Withdraw the call for the yeas and nays.

The SPEAKER. The yeas and nays have been ordered, and cannot be withdrawn, except by unanimous consent.

Mr. WHEELER. I object

The question now being upon recommitting the bill to a Committee of the Whole House, it was taken; and the motion was decided in the negative—yeas 34, nays 90; as follows:

YEAS—Messrs. Thomas H. Bayly, Ball, Belcher, Carpenter, Crocker, Culloin, Dick, Ellison, Fuller, Giddings, Grow, Hastings, Houston, Daniel T. Jones, Knox, Letcher, McCulloch, Matteson, Milton, Norton, Parker, Pennington, Bishop Perkins, Phelps, Pratt, Pringle, Ready, Rowe, Ruffin, William R. Smith, Trout, Wade, Ellihu B. Washburne, and Wells—34.

NAYS—Messrs. James C. Allen, Ashe, David J. Bailey, Barry, Benson, Benton, Breckinridge, Caruthers, Caskie, Chamberlain, Chandler, Chastain, Chrisman, Churchwell, Cobb, Corwin, Cox, Thomas Davis, De Witt, Edmundson, Thomas D. Eliot, English, Etheridge, Ewing, Farley, Faulkner, Florence, Goode, Greenwood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Heun, Hill, Hillyer, Howe, Hughes, Hunt, Johnson, George W. Jones, J. Giancy Jones, Roland Jones, Keitt, Kurtz, Lamb, Latham, Lindley, Lindsley, McDougall, Macy, Maxwell, Mayall, Middewarh, Smith Miller, Morgan, Nichols, Noble, Olds, Andrew Oliver, Orr, Peck, Peckham, Powell, Preston, David Ritchie, Robbins, Sabin, Sapp, Seward, Shannon, Shaw, Singleton, Skelton, Gerrit Smith, William Smith, Frederick P. Stanton, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Vail, Walsh, John Wentworth, Wheeler, Witte, Yates, and Zollisoffler—90.

The bill was then ordered to a third reading; and was accordingly read the third time, and passed.

Mr. EWING moved that the vote by which the bill was passed be reconsidered; and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

Mr. HENDRICKS. I now move that the House resolve itself into a Committee of the Whole House.

Mr. HILLYER. Before that motion is put, I ask the unanimous consent of the House to report from the Committee of Claims a bill for the relief of John Frazer, and the administrator of the estate of John G. Clendenin, deceased.

There was no objection; and the bill was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

The question was then put on Mr. HENDRICK's motion; and it was agreed to.

The House accordingly resolved itself into a Committee of the Whole, (Mr. Disney in the chair), and proceeded to consider private bills in the order in which they stood upon the Calendar.

This being "objection Friday," no discussion was in order, and no bill could be considered to which objection was made.

HEIRS OF BARON DE KALB.

The CHAIRMAN. The first bill before the committee for consideration is entitled "A bill for the relief of the children and heirs of Major General Baron De Kalb."

Mr. WASHBURN, of Illinois. Why does the Chair commence on page eleven, and not at the commencement of the Calendar?

The CHAIRMAN. This is objection day, and the Chair has commenced where the committee left off last objection day, in accordance with the uniform practice of the committee.

Mr. WASHBURN. I think the Chair should commence at the beginning of the Calendar.

The CHAIRMAN. The Chair is advised that all bills before the one, the title of which has been stated, have been objected to heretofore.

Mr. WASHBURN. That may be true, but they may not be objected to now.

The CHAIRMAN. The Chair has commenced the call of the Calendar, this being objection day, where it was suspended the last objection day. On private bill days, when debate is allowed, the call is commenced with the first bill on the Calendar.

The bill was then read through.

Mr. PERKINS, of New York, objected, and the bill went over.

NEW YORK VOLUNTEERS.

Senate bill (No. 17) "to reimburse to the common council of New York city expenditures made for the first regiment of New York volunteers."

The bill provides that the Secretary of War, in the settlement and adjustment (under the act of Congress of June 2, 1848) of the claims of the

common council of New York, for expenditures made in organizing, transporting, clothing, and subsisting the first regiment of New York volunteers, commanded by Colonel Ward B. Burnett, prior to the mustering of said regiment into the service of the United States, shall be authorized and required to allow such of those claims as may be supported by satisfactory vouchers, showing that such expenditure had been fairly made, and was necessary and proper for the service, notwithstanding that such vouchers may be informal and defective for want of particularity, provided the amount allowed shall not exceed \$3,672 90.

There being no objection to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

MAJOR CALEB SWAN.

Senate bill (No. 33) "for the relief of the legal representatives of Major Caleb Swan."

Mr. LETCHER. I object. Let the bill go over.

The bill was accordingly laid over.

W. D. PORTER.

House bill (No. 265) "for the relief of W. D. Porter, of the United States Navy."

The bill, which was read, provides for the settlement of the accounts of W. D. Porter for moneys expended by him in defraying the expenses of bringing Amin Bey and suite to the United States, in compliance with the request of the Hon. G. P. Marsh, United States Minister at Constantinople; the amount not to exceed \$2,024 32.

Mr. JONES, of Tennessee. It was in a vessel of the Navy of the United States that Amin Bey and his suite were brought here. At a former session of Congress, and at the time when he was here at the Capitol, we appropriated \$10,000 for paying his expenses. I therefore object to this bill.

Mr. BRECKINRIDGE. I can explain to my friend from Tennessee, if the committee will allow me, how it was that Captain Porter did not happen to be paid out of the appropriation which he alludes to.

This bill was reported by the gentleman from Louisiana, [Mr. PERKINS,] who, I thought, was not in the House to-day, but whom I now see in his seat. At the last Congress I was on the Committee on Foreign Affairs, and was instructed by that committee to report this bill. Captain Porter was in command of the United States ship which conveyed Amin Bey and suite to this country—

Mr. JONES, (interrupting.) I have objected to this bill.

Mr. BRECKINRIDGE. I can explain in one instant how it was that Captain Porter was not paid out of the appropriation of \$10,000.

Mr. JONES. But I should like to know why it was that he was to be paid at all, when it was a Government vessel that he was in command of.

Mr. BRECKINRIDGE. I would explain that, if the committee would allow me.

Mr. JONES. I must insist on my objection.

MOSES OLMSTEAD.

House bill (No. 117) "for the relief of Moses Olmstead."

The bill, which was read, authorizes the Secretary of the Treasury to place the name of Moses Olmstead upon the roll of invalid pensioners, and to pay him during his life a pension at the rate of eight dollars a month, commencing on the 20th of January, 1853.

From the report, it appears that the claim rests upon the alleged fact that the claimant, while in the service of the United States, in the war of 1812, and while stationed at Harlem Heights, received an injury in one of his legs, which at the time did not prevent him from serving to the end of his term. He was discharged on the 26th of November, 1814. It would appear, however, that the injury was of a permanent nature, and increased from year to year, until, as shown by the statements of two highly respectable and well known surgeons, he is rendered wholly unable to obtain a subsistence by manual labor. The evidence in support of the claim is not sufficient to justify the Commissioner of Pensions in placing his name on the roll of invalid pensioners. But that officer, in a letter to the chairman of the Committee on Pensions, dated 20th January, 1853, says:

"Although the papers do not afford such evidence as our

rules require, yet from his own statement of his case, and the evidence afforded by the papers of his high character for truth, morality, and religion, I feel no hesitation in recommending his claim to the favorable consideration of Congress."

It is shown that, since that time, by the advice of eminent surgeons, the injured limb has been amputated.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

DAVID TOWLE.

House bill (No. 269) "for the relief of David Towle."

The bill, which was read, provides that the name of David Towle, of the town of Oxford, in the State of Maine, be placed on the pension roll at eight dollars a month, from the 5th of April, 1843.

From the report, it appears that the petitioner, on the 14th of April, 1813, enlisted for one year as corporal in the company of Captain Noah Haley, in the thirty-third regiment of United States infantry, commanded by Colonel Isaac Lane, and on the 25th of May joined his regiment at Saco, in Maine, and was afterwards marched to Boston, Massachusetts; thence, on the 14th of August, was ordered for Concord, a march of eighty miles in excessive hot weather. During the march, the petitioner became so exhausted and worn down by the fatigue and heat, that an inflammation of the kidneys and stoppage of urine was produced, which eventuated in a chronic disease of the kidneys and ureter, by which he is wholly disabled from obtaining a living by manual labor.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

THOMAS PORTER.

House bill (No. 270) "to provide a pension for Captain Thomas Porter."

The bill, which was read, provides that Thomas Porter, a deputy quartermaster in the war of 1812, be placed on the roll of invalid pensioners at twenty dollars a month, commencing on the 2d of March, 1831, deducting such sums as heretofore have been allowed and paid to him as pension money.

From the report, it appears that Thomas Porter entered the service, in Captain James A. McClelland's troop of volunteer light dragoons, in the month of October, 1812; continued in said service for one year; was severely wounded at the battle of Missinoway on the 19th December, 1812. So severe was his wound, that he had to be carried on a litter from the battle-ground to Dayton, Ohio, and from thence to Lebanon, Ohio, in a sleigh. His horse was killed in said battle. Partially recovering from said wound, he joined his troop in the following spring, and marched to Fort Meigs; was in the first siege of said fort, at which place he was slightly wounded by a cannon ball, the same killing a second horse for him while in the attitude of mounting. He continued in the service till the close of the campaign, partaking in all the engagements of his squadron, and terminating with the battle of the Thames; after which he was discharged. Shortly after leaving the volunteer service, he received, without solicitation on his part, the appointment of ensign in the sixteenth regiment United States infantry; and soon thereafter, without solicitation, the additional appointment from President Monroe of assistant deputy quartermaster general, with orders to repair to Carlisle, in the State of Pennsylvania. He accepted the appointment, and promptly repaired to the post assigned him, and there continued in the full discharge of his duties until peace was made. In the winter of 1814 and 1815 he felt serious inconvenience from the wounds he had previously received, and was confined to his bed for some weeks in consequence thereof. From the month of October, 1819, in consequence of said wounds, he has been confined to his bed, his crutches, and his staff.

Mr. HENDRICKS. I ask if there is not an amendment pending to the bill?

The CHAIRMAN. There is.

Mr. HENDRICKS. I ask that it may be read. The amendment was reported, as follows:

Insert after the word "money," the words "and that the amount found due under the provisions of this act shall be paid to the children of Captain Thomas Porter."

Mr. HENDRICKS. I will state to the committee, that the state of this case has somewhat changed since the report was made. Thomas Porter was wounded while a private. That wound was almost cured when he was promoted; and he services which he rendered in the Army after his promotion made his former wounds become incurable. In 1831, by a special act of Congress, he was pensioned at the rate of eight dollars a month. This pay was not according to his rank, and he declined to receive it; but afterwards becoming poor, he concluded to accept it. The committee were of opinion that the pension should have been according to his rank, and they have accordingly reported a bill to that effect. Receiving, as he did, a pension, he could not get a pension, according to his rank, at the Pension Office. Since the bill was reported, Captain Porter has died of the wounds which he received in the service, and my colleague reported the amendment which has just been read. I think that it ought to be adopted. This is a back pension, which he ought to receive.

Mr. JONES, of Tennessee. I will inquire of the gentleman whether he did not get a full disability pension for the rank he held in the service at the time he received the injury?

Mr. HENDRICKS. If that were so, the committee would have reported against the case; for the committee have in no case reported a bill giving larger pension than that of the rank held at the time of receiving the injury. This injury became permanent and incurable while he was captain. That is the finding of the report.

Mr. JONES. Was not the wound received while Captain Porter was a private?

Mr. HENDRICKS. I tried to state that to the committee. His first wound was received while he was a private. It was nearly cured when he was promoted; and, by the labor incident to the discharge of his last service, the wound was made incurable. That is the report of the physicians.

The question was taken; and the amendment was agreed to.

There being no objection to the bill, it was then laid aside to be reported to the House, with a recommendation that it do pass.

HEIRS OF DANIEL BEDINGER.

House bill (No. 272) "for the relief of Daniel Bedinger's heirs."

The bill was read through.

Mr. JONES, of Tennessee. I should like to know from the gentleman who reported that bill why this claimant did not get his commutation pay under the general laws authorizing its payment?

The CHAIRMAN. The gentleman from North Carolina, [Mr. ROGERS], who reported the bill, is not present.

Mr. JONES. Then let the bill go over until he is here to give us some explanation of the bill.

Mr. FAULKNER. I did not report the bill, but I am somewhat acquainted with the facts of the case. The proof is conclusive that Mr. Bedinger never received the commutation pay. Why he never called to receive it, is a question which cannot be determined at this day. That he was entitled to it is certified to by all the other officers. It is certified by the officer of the Government that he never received it. All these certificates are before the committee.

Mr. JONES. Let it go over. The gentleman who reported it is absent, and I should like to have some explanation from him.

Objection being made, the bill was passed over.

PRISCILLA C. SIMONDS.

Senate bill (No. 54) "for the relief of Priscilla C. Simonds."

The bill provides that the proper accounting officers of the Treasury be directed to pay to Priscilla C. Simonds the sum of \$418, being the value of the property of the late Captain Moses H. Simonds, which was taken possession of by authority of the United States.

From the report, it appears that Moses H. Simonds, the son of the petitioner, was captain of company H, third regiment of Missouri mounted volunteers, and was mustered into the service of the United States on the 12th June, 1847. That while in the discharge of his duty, and en route for Santa Fe with his company, Captain Simonds sickened and died at Council Grove, on the 25th day of July, 1847. That after his death, his

property and effects, consisting of two horses, clothing, and military equipage, &c., valued by Lieutenant Cannon, of said company, under oath, at \$418, were taken possession of by Major Reynolds, of said regiment, agreeably to the ninety-fourth paragraph of the rules and articles of war, but never accounted for by him, either to the representatives of the deceased officer or to the Government.

It appears by the papers that the major of the regiment (Reynolds) did, on the decease of Captain Simonds, immediately secure all his effects, as provided by law; and it further appears, upon examination at the Adjutant General's office, that he failed to send any inventory to the War Department, as provided for by law. Major Reynolds is also dead; and there does not now appear to be any means of recovering the property, or its value, from that quarter.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

SAMUEL M'KNIGHT.

House bill (No. 319) "for the relief of Samuel McKnight of the State of Kentucky."

The bill provides that the Secretary of the Interior be directed to place the name of Samuel McKnight, of the State of Kentucky, on the list of invalid pensioners of the United States, at the rate of eight dollars per month, to commence January 1, 1853, and to continue during his natural life.

The report shows that on the 24th day of April, 1847, the petitioner enlisted in company B, of the sixteenth regiment of the infantry in the Army of the United States, to serve during the war with Mexico, and was honorably discharged at the close of the war; that whilst the petitioner was in the service in the line of his duty, near Monterey, in Mexico, his eyes became diseased; that this disease was caused by the climate and the hardships of the service, and not by any fault on the part of the petitioner; that the disease has constantly been growing worse, and that he is now almost blind; that his eyes cannot be cured, but that in a short time he will be entirely blind. The petitioner is a stone mason, but has not been able to labor at his business since his return from Mexico. His money has been expended in securing surgical treatment for his eyes. He is now wholly disabled, and destitute.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

WILLIAM WALLACE.

House bill (No. 320) "for the relief of William Wallace, of Illinois."

The bill provides that the Secretary of the Interior be authorized and directed to place the name of William Wallace, of the State of Illinois, on the list of invalid pensioners of the United States, at the rate of six dollars per month, from March 4, 1854, and to continue during his natural life.

The report shows that the petitioner served as a corporal in Captain Whiting's company, of the twenty-third regiment of United States infantry, from the 26th day of February, 1813, during the war of 1812; that on the 25th day of July, 1814, at the battle of Bridgewater, he was wounded in his left thigh, by a musket shot; that he was carried from the field and remained in the hospital for several months; that the ball was not taken from the wound, but remains in the limb at this time, and that the injury has within a few years so increased, as three fourths to disable him from obtaining his subsistence by manual labor.

The petitioner made application at the Pension Office, but was refused a pension, because he could not produce the testimony of a commissioned officer, or of more than one private of the company in which he served, to establish his claim, which was required under the law and regulations governing that office.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

GEORGE M. BENTLEY.

House bill (No. 320) "for the relief of George M. Bentley, of the State of Indiana."

The bill provides that the Secretary of the Interior be directed to place the name of George M. Bentley, of the State of Indiana, upon the list of

invalid pensioners of the United States, at the rate of eight dollars per month, from January 1, 1854, and to continue during his natural life.

From the report, it appears that the said Bentley was a private in company H in the third regiment of Indiana volunteers, and in said company served in Mexico during the war with that country; and with his company fought gallantly at the battle of Buena Vista. During the first part of the month of November, 1846, the said regiment was encamped near Matamoros, upon the Rio Grande. On or about the 10th day of that month, said Bentley, with the written permission of the colonel of the regiment, went into the city of Matamoros, and whilst there, by accident, sprained his right ankle. Upon his return to camp in the evening, his ankle was swollen, and he was so disabled by lameness as to be unable to perform military duty for a "considerable length of time." Before the limb was wholly restored, he returned to the discharge of his duty; the swelling returned, and continued until incurable ulcers broke out upon the limb. The said Bentley is now wholly disabled from providing for himself and his family by manual labor.

Before entering the service of the United States, the said Bentley was a sound and very robust man. Whilst in the service he was temperate and very attentive to his duties. This claim was submitted to the Pension Office and rejected, for the reason that there is not the testimony of any person who was immediately present when the injury was first received.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

ZADOC C. INGRAHAM.

Senate bill (No. 249) "for the relief of Zadoc C. Ingraham."

The bill provides that the Postmaster General be directed to cause Zadoc C. Ingraham, late postmaster at Wapello, Iowa, to be released from a judgment obtained against him by the United States in March, 1849, for \$318 87, and all interest and costs.

Mr. GREENWOOD. I ask that the report may be read.

The CHAIRMAN. The Chair understands that there is no report.

Mr. JONES. Well, sir, the courts have decided against this man, and I think the bill had better go over.

Mr. OLDS. There is a Senate report somewhere; but if the committee will allow me, I will state the facts of the case in half a dozen words. This is the case of a postmaster who paid over the amount of his postages to the contractor, but the money was stolen. A suit was brought against him, and the amount recovered from him. But since that time it has been proven satisfactorily that the money was stolen. These are the facts of the case. I hope there will be no objection.

There was no objection; and the bill was laid aside to be reported to the House with a recommendation that it do pass.

LLEWELLEN WASHINGTON.

Senate bill (No. 283) "for the relief of Llewellyn Washington."

The bill directs the Secretary of the Treasury to pay to Llewellyn Washington \$205 62, for services performed by him as clerk in the Post Office Department, from May 1, 1851, to July 14, of the same year.

The report of the committee was read, from which it appears that, according to the statement of the Assistant Postmaster General, Llewellyn Washington was employed as temporary clerk in the Post Office Department, during the time above specified, at the rate of \$1,000 per annum; that the Postmaster General, in his estimate sent to the Treasury Department, asked for \$205 62 for his payment; but, from some cause, no appropriation was made. The committee report that they believe the claim to be entirely just.

There being no objection to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

IRA DAY.

Senate bill (No. 209) "for the relief of Ira Day, of Vermont."

The bill authorizes and requires the Postmaster General to pay to Ira Day, out of the funds of the Post Office Department, the sum of \$1,008 90,

in full for the balance due him for transporting the mail from Royalton to Burlington, in Vermont, from January, 1833, to July, 1837.

From the report it appears that James Barker and others were contractors for transporting a daily mail for four years from Boston, in the State of Massachusetts, to Royalton, Montpelier, and Burlington, (the great depot of navigation on Lake Champlain,) being the great mail route from Boston to Montreal, for the sum of \$12,250 per annum, commencing on the 1st day of January, 1833, and ending in January, 1837. In the month of October, 1834, the Postmaster General ordered the mail to be discontinued one day in a week on that part of the route from Royalton to Burlington; which part of the route, for the transportation of the mail, was assigned by the contractors to the petitioner. Under the order aforesaid of the Postmaster General, the mail from Boston arrived at Royalton on Saturday evening, and remained over until the Monday morning following.

The inconvenience to the public by this order appears to have been so great, that the postmasters on the route and other citizens solicited and urged the petitioner to continue the transportation of the mail every day, notwithstanding said order of the Postmaster General. He did so; and by so doing the line was continued unbroken, and the mail was transported regularly from Boston to the capital of Vermont, and thence to Burlington, and vice versa, every day in the week. The petitioner therefore claims the sum of \$1,008 90, being the sum withheld from him by the Postmaster General on account of the order for discontinuing the transportation of the mail aforesaid.

It also appears that the mail was carried by the petitioner, at the request of the Postmaster General, after the contract had expired, to wit: from the 1st of January, 1837, to the 1st of July of the same year. The one seventh part of the amount of the original contract for performing that service was also retained by the Postmaster General, and is included in the bill.

There was no power vested in the Postmaster General authorizing him to make the order of October, 1834, discontinuing the mail one day in the week on that part of the route from Royalton to Burlington.

Mr. UPHAM. I move to amend the bill by inserting after the name "Ira Day" the words "or his legal representatives."

The amendment was agreed to.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

Mr. CHASTAIN. I move that the committee do now rise.

The motion was not agreed to.

WILLIAM G. HOWISON.

House bill (No. 356) "for the relief of William G. Howison."

The bill provides that William G. Howison be allowed by the proper accounting officers of the Treasury \$167, in full for all services as a member of the Auxiliary Guard of the city of Washington.

From the report, it appears William G. Howison was a member of the Auxiliary Guard for the city of Washington, and that whilst acting in that capacity he became sick; that he remained so for one hundred and sixty-seven days, when, on account of it, he was discharged the service; that whilst sick he was docked in his pay, which he maintains was not right, and not justified by precedent.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it pass.

CAPTAIN MATHEW JACK.

House bill (No. 360) "for the relief of the heirs of Captain Mathew Jack, deceased."

The bill and report were read.

The bill provides for the payment of one year's extra pay to which Captain Mathew Jack was entitled by virtue of resolution of 1778.

There being no objection to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

LOT HALL.

House bill (No. 365) "for the relief of the heirs of Lot Hall, deceased."

The bill provides that the proper accounting offi-

cers of the Treasury shall settle and pay to the heirs and legal representatives of Lot Hall, deceased, who was a lieutenant of marines in the service of the United States during the Revolution, \$1,906, together with the interest thereon, at six per cent. per annum, from May 25, 1840, for the pay of a lieutenant of marines, due to the said Lot Hall, and for the subsistence of the said Hall while a prisoner of war, and also for the share of prize money due to him, under the resolutions of Congress, for the proceeds of the vessels captured by Lieutenant Payne, while the said Hall was under his command.

It appears, from the report made in this case, that Lot Hall entered the service of the United States in May, 1776, as a lieutenant of marines, under Lieutenant Elijah F. Payne, of the ship *Randolph*, of twenty guns, then lying at Charleston, South Carolina, under the command of Robert Cochran; that said Hall entered the service under the regulations of Congress, and the directions of General Washington, in Massachusetts, where he enlisted twenty-nine men and a boy, whom he transported to Providence, Rhode Island, and placed, as well as himself, under the command of Lieutenant Payne; from Providence they sailed, in the month of June, 1776, with a design to make a cruising voyage to Charleston, South Carolina, to join their ship, the *Randolph*. On their passage they took four prizes, the last of which Hall was put on board of as prize-master, with orders to take the prize into Boston; but she was retaken by a British vessel, and Hall carried a prisoner of war to Glasgow, in Scotland, where he was detained about a year, when he was enabled to take passage for Virginia, where he arrived about the 1st of January, 1778, as an exchanged officer; and through the munificence of Patrick Henry, then Governor of Virginia, he was enabled to reach his home in Massachusetts, February 22, 1778, stopping at Philadelphia on his route, and petitioning Congress, then sitting there, for employment, which petition is dated January 23, 1778; and after setting forth his adventures and sufferings, concludes as follows:

"I now beg of your honors to consider my sufferings, and if you think me deserving any office on board a Continental vessel, and will bestow it upon me, I am willing to enter a second time, or at least I hope your honors will supply me with money sufficient to carry me to the State of Boston, the State of my nativity."

Upon this state of facts the claimants ask for the pay and subsistence of said Hall while a prisoner; for one year's pay as a supernumerary exchanged officer, and for his share of the prize money, with such interest as Congress may deem just and right.

There being no objection to the bill, it was laid aside to be reported to the House, with a recommendation that it pass.

HENRY HOFFMAN.

House bill (No. 366) "for the relief of the legal representatives of Henry Hoffman."

The bill, which was read, provides that the Secretary of the Treasury pay the sum of eighty dollars to the legal representatives of Henry Hoffman, being on account of a reward provided in certain cases, by resolution of Congress of the 16th of May, 1778.

From the report, it appears that, by the original papers in the office of the Commissioner of Pensions, Henry Hoffman enlisted on the 5th of September, 1782, for, and served until the end of, the war, in the second regiment Pennsylvania line. The Third Auditor of the Treasury Department also states that the records in his office show that he received his monthly pay to the end of the war, but did not receive a certificate for the eighty dollars gratuity promised by resolution of Congress, passed May 15, 1778, which provides a reward of eighty dollars for each non-commissioned officer or soldier who had enlisted, or might thereafter enlist, and serve to the end of the war. The case of Henry Hoffman clearly comes within the provisions of that resolution.

No objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

BILLS OBJECTED TO.

House bill (No. 273) "for the relief of the legal representatives of Colonel John H. Stone." [Objected to by Mr. SKELTON.]

House bill (No. 274) "for the relief of the legal representatives of Colonel Willis Riddick, de-

ceased." [Objected to by Mr. JONES, of New York.]

House bill (No. 281) "for the relief of Brigadier General John E. Wool." [Objected to by Mr. LETCHER.]

House bill (No. 282) "for the relief of the legal representatives of Colonel Francis Vigo." [Objected to by Mr. HAMILTON.]

House bill (No. 323) "for the relief of J. C. Buckles."

The bill was read through.

Mr. ROWE. I object.

Mr. PRESTON. The gentleman who reported this bill is not present; but I trust it will not be objected to. This case has been here continually from year to year, always reported favorably upon, and always lost for want of action upon it by the House. I hope the objection will be withdrawn.

The objection was not withdrawn.

House bill (No. 324) "for the relief of McAtee & Eastman." [Objected to by Mr. HASTINGS.]

House bill (No. 335) "for the relief of James S. Graham, and Walker H. Finnall." [Objected to by Mr. ROWE.]

House bill (No. 327) "to authorize Robert Graham to locate six thousand nine hundred and ninety-three acres of land, in lieu of one undivided half part of certain lands patented to John Edgar and John Murray St. Clair, by the Governor of the Northwestern Territory." [Objected to by Mr. READY.]

Senate bill (No. 303) "for the relief of James N. Goggin." [Objected to by Mr. HASTINGS.]

Joint resolution (No. 24) "for the adjustment of the accounts of John D. Colmesnil."

The bill and report were read through.

Mr. LETCHER. I object.

Mr. JONES, of Tennessee. I hope the objection will be withdrawn. The bill places the matter in the hands of the First Comptroller of the Treasury, and I had rather trust to his judgment than that of this House.

The objection was not withdrawn.

Senate bill (No. 147) "for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina." [Objected to by Mr. JONES, of New York.]

House bill (No. 359) "for the relief of the heirs of Captain Nehemiah Stokely, deceased." [Objected to by Mr. MILLSON.]

House bill (No. 361) "for the relief of the widow and children of Ezra Chapman, deceased." [Objected to by Mr. MILLSON.]

House bill (No. 362) "for the relief of the heirs and legal representatives of Joseph Savage, deceased." [Objected to by Mr. MILLSON.]

House bill (No. 363) "for the relief of the heirs of Thomas Parks, deceased." [Objected to by Mr. SKELTON.]

House bill (No. 364) "for the relief of William A. Duer, John Duer, and Beverly Robinson, trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Sterling." [Objected to by Mr. HAMILTON.]

Mr. RUSSELL. I move that the committee do now rise.

The question was put; and there were, on a division—ayes 39, noes 41; no quorum voting.

Mr. JONES. I ask that the roll be called. The rule requires it.

The Clerk commenced calling the roll.

Mr. HAVEN. Is it in order to call for tellers?

The CHAIRMAN. It is.

Mr. JONES, of Tennessee. I submit that it is too late to call for tellers.

The CHAIRMAN. The Chair thinks not. The committee found itself without a quorum upon a division, and they have a right to a recount.

Mr. JONES. The Chair announced that the committee had refused to rise; and the committee were proceeding to take up another bill, when the attention of the Chair was called, to the fact that a quorum had not voted. I think it is clearly too late to call for tellers.

The CHAIRMAN. Upon that ground the Chair will decide that it is too late. The Clerk will call the roll.

The roll was then called.

The committee rose; and the Speaker having resumed the chair, the Chairman (Mr. DISNEY)

reported that a Committee of the Whole House had, according to order, had the Private Calendar under consideration, and having found itself without a quorum, had caused the roll to be called, and had directed him to report the facts to the House, with the names of the absentees, as follows:

Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Banks, Bell, Bennett, Bissell, Bliss, Brocock, Boyce, Breckinridge, Bridges, Bugg, Caruthers, Chamberlain, Chase, Chastain, Chrisman, Clark, Clingman, Cook, Cox, Craige, Cullom, Cumming, Curtis, Cutting, John G. Davis, Dawson, Dean, Dent, De Witt, Dick, Dickinson, Drum, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmunds, Edmundson, John M. Elliott, Ellison, English, Etheridge, Everhart, Ewing, Fenton, Flagler, Franklin, Fuller, Gamble, Green, Greenwood, Grey, Grow, Andrew J. Harlan, Wiley P. Harris, Harrison, Haven, Hibbard, Hiester, Hill, Hughes, Ingersoll, J. Glancy Jones, Robert Jones, Keitt, Kirtz, Kutz, Lamb, Lane, Lilly, Lindley, Lyon, Macdonald, McQueen, Mace, Maurice, Maxwell, Mayall, Meacham, John G. Miller, Smith Miller, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Mordecai Oliver, Packer, Peck, Bishop Perkins, John Perkins, Powell, Ready, Reese, Richardson, Riddle, Rogers, Sabin, Sage, Sapp, Seward, Seymour, Simmons, William R. Smith, George W. Smyth, Solters, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, Thurston, Tweed, Walbridge, Walley, Walsh, Warren, Israel Washburn, Westbrook, White, Daniel B. Wright, Hendrick B. Wright, and Yates.

The SPEAKER announced that one hundred and one members—less than a quorum—had answered to their names.

Mr. CAMPBELL. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten minutes to four o'clock) the House adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 24, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was in part read.

Mr. COBB. I understand the Journal is a very long one. I move that the further reading be dispensed with.

By unanimous consent, the motion was agreed to, and the Journal approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a statement prepared by the Register of the Treasury, exhibiting an account of the receipts and expenditures of the United States for the year ending 30th June, 1853, in pursuance of a standing order of the House.

The communication was laid upon the table, and ordered to be printed.

PRIVATE BILLS.

Mr. HENDRICKS. The House, while in Committee of the Whole on the Private Calendar, yesterday, passed a number of bills, but the committee, finding itself without a quorum, could not report them to the House. I now ask unanimous consent that the Committee of the Whole House may be discharged from the further consideration of those bills, and that they may come before the House for their passage. They are the bills which were considered in committee yesterday to which no objection was made.

Mr. HOUSTON. I desire to say to my friend from Indiana, and to the House, that I think those bills which were laid aside in committee yesterday, to be reported to the House, should be considered as having been reported, just as if the committee had reported them regularly; but I hope my friend will allow them to go over for the present, and not call them up for their passage this morning. Let them remain upon the Speaker's table, and come up some other time.

Mr. HENDRICKS. It will take but a few minutes to pass them.

Mr. HOUSTON. I am perfectly willing that the bills should pass, every one of them: but it is very important that we should dispose of the civil and diplomatic bill to-day. I hope on Monday next to be able to get up in committee the bill making provisions for carrying out the late Mexican treaty. It is absolutely necessary that that bill should pass before Friday next.

Mr. HENDRICKS. I have no doubt that these bills can be disposed of in less time than we have been occupied in talking about them. I hope they will be passed in gross.

The SPEAKER. The committee will be discharged from their further consideration, unless objection be made.

There was no objection; and the bills were brought before the House in gross.

Mr. HILLYER. I rise to a privileged question. I move to reconsider the vote of yesterday, by which Senate bill No. 330, for the relief of José de Luco, &c., was referred to a Committee of the Whole House.

The SPEAKER. The gentleman's motion to reconsider will be entered. It cannot be considered now in connection with the unanimous order of the House discharging the Committee of the Whole House from the private bills to which no objection was made yesterday. The gentleman can call it up any time afterwards.

Mr. HENDRICKS. At the request of the Speaker, I wish to bring before the House one other matter. In calling the Private Calendar yesterday, House bill (No. 362) for the relief of the heirs of Joseph Savage, was called; but the Clerk, at the moment, could not find the report accompanying it. The report abundantly sustains the case, but merely because it could not be found, though it was among the papers, the bill was passed over. I ask that the report be now read. It is very short; not half a column in length. If there be objection, of course I shall not ask action on the bill. If no objection be made, then I shall ask that the Committee of the Whole be discharged from its further consideration.

Mr. HAMILTON. The gentleman from Virginia [Mr. MILLSON] made the objection to the bill yesterday.

Mr. HENDRICKS. The objection, I understand, was because there was no report in the case.

The SPEAKER. The Chair understood, at the time the bill was passed over, that the objection was because there was no report. If there be other objection, the bill of course goes over.

Mr. HENDRICKS. As there seems to be other objection to the bill, I now ask that all the bills to which no amendment has been made, be put on their passage *en masse*.

The SPEAKER. That course will be pursued, unless objection be made. The titles of the bills will be read, and if any member desires a separate vote on any one, he will rise in his place and say so. First will be considered a bill to which amendment was made.

The Clerk read the title of the first bill, as follows:

House bill (No. 270) "to provide a pension for Captain Thomas Porter."

The amendment of the Committee of the Whole House was read and concurred in, as follows:

Add:

And the amount found due under the provisions of this act shall be paid to the children of the said Captain Thomas Porter.

The question was put on ordering the bill to be engrossed and read a third time; and there were—ayes 61.

Mr. HAMILTON. I demand tellers.

Tellers were ordered; and Messrs. Ewing and Vail were appointed.

The question was taken; and the tellers reported—ayes 99, noes 18.

The Chair voting in the affirmative, the bill was ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and subsequently passed.

The SPEAKER. The following bill is reported with an amendment:

A bill for the relief of Ira Day, of Vermont.

The amendment is to insert after the words "Ira Day," the following words: "or his legal representatives."

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

The following Senate bills were then taken up, read a third time, and passed:

No. 17. An act to reimburse the Common Council of the city of New York for expenditures made for the first regiment of New York volunteers;

No. 54. An act for the relief of Priscilla C. Simonds;

No. 117. An act for the relief of Moses Olmstead; and

No. 283. An act for the relief of Llewellyn Washington.

The following bill having been also read by its title:

No. 249. An act for the relief of Zadoc C. Ingraham.

Mr. OLDS said: I have one word to say with regard to the Ingraham case. I am reported in the Globe of to-day as having said, yesterday, as follows:

"There is a Senate report somewhere; but if the committee will allow me, I will state the facts of the case in half a dozen words. This is the case of a postmaster who paid over the amount of his postages to the contractor, but the money was stolen. A suit was brought against him, and the amount recovered from him. But since that time it has been proven satisfactorily that the money was stolen. These are the facts of the case. I hope there will be no objection."

Sir, the statement which I made yesterday was not that the money was stolen. The case is this: The postmaster paid over the money to the contractor for carrying the mails, and his vouchers for the payment were sent to the General Post Office, and were burned when the Post Office building was burned, in 1836. A suit was commenced against him, however, for the money, inasmuch as the vouchers were lost. The contractor to whom the money had been paid being dead, the evidence before the committee is from the brother of the contractor, who certifies under oath that the contractor did receive his money. And the petitioner asks to be discharged from this suit against him. This makes a much stronger case than that as reported in the Globe.

Mr. JONES, of Tennessee. I ask the gentleman from Ohio if the contractor was charged with the money in the settlement of the accounts of the Department?

Mr. OLDS. The contractor's account still stands open at the Department. But it is in proof by the brother of the contractor, under oath, that the contractor did receive this money from the postmaster.

Mr. JONES. In what year was the money paid?

Mr. OLDS. I am unable to say now, the Senate report having been mislaid. I believe, however, it was in 1836.

Mr. JONES. And the statement is, that the account is still open at the Post Office Department. I should suppose it would be settled before this time.

Mr. HENN. I would state to the gentleman from Tennessee, that the account has been kept open for this very purpose, of giving the postmaster an opportunity to prove this fact. He has never been able to do it till within the last six months.

Mr. JONES. Then certainly the Department ought to have been able to close the account within six months, if it is proved that the contractor got the money.

The bill was then ordered to a third reading; and was subsequently read a third time, and passed.

The following House bills were then ordered to be engrossed and read a third time; and, being engrossed, were read a third time, and passed:

House bill (No. 269) "to create and provide a pension for David Towle;"

House bill (No. 319) "for the relief of Samuel McKnight, of Kentucky;"

House bill (No. 320) "for the relief of William Wallace, of the State of Illinois;"

House bill (No. 321) "for the relief of George M. Bentley, of the State of Indiana;"

House bill (No. 356) "for the relief of William G. Howison;"

House bill (No. 360) "for the relief of the heirs of Captain Matthew Jack, deceased;"

House bill (No. 365) "for the relief of the heirs of Lot Hall, deceased;" and

House bill (No. 366) "for the relief of the legal representatives of Henry Hoffman."

Mr. HOUSTON. I now hope that the House will resolve itself into the Committee of the Whole on the state of the Union, with a view to finish to-day the civil and diplomatic bill.

Mr. DISNEY. I ask the gentleman from Alabama to yield to me for a moment. There is a bill in relation to the survey of the public lands of Oregon, which has come back from the Senate with a single amendment. I ask the unanimous consent of the House to take up that bill, and agree to the amendment.

The title of the bill was reported, as follows:

A bill to amend an act approved September 27, 1850, to create the office of surveyor general of public lands in Oregon, and an act amendatory thereto, approved May 19, 1853.

Mr. LETCHER. I understand that that bill is to increase offices. If so, I object to it.

Objection being made, the bill was not taken up.

Mr. McMULLIN. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The SPEAKER. This being private bill day, the motion to go into Committee upon the Private Calendar takes precedence of the motion to go into the Committee of the Whole on the state of the Union.

Mr. HENN. I wish to ask the gentleman from Alabama, the chairman of the Committee of Ways and Means, what he proposes to take up in the Committee of the Whole on the state of the Union?

Mr. HOUSTON. My object is to take up and finish the civil and diplomatic bill, in order that on Monday we may take up the bill to appropriate \$10,000,000 to carry out our recent treaty with Mexico.

Mr. McMULLIN. We cannot get through with that bill to-day.

Mr. HOUSTON. We can, easily.

Mr. HAMILTON. I would inquire of the Chair, if we go into Committee of the Whole House on the Private Calendar, will it be objection day, or will discussion be in order?

The SPEAKER. It will not be objection day.

The question being upon Mr. McMULLIN's motion,

Mr. CARUTHERS called for tellers.

Tellers were ordered; and Messrs. PECKHAM and VAIL were appointed.

The question was taken; and the tellers reported—ayes 49, a further count not being demanded.

So the motion was not agreed to.

The question recurred upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union; and being taken, the motion was agreed to.

CIVIL AND DIPLOMATIC BILL.

The rules were accordingly suspended. The House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855.

When the committee last rose, Mr. SMITH, of Virginia, had offered the following amendment:

For the completion of the bridge at Little Falls, in the District of Columbia, \$75,000: *Provided*, That no part of this appropriation shall be expended except in fulfillment of a contract which the Secretary of the Interior is hereby required to make, if in his power to do so, for the completion of said bridge for the amount hereby appropriated; and it shall be, and is hereby declared to be, the duty of said Secretary to require the contractor or contractors to give bond with ample security for the fulfillment of his contract.

Mr. SKELTON had moved to amend the same by reducing the appropriation to \$38,000, and the pending question was upon the latter amendment.

Mr. LETCHER. I do not propose to make anything like a speech; but there is one part of the amendment of my colleague which I want stricken out.

The CHAIRMAN. The Chair must remind the gentleman that there is already an amendment pending—one offered by the gentleman from New Jersey—upon which debate is exhausted.

Mr. LETCHER. I thought that the question was taken on the amendment.

The question was taken on Mr. SKELTON's amendment; and it was rejected.

Mr. LETCHER. I move to strike from the amendment the words "if in his power he can do so."

Mr. SMITH, of Virginia. I accept the gentleman's amendment as a modification of my own.

Mr. McMULLIN. I move to reduce the appropriation to \$25,000.

Mr. Chairman, it is at all times unpleasant for me to differ with my colleagues on any question before this committee; but it is more painful for me to differ with my friend than any other colleague of mine upon this floor. It is my desire now to call the attention of the committee to the facts in this case. In the first place, I have, and

have had, very grave doubts whether it is the policy of this Government to build this bridge at all; and I doubt very much the policy of recommencing the work now completely prostrate. If it be determined to build a bridge, then I insist that the one suggested is not the proper point.

You have a bridge across the Potomac river now which is called the Long Bridge. There is before Congress a proposition to build a bridge across the same river at Georgetown, the object of which will be to accommodate the traveling community, both by carriage and railroad. This bridge is located some three or four miles above Georgetown. Now, all that will be necessary to accommodate the community will be to construct a turnpike from Leesburg, down alongside the river to a point opposite Georgetown, where the bridge ought to be built. The building of that bridge will then supersede the necessity for the building of this one. Now, I put it to the committee, whether it be the desire to build one or two bridges? I give gentlemen notice to-day, that if my colleague's amendment be adopted for the building of a bridge at Little Falls, very soon they will be called on to provide for the construction of another one opposite Georgetown. I insist that two bridges are not necessary. By building the bridge opposite Georgetown, you will accommodate the travel by the road provided for in my colleague's amendment, and also the travel of Alexandria and the whole South. You must build a bridge to connect the northern and southern railroads. The building of the one at Georgetown will accommodate all interests.

I appeal to my colleague, and more strongly because I look to the interests of his constituents, whether he ought to hesitate a moment to withdraw his amendment, and to let a proposition be introduced for the building of a bridge at Georgetown. Let the citizens of Georgetown extend the turnpike three miles, to that place, and one bridge will accommodate all interests. I hope, if my colleague will not withdraw his amendment, that the committee will vote it down; for, sir, I repeat, you must have a bridge to connect the northern with the southern travel, either at Georgetown or below that point. That place I understand to be the proper and appropriate one for a bridge.

Will the committee, then, under these circumstances, having heretofore purchased this bridge from the company, and having appropriated \$30,000 for this purpose, which has been all lost, now appropriate \$75,000 more when Congress may in future, as it doubtless will, be called upon to build another bridge at Georgetown? It would be doing injustice to every interest of this great country. I ask you to look at this question in its true character. There ought not to be two opinions upon this subject; and I hope the amendment will be rejected.

Mr. MAY. I hope the amendment proposed by the gentleman who has just taken his seat will not prevail. I think that the one presented by the gentleman from Virginia [Mr. SMITH] deserves the favor of the committee. The site of the bridge at Little Falls is one that has been selected for more than fifty years; and the gentleman from Virginia [Mr. McMULLIN] is quite mistaken that it is not, by nature, in a favorable position for a bridge. It is the best, in my opinion, within fifty miles above that place, and down to the mouth of the river. The channel of the river is confined there within the narrowest space to be found any where for fifty miles above. The Government, when it agreed to purchase the bridges across the eastern branch of the Potomac, that the communication between this District and Maryland might be free, thought that it would be just to the people of Virginia that the same privilege should be given to them. They accordingly purchased the old suspension bridge which swung across the river at this place. That is the origin of the purchase of this bridge.

Roads constructed at great expense converge to this point upon both sides of the river. The communication to that point has been established by fifty years' use of the bridge; and it will be a most serious disappointment and injury to the people upon both sides of the river if that communication should be interrupted. The Government had undertaken to build this bridge. They purchased it, and it is an act of justice to the people of Virginia, as well as the people of the District, that

the communication upon both sides should be free and open. I submit, therefore, whether the Government shall now retreat from this sort of undertaking? Shall an accident, such as happened to this bridge, and which has been explained by the gentleman from Virginia to have been caused by the breaking of a strap of iron, prevent Congress from fulfilling its engagement to complete this work. The gentleman describes the piers as being solid and enduring. I wish to observe, that it is the opinion of a bridge-builder, who, at my instance, went and examined those piers—I speak of Mr. Wendell Bollman, a man of learning, whose opinion is entitled to great weight, and who built the bridges upon the Baltimore and Ohio railroad—that there never was a work more judiciously planned than this bridge. I do trust that the amendment proposed by the honorable gentleman from Virginia will be adopted, so that the people of Virginia, residing in that part of the State, may have free access to this city. The position is a good one, and, as I said before, one long selected, and, by a sort of common user, has become the ferry at that point of the river. I trust that the committee will give their support to the amendment proposed by the gentleman from Virginia.

Mr. FLORENCE. I want to offer an amendment to the amendment of the gentleman from Virginia, [Mr. SMITH,] which I will read as I go along. I do not propose to reduce the appropriation, but to provide how it is to be expended, and how the contract shall be made. It seems to be conceded on all hands that this bridge ought to be built. That seems to be the universal sentiment of the committee; and the only suggestion now which applies most intimately to the minds of all the members here is, that the work shall be satisfactorily performed.

The CHAIRMAN. The gentleman from Pennsylvania will be pleased to state what amendment he proposes.

The amendment was reported, as follows:

For the erection and completion of a bridge near the Little Falls, on the Potomac river, \$75,000; to be expended under the direction of the Secretary of the Treasury: *Provided*, That the construction and supervision of the same be placed in charge of a civil engineer of experience and ability, and that the whole cost shall not exceed the amount herein appropriated: a contract to be made with the most responsible bidder after first inviting plans and proposals for thirty days in six or more daily journals of the United States.

Mr. FLORENCE. Mr. Chairman, I submit the amendment without desiring to detain the committee any longer with observations upon it. It is comprehensive; it is clear; it is plain; it guards the Treasury; and it secures the erection of a perfect structure.

Mr. PECKHAM. The difficulty which appears to be in the amendment is, that it orders the contract to be given to the richest man in the community—to “the most responsible.”

Mr. FLORENCE. Well, let the amendment be altered, so as to make the contract be assigned to the best bidder. I meant the most responsible architecturally—professionally the best bidder. And I do not know, after all, but that the most responsible bidder would be the best bidder. It is a matter of very great consequence that the contractor should be a man of responsibility; because if he be not responsible, we have no assurance that the bridge will be properly constructed. I think it was for want of responsibility—mechanical responsibility or skill—that the other structure fell. I therefore desire to present the amendment, and I think if the committee listen to the reading of it again, there will be no objection to its adoption.

Mr. McMULLIN. I desire the attention of the committee for a few minutes, to get the facts fairly before them. As to the correctness of the site for the bridge—as to its being a most advantageous one, as stated by the gentleman from Maryland, [Mr. MAY,] I shall not controvert that point with him. I concede the fact; it is a good site. The river is narrow, and it is a very good place to build the bridge. But that is not the issue which I tender to my colleague, [Mr. SMITH,] and to the gentleman from Maryland. What, sir, is the issue? I say that it is better that we should not build a bridge there at all. And why? I say that but one bridge ought to be built from this District to the Virginia shore. I say, further, that the building of a bridge at Georgetown will supersede the necessity of building a bridge at Little

Falls. I beg the House to remember that you can construct a bridge at Georgetown, on the aqueduct, which will accommodate, as I before remarked, not only the traveling community which comes from Little Falls, but it will do more; it will accommodate the traveling community of Alexandria, Fredericksburg, Petersburg, and the whole South.

Since I had the floor upon this subject, the other day, I have been informed that various petitions have been presented at the other end of the Capitol, asking the attention of Congress to this subject. Now, sir, I say in my place that you can construct a bridge at Georgetown upon the piers already there, which were built at the expense of the General Government. Over those piers you can construct a bridge which will answer the purposes of the gentleman's constituents, by simply extending the turnpike road. Is Congress prepared for an expenditure of \$75,000, when you can save the most of it by constructing two or three miles of turnpike road? Can it make any difference with the people of Fredericksburg, and of all that country, whether they travel on the north side of the river, or go the same distance on the south side?

I beg the learned gentleman from Baltimore [Mr. MAY] to look at the matter as a practical question. Will you build two bridges or one? I am one of those who will not uphold this extravagant system of legislation. And I beg the committee to remember, that if they vote down the amendment now; if the object is just, right, and proper, it will be competent for my worthy, intelligent, and illustrious colleague who offered it, or for his friends, to offer the amendment, and attach it to the bill, in the Senate. But I tell him and the Senate that it is unnecessary.

I hope the committee will vote down his amendment. I have endeavored to show that one bridge only is necessary, and that such bridge must be built. There are constituents of mine who ask the privilege of constructing a railroad from Alexandria to Washington city, the work to be allowed to pass over the Long Bridge. A bridge will be built for that purpose, either by the Government or by private enterprise. But I hope the time will soon arrive when the General Government will cut itself loose from all public improvements. A bridge can be built by private enterprise for one third less than it can be constructed by the Government.

But I repeat, that two bridges are unnecessary. The one at Georgetown is all that is necessary; and if I vote for the amendment at all, it will be for the bridge at Georgetown; but I cannot consistently vote for the amendment offered by my colleague from Virginia.

Mr. FLORENCE. With the consent of the committee, I will modify my amendment, so as to make it read “the best bidder,” instead of “the most responsible bidder.”

Mr. TAYLOR, of Tennessee. I would suggest to the gentleman, that he modify it so as to make it read “the lowest and best bidder.”

Mr. FLORENCE. I will accept that amendment.

The question was taken on Mr. FLORENCE's amendment, and it was rejected.

The question recurred on Mr. SMITH's amendment.

Mr. STANTON, of Kentucky. Before the question is taken, I move to amend by increasing the appropriation one dollar.

I move that amendment for the purpose of saying a word upon the amendment of the gentleman from Virginia, [Mr. SMITH,] and in reply to the gentleman from Virginia [Mr. McMULLIN.] The gentleman seems to think that a bridge at this point will not be needed, because one can be built at Georgetown more conveniently. Now, sir, a bridge cannot be built at Georgetown without costing at least four or five times as much as will be necessary to build it at the Little Falls. A bridge is needed at this latter place. The people in Virginia, opposite, are in constant communication with the cities of Georgetown and Washington. As was remarked by the gentleman from Maryland, [Mr. MAY,] they have been accustomed to take this direction for the last forty or fifty years.

If you make the bridge at Georgetown, it will evidently be intended to do away with the one opposite Washington. There are two or three railroads centering at Alexandria, all the travel

by which passes up to and over the Long Bridge, to the city of Washington, thence off to various portions of the Union. If you make the bridge at Georgetown, you increase the travel from Alexandria to that place to thirteen miles; whereas, by the Long Bridge, the distance is only six miles.

On the eastern branch of the Potomac the Government has thought proper to buy out two or three bridges located within a mile or two of each other. Why did it buy them out? Because it wanted to make the travel between Maryland and this District convenient—open and without expense. The people of Virginia are as much entitled to this convenience as those of Maryland. The citizens of Washington and Georgetown are as much entitled to convenience in going into Virginia as in going into Maryland.

The Little Falls bridge crosses the river at a point where the distance is only one hundred and twenty feet. It is about three and a half miles above Georgetown. Every part of the structure will be within the District of Columbia, its jurisdiction extending to the other shore. We have a firm and substantial abutment on the Virginia side. Besides, the Government has there two piers now constructed, and which will be a total loss if this site is abandoned. It will be necessary to build two other piers in order to reach the high ground on the Virginia side. I understand that it is intended to erect these two piers, and to put up a wooden structure which can there be made cheaper than at any other point of the river. At Georgetown the distance across the river is four, five, or six times as much, and the cost of the structure will be four, five, or six times as great as the amount now proposed to be appropriated.

I have not the slightest doubt that the appropriation now proposed will meet all the expense of putting up a complete and substantial structure at that point. I think it ought to be done, and I shall vote for it cheerfully.

Mr. STEPHENS, of Georgia. I am opposed to the amendment of the gentleman from Kentucky, but for the original amendment, moved by the gentleman from Virginia. I am also for voting. I think that the committee understand this question very well. It is needless to consume more time on it. I think that the gentleman from Kentucky, who moves to reduce the appropriation, has given us most conclusive reasons why we should not abandon the bridge at Little Falls. I do not suppose that anything I can say will give the committee more information on this subject than it now has. The question simply is, shall we abandon this bridge after the expenditure of so much money? That is the whole question. I take it for granted that the House does not intend to abandon it. I do not think there is a majority for abandoning it. If I did, I would take more time to argue the question. I hope that we may have a vote on the amendment without further discussion.

Mr. STANTON, of Kentucky, by unanimous consent, withdrew his amendment.

Tellers were ordered on Mr. SMITH's amendment, and Messrs. HAMILTON and HASTINGS were appointed.

The question was taken; and the tellers reported—ayes 71, noes 58.

So the amendment was agreed to.

Mr. CLARK. I am instructed by the Committee on Agriculture to offer the following amendment:

For the collection of agricultural statistics, and the procurement and distribution of cuttings and seeds, \$25,000; to be paid out of any money in the Treasury not otherwise appropriated.

I have received a communication from the Commissioner of Patents, which I send to the Clerk's desk to be read.

The communication was then read, as follows:

UNITED STATES PATENT OFFICE,
June 21, 1854.

SIR: I understand that the Committee of Ways and Means, in the civil and diplomatic bill, about to be acted upon by Congress, have neglected to provide, as has been the custom heretofore, any appropriation for the collection of agricultural statistics, and the procurement and distribution of cuttings and seeds.

I beg leave to inform you that, in anticipation of such an appropriation, to be expended under the direction of this Bureau, we have already collected much valuable statistical and other agricultural information, intended to be embodied in our next annual report, which, if properly carried into effect, will require additional means.

Should it be the pleasure of Congress that anything should be done in this respect, beyond the reach of the means now at our disposal, a further appropriation will be necessary; and if it be intended to supply, in any reasonable degree, the wants, and to comply with the wishes, of the agricultural portion of the community, it will require an appropriation for that purpose, of not less than \$25,000.

I have no doubt that such a sum could be very advantageously employed in furtherance of the general objects of the agricultural branch of this office.

Very respectfully, your obedient servant,

C. MASON, Commissioner.

To Hon. JOHN L. DAWSON, Chairman of Committee on Agriculture, House of Representatives, United States.

Mr. HOUSTON. I think that there are two points about this amendment on which I ought to say something. In the first place, the letter just read would seem to convey the impression that the Committee of Ways and Means had intentionally neglected to include that appropriation in this bill. It is a singular fact, that notwithstanding the phraseology used by the Commissioner of Patents in that letter, he presented no estimate to the committee for this purpose; although he seems to endeavor to cast upon us the reflection—or what he thinks the reflection—of having omitted or failed to include this appropriation in the bill. But, in truth and in fact, it is entirely a neglect of his own, or of some one else in the Patent Office. No estimate for this was sent to the Committee of Ways and Means; and we are not in the habit of traveling out of estimates, sent from the Departments in one shape or the other, with a view to make appropriations.

There is another thing. The phraseology of this amendment, in its present form, is unusual; and I think it is wrong. Until the deficiency bill which passed the House the other day, we have always appropriated that money out of the Patent Office fund. We did not do it in that deficiency bill, and for the reason that the Patent Office was without funds. But we gave them \$10,000 in that bill. We gave them \$40,000 or \$45,000 to furnish a room in which to keep their models. We have given them from \$50,000 to \$60,000 in this bill, with a view to enable them to meet these expenses thereafter. That amendment ought to provide that the moneys, appropriated by it, should come out of the Patent Office fund. It is for the next fiscal year; and it is to be presumed, that they will have a Patent Office fund next year out of which to pay these appropriations. We have paid all the deficiencies this year. We have furnished their room for models, which is the first appropriation of the kind that we have ever made. We have done all this, and now it is asked to pay this appropriation out of the Treasury.

Now, I think the proper mode would be to amend the amendment so as to make the appropriation be paid out of the Patent Office fund; and if they have no fund, I think it is time for them to let us know that, and to let us take such steps to supply them as may be necessary. In the mean time, and considering the fact that the appropriations contained in this amendment will not have to be expended until the next fiscal year, I move to amend the amendment by striking out these last words, "out of any moneys in the Treasury not otherwise appropriated," and insert in lieu thereof the words "out of the Patent Office fund."

Mr. LILLY. I am opposed to the amendment to the amendment submitted by the gentleman from Alabama, [Mr. HOUSTON,] for the reason that he has already given. He says this money should come out of the Patent Office fund. Now, I am opposed to any such amendment. I am opposed to the great agricultural interests of this country being made to play second-fiddle to any other interest. Take this appropriation from the funds of the Patent Office, and you tax the mechanics and inventors of this country for the benefit of the farmers, although it is very little that they get from this Government. Again, he says the money will not be wanted until after the expiration of the present fiscal year. Now, the great object of having this appropriation made now is, that they can predicate upon it their conduct and calculations in reference to purchasing these seeds, and in order that they can get and distribute them within the fiscal year, as they ought to do, and in order that we may not have to supply a deficiency for this object in the next deficiency bill. I think the proposition a reasonable one, and that the Patent Office can expend this money with great benefit to the country. If it is appropriated now,

out of the general fund, the Commissioner of Patents can go on and make his contracts for these seeds with more confidence, and at a greater advantage, than he can do if we fail to appropriate it. I hope, therefore, that the amendment of the gentleman from Alabama will not prevail, but that the amendment of the gentleman from Michigan will be adopted.

The question was then taken upon the amendment to the amendment; and it was rejected.

Mr. BENSON. I move to increase the amount contained in the amendment of the gentleman from Michigan [Mr. CLARK] five dollars.

I make that motion, Mr. Chairman, for the purpose of saying a word in reply to the remarks of the gentleman from Alabama, [Mr. HOUSTON,] as well as maintaining the importance of a liberal appropriation for the object under consideration. It is well known that there is a large number of the members of this House who believe that something more ought to be granted to the great interest of agriculture than what is obtained as a sort of—

Mr. JONES, of Tennessee, (interrupting.) I rise to a point of order. It is, that the gentleman is talking about the propriety of buying the seed, and not to the importance of buying five dollars' worth more, as proposed in his amendment.

Mr. BENSON. I will endeavor to keep as near to the line of propriety, in my remarks, as the gentleman usually does, and as near to my amendment.

The CHAIRMAN. The gentleman should keep as near to the explanation of the necessity of his amendment as he can. Some latitude has been heretofore allowed; but the gentleman will see the necessity of confining himself to his amendment.

Mr. BENSON. I take it, that if my argument goes to show the necessity of expending the amount proposed by the gentleman from Michigan, together with the addition which I propose, it will be pertinent and in order.

It seems to me, Mr. Chairman, that it is enough to say that there are those, and they are numerous, in this House who believe we ought to expend at least the sum which is proposed by the gentleman from Michigan, together with the sum which I have proposed to add thereto, in the advancement of this great interest. Sir, I believe the judgment of the country is, that there ought to be a separate and distinct Department of the Government devoted to the cause of agriculture. And it is not a new idea. Washington presented it in his various messages while he was President of the United States; and in March, 1797, writing to Mr. Sinclair, says:

"I am sorry to add, that nothing final in Congress has been decided respecting the institution of a national board of agriculture, recommended by me at the opening of the session. I think it highly probable that next session will bring this matter to maturity."

From that day almost every President of the United States has presented the distinct proposition that there ought to be, in behalf of the great interest of agriculture, a department peculiar and devoted to it. But all that agriculture has yet received, is simply that which it gets as a sort of adjunct to the Patent Office.

Allow me to say, however, that the agricultural part of the Report of the Patent Office is a valuable contribution in aid of this great cause. It is a document which is more demanded by my constituents, and by almost every agricultural portion of the country, than any document which is published by the order of this House. And, sir, it seems to me that we ought not to be dependent upon any particular fund, such as the gentleman from Alabama [Mr. HOUSTON] suggests, contingent in its character, to furnish the necessary means for supplying the information to give value to the only book which is peculiarly interesting to the farmers of the country.

It should be a separate and distinct fund. I think we ought to expend at least the amount asked for in the amendment of the gentleman from Michigan; and if we spend more than that, I will venture to say our constituents will not find fault with us for that, whatever they may do in reference to buying Hickey's Constitution, valuable as that is, and various other publications which we are scattering broadcast over the land. Let us do something for this interest. Let us adopt the amendment of the gentleman from Michigan, and I will not ask for more.

Mr. BENSON. I will now withdraw my amendment.

Mr. LETCHER. I object to the amendment being withdrawn. I have no objection at all to making the usual allowance from the Patent Office fund for the purpose specified in this amendment; but I do object to saddling the Patent Office, the Post Office, and every other Department of the Government, upon the National Treasury, and thereby creating the necessity for keeping up the tariff, and preventing a reduction of the duties. I find that those men who are the most interested in the passage of such propositions as this, are generally men who belong to the tariff party; that they are generally those who are the most interested in keeping up a high protective tariff.

The CHAIRMAN. The Chair must remind the gentleman that he must confine himself to opposing the amendment of the gentleman from Maine.

Mr. LETCHER. I am confining myself to that amendment. I resist that amendment upon the ground, and for the reason, that it is throwing additional burdens upon the general Treasury, and thereby creating a necessity for imposing high tariff duties upon the people. It strikes me that that is a perfectly legitimate and fair mode of argument in opposing the amendment of the gentleman from Maine. I say I object to measures of this kind being resorted to for the purpose of keeping up the necessity of a high tariff, to prevent our reducing the duties upon imports.

Now, sir, so far as those expenditures are concerned, let the Patent Office pay them out of its own fund. Let those who come here with their inventions pay for these expenses out of the funds which they have contributed. I have no objection to this allowance being made out of that fund, to be expended in this way, or in any other way which Congress may think proper. I repeat, sir, that I hope the burdens of this expenditure will be borne by the Patent Office itself, and that that Department will not be saddled too upon the general Treasury.

Mr. BENSON, by unanimous consent, withdrew his amendment.

The question then recurred upon the amendment offered by Mr. CLARK; and being taken, the amendment was agreed to.

Mr. EWING. I presume this is a very good place to offer an amendment, which I hold in my hand.

Mr. JONES, of Tennessee. It seems to me this is rather an irregular way of proceeding. I think it will be better if the gentleman will allow the miscellaneous items contained in the bill to be read before he offers his amendment. We have commenced offering these general amendments at the head of the miscellaneous class of items contained in the bill.

Mr. EWING. If the Committee of Ways and Means think that, it would be prettier at the bottom, very well. [Laughter.]

Mr. BRECKINRIDGE. I move to strike "\$200" from the following:

For compensation of inspectors of said penitentiary, (penitentiary of the District of Columbia,) \$300,

—and to insert as follows:

Seven hundred and fifty dollars; and that the proviso contained in the act making appropriations for the support of Government, approved 12th August 1848, whereby the salary of the inspectors was reduced, be, and the same is hereby, repealed.

Mr. Chairman, I am instructed by the Committee of Ways and Means to report that amendment to this committee. The facts are briefly these: A number of years ago a law was passed, embracing among other things the appointment of inspectors for the penitentiary of this District, fixing the salary of each at \$250, and imposing on them some very considerable duties. The compensation was not an extravagant one. In the civil and diplomatic bill of 1848 a provision was inserted, reducing the compensation of these inspectors to \$100 each. That is the proviso which the amendment proposes to repeal. On the representations made to the committee of the character of the duties of these gentlemen, we thought that \$250 a year to each was not an exorbitant salary. It is therefore proposed to restore the original salary. The law originally gave them \$750, or \$250 each.

Mr. SEWARD. I should like very much to have some information in regard to this peniten-

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tiary. There are some \$9,000 appropriated each year to keep up that institution. I should like to know whether the convicts are supported in ease and comfort, or whether they are required to labor? I think that they ought to be made to work out a considerable part of the expense. I hope the committee may not adopt the amendment.

A MEMBER. The expense of the penitentiary is \$12,000.

Mr. SEWARD. I am told that the expense of the institution is \$12,000. If this penitentiary is getting to be such a great tax on the Government we had better abolish it.

Mr. BRECKINRIDGE. I cannot answer the gentleman. I cannot give him a detailed account of the management of the institution. Our attention was not directed to that. Our attention was only directed to the character of the duties which these inspectors had to perform, and the amount of their compensation. We were satisfied the amount proposed in the amendment was proper. The amendment was rejected.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment:

For payment to the city of Norfolk, for rent of rooms in the City Hall by the district court of the United States for the eastern district of Virginia, from the 30th of May, 1850, to the 30th of May, 1853, \$900.

The amendment was agreed to.

Mr. EWING. I offer the following amendment:

For mileage and per diem to William Carr Lane, for contesting the seat of the Delegate from New Mexico, \$2,868 80.

I presume that, with a brief explanation, there will be no objection to the amendment. I have been instructed by the Committee of Elections, and, I believe, if I am not mistaken, with perfect unanimity, to report in favor of paying mileage and per diem to William Carr Lane for contesting the seat of the Delegate from New Mexico. I have been advised that the point in the bill which we are now considering is as good a place as I could find to offer the amendment. The Committee of Elections unanimously, or, perhaps, with but one dissenting voice, reported against allowing the seat to Governor Lane. I myself concurred in the report of the majority of the committee, believing that the sitting member was entitled to his seat. At the same time, however, that the committee believed this, there was at all events plausible ground amply sufficient to justify Governor Lane in contesting the seat. There were great irregularities—irregularities which, perhaps, ought to be overlooked in a new Territory, recently organized like that of New Mexico, comprising such a population as it does. I say, that there were great irregularities in the election, but there was no proof to satisfy us that there was fraud in any case; and we felt bound, under the decisions of the courts, to decide against the petitioner.

The committee are well aware that it is important to pay the expenses of the contestants of seats upon this floor, in order to preserve the purity of elections, and guard the rights of the people and their Representatives. No man is willing to come here from such a remote constituency as that of New Mexico at very great expense, with his case prepared at still greater expense, and remain here awaiting the action of the House at an additional expense; for we all know what it costs to live at hotels here, and it is bad enough with the per diem. It cannot be expected that a poor man would, and I know that a rich man would not, be willing—after going through the canvass, and perhaps incurring expenses there—to prepare his case, come to this great distance, neglect his business, and pay his board here, to contest a seat here. It is on that principle that we recommend this appropriation, and I simply wish to remind the committee that it has always justified and induced the House to appropriate money to pay for the mileage and per diem of a contesting member. With this brief explanation, I presume the committee will hardly object to the amendment, although I see my friend from Tennessee [Mr. JONES] rising to oppose it. [A laugh.]

Mr. JONES, of Tennessee. I am opposed to this amendment, as I have been to every one of a similar character since I have been here. I have one rule on which I act on subjects of this kind, and from which I do not vary. It is this: that when a contestant succeeds in ousting the sitting member, I will vote to pay him the mileage and per diem up to that time, whether he succeeds in establishing his own right to the seat or not. But I cannot vote to pay any contestant who has failed to satisfy the House that the sitting member is not entitled to his seat.

[Cries of "Question!" "Question!"]

Mr. STANTON, of Kentucky. I propose to amend the amendment by increasing the appropriation one dollar.

I desire to remark, Mr. Chairman, that this is a rather peculiar case, and one which does not ordinarily occur. When Colonel Lane left the Territory of New Mexico to come to Washington and claim a seat on this floor as the Delegate of that Territory, he certainly felt that he was the rightfully and legally elected Delegate. The election returns that were then in the office of the Secretary of the Territory showed that he had a large majority of the votes returned. The certificate, however, was given to Señor GALLEGOS; or rather a complex sort of certificate was given to him, not deciding the right of either party to the seat. But as the certificate was given to Señor GALLEGOS, Colonel Lane felt it to be his duty to contest the election at the instance of the people of the Territory. He did give notice to Señor GALLEGOS of his intention to contest his seat; and he authorized his agent in New Mexico to take testimony in the case, before he left the Territory to come to the States. Subsequently, however, additional returns were sent to the Secretary's office. These additional returns were sent in time, not exactly according to the requirements of the law, but really within the limitation allowed by law. And I suppose they were sent to the Secretary at the expense of the Government, and that he had authority to send out and get a correct report, the provisions of the law not having been complied with. Those additional returns to the Secretary changed the whole character of the matter, and, instead of showing that Governor Lane was entitled to a seat, it showed that Señor GALLEGOS was. There was no fraud in the transaction, and no attempt to show fraud. There was a clear and undoubted expression of the whole people in favor of GALLEGOS, and of course he was, by the action of this House, permitted to take his seat here.

But Governor Lane, when he left the Territory and came here, believed that he was justly entitled to the seat; and the returns, for the time being, showed that he was entitled to it. I am satisfied that he came to Washington in good faith; and I think, under those circumstances, he is entitled to his mileage and per diem.

Mr. EWING. I wish to inquire of the gentleman whether Governor Lane does not stand upon the same footing as those, in many other cases, where mileage and per diem have been allowed?

Mr. STANTON. I have no doubt of it.

Mr. EWING. The committee will remember that if the grounds upon which his election stood had been as he supposed they were, he would have been occupying a seat here, and receiving mileage and per diem. But the facts turned out to be different from what he supposed.

Mr. SEWARD. I put myself to some trouble to examine the returns of that election, and I am unable to see any plausible ground upon which Colonel Lane could claim a right to a seat upon this floor. In truth, the whole ground of his objection to the election of his opponent was based upon a legal technicality, and that was, that the poll books were not properly kept and certified to under the laws of New Mexico.

My objection to this amendment is, that it is setting a bad precedent. If I believed that the seat was contested in good faith, I would vote for the appropriation; but the whole ground upon

which he based his claim to a seat upon this floor was flimsy and technical.

Mr. STANTON, of Kentucky, (interrupting.) The gentleman will allow me to say that the exception taken to the poll books was not taken until after General Lane had left the Territory and had arrived here.

Mr. SEWARD. Well, it was the duty of that gentleman to have received a certificate of his election from the proper authority before he left for Washington; and if he came here in advance of the fact of his election being ascertained, he did so on his own responsibility.

Let us examine this question. Here is a gentleman who was occupying a public position in New Mexico, and his business in connection with that position called him to Washington. Now, it was very convenient for him, under such circumstances, to contest the election of his opponent, and set up a claim for mileage and per diem. The practice of allowing such claims is a bad one; and in all our Territories the same condition of things may arise hereafter from the unsettled state they are in, their sparseness of population, and the want of well-settled laws of election; and if this claim is allowed, others will come here, from time to time, and set up a claim for mileage and per diem whenever there is any ground, however slight, to justify it.

Furthermore, when the matter was under investigation before the committee, it was with difficulty that we could get him before the Committee to attend to it; and the House will remember, that after the committee had decided upon the case, and reported upon it to the House, he did not trouble himself to contest the right of his adversary when the report was made, and that we heard nothing of his claim for several days afterwards. I think the chairman of the Committee of Elections himself opposed a suspension of the rules for the purpose of introducing a resolution to pay Mr. Lane his per diem and mileage when the attempt was made in the House, and I do not think I can be mistaken when I say that at that time a majority of that committee were opposed to paying this gentleman his per diem and mileage.

Mr. STANTON, by unanimous consent, then withdrew his amendment.

Mr. HUNT. I move to increase the amount ten dollars.

Mr. Chairman, the gentleman from Tennessee [Mr. JONES] says he desires to maintain his consistency—that he has always acted in opposition to the allowance of such claims. Sir, I desire this House, on the other hand, to maintain its consistency, and to continue the liberal policy it has heretofore pursued in cases like the present. I desire that the representatives of the people should uphold that policy as a means of preserving the purity of the elective franchise. I desire them to keep the door open for the proper investigation by this House of contested elections, and especially not to shut it against poor men who cannot afford to come here and press their claims and the claims of the people, when they know that, in the event of not succeeding, the expenses of the contests must fall exclusively upon themselves.

Mr. Chairman, I had the honor of forming an acquaintance this winter with Governor Lane in this city; and I take great pleasure in saying, that I found him a high-minded, honorable gentleman, of singular modesty, and delicacy of feeling. Sir, he never presented a petition for pay and mileage to this House. The present motion originates in the sense of justice of members; and I hope the House will feel it its duty to adopt it.

I do not propose to go into the question of the justice of Governor Lane's claim to a seat upon this floor. The Committee of Elections determined, and I have no doubt justly, that he was not entitled to a seat. But the same committee, thoroughly acquainted with all the circumstances under which he appeared before the House, have reported that he is entitled to the per diem and mileage usually allowed in cases of contested elections.

Mr. SEWARD. If the gentleman will allow

me, I will say that, as one of the members of the Committee of Elections, I never acceded to such a proposition.

Mr. HUNT. I did not say that the honorable gentleman acquiesced in this report. I stated merely that the committee had reported in favor of the allowance.

Mr. EWING. If the gentleman from Louisiana will allow me, I will say to the gentleman from Georgia, that I was under the impression he had given his assent to this proposition. I was told that I was instructed unanimously to report it; and I presume the opinion of the committee is unanimous, with the exception of the gentleman from Georgia.

Mr. HUNT. The gentleman from Missouri, [Mr. MILLER,] who had charge of this matter when it was before the House, is not now in his seat; and I will, therefore, add for him, that Governor Lane did not come here of his own motion, or for any private purposes of his own, but that he came at the instance of the people of New Mexico, and for a public purpose. Not, sir, to demand pay and mileage, but to insist, *bona fide*, upon what he and those who sent him here believed to be due to him and to them—his right to a seat on this floor. He came here under the honest impression that he had been elected by the votes of the American portion, usually, if not properly, so called, of the people of New Mexico, over the gentleman who received the votes of the Pueblo Indians—a gentleman who does not speak our language, and who does not choose to sit here among us. He came here to contest his right to a seat upon this floor as an act of justice to the people; and, as an act of justice to that people, I hope this House will accede to the proposition to give him his per diem and mileage.

Mr. BENTON. Mr. Chairman, I am very well acquainted with Dr. Lane, and have been for some thirty years. He has been an acquaintance, but not a political friend. I saw him frequently when he was here last winter; and I believe that he acted towards me as he did towards most of the other members of Congress, which was not to importune or to annoy them with his applications for a seat here. I do not think that it ought to be brought up in judgment against any man that he did not annoy us with applications. God knows we get enough of them all around! We should rather be thankful when any one will spare us, and be more disposed to do what is right for them.

I had no particular acquaintance with this case until it arrived here. I presented the memorial and papers of the sitting Delegate from New Mexico at his request. All the knowledge I have of the subject has been derived from the newspapers of New Mexico, and reports and information from that Territory during the time the election was in progress, and after it had finished. We are neighbors to Santa Fe—only twelve or fifteen hundred miles apart. There being nobody between, we are neighbors, and we can talk of each other's affairs. Well, sir, from all I saw during the time the canvass was going on, and after it was finished, I thought that Governor Lane had a fair claim to the seat. I do not say that it was better than the other, but it was fair; and, really, it seemed to me, from all I saw and heard from the Territory, that it was the better one of the two.

The question seems now to turn principally on this: Is Dr. Lane asking this in good faith? Did he come on in good faith? Or was it a mere pretense to cover a different purpose? That is the question to which the case is narrowed down. With respect to that, it seems to me to all turn on that point. I will say, in the first place, that having known Governor Lane long, I hold him to be incapable, personally incapable, of acting in that manner. So much for his character.

Then with respect to the circumstances of the case. From all that I saw in the newspapers of the country when the canvass went on—and I saw all the papers, English and Spanish—and from all I heard, I thought he had a fair claim to the seat. I do not say better than the other, but fair; and really, I thought he would be most apt to get it.

Mr. HUNT, by unanimous consent, then withdrew his amendment.

The question recurred on Mr. Ewing's amendment.

Mr. FLORENCE. I demand tellers on the amendment.

Tellers were ordered; and Messrs. TAYLOR of Ohio, and PACKER, were appointed.

The question was taken; and the tellers reported—ayes 75, noes 54.

So the amendment was agreed to.

Mr. CHANDLER. I offer the following amendment:

For continuing the aqueduct for bringing water into the city of Washington, agreeably to the plan adopted by the President of the United States, according to the provisions of the act of Congress, approved March 3, 1853, \$500,000.

Some time since I addressed the committee at length upon the subject of this aqueduct. It had previously been discussed in Committee of the Whole upon another occasion. I do not intend now to enter into the merits of the case, or the necessities for such a measure. In the first place, the amendment calls for the appropriation of \$500,000 in order to continue a work already begun, and well begun—to continue a work authorized by the act of Congress approved the 3d of March, of last year—to continue a work whose establishment was to depend upon the approval of the President of the United States, which approval this work has already received. A considerable portion of the work has been accomplished, and a large appropriation made for the continuance of the work.

It is therefore deemed appropriate at this time to ask for this sum, that the work may be prosecuted towards a conclusion as soon as possible. It is not necessary for me to represent to the committee an argument which has been already enforced upon them—that the United States Government is very deeply concerned in the prosecution and early completion of this work, so far as regards the preservation and safety of their public buildings, and the repositories of their papers, on the security of which so much depends, as a matter of individual rights, as a matter of individual convenience, and, let me add, in addition to that, as a matter of public propriety. Why, sir, millions of dollars have been lost to claimants by the destruction of one or two of the departments of the Government by fire. It cannot be denied that at certain times this Government has been compelled to pay perhaps millions of dollars on improper claims, merely because they were unable to produce that testimony which would have shown that they had been paid.

We require, therefore, some sufficient means to preserve from the destructive element all the records of this nation, all the archives of this country, which are hereafter to be our vouchers for moneys paid, or the vouchers of our constituents for moneys claimed. The health of the people, our own convenience, and all these circumstances, will impress themselves on every individual as they may view the subject. No man can be insensible to this. But I wish to impress upon the minds of this committee, and to ask them to consider the fact, that this work was begun by the authority of an act of Congress; that the plans were referred for approval to the President of the United States; that he did approve the plan that has been adopted; and that the money appropriated last year has been expended in the prosecution of this plan; and that, as a matter of course, the season for contracts was not allowed to pass without providing the ways and means to continue the work; bricks, stone, laborers, and all the appliances necessary to carry on such a work, when the appropriation should have been made. I did expect, and others expected, that this appropriation would have been granted in a former bill; but this matter was not deemed to be in order in it. It is now presented again. It is presented, I presume, in the confidence that it cannot escape this committee; that such a measure is as absolutely necessary to the preservation of our national archives as it is to the convenience and comfort of the national representatives. The objections that have been urged to this appropriation are, it appears to me, irrelevant. I will not meet them now, because I cannot imagine that they will be pressed on this House at the present time. The simple question is as to the appropriation; the mode of disbursing it will be a matter for after consideration.

Mr. STANTON, of Tennessee. I am opposed to this appropriation, for the reason that the plan adopted, and the work projected, is of the most extravagant and unnecessary character. It is the most magnificent that could have been devised.

It proposes to bring into the city of Washington no less than sixty-odd millions of gallons of water per day; when, at the present time, in the city of London, with two and a half millions of inhabitants, only forty-seven millions of gallons are supplied daily. In the city of New York I am told that only about forty millions of gallons are brought per day. But into the city of Washington, with forty or forty-five thousand inhabitants, it is proposed to bring a daily supply of sixty millions of gallons.

Now, sir, if gentlemen will examine into the particulars of the report, they will find that the military engineer in charge of this work proposes to use, or rather, I suppose, he would have to use, fifty-nine sixtieths of that water for manufacturing purposes. It is not so stated in terms in the report; but the appropriation of the water to manufacturing purposes is distinctly pointed out; and it must be used for that purpose, or it must be wasted. I have been informed—whether correctly or not I cannot say—that, should this water be brought in the quantity proposed, the portion of it which could be disposed of for manufacturing purposes would provide a water power equal to that at the city of Lowell. The statement may be exaggerated; but, sir, one of the gentlemen who has examined into this subject, Colonel Hughes, the engineer who made a survey some years ago, states that the highest quantity of water proposed to be furnished to each individual inhabitant, in any city in the world, is thirty gallons a day. At that rate, for the present population of the city of Washington, only one million two hundred thousand gallons per day would be required.

Now, we propose to provide water in so liberal a manner that it will supply a population more than sixty times as large as that of the city of Washington. What are we doing? What are we thinking of? If you will appoint a board of engineers to examine the report of Mr. Meigs in reference to these water-works, I venture to say that it will be shown conclusively that the establishment which he proposes to build cannot be built for three times the amount which he has estimated. But even if it could be built for the sum proposed, that is at least ten times as much as the Government ought to expend for the people of Washington and Georgetown together, and a hundred times as much as the Government ought to provide for its own use.

Mr. McMULLIN. Will the gentleman inform the House whether the original plan of iron pipes would furnish a sufficient quantity of water for the city, or not?

Mr. STANTON. I can tell the gentleman that that was the plan to bring the water from Rock Creek, which is purer than that of the Potomac, and that an abundance could be supplied for a population five times as great as that of Washington city, and that the whole cost would be less than a million of dollars, while the probability is that the plan under discussion will cost eight or ten times as much.

Mr. STEPHENS, of Georgia. I move to increase the amount proposed by the gentleman from Pennsylvania \$100,000.

The gentleman from Tennessee [Mr. STANTON] argues that this plan which has been adopted by the President of the United States, pursuant to the law of the last Congress, is upon too extravagant a scale, and will bring too much water into the city. I do not know what plans were submitted to the President, nor do I know how far he exercised a wise judgment in coming to his conclusion; but, for one, I am inclined to believe that, whether right or wrong, we should not go behind that decision.

So far as the bringing of too much water into the city is concerned, if that is considered any objection, I am against the gentleman from Tennessee. You cannot have too much. I want no Lowell privileges here for manufacturing purposes, but I want a plenty of water, good water, and pure water, and I should not care if the entire stream of the Potomac were turned into the city. I would not care if its whole current were turned, to-day, in the city; and if it were, it would not be too much to wash out the filthy streets and lanes, alleys and avenues, we see around us. I want an abundance of water. We cannot have too much; there is no danger of error on that side.

But, Mr. Chairman, I wish to call the attention

of the committee to the facts connected with the history of this matter.

At the last session of Congress we adopted the following provision in the appropriation bill:

"To be expended under the direction of the President of the United States, for the purpose of bringing water into the city of Washington, upon such plans, and from such places, as he may approve, \$100,000: *Provided*, That if the plan adopted by the President of the United States should require water to be drawn from any source within the limits of Maryland, the assent of the Legislature of that State should first be obtained."

Upon the adoption of that provision the President of the United States, in pursuance of the authority given him, accepted the plan which he considered the best one. All the plans were before him. He exercised the power conferred on him doubtless to the best of his ability and judgment. The gentleman from Tennessee is opposed to that plan approved by the President.

Mr. STANTON, of Tennessee. If the gentleman will allow me, I will ask him if he is in favor of bringing into the city of Washington thirty or forty millions gallons of water per day for manufacturing purposes?

Mr. STEPHENS. Certainly not.

Mr. STANTON. Well, sir, that is included in the project.

Mr. STEPHENS. Well, sir, I do not know what may be in the project, but this plan was accepted by the President of the United States.

Mr. STANTON. The report of Captain Meigs contains this among the other items of the project.

Mr. STEPHENS. Well, sir, I do not propose to go into the particular merits or demerits of either of the plans or projects; these were all before the President, to whom Congress submitted the matter. The gentleman objects to the one adopted by the President, because it provides too much water. I repeat, that I do not care if it brings the broad Potomac itself into the city. I do not care how many gallons, or how many millions of gallons, it brings. The whole river, in my opinion, would not be too much. But we gave the President the power to adopt a plan. He has done it, and I am bound to believe he acted as wisely and prudently with all the facts before him, as we could have done, or can now do. I have no evidence to the contrary. No man has risen to impeach the integrity of the President, or that of the engineer. Well, then, what are we to do? Are we to undertake to decide anew upon these several conflicting plans? I say no; go on and complete the work according to the plan decided upon. Let us go on and provide the necessary means for carrying it into effect, and supplying the city with the greatest abundance of water at the cheapest rates, and in the most practicable way. From the Great Falls it will cost very little more to bring a large supply than a small one. And when the supply is furnished, I care not whether the surplus, after the legitimate wants of the city are satisfied, be used for manufacturing purposes or not. If this additional advantage will accrue from the larger supply from the Great Falls at a small increase of cost, it is no objection, in my opinion, to the plan adopted by the President.

Mr. SMITH, of New York. The honorable gentleman from Georgia [Mr. STEPHENS] said, "Go on!" I say, stop! I have not risen to oppose this plan, or to advocate any other. I have nothing to say in disparagement of deriving the water from the Potomac; and nothing to say in praise of deriving it from Rock Creek. I am opposed to the execution by the Government of any plan, whatever, for supplying this city with water.

In my judgment, sir, we are on the threshold of a vast expenditure of money. Government had better retrace its steps than go forward. If it goes forward, it will find itself involved, not only in a great loss of money, but in difficulties that will call for legislation, and that will consume much of the costly time of Congress. And that it will find its execution of the work the occasion of no little corruption to itself and to others, is what all experience in such matters teaches us to expect.

This work can be done, and be kept in repair, by individual enterprise, at one half the expense it would be to Government. Why, then, should it not be entrusted to individual enterprise? Let Government offer half a million, or, if proper, a million of dollars, to the responsible association that shall undertake to supply the city with water,

and the offer will be promptly accepted. But it is said, that there is not enterprise enough among the people of this city to get up such an association—not wealth enough to accomplish the object of it. I think better, however, than this of both the enterprise and ability of the people of Washington. But if either will not, or cannot, do the work, there are Yankees enough who will; and not only Yankees enough, but people enough in every part of the country, who will do it.

Of course, I would have Government require, in return for its grant to the proposed association, the fullest liberty to use the water for all possible governmental purposes. And I would have Government prescribe the general plan of the work—at least, some of its main features.

I hardly need say that I am willing, more than willing, to have Government pay for the water in full proportion to the value of its buildings and their precious contents, and to the value of its various great interests here, among which is the importance of preserving the health of its numerous servants collected here. Indeed, I would have Government bear more than such proportion of the expenses for the common welfare of the city. It is the misfortune of our nation that its capital is in the midst of a people who cannot be a self-subsisting people. To a great extent Government must ever carry and sustain the people of this city.

I am not of the number of those who think it would have been unwise to establish the capital in one of our great seats of commerce. A people who support themselves are quite as virtuous and intelligent and safe a people as are they who lean largely upon others for their living.

But it is said, that if Government does this work it will derive a great income from it. I do not believe that it will derive any income from it. It will be too much out of harmony with its dignity for Government to be peddling water. If Government does the work, the people of this city will never be taxed for their water. The whole tax, in that case, will rest upon the whole people of the country. You might as well expect that Government should erect toll-gates on the bridges it owns around this city, and stop passengers for their pennies, as expect that it will descend to the little business of selling or leasing water.

This city should be supplied with water, both abundantly and speedily; and, as I have said, I am willing to have Government contribute liberally toward the expense of it; but its contribution must be in a way consistent with the office of Government. Not for the sake of doing any good may Government exceed its province. Government may do nothing that its citizens can do; least of all may it do anything that they can do better than it can.

I love the city of Washington. I love it, because it was founded by the greatest of all great names. I love it, because it does itself wear that greatest name. I love it, because it is the capital of our nation—the seat of Government of our beloved country. I love it for its great natural beauty, that marks every part of this broad and magnificent amphitheater; and all the more do I love it because this beauty is heightened by the embellishments of art. It is true there are two plague-spots upon its health—two blemishes and blot upon its beauty—

[Here the hammer fell.]

Mr. STEPHENS, of Georgia, then, by unanimous consent, withdrew his amendment.

Mr. HAMILTON. I move to increase the appropriation five dollars.

Mr. Chairman, I deem it my duty to speak in behalf of this appropriation for many reasons. It is entitled to my support and advocacy, not only because of the past action of Congress, but because of the great necessity for the work. It is needless for me, at this day, to urge the necessity for water in this city. Every member knows and can appreciate it. Your public buildings and grounds, your dusty streets and filthy gutters, all strongly attest it. If a member, even in this city, magnificent as it is claimed to be, takes a walk from the Capitol gate to the Treasury building, he is met and sickened each step by most foul and disgusting odors from accumulating filth along the avenue.

While upon this point, I cannot avoid condemning the city authorities for the manner in which they allow the avenue to be left. But yet, without water, how can it be cleansed, and how can

your parched public gardens be refreshed? Go down to the pool near the western front of this Capitol, where rises a monument dedicated to the heroic bravery of your seamen in the Mediterranean, and see the filthy water there, hardly able to subsist a hundred fish, and trickling down as if water drops were as scarce as diamonds. We should have water here, either by authority of the United States or by the City authorities. It is a disgrace that the capital of this Republic, containing as it does a population of forty thousand inhabitants, should not be better supplied with water, that indispensable necessity of life. Who should supply the city with it? If not the inhabitants, who? If not Congress, who?

Two years ago Congress solemnly passed a law authorizing surveys to be made for the purpose of bringing water into the city of Washington. A committee of conference, of which my honorable friend from Tennessee [Mr. JONES] was a member, agreed to the proposition, and it passed both Houses. After that survey had been made, and after an examination of the three plans which were submitted, Congress agreed to appropriate \$100,000 to supply the city with water. I was astonished at the remarks made by the honorable gentleman from Kentucky [Mr. STANTON] the other day, when he said that this House would have recoiled from making this appropriation of \$100,000, if they had known what the plan was. The honorable gentleman from Kentucky must know that that plan was before the Senate, this House, and the country; and that it was discussed at great length. As a member of this House I voted against the commencement of these water-works, upon the ground that they would cost the amount enumerated in the plan. The work was commenced, and the honorable gentleman from Alabama, [Mr. HOUSTON,] upon that committee of conference, ratified the action of Congress. We made an appropriation of \$100,000, and entered into a contract with parties for constructing these works, and shall we now abandon the work, and lose all we have expended? The city cannot long remain without water. If the city authorities bring it here we shall have to pay more than \$300,000 for the use of the water.

Mr. HOUSTON. I was a member of the committee of conference to which the gentleman from Maryland alludes. I voted, as it was well known throughout, against the appropriation for these water works. But being overruled in the committee of conference, I did sustain the report of the committee in the House, because it was during the closing hours of Congress, when we had not time, if the bill to which that appropriation had been attached had been defeated, to originate a new one, pass it, and keep up the wheels of Government. I desire to ask the gentleman from Maryland, if he supposed at that time that the appropriation for the completion of these works would run up to some six millions of dollars? No. We made an appropriation that was intended to authorize surveys, and then the authority was given to the President to make a selection of a plan, but so far as I was concerned, and I presume the same is true of every member of this House at that time, I did not suppose that we were to pay \$3,000,000 or \$6,000,000 for the completion of these works. Because I sustained the bill in which the appropriation of \$100,000 was made, I would like to know why the gentleman from Maryland need refer to me as sustaining the course he sees fit now to pursue. If the gentleman has other grounds for his support of this appropriation, he had better occupy these other grounds. He does not go for a bill or for an appropriation, simply because I have recommended it. His votes here show that he selects bills and appropriations for himself. And if my honorable friend from Maryland is now disposed to go for this appropriation, I put it to him that he ought to place his support of it on its own merits, if it has any, and not take shelter under any report of a conference committee of this House.

Mr. HAMILTON. It is a high sanction.

Mr. HOUSTON. Yes, sir, it is a high sanction; and I wish the gentleman to consider that high sanction on other occasions. I shall remind him, doubtless, before the session expires, of occasions when he will have an opportunity of taking shelter under that high sanction for the purpose of stopping some of these improper appropriations.

Mr. Chairman, this plan that has been selected

is, in my opinion, an injudicious one. I think it is wrong. Believing so, I feel just as much at liberty to vote against it as if I had voted for it as an original proposition, which I did not do. I endeavored to defeat it before. But when it was put in above my head, so that I could not resist it, I then sustained the bill containing it, as I the other day sustained the bill in which the appropriations for the custom-houses were contained. I do not feel at liberty, when it was put in one of the leading appropriation bills of Congress at the expiring hour of the session, to give up that bill simply because the conference committee saw fit to put in an appropriation to which I objected. My duty is to get the appropriation bills passed. I believed it was wrong to include this appropriation; but when a majority of the members of the House put it in over my opposition, was it then for me, occupying the position which I do in the Committee of Ways and Means, to use the power in my hands to wreck and destroy the bill, and to bring confusion to the administration of the Government? No, sir. If I had chosen to defeat one of those bills, which have been loaded down with appropriations other than those recommended by the Committee of Ways and Means, I presume that, having the management of it, I would have had twenty modes by which I could have accomplished that end, almost in defiance of a majority of the House. But I did not feel at liberty to use the power which I possessed in such a way.

And although this bill is loaded down with appropriations to which I may object, though I may doubt the expediency or propriety of granting them, I shall not feel at liberty to wreck the bill, or endeavor to have it defeated, and thereby deprive the Government of the means of carrying on the administration, simply because a majority of the members of the House did not agree with me in my view of the propriety or expediency of this appropriation.

Mr. HAMILTON, by unanimous consent, then withdrew his amendment.

Mr. BARRY. Mr. Chairman, there have been several propositions made with reference to this amendment. I now move to amend by increasing the appropriation five dollars.

This particular plan, which we are discussing, has been adopted. There are other plans which the advocates and friends of them desired to have adopted instead of this. It is a matter of fact that there never has been a plan adopted against which the friends and supporters of rejected contesting plans have not waged bitter war until the last moment of the completion of the work. It is a consequence in the nature of man; it is the consequence of disappointed pride, disappointed avarice, disappointed ambition. And the outside opposition to this particular plan—I do not, of course, speak of the opposition in these Halls—the outside opposition, has originated with men who had plans of their own, which were fairly made, fairly considered, and as fairly rejected. And when we consider the influence which ought to be attached to opposition from that quarter, when we recollect the source from whence it has come—though I do not impeach the integrity or honesty of the opposition within these walls—we ought to make liberal allowance for the fact that this judicious work is opposed and contested by disappointed persons.

Now, sir, as I have stated before, there were several plans proposed, which I shall not discuss; but I want to allude to several objections which are made to this particular plan. One was made by the gentleman from Tennessee, [Mr. STANTON.] He thinks he knows of a plan which, he says, will not cost more than a million of dollars. Now, to judge his estimates upon the same principle that he judges the estimates of others—for he says this work will cost three times the amount of the estimate, and you are to judge him in the same manner—his work will cost at least three millions of dollars. Now, the estimates which we present here are those made by a competent engineer upon good data, and there has been no criticism made here going to refute them.

Mr. STANTON, of Tennessee, (interrupting.) I have made no estimates, but have relied in my statements upon the estimates of an engineer as competent as any that can be found.

Mr. BARRY. We are bound to conclude that the estimates we present are as correct as those of the gentleman, and that he can claim no superiority for his. We have commenced this work,

and because it was impossible for this House to go into the details of the plan we referred it to the action of the President of the United States. But now gentlemen propose to bring back to the House the very difficulty which they sought to obviate by that reference. They propose to bring up for discussion the details of this matter, when they are of such variety, number, and extent as would occupy the House for weeks together in the consideration of them.

One objection made by the gentleman from Kentucky [Mr. STANTON] to this work, was in regard to some of the brick used in its construction. I call the attention of the committee to the facts of the case, because I know the statement startled some gentlemen here. The statement was, that after the bricks were engaged for the Capitol extension at \$5 88, and were condemned as unworthy for the use intended, they were afterwards purchased at a higher price than they were to be furnished for the Capitol, and used in the aqueduct.

The CHAIRMAN. The Chair feels compelled to remind the gentleman that he must confine his remarks to his amendment.

Mr. BARRY. The statement which I have made was used as an objection to the work, and I am undertaking to correct that statement. The gentleman relies, he said, upon the statement of Mr. Wendell, the contractor, to furnish those brick for the Capitol; that he sold them to Mr. Meigs for a higher price than he was to furnish them for to the Capitol.

The CHAIRMAN. The gentleman from Mississippi is traveling beyond the legitimate ground which he may occupy. The gentleman will perceive that his remarks will lead to a reply, and the original amendment will be lost sight of in the collateral issue.

Mr. BARRY. I am showing that the reasons urged against the work are not good. The great objection is upon the ground of its extravagance; and I am going to show that the charge of extravagance is incorrect. I have here a copy of the receipt, signed by Mr. Wendell himself, in which he states that he sold six thousand brick for \$5 25 per thousand. I wish to state another fact, and that is, that these brick were purchased to build the chimneys and fire-places of the shanties of the workmen, and not to be used in the aqueduct at all. The gentleman from Kentucky was led into an error in reference to this matter; but I hold in my hand the receipt Mr. Wendell copied from the records of the office, showing that the brick were sold for \$5 25 per thousand, instead of at a higher price.

Mr. PARKER. I am opposed to this amendment, decidedly. I am opposed to the appropriation; and the reasons which induce me to go against the increase are just as good against the appropriation altogether.

Mr. Chairman, I am no enemy of the city of Washington; but am ready and willing to do a liberal part towards providing for it an ample supply of good water. But I happened to be here during the last Congress, and I recollect the introduction into the appropriation bill, at that time, of the brief item looking to the construction of water-works here. And I think I can safely say, that there was not one in ten of the members of that Congress who ever dreamed that they would come here at this session, and, under our action then, find a contract now made, involving an expenditure of millions of money that are not counted. Sir, I have seen enough here to become satisfied that this kind of sharp legislation, and still sharper action under it, is becoming one of the very greatest evils of the day. We are prodigal enough at best, God knows, when nothing more is done than we mean should be done. But how often is it, that when we intend to give only a dollar, ten is taken?

I am sure it never occurred to me, when those half dozen lines were inserted in that bill, that we were then finally determining upon the construction of water-works for this city on a scale of magnificence that the world has hardly, if ever, witnessed, and at a cost from the National Treasury alone of untold millions of money; and I confess that there is no one subject of legislation during the last Congress which has caused me more chagrin than that of finding we are involved in this difficulty. I thought at the time of the adoption of that act we were going a great way in

appropriating \$100,000 for the purpose of procuring these "plans"—predicated, of course, on careful surveys and estimates. That is all I supposed we were then doing—that the determination to construct upon the plan that might be deemed the most feasible and expedient, and the contract to construct would all be matter for after consideration. Judge, then, of my surprise—and not of mine alone—when we came back here this Congress to find that the President had finally determined upon one of his adopted plans, and that contracts had been entered into for the absolute construction of these works at such an enormous cost. Yes, sir, I am quite sure very few, if any, of us here then contemplated such a result.

It is all wrong any way it can be viewed; and, in my poor judgment, no such power can be fairly derived from the act. I do not think it can be extorted from it. And I now ask the attention of the committee for a moment to the simple provisions of this brief clause of the act.

This is certainly no express power given the President to proceed when he shall have procured his "plans" from the different "places," and enter into contracts for the final completion of these works, at any cost that he might deem it expedient to incur. Plans and places, "for the purpose of"—that is to say, with a view to bringing water into the city of Washington—is all that he is authorized to turn his attention to.

But I suppose I will be told the fair implication is that we have given the President the power to go on, if he can find a plan that he will approve, and let out the work at any cost he may see proper to incur, and call on us, again and again, from time to time, *ad libitum*, to foot the bills. But let us see the precise language of the act. It is this:

"To be expended under the direction of the President of the United States, for the purpose of bringing water into the city of Washington, upon such plans and from such places as he may approve, \$100,000: *Provided*, That if the plan adopted by the President of the United States should require water to be drawn from any source within the limits of Maryland, the assent of the Legislature of that State shall first be obtained."

Now, sir, that is all there is of it—all upon which is predicated, not only the "plans" obtained from the different "places," and the adoption of one of them by the President, but the letting of contracts for a large quantity of material and labor for the construction of the work, and the actual execution of a considerable amount of the labor. Pray, sir, where do you find the authority for all of that? The *alacrity* with which all this is done, during the interval between two Congresses, is remarkable, when contrasted with the protraction of all our public works, when once fairly begun!

If this be all right, will gentlemen tell me upon what "plans"—that is the language—is it proposed to bring the water here? It is upon but one plan. "Such plans" is what we talk of in the act. Again, the act says from "such places." From what places is it proposed to bring the water? Is it from Rock Creek and the Potomac? Or is it from the Potomac and any other place, or from Rock Creek and any other place that may be found available? Not at all. But it is from one place—the Potomac alone—and on one plan alone. While the President's agency in bringing the water to the city is to be upon such "plans and from such places as he may approve."

Sir, the whole language shows that the act never contemplated giving the President the power to contract for bringing the water into Washington, after he had adopted the plans and places upon which it might be done. That was to be afterwards done by us, if deemed expedient at all, on view of the facts. In my judgment, that is the only proper and sensible construction that can be given to the law of the last Congress.

Who could have supposed that, in giving the President power to expend this specific sum of \$100,000 on "plans," we were giving him the power to fix and involve the nation, certainly, in the expenditure of another indefinite sum, ranging surely from two to three millions of dollars—and, as some tell us, even three or four times that sum; and that, too, with all the care and charge of supplying this city with water forever!

The construction I contend for must be the true one. And that would have saved us from the difficulty in which we are now involved.

But am I told that I am attacking the President;

that I am charging him with exceeding his powers? Well, sir, thank God, he is not above legitimate attack from this quarter. I cannot help who or where a just construction of this law may hit. But I am not necessarily required to suppose the President did not act in good faith in this behalf. I would give him credit for so acting. I suppose he has been compelled to confide this matter, in a great measure, to others. Such is usually the result in this mischievous class of legislation. And thus, I would hope, he has acted as he deemed himself authorized to do. But that he has acted upon a false construction of this act I must believe, let others look upon this law as they may. And I venture to repeat, that nine out of every ten of the members of the last Congress will bear me out in saying, that they never dreamed such consequences were to follow the appropriation then made.

But, sir, suppose the President has given the proper construction to the act, and has but carried out the intention of the last Congress in what he has done, the question remains whether we shall go on or retrace our steps—

[Here the hammer fell.]

Mr. BARRY, by unanimous consent, then withdrew his amendment.

Mr. EWING moved, *pro forma*, to increase the appropriation six dollars, and addressed the committee for five minutes.

Mr. STANTON, of Tennessee. I should certainly fail if I were to attempt to answer the arguments of the gentleman from Kentucky. I shall content myself, therefore, with endeavoring to oppose the amendment which he has proposed. Now, I beg this committee to remark, what cannot have escaped the observation of any gentleman upon this floor, that my statements in reference to the quantity of water proposed to be brought here have not been denied, and cannot be denied. I hold the report of Captain Meigs in my hand, in which he states the capacity of this work to bring sixty-seven million five hundred and ninety-six thousand four hundred gallons of water daily into the city. Sixty-seven million gallons of water, when Colonel Hughes states in his report that the largest quantity he ever knew estimated for each inhabitant was thirty gallons a day. Then, on this largest estimate that Colonel Hughes has ever known, one million two hundred thousand gallons will be required for the present population of Washington—twelve millions for ten times the population. We have five times as much provided by this work as would suffice for ten times the present population of Washington.

I read from Captain Meigs's report, and I desire gentlemen of the committee seriously to consider whether they are prepared to adopt his ideas:

"The aqueduct from the Great Falls offers, I think, uncommon advantages. Among them are: the simplicity and durability of the work; the purity and abundance of the source; the extent and capacity of the reservoirs, by which ample supplies are gained to guard against accidents and great emergencies, and which, allowing space and time for settling, secure the delivery of a supply clear and free from mud; the height at which it is delivered—fourteen feet above the upper floor of the Capitol; its adaptability to manufacturing purposes; the great quantity it will supply, while it takes from the river only what it delivers in the cities, not drawing off, as when machinery is used, seven or eight times as much to drive the wheels as those wheels and pumps raise for use. This enables us to use the water more freely than from either of the others. The streets, in hot weather, may be flooded every morning by hose. Every particle of dust or of offal prejudicial to health or comfort would thus be washed into the sewers. The most magnificent fountains could be kept constantly flowing; and the city of Washington, unrivaled in grandeur and beauty of plan, would, in a few years, refreshed by living streams, and beautified by sparkling jets and towering columns of water, become a place of summer resort, and the admiration of our whole people."

That is the magnificent plan of Captain Meigs, not only to bring five times as much water as ten times the population of Washington would require, but to have a surplus for manufacturing purposes. I cannot dwell as long upon this matter as I would wish, for my time is too limited. I have looked through the estimates of Captain Meigs, and unless I am greatly mistaken, I have not found any estimate for the foundation of this structure; and I should judge, from the reading of the report made by him, that he proposed to put it upon the ground without any foundation. I say that when this work comes to be constructed, it will necessarily cost two or three times as much as Captain Meigs has estimated for, if his figures

and statements are worth anything at all. I have a copy of Captain Meigs's plan here before me, and he not only proposes to bring water from the Great Falls, but he proposes to bring water from Rock Creek. I do not hesitate to state here that his estimate of the cost of the work at Rock Creek is studiously exaggerated, while, on the other hand, his estimate of the cost of bringing the water from the Little Falls of the Potomac is studiously diminished from what it would really cost.

Mr. EWING then withdrew his amendment.

Mr. PERKINS, of New York. I move to amend the amendment by reducing the appropriation to \$100,000.

Mr. Chairman, I believe it has been found to be the universal experience in this city, and in every other place where Governments have carried on works, that the estimates of engineers have never, or if ever very rarely, come up to one half of the amount which the work has actually cost. I have no doubt that the same experience will be found verified in this instance. There is a peculiar faculty in builders all over the country getting the Government into undertaking the building of custom-houses and other works by the appropriation of \$10,000 or \$50,000, which they say will cover the whole cost, and then after the work has been commenced, we find ourselves called upon to supply deficiencies in the appropriation, year after year, for a period of ten years, until finally the original sum is doubled, trebled, and in many instances quintupled. I do not believe that there can be found a single instance of engineers ever having made an estimate for the Government of this country, the amount of which proved to be in the end more than half the sum that the work has cost. Not a single instance of the contrary can be found, I believe, in the past history of such works.

Well, now, what is this particular proposition? It is a proposition to expend millions of dollars on the work of supplying the city with water. For the benefit of what and of whom is this outlay to be made? They say here that the Government of the country has a large amount of public property here; that its buildings are of immense value. To be sure the Government does possess a large amount of buildings here. It has parks in the city which it is constantly surrounding with iron fences, and expending vast sums of money upon. It expends large amounts annually in adorning this city, which draws upon the Treasury of the United States every day and every hour. This expenditure is lavished for no other purpose save to adorn the city. This is the character of the property, with the exception of the national archives, which it is sought to protect and improve at this immense expense. And importance is sought to be attached to this matter from the fact that some public buildings have been burned here. But, sir, it was not from any want of water that they were burned. They might have any quantity of water here without the aid of an engineer, or a greater achievement of engineering skill than a reservoir. Water enough runs to waste every day to supply all the public buildings of the city if they were constructed with reservoirs.

Mr. CHANDLER. You are mistaken in that.

Mr. PERKINS. Well, if I am mistaken in that, certainly I am correct in stating that enough of water runs to waste about this Capitol to supply it with any quantity it might require. If we want water for the protection of this building from fire, we can have it in any quantity without going to the Great Falls for it.

Well, Mr. Chairman, when we have got this water introduced into the city, when we have spent five or seven millions of dollars upon it, for whose benefit is it? When the Government of this country has got to pay the interest of the money that will be spent on this enterprise, for whose benefit will it all be? For that of the property holders of the city of Washington. If this aqueduct is built, and water conveyed to the city, what will be the effect of it? The effect will be to make property more valuable, and to make rents higher. And, Mr. Chairman, let me ask who pays the high rents in the city of Washington? It is the Government clerks that pay them; it is the members of Congress; it is the persons who live here transiently, and who cannot get a decent room in a boarding-house even in the fourth story, for which they have not to pay from twenty dollars to thirty dollars a week. And all this is owing to the ex-

penditures of money here by the Government in improving the value of property.

Mr. VANSANT. This is no new question sprung upon this House. As early as 1849 an appropriation—a homeopathic one to be sure—was made by Congress for the purpose of surveying these different routes, with a view to the introduction of water into the city of Washington. The \$500, which was the amount appropriated, being found inadequate to the survey of even one route, the city corporation appropriated \$1,000 in addition. That \$1,500 enabled the engineer, Mr. Hughes, to make a survey of one route, over which the water was to be taken, and that was from Rock Creek. Subsequently the matter was taken up again, and \$5,000 was appropriated by Congress for the purpose of making another survey. Surveys were then made from Rock Creek, from Little Falls, and from the Great Falls, and a report of those surveys was made to the Congress of the United States. They were first presented to the Senate on the 21st of February, and the report was printed in the daily papers. The Senate appropriated \$150,000 for the work. It came to the House, and was sent to the Committee of the Whole on the state of the Union, where it was passed as it came from the Senate; but the sum was stricken out in the House, but by a committee of conference it was restored, and made \$100,000.

Now, when the matter was presented to the Senate it was fully discussed, and a report was made of the cost of the construction of the different lines. Since it has been introduced here, this session, every effort which human ingenuity could devise has been resorted to for the purpose of shaking the confidence of this committee in the capacity of the engineer who has charge of the execution of the work; and, in my judgment, the more theories they have set up, and the more facts they have asserted, the more has the tendency been to strengthen his reputation as an engineer.

The most startling facts, and the most wonderful theories, have been sprung upon this House. We were told, in the beginning, with an air of authority which seemed to carry conviction, and which startled those who have been somewhat familiar with the subject, and that, too, by the gentleman from Kentucky, [Mr. STANTON,] that the work for the excavation of the earth was contracted for at \$7 50 per cubic yard. Those who have examined the report upon the subject, are aware that the excavation of earth is estimated at from twenty to thirty cents a cubic yard at the highest. Well, certainly the declaration of such a fact as that I have referred to was most startling—the fact that it should not cost more than thirty cents, and that it did cost \$7 50 per cubic yard.

Mr. STANTON. I wish to correct the gentleman. I know he does not intend to misrepresent me; but he does not understand what I said. I never said that the excavation of earth cost \$7 50. I spoke of its being rock; and said, at the same time, that if it had been cast iron it could not have cost more.

Mr. VANSANT. I am sure the honorable gentleman from Kentucky does not believe that I would wilfully misrepresent him. I heard his remarks, but have no recollection of his having said anything about rock excavation. The impression made upon my mind at the time was, that he referred to the excavation of earth.

The question was then taken upon Mr. PERKINS's amendment; and it was not agreed to.

Mr. EWING offered a *pro forma* amendment, and addressed the committee in favor of Mr. CHANDLER's amendment, and in reply to Mr. SMITH, of New York. [The remarks are withheld.]

Mr. GOODRICH. I am disposed, Mr. Chairman, to be as liberal to the city of Washington as most members of Congress. I am disposed to go as far as I possibly can, consistently with a conscientious discharge of the duty which I owe to others. If I could see my way clear, I might be quite willing to vote for this appropriation; but I cannot do so while it is in the shape it is now. I agree entirely with the views which have been presented by the gentleman from Indiana, [Mr. PARKER.] I was in the last Congress, and had no more idea then than the gentleman had, that we were doing anything by which we were committing ourselves to any plan which would be

brought here, or any contract which should be presented to this Congress. But I cannot go into that matter in a five-minute speech.

I say that this appropriation ought never to be made, in my judgment, unless it is done upon some principle of division between the United States and the city of Washington. If the appropriation be made, and the water be brought into the city, it will become a matter of great personal interest to the inhabitants of this city. I have no doubt at all that the effect will be to increase the value of private property in this city more than the sum which it is estimated the work will cost. My friend from Ohio [Mr. TAYLOR] asks how much will it increase the value of the public property? Very well; as much as he pleases. Admit it increases the value of the public property \$3,000,000, and my principle is the same. Suppose this Capitol was in the city of New York, and you were to bring water there at a cost of two, three, five, or ten millions of dollars! I want to know on what principle you can justify this that would not justify giving water for the whole city of New York. Sir, if you adopt this principle, you will have to continue the supply of water for the benefit of private property so long as the city lasts, however much it may increase in size and population.

I say that I cannot consent to vote to do that unless you will go on some principle of division. If you will say that the corporation here shall pay one fourth, so I can save my principle, I am willing to be exceedingly liberal. I am sure no man can say that the inhabitants of the city of Washington, now numbering some sixty thousand—shortly to be more—ought not to pay for the benefits to be derived at least one fourth the expense. Do that, and to some extent the objection of the gentleman from New York will be obviated. It will be done much cheaper in that way. The inhabitants of the city are interested in the work, and let them bear the burden, and the work will be done better and cheaper in that way. But that is not the point I desire to make. I do not feel authorized to vote an appropriation for a work so much of which shall inure to the benefit of private property, without asking those who own the property to bear one cent of the burden. I therefore cannot vote for this appropriation.

[Here the hammer fell.]

The question was taken on Mr. Ewing's amendment; and it was rejected.

Mr. TAYLOR, of Ohio. I move to increase the amount proposed in the amendment \$100.

Having made some remarks a few weeks ago upon this proposition, I would not trouble the committee now, were I not desirous of saying something in reply to my friend from Indiana, [Mr. PARKER], in reference to the action of the last Congress. He argues as if the appropriation of \$100,000 was only to enable the President of the United States to select the plan for the work, and the place from which the water was to be brought. For one, as a member of the last Congress, I state that I had a very different impression.

I hold in my hand Executive Document No. 48, made February 22, 1853, being a message from the President of the United States, communicating, in compliance with a resolution of the Senate, a report of Lieutenant Meigs, with surveys, plans, and estimates for supplying the cities of Washington and Georgetown with water. I examined these surveys, plans, and estimates; and, when I voted at the last Congress to make this appropriation of \$100,000, I did it with the distinct understanding that the President of the United States was empowered to adopt one of three plans that were submitted to Congress. I trust gentlemen of the committee will bear with me for a moment, while I make a reference to this report, to show that there were, at that time, three plans submitted to Congress, and that the difference in the expense of each was very immaterial. I find, on the second and third pages of this report, a recapitulation of the communication from the President of the United States, of the report of General Totten of the surveys made by Captain Smith, Lieutenant Meigs, and the engineers, and a recapitulation of the probable expenses of bringing water, by the three plans, from Rock Creek, Little Falls, and the Great Falls:

"The aqueduct from Rock Creek, complete, to the Capitol, navy-yard, and public buildings, including the high service in Georgetown, will cost \$1,258,863. Advantages over the others, cheapness; supply in winter and spring,

26,732,300 gallons, but liable, in the heats of summer, to be diminished to 9,560,000 gallons.

"The Little Falls work, complete, will cost \$1,587,415. Advantages over the Great Falls project, cheapness; over Rock Creek, steadiness of supply; which, at the above cost, will be 12,000,000 of gallons, to be increased in time, by another pump and wheel, to 18,000,000. Disadvantages, a doubt as to the sufficiency of the water power for a greater supply than 12,000,000 of gallons, and, by some engineers whom I have consulted, even for this amount in very dry seasons; want of simplicity; use of machinery always, however well constructed, liable to injury and interruption; want of reservoir space for settling the water; liability to interruption, for a time, during floods.

"The Great Falls project will cost, complete, \$1,921,244. Constant and everlasting daily supply, 36,015,400 gallons. Advantages, simplicity and durability; perfect security and inexhaustible, and unfailing source; lavish use, which can be indulged in in consequence of abundant supply; power of street-washing, cooling the air, and embellishing the city by great fountains; use for driving small machines, lathes, printing presses, and the like; great space for settling and purifying in reservoirs, and great quantity in store for emergencies; small expense of keeping up the works when once established, and consequent low price of water delivered in houses or factories."

The statements in this recapitulation show a comparatively small difference in the estimates of these eminent gentlemen. The report of Lieutenant Meigs now before the members of the committee shows the probable cost of the aqueduct from the Great Falls to be \$2,300,000. I have a letter in my hand from Mr. Meigs, dated the 25th of May last, in which he says that, so far from the cost of this work exceeding the estimate of \$2,300,000, as stated by gentlemen here, there are responsible men now proposing and willing to contract for the execution of the whole work at \$2,300,000. Any gentleman desiring to look at the letter may see it. And he says, also, that so far from the cost of the work exceeding his estimates, instead of paying fourteen dollars per cubic yard for excavating rocks, he has had it done for seven dollars, and from that down to three dollars and one dollar and fifty cents, showing that the work can be done for even less than the estimated cost.

Now, then, let me say a few words more in relation to this matter. In this report, which Mr. Meigs cites, it is stated that the Croton aqueduct in New York cost \$12,000,000; the aqueduct in Boston, \$5,000,000; that it cost \$600,000 to supply Jersey city with water, and—

[Here the hammer fell.]

Mr. CLINGMAN. I am opposed to the amendment of my friend from Ohio to increase the appropriation for this work \$100. I think that the amendment of the gentleman from Pennsylvania [Mr. CHANDLER] is the proper one, and that the sum indicated in it is just enough for the purpose. I was some time since opposed to the appropriation in this form; but I have great confidence in the judgment of my colleague over the way, [Mr. CRAIG], the chairman of the Committee on Public Buildings and Grounds, whom, however, I do not now see in his seat. I know him to be an economical man in his public character; a strict constructionist, and all that. He has investigated this subject thoroughly, and he is of opinion—and I rely very much on his judgment—that the plan adopted had better be carried out. Every gentleman admits that we need water much in the District, for the purpose, as my friend on the left suggests, of making it *Washington* in fact, as well as in name. [A laugh.]

Mr. JONES, of Tennessee. The gentleman from North Carolina speaks of the opinion of his colleague, the chairman of the Committee on Public Buildings and Grounds. Let me ask him if the matter has ever been before that committee?

Mr. CLINGMAN. The chairman told me he had investigated the matter thoroughly; and I understand, in fact, that it was referred to that committee. As I said, I have great confidence in his judgment, as I consider him to be a safe man in all respects, and opposed to all sorts of lavish expenditure. I was about to say, that it has been conceded by every gentleman who has spoken on the subject, that we very much want water in this city. These gentlemen, who have adopted and had charge of the execution of this plan—the President and our committee—seem to think it the right one. I admit that it is a large sum; but I have made up my mind to vote for the proposition of the gentleman from Pennsylvania.

I rose, however, not for the purpose of making a speech on the subject, but to appeal to the friends and foes of the measure to let us vote upon the question at once. It is now after three o'clock,

and the day is Saturday. I am very anxious to get this bill out of the way as soon as possible. I believe there is but one page more of the bill to be read after we shall have disposed of this question. I hope we shall take a vote upon it now, and adopt or reject it, so that we can go on and read the other page.

The question was taken on Mr. TAYLOR's amendment; and it was not agreed to.

Mr. GREENWOOD. I propose the following amendment to the amendment:

Provided, That no portion of the foregoing amount shall be applied unless the corporations of Georgetown and Washington shall appropriate and pay a sum equal to one fifth of the amount, to aid in the construction of the water-works proposed.

When this question was being considered, a few days ago, in committee, a similar amendment, I believe, was moved to the deficiency bill. I felt called upon at that time to move an amendment a little different to the one now proposed. I believe that the amendment I offered provided that the corporations of Georgetown and Washington should defray one fourth of the cost of the work.

I have thought proper to modify the amendment, and to present it in the present shape. I would not be understood, in moving the present amendment, as entertaining any prejudice against the citizens of Washington.

It occurred to me that an amendment of this character would be equitable. The citizens own a large portion of the property of the city. It is true that the Government owns a very large amount of property, and it is necessary that the Government should be provided with a sufficient supply of water. But I hold that while we are making appropriations which will have the effect of enhancing the value of the property of the citizens of the District, they ought, at least, to come forward and say to Congress: "You are bringing water into the city, by which we are to be benefited, and we will aid in the matter."

If this appropriation should be made, and the corporations of Washington and Georgetown should think proper to make an appropriation, in accordance with this amendment, to aid in the work, and the water should be brought into the city, I would then be willing to vote for a law which should give those corporations the entire control of the water, with the exception of as much as should be required for the purposes of the Government, in order to enable them to make such disposition of it as they choose, for the purpose of deriving an income from it, to reimburse them for aiding to bring it in.

Certainly, sir, it was never the intention of Congress, when the appropriation of \$100,000 was made, to pay that amount simply for a plan of the work. That certainly would have been a very extravagant amount to have appropriated for a plan. And I take it for granted that the Committee of Ways and Means never would have sustained the report of the Committee of Conference, had they believed that the \$100,000 was appropriated simply for the purpose of procuring a plan for the construction of water-works.

Then, sir, I take it that the President has done no more, under this provision, than he was fully authorized to do by it.

If, then, this sum is to be appropriated for the purpose of constructing these water-works, I think the amendment which I have submitted should be adopted with it, and thereby give the corporations of Washington and Georgetown the opportunity of cooperating with the Government in bringing water into the city. That water is needed, judging from the remarks of gentlemen upon this floor, cannot be questioned. And I am told by my friends around me that we ought to have better water, or better whisky; and that if the water was better, we should not want so much whisky. [Laughter.]

Mr. McMULLIN. I desire to address the House upon the amendment; but it is so late in the day that I do not wish to do so now. I therefore move that the committee do now rise.

The motion was agreed to.

The committee then rose; and the Speaker having resumed the chair, the Chairman (Mr. ORA) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the civil and diplomatic appropriation bill, and had come to no resolution thereon.

Mr. LETCHER. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at three o'clock and thirty minutes, p. m.) the House adjourned until Monday next at twelve o'clock, m.

IN SENATE.

MONDAY, June 26, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed the following bills from the Senate without amendment:

A bill confirming certain land claims in Louisiana, in the Bastrop grant;

A bill to reimburse the Common Council of the city of New York, for expenditures made for the first regiment of New York volunteers;

A bill for the relief of Priscilla C. Simonds;

A bill for the relief of Zadoc C. Inghram;

A bill for the relief of Llewellyn Washington; and

A bill for the relief of Moses Olmstead.

Also, the following Senate bills, with amendments, in which they requested the concurrence of the Senate:

A bill for the relief of James Jeffries and Jeremiah M. Smith; and

A bill for the relief of Ira Day.

Also, that they had passed the following House bills, in which they requested the concurrence of the Senate:

A bill to create and provide a pension for David Towle;

A bill for the relief of Samuel McKnight, of the State of Kentucky;

A bill for the relief of William Wallace, of the State of Illinois;

A bill for the relief of George M. Bentley, of the State of Indiana;

A bill for the relief of William G. Howison;

A bill for the relief of the heirs of Captain Matthew Jack, deceased;

A bill for the relief of the heirs of Lot Hall, deceased;

A bill for the relief of the legal representatives of Henry Hoffman; and

A bill to create and provide a pension for Captain Thomas Porter.

PETITIONS, ETC.

Mr. TOUCEY presented resolutions passed by the General Assembly of the State of Connecticut, in favor of a uniform rate of ocean postage reduced to the lowest sum practicable; which were referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of inhabitants of the town of Northampton, Massachusetts, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. GWIN presented the memorial of Lewis Dent, praying to be reimbursed the value of certain cattle supplied to the commissioners of Indian affairs in California, to enable them to form a treaty with the Indians in that State; which, together with a document on the subject, was referred to the Committee on Indian Affairs.

Mr. BELL presented resolutions of the General Assembly of the State of Tennessee, in favor of the passage of a law suspending the duty on railroad iron for two years after the works of a railroad shall have commenced operation; which were referred to the Committee on Finance.

Also, resolutions of the General Assembly of the State of Tennessee, in favor of a grant of public land, or a loan of Government credit, to aid in the speedy completion of a railroad to the Pacific, and suggesting Memphis, in that State, as a central terminus for said road; which were ordered to lie on the table.

Also, a memorial of the Legislature of Tennessee, asking the passage of an act to enable the State to levee the east bank of the Mississippi river from the Kentucky line to the line of the State of Mississippi, so as to keep that river within its channel, and thus to prevent the constant change which is occurring in the Mississippi between the mouth of the Ohio and Memphis; which was referred to the Committee on Public Lands.

Also, a resolution of the General Assembly of the State of Tennessee, in favor of the passage of a law allowing a pension to the officers and soldiers who served in the war of 1812 with Great Britain, and in the various Indian wars; which was referred to the Committee on Pensions.

Also, a resolution of the General Assembly of the State of Tennessee, in favor of the passage of an act that will secure to the mounted volunteers, called into the service of the United States during the Mexican war, payment for horses and equipments lost in that service; which was referred to the Committee on Military Affairs.

Also, resolutions of the General Assembly of the State of Tennessee, in favor of the passage of a law allowing Captain William Reed, of Sumner county, Tennessee, such compensation as may be just and reasonable in view of the distinguished services rendered by him in 1792-'93, prior to the admission of that State into the Union, during the Indian wars of that period; which were referred to the Committee on Military Affairs.

Also, a memorial of the General Assembly of Tennessee, praying that bounty land may be granted to the Tennessee volunteers who were mustered into the service of the United States for the Mexican war; but were ordered by the commanding-general to return to their homes to await the orders of the President; which was referred to the Committee on Public Lands.

Also, a petition of inhabitants of the city of Nashville, editors of the various newspapers of that city, and others, praying the reduction of sea postage on letters at as early a date as it may be safely accomplished; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented the petition of Myles T. Woolley, a soldier in the revolutionary war, praying a pension; which was referred to the Committee on Pensions.

Also, additional documents in support of the claim of Charles Neilson; which were referred to the Committee on Revolutionary Pensions.

Also, a petition of citizens of New York, praying that a contract may be entered into with Christian Hansen for carrying the mails in steamers from Brooklyn, New York, to Bremen; which was referred to the Committee on the Post Office and Post Roads.

Mr. MASON presented the memorial of Thomas Ap C. Jones, a captain in the Navy, praying the restitution of his pay, suspended by the sentence of a court-martial; which was referred to the Committee on Naval Affairs.

Mr. BRIGHT presented the petition of William B. Scott, late Navy agent at the city of Washington, praying to be allowed a commission on disbursements made by him as pension agent; which was referred to the Committee on Naval Affairs.

Mr. CHASE presented the following petitions, praying the reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads:

Petition of inhabitants of Cincinnati, Ohio;

Petition of J. H. Rounock and other citizens of Greenfield, Ohio;

Petition of J. S. Wright and other citizens of Chardon, Ohio;

Petition of J. S. Herrick and other citizens of Ravenna, Ohio;

Petition of John J. Janney and other citizens of Columbus, Ohio; and

Petition of J. W. Chaffin and other citizens of Wilmington, Ohio.

Also, documents in relation to the claim of Moses Petit, to the repayment of certain money deposited with the register of the land office at Crawfordsville, Indiana, for the purchase of public land, and by him converted to his own use; which were referred to the Committee on Private Land Claims.

Mr. FISH presented the memorial of Amarul & Bastos, merchants at Rio de Janeiro, Brazil, the memorial of Manuel A. T. Barboza, and the memorial of José da Cruz, Luis Vidal Cezar, and Bentos Pacheco das Santos, praying indemnity for losses sustained by them in consequence of the seizure on the high seas, by the officers and crew of the United States brig Perry, Lieutenant Davis, commanding, of the brig Susan and cargo, for an alleged violation of the act of 1800, prohibiting the African slave trade; which were referred to the Committee on Claims.

Mr. STUART presented a petition of inhabit-

ants of Ann Arbor, Michigan, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred a bill for the relief of the assignees or legal representatives of Jacques Moulon, reported it back without amendment.

He also, from the same committee, to whom was referred the memorial of Mary Kinner and Mary C. McCoy, praying indemnity for losses sustained by them in the depreciation of their property in consequence of delays interposed by the land officers in the perfection of their titles, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WALKER, from the Committee on Indian Affairs, to whom was referred the petition of James Pool, praying the reimbursement of an amount of money paid by him for supplies for the Shawnee tribe of Indians, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. SUMNER, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, reported them back without amendment:

A bill for the relief of James M. Lewis;

A bill for the relief of Albro Tripp;

A bill for the relief of Henry N. Halsted;

A bill for the relief of Benjamin Hammond, of the State of New York; and

A bill to provide a pension for James K. Welch.

Mr. WALKER, from the Committee on Indian Affairs, to whom was referred the memorial of the Creek nation of Indians, praying compensation for lands relinquished to the United States by the treaty of Fort Jackson, in 1814, submitted a report, accompanied by a bill for the relief of the chiefs, head men, and warriors of the friendly Creek Indians, engaged in the war of 1814; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JOHNSON, from the Committee on Printing, to whom was referred a resolution to print two thousand copies of the House Executive document relating to the seizure of the Black Warrior, reported in favor of printing the same, and the report was concurred in.

BRIG GENERAL ARMSTRONG.

Mr. GEYER moved to reconsider the vote by which the Senate refused to order the engrossment of the bill for the relief of the claimants of the private armed brig General Armstrong; which was entered on the Journal.

SUPPRESSION OF THE SLAVE TRADE.

Mr. CLAYTON. Mr. President, I had the honor to submit a resolution to the Senate on the 22d of May last, directing the Committee on Foreign Relations to make certain inquiries in regard to the African slave trade in the Spanish West Indies. That resolution was adopted by the Senate, and I am now instructed by the committee to report a bill for the more effectual suppression of the slave trade.

I am happy to state, sir, that the committee unanimously agree that it is not less due to the honor of the United States than to the obligations of their Government and people to the cause of humanity, to continue our efforts to suppress this inhuman traffic. If there be a single member of this honorable body who is insensible to the great duty imposed upon us as a civilized and Christian people in reference to the slave trade, I have yet to learn it. I assume it, that, with one heart and mind, the representatives of the American States and people, with the hearty concurrence of the American President, stand at all times prepared to perform their part of the great duty of suppressing the exportation of slaves from Africa by the most stringent and effectual means within their power.

But although such is and has been the settled desire of all branches of this Government, it is now apparent that the measures we have adopted, although aided by the Powers of the two great nations of Europe which stand foremost in the march of human progress and Christian civili-

zation, are inadequate for the purposes for which they were designed. Great Britain and France, with their squadrons always cruising on the coast of Africa, acting in cooperation with an American squadron of eighty guns on that coast, have, it is believed, failed not only to suppress, but even to diminish this infamous trade. It is true, the importation of negroes into Brazil has nearly ceased since the year 1852, owing, I believe, to the energetic operation of the Brazilian Government in enforcing its treaty with Great Britain; but the importation into the Spanish West Indies has greatly increased, to the disgrace of those who have administered the government of those islands; and this Government is called upon by a consideration of the possible danger to a portion of our own country, whose prosperity and safety may be thus imperiled, as well as by all the dictates of humanity, to arrest that growing evil so far as we have means to accomplish the object.

I am well satisfied that this traffic is most successfully, though not exclusively, carried on in American-built vessels, and under the protection of the American flag. On a former occasion I endeavored to expose the means by which this shameful prostitution of the proud emblem of our national honor has been effected. Under the guard of the stars and stripes, the pirate has been enabled to renew all the horrors of the middle passage, and any man who will peruse the volume on "Africa and the American Flag," by Lieutenant Foote, of the United States Navy, who commanded the United States brig Perry, on the coast of Africa, during the years 1850 and 1851, will comprehend the means by which the worst of men have committed the worst of crimes, and escaped, unwhipped of justice, by the abuse of our flag.

I have this morning received a letter on this subject from this able and efficient officer of our Navy, dated the 24th instant, which I will submit to the perusal of any Senator desiring it, and which is well worthy of a careful consideration. He says:

"I have before me a copy of 'Instructions for the senior officers of Her Majesty's ships and vessels on the west coast of Africa with respect to the treaty with the United States of America, signed at Washington on the 9th of August, 1842, by the commissioners for executing the office of Lord High Admiral of Great Britain and Ireland,' &c., which say: 'The commanding officers of Her Majesty's vessels on the coast of Africa station will bear in mind, that it is no part of their duty to capture, or visit, or in any way to interfere with vessels of the United States, whether these vessels shall have slaves on board or not.'"

This confirms the statement I made to the Senate when I originated this inquiry, that slavers sailing under the American flag are in all cases protected by it, unless they chance to be overhauled by one of our own cruisers. Other nations have resolved, and I think wisely, that we shall have the sole responsibility of the traffic, if we are resolved that no others shall search our vessels. The fact redoubles the duty we owe both to God and man to spare no effort to prevent the trade, and the necessary dishonor of our national character which flows from it when conducted in American vessels.

The writer of the letter to which I refer, afterwards adds:

"The practice is, for American vessels to show their register or sea-letter to the foreign officer, as proof of nationality; they then become inviolate, and cannot be searched or detained."

This, it will be remembered by the Senate, is precisely in accordance with the view I presented to the Senate on a former occasion when the committee was instructed to direct their attention to the issuing of those papers commonly called sea-letters, and the restrictions which should be made when granting them, so as to prevent the abuse of the flag caused by them while the sale of American-built vessels in foreign ports should not be prevented. It is this sea-letter which enables every pirate engaged in this trade in an American bottom to escape all the cruisers of Great Britain and France. As soon as the slaver produces this sea-letter, the nationality of the vessel is established as American, and then if there be a thousand slaves in her hold, she passes unobstructed by the cruisers of all other nations on her piratical voyage.

Now, sir, it is just here, precisely at this point, that the committee propose to make a blow at the slave trade. To a clear understanding of the old law, the mischief and the remedy, let us ascertain first what this sea-letter is.

By the fourteenth section of the act of December 31, 1792, "concerning the registering and recording of ships or vessels," it is enacted that when a registered ship or vessel "shall in whole or in part be sold or transferred to a citizen or citizens of the United States," &c., &c., "in every such case the said ship or vessel shall be registered anew, by her former name," &c., &c., "and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time that the same shall be made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be canceled." Then, to procure a new registry, it is necessary, under the same section, that the paper, which is now known as the sea-letter, shall be executed at the time of the sale. The provision is, "And in every such case of sale or transfer, there shall be some instrument in writing, in the nature of a bill of sale, which shall recite, at length, the said certificate, [of registry,] otherwise the said ship or vessel shall be incapable of being so registered anew." Every registry (without which no vessel can be entitled to any of the privileges or benefits of a vessel of the United States) contains a certificate under oath of the facts which establish the nationality of the vessel, such as the name, occupation, and place of abode of the owner, the port to which she belongs, the name and citizenship of the master, and among other things that she is of American build. This sea-letter, or bill of sale, therefore, as it recites the certificate of registry at length, must always show the nationality of the vessel.

Hence, it appears that these instruments of writing substantially differ only from the sea-letters or passports required by the acts of Congress of June 1, 1796, and March 2, 1803, in this particular, that the latter are required to be issued by the collectors to whom they are transmitted by the Treasury Department, after being signed by the President and countersigned by the Secretary of State, while the former is executed by the party transferring the vessel abroad, and by usage, in presence of an American consul. Both agree in certifying the nationality of the vessel. I can find nothing in the acts of Congress which requires the consul to authenticate such an instrument, or to issue it. His duties are prescribed by instructions from the State Department. But by another act of Congress of the 2d March, 1803, (not the act of the same date just referred to,) it is provided in the third section:

"That when any ship or vessel, which has been or shall be registered pursuant to any law of the United States, shall, whilst such ship or vessel is without the United States, be sold or transferred, in whole or in part, to a citizen or citizens of the said States, such ship or vessel, on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a ship or vessel of the United States."

The time allowed for obtaining the new registry is "within three days from the time at which her master, &c., is required to make his final report upon her first arrival, agreeably to the act of 2d March, 1799." This act does not repeal the provision in the former act of 1792, requiring the instrument in nature of a bill of sale on the transfer of an American vessel in a foreign port, and it carefully abstains from fixing any period for the return of a vessel so transferred abroad, to the United States for a new registry.

The consequence has been that vessels sold for slavers abroad have always been provided with these instruments in writing called sea-letters, though they are, in reality, nothing more than bills of sale reciting the old registry, which proved them to be American vessels. With this they have sailed for the coast of Africa, and by it they have been protected against all foreign cruisers.

This abuse of our flag, by these means, has been much complained of by our consuls abroad in their correspondence with the Department of State. In November, 1846, Mr. Parks, then consul at Rio de Janeiro, requested the President's instructions on the construction of the acts of Congress, and particularly whether a vessel so sold in a foreign port ought not, by law, to return home for a new registry before she could make a voyage to the coast of Africa with this instrument, sometimes called, as I have before stated, a sea-letter. The Secretary of State having consulted the Secretary of the Treasury, as well as the President, replied to him in a dispatch dated May 26, 1847, of which I hold a copy in my hand, that

they were "clearly of opinion that a vessel, under such circumstances, is not obliged to return to the United States for a new register."

Speaking of the act of 1792, the Secretary then said:

"This act was passed in the infancy of the Federal Government, and does not seem to have contemplated the sale of American vessels beyond the limits of the United States. When such sales were made in a foreign country, it would therefore have been a reasonable construction of its provisions to require the vessel to return to the United States for a new registry with the least practicable delay. Between the years 1792 and 1803, however, there had been a great expansion of our foreign trade. In consequence of the wars between the Powers of Europe arising out of the French Revolution, we had become, in a considerable degree, the carriers for the whole world. Congress, under these circumstances, deemed it necessary to provide expressly for the sale of American vessels to American citizens in all foreign countries."

This, the Secretary said, they had done by the third section of the act of 1803, which I have read, and he then added:

"Congress had the whole subject before them at the time of the passage of this act. Had they intended that the vessel should return home immediately for a register, they would undoubtedly have expressed this intention. So far from this being the case, (their language is indefinite in point of time. It does not require the vessel to return immediately after the sale; but at whatever time she may return,) it recognizes her right to all the privileges and benefits of an American vessel."

He then proceeded to say that a different construction of this act would prove extremely injurious to American citizens, in prosecuting our carrying trade between foreign nations, an object always much cherished by the policy of the United States, and would be detrimental to our ship-building interest. An American citizen could not then purchase an American vessel in China, or at the Sandwich Islands, to prosecute a lawful voyage from thence to any foreign country; and an American ship-builder could not send his vessels abroad with any hope of selling them to American citizens beyond the limits of the United States. Besides, such a construction of the act would be contrary to the settled practice at the Treasury Department. And he finally concluded that "the bill of sale, properly authenticated, and reciting at length the certificate of registry, becomes the substitute on board the vessel for that certificate, until her first arrival in the United States thereafter."

In the decision thus made by the President, with the advice and concurrence of the Secretary of State and the Secretary of the Treasury in 1847, succeeding Administrations of this Government have fully acquiesced, and it may now be considered as the settled law of the United States. Viewing it as such, and desiring to prevent the evils of the slave trade, President Taylor in his annual message of the 4th December, 1850, thus pressed the subject on the consideration of Congress:

"Your attention is earnestly invited to an amendment of our existing laws relating to the African slave trade, with a view to the effectual suppression of that barbarous traffic. It is not to be denied that this trade is still, in part, carried on by means of vessels built in the United States, and owned or navigated by some of our citizens. The correspondence between the Department of State and the minister and consul of the United States at Rio de Janeiro, which has from time to time been laid before Congress, represents that it is a customary device to evade the penalties of our laws by means of sea-letters."

"Vessels sold in Brazil, when provided with such papers by the consul, instead of returning to the United States for a new register, proceed at once to the coast of Africa, for the purpose of obtaining cargoes of slaves. Much additional information of the same character has recently been transmitted to the Department of State. It has not been considered the policy of our laws to subject an American citizen who, in a foreign country, purchases a vessel built in the United States, to the inconvenience of sending her home for a new register before proceeding on a voyage. Any alteration of the laws which might have a tendency to impede the free transfer of property in vessels between our citizens, or the free navigation of those vessels between different parts of the world, when employed in lawful commerce, should be well and cautiously considered; but I trust that your wisdom will devise a method by which our general policy, in this respect, may be preserved, and, at the same time, the abuse of our flag by means of sea letters, in the manner indicated, may be prevented."

Had the suggestion thus made been followed by an act of Congress, in the spirit of the message, the exportation of more than one hundred thousand slaves would probably have been prevented. But Congress, engrossed by the political struggles of 1850, made no attempt to adopt the recommendation. It is the object of the bill I hold in my hand to adopt it now. It will not obstruct the transfer of American vessels in a foreign port for the purposes of lawful commerce, but will pre-

vent the abuse of our flag by means of these sea-letters in future.

In this connection, suffer me to say, that the committee do not believe that the African slave trade will ever be arrested by the operation of the eighth article of the treaty of the 9th of August, 1842, called the Webster and Ashburton treaty, by which about one eighth of our whole naval force afloat has been employed on the African coast, at an annual cost of about \$800,000, having captured only twelve slavers in twelve years. A portion of that squadron might always be advantageously kept on that coast to protect our commerce, and put down piracy. But the greater part of all our disposable force for the suppression of the slave trade should be employed in the Spanish West Indies, and it should not consist merely of one or two heavy frigates, or sloops of war, but chiefly of small steam propellers, of light draft, mounting a heavy gun on a pivot, and with men enough to enable them to carry any pirate by boarding. We should faithfully fulfill the stipulation in the treaty of Ghent, by always using our best endeavors to promote the desirable object of the entire abolition of this barbarous traffic; and, as a suitable measure to effect that great object, the committee now report this "bill for the more effectual suppression of the African slave trade in American-built vessels."

The bill was read a first time, ordered to a second reading, and ordered to be printed for the use of the Senate.

SLAVERY IN THE TERRITORIES.

Mr. CHASE gave notice of his intention to ask leave to introduce a bill to prohibit slavery in the Territories of the United States.

FUGITIVE SLAVE LAW.

The Senate proceeded to consider the motion made by Mr. ROCKWELL, on the 22d instant, to refer to the Committee on the Judiciary, the petition then presented by him from twenty-nine hundred citizens of Massachusetts, praying for the repeal of the fugitive slave law.

Mr. JONES, of Tennessee, addressed the Senate at considerable length, in a speech in which he reviewed an address recently issued by several Senators and members of the House of Representatives on the passage of the Nebraska and Kansas bill. [The speech of Mr. Jones will be found in the Appendix.]

Mr. ROCKWELL. Mr. President, it is to only a few of the remarks which have fallen from the honorable Senator from Tennessee [Mr. JONES] that I have at this time any reply to make. Those remarks relate to a petition which I have introduced into the Senate, as a Senator of Massachusetts, and they have been of such a character that I deem it necessary to make some brief reply.

I regret, sir, that this duty has fallen on me at this time. I regret that it has fallen on me at a time when my distinguished predecessor [Mr. EVERETT] has been so recently compelled, by the pressure of, I trust, temporary ill health to relinquish his seat on this floor. I regret that it has not fallen on some other and worthier successor to him, whom our Commonwealth might have designated.

It is now scarcely three weeks since, while in the pursuance of my humble avocations I received the behest of my State to take my seat upon this floor. I had resigned every office which had ever been conferred on me, and I had chosen to remain in the walks of private life; but it was the command of the State of Massachusetts that I should come here, and no citizen is, in my judgment, at liberty to disobey her commands.

The first public act which I had to perform on entering the Senate, was to present the petition which has been made the subject of the remarks of the honorable Senator from Tennessee. It is a petition signed by two thousand nine hundred men of Massachusetts. They are principally from the city of Boston, and its vicinity. It is a fair representation of the bone and sinew of the active business men of the city of Boston. Included in the signatures to the petition are many others. The signers of this petition are lovers of this Union. They are lovers of the peace and quiet of this Union. They send their petition for the repeal of a law which has been but four years on your statute-book. They ask for the repeal of a law, which was in addition to a law that had been more than fifty years upon your statute-book,

and under which law, without this additional act, this great country had achieved its greatness. In the year 1854, they come to this Congress, and say that a law passed in the year 1850 ought to be repealed. Is there treason in this? Is it not a law of Congress? Is it treasonable in the people of this country to ask for the modification or even for the repeal of any act of Congress?

But it is said that the source from which this application comes is one that is worthy of censurable remark; and this is said, too, in a speech which deprecates agitation, and which is so admirably calculated to allay agitation! It is said that the time and the circumstances are to be regarded in this matter. What is the time, and what are the circumstances surrounding it? The time chosen is after an agitation in this Congress which is unprecedented, I believe, in the history of the Government. I can confidently say that the feeling created by it in the free States of this Union is utterly unprecedented, and will be felt to be so for long years to come. It was immediately upon the passage of a bill, which was resisted here in every constitutional form, and in forms which have been branded as unjustifiable and unconstitutional, that this petition arose. It is a declaration of twenty-nine hundred men that they think, under the circumstances of the country, and the recent passage of the measure to which I have referred, that the fugitive slave law of 1850 should be repealed.

It is true that, immediately after the passage of the bill, which occasioned such great excitement, which filled all the arteries and veins of this country with excitement, as all know, a fugitive slave was arrested in the city of Boston. It did so happen that there was a popular feeling on the subject. It did so happen that, on a certain evening, there was an outbreak, an affray, a riot, if you please, and a homicide. It did so happen, also, that the constituted authorities of Massachusetts, and of Boston, took this matter into their hands, and the law which had produced so much agitation and so much feeling, was executed. The constituted authorities of the United States in Boston, telegraphed to the President of the United States that they wanted no further aid from him; that the authorities of Boston and Massachusetts were amply sufficient for all purposes; and that quiet and order existed.

Sir, it was at or about that time that this petition originated. Do you think that if the hearts of the three thousand men who sent you this petition had been filled with riot and with murder, they would have sent it to you? Do you think they would have drawn it out and laid it up in their Merchant's Exchange for everybody who chose to sign it, and everybody who did not so choose to pass it by? Do you think they would thus express their feelings to Congress if their hearts had been full of riot and murder? There is no ground for this charge against the citizens of the city of Boston. Affrays and homicides occur in other portions of this country. They occur upon occasions of great popular excitement, and they cannot always be avoided. This petition is, however, itself a proof, and should be a conclusive proof as to all who present it here, that they have no connection whatever with any proceedings of violence.

But, sir, I have said, and I say again, in connection with that portion of the Senator's remarks in reference to this subject, that there is a feeling throughout the free States of this nation the like of which has never existed before. There have been debates in Congress in relation to the character of some of those who have presented petitions and memorials here. Whole classes of men have been denounced for that. I tell you, gentlemen, that, whatever you may say in relation to the propriety, the duty, or the personal character or the profession of the clergy, the ministers of the Gospel, they have a right to present their petitions, and you should regard their petitions not merely as the expression of their own sentiments, sentiments as pure and disinterested as those of any class, but the expression of the sentiments of the population in which they are situated—the index and the exponent of a general feeling. It is so; it will be found to be so. Is there cause for it? I think there is, and that cause I will explain.

Four years ago my most distinguished predecessor, Mr. Webster, stood upon this floor, and

advocated the compromise measures of that period. Among the rest he acquiesced in the passage of the fugitive slave law. He said, at that time, and the words which fell from his lips were regarded by himself and by all others as words to be entirely relied upon, as fixed facts that could never be changed, that the state and condition of the whole territory of the United States, in the matter of freedom and slavery, was fixed by irrepealable law. Underlying the acquiescence which followed upon those compromise measures of 1850, was that belief on the part of the whole population of the free States, that the condition of the Territories was fixed by an irrepealable law. If it had not been for that, there would have been no such acquiescence; and proof of it is found in the very petition I have presented here. Appended to it are the names of a great many persons who were actively engaged in reconciling the public opinion to a support of and acquiescence in that system of measures.

When this Congress met, all was quiet. When the measure proposing the repeal of the Missouri compromise was introduced, it was impossible for men to believe that it was to be carried out; but it proceeded, and day after day the conviction was forced upon our people that it was to be carried out. Then this excitement was occasioned. Sir, I will say now, that it has proceeded further than a mere requisition for the repeal of the fugitive slave law. It does proceed, as is stated in the address on which the Senator has commented, to a requisition to repeal the provision of the Kansas and Nebraska bill which repeals the Missouri compromise. It goes upon the ground, and it will proceed upon the ground, that there are no sacred compromises outside of the Constitution of the United States—that there are no laws which cannot be repealed—that there is nothing in the nature of law or compromise which Congress cannot and may not be asked to repeal.

This petition asks simply and directly for the repeal of the fugitive slave law. It does not ask for a modification of that law. It expresses the opinions of the petitioners, that something should be done; and they have not stopped to weigh their words, but they say distinctly and directly that they want that law repealed. They undoubtedly wish its repeal for two prominent reasons—because it does not recognize the right of trial by jury, and because it does not recognize the writ of *habeas corpus*. They ask for a repeal of the law, because it contains a denial of those provisions. This is an expression of their dissatisfaction with the law.

Mr. President, I have shown that there is no difficulty between the Government of the United States, and the government of the State of Massachusetts, but there is a difficulty between the Government of the United States and a large portion of its people. A large portion of the people of the United States are dissatisfied with the measures of Government. What course do they take? I am not undertaking to say here, and I do not say that there may not hereafter be a party even in the Commonwealth of Massachusetts, which will sustain these measures. I know there are members of a party there who now sustain them. I do not know but that there may be more of the members of that party who will hereafter sustain them. But I say that any party which sustains them there or in any of the free States will, in my judgment, "grow small by degrees, and beautifully less." I say there is such a pervading public sentiment that this must be the result.

Now, sir, when there is a difficulty between the Government of the United States and a portion of its people, what is the duty of that portion of the people? Is it not to address the Government, to state the cause of the grievance, and to ask for specific redress? Is not this done? It has been truly said by the honorable Senator that this is not the only petition that has been presented or that will be presented. It is true, that the same feeling pervades great masses of the citizens of this country, and the same feeling will exhibit itself hereafter. Now, what I ask, is, that this petition shall be referred to the appropriate committee, and receive its respectful and attentive consideration. I say the Government of the United States is bound to do that, and no less, with such a petition.

Sir, in regard to the remarks of the honorable Senator from Tennessee, in relation to the effect which the repeal of the fugitive slave law may

have even upon the continuance of this Union, I have this to say, for I will speak here as freely as I would speak under the arches of Faneuil Hall,—I say that the time has gone by when anything like a threat of the dissolution of this Union consequent upon the action of the people of the free States will have any influence upon them—not because of a want of devotion to the Union on their part—not because they have not signified in the past, and will not signify in the future, the depth of that devotion by their lives, but because that threat is not to be used for the purpose of influencing the free exercise of their judgments.

Threats of disunion are no longer to be regarded as arguments for or against any measure of this Government. We look upon the dissolution of this Union as an impossible thing. We are willing, as we always have been, wherever it is extended, to go with it. We are willing to do that; and I ask here to-day, why is it that the measures are not in progress to unite the Pacific with the Atlantic? Why is it that this old commercial Atlantic ocean is not to-day in progress of being connected with the Pacific? Why do you not invigorate the great ideas that you sometimes utter, of "an ocean-bound Republic," of the whole of North America? Why do you not invigorate them with the great achievements of science? Why is it that we may not know here to-day what has taken place in California this morning? Are not the power and resources of the Government sufficient? Where are those measures? Why are they not followed up? Why are they not brought before the Senate, and passed by Congress? Let us be bound together in links of iron, and no question or debates upon any subject, can ever sever them. This has always been the sentiment of Massachusetts; and when I had the honor of a seat in the other House of Congress it was always the principle that animated my heart. The Atlantic and the Pacific! Let them be together. This day the Pacific, for all practical purposes of transportation, is not as large as the Atlantic was twenty years ago. Its borders are nearer together than the borders of the Atlantic were twenty years ago. Yours is the path that Omnipotence has pointed out for the transit of the commercial products of the earth. Why is it not carried out? Was there ever a richer Government? Do you say that there are difficulties as to the routes, and as to the modes of construction? Commence the work, and all the difficulties, as to the routes and modes of construction, will vanish away. Give us the West, give us the South, give us free opinions, and we shall be with you forever, and neither you, nor I, nor all men together can prevent it.

Mr. President, I desire to speak in words of truth, of sincerity, and in the calmest and plainest possible manner. There is an excitement in the free States of this Union such as has never before been seen; it is more powerful by far than anything that has preceded it. It is increasing every day. It must be respected, it must be heard, it must be considered, and I trust it will be. I trust that this petition will receive the calm consideration and attention of the committee to whom I have proposed to entrust it. Let it be argued, let it have a fair and full consideration. Whatever of argument connected with it is brought forward by the eminent standing committee to whom it is referred, let it come before us. Let the public opinion be heard and respected.

Mr. President, the honorable Senator from Tennessee stated, at the commencement of his speech, that he did not arraign the motives of any Senator. He has treated me, personally, with the courtesy which belongs to his character. It is not my province to reply to that portion of his speech which relates to the address. I am quite too young in the Senate, to presume to do that, under any circumstances, in the presence of older Senators; but it happens that I have had no connection with the preparation of that address, and therefore I am not qualified to speak upon it. If I were the proper person, however, I would willingly undertake its defense.

I am of the same opinion expressed by the honorable and experienced Senator from Georgia, [Mr. Dawson,] a few days since, that the true course of debate here is for each Senator to express his opinions and arguments, at this late period of the session, in as brief and direct a man-

ner as possible. I will, therefore, no longer detain the Senate.

Mr. JONES, of Tennessee. I shall detain the Senate but a few minutes in reply to the honorable Senator from Massachusetts. There are only one or two points in his address upon which I feel called on to speak. He seems to think that I arraigned the signers of that memorial with more harshness than they deserve; and he announces to the Senate and the world that they constitute the bone and sinew of Boston and Massachusetts. Well, sir, I am not personally acquainted with all the persons; but I respectfully submit to that honorable Senator to tell the Senate and the world, while he is finding fault with me for alleging that the memorial comes here surcharged with treason and with blood, how many of those who aided in resisting the laws of the country in Boston are signers of the memorial? Will the honorable Senator pretend to say to the country that many, very many of the signers, were not of that class of men who dared, with treason in their hearts, and with knives in their hands, to resist the constituted authorities of the country?

Mr. ROCKWELL. I will state that I did not positively affirm that not a single person who signed the address was engaged in the transaction to which he refers. That is not what I undertook to say. All that I said was, that I had no reason to believe that they were.

Mr. JONES, of Tennessee. The Senator says that he does not know. Well, Mr. President, I should like to know whether such men as Wendell Phillips and Theodore Parker, and others of that class, who had not the courage personally to stand in the fight, but urge on a band of infatuated and ignorant men to do that which they have not the courage to do, are not responsible before God and the country for this?

But, sir, this is not all. The Senator says that they have a right to petition. I am sure that that honorable Senator did not point that remark at me. He will do me the justice to say, that I conceded the very largest possible latitude to petition; that I extended it to his Satanic Majesty himself. I am willing that they shall petition here upon all subjects; but when their petition does come, I am not required to swallow it without inquiring into its merits or its purposes. The honorable Senator says that we need not deceive ourselves; that there is a feeling in the North that is going on conquering and to conquer; and that the excitement and the agitation will go on until these great things be accomplished. Will that honorable Senator, for whom I have respect, although I have not the honor of a personal acquaintance with him, upon his responsibility as a man and a Senator, tell us whether he believes this Union could last a single day under the repeal of the fugitive slave law? Will the honorable Senator answer that?

Mr. ROCKWELL. I have to answer that I do not apprehend that any act of that kind would dissolve this Union.

Mr. JONES, of Tennessee. I am very sorry that I cannot concur with the honorable Senator in that. I can tell him that we differ *toto celo*. If he supposes—and I infer from his remarks that he does—that the South will stand tamely, submitting like cravens to an invasion upon its rights, he mistakes its character. If he supposes that the South will stand and see their property, which the guaranties and protection of the Constitution secure to them, carried away, he knows very little of the southern character. When that Senator says that he has seen and heard enough of these threats and taunts about the dissolution of the Union, so that they have no force left; that they do not alarm him; that it does not disturb the equanimity of his heart to be threatened with a dissolution of the Union, I must say that I used no threat. I utterly disavowed anything like a threat. I am not of that class of men who make threats. And as for the threats to which he alludes, he cannot find them in anything that I said. But I can tell him that he need not lay the flattering unction to his soul, or communicate the intelligence to his constituents, that we of the South are ready to bear everything that the North may suggest. He need not tell his constituents that we will tamely submit to any invasion upon every right that we enjoy. He need not mislead his constituents by an argument addressed to them to go forward and do all that they may to destroy the last vestige of equality between the North and the South, and

tell them, "Gentlemen, do not be alarmed. You need not be alarmed about the dissolution of this Union; they are afraid to do it." We are, sir, afraid to dissolve this Union without cause; but when it comes as an alternative between the Union on the one hand, and dishonor, disgrace, and infamy, and being trodden upon by men who are but our equals, on the other, I say that if I had a torch I would apply it myself, and be consumed in the conflagration, before I would submit to it; and I speak the sentiments of the South.

If we are to hold our place in this Union at the expense of honor, and virtue, and equality, the Union is not worth having, and you can take all the glory you can find in it. We do not seek to place you in such a position. We have never sought to do it; and when you seek to place us in such an attitude, you misinterpret the character of the South if you suppose it will submit to it. Why, sir, we hold our servants under the Constitution—whether this is right or wrong, you have no right to inquire. If they go to Massachusetts, we have a right to reclaim them; and when we go there to reclaim them, instead of finding every man in Boston, as he ought to be, standing by the law, you find heartless, odious hypocrites in the pulpit, preaching sedition and treason; and yet you tell us we may talk as we please about the ministry, they are a mighty power—as much as to say, take care lest you fall beneath their execration. I am not going to make war upon the ministry. I leave that to the Senator from Illinois, [Mr. DOUGLAS.] I think his argument is about equal to the three thousand and fifty ministers; and when they have destroyed him, they will probably find some other victim to satisfy them. I do not expect to say anything about them or the piety of their hearts. They are not to be alarmed about that. I have great respect for the ministry. I do not seek to get into a quarrel with them. I would rather take the men they send here; and I suppose the Senator from Massachusetts is their representative. I am willing to discuss with him; but I do not mean to get off on a false track. With women and preachers I never quarrel; you cannot get me off on such a track.

But, sir, the Senator says very frankly—and I take it he is a very honest man, but I think he has partaken of that fanaticism that will lead him astray—that I am right; that repeal is the watchword. They intend to agitate until the fugitive slave law is repealed, and until the Missouri restriction is restored to the statute-book. Then, my honorable friend, let me say to you that you have a lifetime before you, and you may sit out here for your term, and the term of your successor, and the term after that, but I do not think you will live to see the day when the one or the other can be done. But if you do live to that inauspicious day, let me tell you that you will have nothing to do. The work will already have been accomplished; and then, sirs, the proclamation that has been issued by some of your allies, that the incendiary had better come and apply the torch to the Capitol of the country, will be useless. That thing has been done once before, Mr. President. The Capitol was once the scene of a conflagration—and by whom? by whose hands? By the enemies of the country. And we are told now by one of the leaders of this war upon the institutions of the country, that it is better to see the Capitol of his country in flames, than to see the South brought to stand upon an equality with the North. Oh! sirs, if there be a curse preserved in all the armory of Heaven that is deeper than all others, let it descend upon the infamous wretch who could have such a feeling; and if I had the power of Omnipotence, I would draw some thunderbolt from its armory, and hurl such a wretch into annihilation. Rather see this Capitol itself in flames, these marbled columns tumbling to ruin, and the representatives of the States and of the people crushed in their fall, than to see an equality of rights between the members of this Confederacy! Ah! sir, in the better days of this Republic, in the days of Washington and the patriots of the Revolution, the man who should have uttered such a sentiment would have been hung as high as Haman; and he deserves it to-day.

You talk about the rights of the South, and about trampling upon them, and you say she will submit. It may be that we shall; but may the God of Heaven forever blast me and all mine, if they ever submit to infamy, degradation, and dis-

honor. Lay not that flattering unction to your souls; she will not do it. You say "give us iron bands to bind us together. Give us the West; give us the South; give us trade; give us commerce." You have got nearly all, and, not satisfied with that, you want our negroes; you want our property; you want to dishonor us; you want to disgrace us; you want a servile war, that our wives and daughters may be degraded and dishonored. Do not make a fuss about this thing. Talk more reasonably. Talk a little more patriotically. Talk about the authority and the rights of the country. Give us what the Constitution gives us. We ask no more. We will give you all that it secures you. We seek not to encroach upon you, and will never, no, never, submit to encroachments from you.

Mr. BRODHEAD. This, Mr. President, is a controversy between old friends. I believe that for the last twenty years Tennessee and Massachusetts have stood shoulder to shoulder in presidential elections; and if this controversy is to result in a change of the policy, I hope it will go on. I believe that Tennessee, since 1836, has been with Massachusetts in politics, in the presidential elections at least, against the national men of the country. When General Cass declared himself against the Wilmot proviso, did not Tennessee prefer General Taylor who declined to declare himself against it? And why did he decline to do so? Because the Whigs wanted Massachusetts. Massachusetts and Tennessee were together during the last presidential election, and I rather fear they will be together hereafter. Therefore, hope that this unpleasant controversy will cease, and that, the morning hour having gone by, we shall proceed with the regular business of the Senate.

Mr. SUMNER. Mr. President, I begin by answering the interrogatory propounded by the Senator from Tennessee, [Mr. Jones.] He asks, "Can any one suppose that, if the fugitive slave act be repealed, this Union can exist?" To which I reply at once, that if the Union be in any way dependent on an act—I cannot call it a law—so revolting in every regard as that to which he refers, then it ought not to exist. To much else that has fallen from that Senator I do not desire to reply. He has discussed at length matters already handled again and again in the protracted debates of this session. Like the excited hero of Macedonia, he has renewed past conflicts,

"And thrice he routed all his foes,
And thrice he slew the slain."

Of what the Senator has said on the relations of Senators, North and South, of a particular party, it is not my province to speak. And yet I cannot turn from it without expressing, at least, a single aspiration, that men from the North, whether Whigs or Democrats, will neither be cajoled or driven by any temptation, or lash, from the support of those principles of freedom which are inseparable from the true honor and welfare of the country. At last, I trust, there will be a back-bone in the North.

My colleague has already remarked, that this memorial proceeds from persons of whom many were open supporters of the alleged compromises of 1850, including even the odious fugitive slave bill. I have looked over the long list, and, so far as I can judge, find this to be true. And, in my opinion, the change shown by these men is typical of the change in the community of which they constitute a prominent part. Once the positive upholders of the fugitive slave bill, they now demand its unconditional repeal.

There is another circumstance worthy of especial remark. This memorial proceeds mainly from persons connected with trade and commerce. Now, it is a fact too well known in the history of England, and of our own country, that these persons, while often justly distinguished by their individual charities and munificence, have been lukewarm in their opposition to slavery. Twice in English history the "mercantile interest" frowned upon the endeavors to suppress the atrocity of Algerine slavery; steadfastly in England it sought to baffle Wilberforce's great effort for the abolition of the African slave trade; and, at the formation of our own Constitution, it stipulated a sordid compromise, by which this same detested, Heaven-defying traffic was saved for twenty years from American judgment. But now it is all changed—at least in Boston. The representatives of the "mercantile interest" place themselves in the front of

the new movement against slavery, and by their explicit memorial, call for the abatement of a grievance which they have recently bitterly felt in Boston.

Mr. President, this memorial is interesting to me, first, as it asks a repeal of the fugitive slave bill, and secondly, as it comes from Massachusetts. That repeal I shall be glad at any time, now and hereafter, as in times past, to sustain by vote and argument; and I trust never to fail in any just regard for the sentiments or interests of Massachusetts. With these few remarks, I would gladly close. But there has been an arraignment here to-day, both of myself and of the Commonwealth which I represent. To all that has been said against myself or the Commonwealth—so far as it is an impeachment of either—so far as it subjects either to any just censure, I plead openly, for myself and for Massachusetts, "not guilty." But pardon me, if I do not submit to be tried by the Senate, fresh from the injustice of the Nebraska bill. In the language of the common law, I throw myself upon "God and the country," and claim the same trial for my honored Commonwealth.

So far as the arraignment touches me personally, I hardly care to speak. It is true that I have not hesitated, here and elsewhere, to express my open, sincere, and unequivocal condemnation of the fugitive slave bill. I have denounced it as at once a violation of the law of God, and of the Constitution of the United States. In violation of the Constitution, it commits the great question of human freedom—than which none is more sacred in the law—not to a solemn trial, but to summary proceedings.

It commits this question—not to one of the high tribunals of the land—but to the unaided judgment of a single petty magistrate.

It commits this question to a magistrate, appointed, not by the President with the consent of the Senate, but by the court; holding his office, not during good behavior, but merely during the will of the court; and receiving, not a regular salary, but fees according to each individual case.

It authorizes judgment on *ex parte* evidence, by affidavits, without the sanction of cross-examination.

It denies the writ of *habeas corpus*, ever known as the palladium of the citizen.

Contrary to the declared purposes of the framers of the Constitution, it sends the fugitive back "at the public expense."

Adding meanness to the violation of the Constitution, it bribes the commissioner by a double fee to pronounce against freedom. If he dooms a man to slavery, the reward is ten dollars; but, saving him to freedom, his dole is five dollars.

But this is not all. On two other capital grounds do I oppose this act as unconstitutional; first, as it is an assumption by Congress of powers not delegated by the Constitution, and in derogation of the rights of the States; and secondly, as it takes away that essential birth-right of the citizen, trial by jury, in a question of personal liberty and a suit at common law. Thus obnoxious, I have regarded it as an enactment totally devoid of all constitutional obligation, as it is clearly devoid of all moral, while it is disgraceful to the country and the age. And, sir, I have hoped and labored for the creation of such a public opinion, firm, enlightened, and generous, as should render the act practically inoperative, and should press, without ceasing, upon Congress for its repeal. For all that I have said on this head, I have no regrets or apologies; but rather joy and satisfaction. Glad I am in having said it; glad I am now in the opportunity of affirming it all anew. Thus much for myself.

In response for Massachusetts, there are other things. Something surely must be pardoned to her history. In Massachusetts stands Boston. In Boston stands Faneuil Hall, where, throughout the perils which preceded the Revolution, our patriot fathers assembled to vow themselves to freedom. Here, in those days, spoke James Otis, full of the thought that "the people's safety is the law of God." Here, also, spoke James Warren, inspired by the sentiment that "death with all its tortures is preferable to slavery." And here, also, thundered John Adams, fervid with the conviction that "consenting to slavery is a sacrilegious breach of trust." Not far from this venerable hall—between this temple of freedom and the very court-

house, to which the Senator [Mr. Jones] has referred—is the street where, in 1770, the first blood was spilt in conflict between British troops and American citizens, and among the victims was one of that African race which you so much despise. Almost within sight is Bunker Hill; further off, Lexington and Concord. Amidst these scenes a slave-hunter from Virginia appears, and the disgusting rites begin by which a fellow-man is to be doomed to bondage. Sir, can you wonder that the people were moved?

Who can be wise, amazed, temperate, and furious,
Loyal and neutral, in a moment? No man.

It is true that the slave act was with difficulty executed, and that one of its servants perished in the effort. On these grounds the Senator from Tennessee charges Boston with fanaticism. I express no opinion of the conduct of individuals; but I do say, that the fanaticism which the Senator condemns is not new in Boston. It is the same which opposed the execution of the Stamp Act, and finally secured its repeal. It is the same which opposed the Tea Tax. It is the fanaticism which finally triumphed on Bunker Hill. The Senator says that Boston is filled with traitors. That charge is not new. Boston, of old, was the home of Hancock and Adams. Her traitors now are those who are truly animated by the spirit of the American Revolution. In condemning them, in condemning Massachusetts, in condemning these remonstrants, you simply give a proper conclusion to the utterance on this floor that the Declaration of Independence is "a self-evident lie."

Here I might leave the imputations on Massachusetts. But the case is stronger yet. I have referred to the Stamp Act. The parallel is of such aptness and importance, that, though on a former occasion I presented it to the Senate, I cannot forbear from pressing it again. As the precise character of this act may not be familiar, allow me to remind the Senate, that it was an attempt to draw money from the Colonies through a stamp tax, while the determination of certain questions of forfeiture under the statute was delegated, not to the courts of common law, but to courts of admiralty without trial by jury. This act was denounced in the Colonies at once on its passage, as contrary to the British Constitution on two principal grounds, identical in character with the two chief grounds on which the slave act is now declared to be unconstitutional; first, as an assumption by Parliament of powers not belonging to it, and an infringement of rights secured to the Colonies; and, secondly, as a denial of trial by jury in certain cases of property. On these grounds the Stamp Act was held to be an outrage.

The Colonies were aroused against it. Virginia first declared herself by solemn resolutions, which the timid thought "reasonable;" yes, sir, "reasonable;" even as that word is now applied to recent manifestations of opinion in Boston. But these "reasonable" resolutions soon found a response. New York followed. Massachusetts came next. In an address from the Legislature to the Governor, the true ground of opposition to the Stamp Act, coincident with the two radical objections to the Slave Act, are clearly set forth, with the following pregnant conclusion:

"We deeply regret that the Parliament has seen fit to pass such an act as the Stamp Act; we flatter ourselves that the hardships of it will shortly appear to them in such a light as shall induce them, in their wisdom, to repeal it; in the mean time, we must beg your Excellency to excuse us from doing anything to assist in the execution of it."

The Stamp Act was welcomed in the Colonies by the Tories of that day precisely as the unconstitutional Slave Act has been welcomed by imperious numbers among us. Hutchinson, at that time Lieutenant Governor and judge in Massachusetts, wrote to Ministers in England:

"The Stamp Act is received with as much decency as could be expected. It leaves no room for evasion, and will execute itself."

Like the judges of our day, in charges to grand juries he resolutely vindicated the act, and admonished "the jurors and the people" to obey. Like Governors in our day, Bernard, in his speech to the Legislature of Massachusetts, demanded unreasoning submission. "I shall not," says this British Governor, "enter into any disquisition of the policy of the act. I have only to say it is an act of the Parliament of Great Britain." Like marshals of our day, the officers of the customs are recorded as having made "application for a

military force to assist them in the execution of their duty." The elaborate answer of Massachusetts—a paper which is one of the corner-stones of our history—drawn by Samuel Adams, was pronounced "the ravings of a parcel of wild enthusiasts," even as recent proceedings in Boston, resulting in the memorial before you, have been characterized on this floor. Was I not right in adducing this parallel?

The country was aroused against the execution of the act. And here Boston took the lead. In formal instructions to her Representatives, adopted unanimously in town meeting at Faneuil Hall, the following rule of conduct was prescribed:

"We, therefore, think it our indispensable duty, in justice to ourselves and posterity, as it is our undoubted privilege, in the most open and unreserved, but decent and respectful terms, to declare our greatest dissatisfaction with this law. And we think it incumbent upon you by no means to join in any public measures for countenancing and assisting in the execution of the same. But to use your best endeavors in the General Assembly to have the inherent inalienable rights of the people of this province asserted, and vindicated, and left upon the public record, that posterity may never have reason to charge the present times with the guilt of tamely giving them away."

The opposition spread and deepened, and one of its natural tendencies was to outbreak and violence. On one occasion in Boston it showed itself in the lawlessness of a mob, of a most formidable character, even as is now charged. Liberty, in her struggles, is too often driven to force. But the town, at a public meeting in Faneuil Hall, called without delay, on the motion of the opponents of the Stamp Act, with James Otis as chairman, condemned the outrage. Eager in hostility to the execution of the act, Boston cherished municipal order, and constantly discountenanced all tumult, violence, and illegal proceedings. On these two grounds she then stood; and her position was widely recognized. In reply, March 27, 1766, to an address from the inhabitants of Plymouth, her own consciousness of duty done is thus expressed:

"If the inhabitants of Boston have taken the legal and warrantable measures to prevent that misfortune of all others the most to be dreaded, the execution of the Stamp Act, and, as a necessary means of preventing it, have made any spirited applications for opening the custom-houses and courts of justice; if, at the same time, they have borne their testimony against outrageous tumults and illegal proceedings, and given any example of the love of peace and good order, next to the consciousness of having done their duty is the satisfaction of meeting with the approbation of any of their fellow-countrymen."

Thus was the Stamp Act annulled, even before its actual repeal, which was pressed with assiduity, by petition and remonstrance, on the next meeting of Parliament: Among the potent influences was the entire concurrence of the merchants, and especially a remonstrance against the Stamp Act by the merchants of New York—like that now made against the Slave Act by the merchants of Boston. Some asked at first only for its modification. Even James Otis began with this moderate desire. The King himself showed a disposition to yield to this extent. But Franklin, who was then in England, when asked whether the Colonies would submit to the act, if mitigated in certain particulars, replied: "No, never, unless compelled by force of arms." The great Commoner, William Pitt, in an ever memorable speech, uttered words which fitly belong to this occasion. He said:

"Sir, I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this House imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who enlumines it might and ought to have profited. The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted; three millions of people so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest. I would not debate a particular point of law with the gentleman; but I draw my ideas of freedom from the vital powers of the British Constitution—not from the crude and fallacious notions too much relied upon, as if we were but in the morning of liberty. I can acknowledge no veneration for any procedure, law, or ordinance that is repugnant to reason and the first elements of our Constitution. The Americans have been wronged. They have been driven to madness. Upon the whole, I will beg leave to tell the House what is really my opinion. It is that the Stamp Act be repealed, absolutely, totally, and immediately, and that the reason for the repeal be assigned, because it was founded on an erroneous principle."

Thus spoke this great orator, at the time tutelary guardian of American liberty. He was not unheeded. Within less than a year from its ori-

ginal passage, the Stamp Act—assailed as unconstitutional on the precise grounds on which we assail the existing slave act—was driven from the statute-book.

But, sir, the Stamp Act was, at most, an infringement of civil liberty only, not of personal liberty. It touched questions of property only, but not the personal liberty of any man. Under it no freeman could be seized as a slave. There was an unjust tax of a few pence, with the chances of amercement by a single judge without jury; but by this statute no person could be deprived of that vital right of all, which is to other rights as the soul to the body—the right of a man to himself. As liberty is more than property, as man is above the beasts that perish, as Heaven is higher than earth, so are the rights assailed by an American Congress above those once assailed by the British Parliament; and just in this proportion must be our condemnation of the Slave Act by the side of the Stamp Act. And this will yet be declared by history.

I call upon you, then, to receive the memorial, and hearken to its prayer. All other memorials asking for changes in existing legislation are treated with respect, promptly referred, and acted upon. This should not be an exception. The memorial simply asks the repeal of an obnoxious statute, which is entirely within the competency of Congress. It proceeds from a large number of respectable citizens whose autograph signatures are attached. It is brief and respectful in form; and, in its very brevity, shows that spirit of freedom which should awaken a generous response. In refusing to receive it or refer it, according to the usage of the Senate, or in treating it with any indignity, you offer an affront, not only to these numerous petitioners, but also to the great right of petition, which is here never more sacred than when exercised in behalf of freedom against an obnoxious statute. Permit me to add, that by this course you provoke the very spirit which you would repress. There is a certain plant which is said to grow when trodden upon. It remains to be seen if the Boston petitioners have not something of this quality. But this I know, sir: that the slave act, like vice, is of so hideous a mien, that "to be hated it needs only to be seen;" and the occurrences of this day will make it visible and palpable to the people in new forms of injustice.

Mr. BUTLER. Mr. President, I wish to know, as I came into the Senate Chamber since the discussion commenced, what is the proposition before the body?

The PRESIDING OFFICER. (Mr. NORRIS in the chair.) The question is on the motion to refer the memorial to the Committee on the Judiciary.

Mr. BUTLER. It becomes me, then, as chairman of that committee, to say one or two words. I have never had any very great confidence in what is called the fugitive slave law. It became my duty certainly, as the organ of the Committee on the Judiciary, to report a bill out of which grew the present act known as the fugitive slave act. My opinion always has been, however, that, primarily, there ought to have been no fugitive slave act at all, but that, under the Constitution of a Confederacy of slaveholding States—for these were slaveholding States at the time of the formation of the Constitution—each State was bound to perform its own duty in carrying out the mandates of that Constitution. The Constitution contained obligations of States as parties to see them performed; and if each State would do its full duty—the duty of compact stipulation—in good faith, Congress, as the representatives of the States, would never have been called on to provide such a measure as the fugitive slave act.

Now, I must be permitted to ask the honorable Senator from Massachusetts, [Mr. ROCKWELL,] who has spoken in a temper that I somewhat commend, with his solemn declaration that the feeling which has been excited at the North by the passage of the Kansas and Nebraska bill cannot be extinguished; that the fires which have been kindled are to continue; does he suppose that any report made by the Committee on the Judiciary could appease a sentiment which has been expressed, and, I believe, exaggerated by the speech of his colleague; a speech whose whole style, tone, and character does not become a Senate, especially a Senate representing a constitutional Confederacy; a speech that I regard as a poor edition of his other speeches on the same subject? It might

have suited for the 4th of July, which comes on in a few days. Do gentlemen suppose, after the declarations which they have made, that any act or any measure, recommended by the Judiciary Committee, could satisfy the feelings of which they have given us such notice? Sir, I will not go into this matter; but there is one thing which I wish to say in reply to the honorable gentleman who sits near me, [Mr. SUMNER.] When Faneuil Hall was illustrated by eloquence, and immortalized by patriotism; when Otis spoke, and John Hancock acted, and John Adams made the declarations which have been so much applauded by the gentleman, they were the representatives of slaveholding States. They represented Massachusetts as she was—hardy, slaveholding Massachusetts. Sir, when blood was shed upon the plains of Lexington and Concord, in an issue made by Boston, to whom was an appeal made, and from whom was it answered? The answer is found in the acts of slaveholding States—*animis opibusque parati*. Yes, sir, the independence of America, to maintain republican liberty, was won by the arms and treasure, by the patriotism and good faith of slaveholding communities.

Sir, the Senator has chosen to exhibit a good deal of sensibility upon abstract questions of liberty; but he knows that this Confederacy could not have been formed without a Constitution made by practical statesmen, in which New England entered into a compact with slaveholders. If the sentiments which he entertains now be the general sentiments of Boston and Massachusetts, it is a Commonwealth which ought not to belong to a Confederacy of slaveholders. That ought to be their feeling. If they cannot associate with us, under a common Constitution, let them say so. Sir, the gentleman has made his declarations with much pomp, and, I must say, not with his usual taste; with a species of rhetoric which is intended, I suppose, to feed the fires of fanaticism which he has helped to kindle in his own State—a species of rhetoric which is not becoming the gravity of this body. Let me tell him that when all those distinguished acts took place, to which he has alluded, they came from the organs of a public opinion representing peaceful wisdom—those who made compacts to observe them—those who could have their own, but could respect and conform to the opinions of others. They were gentlemen.

Perhaps, sir, I have said more than I ought to have said on this subject; but when gentlemen rise and flagrantly misrepresent history, as that gentleman has done, by a fourth of July oration, by rapid rhetoric, by a species of rhetoric which, I am sorry to say, ought not to come from a scholar—a rhetoric with more fine color than real strength—I become impatient under it. I speak very differently of the other honorable gentleman from Massachusetts, [Mr. ROCKWELL.] He spoke with calmness, gravity, and dignity; and I attended to him. His warning would give me some understanding of the state of feeling which I would be inclined to respect. I respect a man who speaks under the sanction of responsibility which seemed to pervade that Senator's bosom. He was the selected representative to present the petition. He has discharged the office, and has spoken in the soberness of one expressing conviction; and in that spirit—not as a rhetorician, playing a part—I must regard his representations. If they shall be the prevailing sentiments of those for whom he has spoken, they make the issues of separation.

I have never made a threat on this floor; but I will tell him that if these agitations go on, the consequence will be that an issue will be made between the North and the South. Each section will become united—maintaining the position of units. I do not undertake to indicate those things; but will say, if sectional agitation is to be fed by such sentiments, such displays, and such things as come from the honorable gentleman near me, [Mr. SUMNER,] I say we ought not to be in a common Confederacy, and we should be better off without it. In such a state of things, I might well entertain feelings of respect for the gentleman—as representing a different confederacy. I will not suppose a hostile confederacy; but even if such should be its character—if I do not mistake the gentleman—he would extend to me the protection of an honorable and respected flag. My condition is different when I am assailed by a confederate, making war upon me under the covering of a common camp. In one, and a plain word, if the pro-

ceedings of this Senate are to be made the vehicle of denunciation or assault, the thing cannot be tolerated. Sir, I am understood to be somewhat an excitable man, but I have never here, on any occasion, made any remark which I am not willing to qualify, and make conformable to the judgment which my responsible position would require of me. I can, as I do, entertain strong feelings, but they shall not find expression in violent threats. Such, I may well appeal to the Senate, has not been my habit. I have been betrayed into remarks not intended.

I rose, however, simply to say that, so far as regards myself, I am perfectly willing that this memorial shall be referred. If we respond to it by saying that the law should not be repealed, I do not think it is going to appease the feeling at the North, according to the expressions made by honorable gentlemen; and if we say it shall be repealed, that certainly will not satisfy the country. Then if the object be to make the issue between the North and the South, let the issue come. Let it come with dignity; let it be met in calmness of spirit. I do not want any of these flaming speeches here, calculated to excite merely—to feed a flame without seeing where it shall extend. No, sir, do not let us involve the country in a contest to be decided by mobs—infuriated by the flaming speeches of servile orators. Let the proud civilization of the country never be committed to the chances of anarchy, let us live together under a constitution, or let us separate with purpose and dignity.

I have said I am perfectly willing, so far as I am concerned, to let the memorial be referred; but I wish to ask the honorable Senator from Massachusetts, who presented it, [Mr. ROCKWELL,] a question; and I believe, from the impression which he made on me to-day, that he will answer it. If we repeal the fugitive slave law, will the honorable Senator tell me that Massachusetts will execute the provision of the Constitution without any law of Congress? Suppose we should take away all laws, and devolve upon the different States the duties that properly belong to them, I would ask that Senator whether, under the prevalence of public opinion there, Massachusetts would execute that provision as one of the constitutional members of this Union? Would they send fugitives back to us after trial by jury, or any other mode? Will this honorable Senator [Mr. SUMNER] tell me that he will do it?

Mr. SUMNER. Does the honorable Senator ask me if I would personally join in sending a fellow-man into bondage? "Is thy servant a dog, that he should do this thing?"

Mr. BUTLER. These are the prettiest speeches that I ever heard. [Laughter.] He has them turned down in a book by him, I believe, and he has them so elegantly fixed that I cannot reply to them. [Laughter.] They are too delicate for my use. [Renewed laughter.] They are beautiful things; made in a factory of rhetoric somewhat of a *peculiar shape*. But, I must be permitted to say, not of a definite texture. Now, what does he mean by talking about his not being a dog? [Continued laughter.] What has that to do with the Constitution, or the constitutional obligations of a State? [Laughter.] Well, sir, it was a beautiful sentiment, no doubt, as he thought, and perhaps he imagined he expressed it with Demosthenian abruptness and eloquence. [Laughter.] I asked him whether he would execute the Constitution of the United States without any fugitive slave law, and he answered me, is he a dog—

Mr. SUMNER. The Senator asked me if I would help to reduce a fellow-man to bondage? I answered him.

Mr. BUTLER. Then you would not obey the Constitution. Sir, [turning to Mr. SUMNER,] standing here before this tribunal, where you swore to support it, you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence, as a coequal Senator, and tell me that it is a dog's office to execute the Constitution of the United States?

Mr. PRATT. Which he has sworn to support.

Mr. SUMNER. I recognize no such obligation.

Mr. BUTLER. I know you do not. But nobody cares about your recognitions as an individual; but as a Senator, and a constitutional rep-

resentative, you stand differently related to this body. But enough of this.

Mr. MASON. I wish to inquire if a motion has been made to refer this petition?

The PRESIDING OFFICER. The pending question is on the motion to refer it to the Committee on the Judiciary.

Mr. MASON. I desire most respectfully to know from what quarter that motion came? What honorable Senator made the motion?

Mr. PRATT. The honorable senator from Massachusetts who first spoke, [Mr. ROCKWELL.]

Mr. MASON. The Senator who introduced the petition. I had hoped, Mr. President, after the compact (if I may so express it) which had been entered into between the various States of the Confederacy in enacting this law, that debate would not again have arisen upon it; and I had hoped, also, that the dignity of the American Senate would not have been subjected to the assaults made on it this day by one who is a Senator from Massachusetts, [Mr. SUMNER.] I say, sir, the dignity of the American Senate has been rudely, wantonly, grossly assailed by a Senator from Massachusetts, and not only the dignity of the Senate, but of the whole people, trifled with in the presence of the American Senate, either ignorantly or corruptly—I do not know which, nor do I care. Sir, that Senator said that the law for the reclamation of fugitive slaves denied to a citizen the privilege of the *habeas corpus*, which was secured to him by the Constitution. I repeat, such a declaration in reference to that law was made, either ignorantly or corruptly, for corrupt purposes. There is nothing like it in the law. The law does not deny the privilege of the *habeas corpus*; and if it did, it would have been a dead letter.

Why, sir, the experience under the law is, that the *habeas corpus* issues, and there is nothing in the law which says to the contrary; and yet the Senator, discharging what, I suppose, he considers his duty to those who sent him here, has had the temerity to declare that this law violated the Constitution in refusing the *habeas corpus*. Sir, this writ is to inquire only into the legality of the detention, and the law so recognizing it bases its provisions only upon the question of the legality of the detention; and if it is proved that the fugitive was held to service, or labor, and did escape, whether justly so held or no, under the Constitution, he is to be returned whence he escaped. Sir, the proof establishes the legality of the arrest and detention, and is an answer to the writ of *habeas corpus*; and in this the fugitive slave law does not depart from the policy regulating the administration of all penal law. One arrested as a fugitive from justice is entitled, on his arrest, to a *habeas corpus*—for what? To determine whether he committed the offense with which he was charged, at the place whence he escaped? Certainly not; but to determine only whether he was so charged in proper form of law to authorize his detention until a trial could be had; and proof that he was so charged is then, also, an answer to the *habeas corpus*, and he must be remanded without inquiring whether the charge is true or false.

I do not know whether the Senator claims to be a jurist; I know not his position at home; but I know something of his associations there from his language here. Sir, he has denounced a gentleman from Virginia who goes under the protection of the Constitution, and the sanction of the law into his State, to reclaim his property. He has the boldness to speak here of such a man as "a slave-hunter from Virginia." Sir, my constituents need no vindication from me from such a charge, coming from such a quarter. The Senator from Massachusetts, in the use of such vulgar language here, betrays the vulgarity of his associations at home; and shall it be tolerated in the American Senate? Yes, sir, a gentleman from the South, who goes under the protection of that Constitution which the Senator has sworn to support, and which he just now declared he would be a dog to execute or to recognize; a gentleman from Virginia who goes to his State under the protection of the Constitution and the sanction of the law, to reclaim his property, may be subject to vulgar denunciation, but only by vulgar men.

Mr. President, I differ from the honorable Senator from South Carolina, [Mr. BUTLER,] who said, as I understood him, that this law had not done its office. Sir, it has done its office. To be sure, there are instances where it has been violated

by brutal mobs, as there are instances of other laws being evaded by knavery, or silenced by brute force; but I say the law has done its office well, done it on a recent memorable occasion in the very city of Massachusetts which the Senator claims so worthily to represent; but the enlightened patriotism of most of whose citizens, I believe, think of him as I do. In that city, within the last fortnight, it has done its office, and done it in the presence of a mob, which that Senator and his associates roused and inflamed to the very verge of treason, subjecting them to traitors' doom, while he and his associates sat here and kept themselves aloof from danger. Yes, sir, it was executed under these circumstances, and executed by that power that is bound to execute it—the Government of the whole United States.

Mr. President, I did not think I could have been drawn into a debate on this subject. I should not have engaged in it but that I thought it right to vindicate the law from the misconception which was placed on it by the honorable Senator, before the country, in reference to the *habeas corpus*. But, sir, I may say neither that law nor any other law could require vindication from attacks made by one mad enough to announce to the American Senate and the American people, that although the Constitution provides that fugitives from service shall be surrendered up, he would recognize himself as a dog were he to execute that provision. He has said so in the presence of that American Senate who witnessed his oath to support, protect, and defend that same Constitution, and his appeal to his God to witness the truth and sincerity of his purpose. Why, sir, am I speaking of a fanatic, one whose reason is dethroned! Can such a one expect to make impressions upon the American people from his rapid, vulgar declamation here, accompanied by a declaration that he would violate his oath now recently taken?

Well, sir, that Senator attempted to institute a comparison between the Stamp Act, resisted by our common ancestry, and resistance to the fugitive slave law. Sir, he was well answered by the honorable and distinguished Senator from South Carolina, that in those days the people he represents now were slaveholders. I cannot believe he represents them now, although they are slaveholders no longer. Sir, I think I might venture upon the office of vindicating his own people from the aspersions their representative has cast on them. Let the honorable Senator remember that he says he would be a dog to surrender a fugitive slave, although the Constitution imposes the duty on his State, and he has sworn to obey it.

Let me recall him to that page in our history which shows that, by the vote of Massachusetts, and the other New England States, the interdict was placed in this very Constitution against prohibiting the African slave trade. Sir, the New England States at that day, with Massachusetts at their head, knowing that the first act of the American Congress would be to prohibit the African slave trade, voted, all of them, to take that power from Congress, so as to continue the slave trade for twenty years after its adoption, and up to the year 1808. These are the people whom he dares now to say, before the American Senate, would be depraved, and sinful, and mean, and odious, and dogs, if they recognized even the existence of slavery! What more did they do? Why, sir, they enjoyed that trade, as the carriers of the slaves from Africa, through those twenty years for which they had stipulated in the Constitution. They brought the slaves over, and within a recent period suits have been brought in southern States on bonds executed on the purchase of slaves from these very New England slave importers.

Now, Mr. President, I believe the Senate will agree with me that, unworthy as the occasion may be, it is difficult to be silent; yet, I confess, I almost feel that I owe an apology to the Senate for having spoken in this debate. I know I shall owe an apology to those who sent me here for noticing it from such a quarter and in such a presence.

Mr. PETTIT. I have lived to witness to-day what I had hoped I should not live to witness. I had hoped that the silent clod would have covered me before I should hear fall from the lips of a Senator who had sworn to support the Constitution of the United States, an avowal that he would

not support it; an avowal that he disregarded all such obligations, that it was as dross with him.

Mr. President, I have no objection to the reception, or the proposed reference of this petition. I have always maintained the unlimited right of the people to memorialize or petition Congress in any form, for any object that might be constitutionally acted upon here. That we may constitutionally repeal, or modify the existing, or any other fugitive slave law, there can be no doubt. That the law as it is, is constitutional, I entertain no doubt. That we have the constitutional power to make it less rigid, or more rigid, or to abrogate it entirely, there can be no question. The proposed reference of the petition is, I think, the legitimate one. However ready I may be to say that I would not grant the prayer of a petition which is sent here, I cannot be induced to throw the least barrier in the way of the reception and proper reference of any petition in regard to any subject upon which we may constitutionally and legitimately act.

Nay, sir, I go further. I believe that to-day, if the people of Massachusetts, or the people of any other portion of this country, should send in a petition, and it should be laid upon your table, and its reference moved to the Judiciary Committee, of which I have the honor to be a member, praying that this body should expel a member who had sworn to support the Constitution—the sacred bond of our Union—and in our faces, in open Senate, had disowned it, and positively asserted that he would not enforce it, I should vote for its reception, I should vote for its reference, but I will not say how I should report on it, though I am inclined to think I should report in favor of granting their prayer and expelling that member.

Sir, Senators are not to be tolerated here, who, openly and boldly, in the face of the country and of the Senate, say that they would violate their oaths. Sir, [addressing Mr. SUMNER,] in stepping to that desk, laying your hand upon the Gospel of God, swearing that you would support the Constitution, and placing the book to your lips, giving seal and assurance that your heart as well as your lips acquiesced in what you said, you made no reservation of any clause, any article, any section, any line, or any word. No mental reservation could be allowed. You swore that you would support all and singular, each and every part from beginning to end, the commencement and the ending inclusive; and you now in the face of your peers—peers, did I say, I hate to use the word—are the first in the Senate of the United States to openly declare you would violate the oath you have taken, and the bond of Union your ancestors made for you.

The PRESIDING OFFICER. The Senator will address the Chair.

Mr. PETTIT. I am certainly not out of order. I say if such a petition or memorial were sent here, I should be willing to receive and refer it, and if referred to my committee, I should be willing to act on it, though I will not say how I would act. It is suggested to me that he could not have taken his seat if he had made such a reservation at the time of taking the oath, and that he ought not to hold it after he makes the reservation.

Mr. President, I should have taken no part in this discussion, but for a reference made to me by the Senator from Massachusetts, an allusion understood by every Senator, and by the country. I have not uttered here or elsewhere anything to retract. I have nothing to withdraw. "I never tread backwards," but always go onward, unless I meet a barrier that stops me. That Senator has said that if those things go on, it will become a common saying, as it has already been said on this floor, that the Declaration of Independence is a self-evident lie.

Mr. President, let me for a moment turn you to that clause of the Declaration of Independence to which reference is made. What is it? "We hold these truths to be self-evident, that all men are created equal"—not born equal, as many say and as many state it in the newspapers—"that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." In a speech which I made here some time ago, upon the Nebraska bill, I said that the construction put upon this clause of the Declaration of Independence by the Abolitionists of the country, made it a self-

evident lie instead of a self-evident truth. From that position I do not withdraw, but I boldly assert it again.

Sir, Mr. Jefferson, in penning that instrument, was not talking about individuals; he was not talking of the Senator or his progenitors from Massachusetts; he was not talking about the white or the black race, the Caucasian or the African race; but he was talking about aggregated, congregated bodies, collections, and associations of men. He had reference to collections of men when they had become sufficiently numerous to form independent States. Then it was, according to his ideas, that they, as collections and associations of men, had equal political rights with all other similar associations or collections of men. In no other light did Jefferson ever dream that he was speaking in that portion of the Declaration. Will you say to me that Mr. Jefferson, himself a slaveholder, the descendant of a European, would stultify himself by saying that his African negro slave, who was born his slave, created his slave, begotten his slave, who was his slave during the whole course of gestation, was created his, Jefferson's, equal? He never dreamed of such a thing.

Sir, the Senator named an African who was among the first that was slain in the contest for freedom in the streets of Boston. I will not pretend to say whether that African was the superior of the Senator from Massachusetts, or the Senator his superior; but they were not, in my judgment, equals in life or equals in death. They were not harmonious and beautiful in life, nor will they be equally beautiful in death.

Now, sir, to give this clause of the Declaration of Independence any other construction than that which I have given it, is an evident, a self-evident, a palpable lie. What is the language? That "all men are created equal." Are they created equally tall, equally broad, equally long, equally short? Are they created politically equal? Are they created physically equal? Are they created mentally equal? Are they created morally equal? I say, in no one of these several instances are all men created equal. You cannot go beyond the moment when they first respire their native air. At that time you see presented to you the imbecile in mind, weak in body, dwarf in size; while, beside him, the same day's birth, you see power, greatness, strength, wisdom, and beauty. In no one instance, therefore, is there perfect equality among men, if you regard them as individuals. As nations, as collections of men, they have a right to perfect equality as to the formation of their government, and the rights and domestic duties that shall be established among them. I ask that Senator—you, who to-day have stultified yourself—you, who have said that the solemn oath which you took at that stand, administered by the President of this body upon the holy Evangelists of God, kissing the book, giving seal and sanction to your asseveration—you, who have said to-day that you would spit upon that oath, would disregard its obligations—

Mr. SUMNER. Never! never!

Mr. PETTIT. You, who denied it; denied its power to bind you; you, who said you would not maintain the Constitution of the United States—

Mr. SUMNER. I said I recognized no obligation in the Constitution of the United States to bind me to help to reduce a man to slavery.

Mr. PETTIT. I ask you, do you claim to be the equal of your revolutionary sires?

The PRESIDING OFFICER. The Senator must address the Chair, not the Senator from Massachusetts.

Mr. PETTIT. I ask the Chair, then, whether the Senator from Massachusetts, with this odium on his lips, is the equal of his revolutionary sires? I do not know that he had any, properly speaking, but I take it in a State point of view. Is he the equal of Adams, of Hancock, of Warren, who was the first martyr in the great cause of liberty, of freedom, and union; whose blood was the first to cement the union of these States, on Bunker's hill, to which he has referred? Are you the equal of those men? Is he, sir, the equal of those men? I had rather ask you, Mr. President, for I think you would answer "no," and he might answer "yes."

Now, Mr. President, I come down to later times. There is no distinction between moral,

physical, political, and mental equality, if you take the language literally as it reads. I ask that Senator, then, or I ask you, sir, whether that Senator is the equal of the late lamented Daniel Webster, who preceded him here long years ago—and it would have been well for the country if he had remained here in his seat to this day? Is that Senator the equal, mentally, morally, physically, or religiously, of that deceased and illustrious man? When will the Senator get to himself the proud reputation of the "Expounder of the Constitution," "the Godlike Daniel," the mighty giant intellect of Webster? He will get to himself, instead, the odious, withering, blighting, and blistering name of "contemner and despiser of the Constitution, who refused to maintain, support, and indorse it." Does that Senator pretend to say that, mentally, there is no difference? You might as well interpolate "mentally" as "politically." You might as well say that all men are created mentally equal as to say that all men are created politically equal. Neither of those words is in it; and, therefore, it applies as much to mental as it does to political equality.

Sir, men come to the earth, they make their appearance upon it, with mental powers, but with no political rights, and I may therefore say with more propriety that Jefferson intended to say they were created mentally instead of politically equal. At the earliest creation there are evidences of mentality without any political rights whatever. Then is the Senator the equal of Webster, who has left a name, a monument, and a fame, I will not say unsurpassable, but unequaled in strength, and power, and durability by any other American Senator? I believe that as a mere mental man—and I speak of him in no other capacity—Webster had not his equal on this continent, if he had in Europe, or upon any other continent. Is that Senator his equal? He might as well say that the jackal is the equal of the lion, or that the buzzard is the equal of the eagle.

When you, sir, [addressing Mr. SUMNER] find no man beneath you; when those who are near you—your own class of men—can find no man beneath you; when you shall claim as your equal the man who rolls in the gutter, whom God has deprived in his own organization and creation of all mental power and capacity; when you shall claim that he who wallows in the gutter with the vilest and most worthless is your equal, then your interpretation of the doctrine is true. Let me go further. If the Almighty even intended to create the Senator the equal with the mighty and lamented Webster, I must be allowed to say that He made a gross blunder and a most egregious mistake. How, then, is it that men are all equal, and are created equal? When we first see them, they are unequal. They grow up unequal. They have not equal political rights. Will that Senator say that this equality consists in political rights? Then he says that the serf of the Autocrat of Russia is his equal in everything and he the serf's equal. If so, they ought to change stations, perhaps. I say they are not equal, and were not created equal.

Was that Senator, created as such a member of this great Republic and Confederation, and yet was he created no more than equal with the southern slave upon a southern plantation? Was he created precisely equal with the most ignorant of the ignorant hordes that inhabit any portion of the habitable globe? Was he created only equal with the veriest and lowest serfs of the Emperor Nicholas? When the time shall come when he avows that there is no degradation, no weakness of intellect, no physical, moral, or mental development beneath his own, then he may assert the truth of his dogma and his declaration. Sir, I am inclined to believe that, in a moral point of view, that Senator cannot find one beneath himself, taking his own declaration to day. He who will swear here in this body, appealing to God for the truth of what he says, to support the Constitution of the Union, and then boldly proclaim that he will not do it, has sunk, in my estimation, to a depth of humiliation and degradation which it would not be enviable for the veriest serf or the lowest of God's creation to occupy. It may be in that point of view the Senator regards all others as his equal; but there are some who are not willing to regard that Senator as their equal, and who will never be coerced into any such admission.

Mr. DIXON obtained the floor, but yielded at the solicitation of several Senators; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 26, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

MARTHA WASHINGTON CASE.

The SPEAKER. The business first in order is a motion to suspend the rules, laying over from Monday last, for the purpose of allowing the gentleman from Ohio [Mr. Bliss] to introduce a bill "to authorize the Secretary of the Treasury to appoint a special agent to investigate and bring to justice certain offenders against the laws of the United States, and making an appropriation of \$15,000 for that purpose."

The bill, which was read for information, provides that, whereas, there is probable cause to believe that an extensive combination exists in the western States, having for its object the commission of crimes against the laws of the United States; and in pursuance of which, such crimes have been committed; therefore, the Secretary of the Treasury is authorized to appoint a special agent, at such compensation as he may deem proper, to investigate and bring to justice the said offenders, and for that purpose the sum of \$15,000 is appropriated: *Provided*, That the said duties of said special agent shall determine on the 1st of July, 1856, and that the Secretary shall report to Congress an account of the disposition of said sum.

The question was then taken upon the motion to suspend the rules; and it was decided in the negative—two thirds not voting in favor thereof.

SURVEYS IN ALABAMA.

Mr. ABERCROMBIE, by unanimous consent, introduced the following joint resolution; which was read a first and second time by its title:

Joint resolution directing the connection of the public surveys in Alabama with the boundary line between the States of Alabama and Florida.

Mr. ABERCROMBIE. The object of the resolution is to have surveyed the lands on the boundary line between Alabama and Florida. The line between these two States has been recently settled and acquiesced in upon the part of both States. The section lines have not been extended to the boundary lines upon the part of Alabama. On the part of Florida, this work has been done. I now desire to give authority to the General Land Office here to have these surveys made. There is no conflict of interests. There is no appropriation necessary to carry out the work. I have been written to by constituents to get these surveys made, that they may be enabled to purchase a portion of those lands. I hope there will be no objection made to the passage of the resolution.

Mr. HAVEN. This resolution makes no appropriation. It is only to have surveys made. I hope it will be passed.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THE LATE MEXICAN TREATY.

Mr. HOUSTON. I propose now, if the House will indulge me, to move a suspension of the rules for the purpose of going into the Committee of the Whole on the state of the Union, with a view of taking up House bill (No. 405) to enable the President to execute the third article of the recent treaty with Mexico. We have a very short time in which we can act upon that bill, and I hope that the House will act upon it in one way or the other at the earliest possible moment.

Mr. PECKHAM. Before that motion is put, I desire to ask the unanimous consent of the House to offer the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested, if not inconsistent with the public interests, to communicate to this House copies of all instructions to our Minister to Mexico, Mr. Gadsden, and of all correspondence between this Government and him, touching or concerning the treaty between this Government and Mexico, of the 30th of December last, and the subject-matter thereof.

Mr. HOUSTON. I object to that resolution. It comes here too late for the House to act upon it.

Mr. PECKHAM. I move to suspend the rules, for the purpose of enabling me to offer it.

The SPEAKER. There is already a motion pending to suspend the rules to go into the Committee of the Whole on the state of the Union, which will take precedence of the gentleman's motion. Both motions being of equal dignity, the one first made must be first put.

Mr. BENTON. I have a question to make which, I think, will take precedence of both motions. I propose now to make the motion of which I gave notice some days ago, of the privileges of this House. It is one which, I apprehend, takes precedence of all other motions, and especially does it take precedence of that now made, to go into Committee of the Whole for the purpose of taking up this bill. If I am right in my apprehension of the dignity and of the obligations which attach to the privilege I shall plead, I will go on and state my motion.

The SPEAKER. The Chair will hear the gentleman's motion before he decides as to the question of privilege.

Mr. BENTON. I have reduced to writing the points of privilege which I make to the House, in order to avoid any misconception or misapprehension.

Resolved, That the House will not consider the question of appropriating \$10,000,000 to carry into effect the Mexican treaty of December 30, 1853, for the acquisition of foreign territory, until it shall first have considered whether there was a breach of the privileges of this House in negotiating and concluding said treaty; nor until after the House shall have obtained full information on the negotiation and conclusion of said treaty.

Resolved, That the said treaty, depending for its execution on a law of Congress to be passed on a subject submitted by the Constitution to the power of Congress, it is the constitutional right and duty of the House of Representatives to deliberate on the expediency or in expediency of carrying such treaty into effect, and to determine and act thereon, as, in their judgment, may be most conducive to the public good.

That is copied from the resolutions adopted by the House of Representatives, in the year 1796, after President Washington had refused to communicate papers to the House on that subject.

Mr. HOUSTON. If the gentleman is through with his question of privilege—

[Cries of "Wait until he is heard on it!"]

Mr. HOUSTON. As far as the gentleman has gone, I desire the decision of the Chair.

[Cries of "Order!"]

Mr. HOUSTON. I am in order, and I know what I am doing. I have a right to state my point to the Chair.

Mr. BENTON. Certainly.

Mr. HOUSTON. Well, sir, I want the decision of the Speaker whether the question of the gentleman from Missouri is such a question of privilege as will arrest the privileged motion which I have submitted for the adoption of the House?

The SPEAKER. The Chair prefers first to hear the additional resolution. There were three of them, as the gentleman from Missouri announced. The Chair will then be able to decide at once.

Under the circumstances, the gentleman from Missouri will excuse the Chair from indicating that remarks should be dispensed with until the question of order or privilege is presented.

Mr. BENTON. Yes, sir; good. The third resolution is as follows:

Resolved, That the admission of new States into the Union being a question exclusively granted to Congress by the Constitution, any treaty stipulation for the acquisition of foreign territory with a right to be admitted as a State, without authorization from Congress, is a breach of the privileges of that body, a violation of the Constitution, and illegal and void.

Resolved, That a purchase of foreign territory by the Federal Government not having been provided for in the Constitution, a concurrence of the legislative and executive departments of the Government—the former by an act of Congress, the latter by a treaty stipulation—is necessary to the consummation of the act, and has been so held in the purchase of Louisiana, Florida, and California.

Resolved, That the House of Representatives has a right to the information which would enable it to judge the merits of the Mexican treaty in its legislative consideration thereof; and that the President be respectfully requested to furnish to the House of Representatives a copy of the instructions under which the same was negotiated, and of the correspondence to which it gave rise, and of all other papers connected with the subject—the said copies to be communicated confidentially, if, in the opinion of the President, the public good may not admit of their present publication.

These are the points, sir.

The SPEAKER. The Chair thinks the matter

introduced by the gentleman from Missouri is rather for the consideration of the body, in connection with the bill referred to, than for the decision of the Chair, as a question of privilege. If, for any reason, the gentleman from Missouri should propose to impeach the President of the United States, or any other officer, it would not be for the Chair to inquire into the validity of the reasons given; but the proposition itself would involve a question of high privilege, and would take precedence. The Chair, therefore, overrules the question of privilege made by the gentleman from Missouri, being unable to see in the papers presented any question of privilege, as the gentleman from Missouri has done.

The question now recurs upon the motion made by the gentleman from Alabama, that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CAMPBELL. Would it be in order to move a suspension of the rules to enable the honorable gentleman from Missouri to submit his question of privilege?

The SPEAKER. There is already pending a motion to suspend the rules, which will take precedence of any motion to suspend for another purpose.

Mr. CAMPBELL. I suggest, then, that after that motion is disposed of, a motion be made to suspend the rules, to enable the gentleman from Missouri to submit his question of privilege.

Mr. WASHBURN, of Maine. I would inquire whether it would not be in order to move to suspend the rules, to enable the House to consider a resolution which may be offered?

The SPEAKER. It would not be in order. The Chair, upon a former occasion, stated that a motion to suspend the rules to go into the Committee of the Whole on the state of the Union, and a motion to suspend the rules for the introduction of a bill, or for any other purpose, were of equal dignity, and would be so considered by the Chair, and put in the order of time in which they were made.

Mr. WASHBURN. I would ask the Chair if he did not decide, that inasmuch as the rules of the House could not be suspended except upon Monday, a motion for that purpose would take precedence?

The SPEAKER. The Chair only indicated at the moment such a view of the subject, but corrected it very soon after he made the decision.

SWAMP LANDS.

Mr. ETHERIDGE. I desire the gentleman from Alabama [Mr. Houston] to yield me the floor for a few minutes to make a statement. It has no relation to the matter now before the House. I have received some information lately, which renders it necessary that I should go home at an early day. What I desire to say will not occupy more than four or five minutes; and probably I may not trouble the House soon, if at all, during the remainder of the session.

[Cries of "Agreed!" "Agreed!"]

Mr. HOUSTON. I have no objection to the gentleman from Tennessee being allowed to make the statement he desires to make, if it gives rise to no debate.

Mr. ETHERIDGE. It is merely to make a statement.

General assent was expressed by the House.

Mr. ETHERIDGE. Mr. Speaker, I will state to the House that I hold in my hand a paper which, had it been forwarded to me at an earlier day, I should have taken great pleasure in presenting to this body. It did not reach me, however, until this morning. It is the memorial of the Legislature of the State of Tennessee, adopted in February, 1854. It relates to a subject which I shall bring before the House whenever I can do so consistently with the other public business which is now before us, and which, under the rules, will have to be first considered. I beg leave to state the contents of the paper very briefly, and let it go to the Clerk's desk. I will not insist on its being read.

The House will recollect that some time ago Congress ceded to the States of Missouri and Arkansas a vast quantity of low swamp lands. In consequence of such cession, these States have leveed the right bank of the Mississippi river, and the result has been to increase the amount of overflow on the left bank of the river. In con-

sequence thereof, a large number of my constituents have been materially injured by means of the increased quantity of water thrown on their lands in that portion of Tennessee. The Legislature of the State has therefore adopted a memorial praying Congress to take the matter into consideration.

I will simply say that the action of Congress, in ceding these lands to Arkansas and Missouri, and which led to leveeing the right bank of the Mississippi river, opposite the State of Tennessee, has caused great injury to that portion of my constituents who own lands on the left bank of the Mississippi river; and at the proper time, when I can do so consistently with the other public business, I shall bring the matter before the House, and shall most respectfully ask the House to take the whole subject into consideration. In the mean time I content myself with simply presenting this memorial, and asking that it may be printed, and, for the present, referred to the Committee on Public Lands.

It was so ordered.

Mr. PECKHAM. I would ask the Chair whether, after we have got into the Committee of the Whole on the state of the Union, either of these resolutions offered by the gentleman from Missouri and myself can be introduced or adopted?

The SPEAKER. Neither of them can be adopted after the House has gone into committee.

The question was then taken on the motion of Mr. Houston; and it was agreed to.

The House thereupon resolved itself into the Committee of the Whole on the state of the Union, (Mr. Disney in the chair.)

THE MEXICAN TREATY.

Mr. HOUSTON. Mr. Chairman, I move that the civil and diplomatic appropriation bill be laid aside for the present, and that the committee take up bill of this House, No. 405, "to enable the President of the United States to execute the third article of the recent treaty with Mexico."

Mr. PECKHAM. I would inquire if that bill is the bill next in order upon the Calendar after the civil and diplomatic bill?

The CHAIRMAN. It is not.

Mr. PECKHAM. Then I ask if it is in order for the committee to lay aside all the bills before that one by one motion?

Mr. WASHBURN, of Maine. I inquire of the Chair whether it is in order to lay aside this bill, and take up the bill indicated by the gentleman from Alabama, without previously laying aside all the other bills, one at a time?

The CHAIRMAN. The Chair will remark, that it will be found that, according to the 80th rule of the House, appropriation bills have precedence over all other bills on the Calendar. They stand in the position of privileged bills.

Mr. WASHBURN. I ask that the rule may be read.

The rule was read, as follows:

"General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House."

Mr. WASHBURN. My inquiry is, whether this bill is to be regarded in the light of a general appropriation bill?

The CHAIRMAN. The Chair has no hesitation in deciding that it is.

The Chair will hold, in the present case, that the first question pending before the committee is upon the motion to lay aside the civil and diplomatic bill. If that question should be decided in the affirmative, the question will then arise, according to the rule just read, upon laying aside such general appropriation bills as stand upon the Calendar, intervening between the civil and diplomatic bill and the bill indicated by the gentleman from Alabama; and all other bills, being inferior bills, will be passed over as a matter of course.

The question was then taken upon the motion to lay aside the civil and diplomatic bill; and it was agreed to.

Mr. HOUSTON. I now move to take up bill No. 405.

The CHAIRMAN. The Chair is under the impression that the true construction of the 80th rule will require a special motion to dispose of the bills intervening between the civil and diplomatic bill and bill No. 405, to which the gentleman refers.

Mr. HOUSTON. I think if the Chair will reflect a moment he will agree with me in my view

of this matter. The chairman of the Committee of Ways and Means, or any gentleman who has the management of an appropriation bill, has been, by universal consent and the practice of this House, allowed to indicate the bill he desired to take up. Such has been the universal practice. The appropriation bills have precedence over other bills; and the chairman of the Committee of Ways and Means has always been allowed the privilege of indicating the order in which he desires to have them taken up.

The CHAIRMAN. The Chair understands what the practice has been; but objection being now made to such disposition of the bills upon the Calendar, the Chair is compelled to carry out the proper construction of the rule, as he understands it.

Mr. STEPHENS, of Georgia. The latter clause of the 78th rule settles that matter. The rule says:

"In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects."

Mr. HOUSTON. I think there is no objection. I hope the Chair will put the question upon taking up the bill I have indicated.

The question was put; and the motion was agreed to.

House bill (No. 405) "to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of the 30th of December, 1853, as amended by the Senate of the United States," was accordingly taken up and read *in extenso*.

It provides that \$10,000,000 be appropriated, to enable the President of the United States to fulfill the stipulation in the third article of the treaty between the United States and the Mexican Republic, of December 30, 1853, as subsequently amended by the Senate of the United States; of which sum \$7,000,000 are to be paid on the exchange of the ratifications of said treaty, and the remaining \$3,000,000 as soon as the boundary line shall be surveyed, marked, and established.

Mr. HOUSTON. I move to amend the bill by striking out all after the word "treaty," in the eleventh line, as follows:

And the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

Mr. Chairman, I offer this amendment for the purpose of opening up the bill, in the proper form, for discussion. The bill which has just been read, as well as the message of the President of the United States accompanying the treaty, were laid upon the tables of the members of the House on Friday or Saturday last; and, therefore, it would be useless for me to remind the committee that, according to the stipulations of the treaty itself, the ratifications have to be exchanged by the 30th of this month, thus leaving but a very few days for the action of this House in making the appropriation proposed in this bill, if the House intend to make it at all. I offer these remarks for the purpose of claiming the indulgence of the House for a speedy action upon the bill. If they propose to make the appropriation, it must be made before the 30th of June.

I have the right, under the rules, to open the debate on this bill, as well as to close it; but, considering the circumstances, and as I desire to make an appeal to the House to terminate general discussion on the measure so early as to-morrow morning, I shall forbear any remark now, in the commencement of any investigation which may grow out of this appropriation, intending to reply at the close of the debate to such objections as may be presented by gentlemen opposed to the bill. I have moved the amendment; it is now in order to debate the bill, and I yield the floor to other gentlemen.

Mr. JONES, of Tennessee. Mr. Chairman, I want to make one motion. I do not expect to make a speech on the bill; but I now submit the motion to strike out the enacting clause of it, not with any view of defeating the measure—for I expect to vote for it—but in order that no other motions may be made until we get through it.

I said that I expected to vote for this bill, not, however, because I believe that I am bound to vote the money because the President and Senate

of the United States have made a treaty with Mexico, in which it is promised to be paid that nation. I entertain no such doctrines. I hold that I am as free, that every member of this body, and that the House itself, is as free in voting on this bill, to reject it if the treaty does not meet their approbation, as to reject the most trifling and ordinary appropriation which may be brought into Congress. I shall vote for it, not in consideration of the small amount of land that we are to get, but because the treaty abrogates the eleventh article of the treaty of Guadalupe Hidalgo of February, 1848, and releases us from all the obligations, real and supposed, and all the applications and harassments for depredations committed by the Indians from our side of the line. It is to get clear of our obligations under the eleventh article of that treaty of 1848 that I shall vote for this bill, and not because I feel myself at all bound to do it because the treaty has been made.

Mr. GROW obtained the floor, but yielded to

Mr. BENTON, who said he thought the points presented were entitled to the greatest consideration. He alluded to the fact that when the Federal Government was framed, many objected to the Constitution. The sagacious Patrick Henry said that it gave the sword and the purse to the Executive. He meant the unlimited power of raising money, and navies, and armies. With respect to the purse, there is a constitutional clause which confides to this House the power of originating burdens on the people. This power has existed in England from the time of the Saxon invasion. He was free to say he knew nothing worth saving in the Constitution, if the President and the Senate can take, when they please, the money of the people. Nothing, so help him God, is worth saving of the Constitution, if this power is taken away, as the bill before the committee proposes. If anything he could say would induce the Representatives of the people to think on this subject, he should think it one of the most glorious days of his political life, and should rejoice in the circumstance which brought him here this day to plead the privileges of the people and the Constitution; to plead for the only thing which, being lost, he held nothing in the Constitution was worth preserving.

He contended, in the course of his remarks, that when a treaty acts on a subject within the legislative power of the House, the House has the authority and duty to examine all the circumstances, and consider into the expediency or in expediency of the treaty precisely as the public good requires.

He argued the constitutional power in relation to treaties, severely commenting on the message of the President communicating the recent treaty, saying the message did nothing in the world but demand the check of the House for ten millions of dollars, and that at brief notice and without days of grace. Give me the money by to-morrow; that is like "stand and deliver." He considered that the President, in negotiating this treaty, had invaded the privileges of this House.

Mr. BAYLY, of Virginia, obtained the floor.

Mr. BENTON. I move an amendment in relation to this \$10,000,000.

Mr. BAYLY. I believe I have the floor; but I have every disposition to indulge the gentleman from Missouri, if it does not come out of my time. I have no objection to his continuing his speech, always supposing a similar privilege will be extended to me.

Mr. HOUSTON. I object to that. I want no similar privileges granted.

Mr. BOCOCK. Has not the gentleman from Missouri a right to move an amendment?

The CHAIRMAN. The gentleman from Missouri has exhausted the hour allotted to him under the rules.

Mr. JONES, of Tennessee. Besides that, there is a proposition pending to strike out the enacting clause of the bill, which supersedes all other amendments.

The CHAIRMAN. The Chair did not understand the gentleman from Tennessee as making that motion, but merely as indicating his intention to make it hereafter.

Mr. JONES. I made the motion distinctly.

Mr. CAMPBELL. If that motion is pending, I wish to raise a question of order. I did not understand the gentleman from Tennessee as submitting it.

THE CONGRESSIONAL GLOBE.

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The CHAIRMAN. The Chair is advised by the Clerk that the gentleman from Tennessee did make the motion.

Mr. JONES. I did make the motion, and I made it for the purpose of preventing any member, after making an hour speech, from moving an amendment, and thereby being enabled to go on and make another hour speech.

Mr. CAMPBELL. If the motion is entertained, I rise to a question of order.

Mr. ORR. This question of order cannot arise now. The gentleman from Virginia [Mr. BAYLY] is upon the floor, and the motion of the gentleman from Tennessee [Mr. JONES] does not come up now for action.

The CHAIRMAN. The Chair will hear the point of order, and decide it upon its merits.

Mr. CAMPBELL. My point is, that that motion to strike out the enacting clause cannot be made in Committee of the Whole, because it is in conflict with an express rule which provides that a bill shall be read over, and be subject to amendment.

The CHAIRMAN. The Chair will remark that the point of order cannot be considered now, because the motion to which the gentleman alludes was made some time since, and the question is not now pending.

Mr. CAMPBELL. I did not rise to a question of order at the time the motion was made, because the Chair did not state the motion to the committee, and because it was understood that the gentleman from Tennessee only gave notice of it; and the Chair has this moment said that he did not understand that the motion was made. And now, the very first moment after the Chair announces to the committee that such a motion is entertained, I raise the point of order.

The CHAIRMAN. The Chair was about to add, that so far as the merits of the point of order are concerned, the Chair rules it decidedly against the gentleman from Ohio. By the rules of this House, as well as by the *lex parliamentaria* generally, motions to amend all matters under consideration are in order at the proper times. A motion to amend by striking out the first section is also in order in its proper time; and a motion to strike out the enacting clause, covering all other amendments, is privileged, because it embraces them all in one question; and thus the motion to strike out the enacting clause being considered and disposed of, if in the affirmative, precludes the necessity of considering all pending amendments; if decided in the negative, it leaves the pending amendments for consideration, and leaves the matter open for discussion. Thus, in either case, motions pending are not prejudiced by first considering the privileged motion to strike out the enacting clause. The Chair accordingly rules that such a motion is in order.

Mr. CAMPBELL. I take an appeal from that decision of the Chair. I never have known any precedent for it, except upon the Nebraska bill, when the honorable gentleman from Georgia [Mr. STEPHENS] made the motion. I think it is an important point to have settled, looking to the legislation of the future. I ask that the rule may be read which provides that bills referred to the Committee of the Whole shall be read and considered section by section.

The CHAIRMAN. The Chair will state, for the information of the gentleman, that the 119th rule provides, in express language, that a motion to strike out the enacting clause shall take precedence of all motions to amend.

Mr. CAMPBELL. I wish the rule read which provides that all bills in the Committee of the Whole shall be read, and then considered section by section. I have it in my hand, and, with the consent of the committee, will read it myself; and then I will show that the rule just cited by the Chair refers to the action of the House proper, and not to the action of the Committee of the Whole.

The CHAIRMAN. If the gentleman desires to debate the appeal, the Chair will first state the question. The gentleman from Tennessee [Mr.

JONES] moved to amend the pending bill by striking out the enacting clause. The gentleman from Ohio takes exception to this motion, upon the ground that there are no precedents, and upon the ground that it is in conflict with another rule which he read to the committee. The Chair overrules the question of order, upon the ground that a rule of the House expressly declares that the motion made by the gentleman from Tennessee shall take precedence of all motions to amend. The gentleman from Ohio appeals from this decision, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CAMPBELL. I now read the 127th rule, to which I have referred. It is as follows:

"Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered: the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken."—April 7, 1789.

Now, I desire to propound to the Chair the question whether it is not his duty, and the duty of the House, in giving a construction to its rules, to construe them so that all the rules may stand when there is a seeming conflict between them? Now, if the decision of the Chair, that a motion to strike out the enacting clause of a bill is in order in Committee of the Whole be correct, I ask if it does not amend and abolish the rule I have just read? I maintain that the 119th rule is applicable to the action of the House only, and not to that of the Committee of the Whole.

Mr. SMITH, of Virginia. I ask how this discussion came before the committee? Is not my colleague [Mr. BAYLY] entitled to the floor?

The CHAIRMAN. There is an appeal from the decision of the Chair pending.

Mr. SMITH. Is the gentleman from Ohio in order in debating the question?

The CHAIRMAN. The gentleman has a right to debate the question.

Mr. MILLSON. Mr. Chairman, with the permission of the gentleman from Ohio, I wish to call the attention of the Chair to the connection in which the rule just read stands with the original rule of which it was formerly a part. I regret that this point has been presented to-day, although, believing that it is of very questionable propriety to allow the Committee of the Whole on the state of the Union to strike out the enacting clause of a bill referred to them, and thus to cut off all amendments, there was a consultation between some of the members of the Committee on Rules as to the expediency of reporting a new rule forbidding any such thing in Committee of the Whole, in case it should be decided that it may now be done. This is not the proper time for stating the reasons for our opinions.

But, sir, as the question is raised—a question involving the correct construction of the rules of the House—I beg leave to state to the Chair that the rule which was just now read was adopted as early as 1822. He will find by referring to it that the date of its original enactment is 1822. Now I shall read from Jefferson's Manual, or rather from the rules of the House bound up with Jefferson's Manual—the volume brought here by the honorable gentleman from Missouri, [Mr. BENTON]—I shall read, I say, the original rule, for the purpose of showing that from the whole context, that part of it relied on by the Chair was obviously intended to apply only to proceedings in the House, and not to the Committee of the Whole on the state of the Union.

Mr. BAYLY. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. MILLSON. I wish first to read the rule to which I refer.

Mr. BAYLY. I beg to know how the floor was taken from me after I was recognized.

The CHAIRMAN. The Chair will explain. By his inadvertence the pending question was

omitted to be stated to the committee. In endeavoring to correct that error, the gentleman from Ohio [Mr. CAMPBELL] rose to a question of order as to the propriety and legality of that question. The Chair decided the point of order against the gentleman, and the gentleman from Virginia has the floor, pending the appeal from the decision of the Chair on the point of order.

Mr. MILLSON. These rules are contained in a book printed in the year 1837. A part of the rule which I am now about to read will be found in the exact language of the rule read from the Chair, but is in a different connection. I read it merely for the purpose of showing that when that rule was originally made in 1822, it was intended to apply only to proceedings in the House, and not to those in the Committee of the Whole. It is as follows:

"When a question is under debate no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection."

Here, sir, it appears that the rule on which the Chair has just decided this motion to be in order, is found in immediate connection with provisions obviously applicable to the House, and not the Committee of the Whole.

Let me analyze its provisions for a moment. When a question is under debate, what is to be done? "No motion shall be received but to adjourn;" that cannot be done in committee. "To lie on the table;" that cannot be done in committee. "For the previous question;" that cannot be demanded in committee. "To postpone to a day certain;" that cannot be done in committee. "To commit;" that cannot be done in committee. "To amend;" that may be done in committee, but in the House also. "To postpone indefinitely;" that cannot be done in committee. "Which several motions shall have precedence in the order in which they are arranged." And so the rule goes on:

"A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be equivalent to its rejection."

It is clear to my mind that the rule contemplated proceedings in the House exclusively, unless we can suppose that it intended to authorize a Committee of the Whole to adjourn, and demand the previous question, as well as to strike out the enacting words of a bill.

For these reasons, I contend that it is not in order, in Committee of the Whole, to move to strike out the enacting clause of a bill; and it was so held some time during the last Congress, when I myself inadvertently submitted such a motion. I regret that the question has arisen at this time; for I would prefer that the more important questions involved in the bill under consideration should be discussed without interruption. Believing, however, that the motion made by the gentleman from Tennessee [Mr. JONES] is out of order, I shall vote to sustain the appeal which has been taken from the decision of the Chair.

Mr. WASHBURN, of Maine. I should like to have the 34th rule read, which was adopted some twenty years after the 119th rule, and which seems to me to place this question beyond all doubt.

The 34th rule was then read, as follows:

"34. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee."

Mr. WASHBURN. It seems to me to be very clearly implied from that rule that any member in Committee of the Whole has a right to offer an amendment, and to speak upon it, which right he certainly cannot have if the 119th rule is to be construed as the Chair has now construed it. It is clearly inconsistent with the 119th rule. I would like to call the attention of the Chair to this fact, that if the decision of the Chair is sustained now, it is competent for a majority at any time, whether in committee or in the House, to suspend all debate upon any question, no matter how important it may be. In the House, the previous question can be called by a majority. In the House, by a majority, debate may be terminated at any time; and now, in Committee of the Whole, under this construction of the rules, all debate may be terminated under the five-minute rule; so that it is competent for a majority at any time, in the House or in committee, to stifle all discussion upon the most important questions that can possibly come before the House and the country.

This is a question of that character—a question upon which many gentlemen, undoubtedly, desire to speak, and many to obtain information. I would like to say something about it, and I do not like the reflection that a new decision made here would deprive me, and those interested in the question, of the right of expressing our opinions in regard to it, or of the privilege of deriving information from others. This treaty may be correct. It may be one which I ought to vote for; but I want to know what it is; and I want to know something in relation to the reasons which have induced the President and Senate to make it.

I have alluded to this thing, Mr. Chairman, not perhaps strictly in order, but as showing how important questions—questions of the deepest importance—may come up, and, if this decision is enforced, we will have to vote upon them without an opportunity being afforded to any man here to say one word in relation to them. Questions involving the existence of the nation; questions of the highest importance; questions of the greatest interest to the whole country, may be, if this construction of the rule be sustained, carried through this House without affording an opportunity to any man to say a word. For this reason, I think that the decision of the Chair cannot be consistent with the rules of the House—cannot be consistent with any rules which the House ever, at any time, meant to adopt, and cannot be correct.

Mr. STEPHENS, of Georgia. The rule which the gentleman from Maine [Mr. WASHBURN] cites—the 34th rule—has nothing to do with the merits of this case. That rule secures to every member, when in Committee of the Whole, the right to offer any amendment he may desire, which is in order, and make a five-minute speech upon it. It does not secure to him the right to offer any amendment which is not in order. Well, if this be the rule of the House, that a member may offer an amendment when it is in order, of course it does not follow that any such right is thereby secured to offer an amendment and speak upon it when it is not in order. So much for the argument of the gentleman from Maine. But the gentleman from Virginia [Mr. MILLSON] says it is not in order to move to strike out the enacting words of a bill when in the Committee of the Whole on the state of the Union. The 119th rule, he says, does not apply to the Committee of the Whole. This is his position. He admits that it does apply to the House.

Now, Mr. Chairman, I beg to call the attention of the gentleman from Virginia, and of this committee, to the 134th rule of the House, which expressly says that all the rules of proceedings in the House shall be observed in a Committee of the Whole House so far as they may be applicable, except the rule limiting the times of speaking. Here it is:

"134. The rules of proceedings in the House shall be observed in Committee of the Whole House so far as they may be applicable, except the rule limiting the times of speaking, (April 7, 1789;) but no member shall speak twice to any question until every member choosing to speak shall have spoken."—December 17, 1805.

This is one of the oldest rules of this House.

Mr. WASHBURN. But I ask the gentleman from Georgia whether the 34th rule does not imply a right, on the part of any member, to move an amendment which is in order?

Mr. STEPHENS. It does, or at least it has nothing in it restrictive of such right.

Mr. WASHBURN. Then, if there is another rule which declares that no amendment shall be in order, are not these rules inconsistent?

Mr. STEPHENS. If the gentleman will allow me to say, if a member gets the floor, and makes a motion, under the rules, in order, which, under the rules, cuts off any other motion to amend, and brings the House to a vote on the question, of course there is no inconsistency in the rules which provide for this proceeding. That is my answer to the question of the gentleman from Maine. It would not be in order, after a member had got the floor, and, under the 119th rule, made a motion which would cut off a motion to amend, to make the latter motion, until the committee had voted on the first one; and if a majority of the committee should vote in favor of the motion provided for by the 119th rule, then all further amendments and motions to amend would be cut off. That is the rule of the House. Any gentleman has the right to offer an amendment, so long as it is in order under the rules of the House; but he is not permitted to offer a single motion which is not in order, unless by unanimous consent. Now the gentleman who preceded him in this argument [Mr. CAMPBELL] says, as did the gentleman from Virginia, [Mr. MILLSON,] that the 119th rule is only intended to apply to the House, and not to Committee of the Whole. I am astonished at that statement. Why, sir, here is the 134th rule. I have read it. The 119th rule is one of the rules of this House. Why is it not applicable in Committee of the Whole? Where is it excepted? Show the exception?

Mr. CAMPBELL. It is not for the reason that it conflicts with the 127th rule, and makes that void and of no effect.

Mr. STEPHENS. The 127th rule does not apply to the point in this controversy at all, and in no way conflicts either with the 119th or 134th rules. I will read it. Here it is:

"Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered."

That only directs the usual order of proceeding; what else?

"The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken."—April 7, 1789.

This whole rule only points out the order of proceeding in the Committee of the Whole and the House where no privileged motion under other rules shall or may control otherwise. Does this rule except the 119th rule? Why the 119th rule was adopted long after. And if there were any conflict, as there is not, the old rule would have to yield to the new or later one. Why, sir, if the gentleman's construction of the 127th rule should prevail, we could not move the previous question in the House on the report of the committee; for the rule says: "After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken."

And this is the legislative order of proceeding in this House, unless some other privileged motion, under the rules of the House, gives another direction to the proceedings—such as the previous question, moved and sustained by the House on the report—this would cut off debate and amendment, as all very well know. And every member knows that, notwithstanding this 127th rule, it is always in order to call for the previous question on the report of the committee. So, notwithstanding this 127th rule, it is always perfectly in order, when in Committee of the Whole, to move to strike out the enacting words of a bill, under the 119th rule, which cuts off amendments. This, sir, is the whole of it. And this is my answer to the gentleman from Ohio.

The 127th rule has not in it a single word which conflicts with the 119th rule. Each one of them has its appropriate action in its appropriate place, and harmonizes perfectly with themselves when properly administered. But, sir, I will not leave this matter to rest solely upon my argument that the 119th rule, by virtue of the 134th, is applicable to the Committee of the Whole as well as the

House. We have direct and positive authority, and proof upon this subject.

Why, sir, the very history of the 119th rule leaves us without a shadow of doubt upon this point. What is that history? The note to the rule gives its history. It is this:

"In 1814 a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had not power to do."

That was before the 119th rule was adopted. Under the parliamentary law the committee had done that. The note further says:

"After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted."

Such is the history of the 119th rule. It was adopted to meet this very case. The Presiding Officer had held that such a motion could not be made in committee. The House then (in 1814) had no such rule as the 119th, and it was afterwards adopted for the very purpose of allowing such a motion to be made in Committee of the Whole, expressly for this purpose.

This 119th rule has been standing upon our book of rules, with this record of its history, for years, and yet members who have been here long enough, one would suppose, to have read the rules, seem to have given it no attention; they seem to have been sleeping over their rights, not knowing the rules by which they were governed; and now, as if waked from a trance, they raise a cry against this rule, as if some new wonder had been brought to light, or some new monster brought into being, to oppress and crush them; they have, sir, still to live to learn, the rule is a good one—let it stand; the motion under the rule is a legitimate one; the decision of the Chair sustaining that motion is right—let that also stand.

Mr. JONES, of Tennessee. Gentlemen seem not to understand the effect of the motion I have made, it appears to me; and certainly they do not understand the object I wished to effect in making that motion. Sir, the motion to strike out the enacting clause does not affect the debate at all, because it is itself a debatable question; and as long as that question is pending, it is debatable in this committee.

Mr. WASHBURN, of Maine. Will the gentleman allow me to inquire whether it is not competent for the committee to rise in one hour, and when in the House, to terminate general debate in five minutes; and whether, in that way, the gentleman does not accomplish the suppression of all debate upon this question?

Mr. JONES. Not at all. The making of this motion cannot preclude any gentleman from making a speech here, until the House first adopts a resolution to close the debate.

When I made the motion, I distinctly stated that I did not make it for the purpose of defeating this bill, but that I intended and expected to vote for the bill. My object in making it was to preclude another motion, by which a speech might be doubled—by which, after a gentleman had made a one hour speech, he could move an amendment, and then speak a second hour.

Mr. WASHBURN, of Maine. I hope the gentleman will now withdraw it.

Mr. JONES. No, sir, I will not withdraw it now; but I shall be willing to withdraw it whenever the debate is closed upon the bill. The motion is not amendable. It has the same effect in reference to other motions being made that an amendment in the second degree has. The gentleman from Alabama moved to amend the last clause of the bill. If a motion to amend that amendment had been made, it would have had precisely the effect with regard to other motions being made as that which I have submitted.

No motion to amend can be made while the motion to strike out the enacting clause is pending, as it could not, while an amendment to an amendment was pending, and, therefore, a second hour's speech could not be made by a gentleman upon a motion to amend.

Sir, that is the object I had in view in making the motion; and I so stated at the time I made it. Now, sir, if the motion to strike out the enacting clause be voted down, gentlemen can then go on with amendments and with debate, under the five-minute rule, the same as if it had not been made; or, as I said, I shall have no objection to with-

drawing the motion when debate shall have been closed.

Mr. CHANDLER. I think no one would attempt to impugn the motives of the honorable gentleman from Tennessee, on my right, in making the motion which he has made. But, sir, the very reasons that have been assigned for making it, are those which would fail in justifying the decision of the Chair, to which decision I always bow with that respect which leads me to give up a large portion of my own predilections. I, sir, am one of those who have been "slumbering" over those rules, as the gentleman from Georgia [Mr. STEPHENS] has indicated. I was not awakened to their destructive force until a few weeks ago, when the duties of the House of Representatives were, by a decision of the Chair, confirmed by the committee, transferred to the Committee of the Whole. Sir, these rules were made to defend the rights of the minority against the tyranny of the majority, on which side soever of the House that majority may be found—and I have seen it in its tyrannical forms, I believe, on both sides.

Mr. Chairman, if the intention of the gentleman was to prevent any amendment from being offered, and that motion should be sustained by the committee, we should at once become the mere recorders of the high behests of the Executive. How I should vote on that is a matter entirely different, so far as regards the merits of the case; but so far as regards the dependence of this House, its position as mere sayer of yea or nay to the behests of the Executive, it becomes us all, I think, to arrest, in some measure, the right of a Committee of the Whole to discuss the merits of a case, and to offer amendments to every bill, so long as any amendment may be suggested by any gentleman upon this floor. I have looked with some care at that rule which has been read here, and, taken in connection with all the other questions which are associated with it, as represented by the gentleman from Virginia, [Mr. MILLSON,] who spoke so clearly on the subject, I have come to the opinion—which, indeed, I had always entertained—that it had no reference to the Committee of the Whole. It belongs to the House. It connects itself with other motions which belong to the House. It is not competent for this committee to enter on any destruction of a bill in the forms set forth there. That is the privilege of the House. This, therefore, connects itself with the high privilege of destroying, of killing a bill. It becomes in itself a measure to destroy the independence of the committee, from which must emanate all those amendments which connect themselves with fiscal appropriations on which the House is to act. I have nothing further to say.

Mr. CAMPBELL took the floor.

Mr. BAYLY, of Virginia. I object to the gentleman from Ohio proceeding. He has already spoken three times on this subject.

Mr. CAMPBELL. I did not finish what I got the floor to say. I yielded the floor for explanation to your colleague, [Mr. MILLSON,] and by some means or other I lost it entirely.

The CHAIRMAN. The gentleman is not entitled to the floor, if his occupying it be objected to.

Mr. TAYLOR, of Ohio, obtained the floor.

Mr. CAMPBELL. My colleague will allow me to say one word.

Mr. BAYLY. I object to the gentleman's speaking any more.

Mr. TAYLOR. There seems to have been some misunderstanding in reference to this bill; for when the chairman of the Committee of Ways and Means asked us to appropriate \$10,000,000 without explanation of its purpose, he moved to amend by striking out the last three lines. Whether that motion of amendment was entertained by the chairman of the committee, I do not recollect. If the motion was entertained, the motion of the gentleman from Tennessee [Mr. JONES] was out of order. If not out of order here, there are two gentlemen of the Committee of Ways and Means proposing amendments and getting us into difficulty, and squabbling about the rules of the House and the rules of the committee, while we are considering a matter of such vast importance as the one under consideration. It seems to me to be unusual to move to strike out the enacting clause before the bill is at all consid-

ered. I do not recollect such an instance during my short experience here.

I confess that I am a little troubled to understand, after the lucid exposition of the gentleman from Tennessee, what is his object. I do not understand it. I wish he would withdraw his motion, and let us have a free, fair, and full discussion of this subject. I for one am ready to say, that if I see the way clear, and feel it my duty, I shall vote for the money required by this bill; but without sufficient exposition of the necessity for it, without something more than the chairman of the Committee of Ways and Means has given us, or than I have seen from the President, or any of the Departments of the Government, I shall feel constrained to vote against the allowance of \$10,000,000 to carry out the treaty. I listened most attentively to the reasons given for this extraordinary position of two gentlemen who hold a most eminent position in this House, in making two such motions before we discussed this question at all. I do not yet understand the object of my friend from Tennessee, in moving to strike out the enacting clause of the bill, unless it be from a desire to prevent gentlemen from discussing it.

Mr. JONES, of Tennessee. Will the gentleman from Ohio allow me a word. I distinctly stated that the only object, and the only effect of the motion which I had made, was to prevent a gentleman, when he had made an hour speech, from getting some one else to make a motion to amend, so as to enable him to have another hour upon that motion, thereby having two hours instead of one. I will say here, that whenever we shall close debate upon this bill, and whenever it may be the general wish to offer amendments, and to make explanations of them under the five-minute rule, I will withdraw the motion I made to strike out the enacting clause.

Mr. CAMPBELL. I desire simply to respond to the gentleman from Tennessee by saying, that I do not know that I should have raised the question I did, had the gentleman from Tennessee, when he made the motion to strike out the enacting clause, given the pledge which he now does, to wit: that he will withdraw the motion, so that the rule authorizing amendments may be in force. But the manner in which it was presented was simply this—

Mr. BAYLY, of Virginia. Is this debate in order?

The CHAIRMAN. The Chair must remind the gentleman from Ohio that he can only make an explanation.

Mr. TAYLOR, of Ohio. I cannot yield the floor longer. I shall not detain the committee long.

Mr. BAYLY. Will my friend from Ohio—my ancient friend from Ohio—[laughter] allow me to make an appeal to him? He has given the floor to his colleague; will he give it to me?

Mr. TAYLOR. I must respectfully decline yielding the floor to my more ancient friend from Virginia, because he did not yield the floor to one still more ancient, the gentleman from Missouri, [Mr. BENTON,] when he asked the gentleman from Virginia to give him five minutes of his time. I have very little to say upon questions of order; for, after having studied the rules of this House most diligently for seven years, I must confess that I know very little about them. I think the Chair is wrong in the decision he has made, and I must vote with my friend from Ohio, [Mr. CAMPBELL,] because there are two amendments offered by members of the Committee of Ways and Means pending. But I will not trespass upon the kindness of the committee longer.

Mr. BAYLY, of Virginia. I would ask the chairman, if it be in order, whether both of these amendments—the one offered by the gentleman from Alabama, [Mr. HUSTON,] as well as that offered by the gentleman from Tennessee, [Mr. JONES,]—are in order?

The CHAIRMAN. Certainly. The Chair, with the permission of the committee, will remark, that any gentleman at all familiar with the common law, known as the parliamentary law, must be aware of the fact that there is nothing novel or unusual in the pending motion as made by the gentleman from Tennessee. It is a motion known to all parliamentary bodies; a motion known, I repeat, to the common law, as well as to the written rules of the House. Now, my colleague from Ohio, [Mr. CAMPBELL,] who takes an appeal in

the present case, has laid down a true rule of construction with respect to the rules. The only question, and the one which has to be examined now, is, has he [Mr. CAMPBELL] applied his own rule—the rule of which he speaks—that is to construe these apparently conflicting rules together, and see what the meaning of them is? Let him apply that true rule to the present difficulty. One rule provides that a bill shall be considered by sections, and shall be open to amendment. Another rule expressly gives precedence to a particular motion—to the motion offered by the gentleman from Tennessee, [Mr. JONES.] Take the principle, then, suggested by the gentleman who takes the appeal, and suppose the two rules to form but one rule, the first being the body of the rule and the last to have been added to it by way of a proviso. And then we have a rule providing that the question or subject-matter shall be open to consideration and amendment, section by section, provided that that amendment which proposes to strike out the first section of the bill shall have precedence over all other amendments.

So stand the two rules when considered together; and the meaning and interpretation of them has been well illustrated by the gentleman from Georgia, [Mr. STEPHENS,] who has explained to the House that questions may differ in regard to rank and privilege, as between themselves, and yet that each, in its appropriate time, may be strictly parliamentary and in order. As thus: A motion to go to the business on the Speaker's table, is a parliamentary motion, and in order; but a motion to go into a Committee of the Whole House, being also a parliamentary motion, and one of higher privilege, it overrules and cuts off the other.

There is nothing better known to parliamentary lawyers, than that privileged questions—as in the case before us, the amendment of the gentleman from Tennessee is a privileged question—outranks and overrides other motions; and the Chair would remark that he believes no evil can result from the practice either; because it will be observed, if the motion to amend by striking out the first section of the bill prevail, it is the decision of the majority—*lex majoris partis*—expressed against the merits of the bill. Because, as the gentleman from Tennessee [Mr. JONES] has explained, the motion to strike out the first section of the bill opens up the whole merits of the bill to debate, and if the House should decide generally on the merits of the bill adversely to it, there is no propriety in wasting the time of the House in discussing amendments which, being subsidiary questions, are, of course, of minor importance. If, on the other hand, the House should decide adversely to the motion to strike out the first section of the bill, then the committee can consider such amendments as may be proposed to it; and thus, in practice, all the benefits that can be derived from either of the rules will be obtained, and there will certainly be no conflict between them.

Now, the gentleman from Virginia, [Mr. MILLSON,] who first addressed the Chair, quotes ancient rules of the House, in which he finds this rule giving precedence to the motion to strike out the first section combined with other motions which can be made in the House; but he omitted to state that there are also motions combined with it which can be made in committee as well as in the House. He quotes one of the ancient books to show that these motions can only be made in the House; and that, therefore, they are not intended to be applied to the Committee of the Whole. Now, one rule of the House expressly provides that the proceedings of the Committee of the Whole shall be governed by the same rules as those which govern the proceedings of the House, so far as they are applicable. But there are a variety of motions which cannot be made in the committee, to wit: a motion to adjourn, and so forth, as stated by the gentleman from Virginia. But if he had given an examination to the very rule which he cites, old as it is, and of no authority, in the present case, because obsolete, he would have found connected with it, also, motions which could be made in committee, thus showing that this rule applied to matters in order in the committee, as well as in the House; and therefore that the rule was as binding in committee, as it was in the House.

Mr. CHASTAIN. I desire to know whether the motion of the gentleman from Tennessee [Mr. JONES] would have the effect of cutting off debate?

The CHAIRMAN. The Chair has already stated that it would not.

Mr. BAYLY, of Virginia, took the floor.

Mr. TAYLOR, of Ohio. I am entitled to the floor, having only yielded it to the Chair. I will, however, yield it for a moment to my friend from Virginia.

Mr. BAYLY. I want, before I commence what I have to say on the question before the House, to correct an unintentional misstatement made by my friend from Ohio, [Mr. TAYLOR.]

He stated that I had refused to allow any part of my time to the gentleman from Missouri, [Mr. BENTON.] Now, sir, the gentleman from Missouri is within my hearing, and he will bear me testimony that I said that when a gentleman of his age and character came to ask me to yield to him a portion of my time, I did not know how to refuse him, although the time which I should have to give up would be the time of my constituents; but that, trusting to that indulgence which I have always had extended to me by my constituents, I thought I could do it.

Mr. TAYLOR. I am glad I was laboring under a misapprehension, because I appealed to my friend to yield a part of his time to the gentleman from Missouri, and I understood him distinctly to say that he could not do it.

Mr. BAYLY. The gentleman stands corrected, and I would suggest that it would be better, between friends, to ascertain facts before making a statement of them.

Mr. TAYLOR. I was laboring under a mistake.

Mr. BENTON here made a remark substantiating Mr. BAYLY's statement, which was inaudible to the reporter.

Mr. TAYLOR. I will not detain the committee longer. I have tried hard to understand the true state of the question, and I am constrained to vote against the decision of the Chair, because I believe it to be contrary to the practice of the committee.

Mr. SKELTON. I will only add two or three words to what has already been said upon this question of order. I believe this question to be one of vast importance to the House, the committee, and the country. This motion was recently made, if I recollect aright, for the first time since I have been honored with a seat upon this floor, in the Committee of the Whole upon the Nebraska bill. I believe, sir, that it strikes at the rights of the members of this House, at the right of free discussion, and at the right of making amendments.

I agree with the Chairman in his remark, that the rules of this committee and of the House, must be taken collectively, and that we can only gain a knowledge of their meaning by comparing one with another; and that this especially is the case where there is an apparent clash of the rules of the House. Now, sir, the rules of this House declare, that in committee a bill shall be read through by sections. That rule is absolute and emphatic, and there is no other rule which abrogates it. Why is this privilege given to the committee? Why was this rule established at all? Was it not for the purpose of giving the members of the House, in committee, a privilege which can be denied them while in the House? This is the point upon which the case mainly turns. If this construction is correct, what advantage is there in having a Committee of the Whole? The Committee of the Whole is organized for the purpose of giving liberty to debate, full liberty to offer amendments to bills pending, so that we may not be compelled to vote in the dark, and without an opportunity to offer amendments. I hope, sir, that this decision of the Chair will be voted down.

Another point. This committee has no power to close debate, according to the rules of the House. Now, sir, if this practice is established, you can close debate in committee; you can cut off amendments; you can apply the previous question; and you can apply to the committee all the rules which apply to the House. Then what do we gain by going into committee? We gain no privilege of debate; we gain no more unrestricted privilege of expressing our sentiments; and hence the establishment of this rule, as construed by the decision of the Chair, will have the effect of effectually placing a gag upon the liberty of speech; upon the liberty of members in expressing their views upon questions which may arise. We have all

of us felt the oppressiveness of the operation of the previous question in the House on many occasions. We have all of us, in many instances, been compelled to vote against bills because some provision in them did not meet the approval of our judgment, when, if some little amendment could have been made, we would have been glad to have sustained them.

Why, sir, this Committee of the Whole on the state of the Union was established for the purpose of affording a larger latitude of debate, and of offering amendments, than the rules of the House would admit of. But if this decision is to be sustained, that privilege, which all of us cherish so much, will be crushed forever. It is for this reason that I shall be compelled to vote against the decision of the Chair.

Mr. MILLSON. I rise for the purpose of making an appeal to my friend on my right [Mr. CAMPBELL] to withdraw the appeal he has taken. I submit to him that this is a very unpropitious time for the discussion of this question. We have now a very important bill before the committee. My colleague from Virginia [Mr. BAYLY] is waiting to make his reply to the gentleman from Missouri, or, at least, his remarks upon the bill. The gentleman from Tennessee [Mr. JONES] has already declared that it is not his intention to persist in his motion, but that he will withdraw it upon the termination of debate. And since it is within the power of the House, at some future time, when a bill of less importance is under consideration, to settle this question which I desire to see settled for the purpose, if necessary, of making some change in the rules of the House, I would earnestly appeal to the gentleman from Ohio to withdraw his question of order.

Mr. CAMPBELL. If the committee will allow me for a moment to explain my motives, I will then withdraw my appeal.

[Cries of "Go on!" "Go on!"]

Mr. CAMPBELL. When the motion was made by the honorable gentleman from Tennessee to strike out the enacting clause of the bill, it was not accompanied by any pledge upon his part that he would withdraw it, so as to allow of amendments and debate under the five-minute rule, and therefore it followed, as a necessary consequence, that it was bringing into practical operation the previous question in Committee of the Whole as efficiently as it is in the House proper. For the gentleman from Georgia might have made a motion in the House for the termination of the debate in the committee in five minutes, which, if carried, would have brought the committee to a direct vote upon striking out the enacting clause. If that vote was decided in the affirmative, it would carry the bill into the House, and, under the operation of the previous question, an important measure of this kind might be passed without any opportunity having been given for debate. It was for that reason that I deemed it to be my duty to raise the question of order which I did. But inasmuch as the gentleman from Tennessee has given his pledge that debate shall not be checked by his motion, and as I regard him as a man of honor, I doubt not that he will redeem his pledge and withdraw his motion. I therefore withdraw my appeal from the decision of the Chair.

Mr. STEPHENS, of Georgia. I do not wish the gentleman to make that withdrawal; for he may afterwards be taken by surprise. I notify that gentleman, and this committee, that if hereafter, in the progress of this bill, I shall find it necessary to get a vote on the bill to make the same motion that I did on the Nebraska bill, I shall do so.

Mr. CAMPBELL. Then I notify the honorable gentleman from Georgia, that if he attempts during the pendency of this bill, as he did on the Nebraska bill, to cut off debate, and his motion is sustained by the Chair before discussion is had, I shall renew the appeal which I now withdraw.

Mr. BAYLY, of Virginia, resuming the floor, addressed the committee in reply to Mr. BENTON. His speech, withheld for revision, will be published hereafter.

Mr. JONES, of Pennsylvania, obtained the floor.

Mr. HAMILTON. With the consent of the gentleman from Pennsylvania, I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker *pro tempore* (Mr. STANTON, of Tennessee) having

resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and especially House bill No. 405, "to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of the 30th December, 1853," and had come to no resolution thereon.

Mr. CURTIS. I offer the resolution which I send to the Clerk's desk.

Mr. JONES, of Tennessee. I rise to a question of order. There is not a quorum present, and there is, therefore, no motion in order except a motion to adjourn.

The SPEAKER *pro tempore*. We have not ascertained that fact.

Mr. JONES. Well, I take it for granted that it is so; and I make the motion that the House do now adjourn.

The SPEAKER *pro tempore*. The fact whether there is a quorum or not present can only be ascertained by the House proceeding to business; and whenever it appears that there is no quorum present, then, of course, the proposition of the gentleman from Tennessee will be in order.

Mr. JONES. Is it not in order now to move an adjournment?

The SPEAKER *pro tempore*. Not when another gentleman [Mr. CURTIS] has the floor.

Mr. CAMPBELL. I object to the resolution. Mr. CURTIS. I move that the rules of the House be suspended to enable me to introduce my resolution.

Mr. JONES. I make the point of order, that the motion to suspend the rules is not in order, because there is not a quorum present. The Chair can make a count.

The SPEAKER *pro tempore*. The Chair overlooks the point of order.

Mr. JONES. Then I appeal from the decision of the Chair, and ask a vote upon that appeal.

The SPEAKER *pro tempore*. Then the question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. DEAN. I move that the House do now adjourn.

Mr. JONES. Then the question on the appeal cannot be decided; and, of course, the motion falls to the ground.

The question was taken; and the motion of Mr. DEAN was agreed to.

The House thereupon (at ten minutes before four o'clock, p. m.) adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, June 27, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read a first and second time by their titles, and referred to the committees annexed:

A bill to create and provide a pension for David Towle—Committee on Pensions.

A bill for the relief of Samuel McKnight, of the State of Kentucky—Committee on Pensions.

A bill for the relief of William Wallace, of the State of Illinois—Committee on Pensions.

A bill for the relief of George M. Bentley, of the State of Indiana—Committee on Pensions.

A bill for the relief of William G. Howison—Committee on the District of Columbia.

A bill for the relief of the heirs of Captain Matthew Jack, deceased—Committee on Revolutionary Claims.

A bill for the relief of the heirs of Lot Hall, deceased—Committee on Revolutionary Claims.

A bill for the relief of the legal representatives of Henry Hoffman—Committee on Revolutionary Claims.

A bill to create and provide a pension for Captain Thomas Porter—Committee on Pensions.

IRA DAY, OF VERMONT.

The Senate proceeded to consider the amendment of the House of Representatives, to the bill of the Senate, for the relief of Ira Day, of Vermont, which was to add after the words "Ira Day," the words, "or his legal representatives," so as to require the Postmaster General to pay to

Ira Day, or his legal representatives, \$1,008 90, as the balance due for transporting the mail from Royalton to Burlington, in Vermont, from January, 1833, to July, 1837.

On motion by Mr. FOOT, the amendment was concurred in.

JEFFRIES AND SMITH.

The Senate proceeded to consider the amendment of the House to the bill of the Senate for the relief of James Jeffries and Jeremiah M. Smith.

The bill, as it passed the Senate, proposed to enact that the Postmaster General be "authorized and directed" to release the parties mentioned and their guarantors from the penalty incurred by their failure to carry the mail on routes 6268, 6269, 6277, according to the bid offered by them and accepted by the Department; and to refund to them the amount of any fine which has been paid by them in consequence of any failure.

The amendment of the House was to strike out "directed," and insert after "authorized" the words "in his discretion," so as to authorize the Postmaster General, in his discretion, to make the release and payment provided for.

On motion by Mr. RUSK, the amendment was concurred in.

PETITIONS, ETC.

Mr. DODGE, of Iowa, presented the petition of John Shaw, praying compensation for his services as interpreter in the trial of certain Winnebago Indians, charged with murder, at a special term of the United States circuit court, at Prairie du Chien, in the Territory of Michigan, in 1828; which was referred to the Committee on Indian Affairs.

Mr. BELL presented the petition of Andrew Allison and others, praying that measures may be taken to secure, in all treaties with foreign nations, a provision for referring to the decision of umpires, all misunderstandings that cannot be satisfactorily adjusted by amicable negotiation; which was referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FISH, it was

Ordered, That the petition of Mary Martin, formerly widow of Robert Lindsay, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

NEW POST ROUTE.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Hamburg, in Arkansas, to De Glazo, in Louisiana, via Woodville.

REPORTS FROM STANDING COMMITTEES.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred a bill from the House of Representatives, for the relief of Henry Lewis, of Clinton county, Indiana, reported it back with sundry amendments. He also submitted a report on the subject; which was ordered to be printed.

Mr. SUMNER, from the Committee on Pensions, to whom was referred a bill from the House of Representatives, for the relief of Henry J. Snow, of Rome, in the State of New York, reported it back without amendment.

Mr. ALLEN, from the Committee on Pensions, to whom were referred documents in relation to the claim of Sherman Pierce, to a pension for military services in the last war with Great Britain, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Margaret Johnstone, widow of a soldier in the Army, who was accidentally shot by another soldier while on duty, praying a pension, submitted an adverse report thereon.

He also, from the same committee, to whom was referred a petition of citizens of Knox county, Tennessee, praying that the officers and soldiers of the Creek war of 1814, may be placed upon the same footing with the officers and soldiers who served in any other war, asked to be discharged from its further consideration, on the ground that the petitioners are fully provided for in the existing general laws. It was so ordered.

Mr. WILLIAMS, from the Committee on Pensions, to whom was referred the petition of Eliza-

beth Monroe, praying that her pension may be extended and renewed, asked to be discharged from its further consideration, the committee having reported a general bill providing for such cases. It was so ordered.

He also, from the Committee on Claims, to whom was referred the memorial of Charles Homer, praying remuneration for losses sustained in consequence of the delay on the part of the Government in selecting a site for the marine hospital at San Francisco, and for the execution of work thereon not required by the contract, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on the Judiciary, to whom was referred the memorial of Charles Stearns, praying to be allowed indemnity for expenses incurred by him in defending his title to certain lots of ground claimed by the United States, and for expenses incurred in two criminal prosecutions brought against him by the United States authorities at Springfield, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

COLLECTION DISTRICT IN NEW MEXICO.

Mr. HAMLIN. The Committee on Commerce, to whom was referred a memorial of citizens of New Mexico, praying for the establishment of a collection district in that Territory, or in the State of Texas, have directed me to report a bill "creating a port of entry at Frontera, in the State of Texas." I ask that the bill may be considered at this time. There is no officer of the revenue now in that Territory.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to create the county of El Paso, in the State of Texas, and the Territory of New Mexico, a collection district, to be called the district of Paso del Norte, the port of entry for which is to be Frontera. There is to be a collector of the customs, to reside at Frontera, at a salary not exceeding \$2,000, including in that sum, the fees allowed by law.

The bill further provides that the district court of the Territory of New Mexico shall have, and exercise jurisdiction over all cases arising in the collection district of Paso del Norte, in the administration of the revenue laws, in the same manner as if the district were entirely within the Territory of New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

RAILROAD IN MINNESOTA.

Mr. STUART. I am instructed by the Committee on Public Lands, to whom was referred the House bill to aid the Territory of Minnesota in the construction of a railroad therein, to report the same back without amendment, and to ask for its present consideration.

The PRESIDENT. The Senator from Michigan asks the unanimous consent of the Senate to consider this bill now.

Mr. EVANS. I object.

Mr. STUART. I suppose it is in order for me to submit a motion to take up the bill, as it was twice read before being referred.

The PRESIDENT. Objection being made, it goes upon the Calendar.

Mr. STUART. Is it not in order for me now to submit a motion to take up the bill?

The PRESIDENT. The bill having just been reported, must lie over for one day, unless by unanimous consent.

COLLECTION DISTRICT IN CALIFORNIA.

On motion by Mr. GWIN, the Senate, as in Committee of the Whole, proceeded to consider the bill reported from the Committee on Commerce, creating a collection district in the State of California.

It proposes to constitute the counties of Humboldt, Trinity, Klamath, and Siskiyou, in California, a collection district, to be called the district of Humboldt; to make Union Town the port of entry, and Crescent City a port of delivery. The collector to be appointed for the district is to be allowed \$3,000 per annum, with additional maximum compensation of \$2,000 per annum, should his emoluments and fees, provided by law,

amount to that sum. A deputy collector is also to be appointed, to reside at Crescent City, at a salary of \$2,000 per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. MCKEAN, Chief Clerk, announcing that they had passed a joint resolution directing the connection of the public surveys in Alabama, with the boundary line between the States of Alabama and Florida, in which they requested the concurrence of the Senate.

ORDER OF BUSINESS—WASHINGTON AND

ALEXANDRIA RAILROAD.

Mr. MASON. I ask leave to present a memorial of the corporate authorities of the city of Washington, asking for the passage of the bill now before the Senate "authorizing the extension of the Alexandria and Washington railroad into the District of Columbia." That bill was under consideration on Thursday last, and was then laid over until the next day. There are reasons which induce me to believe that the public interest and the public convenience are involved in its speedy passage. I therefore ask the Senate now to take it up and dispose of it.

Mr. PEARCE. I submit to the Senator from Virginia to allow me to make another motion prior to his. I am called away by peculiar circumstances from the city. I shall be obliged to leave this afternoon at an early hour. I am anxious before I go to induce the Senate to take up a bill which has been for a long time in my charge, and in which my State is interested. It is a bill directing a reexamination of the account between the United States and the State of Maryland.

Mr. MASON. I am very reluctant not to agree to the proposition of the Senator; but I ask him whether on his return it will not do as well to take up that bill?

Mr. PEARCE. I think it is very desirable it should be taken up now. It has been in my charge for about three months. I had hoped it would come up in its turn, but other bills have been taken up out of their turn, and now I am compelled to go away, and, therefore, I ask for the consideration of my bill.

Mr. MASON. I am sorry to decline acceding to the request, but I hope we shall have the pleasure of the Senator's company back with us very soon, and the bill which I wish to take up is really a matter of pressing emergency in which his constituents, as well as mine, are concerned.

Mr. BRIGHT. I hope the motion of the Senator from Virginia will not prevail. It is very evident that if that question be taken up, the day will be consumed in discussing it. I should prefer that the morning business be disposed of, and then that the motion of the honorable Senator from Maryland prevail. There is an urgent necessity for his leaving the city, and I think it is due to him after the morning business shall be disposed of, that his bill be taken up.

Mr. PRATT. After what has fallen from my colleague, I beg leave to say that I do not apprehend the bill which he asks to have taken up will lead to debate. I think it will only be necessary to state the grounds on which the Committee on Finance unanimously reported in its favor to induce the Senate unanimously to pass it. The bill which the honorable Senator from Virginia proposes to take up, however, will undoubtedly consume the whole day if it be taken up. It can be of no importance with reference to the Potomac bridge whether we pass to-day, or to-morrow, or next day, a provision authorizing a railroad to be made across it.

Mr. ADAMS. Mr. President, I dislike to oppose motions made by my friend from Virginia; but I beg leave to call the attention of the Senate to the fact that the House of Representatives, some days since, passed a bill fixing the time for the annual meeting of Congress on the first Monday of November, in lieu of the time now fixed—the first Monday in December. We amended their adjourning resolution of this session, and sent it back to them. They cannot act advisedly upon our amendment to the adjourning resolution until they see what the Senate does in reference to the bill which they have passed changing the time for the meeting of Congress.

I therefore desire that, in preference to all other business, we take up that bill and act upon it one way or the other, either pass it or reject it. For one, I shall vote against it; but yet I know it is important that we should act upon that question in some shape or other. In my judgment it is more important that the sense of the Senate should be ascertained upon that subject than almost any other before the body. I will not move to take up that bill now, because I am willing to accommodate the Senator from Maryland, and take up the bill which he wishes us to consider, and which I understand will not probably take any length of time. But the subject which the Senator from Virginia proposes to take up will consume the morning hour, perhaps the whole day; and therefore, I feel constrained to vote against his motion.

Mr. MASON. The Senator from Indiana [Mr. BRIGHT] and the Senator from Maryland nearest me [Mr. PRATT] both object to taking up the bill which I propose to call up, providing for extending the Washington and Alexandria railroad into this District, for the reason, as I understand them, that they wish first to consider the bill proposed to be taken up by the Senator from Maryland who sits furthest from me, [Mr. PEARCE.] Under the circumstances, I will withdraw my motion, and yield that Senator the floor to enable him to have his bill taken up, with the understanding that the Senate, with the concurrence of these gentlemen, will then allow me to take up my bill.

Mr. ADAMS. With the understanding on my part that we shall take the sense of the Senate between the two propositions.

ACCOUNTS OF MARYLAND.

The bill to direct a reëxamination of the account between the United States and the State of Maryland, was, on motion by Mr. PEARCE, read a second time, and considered as in Committee of the Whole.

It is designed to authorize the proper accounting officers of the Treasury to reëxamine the account between the United States and the State of Maryland, as the same was, from time to time, adjusted under the act of May 13, 1826, entitled "An act authorizing the payment of interest due to the State of Maryland," and on such reëxamination, to assume the sums expended by that State for the use and benefit of the United States, and the sums refunded and repaid by the United States to the State, and the times of those payments, as being correctly stated in the account, as it has heretofore been passed at the Treasury Department; but in the calculation of interest due under the act of 1826, the following rules shall be observed: Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and, if it exceed the interest due, the balance shall be applied to diminish the principal. If the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund. And if, upon such reëxamination of the account and application of the above rules, any money shall be found to be due to the State of Maryland, the same shall be paid.

The State of Maryland, during the war of 1812, borrowed large sums of money to be applied to the purchase of arms and ammunition, and the equipment and pay of the militia called into service for the defense of the State. Of the sums thus borrowed, \$279,626 54 were admitted by the Government of the United States to have been expended for the use and benefit of the United States, and were subsequently repaid to the State of Maryland. The State paid interest on these sums for a considerable time, and then discharged the debt by a transfer of United States six per cent. stock, at that time held by the State; but no payment was made by the United States to the State, on account of the interest on the advances, until Congress passed the act of May 13, 1826, which directed the accounting officers of the Treasury to "liquidate and settle the claim of the State of Maryland for interest upon loans on money borrowed and actually expended by her for the use and benefit of the United States during the late war with Great Britain."

This act prescribed sundry rules for the govern-

ment of the accounting officers, the first of which was to consider the amount of principal already refunded to Maryland, as evidencing the whole principal of the advances so made by the State. The second rule was that no interest should be paid by the United States, except where interest had been paid by the State. The third directed that "where the principal, or any part of it, has been paid or refunded by the United States, or money placed in the hands of Maryland for that purpose, the interest on the sums so paid or refunded shall cease," &c.

The accounting officers so construed this act as to allow interest to the State of Maryland only where such interest had been directly paid by the State, and to refuse it where the State had lost interest, as by discharging the debt by the transfer of an interest-bearing fund.

The injustice of this refusal has since been acknowledged by Congress in the case of the State of Alabama upon the advances made by her to the United States in the suppression of Creek Indian hostilities, and Congress has, by the act of January 26, 1849, provided for the payment of interest to the State where she had lost interest. This the State of Alabama had done by withdrawing her active capital from her State bank with which she made her advances. The State of Maryland lost interest by transferring to her creditors, in liquidation of the securities which they held, United States six per cent. stock, which the State then held, and on which she was regularly receiving interest.

The mode of computing interest adopted by the accounting officers, also, seems to have been manifestly unjust. The payments of the United States to Maryland were first applied by them to the liquidation of the principal instead of the interest accrued thereon. Whereas, in all transactions between individuals, or between the Government as creditor and an individual debtor, the rules of law require the payments to be first applied to the extinguishment of interest, and whatever remains of the payment, after discharging the interest, is then applied to the reduction of principal.

Mr. PEARCE. This bill, Mr. President, was recommended by the unanimous approbation of the Committee on Finance, and I trust that a very brief exposition of its character will equally satisfy the Senate of the United States that it should be passed. The claim is not a new one. The State of Maryland has persisted in it from the period named in the bill—13th May, 1826—down to the present time. Agents have been employed by her regularly to prosecute the claim before Congress during all that period.

The claim is for interest upon advances made by the State of Maryland to the United States during the war of 1812, which advances are acknowledged by the United States, and the principal of which has been paid by the United States. I may remark, that the State of Maryland claims of the United States over \$400,000, alleged to have been advanced by her, and applied to the purchase of ammunition and the equipment and support of the militia called out for the defense of the State during the war of 1812. In the settlement of her accounts at the Treasury, that sum was not allowed; but the accounting officers did allow a sum of over \$279,000; and that sum was paid by the authorities of the United States to the State of Maryland, but interest was refused upon it.

On the 13th of May 1826, Congress passed an act for the payment of interest to the State of Maryland upon these advances, and a portion of the interest has been paid; but either the terms of the act were such, or the construction given to the act by the accounting officers were such, that the State of Maryland has not received that interest to which she thinks she was entitled as a just indemnity, and which is always exacted by the Government in every other case, and exacted by the courts between individuals. The mode of settlement which was adopted I will explain. In the first place, however, I should remark that the interest allowed to the State of Maryland was only such interest as it was proved the State had paid. Now, it appears that the State not only paid interest on these advances up to a given period, but that, at that given period, the State began to lose interest, because she liquidated her own bonds, which she had given for the moneys thus advanced by her for the use of the General Government, by

transferring to those creditors United States six per cent. stock—an interest-bearing fund—so that she not only paid interest up to about the year 1818, I think it was, but subsequently to that time she lost interest by liquidating those demands against her, by the transferring of United States six per cent. stock which she held, and on which she would have been continuously receiving interest but for the transfer.

The construction given at the Department was such that, instead of allowing interest to the State where she lost interest, they refused it, and only allowed her interest where she paid interest. And further, in making the calculations they adopted another course which is never allowed between individuals, and never tolerated by the United States where an individual is her debtor; that is to say, when the payments were made by the State of Maryland, they were first applied to the principal. The interest due to the State of Maryland at the time of making the payments was set aside as a thing not to be recognized at all, and the payments made were applied first to the principal, and after the principal was liquidated in that way, then such interest as they recognized to be due (that is interest which the State had actually paid, not that which she had lost by a transfer of her interest-bearing funds,) was paid as if it had been part of the principal. Thus, instead of applying the payments, as is universally done in other cases, first to the liquidation of the interest due, and then to the reduction of the principal as far as it would go, they adopted another principal which, as I have said, is violative of the law between individual and individual, contrary to the practice of the Government when the Government has claims against an individual, and directly in the teeth of the law as recognized in the decisions of the Supreme Court of the United States. I have not put it in the bill, but I have stated in the report that the language of the rules which we have prescribed for the payment of interest in this case is precisely that which is used by the Supreme Court of the United States in a very well known case in 13 Peters. We have adopted the precise language of those rules, and all we ask is that the United States shall adopt, in regard to her creditor, the State of Maryland, that rule which she inexorably applies to her own debtors, and which the authorities always enforce as between individuals.

I know, sir, that some gentlemen think this matter of interest is to be looked at very differently where the Government is the party to be charged; but it is manifest that what the State of Maryland is entitled to from the Government of the United States is indemnity, full and perfect indemnity. That cannot be given unless the State be put in the same situation in which she would have been if she had not incurred these debts on account of the General Government. To do that, to give her perfect indemnity, to place her in the same situation in which she would have been if she had not incurred these debts for the benefit of the Government, it is necessary that she should be allowed interest in cases where she has lost it, and the rule of calculation should be that which I have mentioned. It seemed to the committee to be so perfectly equitable that they did not doubt the Senate would confirm their decision.

I beg leave simply to add, in conclusion, in regard to the payment of the interest, that, when interest has been lost, the Government has recognized the principle of paying it by the act of January, 1849. That was an act passed for the relief of the State of Alabama. Alabama had made large advances for the benefit of the General Government, in the suppression of Creek hostilities, and she had taken the money with which she made these advances out of her State bank, thus withdrawing so much from her active capital. In that way she lost the interest, and the Government of the United States, at the period I have mentioned, January, 1849, passed an act to pay interest to the State of Alabama for the interest which she had lost. This is a legislative sanction of part of the principle of this bill. The sanction for the rest I have already stated.

Mr. CASS. I do not exactly understand this bill. I must confess, I do not see the difference between paying a debt of \$100,000 in a bond, drawing interest, and paying it in cash. I think the fact of paying a debt in a bond, drawing interest at the time, does not change the matter at all.

Mr. PEARCE. Why, sir, I supposed that principle would scarcely be disputed now, inasmuch as it has been solemnly recognized. I stated that the State of Maryland borrowed money for the benefit of the United States, and the United States has acknowledged it. The State paid interest on what she borrowed, up to a given time, when she ceased to pay interest, but liquidated the claims against her by transferring to her creditors United States six per cent. stock.

Mr. BADGER. Which was a fund-bearing interest.

Mr. PEARCE. Yes, sir; it was an interest-bearing fund. What we ask is, that we shall be put in the situation in which we should have been if we had actually paid interest instead of losing interest, and that the mode of calculation shall be that which is usual in all other cases. Why, sir, it is very easy to illustrate this matter. Suppose \$200,000 were due to the State of Maryland when the first payment of \$40,000 was made. Suppose there was an accumulation of \$40,000 of interest. I ask the Senator's attention, inasmuch as he objects to the bill.

Mr. CASS. I did not object. I merely raised the question, and wished it explained.

Mr. PEARCE. Well, sir, here is the illustration: I say suppose that at the time the first payment was made by the United States to the State of Maryland, the principal had been \$200,000, and the accumulation of interest \$40,000; and suppose the Government of the United makes a payment of \$40,000, what is the ordinary and proper mode of applying that payment of \$40,000? Undoubtedly to the liquidation of the interest due. No such thing has been done here, but the accounting officer applied the \$40,000 to the reduction of the \$200,000, the principal, so that the interest ceased to be drawn upon the \$200,000 of principal and was running on on the reduced amount of \$160,000; and all the interest on the \$40,000 was kept aside until the principal was liquidated by repeated payments, and then this Government paid such interest as it was willing to pay, such interest as the State of Maryland proved she had herself paid. I think that is perfectly plain. I think it is perfectly plain too, that it is entirely unjust, and that it will not do to say that the State of Maryland is indemnified for her advances to the United States, when they thus refuse to apply the payment to the interest due to her, but thought proper to reduce the principal at the time of that payment. Between individuals there could be no question about it.

Mr. CASS. I must confess I am not satisfied at all. If a man has a debt of \$100,000 to pay, and he has \$100,000 in cash in his strong box, or \$100,000 in bonds or in bank stock, drawing ten per cent. interest, it is the same thing to him whether he pays the debt in one or the other. It is the same thing to him and to his creditor. If he chooses to convert his bonds into money and pay the debt in that way, very well. If he chooses to invest \$100,000 of cash in funds, he can do that. But it seems to me that the mode in which he makes the payment makes no difference to the creditor. It strikes me that the interest stops at the time he makes the payment, whether it be made in one species of funds or another.

Mr. PEARCE. Well, Mr. President, if the observation of the Senator has any significance which I can comprehend, it amounts to this, that however the State of Maryland might have paid off these advances which she had made to the Government, however she might have paid the debts which she incurred in order to make these advances, she is entitled to interest, whether she paid in interest-bearing funds or in cash out of her strong box. That, I think, is the fair deduction from what the Senator said. The fact is, the Government has gone on the principle of not paying interest except where the party making advances to her has either paid interest or lost interest. That is the general principle.

Mr. CASS. The honorable Senator did not understand me. I did not touch the question of interest at all; I did not speak of how it should be paid. My difficulty is this: when a payment was made, under the circumstances, by the State of Maryland, no matter out of what funds it was made, the interest, it seems to me, should stop at that point. She cannot get up and say, "I have lost ten per cent., or fifteen per cent., or sixty

per cent. by transferring to the creditors interest bonds which I held."

Mr. PEARCE. What payment does the Senator suppose was made?

Mr. CASS. I suppose Maryland paid the debt due from her in six per cent. stocks, and claims interest on account of losing the interest upon that stock. If that is not the case, I misunderstand it.

Mr. PEARCE. The State of Maryland did pay debts which she had incurred on account of the Federal Government. First, she paid interest for a series of years, and then she thought proper to liquidate the whole. When she liquidated it, she did it, not by a payment of money, but by a transfer to her creditors of six per cent. stock which bore interest. Now, the principle having been adopted by the Government of the United States on various occasions, that it will not pay interest except where a State has either paid or lost interest, it was necessary for me to show that the State of Maryland had lost interest. That I have shown by proving that she had transferred an interest-bearing fund.

Mr. CASS. And if she had \$100,000 in her strong box, and paid the debt off the next day in cash, might she not be said to have lost interest upon that?

Mr. PRATT. Would she not be entitled to interest upon that?

Mr. CASS. I do not touch that question.

Mr. PEARCE. The statement of the Senator from Michigan may all be true. I am not vindicating the propriety of the action of Congress heretofore; but I say that Congress has decided the principle over and over again that the United States will not pay interest to a State, except where that State either paid or lost interest.

Mr. CASS. I do not exactly understand what the word "lost" means as there used.

Mr. PEARCE. That is the language of the law as it is on our statute-books.

Mr. CASS. I was not aware of that.

Mr. PEARCE. The illustration which I have given shows the meaning of the language. It means that when a State has paid money, not out of her strong box lying idle, but has paid away an interest-bearing fund, that constitutes an equity which entitles her to the indemnity which the State of Maryland asks in this case.

Mr. PRATT. I do not suppose for a moment that I can make the argument plainer than it has been made by my honorable colleague, [Mr. PEARCE,] but I think I can answer the objection of the honorable Senator from Michigan.

The State of Maryland, during the war of 1812, made certain advances to the Federal Government. This Government has recognized the obligation to refund that money. Now, the Senator from Michigan says he cannot see the difference between the obligation of this Government to pay, if the State of Maryland at once paid in cash the debts incurred by that State in advancing the money, or immediately paid them in stocks bearing interest, or deferred the payment for a number of years. He can see no difference between the obligation of the Government, whether the State paid interest on the debt for a number of years, and then paid the principal, or at once paid the debt in cash, or in a stock paying her interest. I concede that he is right. But here the United States concede the obligation to refund to the State the money advanced. Then if the State at the time paid the money, she is entitled to interest from the Government. The course of the committee and the argument of my honorable colleague have proceeded out of the act of 1826, which provides that this Government should pay interest wherever the State had paid interest. The Government has only paid to the State of Maryland the interest which the State showed she actually paid antecedent to the liquidation of the bonds which were given by the State for the obligations incurred by her on account of the Federal Government. Now, I submit to the honorable Senator from Michigan, whether, if the State of Maryland had paid the money at once, the same obligation would not have been imposed on the Federal Government to pay interest on the amount so advanced as would have been imposed if the State had neglected to pay the principal, but had paid the interest on it for a number of years, and then came to the Federal Government to refund that interest. She would have a right to do so,

and the position of the Federal Government would not be changed one iota in either case.

The object of the committee, however, as I have stated, was to bring this claim of the State of Maryland exactly within the principle of the act of 1826. That act expressly declares that the Federal Government shall refund to the State the interest actually paid. Can there be ground for a distinction between the obligation to refund interest paid, and interest lost by the State? If the State of Maryland, instead of holding these bonds and leaving her indebtedness run on and paying the interest on it until the Federal Government had paid her, had transferred at once, for the purpose of liquidating the debt, the stock of the Federal Government, bearing an interest of six per cent., would not an obligation exist on the part of the Federal Government to return the six per cent. thus lost by the State of Maryland? Is not that this case?

My honorable colleague correctly stated the principle. The broad principle recognized by this Government is, that the Federal Government is bound to indemnify a State, to give her full indemnity. In this case the State of Maryland has not only lost the principal which she paid, but she has lost the interest which she would have received on this stock of the Federal Government, which she transferred for the purpose of liquidating the debt acknowledged to be the debt of this Government. I apprehend, then, there can be no difficulty on the part of my honorable friend from Michigan, or any other Senator in agreeing to the passage of this bill.

Mr. BAYARD. Mr. President, I should like to understand exactly the effect of the principle of this bill before I vote on it. I do not know that I shall have any objection to it when I come to understand it, but I wish to know what it is.

I consider that this matter of interest is purely a conventional one, and that you may establish any rule you please. It ought to be stable, it ought to be certain, it ought to avoid the danger of discretion, I grant. But if I rightly understand the object of this bill, the effect of it will be to unsettle the account of every State which has been settled by this Government for any lapse of time back. The mode in which interest has been calculated has been adopted partly under various laws of Congress authorizing the payment of interest to a State. I do not care in what manner the interest was to be paid. It makes no difference to me whether it was to be paid in cases when the State disposed of an interest-bearing stock, or when she paid interest herself, and not in other cases. That is immaterial to this question. Under the laws of Congress providing that the accounts of the States should be settled and they be indemnified and interest be paid to them, a certain mode of settling their accounts has been adopted at the Treasury Department; and that mode has been carried through the account of every State with which a settlement has been made by the United States. I believe that mode has not hitherto been objected to by any State. The effect of this bill, however, is to apply a different rule of settlement in regard to the accounts of the State of Maryland from any that has hitherto obtained. The inevitable result is that if you change it in reference to the State of Maryland, every other State will call upon you to do the same thing. In other words, the object of this bill is to carry out what is called the legal mode of settling interest between debtor and creditor as individuals.

I do not think there is any incumbent pressure upon this Government to adopt any of the analogies between the transactions of individuals or the transactions of a State government with an individual. There is no analogy between the cases in other respects. In the case of an individual, the debtor is always bound to seek his creditor, and if he does not seek his creditor and pay him promptly, he is bound to pay interest until the debt is discharged. In the case of a Government, nobody ever heard of such a principle as that. Nobody ever supposed that a Government was bound to seek its creditor. The Government must be sought by the creditor, and he has no right to claim interest for his own neglect. There is a great variety of other differences in the nature of things between the rules which are to govern the relations of a Government and its citizen, and those which prevail between citizen and citizen.

Now, sir, unless very strong reasons are as-

signed to me why I should do this, I am not disposed to unsettle the accounts of all the States of the Union with the Federal Government. They have been adjusted on the principle of indemnifying them. I am not willing thus to reopen them. I am not willing to unsettle that mode in the case of one State, (for it leads to the same thing in all other cases,) unless very strong reasons are given showing the necessity of the change. To justify me in supporting it, I must have something more than a technical rule of law as adopted by courts between man and man, which requires a particular mode to be pursued in the calculation of interest.

Mr. PEARCE. Mr. President, the technical rule of the courts as adopted between man and man, is founded on the principles of justice, sheer justice; and if it is not, this Government is an extortioner; and it exacts from individuals wrongly and meanly what it will be wrongful and mean in it to deny to a sovereign State which has advanced money for it. But, sir, it is not a mere technicality. I do not put this claim upon the ground of technicality; I put it upon the ground of indemnity. You cannot indemnify us, unless you pay us what we have lost; and you cannot pay us what we have lost, unless you pay us according to the principle of this bill.

It is said the Government must be sought. Well, sir, this Government has been sought and besought, for the last twenty-five years, but has been deaf to every call we have made. Some years ago, I introduced a bill, proposing to settle with all the States under similar circumstances, not knowing how many there were, or whether there were any. I do not know that any State is exactly in the condition of the State of Maryland. I do not know that any other State has liquidated its debts, occasioned by such advances, by the transfer of interest-bearing funds. I do not know but that they have liquidated all those advances out of the money lying idle in their Treasury, in which cases the Government refuses to pay interest. But, sir, I introduced a general bill providing for payment in all cases. I was then told "let every tub stand on its own bottom." A friend of mine, then a Senator from Alabama, a gentleman whom I much respected while living, and whom I honor now that he is dead, Mr. King, introduced in 1848 or 1849, a bill for the State of Alabama, and asked me not to mingle that up with the claim of Maryland; but to allow each State to stand by itself, and to let his bill pass separately from everything else. I did so. Now, I introduce a bill separately for the payment of Maryland, and I am told that it may open the door for all other States that have similar claims. What if it does? If other States have such claims, they have just claims which this Government ought to satisfy and adjust without regard to money. If it took every dollar in the Treasury, it ought to be done. It is no argument against a claim that we open the door to large claims of the same sort, if those claims are just in themselves.

Now, sir, it is clear that this Government has not treated us with justice. It has refused to pay the interest which we have lost. In the case of the State of Alabama, the Government has paid her interest when she lost it, not by the actual transfer of an interest-bearing fund, in the nature of stocks of this Government held by her; but when she took the money out of her State bank, where it was active capital, on which interest was being made. This was refunded on the principle of indemnity. That is all we ask. No technical notions of the right of the Government to be above the rule of justice which applies between individuals, and which is enforced by a State against individuals, can preclude us in the demand which we make. I trust the Senate will pass the bill.

Mr. BAYARD. Sir, I never for a moment meant to intimate, as an argument here, that, if this claim were just, in the broad sense of justice, of moral obligation to pay, this Government ought not to pay to its last dollar, or to borrow for the purpose of paying. I admit that principle. But, sir, I have said in this body, and I say it again, (and, if it were not for the heat of the weather, I would endeavor now to illustrate it, and I could bring strong arguments in support of my view of the question,) that the obligation imposed on a Government, or on individuals, to pay interest is, in my judgment, a question merely of conventional law. There is no question of moral obligation involved in it. According to the principles of the

canon law, all interest was usury, and the taking of it was absolutely forbidden, as an immoral transaction. In the progress of this commercial age, I am aware, courts and Legislatures have been disposed to extend the rule as to the payment of interest on money; but it is all conventional. After all, there is no obligation to pay interest beyond what the positive provision of law requires. Such is my judgment. There are a variety of cases in which it is never allowed now. This is what I meant by speaking of a technical obligation to pay interest.

Why, sir, in all the States of this Union there is a great variety of rules as to whether debts bear or do not bear interest. In some it is a question partly left to the discretion of the jury. In others, debts are said to bear interest *per se*. All these things are the result of positive legislation in the particular State in which the rule exists. The general rule as regards Governments is, that they do not pay interest. In my judgment, the wise rule would be that they should never pay interest except based on express agreement, not implied contract. By adhering to this rule, we should get rid of a great many difficult questions connected with this matter. This was certainly the doctrine of Mr. Jefferson, in the celebrated letter which he wrote to Mr. Hammond, the British Minister, that the obligation to pay interest was founded upon express agreement. That is the gist of the doctrine contained in the whole letter. Then it comes to be a question, not of a moral obligation to pay interest, but it is purely a question of conventional law. That is what I contend for. According to the usage of this Government, it has agreed to reimburse the States for the expenditures made on its behalf; and in the settlement of accounts in such cases, there has been a practice in the Executive Department applied to all the States of the Union. Now, I say I am not prepared to vote for this bill, which will unsettle that practice, and provide for a new mode of adjusting the accounts, unless some strong reason is given to me why the Government should alter its whole course of practice.

I do not think there is any justice in this matter at all; I speak of justice in the light of moral obligation. There always must be difficulties connected with the allowance of interest. In many cases it might be asked that the Government should pay interest on interest. If you were to go through the whole of these accounts, you would easily see that might result from the alteration now proposed to be made in the law. Yet there is no question of justice about it. There are cases in which men ought to pay interest on interest, and in which men are made to pay interest on interest, even in courts of equity, where there is fraud on the part of the trustee, in annual or semi-annual statements of accounts. The general idea of the community, however, is, that interest on interest is an immoral transaction. In my view, it is a question purely conventional altogether. The question, whether interest, as well as the principal, should bear interest, is purely a conventional question, dependent on positive law. There is no reason why it should not. There is no difference in point of justice between the two cases. When I owe a bond at the end of the year, and interest is due on it, there is no reason why, if I do not pay the interest when it is due, I should not pay interest on that interest as well as on the principal. It is not a question of moral reasoning; and I say there is no difference between the two cases; and yet, probably there is not a State in this Union in which a contract to pay interest on interest would not be invalid.

I mention this in order to show that the whole question of obligation to pay interest is a question of positive law altogether. As it is so, I am unwilling, on the application of a particular State, to change the mode of computing interest, or to allow interest in cases where it has heretofore been refused. If I had time to look into this measure, I might think the principle on which it is based a wise one, though it does go to unsettle all the State accounts which have been settled for years back. As yet, however, I have heard no sufficient reason for altering the established practice of the Government in reference to these accounts, as applied to the State of Maryland, which would necessarily lead to an alteration of the practice as to the accounts of all other States similarly situated; for I believe it is not alleged in this case that

the officers of the Government, in settling the accounts of the State of Maryland, departed from the rule which has been established here in reference to interest. If there were any allegation that they did not apply to this case the same principles which they apply to all others similarly situated, I should not hesitate to vote for the bill; but no such allegation is made. The bill is based simply on the fact that the practice of the Department does not operate to allow interest in the legal mode which would be adopted in a court of justice between man and man.

Why, sir, merchants vary on the subject of interest. In the mercantile mode of stating interest, they calculate it on both sides of the account. The reasons for this could be given; but it is unnecessary to go into them now. The legal mode, I admit, is different. But the question now is, whether you are to unsettle the established practice of the Government in the computation and allowance of interest. Without very strong reasons being given for it, I cannot agree to it. After examination, I might be willing to yield my objections. I did not hear the first argument of the honorable Senator from Maryland, [Mr. PEARCE.] I should have to see a statement of the argument, and understand the operation of the bill, before I could make up my mind as to its propriety. But, at any rate, I am unwilling to alter a general practice which has obtained without objection to this day, unless some very potent reason be assigned for it.

The bill was reported to the Senate without amendment.

Mr. CHASE. I desire to ask a question of the Senator from Maryland. If the State of Maryland had paid in money instead of in stock, would the Government of the United States, under its usage, have been bound to pay interest?

Mr. PEARCE. According to usage, it would have refused to pay interest. It has paid no interest when a State, having cash lying idle in its vaults, paid out that.

Mr. CHASE. That is the point I wished to get at.

On the question of ordering the bill to be engrossed for a third reading, Mr. BAYARD called for the yeas and nays; and they were ordered.

Mr. HAMLIN. I desire to submit a single question to the Senator from Maryland, [Mr. PEARCE.] I want to know precisely whether I understand the grounds on which the claim rests. If I understand it aright, if this bill be passed, Maryland will receive from the General Government just what she has advanced, with interest thereon, liquidated according to the rules of law, and no more?

Mr. PEARCE. No more.

Mr. HAMLIN. I shall vote for the bill.

The question being taken by yeas and nays, resulted—yeas 36, nays 7; as follows:

YEAS—Messrs. Adams, Allen, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dixon, Dodge of Wisconsin, Evans, Fessenden, Fitzpatrick, Foot, Geyer, Gillette, Gwin, Hamlin, Houston, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Norris, Pearce, Pettit, Pratt, Rockwell, Rusk, Sebastian, Seward, Thompson of Kentucky, Toucey, and Wade—36.

NAYS—Messrs. Bayard, Bright, Cass, Chase, Dodge of Iowa, Sumner, and Walker—7.

The bill was read a third time, and passed.

MEETING OF CONGRESS.

Mr. ADAMS. I move to postpone all prior orders for the purpose of taking up the bill from the House to change the day for the annual assembling of Congress. I want a test vote upon that proposition.

Mr. JONES, of Tennessee. I certainly should have no objection to the motion of the Senator from Mississippi at another time; but I understand the prior order of business is the motion to refer the petition presented on Thursday last, by the Senator from Massachusetts, [Mr. ROCKWELL] praying for the repeal of the fugitive slave law.

Mr. GWIN. We can dispose of this bill in a very short time.

Mr. JONES, of Tennessee. If I am right in my impression, I ask that we may proceed to the consideration of that subject.

Mr. MASON. I yielded the floor, at the time I made the motion to take up the railroad bill, as a courtesy to the honorable Senator from Maryland, (who is obliged to leave the city,) for the purpose of allowing him to call up his bill. I

understood that I had the implied assent of the Senate to take up the bill giving the right of way across the Long Bridge to the Virginia railroad, when the other bill was disposed of. I hope it will be the pleasure of the Senate to take up that bill now. I hope that the Senator from Mississippi will allow us to do it.

Mr. ADAMS. I desire a test vote on the two propositions. I understand the House wish to have the sense of the Senate upon their proposition to meet on the first Monday of November, before they can advisedly determine upon the adjournment resolution. I therefore desire a test vote between my proposition and that of the Senator from Virginia. It is wholly immaterial on which the question is taken first. If one falls the other will be made. As mine is before the Senate, I desire a test vote upon it.

Mr. WALKER. I have no objection to taking up the bill mentioned by the Senator from Mississippi, or any other matter; but, sir, the subject which was hurrying the Senate so much several weeks ago seems now to be forgotten—I allude to the message of the President of the United States, vetoing the indigent insane land bill. I believe it is the special order. The morning hour has passed, and I, for one, feel disposed to take it up so that we may have the discussion upon it concluded within some reasonable time. The Senator from Pennsylvania [Mr. BROADHEAD] got the floor upon it some five days ago, but still the subject has been postponed, if not by the positive action of the Senate, by its negative action in refusing to take it up. I insist, if it is in my power, upon the special order.

Mr. SUMNER. I would ask the Chair what was the unfinished business of yesterday?

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The special order of to-day is the unfinished business of yesterday, which was a motion to refer to the Committee on the Judiciary a petition praying for the repeal of the fugitive slave law; but the Senator from Mississippi moves to postpone the prior order of business for the purpose of taking up the bill from the House changing the day for the annual assembling of Congress.

Mr. SUMNER. I suggest that the memorial from the citizens of Boston be taken up and acted upon. There are Senators here, doubtless, who desire to express their views upon it. I have something further to say myself. I think we had better proceed with it to-day.

Mr. BAYARD. I have but a single objection to the motion of the Senator from Mississippi. I shall be compelled to vote against the House bill for convening Congress on the first Monday in November, if we consider it before the House act upon our amendment to their resolution in reference to the adjournment. The object of the bill is to lengthen one session and shorten the other, and I am free to say that I am unwilling to lengthen the short session unless I see a positive disposition on the part of the coordinate branch of the legislature to shorten the long session. If they will pass the resolution adjourning on the 17th of July, I am willing to vote to take the bill up; but I do not want to give my vote on it now, for if I do, I shall have to vote against it, though I should otherwise be for it. I wish the adjournment resolution disposed of first.

Mr. GWIN. I suggest to the Senator from Delaware that they cannot reach that resolution in the House. I have no doubt that if we pass this bill they will take it up and act upon it, and meet the views of the Senate in regard to the adjournment, leaving out the recess.

Mr. BAYARD. I only state that if it is taken up now, I must vote against the bill.

Mr. GWIN. I do not desire to interfere with the Senator from Kentucky, who has the floor on the petition from Massachusetts. If he wishes to go on, I have nothing further to say, but if he does not, I wish to press this question.

Mr. DIXON. I desire to submit to the Senate some remarks on the question which the memorial brings before its consideration, but if the bill which the Senator from Mississippi moves to take up can be disposed of in a very few minutes, I am willing to wait.

Mr. ADAMS. I think we can dispose of it in a very few minutes. Every man has made up his mind.

Mr. GWIN. If the Senator will give way we

can easily have a test vote whether the Senate is disposed to take it up or not. I would not interfere with the honorable Senator from Kentucky, but it is perfectly notorious that the question on which he is to speak is one of no practical benefit to the Senate or the country. It is a mere wasting of the time of the Senate, but the question about adjourning at an early day is a practical question. I ask the yeas and nays on the motion to take up the bill.

The yeas and nays were not ordered.

Mr. ADAMS's motion was agreed to by a vote, on a division, of yeas 22, nays 15.

The bill was accordingly read a second time, and considered as in Committee of the Whole.

It proposes to appoint the first Monday in November as the day for the annual assembling of Congress.

Mr. WALKER. I move to strike out "November," and insert "October."

Mr. BAYARD. Under the circumstances, I shall vote both against the amendment and the bill as it came from the House, and for this reason: We have made an amendment to the House resolution for adjournment, in which we gave to them the guarantee of what our views were, viz: that we would adjourn from the 17th day of July to the third Monday in October. It was passed by a decided vote. The House of Representatives, therefore, have the evidence that the Senate is willing to prolong the next session of Congress by way of a recess—for it amounts to the same thing practically—that it is willing to throw in connection with the next session, a period of time abstracted now from the hot summer months. We have sent that resolution; there it lies. In place of acting upon it, they have sent to us a bill to lengthen the short session of Congress. They have an indication of what the view of the Senate is, but we have not got theirs; and, in my belief, you may pass this bill and have the present session extended as far as the 20th of September. If, therefore, the bill is pressed now, I shall vote against it.

Mr. FITZPATRICK. I am opposed both to the bill and the amendment. Now, sir, the meeting of Congress is on the day fixed by the Constitution. I believe the day on which we now meet has been settled since 1787. From 1787 to the present time there has rarely been an attempt to change it. There was an effort made to limit the long session, and to equalize the two sessions; but it was vetoed by President Jackson, on the ground that there was a want of constitutional power; and from 1787 up to the present, the first Monday in December has remained the day for the assembling of Congress. We have passed through many exciting scenes since that time. We have had the war of 1812, the war with Mexico, and all the political wars which have been fought in both Houses of Congress; and now, in a state of profound peace, and when all the legislation of the country has been made in reference to the meeting of Congress, we are called upon to change the day from the first Monday in December to the first Monday in October, to suit the views of some, and to the first Monday in November to meet the views of others.

I would inquire what great pressing necessity exists for this change? Has there been any call throughout the country for a change of the day of meeting of Congress? Are there at this time more absorbing subjects demanding its early assembling, and the lengthening of the session, than have existed at various periods for about sixty-seven years? If there are, they have escaped my observation. With regard to the section of country where I live, I have read pretty much all the public prints, and I have an extensive correspondence from that quarter; but I have not noticed that a word has been said about changing the day of the meeting of Congress. I read the prints from other portions of the Union, which generally afford information from other sections, but not a whisper have I heard of the wish that Congress should assemble earlier. What is the pressing necessity for it? It seems to me that before Congress, in this hurried way, undertakes to establish an innovation upon a usage sanctified by the length of time which it has existed, the country should call for it. If the public interests demanded it at the hands of their representatives, I should not hesitate to yield to that demand.

Sir, the legislation in several of the States is

made in reference to the time now fixed by law for the assembling of Congress; and by the proposed change you will unhinge the legislation of a large number of the States of the Union. My own Legislature assembles a week after the day proposed for the meeting of Congress. This change would be unexpected to my State, and I may say the same thing of Mississippi, and perhaps of Louisiana. The population of Alabama ranges from the seacoast to the mountains, and the representatives of a population thus situated cannot be expected to meet a day earlier than the second Monday in November. Those from the higher latitudes in my State, I feel assured, would be unwilling to go south at an earlier period than that, as they would have to do to get to the seat of Government. It has been the custom of the State which I have the honor in part to represent, never to elect her Senators so long in advance as two years; and the proposed change would deprive Alabama of a Senator at the commencement of the next Congress, or subject her to the onerous expense of a called session.

It seems to me that this matter has not received the due reflection which it should have received; and allow me to say to Senators from other portions of the country, that the bill, in its operation, will absolutely exclude every Senator and member of the House of Representatives who attends here from his right to vote at the election for President and Vice President of the United States; for we shall have to be here attending to our public duties when that election comes off, on the first Tuesday after the first Monday in November, in every State throughout the Union, which is a period after the time proposed for the meeting of Congress. Have Senators thought of this fact—that at every second Congress, the public men will be withdrawn to attend to their public duties here at that time, and will not be permitted to exercise the right of voting at the election of those officers? It may be said that we may modify the law in regard to the time of their election. That is true; but it only comes to what I have before said, that we shall, by this legislation, derange everything; and we shall have to go to a new system of legislation. We shall have not only to do that, but I will venture to say, that if the modification takes place, if the bill becomes a law, you will find that it will derange a large portion of the legislation of the country. I know it cannot be otherwise, and it would be onerous on a large portion of the public men of the country.

For a large number of members, whether engaged in professional or agricultural pursuits in the country where I live, October and November are busy months. I know that to be a fact in several of the States. It is true of Louisiana; it is true of Texas, and of many other States. It is a busy season with the planter in my own State; it is a season which engages the attention of the professional man. Adopt this amendment, and, as far as the agricultural interests are concerned, we could neither sow nor reap, nor gather our crops; and it will be conceded that public men, as well as those in private life, should not be unmindful of their private interests, especially when they can obtain spare time from their public duties.

There are many other arguments which I could urge against the proposed change; but I did not rise for the purpose of engaging in an extended discussion on this question. I, however, have deemed it due to myself, and those I have the honor in part to represent, to submit the views to which I have given utterance against the passage of this bill.

Mr. GWIN. I do not intend to consume the time of the Senate in the discussion of this question. I think it commends itself to every member of the body, except those who are interested in not meeting at the period designated. It seems to be a very inconvenient time to some members of the Senate. It is a very inconvenient time to me as it stands. I cannot vote at the presidential election now. I am as anxious as the Senator from Alabama to vote, but I shall never be able to do it, until the mode of communication be changed. When the great national railroad shall have been built, I hope to be able to leave California after the election, and be here in time for the assembling of Congress; but I cannot do so now.

As to deranging the order of business, what is the order of business now? We commence on the first Monday in December of the short session

and take up the Calendar precisely as we leave it on the day of adjournment of the long session; and if the day of meeting should be on the first Monday of November, the order of business would be precisely the same. By our rules, all the business matured this session, and not disposed of, will be taken up in its order at the next session for consideration. This, therefore, will derange no order of business at all. On that point, then, the Senator is entirely mistaken. We can commence business on the first Monday in November, as we now can on the first Monday of December. It is perfectly notorious that no business matured at the short session, except the appropriation bills, stands any chance. At the short session we take up the Calendar as we left it at the adjournment of the long session.

As to the old, fixed policy of the Government, it is well known that when the day of meeting was fixed, the duties of the Government were not so great. They were not one hundredth part as great as they are now. What is the use of the short session? During the three months we do but little more than pass the appropriation bills. Owing to the agitation of a great question that has passed through Congress at this session, some of the most important questions connected with the future prosperity of the Government have not been acted upon; and they cannot be acted upon during the dog days, when we can scarcely keep together a quorum of the two Houses. We want an additional month added to the short session for the purpose of considering these measures. Mr. President, I think every consideration that should influence a public man, should induce us to bring this session to an immediate close; and to accomplish that, we ought to pass this bill.

Mr. RUSK. I do not like to change from old rules that have worked well, without some good substantial reasons. The meeting of Congress heretofore, since the formation of the Government, has been, as directed in the Constitution, on the first Monday in December. We are asked now, upon very short notice, and with very little deliberation, to change the day to the first Monday in November, according to the bill, or to the first Monday in October, according to the amendment of the Senator from Wisconsin. What are the reasons that have been offered for it? One is the dispatch of the public business; another is the shortening of the long sessions of Congress, which are admitted now to run to entirely too great a length. I do not think it will effect the first object. From the history of our legislation here, it is known that, at least in the Senate, in the early part of the session, there is a very thin attendance, and adjournments over take place from Thursday to Monday during the whole of the first month, so that, in fact, until about the first of January, little or nothing either of the remaining business on hand, or new business, is transacted by the Senate.

Then, I apprehend that, unless we should change this policy, which I do not see any reason to believe will be done, in place of consuming one month in doing little or nothing, two months would be consumed in that way; so that the idea is all imaginary that it would have any sort of effect in shortening the long session. It is true, there is upon your table a proposition to amend the joint rules of both Houses, by which to direct that Congress shall adjourn some time in May. That is a clear encroachment. It is clearly unconstitutional. The Constitution gives the power expressly to both Houses of Congress to adjourn, if they can agree upon the day; and in case of their failing to agree upon the day, the President has the right to adjourn them over. That is a right incident to every Congress that convenes. We have it; and the next that sits here will have it in the same manner, under the Constitution. Then we can accomplish nothing by a joint rule, because we assume a power never guaranteed in the Constitution to this Congress to prescribe a rule for the next Congress as to adjournment; so that, so far as it is concerned, I apprehend it will result in nothing, or worse than nothing. It is mischievous. It is an attempt to accomplish, outside of the Constitution, by a sort of agreement, that which the Constitution gives us no sort of power to accomplish.

I can see no good to result from the change of the day of meeting, but I can see a great deal of

mischief in it, and a great deal of confusion that will result to the country from making a change so suddenly, and without any discussion and reflection upon the subject. All the legislation of the States has been had in direct reference to our meeting on the first Monday in December. Most of them have adopted in their constitution a provision only to meet biennially, and they have, therefore, arranged their meetings to conform to the regular meeting of Congress, on the first Monday in December. Their general election of members of Congress is regulated in that way. What would be the result of this? To change the day of meeting suddenly, and to require all the States to wheel into line and follow you, and change their legislation. Perhaps some of them will have to change their Constitution to accommodate themselves to your day of meeting, when no good reason has been given why it should take place at an earlier day than it has done heretofore.

I am not in favor of passing any law that shall require all the States to conform to it, unless there be some very good and substantial reason for it, and some great public benefit to be accomplished by it. Suppose they do not turn in at your beck and call, and assemble a convention to change the Constitution, or assemble the Legislature to change the law, what is the result? Some States would be unrepresented here. If you were to meet on the first Monday in November, the State of Mississippi would be unrepresented for some time, and there may be questions arising as to the right of Mississippi under the Constitution to be represented here. It is the right of every State in the Union to be represented on the floor of Congress; and it is no answer to say that little business is done at the beginning of the first session. Vital questions might arise, and they, in fact, do arise at the commencement of the first session of every Congress, because the election of officers is a matter of vast importance. Mississippi, Louisiana, and several other States, would have to change their time of election. I have not examined particularly, but I imagine most of them would have to do so; and they would be required to call a session of the Legislature to make the changes. It would put the whole country into a turmoil and confusion, and it would subject the people to a great expense; and for my life I cannot see the benefit to be derived from it.

But that is not all the mischief. In reference to the election of Senators I have not examined, but I imagine it will be found, upon examining, that perhaps one half or one third of the States would have to do one of two things, in order to conform to this new day of meeting: either they would have to elect their Senators to represent them upon this floor a long time in advance, or they would have to be for some month or two without representation here.

It is very important, in my judgment, that the elections should take place as near as practicable immediately preceding the commencement of the service of the Senator or Representative. Under such circumstances, this would, for a year or two, to say the least of it, derange the affairs of the country; and it would do another thing. If Congress meets at the time proposed, the election of members of the House of Representatives would have to be held in the summer time, when it is known that a large portion of the population who have wealth and ability to do so are traveling, some North to the springs, others South to other places, and you would not be likely to get as full an expression of public opinion at the general election as you do under the present arrangement. There are innumerable objections to this. Another is, that if you pass the bill, Congress will be in session once in every four years on the day on which the presidential election takes place. How much would be done during the excitement of a presidential election? How much interest would a member feel in an election of that description? He would have to be away from his district, if Congress was in session; and what would you accomplish pending the excitement? On the whole, I can see no good reason for, but very many serious objections against, it.

Mr. BENJAMIN. I trust it will not be the sense of the Senate to pass this bill. There are numerous inconveniences attached to a proposition to change the time of meeting, in addition to those which have been urged by the Senators from Texas and Alabama. The object which

gentlemen seem desirous of obtaining is to shorten the long session, and lengthen the short session of Congress; or, as the term is, to equalize more nearly the two sessions. It appears to me that the slightest reflection will make it obvious that that result will not be obtained by this bill. One thing is very certain that one month, under its operation is to be added to each session at its commencement. You begin them by adding two months to the sitting of each Congress—one month to the long session, and one month to the short session, at the beginning. How are you going to compensate this additional time. It can only be done on the supposition that you will strike off two months from the end of the long term, and even then we shall sit the same length of time that we do now. Can any gentleman, experienced in the legislation of the country, suppose for a moment that that is going to be the effect of the bill? Does any gentleman suppose that the legislature of the country will be so conducted as invariably under its operation to shorten the long session by two months? I do not think any of us suppose that that will be the practical operation of the bill. The result then would be to add, in the first place, two months to the first session of each Congress, and impose that additional burden upon the people. They already think, and many of us are disposed to share the opinion, that we sit here too long; that a great deal of the time we are passing here might be passed more profitably for the country at large if we were all at home. At all events, I believe, if the opinion of the American people were taken upon the subject, none would be in favor of lengthening the present terms of Congress. As regards almost the entire South, it is well known that the months of October and November, under the law as it now stands, are almost the only months during which gentlemen from that portion of the country have an opportunity of meeting their constituencies, and rendering an account of their action in this body.

The proposition is to take away from us those two months, the only two we have in the year. It may be perfectly indifferent to gentlemen from the northern, middle, and eastern States, at what period of the year we meet here, but, sir, we do not find our constituencies in the months of July, August, and September. From us, who cannot travel at that season, and are opposed to any exciting exertion, from us, as I have said before, who have no other period during which we can visit our constituencies, or attend to our private business, except the months of October and November, the proposition is to take that time and leave us no time whatever. I appeal to gentlemen with whom a mere matter of convenience is no consideration, who can get to Congress at any time they please, and get back home at any time they please, from the facilities of travel afforded by northern railroads, to take this matter into consideration. If the meeting of Congress takes place upon the first Monday in November, I am perfectly satisfied that during the first month of each session, barely one half of the southern delegation in either body would be present.

Take my own State—Louisiana. After an election, it takes something like three weeks before the members in the western part of the State know whether they have been elected or not. Our elections now take place in the beginning of November. They formerly took place in the summer months. It was found that an election at that period of the year had the effect of disfranchising a large number of the citizens of the State. They could not attend the election at that period. They could not travel to their precincts. It was inconvenient in every respect, and therefore it has been found necessary to change the time of the general election to the first Monday in November. I believe there is scarcely one of the southern States in which the election does not take place in October or November. In order to be here on the first Monday in November, nearly every gentleman from the South would have to leave home in the middle of October. He would therefore have to leave home every year at the very period when the elections come on.

I cannot conceive that gentlemen should attach so little importance to the objection raised by the Senator from Alabama, that every four years, Congress would be in session while the presidential election was going on. I for one desire to see no such experiment as that; I for one would be

extremely loth to see Congress in session while the presidential election was going on. One of two things would result, either there would be no quorum, or those members who might be present would not only be deprived of the elective franchise, but they would also be deprived of that influence which we may fairly consider that gentlemen, elected by their constituents to seats in Congress, exercise at home; and besides, sir, it may not, perhaps, be improper to advert to the fact that nothing would be more fearful, and more to be deplored, than the schemes of corruption which would take place in case Congress was in session while the election was going on, giving room for the formation of cliques which are at all times detrimental to the morals of the public, and to the public interest.

If you change the time of meeting of Congress for the mere purpose of adding one month to the beginning of each session, you do it at the expense, I think, of something like twenty extra sessions—no, not twenty, but about sixteen—which would be required to be held in the different States of the Union. What is the cost to a State of an extra session of the Legislature? I do not know what it may be elsewhere, but in my State, I doubt whether it could be held for less than fifty or sixty thousand dollars. What is to be gained by this change? What is the great object which we are all to gain? Gentlemen who have had long experience on this floor, assure us—and I believe we all know the assurance to be well founded—that more business is done at the short session than at the long one. We are busy during the entire duration of the long session, making speeches to the country—not in conducting the legislation of Congress, not in passing laws, but, as my friend from Georgia said the other day, in writing essays upon political subjects, and putting them forth to the country. It is perfectly easy for us to write an essay at home, and address it to our constituents. If that is all we are here for, we could do it at a great saving, at a great economy, in the expenditure of the public money.

There are some other objections to this matter which have been touched upon by other gentlemen. Upon the whole, it seems to me that no one benefit which gentlemen expect to derive from it will be obtained. The sessions of Congress will not be shortened. We shall add, to a certainty, two months to the beginning of the two sessions. It is a matter extremely problematical whether we shall cut off a single week from the end of the long session. We shall throw the legislation of the whole southern country into confusion. We shall have, at the beginning of every session, barely a quorum. A large number of the Senators and Representatives from the South will be absent. And we shall impose a vast additional expense upon the whole of the southern States. I trust gentlemen will not insist upon the passage of the bill, or, at all events, that the vote will not be taken until we can have a fuller delegation than at present.

Mr. BADGER. I am in favor of passing the bill as it came from the House of Representatives. If I could gratify my own personal wishes, irrespective of other considerations, I should be for the proposition of my friend from Illinois; but the House has sent us a bill providing for the meeting of Congress on the first Monday in November instead of the first Monday in December. I wish to risk nothing as to the fate of that measure by incorporating any amendment upon it. I am in favor of securing what I consider a great desideratum—an earlier day for the meeting of Congress, with a view to its effect first upon the short, and, secondly, upon the long sessions of Congress. Every one who has been a member of either House of Congress, knows the inconvenience which results from the meeting of the body on the first Monday in December. The time is so short until the Christmas holidays, that no business of general importance is ever done until after the 1st of January; and we have then but two months in the short session left in which to consider, or to put by without consideration, every important subject which engages our attention, with the exception of the appropriation bills. Those we cannot put by, because the carrying on of the Government requires that they should be passed; the payment of our own compensation for attendance here requires that they should be passed.

They are passed. How? They are thrust into the last two or three days of the session without

any opportunity for an adequate consideration, and are passed in the dark, passed by a blind confidence.

Then, with regard to the long sessions, we meet here in December. Business is accumulated upon us, which we must dispatch. Then we are kept here during the hot and exciting summer months. *Cui bono?* Who is benefited by it? Nobody; not the country, not ourselves. What do we gain by it? Everybody realizes that it would be an exceeding improvement in the system of congressional legislation, if a month or six weeks could be added to the short session, for, by that process, we could more nearly approach an equalization of the two sessions of Congress. What reason is there why we should not try and see if what everybody admits to be desirable in itself, cannot be accomplished? If it shall turn out that we do not shorten the long sessions by this process; if it shall turn out that we do not, in a better manner, satisfactory to ourselves, accomplish the transaction of the business at the short session, we can go back to the day fixed by the Constitution, and submit to an inconvenience, which, by experiment, we have found, and, so far, everybody has felt, to be an inconvenience. No attempt at remedying it has ever been applied. Once Congress endeavored, during the administration of General Jackson, to fix an earlier day for the meeting of Congress; but they undertook, also, to fix, by law, the period of adjournment, and the President vetoed the bill, and vetoed it properly, because that provision was in plain violation of the Constitution.

Therefore, Mr. President, I am in favor of an earlier day for our meeting. The House has indicated to us that they are willing to take the first Monday in November. I should be willing to take an earlier day, but I have to take them at their word. What is the inconvenience? My friend from Louisiana has mentioned the difficulty that arises in regard to the southern delegation. Why, sir, I think he is unjust to the southern delegation; I think he is unjust to himself, when he supposes that they will not have a sense of duty enough to bring them to the seat of government at whatever time it may be their duty to come. For one, sir, if I may be considered as belonging to the category of southern representatives, unless in case of death or illness, I shall be, as I have ever been, here at the time appointed for the meeting of Congress. So will the others. My friend talks about the difficulty that the elections are not held until November, and that the States would have to alter the time of holding the elections. He says that the States have regulated the time of holding their elections according to the meeting of Congress. What a strange argument is this! However mischievous, or however inconvenient I should say, it may be found, the time appointed by the Constitution for the meeting of Congress, according to this argument, we never can alter. Why? The States have fixed the day on which elections are to be held in them respectively with a view to the meeting of Congress on the first Monday in December! Select any day that you please, and you will interfere with some of the arrangements of some of the States. What is to be done? Fix upon a day, and let the State Legislatures regulate the time of holding the elections accordingly.

My friend from Louisiana says that formerly they held their elections in his State in the summer, but they found that it disfranchised a large portion of the citizens. Very well, let them vote in the spring, and they will avoid all the inconveniences he has mentioned, and will also select a season of the year when every citizen of Louisiana will be in his place and exercise his elective franchise. I declare to you, Mr. President, I do not see any reasonable objection to the bill sent to us by the House. Let us try the experiment. Let us see if we cannot have one session of four months and another of five or six months, instead of a brief session of three months, in which all is hurry and confusion, and when we necessarily break up as it were in a rout, and then a long, tedious, wearisome, protracted session extending to the summer solstice, in which everybody is broken down in mind and almost in body—a session extending to the length of nine months of the year? Let us see if something cannot be done to equalize them.

In connection with this subject, my friend from Illinois has submitted a proposed joint rule—for

which I am inclined to vote—to the effect that unless either House shall otherwise determine the long session, as we call it, the first session of Congress shall be closed by an adjournment by the Presiding Officers of the two Houses, in the month of May. Let us try it. It is said by gentlemen that it is the same thing in its operation as fixing upon a time of adjournment at each session by a joint resolution between the two Houses. Mr. President, this is a mistake, and, in my opinion, a great mistake. It is one thing for the two Houses to agree upon a day to terminate the session; and it is another, and very different thing for one of the Houses to repudiate by vote a day fixed by a joint rule of the two Houses for that purpose, and I have no doubt that unless there be something extraordinary in the condition of the business before Congress, as an ordinary thing, under the operation of that joint rule, the Houses would regularly adjourn on the day named. At all events we suffer under an inconvenience. We have suffered under it from the commencement of the Government. We suffer under it more and more every year. Let us make an attempt to relieve ourselves from it. If we can, we shall have succeeded in a very desirable object. If we cannot we shall have but to fall back upon an inconvenience which we have honestly tried to get rid of, and found by experiment we are obliged to submit to; and, therefore, we shall have to endure with patience what we cannot get rid of.

Mr. STUART. I shall not discuss this question at length, but I think, sir, it is one of those cases that will be found, upon examination, to multiply in difficulties. The more it is examined the more will the evils increase that are anticipated. And, sir, it seems to me we might inquire for what object this is proposed? One would suppose, by the argument of the Senator from North Carolina, that it was a matter of no possible consequence at all how much difficulty was, by an act of Congress, fixed upon the States. The Senator treats it as a matter of no consideration that the States may be compelled to change the time of holding their elections. He says that if they find it inconvenient to hold their elections in the fall, they can call their Legislatures together and fix a day in the spring, and if that should turn out to be inconvenient they could change it again I suppose. For what object? I wish emphatically to ask that question—for what great object? To accommodate what is to-day supposed to be the convenience of members of Congress. That is all, sir.

Mr. BADGER. The Senator will allow me to say that I advocate it for no mere personal convenience of mine. Personally, I care little whether we meet in October, November, or December. I shall be here at whichever time is fixed.

Mr. STUART. So far as I have heard from Senators on the floor it is an inconvenience, greater or less, to every gentleman who has spoken. He admits that it is inconvenient to him personally; he admits that it is an inconvenience to the State he represents; and I say if there be no object in it, of course it should not be passed. So far as I can understand any assignable object, it is to consult the convenience of members of Congress. Now, sir, suppose we could succeed in passing a law which consulted the convenience of this Congress, is there any guarantee that it will consult the convenience of the next? If, therefore, the Legislatures of the respective States should be compelled to change their laws to suit this Congress, very likely the next would be entirely dissatisfied, and change again. Sir, the argument submitted by the Senator from Louisiana is unanswerable; that at every other Congress, under the law fixing the time of election of President and Vice President, you would be compelled to be at home on the first Tuesday after the first Monday in November, or else lose the right of suffrage.

I consider that a less evil, however, than that which will fall upon the States, the annual elections of which take place on the first Tuesday in November. The whole domestic policy of the State is made to depend upon the vote of that year; and, sir, I apprehend that there is no member of Congress who forgets or disregards the policy of his State at home, or is inclined to disfranchise himself, or lose all participation in fashioning its laws.

I wish to introduce an argument which was introduced by the Senator from Illinois [Mr. Doug-

LAS] before, and reiterated to-day by the Senator from North Carolina, for the purpose of showing, as I think, that it is utterly without foundation. It is conceded by both those Senators, that the veto of General Jackson, on a former bill, was well founded, because one Congress does not possess the power to determine when the next one shall adjourn at the long session. It is conceded that we have not that power; but, how is it sought to get over the difficulty? By a joint rule of the two Houses. Now, I will ask any constitutional lawyer, any gentleman who claims respect for his opinions, if he contends that the two Houses of Congress can do, by joint rule, what the Constitution prohibits both Houses and the President from doing by law? I apprehend there is no gentleman who will hazard his reputation by venturing any such opinion as that.

Mr. BADGER. If the Senator wants that question answered, I will answer it by saying that, by a joint resolution or joint order, we every year fix a day when Congress shall adjourn, which cannot be fixed by law.

Mr. STUART. That is an answer which will not meet the argument. We are not denying but that, by a joint resolution, we can fix the time when this Congress shall adjourn; but the object sought to be effected by the Senator from Illinois, and that just advocated by the Senator from North Carolina, is by a joint rule, to fix the time when the next Congress shall adjourn.

Mr. BADGER. Unless either House disagrees to it.

Mr. STUART. I will show, if Senators will indulge me one moment, that that is utterly impracticable for that purpose. Every joint rule expires with the Congress.

Mr. BADGER. Oh, no.

Mr. STUART. Yes, sir, a joint rule of this Congress expires with this Congress.

Mr. BADGER. We did not readopt at the beginning of this session our joint rules. The joint rules of the two Houses of Congress are permanent. The Senator is entirely mistaken.

Mr. STUART. They are permanent for this reason: that at every meeting of the House of Representatives a motion is made and agreed to that the rules of the last Congress be the rules of this until otherwise ordered.

Mr. BADGER. Not the joint rules, the rules of the House.

Mr. STUART. But I say again, this Congress cannot pass a joint rule which can control the next Congress. It expires with the Congress, and if it remains, it only remains by toleration, and not by force. Why, Mr. President, is it admitted that it is not in the power of Congress by law, to fix a time when the next Congress at its first session shall adjourn? and yet is it contended that it is in the power of the two Houses by a joint rule to do it; that the Constitution can be made to fall before a joint rule. That cannot be contended for, for one moment. What is the consequence of this? It is, as Senators have said, that we shall only add to the commencement of the session without taking anything from its close. Experience has been appealed to. It has been but a few years since it was customary to adjourn in June. It is but a very few years back that Congress sat later than June. Why is it that it is now continued until September? We can ask that question of ourselves. It is only because we do not wish to close the session any sooner. The honorable Senator from North Carolina, as well as every other Senator, has answered the argument by saying that all the business of each session is crowded into the last few days, and is then done or not done at all. Suppose we crowded it into the first days of the session. It is equally within our power to do it. It could be done. If there be objections to sitting here in the warm weather, those objections are relievable and removable by ourselves, by just setting to work and doing the business, and adjourning before the hot weather. But Congress is not inclined to do it. There is not a Senator or Representative who is in a hurry to do the business. All are ready to put it off until a later day, until the close of the session; and the consequence is, that, at the last end of the nine months it is as true as at the last end of the short session of three months, that the appropriation bills go through the two Houses on the last nights of the session; and if it was nineteen months, I should not hope to see it changed.

Wherefore, then, I repeat—because I am not disposed to consume the time of the Senate—wherefore fix upon ourselves, individually, as members of the respective States, cherishing the right of franchise, wherefore fix upon the States themselves, so great an inconvenience as everybody admits is to grow out of this, for the mere purpose of an experiment. It seems to me it should not be adopted, unless the good to be obtained can clearly be seen to be paramount. It is a subject upon which I humbly submit there should be no experiment. It should appear clear in the minds of the Senate before they pass this bill, that it will remedy the evils that are now complained of. Of all the subjects that can be brought before this body, I respectfully submit it is the last one that ought to be experimented on.

Mr. PRATT. I desire to state simply the reasons which operate on my mind, as I apprehend that, if they are equally potential with other Senators they will of course have the same effect. The other day I voted for a joint resolution to adjourn the present Congress from the 17th of July, to the 16th of October. I am willing to agree to that now. The present Congress and each succeeding Congress will have the power to adopt such a resolution. Is not that much better than to pass a law by which we shall compel all subsequent Congresses, no matter whether the exigencies of the public service require it or not, to meet upon an earlier day? Here we are now in the month of June. We know that we have many important bills which the short session will not give us an opportunity of acting upon. This Congress has the power, without any public inconvenience, to determine whether we shall meet after a recess, at any day on which the public business in our judgment may require us to meet, and that produces no evil. Is it not better, therefore, to leave to our successors the same opportunity, when they shall find as we do now, the necessity—looking to the public business—to meet at an earlier day, so to do? The House may or may not act upon the amendment to their joint resolution sent to them. It is for them to act and decide whether in their judgment the public business will require at this session an earlier meeting than the usual day of assembling at the short session.

Now, I come to the reason which will apply to all the States, the sessions of whose Legislature are biennial. In Maryland, if this law be passed, it fixes not only for the next session, but for the sessions afterwards, that the meeting shall be in November. The Legislature of Maryland is not elected until the first Wednesday in November, which is, I believe after the day proposed for the meeting of Congress under the bill. The result will be that Maryland must either be unrepresented here at the meeting of Congress after the next session, or the Executive must call together the Legislature at the expense of some \$60,000. That is the result in reference to Maryland. The same result must occur in reference to every State the sessions of whose Legislature are biennial, unless the election takes place prior to the first Monday in November. Is it worth while (when, already, without any inconvenience, either Congress will have the power of meeting before the short session, at an earlier day by a joint resolution, when they find the public business requires it) to subject the States, the sessions of the Legislatures of which are biennial, to this expense of \$60,000 or \$70,000, for the purpose of putting that in the shape of a law which we have the power to do now without inconvenience?

Mr. President, with this view I shall be compelled to vote against the bill. At the same time, I beg leave to suggest that I can see the importance of meeting here, after a recess, earlier than December. The bill of my honorable friend from California [Mr. GWIN] is one which the exigencies of the country require we should act upon; and I hope the other House of Congress will fix for the next session an earlier day of meeting, and agree to the amendment which we have sent to them.

Mr. DOUGLAS. I feel, certainly, very little interest in this bill. When I proposed that Congress should meet on the first Monday in October, it did not occur to me that there would be any serious inconvenience resulting from it. I think those that have been stated are more imaginary than real; but still I should press the bill with

some earnestness if I thought we could fix upon October instead of November. I am satisfied that we have to take the bill with the first Monday in November, or lose it; and, therefore, I shall vote for it.

Most of the objections that have been urged to our meeting in November relate to the inconveniences that would exist rather in the House of Representatives than in this body. Inasmuch as this is a House bill, passed by what body first, I think it more respectful to them to leave them to judge for themselves of the inconvenience attending their action than for us to amend it out of kindness to them, because we know better what they want than they do. In that point of view, I shall vote to concur in the bill which the House has sent us.

In regard to another point that has been raised in the discussion, I have a word to say. I submitted some time ago a proposition to add a new rule to the joint rules of the two Houses, to direct the Presiding Officers to adjourn their respective bodies on the first Monday in May at the long session, unless each House should otherwise order and direct. Although that proposition is not now before the body, it has been discussed in connection with this bill, and properly so, because it relates to the same subject, and is intended to remedy the same class of evils. I do not see the force of the objection that has been urged by the Senators from Texas and Michigan against that rule. The Senator from Texas [Mr. RUSK] seemed to suppose that it was not competent under the Constitution to fix the adjournment by a rule of the two Houses, inasmuch as the Constitution has provided that each House shall agree upon the time of adjournment, and each may act for itself. I must remind that Senator that the only mode by which the two Houses can agree is by a vote of the one concurred in by the other. It then becomes a joint order of the two Houses, made in advance, and it becomes imperative upon the Presiding Officers of each, when the hour of the day fixed upon arrives to adjourn the two bodies.

Mr. RUSK. I desire to ask the Senator whether the action of this Congress fixing the time at which the first session of the Thirty-Fourth Congress should adjourn, would be of binding force?

Mr. DOUGLAS. I can answer that very easily. The Senator would have got an answer to it by reading the proposition that he made his speech against, instead of making his speech against it without reading it. The proposed joint rule is to the effect that, unless either House shall otherwise order or direct, the Presiding Officers shall adjourn them on the first Monday in May. That preserves to each branch the absolute control of its own proceedings. Either may otherwise order; either may fix another time. If they do not, they will adjourn on that day; if they do, they will adjourn on such other day as they may be able to agree upon in the mode prescribed by the Constitution.

Whether this joint rule will bind another Congress or not, I say according to our proceedings, and our usages, that when we adopt a rule it remains a rule until repealed. In the House of Representatives it is usual, at the meeting of each Congress, to pass an order that the rules of the previous Congress be adopted for the government of it until otherwise ordered. While that is the usage in the House of Representatives, there is no such usage here. When we meet here on the first Monday in December of each year, we come together with the rules in force. Taking it for granted that they are in force until repealed, we do not readopt them; they continue from year to year the rules of the Senate or the rules of the two Houses, as the case may be, until otherwise ordered. Then this joint rule once adopted, stands upon the record as the joint order of the two Houses, fixing the day of adjournment on the first Monday in May, unless one House or the other shall otherwise order. The objection of the Senator from Michigan, I apprehend will not be found tenable when you look into it. He raises the point that our rules cease at the end of each Congress. He finds himself mistaken when he comes to inquire into that fact. It is not so; but even if it were so it would not change the result, for in the House of Representatives the order universally is that the rules remain until changed. That would continue this joint rule with all others.

Therefore it is utterly immaterial whether the rule expires once in two years or not, because the formal order entered in the House to continue the rules until otherwise ordered would continue this. It would lead to the same result as if they remained permanent.

But, the Senator from Michigan has made a discovery, and he has amused himself exceedingly by it. That discovery is, that you cannot fix an adjournment by a joint rule, when it is unconstitutional to do it by law; and he wishes to know how it is you can do a thing by a joint rule that you cannot do by law. He holds it up as a discovery that is to amaze the world, that anybody thought that it could be done. My answer is, you are to do it by a joint rule, for the very reason that you cannot do it by law. There are certain things that are to be done by law, and those things must be done by law, and in that mode only. There are certain other things which cannot be done by law, but may be done by one House. There are certain other things that may be done by the other House, and cannot be done by law. There are other things that can be done by the two Houses jointly, but cannot be done by law. Each of these things must be done in the mode prescribed by the Constitution. The adjournment is to be made by the agreement of the two Houses, in case they are able to agree; but if they are not able to agree they are to be adjourned by the President. The objection then, to fixing the adjournment by law is that you have no right to call in the assistance of the Executive to secure an adjournment until a failure to agree between the two Houses. General Jackson vetoed the bill fixing a day of adjournment for the reason that Congress had not tried to fix a day, and had not come to a disagreement before the President was called upon to decide. He vetoed it upon that ground, and I think properly, but in this case, we propose by an order of each House, to fix the day when we shall adjourn. That is precisely what we do now. The two Houses have been at work two or three weeks trying to agree upon a day when the Presiding Officers shall adjourn them. When we effect that agreement by passing a resolution in one and having it concurred in in the other, it becomes a joint order with the same effect that a joint rule of the two Houses would have.

I think, when we come to look at it, there is no constitutional difficulty in the way of a joint rule for adjournment. Your resolution, when it is agreed to, fixing a day now is a joint rule, a joint order, only it expires with the session. Why could we not make it one of the joint rules as we do other rules until we find it necessary to alter it?

Formerly, at the expiration of the long session of Congress, all business pending before it, and not acted upon, became void. We passed a resolution, a few years ago, that upon the expiration of the first session, the unfinished business should be transferred to the next session in the same order and condition in which it stood in each House on the day of adjournment. That joint rule stands from session to session. I believe it has not been renewed from the time it was first adopted. It has not expired yet. Probably that will never expire as long as the Government lasts, because it is found to work well. So it will be with this joint rule. It will remain until repealed; and the question is then, what will be its effect on our adjournment? I say that if we meet under the joint rule, with it upon the record, that we are to adjourn on a given day, say in May, we shall act up to that rule; and the consequence will be that we shall adjourn on that day, unless sufficient reasons occur just at the time of adjournment for prolonging the session. I have no idea that such a reason would occur once in ten years. I believe it would be as imperative in its results as a law would be, if we had power to pass a law on such a subject. For that reason I deem it important that we should fix the day of adjournment by a joint rule, whether we change the time of meeting or not; for whatever may become of the bill from the House fixing the first Monday in November for the meeting, I intend to press to a vote the joint rule by which we shall determine the time of adjournment of the long session. If we meet in November, I shall urge the joint rule in the shape in which I have offered it, to adjourn on the first Monday in May. If we do not meet till December, I shall modify it to adjourn on the first Mon-

day in June in the long session. I shall ask the vote of the Senate on that rule, after the vote has been taken on the bill.

Mr. BROWN. I certainly, Mr. President, should not ask the Congress of the United States to abstain from doing that which would promote a great public interest for the convenience of my State; but if this bill passes, my State is not only to be put to a very great inconvenience, but to a very heavy expense. Our elections are fixed by our Constitution. I do not mean our election for Congress, but our State elections. They are fixed to take place on the first Monday in November. We cannot change them, as a matter of course, without altering our constitution. By law, the election for members of Congress is directed to be held at the same time. We can change that election, but you see at once that it would devolve upon us the necessity of holding two political elections in one year. Not only are we to be at the expense of first convening an extra session of the Legislature to change the time of holding the election for Congress, but we are to undergo the additional expense of holding two political elections. Our people are to be put to the inconvenience of being called twice from their homes in one year, to attend to the elections, and why is this?

I say again, if there is any great public convenience, any great public interest to be subserved by it, let it be done, let the inconvenience and the interest of a single State be made subordinate to the interest and convenience of the whole Union; but if there is no great public convenience, no great public benefit to result from the passage of this bill, then, when my State, when the State of my friend from Alabama, when other States come up and protest against its passage, I do hope the Senate will pause before they force it upon us. If it pass, it will either deprive the State of Mississippi of all representation in the other House of Congress during the first two entire months of the session, or else it will put us to the inconveniences I have pointed out, and to the expense of certainly not less than \$100,000 in the first two years. These are matters to be taken into account, and I am by no means convinced by the argument of the Senator from North Carolina, and the Senator from Illinois, that there is any public convenience to be promoted by the passage of the bill. I am yet to hear one single argument which carries with it anything like weight to convince me that by passing the bill you are going to shorten the long sessions. I am wholly incredulous upon that point.

As to the joint rule which the Senator from Illinois proposes to introduce, of what power will it be? It is not to be binding upon either House of Congress, if it simply dissents from it. All that the Senate or the House of Representatives has to do is to say we will not adjourn on that day, and there is an end to the joint rule. Unlike other joint rules it does not need to be rescinded to be got clear of, because its own friends admit it has no vitality; it will simply exist not by the toleration of the two Houses as other joint rules do, but by the toleration of each House for itself.

I apprehend joint rules, which govern the action of the two Houses, are binding until repealed by the order of both Houses; but this rule is to be so made that, if either House dissent from it, it goes by the board. Of what effect will it be? The time comes for adjournment. The Senate or the House says, "We are not ready to adjourn," and there is an end of it. It does not require the concurrent action of both Houses to get clear of it. I do think there is less in that proposition to secure an adjournment than any I have heard coming from any quarter. I can only express some surprise that my friend from Illinois thought of shortening the sessions of Congress upon such a process. No, sir, pass this bill, and the result will be, that the long sessions will be lengthened out to their present period. Two months will be added to the sessions of Congress, and those two months will ordinarily be spent as they are now spent, in passing the appropriation bills, and then adjourning.

Just imagine that Congress were in session while the presidential election was going on? As my friend from Louisiana has already said, what would be done? You cannot even hold a political convention to nominate a candidate for the Presidency without breaking up Congress. Who does

not know that during the sitting of the Democratic convention, and again during the sitting of the Whig convention, both Houses adjourned? Can you keep a quorum here? Can you transact business when the more important operation of electing a President is going on? Every four years you will have no quorum. Congress will not assemble.

I know there are one or two Senators—the Senators from California—who cannot get here now without leaving home so early as to be deprived of their vote for presidential electors; but pass this bill, and none of us can come; and upon this point it is simply a question of convenience between two Senators and two Representatives and all the Senators and all the Representatives. I did not, however, rise to discuss this question; but simply to say what would be its operation upon my State, and to add my testimony to what other gentlemen have brought forward as to the inconvenience that would result to the States if the bill should be passed.

Mr. JOHNSON. I am very anxious that this Congress should adjourn at an early day. I am exceedingly anxious that the long sessions of Congress should be shortened. I think a majority of the Senate would be exceedingly glad to get home at the long session sometime within a period of seven months. At the distance which some of us live from here, we must necessarily consume one month in going and coming. Take almost the shortest session that we can now have, under the present system, and we are nine months in one year absent from home. Then in three months we are compelled to be back again at our posts.

Now, sir, I see no way, with any kind of certainty, by which this extraordinary long session, consumed, as it is, by long speeches and by discussions, (to shorten which there is seemingly no moral or circumstantial coercion,) can be closed, and the business considered and transacted, unless by adopting some such method as this. I feel that if the short session be lengthened by commencing earlier, we shall all of us be under the necessity of adjourning earlier at the long session, for the purpose of spending some little of our time at home. If this can be done consistently with the public business, why not do it? That it can be done, seems to me to be clear from this fact, that when we go to the short session, and contemplate it as it now is, we see that the first month is entirely lost in the mere act of reorganization, and in anticipation of the holidays. The whole of that month is wasted away, so far as regards public business.

I am asked, and I hear the Senate asked seriously, what object we have in view in this operation? Why do you want to lengthen the short session? Do state some reason why this should be done. Mr. President, one reason is shortly this: that when you have given yourselves one month more anterior to the Christmas holidays, you will have secured, as I believe, two months of actual work in place of no work at all. Why? Because neither this branch nor the other branch of Congress will consent to waste two whole months; but the holidays being long off in the distance, they will not lose the whole month of December, but will work up to the time when the holidays themselves are to commence. We may lose one week then; but we shall lose no more by the operation. So that by giving ourselves one month more at that particular period of the session, we gain two months of time. This is no slight thing in regard to business, as gentlemen wish to know for what object we would do this. It is no slight thing in regard to our business; for how are we now situated in regard to the long session? No one knows when it is going to close. No one will hasten any particular business. If a man does not understand a case, he says, "I do not understand it; I am against it, so lay it over for the present, until I can look at it." There is no particular necessity to look at it, and he does not look at it; and the time is wasted, and business is laid over, one thing after another, until we are forced by the hot weather, and by the necessity of spending some little time at home, to adjourn. But let them know that by shortening the first session they must go on at once and act upon business, and they will do so. Let them know that if they have not acted on it, and cannot act on it at the first or long session, there is a hope left that the

business may be done in the second; when, in fact, as it stands now, we know that in the two months of the short session there is none at all. In that view of it, it seems to me that we gain in regard to the business which is transacted, and we escape one of the most serious objections brought up by the friends as well as the opponents of this measure. At the short session, under the change, there will be some time for consideration. There may be some debate upon subjects; there will be some time for discussion; and intelligible votes can be intelligently given upon the particular subjects that may be before us; whereas now they are voted upon, as it is said, on confidence, for there is no time for consideration. That, sir, is an object to me. The object is twofold. I want some chance at the second session to do that business that is neglected or rejected at the first. I want that there shall no longer be any excuse, but that we may have plenty of time to go on *ad libitum* in transacting our business. I want again to escape the hot weather of July and August. I have been here for the last six years; and I can say that in that time we have invariably sat out the month of July. I have never known an adjournment at the long session during that time earlier than the 7th of August. There is no hope entertained here, I imagine no Senator entertains the hope, that we shall adjourn at this session before the first of August. I have no idea of it. I do not think it practical. I do not think that it can be done; and, sir, I have no certainty in my mind that this body will adjourn before the 15th or 20th of August. We should have adjourned on the first of August, if we had fixed the day at the proper time, because Senators must go home; they are bound to do so, and attend somewhat to private business; for every one knows that the compensation which they receive here, under the costs of living and of incidental expenses, is not only nothing, but it brings upon them, when they live as gentlemen, a dead loss. They must attend to business at home to sustain them here in the discharge of the public service. It is purely a service of honor that we have here; and some consideration should be given to the fact that gentlemen have to live, and have families that they are bound to support.

I see no way in which coercion can be put upon that dilatory spirit which seems to afflict both Houses of Congress, but to compel them to come here at an earlier day. That will cause them to adjourn earlier in the long session, and we shall also equalize the two sessions, and afford at each very nearly an equal opportunity for the discussion of all subjects which will promote, materially, the public good.

The inconveniences spoken of, so far as my State is concerned—and it is one of the extreme South—I do not think we shall feel at all. The case of Mississippi is cited emphatically. It may be a little hard upon that State; but Mississippi is a patriotic State, and I have no doubt she will cheerfully conform her regulations to the state of things that may be adopted by the sense of right of the Congress of the United States.

But, sir, suppose that, as is alleged, the State of Mississippi should be deprived of her representatives here for a time, would that be anything very extraordinary? Not at all. Look, now, around this Hall, sir, and see how many seats are now vacant. I speak not merely of seats whose occupants happen, at this moment, not to be here, but I refer to cases where Senators are absent from the city, as some are, and to cases where a State has but one representative here. Why, sir, there are two States in the Union which have only one Senator each to represent them here. And some gentlemen are called away to attend to business matters elsewhere, and remain out of the city for some time. Do they consider the injury which their absence inflicts on the interests of their States? But Mississippi, even under the circumstances which have been cited, will not be compelled to be unrepresented, for she will have at least one Senator on this floor. The ground on which the argument that she will suffer in her representation is based, is that her Senators are to be elected after the time fixed by the bill for the actual meeting of Congress.

Mr. ADAMS. Her Representatives in the other House are elected after the day fixed by the bill, and that was what my colleague spoke of.

Mr. JOHNSON. Then it is said that, by this

measure, Mississippi will suffer in her representation in the other branch of Congress. That is to be regretted. I believe that is a serious matter; and, in all candor, I must say it is the greatest objection I have yet heard to this bill. But, sir, you can make no change of this sort without conflicting with the interest of some State in the Union. If the result alluded to should happen, it would undoubtedly be an evil to the State of Mississippi; but that evil would only be temporary, and the remedy could be applied by herself at any time. For a temporary inconvenience to Mississippi, will she insist that the business of the whole nation shall forever be subjected to a practical inconvenience which is universally acknowledged? I think not. I think her people will not ask it; I believe her Senators will not. If other gentlemen entertained different views from them, if others prefer to carry out their honest convictions as to the general interest of the Government and people, those Senators will justify them, surely they will not censure them for voting in accordance with their deliberate judgments.

Another objection is urged to this bill, on the ground that by meeting on the first Monday of November we shall not be enabled to be at home at the period of the presidential election. Sir, the people of the United States have sufficient intelligence and virtue to know how to cast their votes for President of the United States, without the presence of Senators and Representatives to tell them for whom to deposit their ballots. Sir, our people do not submit to dictation in such matters; they make up their minds upon the merits and the principles of the men presented to them for support, and I do not think the presence of members of Congress at the polls would influence the convictions of our free voters. Still the time of holding the elections can be changed if necessary, so that, if this be an evil, it is one which can be easily remedied. The same may be said of the other evils said to be likely to result from this measure. They are of such a nature as to be easily removed.

For one, Mr. President, though I come from a southwestern State, though my home is a considerable distance south of this, I must say that I should prefer to be at home during the extremely hot weather. I do not look upon my home there as a land of death to be escaped from in the midst of summer. After spending the winter here, I prefer to fly to the land of the South, sickly as it is said to be. It is a home, and a healthy one to me. I am happy when I am there with my family. I wish to be relieved from what is the most uncomfortable service on the face of the earth—attendance on congressional duties during the months of July, August, and September. I have repeatedly sat in this Capitol as a member of the other House during at least two of those months; and I am sick and tired of them. I know that session during those months is of no benefit to the public service. I believe that if we were to adjourn regularly on the 1st of July at every long session, the business usually done in July, August, and September, would be done in the months of May, and June. I think no one here would regret such a change.

I hope the amendment to substitute October for November will be rejected. I think it is rather extravagant to commence our sessions two months earlier every year. I consider the one month proposed to be gained by the bill is sufficient for the public service. I hope that the amendment will be rejected, and that the bill will be passed precisely as it came from the House. When that is done, I wish to see the proposition of the Senator from Illinois, [Mr. DOUGLAS,] to fix by joint rule the adjournment of the long session at an earlier period, adopted.

Mr. WALKER. I offered the amendment to strike out "November" and insert "October," because the distinguished Senator from Illinois gave us notice some days ago that he would introduce a proposition requiring Congress to meet annually on the first Monday of October, instead of the first Monday of December. But, sir, we heard from him this morning, and he did not seem to defend his own proposition. As that is the case, and as other gentlemen seem to treat it with disfavor, and as I do not wish to offer a proposition to be voted down, I will withdraw the amendment, and vote against the bill as it came from the House of Representatives.

Mr. STUART. Mr. President, I do not intend to detain the Senate, and I should not now say a word, but for the very disrespectful remarks, as I think, which fell from the Senator from Illinois, [Mr. DOUGLAS.] I hoped that the time had gone by when that Senator, in discussing questions in this body, would undertake, at least as far as I am concerned, either a dictatorial or censorial course of argument. But, sir, it seems that a course of discussion which differs from his judgment cannot be carried on in the Senate without everybody so differing from him meeting with denunciation.

Now, why was it necessary for the Senator to seek to ridicule an argument which I had used, by saying that I had made a discovery, and had sent it out to the world? Sir, the "discovery" alluded to is one which every gentleman around me has made. It is a discovery in which almost every gentleman here participates. It consists simply in this: That the Constitution of the United States, having conferred upon each Congress the power to determine its own adjournment at the first session, you cannot, by any law, rule, or regulation, take away that right. Now, sir, with great deference, I would submit to any judicial tribunal—I would submit to the Presiding Officer of this body—that if the joint rule proposed by the Senator were adopted, no Presiding Officer of a Congress would undertake to adjourn either House without some further action. Why? Simply for the reason that the proposed rule is palpably against the Constitution of the United States, and therefore but as so much blank paper.

After the contemptuous manner in which the Senator sought to treat this argument—an argument which is conceded to be correct by every gentleman whose opinion I have chanced to hear on the subject—he undertook to tell the reason why it could be done, and he said that the reason why you can do it by a rule is because you cannot do it in any other way. There, sir, is logic for you! The Constitution of the United States prohibits this Congress from fixing a time of adjournment for the next one. The Senator undertakes to say that there is a power to override the Constitution by a joint rule of the two Houses, and that the reason of that power is because it is unconstitutional! I admire the logic no more than I do the manner in which it was given.

Sir, I think a pretty good argument can be made—and if it were an open question, I certainly should venture, with great respect, to make it—against the power of Congress to adopt a joint rule at all. The Constitution of the United States says that "each House may determine the rules of its proceedings." The question arose during the last Congress, in the House of Representatives, in respect to the power of the Committee on Printing; and the settled judgment of the House, after a long debate, was, that the joint Committee on Printing had no power at all over the business of that House; but that the committee provided for by the rules of the House held the power of the House in respect to its printing. That decision was undoubtedly correct. The Constitution contains the provision to which I have referred; but it nowhere confers on Congress power to make a joint rule for the two Houses. Notwithstanding this, when it was suggested today, as I thought, with a proper degree of respect for the opinions of others—certainly it was so intended—that a rule thus made could not have force to override a plain provision of the Constitution, the Senator from Illinois saw fit, in a very pompous manner, to say the least, to treat it with ridicule. I must say, sir, that I dislike that course of argument; I dislike it exceedingly; and whatever other Senators may think on the subject, so far as I am concerned, I will never submit to it.

Mr. BAYARD. Mr. President, I do not mean to continue this discussion any further. I agree with the honorable Senator from Michigan [Mr. STUART] fully, that one Congress has no authority whatever to make any provision in reference to the time of adjournment of another Congress; and I am not willing to violate the Constitution of the United States in order to remedy what may be an evil; I prefer to pursue the course pointed out by the Constitution itself, and amend it if necessary. Without going into an argument, I will say, that I am perfectly satisfied, from the whole Constitution, from all its various clauses, that the power

of fixing a day of adjournment is left by the Constitution in each Congress in reference to itself at its first session or any session other than its last. The time of meeting may be prescribed by law, but the time of adjournment is left to the individual Congress itself, and is dependent on the agreement of the Houses, or, in case of their disagreement, upon the act of the President of the United States. This seems to me so clear that I shall not enter into any discussion of it.

But, sir, here is a proposition to lengthen the short session. So far as the other branch of Congress is concerned, we have had no indication whatever that its effect will be to shorten the long session; nor do I believe it will. As I said when this question was up before, I believe you never will be able to shorten the long session until you alter the mode of compensating members. I am aware that there are difficulties about that. I am aware that the fact of the act of 1816, which did turn a per diem allowance into a fixed compensation, having been the cause of the great unpopularity of the individuals who voted for it, has its influence over the minds of members of both Houses, and that probably such a law could not now be passed, though I have hardly met a man who, in ordinary conversation, did not admit it to be a proper law to pass. I think gentlemen over-estimate the causes connected with the unpopularity of the act of 1816; and I believe that ultimately such a law may possibly be attained. The unpopularity of that measure arose from the fact the existing Congress applied the compensation to themselves, and, in so doing, actually doubled their own compensation. That was the reason why the people were against it.

Sir, the people of this country will understand any question that is fairly presented before them. It is so palpable that the compensation of members of Congress should be paid in such a mode as would superinduce the transaction of the public business in the shortest time in which it could be justly finished—and, in my judgment, it could be transacted in a short session of three months and a long session of four or five months, every Congress, quite as well as, if not better than, it is now done—that, in my judgment, the people would sustain a law altering the mode of compensation. I have nothing now to do with what should be the amount of the compensation; that is an entirely different question. I believe that until you alter the mode of compensation, you never will shorten the long session; and until you do shorten the long session, I am unwilling to lengthen the short session.

I do not know what may be the action of the Senate on this bill. It has already been passed by the House of Representatives. If, therefore, the Senate should adopt it, and the President should sanction it, as he undoubtedly would if presented to him—it being a question affecting the two Houses of Congress alone—it would become a law. If it is to become a law, I think another measure is requisite to be connected with it. Complaint has been justly made that, in some States, members of the other House are not elected until after the time fixed by the bill for the meeting of Congress; and, therefore, as that cannot be remedied until the next meeting of their Legislatures, you put them to the serious inconvenience and great expense of having a special session of their Legislatures, or of remaining unrepresented for some period of time. Sir, as we have, by the Constitution, authority to fix the time for holding the elections of members of Congress, or to change the time fixed by the States, and as I think it is desirable that all Representatives in Congress should be elected on the same day, I have prepared an amendment, which I shall offer to this bill, lengthening the sessions of Congress, providing that the time of electing Representatives in every State shall be on the first Tuesday of October, 1854, for the next Congress, and that thereafter every succeeding Congress shall be elected on the first Tuesday in October, bi-yearly.

To carry out this provision, no State legislation will be required; but the election for Representatives will be on the same day throughout the Union. Years ago, presidential electors in the various States were chosen on different days, prescribed by the respective States; but that has been changed, and they are now elected on the same day throughout the United States. If the argument was good in regard to presidential electors,

it is good in regard to members of the House of Representatives. The Congress of the United States have an undoubted right, under the Constitution, to alter "the times, places, and manner of holding elections for Senators and Representatives." By my amendment, the time of choosing Representatives is alone changed; and it obviates the necessity of calling together the State Legislatures. I now offer the following amendment as an additional section:

Sec. 2. *And be it further enacted*, That the Representatives in Congress from the several States of this Union shall be elected, in each State, on the first Tuesday in October, 1854, for the next Congress, and on the first Tuesday in October in every two years thereafter for each succeeding Congress.

The amendment was not agreed to.

Mr. BENJAMIN. If we are to have a lengthening of the short session, I wish, at all events, to provide against a lengthening of the long one; and I will therefore move an amendment to make the evil half as great as it will be under the bill as it stands. I move to amend by inserting after the word "Congress" the words "at each second session thereof," so as to make the first or long session of each Congress commence in December, as at present.

Mr. BAYARD. I must object to the amendment.

Mr. BUTLER. It will not be adopted.

Mr. BAYARD. I do not know whether it will or not; but I am perfectly aware that these things are to be adjusted solely in reference to the convenience of certain States. Now, the effect of the amendment is directly to interfere with the election which takes place in my State during the present year, and every two years thereafter—in the even years 1856, 1858, &c. The effect of the amendment, if adopted, is simply to apply to those States which elect Representatives anterior to the commencement of the congressional term, and not to affect other States which do not hold their elections until after the term has commenced.

I am aware, of course, that the small States of the Union can expect little regard in matters of this kind from the vote of this body. Why, sir, we even heard the honorable Senator from Illinois [Mr. DOUGLAS] urge as an argument on this floor that, in a matter which has no more to do with the House of Representatives than with the Senate, or with the rights of any citizen of the United States, (the time for the meeting of Congress,) because that House, which represents numbers alone, has pleased to pass a bill in reference to the time of the meeting of Congress, therefore this body, representing States, which was meant by the Constitution to operate as a check and balance in the Government, is to be entirely governed by the views of the House. Sir, I repudiate such a doctrine. I am unwilling that this amendment shall be adopted. If other gentlemen look to the convenience of their States, I have a right to look to mine. There are other States, large as well as small, which hold their elections at a time when this amendment would seriously interfere with them.

The amendment was not agreed to.

The bill was reported to the Senate without amendment; and on the question of ordering it to a third reading, Mr. BAYARD called for the yeas and nays; and they were ordered.

Mr. DOUGLAS stated that he had paired off with the Senator from Georgia, [Mr. TOOMBS.]

The question being taken by yeas and nays, resulted—yeas 15, nays 33; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Brodhead, Foot, Geyer, Gwin, Hamlin, Johnson, Jones of Iowa, Jones of Tennessee, Seward, Sumner, and Thompson of Kentucky—15.

NAYS—Messrs. Adams, Bayard, Benjamin, Bright, Brown, Butler, Cass, Chase, Clay, Dixon, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Fitzpatrick, Gillette, Houston, Hunter, Mallory, Mason, Norris, Pettit, Pratt, Rockwell, Rusk, Sebastian, Slidell, Stuart, Toucey, Wade, Walker, and Williams—33.

So the bill was rejected.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 27, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

LIGHT-HOUSES ON THE PACIFIC COAST.

The SPEAKER laid before the House a com-

munication from the Secretary of the Treasury, transmitting a copy of a letter addressed to the Treasury Department by Gibbons & Kelly, contractors for building certain light-houses on the Pacific coast, and of a report and resolution adopted by the Senate upon the subject of their claim for extra work done, expenses incurred, and losses sustained, for which they claim to be entitled to compensation to the amount of \$59,434. The Secretary submits the expediency of making the appropriation required.

The communication and accompanying documents were referred to the Committee on Commerce, and ordered to be printed.

EXPEDITION AGAINST CUBA.

Mr. HARRIS, of Mississippi. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the President of the United States be requested to furnish to this House, as far as in his opinion may not be incompatible with the public interests, such information relative to citizens of the United States and others, residing therein, being engaged in organizing and fitting out a military expedition for the invasion of the Island of Cuba, as may have been in his possession on the 31st of May last, the date of his proclamation on that subject.

Mr. CLINGMAN. I object.

TERMINATION OF DEBATE.

Mr. HOUSTON. I propose to the House a resolution to terminate debate on bill No. 405, the treaty bill, on the meeting of the House tomorrow, so as to give the House the entire day to-day for debating it, if they see fit, to a late hour in the evening. And if I am allowed to do so, I desire to say this in relation to it. It is the general desire, expressed all through this House and the Senate, that we should terminate this session of Congress on the 31st of July next. I am as much in favor of it as any member; and I say this to the House: on Monday next it will be in order to move to take up the resolution for adjournment; and if the business of the House shall progress from this time up to Monday, so as that I may, for a moment, believe it probable that there is a prospect of getting through the public business by the day indicated, I, as far as I am concerned, shall most willingly vote for that adjournment.

I therefore introduce, at this time, the resolution to close debate on the treaty bill; and on it I ask for the previous question.

Mr. EWING. Will the gentleman from Alabama [Mr. HOUSTON] allow me to make a suggestion? Why not move to close the debate in five minutes?

Mr. MACE. I desire to ask the House to allow the committee on ocean mail steamers a clerk for twenty days, at the usual rate of compensation. I would state to the House, that in order to get the report from that committee prepared, we have already a clerk actively engaged; and if the House will not allow us the clerk for twenty days, of course we shall have to make an appeal to them hereafter, or pay the clerk out of our own pockets.

Mr. HOUSTON. The resolution of the gentleman from Indiana will be in order after mine is disposed of.

Mr. MACE. Then I will not press it now.

Mr. HAVEN. I wish to ask the gentleman from Alabama to withdraw his demand for the previous question, as I would like to say a word in reference to the closing of debate before the resolution is passed upon.

The SPEAKER. If no objection be made, the gentleman will be allowed to make his suggestion. No objection was made.

Mr. HAVEN. I was going to say this to the House, that from the turn debate has taken upon this subject, it is evident that if the House does not call for the correspondence upon this subject, and for the instructions to our Minister who negotiated the treaty, this debate may as well be closed as not; for it seems to be conceded upon all hands—by the gentleman from Tennessee, [Mr. JONES,] the gentleman from Missouri, [Mr. BEN-TOX,] who asked for the correspondence yesterday, as well as by the gentleman from Virginia, [Mr. BATLY]—that this House has the right, constitutionally, and as a matter of expediency, if it deems fit to do so, to withhold this appropriation. It becomes, therefore, not a constitutional question; for it seems that no one is desirous of raising and debating that question. Everybody concedes

that it is the right of the House to withhold the money. If this is so, and if we are to dispose of this business upon the face of the treaty itself, let us proceed to do it at once. There is no use of talking about it, or of sitting here looking each other in the face. If the friends of the Administration, if the friends of the bill—and I do not desire to raise a political or party issue—are willing that the instructions to the Minister and the correspondence shall be laid before this House, so that we can act upon this subject as a matter of expediency and propriety, then the consideration becomes different, and debate ought not to be closed for at least two days. I suppose the correspondence is in such a condition that it could be got at immediately. It has been sent to the Senate; and I presume to get it would take no more time than to go to the other end of the avenue, break the seals which guard it, and bring it here.

I only desire to say to the House, and to the friends of this measure, that this treaty stands upon a little different footing from that of any treaty which has come to this House for a series of years. It is as well known as anything can be, though not before the House officially, that this treaty came here last winter, with a provision in it, by which, for substantially the same consideration as is contained in it now, we proposed to agree to pay the sum of \$20,000,000 instead of \$10,000,000.

It is well known that when the treaty was submitted to the Senate for their ratification, they, with the correspondence and the instructions to the Minister before them, saw fit to repudiate that agreement, and amended the treaty by striking out that portion of it which agreed to pay the sum of \$20,000,000, and instead thereof, for substantially the same consideration, as the country understands, substituted an agreement to pay \$10,000,000 only.

Mr. HAMILTON. I regret to be obliged to interrupt the gentleman from New York; but I believe the House did not understand that the gentleman was to be permitted to make a speech in opposition to the treaty.

The SPEAKER. The Chair did not understand that the gentleman from New York had a right to enter into the general discussion of the merits of the treaty. He supposed that the gentleman only desired and asked permission to make a few remarks in reference to the time of closing debate.

Mr. HAVEN. I was just rounding up my remarks, for the purpose of bringing them to a close. I did not, and do not, intend to raise any political question about it. I was simply saying that the House, seeming unanimously to have come to the conclusion that they had the power of disposing of this matter and withholding the appropriation, and that it becomes simply a question of expediency; I was only saying that the treaty did stand upon a little different footing from any other treaty in reference to which we have been called to act. Some suspicion had been thrown over the transaction. I have mentioned some of the circumstances, and I had intended to have mentioned one or two more; but if there is any impropriety in doing it, in the opinion of a single member of the House, I will not pursue that course of remark at all. I will only say, that if it is the intention of the House not to call for that correspondence at all, we had better close the debate at once.

Now, what I desire to say—and I intend to stop after having said it—is, that the indication seemed yesterday to be pretty clear that the House would not call for this correspondence. No renewed application has been made for it to-day, and it is useless for us to discuss the question whether the House has the right to reject the appropriation; for that seemed to be universally conceded; and that is the only question left to discuss, if we are not going into the merits of the treaty itself. I had a very few words in addition which I did intend to say when I rose, but as I make these remarks by the indulgence of the House, I will not attempt, by indirect means, to accomplish my object.

Mr. HOUSTON. I will withdraw the demand for the previous question, if the gentleman from New York desires to submit an amendment shortening the time mentioned. I named that time because, after having spent the morning hour in other business, there will be only time for two or three

speeches before the usual time of adjournment. If the gentleman wishes to offer an amendment, I will withdraw the call for the previous question.

Several MEMBERS. Oh! no.

Mr. HOUSTON. Very well; then I ask for a vote upon the resolution.

The question was seconded, and the main question ordered to be put.

Mr. CAMPBELL. I demand the yeas and nays upon the passage of the resolution.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 94, nays 58; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Banks, Belcher, Bocoek, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chastain, Churchwell, Clark, Clingman, Cobb, Craigie, John G. Davis, Dawson, Dean, Disney, Eddy, Ellison, Etheridge, Everhart, Faulkner, Florence, Gamble, Goode, Green, Greenwood, Grow, Hamilton, Wiley P. Harris, Hastings, Hendricks, Henn, Hillyer, Houston, Hunt, Johnson, George W. Jones, Roland Jones, Kerr, Kidwell, Kurtz, Latham, Letcher, Lindsley, McDougall, McMullin, McNair, Macy, Maxwell, Smith Miller, Nichols, Olds, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Pratt, Preston, Puryear, Ready, Reese, Richardson, Thomas Ritchey, Robbins, Ruffin, Seward, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John J. Taylor, John L. Taylor, Thurston, Vansant, Wells, Witte, Daniel B. Wright, and Zollicoffer—94.

NAYS—Messrs. Benson, Benton, Campbell, Carpenter, Cook, Corwin, Crocker, Cullom, Thomas Davis, De Witt, Eastman, Thomas D. Eliot, Farley, Fenton, Flagg, Giddings, Aaron Harlan, Haven, Heister, Howe, Hughes, Daniel T. Jones, J. Glancy Jones, Knox, Lilly, Lindsley, McCulloch, Mace, Mattoon, Middlesworth, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabin, Sapp, Skelton, Gerrit Smith, Nathaniel G. Taylor, Tracy, Upham, Vail, Wade, Walley, Walsli, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—58.

So the resolution was passed.

Mr. HOUSTON moved to reconsider the vote by which the resolution was passed, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

CLERK FOR A COMMITTEE.

Mr. MACE. I now ask the unanimous consent of the House to offer the resolution which I indicated a few moments since.

The resolution was read, as follows:

Resolved, That the select committee on ocean mail steamers be allowed a clerk for twenty days, at the usual compensation.

Mr. JONES, of Tennessee. I object to that resolution.

Mr. MACE. I would like to ask the gentleman from Tennessee a question, if the House will allow me. Does he desire that this committee shall pay for the services of a clerk out of their own pockets? Because, if he does, I am ready to do it.

Mr. JONES. I will withdraw my objection to the resolution, though I do not see the necessity for it.

The resolution was then received and adopted.

Mr. ROBBINS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

MEMORIALS FROM TENNESSEE.

Mr. STANTON, of Tennessee. I ask the gentleman from Pennsylvania to allow me to present sundry memorials and joint resolutions from the Legislature of Tennessee, merely for the purpose of having them referred and printed.

There was no objection, and Mr. S. presented the memorials, &c.; which were referred as indicated below:

1. Asking Congress to grant public lands for the benefit of volunteers from the State of Tennessee, mustered in obedience to the requisition of the President of the United States in 1836. Referred to the Committee on Military Affairs.

2. For payment of horses and equipage lost by the mounted volunteers called into service during the Mexican war, from the State of Tennessee. Referred to the Committee on Military Affairs.

3. For pensions to the officers and soldiers who served in the war of 1812, and in the various Indian wars. Referred to the Committee on Military Affairs.

4. For the construction of a railroad to the Pacific, commencing at Memphis. Referred to the

Select Committee on the subject of a Pacific railroad.

5. In favor of repealing the duty on railroad iron. Referred to the Committee of Ways and Means.

6. For compensation to William Reed, of the State of Tennessee, for service rendered in the years 1792 and 1793. Referred to the Committee on Invalid Pensions.

Mr. FAULKNER. I wish the gentleman from Pennsylvania to allow me to submit to the House a resolution.

Mr. ROBBINS. The debate is closed upon the treaty bill at twelve o'clock to-morrow, and I cannot yield further.

Mr. FAULKNER. I ask the gentleman if he knows of a single gentleman who desires to speak upon that bill except his colleague, [Mr. Jones?]

The SPEAKER. Discussion is not in order.

Mr. FAULKNER. Well, sir, I desire to call the attention of the House to the necessity of fixing some day for the Army bill. There is a very great urgency for the more efficient organization of that branch of the public service.

The SPEAKER. The gentleman from Virginia asks the unanimous consent of the House, and appeals to the gentleman from Pennsylvania to withdraw his motion to go into Committee of the Whole that a special order may be made in reference to a certain bill reported from the Committee on Military Affairs.

Mr. PERKINS, of New York. I object.

Mr. FLORENCE. Last Saturday the gentleman from Maryland, [Mr. Shower,] now absent, reported a bill for the relief of the heirs of Willis Wilson by mistake. That bill had not been considered, and he has requested me to move its recommitment to the Committee on Revolutionary Claims, which I now do.

There was no objection, and it was so ordered.

Mr. FAULKNER. I reported, last Saturday, from the Committee on Military Affairs, a bill "for the relief of Helen McKay, widow and administratrix of Eneas McKay, late a deputy quartermaster in the Army of the United States," unaccompanied by a written report. I desire now, with the consent of the House, to submit the report, that it may be ordered to be printed, and be before the Committee of the Whole when the bill comes up for consideration.

There was no objection, and it was ordered accordingly.

The question was then taken on Mr. Robbins's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DISNEY in the chair.)

THE MEXICAN TREATY.

The CHAIRMAN stated that when the committee last rose, it had under consideration a bill "to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of 30th December, 1853, as amended by the Senate of the United States;" and that the gentleman from Pennsylvania [Mr. Jones] was entitled to the floor.

Mr. JONES, of Pennsylvania, said that the provisions of this treaty, being printed, were before the House. They were few, and so explicit and clear, that every member of the committee can easily comprehend them. The first position in the treaty is, that we are secured twenty millions of acres of land. This land is thought to be not of so much importance on account of its intrinsic value, but because it secures us now what we supposed was secured by the former treaty; that is, the right of a southern route for a railroad to our Pacific possessions.

Another provision is, the treaty releases us from the eleventh article of the treaty of Guadalupe Hidalgo, which stipulates that the United States shall restrain the Indians from making incursions on Mexican territories; and, further, that in the event of being unable to do so, then the United States will punish the Indians, and exact compensation and justice to the Mexicans for the damage done.

Two different constructions had been put on this clause of that treaty. We contend that it stipulates nothing more than that if the Indians shall make incursions on Mexican soil, the United States, by an armed force, shall punish the Indians,

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and then exact from them precisely the same amount of justice we would exact for ourselves in similar cases. But this is not the construction of the Mexican Government, which construes the treaty to mean that where damage is done to them, we are to be held responsible for the damage, and make compensation out of the National Treasury.

It is known that the Mexican Government has already preferred claims to the amount of sixteen millions, and that ex-President Fillmore was willing to make a payment of six millions, to settle this very question. And not only sixteen millions, but rumor says claims have been made by the Mexican Government to the amount of forty millions. He did not say anything about their validity. According to his idea, Mexico has no claim at all. But by this treaty we got rid of the difficulty. Another point this treaty settles forever, at least it is hoped, is the question of boundary; and it proposes a perpetual peace. This should be an inducement for anti-war men to vote for it.

He then proceeded to reply to the remarks of Mr. BENTON, delivered yesterday, denying that a breach of privilege had been committed on this House by the negotiation of the treaty. [See Appendix for his speech.]

Mr. HAVEN said: I beg my friend from Alabama, [Mr. PHILLIPS,] who desired to get the floor, to feel assured that, so far as I am concerned, he shall soon be gratified; for I do not intend to address the committee at length upon the merits of the question before it. My only reason for addressing the committee now at all is, for the purpose of finishing a few sentences which I commenced communicating to the House this morning before we went into committee, and in which I was arrested (for which I make no complaint) by my friend [Mr. HAMILTON] at a point which I fancied he thought they sat rather too closely upon the friends of this bill.

I also desire a few words, by way of explanation, in regard to the statements and suggestions made by the gentleman from Pennsylvania, [Mr. JONES,] who has just resumed his seat.

In what I may say, I beg the committee to understand that I intend to cast no censure upon any one in reference to this treaty; my difficulty is, that without the instructions to, and correspondence with, the Minister who negotiated this treaty, I have no knowledge upon which I can vote this money, or approve or censure any person connected with this transaction. I have nothing, sir, but the bare text of the treaty on which I can act. I shall not censure the President or the Department of State; for there is nothing on the face of the treaty, or in this very brief message of the President, which indicates whether the instructions to the negotiator were right or wrong.

I shall not censure the Minister who negotiated the treaty, because his acts have been adopted and ratified by the President; and I shall not censure the Senate, for it is a coordinate body, having functions in some respects higher than the House of Representatives in reference to treaties—certainly much higher in reference to treaties which, in their consummation, do not require legislative action, as this does. Like all fair and honorable men, all the parties referred to are entitled to the presumption that they have properly discharged their official duties in respect to the matter now in controversy. But, sir, whilst I intend to speak in this spirit, I also intend to press upon the committee, as well as I may, certain questions of expediency, of good faith, and of fair legislative dealing, which I think every true friend of the Administration, of the Senate, and the gentleman who negotiated this treaty, will do well to observe.

I understood the gentleman from Pennsylvania to take the same ground on the question of the constitutional rights of this House to grant or withhold this appropriation, which every other member has taken who has as yet addressed the House or this committee on this subject. He concedes the right of this House to withhold this appropriation if, in their judgment, if, in their good sense, if, in the exercise of their best discretion for protecting the interests of the country,

they should think they ought to withhold it, or that it is inexpedient to grant it.

Now, sir, that being so, I do not propose to say a word upon the constitutional right of the House in this regard; but I will assume what the House, so far, unanimously claims and insists to be its prerogative. Assuming the House, then, to be right in this claim, the only question left for it to consider is the question of expediency—an ordinary question in legislation; and the only information which we have to guide us on this subject, on which we can properly act as legislators, is that which we have on the face of the treaty, with the very elaborately short message which the President has seen fit to lay before us. In addition to the information contained in the text of the treaty, we find that it refers to two antecedent treaties; the one the treaty of peace after the late war with Mexico, called and known as the treaty of Guadalupe Hidalgo, and the other the treaty of amity, commerce and navigation, concluded between the two countries on the 5th of April, 1831. Now, what I desire to say, by way of explanation to what has been said by the gentleman from Pennsylvania, is particularly in relation to the treaty of Guadalupe Hidalgo. And in saying this, I wish to call the attention of the committee to the language of the eleventh article of that treaty, because, so far as that is concerned, almost every man on this floor, who undertakes to justify the payment of this large sum of ten millions, agreed to be paid by this treaty now sent us by the President—I do not now say whether it is proper or improper—puts it upon the ground that the claims which our sister Republic of Mexico has upon us by virtue of that eleventh article of the treaty of Guadalupe Hidalgo are here provided for, and we are forever released from the same.

Sir, I deny any particular pecuniary obligation on the part of the American Government under this eleventh article. And in this every gentleman who has so far addressed the committee seem inclined to concur. I have always understood that article substantially as the gentleman from Pennsylvania [Mr. JONES] says he understands it; substantially what the gentleman from Missouri [Mr. BENTON] claims the proper construction of it should be, and is. Such was always, so far as I have known, and so far as I have been able to infer from documents, or otherwise, the construction put upon it by the last Administration, and by all statesmen who have expressed an opinion upon the subject. Now, the material words of that eleventh article I will read. They are as follows; and will be found in the ninth volume of the Statutes at Large, page 930. It commences:

"Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed, that all such incursions shall be forcibly restrained by the Government of the United States, whosoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted."

Now, let me ask gentlemen to notice particularly the precise language of the remainder of the article. The rest of the language measures the punishment this Government is to inflict, and the satisfaction it is to exact. The rest of the language gives the precise measure by which our exertions shall be controlled, and the extent to which we have agreed to carry them; and gentlemen will see that it was an argument in reference to good neighborhood and good feeling between the two countries. Here it is:

"All in the same way, and with equal diligence and energy, as if the same incursions were meditated, or committed within its own territory, against its own citizens."

Now, Mr. Chairman, that is what Mr. Polk's Administration, a good Democratic Administration, in and by the treaty of Guadalupe Hidalgo, undertook to do; and I submit to the friends of that Administration, to the gentlemen on the other side of this House, that it is unfair upon their part to press and force upon that treaty a construction

which is unjust to him and to the gentlemen of the Senate who ratified it. It was a treaty of good neighborhood, and it was an undertaking with Mexico to do, in relation to the Indians who troubled her citizens upon the borders of the Mexican territory, precisely what we would do in reference to the Indians who troubled our own citizens in that vicinity; that we would use reasonable diligence in preventing their incursions into Mexican territory; that we would exact indemnity from the Indians—not pay it ourselves, but exact it from them; and do it all precisely as if the depredations were upon our own citizens.

Now, sir, the gentleman from Pennsylvania [Mr. JONES] suggested that the last Administration took a different view of this eleventh article. I know the gentleman has no desire to make an improper suggestion in regard to that Administration, any more than I have in reference to the one which preceded it—Mr. Polk's Administration—or the present one. Who supposed, who ever believed, when the treaty of Guadalupe Hidalgo was made, that this eleventh article of it would force this country into a position where we might be called upon, as stated or intimated by two gentlemen upon the other side of the House, to pay to Mexico a claim of \$40,000,000.

Both the gentleman from Virginia, [Mr. BAYLY,] who addressed the committee yesterday, and the gentleman from Pennsylvania, [Mr. JONES,] who addressed us to-day, put forth some kind of indefinite and shadowy suggestions that Mexico has formally claimed of this Government, as indemnity under this article, \$40,000,000. Mr. Chairman, the gentlemen both handled this point very cautiously; for they saw it was a Democratic Administration (Mr. Polk's) who got us into these magnificent difficulties of \$40,000,000 under the eleventh clause of a Democratic treaty. And that was a rather dangerous foil to be used in favor of the present Administration, in professing to buy us out of them cheaply by the payment of this \$10,000,000.

But, sir, the gentleman from Pennsylvania [Mr. JONES] thinks he has heard it said that Mr. Fillmore's Administration recognized the validity of this claim, and offered Mexico \$6,000,000 to be released from it. I believe the gentleman is wholly at fault in his supposition. I am not aware any such offer was ever made whilst Mr. Fillmore was President. I am quite sure it was not his opinion, nor was it the opinion of his Cabinet, that any pecuniary liability rested upon this Government under that eleventh article. Whatever he would have been willing to see paid to Mexico in that behalf, to settle a controversy likely to arise between the two Governments, as an honorable man will sometimes buy his peace from a litigious neighbor, I have no doubt that he and his cabinet thought Mexico had no just or equitable claim to any pecuniary indemnity under this article.

Since the gentleman from Pennsylvania [Mr. JONES] made the insinuation, I have sent for the message and accompanying documents of 1851-'52, and I find what I suppose to be the views of Mr. Fillmore's Administration on this subject, very pertinently stated in the report of the Secretary of War.

I desire to read an extract from it, in reference to our duties and the rights of Mexico under this eleventh article; for it appears to me to contain about the whole argument on my side of this question.

Mr. Conrad, after detailing with proper particularity the operations and results of the Army stationed in western Texas and New Mexico—for gentlemen will remember the vast trouble, difficulty, and cost of keeping up that frontier service, and to what an unfashionable strictness and responsibility we held the Secretary of War then, and how by his aid we reduced the extravagances that preceded that Administration in that regard—goes on to say as follows; and I ask attention to it:

"The United States have thus endeavored to fulfill to their fullest extent the obligations imposed upon them by their late treaty with Mexico.

"It surely was never contemplated that the entire expense and responsibility of defending her territory against these incursions should devolve upon us. The language of the treaty admits of no such construction, and if it did it would require of us what it would be obviously impossible for us to perform.

"As the United States have no right to station their troops within the limits of Mexico, how is it possible for them entirely to protect her against tribes, most of whom occupy the vast desert lying between the two countries? All that we can do is to make common cause with her, to make her wrongs our own; to chastise, if possible, the tribes by whom they are committed; to compel them, whenever it is possible to do so, to make restitution of Mexican prisoners and property; and finally, in our treaties with them, to guard the interest of Mexican citizens as carefully as those of our own, and to punish any violation of the one as severely as we do that of the other.

"It is manifest, too, that whatever efforts we may make for the protection of Mexico, will not only be fruitless, but absolutely prejudicial, unless they are aided by corresponding efforts on her part. The number of our military posts, the vigilance, activity, and courage of our troops, all tend to drive those marauders from our border towards that of Mexico, where they can carry on their depredations with almost certain impunity."

That, sir, was the view taken by the last Administration in reference to this subject. That was the view taken by Mr. Webster, and it is the view I have always heard put forth by the friends of the last Administration in reference to the pecuniary and binding obligations of that treaty. I never heard any other view taken of the subject by any well informed American gentleman until now, when some reason or pretense is sought for, as an excuse or justification for appropriating this \$10,000,000. But, sir, I am bound to do the gentleman from Pennsylvania the justice to say, that whilst, like an adroit counsellor, he insinuates that others may take such a view of the eleventh article, he boldly and honorably disclaims any such construction for himself, and declares he holds the same opinions I hold on the subject.

Now, sir, I shall not discuss this treaty further upon its merits or its obvious demerits. I have not, this House has not, any of the information necessary to such a discussion; it is withheld from us. Pretty much all the value that any gentleman here perceives, or pretends we get by the treaty, is the release from the eleventh article of the treaty of Guadalupe Hidalgo. Some gentlemen, it is true, pretend to see value in the territory as a route for a railroad to the Pacific. As to the value of the soil, the formation of the country, and its eligibility as a railroad route, I know but very little. I know that Colonel Cook, who led a regiment through the country from El Paso on the Rio Grande to the Pacific, but a few years ago, was entirely unable to get over the almost interminable deserts and fearful mountain ranges himself with his regiment or his teams, without going into Chihuahua and Sonora, south of the line fixed by this treaty, several miles from the Guadalupe Pass, by a circle sweeping south of this line, and striking San Bernardino, and coming back north on to this line again at about the one hundred and tenth parallel of longitude west of Greenwich. North of that route he could not pass with his wagons or mules; so that any railroad track upon this newly-acquired territory, must run up square against, or directly into, mountains that a brave and enduring man, skillful in expeditions, could not drive his mules or wagons over.

Where, then, sir, is there any consideration in our favor, on which we can justify ourselves in voting this immense amount of money, under these extraordinary circumstances? Still, Mr. Chairman, I do not undertake to say, acting in the dark as I am, that circumstances may not exist which render this appropriation of \$10,000,000 proper. But I do say, and here I plant myself, that this House has no means of determining whether it is proper or not. We are left entirely in the dark. We are required to vote this large amount of money upon a blind confidence, and without a reason rendered to us, or that we can render to the country. I will vote cheerfully for this treaty, if it is a fair one, made without fraud, and not controlled by stock-jobbers, land sharks, and speculators. Sir, for one, I want to see the instructions to the negotiator, and the correspondence with him, which this House has, in my judgment, most improperly refused to call for. What I might do if I could peruse that, I cannot say; but I can say, if I found it all correct and fair, I would cheerfully vote for this appropriation.

Mr. HOUSTON. The gentleman from New York certainly does not intend to say that the

House has refused to give a call for this information.

Mr. HAVEN. I shall be very glad to listen to any suggestions upon that subject; but certainly the gentleman from Alabama does not intend to say this House has made the call; nor does he intend to say that very strenuous efforts have not been made to procure it. I did understand my colleague [Mr. PECKHAM] to make an effort to obtain the passage of a resolution calling for this information, and I understood, also, the gentleman from Missouri [Mr. BENTON] to make a very decided demonstration for the purpose of obtaining this correspondence.

Mr. HOUSTON. That is true, and at a time which they themselves knew had been set apart for the discussion upon this measure. If they really desired to have this correspondence, they should have called for it at the time the treaty was sent to the House; and that is the time they would have called for it, if they had really wished to have it.

Mr. HAVEN. I am glad that my friend from Alabama manifests some little desire to set himself right in reference to this transaction. It argues that he begins to feel the impropriety of being so far wrong.

Sir, does not the gentleman know that the message communicating the treaty to this House bears date only one week ago this very day, on the 20th instant; that it was not received or opened here until Wednesday the 21st instant, and that when, on the next day, being only Thursday last, he reported this bill, the gentleman from Missouri [Mr. BENTON] instantly arose and informed the House that he wished to be heard in the matter, and that, in his opinion, the privileges of this House had been violated? Did the gentleman not know then, sir, that this correspondence was wanted here by the gentleman from Missouri? And does he not now know that yesterday only, Monday only, sir, was the very first day when, by the rules of this House, it was in order to offer the resolution calling for this correspondence? Nay, more, sir; has he forgotten in one day that almost immediately upon the House convening on Monday, he took the floor and moved to go into committee on this bill, and that then, which was the first moment in order, my colleague [Mr. PECKHAM] and the gentleman from Missouri [Mr. BENTON] offered their resolutions, and desired him to withdraw his motion to enable the House to adopt them; and that he himself refused to withdraw his motion to go into committee; and holding the power in his own hands, absolutely used it to exclude the call? But sir, I leave this subject.

I do not know what I ought to do in reference to this treaty and this appropriation. I cannot know without some further light. I am told by gentlemen here, the most learned in constitutional law, both Democrats and Whigs, that this House has the power to grant or withhold this appropriation as it sees fit; that it is a question of expediency, which we must decide in good faith to the country and to our constituents. But, sir, the only information I can get, upon which to base my action, is the simple, single, solitary text of the treaty, and the message which the President has just sent to us in relation to it. Now, sir, here let me say that, under ordinary circumstances, I would take that and be satisfied, if I had heard nothing against it; for I have no sectional or other jealousies or feelings to gratify in reference to this matter. I say I would take that and be satisfied, if there were no suspicions in connection with it. I do not know what disclosures may be made in reference to it by the correspondence, if we had it. I do not know but such disclosures may yet be made as will lead me to vote for it. But, sir, most unfortunately, it does not stand alone. Most unfortunately, it comes to us with a knowledge on our part of certain facts which throw grave suspicions upon it, which attack its honesty and good faith, and which most strongly tend to sap the confidence of the public in persons connected with the transactions.

And here I desire to take up and finish what I desired to say in the morning, when I had the floor in the House. No, sir, this treaty does not come before us unaffected or unassailed, or with many presumptions in its favor. On the contrary, we know, and we know this as well as we know anything which is going on in this country; and if I trespass or go too far in reference to this matter,

I hope gentlemen will correct me: we do know, sir, that this treaty came here in January last, with a provision for the payment to Mexico of \$20,000,000 instead of \$10,000,000. We do know that, for certain reasons, but for what reasons we do not know, the Senate refused to pay \$20,000,000; that it struck off \$10,000,000 of the \$20,000,000, and made some other alterations in the treaty; and that, as fast as post-horses and expresses could carry the negotiator back to Mexico, he went there, and submitted this new concern, this treaty, to Santa Anna, who, without one word of question or remonstrance, so far as we know or are informed, accepted half of what he was to have under the treaty, as originally ratified by him. With the same fearful haste it is then posted and expressed back to this place; and all we certainly know further about it is, that here it is for the payment of \$10,000,000, instead of \$20,000,000, on the thirtieth of this month. I will not stop to philosophize upon, or to discuss these strange diplomatic maneuvers. I will not say that it is wholly unexplainable, although it certainly is to me somewhat unaccountable. It may be one of those *contretemps* which will sometimes happen in diplomacy; but, in connection with certain other facts I am about to mention, it ought to have some explanation; and before plain men, like myself, can yield their assent to this appropriation, it seems to me that it must have some satisfactory explanation.

But, sir, although we know so much about this treaty, as I have mentioned, yet there is reason to believe "the one half has not been told us." Certain things have leaked out here—things which are whispered in this Hall, and which have found their way into the newspapers. The atmosphere is loaded with them; and it is known that certain persons connected with the treaty-making business are proverbially leaky. These things, sir, which have so leaked out are anything but creditable to some of the parties concerned, and they throw great suspicion on this treaty. I put it to gentlemen whether they had not better call for this correspondence now, and clear them up at once and forever; or, if the correspondence will not clear them up, then reject this bill, and repudiate the treaty.

Sir, I will recount some of these leading points; and I ask, in behalf of this House, light upon them.

We are told that the negotiator went out to Mexico with his instructions properly framed, and was making progress in negotiating a proper treaty, and with no unusual appliances. We are further told, that after he had gone, and whilst he was so engaged under his instructions, certain persons—certain sets or cliques of men here and in the United States—stock-jobbers and hungry politicians, who are interested in some way in the Garay and Sloop grants, which are considered by many as improper things to control our foreign intercourse—made a descent upon the Administration, and placed their affairs before it in such a light that it became willing the negotiator might agree to pay, on account of these men—some of whom are well and personally known in this Hall—\$10,000,000 of money, provided Santa Anna would acknowledge it as paid to him, or to his order, as an indemnity for pretended or prospective losses under these Garay and Sloop grants; and provided further, that it could be done in such a way that no hand at this end of the line could be traced in doing it.

To accomplish this purpose, we are told that some gentleman from Pennsylvania (a Mr. Ward, I have heard; but in all this we may be mistaken) was selected to go out to Mexico as a kind of secret special agent, and to carry verbal instructions to the negotiator how to act in the premises. These instructions are said to have been verbal, and outside of any record. We are further told that this secret special agent was instructed to tell the negotiator at Mexico that he might add \$10,000,000 to what was provided in his regular instructions, for the purpose of making the indemnity I have mentioned. We are further told—it is in the atmosphere about us; I do not know whether it is true or not; but I ask gentlemen to give us the correspondence, that we may determine the fact—we are further told, I say, that the negotiator, a gentleman and an honorable man, said at once he would not do himself dishonor by undertaking to negotiate outside of his written

instructions and the record. And when it was found that the plan must fail unless he had written instructions, we are told that the special agent undertook to, and did commit to paper, and say on paper what he had been told here he should only verbally communicate to the negotiator there; that this became satisfactory to the negotiator, and acting upon these instructions of the special agent, the negotiator put on the indemnities for the jobbing companies of Garay and Sloo. Now, I do not know that this is so. We are told when it came back, the Senate, looking at the correspondence—and it is well known that the correspondence went into the Senate—the Senate, the friends of the Administration, honorable men—as the Administration is composed of honorable men, and I am speaking on their behalf to-day, and not on my own or that of the opposition here—the Senate at once put the knife to the treaty, and cut off these excrescences.

Mr. BOCOCK. I want to know of my friend from New York, as he seems to insist so much on a call for this correspondence, how the correspondence and papers will enable us to see that the verbal instructions conflict with the written ones; for the verbal instructions are those which do not appear in the papers? My friend ought to know that calling for the papers will do no good.

Mr. HAVEN. The inquiry is a pertinent one; and though I do not claim to know anything more than what is reported and circulated here and in the newspapers, yet I will answer the gentleman how that is stated to be. I endeavored to unfold it in what I have already said.

The instructions to this secret or special agent, it is said, were verbal instructions, and verbal only; that he went out to Mexico to the negotiator and told him verbally what he was required to do. The negotiator, as I have already said, refused to act upon these verbal instructions. The agent then, to induce the negotiator to act, puts in writing and delivers to the negotiator what he was directed here that he should communicate to the negotiator only verbally. The negotiator then having the writing from the secret or special agent, concluded to act upon it as authority; and his subsequent correspondence with the Government here referred to these instructions, as well as to his original ones, in such a manner that, upon the Senate's call, they could not be separated without making an awkward show; and so the whole had to be sent in together. Does my friend from Virginia [Mr. BOCOCK] understand it now? Whether all this is true or not, I do not know—I have no means of knowing; but I will venture to say that many, if not most of the members on this floor, has heard it over and over again.

Having said what I have said, I desire to say this further, that I wish to do no injustice to any man or set of men; and I ask my friends in all parts of the Hall if it is not due to all those gentlemen who are engaged in this transaction, more particularly if it is not due to that eminent gentleman and citizen from South Carolina who negotiated this treaty, that this correspondence should be laid before the public, or before this House in confidence, if not before the public, so that the names of honorable men who are connected with these rumors and reports may be saved from dishonor and reproach, and these slanders, if not true, may be put to everlasting silence, or, if true, that this treaty may receive the unqualified reprobation of this House?

Mr. BAYLY, of Virginia. Will the gentleman from New York allow me to ask him a question?

Mr. HAVEN. I will with great pleasure, although I fear by so doing I shall be obliged to trespass a little more upon the time of the committee than I intended to do when I commenced my remarks.

Mr. BAYLY. Does the gentleman from New York know of a case where the correspondence in respect to a treaty has ever been made public? If he will inform me of a single case, it will give me information which I do not now possess.

Mr. HAVEN. A reference to the gentleman's own knowledge is much better for him than any reference to knowledge that I may have upon this subject. He has more experience than I have in regard to questions of this kind. I do not know, nor do I profess to know, much about it. If the inquiry was for information, I cannot enlighten the gentleman. If it was by way of reply to the argument I was making, then I desire to say to

the gentleman that his own argument, made on yesterday, was conclusive that, where a treaty trampled upon legislative ground, it could not be binding and operative until the Legislature had acted upon it. If it cannot be binding until we act, I would like to know if the House of Representatives must act, are compelled to act, in the dark?—if we must act upon the message of the President only, in which the only material fact stated is that he must have the money, and this treaty must be exchanged by the 30th instant?

Mr. BAYLY. Will my friend allow me a further remark? I think the treaty speaks for itself in connection with the history of our diplomacy connected with Mexico. If it does not, the call unquestionably ought to be made for a confidential communication. But I do not think there is any occasion for that, for the reason that the treaty speaks for itself.

Mr. HAVEN. I would like to know what legislative discretion this House exercises when it undertakes to say that I have the right to vote for or against the appropriation of this money, but that I have not the right to know anything of the grounds upon which I give my vote. I may vote one way or the other, but I am not to know why; I am not to tell the country why. Here is the State Department, or the President, sending down their decree here, to be registered in this House. We are ordered to act upon it; and all we can do is to register it according to order. Sir, can presumption go further? I would put it to my friend from Virginia, [Mr. BAYLY],—for I have great confidence in his judgment, in his patriotism, and discretion in these cases—if he had good reason outside of the message to believe that the treaty was fraudulent, and that it was adverse to the best interests of the country, and calculated to promote the schemes of stock-jobbers and speculators, would he vote for it, notwithstanding it spoke for itself upon its face?

Mr. BAYLY. Does the gentleman desire a reply?

Mr. HAVEN. I do.

Mr. BAYLY. I believe, in the negotiation of a treaty, that the explanations which are given to it by correspondence are to be considered rather in the light of arguments of counsel, and not as the judgment of the court. Knowing the terms of the treaty, and if my judgment was satisfied as to its antecedents, it would be all the information I should desire to construe it.

Mr. HAVEN. Mr. Chairman, I knew that my friend from Virginia [Mr. BAYLY] would agree with me in such a case. So will I vote for it, after my judgment is satisfied. But, in addition to the treaty, I, too, would have the antecedents of the treaty; in addition to the text, I would know what the protocols were, what the instructions were, what the correspondence preceding it was.

But, Mr. Chairman, I have said more than I intended to say on this subject. I did not intend to hold the attention of the committee more than five minutes.

Mr. TAYLOR, of Ohio. Will the gentleman from New York permit me to interrupt him?

Mr. HAVEN. The gentleman from Ohio will excuse me one moment—

Mr. TAYLOR. I wish to ask the gentleman a question before he concludes.

Mr. HAVEN. Very well. I give way for that purpose.

Mr. TAYLOR. In the debate, to which I have listened very attentively, I understood my honorable friend from Pennsylvania [Mr. JONES] to assert that he believed, or that he had some intimation of the fact, that President Fillmore, within the term of the last Administration, had offered to the Mexican Government, in a negotiation in respect to the question which we are now to settle, the sum of \$6,000,000, to get rid of the obligations of this Government under the eleventh article of the treaty of Guadalupe Hidalgo. I may have misunderstood him. I have no official information of the subject; nothing further than the declaration of my friend from Pennsylvania. And therefore I wish to ask the gentleman from New York, whose relations to the late President are well known, whether he ever understood, officially or otherwise, that such offer had been made by President Fillmore, for the purpose of getting rid of the obligations of the eleventh article of the treaty of Guadalupe Hidalgo in an honorable way if we could? for I have always stood for the honor of the

country. On so important a piece of information as that which the gentleman from Pennsylvania asserts, I suppose he has some official information, either from the present Secretary of State or from the President, or from somebody else.

Mr. HAVEN. I have no hesitation in communicating to my friend from Ohio [Mr. TAYLOR] all the information that I am in possession of; but he will excuse me if I state that I know no secrets of the last Administration. One of the merits of that Administration was, that it always remained sole master of its own purposes. President Fillmore had no kitchen Cabinet, and no way into his office by the back door. Hence I was never possessed of any of his peculiar secrets, nor of any revelation of its negotiations with foreign Governments. But I can truly say, sir, that I never heard it officially, I never heard it secretly, and I never heard it openly, or in any way alleged, that such an offer was ever made or contemplated; and I do not think or believe that such an offer was ever made. In this I may be mistaken; but I feel quite confident that I am not. I have already read to the committee the opinion of one member of Mr. Fillmore's Cabinet on that subject, officially addressed to Mr. Fillmore himself as President. It repudiates all idea of our obligations under the eleventh article.

I have said all that I intended to say on the subject as to the propriety of our knowing more in regard to what my friend from Virginia [Mr. BAYLY] calls the antecedents of this treaty—the correspondence and the negotiations that took place. Now, I desire to say—

Mr. BAYLY. I dislike to interrupt my friend from New York, because I do not like to be interrupted myself. When I spoke of the antecedents of this treaty, I did not mean to speak of the diplomatic correspondence between the two Governments; but I meant the relations which existed notoriously and openly between the two Governments. I took it for granted that my friend from New York understood me in that light.

Mr. HAVEN. Mr. Chairman, I see I did misunderstand the meaning of the gentleman. And my judgment is, that my friend from Virginia had better have left the case standing where it stood before. So far as he is concerned, he has sufficient information on all matters connected with the subject to enable him to vote understandingly, without getting any more; whereas I have not. I want to know, not only what I understood him to speak of in regard to the antecedents of the treaty, but I want to know all the correspondence—all the concomitant circumstances, and everything connected with it, to enable me to vote intelligently; and such, I think, are the wishes of many other gentlemen here. There are many men who are able to vote without any additional information—men of experience, who, like the gentleman from Virginia, [Mr. BAYLY], has been long in public life; who has been at the head of the Committee on Foreign Affairs, transferred there from the head of the Committee of Ways and Means of a former House, and who may be well supposed to have more information than perhaps the entire negotiating force of the Government on such matters. Such men may have sufficient knowledge, but I want some other explanation. I must vote, to some extent, on my own judgment, and not on his.

But I now go back to the point from which I have been drawn, by these kindly meant interrogatories and suggestions. With the atmosphere of this Hall, and of the rotunda and avenue, loaded with these detailed and pointed rumors and reports that I have mentioned against the fairness and good faith of this treaty; and with the papers here and abroad giving them publicity and circulation more or less; and with the other suspicious circumstances I have detailed, I ask my friends upon the other side of the Hall—for, if I know myself, I am no enemy to this Administration in its proper and just endeavors to discharge its great and difficult trust and duties—I ask them if it is not due from them to their friends at the other end of the avenue, that this correspondence should at once be called for and produced, and these charges be thereby put at rest forever; and that honorable men may be vindicated; or, on the other hand, if they should unfortunately be proved true, that this treaty shall receive the seal of the reprobation of this House, and be put to rest? Sir, secrecy is a badge of fraud. If a man stands silent when

he is arraigned in any court, (except in capital cases,) and refuses to plead, it is equivalent to a plea of guilty. Do not let it be said in this case that the silence of the Administration, when called upon under these circumstances to speak, is an admission of these charges.

Mr. Chairman, I have confidence and faith to believe that if this correspondence is called for, and comes out, the public mind will be put into a state of peace; and had I the control of this matter, as the friends of this treaty and this appropriation have, certainly it seems to me I could not perform a wiser or a better service for all parties connected with this transaction, than to ask to persuade them to put this correspondence and information before the country, or in the confidential possession of this House, and let the Administration justify itself upon its record, and put its slanderers to shame. Let it not be said that an opportunity has not been given to bring forward those papers. The gentleman from Missouri, [Mr. BENTON,] with thirty years legislative experience upon his head, has beseeched, I had almost said besieged, this House to let him have this correspondence. Yes, sir, that gentleman, with more experience and energy than any other legislator I can call to mind, called for those papers. He asked for this information, and he told us what results would be likely to flow from their production, in his judgment; whether right or wrong, I do not know. But I do know, that after gentlemen concede our power to legislate here, and legislate with a wise discretion, it does seem to me they take a most indefensible course in refusing this correspondence. Sir, we must vote now; we must vote by yeas and nays; we cannot have the correspondence; we cannot know the circumstances; we must vote blindfolded, and in the dark at that; and we must take the responsibility of justifying ourselves to the country and our constituents, and to our own consciences, for our votes so given. Sir, I cannot vote for this treaty without this required information. I would be glad to vote for it; but I dare not without the explanations and justification that the correspondence may show, but which, if refused, I shall fear does not show. I did not intend to say half I have said. I should not have said it, had it not been for the fact that gentlemen in various parts of the Hall desired to call me to account as I went along. I thank the committee for their attention, and yield the floor.

Mr. PHILLIPS rose to reply to the remarks of Mr. BENTON, delivered yesterday. The gentleman from Missouri declared that he could not vote for this bill, because it would be sanctioning an invasion of the privileges of this House. He [Mr. PHILLIPS] was struck with the use of the word "privilege," especially as employed by the gentleman, who is notoriously particular and choice of the terms, which he selects in discussion. He denied that the House has any privileges to be invaded. This House possesses certain constitutional rights. The Constitution imposes on the House certain functions and duties, which we are obligated to perform; but he denied that we have any privileges, used as the word is with regard to the legislation of the country. Where do we find those privileges? By looking at the British authorities, we find that the King is the fountain of honor, office, and of privilege. He then proceeded to argue that no constitutional right of the House has been invaded, and replied generally to the speech of Mr. BENTON. [See Appendix for his speech.]

Mr. RICHARDSON called the attention of the committee to a matter personal to himself, and reflecting upon him, and charging him with a transaction for which, were he guilty of it, he should be expelled from the House. There was circulating throughout the entire North a telegraphic dispatch purporting to have come from this city. He referred to the following dispatch in the Weekly Times, of New York, of the 14th instant:

"An astounding fraud has just been discovered by CAMPBELL, of Ohio, BENSON, MACE, and others, in the Nebraska bill. It seems that RICHARDSON stated to the House that his substitute was the Senate bill, simply without the Clayton proviso, when, in fact, he had inserted a clause providing that no person other than a citizen of the United States should hold office and vote, until he had sworn to support the principles of this bill."

Mr. CAMPBELL (interrupting) said that he regarded the passage of the bill as a great fraud,

and thought that its passage had been procured in violation of the rules of the House; but at no time had he charged the gentleman from Illinois with having perpetrated a willful fraud. He thought the gentleman's course on the Nebraska bill was open, frank, and manly.

Mr. RICHARDSON expressed himself perfectly satisfied with the statement of the gentleman from Ohio, and was sure that the person who sent the dispatch had no authority from him to make this charge. He desired now to brand the authors and indorsers, whoever they might be, and wherever they might be, as base, and infamous liars, and proceeded at length to prove it. [See Appendix for his speech.]

Mr. SMITH, of New York, obtained the floor, but yielded it to

Mr. KEITT. Mr. Chairman, I regret the necessity of making any remarks upon this subject. I intended to quietly give my vote when the bill was put upon its passage; but some of the remarks of the gentleman from New York [Mr. HAVEN] induce me to trouble the House with an observation or two in reply to him. Whenever the character of my State, or the official character of any of her public men, is assailed, I will promptly repel it. Sir, the character of a State is invaluable; and the character of her public men is a large portion of her wealth.

The gentleman from New York (and I may here say that I acquit him of intentional misrepresentation) uttered to the House certain newspaper rumors to the effect that General Gadsden had written and specific instructions from the President, limiting him to the offer of \$10,000,000 for the negotiation of a treaty; and that, upon declarations made by an individual, a bearer of dispatches, he violated his instructions, and gave \$20,000,000. I believe this rumor to be unfounded in fact; and, although not so intended, it is calculated to injure the official character of General Gadsden. I repel this newspaper gossip, and state the impression on my mind, from a casual conversation with General Gadsden, that he did not violate his instructions. Of course I had no conversation with him about the character of his instructions, or the conduct of the negotiation. Nothing more was said than any one could legitimately infer from the fact itself, viz: that he had not violated his instructions.

Sir, I know General Gadsden to be a man incapable of a dishonest act; and a man of too much intellect to be the tool of any ambidextrous intriguer. With full confidence in his character and ability, I repel these vagrant rumors; and I regret that they have acquired an accidental respectability by their enunciation upon the floor of this House. The gentleman from New York says that the atmosphere is charged with these rumors. Well, sir, what if it is? Whoever carries about an alembic to dissolve newspaper rumors, in times fruitful in important events, will engage in an impracticable undertaking. I knew, sir, that when all the facts of the case were made public, these rumors would either be verified, and thereby live, or that they would collapse and putrify in their dishonor. To that ordeal I was willing quietly to subject them. I regret, sir, that they have been galvanized into a mimicry of life.

I do not mean to debate the provisions of this treaty. I do not mean to discuss the constitutionality of acquiring territory under the treaty-making power. If it were a case of novel impression, I should not hesitate to express my views; but repeated acts and decisions foreclose the argument. I shall vote for this bill for the following reasons:

It secures the right of way across Tehuantepec, for which I understand Mr. Polk offered fifteen millions. It reacquires from seventeen to twenty millions of acres of land, embracing the Mesilla Valley, which Mr. Fillmore relinquished. He relinquished it by recognizing the act of the commissioner against the surveyor, by which act our claim was abdicated. It abrogates also the eleventh article in the treaty of Guadalupe Hidalgo, for which abrogation, I am credibly informed, that Mr. Fillmore offered the Mexican Government five millions of dollars, and subsequently, it is affirmed, seven millions.

Now, sir, I recommend to gentlemen who, with kindly courtesy, volunteer to utter newspaper rumors upon the floor of the House, in order that the Administration may have a chance to

defend itself against vagrant gossip, to call for the papers connected with this alleged offer of Mr. Fillmore, and see whether it be a fact or not. When I say that I believe Mr. Fillmore did make this offer, I do not mean to disparage his Administration or his services. He has been truer to his own State than his State has been to him. I opposed his election, and I opposed his Administration; but, sir, that cannot cloud my sense of justice. I apply to his, what I apply to every Administration, the standard of right and wrong, in my own judgment. If right, I will support the measure, irrespective of party auspices; if wrong, I will reject it in the same spirit.

Thus, sir, I will not say that Mr. Fillmore was wrong in offering five millions for the abrogation of a harassing and embroiling stipulation in the treaty of Guadalupe Hidalgo. I do not know that he was, and I make no random charges, and I wage no partisan warfare. I shall discuss now no question about railroad routes, nor shall I comment upon sectional issues. Whoever pleases may raise the red flag of the amphitheater and plunge into the contest; but I will enter into no barren fight. Sir, I do not profess the broad sympathies which many gentlemen here delight to vaunt. No, sir; I am a southern man, and I always mean to be true to the South, covered all over as she is by the Constitution. To my own State first and foremost, I shall ever stand, whether she be right or wrong. But, sir, I do not conceive that any sectional issue is properly involved in this question.

Mr. HAVEN. I know that my friend from South Carolina [Mr. KEITT] does not intend to impute anything intentionally wrong to me. What is more, I am quite certain that what he has said does not contravene the remarks I made this morning. This thing works very well so far. Light is gradually dawning upon us. It seems that there is another gentleman in this House who is willing, from the knowledge he has obtained from personal intercourse with the negotiator of his treaty, to vote for this appropriation. Let me ask the gentleman from South Carolina if he will join me in giving the remaining members of this House information in reference to all these matters? My friend undertakes to say, upon good authority, what the Administration of Mr. Fillmore offered in reference to this treaty; I will join him in getting the papers. This information is altogether new to me. It may be true; the gentleman from South Carolina may have sources of information upon that subject which to me are wholly inaccessible.

I desire to say to my friend from South Carolina, in all good feeling, that I do not want to put him or others to the trouble of hiding behind Mr. Fillmore in voting for this treaty. Give us the documents, and let us see, when we get them, whether they will sustain the gentleman in what it has been doing, without going behind a previous Administration for protection. I say this in no offensive sense. I believe my friend from South Carolina will join me in undertaking to shed light upon this transaction. Let me say one thing further, and I am done. I did not intend to attribute anything wrong to General Gadsden. I think I did not attribute anything wrong to him. I thought I was doing him but justice, when I said that a special agent was sent to Mexico with verbal instructions, and that General Gadsden, like an honorable and high-minded man, refused to act upon them; refused to compromise his good name and standing as a gentleman. I said more—that the special agent committed the instructions to writing, which had been trusted to him verbally by the Administration at this end of the line, before General Gadsden would condescend to regard them. And I appealed to my friends on the other side of the House, that, in justice to an honorable man from South Carolina, who was engaged in this negotiation, they should join me in having this information laid before the House, so that General Gadsden might be fully acquitted and sustained in reference to this negotiation; and those who are endeavoring to do him injustice might be put to shame. Or, if the correspondence did not justify the parties to this negotiation, that then this House might put its seal of reprobation upon the treaty, and withhold the money.

Mr. KEITT. Will the gentleman from New York allow me one minute in order to put myself right?

Mr. SMITH. Certainly.

Mr. KEITT. I said, Mr. Chairman, that I had no connection with any of the Departments. I said that I had had a conversation with General Gadsden, which, however, was casual, and had no relation to his instructions. I am giving no vote upon any information communicated to me by that gentleman. I merely gave his declaration, that he had not violated his instructions, against the newspaper rumor that he had. If I had not had his declaration, I should as quickly, and to me as satisfactorily, have given his character as a pledge against this scandal. Sir, General Gadsden communicated nothing to me about the character of his instructions, or the negotiation of the treaty. Nor have I said anything which would authorize any one to infer that General Gadsden violated his official honor or his diplomatic functions by giving me any private information. He gave me none such; nor did I say that I would vote upon any such information. I have no sources of information which other gentlemen have not. Sir, I simply repelled a newspaper rumor, that he had violated his instructions, by his declaration that he had not. I then stated that I had three grounds for supporting this bill.

The first of these grounds was the Tehuantepec route; the second, the twenty millions, or thereabouts, of square acres of land given to us under the treaty; and the third the abrogation of the eleventh article of the treaty of Guadalupe Hidalgo, for which Mr. Fillmore had offered, as I was informed, \$5,000,000 or \$7,000,000. These were the three grounds on which I said I would vote for the bill. General Gadsden and his friends hide behind no man. I appealed to the act of Mr. Fillmore, only to show that the \$10,000,000 was not given for the land embraced in the treaty, not to show that Mr. Fillmore had done wrong. Sir, whenever General Gadsden and his friends hide behind any man, not even newspaper gossip shall say it was behind a political opponent.

Mr. SMITH, of New York, then addressed the committee for one hour. His remarks will be published in the Appendix.

Mr. GIDDINGS obtained the floor.

Mr. PECKHAM. I ask the gentleman from Ohio to allow me a single moment?

Mr. GIDDINGS. I will, certainly.

Mr. PECKHAM. It has been suggested here by the gentleman from Alabama, [Mr. HOUSTON,] that the resolution submitted by me, and that submitted by the distinguished gentleman from Missouri, [Mr. BENTON,] were not submitted in earnest; that they were not intended in sincerity to obtain the correspondence; that we really did not wish it.

Mr. HOUSTON. I said no such thing.

Mr. PECKHAM. Oh! there is no occasion for the interruption. I do not mean to impute anything wrong to the gentleman. But I desire distinctly to say that I offered the resolution for no other purpose than appears upon its face. I offered it for the purpose of obtaining information which should guide this House in its action, and for no other purpose whatever. And I now will renew the proposition, if I can get the floor for that purpose, and will ask that the committee rise, solely to enable me to submit that resolution; and I will then immediately move again to go back into committee. It is not too late, even now, to get the information.

Mr. HOUSTON. It is due to myself that I should say, because the gentleman from Missouri [Mr. BENTON] is not in his seat, and my remarks applied as much to him as to the gentleman from New York, that I meant to say, if I did not do it, that it was an indication that the papers were not desired, the proposition was made at so late a period. It was an induction which I suppose that I had the right to draw.

Mr. PECKHAM. This correspondence has, beyond all question, been laid before the Senate; and, therefore, it would require but ten minutes to send it here. I make the motion that the committee do now rise, so that we may go into the House and pass the resolution which I introduced. We can then have the correspondence to use to-morrow in the five-minute debate, with the same force and effect as if we had it before. I will say that this motion, founded on rumors of wrong and fraud, is met and answered simply by rumors; and thus is this House engaged, instead of having facts, when facts are within our reach. It does

not become the House, when the fact is conceded that we have the right to exercise our judgment in voting or withholding this appropriation. Indeed, it seems to me to be wholly improper, that fact being conceded, for us to say that we shall blind our eyes; that we shall have no sort of light; that we shall go on in darkness on the question, and that we shall vote without knowing one word of the grounds or reasons of our vote. I am not prepared to go for this appropriation as a matter of faith. I have not sufficient faith in the Administration.

Mr. KEITT. Will you go for it at all?

Mr. PECKHAM. I shall go for it if satisfied that it is for the benefit of the country. I hope the committee will rise, and the resolution calling for the correspondence may be adopted, so that we may have it to use to-morrow.

Mr. GIDDINGS. I yield for that purpose, and with the understanding that I shall not lose my right to the floor.

Mr. McMULLIN. I understood that the gentleman from New York yielded the floor to the gentleman from Ohio, to occupy the remainder of his time.

Mr. GIDDINGS. I only yield to the gentleman from New York.

The question was taken; and Mr. PECKHAM's motion was agreed to.

The committee rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and especially House bill No. 405, "to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of the 30th December, 1853," and had come to no resolution thereon.

Mr. PECKHAM. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested, if not inconsistent with the public interests, to communicate to this House copies of all instructions to our Minister to Mexico, Mr. Gadsden, and of all correspondence between this Government and him, touching or concerning the treaty between this Government and Mexico, of the 30th of December last, and the subject-matter thereof.

Mr. McMULLIN. There is no House here, and I move that we do now adjourn.

The question was taken; and the House refused to adjourn.

Mr. MILLSON. There is no quorum here, and I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. PECKHAM. I submit that my motion takes precedence.

The SPEAKER. The introduction of the resolution depends upon the will of the whole House. If objected to by any single member, it cannot be offered under the rules.

Mr. PECKHAM. I do not understand any gentleman as objecting to the introduction of the resolution.

Mr. PHELPS. I object to the consideration of this resolution, because the President is not in the city.

Mr. PECKHAM. I do not design by the resolution to postpone in any degree whatever the passage of this appropriation.

Mr. HOUSTON. It is utterly impracticable to get that information and not delay the business at this late period of the session.

Mr. PECKHAM. The resolution can do no possible harm. If the information is not obtained, we shall have been heard, at least; and if it is obtained, why, then we shall have the light we are seeking.

The SPEAKER. Objection is made substantially, by the gentleman from Virginia, [Mr. MILLSON,] who moves, as he has a right to move, that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MILLSON. I desire to say a single word, and explain the reason why I made the motion that the House resolve itself into the Committee of the Whole on the state of the Union. I regard this as a very important question, and I think we have a right to call for the correspondence relating to this treaty, if we please. I certainly shall never surrender this right, if ever this question is put to a vote, and I desire that a full vote shall be taken

by the yeas and nays. In any question connected with these points raised here, I should like to have a full vote upon the yeas and nays. But we should not proceed to a vote upon the resolution now; for the result will be to break up the committee, and bring this debate to a sudden close; and unless we now return to the committee, we shall be compelled to adjourn.

Mr. McMULLIN. In casting my eye around the Hall, I saw that there was hardly a quorum present, and consequently I moved that the House adjourn.

Mr. SMITH, of Virginia. I do not know whether there is a quorum present or not. If there is, and we can get the information, let us have it; but if we cannot get it, let us return to the committee, and resume the consideration of this subject.

Mr. McMULLIN. I submitted a motion that the House adjourn.

The SPEAKER. The motion made by the gentleman would not be in order; for there is a motion pending that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken upon Mr. MILLSON's motion; and there were—yeas forty-four, noes not counted.

So the motion was disagreed to.

The SPEAKER. The motion to adjourn is now in order.

Mr. PHELPS, (at half past four, p. m.) Then I move that the House do now adjourn.

The question was taken; and, on a division, there were—ayes 18, noes 41.

So the House refused to adjourn.

Mr. HAVEN. I hope the House will consent to go quietly into committee, and that the chairman of the Committee of Ways and Means, and other members of the House, will withdraw their opposition to the motion to return into committee. If they will not give us information, we had better go back into committee.

Mr. HOUSTON. The gentleman from New York certainly needs information when he makes such a statement. I voted to go back into committee. If the gentleman had paid attention, he would not have charged me with a violation of the rights of the gentleman from Ohio, [Mr. GIDDINGS.] I insisted on my friend from Virginia [Mr. McMULLIN] withdrawing the motion to adjourn, for the purpose of our going back into committee, and allowing those members who desired to speak to do so; and I voted to go back.

The SPEAKER. The discussion is not in order.

The question was taken on the motion to return into the Committee of the Whole on the state of the Union, and it was agreed to.

The House accordingly again resolved itself into the Committee of the Whole on the state of the Union, (Mr. DISNEY in the chair.)

Mr. GIDDINGS. Amidst the general anxiety of gentlemen on both sides of the House to explain the reasons which are to govern the votes they intend giving on this important question, it is my intention to occupy no more time than to assign briefly one or two points which will control my own action.

I had supposed the doctrines which control the different departments in negotiating, approving, and sanctioning treaties under our Government, well settled and well understood. On this point I can add very little to what was so well said by the gentleman from Missouri, [Mr. BENTON.]

It is the duty of the President, by his commissioners appointed for that purpose, to negotiate treaties with other nations. When that is done, it becomes an inchoate treaty, of no validity whatever, until sanctioned by a two-third vote of the Senate.

The Senate in approving the treaty are as independent of the President as the President is of the Senate. They act their judgment; and having approved the treaty, it may be perfected by such approval, and it may not. If it be a mere release of claims, or rights over which this House have no control, it becomes the supreme law of the land at once upon its ratification by the Senate.

But if it depend on the payment of money by this Government, it can have no effect until the appropriation be made by this body. Nor can any hardship attend this rule; for the Constitution provides that all appropriations shall originate in,

and pass, this body. And our Constitution enters into, and constitutes a part of, every national compact. In such case this body must act; we must grant the money. In doing this, we must act from knowledge, and not from the want of knowledge.

At this point I take my departure from my excellent friend from New York, [Mr. SMITH.] He says that the treaty becomes the supreme law of the land when approved by the Senate; that it is binding upon the nation. I surely so understood him. Although, before he closed, he seemed to say that we must pass upon it, and, that he would in this case vote against it; and to use his own words, would render it *null and void*. But he surely declared the treaty to be perfect and binding on us, as soon as the Senate approved it. Why, sir, will he admit that we come here to carry out the behest of the President, or of the President and Senate combined. He paid a glowing tribute to freedom; he discoursed eloquently upon the liberty of our people, and then he seemed to admit in his remarks that we were the legislative servants of the President. I cannot think he expressed his views as he intended; for he afterwards substantially admitted the doctrine laid down by the gentleman from Missouri, [Mr. BENTON.]

To me, nothing can be plainer than the principle that when we are called on to act, we are to exercise our own judgment—that we act upon the dictates of surrounding circumstances. This is a treaty for the purchase of territory. Is the territory needed by us? What use do we wish to appropriate it to? What benefits can we derive from it? Why, the gentleman from New York said he would not vote for more than \$5,000,000 for all the benefits we shall derive from this treaty. Now, as it was originally negotiated, we were bound to pay \$20,000,000. But that sum shocked the conscience of the Senate. They let it down one half, and agreed to pay \$10,000,000; and now my friend from New York would divide it again, and pay \$5,000,000. But I would not pay \$10,000 for all the benefits we are to derive from it. But perhaps I am not possessed of all the information necessary to act upon the subject. Indeed, I know such to be the fact. I am called upon to vote for or against the treaty; but the necessary information to enable me to act understandingly is withheld by the Executive.

The gentleman over the way [Mr. PECKHAM] moved a resolution to obtain the information, but the friends of the Administration objected and defeated it. They say we should have called for this information at an earlier day. It was the President's duty to have sent us all the necessary intelligence in his office when he sent us the treaty. The papers should have come to us at the same time. But it is quite certain we have not the proper intelligence, at least I have not. It is said that one great object of this treaty is to rid ourselves of the eleventh article of the treaty of Guadalupe Hidalgo, which binds us to protect the Mexican frontier from Indian incursions; but no one, it would appear to me, could suppose us liable, under that article, to do more for the protection of the Mexicans than we do for the protection of our own people, and that we have done; yet the friends of this bill insist that there were large claims presented by the Mexican Government on account of our failing to protect their people. Well, sir, of those claims I know nothing; but I see the chairman of the Committee of Ways and Means, [Mr. HOUSTON,] who reported this bill, in his seat. I will ask him if he knows the amount claimed?

Mr. HOUSTON. I do not know the precise amount that is claimed. The claims filed are said to be very large. I understand that Mexico originally demanded as much as \$30,000,000 or \$40,000,000 for our release from liability under the article of the treaty of Guadalupe Hidalgo, to which the gentleman alludes. My information, however, is not authentic. I have not examined the papers, which I suppose are on file in the State Department, and open for the inspection of the public. I suppose anybody could ascertain by going there, and I think, perhaps, I will to-morrow. I understand, however, that as much as \$100,000,000 have been presented under that article of the treaty.

Mr. GIDDINGS. Does the gentleman know the number of claimants who call for indemnity?

Mr. HOUSTON. I do not.

Mr. GIDDINGS. Does he know the amount claimed by any individual?

Mr. HOUSTON. I do not.

Mr. GIDDINGS. This shows the degree of intelligence possessed by the committee who reported the bill. We cannot act upon the understanding of that gentleman, although I admit him to be usually very accurate. He says we might all have obtained the same intelligence which he possesses. True; but I really would not be willing to vote for \$10,000,000, upon the same vague understanding which he appears to possess. It would not have been very convenient for two hundred and thirty-four members to have thronged the Department for information, and then we should have obtained nothing on which we could have safely acted. Why, sir, we want official data; we want the documents to consult. But as it is, I know nothing on the subject; the honorable chairman knows nothing definite; nor, so far as I can learn, does any member of this body possess the requisite intelligence to act understandingly. In short, sir, we appear to be a political convention of "Know-Nothings," so far as this treaty is concerned.

I repeat, I see nothing in this treaty that would induce me to vote \$10,000, much less \$10,000,000, to carry it into effect. This is the people's money, and when my friend from New York shall return to his constituents, they will inquire for what did you vote away \$10,000,000 of our money? He may be able to answer the question. I should not. Nor shall I place myself in a situation to have that interrogatory propounded to me.

But it is said we get from seventeen to twenty millions of acres of land. Had the word *territory* been used, it would have been more appropriate. We get that quantity of land and rocks, volcanic mountains, precipitous bluffs, &c., &c., but we get very little land that is capable of cultivation. But the gentleman from New York [Mr. SMITH] says he would be willing to purchase lands for that purpose, either North or South. Why, sir, a railroad through that region will be as much an object of solicitude to the Mexican Government as to ours; for they will derive the same benefit from it that we shall. That Government would be glad to furnish the land for such a road. Indeed the Mexican Government, by her treaty of "Guadalupe Hidalgo," was bound to aid in such a road, provided one could be built along the valley of the Gila. The Mexican commissioners who negotiated that treaty, thought it a great object to get such a road, and so did the Mexican Government; and no one can doubt that they would unhesitatingly have given what territory they cede to us by this treaty, could they have obtained a road through that country by so doing. We have, however, by the present treaty, released Mexico from this obligation, and have agreed to pay her \$10,000,000 for the privilege of performing that act of generosity. Now, sir, for these reasons I shall not hesitate to vote against the appropriation.

It has been remarked that when this treaty was before the Senate, there were such evidences of fraud and corruption that the Senate refused to ratify it until the amount was diminished one half. I verily believe that if we were now to divide it again the Mexican Government would accept it just as quick as they would in its present shape. But we must leave it for time to develop the true character of this treaty. At this moment we can only say that we see no justice or propriety in it.

Mr. WASHBURN, of Maine, said: Mr. Chairman, I listened to the remarks which fell from the distinguished and learned gentleman from New York [Mr. GERRIT SMITH] with astonishment. He undertook to show that this House was bound to vote, without investigation and without question, any money necessary for carrying out a treaty entered into by the President and the Senate; that a treaty formed by the President and Senate was perfect and complete in its obligations; that the House had nothing to do in regard to it, except to vote the money; that it had no right, moral or legal, to question or inquire concerning it. I had supposed, sir, that that heresy was exploded more than fifty years ago, in the discussion which took place in the House of Representatives on Jay's treaty. The position was taken by Mr. Madison, Mr. Gallatin, Mr. Livingston, and other able and distinguished gentlemen, among the first statesmen of this country of that day—the cotemporaries of the Constitution—that in all cases where

treaties connected themselves with the legislative power of the Government, there should be legislation by Congress; that where money was to be appropriated, or where the revenue, the trade, or the commerce of the nation was in question, then the consent of Congress must be obtained, otherwise it would be very easy to deprive the House of Representatives of nearly all its power in the Government. It would be easy for the President to form alliances, treaties, and conventions with foreign Powers in relation to duties on imports, taxes, in relation to commerce generally, and so take away from the House all right to legislate in reference to these great questions. It would not be difficult for the President and treaty-making power to form alliances with foreign nations, by which this nation would be bound to furnish them arms, aid, and supplies, in all their wars, and thus compel us to make appropriations annually without other cause or reason for an indefinite term of years. Although the Constitution provides that no appropriation for the support of the Army shall be made to continue for more than two years, yet, sir, under the gentleman's construction, it may be in the power of the President and Senate so to involve this country in alliances with other nations as to bind us to make appropriations for an indefinite period of time—not for two years merely, but for ten or twenty years. Sir, the doctrine is a heresy, from the beginning to the end. We are under no such obligation. We have a right, in all these cases, to inquire, and are bound to decide upon our own judgments, formed upon the best information we can obtain. But, sir, the gentleman seems to deny his own doctrine, when he says that he will not vote for this bill. Why? Because the treaty provides for the payment of too large a sum. So he exercises a discretion, acts upon his own judgment, at the same time denying the right of the House to call for information which might satisfy him that the amount to be paid to Mexico is not unreasonable. The House of Representatives are the immediate representatives of the people. They hold the purse strings of the country, and they are directly responsible to the people for the manner in which they hold them. The House of Representatives is now the conservative branch of the Government. It is the great branch, I may say the power, in the American Government. Strip it of this right to examine into treaties, and deny it the power to refuse to make appropriations, and you practically annihilate it. I listened with amazement to the doctrine—I will say the monstrous doctrine—of the gentleman from New York, [Mr. SMITH.] I am happy to know that that doctrine meets with but little favor in this Hall. I believe, with the distinguished gentleman from Virginia, [Mr. BAYLY,] who is at the head of the Committee on Foreign Affairs, when he gave us his construction of what the right of this House was in connection with treaties—if I have been correctly advised in relation to what he said, for I did not hear him—a doctrine consistent with the republicanism of the better days of the Old Dominion.

Believing that we have a right to investigate this matter, that we have a right to all the information the Executive can give us concerning this treaty, that we are not bound to vote upon a measure of this importance and magnitude, without we know all about it, without we know all the circumstances attending it; have the aid of the correspondence, the papers, the documents, and every thing which can shed light upon it, I am not prepared to vote for it upon the mere text of the treaty. For one, as I must vote upon my own judgment, I require information upon which to give my vote. I do not know how it is. This treaty may be right, may be proper, and just, and fit to be made. If the correspondence and papers in the case shows it to be so, I will vote cheerfully for it; but it may be otherwise. There may have been frauds—I do not charge that there were—there may have been corruption permeating it through and through. I do not charge that there was. I do say, however, that I have a right to know whether there was or not. I know that there have been charges of this kind made in the streets and through the papers, that the air is full of rumors upon the subject, and I want to know whether there is any foundation for them. This information is in the Senate, and it may be sent to us if gentlemen please to ask for it. Will they not, then, give us that information

so easy of access? If it is improper to give it to us in open House, let them give it to us confidentially. We may, I hope, be trusted with the secrets of the State as well as the Senate upon questions where our action is as necessary as theirs. If I had the information, I could then know whether there is any truth in the suspicions in connection with this treaty, which have been given to the winds, and are floating through these Halls. If there have been any frauds—if this work is full of jobs, and the creature of infamy—we had better know it at once, and we ought to know it; and we would, in such case, reject the treaty. When there are suspicions abroad of a most serious character, coming, it is said, from quarters which should be well informed, can I, and ought I, to give a vote of which I shall be ashamed hereafter, and for which I can give no excuse except that I had no knowledge in the premises? No, sir. For that reason, and until I have information which can be readily given, and which, if not given, leaves strong implication in favor of the suggestions and suspicions, I shall refuse to give my vote for this bill. And yet the treaty may be just, expedient and wise; but it is not of that transcendent interest—the advantages to be secured by it, or to be lost in case it fails, are not of that high and controlling character—so far as I believe, which can justify me to overlook the objections which, I fear, exist, or to give any possible sanction to this sweeping and blindfold manner of voting away the people's money.

Mr. BOYCE. This is a subject of great importance in two points of view. First, in reference to the power of this House over the subject of appropriations required by treaties; and second, in regard to the expediency of passing the appropriation bill for \$10,000,000, now before the committee. The first question is, what degree of discretion has this House the right to exercise when a bill comes here asking an appropriation to carry out a treaty? I have no doubt but that the House has a right to exercise a full discretion, a free and entire discretion on the subject. I have no doubt but that we are at liberty, if we think proper, to reject the bill, and to refuse the appropriation.

Mr. Chairman, it has been well said that ours is a Government of checks and balances. Its whole organization is such. The House of Representatives represent the people; the Senate represent the States; the President represents both the people and the States. By one form of election he is elected by the people. In the event of a choice not being made at first, he is elected by the States. Therefore, I say, our whole political system is one of checks and balances. In construing the Constitution, we are not to construe any one clause by itself, but to construe it as part of a whole. We are to look at all the clauses, to put them all together, and, if possible, endeavor to draw a harmonious conclusion. Let us do that in this instance. In the first place, we find in the Constitution, with regard to the House of Representatives, two important provisions: that no revenue bill shall originate except in the House of Representatives, thereby giving to the Representatives of the people the full, absolute, and entire power to place all pecuniary burdens on the people. Then, again, it is provided that no money shall be drawn from the Treasury but in consequence of an appropriation to be made by law, to the passage of which the action of the House of Representatives is, of course, absolutely necessary. Therefore no money can be taken, first, from the people but by the action of the House; and secondly, no money can be drawn from the Treasury but by the like action of the House.

If there is any principle in the Constitution more important than another, more characteristic of the whole tenor of our Government, more essentially American, it is the great principle that the Representatives of the people are to act on all subjects involving the raising of money or the appropriation of money. I take it, then, that this is the great principle which is impressed on the Constitution. And if we examine that instrument by the light of history, we see the importance of this principle. Our ancestors derived it from England. It was the principle which secured the liberty of the English people. It was the great principle which they had struggled for for centuries—the right of the Commons to decide upon the pecuniary burdens of the people, and whether they should give money to the King or not. We

derive that great principle from the history of England; and it is the same for which our fathers struggled in the American Revolution. It is the principle on which the Revolution was successfully carried out, and on which its battles had been fought—the right of the Representatives of the people to tax in the first instance, and to appropriate the money from the Treasury. Without it, liberty cannot exist. Therefore it is the fundamental principle of our Government; and we are bound to construe the Constitution so as that this principle shall at any rate have its full force. However any other principle may suffer disregard, this principle must have efficacy. Let us now construe the Constitution in that light. We find another clause in the Constitution with regard to the treaty-making power. The President and Senate are authorized to make treaties. Well, cannot these two powers stand together? Undoubtedly they can. When the President and Senate make treaties which do not require the legislative action of the House, and are not prohibited by the Constitution, they are the law of the land; but any treaties which they make involving appropriations of money require the legislative action of the House, and cannot be operative and in full force until the House passes the necessary appropriation.

Suppose, Mr. Chairman, that we transpose these different clauses of the Constitution. Suppose we put this clause which restricts any other body than the House of Representatives from raising money in the first instance, and that clause which requires appropriation bills to be passed through both Houses. Suppose, I say, we put these clauses together, alongside of the clause giving the treaty-making power to the President and Senate, how will it read then?

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties; provided two thirds of the Senators present concur;" "but" or "and"—use either conjunction, or neither—"all bills for raising revenue shall originate in the House of Representatives;" "No money shall be drawn from the Treasury, but in consequence of appropriations made by law." Certainly if the clauses stood in this juxtaposition in the Constitution, the construction I contend for would be conclusive; but the effect of the various clauses of the Constitution are in no degree dependent upon their local position in the Constitution, nor are they in any degree affected by it. To all intents and purposes the money clauses I have just referred to are as efficacious where they now stand as if they had a local position in immediate connection with the treaty power clause.

The President, with the Senate, two thirds concurring, have the right to make treaties; but where any money is to be drawn from the Treasury, the bill for that purpose originates in the House of Representatives; and no money can be drawn from the Treasury but by appropriation made by a law, in which both Houses must concur. If both clauses of the Constitution which govern this matter stood together, side by side, there would be no doubt about this question. If these clauses were in juxtaposition, there would be no room for doubt.

But there is no *locality* in the Constitution. One clause has as much force as another, as far as construction is concerned. I take it, then, that there is no doubt that this House has the right to pass and act freely upon money bills which come before it for its action, whether that money is to carry out a treaty or not.

In construing the Constitution, I think it is proper that we should endeavor to throw around it every possible security in relation to the expenditure of the public money. If we secure the public money against being wasted, we accomplish a great result. The construction which I contend for does accomplish that purpose, as far as it can be done. If treaties are the law of the land, and obligatory upon the House without its action, we have no discretion, but must make the appropriation from the public Treasury; and the President and Senate may determine how much shall be expended in that way, and for what purposes.

We are, therefore, bound to give that construction to the Constitution which will secure the money of the people; and the construction I contend for is the one best adapted to accomplish that object.

Again, we should so construe the Constitution as to be in harmony with the genius of our institutions. The whole genius of our institutions looks to the fact that the money of the people shall be expended but by the consent of the Representatives of the people. That fact has been alluded to by every one who has written upon the Constitution and laws of England, as the great safeguard of the English people; and they maintain the doctrine that the Commons, who are the representatives of the people, have a right to pass upon all questions involving the expenditure of the money of the people. And that is the spirit of our institutions. It cannot be supposed that we have fallen behind England in that respect, and that we are placed in a less favorable position than the people of England occupy.

I beg leave here to read a few lines from the celebrated work of De Lolme on the Constitution of England, who, considering the powers of the House of Commons, says:

"In reading the foregoing enumeration of the powers with which the laws of England have intrusted the King, we are at a loss to reconcile them with the idea of a monarchy which, we are told, is limited. The King not only unites in himself all the branches of the Executive power; he not only disposes, without control, of the whole military power in the State, but he is, moreover, it seems, the master of the law itself, since he calls up and dismisses at his will the legislative bodies. We find him, therefore, at first sight, invested with all the prerogatives that ever were claimed by the most absolute monarchs, and we are at a loss to find that liberty which the English seem so confident they possess."

"But the representatives of the people still have—and that is saying enough—they still have in their hands, now that the Constitution is fully established, the same powerful weapon which has enabled their ancestors to establish it. It is still from their liberality alone that the King can obtain subsidies; and in these days, when every thing is rated by pecuniary estimation; in these days, when gold is become the great moving spring of affairs, it may be safely affirmed that he who depends on the will of other men with regard to so important an article, is, whatever his power may be in other respects, in a state of real dependence."

"The King of England, therefore, has the prerogative of commanding armies and equipping fleets; but, without the concurrence of his Parliament, he cannot maintain them. He can bestow places and employments; but, without his Parliament, he cannot pay the salaries attending on them. He can declare war; but, without his Parliament, it is impossible for him to carry it on. In a word, the royal prerogative, destitute, as it is, of the power of imposing taxes, is like a vast body which cannot, of itself, accomplish its motions; or, if you will, it is like a ship, completely equipped, but from which the Parliament can, at pleasure, draw off the water and leave it aground, and also set it again afloat by granting subsidies."

Sir, that is the great basis of the English Constitution—the right of the Representatives to determine the pecuniary burdens that shall be imposed upon the people. And shall it be said that the Representatives of the American people have less power than the Commons of England? Certainly not. I consider, then, this right of the House of Representatives to pass upon all money bills as the very corner-stone of this Constitution, and the great safeguard of our liberties; and, I for one, will never consent to abandon it. I cannot agree with the opinions on this subject expressed by the gentleman from Alabama, [Mr. PHILLIPS.] I know that some of the ablest writers upon constitutional law have held different doctrines—Federal doctrines which were promulgated by the earlier fathers of the Federal school—that this House have no right to pronounce upon appropriations required by a treaty—that the treaty-making power is absolute and unlimited; and that, after a treaty has been ratified, this House is under an absolute and peremptory obligation to make the appropriations required. That is, I think, the doctrine set forth by the gentleman from Alabama. But, sir, I hold that the House has a perfect, full, and free discretion; that we are to do as we think best according to our honest judgments; not that we are wantonly to reject a treaty appropriation without a sufficient cause, but that we have the right to exercise a sound discretion as to whether we will pass or reject it.

Why, sir, what was the practice of the British Government at the time our Constitution was formed? for the practice of that Government at that time is of much importance in giving the proper interpretation and meaning to our own Constitution in reference to this subject, because it was from that source our ancestors, in a great degree, derived their ideas of government. It was from that source they drew the very life-blood of our institutions.

Now, sir, what was the practice in England at

the time of the formation of our Constitution? According to Blackstone and other elementary writers, the King is invested with the absolute right to make treaties. But, in point of fact, all monetary propositions, or propositions affecting in any way the internal regulations of the country embraced in treaties, had to be submitted to the House of Commons.

Well, sir, our ancestors, in framing our Constitution, could not but have been governed, in a great degree, in framing the treaty-making power, by the practice then in existence in England, and which is still in existence there. With the practice then existing, that all propositions involving the appropriation of money must be submitted to the House of Commons, is it to be supposed that our ancestors were ignorant of that practice? Or, supposing them to be acquainted with it, is it to be supposed they were blind to its force? Sir, when they, in imitation of the practice in England, constituted the President and two thirds of the Senate the treaty-making power, and when that practice gave to the House of Commons the right to refuse appropriations if they thought proper, it cannot be supposed that the founders of our institutions would endow our House of Representatives with less power, with less authority, than was given to the British House of Commons—a body which nominally had a very large constituency, but which really had a very small one. I must conclude, then, from these circumstances, if from none other, that the true interpretation of the Constitution is to give to this House the power for which I have contended. I cannot conceive that our fathers, in forming our institutions, would have given to this House fewer rights and privileges than was given to the corresponding body in England, but I must conclude that while they gave to the President and Senate the power of making treaties, they gave to this House the right to grant or refuse appropriations.

Again, Mr. Chairman, the Constitution says, in one clause, that Congress shall have power to pass all laws necessary and proper to carry into effect the expressly enumerated powers conferred on any department. It does not say that they shall pass such laws, but that they shall have power to do so. Well that meets this particular case. The treaty-making power is conferred on two departments of this Government. It comes, then, expressly under this clause of the Constitution. This clause of the Constitution then grants to Congress, which includes this House, the power to pass such laws as may be necessary and proper. It does not say that they shall pass such laws, but it says "they shall have power" so to do. This implies discretion. They are at liberty to pass these laws or not, as they think proper. If they have any discretion on the subject, they must have a full discretion. You cannot have a half discretion. Such a thing is metaphysically impossible. You cannot draw a line of 360° 30', or any other line, through a discretion. It must be an entire discretion, or no discretion. It is an unlimited discretion. A reasonable discretion, I grant you—one to be exercised under a just sense of the responsibility weighing on this House. It is an unlimited, but rational discretion; and it is for that discretion I now contend.

There is another clause of the Constitution which, it seems to me, is full of meaning on this subject. It is the clause which has been just alluded to by the gentleman from Maine, who preceded me in this debate, that all appropriations for the support of the Army must be renewed every two years. So jealous were our ancestors of a standing army, or permanent military establishment, that they required appropriations for the support of the Army should pass before the people every two years, which was the limit of the term of the members of the House of Representatives; so that every time the Representatives of the people come fresh from the people, with the ideas and instincts of the people, they should have the right to pass on the subject as to whether the Army should be longer continued or not. If we were to admit this unlimited power in the President and Senate to pass treaties, and we were bound to make the appropriations, what would become of this great power by which our ancestors intended to preserve their liberties and to put it out of the power of any ambitious general or chieftain, at any future time, to have a standing army. If you permit this absolute power, con-

tended for by the gentleman from New York, the President and Senate may enter into treaty stipulations with some foreign nations and engage to give subsidies or keep up standing armies for any length of time, and this great clause intended to secure the liberties of the country would be nugatory. I cannot consent to any construction of the Constitution which would lead to such disastrous consequences.

Again, may not this House refuse to make appropriations which have been commenced by a previous Congress? Suppose laws were passed by a previous Congress by which it was enacted that certain appropriations should be made for certain works, or any particular purpose, has not every House of Representatives, as it comes here, the right to determine whether it shall carry out those appropriations or not? Undoubtedly they have. The law requiring them to do so is the law of the land. Treaties can be no more at the utmost than the laws of the land; but the law of one Congress is not irrevocably binding on another. One Congress may enact that there shall be appropriations, but the next Congress may refuse to make these appropriations; if, therefore, we have the right to refuse to make appropriations, though called for by the President, House of Representatives, and the Senate, how much more have we the right to refuse to make appropriations under a treaty ratified by the Senate and the President? I think this view of the subject is conclusive, for even admitting treaties to be laws in reference to all the subjects of which they dispose, yet this House would not even then be absolutely bound to make treaty appropriations. But I cannot and do not admit that treaties are laws where they undertake to provide for the payment of money. They are not fully operative and efficacious on this point until they have been affirmatively acted upon by the House.

I would beg leave to call the attention of the committee to this important fact, that the restrictions upon the powers of the Government contained in the Constitution, are restrictions on the legislative powers of the Government, not on the treaty-making power. The Constitution, for instance, prescribes that Congress shall pass no bill of attainder, and that no preference shall be given to the ports of one State over those of another, and that no laws shall be passed concerning the establishment of religion. All these great principles of liberty which are embodied in the Constitution are, in form, restrictions only upon the legislative power of the Government. They are not restrictions upon the treaty-making power. What follows, then, as a consequence? If the legislative authority granted to this House to lay taxes and pass appropriation bills is no restriction upon the treaty-making power, much less would the exceptions to the legislative authority of this House be any restriction on the treaty-making power. And thus you would arrive at this monstrous result, that the treaty-making power was an unlimited power, and the President and the Senate might do what they thought proper, without being bound by the limitations of the Constitution. It is impossible that such a construction of the Constitution can be sound. And, therefore, we must admit what I have been contending for, that the legislative powers granted to this House over the purse are limitations on the treaty-making power.

I was surprised to hear the gentleman from New York [Mr. SMITH] give the treaty-making power so broad a construction as he did; but his conclusion is entirely at variance with his argument. After assuming that treaties place us under a moral necessity to vote the money they require, he tells us he will not vote for this appropriation. It is contended by some that the Constitution imparts a peculiar sanctity and vigor to treaties, when it declares they shall be the supreme law of the land. But in what sense does the Constitution say that? Supreme over what? Not over Congress, and not over the House of Representatives, but they shall be supreme—I mean in the last instance, when they become laws—supreme over State laws and constitutions. That is the meaning of the word "supreme," in this connection. For instance, after this treaty shall have been passed upon favorably by this House, if it is so favorably passed upon, it is to become the supreme law of the land in reference to State laws and State constitutions. The word "supreme," as it is found in this connection in the Constitution,

is not intended to mean that the treaty-making power shall be supreme over the legislative power; and that the action of the Senate and President, upon the subject of a treaty, shall be supreme over this House, where it concerns any matter over which this House has legislative discretion. No such thing. Suppose the ground contended for by the honorable gentleman from New York, is correct, that treaties are supreme, and that we are bound to execute them under all circumstances, what limit would there be to the power of the President and the Senate in making treaties? They would have a *carte blanche* to do whatever they might think proper to do, there would be no barrier to their discretion; and where there is no limit to discretion there is no liberty.

The object of free constitutions is to throw around Governments the barriers of laws and restraints. I think there is danger that this treaty-making power may be carried too far. It is the tendency of power constantly to increase; it is continually stealing from the many to the few. The tendency of this treaty-making power is to absorb all other powers, and it behooves us, the Representatives of the people, to see that it does not transgress beyond its proper limits. Take the instance of this treaty. If the treaty-making power can appropriate money, and we are bound to carry out their will, what limit will there be to the treaty-making power? None, none whatever. For there is no legislative power in all the grants of the Constitution so closely hedged in, so carefully protected, as the money power. That is expressly confided to this House. They are the trustees of the people. They stand between the people and all pecuniary oppression, or extravagance, or prodigality.

If, therefore, the treaty-making power can invade this great principle, where is it to stop? Who can place bounds to it at all? We are at sea, then, without chart or rudder. I say, then, that we are bound to take our stand upon this point; that the House has a right to exercise a fair, rational, and reasonable discretion on this subject, and to say whether they will or will not pass any appropriation bill which may be required to carry out the provisions of a treaty. The power of the House on this subject is not an injurious power, as has been said by some. It may be said, as it has been said by some of the elementary writers on this subject, that if the House of Representatives have a right to pass upon the subject of treaties which come before them in their legislative capacity, that the business of making treaties would be greatly perplexed and entangled, that the President and Senate would be shorn of their strength, and that the treaty-making power would thereby lose much of its efficiency and force. No such thing. The power of the House in this regard is simply a negative power. The House cannot initiate a treaty. Nobody pretends that it can do any diplomatic act. It cannot take the first step in such a matter. It may express an opinion, but it can do nothing in the way of action. The House may pass resolutions which may induce the President to make treaties, but it can do nothing in the way of opening negotiations or closing them. Its power is simply a negative power; and a most useful power it is. It is a beautiful illustration of the workings of the concurrent majority principle on which Mr. Calhoun constructed his profound theory of government. The very fact that the House of Representatives have this negative power to refuse to make appropriations, if they, in the exercise of their best judgment, think that the appropriations ought not to be made, may be used as a very powerful weapon of negotiation, by the President and Senate, because, if foreign Governments require too much money in the treaties we are forming with them, they may say to them, "we, ourselves, might be willing to accept your offer, and give this amount of money, but this treaty has to pass through the ordeal of the House of Representatives. The representatives of the people have to be satisfied on the subject; and they are a little particular about the money of the people. They might refuse to pass the appropriation bill to enable us to comply with the terms of the treaty, and thus the treaty would become null and void." So far, then, from the power of the House of Representatives to pass upon this point being injurious, it is a power which might be of the greatest benefit, as it can be used by the President and

Senate as a powerful argument to resist the demands of a foreign Power for an exorbitant sum of money, in the negotiation of a treaty. On all these accounts, then, I conclude that the House of Representatives, on the question of appropriating money which is required by a treaty, has an entire and free discretion in the exercise of a sound judgment. They are not bound to appropriate money, unless in the exercise of a reasonable discretion, they think that the best interests of the country require that they should.

On this point I beg leave to read a passage from Mr. Madison, as embracing very fully my views on this subject. Mr. Madison says:

"He came next to the fifth construction, which left with the President and Senate the power of making treaties, but required at the same time the legislative sanction and co-operation, in those cases where the Constitution had given express and specific powers to the Legislature. It was to be presumed, that in all such cases the Legislature would exercise its authority with discretion, allowing due weight to the reasons which led to the treaty, and to the circumstances of the existence of the treaty. Still, however, this House, in its legislative capacity, must exercise its reason; it must deliberate; for deliberation is implied in legislation. If it must carry all treaties into effect, it would no longer exercise a legislative power; it would be the mere instrument of the will of another department, and would have no will of its own. Where the Constitution contains a specific and peremptory injunction on Congress to do a particular act, Congress must, of course, do the act, because the Constitution, which is paramount over all the departments, has expressly taken away the legislative discretion of Congress. The case is essentially different where the act of one department of Government interferes with a power expressly vested in another, and no where expressly taken away: here the latter power must be exercised according to its nature; and if it be a legislative power, it must be exercised with that deliberation and discretion which is essential to the nature of legislative power."

I have said thus much upon this branch of the subject, not so much because I considered it necessary upon the present occasion, as because I desired, for one, to put upon record my opinions of the power of this House over the appropriation of money where it is required by treaty; and because I cannot foresee what may occur hereafter, and I do not want to act blindfold upon this subject.

I will now, for a few moments, turn my attention to the consideration of the particular treaty now before us, and give the reasons which induce me to vote for this appropriation.

In the first place, the fact that the treaty has been negotiated by the President, with the consent of two thirds of the Senate, is a strong recommendation in favor of the treaty. So far as the President himself is concerned, I have much respect for his judgment, and great confidence in the correctness of his purposes. I repeat, then, that the fact that it comes with the recommendation of the President, is an argument to my mind in its favor. The fact that it has received the approbation of two thirds of the Senate—a body composed of men as patriotic and intelligent as can be found in the country—after mature deliberation; and the further fact that the treaty is of their own making, they having refused to adopt the first treaty, which they rejected and sent back to Mexico. I say that these facts afford a strong argument in its favor. But while I say this, I do not say I would yield my views to any such authority when they come in conflict.

I look to the treaty itself in the next place, and I find enough in that instrument to satisfy me that I ought to vote for the appropriation. The first point I notice in it, is, that it settles the Mesilla Valley difficulty. There is no doubt that a serious difficulty exists between this country and Mexico in regard to that territory. In running the boundary line between the two countries, according to the terms of the treaty of Guadalupe Hidalgo, our commissioners and surveyors did not agree. Our Government contended for one boundary, and Mexico for another. The American commissioners did agree with the Mexican commissioners in the first instance.

I have read, with some degree of care, the views of those who understand this subject, and I must confess the argument, to my mind, is strongly in favor of the American claim. And I so look upon it, not because it is the American argument, but because it is based upon the rules which should have governed the commission in settling the boundary. But, sir, we do not want to go to war with Mexico. I would rather, much rather, give up the Mesilla Valley than to go to war with that nation in her weak and distracted condition; much rather would I yield to her demands, unreasonable

though they may be, than to go to war with her. I would shun war at any time by all honorable means, but if we must have it, let us go to war with a nation from which we may win glory, with a nation equally powerful with ourselves, and not a weak, distracted, convulsed, and tottering power like Mexico. Sir, I am glad of the opportunity to settle, by treaty, our difficulties with Mexico, in a manner honorable to both parties; which will satisfy the demands of that nation without too great cost on our part.

Further, I think we have gained an important point in obtaining a release from our obligations on account of the eleventh article of the treaty of Guadalupe Hidalgo. I think, on referring to the language of that treaty, it will be found that there is strong ground for giving it the construction which the Mexican Government claim for it. Here is the language:

"ART. 11. Considering that a great part of the Territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whenever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted, *all in the same way*, and with equal diligence and energy, as if the same incursions were meditated or committed within its own Territories against its own citizens."

Now, sir, this is the language selected by the Mexican commissioners who made the treaty. And, I ask, what could be more apt, more full, more comprehensive, in conveying the idea of obligation upon our part to protect the citizens of Mexico to the fullest extent? We are to extend to them the protection which, if placed under like circumstances, we should extend to our own citizens. And what degree of protection is necessarily implied in this idea. Why, sir, when we consider the power of this Government—a nation of twenty-five millions of people, able to send one million of soldiers into the field to protect the rights of our citizens—what sort of protection is it to be supposed they would afford? Why, sir, the most perfect the wit of man could devise. And the Mexican commissioners, when they inserted this clause into the treaty, meant to stipulate for the utmost possible degree of protection that human power could afford. And this is the provision of a treaty extorted from that nation when they were prostrate in the dust; when their energies and means had all been exhausted; when our victorious armies traversed their country in every direction, and their beautiful capital itself was in our hands; when Mexico lay under our feet, bleeding at every pore, this was the treaty we forced upon her. And the question now is, shall we screen ourselves from the obligations of that treaty by a mere play of words? On such a play of words as the honorable member from Missouri [Mr. BEXTON] used yesterday, that we were not bound to extend to them any more protection than we had extended to our own citizens; that we had showed no energy or zeal in protecting our own citizens, and that the want of energy we showed in protecting our own citizens, was the measure of energy that we were under obligations to bestow in protecting the people of Mexico. Why, sir, has it come to this, that we shall use our own wrong to relieve ourselves from the obligations of treaties? Has it come to this, that we shall use our own want of duty to our own citizens as a reason why we should not do a duty which we bound ourselves by treaty to perform to a foreign nation, and a weak and defenseless nation, over which we had triumphed? I am against that sort of morality. I would not learn morality in such a school. I say, those words bind us in the strongest way in which language can bind us, to have protected the border provinces of Mexico. And if we have failed to do so—a fact about which there is no dispute—then we are bound to make indemnity. We should put them in the same condition in which they would have been had we performed our part of the treaty. That is what I contend for. I would perform a treaty with the weakest as with the greatest power, and of all powers the Mexican the most—that weak, that distracted, that discordant power, which has been in a state of chaos since it first struck for liberty; the Government of which has been occupied by one

military despot after another; which has been torn and convulsed with civil discord, and whose ruin has been almost completed by our own arms. I say that if there is any power on earth for which I would go further to perform treaties with than another, it is this Mexican Power. I would act towards her with generosity, good faith, justice, and magnanimity. If we adopt the construction which the member from Missouri puts on this treaty, and say that we are not liable, the name of America will become a by-word. American faith will be worse than Panic faith. One will be ashamed to acknowledge that he was an American, if we thus play on words with a weak and defenseless Power.

On the ground of obligations under this treaty and the liabilities which we assume under its eleventh article, I am in favor of voting this appropriation, in order to get rid of them. It is an article which, so long as it exists, may subject us to great expense, and what is more, if we refuse to perform its obligations, we shall strike a blow at the reputation of our country, which should be dearer to us than money. There is a clause in the treaty, too, which says, that on any violation of it, in any particular, either Government shall have the right to refer the matter to arbitration, with the exception that the other Government may refuse to do so if it deems it utterly inconsistent with its safety or interest. Then we should be bound to refer this matter to arbitration. Who would we refer it to? I doubt whether there could be found a Government who would go into that arbitration, who would not go into it with all its sympathies on the side of Mexico, and we would come out of the arbitration with ten, twenty, or thirty millions of dollars due to that nation. I am unwilling to run the risk of that arbitration. I think it wise to settle the matter by the treaty.

It has been said that the late Administration offered \$6,000,000 or \$7,000,000 for the abrogation of that eleventh article of the treaty of Guadalupe Hidalgo. If that be true, then we have an additional reason for this treaty. That would be an interpretation of our own on the treaty, and we would be estopped from denying our own liability.

There is one remaining view of this treaty that recommends itself to my mind. It secures a railroad route to the Pacific. I do not desire this route simply because it is a southern route, for I am willing to see a road established at the North and in the center. I look upon the prosperity of the country with pleasure, and the making of these great improvements, as so many indications of the progress of the country. The Legislature of the State of Texas have granted immense tracts of land to enable a railroad to be run through that State from the Louisiana line to El Paso, and to secure its construction. From El Paso to the head waters of the Gulf of California, or the navigable waters of the river Gila, is not more than four hundred and fifty miles. The construction of this road would connect the Atlantic and Pacific, but of course this road would pass on to San Diego and eventually to San Francisco. I think, therefore, that the southern route is the best route for a railroad to the Pacific, for this reason, among others which could be given, that it would be the shortest route. This treaty is really valuable to the whole country because it secures this great route. And for the reasons I have thus hastily given I shall vote for the appropriation to carry out the provisions of this treaty.

Mr. PECKHAM then obtained the floor and addressed the Committee. His remarks will be published in the Appendix.

Mr. PERKINS, of New York. Mr. Chairman, I am not in the habit of taking up the time of the committee in repeating what has been said by others; and if any gentleman desires to speak upon this subject, I will yield him the floor in ten minutes. I merely wish to assign the reasons—though they have been for the most part assigned by gentlemen who have spoken before me—which induce me to vote against the bill.

It has been denied in some quarters, and particularly in the Union, which claims to be the mouth-piece of the Administration, that when a treaty is made it is the law of the land, and that we are bound to carry it out. Whether the Administration has authorized or directed the Union to make an announcement of that kind I do not know. If it has, that would be a sufficient reason with me to resist this treaty, unless it be one indispensable

to the security of this Government. But I trust the Administration has not authorized the Union to make any such statement, and to advocate the treaty upon that ground.

The position has also been taken by one gentleman [Mr. PHILLIPS] in this House, that we have no right, or, at least, we ought not to reject the treaty unless we have a clear conviction that it is wrong. Now, my position is, that when the Government brings forward a measure for us to act upon, by appropriating as in this case \$10,000,000, it is for them to show that it is right, and not for us to show that it is wrong.

But, it has been said here that we get twenty millions of acres of land by this treaty. Now, sir, I submit that we have no knowledge of that fact. You do not know that you are getting one acre of land. All we get by the treaty is sovereignty over a certain tract of land; but is there a particle of evidence that it has not, every acre of it, been granted away long ago? So far as the Mesilla Valley is concerned—and that is all, or most of all, this treaty comprises, of any value from the accounts we have—it is a settled country, and, if settled, it has passed from the ownership of Mexico. Now, sir, all the right we acquire over it, is that held by Mexico; and, I ask, is there a particle of evidence, is there an allegation even, that every foot of this Mesilla Valley has not been sold out? Or suppose it has not. All the right Mexico ever had in or over it was that of eminent domain, and is there a particle of evidence that she has ever extinguished the Indian title to one single foot of it? I therefore say that, so far from being certain that we are to get this land, the facts before us are *prima facie* evidence that we shall not get one foot of it.

Mr. HAVEN. Why a man served a notice to every member of the House that he had a mortgage on the whole of it.

Mr. PERKINS. Well, that would be some sort of evidence that it had passed from the Indians. [Laughter.] Now, sir, in relation to this call for information, I appeal to the opponents of this call. They tell us we are too late, that we did not call for it in time. I desire to make a single remark upon that subject. My colleague [Mr. HAVEN] has already alluded to it, and I shall not present the facts as strongly as he did, but I think there are one or two considerations which did not present themselves to his mind. Sir, this treaty was formed with a stipulation that the ratifications should be exchanged within a little more than a week. I do not recollect the precise time, after it could have arrived here. I do not remember how long it was before the Senate.

Mr. BOCOCK. I dislike very much to interrupt the gentleman, but I desire, in good faith, to make a statement upon this point. The treaty came here some months ago, when the time for exchanging the ratifications were fixed. The Senate had it under consideration for a very long time, made some alterations in it, and sent it back to Mexico, where the Senate amendments were accepted, and the treaty returned without changing the time for its ratification. That is the reason why it comes here so near the time fixed for the exchange of ratifications. The time itself was fixed some months ago.

Mr. PECKHAM. That is, of course, what the gentleman infers; what he imagines was the fact. Of course, he does not know.

Mr. BOCOCK. How, do not know? Do not I know that this is the treaty which came to the Senate several months ago, that the Senate put in an amendment, that it was sent to Mexico, and returned as I have stated? If I do not know that, how did the gentleman and his colleague [Mr. HAVEN] know all they have told the committee about it to-day?

Mr. PECKHAM. Did the gentleman ever see the treaty before it came to this House?

Mr. BOCOCK. I ask the gentleman if, with all his sophistry, he does not believe the facts I have alluded to as much as he believes anything?

Mr. PECKHAM. The gentleman puts a question to me instead of answering the one I put to him. I ask him if he ever saw the treaty before it came to this House?

Mr. BOCOCK. I never saw it before it came here.

Mr. WASHBURN, of Maine. With the permission of the gentleman from New York, I will make a single suggestion. This treaty was communicated to the House on Wednesday last. I

suggest to the gentleman whether, if the chairman of the Committee of Ways and Means, or the chairman of the Committee on Foreign Relations, had been disposed, as they would seem to imply, or as the chairman of the Committee of Ways and Means would especially seem to imply in his answer to the gentleman from New York [Mr. HAVEN] to-day, that the House should have the knowledge if there was time, it would not have been competent for either of them to have asked Wednesday last for unanimous consent for the adoption of a resolution calling for these papers; and whether he believes that anybody would have objected under their call?

Mr. BOCOCK. May I answer that question?

Mr. PERKINS. Certainly, sir.

Mr. BOCOCK. The gentleman from New York, over the way, made some allusion to that subject when he was up. My friend, here, from Maine, has suggested it two or three times, but does my friend remember that those upon whom he imposes this responsibility do not want this information?

Mr. WASHBURN. Nor do they want anybody else to have it.

Mr. BOCOCK. The gentleman says, why did not the chairman of the Committee of Ways and Means offer the resolution? Why does he not ask for information? Did my friend ask for it? Suppose that he saw enough on the face of the treaty to satisfy him that it was right. Suppose that he saw on its face that the United States acquired from Mexico enough to justify us in paying this money, and was satisfied to pay the money, why should the gentleman from Alabama, on his own motion, have asked for the information?

But let me notice another thing. The gentleman has suggested that Monday was the first day on which this resolution could have been offered. Well, how does it come that he has offered it to-day? Why could he not have offered it as well Wednesday. Why could he not have asked the unanimous consent of the House Thursday, Friday, or Saturday, as well as to-day? Did he wish to sit still, say nothing, and expect the gentleman from Alabama, who saw on the face of the treaty enough to justify him in voting for the money, to call for the information? He comes to-day and asks unanimous consent, excusing himself for not doing so on Wednesday last.

Mr. PECKHAM. I did not see the treaty until Saturday or Monday, I think not until Monday; but I was perfectly satisfied that if I offered the resolution calling for the correspondence then, that it would have been, beyond all question, objected to by some gentleman. Acts of the House satisfied me of that. Hence I offered it at the first moment I could move to suspend the rules. Then, if gentlemen had thought proper, we would have had most abundant time to have got the information.

Mr. WASHBURN, of Maine. One word.

Mr. PERKINS, of New York. I cannot yield further. Gentlemen may cross-question each other when I have finished.

This call for the correspondence is the only other matter on which I am to speak. I desire to address myself to it before it is exhausted by other gentlemen. As I have already said I never intend to get up on this floor, and repeat over and over in a different language ideas already expressed. I have not done it as yet. I therefore cannot yield further for fear they may exhaust the subject, and leave nothing for me to say. [Laughter.]

Now they have the matter pretty well exhausted, but I believe I have one or two ideas yet left upon the subject. I stated that this treaty was sent to us at a time when, by the rules of the House, we could not offer resolutions calling for information upon the subject, and get to a vote upon it without it was on Monday last, without unanimous consent. The gentleman from Virginia [Mr. BOCOCK] says that this treaty was negotiated months and months ago.

Mr. BOCOCK. Upon its face it appears that it was.

Mr. PERKINS. I should not dare if the gentleman had not already done so, to have referred to what took place some three or four months ago in reference to this treaty. It is true it was published in the Herald, and it was said to have been improperly obtained. If what was published in the Herald was true, we have the strongest

reason under heaven for a call upon the Government to know something about this treaty. According to the statements published in that paper, we were to pay \$20,000,000, but the Senate sent it back to Santa Anna, striking out one half of the sum, and Santa Anna signed it immediately. If the commissioner was grossly imposed upon, or wheedled into this thing by speculators, I would like to know why it was he was wheedled into giving just as much as Santa Anna was willing to take. I have the strongest conviction upon my own mind, that it was never intended that this House should have access to these papers, and that the parties concerned in it believed, if we obtained that information, that it would be the means of defeating the treaty. I predicate that belief upon this fact: that this treaty was sent here in the middle of last week, and the day, or the next day after it was sent here, the President had business to Old Point Comfort. The rules of the House do not permit us to introduce a resolution calling for information, unless by a suspension of the rules on Monday, except by unanimous consent. What has transpired here to-day, whatever conviction it may have upon other minds, satisfies me, beyond all possible doubt, if a resolution of that character had been offered the day the treaty was sent here, that objection would have been made to its reception. I have not been accustomed, either in the Legislature of New York or here, to vote appropriations of money blindly, and in the dark. If I do not understand them, and cannot inform myself about them, I either will not vote at all, or I will vote against them. If I should vote to give away money without a just conviction that it was right, I should consider myself as thieving in the pockets of the people.

Then, sir, I do not know the occasion which called out from the Union the declaration and argument that it was absolutely incumbent on this House to grant this appropriation. But I have a sort of conviction that it grows out of, and is connected with, a similar declaration to the effect that if Spain does not want to sell Cuba to us, we must declare war and take it. Now, I do not know anything about what price will be offered for Cuba, but I do not think that I am going to vote for paying Spain two or three hundred millions for it without my knowing thoroughly the reasons calling for that appropriation. And in this case I am not going to set a precedent which will give the Government an excuse for refusing such information as the House may deem necessary. So far as I am concerned, I say, give me the information necessary to enable me to act intelligibly, or else, I will not, in this way, put my hands into the pockets of the people.

Mr. MILLSON. Up to one minute ago, Mr. Chairman, I had no purpose of addressing the committee; but a remark which just now fell from the gentleman from New York, [Mr. PECKHAM,] and a similar one made by his colleague, [Mr. PERKINS,] render it necessary that I should say a word or two for the purpose of explaining to them that I, at least, was no party to any understanding which both gentlemen say prevailed in committee, in regard to offering the resolution calling for correspondence, and that I had nothing to do with violating it.

Mr. PECKHAM. I, for one, did not intend to intimate anything of the sort. I did understand, from the chairman of the Committee of Ways and Means—and I think he so stated to the committee—that he had no objection whatever to this information being laid before the House; and with the view of procuring it, and with that understanding, I made the motion that the committee rise.

Mr. MILLSON. The gentleman said that there was a general understanding of the sort throughout the committee.

Mr. PECKHAM. I meant my remark to be in the shape I have mentioned.

Mr. MILLSON. When the motion was made that the committee rise, it was evident to me that the object which the gentleman had in view could not be accomplished, as there was no quorum present, there being not more than thirty or forty gentlemen then in committee; and it immediately occurred to me that if the committee rose, objection would be made to the offering of the resolution; and that if opposition should also be made to returning into committee, which I thought probable, the debate which was then going on would

be abruptly terminated. For that reason, I voted against the motion that the committee rise; and as soon as we got into the House, I moved to return into Committee of the Whole, because, as I then stated, no quorum was present. And certainly, in doing so, my purpose was not to violate any understanding; for I was party to no such understanding myself; but my object was to enable the gentleman who then had the floor, [Mr. Giddings,] and other gentlemen who I supposed would seek the floor, to continue the debate, which I saw would be brought to an abrupt close through the efforts of the gentleman from New York, [Mr. PECKHAM.]

And besides, I never would have agreed to allow the gentleman from New York to introduce his resolution under the circumstances then existing. I never would have consented that a resolution which, considering its bearing and objects, involved so high and important a principle, relating, as it did, to the constitutional rights and privileges of this House, should be voted upon while there were only some thirty or forty members present; or in any other way than by yeas and nays.

It was from no disposition to prevent the introduction of the resolution under proper circumstances, or to defeat the call for information, but because I saw that at the time it was offered, it was impracticable to obtain it, and because I felt certain that the House would find difficulty in returning into committee, as they afterwards did, that I made the motion that the House should resolve itself into the Committee of the Whole on the state of the Union; and I requested that no division might be called for on that motion, in order that the want of a quorum might not be made apparent.

Mr. HAVEN. I understood that the gentleman from Virginia wanted the information himself, and that he could not get it.

Mr. MILLSON. I did not say that I wanted the information, nor did I express any opinion whether the failure to call for it would, or would not, be any surrender of the constitutional rights of the House. What I did mean to say was, that the resolution itself presented a very high and important question, and that I, for one, would not consent that this question should be voted upon, except by yeas and nays, and in a full House.

I do not intend to enter at large into the argument of this subject. I shall only state a few general principles that seem to belong to it. I am exceedingly gratified that nearly all the gentlemen associated with me in political communion have expressed views which meet my hearty approbation.

Sir, it is an unquestionable right of the House of Representatives to call for information, and to exercise its own free and independent judgment in reference to the execution of any treaty which requires the agency of this House. I entirely dissent from the opinion expressed by some gentlemen, that, because the President and Senate alone are the treaty-making power, a treaty approved by them becomes instantly the law of the land, and imposes an obligation upon the other departments of the Government to carry it into effect.

The President and the Senate, it is true, are the treaty-making power; that is to say, they have the sole right to negotiate treaties. But it is not an unqualified and absolute right. In the initiation of treaties, their jurisdiction is exclusive, but not unlimited.

In the first place, a treaty imposes no such obligation, when made in violation of the Constitution; and even when it is not inconsistent with any provision of the Constitution, it does not follow that in every such case it must necessarily be carried into effect. When it stipulates for something that lies within the peculiar province of some other department of the Government, the assent of that department is indispensable to its validity; and it cannot be commanded by what is called the treaty-making power.

But, sir, let me first consider the case of an unconstitutional treaty. I know it has been contended by some—I hope very few are now chargeable with this heresy—that every treaty is the supreme law of the land; for that while the Constitution declares that the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land, it does not

impose this condition upon treaties, but provides that “all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.” They infer from this that a treaty need not be made in pursuance of the Constitution; but if made by the President, with the concurrence of two thirds of the Senate, it would be the supreme law of the land, though it might undertake to nullify an express provision of the Constitution itself.

If this were so, it would involve the absurdity of supposing that there may be two inconsistent supreme laws of the land,—the Constitution itself directing one thing, and a treaty directing another, and yet both of them being the supreme law of the land, according to this fanciful method of argumentation.

It would also involve the still greater absurdity of supposing that the Constitution authorizes a subordinate agency to destroy itself, and that this treaty-making power, brought into existence only by the Constitution, may survive the destruction of that by which alone it lives.

But, sir, the language of the Constitution leaves no occasion for this argument. For it does not recognize all treaties that may be made by the President and Senate as the supreme law of the land, but only such as may be made under the authority of the United States. What these States may have prohibited in this Constitution, which is the work of their hands, cannot be done under their authority. A treaty, then, if unconstitutional, has no validity, and we ought not to carry it into effect.

And so, too, when a treaty contains a stipulation which, though not unconstitutional, relates to a matter confided by the Constitution to some other department of the Government, or withheld from all, it does not transfer to the treaty-making power the control over this matter. The rights of the parties having the proper control over the subject cannot be impaired or disturbed by the making of such a treaty. Without their assent it can have no validity. The inability to perform such an engagement might lead to embarrassing consequences; but the engagement itself would impose no obligation, other than a persuasive one, upon the party to whom the right to determine the question properly belongs.

Suppose a treaty should be negotiated with Great Britain, stipulating that the free blacks of Jamaica should be allowed to remove to, and reside within, the limits of the State of South Carolina. There would be nothing unconstitutional in it; I mean to say the treaty would not be in violation of any provision of the Constitution. But it must be ratified by the State of South Carolina before it could go into effect. And if South Carolina should refuse to ratify it, then all that could be said would be, that the President and the Senate had negotiated upon a subject which was not within their jurisdiction, and had not been confided to those branches of the Government.

And, sir, whenever the President and Senate make a treaty, the stipulations of which impose burdens upon the people which the Constitution requires to be laid by the House of Representatives, in conjunction with the other branch of Congress, then the President and Senate cannot, of themselves, lay such burdens. It would require the concurrent action of the House of Representatives in that case, in the same manner that it would need the assent of the State of South Carolina in the case I have supposed; and simply because the subject of the treaty is beyond the exclusive cognizance of the President and Senate. We see, then, sir, that the question is not whether the President and Senate alone have the right to make a treaty, but what kind of treaty they have a right to make; not whether the House should be a party in making the treaty, but how far the House is bound by the treaty when made.

It cannot be said that the good faith of the country would be violated by the refusal of the House of Representatives to assent to such a treaty—that foreign nations could justly exact a compliance with its stipulations. They must, at their peril, understand the powers of those with whom they treat. If a treaty were to be negotiated by the President alone, without the sanction of the Senate, would the foreign Government have a right to say: “We will hold you responsible for the treaty. We know nothing about your Senate, and have had no negotiation with

them. We know nothing of your Constitution, and it is not our part to understand it. It is enough for us to know that the treaty has been made by the Chief Executive Magistrate of the Union, and we hold the whole people bound by its terms.” Why, sir, our reply would be, that is a matter of which you are bound to take notice. The President cannot make a treaty which shall be obligatory upon the United States, without the concurrence of two thirds of the Senate. Sir, that answer would be sufficient. They could not insist upon the execution of a treaty made by the President alone.

In the same manner, if it be the right of the House of Representatives, as I have endeavored to show it is, to withhold their assent from treaties involving an appropriation of money, foreign nations cannot plead their ignorance of our Constitution. They are bound to understand, that though a treaty be made by the President, and concurred in by the Senate, it still cannot be carried into execution until it has received the sanction of the law-making power. Mexico, therefore, would, in the present instance, have no right to complain of any want of good faith should the House refuse this appropriation; because she was bound to inform herself of the powers of our negotiators, and is presumed to know that the treaty could not be of perfect obligation upon the United States without the assent of this House.

But, sir, while these are my views, and while I am gratified to know that nearly every gentleman who has spoken in this debate has insisted upon these constitutional rights of the House of Representatives, it is another question, on what occasion we should exercise this privilege of defeating a treaty. Here is a treaty sent to us for our inspection. By the conditions of that treaty, the ratifications are to be exchanged within six months of the 30th of December last. We are now within some three days of the expiration of that term. Sir, it is, I think, unfortunate that so little time has been allowed the House of Representatives for the consideration of this question. We all understand the reason. We all, personally and individually, know why we are called upon thus hastily to act on so important a subject. We understand, as my colleague [Mr. BOOCK] has stated, that this treaty went some months ago to the Senate; that it underwent a very protracted investigation there; that important alterations were made; that it was sent back to Mexico, and that it has lately been agreed to by that Government in its amended form. I say we all, individually and unofficially, know these facts. I regret, to be sure, that the facts themselves were not stated, or, at least, that some allusion to them was not made in the message of the President accompanying the treaty.

I regret that the President did not, in the communication which he recently sent to us, state why it was that so important a treaty, and so important a message, were not sent to the House at an earlier period. We know, indeed, that it could not have been sent at an earlier period; and I am not imputing any sort of blame to the Administration for the delay that has occurred. As the treaty has just been received from Mexico, it could not have been sent here sooner. Still, it would have been well to insert in this State paper some allusion to these facts, which may not be so generally known at some future period as they now are to the members of this House. I think it would have been only a proper submission to the constitutional rights of the House of Representatives to give, in the message itself, some explanation of the reason why it was withheld till so late a period; and I think it unfortunate that it was not done. I do not doubt that it would have been done, had the attention of the President been directed to the subject. I feel sure that he does not entertain the opinion that the House has no higher or further agency, in such cases, than simply to make an appropriation of the stipulated sum of money, without inquiry into the facts, or any consideration of consequences. But I do not think he reflected upon the inference that may hereafter be drawn from the silence of the message upon this subject. The fact that it was not sent to us till within eight or nine days of the period fixed for the payment of the money, may, at some future time, be urged by those who deny the constitutional rights of the House, as an argument to show that the President regarded the House as under an antecedent obligation to carry the treaty into effect, without any

investigation of its nature, or of the circumstances under which it was formed, and that the House submitted to this interpretation of their duties.

If this investigation were practicable now, I should be inclined to insist upon it, before we made a final disposition of the bill. But as it is not, I am unwilling to defeat the treaty merely because it might turn out to be a bad one. Even if slight objections should appear upon its face—even if any should suppose the benefits secured not altogether answerable to the price required to be paid—something is certainly due to the deliberate judgment of the President and the Senate.

Mr. BOCK next addressed the committee. His remarks will be found in the Appendix.

Mr. SMITH, of Virginia. Mr. Chairman, I desire to state what I understand to be some of the facts in regard to this treaty. I understand that this Gadsden treaty has been the subject of conversation in this city for the last five or six months. I understand, also, that a document purporting to be a copy of the original treaty was published in some of the New York papers, and that it is in some respects the same with the official copy now before us. But this matter has been sufficiently explained by my colleague, and I will not make further allusion to it.

On the 21st of the present month, the President of the United States sent a message to this House asking an appropriation of \$10,000,000 to carry this treaty into effect. The treaty is plain and intelligible, and was published in all the papers of the city on the next morning, the 22d, on which day a copy of it was in the hands of every member of this House. These are undoubted and unmistakable facts. Those who are hostile to the appropriation asked for, and are opposed to this particular treaty, desire light, they say, upon the subject. If they were true to themselves, if they really desired to obtain the information which they deem so important, most assuredly they ought to have availed themselves of the earliest opportunity for obtaining such information.

But what is the fact, sir? The sharp, shrewd gentleman from Maine, [Mr. WASHBURN,] who puts questions, and answers them himself, who seems to have been deeply impressed with the necessity for information on this subject, is as calm as a summer morning. Not a whisper is heard, not an effort made, not an attempt originated in this House, for the purpose of obtaining information. None whatsoever. It lies over till Monday, on which day the gentleman from New York, on my right, [Mr. PECKHAM,] offers the resolution referred to in this day's debate. That resolution sought for information which the gentleman says the Executive might or might not have communicated. I do not now recollect the terms of the resolution; but that is, I understand, his construction of it.

Suppose, however, the call for information were an imperative one, the gentleman knows, and this committee knows, perfectly well—and no one can pretend to ignore the fact—that the Executive ought not to have communicated the information sought, unless a due regard for the public interests permitted him to do so. Suppose that the developments in that correspondence were of a character injuriously to affect our public interest, and our relations with foreign Powers, is there a member of this committee that would now say such information ought to have been communicated? Suppose that, upon such a call as that proposed in the resolution, the Executive should reply that, in his judgment, the public interests would not justify the communication of the information asked by this House. I ask the committee what would have been the consequence then? How would the enlightened gentleman from Maine have acted? How would the gentleman from the Albany district [Mr. PECKHAM] have acted, when he would have to sit down in darkness, seeking information which it was inconsistent with the public interest to communicate? Who would have then ventured to suppose that a coordinate branch of the Government—entrusted by the Constitution with power to negotiate treaties—had not wisely exercised their trust for the good of the country, and that it would be unwise and improper for the House to appropriate the requisite sum of money for the execution of the treaty? And yet we would have acted then in the dark, just as we will probably act now, with no other information than the treaty itself, and that

general knowledge possessed by us all. Now, I ask this committee, was there any real desire to get the information? I put the question to the gentlemen here, whether, in the efforts that have been made by them, and the neglect practiced, they were seeking for light?

Mr. WASHBURN, of Maine. We did want the light, and I would have made the call for information last week if I did not know very well that the resolution would have been objected to by the same gentlemen who have objected to the resolution of the gentleman from New York.

Mr. SMITH. My dear sir, there is a way of getting over such objections.

Mr. WASHBURN. In what way could objection have been got over last week?

Mr. SMITH. Why, by appealing to the gentleman objecting, or to the House. I suppose the rules might have been suspended.

Mr. WASHBURN. On what day last week could they have been suspended?

Mr. SMITH. Why, on any day after the subject was introduced; and it might have been done even on Monday.

Mr. WASHBURN. The motion was made for the very purpose on that day.

Mr. SMITH. Exactly; I know it was. And I hold that it was perfectly right to object to it. Permit me to say, that when gentlemen who are always on the look out here for information, as they say, neglect to use all the means at their command to procure it, the fact of such neglect leaves it to be inferred that they have other purposes in view than those which they profess. The gentleman from Maine infers a good deal himself in reference to the chairman of the Committee of Ways and Means, who is not here to take care of himself; and he appeals to the candor and frankness of my colleague [Mr. BOCK] to admit his inferences. I do not wish to infer any want of candor and sincerity on the part of gentlemen here, when I say that some of us may have very different conceptions as to what constitutes candor and frankness. Some gentlemen, when their candor is appealed to, might, in the fullness of their heart, answer with a frankness from which others under like circumstances might shrink; and so there might be no reciprocity in this species of political dialectics.

I advert to this because I cannot understand what was meant by the gentleman from the Buffalo district, [Mr. HAVEN,] and by the gentleman from Maine, [Mr. WASHBURN,] if they really mean what they profess. They are certainly gentlemen of very high intelligence, and of large experience here. And I mean no reflection when I compliment their intelligence. Yet, sir, they lie still—and the gentleman from New York is the first to move—they lie still and allow themselves to wait, and submit their application for information at so late a period, that they must know that, if granted, it could not be done without hindering and delaying the action of the committee and of the House. Suppose this resolution had been adopted. We know very well that a voluminous and very extensive correspondence must have preceded the treaty, the subject of negotiation for months; and if all the information in connection with that subject—as the character of the resolution would seem to imply—was to be communicated to the House, could it have been sent here within an hour, as the gentleman says? No, sir; no man ought to pretend that it could be; and the effect of passing the resolution at this late hour, would be to postpone the action of this House until a time when it would be too late to execute the treaty, which requires the money asked to be paid in New York by the 30th day of the present month.

But a contrast here strongly presents itself to my mind. We all recollect the Jay treaty. It was about the years 1794, 1795, and 1796. Well, at that very time there were three other treaties before the House. A resolution was offered to unite them all. They were, I think, the French treaty, the Spanish treaty, the British treaty, and the Indian treaties. Those upon my side of the House—I think I may say *my side* of the House, for I hold that I am a descendant of that school of politicians—those upon my side of the House demanded information, when called upon for an appropriation to carry Jay's treaty into effect. The friends of Jay, however, and of the treaty, interposed much more emphatic opposition than

that which has been made here from any quarter. New York men then were standing up against the call; New York men now stand up for the call. But the State has been enlightened since that day. Parties have changed. *Tempora mutantur, et nos mutamur in illis*. A different state of things exists now. Why, sir, this House was then called upon to act, and to appropriate money for the purpose of executing that treaty, without other information than the treaty, and in the dark, or, at least, with only a few scraps of information drawn from the Senate; or which, from the secrets of the Administration, had found their way to the House.

With this and many such precedents before them, why do gentlemen take on as they do, and why have they postponed their requirements for information to so late a period, that, if granted, would produce the loss of the treaty. Let me tell the gentleman that the House will not allow such a result to arise from their action; and the country will not countenance a movement which will embarrass an important acquisition of territory by any such pretenses.

But one thing more. I stepped into the Hall when the venerable gentleman from New York [Mr. PERKINS] was upon the floor, and just as he was saying that he would not vote away the people's money unless he had light upon the subject. Sir, it seems to be the fashion of the day to put questions to the candor of others. Now, I put it to the candor of the venerable gentleman to say whether that is the only reason of his opposition to this bill?

Mr. PERKINS. I will answer the gentleman. My opposition is based on the ground that we have not the information on which to act. I want the basis of these negotiations; and I would have voted for a resolution calling for them.

Mr. SMITH. Well, sir, I will ask another question, though I will not press for an answer. I should like to know whether the gentleman from New York has not some other reason for his opposition?

Mr. PERKINS. I do not believe that I have. Mr. SMITH. Well, sir, I called the gentleman out for an explanation, and I am bound to accept the one he gives. I was under the impression, however, that there were some other reasons which actuated the course of the honorable gentleman.

Mr. PERKINS. Will the gentleman state what he means?

Mr. SMITH. I understood that, in conversation, he took the ground that this was a result of the policy of the South. I shall be glad to know that I am mistaken; and I am, of course, bound to take the answer given by the gentleman himself. But I did understand that the gentleman had expressed it as his opinion that the South were steadily pursuing a policy by which they would enlarge their own territory until they were satisfied, with a view of their dissolving the Union and establishing themselves as a great southern Republic.

Mr. PERKINS. I did not say that; but I will, at the proper time, tell the gentleman what I said in the conversation to which he alludes. What I said had no relation to this bill.

Mr. SMITH. Well, sir, I am glad to know the gentleman did not; for I have, in many respects, participated with others in forming a very high impression of him. But I had heard that he, and perhaps others, were acting upon this question from sectional motives; and I have, therefore, sought the opportunity to set them thus distinctly before the House. There is, I think, or ought to be, no difficulty upon this subject.

Mr. PERKINS, of Louisiana. If the gentleman from Virginia will allow me. Did I understand the gentleman from New York to assert those as his opinions upon which he had acted?

Mr. PERKINS, of New York. No, sir. I will tell the gentleman what I did say. I expressed the idea that in the event of the acquisition of a large section of country to the southern section of the Union, that I believed a portion of the people of the South had that result in contemplation. In reference to this little strip of land, however, it is too insignificant to be spoken of in such a connection. I have no sort of objection to it from any such ground. But in reference to the annexation of large tracts of country, I believe that is the policy of nullification from beginning to end.

Mr. SMITH. Well, sir, then that has nothing to do with the matter before us. But really, with all due respect, it does seem to me that it does not become gentlemen, who are setting their faces against the laws of the Union, to speak of nullification. You have certainly had most lamentable displays of nullification out of the slave States—to wit, in the free-negro States.

Sir, whatever passes under our constitutional forms, and under the authority of the Constitution, is the law of the land, and it becomes every true man to give it his entire and undivided support. Practical nullification is found nowhere except in the free States—nowhere else. Resistance to the laws have alone been there developed. The clause of the Constitution which enjoins on the Federal Government the duty of suppressing domestic insurrections has never been called into exercise, except in the free States.

Mr. PERKINS, of New York. It was called into exercise in Georgia in reference to the Indians.

Mr. SMITH. I am not speaking of the Indians at all. I repeat, sir, that it is a remarkable fact, that that clause of the Constitution which imposes on the Federal Government the duty of suppressing domestic insurrection has never been called into execution, except in the free States. In Shay's rebellion in Massachusetts, in the whisky insurrection in Pennsylvania, in Rhode Island, in the case of Dorr, and in other cases of less importance, we have seen the power of the Federal Government, at a heavy tax on the public Treasury, called into exercise; but at the South it has never been called into exercise—never. Our own conservative character, our own self-reliance, the perfect law and order which prevail among us, have secured a quiet, faithful, and true execution of the laws there. I mention this because it is proper that gentlemen should not forget it; for we are frequently taunted with that provision of the Constitution which northern gentlemen say binds them to suppress domestic insurrection.

The question now comes up; and God knows that I have no feeling of ill-will—I never nurse my wrath to keep it warm; for I would rather laugh at any moment than to scowl—the question comes up, shall this treaty, which secures to the American Union the right of way across this continent for a railroad, be carried into execution by the requisite appropriation or not? Louisiana is now constructing, in the northern part of her territory—

Mr. PECKHAM. If the gentleman refers to the eighth article, it does not secure a railroad to the Government.

Mr. SMITH. It secures a track for one.

Mr. PECKHAM. No; but to a chartered, independent company.

Mr. SMITH. I am speaking of a railroad. It is in the family; and, therefore, what the gentleman states does not matter, even if so.

Mr. PECKHAM. It is not even in our family.

Mr. SMITH. In Louisiana?

Mr. PECKHAM. I am speaking of the Tehuantepec route.

Mr. SMITH. I am not. I was going on to say that Louisiana was now engaged in building a road in the northern part of her territory to the line of Texas, and that the State of Texas had already appropriated most munificently to secure a railroad in continuation through her territory of eight hundred miles to the territory near El Paso, ceded to us by this treaty. And thence a distance of about six hundred, and fifty miles, a considerable portion of which is through the State of California, to the Pacific.

Mr. PECKHAM. That right of way was secured to the Government by Mr. Walker long before this treaty.

Mr. SMITH. You have got that from over the way.

Mr. PECKHAM. I got it from the documents of the Government.

Mr. SMITH. We know nothing about that, except what we see in the newspapers. Even conceding that Mr. Walker had secured the right of way, did it secure to the American people the right of eminent domain over that territory? No, sir, without this treaty the first railroad from our own territory that would connect the two oceans, would still have to pass through a foreign land, owned, if not occupied, by the most worthless population of the earth. Does the gentleman de-

sire to see an improvement such as this, with all its gigantic consequences, under the control of foreigners, and foreigners such as those of Mexico? I know his own patriotism and good feeling would recoil from the idea, if such a result could be avoided in any reasonable way.

By this treaty, also, there is a right of way secured to us over a route of undoubted value, if we are to believe the current history of the times; and for which Mr. Buchanan, when Secretary of State, authorized Mr. Trist to give \$15,000,000. I mean the Tehuantepec route. Then, too, by this treaty we are released from that unhappy provision, the eleventh article of the treaty of Guadalupe Hidalgo. And now, when such substantial and important advantages are secured, gentlemen pause, and complain that they are denied information upon this subject. Gentlemen talk about the correspondence relating to this treaty being confidentially communicated to this House—confidentially communicated to two hundred and thirty-six men! Why, sir, in a body of sixty-two men only, composed of Senators, complete confidence and secrecy is out of the question. Then, what chance is there in a body like this of keeping anything confidential? It is too late now to call for the information; and the question is really, independent of all outside considerations—will this committee refuse to report to the House, for its adoption or rejection, a bill which shall enable the President to execute this treaty? If the appropriation is to be made, it must be made without delay, or the treaty may not be executed at all. Will gentlemen hesitate what course to adopt when they take into consideration the comparatively small sum asked, when compared with former sums demanded by the Mexican Government? I do not believe they can hesitate a single moment under the circumstances, and I am quite confident that the appropriation now asked to carry into effect the provisions of this treaty will be readily granted.

Mr. HAVEN. I am about to make the motion that the committee rise; but before doing so, I wish to make a single remark. I have listened with great pleasure and interest to the speeches of the last two gentlemen who addressed the committee, wherein they have undertaken to show that it was not of any importance that this House should have information upon the subject of this treaty. They will excuse me for saying that I cannot concur with them; and I believe this House and the country would rather have ten minutes perusal of the correspondence upon this subject, than two hours speeches from the gentlemen themselves, eloquent as they are. I now move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the temporary Chairman of the committee [Mr. JONES, of Tennessee,] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly bill of the House (No. 405) to "enable the President of the United States to carry out the third article of the recent treaty with Mexico," and had come to no resolution thereon.

Mr. JONES, of Tennessee. I move that the House do now adjourn.

The motion was agreed to.

The House thereupon (at ten minutes before eight o'clock, p. m.) adjourned to to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, June 28, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. SEWARD presented the petition of William Brown, praying compensation for services and losses in the war of 1812; which was referred to the Committee on Claims.

Mr. SLIDELL presented the petition of Gaston Turner Raoul, of Livingston, Louisiana, praying to be allowed the right of locating a floating claim of six hundred and forty acres of land, held by him, in the Greensburgh district of Louisiana; which was referred to the Committee on Private Land Claims.

Mr. BUTLER presented the petition of Jane

Gaston, of South Carolina, widow of Joseph Gaston, praying that the invalid pension granted to her husband in his life time, may be also granted to her; which was referred to the Committee on Revolutionary Claims.

Mr. BRODHEAD presented the memorial of Anne S. P. Chew, executrix of W. W. Chew, of Pennsylvania, deceased, praying that a claim for outfit of her testator, as chargé d'affaires to Russia, preferred by him during his lifetime, may be allowed to his estate; which was referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BRODHEAD, it was

Ordered, That Phineas Nighingale, administrator of Nathaniel Greene, deceased, have leave to withdraw his petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. SEWARD, from the Committee on Pensions, to whom was referred the petition of Abraham Cutter, praying the payment of a balance due him for his services as a lieutenant in the late war with Great Britain, and that he may be allowed a pension for injuries received, while in the discharge of his duty, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Gabriel Denton, praying that further relief may be extended to the soldiers of the war of 1812, submitted an adverse report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred a memorial of Clements, Bryan & Co., praying indemnity for losses sustained by the rescinding of a contract for furnishing supplies, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

PERSONAL EXPLANATIONS.

Mr. PETTIT. Mr. President, I ask the consent of the Senate to make a short explanation, which will only take a few minutes, in reference to the publication of the remarks made by me on last Monday. I did not desire to proceed to the explanation until the Senator from Massachusetts came in, as he is somewhat involved in it. I see he is now in his seat, and I shall therefore proceed.

It will be recollected that on last Monday I made some remarks, which were published on Tuesday morning in the Globe, in which I, in terms not very complimentary, spoke of the Senator from Massachusetts having publicly avowed that he disregarded the obligation of the oath he had taken to support the Constitution. In those remarks of mine I find the following words, published as a response from that Senator:

"Mr. SUMNER. I said I recognized no obligation in the Constitution of the United States to bind me to help to reduce a man to slavery."

Mr. President, these remarks were not made by that Senator at all during my remarks. If they had been made they would have been false, and would have been promptly pronounced so by me.

Mr. SUMNER. Mr. President, I call the Senator to order. The Senator states with regard to myself that certain remarks attributed to me there were not made by me at that time. To that, I reply they were made.

Mr. PETTIT. I will prove in his teeth that it is what I have stated—utterly false.

Several SENATORS. Order! Order!

THE PRESIDENT. The Senator must confine himself within the rules of order.

Mr. PETTIT. Mr. President, I charge in this place, and I will establish it before I sit down, that the Senator did not make those remarks upon this floor, but that he went to the reporter of the Senate, and got him to interpolate them and put them in after the Senate adjourned. I will not leave any doubt upon that point, for I shall clearly establish it. I say, further, that he made no such remarks; and that if he had made them, they would have been untrue, and I should have replied to them promptly.

Now, sir, before proceeding further, let me say a word in reference to the propriety of reports and their publication. I hold that no Senator can be reported unless he has the floor. He must

first be recognized by the Presiding Officer. The floor must be given to him before he can say anything. He cannot, in fact, speak a senatorial speech, or utter a senatorial word, until he has the floor of the Senate for that purpose. How garbled would be your reports, if a Senator was at liberty to go to the reporter of the Senate, after remarks were made, and tell him that "here, at this point, I said so-and-so; I pronounced the speaker as uttering a falsehood; I pronounced him base; I pronounced him a coward; I pronounced him a liar;" and all that should be published the next day without any remark in response to it. I say, therefore, as a matter of parliamentary fact and usage, the Senator could not have uttered the words. He had not the floor on any occasion for that purpose at all.

Sir, an instance occurred between myself and the Senator from New York, [Mr. SEWARD,] which may illustrate this matter very well. That Senator, when the Nebraska bill was returned to us from the House, during the course of his remarks upon it, asked me directly, whether I expected, by a repeal of the Missouri compromise, that there would be a better law and a better policy established for the Territories of Nebraska and Kansas, than their then law? That Senator gave me the floor to reply. He took his seat; he desired to have me answer. I got up. The President recognized me. The Senator yielded me the floor. I responded to him in words which I recollect distinctly, and which he recollects. I said, I did not expect they would get a better law; but that I did believe they would get precisely the same law, and that my object in repealing the existing law, and allowing them to make their own, was that it should be the result of their own begetting; that it would come from their own loins, and they would love and cherish it as the father did his legitimate offspring. That Senator, notwithstanding I had the floor, and had the right to make that response, saw fit, in the publication of his speech to leave it out entirely. I made no complaint. The Senator, after his speech was published, came and mentioned it to me. I should never have read his speech to see whether it was published or not. It was possible that the Senator was not willing that my reply should go with his question. It was possible that he was unwilling the historian hereafter, in hunting up the record of his life and actions, should find my name in juxtaposition with his. However that may be on his part, perhaps I should be as reluctant to have it found there as the Senator himself.

Mr. SEWARD. Will the Senator allow me the floor?

Mr. PETTIT. Certainly.

Mr. SEWARD. I called upon the Senator the next day after the publication of my remarks, and explained to him that the report was deficient in the omission of his remarks, owing to the fact that the report was printed from my own notes of the speech, and not from those of the reporter. I explained the case to him briefly, and told him that, if he desired, I would have his remarks inserted.

Mr. PETTIT. Certainly the Senator said all that; and I said to him that it was wholly immaterial; but there was an instance where the remarks of the Senator, who was called to the floor, and who had it legitimately, were left out of the published official proceedings; but, sir, this is a different case. This is a case of putting in that which was not uttered upon the floor, and that which would have been untrue if it had been so uttered; and I will establish it.

But in laying out the premises, I have a further complaint to make. I went to the printing office to see the first impression, the proof sheet as it is called, of the remarks which I made. I went at a late hour. It was about eleven o'clock at night. They were furnished me at the office of the Globe. I took them to my room, promising to return them by eight o'clock the next morning. On reading them over, I was never more surprised in my life than I was to find in my speech the remarks which I have read, as purporting to come from the Senator from Massachusetts, and to which I made no response. I could make no response, for I did not hear them. I could make none, because they were not uttered. I took my pen and struck them out entirely. I said they were never uttered, that they formed no part of the proceedings during my remarks upon that day.

I carried them back at one o'clock that night, with a witness with me, to the printing office. I told the foreman of the official printer of the reports of the Senate that they formed no part of the Senate proceedings whilst I was making my remarks, and that they should not be published. Despite of that, I see that your official reporter has reinstated them; remarks which were never made, and which the Senator who was speaking at that time forbade to be published. So far I have a complaint against the official reporter. It is not personal against Mr. Rives, for although I saw him when I got the first impression I did not see him when I returned it, but his foreman was there. I do not know his name, and I do not know that I should recognize him if I were to see him again; but such is the fact. A gentleman of this city was with me at the time.

Sir, I have said that these remarks were not made upon the floor of the Senate Chamber, that they could not be made technically when the Senator was in his seat. He could not speak without rising and addressing the President of the body; but, as a matter of fact, they were not made, as I will establish now. I shall be compelled to read what I was saying in connection with this matter. Here is what I was saying:

"I ask that Senator—you, who to-day have stultified yourself—you who have said that the solemn oath which you took at that stand, administered by the President of this body upon the holy Evangelists of God, kissing the book, giving seal and sanction to your asseveration—you, who have said to-day that you would spit upon that oath, would disregard its obligations——"

Then, according to the report, the Senator broke in with the exclamation "Never! never!" I suppose this meant that he did not say technically what I attributed to him, that he would spit upon his oath and the Constitution. Then I proceeded thus:

"You, who denied it; denied its power to bind you; you, who said you would not maintain the Constitution of the United States——"

According to the report, at this point comes in the Senator from Massachusetts, thus:

"Mr. SUMNER. I said I recognized no obligation in the Constitution of the United States to bind me to help to reduce a man to slavery."

By my remarks which immediately follow, it will be seen that I did not answer this. Why? Because no such thing was uttered. I went on to say:

"Mr. PETTIT. I ask you, do you claim to be the equal of your revolutionary sires?"

"The PRESIDENT OFFICER. The Senator must address the Chair, not the Senator from Massachusetts."

Thus you see, sir, I went on without paying the least attention to the alleged denial of the Senator. Now, I wish to turn to what was said while the Senator from South Carolina was speaking, and we shall see that the Senator from Massachusetts said no such thing, and that if he had said it whilst I was speaking, it would have been untrue. He did not say it at all, and I had no opportunity to respond to it. Now, let us turn to what did take place whilst the Senator from South Carolina was speaking. He said the Senators from Massachusetts proposed to repeal the fugitive slave law, and he wished to know whether they would send back fugitives slaves, under the provision of the Constitution, if that law were repealed. Here is the report, as published:

"Would they send fugitives back to us after trial by jury, or any other mode? Will this honorable Senator [Mr. SUMNER] tell me that he will do it?"

"Mr. SUMNER. Does the honorable Senator ask me if I would personally join in sending a fellow-man into bondage?"

Mark, that even if this is not an interpolation by his order to the reporter, it is not a question put by the Senator from South Carolina, but it is a question put to himself by the Senator from Massachusetts. There is no response. The Senator from South Carolina does not say that he asked that question, but what then does the Senator from Massachusetts say? "Is thy servant a dog that he should do this thing." Sir, the history of Hazael may well have been applied to the man who uttered these words, for he proved himself to be a dog. The prophet—the man of God told Hazael that he should be the murderer of his master the king of Syria; that he should oppress and persecute the Jews; that he should slay and destroy them; that he should put to death their men, women, and children. Then it was that Hazael said "is thy servant a dog that he

should do this thing." But the very next day he showed himself to be that dog. The very next day he falsified what the prophet had said. After the king asked him what had the man of God replied to the query, as to whether he should recover his health, he lyingly told him that the prophet had said he should surely recover and not die. Sir, the words of Hazael used by the Senator from Massachusetts as classic, came from Hazael the murderer, the ingrate, the usurper. On the very next day the Senator's prototype smothered his master, the king, with a wet blanket, put him to death, ascended the throne, and spread bloodshed and destruction throughout the land. Sir, the Senator's response was very illy chosen.

But what further is there in this? Immediately after the statement of the Senator from Massachusetts, the Senator from South Carolina went on, and the report thus proceeds:

"Mr. BUTLER. These are the prettiest speeches that I ever heard. [Laughter.] He has them turned down in a book by him, I believe, and he has them so elegantly fixed that I cannot reply to them. [Laughter.] They are too delicate for my use. [Renewed laughter.] They are beautiful things; made in a factory of rhetoric somewhat of a peculiar shape. But, I must be permitted to say, not of a definite texture. Now, what does he mean by talking about his not being a dog? [Continued laughter.] What has that to do with the Constitution, or the constitutional obligations of a State? [Laughter.] Well, sir, it was a beautiful sentiment, no doubt, as he thought, and perhaps he imagined he expressed it with Demosthenian abruptness and eloquence. [Laughter.] I asked him whether he would execute the Constitution of the United States without any fugitive slave law, and he answered me, is he a dog——"

"Mr. SUMNER. The Senator asked me if I would help to reduce a fellow-man to bondage? I answered him."

Now, the Senator from South Carolina asked no such question. No such question was put by him. He asked the Senator from Massachusetts whether he would abide by the Constitution, and return the man already a slave. He did not speak of reducing a man to slavery. There is no man in the country North or South who could be got to reduce a fellow-being, who is not a slave, to slavery or bondage. There is no one for whom I would have a greater contempt than he who would seek to reduce a man from the condition of freedom to the condition of slavery. But that is a very different thing from controlling a man who is already so reduced, and is already a slave. But we find that immediately after the Senator from Massachusetts made this statement, the Senator from South Carolina, thus proceeded:

"Mr. BUTLER. Then you would not obey the Constitution. Sir, [turning to Mr. SUMNER,] standing here before this tribunal, where you swore to support it, you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence, as a coequal Senator, and tell me that it is a dog's office to execute the Constitution of the United States?"

"Mr. PRATT. Which he has sworn to support."

"Mr. SUMNER. I recognize no such obligation."

That is the language: "I recognize no such obligation." What obligation? Why, sir, the Constitution and the oath which he had taken to support that instrument. At the point where the interpolation of which I complain comes in my remarks, I am using no smooth or honeyed terms, I confess, in reference to the Senator, for I admit it was the most abhorrent thing I had ever heard in or out of the Senate, in reference to the Government of the United States, and the obligations of its officers under it. What, sir, are Senators in high official position to publicly declare that they disregard the Constitution and the oath they have taken to support it? Suppose the President of the United States should make that declaration, how soon would the other House present articles of impeachment against him, and how promptly would this Senate pronounce judgment of expulsion or removal from office against him? What is the consequence? If the President, his Cabinet, your military commanders, the judges of your courts, your Senators and Representatives, may repudiate the obligation to perform the oath to support the Constitution, all is chaos, all is wilderness; and so far from the Government being stable, in which the rights of individuals are fixed and chaotic secure, it is a mass of confusion, without form, unshapely, and uncomely. All the horrors of anarchy and civil war must necessarily ensue.

No announcement, therefore, could have greeted my ears so harshly as to hear a fellow-Senator say that he disregarded the obligation of his oath to support the Constitution of his country. Then, after my making this statement, came in the alleged

remark of his. Thus he took my speech and altered it in the hands of the reporter, after it was written down, and he put in whatever he pleased. The Senator said he called me to order because he did use those words. I say he did not, and I will prove it. It is never worth while to go to war until you have the guns loaded. I have the Paixhans charged.

Mr. President, I need not repeat that the Senator had not the floor, and therefore could not have used the words; and if he said them in an undertone, they had no right to go in the report at all. How was I to answer them? He might have said anything else, ever so offensive to me, in the same manner, and with the same propriety that he claims to have said this. But I have said he did not use the words in point of fact, and I now proceed to prove it. Not only did I not hear them, not only had he no right to utter them, but he, in fact, did not utter them, as I will show.

This morning I addressed a letter to the reporter, Mr. Sutton, asking him whether these remarks were in the report when I had concluded my speech—whether they were in the stenographic notes—whether the Senator from Massachusetts did not go to him, after the adjournment of the Senate—for it will be recollected that immediately upon the conclusion of my remarks the Senate adjourned, the only intervening business being the obtaining of the floor by the Senator from Kentucky, [Mr. Dixon.] I asked him whether the Senator from Massachusetts did not go to him and have those words interpolated, or have what he is reported to have said, altered and changed. I have Mr. Sutton's letter in reply, dated this morning, addressed to me, and I will read it for the benefit of the Senator:

"In answer to the several inquiries in your note of this morning's date, I beg to state that the words reported to have been delivered by Mr. SUMNER, 'I said I recognized no obligation in the Constitution of the United States to bind me to help to reduce a man to slavery,' were not in the short-hand notes of that day's debate."

They were not in the notes. He says, "Mr. SUMNER called upon me after the adjournment." What right had he to call on the reporter, and interpolate into my remarks things which he did not say—things that should have been promptly answered, and would have been by me promptly denied, as not containing the truth? He went and called on the reporter after the Senate adjourned, and told him to insert this, as being what he said. It was false, because he could not have said it. "It was false, because he did not say it. Mr. Sutton's note proceeds:

"Mr. SUMNER called upon me after the adjournment to revise the remarks he had delivered, which is a right reserved to Senators."

The words are, "revise the remarks he delivered." I say he had delivered no remarks. He had not the floor, and could have made no senatorial remarks. He had not the floor to make any remarks, and therefore had none to revise; but his object designedly was to put me in the position of not contradicting that statement, which was entirely the reverse of what I was saying. He went to revise his remarks. I went to the official printer's to revise my remarks, and I said distinctly that the alleged remarks of the Senator from Massachusetts were not made. I took a pen and blotted them entirely out, as falsehood ought always to be blotted out; and yet the printer reinstated them. Such a course of conduct will not do in an official printer, or in his subalterns. The letter goes on:

"As the notes had been transcribed, and the transcript sent to the printing office, at his request the short-hand notes were read to him, and he dictated the changed form in which they appear."

He dictated the changed form! Did he utter these words? He cannot get even a reporter to say that he used them in ever so silent a tone.

"He dictated the changed form in which they appear. As originally written, that part of your speech and Mr. SUMNER's observations stood thus."

His observations had no right in the debate, for had he not the floor to make them. But the reporter says that, as written out originally, they "stood thus:"

"I ask that Senator—you, who to day have stultified yourself—you, who have said that the solemn oath which you took at the stand, administered by the President of this body upon the holy Evangelists of God, kissing the book, giving seal and sanction to your asseverations—you, who have said to-day that you would spit upon that oath, would disregard its obligations—

"Mr. SUMNER. Never! never!

"Mr. PETTIT. You who denied it; you who denied its power to bind you; you, who said you would not maintain the Constitution of the United States.

"Mr. SUMNER. I said I never would surrender a fugitive slave."

Thus it seems that as the Senator's alleged remark stood in the reporter's notes, it was "I said I never would surrender a fugitive slave." Is that what he has interpolated here? Even if that had stood, he had no right to have that inserted. I did not yield him the floor for the purpose of saying that. He was not on the floor. He could not have uttered those words senatorially. But are those words the same as published? How changed is the whole of it? Who asked that Senator, what man from the North or the South asked him, or any other Senator, to reduce a man to slavery? No one. His remark, as interpolated in my speech, in violation of all propriety, courtesy, and truth, reads thus:

"Mr. SUMNER. I said I recognized no obligation in the Constitution of the United States to bind me to help to reduce a man to slavery."

The original notes, as taken down, were:

"I said I never would surrender a fugitive slave."

It is evident, from my remarks, which immediately follow, that I did not hear this at all, and that, therefore, these words were not spoken senatorially. The report goes on, immediately after these words, to say:

"Mr. PETTIT. I ask you, do you claim to be the equal of your revolutionary sires?"

This runs on in connection with what I was saying without interpolation of any kind, original or supposititious. Then we find this:

"The PRESIDING OFFICER. The Senator must address the Chair, and not the Senator from Massachusetts."

"Mr. PETTIT. I ask the Chair, then, whether the Senator from Massachusetts, with this odium on his lips, is the equal of his revolutionary sires?"

Of course, I meant the odium of his having said, in his response to the Senator from South Carolina, that he disregarded all such obligations as maintaining the Constitution which he had sworn here to support. He said, directly and emphatically, that he disregarded all such obligations. Then, as I have said, after my speech was over, and after we had adjourned, he sent to the reporter and interpolated what he did not say, and what he could not say, and what I have shown he did not say in any form or in any manner whatever.

Now, sir, how a man can reconcile such a course to his own sense of propriety, if he have any sense of propriety left, I do not know. I leave that Senator to reconcile it. I only say, that if he uttered any such words, I should have promptly said then, as I say now, that he did not make any such response to the Senator from South Carolina; but, on the contrary, did say what I was charging him with, and what the report shows he did directly say—that he disregarded the obligation.

A few words now, sir, before I sit down, in reference to the rights of Senators to have the control of that which is to be printed as theirs. The resolution employing the Senate official reporter secures to each Senator, expressly, the right of revising his own remarks—his own speech. For that purpose I went to the printing office. For that purpose I was courteously presented, Mr. Rives himself being there, with the first impression of my remarks. I took them to my room, and, as I have said, was utterly surprised to find that any such thing was reported in connection with them. I pronounced it false. I took the sheet back to the office with that interruption utterly obliterated, saying it was false, and should not be published with my remarks, cutting my speech entirely in two, and inserting that which did not and could not have taken place at all. In violation of that, the employee of the official reporter and printer of the debates reinstated those remarks, and published them in all their obnoxious form. It is time that the Senate inquired into this matter. We must know whether we do, or do not control our remarks, or whether the caprice of a man who may be temporarily employed in that office is to determine what is to be put into a Senator's speech. As well might the printer have inserted that that Senator said I was a liar, that I falsified the truth, that I was not to be believed, that I was traducing or abusing him, or any other offensive words, as to have inserted what I have alluded to. The words were not uttered; they

could not have been uttered in form or in fact, of that I informed the printer; but despite of that notice, he has put them in. Sir, it is time some step were taken to know what is to go into our official reports. Is every side-bar, or undertone remark which may be made here, to be inserted? Shall I find published to-morrow morning, with these few desultory remarks of mine, statements of that or any other Senator disrespectful, contradictory, abusive, or anything else? Shall any Senator go to-night to the official reporter, and tell him that during my remarks he said so and so, which would have been the grossest indignity and insult to me? Is what he so tells the reporter he said, to be printed with my remarks, not by mistake, but after they have been stricken out and obliterated by me, and their publication positively forbidden? Is he to publish them under such circumstances? The Senator from Massachusetts can alter his own speeches, but cannot touch mine.

Mr. SUMNER. Mr. President, I do not undertake to determine the proper rule for the reporters, but I content myself with simply repeating that the remarks in question were made by me substantially as reported. On calling upon the reporter with the notes of the speech delivered by me in the Senate on that day, he read to me, at my request, the remarks of the honorable Senator from South Carolina, [Mr. BUTLER,] so far as they especially related to me, and also my interruptions of those remarks. I had not supposed that anything from me during the speech of the Senator from Indiana would find a place in the report; but the reporter himself kindly volunteered to say that he had, in his report, notes of something that I said during the speech of that Senator. "Read them, then," said I. He did so. The first was the exclamation "Never! never!" in reply to one of the charges of the Senator. The second was still another and larger interruption, which being read, I said to the reporter, "These remarks were made from my seat, and I did not suppose that they reached your ear. The latter remark is not taken down precisely as it fell from me. It was substantially as follows." And with his pencil he wrote down what I then said, and I left him. That is the last I saw of the reporter in connection with this affair. I did not see the remarks in print until I read them in the Globe, nor did I express to the reporter or printer any further request with reference to them. The Senator says he told the printer not to publish them; and that, notwithstanding this injunction, they afterwards appeared. Of that I know nothing. With regard to all else that has fallen from the Senator from Indiana, I have nothing to say.

SURVEYS IN ALABAMA.

The joint resolution of the House of Representatives directing the connection of the public surveys in Alabama with the boundary line between the State of Alabama and Florida, was read a first and second time by its title.

Mr. FITZPATRICK. I ask the Senate to consider that joint resolution now. It is to permit a small survey in my State, to connect with the Florida line, which cannot now be done, because there is no surveyor general in my State. The bill was prepared by the Department, and passed the House without opposition. I do not think it will be necessary to refer it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

It proposes to resolve that the connection of the public surveys in Alabama with the boundary line of the States of Alabama and Florida, shall be made under the direction of the General Land Office, and shall be executed as early as practicable.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

A bill confirming certain land claims in Louisiana, in the Bastrop grant;

A bill to reimburse the Common Council of the city of New York, for expenditures made for the first regiment of New York volunteers;

A bill for the relief of Priscilla C. Simonds;

A bill for the relief of Zadoc C. Inghram;
A bill for the relief of Llewellyn Washington;
and
A bill for the relief of Moses Olmstead.

RAILROAD IN MINNESOTA.

Mr. STUART. I move to dispense with the prior orders, in order to take up the bill from the House of Representatives "to aid the Territory of Minnesota in the construction of a railroad therein." The Delegate from that Territory is exceedingly anxious that the bill should be disposed of, in order that the interests of that Territory may not suffer.

Mr. JONES, of Tennessee. The Senator from Kentucky [Mr. Dixon] had the floor yesterday upon another subject, and he came here then prepared to speak, but, in deference to what seemed to be the wish of a majority of the Senate, he generously yielded the floor. I submit to the honorable Senator from Michigan now that it would be unjust to impose on that Senator another postponement to-day. I think courtesy to him, as well as the usual form of transacting the business of the Senate, requires that we should take up the unfinished business, and hear him on that subject. I hope, therefore, the Senate will not take up this bill.

Mr. CLAYTON. I desire to offer a resolution which can take but a moment, and I ask the consent of the Senator from Michigan to allow me to submit it.

Mr. JONES, of Iowa. The consideration of this bill will not take as much time as the reading of that resolution, I care not what it is. This bill, or one similar to it, passed the Senate some time ago, and was sent to the House. The House has passed the same bill with a slight amendment, as a House bill, and sent it to us. It will not consume five seconds, unless there be objection to it, and I do not think there can be objection, because we have passed twenty bills of the same character at this session. I hope the Senate will take up and pass the bill.

Mr. CLAYTON. During the morning business, resolutions are in order, and, therefore, I submit that the resolution which I wish to offer ought to have priority. I have no objection at all to taking up the Senator's bill.

Mr. STUART. If the Senator will allow the bill to be taken up, I will consent, with great pleasure, that his resolution shall then be disposed of.

The motion of Mr. STUART was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GEYER. I think it is unnecessary to consume the time of the Senate in reading the bill, for it is in the usual form.

Mr. STUART. It is in the usual form of all the railroad bills which have been passed at this session.

Mr. BAYARD. I prefer to have the bill read. It certainly is not in the same form as the other bills which the Senate have passed. These only allowed lands nine miles back from the line of the road to be taken, but this, I understand, allows a selection at any distance.

Mr. JONES, of Iowa. No, sir, only fifteen miles back.

The Secretary proceeded to read the bill.

Its object is to aid in the construction of a railroad from the southern line of the Territory of Minnesota, commencing at a point between township ranges nine and seventeen, by way of St. Paul, to the eastern line of the Territory, in the direction of Lake Superior. For this purpose it proposes to grant to the Territory every alternate section of public land, designated by odd numbers, for six sections in width, on each side of the road. If, when the route is definitely fixed, it shall appear that the United States have sold any section, or part of a section thus granted, or that the right of preemption has attached to it, the proper territorial authorities may select, in alternate sections, nearest to the tier of sections granted, but within fifteen miles from the road line, lands equal to those sold, and to which preemption rights have attached. The lands granted are to be exclusively applied in the construction of the road designated, and are to be disposed of only as the road progresses. All lands along the route heretofore reserved to the United States by competent authority, are exempted from the opera-

tion of the bill, except that the right of way is granted over such lands where it may be necessary.

The lands reserved to the United States within six miles of each side of the road, are not to be sold for less than double the minimum price, nor are they to be subject to private entry until first offered at public sale at the increased price. The lands granted are to be subject to the disposal of the Territorial Legislature, for the purpose of aiding in the construction of the road, and are not to inure to the benefit of any company heretofore organized. The railroad when built is to be a public highway for the use of the United States Government, free from toll or charge on the transportation of any property or troops of the United States. The United States mail is to be transported over it at such price as Congress may direct, but until the price is fixed by law, the Postmaster General is to determine it.

No title is to vest in the Territory of Minnesota, nor is any patent to issue, for the lands granted, until a continuous length of twenty miles of road shall be completed through the lands granted. Then a patent shall issue for a quantity of land not exceeding one hundred and twenty sections, included within a continuous length of twenty miles, and so on at the completion of each additional twenty miles; but if the road be not completed within ten years, no further sale is to be made, and the land unsold is to revert to the United States.

The bill was reported to the Senate without amendment; ordered to a third reading, read a third time, and passed.

FUGITIVE SLAVE LAW.

Mr. BADGER. I call for the unfinished business.

The PRESIDENT. It is the petition of men of Boston, Massachusetts, praying for the repeal of the fugitive slave law. The pending question is on the motion made to refer the petition to the Committee on the Judiciary.

Mr. HOUSTON. I wish to forward business as much as is within the compass of my power; and presuming that next Saturday will be a leisure day as we have been in the habit of adjourning over Saturday, I desire to give notice that I will on that day, in my place, make a personal explanation. I make the announcement in order that the Senate may, if it pleases, not adjourn over that day.

Mr. BRODHEAD. I desire to make an inquiry of the Chair. The floor was assigned to me upon the bill which has been vetoed by the President of the United States, at some time last week, I believe before this petition from men of Boston was presented. I wish to know whether this petition has precedence of that bill?

The PRESIDENT. This petition takes precedence during the morning hour.

Mr. BRODHEAD. I do not wish to throw any obstruction in the way of the honorable Senator from Kentucky, but I desire to say to him, and to the Senate, that I should like to have twenty minutes before we adjourn, to make a few remarks on the bill which has been vetoed. I desire to leave town to-morrow, and I should like to make those remarks to-day. Any time before or after three or four o'clock will suit me.

Mr. DIXON proceeded to address the Senate upon the subject-matter of the petition. [A report of his speech will be found in the Appendix.]

Mr. CLAYTON. I propose that by unanimous consent this subject be now passed over until to-morrow. If that be done, I desire to submit a proposition to take up Senate bill No. 316, which will occupy the attention of the body but a very short time.

Mr. GWIN. I hope that the Senator will move that it lie upon the table.

Mr. CLAYTON. I have no objection to that. Mr. GWIN. I move then that it lie on the table; and upon that motion I call for the yeas and nays. I want to stop the debate altogether.

Several SENATORS. Oh, no.

Mr. GWIN. My object is to stop the debate which will lead to no practical result.

Mr. SUMNER. I rise to a question of order. I ask whether it is in order, when a motion to refer a memorial is before the Senate, to move that that memorial lie on the table?

The PRESIDING OFFICER, (Mr. STUART

in the chair.) Undoubtedly it is in order to submit such a motion at any time. It is a privileged question.

Mr. SLIDELL. I hope that the Senator from California will withdraw his motion. I trust that there will be no more debate upon the question. But by making his motion now, he will place a number of us in a very false position. I am decidedly in favor of the reference—

Mr. GWIN. Mr. President—
The PRESIDING OFFICER. This question is not debatable.

Mr. GWIN. I desire to say why I make the motion.

The PRESIDING OFFICER. The Chair will suggest to the Senator, then, to withdraw his motion.

Mr. GWIN. I withdraw my motion, then, for a moment.

I desire to give the reason why I made the motion that it lie upon the table. I shall not go into its merits. I look upon the reference of the subject to the Committee on the Judiciary, for the purpose of taking into consideration the propriety of repealing that law, as being just like a proposition to refer to that committee the question of the propriety of dissolving the Union. We all know, that by the repeal of the fugitive slave law the Union will be dissolved. Now, Mr. President, we are—

Mr. BADGER. Will the Senator allow me to interrupt him? I wish merely to suggest to him that, before the subject-matter of the petition is disposed of, I desire to submit a few remarks to the Senate. I think it is due that that subject-matter should be considered.

Mr. GWIN. Then I will move to postpone its consideration until next Monday.

The PRESIDING OFFICER. The Senator from Delaware has submitted a proposition that, by unanimous consent, the subject be postponed until to-morrow. Is there objection to it?

Mr. CLAYTON. I trust my proposition will be agreed to.

Mr. CHASE. I object.

Mr. BRODHEAD. I desire to inquire if the proposition offered by the honorable Senator from Delaware be taken up, and it leads to a debate, whether he will consent to let it go over for the purpose of taking up the special order—the indigent insane bill.

The PRESIDING OFFICER. The proposition of the Senator from Delaware has been objected to, and therefore cannot be entertained.

Mr. BADGER. Then I move to postpone the further consideration of the question until to-morrow.

Mr. CHASE. I think, with great deference, that we had better proceed with this matter until it is disposed of. There are several Senators who desire to address the Senate upon it; and if we postpone it until to-morrow, it will take up a great part of the day, and may occupy a great portion of the time of the Senate for a week or more. I think it would be decidedly better to proceed with it to-day, and close the debate.

Mr. CLAYTON. The whole of this debate is out of order. It interferes with the fixed order of the Senate. The Senate was proceeding with the regular debate on the special order, when upon the mere presentation of a memorial, there sprung up a debate which would usually be parliamentary in the morning hour; but it has been protracted until it has interfered with the special order. On that ground I hope the motion to postpone will prevail.

The PRESIDING OFFICER. The question is on postponing the further consideration of the subject until to-morrow.

Mr. MALLORY. I should regret to see that motion prevail. I think undue importance has already been given to this petition; and by postponing it from day to day we are but adding to that importance. I think the deliberate judgment of the Senate is in favor of the reference. I have no doubt that, if the question could be taken now, or had been taken at any time since the submission of that petition, it would have been decided in favor of the reference. I have no doubt it could be done now. I have no doubt that is the sense of the Senate. I do not, therefore, see that any necessity exists for debating the subject from day to day. I should exceedingly regret its postponement until to-morrow.

THE CONGRESSIONAL GLOBE.

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Mr. ADAMS. This is business which belongs to the morning hour. The morning hour has expired. I am opposed to its interfering with any other business; and I therefore insist upon the special order.

Mr. ROCKWELL. I do not design, on the question of the reference of the petition, to address the Senate again. Remarks have been made in relation to the fugitive act, for the repeal of which the petition prays; but I do not desire now to reply to honorable Senators who have made them. I think the petition should be referred without going into a discussion on that law now. It seems to me that the more proper time for that would be when the report is made. I hope, therefore, the petition will be referred without a postponement.

Mr. SUMNER. I am unwilling to stand in the way of the general desire of the Senate to go on with its business. I desire, at all times, to promote its business; but this question has been presented and debated. Several Senators have already expressed themselves on it. Other Senators within my knowledge desire to be heard. I claim, sir, the privilege of being heard again in reply to remarks which have fallen from honorable Senators since I have addressed the Senate. I hope, therefore, the petition will have no disposition that will preclude its complete discussion.

Mr. BUTLER. I hope that the discussion will go on now, and I believe we shall save time by doing so. I should certainly think it unfair to the honorable Senator, if any current opinion should go out without, at least, giving him the privilege of making the remarks of which he has given us notice. I hope the discussion will go on now.

Mr. CLAYTON. I desire to raise a point of order. I wish to know whether, when any Senator rises here and presents a petition in the morning hour, he can get up a discussion that shall interfere with the established, special order of the Senate? I maintain that the whole of this discussion, after the morning hour has passed, is out of order, and I make that point.

The PRESIDING OFFICER. The Chair will state that it is a question which is under the control of the Senate. It has been the usage when the end of the morning hour arrives, for such a discussion to go on, unless the Senate otherwise order it. It is a question entirely within the disposition of the majority of the Senate.

Mr. RUSK. I regret that this discussion has grown up at all. I am sorry that the motion of the honorable Senator from California, that it be ordered to lie upon the table, was not submitted at an earlier period. Whether the country will be much edified or not by the debate, I do not know; but I confess I have not been much edified by it. I shall vote against the postponement, for my deliberate judgment is that the longer you postpone it the more speaking you will have upon it; and, as a matter of saving of time, and so getting at the regular legitimate business of the Senate, I shall vote against postponing it.

The motion to postpone was not agreed to by a vote on a division—ayes 9, noes not counted.

The PRESIDING OFFICER. The question is now on referring the petition to the Committee on the Judiciary.

Mr. MALLORY. Inasmuch as I have just expressed an opinion in favor of the reference to the committee, and in order that that expression of opinion may not be misunderstood, I will take the liberty of making a remark or two upon the subject. This discussion, Mr. President, originated in the presentation of a petition, purporting to be signed by certain men of Massachusetts, for the repeal of the fugitive slave law. Its terms are entirely respectful to the Senate. There is no objection to it that I know of in that respect. The manner in which it has been presented by the honorable Senator, on the other side of the Chamber, [Mr. ROCKWELL,] the manner in which its subject-matter was discussed by him, and in which the position of his State upon that subject was referred to, was in accordance with the reputation which preceded the gentleman here, and I doubt not commended itself to the respectful con-

sideration of every member of this body. He said nothing calculated to awaken an undue excitement, nor to offend the self-respect of the North or South; and when he concluded his remarks, I was prepared, and I doubt not every Senator was prepared, to sustain the great right of petition in this respect. I still desire to sustain it; but, sir, such was not the effect produced by the honorable Senator from Massachusetts on this side of the Chamber, [Mr. SUMNER.] No, sir; when that honorable Senator here, in the face of the country, in the presence of this Senate, within these hallowed walls, which have so often responded to the eloquence and patriotism of his own State—when he at the foot of this altar, upon which he pledged his fidelity to his country, upon which he called upon God to witness that he would defend and sustain her Constitution—when he rises in his place and tells the American Senate that he does not recognize the obligation of that Constitution, what does he expect at the hands of the Senate?

Mr. SUMNER. I call the Senator to order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SUMNER. The Senator places in my mouth words and sentiments which have never fallen from me.

Mr. MALLORY. I should be unwilling to place in the mouth of a dog sentiments which were unbecoming to him; and I will therefore ask the Senator, with all proper respect, to state what he did say, for that, I presume, is the understanding of the Senate.

Mr. SUMNER. I stated that I would never render any personal assistance in returning or reducing a fellow man to slavery.

Mr. MALLORY. Mr. President—

Mr. CLAY. I feel it due to truth, and due to justice, to speak on this occasion. I had not intended to interpose a word; I had intended to be silent and to permit this matter to rest; but, sir, when I hear the Senator from Massachusetts, with unblushing presumption and insolence, [Order,] without shame, without contrition or repentance, contumaciously repeating that he had said only that he would not reduce a fellow man to bondage—

Mr. SUMNER. Return.

Mr. CLAY. Return a fellow man to bondage—

Mr. SUMNER. Or reduce, which is the same thing.

Mr. CLAY. When I see him endeavoring to throw upon the reporter of the Senate (who, though I have not the pleasure of knowing him personally, I am bound to believe is an honorable man) the imputation of having misrepresented him, and misrepresented what he said—when I know honorable Senators around me, who have never shown themselves unworthy of their position, or recreant to their duty to themselves or their country—who have never shown themselves unwilling to vindicate their honor, and maintain the truth of their assertions—when I know that such men around me sustain me, and sustain that reporter, and sustain the honorable Senator from Indiana [Mr. PETTIT] in the charge which he made—I should feel that I was false to my trust and to my duty, and accessory to a suppression of the truth, if I did not rise to sustain them. Sir, if this report were not to go out to the country; if it were confined to the Halls of this Senate, I should not interpose, because I do not believe that that reporter's reputation would suffer in any conflict of veracity with the Senator from Massachusetts; but, as it will go abroad, where they are not both equally known, and where the Senator's accidental eminence here may give greater weight to his word than the position of the reporter of this body gives to him, I feel it due to that gentleman, as an honest and an honorable man, to say that his report is true. I paid special attention to what fell from the lips of the Senator from Massachusetts, and I now say that he never qualified that denial. I say, as the reporter said, that those words which I shall read

are interpolated. And, sir, as to what I say, I call upon the Senator from California, [Mr. GWIN,] the Senator who sits near me, and who propounded the interrogatory, [Mr. BUTLER,] the Senator from Louisiana, [Mr. SLIDELL,] who also sits near me, and the Senator from Texas, [Mr. RUSK,] who sat close by the Senator from Massachusetts—I appeal to all of them, honorable men, to state whether that reporter's own report was not correct, and the interpolation of the Senator from Massachusetts incorrect? Sir, this qualification of the Senator is a precious afterthought, hatched by many hours of incubation.

Mr. SUMNER. What qualification?

Mr. CLAY. The qualification which I shall read.

The PRESIDING OFFICER. It is not in order for the Senator from Massachusetts, while sitting in his seat, to interrupt the Senator from Alabama.

Mr. CLAY. Here is the qualification. The Senator from South Carolina asked the Senator from Massachusetts whether, if the fugitive slave act were repealed, he would fulfill the obligation of his oath, and maintain and support the Constitution by returning, in conformity to its requirements, a fugitive slave. Here is the real answer, and I shall show what is the pretended answer. He said, "Does the Senator ask me what I would do?" and then answered, "Is thy servant a dog that he should do this thing?" Now, sir, what was the question propounded? Whether he would maintain the Constitution, whether he would fulfill its provisions, if the fugitive slave act were repealed. What was his reply? "Does the Senator ask me what I would do?" "Is thy servant a dog that he should do this thing?" What was the inference, the universal inference of the Senate, from this denial? Why, that he would violate the Constitution; that he was willing to prove his desecration of this Senate Chamber with his tread and his pollution of the Holy Evangelists with his lips, by violating a solemn oath; that he was willing to commit moral perjury—a crime in the eyes of God and honorable men, as odious and as infamous as that legal perjury which would be visited with the penitentiary, or with branding of the letter "P" upon the hand or forehead. That was the inference, the legitimate inference? How does he endeavor to shirk it? How does he endeavor to avoid the just and condign sentence of condemnation visited upon him by every honorable mind in this Senate? Why, sir, by going to that reporter, and foisting into the report, words which he never uttered, materially qualifying his denial. And what are those words? I will now read them to the Senate: "Does the Senator ask me what I would do?" was his language; and his response, "Is thy servant a dog that he should do this thing?" Here, though, is what he placed in the report, and says that he said: "Does the honorable Senator ask me if I would personally join in sending a fellow-man into bondage?" I say those words were never uttered. I appeal to those honorable men, who sat near him, to say whether they were uttered. I do not believe he can find anybody here to sustain him, unless it be his confidant and uniform supporter, [Mr. CHASE,] who was suggesting to him responses, and who sits near him. If he said it, he spoke it *sub rosa*—in a whisper. I would rather believe, to make the best of it, that it was one of those mental reservations with which he took his oath; but I do not even believe that there was any mental reservation. He did utter, and he did mean what was charged by the Senators from South Carolina, [Mr. BUTLER,] from Virginia, [Mr. MASON,] and from Indiana, [Mr. PETTIT;] but after he found the indignation it invoked upon his head, and heard the denunciations hurled at him from every quarter, and saw the smile of scorn that played upon every face, he shrunk from the words he uttered, and endeavored to make an instrument of the reporter of this body to shield him from the infamy which he deserved.

Mr. MALLORY. Mr. President—

Mr. CLAY. Excuse me one moment. I am

not in the habit of trespassing often on the Senate. Mr. President, I could go on and show that there is intrinsic evidence in this report to sustain the original report of the reporter; and what is it? Why, sir, that notwithstanding this qualified denial, the Senator from South Carolina treated it as a positive denial of the Senator from Massachusetts, that he would support the Constitution of the United States. Now, I ask, does any intelligent man believe, if the Senator had qualified that denial in the manner in which it appears now, that the Senator from South Carolina would still have maintained that he refused to obey his oath, that he had refused to sustain the Constitution? Does any one believe that the Senator from Virginia [Mr. Mason] would have repeated the charge? Does any believe that the Senator from Indiana [Mr. Pettit] would also have repeated it? Certainly not. Then there is intrinsic evidence in the report itself that these words have been interpolated—that they were not uttered.

Now, Mr. President, I have a few more words to say which I utter with great diffidence, and with the profoundest deference to older Senators on this floor. We have no means of preventing these violations of the dignity and proprieties of the Senate. There is no penal statute which can reach a man who only avows his willingness to commit crime. But, let me ask, suppose a private citizen, however wealthy and well born, however highly cultivated his mind, however great his talents, or rich his acquirements, should openly avow a readiness to commit moral perjury; should day by day evince a disposition to instigate other men to crime, which, from want of personal courage he did not dare perpetrate himself; should daily encourage other men to violate the rights of his neighbors, to steal their property, to kidnap their slaves, and to refuse to return them; should daily assail the feelings of his neighbors by wanton, rude, and uncalled for assaults upon their characters, and, when rebuked for it in the harshest, most offensive, and opprobrious language, like the spaniel, should quietly submit or beg for quarter, but never repair the wrong or resent the insult—a sneaking, sinuous, snake-like poltroon, who would violate all the rights of associates or friends, and never make reparation or acknowledge his error, and who held himself irresponsible to all law, feeling the obligation neither of the Divine law, nor of the law of the land, nor of the law of honor: I ask you, how would such a miscreant be treated? Why, if you could not reach him with the arm of the municipal law, if you could not send him to the penitentiary, you would send him to Coventry. You would exclude him from the pale of society; you would neither extend to him the courtesies that are shown gentlemen, nor permit him to offer such to you. You would make him feel that he was shunned like a leper, and loathed like a filthy reptile; and you would soon render him as impotent for evil as he was disinclined for good. Such characters, though rare, may be found, and have been known. I can give, from memory, the general outlines of one portrayed by Mr. Dickens, in his novel, *David Copperfield*—that of Uriah Heap. Uriah was mean, yet affected honor; was malignant, yet feigned benevolence; presumptuous, yet pretended humility; instigated others to violence he dared not commit, yet assumed an air of meekness; suggested crimes and incited others to their commission, yet bore himself with studied amenity of manners, and choice expressions of benignity. We have such a character on this floor. I have suggested our means of rebuking, if we cannot silence him; of disabling, if we cannot disarm him. If we cannot check individual abuses, we may preserve the dignity of this body. If we cannot restrain or prevent this eternal warfare upon the feelings and rights of southern gentlemen, we may rob the serpent of his fangs. We can paralyze his influence by placing him in that nadir of social degradation which he merits. I am surprised, I repeat, I am surprised, that honorable men, but especially southern men, should so far forget their rights, and those of their constituents, and their duties to them, as well as to themselves, as to lend any countenance to such a character as I have portrayed.

Mr. MALLORY. Mr. President, when I gave way to my friend from Alabama, [Mr. CLAY,] I had remarked that the Senator from Massachusetts, who sits near me, [Mr. SUMNER,] had here, in the

face of the country, in the presence of the Senate, at the foot of that altar whereon he had pledged his fidelity to his country, and sworn to maintain and defend her Constitution, risen and disclaimed the obligations of the Constitution. I was interrupted by the Senator, who said that I had put words into his mouth which he did not utter. Sir, I deny it! I acknowledge that I heard the declaration with equal regret and indignation; and, as unwilling as I am to say anything which the rules of the Senate do not justify, or the occasion demand, I am still more unwilling to stand here and permit such language to pass without some note of condemnation. Sir, I heard the honorable Senator say, in open Senate, "I recognize no such obligation." Whether that appears in the report or not, I have not examined.

Mr. SUMNER. It is there, and I repeat it now.

Mr. MALLORY. Sir, if the Senator will examine the Constitution, he will find it there written that a fugitive from service or labor "shall be delivered up." If he recognizes no such obligation, I leave it to himself to explain the consistency between the oath which he has taken and the sentiments which he avows. Sir, if there be any principle in the breast of the American citizen which, more than any other, lies at the foundation of law, morals, and society, it is his habitual observance and recognition of *all* the sacred obligations of an oath; and this no man knows better than the Senator himself. As a lawyer, he knows that the humblest citizens in the courts of our country, daily recognize the *sacred obligations of an oath*. And no man knows better than himself that if there be a society in this country which adjures, or does not recognize this obligation, that society must inevitably be regarded as dangerous to the peace of the Union. Sir, can he rise in his place and say here that a Senator shall be permitted to make mental reservations? Is that the explanation? That he is at liberty to exempt himself from those obligations which bind the humblest citizen? Sir, without any disposition to allude to what the Senator has said elsewhere, I cannot but recollect that there was a gentleman in Boston who, upon a certain public occasion, apostrophised in this manner the President of the United States, who signed the fugitive slave law: "There are depths of infamy as there are heights of fame, and better for him had he never been born, better for his posterity had he never lived, than that he should have signed such an act." However vindictively and treasonably that may have been said, it can more properly be applied to the man who approaches such an altar as this is, in such a presence as this, and say he does not recognize, under the Constitution, his obligation to return or deliver up fugitive slaves. I do not speak now in his individual capacity as a citizen, but as a legislator standing in these Halls to whom the American people look at least for truth, if not for guidance.

Mr. SUMNER here addressed the Senate at length. His speech, withheld for revision, will be published in the Appendix.

Mr. CLAY. Mr. President, I do not wish to anticipate my friend from South Carolina; for it is properly his province to respond to most that has fallen from the Senator from Massachusetts. I cannot forbear, however, making two remarks in response to the Senator. He has put the question, whether any Senator upon this floor would assist in returning a fugitive slave? No response was made to the interrogatory; and lest he should herald it to the world that there was no Senator upon this floor who had the moral courage to say "aye" in response to the interrogatory, I tell him that I would do it.

Mr. SUMNER. Then let the Senator say the immoral courage.

Mr. CLAY. I will respond to that, sir. There is an old adage which is approved, I believe, by the reason of all honorable men, that "the receiver is as bad as the thief." The Senator from Massachusetts may not recognize the truth of that adage; I do; and inasmuch as I would not steal a slave, neither would I receive him and withhold him from the owner. That much I have to say in reply to his remark. But there is another thing to which I wish to call the attention of the Senate; and I do so in order to forewarn them against further altering of the records of the Senate. I do so to admonish them to watch narrowly to-

morrow, and see what other interpolations are made to change the sense of what has been spoken to-day. I make no objections to amendments of form, where the meaning is not substantially altered. The Senator, with that cunning which characterizes those animals who are deficient in courage, but to whom nature, in her kindness, has given some compensation for the want of that nobler attribute, has shirked the issue which was presented him. He was charged by the Senator from Indiana with having interpolated and falsified the reports of this House. That charge was repeated by the Senator from Florida. He denied it then; but I rose to my feet and called upon honorable Senators who were sitting around me, and upon every Senator on this floor, to sustain the reporter, and to establish the falsehood of the interpolation. That was the charge. He has shirked it, and, by his silence, has acknowledged, I think, the justice of the imputation.

Mr. BUTLER. Mr. President, if it be supposed by the Senate, or by the Senator from Massachusetts, that I shall indulge in any excited remarks, it will be a very great mistake. I think I never had a heart that could use a pen to write a libel, especially in matters involving truth and justice. Whatever I do say may be tinged and toned by the effusion of the moment; and the Senator himself will see, before I conclude, that I have been rather too good-natured for his purposes. He may think that I shall imitate him in sectional retaliation. Under the great storm which he has attempted to excite, he shall not escape under a panoply that he has no right to use.

Sir, I will say gravely, in the beginning of my remarks—and the Senator will have to take it as I assert it—that every thing which he has said for effect in Massachusetts has been upon a false issue made by himself, and not authorized by the facts. I do not know but that I might make the proposition more unqualified, and say that, in every issue upon which he has chosen to go to the country in regard to the topics involved in this debate, he has made an issue for his own purposes, without the authority of facts, and in perversion of them. But, sir, as the Senator assumes somewhat to speak as the organ of history, I will refute him in the estimation of every Senator here, and every page, and every individual who hears me.

Mr. BADGER. I will ask my friend from South Carolina whether it would not be better for him to allow us now to adjourn?

Mr. BUTLER. No, sir; I would not subject myself to the temptation of preparing a reply that might have something in it that, like a hyena, I was scratching at the graves in Massachusetts to take revenge for the elaborate and vindictive assault that has been made by the gentleman who has just spoken. I prefer to go on now, trusting to recognized truth, rather than to consult musty records, for the purpose of producing effects that might be inconsistent with justice. I say, sir, that every issue upon which the Senator has chosen to go to the country by the remarks which he has submitted to the Senate, is not founded on the facts assumed by him. The facts assumed by himself are, as I shall show, unfair in statement; and his denials of the statement made by myself, in the speech to which he has alluded, are palpably against the truth of history. In what he has said he has aimed a shaft more to offend than it can hurt. He has been guilty of historical perversion. Sir, I made a remark the other day, and I thought truly, as matter of history, that the independence of America was won by the arms and treasure of slaveholding States. This remark is historically true. The sectional separation indicated by the gentleman was not in my mind—his own has made it. When the Declaration of Independence was made, was not Connecticut a slaveholding State?

Mr. SUMNER. Not in any just sense.

Mr. BUTLER. Sir, you are not the judge of that. Was not New York a slaveholding State?

Mr. SUMNER. Let the Senator from New York answer.

Mr. BUTLER. Sir, if he answers, he will answer the truth, and perhaps it might not be exactly agreeable to you. Was not New Jersey a slaveholding State? Was not Rhode Island, that sent Greene to South Carolina, a slaveholding State?

Mr. SEWARD. It is due to the honorable Senator from South Carolina that I should answer his question in reference to New York, since

it has been referred to me. At the time of the Revolution, every sixteenth man in the State of New York was a slave.

Mr. BUTLER. The Senator from New York is right.

Mr. SEWARD. I am sorry for it.

Mr. BUTLER. Sir, I shall put the interrogatory in such a way that the Senator from Massachusetts will be ashamed of his historical proposition. I intend to make it so palpable that he cannot undertake to throw derision on me for the statement which I have made. I continue: Was not New Hampshire a slaveholding State? Was not Pennsylvania a slaveholding State? Was not Delaware a slaveholding State? Was not Maryland a slaveholding State? Was not Virginia a slaveholding State? Was not North Carolina a slaveholding State? Was not Georgia a slaveholding State? So far as it regards the relation of master and slave, were they not as much so as South Carolina, the State selected for the gentleman's prepared attack.

Mr. SEWARD. I am requested to make my answer a little more accurate, according to the truth. I understand that, at the time of the Revolution, every twelfth man in New York was a slave.

Mr. BUTLER. I do not care about the proportion; I do not think that at all important. But were not the States which I have named slaveholding States at the time of the Declaration of Independence? History can recognize no distinction between them. In the progress of events changes have taken place; this progress may go on, and greater changes may take place. These will afford no excuse for denying the irrevocable certainty of the past. They can afford no refuge for historical falsehood such as the gentleman has committed in the fallacy of his sectional vision. I have shown that twelve of the original States were slaveholding communities. Now, sir, I prove that the thirteenth, Massachusetts, was a slaveholding State before, and at the commencement of, the Revolution. But why talk of proving what no one can deny? The gentleman cannot deny the fact. As to the character of slavery in that State, that may be somewhat a different thing, which cannot contradict the fact stated in the newspapers of the day, that negroes were held, were advertised for sale, with another truth, that many were sent to other slaveholding States in the way of traffic. When slavery was abolished, many that had been slaves, and might have been freemen, were sold into bondage, with the consideration in the pocket to afford a supply to the philanthropy of the vendor. I have said that the independence of America was achieved by the arms and treasure of slaveholding States. I will never, in a parliamentary sense, be personal; but I say that I convict him of historical falsehood. Dare you, sir, look me in the face and deny it?

Mr. SUMNER. Deny what?

Mr. BUTLER. That independence was won by the arms and treasure of slaveholding States?

The PRESIDING OFFICER. (Mr. STUART in the chair.) The Senator must address the Chair.

Mr. BUTLER. He cannot and dare not deny it.

Mr. SUMNER. Will the Senator yield the floor?

Mr. BUTLER. Yes, sir, because I want to hear what you can say on that subject.

Mr. SUMNER. What I can say is very easily said, and, I think, is very decisive. When, in our history, we speak of slaveholding States, we mean those in which slavery has been an established policy, and professedly an essential element in their civilization. This, I believe, is common, if not universal. Of such I spoke when I spoke of slaveholding States—such as were regarded as slaveholding States at the adoption of the Constitution—which, in those days, were called southern States, in contrast to the northern States, sometimes called the non-slaveholding States. By slaveholding States, of course I mean States which were peculiarly, distinctively, essentially slaveholding, and not States in which the holding of slaves seems to have been rather the accident of the hour, and in which all the people, or the greater part of the people, were ready to welcome emancipation.

Mr. BUTLER. Mr. President, I think the remarks of the Senator verify exactly what I said, that when he chooses to be rhetorical it is upon an

assumption of facts, upon his own construction, and by an accumulation of adjectives. I quit that part of the subject, for it is too palpable to need argument, and leave it to the country to say what shadow of truth has the gentleman to cover him in saying that I had made a remark betraying an ignorance of the subject, or one made in irony? Upon this remark of mine, thus characterized by him, the gentleman has poured out what he would have us regard as rebuking invective.

I again repeat, that the independence of America was won by the arms and treasure of slaveholding States.

Sir, he made the assertion with a view to assail South Carolina. That was his object. He did it with a view to assail a State in which, I may say, whatever have been her distractions and difficulties, there is scarcely a stream or a path that was not sprinkled with the blood of men contending for the liberties of the country. Does he suppose that I can be required to defend South Carolina, or can be provoked into an attack on Massachusetts by anything that he—*he*—can say of South Carolina? No, sir; I never made the attack on Massachusetts imputed to me; but he has assumed that I did so, with a view to make his speech, exactly as he assumed the other day that I asked him a question which I never asked, as I will prove when I come to it. He assumed that I asked him a question which I did not put. It is a matter in regard to which I should have said nothing, but for the display which he has made to-day.

I never asked him the question which, it now appears, he assumed to answer the other day. But he had in his drawer, with his fingers fixed on it, his reply, and he drew it out without exactly knowing what I had said. I give him credit for that; I believe he did not know what I asked; and just in the same way now he has undertaken to assume that I assailed Massachusetts. I said not a single word in regard to Massachusetts, in the way of censure on her history. God knows, as I would say if I stood before his tribunal now to be judged, the Senator could not provoke me to it. An illustrious predecessor of the Senator, [Mr. Webster],—I will not institute a comparison, much less a contrast between them—once said: "Massachusetts needs no eulogy; there she stands; she speaks for herself." I may add, that she will borrow nothing from the Senator's rhetoric. No, sir; the pages of her history have been written, and I shall read them, and let the northern audience hear them. I shall read them with pride, with pleasure, and here acknowledge that I have been inspired by the lessons of her thrilling annals, and have been animated by the examples of her illustrious men. And in that history I did not look for materials of a libel on her true character. Do not suppose for a moment that I could not find pages for censure. No, sir; as I would think of Hancock and Laurens I will think of Massachusetts and South Carolina, as they were. The very first mission, as I have learned from a respectable source, that was sent for aid in counsel and treasure, came from Boston to Charleston. It came from a Colony that had taken the step in the Revolution that would have led to her destruction but for the aid of the now denounced slaveholding State, and from the libelled State of South Carolina. The communications then were between communities on whose soils had been fought the first battles of the Revolution—between the men of Bunker Hill, and the men of Sullivan's Island.

But, sir, do you suppose that I shall be provoked into an assault upon Massachusetts? No, sir; Massachusetts and Boston, so far as I can see, have done their duty, and stand vindicated before the Confederacy, in spite of their misrepresenting advocate. Sir, what I said to the gentleman was not to him as the Representative of the people of Massachusetts, either as they were or as they are. I did not magnify him into the Representative of Massachusetts. In assailing the small target at which I shot, I never assumed that I was going to make an assault upon the gravity, the dignity, and the historical reputation of Massachusetts. He has thought proper, however, to turn round, and, by his miserable shifts, to dig up, in the last night, I suppose, by the aid of jackals and hunters—worse than slave-hunters, men whose malice would lead them to do anything—musty records, in order to distort and misrepresent history; and he expects me to-day, in a

moment, to answer his libel. I can refute, and might denounce it. I shall trust to transient indignation.

Sir, in what I said the other day, and in what I have said at all times, I never instituted the comparison which the Senator has chosen to make. In the rather playful remarks which I made in reference to Massachusetts some time ago, to which the Senator has referred, I said that Massachusetts, like South Carolina, and all the other States, had undergone a material change of opinion on the subject of slavery; for at one time, as I showed, there was a statute in Massachusetts—illustrating opinion, I did not mention it by way of reproach—providing for whipping every negro who returned there. Now, in their philanthropy, they are so much better off that, instead of their whipping negroes, they invite them there, with a view, I suppose, to exhibit this wonderful spirit of liberty called "*a spirit of resistance to the Stamp Act*"—for the purpose that I referred to the *tolees* quotes statute, as I termed it, under which a colored man going into Massachusetts was liable to be whipped as often as he did go there from another State—I had a right to do so. It was to show that Massachusetts had very little sympathy then for the negro race. It was to show the state of opinion that existed then. The truth is, Massachusetts at one time had the same opinions as other States in relation to the colored race. When she owned them, she used them as slaves.

Well, sir, the Senator has said that Massachusetts was not a slaveholding State at the time her distinguished heroes, statesmen, and poets illustrated her history. I might say now of the Senator and his confrères, that, like some of the degenerate poets of Rome and Greece, they could praise Marathon, Thermopylae, and Salamis, but they never lived in a period when they were capable of the achievements of those whom they attempted to praise. I distinguish between the ripe orator, who is proud of the reputation of his State, and the vapid rhetorician. The gentleman has indulged himself in a tone of indignation in response to me, for saying that Massachusetts was once a slaveholding community. Nay, more; he has denounced me for my ignorance on the subject; and he seems specially to think that the laurels and honors of Hancock, Warren, and the Adamses, will be tarnished by anything that can be said of them, even by attribution, in connection with the character or relation of a slaveholding people. Why, sir, if he had made true that these great men did not live in slaveholding Massachusetts, would he have it supposed that, on that account, they would have claimed a superiority to their equally illustrious compeers? But let the gentleman take the truth, that these great men, with names illustrating a common history, were born and bred in a slaveholding community, and that they were as good as others born since.

Is it not now apparent that the gentleman has selected his own positions, and has erected his batteries for the discharge of his sectional cannon on grounds denied to him by truth? Has he not falsified history to make his production the vehicle of his designs? Has he not denied what I stated, and what all must admit is true? And for what purpose?—to take aim at South Carolina, from a rest. It is like the concealed archer, who shot at the star because he had his arrow aimed at it.

Here there are two propositions in which I have refuted him upon the moment, without looking back through musty records to find out all these things which are to be hunted up. No doubt his editors had them already prepared to throw out his speech upon Massachusetts to inflame the public mind. I know, sir, he said the other day that all he said was the effusion of an impulsive heart; but it was the effusion of his drawer. Talk to me about the effusions of the heart! What kind of effusions are those which escape from tables—from papers—played like cards sorted for the purpose? They are weapons prepared by contribution, and discharged in this body, with a view of gratifying the feelings of resentment and malice; with a view of wounding the pride of the State which I represent, and through her to stab the reputation of the other southern States. But, sir, we are above the dangers of open combat, and cannot be hurt by the assaults even of attempted assassination.

Sir, it is a sore thing to the gentleman that I

will not attack Massachusetts. It is what he wanted. It is what he has asserted. I have never assailed her. She is doing her duty now, as far as I know. All that I did say was, that if the exaggerated feelings of which the Senator was, I thought, the vapid rhetorical advocate, did prevail generally, it would make up an issue, which we had to meet, of the separation of these States. Since I spoke I have had put in my hands, a document which entirely refutes the statements of the gentleman so elaborately prepared. It is, in my judgment, one of the ablest productions of the times, and has every guarantee of accuracy. It comes from one who loves truth, and pursues it in the spirit of fairness. It is a pamphlet published by a citizen of Virginia, Mr. Garnet. I take the liberty of appending extracts from it, as a note to my remarks.*

I have now gone over the two issues upon which the Senator has spoken, and they are both false.

Now, sir, a few words in reference to the affair of Mr. Hoar, in Charleston; and I am sorry that it has been brought up again. Mr. Hoar did go to Charleston, with a view to interfere with a law which had been passed by South Carolina in reference to colored seamen. Here let me say that that law would never have been passed by South Carolina, but for the excited fanatical feeling of some portion of the northern States; I will not say Massachusetts particularly; I will guard myself in that respect. But, sir, I say that that law, to which the Senator has referred, and which he has reprobated with so much violence, was passed to guard against the very feelings which he would excite; to guard against the incendiary who would come and burn your dwelling in the night, and not act like the man in a fair fight, who would advertise you that he would meet you in an open field.

*"We shall not dwell upon the revolutionary struggle, though it might easily be shown that the South bore more than her proportional share, both in its expenses and its battles. The white male population over sixteen years of age in 1790, was about the same in Pennsylvania and Virginia; the former being 110,788, and the latter 110,924; yet according to General Knox's official estimate, presented to the First Congress, Virginia furnished 56,721 soldiers to the Revolution, and Pennsylvania only 34,965. New Hampshire had a military population 513 larger than South Carolina, yet she contributed only 14,906 soldiers to South Carolina's 31,131; not half. The latter quota in fact is nearly equal to Pennsylvania's, who had triple the military population, and twice the whole population, free and slave. It exceeded New York's 29,836, though New York had much more than double the military population, and forty per cent. more of total population. Connecticut and Massachusetts did more than any of the free States in that great war; yet we find that while South Carolina sent to its armies thirty-seven out of every forty-two citizens, capable of bearing arms, Massachusetts sent but thirty-two, Connecticut thirty, and New Hampshire not eighteen! And it must be remembered that, as General Knox says, 'in some years of the greatest exertions of the southern States, there are no returns whatever of their militia,' while at the North every man was entered on the rolls, as the pension list too plainly shows; that while the war assumed a regular character there, it was here brought home to every fire-side, and there was scarcely a man who did not shoulder his musket, even though not regularly in the field. The slave States not only fought their own battles nearly unaided, but sent numerous troops to the defense of the North; and when we consider that the free States had the protection of almost the whole regular Army, and the benefit of its large disbursements, while the South was left to be scourged by the enemy, and that the almost utter ruin of the incomes and private fortunes of her citizens far exceeded any amount of taxation ever levied, we cannot doubt that her sufferings in the great cause were far heavier than those of the North. But we will not pause to consider any inequality of revolutionary burdens; if the South bore more than her share, it was voluntary—a free will offering on the altar of independence. We will pass at once to consider the action of the Federal Government, and its value to the North when the South was no longer her own mistress.

"The pension system throws a strong light on the tendency of the people of the free States to quarter themselves on the General Government, at the same time that it shows the usual progressive inequality of expenditures between the two sections. A calculation, founded on data in 307 Senate Document, 1838-'9, shows that from 1791 to 1838 inclusive, \$35,598,964 had been paid for revolutionary pensions, of which the North received \$28,262,597, or \$127.29 for every soldier she had in the war, and the South \$7,336,367, being only \$49.89 for each of her soldiers. The number of soldiers is here estimated according to Knox's report, which confessedly does not show, by a great deal, the full exertions of the South in raising troops. Let us then compare the amounts received with the white population of each section in 1790, and we find the free States in 1838 had received \$14.35 of revolutionary pensions for every soul in their limits in the former year, while the South had received only \$5.61 for every white. But the military efforts of the slaveholding States were fully in proportion to their whole population, for the labor of the slaves on the plantations left a much larger proportion of their masters free to take up arms. On this supposition, the southern soldier received only \$3.74 for the same revolu-

But for the intrusive interference of those whose conduct gave rise to the law, it would, I am sure, long since have been modified. I have not hesitated to give that as my opinion whenever consulted. I think it may be modified, and if the State should be left to her own counsels—free to do as she may think proper—with no threatening foreign influence exerted upon her, she will do justice to herself and others. But depend upon it, such remarks as those which have been made by the gentleman will exert nothing but a baleful influence. Allow me now to mention a fact to which I referred once before on this floor, when a predecessor of the Senator [Mr. Winthrop] undertook to arraign the same law. That gentleman brought it up upon the case of Captain Ranlet. Now, what was the case of Captain Ranlet? Yes, sir, the grievous operation of that law was brought to the view of this Senate, by a pathetic and an elaborately prepared letter of Captain Ranlet, written to a Senator from Massachusetts, a gentleman for whom I had, by the by, a high respect.

That letter may be well referred to as a specimen of paper philanthropy, and as a fair illustration between conduct and sentiment. That letter disclosed what was supposed a flagrant and crying oppression—the South Carolina law. It disclosed circumstances like these: that Captain Ranlet, with his crew, were themselves in distress; but obtaining some temporary relief, they had an opportunity of going to the relief of another vessel; and not being indifferent to the temptations of gain, they acquired a right to salvage, and went into the city of Charleston to secure it. Well, sir, what took place? Two colored seamen were temporarily imprisoned, under a municipal law. Now, sir, what do you think this captain did? Instead of relieving his men by paying two or three dollars, he went to Boston to agitate, and to write pathetic

tionary services which brought the northern \$14.35. This gross inequality remains the same, by whatever test it is tried. For example:

The seven free States contributed to the expenses of the war.....	\$81,971,170
And had received in pensions, in 1838.....	28,262,597

Balance in their favor.....	\$53,708,573
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The six slave States contributed.....	\$2,438,123
And had received, in 1838.....	7,336,367

Balance in their favor.....	\$45,101,756
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Now, let us see how it stands with single States:

Virginia contributed.....	\$19,085,982	ratio as \$100
And received in pensions to 1838.....	1,969,534	to 10.3.
Massachusetts contributed.....	17,964,613	ratio as \$100
And received in the same time.....	4,058,031	to 22.8.
South Carolina contributed.....	11,523,299	ratio as \$100
And received in the same time.....	431,141	to 3.5.
New York contributed.....	7,179,983	ratio as \$100
And received in the same time.....	7,850,054	to 109.3.

"To appreciate this injustice fully, we must remember that the South, not only paid into the Federal Treasury all she ever received back in pensions, but also \$16,663,653 of the pensions given to the North. The inequality of the apportionment of these revolutionary pensions has grown with the northern majority in Congress. In the first decennial period, 1791-1800, the free States received annually \$53,000 more than the South. In the next period, this yearly excess was diminished to \$43,000, but it rose to \$339,000 in the third period. From 1821 to 1830 it averaged \$799,000, and from 1831 to 1838, \$855,000. In like manner grew the burden upon the South in paying the pensioners at the North, besides those at home. In the first period it was \$417,449; in the second, \$370,000; in the third, \$3,000,000; in the fourth, \$7,500,000; and in the last period, (of only eight years,) \$9,750,000.

"According to General Knox's report, the North sent to the Army one hundred men for every two hundred and twenty seven of military age in 1790, and the South one hundred for every two hundred and nine. But in 1848, one out of every sixty-two of the men of military age in 1790 was a revolutionary pensioner in the North, and only one out of one hundred and ten in the South. New England alone then had three thousand one hundred and forty-six of these pensioners, more than there were in all the slave States; and New York two thirds as many, though she contributed not one seventh as much to the war.

"The results are equally remarkable, if we have regard to the whole number of pensions, revolutionary and other. The expenses under this head, for the four years ending in 1837, were \$8,010,051 in the free States, and \$2,588,101 in the slave States, who not only paid their own share, but \$6,300,000 to the North. New England alone received \$3,924,911, rather more than two dollars a head for every man, woman, and child in her limits. During the same four years she paid in taxes to the Federal Treasury, according to our tables, \$1.72 per head, so that she actually received more in pensions than she paid in taxes! In 1840 there were not quite two and a half times as many pensioners at the North as at the South, but in 1848 there were more than three times as many. New England had more revolutionary pensioners than the five old plantation States had pensioners of all kinds."

letters to his Senator. He did not wish that such as the Senator near me should have a monopoly in the professions of liberty, and declamation on philanthropy. I believe the history of the matter is, that some gentleman in Charleston released the sailors, leaving the captain to furnish the materials of such a speech as the gentleman has made, joining in the work rhetoric. I am afraid the business is running down. If the law should be repealed, we may never have another reference to the Hoar case again. This is more than the fourth time that it has been referred to. The law had to remain as a speech-making stimulant.

The gentleman has spoken of Mr. Hoar being expelled by a mob. Sir, there was no mob. Mr. Hoar was informed by a committee of gentlemen that it was desirable he should not continue in Charleston, with an intimation that any portion of his family with him would be treated even as guests, if they choose to remain.

But, sir, these are matters apart from the subject. I am very sorry that I have been provoked into this discussion. It is against my feelings that I partake in it at all, but now I will come to the most specific charge in the indictment against me.

It is not my wish or purpose, while I am a member of the body, to charge intentional falsehood made on any issue by a gentleman who represents a sovereign State, but so far as regards the remarks made the other day, I am bound to make a statement which I think justice demands, and let it go for what it is worth. The Senator will have to take it as I make it. I should not say a word about it if he had not gone back into the graves of South Carolina. He deserves no quarter, and perhaps I should give him none. The other Senator from Massachusetts will perhaps have to listen to what I am to say, and I think the Senator will have, in some measure, by its opinion at least, to hear testimony to the truth of what I do say. How far it may effect the Senator I know not. I was speaking the other day in regard to the petition praying for the repeal of the fugitive slave law which had been introduced, and had given rise to so much excitement. I said that originally I was rather opposed to such a law, believing that, if the Constitution, with its self-sufficing energy and powers was left to execute itself, the States themselves as parties to the compact ought to perform under that compact, the duty of returning to the master a fugitive slave, or of delivering him up, to use the language of the Constitution. Such was my belief, and believing that, I thought it was unavoidable for Congress to do anything until we saw that the States themselves would not act. We found in many instances that the States not only refused, but threw obstructions in the way. They not only did not afford the usual assistance in apprehending a runaway slave, they in many instances not only refused assistance, but interposed actual statutory opposition to the law. In doing so they took apology from the case of Prigg, vs. the Commonwealth of Pennsylvania, and to that extent they had some excuse.

I said that this memorial was likely to be referred to the committee of which I was chairman, and it was a subject upon which I had great difficulties. I said that the fugitive slave law had never had a great deal of my confidence; but that, before I could undertake to say what ought to be done, in relation to it, I must inquire of gentlemen on this floor, representing non-slaveholding States, what those States would do? I referred especially to the Senators from Massachusetts who had spoken most loudly on the subject. I particularly appealed to the honorable Senator from Massachusetts, [Mr. ROCKWELL,] who had addressed the Senate with calmness, whether he supposed, if all such laws were swept from the statute-book, and the Constitution was left to its self-executing and self-sufficing power, Massachusetts, on demand of the master, would deliver up a fugitive slave who had escaped into her territory? I will do that Senator the justice to say, that I did not expect he would be able to answer, except as a representative. I wished to get his general opinions on the subject. Having paid him that compliment, which I thought he deserved as the one who presented the memorial, I turned to the Senator near me, [Mr. SUMNER,] and said, "What say you on the subject? What would you do?" I did not ask the Senator whether personally he

would assist to reduce a human being to bondage, or to return him to bondage?—as he has put it. I did not ask him any such question as that. I did not approach anything like it. I asked him a question of exactly the same import which I had put to the other Senator from that State: "What would you do?" I meant, what would you do as a public representative, on that subject? Would you advise the abrogation of the present fugitive slave law, with the understanding, on your part, that when you go home you will advise your constituents to do their duty in relation to this matter? I turned to him and asked him what he would do? Well, sir, what do you think he said? I have no doubt he had his reply in his drawer fixed, ready for me. It is a pretty thing, no doubt. He did not, however, answer my question, nor did he answer the question which he made for himself.

Mr. SUMNER. Will the Senator allow me to correct him?

Mr. BUTLER. You may correct me, if you can.

Mr. SUMNER. I am very reluctant to interrupt the Senator.

Mr. BUTLER. I would rather you would not interrupt me. I do not think you can correct me.

Mr. SUMNER. I wish to call the Senator's attention to a report to which I alluded before.

The PRESIDING OFFICER. (Mr. STUART.) Does the Senator from South Carolina yield the floor to the Senator from Massachusetts?

Mr. BUTLER. I think the Senator had better let me finish.

Mr. SUMNER. I wish to show this now.

Mr. BUTLER. Very well.

Mr. SUMNER. The New York papers, which came to-day, under the telegraph head, give a report of what passed, which is necessarily more brief than that in the Globe. The statement here is as follows:

"He [Mr. BUTLER] would like to ask the Senator, if Congress repealed the fugitive slave law, would Massachusetts execute the constitutional requirements, and send back to the South the absconding slaves?"

That is the statement of the Senator's interrogatory in the New York papers, as addressed to my colleague. Then the report in the Globe, which, I presume, has been revised by himself—

Mr. BUTLER. No, sir, not that part; I never will touch personal matters; I give you to understand that.

Mr. SUMNER. The report in the Globe goes on, "Will the honorable Senator [Mr. SUMNER] tell me that he will do it?"

Mr. BUTLER. That was my inquiry.

Mr. SUMNER. Then the New York papers represent me as saying, "Do you ask me if I would send back a slave?" Then they go on to say, that the Senator from South Carolina answered, "Why, yes." That is to say, the question was, would I send back a fugitive? to which I replied as you know.

Mr. BUTLER. I will not undertake to say here what was the Senator's exact interrogatory. I know what mine was. Of that I have a right to speak.

Mr. SUMNER. Unquestionably.

Mr. BUTLER. Though I have been asked frequently by others, I will not say what his interrogatory was; for I never will do injustice.

Mr. SUMNER. I cheerfully concede the Senator that right. I know he could not misstate on this floor; but what I concede to him I claim for myself; and I believe it is reasonable to suppose that what I said is better within my memory than within his.

Mr. FESSENDEN. Now, will the honorable Senator from South Carolina allow me to state my recollection?

Mr. BUTLER. I am perfectly willing that the Senator shall do so.

Mr. SUMNER. I believe the Senator from Maine sat at some distance from me.

Mr. FESSENDEN. I sat on this side of the Chamber, and listened very attentively to what was said. My recollection is, that the Senator from South Carolina first addressed himself to the Senator from Massachusetts, on this side of the Chamber, [Mr. ROCKWELL,] and, as I understood the inquiry, though I cannot pretend to give the precise language, it was to this effect: Suppose the fugitive slave law to be repealed, will Massachusetts then pass laws, or see that fugitives are returned?

Mr. BUTLER. Under the Constitution.

Mr. FESSENDEN. Yes, sir, I believe the words "under the Constitution" were in the inquiry. The Senator from Massachusetts, on this side of the Chamber, did not immediately reply to the Senator from South Carolina, and then turned to the other Senator from Massachusetts, [Mr. SUMNER,] and put the same inquiry to him.

Mr. BUTLER. I think so.

Mr. FESSENDEN. The Senator from Massachusetts immediately said, as I understood him, "Does the Senator ask me if I would return a fugitive slave," or something of that kind; I cannot tell his exact language; and then he made the quotation.

Allow me to state one thing further that has come to my knowledge. The Senator from Alabama, [Mr. CLAY,] as I understand, has addressed the Senate on the supposition that there was a misunderstanding and contradiction between the Senator from Massachusetts and the reporter; and he alluded to the letter from the reporter which was read by the Senator from Indiana. That letter states that the remark of the Senator from Massachusetts, as published in the Globe, was not in the reporter's notes. Now, sir, I have very good reason for saying, and I can substantiate it very readily, although it may not be precisely in order for me to show how, that there is no contradiction whatever between the reporter and the Senator from Massachusetts; because, although the remark, as given in the precise words in which it is given, was not in the reporter's notes—and that is all the reporter meant to say—the substance of the remark, the same idea, was in the reporter's notes, and written out; but the mere phraseology, not changing the idea, was altered by the Senator from Massachusetts, as stated. On that the debate has proceeded, being predicated on an entire misapprehension. That misapprehension is, that, as to the substantial remark, there was a dispute between the honorable Senator from Massachusetts and the reporter, which, I say, with very great confidence, does not exist.

I may say further, that after the scriptural quotation made by the Senator from Massachusetts, the Senator from South Carolina made some remark to the Senator from Massachusetts, which I distinctly observed, in regard to his unwillingness to support the Constitution. What the precise phraseology was I do not know. The answer made by the Senator from Massachusetts was in these precise words: "I recognize no such obligation." I did not understand that Senator as meaning to say that he would not obey the Constitution, or would disregard his oath; nor, allow me to say, was he so understood by many gentlemen on this side of the Chamber; but he simply meant to say (I certainly so understood him) that he did not consider that the Constitution imposed any such obligation upon him. That is all.

Mr. BUTLER. Mr. President, what I mean to say the honorable Senator from Maine of course does not undertake to controvert. I meant to put the same proposition to this Senator [Mr. SUMNER] that I had put to his colleague. When he answered, he answered a question which, perhaps, he put himself; but it was not the inquiry I proposed.

Mr. SUMNER. I wish to say to the Senator from South Carolina—and I do say it most unfeignedly—that, in answering him at that time, I answered him honestly and frankly, according to my position. He addressed me, and I regarded the appeal as addressed to me individually—as, if I may say so, an *argumentum ad hominem*. Will you join in doing this? I so understood it; I so declared, and then I answered the Senator, understanding him to ask me if I would individually, personally, join in sending back a slave. That was my interpretation, and accordingly I answered, and by that answer I stand. I state this with all frankness and simplicity before the Senate. I think the controversy does not justly arise on the facts.

Mr. RUSK. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield the floor?

Mr. BUTLER. Yes, sir, I do, in connection with this matter; for I do not undertake to recollect anything, except the question which I put myself. That I do recollect.

Mr. RUSK. I have no desire to be a volunteer in this matter; but I happened to be sitting very close by both Senators, and I think I have a very distinct recollection of what occurred. The honorable Senator from South Carolina was addressing the Chair on the subject of the reference of this petition to the Committee on the Judiciary. Among other remarks, he said that he had not put a very high estimate upon the fugitive slave law passed by Congress, and that he was very willing to investigate the subject; but that, before investigating it, with a view to its repeal, there was a question which it would become necessary to ask the honorable Senator from Massachusetts, alluding to the Senator on the other side of the Chamber, [Mr. ROCKWELL,] or, at all events, addressing him. It was whether, if Congress should repeal the law in regard to fugitive slaves, Massachusetts would execute the provision of the Constitution. What the other words which he used in that connection were, I do not exactly remember; but they were to this effect, that he did not ask for a direct answer from him, but that it would become a material inquiry, in the investigation of the question, whether the fugitive slave law should be repealed. He then turned round to the other Senator from Massachusetts, [Mr. SUMNER,] I was under the impression he did it as a matter of politeness—that having asked one Senator, he thought he ought, perhaps, to ask the other.

Mr. BUTLER. That was my real feeling.

Mr. RUSK. He put the question to him, "What would you do, sir?" The Senator from Massachusetts became very much excited, and I think he was not in a condition to remember exactly what he did say. He said, "Do you ask me if I would do so and so," and he immediately said, "Is thy servant a dog, that he should do this thing?" That is about the way I understood it. I was sitting close to both Senators, and I think I heard fully all that passed.

A word now in answer to a remark which fell from the Senator from Maine. The observations to which he alluded last occurred in a question between the Senator from Massachusetts and the Senator from Maryland, [Mr. PATT,] The Senator from Maryland said something, and the observation which the Senator from Maine repeated was in reply to it.

Mr. FESSENDEN. It might have been so; but I remember that the statement to which so much exception was taken in the remarks of the Senator from Massachusetts, was made distinctly in the terms I have stated, according to my recollection.

Mr. BUTLER. I do not think this matter very important, and I shall not detain the Senate longer upon it; but I will say what I know to be the true explanation of it. The same interrogatory which I proposed to the Senator from Massachusetts on the other side of the chamber, I intended to propose to the Senator on this side. When he chose to make his reply by a quotation, he assumed that I had made an interrogatory which I had never made, but it verifies again what I said before, that all his rhetoric has been upon issues of his own creation. I did not make them. I did not ask him whether he would join with the police as an individual, to pursue a slave, and he knows I did not. His elaborate impromptu, in his quoted answer, was an affair of his own altogether.

I make now the qualified remark—for upon personal matters I wish always to be correct—that whatever may have been the Senator's assumptions, in nothing that I did say, in no interpretation that could be given of what I did say, ought he to have supposed that I would have asked the question, whether he, as a Senator of Massachusetts, was bound to join with the police and apprehend a slave. He may have been expecting such a question, and was prepared for it. Sir, I asked a graver question, whether he, in his place, as a Senator of Massachusetts, would say here that Massachusetts would execute the Constitution of the United States, and whether he would concur in carrying out that Constitution? That was the interrogatory I proposed to him; and he evaded it by saying, "if the gentleman says so and so, then I answer by this quotation." I made one issue by my interrogatory, and he made another. I do not say that it may not have been a misconception. I will be qualified on the subject; but when he made that remark, I assumed that he regarded himself absolved from the obligation taken by his

oath here to maintain that provision of the Constitution which required every State in this Union to perform its duty in returning a fugitive slave. I assumed it, and I denounced it. At first I did not say much about it; but I treated it rather with ridicule, until it became a subject of more than ridicule by a subsequent remark of the Senator, and then I did denounce it in a very few sentences. I do not think he could take much exception to even those sentences, compared with what others have said. But before them he cannot find a place where I bestowed a single epithet on him, except that I characterized his speech as vapid rhetoric. I had a right to do so. On some occasions I had thought and spoken well of his taste; but thought there was justice modifying that judgment, in saying that the same thing, attenuated and repeated, had lost something of even its originality. In this criticism he may have been touched.

Now, by way of episode, let me say, as the Senator has referred to me, that it would have been my wish to have him perform the part which I would have assigned him. If he would discharge the duties for which I think he is fitted, I should be satisfied. Perhaps I ought not to indicate what those duties are. I have never shown an unfriendly feeling. Now, he will allow me to state the reason why I was excited on that day. I wish him to understand why I was fairly excited in regard to the matter which has been the cause of so much controversy here. Considering that the remark to which I have referred came from a man of his responsibility, talent, and scholarship, I think I had a right to be excited at it. Why, sir, did not that Senator rise and say in the Senate of the United States—not speaking in an adversary Commonwealth, whose flag had been erected by the voice of his own State, not as standing upon Bunker Hill and inspired by the spirit of liberty—he was willing to run the hazards and risks of battle; not that he was willing to encounter the pains and penalties of a separate movement against the Federal Government? But what I was excited at was that, in this Senate he should say that the provision of the Constitution of the United States, a compact into which Massachusetts entered, recognizing the existence of slavery and the obligations of the non-slaveholding States to perform their duties in returning a fugitive, *imposed no obligation upon him!* When I saw him rise upon this floor, and heard him say that that clause, and all laws intended to carry it out, were worse than the Stamp Act, and that before God he would be as much justified in resisting them as our forefathers were in resisting the Stamp Act, I was excited. When a coequal Senator stood on this floor, and said it would be as lawful, as heroic, as glorious, to resist this provision of the Constitution, as to resist the Stamp Act, I was indignant. As I understood him, he justified combined communities, mobs, in resisting the fugitive slave law, or that provision of the Constitution. Sir, he identified with the glorious resistance to the Stamp Act, as exhibited in Boston and elsewhere, resistance which he was willing to make to the Constitution of his own country!

Did he suppose that I, as a southern man, interested in the institution of slavery, representing a slaveholding Commonwealth, could stand here and hear myself denounced, and my community denounced, for maintaining an institution of that kind, and for insisting upon the constitutional obligations of others, to conform to the terms of the Confederacy? When he said, that before God—I do not know whether he used those words, but he made some solemn assertion—the enormities of the Stamp Act sunk into insignificance, compared with the enormities of this provision of the Constitution, or any act intended to carry it out, it was enough to excite me. It was, however, but a temporary excitement; and if the Senator had not this morning come here, and indited a libel against South Carolina—not in the name of Massachusetts, for she would not do it—if he had not come here this morning, and with concocted malice, poured out a prepared speech, on the assumption that I had said a thing which I never said; if he had not come here deliberately prepared to take materials brought together in a fell spirit, with a view to make a distinction between the North and the South, and against South Carolina, I should have said nothing. God knows South Carolina has had her difficulties throughout the whole period of her existence. Her his-

tory is written in blood and trial. But I forbear. When she invited Greene, and he took command of her militia and regulars, I will not say certainly, but I do not think there was a Massachusetts soldier who followed him. Perhaps some of the officers might have been from Massachusetts. Greene was invited to take command of the southern army. He had good taste enough to appreciate the gratitude and the offerings of friendship bestowed upon him by Georgia and South Carolina. His grave is there. They bestowed upon him fortune. They rewarded him with something more than the laurels which the rhetorician can bestow upon the hero whose merits I am afraid he cannot appreciate. Sir, when he speaks of my honored State by culling history which I have not had an opportunity of examining, I admit we had our difficulties. The truth is, it is a wonder that South Carolina ever went to the rescue of Boston. Boston made the war with Great Britain. She was the first. She made it in the spirit of hardy Massachusetts, of slaveholding Massachusetts. I do not say, however, that the fact of her being or not being slaveholding had anything to do with it. I do not say that a State is better or worse for being slaveholding or non-slaveholding. But, sir, when Massachusetts made the declaration and involved the country in the issues of war, we came to her rescue, and our history will illustrate the annals of that day. I will not say more, for more would not become me or him on that point.

It might be expected that I should reply more specifically to some things said about South Carolina. I will do so when there is a real occasion. So long as the names of Kirkwood, Howard, Morgan, and Rutherford; of Marion, Clarke, and Elbert, shall remain in history, the southern States will require no vindication on this floor. And so long as the names of Lincoln, Greene, Stark, Putnam, and Knox, shall remain, they will serve to shed their rays on a common history. That is secure from the North or the South. They will go to show that slaveholding communities can achieve an organized independence, and can institute constitutions for the maintenance of rational liberty.

I will now conclude by saying that what I have said has been the effusion of the moment, and not the effusion of the drawer; but what the Senator has said this morning has been the deliberate preparation of two or three nights' lucubrations, collecting the materials of history, and making them subservient to the maintenance of false issues. With that proposition I leave the subject. Upon false issues he has made his speech.

Mr. CLAY. I do not rise to make a speech; I have no idea of trespassing on the time of the Senate at this period of the day; but I rise to repeat—and I call the attention of the Senator from Maine to it—that there is a material difference between the Senator from Massachusetts and the reporter. Before I allude to the evidence to establish the truth of the position assumed by the Senator from Indiana, and reassured by myself, I will say to the Senator from Maine that I do not doubt that he labors under an honest misapprehension, and that he really believes what he has stated. Now, I wish to call his attention, first, to the fact, that the Senator who put the question, and who stood immediately before the Senator from Massachusetts, understood him as denying the obligations of his oath to support the Constitution of the United States; that he so treated it, and continued to treat it throughout the remainder of his speech. And that the Senator from Massachusetts so intended at the time, there is confirmation in the record itself; and I call the Senator's attention to it. Here it is, found in the following remarks of the Senators from South Carolina, from Maryland, and from Massachusetts, as exhibited in the report before us:

"Mr. BUTLER. Then you would not obey the Constitution. Sir, [turning to Mr. SUMNER,] standing here before this tribunal, where you swore to support it, you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence, as a coequal Senator, and tell me that it is a dog's office to execute the Constitution of the United States?"

"Mr. PRATT. Which he has sworn to support."

"Mr. SUMNER. I recognize no such obligation."

That is "a confirmation strong as proofs of Holy Writ" that he was not misapprehended, and that he reassured what he had before asserted.

Mr. FESSENDEN. I do not undertake to say how the Senator from South Carolina understood it, nor do I undertake to say how the Senator

from Alabama, or any other gentleman, understood it. I only say that the language was such as I have stated, and that I did not understand the Senator from Massachusetts as conveying such an idea as is imputed to him, nor did many other gentlemen, to my knowledge, on this side of the Chamber.

Mr. SUMNER. Nor had I any such idea to convey.

Mr. FESSENDEN. I imputed at the time the construction which was put upon the language of the Senator rather to the heat of the debate and, perhaps, a want of capacity—not a general want of capacity, but a want of capacity under the excitement of the occasion—properly to appreciate the real meaning which the Senator intended to convey.

Mr. GILLETTE. I will state, sir, that I was in my seat, paying very close attention to the remarks which were made that day. As the Senator from South Carolina turned to the Senator from Massachusetts, the latter Senator rose, and in this manner asked the question, "Do you ask me whether I would return a slave?"—emphasizing the "me" and the "I," which, to my mind, banishes all doubt as to the matter. That is the way in which I understood him.

Mr. PETTIT. Mr. President, there may possibly have been some mistake as to one point, but there can be none as to the last. Did the Senator from Massachusetts make use of the following language: "I recognize no such obligation?" No Senator, not even that one himself, pretends to deny it. Now, what is that obligation which he says he does not recognize? Gentlemen may fix up as many beautiful sentences as they please, but I shall very easily show what it means. The Senator from Massachusetts asked the Senator from South Carolina, according to the report, (which I contend was an interpolation,) whether he interrogated him so and so? Then, after his answer, the Senator from South Carolina went on thus:

"Mr. BUTLER. Then you would not obey the Constitution. Sir, [turning to Mr. SUMNER,] standing here before this tribunal, where you swore to support it, you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence, as a coequal Senator, and tell me that it is a dog's office to execute the Constitution of the United States?"

"Mr. PRATT. Which he has sworn to support."

This remark of the Senator from Maryland did not change at all what the Senator from South Carolina was saying; for he had already told the Senator from Massachusetts that he had sworn to support the Constitution. But to that, what was the response of the Senator from Massachusetts? Here is the issue, and it is narrowed down. He promptly responded:

"Mr. SUMNER. I recognize no such obligation."

What, sir? The Senator from Massachusetts not recognize the obligation of the Constitution, and the oath he has taken to support it! That is what the Senator from South Carolina and the Senator from Maryland alike charged upon him. They notified him, they warned him, they advised him, they refreshed his memory, that he had sworn to support the Constitution; and directly, in the face of both these advices, warnings, and reminders that he occupied such a position, he expressly said, "I recognize no such obligation."

Now, sir, how does the Senator attempt to get out of it? How can he, or how can his numerous friends, undertake to excuse him, and get around it? He may quibble as to the other question, "whether you asked me whether I would do so and so," emphasizing the *me* and the *I*; but I say that he said he recognized "no such obligation," as the Constitution of his country, and the oath he had taken before the Presiding Officer of this body, upon the Gospel of God, to support it; and that he boldly stated here in our presence, (and was the first high official that ever did utter such words; and no man can say he did not utter them,) that he recognized no such obligation. No such obligation as what? The Constitution of his country, and his oath to support that Constitution. His words are, "I recognize no such obligation."

Sir, the Senator stands convicted, not by my testimony alone, but by the testimony of your reporter, the testimony of the Senator from Alabama, the testimony of the Senator from Florida, the testimony of the Senator from South Caro-

lina, and the testimony of the Senator from Texas, of having said that he recognized no such obligation.

Sir, while I am up I will say what I intended to say when I was up before, that in any remark which I have made I have not designed to attribute anything improper, unjustifiable, or censurable to the reporter of the Senate. To that gentlemen I am under many obligations this year, and in years gone past, in the other House and in this body, for efficient, correct, and faithful reports of what I have said. I have no complaint to lay at his door. He may have thought he was justified in allowing the Senator to interpolate in my remarks what he did allow him to interpolate; and he has come forward promptly to show, by the letter which I read to-day, and which will appear in my remarks to-morrow, that he did interpolate, that they did not exist, and that, even as reported, they were different in form and substance from what appears in print. The Senator cannot get out of the charge that is here made against him. He said he recognized no such obligation as the obligation of the Constitution, and of his oath to support it. He cannot, he has not shirked, in any form, the allegation that he interpolated what was not true, what he did not say, what he could not have said, and that he forced it in the report to the detriment of the then speaker.

Mr. TOUCEY. Mr. President, I should be unwilling to hold any Senator to the consequences of a hasty expression. I beg leave, therefore, to ask the Senator from Massachusetts whether he now recognizes an obligation to return a fugitive slave? I put the question in general language: Does he recognize the obligation to return a fugitive slave?

Mr. SUMNER. To that I answer distinctly, no.

Mr. CLAY. Now, I trust nobody will again undertake to qualify the language of the Senator from Massachusetts, or to screen him from an imputation that is made against him.

The PRESIDING OFFICER. The question is on the motion to refer the petition to the Committee on the Judiciary.

The motion was agreed to.

ENROLLED BILL.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the enrolled bill, entitled an "Act to aid the Territory of Minnesota in the construction of a rail road therein;" which was thereupon signed by the President *pro tempore*.

INTRODUCTION OF A BILL.

Mr. JONES, of Iowa. I ask the unanimous consent of the Senate, in behalf of my absent colleague who is confined to his bed by sickness, to introduce a bill to aid in the transportation of the mails. My object is merely to have it referred to the proper committee.

By unanimous consent, leave to introduce the bill was granted, and it was read twice by its title, and referred to the Committee on the Post Office and Post Roads.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 28, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. JONES, of Tennessee. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

FULLER'S SURVEY OF THE OHIO RIVER.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting, in compliance with the resolve of the House of Representatives of the 20th instant, a report of the Colonel of Topographical Engineers, containing information in respect to Fuller's survey of the Ohio river, (made in 1853,) and in the vicinity of Marietta, Ohio, with such reports, estimates, explanatory notes, and other papers, on file in the War Department, adapted to illustrate the same.

Ordered to lie on the table, and be printed.

Mr. COBB. Now let us have the morning hour.

Mr. JONES. Well, I withdraw my motion.

Mr. COBB. Then I call for the regular order of business.

ENROLLED BILLS.

Mr. DE WITT, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills; which thereupon received the signature of the Speaker:

An act to reimburse to the common council of New York city the expenditure made for the first regiment of New York volunteers;

An act to confirm certain land claims in Louisiana on the Bastrop grant;

An act for the relief of Priscilla C. Simonds;

An act for the relief of Moses Olmstead;

An act for the relief of Zadoc C. Inghram; and

An act for the relief of Llewellyn Washington.

PRESERVATION OF LIFE FROM SHIPWRECK.

Mr. SKELTON. By unanimous consent, and in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce:

A bill for the better preservation of life and property from shipwreck on the coast of the United States.

MAIL TRANSPORTATION TO THE PACIFIC.

The SPEAKER. The business first in order is the consideration of the following bill:

A bill to provide a weekly mail service between the Atlantic States and San Francisco.

The pending question is on the motion of the gentleman from Alabama, [Mr. Cobb], to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. COBB. I made that motion, and I will not withdraw it until I hear what the gentleman from California wants. Perhaps he is desirous of postponing it.

Mr. McDUGALL. I ask the unanimous consent of the House to make a verbal amendment to the bill, for the purpose of relieving it from ambiguity.

The amendment was reported, as follows:

In the sixth line strike out the word "existing," before the word "contract;" and in the seventh line, after the word "contract," insert the words "to be made."

So that the clause shall read:

And it shall be the duty of the Postmaster General to determine any contract to be made for the service herein required, and to make a new contract therefor whenever a greater expedition can be procured within the provisions of this act expressed."

Mr. JONES, of Tennessee. That amendment is not only a verbal one, but it makes a material difference in the provisions of the bill.

Mr. McDUGALL. I hope the gentleman from Tennessee will remember that upon a previous day it was stated by myself, in my place here, that there was no intention of affecting existing contracts. That bill was drawn up without any such design. The term of that particular provision is, that it shall only operate upon the services provided for in the act; but the term "existing" makes the sentence ambiguous. I do not wish the provision to be ambiguous at all, though I think, with my amendment adopted, the provision will be the same. I ask the gentleman from Tennessee to allow me to amend the bill so as to express the intention of the committee.

Mr. JONES. I think that amendment will not do.

Mr. McDUGALL. I desire simply that the provision be clear and explicit.

Mr. JONES. I think the amendment is a material one, and perhaps it alters the whole gist of the bill.

The SPEAKER. Objection being made, then, to the amendment, the question is upon the motion to reconsider the vote by which the bill was ordered to a third reading.

Mr. COBB. I made that motion, and I believe the previous question has been called and sustained upon the bill.

The SPEAKER. The bill was ordered to a third reading under the previous question.

Mr. COBB. Then the previous question is exhausted?

The SPEAKER. It is.

Mr. COBB. My object in moving to reconsider the vote was to keep the bill in the posses-

sion of the House, so that they could reconsider, and, if they found it necessary, when it should come up again, to amend it in such a way as to make it acceptable to the House. We have passed beyond the stage in which amendment can be made to the bill; and at the time I made the motion, I heard numerous objections made by the members of this House to the bill as it was then stated to the House. The committee which reported the bill now desire to amend it, and to qualify some of its language; and I hope it may be amended in a manner which will render it acceptable to the gentleman from California, [Mr. McDUGALL.]

I recollect distinctly that the gentleman from Kentucky, [Mr. BRECKINRIDGE,] who is not now in his seat, voted for the bill on its second and third reading. In relation to certain provisions in the bill, however, I discovered that he dissented from the gentleman from California. He suggested that he desired to offer an amendment to obviate all difficulty in getting rid of the other contract. It is my desire, and I presume it is the desire of every gentleman here, if the bill is to pass, to put it in such a shape as to make it acceptable to the gentleman from California and to the House. But the next day, seeing that no particular attention was called to it, and knowing that if the further consideration of the bill was postponed, it must either pass in the condition in which it now stands, or be defeated, in order that the House might have the opportunity upon reflection to make such amendments as they might consider necessary, I made the motion to reconsider the vote by which it was ordered to a third reading.

In the condition in which the bill now stands I am prepared to vote against it. I desire that proper mail facilities shall be furnished between the Atlantic and Pacific coasts; and if the bill can be amended in such a way as to provide for the abrogation of the existing contract, I shall cheerfully vote for it. But unless some means can be provided by which we can get rid of the old contract, I shall feel compelled to vote against it, notwithstanding my earnest wish to afford the proper mail facilities between the two oceans.

I hope, therefore, the friends of the measure will go with me in this motion to reconsider, and give the House an opportunity to so amend the bill that it may pass in a shape that will be alike satisfactory to the gentleman from California and the House. But, sir, I do not intend to discuss the merits of the measure. I have risen merely to state that I shall vote for the bill with that amendment, and that I shall vote against it without the amendment. And now, sir, profiting by the suggestion of a friend, never to speak unless I could say something that would edify the House, I intend to withhold my fire, so far as the making of speeches are concerned, to a proper time.

Mr. McDUGALL obtained the floor, but yielded to

Mr. HAVEN, who said: Is the motion to reconsider now before the House?

Mr. COBB. It is; and I hope it will be carried, for the purpose of placing the matter in the hands of the House.

Mr. HAVEN. I do not wish to take any part in this discussion; but it seems to me to be only reasonable that the House should reconsider, and give the gentleman from California the opportunity to print the bill in the language in which the committee which reported it intended it should be, and then either vote down the bill, or pass it at once.

Mr. TAYLOR, of Ohio. I ask the gentleman from California to allow me to say a word. When this bill was before the House for consideration, some days ago, not having read the bill carefully, I asked the gentleman from California a question, which it seems has brought the attention of the House to the point upon which the reconsideration is now asked. I asked the gentleman whether this bill would interfere with the existing contract? His reply was, that it did not interfere with the existing contract for ocean steam mail service between the Atlantic and Pacific coast. The gentleman was then, it seems, laboring under a misapprehension. Now, sir, if the gentleman from Tennessee still adheres to his objection to the amendment, I hope the House will grant so reasonable a request as the gentleman from California makes.

I regret that my friend from Tennessee objects.

But he does object; and I hope that the House will make the reconsideration and modification of the bill as desired.

Mr. McDOUGALL. I wish to say to the House that I do desire the reconsideration to take place. I do not wish, and would not seek to accomplish, anything by indirection; and if I had wanted the Postmaster General authorized to abrogate the existing contract, I should have so stated in plain terms. I sought nothing of the kind, as I stated on a previous occasion in my place here. I hope the House will allow the reconsideration to take place, that the proper amendment to express the views of the committee, as well as my own, may be made.

Mr. McMULLIN. Mr. Chairman, I am disposed to favor the proposition of my friend from California; but before doing so, I should like to have some information on the subject, from either the gentleman himself, the chairman of the Committee on the Post Office and Post Roads, or the chairman of the select committee on steamship contracts. It is my desire to increase, within reasonable limit, the mail facilities for California. The cost of the present facilities, if I am correctly informed, is \$838,000 the year; my friend's proposition authorizes and requires the Postmaster General to increase that expenditure \$250,000.

There seems to be some difference of opinion between the gentleman from California, the chairman of the Post Office Committee, and the chairman of the select committee to investigate the subject of contracts with steamship companies for carrying the United States mails as to whether the contract immediately under consideration can be abrogated. Now, sir, while I am anxious and willing to afford all the mail facilities to California which justice may demand, still I cannot vote for this \$250,000 increase unless I can have some assurance, or see my way clear in regard to the abrogation of the existing contract with this mail steamship company. Let the gentlemen to whom I have alluded give the House their reasons why the appropriation is a proper one.

Before I yield the floor, however, for the information I have asked, I repeat what I said on a former occasion when the question was before us, that we ought not to act on the bill until we had seen the conclusions of the investigating committee on steamship contracts, and the action of the House on its report. I understand from my friend that he intends to notice this point after the reconsideration; and when we get back to the merits of the bill, I shall not trammel, by any objection of mine, any of the friends of the bill. I think that the people of California need, and are entitled to, increased mail facilities; but I hope that the House may be now furnished with the information which I have indicated. On that information will, to some extent, depend the vote which I shall give. If we cannot give up the contract with this steamship company, so as to make better arrangement than that now existing, I am willing to vote what is asked; but I cannot consent to tax the Post Office Department \$1,000,000 for mail facilities for California, when I know that there are other sections of the country similarly situated, and who demand at our hands further mail facilities.

Mr. OLDS. I am, perhaps, unable to give the gentleman from Virginia the information he has asked relative to the power of Congress to put an end to existing contracts for the transportation of the mails between New York and San Francisco. It depends entirely on the construction of the contract, involving, perhaps, some nice legal points that the House can decide for themselves. But I cannot, for the life of me, see what that has to do with this bill. The question is a simple one. Do we need increased mail facilities between the Atlantic and Pacific? If we do, let us have them. Then, if you have the power to put an end to the existing contract, and make a better one for that mail service, let us have that also. But it appears, if we need an increase of mail facilities, we should pass this bill without any reference to the other. Believing that the matter has been fully discussed, and to save the time of the House, I move the previous question upon the reconsideration.

Mr. CHAMBERLAIN. Will the gentleman withdraw his demand for the previous question, to enable me to make an inquiry?

Mr. OLDS. I will withdraw it if the gentleman will renew it.

Mr. CHAMBERLAIN. Do I understand this bill as contemplating that the same contractors shall perform the service as have performed it hitherto?

Mr. OLDS. No, sir. The contract will be open for any bids for carrying the mails, by any other route, at a sum not exceeding \$250,000. It has not the most distant thing in the world to do with the existing contract for carrying the mail between Panama and Chagres.

Mr. MACE. It has been out of the power of the select committee on ocean mail service, up to this time, to submit a report to the House. The report, however, will be completed and submitted next week. I, like the gentleman from Ohio, [Mr. OLDS,] can see no immediate connection between the Collins line of steamers and the steamers engaged in the Pacific mail service. But the point involved, in my opinion, in the whole matter of ocean mail service, is this: The contract with the Collins line of steamers needs overhauling, and a critical examination upon the part of members of the House. In addition to that, the mail service between the Atlantic and Pacific stands identically in the same condition, though these routes are disconnected with each other, so far as the contracts are concerned. In my opinion, it will be found, after a careful examination, that, if the Congress of the United States have the legal authority to interfere with the transportation of the mails for a violation of contract, the same principle will apply, and, perhaps, to a greater extent, to the steamers engaged in the transportation of the mails from the Atlantic to the Pacific. I remarked upon a former occasion, that I will go as far as the gentlemen from California to give them these increased mail facilities; but I am not prepared, at this time, to saddle this Government with an additional expense of \$250,000 per annum for a weekly service.

I do believe, after a full investigation of this matter, and after the committee shall have submitted the report which they design making, that the House will have it in its power to curtail greatly the expenses of our ocean mail service, and afford equal facilities that they now do between New York and Liverpool; and also, afford the facilities which the gentleman asks for California.

With these remarks, I move the previous question, as I promised to do.

The previous question was seconded, and the main question was ordered to be put, being upon the motion to reconsider.

Mr. JONES, of Tennessee. I ask for a count of the House, that we may see whether we have got a quorum.

Mr. OLDS. I ask for tellers. That is the best way to ascertain the fact.

Tellers were ordered; and Messrs. DEAN and Cox were appointed.

The question was taken; and the tellers reported—ayes 101, noes 24.

So the motion to reconsider prevailed. The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. COBB. I now make a motion to reconsider the next stage in the bill, so that we can get back to a point where we can amend it.

The SPEAKER. It is amendable now.

Mr. McDOUGALL. I now propose the amendment which I offered before; and I call the previous question upon its adoption.

Mr. JONES, of Tennessee. I ask for tellers upon the second.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and WHEELER, were appointed.

The House was then divided upon the demand for the previous question, and the tellers reported 92 in the affirmative, and 32 in the negative.

So the previous question was seconded.

The main question was then ordered to be put.

The question now being upon the amendment proposed by Mr. McDOUGALL,

Mr. PHELPS demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 100, nays 50; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Ashe, David J. Bailey, Banks, Barksdale, Bell, Benson, Caruthers, Chastain, Churchwell, Cook, Cox, Crocker, Curtis, Dawson, Dean, De Witt, Dick, Disney, Dowdell, Eastman, Thomas D. Eliot, English, Farley, Fenton, Flagler, Gamble, Green, Greenwood, Sampson W. Harris, Harrison, Hastings, Haven, Henn, Hillyer, Howe, Hughes, Hunt, Daniel T. Jones, J. Glancy Jones, Roland Jones, Knox, Kurtz, Latham, Lindsley, McDougall, Mc-

Nair, Mace, Macy, Matteson, Maxwell, Middleswarth, Morgan, Nichols, Norton, Andrew Oliver, Orr, Parker, Peck, Peckham, Bishop Perkins, Pringle, Puryear, Reese, Riddle, David Ritchie, Thomas Ritchie, Rowe, Seward, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Tweed, Upham, Vail, Walker, Walley, Walsh, Elihu B. Washburne, Israel Washburn, Wells, Wheeler, Daniel B. Wright, Yates, and Zollcoffer—100.

NAYS—Messrs. Belcher, Bocoek, Bridges, Campbell, Carpenter, Chamberlain, Cobb, Corwin, Craig, Cullom, John G. Davis, Dickinson, Eddy, Ellison, Etheridge, Florence, Giddings, Goode, Grow, Aaron Harlan, Hiestler, Hill, Houston, Johnson, George W. Jones, Keitt, Letcher, Lilly, Lindley, McCulloch, McMullin, Mayall, John G. Miller, Murray, Olds, Mordecai Oliver, Pennington, Phelps, Ready, Ruffin, Russell, Sapp, Shannon, Singleton, Tracy, Vansant, Wade, John Wentworth, Tappan Wentworth, and Witte—50.

So the amendment was agreed to.

Pending the call of the yeas and nays, Mr. McDOUGALL asked consent to make a brief statement as to the effect of the amendment.

Mr. LILLY. I object.

Mr. READY. I hope the gentleman will not object. Very few of us know what the amendment is.

Mr. LILLY. I object, for the reason that the gentleman from California himself called the previous question upon the bill without giving any one else an opportunity of saying anything upon it.

Mr. McDOUGALL. I propose to make a single statement in reference to the bill.

Mr. JONES. I ask whether debate is in order?

The SPEAKER. It is not.

Mr. PHELPS. Is it in order to move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. It is not; the main question having been ordered to be now put.

The question was then put on ordering the bill to be engrossed and read a third time; and there were—ayes 61, noes 63.

Mr. McDOUGALL. I demand tellers.

Mr. JONES, of Tennessee. If the House will let the bill pass to a third reading, I shall call for the yeas and nays on its passage.

The SPEAKER. The House has refused to do so, unless in division, by tellers, it otherwise orders.

Tellers were ordered; and Messrs. WITTE and Cox were appointed.

The question was taken; and the tellers reported—ayes 82, noes 76.

Before the Speaker announced the result of the vote,

Mr. COX said: I desire to correct the report made by the tellers. 'In our first count we reported sixty-six as voting in the affirmative. Since then six more voted in the affirmative, making seventy-two; and seventy-six have voted in the negative.

Mr. JONES, of Tennessee. I then ask the yeas and nays upon the engrossment.

Mr. McDOUGALL. Have I a right to move to recommit the bill?

The SPEAKER. The previous question is not yet exhausted, and the motion indicated by the gentleman from California would not be in order.

The yeas and nays were ordered.

Mr. OLDS. Is it in order to move that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. No motion is in order, except to lay the bill upon the table.

Mr. BRIDGES. I move to lay the bill upon the table; and upon that motion I demand the yeas and nays.

Mr. McDOUGALL. Is it in order to move to postpone the further consideration of this bill?

The SPEAKER. The motion can be made only by unanimous consent.

Several MEMBERS objected.

The yeas and nays were ordered upon Mr. BRIDGES's motion.

The question was then taken; and it was decided in the affirmative—yeas 84, nays 71; as follows:

YEAS—Messrs. Barksdale, Barry, Belcher, Bocoek, Bridges, Campbell, Carpenter, Chamberlain, Cobb, Corwin, Cox, Craig, Crocker, Cullom, Curtis, Thomas Davis, Dick, Dickinson, Dowdell, Eastman, Thomas D. Eliot, Ellison, English, Faulkner, Fenton, Flagler, Gamble, Gid-

dings, Goode, Goodrich, Grow, Aaron Harlan, Wiley P. Harris, Harrison, Hiester, Hill, Houston, Johnson, George W. Jones, Keitt, Knox, Letcher, Lilly, Lindley, Lindsey, McCulloch, McDougall, Mace, Middlesworth, Milson, Morgan, Murray, Norton, Mordecai Oliver, Packer, Parker, Pennington, Phelps, Pringle, Puryear, Ready, Thomas Ritchey, Ruffin, Russell, Sabin, Sage, Sapp, Shaw, Singleton, Skelton, Gerrit Smith, John J. Taylor, Nathaniel G. Taylor, Tracy, Trout, Vail, Vansant, Wade, Walley, Walsh, Elihu B. Washburne, Tappan Wentworth, Yates, and Zollcoffer—84.

YATES—Messrs. Abercrombie, Willis Allen, Appleton, Ashe, David J. Bailey, Banks, Bell, Benson, Chandler, Chastain, Chrisman, Churchwell, Clark, Cook, John G. Davis, Dawson, Dean, Disney, Eddy, Everhart, Ewing, Farley, Florence, Green, Greenwood, Sampson W. Harris, Hastings, Hendricks, Henn, Howe, Hughes, Hunt, Ingersoll, Roland Jones, Kurtz, Latham, McNair, Macy, Matteson, Mayall, Smith Miller, Nichols, Olds, Orr, Peck, Peckham, Phillips, Preston, Reese, Richardson, Riddle, David Ritchie, Robbins, Rowe, Seward, Samuel A. Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Walker, Westbrook, Wheeler, and Daniel B. Wright—71.

So the bill was laid upon the table.

Mr. McDUGALL. I move to reconsider the vote by which the bill was laid upon the table.

Mr. LETCHER. I move to lay that motion upon the table.

Mr. PECKHAM. I ask if the morning hour has expired?

Mr. McDUGALL. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. PECKHAM. If the morning hour has expired, I move now that we proceed to the business on the Speaker's table, with the view of taking up the resolution from the Senate fixing the day of adjournment of the present session of Congress. We may as well dispose of it now as at any other time.

The SPEAKER. The gentleman from California [Mr. McDUGALL] has moved that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I rise to a point of order. The motion to reconsider is a privileged question, and takes precedence of every other motion, except a motion to go into committee.

The SPEAKER. The motion to reconsider is a privileged motion; the motion to lay on the table is also a privileged motion; at the expiration of the morning hour it is in order under the rules to move to go to the business on the Speaker's table. The motion, however, to go into the Committee of the Whole on the state of the Union is in order at any time, and is to be first put to the House.

The question was taken on Mr. McDUGALL's motion; and on a division there were—ayes 66, noes 90.

Mr. ORR. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. LETCHER. I suppose the question is upon the motion to lay the motion to reconsider upon the table.

The SPEAKER. That motion is pending, and is the question next in order.

Mr. PECKHAM. Is not my motion next in order?

The SPEAKER. The motion to reconsider, and the motion to lay that motion on the table, take precedence of the motion to go to the business upon the Speaker's table.

Mr. JONES, of Louisiana, asked for tellers on Mr. LETCHER's motion.

Tellers were ordered; and Messrs. KEITT and CAMPBELL were appointed.

The question was taken; and the tellers reported 79 in the affirmative, and 48 in the negative.

So the motion to reconsider was laid on the table.

Mr. PHELPS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. PECKHAM. I ask the Chair if that motion has not been just made and voted down?

The SPEAKER. It has; but business has since intervened.

Mr. PECKHAM. Well, sir, I hope the motion will be voted down.

The question was put on Mr. PHELPS's motion, and, on a division, there were—ayes 78, noes 78.

The SPEAKER. The Chair votes in the affirmative.

Mr. CAMPBELL. I demand tellers.

Tellers were ordered; and Messrs. CAMPBELL and KEITT appointed.

The question was then taken; and the tellers reported—ayes ninety-one, a further count not being demanded.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that the Senate had passed bills of the following titles, in which he was directed to ask the concurrence of the House:

An act (No. 403) creating a collection district in the State of California;

An act (No. 418) creating a collection district in Texas and New Mexico; and

An act (No. 305) to direct a reexamination of the account between the United States and the State of Maryland.

That the Senate had agreed to the amendment of the House to the bill (S. No. 209) entitled "An act for the relief of Ira Day, of Vermont;" and to the bill (S. No. 344) entitled "An act for the relief of James Jeffries and Jeremiah M. Smith."

Also, that the Senate had rejected the bill (H. R. No. 404) entitled "An act to change the day for the annual assembling of Congress."

Also, informing the House that the Senate had passed the following bill and joint resolution:

H. R. No. 342. An act to aid the Territory of Minnesota in the construction of a railroad therein.

H. R. No. 27. Joint resolution directing the connection of the public surveys in Alabama, with the boundary line between the States of Alabama and Florida.]

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills; which thereupon received the signature of the Speaker:

Act for the relief of Joseph Jeffries and Jeremiah M. Smith; and

Act for the relief of Ira Day, of Vermont.

The House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. DISNEY in the chair,) on

THE MEXICAN TREATY.

The CHAIRMAN stated that when the committee last rose it had under consideration a bill "to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic of the 30th December, 1853, as amended by the Senate of the United States," and that the pending question was on the motion to strike out the enacting clause.

Mr. JONES, of Tennessee. The general debate having been closed to-day at twelve o'clock, m., by order of the House, I ask the unanimous consent of the House to withdraw the motion to strike out the enacting clause.

There was no objection, and the motion was withdrawn.

The CHAIRMAN. The question then recurs on the amendment of the gentleman from Alabama.

Mr. HOUSTON. My amendment was made for the same purpose as the motion of the gentleman from Tennessee, and I now ask the unanimous consent to withdraw it.

There was no objection, and the amendment was withdrawn.

Mr. HOUSTON then obtained the floor, and addressed the committee an hour. At the commencement of his remarks, he caused to be read the resolutions adopted by the House of Representatives in 1796, after President Washington had declined to furnish the House with the correspondence connected with the Jay treaty, as embodying his views on the rights and duties of the House respecting appropriations for carrying out treaties; they having the right to deliberate on the expediency of the appropriation, and to determine and act thereon as in their judgment may be most conducive to the public good.

He said it was a fair deduction from the course of several gentlemen who spoke of the necessity of obtaining the correspondence, that they did not desire the information they seem to call for, because they slept on their rights until the moment when he said that he would call up the bill now pending.

He justified the President for not sending in the correspondence; and denied that the rights of the House had been invaded because the President did not consult the House before the recent treaty was made. It was not the duty of the President to do so, although the gentleman from Missouri argued to the contrary.

He then proceeded to show that every Administration, from the days of Washington to the present day, without a solitary exception, (except, perhaps, in several cases of Indian treaties,) has committed itself over and doubly over to the doctrine for which he (Mr. Houston) contended. There is not one case to sustain the gentleman from Missouri.

He denied that Mr. Jefferson ever consulted the House on the subject of the Louisiana treaty, and challenged Mr. BENTON to produce proof to the contrary. He referred to the course of the succeeding Administrations in support of his views.

His speech, withheld for revision, will be published in the Appendix.

Mr. BENTON. Debate is terminated; but I desire to propound a question to the gentleman from Alabama.

The CHAIRMAN. Debate is terminated on the bill, under the order of the House, except as it is provided for under the five-minute rule. Gentlemen may propose amendments, and speak five minutes in explanation of them.

Mr. BENTON. Without going through the formality of a *pro forma* motion to amend, I suppose that gentlemen will hardly refuse to allow me to say a word upon two points.

Several MEMBERS. Adhere to the rule.

Mr. BENTON. Then I move to reduce the appropriation one dollar.

Mr. HOUSTON. It is better to settle that point at the start.

Mr. PRESTON. I will make a point of order, at the request of the chairman of the Committee of Ways and Means, at this stage of the proceedings. I conceive that a motion to alter the amount appropriated by the bill for carrying out the treaty is not in order, because that would be to exercise the treaty-making power, in fact, by the House, which is reposed by the Constitution in the President and the Senate. We must take the appropriation bill as it stands, exercising our discretion to accept or to reject it as it stands, and making no substantial amendment. I do not make my point of order for the purpose of precluding other amendments.

The CHAIRMAN. The Chair would inquire if the gentleman from Kentucky rises to a point of order in reference to the amendment submitted by the gentleman from Missouri?

Mr. PRESTON. I do raise it with all respect to him. But he can make an informal amendment to the bill. I desire the decision of the Chair now upon that point.

The CHAIRMAN. The Chair will be compelled to overrule the point of order presented by the gentleman from Kentucky, and the Chair does it. The Chair thinks that it is competent for this House to vote any particular sum of money which, in its discretion, it thinks fit to be applied for any particular purpose for which it is asked; either to refuse it entirely, or to give any amount, consulting its own discretion. Whether it be or be not inconsistent with functions devolved upon the President and the Senate, is not for the House to inquire.

Mr. PRESTON. I shall not take an appeal from the decision of the Chair, though I do not think it would be a bill for an appropriation at all. My impression is, that it would not be in order to vote any other sum than that which the treaty contemplates.

Mr. BENTON. I move *pro forma* to reduce the amount one dollar, and will consume my five minutes. The Representative from Alabama [Mr. HOUSTON] falls heavily upon two gentlemen from New York, [Messrs. HAVEN and PECKHAM,] for having slept upon their rights; for not having applied in time for these papers; for not having applied when the message came in; for not having applied to the committee to call for them.

Mr. SEWARD. I rise to a question of order. I understand the rule to be that when an amendment is offered, the gentleman who offers it is compelled to confine his remarks to the subject-matter of the amendment. The gentleman from Missouri is not so doing, and consequently is out of order.

Mr. BENTON. I hope these questions of order will not be taken out of my five minutes.

I never am willing to repeat what passes between two members in their seats; but I leave it to that member [Mr. Houston] to say whether or not the moment the message was brought in and referred, I did not go to him and ask for the papers? And when he said that there were none that came with it, whether I did not insist that the committee should call for them? I leave it to him to answer.

Mr. HOUSTON. The gentleman from Missouri and myself have had two or three conversations about these papers. I remember no such conversation as he refers to. I had no idea that the gentleman wanted to call for the papers until Monday morning. He may have said it to me, but I remember no such thing.

Mr. BENTON. Does he not remember my coming to him and asking him if the committee would call for them?

Mr. HOUSTON. You may have done it; but I remember no such thing.

Mr. BENTON. It is for these reasons that I never like to tell anything which passes privately between two gentlemen. But I thought I went to him. I thought I asked for the papers.

Mr. HOUSTON. I do not remember anything about it. I know we had several conversations about the papers.

Mr. BENTON. My recollection is, that I did talk with the gentleman, and that we became rather pointed in our talk. My recollection is, that I insisted that it was the duty of the committee to bring those papers before the House; but he did not think so. That is my recollection.

Mr. SEWARD. I rise to a question of order. I insist that the rules be enforced.

The CHAIRMAN. The gentleman from Georgia raises the question of order, that the gentleman from Missouri has offered an amendment, and does not confine his remarks to the explanation of that amendment. The Chair overrules the question of order, upon the ground that he understands the present colloquy between the gentleman from Missouri and the gentleman from Alabama to be a personal matter, and partaking of a privileged character.

Mr. SEWARD. I did not understand the gentleman from Missouri as basing his remarks upon the ground that it was a question of privilege.

The CHAIRMAN. The Chair understands the proceeding between the gentleman from Missouri and Alabama to be as he has stated.

Mr. McMULLIN. If the gentleman from Missouri rises to a personal explanation, in connection with what passed between him and the gentleman from Alabama, I will not object, otherwise I do object upon the ground taken by the gentleman from Georgia; and upon that ground I shall take an appeal from the decision of the Chair.

Mr. RICHARDSON. I desire to know if a personal explanation can come into the committee as a question of privilege?

Mr. SEWARD. I understand the gentleman from Missouri to have made a distinct motion to amend this bill, and to base his remarks upon that amendment. I submit, therefore, that no question of privilege, or a personal explanation, is raised. I did not understand the gentleman to put it upon that ground. And I do not understand that a question of privilege can arise upon a motion of that sort.

The CHAIRMAN. The Chair will remark, that a question may be pending, and a subsequent question may arise, and although that question may be pending, it will not prevent the introduction and decision of a personal matter which, according to the rules of courtesy and the usages of all legislative bodies, is tolerated and recognized as a matter of privilege.

Mr. SEWARD. I think the Chair is raising a collateral issue.

The CHAIRMAN. The Chair will repeat his decision.

Mr. SEWARD. Well, sir, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri offers an amendment to the pending bill. Subsequent to that motion, and while it was pending, he entered into a matter of privilege, in the judgment of the Chair, but not affecting the original motion, or his rights under that motion. To this course the gentleman from Georgia takes exception, and raises a question of order, that

the gentleman has no right to introduce questions of this sort during the pendency of the original amendment.

Mr. SEWARD. I object to the manner in which the gentleman states the case.

The CHAIRMAN. The Chair overrules the question of order, and from that decision the gentleman from Georgia takes an appeal; and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. JONES, of Tennessee. I merely wish to ask the Chair, if ever, in his recollection, there has been a question of privilege arisen in the Committee of the Whole heretofore?

Mr. RICHARDSON. There was never such a question raised before.

Mr. JONES. I submit to the Chair, and to the committee, that debate having been terminated by order of the House, the only debate in order in committee is that which may take place under the five-minute rule, upon the amendment made by the mover, in explanation of it, and by the one first getting the floor in opposition. I submit further to the Chair, that no personal explanation can be made in the House except by the unanimous consent of the House, and that the committee have no right to suspend the rules, even by unanimous consent.

The CHAIRMAN. The Chair will remark, in the first place, that the rules of the House, by an express rule, apply in the Committee of the Whole, so far as they are applicable. Now, the rules of courtesy, as well as the usage of the House, and of every other deliberative body, tolerate personal matters as being of a privileged character. And the Chair repeats, what he said a moment since, that, although another question may be pending, yet a question of privilege may still arise while it is pending. In that light the Chair understands the matter before the House. The gentleman from Missouri made a motion to amend, and while that motion was pending, became involved in a personal matter with the gentleman from Alabama of a privileged character.

Mr. RICHARDSON. I desire to ask the Chair a single question. He has correctly stated that the rules of the House are applicable to proceedings in the Committee of the Whole. In order to make explanations in the House, there must be unanimous consent. If that be so, then must there not be unanimous consent for the same purpose in the Committee of the Whole?

Mr. McMULLIN. I understood the gentleman from Georgia as raising his question of order on the ground that a motion had been made to reduce the appropriation one dollar, and that the member from Missouri was departing from the discussion of that amendment. That was the ground of the gentleman's point of order. The Chair has overruled that point, from which decision the gentleman has taken an appeal; and I think that the appeal has been well taken.

Mr. SEWARD. I desire that the House should understand this matter, and that the Chair and myself should understand each other. I think the Chair is raising a collateral issue for the purpose of getting a vote on this question.

Now let us examine the question. The gentleman from Missouri proposes to reduce the appropriation one dollar. He also proposed to discuss that amendment under the rules of the House. Failing to do that, and seeking to go into an investigation of a matter which had already been discussed by members on this floor, in reference to the application for the papers connected with the making of this treaty, a dispute arose between the gentleman from Missouri and the gentleman from Alabama. I understood the Chair to decide that the question was a privileged one; that matters of public record and history are privileged questions, and that therefore he would indulge the gentleman from Missouri.

The CHAIRMAN. It can hardly be necessary for the Chair to repeat that, under the rules of the House giving the privilege of five minutes' explanation, he would not hesitate to decide the member must be confined to the terms of the rule. That is to say, his remarks must be confined to an explanation of the pending amendment. If that point of order had been raised by the gentleman from Georgia, or any other member, the Chair would have so ruled. It is not as supposed by the gentleman from Georgia. The Chair did not overrule any such point. The Chair has attempted

to explain, but he has evidently been unfortunate in doing so.

Pending a motion to amend, a question of a personal character arose, and the Chair, according to the usage of the House, tolerated it.

Mr. CAMPBELL. I desire to suggest to the committee, that, independent of the point which the Chair makes to sustain itself, the remarks of the member from Missouri are in order on the merits of his proposition.

Mr. HENN. I rise to a question of order. The appeal is not debatable.

The CHAIRMAN. The Chair will remark that this whole discussion is out of order.

[Cries of "That is right!"]

Mr. CAMPBELL. It is very remarkable that the Chair has only just found that out.

Mr. TAYLOR, of Ohio. The gentleman from Tennessee, the gentleman from Georgia, and the gentleman from Illinois, have all been indulged, and without objection. Is not a gentleman on the opposite side of the House allowed to say one word?

The CHAIRMAN. The gentleman is out of order.

Mr. CAMPBELL. Was I not entitled to the floor?

The CHAIRMAN. The Chair will repeat, that under the order of the House limiting debate, all this discussion is out of order. It has been indulged by the Chair until his attention was specially called to it by gentlemen, and demand made for the enforcement of the rule.

Mr. CAMPBELL. Then the rule is brought to bear on me and not upon others.

The CHAIRMAN. It had to be brought to bear at some time.

Mr. TAYLOR, of Ohio. I demand tellers on the appeal.

Tellers were ordered; and Messrs. Dawson and Latham were appointed.

The question was taken; and the tellers reported—ayes 76, noes 73.

So the decision of the Chair was sustained.

Mr. PERKINS, of Louisiana. The decision of the Chair has not been understood in this part of the Hall, and it is suggested that the Chair would repeat it.

The CHAIRMAN. The Chair simply decided that a matter of personal explanation was privileged in committee as well as in the House.

Mr. PERKINS. That the five-minute rule did not apply to it?

The CHAIRMAN. The Chair did not say that.

Mr. BENTON. I would be very sorry to give any trouble to the House; and for the purpose of getting out of all this trouble, I withdraw the amendment I offered, and offer this one.

At the end of the bill add the following proviso:

Provided, That no part of the sum herein appropriated shall be drawn from the Treasury until the President shall first have communicated to this House all the correspondence, instructions, &c., &c., connected with the negotiation of the treaty.

Mr. SEWARD. I rise to a point of order. I do not think that the amendment is germane to the main question.

The CHAIRMAN. The Chair is unfortunate in not concurring with the gentleman from Georgia on that point.

Mr. SEWARD. Well, I sympathize with the Chair in his misfortune. [Laughter.]

The CHAIRMAN. An amendment limiting the time at which the appropriation shall be paid is germane and in order.

Mr. SMITH, of Virginia. I rise to a question of privilege. I am very willing to hear the remarks of the gentleman from Missouri, but I wish to be informed upon a point. I understood that a resolution to close the general debate upon this treaty at twelve o'clock to-day was agreed to. Well, now, sir, the question which I wish to be informed on—I do not raise it—is this: Whether general debate can continue under the five-minute rule, or whether, under that rule, members are not to be confined to the amendments offered, and not to be allowed to enter into general debate, in favor of or against the bill?

The CHAIRMAN. In reply to the gentleman from Virginia, the Chair can but say that the rule expressly directs—and the construction of the House upon it has been—that the discussion shall be limited to explanations of the amendment.

Usage, however, has given a wider latitude in too many cases.

Mr. BENTON. Mr. Chairman, I believe that that amendment opens the question as to the papers. I therefore repeat what I think I did the moment the President's message was delivered to this House and referred. I think I went to the member from Alabama, the chairman of the Committee of Ways and Means, and asked him if the papers were sent down. I think he said no. I think, then, that I spoke to him several different times about the committee getting these papers; and the last time I insisted that the committee ought to get them. That is what I think; and that he thought very differently from me, and we parted with different opinions upon that point. This is what I believe in respect to it; and if I am right in my recollection, the two gentlemen from New York are not subject to the censure which has, perhaps, been thrown upon them, of delaying to make application for these papers. I applied to the committee, because I felt that it would be hardly possible to get a resolution through the House, and because I thought it was a case in which you could not expect that no member of this House would object.

This is what I think; and I shall not object to the member from Alabama giving his recollection upon the same point.

Now, Mr. Chairman, with respect to the cases which I cited, in which there were laws of Congress appropriating money before the treaties were ratified, I limited myself to the instances in which the negotiation had ripened into an acquisition. I did not go into others at all. I took the three cases of Louisiana, Florida, and California, in each of which, before any treaty was made, a legislative act was passed appropriating the money. I knew there had been many more than those which the gentleman quoted. During Mr. Polk's administration, Secretary Buchanan authorized \$100,000,000 to be offered for Cuba. I knew of these incipient steps, and I might have used broader language, but I was confining myself to cases in which negotiation had ripened into acquisition; the whole point was, that there was a legislative sanction before there was an acquisition.

Now, sir, Mr. Jefferson did not send down a message in writing; but, sir, nobody can make me believe that his friends did not all talk about it, and that Mr. Smith, of Maryland, and his closest supporters and counselors—for Mr. Jefferson had counselors in Congress—did not agree upon the matter between them, and that they were not supported by all the power of Mr. Jefferson's friends in the House. The measure passed the House, and it was sent to the Senate. That was in 1803; and when the treaty came back, Mr. Jefferson, in communicating it to the Congress of the United States, used these remarkable words—I quote from memory, though I presume I can state the language correctly—"that the provisional appropriation of two millions, made the preceding session, was considered as conveying the sanction of the House to the proposed acquisition." Consequently it was done before the acquisition.

So much for the act of 1803. Afterwards, I know Mr. Jefferson—and if I did not mention it in my speech, it was because I was in a hurry, although the House had given its previous sanction to the acquisition by this two million appropriation—in his message, did not demand the money as a matter of right under this treaty, but sent it in for the legislative consideration of the House, with a full acknowledgment of their right to grant it, or not to grant it, even after they had given their sanction. If I did not mention this fact—and the gentleman thinks I did not—it was upon my mind to be used as an argument, and one of the strongest arguments to show that Mr. Jefferson sent it to the House for their legislative consideration, leaving it to them to confirm or reject it, although he had their previous sanction.

In 1806, exactly the same thing took place in relation to the acquisition of Florida, and the same process was gone through. A motion was made in the House, and the sum was voted; and attempts were made to acquire Florida. Spain was willing to sell; but, irritated by the expeditions continually gotten up in the United States to invade her territory, she would not yield her consent as soon as she otherwise would have done.

I will merely say that the California treaty went through exactly the same process.

Mr. HOUSTON. The gentleman from Missouri has attempted to state personal matters between him and myself, or I should not have troubled the committee again on this subject. Now, sir, while I reprobate in the strongest terms any attempt upon the part of any one to bring into a public debate private conversations that are not intended to be made public, I confess I feel rather humiliated that a gentleman with the experience of the gentleman from Missouri should bring before this committee a private conversation which he alleges to have taken place between him and myself.

Mr. BENTON. I should not have done it if the gentleman had not made charges against me.

Mr. HOUSTON. No, sir, it never should have been done. Now, sir, so far as any conversation between the gentleman from Missouri and myself is concerned, before last Monday morning, I say again that I have no recollection of it. And I will say, further, that I never either promised or intimated to that gentleman that I would call for these papers. I did no such thing.

Mr. BENTON. No; you told me expressly that you would not call for them, and I so stated.

Mr. HOUSTON. Then why all this child's play in bringing the matter before the committee? Why disclose a private conversation to sustain it? Why bring this matter before the committee, when the gentleman says that I promptly told him that I would not call for the papers?

Then, sir, the gentleman stands upon his rights. Well, sir, why did he sleep upon his rights until Monday morning, at which time I had given notice that I would attempt to call up this bill? If I told him what he says I did, it was his province and his right to demand the correspondence. He makes no charge upon me, although he has seen fit to bring in a private conversation.

Mr. BENTON. No, I did not bring it in.

Mr. HOUSTON. Yes, sir, bring in a private conversation; and yet there is not even a charge made against me by him. Now, sir, I attempted no censure upon the gentlemen from New York, [Messrs. HAVEN and PECKHAM;] but yet the gentleman from Missouri speaks of my censuring them. Sir, I did no such thing; I attempted no such thing; and if the language I made use of would imply anything of the sort, I did not so intend it. I merely said, that as the gentlemen slept over the matter for days, until it was too late, and then complained that they could not get the correspondence, I had a right to draw the deduction that they did not want it for their own information.

But the gentleman says that he confined himself to the cases of Louisiana, Florida, and California. I have already shown, that in the former case, correspondence for the purchase was actually commenced more than twelve months before the \$2,000,000 were appropriated. I say, furthermore, that in my poor comprehension, it is a very lame get-out for the gentleman to say that the friends of Mr. Jefferson asked for the appropriation. The gentleman got up in the House the other day, and, without qualification, alleged that Mr. Jefferson did not make a move in the matter of the treaty referred to until after he had consulted the House of Representatives, and had the money placed at his disposal. He did so without any message or anything else to bear him out. The gentleman speaks of consultation. Yes, sir, consultation. When the President wishes to communicate anything to either branch of Congress he does so by message; and unless the gentleman can show one, I say his argument goes for nothing.

Mr. PECKHAM. I move to amend the amendment so that the bill shall not take effect until two days after the communication of the correspondence.

Mr. SEWARD. I notify the gentleman that I shall insist on his confining his remarks to the amendment. Personal explanations are now through with, I believe.

Mr. PECKHAM. I do not know about that. Mr. Chairman, I desire to say a few words in answer to the gentleman from Alabama.

Mr. SEWARD. I make the point of order here. I insist that the gentleman must confine his remarks to his amendment.

The CHAIRMAN. The Chair is bound to presume that the gentleman will conform to the

rule. As yet, he has said nothing to indicate to the Chair that he will not do so.

Mr. SEWARD. He announces that he is going to reply to the gentleman from Alabama.

The CHAIRMAN. The announcement of an intention is not a violation of the rule.

Mr. PECKHAM. The gentleman from Alabama has chosen to tell the committee that the application for these papers should have come on Thursday, or some subsequent day of last week, and that the delay until last Monday showed that the desire to obtain them was not really sincere.

The CHAIRMAN. The Chair must arrest the gentleman in his present course of remark. The rule is express that remarks must be in explanation of, or opposition to, the amendment pending.

Mr. PECKHAM. I wish to show, sir, the propriety of having these papers; and then, that they should be here for so long a time, before the appropriation can be used or passed.

The CHAIRMAN. That is legitimate, and the gentleman will proceed.

Mr. PECKHAM. The gentleman took that position. He has now told the committee and the country that we could have as well applied for these papers any day after last Wednesday as we could on Monday last; that it would have been as regular. That the committee know is not correct. Monday is resolution day; and if objection to the introduction of a resolution be made on that day, a motion can be made to suspend the rules; and if two thirds agree to it, the resolution may be introduced; whereas, on any other day than on Monday, a single objection defeats the resolution. On Monday last the gentleman from Alabama deprived me of the opportunity of moving to suspend the rules, by previously moving to go into committee, and refusing to withdraw his motion, which had a preference.

Mr. SEWARD. I rise to a question of order.

Mr. PECKHAM. Has the gentleman from Georgia risen again to a point of order? I hope that he will not make it on me.

Mr. SEWARD. I will withdraw it.

Mr. LETCHER. I renew it.

The CHAIRMAN. The Chair will rule that the gentleman must confine himself to the amendment he has offered.

Mr. PECKHAM. The gentleman from Alabama [Mr. Houston] told us that he was really willing to have the papers laid before the House, if we had only applied within a reasonable time. Pray, sir, what would have been a reasonable time in the gentleman's view? Would last Thursday or last Friday—three days before we applied? Would sixty or forty-eight hours before have been a reasonable time? How accurate and close the gentleman is in his time of reason—or reasonable time. Monday, the very first regular moment, was just too late; and, sir, Thursday or Friday would have been just too early. The time would have been irregular and out of time.

The CHAIRMAN. The Chair must again interrupt the gentleman from New York, [Mr. PECKHAM.]

[Cries of "Go on!" "Go on!"]

Mr. LETCHER. I object to the gentleman from New York going on. Let us have the rules enforced.

The CHAIRMAN. Any remarks of the gentleman from New York as to the propriety of furnishing the papers within two days would be legitimate, but outside of that they would not be in order.

Mr. PECKHAM. I leave this point, sir. If one half of the time spent by the gentleman from Alabama and his friends in efforts to avoid and evade the presentation of the papers connected with this treaty, and in giving excuses for objecting, had been appropriated to furnishing them, we would have had them in time, and this committee and the country would have had the benefit of them. The gentleman from Alabama makes the pretense now that he was very willing to favor the production of these papers, if the application had only come in time. Has not the course pursued by the gentleman warranted me in saying that his purpose was fixed never to trust those papers to this House?

Mr. LETCHER. I ask the Chair to enforce its decisions. The Chair has decided three or four times that the gentleman from New York

was not in order; but he has paid no respect to the decision.

The CHAIRMAN. The gentleman from New York [Mr. PECKHAM] has exhausted his time.

Mr. ORR. I am opposed to the amendment of the gentleman from New York, and I hope the committee will come to a vote upon it.

Mr. PECKHAM's amendment to the amendment was rejected.

The question recurred upon Mr. BENTON's amendment.

Mr. HAVEN. I desire, for the purpose of saying a few words, to renew the motion of my colleague, restricting it to nine days instead of two. I submit to this committee, it is proper that this correspondence should be laid before the public, and I claim that this House should have it long enough before the money is used to enable it to interfere. In case the correspondence shows what has been intimated and alleged here, and in other places, that it would show when published, we ought to have time to act upon it. Now, I would not make this limitation of time nine days, if it was not for the tenacity and pertinacity of the chairman of the Committee of Ways and Means, in endeavoring to crowd gentlemen here, who, in good faith, have asked him to wipe off this reproach from the Administration. The tenacity with which he holds on to this measure, shows that there is "something rotten in Denmark." There is no court on earth, that I know of, where a man is arraigned in a criminal case, unless it is in a capital case, and he stands silent, it is not adjudged a plea of guilty.

Why, then, has there been this tenacity exhibited on the part of my friend on the other side? Why can he not let us have the correspondence? Is he afraid of it? I, for one, will not have this issue changed. The issue is not whether the correspondence was asked for in time. It is whether they dare let us have the papers. That is the issue, and I hold him to it.

Mr. ASHE. I have heard with a great deal of surprise the remarks of my friend from New York in reference to the amendment which he submitted. He demands that, as a matter of right, this House be put in possession of these papers. Now, the question of right is a matter of controversy. For my part, I deny that we have a right to call for them. I deny that the President has, in any manner, compromised the privileges of this House by declining to send these letters with his message. This is an old question. It has been long argued in the country, and it has been asserted and held, time after time, that we have no right to such correspondence. Why have we not? Because the House of Representatives is not a part of the treaty-making power. I hold in my hand a message from General Washington to the fourth Congress, which has been, no doubt, referred to during this debate, which satisfied my mind upon this point. In that case he expressly refused to communicate papers. Congress, he says, in pursuance of the powers granted by the Constitution, must appropriate money to fulfill a treaty; but that they can only object to the treaty on two grounds—either that it is in opposition to the Constitution of the country, or that the execution of the treaty will engender consequences so injurious to the interests of the country as to justify their opposition.

We are not the treaty-making power. We can only participate in it by implication, as a legislative branch. Now, what information could these papers afford us, even if we had them for this purpose? Could they enlighten us on the point as to whether the treaty is constitutional or not? We could get no information whatever from them on that point. It would determine nothing. We have the treaty, and can see whether it is constitutional or not. And, sir, if it is unconstitutional, or incompatible with the public interests, let us refuse the appropriation. But what information can the papers give you on this subject? But they say, why have not the papers been communicated before? Have we demanded them? The President did not know that the House desired them.

Sir, the convention which framed the Constitution expressly decided that this House should have no power in making a treaty. This constituted one of the chief objections of the larger States to its adoption. North Carolina and Pennsylvania offered amendments to the Constitution giving us this power; but these amendments were never

adopted. The best interest of the country demands that we should keep separate and distinct the divisions of power under the Constitution. Nothing short of stern necessity should induce us to arrogate power which does not belong to us. This treaty, as I conceive, presents no such case; and, therefore, I cannot accede to the course which we have been urged by its opponents to adopt.

The question was then taken on Mr. HAVEN's amendment; and it was rejected.

Mr. HARRIS, of Mississippi. I move *pro forma* to amend the amendment, so as to postpone the operation of the bill for eight days.

I look upon the negotiations with Mexico as a piece of unmixed, unmitigated stupidity, from the beginning to the end. In this respect there is nothing equal to it except the debate to which it has given rise in this House. The treaty against which you have all argued, the President's treaty, has been repudiated and rejected; the treaty which the House is called upon to consider, is a treaty made by ourselves, made by our Senate; it is a proposition which we deliberately made to Mexico, and which she has accepted. There may have been more or less of intrigue and fraud in the first treaty; it was a bad treaty, undoubtedly, and, for that reason, was promptly rejected. I will vote for the appropriation, but with no great degree of satisfaction. Five millions would have been readily accepted. So much for the treaty.

I desire to call attention to a kindred subject. Mexican negotiations naturally ally themselves to Spanish negotiations. This President, like his predecessor, exhibits promptitude of action against our own people. The Cuban troubles are about to end as they ended in Mr. Fillmore's time. Dogberry and Verges have discovered the conspiracy, and there is the end of it. What I desire to say is, that when the President thinks proper to proclaim against my people in the South, I want him to preserve some sort of uniformity. I demand a proclamation against the citizens of Missouri, who have notoriously combined to resist emigration to Kansas. They are striking openly and boldly at our most cherished privileges. The Nebraska bill is dubious, the rifle is certain; courts err, but the Missouri rifle rarely misses. It is a significant commentary, this Missouri movement.

Mr. DEAN. I am opposed to the amendment of the gentleman from Mississippi, and ask for the vote.

The amendment to the amendment was not agreed to.

Mr. MCNAIR. I move that the committee do now rise; and upon that motion I demand tellers.

Tellers were ordered; and Messrs. CAMPBELL and WHEELER were appointed.

The question was taken, and the motion was disagreed to; the tellers having reported—Yes 62, noes 81.

So the committee refused to rise.

Mr. TAYLOR, of Ohio. I move to amend by providing that the law shall not go into effect until four days after the President has communicated the correspondence in reference to this treaty to the House.

Mr. MAXWELL. I rise to a question of order. I would not make the point, but similar amendments have been already entertained, and may be entertained hereafter. I make the point that an amendment inconsistent with the main proposition of the bill cannot be entertained. I submit to the Chair and the committee that this amendment, which presupposes a call on the Executive for correspondence in connection with this treaty, which, in fact, has not been made, is inconsistent with the main proposition of the bill, and cannot be entertained.

The CHAIRMAN. The Chair recognizes the truth of the doctrine laid down by the gentleman from Florida, that if an amendment is inconsistent with the body of a bill, or repugnant to it, it is out of order. But whether the amendment proposed in the present instance is so repugnant, is for the committee to decide. The Chair cannot say that it is so repugnant as to come within the rule.

Mr. TAYLOR, of Ohio. I assure the gentleman from Alabama that it is not my intention to say anything prejudicial to the Committee of Ways and Means. I did suppose that, with so large a majority in the House—sufficiently large to pass this bill—they would have done away with any objection that might have been urged against

the bill upon the ground that we had not sufficient information before us upon which to base our action. I desired, in all good faith, to vote for this treaty, if I could see my way clear.

I listened with the utmost attention to the remarks of the gentleman from Alabama, [Mr. HOBSON], and others who have spoken upon this subject, and endeavored to come to such a conclusion. But the only information I have in regard to the necessity of appropriating \$10,000,000, is that gathered from the newspapers, the rumors circulating in the streets, and the individual opinions of gentlemen upon this floor. I desire more particularly to reply to the remarks of my friend from North Carolina, [Mr. ASHE], who said, as I understood it, that this House has no right to call for the papers in this case. Can it be possible that, in reference to a treaty for which we are called to make an appropriation of \$10,000,000, we have no right to call upon the President for the papers relating to it? I say that we have such a right; and while I have a seat in this Hall I shall insist on it. I will not censure the President if he says he cannot communicate the papers to us without doing injury to the public interests. It would be the duty of President Pierce to say that he could not communicate the information in relation to this treaty, if it could not be done without injury to the public service; and, for one, I should be satisfied with that communication.

It is said in the newspapers throughout the country, that some of the correspondence in reference to this treaty is utterly derogatory, and disgraceful to the United States. I do not believe it. I wish the President of the United States—whether he concurs with me in political sentiment makes no difference with me—to convey such information as he can to this House; and if I can sustain him in his acts, I will do so. I never acquiesced in the sentiment that we have no right to call upon the Executive for papers. We are now called upon to make an appropriation of \$10,000,000 to pay for territory, and abrogate an article in the treaty which we have made heretofore; and I say we have the right to call for the papers in the case; and the President, according to his discretion, has the right to withhold them or not. Can it be possible that this House will say that we have not the right to call upon the President for this information? I, for one, insist that we have the right to call upon the President for it, and that he has the right to communicate it, if he thinks proper to do so.

My principal objection to this treaty is, that a large majority of this House are for withholding information in regard to it. Why was it not given to us on last Monday? In my opinion it might have been sent to us within two hours; and during that day the House could have received it without doing injury to the public service. And when he had communicated that much of his information, I, for one, would have acquitted him of all impropriety in the matter. Sir, he is not chargeable now with the course of gentlemen on this floor, or with the single objection which met the gentleman from New York, [Mr. PECKHAM.] When it is said "You shall not offer your resolution; you shall not have the desired information; you are required to vote this appropriation of \$10,000,000," it is as if it were said, "Stand and deliver; you are not worthy to receive information at the hands of the Executive." Now, while I am disposed to acquit the President of the United States of each and every impropriety, I will stand here to do justice to the House of Representatives against each and every President, and against each and every majority who will thus radically withhold information which ought to be communicated to the Representatives of the people on this floor.

It has been said to me privately by an eminent Democratic gentleman connected with the public service, that he believed it was the duty of the President to have sent with this treaty all the information in his power to enlighten the Representatives of the people, and to enable them to form their judgment. Now, we have asked for information; you refused to give it to us. The only thing for us, then, to do, is to vote no. For my part, I have, on this account, made up my mind to vote against the bill, although I had earnestly desired to sustain it.

Mr. Chairman, this is a high prerogative of the House of Representatives. If you abandon it to-

day, you may, in the course of two or three weeks, be required to abandon it in some other cases. We have other treaties pending, and I think that every member of this House ought to be more zealous to maintain its rights, than to make a treaty with the *quondam* savior of Mexico and with its *quasi* Emperor. If there is a necessity for a southern Pacific railroad route; if it is necessary to abrogate the eleventh article of the treaty of Guadalupe Hidalgo; if it is necessary for us to have a right of way across the Isthmus of Tehuantepec, let us negotiate a treaty in a fair and honorable way, and let the negotiations be submitted to the Representatives of the people.

Mr. CLINGMAN. Mr. Chairman, I am opposed to the amendment of my friend from Ohio. I fully agree with him in his position that the House of Representatives has a right to call for information on such a subject; and if any gentleman had made the motion, I should have voted for it at any previous time; while the President would then be at liberty to decide whether or not it was compatible with the public interest to give the information asked for. The nature of that correspondence would not influence my vote. I do not know whether or not there is anything in the correspondence to hurt the Administration, Mexico, or anybody else. My vote would not be influenced by it. Therefore I am not disposed to delay the passage of the bill, or to vote for the amendment of my friend with a view to delay the ratification of the treaty. I presume it is the desire of the friends of the measure to vote upon it to-day, because unless it passes the House to-day, I do not believe that it could be got through the Senate in time. We are under the obligation, if we pass the bill at all, to pass it to-day. Therefore I hope, as I presume that every gentleman has made up his mind, that we will come to an understanding, and vote upon it this evening.

The question was taken on the amendment of Mr. TAYLOR; and it was not agreed to.

The question recurring on Mr. BENTON's amendment, it was taken; and the amendment was rejected.

Mr. PRESTON. I now move that the committee rise and report the bill to the House.

Mr. PECKHAM. I move to reduce the appropriation \$500.

Mr. HENDRICKS. You have not the floor for that purpose.

Mr. PECKHAM. I believe I have the right to offer an amendment.

Mr. PRESTON. I believe I have the floor. I move to strike out the enacting clause of the bill.

Mr. CAMPBELL. I rise to a question of order. I present the question of order, not because I desire to offer any amendment; for I assure the committee I shall not do so. My point is, that the motion of the gentleman from Kentucky is not in order. I need not repeat the reasons given the other day, when this same point arose.

A MEMBER. We all understand it.

Mr. PRESTON. Will the gentleman from Ohio permit me to say a word?

Mr. CAMPBELL. Certainly.

Mr. PRESTON. I understand the gentleman from New York [Mr. PECKHAM] desires to address the House, and therefore I withdraw my motion.

Mr. PECKHAM. I move to reduce the amount of the appropriation five dollars.

One chief purpose of this treaty, sir, seems to be, to obtain the cession of sufficient territory to secure a track for a Pacific road in the southern part of the country. I am in favor of it, so far as that point is concerned. I am quite willing that they should have a route. But it seems to be conceded that the town of El Paso ought for that purpose to be included in this territory. Now, the line of this new treaty runs three miles north of the town of El Paso. Captain Marcy, an accurate and scientific officer, reports on the map made by him that the line as run by Gray and Graham is eight miles north of El Paso. The south line of our territory, as fixed by this treaty, is just five miles south of that line, and, of course, three miles north of El Paso.

The object sought to be attained in that respect is not obtained, and it will leave room for a new negotiation to purchase more territory.

Another objection, which I will state, to this treaty—though I will not argue it on its merits under the circumstances—is, that it does not se-

cure, as the treaty of Guadalupe Hidalgo did, the claims of our citizens upon the Government of Mexico. That treaty did provide that security, and many claims have been satisfied under it. Invited to do so by a circular issued by Mr. Walker, the then Secretary of the Treasury, many of our citizens took large quantities of merchandise to Mexico during our late war with that country, and while our armies were in her territory. When peace was declared, the goods in Mexico then undisposed of, owned by our citizens, were carefully guarded and secured to them by special and particular provisions inserted in the nineteenth article of that treaty; and yet our citizens owning that property were literally despoiled of their goods by the Mexican Government and their officials; the treaty, in that respect, was wholly disregarded and violated, and the property of our citizens sacrificed and entirely lost to them. Hundreds of thousands of dollars' worth were so lost to them, and claim has again and again been made by our Minister to that Government for redress, as I am informed, and we have applied in vain. Such claims for large amounts are now before our Government for relief against Mexico. A few days since I presented one for some \$200,000 to this House. The attention of this Government had been fully called to this subject; and yet here we have a treaty negotiated and ratified, and the just claims of our own citizens upon the Mexican Government are entirely omitted, forgotten, or utterly neglected! We are paying over to an insolvent Government—a Government that may not, and probably will not, continue six months after this treaty shall be ratified—paying them \$10,000,000; and yet we make no provision whatever to secure the just claims of our own citizens against that Government from this money! Ought we to sustain such a treaty by voting this appropriation?

Mr. WALSH. I had not designed to say anything in reference to this treaty. I was anything but favorably inclined towards it at first, and suppose I should have voted against it had there been no discussion upon it. But every argument that I have heard against it has weakened my opposition to it. Sir, with reference to these papers, and other objections that have been raised, I regard it as all moonshine. I suppose there are facts connected with the negotiation of this treaty that it is not proper the world should know. I am well aware, from my own personal knowledge, that there were facts connected with the introduction of Santa Anna into Mexico during the war that it is not proper for the world to know.

But I was opposed to the treaty mainly upon the ground that it gave \$10,000,000 towards proping up a tottering despotism, which must naturally drop into our own hands. I was opposed to bolstering up a Government that affords no protection to property, and no protection to personal liberty, and that tramples upon the masses of the people. I was opposed to retarding that event which is looked for with confident hope by every good citizen in Mexico. But when I looked around, and saw the materials of which the opposition is composed, I must acknowledge that my doubts were shaken; so much so, that I am not certain that, if my vote should be necessary for the passage of the bill, I should vote in its favor on its final passage.

The question was taken; and Mr. PECKHAM's amendment was not agreed to.

Mr. PRESTON. I move that the committee do now rise and report the bill to the House, with a recommendation that it do pass.

The motion was agreed to.

The committee rose; and the Speaker having resumed the chair, the chairman (Mr. DISNEY) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 405) "to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of 30th December, 1853, as amended by the Senate of the United States," and had directed him to report the same back to the House without amendment, and with a recommendation that it do pass.

Mr. HOUSTON. I move the previous question upon the engrossment of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read a third time.

Mr. HOUSTON. I call for the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be now put.

Mr. HOWE. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 103, nays 62; as follows:

YEAS—Messrs. Abercrombie, Aiken, James O. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Barry, Belcher, Bell, Bliss, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chamberlain, Chastain, Chrisman, Clark, Clingman, Cobb, Colquitt, Cox, Curtis, John G. Davis, Dawson, Dean, Disney, Dowdell, Eddy, Edmundson, John M. Elliott, Ellison, Ewing, Faulkner, Florence, Gamble, Goode, Greenwood, Grow, Sampson W. Harris, Hendricks, Henn, Hilker, Houston, Hunt, Ingersoll, Johnson, George W. Jones, J. Clancy Jones, Roland Jones, Keitt, Kerr, Kidwell, Kirtz, Lamb, Letcher, Lindsey, McDougall, McMullin, McNair, Macy, Maxwell, Smith Miller, Milson, Olds, Orr, Packard, Puryear, Reese, Richardson, Riddle, Robbins, Preston, Rufin, Seward, Shannon, Shaw, Stigleton, Samuel Rowe, William Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Thurston, Vail, Van-ant, Walker, Walsh, Westbrook, Daniel B. Wright, and Zollicoffer—103.

NAYS—Messrs. Bennett, Benson, Benton, Campbell, Carpenter, Chandler, Cook, Crocker, Cullom, Thomas Davis, De Witt, Dick, Dickinson, Eastman, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Giddings, Goodrich, Aaron Harlan, Harrison, Hastings, Haven, Heister, Howe, Hughes, Daniel F. Jones, Ketchum, Lindley, McCulloch, Matteson, Mayall, Middletown, John G. Miller, Morgan, Murray, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Russell, Sabine, Sage, Sapp, Gerrit Smith, John L. Taylor, Nathaniel G. Taylor, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, and Wheeler—62.

So the bill was passed.

Previous to the announcement of the above vote, Mr. EWING said: I do not like to vote on so important a measure after so little discussion; but being the best that can be done now, but not the best under different auspices, I vote aye.

Mr. HOUSTON. I move to reconsider the vote by which the bill was passed; and that that motion to reconsider lie upon the table.

The latter motion was agreed to.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the title to the bill was adopted; and that that motion be laid upon the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled an act of the following title; which thereupon received the signature of the Speaker:

An act to aid the Territory of Minnesota in the construction of a railroad therein.

Mr. FLORENCE. I move that the House do now adjourn.

The motion was agreed to, and thereupon the House adjourned (at thirty minutes past four o'clock) until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, June 29, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

THE FUGITIVE SLAVE LAW.

Mr. FESSENDEN. I desire to present the petition of Leonard Chase, and three hundred and two other inhabitants of Milford, New Hampshire, praying for the repeal of the fugitive slave act of 1850. I desire to state that this petition is not open to the same objections with regard to locality that were taken by my friend from Tennessee [Mr. JONES] the other day, in relation to the petition from Boston.

I have taken a little pains to look at the census, and I find the number of inhabitants of this town to be about two thousand, from which I suppose that these three hundred and two voters comprise pretty much all the voters in the town. The petition comes from the town of Milford, in the county of Hillsborough, which is, I believe, the native county of our present distinguished Chief Magistrate, and I suppose it will be entitled to some additional consideration on that account. I move that it be referred to the Committee on the Judiciary. The motion was agreed to.

ATMOSPHERIC TELEGRAPH.

Mr. MALLORY. The special committee to whom were referred the memorial and accompanying papers of Ithiel Richardson on the subject of the proposed atmospheric telegraph, have instructed me to make a report, and to ask that one hundred extra copies of it be printed. A bill will probably be reported by the committee at a subsequent period.

The report was ordered to be printed, and the motion to print one hundred extra copies was agreed to.

THE GADSDEN TREATY.

During the remarks of Mr. SEWARD, which follow, a message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had passed a bill to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of the 30th December, 1853, as amended by the Senate of the United States.

Mr. HUNTER. I ask the general consent of the Senate to be allowed to take up that bill at once. It is to carry out the provisions of a treaty which we have ratified, and we have but little time left.

Mr. BADGER. What is the latest time?

Mr. HUNTER. This day.

The PRESIDENT. The Chair will suggest that the proposition of the Senator from New York must be first disposed of.

Mr. HUNTER. Of course I must have his consent.

Mr. SEWARD. I shall be very brief in my remarks.

The honorable Senator then continued his speech.

MAIL LINE TO CHINA.

Mr. GWIN. I ask the consent of the Senate to take up the bill reported from the Committee on the Post Office and Post Roads "to establish a line of steam mail ships between San Francisco, in California, and Shanghai, in China, touching at the Sandwich Islands and Japan."

Mr. SEWARD. Mr. President, the summer solstice is passed; the thermometer indicates 90°; time is becoming precious in the Senate; I shall, therefore, condense the explanation which the Committee on the Post Office and Post Roads has instructed me to make.

The bill directs the Postmaster General to contract for five years with the lowest bidder, on fair competition, with good security, for the carriage of monthly mails between San Francisco, in California, and Shanghai, in China, by the way of the Sandwich Islands and Japan, in steam vessels of at least two thousand tons burden, constructed in the best manner with regard to speed and safety, at a cost of not more than \$500,000 per annum, and directs also, that any deficiency of the accruing postages to defray the expense of the transaction, shall be paid by the Treasury of the United States.

Will the Senate please to consider that we have in operation a very perfect postal system, which pervades and penetrates all the inhabited regions of our country, while it is connected by steam mail vessels with similar European postal systems beyond the Atlantic, and that by this national agency, letters, newspapers, and commercial, scientific and political communications of all sorts, are regularly exchanged among the people of the United States, and those of western Europe. Will the Senate please to consider, also, that new efficiency has been recently given to these postal systems by the establishment of electric telegraphs coextensive with them on both continents. One hundred millions of letters pass through our own post offices annually.

Now, will the Senate once more consider that since our postal system thus described was established, we have forever ceased to be merely an Atlantic people, and that, on the contrary, having added to the Union one flourishing commercial State of vast dimensions, and also two territories which are soon to become States on the Pacific coast, and that being now engaged in filling up the territory thus rounded off, we have become a continental American Power, holding the same attitude to Asia that we do to Europe, and sustaining the same relations to the countries on each of those continents. What is now proposed is simply to extend our existing postal system westward on

the Pacific ocean, so as to exchange intelligence with the nations dwelling on its islands and coasts as we already exchange intelligence with the nations that dwell on the islands and coasts of the Atlantic ocean. The very statement of the case in this form seems to me a complete demonstration. Nevertheless, I will briefly illustrate.

First. Please to look at the subject in its relation to the people of California, Oregon, and Washington. Those people morally, and by virtue of the Constitution, have rights in all respects equal with those which are enjoyed by their fellow-citizens residing on the Pacific coast. If the latter justly enjoy the aid of regular and speedy public mails in their intercourse with the countries accessible over the sea, which washes their shores, then, unless for some reason that must be assigned, the former have the same right to the aid of regular and speedy public mails in their intercourse with the countries accessible to them over the sea, which washes their shores. If this right should be absolutely denied, then they would be absolved from obligations of loyalty, and would seek to regain equality by separation and independence. I am sure that injustice will not be practiced so long as to give excuse for disloyalty. But this confidence, on the other hand, does not of itself justify postponement.

The measure proposed is not premature, if the extent of the national Pacific coast bears any fair proportion to the length of the national Atlantic coast, if there be in California and Oregon sufficient population, with adequate resources and capital for foreign trade and commerce, and if there be on the Asiatic coasts markets open and inviting such intercourse. All these conditions exist. Our Pacific coast stretches away from the thirty-first to the forty-ninth parallel—a length of sixteen hundred miles—without including the shores of the Straits of Fuca and of Puget's Sound, inland waters on the western, corresponding with the Gulf of St. Lawrence, on the eastern side of the continent. This coast is but little shorter than our Atlantic shore was before Florida was annexed to the United States. The population of California, Oregon, and Washington, already exceeds four hundred thousand, while San Francisco, the chief seat of their commerce, numbers fifty thousand. I need not expatiate on the commercial resources and capital of a people whose mines, besides the domestic supply, yield eighty millions of gold dust and bullion for exportation; or, to state the fact in another way, a people whose mines have, in six years, given stability and tone to our own before fluctuating currency, and enhanced sensibly the value of all property throughout the civilized world. As little is it necessary to enlarge on the commercial resources of the ancient "East," and the attractions it offers to the merchants of our western coasts. They have been, for four hundred years, the inspiration of human activity in its grandest development. British steamers connect all the principal ports of the Pacific and Indian oceans, from Australia to the Cape of Good Hope, and thus afford access to the places where are exchanged the productions of half of the population of the globe. Great Britain also carries on a trade in these ports of \$200,000,000. But California, Oregon, and Washington have need of a trade unknown to Great Britain. With wide regions to reduce to cultivation, and gold-bearing mountains to be rendered productive, they need emigrant labor, while China and other Oriental countries have a population overcrowded and impoverished by ages of despotism, seeking escape to our newly discovered continent. But the inhabitants of our Pacific coast are not merely a mercantile people. Like all other American citizens, they are deeply interested in all the social, moral, and political movements of society in every part of the globe.

I submit then that the argument for the present measure is complete, even while it rests on the ground of its importance to the people of California, Oregon, and Washington. Happily, however, it is easy to show that in this case, as in most others, the local or sectional interests involved are inferior to the general interests of the Union. We have a habit of discussing questions of territorial enlargement, and of the extension of political and commercial influences and connections, with as much caution and anxiety as if we enjoyed always free choice to make, prevent, or control national movements in that direction. I grant that we do

wisely when we refuse to commit ourselves blindly to the guidance of those who interpret to us what they are pleased to call our manifest destiny. And yet, sir, I confess that sometimes, when I take an outside position and review the thickly recurring changes through which we have passed, it seems to me that our course has been shaped, not so much by any self-guiding wisdom of our own, as by a law of progress and development impressed upon us by nature herself. When we consider the resistless impulses to expansion which have acted on the people of the United States during the last half century, together with the broad and tempting field which, at the beginning of that period stretched out from beneath their feet, and when we consider, in connection with these circumstances, how the Creole population who asserted claims to possess that field, had become physically and intellectually unable to defend it, and how France, consumed by anarchy and yet engaged in a death struggle with despotism, was unable to hold Louisiana, and that Spain, enervated by self-indulgence, sustained herself only by means of foreign aid, and was, therefore, obliged to relinquish Florida and Mexico, it is difficult to conceive how we could have much longer avoided that extension which has given us a broad region whose surplus productions must have way through many channels to western as well as eastern foreign markets. That extension has not only brought the Antilles under our constant surveillance, but has also brought us to confront the island and the coast of Asia, and obliged us to open passages to them across the territories of friendly Powers while preparing to make the more direct and important one over our own broad, but as yet imperfectly explored domain.

To what end has this expansion tended from the beginning? Whither does it now tend, if not to commerce and to influence on the islands and continents which lie between us and the setting sun? Beyond all doubt, this is its tendency, if we have sufficient resources and adequate vigor and energy to justify us in engaging in competition for that commerce. Great Britain largely monopolizes it, and yet, while her territory scarcely equals that of one of our largest States, her native resources are inferior to those of Virginia, or of Pennsylvania, or of Missouri, or of Texas, or of California alone. To speak of no others, Pennsylvania excavates coal from her mines at a rate of annual increase which promises \$180,000,000 for the production of the year 1870. When we refer to our success in driving all competitors from the whaling fields under either pole; and when we find that our aggregate tonnage employed in commerce is already four million six hundred thousand tons, and exceeds that of Great Britain proper, is it not manifest that our energy and vigor have been proved beyond doubt or dispute?

The same tendency marks the political events which are occurring on the other side of the Pacific. Within ten years China, before closed against us, has opened to us five principal ports on various parallels of latitude along her entire coast. Just now a revolution is occurring there, doubtless the result of her departure from her ancient policy of exclusion, which seems likely to give us free access to every part of the Empire. Even while we have been engaged here in our annual labors, the news comes to us of the opening of three ports, with the addition of convenient stations for repairs and refitting in Japan; and we learn, also, that a messenger is on his way who brings to us a voluntary and unrestricted cession of the Hawaiian Islands.

The conclusion which follows the consideration of these events is, that the policy which the Atlantic nations have pursued so long, although so unsteadily, is on the eve of its consummation, that the East and the West, after a separation of three thousand years, are to be fraternally reunited. There is no Power but ourselves likely to either coöperate or compete with Great Britain in effecting that consummation. It is the proper work, not of one only, but of both of the branches of that great family which is spreading everywhere freedom and free religion with the capacious and comprehensive language of the British islands. If we abstain from such coöperation and competition altogether, then the trade and intercourse of the two hemispheres will pass around us, leaving to us only incidental benefits common to all other na-

tions. If, on the contrary, we adopt the policy which has dictated this measure, and if we carry it out by extending our railroad, postal, and telegraph systems through our new Territories to the Pacific coast, then we shall not only open to all our cities and States the inestimable benefits of a liberal and active internal commerce, but we shall draw through our own ports and on our own Territories, as if it were a fertilizing river, the exchanges of the world.

The measure before us is less costly than any one we have heretofore adopted for a similar object. It calls for a smaller outlay than that by which we acquired Louisiana or California. If the whole expense were to fall on the Treasury, it would consume but \$2,500,000 in five years; but the freights, passage money, and postages would, in the beginning, yield \$200,000, and ultimately the mails would become a means of revenue.

We might perhaps wisely consent to delay the enterprise, if our commerce were not already in the Pacific ocean. It is there, and because it is there we have found it necessary to send a naval squadron there to secure it protection. National mails are every where equivalent to armed force for purposes of protection. Show me a place in the United States where the mails arrive and depart regularly, and frequently, and I will show you a place where a soldier on duty is never seen. Show me, on the other hand, a secluded region, where the post never or seldom penetrates, and I will show you the United States barracks and garrison. It is just so at sea. You had no mail intercourse with Japan, therefore you sent a squadron there to prevent the sailors driven on shore in distress from being exhibited in cages throughout the Empire. You have no postal connections with Africa, and therefore you maintain a squadron there to protect your own seamen, and prevent the slave trade.

I conclude with a practical illustration. Here is a letter and here a newspaper, the one written, the other printed, at Hong Kong, in China. They brought us the first intelligence of Commodore Perry's great treaty with Japan. They bear the post-mark of Hong Kong, but for want of a national mail they have reached us, not by conveyance across the Pacific and in our own mails across Panama, but by taking their circuitous way through India and the Isthmus of Suez, and over the Mediterranean sea, and then, after being stamped in the post office at London, they came to us over the Atlantic ocean. California and Oregon, nearer by two thousand miles to Hong Kong, and more deeply interested than we, got the same news nearly a month after it reached us—indebted for it to the mail steamers between New York and San Francisco.

British statesmen sometimes break the seals of letters on a plea of political necessity. Are we, who have conquered freedom from search on the high seas, willing that our Asiatic correspondence shall be subjected to the surveillance of the British Government through the post office? I think not.

During the course of Mr. SEWARD's remarks, Mr. ADAMS said: I rise to a point of order. It is whether it is competent for any Senator proposing to make a report to go on and make a regular argument in favor of that report before it is presented to the Senate?

Mr. SEWARD. The report was made some days ago, and the bill is now under consideration. Mr. ADAMS. It seems to me that it has not been taken up.

Mr. SEWARD. I think it was taken up, and it is now on its passage, I trust.

The PRESIDENT. A motion was made by the Senator from California to proceed to the consideration of the bill, but the motion was not put to the Senate.

Mr. GWIN. No objection was made, and the bill is before the Senate.

Mr. ADAMS. I understood the Senator from California to give way to the Senator from New York.

Mr. GWIN. No, sir; the bill is under consideration.

Mr. ADAMS. I withdraw the point of order. Mr. SEWARD continued his remarks. When he had concluded,

The PRESIDENT said: The Chair will state to the Senate that there is no proposition before the body, unless it be the report which the Chair

understood the Senator from New York proposed to make.

Mr. GWIN. I made the motion to take up the bill on which the Senator from New York has made his remarks, and that motion was agreed to, as I understood.

The PRESIDENT. The Chair understood the Senator from California to withdraw his motion to enable the Senator from New York to make a report.

Mr. GWIN. The President is mistaken.

The PRESIDENT. The question is, will the Senate proceed to the consideration of Senate bill No. 411, which the Senator from California moves to take up?

Mr. HUNTER. I hope that motion will not be agreed to. We have a bill before us, making an appropriation for carrying out the Mexican treaty, which has to be considered.

Mr. GWIN. The steam mail ship bill was brought up, on my motion, before the ten million bill came from the House. I do not intend to interpose any objection to that bill; but the understanding of the Senate was that the other bill was taken up, and the Senator from New York was making his speech upon it.

Mr. HUNTER. The question is on taking up the bill which the Senator from California refers to, as I understand.

The PRESIDENT. That is the question.

Mr. HUNTER. I believe, if that is taken up, it will lead to debate, because the Senate is divided upon it. I therefore shall vote against taking it up. I hope the Senate will not take it up, but that the ten million bill will be taken up. There is a pressing necessity for acting upon that bill, to make the appropriation to carry out the treaty.

Mr. GWIN. We proceeded to the consideration of the steam mail ship bill. The Senator from New York, supposing it to be under consideration, addressed the Senate upon it. I hope the Senate will not interpose objection to it.

Mr. HUNTER. I understood the Chair to decide that we have not proceeded to its consideration; but that the question is whether we shall do so?

Mr. GWIN. The universal understanding of the Senate was, that it was under consideration.

The PRESIDENT. That was not the understanding of the Chair. The Chair understood the Senator from California to withdraw his motion to take up the bill.

On a division fourteen Senators voted in favor of taking up the bill.

Mr. CASS. I think the question is not understood.

The PRESIDENT. The Chair will state it again, if desired.

Mr. BELL. Do I understand if this bill is taken up, and it leads to debate, that it will be permitted to go over?

Mr. GWIN. Certainly. I am perfectly willing that the ten million bill should be acted upon to-day; and if the consideration of this bill leads to a long debate I shall be willing to let it go over.

Mr. HUNTER. I suggest to the Senator from California to permit the ten million bill to be acted on. After that I shall not object to taking up his bill. Certainly the ten million bill ought to be acted on first.

Mr. GWIN. If the bill which I have moved to take up should lead to such discussion as to consume the day, I should let it go over. I do not think it is right to put off a bill of more importance to the country than that, in order to take up a bill which will consume the whole day. I understand the Senator from Illinois [Mr. SHIELDS] intends to move an Executive session on the ten million bill. We can dispose of this bill in an hour at the utmost extremity. I am not going to speak upon it. I hope the whole Senate understands the question. The other bill is going to lead to a long discussion, and will probably consume the day. We have had a speech on this bill. We want a reply to it. I hope it will be taken up and disposed of. It certainly was the understanding of the Senate that it was before the body; but as the Chair has decided otherwise, I hope it will be taken up and disposed of.

Mr. HUNTER. I hope there will be no debate on the ten million bill. I am not aware that there will be any. I think we can act on it to-day.

Mr. SHIELDS. Mr. President—

The PRESIDENT. The ten million bill is not under consideration. The Chair will suggest that the question before the Senate is on the motion of the Senator from California, that the Senate proceed to the consideration of Senate bill No. 411.

Mr. BRIGHT. I will inquire of the Chair what is the special order of the day?

The PRESIDENT. The special order is the bill vetoed by the President of the United States.

Mr. BRIGHT. It has been before the Senate for about four weeks undisposed of.

The PRESIDENT. It comes up at one o'clock, in its order.

Mr. BRIGHT. I am as anxious as any Senator to accommodate my friend from California; but I am unwilling to take up any bill in advance of the one returned by the President with his objections. I think we should dispose of that subject, and after that is done, I shall give what influence I have to take up the bill known as the homestead bill. I shall not give preference to any measure that may be introduced here until the veto message is disposed of, and after that the homestead bill; unless there be a pressing necessity for taking up the ten million bill. If there is a pressing necessity for that, I am willing to give way for the purpose of taking it up now. I am anxious to go with the Senator from California on his proposition about which I know he feels deeply anxious. But I cannot consent that that measure, important as it is, which will lead to a lengthy debate without doubt, shall be taken up until the measures which I have indicated are disposed of.

Mr. HUNTER. The ten million bill must be acted upon to-day. I think this is the last of June, when the treaty provides that the ratifications shall be exchanged. This is, therefore, the last day on which the ratifications can be exchanged.

Mr. BRIGHT. I move to dispense with all prior orders, for the purpose of taking up that bill. The PRESIDENT. Another motion being pending, that is not in order.

Mr. BRIGHT. I shall make it when it is in order.

Mr. SHIELDS. I do not understand that to-day is the last day of June.

Several Senators. To-morrow is.

Mr. HUNTER. I thought it was; but to-morrow is. To-morrow is private bill day, when a single objection will prevent the consideration of the bill.

Mr. SHIELDS. I would state to the honorable Senator from Virginia that I shall ask for an Executive session before any action be had upon the ten million bill.

Mr. HUNTER. I hope that that Executive session will not take long. I understand the object, I believe.

Mr. SHIELDS. Certainly it will not take long, so far as I am concerned. I never occupy the attention of the Senate, on anything, unless I have some views to express upon the question, and then I occupy no further time than is necessary.

The question being taken, Mr. GWIN's motion was not agreed to.

FUGITIVE SLAVE LAW.

Mr. SUMNER. I have a memorial from citizens of Pepperell, a county town of Massachusetts, the town which was honored by being the home of Prescott, who commanded at Bunker Hill. This memorial prays for the repeal of the fugitive slave act, stating that the remonstrants have no faith in past or future compromises, such measures having no binding effect on politicians of the present day; and that the said law is an insult to humanity and destructive of the cardinal principles of liberty. The remonstrance is forwarded to me by the gentleman who heads it, and who in his letter states to me that he is a Hunker Democrat of the olden time. I present it, and ask its reference to the Committee on the Judiciary.

The PRESIDENT. It will be so referred unless objected to.

Mr. ADAMS. It being disrespectful, I move that it lie upon the table.

Mr. SUMNER. On that motion I call for the yeas and nays.

Mr. SHIELDS. Mr. President—

The PRESIDENT. The motion is not a debatable one.

Mr. ADAMS. I withdraw the motion, to get rid of the subject.

The memorial was then referred to the Committee on the Judiciary.

EXECUTIVE SESSION—GADSDEN TREATY.

Mr. SHIELDS. I now move that the Senate proceed to the consideration of Executive business. I do that for the purpose of getting at the ten million bill.

Mr. HUNTER. I believe we can get at it sooner in that way. I hope, therefore, the Senate will agree to the motion.

Mr. CASS. Before we do so, I suggest that the ten million bill be read a first and second time.

Mr. SHIELDS. I would state to the honorable Senator that my object in making the motion is to get at the bill.

Mr. CASS. The bill has to be read three times, and one Senator may object to its being read more than once on the same day. I hope it will be read now.

Several SENATORS. This is not a question for debate.

Mr. SHIELDS's motion was agreed to.

The Senate accordingly proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

BRITISH-AMERICAN RECIPROCITY.

Mr. CLAYTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if compatible with the public interest, to communicate to the Senate all correspondence between the Department of State and the British Minister resident near this Government, in the years 1849 and 1850, relative to the reciprocal interchange of the productions of the United States and the British North American Possessions, the fisheries, and the free navigation of the St. Lawrence and Rideau canals.

THE GADSDEN TREATY.

The bill from the House of Representatives to enable the President of the United States to fulfill the third article of the treaty between the United States and Mexico, ratified on the 30th of December, 1853, as amended by the Senate of the United States, was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to appropriate \$10,000,000 for the purpose specified, \$7,000,000 to be paid on the exchange of the ratification of the treaty, and the remaining \$3,000,000 as soon as the boundary line shall be marked, surveyed, and established.

No amendment being proposed, the bill was reported to the Senate without amendment, and ordered to a third reading.

The PRESIDING OFFICER. The question is, "Shall the bill pass?"

Mr. SEWARD. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and being taken, resulted—yeas 34, nays 6; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Bright, Brodhead, Brown, Cass, Clay, Clayton, Dodge of Iowa, Douglas, Evans, Fish, Fitzpatrick, Geyer, Gwin, Houston, Hunter, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Norris, Pettit, Rusk, Sebastian, Sliedell, Toucey, Weller, and Williams—34.

NAYS—Messrs. Chase, Fessenden, Gillette, Seward, Sumner, and Wade—6.

So the bill was passed.

MAIL LINE BETWEEN SAN FRANCISCO AND SHANGHAI.

Mr. GWIN. Mr. President, I ask the Senate now to take up the bill which was put aside this morning for the purpose of acting on the bill which has just been disposed of. I move to take up the bill "to establish a line of steam mailships between San Francisco, in California, and Shanghai, in China, touching at the Sandwich Islands and Japan." I hope the bill will be disposed of.

Mr. BRODHEAD. I hope we shall proceed to the consideration of the order of the day, which is the bill for the relief of the indigent insane, which was vetoed by the President of the United States.

Mr. GWIN. The bill which I propose to call up, was put aside this morning for the purpose of taking up the bill which has just been passed. I move that we proceed to the consideration of the bill which I have named.

The motion was agreed to, and the bill was

read a second time, and considered as in Committee of the Whole.

It proposes to direct the Postmaster General to enter into a contract for a term not exceeding five years, for a sum not exceeding \$500,000, with such person or persons, being the lowest bidders, offering sufficient and satisfactory security, after due public notice, for the transportation of the United States mails, upon the best terms for the United States, monthly, from San Francisco, via the Sandwich Islands and Japan, in case any port in that empire shall be opened to the United States, to Shanghai, in China, and back, in steam vessels of not less than two thousand tons burden, of the best form of construction adapted to the navigation of the Pacific ocean; the same to be ready as early as practicable, and any excess of the moneys so to be paid over the amount of postages collected, is to be paid out of the Treasury of the United States.

Mr. SEWARD. Mr. President, I rose this morning when that question came up before, upon the understanding that the bill was then under the consideration of the Senate, and I addressed the Senate upon it. It turned out, however, that, by some misunderstanding, the question was not before the Senate. Nevertheless, I concluded what I had to say upon the subject, and therefore I leave it in the hands of the Senate.

Mr. ADAMS. Mr. President, being a member of the committee who reported this bill, and differing, as I do, from the committee in opinion, I would, under different circumstances, state at some length my objections to the bill. As it is desirable, however, that a vote should be taken this evening, I will not consume the time of the Senate in discussing it. I now wish to say that I am differently circumstanced from the champion of this bill—I mean the gentleman who addressed the Senate to-day on the subject—the Senator who reported the bill, [Mr. SEWARD.] He was the leader and the champion for the additional compensation to the Collins line of steamers, and now he quotes that as a precedent for the passage of this bill. First, he voted for that proposition, and then he quotes that as authority. I voted against that proposition on the same grounds that I shall vote against this.

I have an additional reason, sir. We have no direct mail from Mobile, a point of large commerce to a large portion of the State in which I live, or, at least, no more than a horse mail, once a week. Yet at that point there is a very large commerce, both of exports and imports. The embarrassments of the Post Office Department are so very great, that we cannot have a tri-weekly mail there, although there is a railroad extending one hundred miles of the distance. Senators can vote \$500,000 now for a mail line between San Francisco and Shanghai, but the people I have the honor to represent are suffering from the want of mail facilities. This being so, by voting for this proposition, I should be doing what I consider to be improper.

In addition to this, I believe that the commerce of the country ought to justify the establishment of the line of steamers without the aid of the Federal Government, to the amount of half a million a year, to establish that commerce. It is an invidious distinction in favor of large commercial cities, to the detriment of the inland towns. I shall ask for the yeas and nays on the passage of the bill.

Mr. MALLORY. Mr. President, I presume that, upon a subject of this kind, involving great principles and the appropriation of a large amount of money, every Senator must have come to a definite conclusion. Probably nothing which I may say can change a single vote. I will not embarrass, by any lengthy remarks, the passage of the bill, for I told my friend from California that I would throw no obstacles in the way of taking it up. I must say, however, that in many parts of my own State, and some in which the Government is very much interested indeed, we have mail facilities but twenty times a year. In others we have a tri-weekly mail; in others a semi-weekly, and in others again a weekly mail; and the utmost efforts of the delegation from the State of Florida, with the Post Office Department, have been impossible to improve the condition of things arising out of the embarrassment, and yet here is a proposition to appropriate \$500,000 a year for foreign mail facilities, upon reasons in-

sufficient, as far as I have heard them. I simply content myself with making these remarks.

Mr. RUSK. By the reading of the bill it will be seen, that of the \$500,000, the excess over and above what is received from the actual postages, is to be paid out of the Treasury of the United States. It does not come as a charge upon the Post Office Department at all; so that the argument drawn from any want of mail facilities inside of the United States, has no sort of effect upon the bill. It is unnecessary to go into a discussion of the measure; it is vastly important. We have already incurred an expenditure of more than that sum for the purpose of opening Japan to the trade of the United States. This proposes to carry that out. It is a matter all-important, in my judgment, to the commerce of the Pacific ocean. It is so regarded all over the commercial world. It is very important to us that we should keep postal facilities, and I see no better manner of doing so than by the establishment of a line of mail steamers.

Mr. HAMLIN. I do not propose to discuss this matter at length; but having been a member of the committee which reported the bill, I desire to state in a very few words the reasons which brought me to a conclusion favorable to it. The Senator from Texas has already stated to the Senate that it imposes no burdens upon the Post Office Department if there shall be a deficit for the service. It therefore proposes no diminution of mail service in the limits of the United States. I have voted, myself, I think, in no case, with perhaps but one exception, for any of the mail steamers which are in existence; but regarding this as opening a commercial intercourse which will perhaps be more beneficial to the United States than any other measure presented to us for our consideration—not only to the Pacific, but to the Atlantic States—I could not withhold from it a favorable vote. The amount thus appropriated is limited; and I cannot doubt that within a very short period of time the receipts of the service will fully discharge the expense. But even if it be not so, I ask Senators if they are not willing to open commercial relations with that country, with India, with Japan, and with the islands of the Pacific? If they are not willing to appropriate even the small sum incidental for postal arrangements which shall produce these results? These are the reasons which mainly controlled me; and I have deemed them sufficient to lead me to give the bill my support. For these reasons, I shall give it my cordial support now. I will also add that the contract is to be given to the lowest bidder.

Mr. GWIN. I merely wish to say that the Pacific railroad, and a telegraphic line between the Atlantic and Pacific are of more importance to the State which I represent than all the questions that will be brought before the Congress of the United States for a thousand years; I therefore look upon it as vital to the interests of that country that it should pass.

Mr. MASON. I think the original policy of our Government was to make the Post Office sustain itself; and I am not aware that, until very recently, the Government has thought it necessary to impose a tax upon the people for the purpose of carrying the mails, either at home or abroad; but, somehow or other, the legislative department of the Government, at least, has become more inclined to make these mail arrangements for our foreign correspondence at the cost of the Treasury, when it would not give mail facilities to the people at home by an appropriation from the Treasury. The honorable Senator from Florida has given the experience of his State, and I doubt not the experience of the Senator from Texas would be greater. There are many parts of Texas where our people are, where they cannot hear from the Atlantic States—from home—where they cannot conduct their business for the want of mail facilities; and he would be a bold man who would ask for an appropriation from the Treasury to carry on a mail communication at home. I was one of those who thought it wise on the part of this Government to send an expedition to Japan, for opening a new avenue of commerce, but I certainly never dreamed that the consequence of it would be that we should be asked for an appropriation from the Treasury of \$500,000 a year to promote a correspondence, either with Japan or China. I do not know what may be the pleasure of the Senate, but I should be very desirous to record my